


PARLIAMENT
OF KENYA
LIBRARY

| | |
|---|--|
|  THE NATIONAL ASSEMBLY PAPERS (A/D) | |
| DATE: 05 DEC 2023 | |
| DAY: TUES | |
| TABLED BY: | Hon Naomi Wago, MP Deputy Majority Whip |
| CLERK-AT-THE-TABLE: | Inzoga Mwale |

A Blueprint for Social Transformation through Access to Justice

FOREWORD



Within our constitutional system, the Judiciary occupies a special place: It is not only the anchor of justice but also the compass guiding our nation towards achieving the ideals enshrined in the Constitution, 2010. Given this context, I am immensely proud to present to Kenyans the Judiciary's 10-year blueprint - 'Social Transformation through Access to Justice' (STAJ). STAJ follows in the footsteps of its predecessor institutional blueprints, namely, - the Judiciary Transformation Framework 2012–2016 (JTF) and Sustaining Judiciary Transformation 2017–2021(SJT). Each of these two blueprints laid the foundation for its successor, marking critical milestones in our journey of cumulative institutional reforms. The successes from JTF and SJT, as well as the lessons, have been invaluable. They have given us confidence to hold the ground on past reforms but also propelled us to chart into ambitious new frontiers in STAJ. This uninterrupted trajectory underscores our dedication to progressively expand access to justice for all.

Our collective aspirations for a Judiciary that plays a key role in realising the constitutional promise of social transformation find expression in this strategic blueprint. The journey towards the formulation of the STAJ Blueprint was marked by extensive public consultations and engagement with every segment of the Kenyan society in an intentional effort for this institutional document to reflect the collective dreams and aspirations of internal and external

stakeholders – from judges, judicial officers, Judiciary staff, and stakeholders in the justice sector, to the everyday experiences of our fellow citizens. STAJ, therefore, encapsulates a diverse spectrum of insights and aspirations.

Echoing the principles and values of the Constitution, this blueprint prides itself on promoting accessibility, efficiency, transparency, accountability, inclusivity, shared leadership, cooperative dialogue and social justice. Through the pursuit of these principles, STAJ positions the Judiciary as not merely the guardian of justice but its facilitator. It underscores the Judiciary's commitment to ensure that every Kenyan, regardless of socio-economic status, geographical location, or personal vulnerabilities, experiences justice as a daily reality. The Judiciary acknowledges that in order to achieve this goal, the institution must address existing barriers to access to justice – be they geographical, economic or structural.

As the world moves towards a digital future, it is incumbent upon the Judiciary to harness technology to make justice not just expeditious but also widely accessible. The emphasis on leveraging technological innovation in the delivery of justice within STAJ is, therefore, both timely and strategic.

The blueprint adopts the multi-door approach to the delivery of justice, which means that courts shall be organised to perform the multiple roles of the Judiciary as arbitrator, Convenor and facilitator, among others. The focus of the Judiciary on widening and expanding access to justice through the opening of multiple pathways will encourage a more people-centred approach to dispute resolution, as well as promote harmony and understanding within the society. The aspiration to transform our courts and tribunals into 'courts and tribunals of excellence', signals a commitment to the highest standards of service delivery in the justice system. Our courts and tribunals will exemplify efficiency, delivering justice promptly and without undue delays. We will strive for high standards in the quality of justice delivered, including the quality of care experienced by court users.

Given that the quality of justice we deliver is intrinsically linked to the well-being of those who serve in the Judiciary, the welfare and morale of the Judiciary's employees has to always be paramount. The Judiciary will therefore aspire to be an institution that is committed to fostering a culture of shared leadership, and continuous learning. Furthermore, the Judiciary aspires to be an inclusive institution that mirrors the beautiful diversity of our nation, where every individual feels represented, respected, and valued. The STAJ Blueprint heralds an era of proactive collaboration, within the Judiciary and with the institution's partners in the justice

sector. A holistic, interconnected approach is essential to creating a seamless justice system that meets the varied needs of the populace. The systemic barriers to access to justice will be tackled through a synergistic approach, which streamlines the processes involved in the delivery of justice.

It also recognizes the challenges or threats that may impede the delivery of justice and key among them is corruption. As a Judiciary, we are committed to the policy of zero tolerance to corruption and through inter-agency collaborations, we will work collectively with actors in the justice sector and moving along with the consumers of justice towards the common goal of ensuring that we eliminate corruption in our courts. Corruption is not only a huge threat to our nationhood but also to access to justice for all Kenyans and therefore we require a collaborative effort to tackle the vice

I give my assurance to Kenyans and all esteemed stakeholders that the Judiciary shall uphold the highest standards of integrity, ethics, and professionalism. This will be pursued through prudent financial management of Resources allocated to the Judiciary and effort will be ramped up to ensure that judicial processes are transparent and accountable. Our indigenous ethos of *utu* shall guide us in championing a jurisprudence that gives life to the aspirations of the Constitution.

As we embark on this 10-year journey, I call upon each one of you to join us and to collaborate with the Judiciary to achieve the strategic outcomes identified and championed in this blueprint. Together, we shall ensure that the promise of justice, as envisaged in our Constitution, becomes a lived reality for every Kenyan.

Hon. Justice Martha Koome, EGH

Chief Justice and President of the Supreme Court of Kenya

WORD FROM THE DEPUTY CHIEF JUSTICE



The promulgation of the Constitution of Kenya in August 2010 heralded a visionary shift in the relationship between the people of Kenya and the organs of the State. Most significant was the deliberate re-positioning of sovereignty. Sovereignty is not inherent in the Republic as it was in the pre-2010 constitutional order. It belongs to the people of Kenya and is solemnly delegated to the various state organs. This fundamental shift places a weighty onus on all state organs, including the Judiciary, to preserve and advance the freedoms and dignity of the people of Kenya.

Cognisant of this transformative constitutional imperative, the Judiciary has been on a pathway to contribute to Transformation as a vision and method for preserving and advancing the freedoms and dignity of the people of Kenya. The Social Transformation through Access

to Justice (STAJ) Strategic Blueprint envisions the Judiciary beyond being a mere arbiter of disputes that monopolises provision of justice services. It extends to the Judiciary's accountability among other justice actors in the co-production of justice. It also ties the Judiciary's accountability more closely with the social transformation and people-centred justice agendas.

Building on the progress the Judiciary has made under subsequent transformation frameworks since 2012, the STAJ Blueprint links justice to the various aspects of our social existence. It further locates the justice imperative, and hence the responsibility of all justice actors, institutional and otherwise, in the positive improvement of the lived condition – social, environmental, cultural, political, economic – of Kenyans, individual, communal and corporate.

This daring and novel concept and practice of justice outlined in the STAJ Blueprint is characterised by the Judiciary's strong sense of accountability and transparency. This accountability goes beyond the Judiciary as a provider of services. What this means for the institution is a reorientation in the manner in which we gauge our performance. Under the STAJ Blueprint, while the traditional indicators of institutional performance will remain important, particular emphasis will be placed on people-centred and social transformation impacts and outcomes. An important consideration is how to assess the performance of judges, judicial officers and Judiciary staff not just as arbitrators of disputes, but as justice connectors, promoters, and facilitators; not to merely assess justice outcomes quantitatively, but qualitatively, based on impact framed by the objective of social transformation through access to justice.

The leadership of the Judiciary is firmly committed to the realisation of the objectives of STAJ. In particular, as the focal point for performance within the institution, I, the Deputy Chief Justice, will lead in the reorientation of our performance and accountability indicators and processes towards the social transformation and people-centred focus contained in the STAJ Blueprint. This will cultivate a deeper sense of accountability linked directly to the impact of Judiciary performance on the lived realities of the people and communities of Kenya.

Hon Lady Justice Philomena Mbete Mwilu, MGH

Deputy Chief Justice & Vice President of the Supreme Court of Kenya

ACKNOWLEDGEMENTS



The development of this blueprint was a truly collective effort that drew on the knowledge and experiences of a multitude of internal and external stakeholders who share in our commitment to place the people at the centre of our justice system. We thank all judges, judicial officers, staff, and other stakeholders who participated in this collective effort through their survey responses, feedback, and suggestions, which shaped this blueprint and enriched the choices of interventions necessary for achieving our goal of social transformation through access to justice.

We especially thank the members of the working group led by Ms. Rose Wachuka, Chief of Staff in the Office of the Chief Justice, for their time, effort, commitment and expertise.

The Judiciary and the people of Kenya also owe a great debt of gratitude to the Hague Institute for Innovation of Law (HiiL) for lending their expertise to the working group through leading conversations with representatives of various state and non-state actors in the justice system, undertaking a thorough review of relevant literature, and a most helpful review of an earlier draft of this blueprint. We are also grateful to the International Development Law

Organisation (IDLO) for supporting the launch of this Blueprint and to the United Nations Office on Drugs and Crime (UNODC-ROEA) for supporting the design of this blueprint and the anchor strategies on child friendly justice and sexual and gender based violence. We also thank all our partners, stakeholders, friends and comrades in this sacred duty to defend the Constitution for continued support. To the people of Kenya, we exist to serve you at your most immediate and pressing point of need.

It is our sincere hope that we will continue to enjoy these partnerships and carry forward these candid conversations throughout the implementation of the blueprint to ensure we remain true to our commitments.

Anne A Amadi, CBS
Chief Registrar of the Judiciary

STAJ BLUEPRINT DEVELOPMENT COMMITTEE

Rose Wachuka Macharia, MBS - Chairperson

Dr Paul Kimalu – Vice Chairperson

Dominic Nyambane - Secretary

Peter King'oo, OGW

Steven Ikileng

Hon Elizabeth Tanui

Dr Masha Baraza

Kennedy Ogutu

Dr Joseph Osewe

Loise Wangechi

Walter Khobe

Gilbert Kirui

Dr Steve Akoth

Victor Lumumba

Yussuf Jarso

Eugene J Omondi

Anthony Sisse

Kevin Ngari

Steve Njehia

Joyce Gimase

Monica Maina

Edited by Kwamchetsi Makokha

TABLE OF CONTENTS

| | |
|---|------------|
| Foreword | i |
| Word from the Deputy Chief Justice | iv |
| Acknowledgements | vi |
| Abbreviations | x |
| CHAPTER 1: FOUNDATION | 1 |
| 1.1 Introduction | 2 |
| 1.2 The Constitution, Social Transformation and Access to Justice | 6 |
| 1.3 People-Centred Justice in STAJ | 8 |
| 1.4 Reimagining the Delivery of Justice | 11 |
| 1.5 The Multiple Roles of the Judiciary in STAJ | 12 |
| 1.6 The Culture of Justice and National Development | 13 |
| 1.7 The Blueprint Development Process | 14 |
| 1.8 Key Outcomes in STAJ | 14 |
| CHAPTER 2: SITUATION ANALYSIS | 17 |
| 2.1 Introduction | 18 |
| 2.2 Holding Ground: Asset Analysis | 18 |
| 2.3 Advancing Ground: Filling the Deficits | 21 |
| 2.4 Looking Forward: Operating Environment | 23 |
| CHAPTER 3: PEOPLE-CENTRED JUSTICE | 27 |
| 3.1 Introduction | 28 |
| 3.2 People-Centred Justice Programming | 28 |
| 3.3 People-Centred Justice Approach | 30 |
| 3.4 People-Centred Justice Derivatives | 31 |
| 3.5 Conclusion | 36 |
| CHAPTER 4: STAJ OUTCOMES | 37 |
| 4.1 Introduction | 38 |
| 4.2 Outcome 1: A Strong Institution that is Independent, Accessible, Efficient and Protects the Rights of All, Especially the Vulnerable | 38 |
| 4.3 Outcome 2: An Inspired Team of Judges, Judicial Officers, and Judiciary Staff Committed to Excellence in the Delivery of Justice | 58 |
| 4.4 Outcome 3: Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary | 69 |
| 4.5 Outcome 4: Deepened Partnerships that Enhance Coordination in the Administration of Justice | 81 |
| 4.6 Outcome 5: Enhanced Public Trust and Confidence in the Judicial System | 89 |
| CHAPTER 5: MONITORING, EVALUATION, LEARNING AND REPORTING (MELR) FRAMEWORK | 99 |
| 5.1 Introduction | 100 |
| 5.2 Theory of Change | 100 |
| 5.3 Monitoring | 103 |
| 5.4 Evaluation | 104 |
| 5.5 Reporting Framework for a People-centred Justice | 105 |
| 5.6 Research and Development | 106 |
| 5.7 Learning | 107 |
| 5.8 Risk Monitoring and Management | 108 |
| CHAPTER 6: CONCLUSION | 109 |
| ANNEXURES | 111 |
| Annex 1: Three-year Evaluation Template | 111 |
| Annex 2: STAJ Annual Work Plan | 112 |
| Annex 3: STAJ Blueprint Risk Matrix | 124 |

ABBREVIATIONS

| | |
|-------|---|
| AJS | Alternative Justice Systems |
| ASAL | Arid and Semi-arid Lands |
| CAM | Court Annexed Mediation |
| CTS | Case Tracking System |
| CUC | Court Users Committee |
| DCRT | Daily Court Returns Template |
| EACC | Ethics and Anti-Corruption Commission |
| ELC | Environment and Land Court |
| ELRC | Employment & Labour Relations Court |
| ERP | Enterprise Resource Planning |
| ESG | Environmental, Social and Governance |
| GoK | Government of Kenya |
| ICT | Information and Communication Technology |
| JNSS | Justice Needs and Satisfaction Survey |
| JSC | Judicial Service Commission |
| JTF | Judiciary Transformation Framework |
| KICD | Kenya Institute of Curriculum Development |
| KJA | Kenya Judiciary Academy |
| MEL | Monitoring, Evaluation and Learning |
| MTEF | Medium-Term Expenditure Framework |
| NCAJ | National Council on the Administration of Justice |
| OECD | Organisation for Economic Cooperation and Development |
| OJO | Office of the Judiciary Ombudsman |
| PCJ | People-centred Justice |
| PMMU | Performance Management and Measurement Understandings |
| PPR | Project Performance Report |
| SDG | Social Development Goals |
| SGBV | Sexual and Gender Based Violence |
| SJT | Sustaining Judiciary Transformation |
| SOJAR | State of the Judiciary and the Administration of Justice Report |
| STAJ | Social Transformation through Access to Justice |

Chapter 1

Foundation

1.1 Introduction

Within a year of the promulgation of the Constitution of Kenya, 2010, the Judiciary embarked on a journey of transformation. The Judiciary Transformation Framework 2012 – 2016 (JTF) and the Sustaining Judiciary Transformation 2017 – 2021 (SJT) blueprints laid the foundation for what was largely inward-looking transformation focused on re-shaping the Judiciary to respond to the imperatives of the Constitution. The two blueprints focused on building internal capacity and other institutional reforms to improve efficiency, foster a culture of accountability, enhance service delivery and increase public confidence in the Judiciary.

Thanks to the JTF and SJT, the Judiciary has become a more robust and accountable institution, meeting Kenyans' expectations by creating more efficient and responsive processes to guarantee access to justice. The Transformation agenda has so far been on Judicial reforms, better service delivery, and protecting the independence and self-drive of the Judiciary. The progress and reputable positioning of the Judiciary today gives us the foundational pillars worth transitioning to another level of the Social Transformation through Access to Justice (STAJ) blueprint. This blueprint, therefore, consolidates the gains from the JTF and SJT era by harnessing the service delivery models built by the Judiciary and extending the institution's reach outwards to expand capacities and to meet the justice needs of the people where they occur. While building on this history, the blueprint reaffirms the central role of the people, from whom all judicial authority is derived.

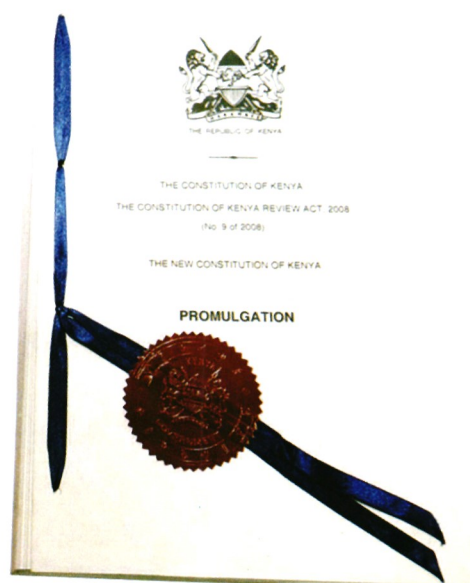


Figure 1.1: The Constitution of Kenya

The premise of this *Social Transformation through Access to Justice Blueprint* is that the promulgation of the Constitution in 2010, while self-defining and executing, will not by itself sustain transformation of the Kenyan society. The people of Kenya and state organs like the Judiciary, to whom they have delegated authority, must now develop strategic and measurable roadmaps for Transformation to ensure that it is sustained and continues to improve the lives of all – more so those of the marginalised and vulnerable in society.

But Social Transformation requires much more. 'Social' in social transformation in this blueprint pays attention to human relations between individuals, their living conditions, and co-existence in organised communities. This conceptualisation seeks to expand and accelerate access to justice from the standpoint of the people and in a way that takes forward the holistic vision of entrenching the culture and practice of justice in Kenya. Adding a social lens to transformation signifies the need to understand the origins, processes, and outcomes of the justice question. It also provides a framework and viewpoint for placing people at the centre of justice interventions. In twining social and transformation, Social Transformation is understood as a set of processes in which individuals and groups of people bring about large-scale social change with the aim of improving the quality of life visible through a democratic and inclusive society that upholds human dignity, equality, social justice and the rule of law.

The STAJ blueprint conjures up a Judiciary that is independent, efficient, accessible, responsive to the aspirations of Kenyans, and a true guardian of the rule of law. The blueprint is anchored on five (5) principles:

- a) **Accessibility and Efficiency:** a justice system that is available and reachable to all members of the society regardless of gender, socio-economic status, race, ability or any other characteristic, and where all matters are resolved expeditiously.
- b) **Transparency and Accountability:** a justice system that is trustworthy, responsive, and aligned with the needs and expectations of the society it serves.
- c) **Inclusiveness and Shared Leadership:** a justice system that involves diverse perspectives and fosters collaboration in decision-making processes.
- d) **Cooperative Dialogue:** a justice system that embraces collaboration, active communication, and inclusion of various stakeholders in shaping and implementing policies and practices within it.
- e) **Social Justice:** a justice system that ensures that individuals, regardless of their socio-economic status, gender, ability or any other characteristic have access to legal assistance and aid.

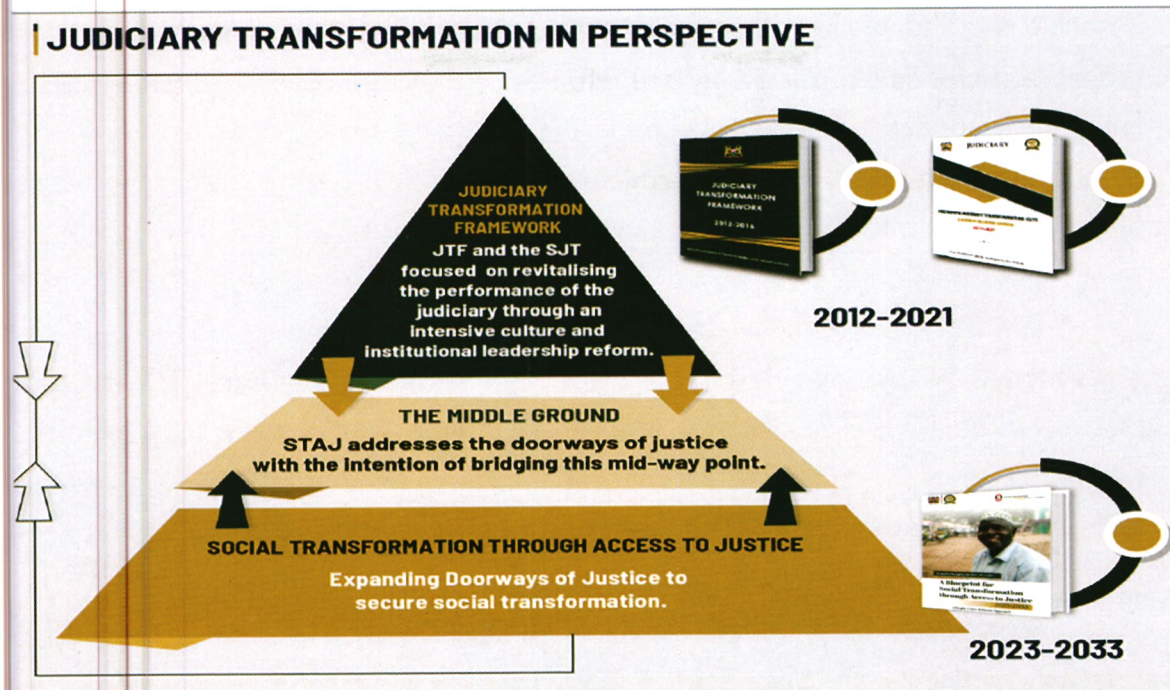


Figure 1.2: Judiciary transformation in perspective

STAJ is therefore, a continuation of the Judiciary's transformation journey. It is holistic, with an inward, outward and forward outlook. Looking inward implies critically assessing and strengthening Judiciary systems and structures for managing human resources, finances and other essential resources necessary to optimise the operations of the institution.

Looking outward refers to exploring beyond the institutional boundaries of the Judiciary. This blueprint envisions the Judiciary as a connector that is pursuing socially responsive objectives, identifying key stakeholders, building constituencies and providing platforms for those constituencies, stakeholders and judicial staff to interact to facilitate access to justice.

Looking forward entails positioning judicial and justice champions as social transformers who interphase the Judiciary with non-state-based justice mechanisms using structures and resources to seal the existing justice gap while monitoring common progress and adjusting the Judiciary's approach as needed.

STAJ is informed by and grounded on the role of the Judiciary in advancing the constitutional promise of social transformation. STAJ aims to ensure that the Judiciary advances the gains realised under the JTF and SJT over the years and focuses on innovations to upscale game-changing justice solutions, people-sensitive culture, and the everyday idea of justice to the extent allowable by the Constitution in responding to the needs, expectations and aspirations of all Kenyans, especially the vulnerable and marginalised.

Justice is cross-cutting, broad and multi-faceted. It is a quest for humanness – the legitimate expectation of every citizen to be treated justly. This is the reality from which STAJ is conceptualised, designed and will be implemented. The vision helps to respond to the questions: Who ought to be a justice actor? Whose justice? What is the relationship between the various justice mechanisms under the Constitution?

This approach expands the mandate of the Judiciary beyond the matters filed in court. It also expands court and/or tribunal 'sittings' beyond their physical adjudicatory session. It demands that the Judiciary builds people's trust in itself and in themselves even as it encourages those who do not seek justice to take and practise it as an option for managing their everyday relations, and in preserving and advancing human dignity.

This blueprint is also about ensuring that human life and dignity is advanced in a manner that sustains the environment.

This people-centred approach to justice does not necessarily translate to shifting attention and resources away from strengthening the institutional aspects of the Judiciary. Rather, it emphasises the need to align the goals and operations of the Judiciary with the needs and expectations of the people it serves. A progressive approach to realising this justice innovation is through widening and multiplying the doorways of justice to enhance the system's accessibility, responsiveness and efficiency. A people-centred approach, focused on widening and multiplying the doorways of justice, enhances the effectiveness of the Judiciary and leads to enhanced partnerships that use innovative approaches to involve the people as recipients and champions of justice.

This blueprint recognises that justice is best served when it is woven into the tapestry of everyday lives, with attention to histories, positionality and other contextual influences of law. However, rather than start from a place of want, STAJ imagines a Kenya where every person has the power to resolve disputes through accessible, affordable and timely channels tailored to their unique circumstances.

Justice cuts across all our lives, and therefore belongs to all of us. While the Judiciary plays its constitutional role of ensuring that it delivers justice, the people themselves must become agents for their own justice and often come to court because they have been deprived.

The visionary landscape for STAJ perceives state and non-state-based avenues for

dispute resolution as coexisting and complementing each other, to pave multiple paths to justice. This institutional landscape is built on the multi-door approach, opening up various avenues to justice while acknowledging that the paths to the resolution of legal problems can be different for different people. These different paths to justice are characterised by independence, efficiency, accessibility and responsiveness in a nation where justice is not a distant ideal but an accessible reality. This resonates with the understanding that access to justice is not just about the corridors of courtrooms; it is also about experiencing a broader conception of justice as it permeates every aspect of our social fabric. Ultimately, pursuing social transformation through access to justice will position the Judiciary to serve as a true guardian of the rule of law, as envisaged in the Constitution. Everybody wants to experience justice, and in the same way, it is expected that we should treat each other justly. That is what it means to be champions for justice.

1.2 The Constitution, Social Transformation and Access to Justice

Social transformation is the goal of the Constitution, evidenced by its purpose and orientation. The Constitution aspires to fulfil the determination of Kenyans to live in one indivisible nation by deepening democracy and accountability, combating exclusion and inequality, protecting the vulnerable in society, and promoting participation of the people in governance. This blueprint is specifically keen on the constitutional imperatives for how justice is delivered, and its outcomes.

The mechanisms for ensuring access to justice are grounded in Article 1 of the Constitution. These mechanisms centre on the constitutive power of the people and their donation of judicial power to the Judiciary in Article 159 (1). The implication of the Constitution is that there can be no exercise of justice without the people at the centre. The Kenyan people require that the holistic meaning of justice be embedded in their agency and verified by way of their improved condition and position.

First, assurance of an enabling environment where everybody is assured of equal access to public services. Access to public services including justice, must lead to an improvement of people's conditions. This means peoples' lived realities and the way they access public services or justice has implications for their social, economic, cultural and environmental circumstances which impact greatly on their dignity. Article 19(2) of the Constitution emphasises this aspiration by affirming that the purpose for recognising and protecting human rights is to preserve the dignity of individuals and communities, and to promote social justice and the realisation of the potential of all persons. Taking into account Kenya's history

of inequalities, discrimination and marginalisation, the Judiciary as an arm of government has the duty to contribute to improving the conditions of all Kenyans. More specifically, Article 21(3) imposes on the Judiciary and other state organs the “duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.”

The Constitution of Kenya, Article 21 (3)

“All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.”

Second, the social transformation imperative is to improve the position of the people of Kenya. This means working in partnership with people to create space and give voice to them to enable meaningful and substantive participation in and contribution to governance and decision-making. This imperative flows from the principle that the authority of state organs, including judicial authority, is derived from and delegated by the people. The voices and opinions of the people must therefore be expressed in the exercise of judicial authority. This imperative is expressed in the preamble, Article 1(3), 10(2), and 159(1) of the Constitution. The latter indicates that judicial authority derives from the people and justice outcomes are about co-production with the people, enhancing their agency and freedoms while affirming their dignity.

These constitutional aspirations also align with the pursuit of global commitments such as the United Nations 2030 Agenda for Sustainable Development. In particular, Social Transformation through Access to Justice aligns with Sustainable Development Goal (SDG) 16, which expresses a commitment to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and to build effective, accountable and inclusive institutions at all levels”. The STAJ vision delivers on the commitment towards achieving SDG 16.3 by emphasising on people-centred justice (PCJ).

Similarly, Aspiration 3 of the African Union's Agenda 2063 envisions "an Africa of good governance, democracy, respect for human rights, justice and the rule of law", which is to be achieved partly by building strong and capable institutions for a developmental state. Aspiration 4 aims for the establishment of a peaceful and secure Africa, which will be partly realised through mechanisms for peaceful prevention and resolution of conflicts. This aspiration recognises that when justice institutions are fair and accessible, societies become more stable, see an increase in civic participation and social cohesion, and contribute to social transformation.

1.3 People-Centred Justice in STAJ

The notion of people-centred justice has been popularised in SDG 16.3, which calls for attention on the people as both champions of justice and beneficiaries of justice outcomes. In our African context, and more specifically Kenya, the people are not atomised individuals. Rather, it is the persons as constituted by the script of personhood in the context of Africa which brings together the past, present and future members of our society. The person, and when they come together as the people, constitute the entire social, metaphysical, economic, spatial, flora, fauna and physical ecosystems of justice.

STAJ is conceptualised on this understanding and is designed to be implemented through processes and outcomes that foster people's informed choices of platforms for accessing justice and guaranteeing justice outcomes that affirm the values of *utu*. Figure 1.4 illustrates this conceptualisation and design. Following on the path of the OECD's design criteria for people-centred legal and justice services, Figure 1.3 is an outline of design and delivery criteria for PCJ in Kenya. The design follows through justice institution criteria with additional emphasis on continuous learning and human rights compatibility. The delivery of the model takes into account the multiple functionalities of the Judiciary as well as the agency of justice actors.

Establishing a people-centred justice system and promoting access to justice is the Judiciary's way of contributing to the creation of a just social order, promoting peaceful co-existence in communities and the country. This investment enables individuals and communities to flourish and realise their capabilities and potential, as well as coexist sustainably in their universe. STAJ, therefore, seeks to position the Judiciary to contribute towards the realisation of the social transformation aspiration of the Constitution through adjudication of disputes and facilitation of connections.



Social Transformation
through Access to Justice

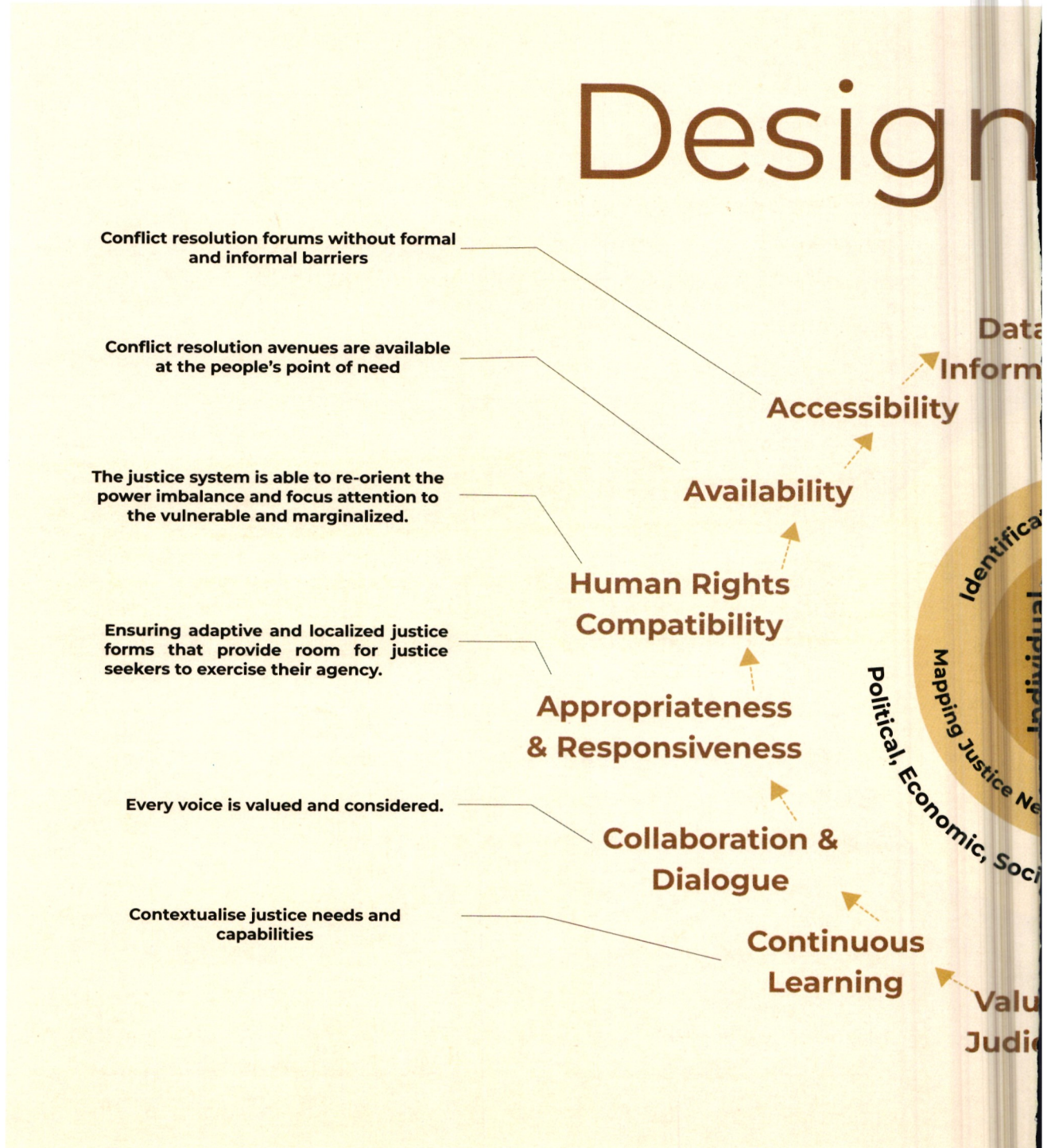
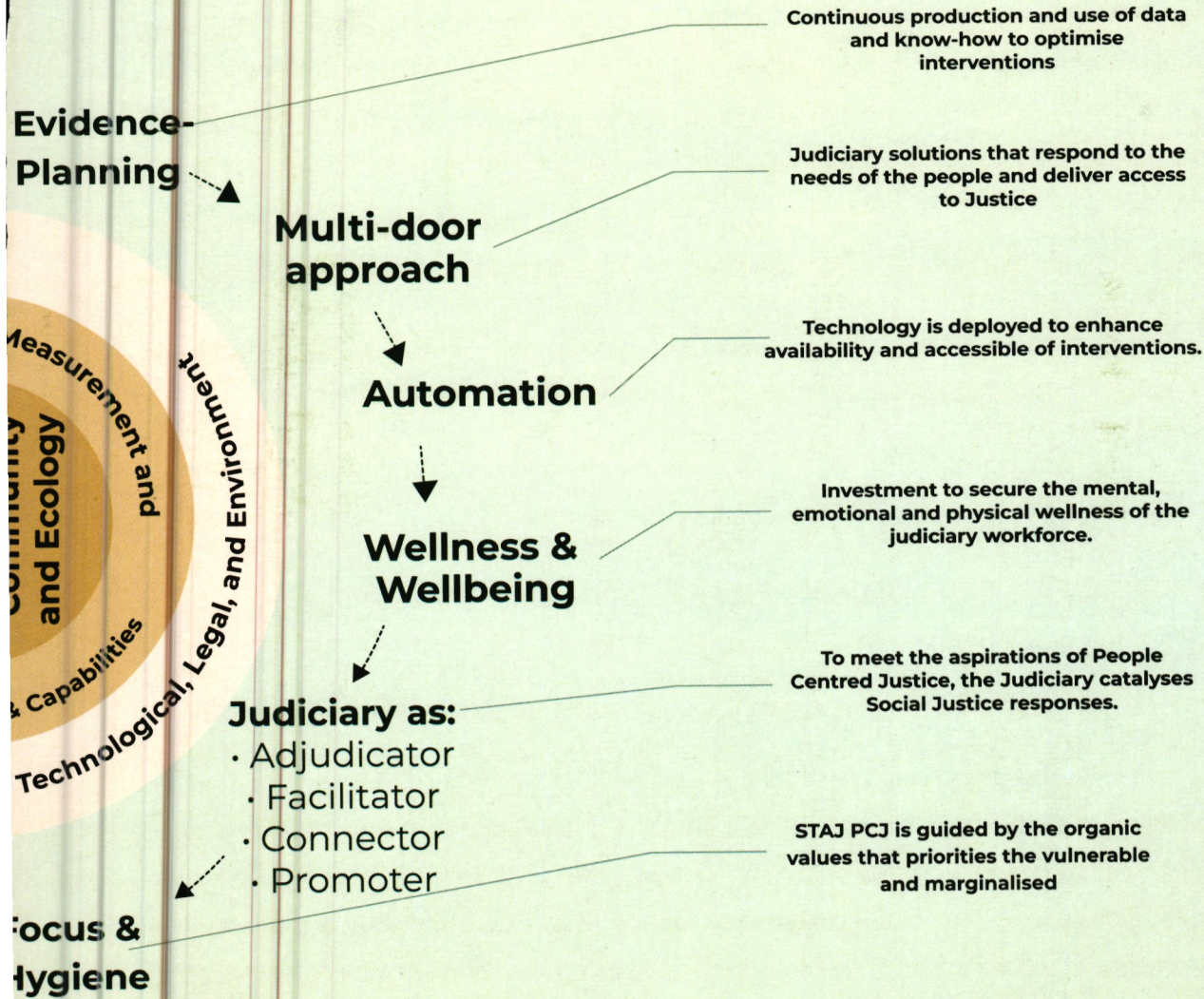


Figure 1.3: The Kenya Judiciary's people-centred justice model

Source: Adapted from OECD (2019), **'Design criteria for people-centred legal and justice services'** in *Equal Access to Justice for Inclusive growth. Putting People at the Centre.*

Delivery



1.4 Reimagining the Delivery of Justice

The Judiciary, once viewed as the sole forum for access to justice, now champions the understanding that justice should not be contained within the rigid perimeters of courtrooms save for exceptional cases set out in the law. Justice, like water, needs to flow freely and uninhibited, permeating the cracks and crevices of societies and touching every life it encounters. This blueprint outlines a programme for advancing access to justice using the practice of people's choices.

The 2017 Justice Needs and Satisfaction Survey (JNSS) showed that Kenyans want dispute resolution processes that resolve their legal problems, restore relationships and repair damages, while preventing recurrence. The justice needs survey also emphasised the importance of the justice system being sensitive and responsive to the needs and vulnerabilities of the Kenyan people. It was established that only 10 percent of Kenyans approach the courts to settle their disputes. Further, it was established that 19 percent of Kenyans with legal problems did not take any form of action to resolve the problem or seek a remedy. This is attributed to the perceived complexity, cost, and time-consuming nature of legal proceedings. In effect, most Kenyans either resort to alternative avenues to resolve their disputes or simply endure their grievances without seeking redress because they feel alienated by the state-based judicial system.

Indeed, a vast majority of those who seek justice use numerous options that have now been affirmed in Article 159(2)(c) of the Constitution. In requiring the Judiciary to promote alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms, the Constitution forebodes what STAJ calls the multi-door approach.

This phrase has two meanings. First, it affirms that the various mechanisms chosen by the people to access justice are valid, as stated in the Constitution. Second, it recognises these approaches chosen by the people as being at par with, and not different from or necessarily inferior to, the formal 'door' of the Judiciary. Rather, while all citizens must have unfettered access to the Judiciary, this State Organ has a duty to ensure that the various methods the people choose to access justice meet the criteria required for all justice mechanisms and forums.

Within the realm of social transformation, the STAJ outlook stretches beyond legal disputes. Access to justice is the fulcrum of the STAJ Blueprint, and its ultimate desired outcome. This framing casts justice questions as those in private as well as public realm; those in the legal terrain as well as in ordinary life times; those emanating from state as well as among natural

The Judiciary's contribution to social transformation, requires it to embrace a responsive role that builds on progressive people's justice journeys in a manner that complies with the Constitution. It is in this respect that STAJ targets the goal of putting in place an accessible, cost-effective, efficient, timely, and responsive Judiciary where the doors of justice will be open to all persons, especially the vulnerable and marginalised in society.

In enabling and expanding people's 'justice journeys', STAJ focuses on all aspects of the journey. It develops the people's agency as much as it pursues the vision to animate the progress of the Judiciary in maintaining its position as a strong institution. The strength of this institution will be manifested through its ability to safeguard its independence and inspire its judges, judicial officers and staff to perform multiple functions to ensure access to justice. This includes enabling human resources to manage and deliver the innovative meanings of ongoing initiatives such as access to courts, leveraging on technology, active case and docket management and establishment of specialised courts.

The Key Concepts of STAJ

STAJ is based on the social transformative promise, which is the key language of the Constitution of Kenya, 2010. Its intention is to sustain and enhance the place of Kenya as a democratic, equitable, accountable, and participatory society.

The STAJ approach embraces stakeholders as justice champions and invests in trust and public confidence building among stakeholders on the one hand, and between the stakeholders and the Judiciary, on the other. In so doing, it pays attention to the entire path of the actors' justice journey, including outside the Judiciary. Stakeholder and partnership management will be guided by transparent and consistent engagements. Within the Judiciary, STAJ will be enabled through accountable and prudent management of resources.

1.6 The Culture of Justice and National Development

The Constitution outlines the possible outcomes if we fully transform our society. Upon full implementation of the STAJ Blueprint, the Judiciary will have contributed to the realisation of the aspiration of Kenya blossoming into a socially just state and society, truly embodying the

and corporate citizens. In moving to understand justice in its multiple manifestations – legal, experiential and sensory – STAJ is keen to ensure that ordinary grievances people have are framed and resolved as justice issues. Grievance is understood as a perceived or real act of injustice evoking an individual's or a group's sense of entitlement, which may be based on laws, norms, contracts, explicit or implicit promises, customary practice, or general notions of fairness among aggrieved communities.

It is against this backdrop that STAJ offers a roadmap for tackling formal, informal, and systemic barriers to access to justice.

1.5 The Multiple Roles of the Judiciary in STAJ

Consonant with the constitutional imperative, the Judiciary's role under STAJ is not limited to being an arbiter of disputes, but also a facilitator of dialogue, a connector, and a promoter of social harmony. This approach ensures that justice is not merely an end but a journey – a transformative experience marked by fairness, impartiality, independence, accessibility, affordability, timeliness, efficiency, and user experiences defined by dignity, respect and empathy.

In this bold and bright future, justice in Kenya is not just a system or a process, but a shared value, a communal commitment, and a national promise. This is the vision for the Judiciary: A vision that takes us closer to the dream of the Constitution, where justice is not just 'our shield and defender', but our guide and goal.



Figure 1.4: The Multiple Roles of the Judiciary in STAJ

values and principles of the Constitution. Kenya will be a beacon of justice, equity, and human rights where every individual is treated fairly, equitably, and without discrimination. It will be a society where all members have equal access to opportunities, rights, resources, and protections, regardless of their background, vulnerabilities, identity, or status. Kenya will be a country where the rule of law, sustainable development, social justice and good governance will be the cornerstones of society.

STAJ enables all actors to participate in building a national culture of justice. In doing so, it contributes to social harmony, tolerance and coexistence. National cohesion enables the citizen to engage in collective ventures towards nation building. When a culture of justice evolves, it provides an avenue and language for solving social relations and property disputes that would otherwise increase the cost of doing business. In the long run, the culture of justice envisaged in STAJ enables Kenyans to understand and express national development through its multiple limbs – economic, social, political and ecological. The social limb of development is the ultimate enabler to economic progress.

1.7 Key Outcomes in STAJ

Implementing the STAJ blueprint through a people-centred programming approach will deliver five outcomes critical to positioning the Judiciary as a facilitator of the constitutional mission of social transformation. These are:

- a) A strong institution that is independent, accessible, efficient, and protects the rights of all, especially the vulnerable.**
- b) An inspired team of Judges, judicial officers, and Judiciary staff committed to excellence in the delivery of justice.**
- c) Strengthened financial mechanisms that support the independence and integrity of the Judiciary.**
- d) Deepened partnerships that enhance coordination in the administration of justice.**
- e) Enhanced public trust and confidence in the judicial system.**

The blueprint incorporates a Monitoring, Evaluation, Risk and Learning framework under an iterative model that allows for modification, revision and adaptation in the course of implementation.

1.8 The Blueprint Development Process

In September 2021, the Chief Justice unveiled the Social Transformation through Access to Justice vision which laid out the broad strategic outcomes that the institution was going to focus on. The Judiciary subsequently embarked on developing this comprehensive and action-oriented strategic blueprint to actualise the vision. The blueprint expands on the outcomes by providing for a programme design and delivery framework that incorporates elaborate objectives, strategies and priorities. It also involves an assessment of the justice capabilities, needs and tools for realising those outcomes.

The blueprint was developed from an extensive review of institutional documents that were aimed at reforming the justice sector. Significantly, given the need for internal and external stakeholder input in charting the strategic direction of the Judiciary going forward, the process of developing

the blueprint was participatory and inclusive. It involved soliciting views, suggestions, and input from a wide range of stakeholders – including judges, judicial officers, Judiciary staff, external stakeholders within the justice sector, and the public. This makes the blueprint a truly institutional document that is woven into the fabric of the Judiciary's operations.



STAJ BLUEPRINT

DEVELOPMENT PROCESS

ANCHOR STRATEGIES
 SGBV, CHILD JUSTICE
 LEGAL LAWYERS MENTORSHIP
 SHARED LEADERSHIP

LAUNCH OF STAJ BLUEPRINT

IMPLEMENTATION
 STAJ BASELINE DATA

INTERNAL STAKEHOLDER ENGAGEMENTS

| | | |
|--------------------------------|-------------------|----------------------------------|
| Judges – CoA, HC, ELRC, ELC | Heads of Stations | Other Judiciary Committee |
| Judiciary Management Committee | CUCs | JCE |
| Registrars and Directors | Directorates | Children Committee |
| Magistrates and Kadhis | LMTs | SGBV |
| Judiciary Staff | | Project Management |
| Courts : Tononoka | | AJS Committee |
| Mombasa | | Mediation Committee |
| Kisumu | | |



DEVELOPMENT PARTNER ROUNDTABLE ENGAGEMENT

- Explore and apprise partners on the Priority projects under STAJ Vision,
- Align these priorities to Strategic Partner programs and;
- Enhance efficient coordination of Judiciary Partner engagement.
- Formation of Technical Working Teams and collaboration modalities



INCEPTION REPORT

- Intensive internal engagements
- Review of existing programmes, policies and strategies and reports
- Conduct justice need survey
- Undertake stakeholder mapping and Risk mapping
- Monitoring, evaluation and learning approaches



DOCUMENT REVIEW (TO DETERMINE GAPS)

| | |
|---|------------------------------------|
| Internal Documents | External Documents |
| Judiciary Vision and Strategic Plans; | Donor Project Appraisal Documents; |
| Court Process Documents (Civil, Criminal Procedures, Practice Directions Manuals) | GJLOS Strategic Plans and; |
| Special Focus Policy Documents (Bail and Bond, AJS, ACM Policies) | Project Documents |
| | National Vision 2030 |

COLLABORATIONS: HIIIL, UNODC, IDLO, ICJ, AJJF, WORLD JUSTICE - OPEN SECURITY FORUM, UNGA, COMMONWEALTH SECRETARIAT, I.L. RAPPORTEUR ON INDEPENDENCE OF JUDGES

Figure 1.5: From Vision to Blueprint

Chapter 2

Situation Analysis

2.1 Introduction

Significant previous efforts have been made to establish a strong and efficient Judiciary with capacity to contribute to societal transformation. This chapter offers an analysis of the situational context of the Judiciary and the state of Access to Justice in Kenya. The situational outlook offers; therefore, a holistic view of justice needs and capabilities of Kenyans, and the internal and external factors that influence the Judiciary's operational landscape.

2.2 Holding Ground: Asset Analysis

The Judiciary's transformation journey is the common thread for the people-centred justice programming and the actions prioritised under it. On October 19, 2011, then Chief Justice Dr. Willy Mutunga stated:

We found an institution so frail in its structures; so thin in resources; so low on its confidence; so deficient in integrity; so weak in public support that to have expected it to deliver justice was to be wildly optimistic. We found a Judiciary that was designed to fail.

In the quest to respond to this situation, the Judiciary's human resource capacity, infrastructure and operations have been steadily improved. The Judiciary has an approved establishment of 10,325 employees. Personnel operate from 134 court stations and 23 tribunals across the country. Supplementing this physical court infrastructure are 57 operational mobile courts, majority of which are in arid and semi-arid areas. There are also specialised courts: 12 Sexual and Gender-Based Violence (SGBV) specialised courts, 12 Small Claims Courts, and two Children Courts at Milimani and Tononoka. The Judiciary is also implementing the Mahakama Popote Initiative to maximise available resources, with judicial officers in less busy stations hearing cases from courts with a higher caseload, thus mitigating the unequal distribution of work and improving case clearance rates.

But these efforts to bridge the gap require a multiple outlook and action. This was once more captured by Justice Dr Mutunga when he stated:

The existence of courts alone provides no guarantee of justice. Rather, it is the values and quality of the people who lead it; the aspirations and design of the Constitution that create it; and the vigilance and civic consciousness of the people who continuously demand better.

This statement set the ethos for the journey of transformation as part of the quest for bridging the justice gap and contributing to societal transformation. With this clear diagnosis

and clarity of strategy, the Judiciary has worked to review and improve its processes towards delivering quality services to the people of Kenya. This has extensively relied on the deployment of information and communication technologies as well as performance management tools to improve the accountability, effectiveness and efficiency of internal systems.

In further analysing the operational context of his tenure, on January 26, 2017, Chief Justice David Maraga stated:

“My tenure will be defined by service delivery based on the performance of Court Stations throughout the country... [t]he next phase of Judiciary transformation will be driven by technology, and guided by the principles and practices of integrity, individual and institutional accountability as well as performance.”

The policy framework for Judiciary operations under the leadership of Chief Justice Maraga was comprehensively improved, with policy and procedures manuals now developed to provide service delivery standards, court registry functions, finance and accounting processes, human resource management and administration, knowledge management, infrastructure development, and information communication technology functions. Transparency and accountability mechanisms have also been enhanced through the prompt reporting of judicial decisions and rulings, strengthening public feedback mechanisms, the establishment of robust internal complaints and compliance mechanisms, the institutionalisation of performance measurement and management, and strict adherence to accountability requirements in resource utilisation.

Most recently, Chief Justice Martha Koome, speaking on May 21, 2021, extended an open invitation to the Kenyan people to move beyond the divide of justice seekers on one hand and justice providers on another. She said:

“My clarion call today is for everybody to bear their own weight and take agency for ensuring that we all become champions for justice. Justice belongs to all of us. Justice cuts across all our lives. We need to play our constitutional mandate to ensure that we deliver justice for the people and the people themselves become agents for their own justice. When everybody bears the responsibility for justice, from individuals to institutions, we promote resolution, and we actually know we need to resolve our disputes before even going to court.”

Currently, the Judiciary continues to champion the multi-door approach to justice in line with the constitutional dictate under Article 159. Piloted in 2016 in the Commercial and Family

Divisions of the High Court in Nairobi, Court Annexed Mediation (CAM) is being gradually rolled out and is now officially integrated as an alternative approach to dispute resolution within the Judiciary – with mediation registries established across the country.

Enhancing and supporting Alternative Justice Systems (AJS) has also been a key component of the institution's multi-door justice strategy. Under the institutional AJS Policy, a number of activities promoting AJS have been undertaken, including the establishment of AJS suites (Ukumbi) at various court stations, the development of guidelines framing interactions between the Judiciary and various AJS models, and the operationalisation of AJS County Action Plans in 3 Counties, developed by County Court Users Committees.

The Judiciary has harnessed and entrenched the use of technology to improve access to justice. An electronic filing (e-filing) system – a public facing portal used by advocates and other litigants to file pleadings and track cases – has been established and is currently in use in 43 court stations. As at June 2023, some 255,282 matters had been filed through the system.

Digitisation of court records is ongoing, with 133,368 files having been scanned and digitised in several courts across the country. A Case Tracking System has been operationalised to provide a useful dashboard to assess case progress and court performance.

Other ICT initiatives include the implementation of a robust and scalable integrated ERP system; development of a Judiciary Complaints Management System (JCMS), deploying Court Recording and Transcription Systems in courts and tribunals, operationalisation of an automated Judiciary Advocates Management System, the connection of all court stations to the internet and equipping Judiciary personnel with ICT working tools and equipment.

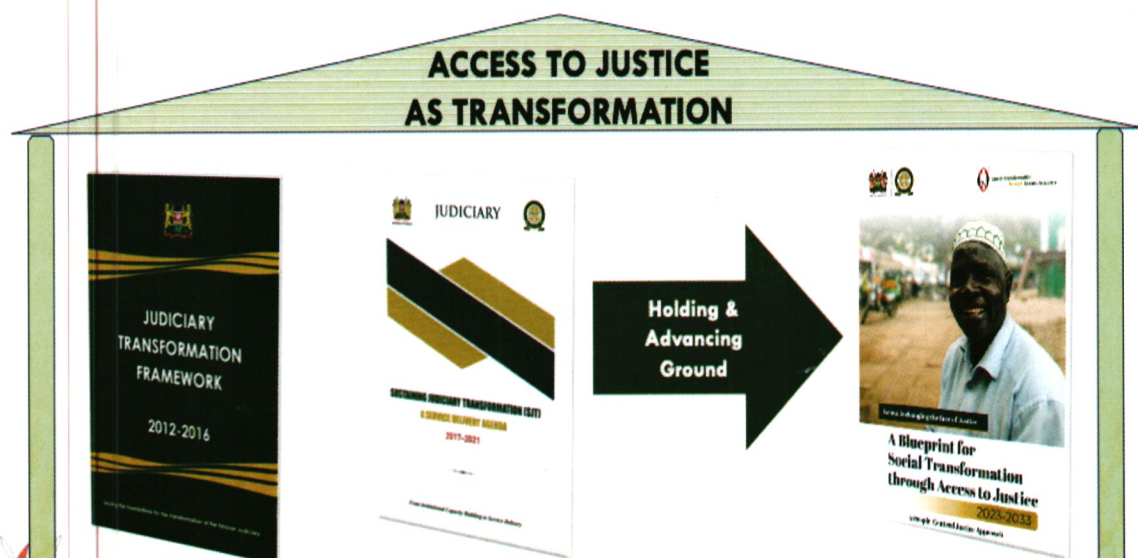


Figure 2.1: Transformation Strategies since 2010

2.3 Advancing Ground: Filling the Deficits

During this journey of transformation, the Judiciary continues to encounter a number of persistent challenges.

a. Inadequate Financial Resources

Insufficient budgetary allocations as well as the inconsistent and unreliable disbursement of exchequer hamper the implementation of key projects and negatively affect the capacity of judges and judicial officers to render services. Figure 2.2 is an illustration of the consistent underfunding that limits the performance of the Judiciary.

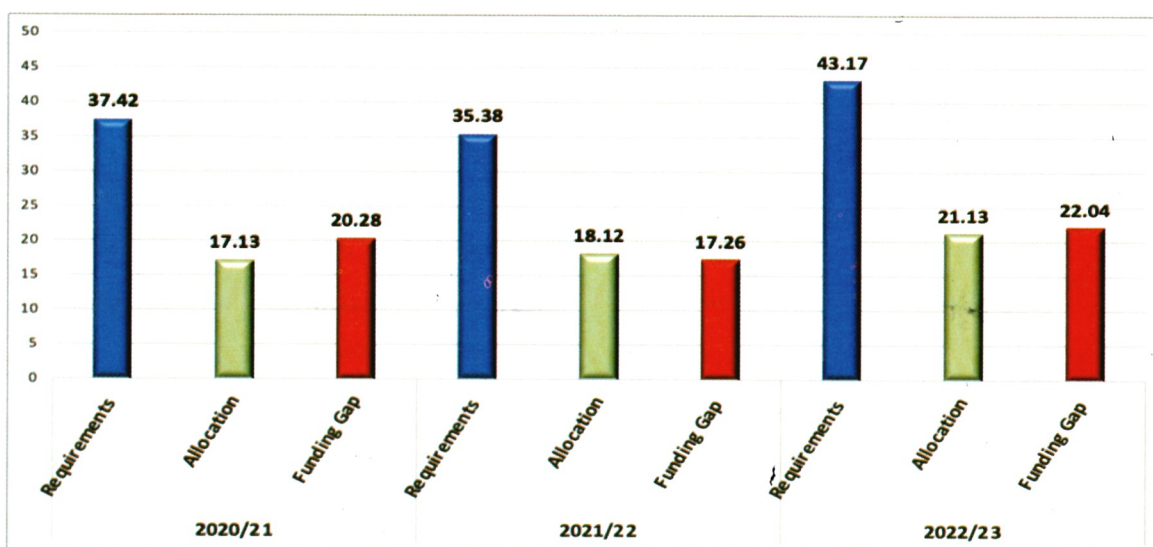


Figure 2.2: Judiciary requirements versus allocations in billions of shillings

b. Inadequate Human Resource Capacity

Enhancing skills development and optimising human resources are essential for ensuring the smooth operation of the justice system. However, the number of judges, judicial officers and judicial staff remains insufficient to meet the increasing demand for justice. The current judge-to-population ratio is 1:271,189, while the magistrate-to-population ratio is 1:87,037. These ratios are indicators of the capacity and efficiency of the judicial system. A lower ratio is generally associated with a better-functioning Judiciary and faster resolution of cases.

The approved establishment is 10,325 employees, consisting of 348 judges, 1,200 magistrates, 65 kadhis, 155 tribunal members, 421 registrars, 670 law clerks and legal researchers, and 7,470 judicial staff. Despite efforts to increase capacity, there have been challenges in keeping up with the growing population and the rising caseload.

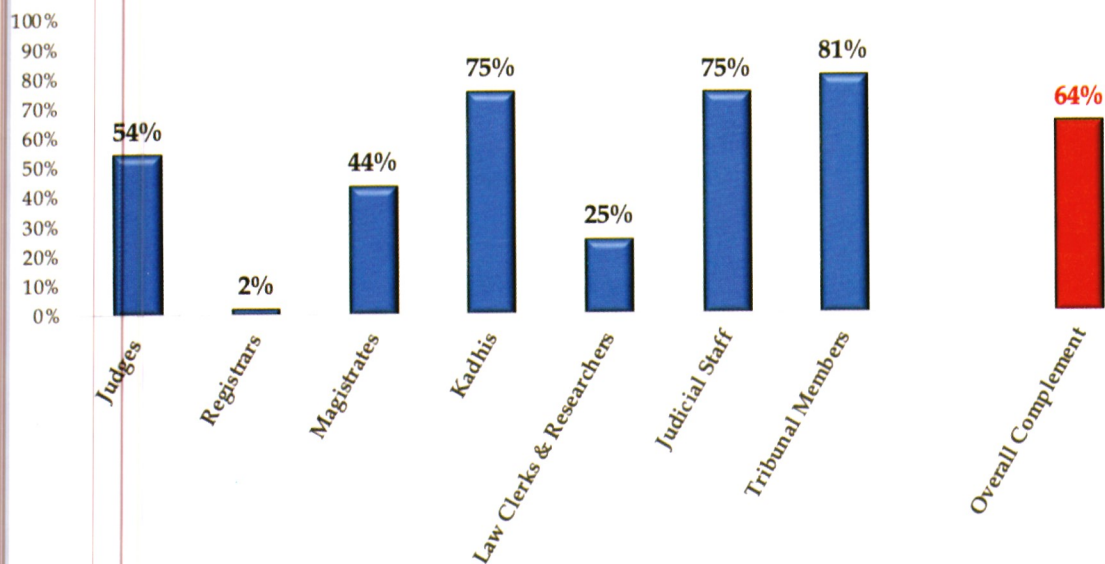


Figure 2.3: Staffing levels across the Judiciary in 2022/23

At present, the Judiciary is functioning at 64 percent of its authorised establishment. The most severely impacted court is the Magistrates’ Court, which is operating at 44 per cent capacity.

c. Increasing Demand for Justice

The Judiciary is faced with the challenge of increasing demand for justice and limited human resources. With the exception of the decline in the number of cases filed during the 2019-2020 financial year, which was due to the closure of courts during the COVID-19 pandemic, the number of cases filed in the court system has been on the rise, as shown in Figure 2.4. Filed cases increased from 402,243 in 2017/2018 to 423,394 cases in 2022/2023 financial year. This trend is projected to continue due to the expansion of the court system and the natural increase in population.

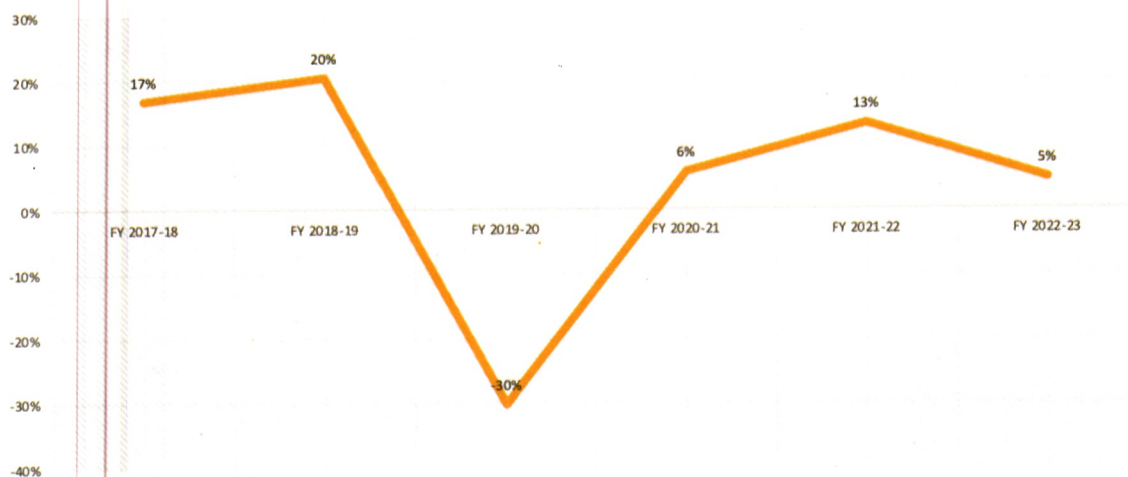


Figure 2.4: Trend Analysis - Demand for Justice

d. Court Users' Feedback

The 2015 Court User Satisfaction survey found that 67 per cent of court users were satisfied with the services provided by the Judiciary, while the 2017 survey found a 64 per cent court user satisfaction index. The Court User Satisfaction Index was 67 per cent in 2019. The index rose to 69 per cent in the Year 2022 survey, indicating growing confidence in our courts and appreciation by the public of the transformation in the Judiciary.

Incidents of corruption and perceived corruption, as well as poor and delayed services, adversely affect the credibility and image of the Judiciary. More must be done to cultivate public trust and confidence in the Judiciary. This requires not only a robust accountability framework but also political will and commitment among all Judiciary personnel to transparency, accountability, and continuous improvement.

e. Operating Environment

Alongside these institutional challenges, the Judiciary operates within a dynamic social, legal, economic, political, and technological landscape. Over the past decade, the Judiciary has been adjusting to the rapidly growing economy, changing environment, increasing demand for justice, and tightening constraints while maintaining its core mandate to deliver justice.

The situation analysis will serve as the foundation for developing outcomes, strategic objectives and strategies for the Social Transformation through Access to Justice.

2.4 Looking Forward: Operating Environment

a. Vision 2030

The STAJ Blueprint will be largely implemented concurrently with the fourth Medium Term Plan of Kenya's Vision 2030 (MTP IV), covering the 2023–2027 period, and a portion of the succeeding medium plan. MTP IV incorporates the government's "Bottom-up Economic Transformation Agenda" (BeTA), which focuses on empowering the lower segment of the economic pyramid, particularly in resource allocation and the design of development projects. This aligns well with the people-centred justice approach of the STAJ Blueprint, with its specific focus on the justice needs and capabilities of the marginalised and vulnerable in society.

b. Judiciary Governance Structure

Internally, the Judiciary has a robust governance framework headed by the Chief Justice, the Deputy Chief Justice, the heads of the superior courts as well as the Chief Registrar.

The engagement and commitment of the leadership under the shared leadership approach is critical to realising the social transformation agenda. The Judiciary leadership is committed to prioritising the creation of an internal work environment that optimises the capabilities of the staff, including the implementation of wellness programmes – particularly for judges and judicial officers whose work-life balance and general wellness is negatively impacted by the volume and nature of the work they undertake.

Externally, STAJ behoves a collaborative, ‘whole-of-justice-system’ approach to implementing the people-centred justice agenda. The Judiciary must, therefore, cultivate collaboration with all branches of the national government and with counties, especially through the National Council on the Administration of Justice. Collaboration with non-state and development partners have been crucial in the institution’s transformation journey and will continue to be critical to the realisation of STAJ outcomes.

c. Climate Change

The Judiciary recognises the global, triple planetary crises, and appreciates their effect on the institution’s operations as well as the key role it must play, in collaboration with other actors at local, regional and international level in facing this challenge. The Climate Change Act, 2016, provides the framework for the country’s response to climate change, including strategies for mitigation and adaptation.

The justice system is crucial in addressing climate change-related issues, including environmental justice, disputes, law enforcement, international agreements, and criminal activity. In addition to ensuring adherence to environmental laws and regulations and the realisation of the constitutional principles on environmental protection, the Judiciary is keen to lead in providing regional and global space for learning, sharing ideas and best practices that will improve legal frameworks and jurisprudence on issues of climate change, enhance access to justice in related matters, and ultimately contribute to the global effort in addressing climate change.

Further, to ensure the reliability and sustainability, particularly of its ICT agenda, it is vital that the Judiciary takes appropriate measures and invests in reliable alternative power solutions (solar energy) for all court stations.

d. Economic Performance

The Judiciary's effectiveness is closely tied to the country's economic health. Economic shocks have the potential to reduce the proportion of resources available for implementing Judiciary programmes. The institution is improving its capacity to efficiently and transparently manage its resources as well as its capabilities for mobilising additional sources of funding and support. The Judiciary will be required to explore strategic collaborations and partnerships to optimise the use of scarce resources and, where feasible, ride on opportunities and initiatives among partner institutions. The Judiciary also realises its significant contribution to fostering an environment that is conducive to economic growth, innovation, and overall prosperity.

e. Global Pandemic

The Covid-19 pandemic has had a significant impact on the Judiciary in Kenya, as it has in many other countries around the world. In response to the pandemic, the Kenyan Judiciary, like many others, had to adapt to virtual or remote hearings. The pandemic disproportionately affected vulnerable populations, leading to an increased demand for legal aid, particularly as people sought assistance with issues related to job loss, eviction, and other pandemic-related legal matters.

Building a resilient Judiciary during a pandemic or other crises is crucial to ensuring that the justice system can continue functioning effectively and providing access to justice. This will be achieved through a combination of technological readiness, planning, clear communication, and adaptability. It is essential to continually assess and adjust strategies based on the evolving situation and lessons learned from each crisis.

f. Legal Environment

The legal environment in Kenya is dynamic and evolving, and the Judiciary is at the forefront of these developments as well as a subject of them. It is imperative that judges and judicial officers are aware of and tooled with the capacity to address new and emerging legal issues and challenges such as those related to technology, data privacy, cybercrime, environmental protection, and climate change. In addition to training and knowledge exchanges, the institution must take a multi-disciplinary, discursive and collaborative approach framed by people-centred justice considerations and socially transformative outcomes that are specifically focused on societal impacts. This extends to collaborations with a variety of actors, especially learning institutions, and a deliberate focus on the co-production of innovations and solutions with all actors, institutional and non-institutional.

g. Technological Landscape

In recent years, the Judiciary has actively integrated technology into its operations in an effort to increase efficiency, accessibility, and transparency. Under STAJ, it will adopt people-centred justice technology that focuses on making legal and judicial processes more accessible, efficient, and user-friendly for people seeking justice, legal professionals, and other legal system stakeholders. The primary objective will be to ensure that technology is designed with end-users in mind, and that it is inclusive and accessible to all. However, challenges such as cybersecurity, digital literacy, and infrastructure development must be managed effectively to fully realise the benefits of technology in the Judiciary.

h. Transformation to People Centred Justice

After more than a decade of progressive reforms, transformation has strengthened the Judiciary, increased its human resource capabilities, enhanced its service delivery capacity, and enabled it to take the lead in fostering further social transformation. Taking into consideration the identified threats and challenges, the institution reaches out to collaborate in the co-production of justice with particular focus on socially transformative outcomes. In this context, it is imperative that the institution adopts and utilises a people-centred justice programming as the most appropriate approach in fostering access to justice and the wider social transformation towards a democratic society.

Chapter 3

People-Centred Justice

3.1 Introduction

How do the foundational access to justice principles under STAJ translate into specific, measurable and achievable interventions? The people-centred justice (PCJ) programming described in this chapter is the tool used to identify the activities or tasks that need to be completed in order to achieve the desired outcomes under the STAJ blueprint. People-centred justice programming is derived from the principles of social transformation as contained in the STAJ vision. It builds on and moves beyond conventional people-centred justice approaches around rule of law by drawing attention to the particular histories, contexts, identities and journeys of justice seekers in Kenya.

The PCJ programming methodology focuses on impact and outcomes rather than activities and interventions. It is a formula through which the Judiciary and other justice actors will ensure that all activities and interventions are geared towards socially transformative outcomes. People-centred justice programming under STAJ ensures that interventions are tailored to the unique contexts of justice needs, capacities and capabilities in Kenya, and that they respond to this evolving and dynamic justice context, and also have the ability to change and adapt to it.

3.2 People-Centred Justice Programming

People-centred justice programming is anchored on a proper understanding of justice capabilities, needs and experiences of people, communities and justice actors. It is data-driven, evidence-based, innovation-focused and seeks to create an enabling regulatory environment that allows continuous improvement in the administration of justice. It builds on a rule-of-law approach that relies on the perspectives, needs, strengths, and expectations of the justice user to improve the quality of justice and reduce barriers to service delivery.

People-centred justice programming under STAJ is aligned to the wider global people-centred justice movement focused on expanding access to justice, which emanates from the aspirations contained in Sustainable Development Goal 16 of the 2030 Agenda: To promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. SDG 16 asserts that there can be no sustainable development without peaceful and inclusive societies governed by just and accountable institutions.

As enunciated in the Hague Declaration, people-centred justice approaches are framed by a number of core commitments:

- To put people and their legal needs at the centre of justice systems.
- To work to solve justice problems.
- To improve justice journeys.
- To use justice for prevention and to promote reconciliation.
- To empower people to access services and opportunities.

Over the past decade, particularly, there has been increasing recognition that traditional justice system institutions and processes might not always be appropriately structured and focused to provide access to justice from peoples' views and experience. The Organisation for Economic Cooperation and Development (OECD) has been at the forefront in championing the shift towards a people-centred perspective of justice by comprehensively exploring the links between inclusive growth and the justice agenda.

Through understanding the links between access to justice, inclusive growth and peoples' well-being, as well as identifying and measuring legal and justice needs, and mapping legal and justice needs, OECD developed a four-stage framework for ensuring that justice pathways and services are responsive to the needs of people. Each stage addresses a key question:

- Who experiences legal needs and what legal needs do they have?
- Where and when are these needs experienced?
- What works to meet these needs most effectively?
- How should these services be delivered and evaluated?

Aligned with these stages, the OECD further synthesised seven people-centred design criteria, including:

- accessibility,
- availability,
- prevention, proactivity and timeliness,
- appropriateness and responsiveness,
- empowerment,
- equality and inclusion,
- outcome-focus and fairness.

The people-centred justice derivatives under the STAJ Blueprint borrow significantly from the pioneering OECD work on linking equal access to justice and inclusive growth by putting people at the centre. Assimilating insights from the range of PCJ perspectives and, most importantly, contextualising people-centred justice, the derivatives under this blueprint takes into account the OECD elements and yet go beyond them.

3.3 People-Centred Justice Approach

People-centred justice programming under STAJ localises and contextualises the conventional people-centred justice approach. It recognises that justice contexts are constantly evolving, thus requiring approaches that are adaptive and responsive to changing demands and opportunities.

PCJ programming is grounded within Kenya's constitutional and statutory framework, the institutional context of the Judiciary, and other structures and capacities across the justice system. They are also grounded in the lived realities of Kenyans – including the institutional, social, economic, environmental and cultural contexts of justice-seeking and provision in Kenya. PCJ programming requires a reflexive understanding of the justice journeys, contexts, needs and capacities of the Judiciary, other justice actors, institutional and non-institutional, as well as Kenyans as individuals and as communities.

While necessarily focused on Judiciary strategies, the people-centred justice approach recognises and is committed to a whole-justice-system/whole-of-society approach. It will support, promote and enable transformations among individuals and communities, government and non-government, to collaborate and partner in guiding decisions about present and future justice.

PCJ programming expands the idea of justice beyond that of a judicial transaction. It prioritises the direct connection between positive, transformative development of societies (individuals and communities) on the one hand, and the administration and provision of justice on the other. Further, it conceptualises the meaning of 'individual' and 'community' holistically to include their relationships as well as their physical, spiritual, spatial and social ecosystem.

People-centred justice programming is guided by the ethos that have since time immemorial grounded interactions among the peoples and communities of Kenya, especially those of unity, compassion, discipline, community, and dignity. That ethos is reinforced in the constitutional principles and provisions, particularly the imperatives on access to justice and judicial

authority. In locating justice in the 'social', this approach seeks to ensure that practices of justice remain at the threshold, within the tension between experiences and expectations. Justice is thus contingent upon, and analogous with, development and improvement in the social condition. The STAJ Blueprint is not a prescriptive statement of inputs, activities and goals; it is a dynamic and principled technique that ensures that Judiciary activities and interventions are evolving, transforming and strengthening while always focused on people's justice journeys and the resolution of their justice problems.

3.4 People-Centred Justice Derivatives

People-centred justice programming in this blueprint is framed by five derivatives, distilled from the constitutional imperatives on access to justice as conceptualised in the STAJ vision, the justice context in Kenya, and the people-centred justice approaches outlined earlier. The derivatives are used to ensure that the design of Judiciary interventions and activities are people-centred and to assess their impact and achievement. The six derivatives are:

1. Agency and justice capabilities
2. Human dignity (Utu)
3. Generating reliable data
4. Evidence informed practices
5. Curating innovative justice approaches
6. Emboldened justice champions.

THE PCJ ECOSYSTEM

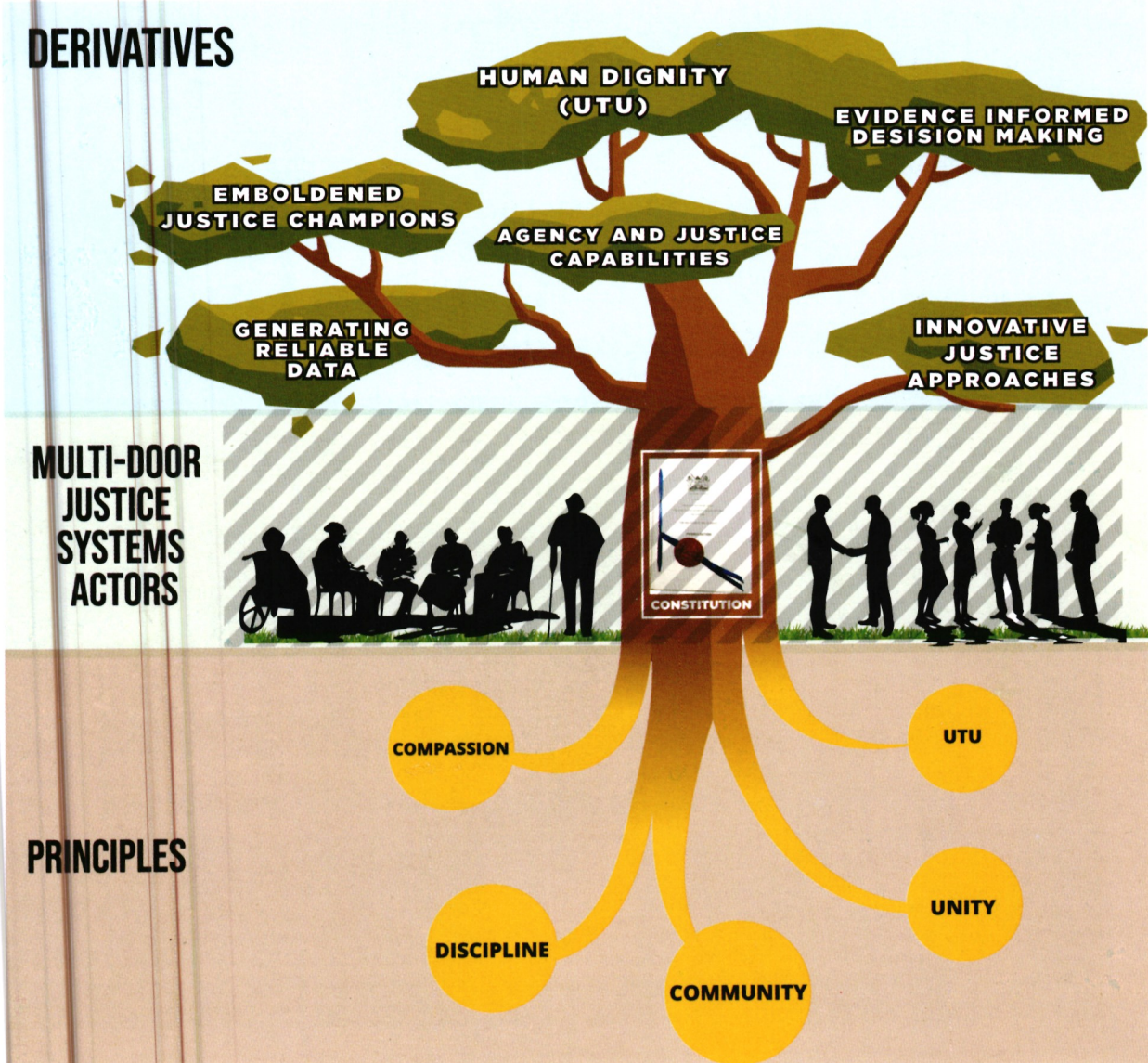


Figure 3.1: People-centred justice derivatives

3.4.1 Agency and Justice Capabilities

STAJ emphasises that people and their communities are agents for their own justice without invalidating the role of the state in guaranteeing access to justice. Accentuating the essence of Articles 1 and 159 of the Constitution, STAJ advances the idea that justice belongs to all of us and cuts across all our lives. The Judiciary is, therefore, not the sole repository of justice that all those seeking justice must approach. Individuals and communities across Kenya are effective justice actors and providers, and the Judiciary is but one among many institutional justice providers.

Appreciating this complex and dynamic justice ecosystem requires a reorientation on the role of the Judiciary to that of a justice enabler, promoter, connector and provider. Activities and interventions must focus on building justice capabilities not just within the Judiciary, but across the spectrum of institutional and non-institutional justice actors, within and outside the formal justice system, thus ensuring that all become champions for justice.

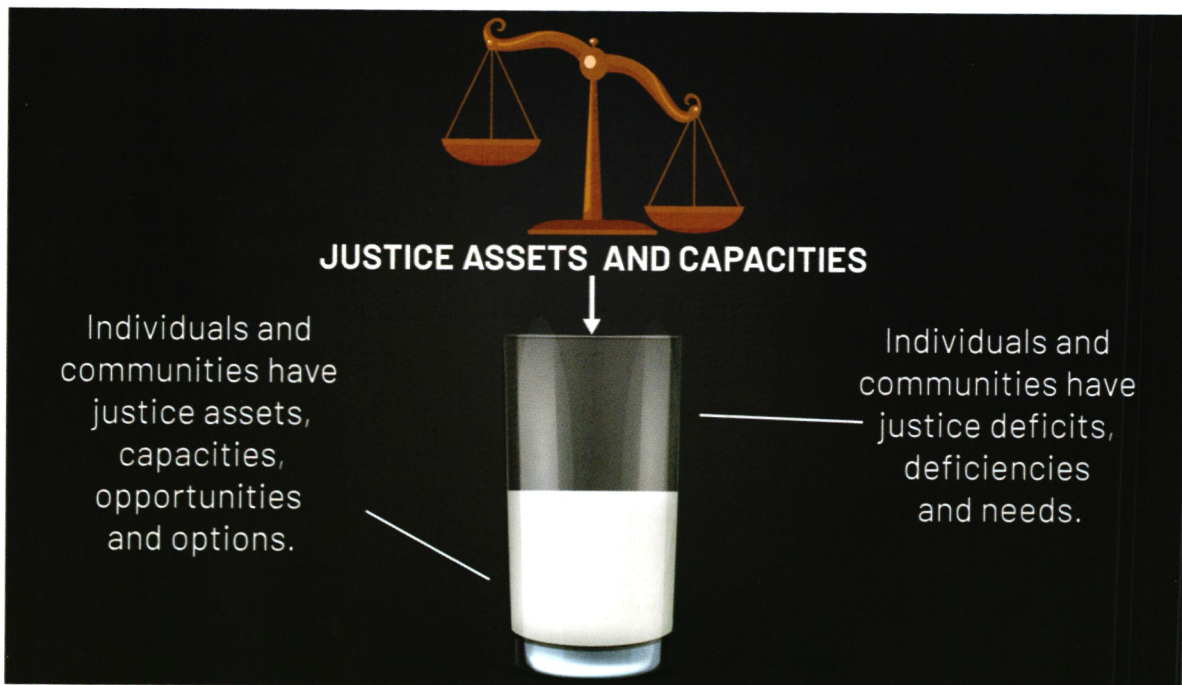


Figure 3.2: Justice assets and capabilities.

3.4.2 Human Dignity (Utu)

PCJ programming emphasises the connection between social transformation and justice. Social transformation bears the intrinsic understanding of individuals and communities through the concept of dignity expressed in Kiswahili as *Utu*. A key indicator of this approach is to ensure that a critical outcome of all justice interventions is the enhancement of the human dignity of individuals and communities.

When justice is understood and practised as an enabler for social transformation, the justice actors get to:

- understand the origins, processes, and outcomes of institutional and societal transformations;
- analyse the justice question(s) and their impact on people's lives;
- appropriate and utilise a framework and viewpoint for placing people at the centre in analysing transformations;
- develop a critical perspective for understanding the current social order and alternative visions for social change.

Activities and interventions under people-centred justice programming are designed towards preserving and advancing *utu* (human dignity), while acutely cognisant of the multiple mutually constituting and mutually dependent conditions through which such dignity is manifest (i.e., individual, communal, social, political, environmental, economic, and cultural).

3.4.3 Generating Reliable Data

Generating Reliable Data Programming for people-centred justice shifts the focus of data collection and management towards people. Specifically, it focuses on the impact of justice interventions and activities on the lived realities of Kenya's people and communities - on social transformation. Data generation will focus on people. We will use data and evidence-informed practices to understand justice needs, effectiveness and impact of interventions, as well as the capacities and capabilities of people and communities as justice actors. Data collection will be linked purposefully with social transformation indicators and the interventions more closely monitored along those lines.

There is also a need to develop tools that continuously assess and deepen understanding of what strategies 'work' to meet diverse legal and justice needs as well as improve justice capabilities in an affordable and sustainable way. This involves identifying available evidence of what works and establishing evaluative processes to address any evidence gaps. Focus is thus on investigating 'what works' and sustainably scaling practices based on verifiable evidence from social transformation indicators.

Taking a whole-of-society/whole-of-justice-system approach, the Judiciary needs to continue to improve its data processes while placing particular emphasis on multi-disciplinary and multi-sector coordination and integration. The objective is to develop an interoperable

justice data ecosystem that mirrors the range of social transformation factors. Additionally, people-centred programming recognises that achieving the objectives of the STAJ Blueprint depends on ensuring that people-centred justice indicators and factors are considered in the collection and analysis of data utilised to craft strategies at national and county government levels. Justice provision must be a key element and consideration within all governmental strategies.

3.4.4 Evidence-informed Practices

The STAJ Blueprint reorients the focus in identifying what works from the traditional, institution-focused metrics to a contextualised, people-centred system of measurement trained on people's justice problems and needs. The focus is thus on justice outcomes, and on developing as well as promoting justice services that result in more wholesome justice journeys for Kenyans. Evidence of 'what works' is assessed through measures that link justice provision and social transformation to cohesiveness and prosperity. The evidence of effective interventions or areas with potential for substantive impact have to be integrated into all levels of policy and decision making in the institution.

Evidence-based practice will be integrated across all judicial and administrative leadership structures in the Judiciary with a view to embedding a people-centred justice culture in the institution. Administrative and judicial leadership structures at the centre and at the station level should support systematic and regular planning for people-centred justice strategies, policy solutions and service delivery based on existing data and analysis. This will help to determine contextual priorities and objectives that respond to justice needs and facilitate the empowerment, agency and capability of individuals and communities.

3.4.5 Curating Innovative Justice Services

Innovative justice services are sustainable, scalable delivery models that can bring solutions to people for their most pressing justice needs. They are game-changing services that have a strong potential to facilitate resolution of a large amount of justice problems fairly, effectively and consistently. These innovative solutions can only be designed and implemented if the justice seeker remains at the centre of reform efforts, and is aware that innovative services will emerge as justice challenges, opportunities, capabilities and their contexts evolve. Effective innovations emerge from focusing on people's justice needs, and the outcomes they need in an open, interdisciplinary way.

Though the justice gap in Kenya is challenging, increased knowledge, improved understanding

as well as technological development have enabled unprecedented social entrepreneurship and provided unique, novel and dynamic insights into better ways to prevent and manage justice challenges while building social cohesion. People-centred justice programming under the STAJ Blueprint seeks to embrace the possibilities these opportunities present, at scales.

3.4.6 Emboldened Justice Champions

The theory and practice of justice in Kenya changed with the promulgation of the Constitution of Kenya 2010. The Judiciary, once viewed as a sole forum for access to justice, now champions the understanding that justice should not be contained within the rigid perimeters of courtrooms.

STAJ advances the judicial approach in practice since 2010. It creates a platform for justice actors to collaborate with the Judiciary, and for those who are vulnerable and marginalised to 'gain their voice'. It is the understanding that in giving voice and space for justice with the justice seekers, the Judiciary will expand access and deepen the culture of justice in Kenya. This agency-based approach to STAJ is consistent with the resolve to create multiple pathways to justice, as well as shared leadership in the Judiciary.

3.5 Conclusion

The six people-centred justice derivatives assist justice actors and implementing units within the Judiciary to design policies, interventions, activities and services that achieve the people-centred justice outcomes under STAJ. They provide the criteria for the design, implementation and evaluation of justice interventions primarily by focusing on the socially transformative outcomes of activities and interventions. It is a shift from the traditional prominence placed on process by justice system actors to a people-centred emphasis on outcomes.

Chapter 4

STAJ Outcomes

4.1 Introduction

The STAJ Blueprint calls for a paradigm shift in how the Judiciary plans, finances, adjudicates, and manages its mandate of ensuring access to justice for all Kenyans. This chapter outlines the five transformative commitments that will drive STAJ, as well as elements of effective implementation. In commitment and implementation, STAJ commences by anchoring a strong Judiciary as the bulwark for social transformation. Consistent with the people-centred methodology, this chapter foregrounds the proposed interventions on reliable data, evidence informed practices that steer game-changing innovations in judicial philosophy and practice.

The means of implementing STAJ is people-centric, making it collaborative with cross-cutting principles such as inclusion, innovation and plurality of justice forums. Even then, this collaborative approach is guided by the constitutional call for social transformation as well as values that require and promote integrity. This blueprint envisages public engagement in all phases as well as a relationship of accountability within the Judiciary, and between the Judiciary and other stakeholders. The blueprint will be achieved through five outcomes.

4.2 Outcome 1: A Strong Institution that is Independent, Accessible, Efficient and Protects the Rights of All, Especially the Vulnerable

The Judiciary, within its multiple roles in the quest to enhance access to justice, will continue to affirm its place as an independent institution which aggrieved parties can approach in pursuing justice. The Judiciary will also reach out and collaborate with other non-state justice mechanisms in order to widen access to justice. The Judiciary will look inward to position itself as a strong institution that performs multiple roles, including adjudication and connecting the various justice champions.

Establishing and sustaining a strong Judiciary for the purpose of accelerating and safeguarding access to justice for all, especially the vulnerable, will be pursued through eight (8) strategic objectives, as outlined in Figure 4.1:



Figure 4.1: Strategic objectives & priority areas in Outcome 1

4.2.1 Strategic Objective 1: Improve Access to Court Services

Litigants face a number of challenges in their efforts to access justice. Some of these challenges include the geographical distance to courts, inadequate court infrastructure and lack of specialised courts targeting the justice needs of the vulnerable and marginalised.

People-centred justice recognises that access to justice is not limited to access to courts. Access to justice is the ability of citizens to seek and obtain effective remedies through formal and informal institutions of justice. Access to justice is thus broader than transactional relations, which have had providers on one side and justice seekers on the other.

The implication of this understanding is that justice is a process, practice and outcome in public life, just as it ought to be in private life. In order to offer access to justice that is meaningful and in a manner that is empowering to all people, the Judiciary will strengthen people's ability to understand and enforce their rights. Indeed, it is now well agreed that whereas the Judiciary remains the premier institution for dispensation of justice, this role is shared with many other actors, all of whom must undertake their interventions within the provisions of the Constitution.

In order to improve access to justice and achieve this strategic objective, the Judiciary will pursue the following;

a. Proximity to Courts

Establishment of courts: The Judiciary will continue to establish courts in areas of need. Specifically, High courts and courts of equal status will be established in every county, while Magistrates' Courts will be established in each sub-county alongside the expansion of the Kadhis' courts.

Deployment of modular and mobile digital-ready courts in all counties: These courts will be designed to facilitate mobility for officers and stationary deployment for the installation of computers, virtual screens, transcription desks, and virtual service points, among others. A minimal number of personnel from the supervising station will be deployed to manage the court. All court services will be available at the unit, with scheduled sessions per division, location, and sub-location, all the way to the villages.

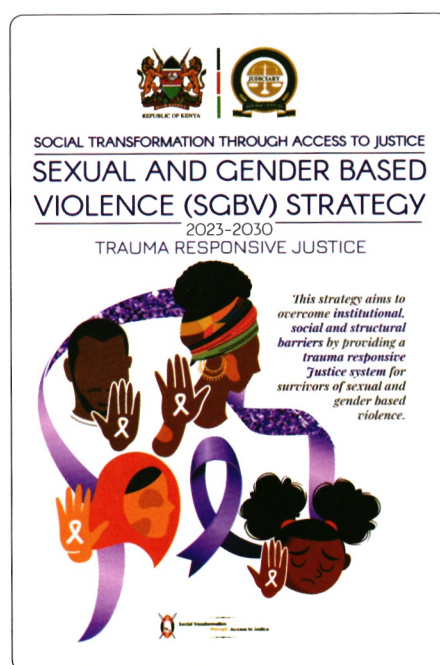
One-stop shops: The Judiciary will leverage the government's Huduma Centres and shared infrastructure, e.g., government fibre connections, to integrate and expand Judiciary services across the country.

Construction of buildings: Priority projects will include the Supreme Court Building, the Court of Appeal Complex in Nairobi, the Kenya Judiciary Academy, the Tribunals' Plaza to house the shared service centre, and acquisition of the Judiciary Administration Centre.

b. Specialised Courts

The Judiciary will operationalise the following specialised courts with a focus on vulnerable and marginalised members of the society to ensure all justice needs are met:

- **Trauma-responsive Sexual and Gender-Based Violence (SGBV) Courts** to ensure that victims/survivors of SGBV are not re-traumatised in the course of their justice journeys. This will entail designing and rolling out SGBV courts that guarantee that victims/survivors are accorded the dignity, care, and concern that they deserve during their pursuit of justice. It will also include training and capacity building for the judicial officers and staff handling SGBV cases on trauma-informed practices.



- **Child-Friendly Courts** to ensure that the rights, dignity, and well-being of children are safeguarded throughout the legal process. Due to their vulnerability and developmental stage, children require child-friendly treatment in the justice system.
- **Small Claims Courts** characterised by simple procedures, cost-effectiveness, and speedy resolution of disputes, thereby enhancing access to and expeditious delivery of justice in civil and commercial disputes whose value does not exceed KSh1 million.
- **Court of Petty Sessions** in major urban areas to hear and determine all minor criminal offences. This will work towards easing congestion in the criminal justice sector.
- **Instant Traffic Fines Courts** to ensure that cases involving minor traffic offences are resolved instantaneously.
- **24-Hour Duty Courts** to provide access to justice and address urgent legal matters at any time of day or night. This will be particularly important for certain types of cases or situations that require immediate attention including in admiralty matters, bail hearings, and applications for temporary restraining orders.

c. Inclusive Court Infrastructure

Multi-use of Court Facilities: The Judiciary will create multi-use court facilities, including physical space and rooms that will be accessible to other justice actors. These include tribunal suites, Alternative Justice System (AJS) *Ukumbi* suites, mediation suites, and registries, which will be established in every High Court building.

PWD-friendly Courts: The people-centred justice approach in the STAJ Blueprint endeavours to ensure compliance with the mantra 'leaving no one behind'. Each court facility will be accessible to a wheelchair user; the courtrooms will also be fitted with auditory amplification devices, equipped with Braille and translation facilities, and have clear signage. For new buildings, the accessible entrance(s) will be the main one(s) intended for use by the general public. In the restrooms within the courts, at least one unisex compartment should be accessible to a wheelchair user.

d. Streamline Court Procedures and Registry Operations

The Judiciary will prioritise the comprehensive review and streamlining of its procedures and registry operations to facilitate their optimisation and simplification of all court processes including translating the main rules of procedure into Kiswahili. This is in line with the aim of improving the court process and making it accessible, more efficient and cost-effective.

e. Court Rules, Procedures and Administrative Processes

The Judiciary will seek ISO certification with the aim of streamlining court and administrative processes. This will entail the following:

Standardise Court rules and procedures: The Judiciary will review the existing court procedures and rules to simplify and standardise them at all levels so that litigants can understand and effectively participate in court processes. Implementing these measures will ensure openness and availability of services to all who seek them and thus remove barriers to access to justice. Costs will also be reviewed and streamlined to ensure that they do not impede access to justice.

Harmonise Registry Operation Manuals: This will focus on harmonising registry manual provisions to have one standardised operating procedure for registry operations across all court levels. Every court and tribunal will be required to be a centre of excellence in the delivery of justice.

4.2.2 Strategic Objective 2: Adopt and Deploy Versatile Technology

Technology has redefined the way we connect, communicate, and transact business, and it is imperative that the judicial system evolves in tandem with the digital age, breaking barriers and ensuring that justice is not only equitable but also easily accessible to all. By leveraging technology, the Judiciary aspires to create a more inclusive and responsive legal framework that caters to the diverse needs and aspirations of citizens, reaffirming the institution's commitment to the principles of justice, fairness, and the betterment of society as a whole.

The Judiciary will spearhead a visionary strategy to harness the power of technology in promoting access to justice and efficiency in service delivery. The use of technology will be user-centric and rights-based in order to mitigate against the risk of digital exclusion. The Judiciary will implement the following programmes to realise this goal:

a. Integrated Case Management System

Adoption of technology in court services: The full potential of the Judiciary's online court services has not been realised, hence the need to ensure services such as case registration, publishing digital case registers, date issuance, case allocation, court orders, payments, proceedings, rulings, judgments, orders extraction, and case tracking, among other services, are expanded to cover all parts of the country. No service will require the litigant to physically

access the registry or contact the court for it to be provided. The Case Tracking System will be enhanced to fully automate all the steps and procedures for case management. A clear roadmap for tracking all the steps to be automated will be followed to ensure all services are available online and no manual process will be in use at any court.

Case management system: This will deliver the full automation that will require the business process re-engineering of the procedures, digital signatures and cryptography technology, public key infrastructure, machine learning for case and date allocation algorithms, and enhancing the system with artificial intelligence technology. User rights, roles and responsibilities will be clearly defined and time taken to process a service by all users tracked to enhance accountability and transparency.

Electronic filing platform: This will be reviewed and re-engineered to improve and simplify access to court services. The platform will be enhanced to be interoperable with all relevant institutions to ensure easy exchange of information and data across the autonomous systems. Through the Technology Assistance System, litigants will be facilitated in filing all cases, tracking dates, tracking case activities, and accessing virtual courts.

b. Securing Judiciary Cyber Space

Judiciary systems are guardians of sensitive data for individuals and organisations. Court records are crucial to the functioning of our society. As the cyber security industry is constantly adapting to manage cybercriminals' evolving Tactics, Techniques, and Procedures (TTPs), so are the skills needed to secure the Judiciary network and infrastructure. An Integrated Security Management Information System (ISMIS) will be developed and deployed to secure all access levels for a single sign-on digital access for the entire Judiciary cyberspace.

c. Digitisation of Registries

The Judiciary will digitise court records to reduce the time taken to file and process a case, as well as increase transparency. This will also lead to repurposing of all registries into electronic formats with no manual files (e-registry) and designating them as digital court service hubs to serve litigants online by filing cases, perusing digital files, making online payments, and downloading digital proceedings.

d. Transcription Services

It is paramount that a clear structure to facilitate recording and transcription be established and operationalised across the country to ensure that all courts have timely proceedings.

The model for the transcription service will be a partnership to outsource services for transcription, with a validation/quality assurance stage by the Judiciary transcription unit to ensure the accuracy of proceedings. The model will also utilise technology to develop automated transcription services to be built using machine learning and artificial intelligence to build the Kenyan dialect for the purpose of improving the automated transcripts for the nation. The Judiciary will establish the National Transcription Centre as a priority project to actualise this strategy.

e. Automation of Administrative Services

The Judiciary corporate support services, including financial, human resource, supply chain management, and all other administrative services will be automated to strengthen administration.

f. Digital Tools and Infrastructure

The enhancement of internet connectivity and court station ICT infrastructure expansion will focus on equipping the courts to establish digital justice hubs to facilitate access to digital court services. These services will be provided at any court station to ensure that all case information is available online and that litigants can be served regardless of the location or geographical jurisdiction of the court. Specifically, the diverse approaches and tools employed here will be an effective guide for the Judiciary to continuously improve its service delivery.

4.2.3 Strategic Objective 3: Expand the Doorways of Justice

According to the Justice Needs and Satisfaction Survey, 2017, a majority of Kenyans seek justice through avenues outside the court. Recognising the premier role assigned to diversities in Article 159(2)(c) of the Constitution and respecting the choices on avenues for seeking justice by the people from whom judicial authority is derived, the STAJ strategy is a roadmap for delivering on multiple doorways of justice.

a. Multiple Door Approach Programmes

In this strategy, the Judiciary will promote and mainstream the use of Alternative Justice Systems (AJS), Court Annexed Mediation, Private Settlement Agreements, and Arbitration among other programmes. The Judiciary will cooperate and collaborate with the community voices through the community justice centres to expand access to justice, provide legal information and assistance, conduct public outreach and awareness activities, and help to identify legal issues and mobilise community resources to resolve them.

The Judiciary will establish Mediation Registries for purposes of registration and adoption of decisions from Court Annexed Mediation and Private Settlement Agreements. An assessment of AJS infrastructural needs such as registries, suites and caucus rooms will be conducted to inform policy.

The Judiciary will establish a Multi-Door Approach Coordination Framework at the national and court station level, bringing together Justice players who will drive the multi-door approach co-ordinating structure consisting of the NCAJ actors, the Judiciary, the private sector, other government agencies, and community actors. The priority areas will include critical resource allocation and mobilisation, policy formulation, communication and information management systems, data and evidence-informed initiatives, and shared services in order to support the work of the multi-door avenues for justice.

b. *Online E-commerce Dispute Resolution*

The expansion of e-commerce transactions in Kenya has created the need to maximise access to justice by developing fast and fair ways to resolve problems that arise from online transactions without having transaction partners meeting in person. Therefore, a mechanism for dispute resolution within the online sphere will be developed and implemented to expand access to justice for e-commerce disputes.

4.2.4 Strategic Objective 4: Enhance Access to Legal Information

Access to justice is intertwined with awareness and public education. While legal information is available in case law, legislation, doctrine, and other documentary sources, it has become evident that the technical nature of that information makes it inaccessible to the general public. Further, access to justice is hampered by low levels of awareness, as well as limited and unavailable legal information. The following strategies will be implemented to enhance access to legal information.

a. *Provision of Legal Aid Services*

In appreciation of the reality that vulnerable and marginalised persons cannot access justice without access to legal aid, the Judiciary will work to enhance awareness and accessibility of legal aid services. The Judiciary will collaborate with the National Legal Aid Services, paralegals, and other legal aid providers to enhance the availability of legal aid to persons who cannot access justice because of their socio-economic circumstances.

b. Justice Innovation and Solutions

The Judiciary will work to democratise legal information that helps citizens to access legal resources and knowledge on court processes. This will integrate innovative technological solutions, including deploying an online portal where citizens can access legal information, resources and assistance. The online portal will include chat bots and Artificial Intelligence-driven assistants to guide users in real time, answering questions and providing directions on court processes.

c. Registry and Court Practices that Support the Marginalised and Vulnerable

The Judiciary will refine and integrate registry and court practices that provide tailored resources in local languages, Braille for the visually impaired, and sign language interpreters for the hearing impaired as part of efforts to ensure that the judicial system is inclusive and empathetic. This also includes establishing dedicated counters and help lines in the registries to ensure that the marginalised and vulnerable receive timely and appropriate assistance.

d. Game-changing Legal Information Toolkit

The Judiciary will develop and disseminate user-friendly information toolkits that empower individuals with the knowledge they need to understand and navigate the court and justice system effectively. The Judiciary will develop a comprehensive pro se litigants guide and produce information toolkits in various formats, including printed materials, web pages, digital e-guides, and audio and video recordings that offer information on court processes to demystify the complexity of legal processes in disputes such as land disputes, family law matters, and criminal proceedings.

e. Knowledge Management

Judges, judicial officers and staff members have interacted with enormous amounts of information owing to their role in adjudication and the administration of justice. The systematisation of this information through a robust process of knowledge management has the potential to synthesise and record the great lessons from the Judiciary. Such recording can yield immense resources that aid public education.

The Judiciary will develop a knowledge management strategy, conduct an inventory of all existing knowledge assets within the Judiciary, including case law databases, a compendium of all practice directions, legal research, precedents, and expertise held by staff, and establish dedicated platforms for knowledge sharing and collaboration such as intranet portals, discussion forums, and document repositories.

4.2.5 Strategic Objective 5: Champion Criminal, Civil and Commercial Justice Reforms

The Judiciary will champion deepening reform initiatives geared towards establishing a justice system that is timely, efficient and responsive to the needs of the people and court users. This will involve streamlining the criminal justice process and deepening civil and commercial justice reforms. These reform initiatives will be pursued in collaboration with other actors and agencies in the justice sector under the auspices of the National Council on the Administration of Justice.

a. Streamline Criminal Justice Process

Despite past reforms in the criminal justice system, levels of access to justice remain relatively low for the marginalised and vulnerable. This is indicated by the huge criminal case backlog, frequent adjournments, and delays in criminal trials, with suspects being held in remand for prolonged periods. The Judiciary will collaborate with other actors and agencies within the National Council on the Administration of Justice to champion comprehensive reforms aimed at streamlining criminal justice laws and procedures to ensure the efficient, just and rights-based processing of criminal cases.

Enforce active case management policies and procedures: Timelines are critical in ensuring efficiency within the judicial system. Recognising that prolonged delays in delivering justice can erode public faith and have significant societal implications, the Judiciary will work towards the review and enforcement of active case management policies and procedures with a view to ensuring the timely resolution of criminal disputes.

Interoperable manual and digital integrated case management system: The Judiciary will pursue the adoption of an interoperable manual and digital integrated criminal case management system as a comprehensive approach to resolving all the criminal court inefficiencies. Systems will be built, in collaboration with other criminal justice actors, within an agreed framework for information management to promote compliance with data exchange and sharing principles. The digital platform will facilitate efficient management and processing of criminal cases through the various stages in the justice chain. This system will streamline data sharing, communication, and collaboration among different entities involved in the criminal justice process, such as the National Police Service, Office of the Director of Public Prosecutions, and the Kenya Prisons Service.

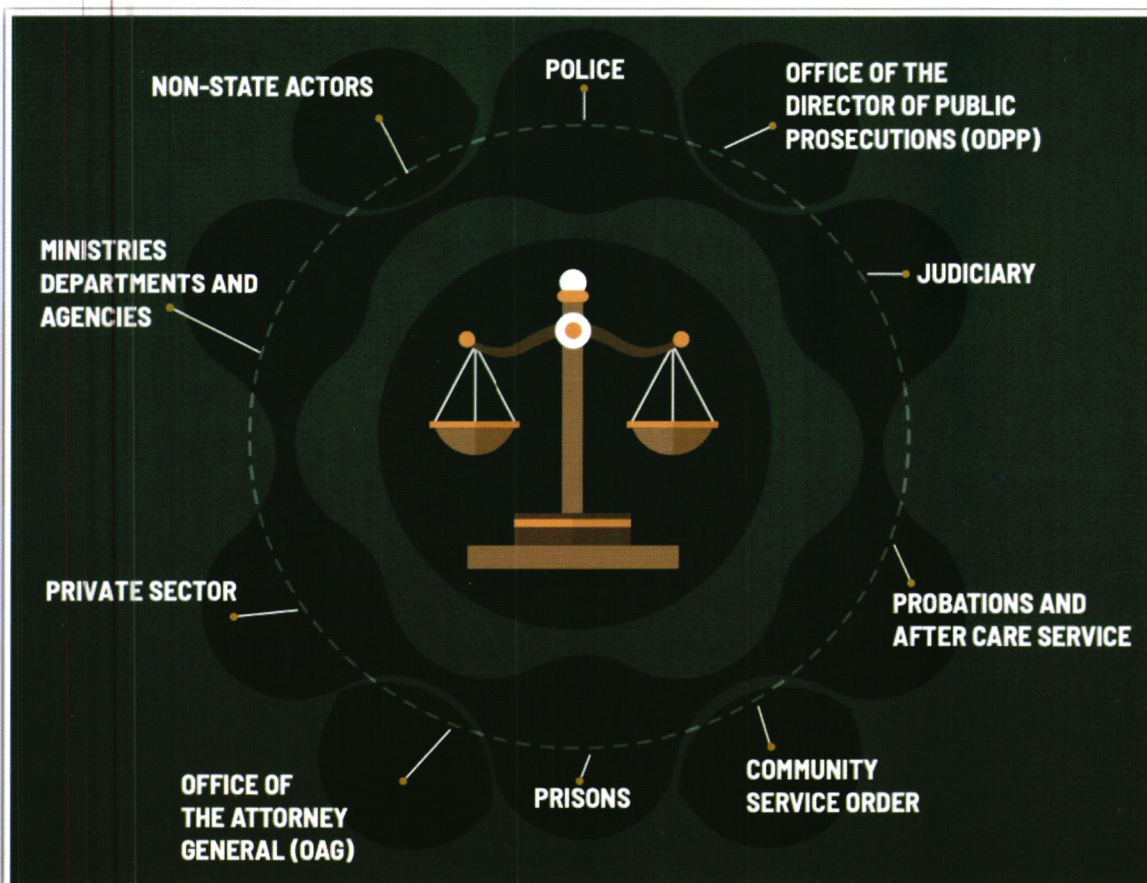


Figure 4.2: Kenya justice sector actors

Streamline criminal appeals process: The criminal appeals process has historically faced challenges owing to delays in the preparation of records from trial courts. It is essential for the Judiciary to address the bottlenecks in this process in order to have an efficient, effective and timely criminal justice system. The Judiciary will pursue targeted programmes to improve the appeals process. This will include, but is not limited to, streamlining the process of preparing and uploading records of appeal to the e-filing platform to expedite the hearing of appeals.

Enhance efficiency of the court-prison transfer process: The Judiciary will revamp and enhance the efficiency of the court-prison transfer process in order to ensure a humane and rights-based approach to handling prisoners when they are within the courts, and provide special care and consideration for children who are in conflict with the law. This will involve negotiating, developing and implementing a Standard Operating Procedure that underwrites the dignity and rights of individuals during court -prison transfers.

Integrate a rights-centric approach in the management of accused persons with intellectual and psycho-social disabilities: The Judiciary will integrate a rights-centric approach in the management of accused persons, with a specific focus on ensuring persons with intellectual

and psycho-social disabilities receive humane and just treatment throughout the court process. A Standard Operating Procedure will be negotiated, developed and implemented in collaboration with mental health institutions to streamline and put in place an efficient system for processing mental assessments for accused persons in a manner that respects the rights and dignity of persons with intellectual and psycho-social disabilities.

b. Civil Justice Reforms

Navigating civil courts, as they currently operate, can be daunting. Litigants confront a maze-like process that is costly and time consuming. The Judiciary will pursue initiatives geared towards enhancing the efficiency, timeliness, simplicity, affordability and responsiveness of civil justice processes to deal with these problems.

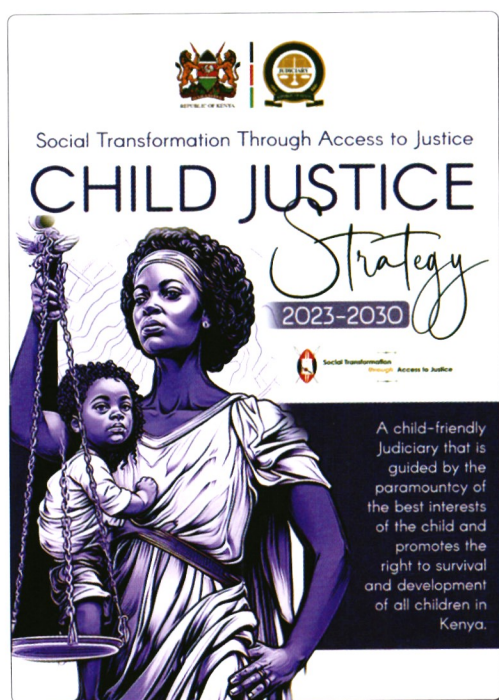
Streamlining case processes: Reforms to the civil justice system will include: review, simplification, and harmonisation of the rules, procedures and practice directions for civil litigation; streamlining the civil case trial processes with a view to enabling greater judicial control and management of litigation; and, promoting the use of Arbitration, Mediation, and AJS in the resolution of civil disputes.

Family justice reforms: The family justice system deals with disputes over the failure of families, parenting, and relationships, therefore having a significant bearing on social harmony in families and communities. The Judiciary will champion reforms of the family dispute landscape in order to address complicated procedures and other bottlenecks that hinder the effective functioning of the family justice system. These reforms will include review, simplification, and harmonisation of the procedures, rules and practice directions applicable in family law cases especially in probate and succession matters; and promoting the uptake of Mediation and AJS in family disputes.

Child justice reforms: From inception, Kenya's judicial system was never designed to be child friendly but has merely undergone piecemeal changes over the years in a bid to accommodate children. The Judiciary will implement measures geared towards putting in place a child-friendly judicial system that is guided by the paramountcy of the best interest of the child to give effect to the Children Act, 2022 and in line with the STAJ Child Justice Strategy.

In this regard, the Judiciary will pursue: the establishment of tailor-made trauma-informed specialised Children's Courts; protection of the rights of children in conflict with the law including by scaling up diversion of children away from the formal justice system, emphasising

on rehabilitation of children in conflict with the law and prioritising reintegration of children into society, child victims and witnesses and children in need of care and protection. The Judiciary will have special recognition of children who accompany their mothers or primary caregivers to prison with the aim of enhancing their identification and protection; and position itself as a champion on access to justice for children including through conducting continuous training for judicial officers and Judiciary staff on the Children Act; as well as putting in place a Juvenile Justice Management System and the Child Protection Information Management System to enhance the harmonisation and interoperability of data on children services.



c. Commercial Justice Reforms

An efficient commercial justice system is essential for securing a thriving business climate in the country and attracting investments. The inability of businesses to uphold their property rights and enforce contracts creates legal uncertainty and leads to a stagnation of private investment, thereby hampering economic growth. Moreover, a judicial system that does not facilitate commerce adversely affects the vulnerable groups in the commercial sector, particularly the small-scale businessmen and women who cannot access legal services, the start-ups, and Micro, Small and Medium-sized Enterprises (MSMEs), among others.

To foster a better business climate, the Judiciary will work towards enhancing the quality and efficiency of the commercial justice system to foster Kenya's business environment, competitiveness, ability to attract private investment, and create jobs.

The measures the Judiciary will pursue for the efficient and effective administration of commercial justice include: establishment of Small Claims Courts in all key commercial centres and border towns; championing the review of the Small Claims Court Act to streamline the process of appeals from the Small Claims Court to the High Court; standardisation, simplification, and harmonisation of procedures, rules and practice directions applicable in commercial disputes; decongestion of the Chief Magistrates' Commercial Court in Milimani by establishing Magistrates' Commercial Courts in all the sub-counties in Nairobi City; facilitate Arbitration, Private Settlement Agreements, Mediation, and Conciliation as avenues for commercial dispute resolution; as well as promote measures geared towards the automation and interoperability of systems linking courts and players in the commercial justice sector.

4.2.6 Strategic Objective 6: Entrench People-centred Data and Evidence-informed Justice Services

The Judiciary will harness the power of data and evidence to enhance the effectiveness of its services. This will support the realisation of the goal of establishing "courts and tribunals of excellence", which consistently meet the high standards of timely, and efficient delivery of justice. The Judiciary will strengthen performance management, enhance docket management systems, and scale up data governance to improve productivity.

a. Performance Management

The Judiciary's performance management tools will be reviewed to make them enablers for ensuring optimal efficiency in case management. This involves refining existing metrics to better resonate with the goals of efficient case management and a people-centred system of measurement focused on their justice problems and needs. By recalibrating institutional performance indicators, the Judiciary will align its work methodologies with the overarching objective of delivering timely and efficient justice, ensuring that the system remains responsive and relevant to the evolving demands of justice delivery.

Courts will work towards achieving the target of resolving disputes within three (3) years of filing at the trial court, and one (1) year on appeal, including through the enforcement of a 'no-adjudgment policy' and active case management. Periodic reports will be published to outline the reasons for adjournment of cases and mitigation measures developed to address emergent issues. In addition, all registry operations and administrative processes will comply with the timelines indicated in the service charters.

b. Docket Management System

The equitable allocation of cases to judges and magistrates is a significant practice in ensuring fair and efficient planning and scheduling. It is important to safeguard against overburdening individual judges and judicial officers. The docket management programme will be implemented using the “Mahakama Popote” model, which will provide for transparent case assignment policies, case complexity assessment, periodic case-type rotations, and regular case/workload reviews for allocation of cases with the aim of ensuring that matters are resolved expeditiously and thus prevent case backlog. For all of these to be objective, a case weighting system will be employed across courts to inform judges, judicial officers, staff distribution, budgeting and case allocation.

c. Data Governance

Performance data quality will be enhanced by reviewing and standardising data tools, automating the data management process, building capacity on the latest data management trends, and developing and implementing Caseload Data Policy Guidelines. Further, ownership of data accuracy will be enforced through definition of roles, responsibilities, and processes for managing data; creating and maintaining a comprehensive data dictionary and metadata repositories; conducting trainings on data accuracy; conducting periodic data audits and reviews to identify and rectify data discrepancies, inconsistencies, and inaccuracies; and fostering a culture of data ownership and accountability throughout the Judiciary. The Judiciary will establish a Data and Innovation Bureau to improve data, innovation, and evidence-based programmes.

4.2.7 Strategic Objective 7: Mainstream Green Justice

The world is facing several environmental challenges related to climate change. The Judiciary has a role to play in integrating environmental sustainability practices into its operations, procedures, and decisions through green justice. Green justice refers to the application of environmental considerations and sustainability principles in justice and legal reasoning and practices within the Judiciary.

The Judiciary will adopt both administrative and judicial actions to address the impact of climate change. Some of these actions will include adopting green building standards, enhancing digitisation to reduce the use of paper, adopting sustainable procurement practices, employing the “3R” concept of Reduce, Reuse and Recycle, continuously training judges, judicial officers and staff, engaging in community-based environmental initiatives such as tree planting drives, clean-up campaigns, and educational outreach programmes

to promote environmental awareness and community involvement, and establishing partnerships with environmental organisations and promoting green justice jurisprudence.

The greening of the court facilities will endeavour to influence the entire justice ecosystem towards green justice planning and social functioning. Further, the Judiciary will adopt the Environmental, Social and Governance (ESG) Framework to assess the institution's best practices and performance on various sustainability and ethical standards. The following programmes will be implemented to realise this objective:

a. *Green Standards in Construction and Renovations*

The Judiciary will adopt green building certification standards, such as leadership in energy and environmental design standards in its construction, to enhance sustainability. Additionally, court construction and maintenance will be undertaken in an environmentally friendly manner, using energy-efficient material, renewable energy sources, and water-saving technologies. These efforts will be geared towards reducing carbon emissions, mitigating climate change and demonstrating leadership in environmental sustainability.

The most significant infrastructural issue for the operation of court stations, particularly in remote regions, is a lack of consistent power supply. The Judiciary aims to use sustainable alternative power sources (for example, solar power) in all court buildings to boost the greening initiative, upgrade lighting systems to energy-efficient Light Emitting Diodes (LEDs) and ensure that appliances and electronic devices used in court facilities are energy star-rated.

Plans will prioritise incorporating spaces for relaxation, meditation, or physical activity to promote employee health and wellbeing and designing buildings with climate change impacts in mind to ensure the building can withstand extreme weather events. Additionally, improving indoor air quality, using low volatile organic compound materials for finishes, paints, and coatings to promote better air quality, promoting designs that minimise disruption to the natural landscape and maximise green spaces, and promoting biodiversity will be part and parcel of this strategy.

b. *Optimal Resource Usage*

The "3R" concept of Reduce, Reuse and Recycle is an important framework for promoting sustainability and responsible resource management. The Judiciary will enhance this concept by promoting paperless and digital processes and adopting procurement policies that prioritise the purchase of environmentally friendly and sustainable products and services, such as recycled paper, energy-efficient equipment, water conservation and eco-friendly

supplies. Re-use of office supplies, such as paper, binders, and stationery to extend their life cycle will be encouraged.

A comprehensive waste separation and recycling programme will be encouraged in courts. Equally, recycling of electronic waste (e-waste), continually planting trees and conducting awareness campaigns and training sessions for judges, staff, and stakeholders on environmental sustainability practices will be normalised. In order to prevent water and sanitation-associated diseases, all court stations will also implement measures to ensure the maintenance of sanitary conditions and healthy environments, including the disposal of wastewater and garbage.

Additionally, waste disposal facilities and services will form an integral part of the 3R concept. This endeavour will be carried out primarily by putting more effort into reducing waste at its source and promoting reuse and recycling. Waste disposal will be carried out in an eco-friendly manner but will be considered the last resort after the implementation of the first two Rs. The maintenance of hygienic conditions and healthy environment around Judiciary premises will form part of integrated waste management.

c. Green Justice Jurisprudence

The Judiciary will support green justice by making sure that its interpretations take into account climate change, support long-term growth, and treat everyone equally, especially vulnerable or disadvantaged people. The Judiciary through the Environment and Land Court (ELC) will enforce environmental standards by settling environmental disputes about pollution, habitat destruction, environmental degradation, and other environmental problems, while taking into account the rights of those who are impacted.

d. Greening Partnerships

Climate change issues are best managed when all interested parties participate at the appropriate level. At the national level, the Judiciary will spearhead a public awareness campaign on climate justice by making information readily accessible through community justice greening centres that will incubate innovation on green justice initiatives.



4.2.8 Strategic Objective 8: Promote Indigenous Social Justice Jurisprudence and Demosprudence

The Constitution expects that judges and judicial officers consider in their decisions, not just the legal context, but also socio-economic realities. This approach to adjudication will mould indigenous jurisprudence that acts as a catalyst for social justice. The multi-door approach to justice allows justice mechanisms outside the state-based institutions to equally produce legal and justice knowledge and ideas, which should be harnessed. The STAJ Blueprint builds on the proposal from the AJS policy to name the ideas from these non-state-based justice systems as Demosprudence. The jurisprudence from the courts and ideas from non-state-based justice systems will be harnessed towards fulfilling the constitutional promise of delivering justice that is not only fair and impartial but also transformative and emancipatory. The following strategies will be implemented to promote Indigenous social justice jurisprudence and Demosprudence:

a. Social Justice Jurisprudence

The value and principle of social justice is the golden thread that runs through the entire Constitution. Kenyans intended to create for themselves a caring, humane, egalitarian, and just state and society. The Constitution's emancipatory promise resonates with the communitarian ethos of Kenyan communities, in which the ethic of *utu* is revered and informs all decisions made by individuals and the community. The broad strokes of some of the elements of the indigenous social justice jurisprudence envisaged by the Constitution include harnessing the rule of law for the common good; robust enforcement of social, economic, environmental, and fair labour rights; concretisation of a substantive conception of equality; the realisation of group rights for vulnerable groups; and mainstreaming participatory rights in governance processes. The Judiciary will document and leverage the emerging indigenous social justice jurisprudence to promote the aspirations of the Constitution.

b. Social Justice Demosprudence

Innovative juristic ideas and processes emerging from non-state-based justice mechanisms under the aegis of the Multiple Doors for Justice are numerous. However, these are not widely circulated. It is this inadequate circulation that undermines the certainty of methods such as AJS and Mediation. The Judiciary will document and leverage emerging indigenous social justice demosprudence to promote the aspirations of the Constitution.

c. Social Justice Dialogues

The Judiciary's determinations since the promulgation of the Constitution in 2010 have largely moved in the direction of its transformative interpretation and application. Yet, the circulation of this progressive jurisprudence remains limited. When this jurisprudence is used in teaching and published in monographs, its circulation will likely increase. The Kenya Judiciary Academy, working with other academic and public legal education institutions, will contribute to the documentation and circulation of progressive ideas, more so indigenous social justice Jurisprudence. Under this strategy, the Kenya Judiciary Academy will also be positioned as a regional hub for social justice dialogue.

d. Social Justice Research and Partnership

By investing in social justice research and partnerships, the Judiciary will work towards enhancing research support to judges and judicial officers to facilitate the development and enhancement of indigenous social justice jurisprudence. The Judiciary will also set up well-stocked law library facilities, equipped with both traditional and digital resources through the Kenya Law and Justice Library programme.

4.2.9 Priority Areas

The priority areas under this outcome include:

- High Court and courts of equal status in every county, and Magistrates' Courts in every sub-county
- Supreme Court Plaza, Court of Appeal Complex, Kenya Judiciary Academy, Tribunals' Plaza, Judiciary Administration Centre
- Sexual and Gender-based Violence Courts, Small Claims Courts, Children's Courts, Courts of Petty Offences, and 24-hour Duty Courts
- National Transcription Centre
- Integrated Case Management System
- Alternative Power Supply (solar energy)
- Reduce, Reuse and Recycle (3R)
- Modular and digital ready courts
- Standardisation of processes (ISO certification)
- 'Mahakama Popote' initiative
- Harmonisation and Simplification of Criminal, Civil and Commercial Justice Procedures, Rules, and Practice Directions
- Legal Information Toolkit and a Comprehensive Pro Se Litigant's Guide
- Data and Innovation Bureau
- Kenya Justice Library Programme.

4.3 Outcome 2: An Inspired Team of Judges, Judicial Officers, and Judiciary Staff Committed to Excellence in the Delivery of Justice

At the Judiciary, we believe that our people are our greatest asset. To ensure optimal performance, focused action will be maintained to ensure that there is adequate human resources to deliver on the institution's mandate. Further, to ensure optimal performance, it is important that Judiciary personnel are not undervalued, underutilised, overstretched, and unappreciated. Under the STAJ strategy, emphasis will be placed on attracting, developing and retaining the best talent, upgrading the core competencies of all staff, and developing the incentives and esprit de corps required to have inspired and motivated judges, judicial officers, and Judiciary staff committed to the objectives of the institution.

The Judiciary must focus on the internal strengths of its workforce to deliver on the STAJ agenda and remain cognisant of the social and economic context in line with the constitutional dictates of a just and equitable society. Thus, the Judiciary will provide psycho-social support for its workforce, create a conducive workplace with requisite tools, and develop the necessary incentives to prepare judges, judicial officers, and staff to meet the needs of the contemporary judicial world including delivering people-centred justice.

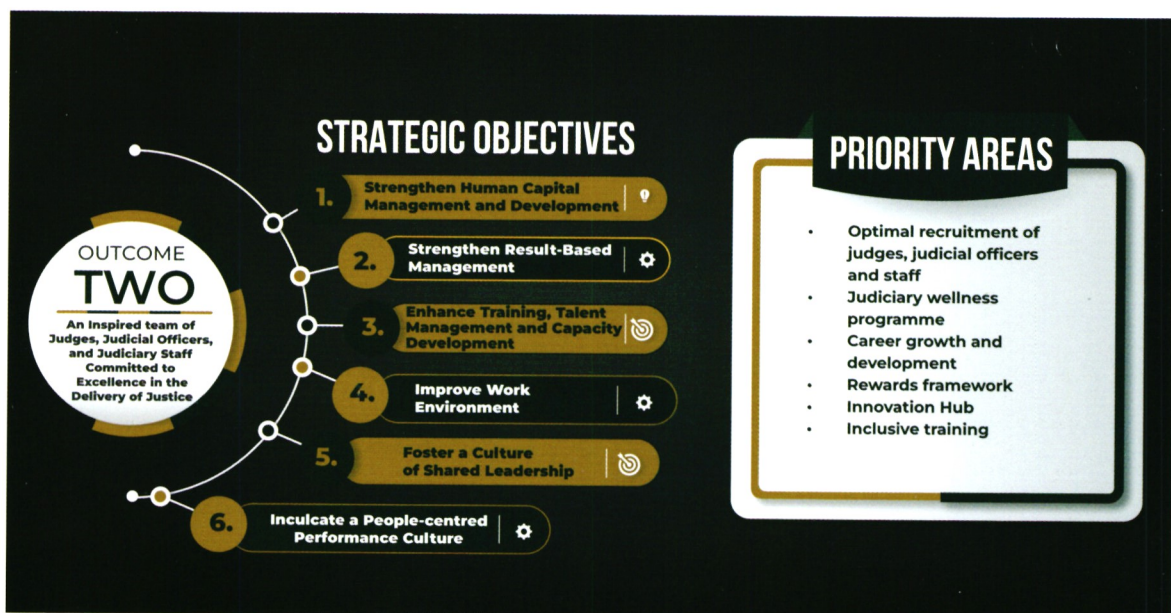


Figure 4.3: Strategic objectives & priority areas in Outcome 2

4.3.1 Strategic Objective 1: Strengthen Human Capital Management and Development

The Judiciary recognises that its human resource is the engine that will drive the institution's social transformation agenda. It is, therefore, imperative that developing human resource strategies that enhance its utility and optimise its performance with a focus on vulnerable and marginalised members of society be prioritised. The Judiciary's workforce must be strengthened and its capacity strategically and continually enhanced in order to maintain a commitment to excellence in service delivery.

a. Recruitment and Optimal Staffing

Recruitment: The Judiciary, in collaboration with the JSC, will ensure that employee recruitment and selection processes are fair and accord with best practices. The recruitment of judges, judicial officers and staff will be closely aligned with the workload in the Judiciary to optimise the allocation of resources.

Inclusivity: Diversity will be taken into account, and systems will be thoroughly reviewed to ensure that any hidden biases are removed from the Judiciary's recruitment processes so that talent is not blocked from entering the institution. It will ensure equal opportunities for all individuals, regardless of their age, gender, race, ethnicity, disability, or any other characteristic that could be the basis of discrimination.

Induction: The Judiciary will ensure that all new employees are inducted, guided on key aspects of performance management, and oriented to the institution's culture. Clarity of roles for all employees based on job descriptions will be the norm. Employees will also be provided with the requisite working tools and equipment to perform their duties efficiently.

Transfers: The Judiciary will review and implement the transfer policy to ensure smooth, predictable and equitable rotation of employees to minimise undue disruption to the administration of justice and to the lives of employees.

b. Remuneration and Benefits

The Judiciary recognises that fair remuneration and benefits is one of the main factors that will motivate employees. The monetary compensation provided to Judiciary employees will be equitable, competitive, fair, and commensurate with their responsibilities. In this regard, the Judiciary will undertake periodic salary reviews and increments for judicial staff, and will maintain ongoing engagement with the SRC on enhancing the remuneration and benefits of judges and judicial officers.

Additionally, the Judiciary will continually review and enhance medical cover to ensure that all employees receive equitable healthcare support. The Judiciary will also review eligibility for hardship allowances and graduate the same into high, medium, and low categories to reflect the diverse challenges faced by staff across different regions, while ensuring fair and targeted support.

The Judiciary will also support the employee's personal financial management through financial literacy and support for staff to exploit the full range of benefits available to its workforce.

The Judiciary will also review the hardship policy to account for the expanded reach of courts, the effects of devolution on rural-urban development affecting housing and the availability of basic social amenities, and the harsh climate, among other factors.

c. Career Growth and Development

The Judiciary recognises that career growth and progress are important as they boost motivation and morale. As a result, periodic promotions are expected to contribute to greater performance, higher productivity and lower staff turnover. The Judiciary acknowledges the need for a predictable and transparent career progression system for staff based on their skills and performance; the need to promote and re-designate staff according to their qualifications and abilities; the need to motivate staff, build capacity, and retain personnel; the need to ensure fairness, equality, and merit in promotions; and the necessity of advertising promotion opportunities internally to promote internal talent growth and to give all staff a chance to apply.

The Judiciary will, therefore, effect promotions when due. Promotional interviews will be conducted every three years for specific cadre as defined by the Judicial Service Commission. Automatic promotions where applicable will also be managed in line with the Judiciary's Human Resource Procedures. The systems and processes for promotions will be regularly reviewed to ensure that they are clear and transparent. The Judiciary will also support judges, judicial officers, and staff to access career opportunities within and outside the Judiciary, including international opportunities.

d. Dignified Exit from the Judiciary

Retirement: The Judiciary will support retiring employees and accord its workforce a dignified exit in appreciation of their service. Part of this support will include continual sensitisation

on retirement planning and savings before retirement falls due. The Judiciary in collaboration with the JSC will streamline the clearance process for departing employees.

Last respect protocols: The Judiciary will standardise last respect protocols for employees to ensure that passing employees and their families are handled with dignity, respect and consistency. It will ensure flexibility and adaptability to meet the unique needs of each situation. These will help provide closure for colleagues, maintain professionalism, and show empathy to the deceased employee's family.

4.3.2 Strategic Objective 2: Strengthen Results-Based Management

The Constitution empowers judges and judicial officers to exercise judicial authority emanating from the people. In this regard, all Judiciary personnel will be accountable in the discharge of their duties in furtherance of the goal of building a culture of excellence in the delivery of justice. The Judiciary will focus on the following areas:

a. Performance Appraisal System

The Judiciary Performance Appraisal System was introduced in 2015 and has not been reviewed to align it with the emerging Judiciary priorities. The system and related tools will be reviewed to improve transparency, accountability, efficiency, and alignment with the core mandate and emerging trends. The Performance Appraisal Framework will be negotiated, completed and implemented.

b. Rewards and Performance Improvement Programme

The Judiciary will establish clear and objective performance metrics aligned with its strategic objectives, conduct regular and fair performance assessments, provide constructive feedback, offer transparent and commensurate rewards for outstanding performance, invest in continuous training and development, and create performance improvement plans with support for those who fall short of expectations. It will also ensure transparency, fairness, and compliance with ethical standards while actively seeking feedback and benchmarking against best practices to promote a culture of excellence, accountability, and continuous improvement within the Judiciary.

The Chief Justice's Roll of Honour will be established. This will serve as the Chief Justice's merit award and commendation to incentivise, recognise and reward Judiciary personnel on criteria such as achievements and adherence to PCJ approaches and values as they perform their duties.

c. Innovation

The Judiciary will also create an Innovation Hub to identify, collate and consolidate key innovations across the courts and units for publication, incubation and replication. Promoting innovation will be crucial for fostering a culture of continuous improvement and adapting to changing priorities.

d. Employees Feedback

The Judiciary will regularly undertake employee and work environment satisfaction surveys to get feedback from the employees. The feedback will be obtained through forums with top leadership and the employer (JSC), online feedback, hotlines in the offices of the CJ and CRJ, and regular staff meetings at court level. This feedback will be channelled to the appropriate offices and acted upon within set timelines through a robust reporting and enforcing mechanism among the top leadership. The feedback will be critical in determining the level of judges, judicial officers and staff satisfaction with terms of service and work environment conditions. The Judiciary will use the recommendations to develop strategies to improve terms of service and working conditions.

4.3.3 Strategic Objective 3: Enhance Training, Talent Management and Capacity Development

It is important to have a skilled workforce in the Judiciary. The Judiciary continues to face challenges due to lack of a comprehensive training policy, inadequate training funds and variance between training needs identified and actual training undertaken. The 2019 Employees Satisfaction Survey revealed a low training satisfaction index of 45 per cent. Efforts will therefore be made to improve the skills and capacity of judges, judicial officers and staff for them to perform their duties optimally.

a. Training Policy and Guidelines

The Judiciary will continually review and implement the training policy and guidelines for judges, judicial officers and all cadres of staff. In this respect, comprehensive training needs assessments as well as a structured training impact assessment for all courses will be continuously undertaken. The Judiciary, in collaboration with the KJA, will develop and implement a training curriculum that ensures all judges, judicial officers, and staff have continual equitable access to training. Measures will be taken to ensure training does not unreasonably disrupt the delivery of core services.

The continuous training component will comprise an e-learning platform for self-paced courses. The Judiciary will also facilitate staff participation in regional and international training. Additionally, diverse courses will be offered, and emphasis placed on ensuring equitable distribution of training opportunities.

b. Training Needs and Outcomes

The Judiciary, like other public institutions, is confronted with training demands that exceed available financial resources. The Judiciary will maximise training investment and demonstrate value for money by ensuring that the limited resources are invested in training programmes that have maximum impact on STAJ outcomes.

c. World-class Kenya Judiciary Academy

The Judiciary will engage the JSC to transform the Kenya Judiciary Academy into a world-class centre of excellence in judicial training and research as well as a regional hub for judicial dialogue on topical issues touching on the administration of justice. It will also collaborate with the KJA to ensure the provision of robust learning infrastructure, maintain high programme quality, and ensure the faculty members possess qualifications that meet world-class standards of excellence and quality.

KJA will be the judicial think tank and nerve centre of rich intellectual exchange linking the Judiciary to contemporary developments in society. Further, it is envisaged to act as an intellectual anchor in making Kenyan courts the hearth and home of a robust and functional social justice jurisprudence that meets the aspirations of Kenyans.

Efforts, through collaboration with the JSC, will therefore be made to establish the KJA as a centre of excellence to develop and implement an innovation, research, publication, and dissemination hub centred on social justice jurisprudence, as well as develop and implement a curriculum with courses accredited by relevant industry regulators for recognition by other employers in the public and private sector. Additionally, KJA will develop an e-learning platform for self-paced learning and e-resource storage. This will be in tandem with the development of a database of retired judges, judicial officers, and staff from which it will draw resources and transmit any other prospective possibilities to them.

d. Employee Retention

Other than offering competitive compensation and benefits packages, providing opportunities for professional development and expansion, and recognising and rewarding their achievements and contributions, the Judiciary will boost the morale and motivation of judges, judicial officers and staff, and build their commitment and retention by supporting a positive work environment through open communication, acknowledging employees' contributions, and supporting their well-being.

4.3.4 Strategic Objective 4: Improve Work Environment

The 2021 Judiciary Employee and Work Environment Survey findings revealed an overall satisfaction index on the work environment of 61 per cent. Further, satisfaction on health and safety measures was 58 per cent while facilities and tools enjoyed 53 per cent affirmation. The findings point to the need for the Judiciary to improve facilities in terms of space, provision of adequate working equipment, and user-friendly facilities for persons with disabilities.

The Judiciary recognises that employees are affected by various social demands and challenges which impact on an individual's potential. The Judiciary will pursue strategies to improve the workplace environment in recognition of the fact that a state of complete physical, mental, and social well-being is a valuable resource that will enable employees to thrive and lead individually, socially, and economically productive lives.

a. Buildings and Workplace Safety

The Judiciary will ensure workplace safety in courts and offices through the development and implementation of an occupational health and safety policy, a facilities management and maintenance framework, and a disaster management policy. It will enhance workplace safety on multiple fronts: for instance, to address disability-related concerns, the Judiciary will implement inclusive policies and provide necessary building provisions to ensure accessibility and comfort for employees with disabilities, thereby fostering an inclusive work environment.

Training and equipment for fire safety, and comprehensive safety protocols will be deployed to mitigate risks and protect both staff and visitors. All hazardous asbestos roofs will be replaced with safer roofing material.

The Judiciary will also provide crèches, nursing facilities, and Muslim-friendly facilities, such as washrooms and prayer rooms, in all court stations.

b. Wellness and Psycho-Social Support

The Judiciary will introduce employee wellness and assistance programmes to support, motivate and inspire personnel. This will include wellness centres, nutrition programmes, chaplaincy services, guidance and counselling services for trauma, emergency medical support, bereavement assistance, as well as drug addiction and alcoholism treatment.

The Judiciary will enhance the effectiveness of its wellness and psycho-social support programmes by integrating data and research into its core framework. To achieve this, data on the wellness needs and challenges of its personnel will be systematically collected through comprehensive surveys and assessments. It will also encourage a culture of self-care where employees are supported and equipped with tools to nurture their physical, psychological and mental wellbeing.

The Judiciary will maintain a workplace free from sexual harassment and related misconduct by actively implementing its policy on sexual harassment while simultaneously fostering self-care practices among its staff through consistent training and dedicating resources to stress management, mindfulness, and work-life balance within its comprehensive wellness programme.

4.3.5 Strategic Objective 5: Foster a Culture of Shared Leadership

The STAJ “Shared Leadership” ethos is rooted in cooperation, collaboration and collective decision making. It means that leadership in the Judiciary does not prioritise a vertical, command centric ethos; rather, it is about every judge, judicial officer and staff member taking up the mantle, driving the shared vision, and bringing about transformation in their respective capacities. It is about pulling together in the same direction, with each standing up and saying, “I am part of the transformation. I am part of the solution.”

The shared leadership model under STAJ is rooted in the need to appreciate the power of unity, the strength of diversity, and the vitality of inclusivity. STAJ will leverage leadership and management committees to amplify representative decision making and our collective potential. They will be the drivers of shared vision, priorities and implementation to make the Judiciary an institution of strength, fairness and justice.

a. Leadership and Management Teams

Leadership and Management Teams (LMTs) will be strengthened in order to realise the STAJ vision's shared leadership ethos, as well as to improve coordination and decision-making processes across the Judiciary. Clear terms of reference, reporting structures, and performance management and measurement requirements will be developed. The Leadership and Management Teams at each court station will be strengthened and ordered with the goal of not only implementing and delivering on localised and contextualised people-centred justice programmes, but also of creating inspired teams of judges, judicial officers, and staff committed to a people-centred process.

The teams will be supported to foster culture change across court stations, increase effectiveness and efficiency in communication, improve monitoring, evaluation, feedback, and reporting processes, address emerging challenges, improve service delivery, champion peer review, strengthen resource mobilisation and enhance performance management.

b. Emboldened Judges, Judicial Officers and Staff

The Judiciary will embolden judges, judicial officers, and staff by fostering a culture of independence, integrity and accountability within the institution. It will protect the institution against unwarranted interference, ensure fair and transparent judicial appointments, and offer ongoing training and professional development opportunities to enhance confidence in making impartial decisions.

The Judiciary will support all its employees to create interventions that deepen access to justice and enhance efficiency in service delivery. Innovation, excellence, and championing of STAJ initiatives will be key metrics and determinants for promotions, appointments to leadership positions, and even appointments to the Bench.

c. Collaborative Decision Making and Institutional Collegiality

Internal dialogues will be promoted and entrenched among superior courts, within subordinate courts and between superior and subordinate courts. Periodic internal benchmarking and information sharing across Judiciary functions will be initiated and strengthened. Periodic judicial retreats and workshops will be encouraged to foster collegiality and camaraderie, share best practices, and discuss emerging legal issues. This will enable peer review and feedback among judges, judicial officers and staff to promote continuous improvement and provide constructive insights.

d. Internal Communication

The Judiciary will develop and implement a communication policy and strategy that clearly spells out the communication channels to ensure professional and respectful communication. In addition, the Judiciary will create an internal environment of efficient communication, effective collaboration, and information sharing. It will establish a secure and user-friendly collaborative intranet platform exclusively for judges, judicial officers, and staff to facilitate effective horizontal and vertical communication within the institution.

The Judiciary leadership will adopt an open-door policy to make it easier for staff members to approach seniors for consultations. In addition, regular meetings, briefings, and huddles will be held among judges, judicial officers and judicial staff to share updates, and address administrative matters and challenges.

The Judiciary will consistently communicate and disseminate important announcements, policy changes, and administrative updates. A repository of all Judiciary policies, manuals, guidelines and other relevant internal documents will be created and periodically updated. This effective document management system will ensure easy access to policies, manuals, guidelines, and other relevant internal documents at all times.

4.3.6 Strategic Objective 6: Inculcate a People-Centred Performance Culture

The Judiciary Organisation Review Report, 2018, identified an inadequate performance culture as one of the challenges of human resource in the Judiciary and recommended an organisation culture audit, and the development of a more constructive culture that is focused on outcomes, encourages innovation and fosters higher levels of teamwork, transparency, and openness within the Judiciary. Lack of mentorship is another challenge the Judiciary faces with respect to leadership and management.

The Judiciary will encourage judges, judicial officers and staff to adopt behaviour and mindsets that embrace people-centred approaches at the workplace. All Judiciary employees will exemplify a culture in favour of change and positive disruption in tandem with entrenching social transformation through access to justice. In this regard, the Judiciary will focus on the following strategic areas:

a. Values-Based Human Resource Approach

The Judiciary will work towards understanding employee mindsets, interests and needs. The institution will focus on identifying, adopting and maintaining a shared understanding of the Judiciary's human resource values to boost inclusion and diversity, encourage work-purpose alignment, prioritise learning, structured performance analysis feedback and expression of appreciation for employee performance and excellence.

b. Peer Review and Mentorship

The Judiciary acknowledges the importance of enhancing the collegiality of judges, their combined professional experience, depth and breadth of years of service, which remain untapped resources and strengths that should be harnessed and utilised through a peer review mechanism to assist them in the discharge of their mandate. A framework and guidelines for peer review for judges and judicial officers will be developed and implemented.

Judiciary coaching and mentorship strategies will be developed and implemented for staff to harness the application and execution of shared leadership. The Judiciary will implement a mentorship programme that will involve experienced judges, judicial officers and staff in providing guidance and support to their less experienced and newly recruited colleagues. This will be incorporated into the institution's induction and continuous education processes. Coaching and mentorship sessions will involve knowledge sharing, insights on contemporary legal issues and defined master classes to support employees to navigate the complexities of a rapidly changing world, especially in the workplace.

Additionally, the STAJ Mentorship Strategy targeting young advocates and students will be rolled out in partnership with the Law Society of Kenya and the Senior Counsel Bar to support early appreciation of people-centred justice. Under the guidance of the Chief Justice, the Office of the Chief Justice (OCJ) will develop an evaluation tool to monitor and evaluate the efficacy of the strategy to ensure regular and intensive tracking of progress towards the agreed goals.

4.3.7 Priority Areas

The priority programmes that will be implemented under this outcome include:

- Optimal recruitment of judges, judicial officers and staff
- Judiciary wellness programme
- Career growth and development

- Rewards framework
- Innovation Hub
- Inclusive training

4.4 Outcome 3: Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary

Demand for judicial services is on the rise as evidenced by the upswing in the number of cases filed across courts, increase in awareness of rights and improved access to legal information. This has been attributed, among other things, to the expansion of courts, the rise in public confidence in the Judiciary, and the simplification of judicial processes. In the face of increasing demand for its services, the Judiciary is expected to take steps to enhance timely, effective, and efficient service delivery. This includes ensuring that adequate financial resources are available to enable court processes and the development of infrastructure. When courts resolve matters quickly, there is less drain on public resources, and litigants enjoy their rights without unnecessary delay. Expedient resolution of cases often leads to an increase in the law's deterrent effect. It also reduces the strain on custodial facilities and their resources. Further, efficient courts improve the ease of doing business, thus catalysing economic development, among other outcomes.

The Judiciary will strengthen financial mechanisms through the following elements; an equitable budget and resource allocation; effective financial planning, procurement, and expenditure management; use of technology integration to streamline processes; capacity building and training to empower personnel to navigate complex financial landscapes; transparency and accountability to build trust and reduce the risk of impropriety and adherence to legal frameworks and compliance to safeguard the Judiciary. Together, these elements create a robust financial ecosystem that fosters equity, efficiency, and ethical practices, ultimately contributing to the sustainable success of the Judiciary.

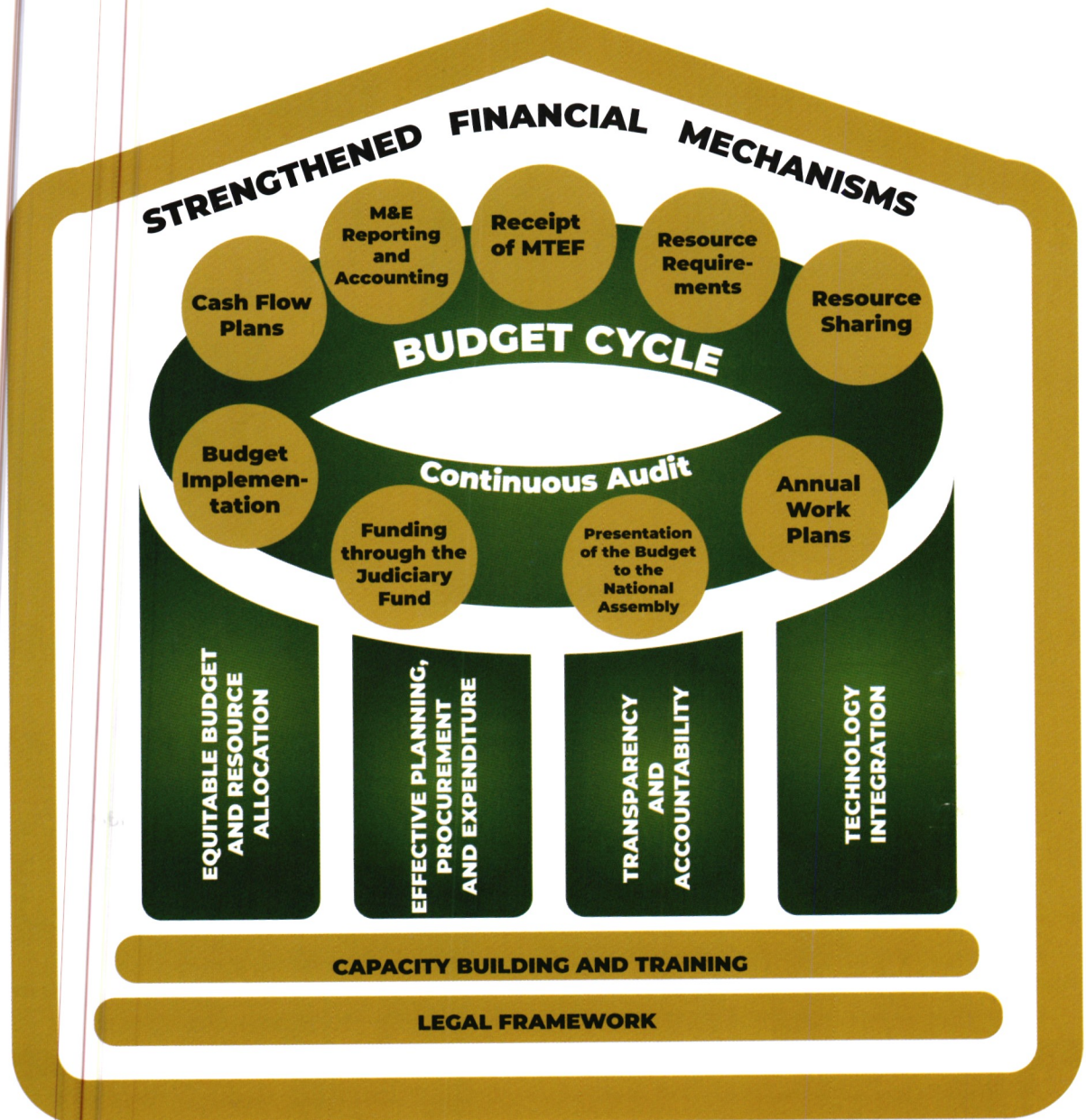


Fig 4.4: Components of a strong financial management system

Innovative funding as well as good resource management practices are expected to promote service delivery and cost-effectiveness. The STAJ Blueprint envisions an institution that is adequately financed, responsive, and accountable for the resources allocated to it. This will be accomplished through robust mobilisation, efficacy in use, and prudent administration of resources. The focus in resource allocation will be on people-centred programmes, concomitant with enhancing institutional capacity to utilise the resources.

Regular investments in priority programmes is a fundamental component of people-centred justice. The efficacy of administration of justice will be galvanised by adequate financial resources and timely budget allocation and implementation. Enhanced subvention will be pursued, and the low absorption of the development budget will be addressed by standardising processes and procedures as well as improving contract management. This will ensure that courts have adequate and appropriate infrastructure to support access to justice in all parts of the country, in compliance with Article 6(3) of the Constitution. The expanded horizon of the Judiciary's role in ensuring realisation of the promises of the Constitution will require additional resources.

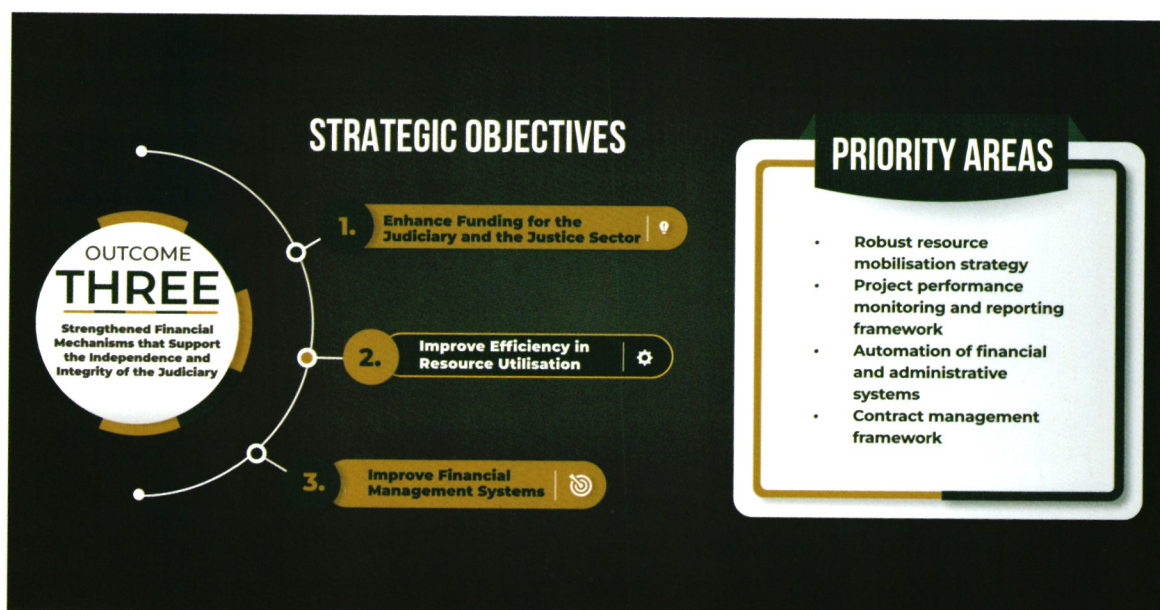


Figure 4.5: Strategic objectives and priority areas in Outcome 3

4.4.1 Strategic Objective 1: Enhance Funding for the Judiciary and the Justice Sector

Enhancing funding for the Judiciary and the justice sector is essential to ensuring that the justice system is fair, efficient, and accessible to all. With the increased demand for quality justice services, there is a concomitant need for increased allocation of resources to enable such services to be provided across the country. A well-funded Judiciary has the resources it needs to hire and retain qualified employees, invest in modern technology, and maintain adequate and enabling infrastructure. This leads to faster case processing times, better informed decisions, and a more equitable justice system.

Insufficient funding for the Judiciary has led to understaffing, resulting in overworked judges and judicial officers and court staff, which in turn has led to delays in case resolution. Furthermore, it has impeded efforts to expand and modernise court infrastructure and the adoption of technologies that could streamline operations and enhance accessibility. Inadequate budgets have also limited the resources available for training and professional development. The consequences of inadequate finances for courts extend beyond the courtroom, affecting overall trust and confidence in the institution.

Under the STAJ strategy, attracting adequate technical and financial support to the Judiciary and the wider justice sector is a priority. The Judiciary will revamp the sector resourcing to provide more effective and efficient services; improve cross-institutional coordination; and strengthen internal performance. This will involve overhauling financing models from an activity approach to focus on broad sectoral outcomes such as increased case clearance rates, reduced adjournments, strengthened mediation, and improved court user satisfaction levels. Through a coordinated approach, the sector will ensure that operations are outcome-focused, evidence-based, scalable, and financially sustainable. It will thus involve setting clear expectations for the agencies on medium-term and coordinating joint resource bids. This will be facilitated by strengthened data-informed planning that takes into account current demands and future trends, and the capacity to develop evidence-informed budgets prepared in line with strategic priorities as well as documented priority needs in the sector.

For all outcomes, the Judiciary will establish clear metrics, and collect accurate data, which it will analyse regularly. Though the Judiciary intends to seek additional resources from development partners, particularly in the short term, the STAJ Framework aspires to have an entirely government-funded justice system. It is the duty of the state to provide adequate financial resources for the justice system. Even in times of crisis, the proper functioning,

independence, and resourcing of the Judiciary must not be endangered. To achieve this, the Judiciary will undertake the following strategy and key interventions:

a. Budgetary Allocation from Exchequer

The Judiciary will seek adequate funding through regular, proactive and robust engagement with the National Treasury and the legislature to obtain at least 3 percent of the annual national budget, and to have this allocation anchored in the law. The Judiciary will also engage robustly with the National Treasury to ensure timely release of exchequer. Further, data-driven objective resource allocation criteria with ring-fenced funding for STAJ priority programmes and flagship projects will be developed and implemented.

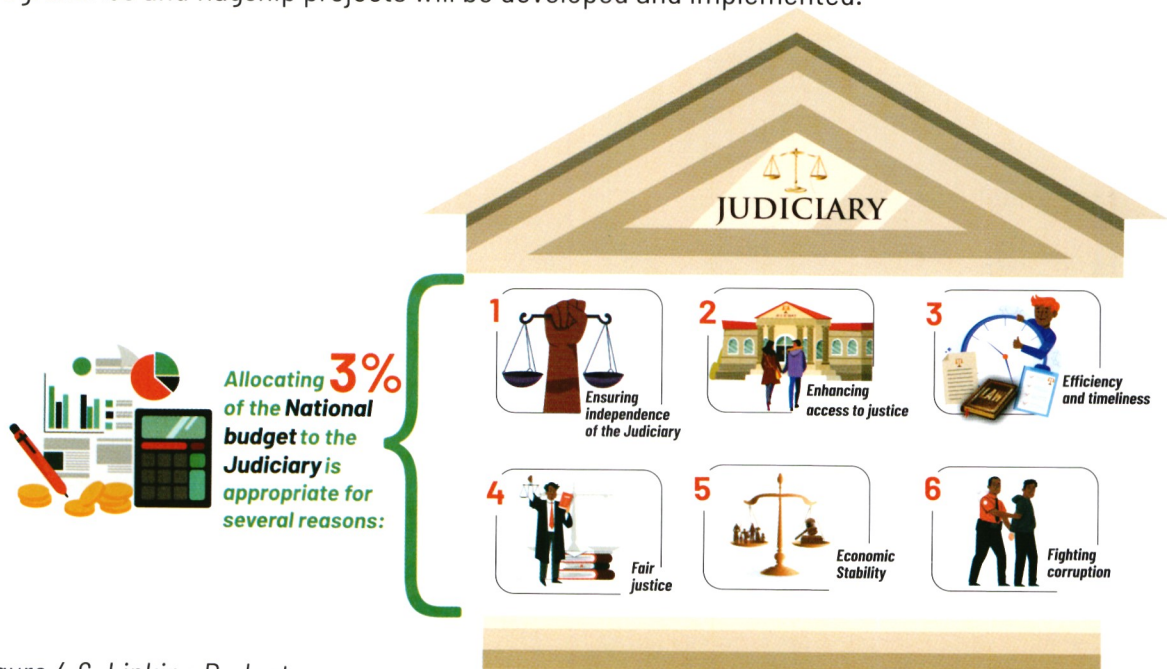


Figure 4.6: Linking Budget Allocation to the Judiciary and Economic Growth

b. Resource Mobilisation

The Judiciary will bolster its resources and diversify its funding sources by exploring public-private partnerships, seeking financial support from development partners, and engaging with organisations committed to advancing the rule of law. These partnerships will be undertaken in a manner that is transparent and accountable to the public with due attention to Judiciary's independence.

A resource mobilisation and partnership engagement framework will be developed and implemented to guide the mobilisation and coordination of partner support for the Judiciary, its units, and programmes.

4.4.2 Strategic Objective 2: Improve Efficiency in Resource Utilisation

The Judiciary has experienced below-optimal budget execution, as evidenced by low absorption of both exchequer and development partners financed projects. The Judiciary has utilised its recurrent budget satisfactorily, with expenditures averaging above 90 per cent of approved budgets. The development vote covering the acquisition of working tools and equipment as well as court infrastructure has, however, had a relatively low absorption rate, with an average of less than 60 percent of the printed estimates in the last MTEF period (FYs 2018/19-2020/21). This has affected both GoK and donor-financed projects. Low development budget absorption indicates constraints in the management of capital projects. This has been attributed to weaknesses in procurement planning, contract management, and bureaucratic payment processes. This has been exacerbated by factors such as a lack of human capital and manual financial management processes.

Under the STAJ Blueprint, the Judiciary will put in place appropriate measures to improve the absorption of its budget. The focus will be on deploying smart, effective, and people-centred approaches that yield value for money for taxpayers. The strategies and key interventions are outlined hereunder:

a. Financial Management Policies and Framework

The Judiciary Fund: The Fund was established by the Constitution in 2010 to safeguard the financial and operational independence of the Judiciary but was only operationalised at the start of FY 2022/23. Since it was operationalised, a number of legal hurdles hindering its smooth administration have been identified. The Judiciary will engage relevant stakeholders with a view to establishing a robust and enabling legal framework to ensure the Fund is functioning as envisaged in the Constitution. The existing Fund Regulations will be reviewed to align them with institutional needs and ensure efficiency in accessing and utilising the Fund.

Judiciary finance policy and manuals: STAJ envisions a financial mechanism that will comply with legal requirements, establish risk management strategies, and provide transparency and accountability. Constant review to update finance policies and manuals is therefore critical to govern the management of financial resources, ensure compliance with regulations, and maintain fiscal responsibility. The review will involve updating the budgeting process, accounting services, auditing, and asset management. Additionally, communication on financial management, training for all staff, and feedback mechanisms to ensure staff awareness and engagement on any financial management information will be incorporated.

Periodic reviews, ongoing monitoring, and stakeholder involvement are vital to maintaining the relevance and effectiveness of these policies, ultimately contributing to sound financial management and sustainable success.

b. Capacity in Financial Management

Human resource capacity: The Judiciary will enhance its capacity for financial management by hiring qualified and experienced financial staff. Only professionally certified and designated staff will be allowed to serve. Investments in annual training and skills development covering budgeting, accounting, and auditing for financial staff and managers will be undertaken.

Enhance finance and accounts units: The implementing units mandated to manage the finance and accounts functions will be strengthened to enhance their capacity to support management of Judiciary resources. These Directorates will be expanded to feature a fully operational budget office to coordinate budget preparation and implementation.

c. Capital Project Implementation

The Judiciary will establish a capital project operations framework to improve the absorption of the development budget. It will adopt a standardised project management approach in delivery of flagship projects. There will be a capital project master plan to guide the projects for better planning and budgeting over several financial years to ensure allocation is done for the preparatory stages, as well as the planning and execution stages.

The framework will define the guiding principles, methodologies, processes, and tools essential for efficient project execution. All capital projects will undergo the key stages of project management from initiation and planning to execution, monitoring, and closure. All capital project management will be automated to facilitate effective and efficient management and tracking of progress up to completion.

All capital projects will have defined project managers and team members with clear roles and responsibilities, robust communication channels, effective risk and change management, and a commitment to quality and continuous improvement. By establishing a solid project management framework, the Judiciary will enhance the ability to achieve project objectives, streamline resource allocation, adapt to changing circumstances, and foster a culture of accountability and transparency.

d. Supply Chain Management

Streamline Supply chain management: It will be imperative for the Judiciary to enhance supply chain management as it seeks to streamline its back-office operations and reduce costs. This will involve deploying technologies for real-time visibility, adopting advanced analytics for improved demand forecasting, nurturing robust supplier relationships, and optimising inventory and asset management.

This intervention will involve improved planning and resource forecasting through the development of long-term procurement plans in line with the budget cycle. The procurement processes will be enhanced through the strengthening of relationships with suppliers through collaboration, open communication, and supplier performance monitoring. An improved supply chain management system that is efficient and effective, will address under-absorption of the development budget. Further, a project performance monitoring and reporting framework with real-time performance dashboards will be developed.

Contract management: A key element of supply chain management will be the institutionalisation of contract management at the Judiciary. This will require the establishment of the legal office to manage all contracts from drafting and execution to closure. The Judiciary will evaluate and strengthen its contract management practices to protect the institution from unfavourable contract clauses and mitigate exposure on any contract. This will help with minimising risks, enhancing relationships with partners and suppliers, and maximising the value derived from contracts. It will also facilitate the signing of contracts that align with strategic objectives and legal requirements, ultimately contributing to their success and compliance.

4.4.3 Strategic Objective 3: Improve Financial Management Systems

The Judiciary faces significant challenges arising from an inadequate financial and procurement system that relies heavily on manual processes. This approach not only hampers efficiency but also increases the risk of errors and delays in financial transactions and procurement activities.

Measures to ensure prudent management of resources require a comprehensive management system to enhance accountability, transparency, efficiency, and adherence to public finance principles. A manually executed financial and procurement system creates inefficiencies that lead to delays in budget utilisation, undermine tendering processes, cause inaccuracies in budget forecasts, and could lead to unethical practices.

Additionally, the absence of a modern integrated financial system further exacerbates these issues, hindering data accuracy, transparency, and the ability to make informed financial decisions. Addressing absorption capacity challenges requires a multi-pronged approach to address existing bottlenecks. The Judiciary will thus undertake the following strategy and key interventions:

a. *Integrated Financial Management System*

The Judiciary will leverage technology and deploy an integrated financial system to automate all the back-office operations from human resource administration, budgeting, expenditure tracking, asset management, facility management, library, to all corporate support systems. This is expected to bring end-to-end efficiency to the procurement process, from the initial request to the delivery of the final product. A robust asset management module will be part of the envisaged system. This system will have capabilities such as dashboards, which allow for the visualisation of the progress of projects and tracking key metrics along the way.

The Judiciary will maintain a cashless payment system aimed at streamlining the processes of court fees assessment and payment, increasing public access to judicial services, increasing transparency and accountability, and providing the institution with efficient accounting and auditing mechanisms.

b. *Financial Monitoring and Evaluation*

As the Judiciary adopts the Judiciary Fund, it is critical to improve the financial Monitoring and Evaluation (M&E) framework. Clear objectives and goals that align with the STAJ vision will be defined to determine priority projects. A financial M&E framework will enhance financial management, support informed decision-making, and increase overall accountability of the Judiciary Fund.

The framework will include a robust data collection process, data quality assurance measures, reporting schedule and advanced analytical tools. The process will also involve the engagement of key stakeholders to address their information needs and concerns. This will promote transparency in financial reporting and accountability for financial performance, as the process must ensure that all financial information is accessible to relevant stakeholders.

The framework will continue evolving to the organisational needs and leverage technology to streamline data management. The risk assessment and mitigation will be prioritised in the

framework to identify and mitigate financial risks promptly to develop contingency plans for potential financial challenges.

The capacity of all finance and accounts staff will be developed to design and operationalise the financial M&E framework. A financial performance monitoring and reporting framework, with real-time performance dashboards, will be developed leveraging on technology.

c. Audit Function

The Judiciary will also review and strengthen its internal controls to ensure that financial resources are used efficiently and effectively, and to prevent fraud and corruption. It is essential for the Judiciary to ensure transparency, compliance, and the responsible management of financial resources by conducting regular financial audits that encompass all financial aspects, including income, expenses, assets, and liabilities, and complying with International Financial Reporting Standards. The audit unit staff will receive modern training and education to ensure they stay updated on audit methodologies, accounting standards, and industry best practices.

In addition, the Judiciary will fully automate audit functions, with audit management software to streamline data collection, analysis, audit recommendation tracking and reporting. The audit process will have a clear path for addressing audit findings and implementing corrective actions to conclusion.

The Judiciary will review and implement organisational change management practices and internal controls that enhance prudence in the use of limited financial resources and human capacity, e.g., timely procurement of goods and services to avoid incurring high costs as well as minimising single sourcing. All audit recommendations will be implemented within strict timelines. By implementing these strategies, the Judiciary will strengthen financial governance, identify and address issues promptly, and demonstrate commitment to responsible financial management.

4.4.4 Priority Areas

The following will be prioritised under this outcome:

- Robust resource mobilisation strategy
- Project performance monitoring and reporting framework
- Automation of financial and administrative systems
- Contract management framework

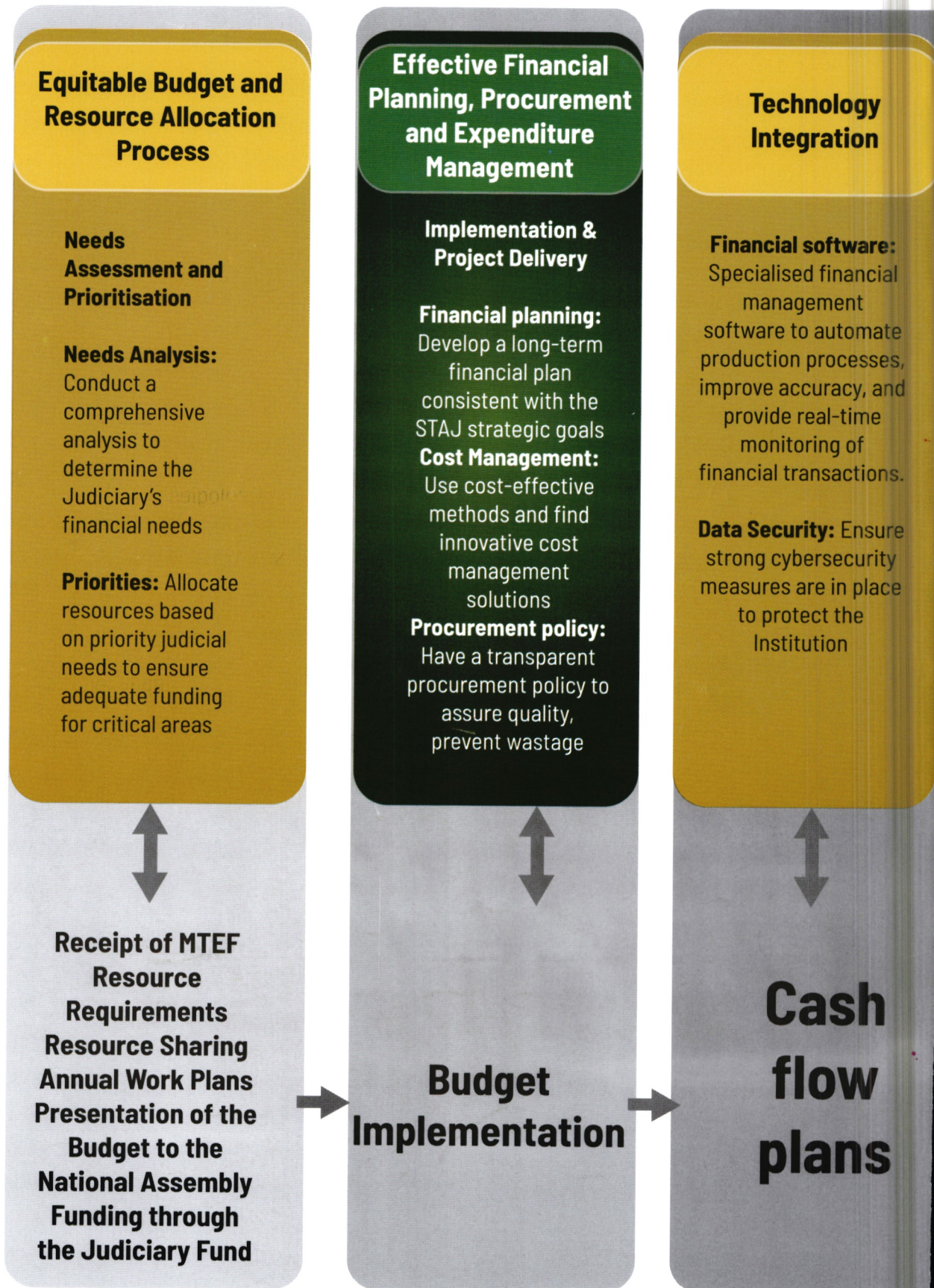


Figure 4.7. Mapping Pillars of a Strong STAJ-centred Budget Preparation and Implementation Process

Capacity Building and Training

Training program: Conduct regular training for judicial staff on budgeting and financial management.

Skills Development: Invest in skills development of finance professionals to better manage the JFMIS

Transparency and Accountability

Financial Reporting: Clear and comprehensive financial reporting procedures to monitor the allocation and use of funds.

Audits: Regular internal and external audits ensure that financial transactions are transparent

Public Access: The public must have access to information on budgets, expenditures and financial decisions in the Judiciary

Legal Framework and Compliance

Legal Framework: Establish a strong legal framework that defines the financial powers, responsibilities and limitations of judges on financial matters.

Compliance: Ensure strict compliance with financial regulations, accounting standards and relevant regulations to maintain integrity in financial operations.



Cash flow plans



M&E Reporting and Accounting

4.5 Outcome 4: Deepened Partnerships that Enhance Coordination in the Administration of Justice

Collaboration and cohesion in the seamless delivery of services to the people are constitutional imperatives. Article 6 of the Constitution emphasises that state organs and other public institutions must undertake their respective mandates in mutual consultation and cooperation. Importantly, from a people-centred perspective, the participation of the people is obligatory in the administration of justice and is a constitutional imperative under, inter alia, Articles 10 and 232.

The Judiciary will thus nurture a culture of interagency consultation and collaboration to promote synergies among justice institutions and accelerate the efficient delivery of services to Kenyans. The Judiciary will engage internal and external stakeholders through cooperative dialogue to realise the goal of delivering an accessible, efficient, cost-effective and expeditious justice system. Further, the Judiciary will continue to build synergies and collaborations towards implementing its people-centred justice agenda. In implementing partnerships, the Judiciary will take into account and incorporate the essential principles for effective partnerships, which include alignment with institutional goals and strategies, inclusion, participation, transparency, complementarity, sustainability, integrity, independence, impartiality, and focus on results.

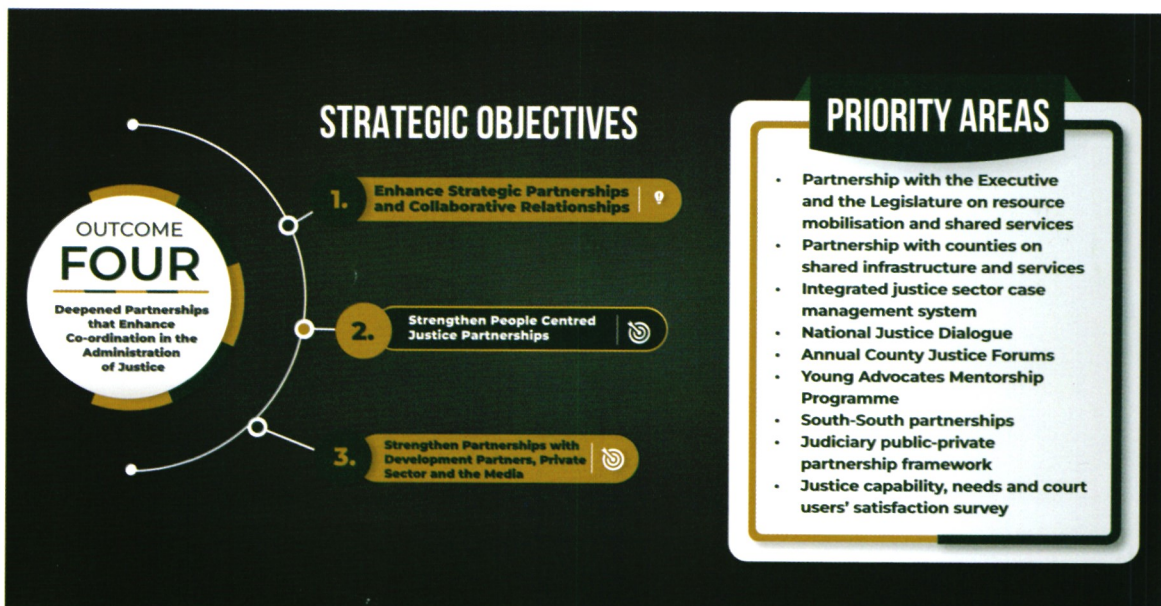


Figure 4.8: Strategic objectives & priority areas in Outcome 4

4.5.1 Strategic Objective 1: Enhance Strategic Partnerships and Collaborative Relationships

Significant challenges have surfaced in engagements with other organs of government. These challenges include inadequate coordination with other government organs and county governments. Moreover, the legal and institutional framework for actors in the justice sector is insufficient, potentially affecting the justice system's efficiency. Addressing these issues is crucial for improving governance. The Judiciary will establish a common reference framework for partnership management by developing a Partnerships Policy and Strategy to support the implementation of the blueprint.

a. Partnership Policy and Strategy

Developing the partnership policy and strategy will set up a collective vision and roadmap to achieve STAJ outcomes. It will contribute to strengthening an organisational culture oriented to the effective management of partnerships, developing and strengthening strategic partnerships, and promoting multi-stakeholder and multi-sector partnerships in the justice sector. Through the strategy, a culture of interagency consultation and collaboration will be nurtured to promote synergies among stakeholders and accelerate the efficient delivery of services to Kenyans. This strategy will inform the Judiciary's partnerships with other institutions.

b. Collaboration with the Executive and Legislature

The Constitution envisages a cooperative relationship between the Judiciary and other State institutions. The three arms of government are constituted as distinctive entities, but they are interdependent and interrelated and, therefore, the partnership framework should foster interdependence as provided for in the Constitution. A coordination and collaboration framework between the Judiciary and other arms of government will be developed while maintaining institutional independence.

The Judiciary will endeavour to regularly engage with the Executive and Legislature on resource allocation and partner with the Executive on national initiatives, including Internet connectivity, exchange programmes and the use of government one-stop-shop services to enhance access to justice.

c. Partnership with County Governments

The Judiciary will partner with county governments to address the infrastructural challenges that have hampered full realisation of the right to access to justice. This will involve securing

collaboration with the county governments on the provision of infrastructural facilities and the acquisition of land for the construction of courts.

In order to increase access to justice, the Judiciary will collaborate with county governments to establish specialised courts across the nation, such as Small Claims Courts and SGBV courts. Additionally, it will work with the county governments to establish Annual County Justice Dialogues through the County Court Users Committees and develop partnerships with the Council of Governors and the Inter-Governmental Relations Technical Committee to facilitate access to justice.

d. Collaboration with other Justice Sector Actors

The Judiciary will collaborate with actors in the justice chain to enhance coordination in the administration of justice. It will work with the Office of the Attorney General on the development of a national policy on the administration of justice, and a robust legislative framework for the National Council on the Administration of Justice (NCAJ), with the goal of empowering the council to streamline the entire justice sector. A National Justice Dialogue will be institutionalised to strengthen justice engagements.

The Judiciary strategy to institutionalise partnerships in the justice sector will entail collaborating with relevant actors in reviewing the structure of Court Users Committees to strengthen them and incorporate people-centred justice into their operations. The Court User Committees will hold regular Court Open Days to enable the public to participate in the administration of justice. Additionally, the Judiciary will regularly undertake Court User Satisfaction Surveys to obtain feedback on service delivery.

The Judiciary will foster collaboration with other justice actors on crime research, handling and preservation of evidence, data sharing, safe houses for victims and establishment of forensic laboratories to enhance efficiency in the justice sector.

One of the strategies to promote this collaboration involves creating multi-agency task forces that bring together diverse participants in the justice system to jointly tackle challenges such as corruption by exchanging information and intelligence.

e. Partnerships in Justice Data

Data sharing among justice actors is limited by the lack of structured partnerships that would facilitate it. Each justice institution collects substantial data using different methodologies, and in most cases, the data collected by one agency is not compatible with what others have.

This results in information asymmetry and data that do not speak to each other. Compatible and shared data will facilitate a comprehensive diagnosis of inefficiencies along the justice chain and inform coordinated interventions.

The Judiciary will encourage collaboration in data collection and sharing by involving other justice stakeholders in standardising the collection, analysis, and storage of justice data; developing a statistical reference guide for the justice sector; identifying standard indicators for measuring justice outputs, outcomes, and impacts; and establishing a robust monitoring and evaluation framework for the justice sector to track.

The Judiciary will further work with actors to establish an Integrated Justice Sector Case Management System, implement a data sharing policy in the justice sector, create open data initiatives, and implement data quality and training programmes. These initiatives aim to foster a more integrated and information-driven method for administering justice.

f. *Partnership with Other Judiciaries and Justice Institutions*

The Judiciary will additionally forge affiliations with judiciaries on a global scale. This engagement will encompass judicial exchanges, conferences, cooperative endeavours, the exchange of best practices, and drawing insights from international experiences. The Judiciary will continue to organise and participate in high-level regional and international conferences, seminars, symposia, and technical justice events to enhance cooperation and collaboration on efficient delivery of justice and people-centred justice. These engagements will allow the Judiciary to build support as well as expand and strengthen its strategic, operational and judicial networks.

The Judiciary will continue to engage the Law Society of Kenya in promoting the implementation of the Constitution, the rule of law and the administration of justice. Further, the Judiciary will continue with the Young Advocates Mentorship Programme in collaboration with the Law Society of Kenya.

As part of this collaboration, the Judiciary will strengthen its internal reception and diplomatic protocol office to world class standards. Protocol guidelines will be developed and the human capacity of the unit will be strengthened.

g. *Collaboration with Academic and Educational Institutions*

The Judiciary will foster and deepen partnerships with academic and educational institutions to enhance its capacity and improve knowledge and capabilities across all aspects of the institution's activities. These partnerships will also develop, imbue, and inculcate people-

centred justice approaches in the teaching curricula of these institutions, to ensure students – particularly those pursuing legal studies – embrace PCJ ethos early in their academic journey.

In collaboration with academia, the Judiciary will undertake training, research, and collaborative initiatives with education institutions to mainstream justice curricula in schools. Collaboration with professional institutions will seek to secure continuous professional development for Judiciary employees.

Through collaboration with the Council for Legal Education, tertiary institutions and law schools, the Judiciary will promote the incorporation of people-centred justice theory and approaches into various curricula, including the Advocates Training Programme. Additionally, the Judiciary will develop a robust and well structured Pupillage, Internships and Industrial Attachment Programme to ensure young graduates who go through this programme are adequately inducted into the theory and practice of people-centred justice in addition to the technical skills that will be imparted during their training. The Office of the Chief Justice and the Supreme Court will also organise an annual Chief Justice’s Moot Court Competition targeting all law schools in Kenya with a focus on people-centred justice.

The Judiciary will also engage in and partner on seminars, workshops, programmes and other initiatives that further develop the theory and practice of people-centred justice in the Kenyan context. It will engage with tertiary institutions to ensure that courses are aligned with the dynamic needs of the institution across a variety of disciplines. This will help to appropriately tool and skill graduates to match the current and future needs of the institution.

4.5.2 Strategic Objective 2: Strengthen People Centred Justice Partnerships

The people-centred justice approach is the foundation upon which this blueprint is constructed: it prioritises individuals and their desired outcomes as the pillar working for access to justice. This approach encompasses citizen-driven Alternative Justice Systems and state-based courts and tribunals, recognising their significance in providing accessible and effective means for addressing legal matters while keeping people’s needs and preferences as the focal point.

The absence of a structured people-centred justice partnership framework, coupled with insufficient engagements between the justice system and the public, underscores the existing challenges in the judicial domain. The lack of comprehensive justice needs data

exacerbates these issues. Establishing a robust partnership framework, along with more meaningful engagements with the public, and the collection of accurate justice needs data, are imperative steps in addressing these shortcomings and promoting a more responsive and effective justice system.

a. *People-Centred Justice Engagements*

The Judiciary will provide channels for the citizenry to voice their justice concerns, including institutionalising a national PCJ dialogue, developing a people-centred justice partnership strategy, strengthening the PCJ movement, and undertaking Justice Capability, Needs and Satisfaction Surveys. This will involve the establishment of people-centred partnerships and strengthening informal justice systems, which have existed for many years and are the first point of contact for millions of people seeking to address their justice issues. The partnership will be mainstreamed at the court and national levels.

The Judiciary will also collaborate with academic institutions to conduct research and training. The focus will be social justice research, which is people-centred and emphasises fair division of resources, opportunities and privileges, gender inequality and discrimination, among others. Social justice research will stimulate critical analysis about environmental and interpersonal factors that affect the provision of services to people in need.

The Judiciary will ensure meaningful engagement of people in PCJ programming, thus increasing the level of transparency, individual and collective agency, ownership and sustainability. The engagement will entail data collection, which is integral to informing a PCJ programme.

The Judiciary will continue pursuing South-South partnerships in exploring how justice ecosystems have harnessed the potential of people-centred justice. Further, the Judiciary will collaborate with international PCJ movement actors and international organisations with expertise on people-centred justice, including the Working Group on Customary and Informal Justice and Social Development Goal 16, which advocates the centrality of customary and informal justice systems in achieving justice for all. The Working Group, with over 100 members across all regions of the world, envisions a world in which all people have equal access to justice that meets their needs, provided by systems that are inclusive, responsive, effective, and consistent with human rights norms and standards.

4.5.3 Strategic Objective 3: Strengthen Partnerships with Development Partners, Private Sector and the Media

The judicial system is hampered by inadequate financial resources from the national budget. This constrains the Judiciary's ability to efficiently dispense justice, especially, the ability to expand judicial infrastructure, fully finance the courts for administration of justice and fully automate the judicial ecosystem to enable faster, more transparent and accountable processes. To address this issue, strategic approaches for partnership with development partners can be instrumental. These approaches involve fostering collaborative relationships with development partners and the private sector, to seek sustainable funding mechanisms, and advocating targeted investments in skills development for judges, magistrates, and staff, as well as improving infrastructure facilities for courts. By actively engaging with the private sector and development partners, the Judiciary can better equip itself to overcome resource constraints and enhance its capacity to deliver justice effectively.

a. Development Partners Engagement

Judiciary partners include national and international organisations that collaborate with and support the institution in realising its vision. These include governments, multilateral organisations, international finance institutions, bilateral institutions and civil society organisations, among others. The partnership may include resource mobilisation for construction of courts, capacity building, technical support, specific justice initiatives and joint programmes.

The Judiciary will operationalise the Development Partners Engagement Framework, which will provide a structured and standardised process for partnership engagement and mobilise resources for the implementation of the blueprint. The framework will provide accountability mechanisms for development partners' programmes. In developing the framework, the guiding principles will include ownership of priorities, focus on results, inclusivity, transparency and accountability. The targeted partnerships will include resource mobilisation for STAJ outcomes.

b. Private Sector Engagement

The Judiciary is committed to strengthening its engagement with the private sector to enhance institutional agility and promote the exchange of best practices, facilitating the modernisation and optimisation of judicial systems for efficient service delivery. These efforts will encompass the creation of a Judiciary Public-Private Partnerships Framework and the joint development of strategic programmes and projects.

Additionally, the Judiciary will establish a collaboration framework with strategic vendors and suppliers to drive social transformation through access to justice and the delivery of people-centred justice. This partnership will prioritise transparent procurement processes, the promotion of diversity and inclusion within supplier networks, the encouragement of innovation in justice solutions, and the implementation of clear accountability metrics.

c. Media Engagement

In implementing the blueprint, the media will play a critical role in communication and tracking progress in the delivery of the various interventions. The Judiciary will be open and accountable, and must take into account public opinion on the implementation of the blueprint. Public institutions can no longer operate largely in secrecy, indifferent to the public views. The Judiciary will, therefore, continuously engage the media as part of its public-facing posture.

The Judiciary will collaborate with the Media Council of Kenya to promote accurate reporting, as well as the upholding of ethical and professional standards among journalists and media enterprises and in the resolution of disputes between the Judiciary and the media. The Kenya Correspondents Association provides a platform for journalists to interact, build solidarity and enhance their profile and recognition in the media sector. The Judiciary will collaborate with the association to build capacity for accurate reporting including people-centred justice programming.

4.5.4 Priority Areas

It is important to focus on key priority areas that align with people-centred justice that prioritise partnerships with the Judiciary, individuals and communities. The essential priority areas include:

- Partnership with the Executive and the Legislature on resource mobilisation and shared services
- Partnership with counties on shared infrastructure and services
- Integrated justice sector case management system
- National Justice Dialogue
- Annual County Justice Forums
- Young Advocates Mentorship Programme
- South-South partnerships
- Judiciary public-private partnership framework
- Justice capability, needs and court users' satisfaction survey

4.6 Outcome 5: Enhanced Public Trust and Confidence in the Judicial System

Public trust and confidence are the linchpins of judicial authority. It is the trust and confidence of the public and of court users in the integrity and judiciousness of judges, judicial officers, and Judiciary staff that compels them to obey and/or respect the judicial authority.

The Preamble to the Bangalore Principles states that “...*public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society.*” Further commentary to the above principle states that “it is public confidence in the independence of the courts, in the integrity of its judges, and in the impartiality and efficiency of its processes that sustain the judicial system of a country.” Hence, transparency and accountability, and the public trust and confidence they engender, are at the very heart of the STAJ Blueprint.

A high level of public trust enhances voluntary compliance with court orders and strengthens respect for the rule of law in society. Trust and confidence are critical outcomes of transparency and accountability; they assure all and sundry that they have a stake in the justice system as justice seekers and justice actors. Trust and confidence is an outcome of justice processes that are responsive to the needs of individuals and communities, particularly the marginalised and vulnerable, a fundamental component of the STAJ People-Centred Justice approach.

This STAJ outcome will be achieved through strategies aimed at strengthening integrity, addressing efficiency and efficacy, promoting accountability, ensuring the independence of the Judiciary and maintaining uncompromising fidelity to the provisions, principles and spirit of the Constitution, particularly recognising that judicial authority is the delegated sovereignty of the people of Kenya, in service to whom the Judiciary exists.

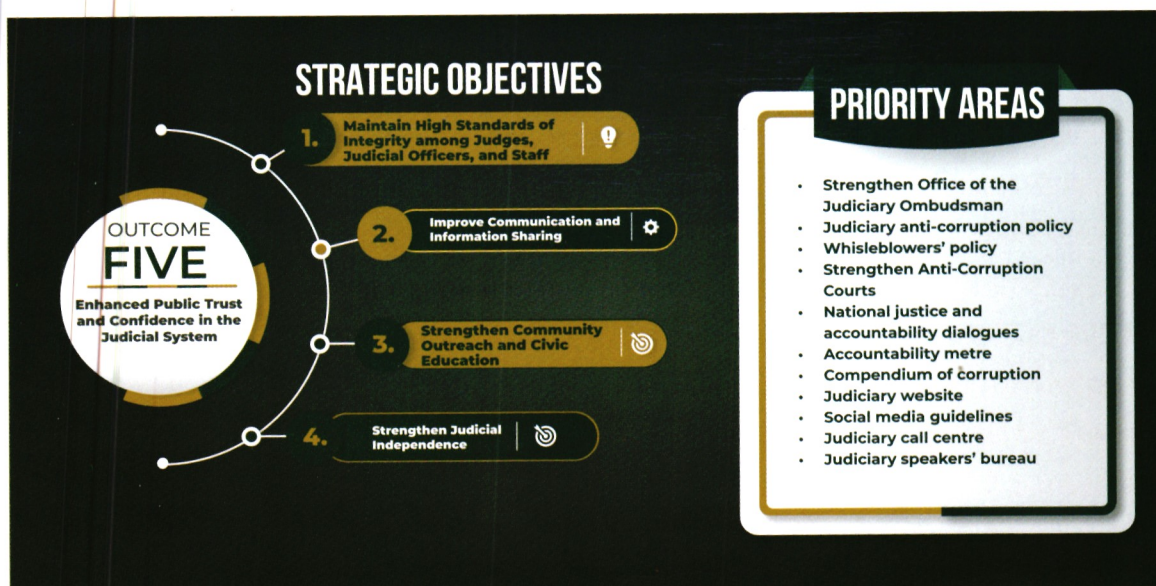


Figure 4.9: Strategic objectives & priority areas in Outcome 5

4.6.1 Strategic Objective 1: Maintain High Standards of Integrity among Judges, Judicial Officers, and Staff

The Bangalore Principles state that integrity is essential for the proper discharge of the judicial office. Any person exercising judicial power will ensure that his or her conduct is above reproach in the view of a reasonable observer, and the behaviour and conduct of such a person must reaffirm the people's faith in the integrity of the Judiciary. Justice must not merely be done but must also be seen to be done.

The Judiciary is committed to establishing a robust accountability framework to investigate and address allegations of ethical violations within its ranks. Inefficiency and delayed justice, lack of transparency, any form of interference, inaccessibility and exclusivity will be addressed. Articles 10, 73, and 232 of the Constitution clearly provide for values and principles of governance, leadership and integrity, and values and principles of public service, respectively. The Judiciary will serve as a beacon and staunch defender of these provisions. To bolster and continuously uphold public trust, the Judiciary will undertake a series of bold initiatives within its structure. These strategies will be put into action as follows:

a. **Complaints Handling Mechanism**

The Judiciary will enhance the capacity of the Office of the Judiciary Ombudsman to efficiently and effectively collate and process complaints for consideration by the Chief Justice and the Judicial Service Commission. The Judiciary will establish a clear and

transparent complaints submission process and ensure efficient complaints processing through thorough investigation, documentation, evaluation and resolution. Additionally, it will ensure the impartiality of the reviewing body, safeguard the rights of all parties involved, and prevent conflicts of interest.

Accountability and transparency measures, like regular reporting and monitoring of cases, along with measures for addressing misconduct, will be integrated. A special focus will be given to improving the resolution turnaround period by establishing a concrete response timeframe for complaints. In addition, an intelligence gathering unit will be embedded within the Office of the Judiciary Ombudsman, and will involve continuous capacity building of ombudsman staff, investing in technology, employing skilled analysts counting among their number forensic experts and investigation officers, and effective coordination with the Judicial Service Commission and other Agencies.

b. *Anti-Corruption Policies and Strategies*

Corruption undermines economic growth, erodes public trust, and hampers social and political development. Developing and implementing anti-corruption policies and strategies will be crucial in promoting transparency, accountability, and good governance in the Judiciary. A thorough systems review will be conducted, and an anti-corruption policy will be developed that is consistent with national ethics. Integrity committees will be revamped and decentralised to court stations and administrative units.

The Judiciary will focus on conducting periodic audits and evaluations to identify areas of vulnerability and continuously track progress in combating corruption. It will also partner with local and international peer institutions to share best practices and experiences in combating judicial corruption. In addition, it will implement practices and measures to maintain the highest standards of ethics, transparency, and accountability.

The Judiciary will implement the code of conduct through a structured training programme designed to educate judges, judicial officers, and staff on ethical principles, professional conduct and the value of integrity. In addition, the wealth declaration process for judges, judicial officers and staff will be streamlined.

A whistle-blower policy will be developed and implemented to encourage and protect those who report instances of corruption within the Judiciary. Additionally, the Judiciary will support ongoing automation processes such as e-filing, case tracking systems, transcription,

enterprise resource planning and electronic court records to reduce human intervention and minimise opportunities for corruption.

The Judiciary will strengthen the Anti-Corruption Court by designating the anti-corruption Division of the High Court and the Magistrate's Court. They will be separated from the other courts and supported to enhance their infrastructure and automate their registries. Additionally, the Judiciary will build the capacity of the judges, judicial officers and staff to better understand anti-corruption matters, hold periodic targeted national justice accountability dialogues, develop the Judiciary accountability meter, and create a compendium of corruption markers.

4.6.2 Strategic Objective 2: Improve Communication and Information Sharing

Ineffective external communication could hinder the Judiciary's ability to convey important messages, build relationships with stakeholders, and achieve its objectives. Additionally, challenges in sharing critical information can impede the seamless exchange of data within the judicial system and with external partners, potentially obstructing well-informed decision-making and collaborative efforts.

The Judiciary will focus on addressing these communication issues to enhance the overall effectiveness of the judicial system and its ability to deliver on its mission. The Judiciary will ensure that it is the first trusted source that the public turns to for information about what is going on within its jurisdiction through efficient and timely communication. The Judiciary will work to increase transparency, accuracy, and public understanding of its functions, decisions, and institutional developments. It will keep pace with trends in access to information when formulating its own communication practices and develop dashboards for critical offices that ensure seamless sharing of information.

a. Judiciary Website

The Judiciary will revamp its website which will serve as the online gateway and one-stop information portal to the entire Judiciary, providing information on the courts, their processes, access to court forms, Cause Lists, Notices, and other useful resources including legal information that will help litigants initiate or prepare for court matters.

b. Judiciary Spokesperson

Additionally, the Judiciary will appoint an official spokesperson to serve as a point of contact for all public relations issues.

c. Social Media

The Judiciary will also promote transparency, improve public understanding of the justice system, and establish direct contact with citizens by utilising social media channels. It will leverage social media platforms for effective communication, public outreach, and engagement with the public. The Judiciary will develop clear and comprehensive guidelines on the use of social media. The platforms will be used to share informative and engaging content that explains judicial processes and court decisions, to provide live coverage or updates from court proceedings, to conduct public awareness campaigns, to organise live question and answer sessions, to use visuals, info graphics, and videos to tell compelling stories about the impact of the Judiciary's decisions on individuals and society, and to introduce hash tag campaigns to raise awareness about the Judiciary's decisions.

d. Radio

The Judiciary will strengthen the "Justice Thursdays" initiative by bringing more external stakeholders on board.

e. Call Center

The Judiciary will continue to develop user-centred services that take into account court users' expectations in order to strengthen relationships with court users. The Judiciary will therefore establish a Judiciary Call Centre. It will be able to better serve its clients by creating a one-stop shop for all queries, standardising timelines for resolving issues raised, streamlining customer service delivery, and assisting clients in resolving queries in a timely and professional manner.

4.6.3 Strategic Objective 3: Strengthen Community Outreach and Civic Education

The Judiciary faces several communication challenges, including insufficient public knowledge about its operations, a lack of engagement with the public to understand their concerns and ideas, and the spread of misinformation. These issues collectively hinder its ability to foster transparency, public trust, and a deeper understanding of its role in society. Addressing these challenges is crucial to ensuring that the Judiciary can effectively serve the needs of the public and maintain its role in upholding justice and the rule of law.

The Judiciary is committed to implementing comprehensive public education initiatives to improve public awareness. Through the dissemination of accurate, reliable and trustworthy information, the Judiciary aims to equip the public with the knowledge needed to make well-informed decisions. Prioritising interaction with civil society, active engagement with the

general public, and sensitivity to their concerns will be critical in cultivating and bolstering public trust and confidence.

a. Judicial Outreach

The Judiciary will engage with local communities through town hall meetings, open houses, and interactive sessions to address their concerns and answer questions about the judicial system. Furthermore, the Judiciary will engage in online outreach and education by reaching out to a larger audience, engaging with the public, and disseminating valuable information through online platforms. This will entail utilising a variety of digital tools and resources to generate informative and engaging content.

In addition, a structured public education programme for litigants will be set up to foster a culture of justice. This series of public outreach and education initiatives will seek to influence dialogues about justice and mobilise all Kenyans to become advocates for justice. A concerted effort will be made to engage the public and promote a better understanding of the Judiciary, the justice system, and the rule of law. The goal is to increase transparency, foster public trust, and promote civic participation and awareness.

b. Civic Education

The Judiciary is committed to improving civic education in order to increase public understanding, foster trust, and encourage civic engagement. This commitment includes, among other things, developing targeted civic education programmes for diverse audiences, collaborating with educational institutions to incorporate civic education into their curricula, organising court tours and sessions, disseminating Information, Education, and Communication (IEC) materials, and actively engaging with local communities. These efforts aim to provide citizens with the knowledge and awareness they need to participate effectively in the legal system while also strengthening their trust in the Judiciary.

Civic education will be integrated into the curricula of junior and senior secondary schools. The overarching goal is to foster a culture of justice that spans generations and pervades all sectors of society. Public Legal Education, Mock Trials and Law Days, Legal Literacy Campaigns, and Online Outreach will all be expanded. Furthermore, judges and judicial officers will interact with the public through the Judicial Speakers Bureau, where they will be given opportunities to speak at various events, conferences, seminars, webinars, and other public forums to share their expertise, knowledge, and experiences on legal matters, judicial processes, the rule of law, and related topics.

4.6.4 Strategic Objective 4: Strengthen Judicial Independence

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. Any person exercising judicial power will, therefore, uphold and exemplify judicial independence in both its individual and institutional aspects. Any arm of government is bound to face challenges relating to political interference, personal biases, and external pressures from various forces. These forces can influence court decisions and undermine the impartiality of justice.

Furthermore, ensuring the enforcement of court orders can be complex, as it requires collaboration with law enforcement agencies and other entities to ensure that court decisions are carried out effectively. Addressing these challenges is essential to upholding the rule of law and maintaining the Judiciary's independence and credibility in delivering fair and impartial justice. Judicial autonomy is essential in enabling judges to make impartial decisions based solely on the law. The following will be the key areas of focus:

a. Judicial Education

The Judiciary will implement comprehensive training to equip judges and judicial officers with the necessary knowledge, skills, and ethical principles. The Judiciary will organise specialised training programmes on emerging legal areas or issues such as green justice, technology, and handling vulnerable people, among others. This will enhance competence and professionalism, and when the public perceives judges, judicial officers and staff as knowledgeable and skilled, confidence in the judicial system's ability will be boosted. This will ensure that there is consistent and uniform jurisprudence coming from the courts. Public confidence is also enhanced when court decisions are predictable and consistent. These are critical aspects of a well-functioning legal system. Individuals and entities should anticipate how a court will rule on a particular legal issue or case and the extent to which similar cases are decided over time. Such practices promote legal certainty and help people to make informed decisions, both in their personal lives and in business transactions. Similar cases with similar facts and legal issues should be decided in a similar manner by the courts.

b. International Exchange Programmes

The Judiciary will foster collaboration and exchange of knowledge among judges, judicial officers and staff from different jurisdictions through international judicial exchange programmes. This will bring exposure to diverse legal systems, facilitate cross-cultural dialogue and understanding, facilitate peer learning, and enhance professional networking

and collaboration. This will contribute to a more informed, efficient, and globally engaged Judiciary, ultimately enhancing public trust and confidence in the judicial system at national and international levels.

c. *Decisional Independence*

The Judiciary will maintain a transparent and merit-based process for the appointment and selection of judges, judicial officers and staff while adhering to constitutional protections on guarantees of tenure, remuneration, and security of judges. Additionally, measures to protect judges, judicial officers and staff from threats, intimidation, or undue influence will be implemented.

4.6.5 Strategic Objective 5: Enhance Victim Protection and Participation

Under the Constitution, the Judiciary is required to ensure access to justice for all Kenyans irrespective of status and to deliver justice in a fair and expeditious manner. Article 10 on the national values and principles of governance speaks to the participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, and non-discrimination during the judicial process. Importantly, the rights of victims are expressly recognised under Article 50(9). The Victim Protection Act, 2014, was enacted to realise these rights, providing for, inter alia, the protection of victims of crime and abuse of power, reparation and compensation to victims, and special protection for vulnerable victims. Under the STAJ focus on the vulnerable, the Judiciary is prioritising mechanisms and procedures that recognise the victim as an important and necessary participant in the criminal justice process. There are a number of thematic areas the institution seeks to address, including:

- a. Operationalising statutory requirements for victim participation and compensation;
- b. Redefining crime as an injury, not just to the State, but to victims and communities;
- c. Compensating victims for their losses through restitution;
- d. Empowering victims through direct involvement in the criminal justice process;
- e. Greater prominence to the victim, greater emphasis on the issue of redress, and exploring ADR in criminal matters pursuant to Art. 159 and section 176 of the Criminal Procedure Code;
- f. Conceptualising communities as victims;
- g. Improved involvement of victims in the sentencing process by introducing victim compensation, victim impact statements, victim-offender mediation and greater consultation between victims of crime and public prosecutors.

Strategies towards enhancing victim protection and participation include:

- (i) *A baseline survey* to establish the contextual environment within which victims engage with the criminal justice system.
- (ii) *Rules and Practice Directions* – Development of Rules and Practice Directions for operationalising the provisions that regard victims as contained in the Constitution, the Victim Protection Act, the Sexual Offences Act and the Criminal Procedure Code.
- (iii) *Judicial Awareness and Training* – To ensure that judges and judicial officers are abreast of the challenges facing victims, particularly vulnerable victims, within the criminal justice system; of international standards and best practices; and of the Practice Directions and Rules that will have been developed.
- (iv) *Public Awareness and Outreach* – To ensure awareness among the public, as victims and court users and justice system partners. In addition to stakeholder forums, strategies will be formulated on developing information, education and communication materials for the wider public.

4.6.5 Priority Areas

The priority programmes to be implemented under this outcome include the following;

- Strengthen Office of the Judiciary Ombudsman
- Judiciary anti-corruption policy
- Whistleblowers' policy
- Strengthen Anti-Corruption Courts
- National justice and accountability dialogues
- Accountability metre
- Compendium of corruption
- Judiciary website
- Social media guidelines
- Judiciary call centre
- Judiciary speakers' bureau

Chapter 5

Monitoring, Evaluation, Learning and Reporting Framework

5.1 Introduction

The STAJ strategies, programmes, projects, and activities will be evaluated for their effectiveness, impact, and progress using the STAJ Monitoring, Evaluation and Learning (ME&L) Framework. Monitoring will be a continuous process of collecting and analysing information on STAJ implementation and comparing actual against planned results. This will enable the Judiciary to establish how well-planned interventions are being implemented. It will use the caseload data generated by the courts alongside administrative data. Evaluation will systematically and objectively assess the relevance, performance and success of STAJ interventions.

Learning is the process through which information generated from M&E is reflected upon and intentionally used to continuously improve Judiciary ability to achieve results. The learning process will incorporate a feedback mechanism to identify and understand stakeholder needs and adopt a continuous improvement model that will facilitate the learning of the changing needs, expectations, and challenges that implementation of the blueprint needs to focus on.

The results of ME&L will be used to take corrective action and improve the implementation of STAJ interventions. In addition to identifying issues, risks, and gaps during implementation, this will uncover new opportunities, areas of improvement and best practices. An ME&L system will be developed and implemented to provide an efficient measurement of the progress of implementation. The Judiciary ME&L framework adopted the theory of change, which provides a pathway from inputs to impact.

5.2 Theory of Change

Based on its outcomes that have a direct bearing on the lives of all, especially the most vulnerable and marginalised, the STAJ Blueprint provides the strategic prioritisation that defines the primary contributions of the Judiciary towards attaining the impact of social transformation through access to justice. This emerges from the fact that the blueprint is based on the outcomes that have a direct bearing on the lives of all. The STAJ theory of change demonstrates how the blueprint's strategic objectives and priority programmes are designed to support the Judiciary in moving from the present situation to the achievement of the blueprint's outcomes, which will ultimately lead to the overall impact of a people-centred social transformation through access to justice.

The STAJ theory of change draws on causal analysis to explain how the set of interventions is expected to lead to a society where justice is accessible to all. It is driven by sound analyses, consultation with key stakeholders, and experiences from previous strategies. It outlines the pathway from inputs and interventions to the desired long-term impact on a society where all individuals have equal access to justice and legal systems, resulting in reduced inequalities, improved human rights, and enhanced social cohesion. The key assumptions of the theory of change are that resources will be available to implement the change, other parts of the justice journey, arms of government and relevant stakeholders are committed to improving access to justice, and communities are willing and capable of engaging and participating.

The major intervention is the embracing of the people-centred justice approach which includes multi-door approaches to access justice through formal and informal justice systems by placing the Judiciary as an arbitrator, connector and a facilitator in the justice chain.

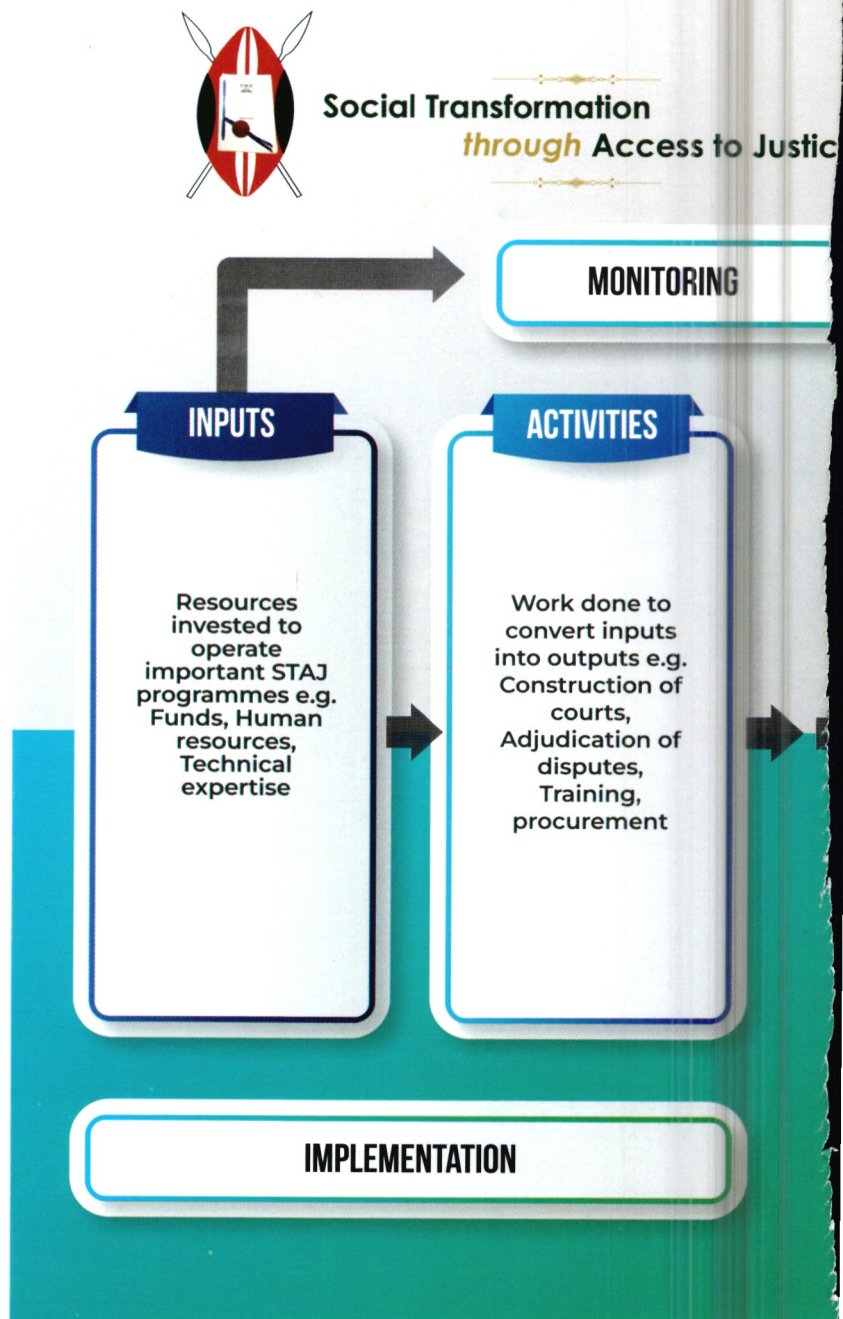


Figure 5.1: STAJ Theory of Change

THEORY OF CHANGE

MONITORING

EVALUATION

OUTPUTS

OUTCOMES

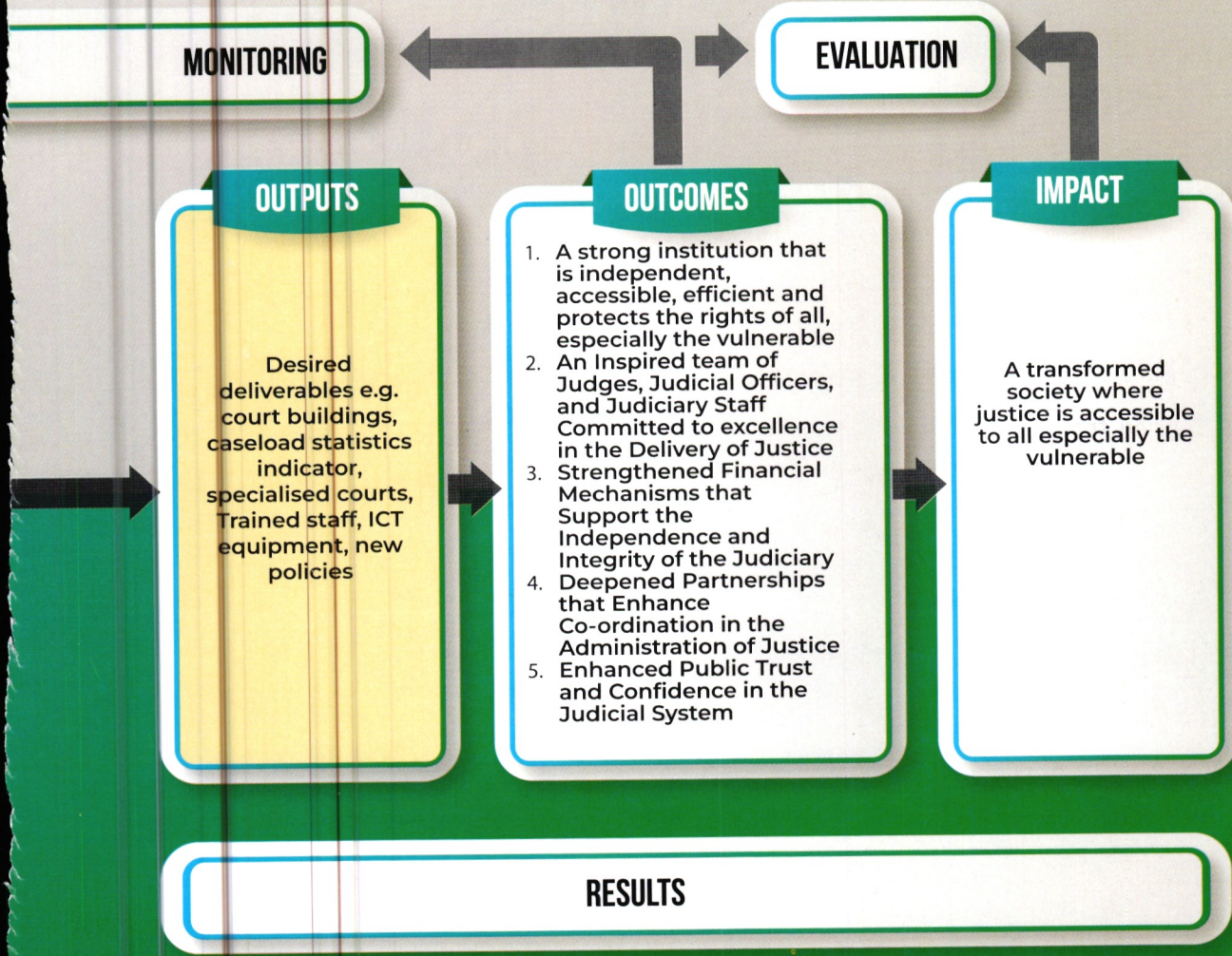
IMPACT

Desired deliverables e.g. court buildings, caseload statistics indicator, specialised courts, Trained staff, ICT equipment, new policies

1. A strong institution that is independent, accessible, efficient and protects the rights of all, especially the vulnerable
2. An Inspired team of Judges, Judicial Officers, and Judiciary Staff Committed to excellence in the Delivery of Justice
3. Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary
4. Deepened Partnerships that Enhance Co-ordination in the Administration of Justice
5. Enhanced Public Trust and Confidence in the Judicial System

A transformed society where justice is accessible to all especially the vulnerable

RESULTS



5.3 Monitoring

Monitoring will involve identifying indicators, setting up mechanisms to collect information about them, documenting the data, assessing it, and using it to inform day-to-day management. Key Performance Indicators will be developed to track inputs, activities, and outputs. The blueprint's strategic objectives and outcomes will guide three-year operational and annual work plans. These tools will be used to monitor how efficiently the Judiciary is progressing towards the achievement of outputs, objectives and outcomes.

a. Annual Work Plans

Work plans will continue to be an essential tool for monitoring progress. Each implementing unit will be required to develop a comprehensive work plan at the start of the financial year. The work plans will have components of STAJ outcomes, strategic objectives, strategies, key performance indicators, targets, activities, input, and budget resource requirements.

A monitoring schedule will be developed, and will include key performance indicators and monitoring frequency. Data will be gathered from a variety of sources, including internal reports, surveys, financial data, customer feedback, and performance evaluations. Both quantitative and qualitative data will be used for monitoring. The Annual Work Plan Template is provided in Annex 2

b. Three-year Operational Plan Template

Three-year operational plans will be developed to provide priorities for all implementing units. The preparation of the operational plans will be undertaken in consultation with the implementing units.

Operational Plan Template

| Strategy | Programme/ Priority Areas/ Activities | Key Outputs | Output indicator | Baseline | Target Year 1 | Target Year 2 | Target Year 3 |
|---|---|-------------|---------------------|----------|------------------|------------------|------------------|
| Outcome 1: A strong Institution that is Independent, Accessible, Efficient and Protects the Rights of All, Especially the Vulnerable | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Outcome 2: An Inspired Team of Judges, Judicial Officers, and Judiciary Staff Committed to Excellence in the Delivery of Justice | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Outcome 3: Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Outcome 4: Deepened Partnerships that Enhance Co-ordination in the Administration of Justice | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Outcome 5: Enhanced Public Trust and Confidence in the Judicial System | | | | | | | |
| | | | | | | | |
| | | | | | | | |

c. The STAJ Iterative Model

The iterative process is the practice of building, refining, and improving a project, product, or initiative. The Judiciary will continually improve designs, initiatives or projects until satisfied with the final outcomes. This is important given the pioneering approach to people-centred justice and PCJ programming.

5.4 Evaluation

There will be three types of evaluations; three-year evaluations, ad-hoc evaluations and end-term evaluations. The long-term evaluation plan will be implemented by setting up a framework to continuously assess and measure the impact, effectiveness, and sustainability of a programme, project, or strategy over three years, six years, nine years and at the end of the plan.

a. Three-year Evaluation

An initial evaluation will be conducted to establish the baseline for the outcome indicators. Subsequently, an evaluation will be conducted every three years. Suitable evaluation methods such as surveys, interviews, focus group discussions, case studies and data analyses will be used. The provided template in Annex 1 will serve as a guide for the evaluation report.

b. Ad Hoc Evaluation

Ad hoc evaluations will be conducted to identify and address performance deficiencies and deviations from expectations, ensure that performance is aligned with the STAJ goals, and identify if there are any fundamental changes in the policy and operating environment of the Judiciary which would require a review of the blueprint.

c. End-term Review

The end-term review will be conducted at the end of the plan period to confirm the overall achievements of the targets. It will involve an objective examination of the STAJ outcomes' relevance, effectiveness, efficiency, and impact. It will also provide an unbiased review of the implementation that will enable management to re-focus service delivery and administration in line with best practices.

5.5 Reporting Framework for a People-centred Justice

A comprehensive integrated reporting framework will be adopted to improve the Judiciary's reporting framework for the STAJ Blueprint. The process of data capture will be streamlined through the use of technology to ensure data accuracy, harmonisation, and accountability. Technology will also be adopted to ensure all data sets are uniquely identified to enforce integrity and confidentiality.

The framework will provide for data collection procedures, preparation of various periodic reports and clear ownership of reports and data from stakeholders during the implementation, as outlined hereunder.

Data Collection Tools and Instruments

Computer-based systems that track and manage case information throughout the judicial process will be enhanced and used to collect the relevant aspects of case data to avoid disparities in data collection. Administrative, financial, human resource, supply chain and performance reports will be collected using digital platforms. An integrated reporting dashboard will provide real-time access to all reports and visualisation of data. In-depth discussions with key stakeholders such as judges, lawyers, litigants, and court staff will be employed to gather qualitative insights and perspectives, while quantitative data will be captured using defined templates.

Frequency of Reports

Progress reports will be generated using standardised tools aligned to STAJ objectives. The reports will be generated on a monthly, quarterly, bi-annual, and annual basis in an integrated manner to track progress toward achieving outputs. STAJ will use biennial and triennial progress reports to track the achievement of its objectives.

Responsibility for Monitoring Reports

Individual units will be responsible for preparing the reports for their respective sections. The planning unit will be responsible for monitoring, collection, collation, analysis and dissemination of quarterly, biannual and annual reports. The various committees and task forces will be responsible for developing reports within their terms of reference.

5.6 Research and Development

Research and development will be integrated into the monitoring and evaluation process of the blueprint. It will provide data and evidence on the status of implementation of key priority areas. Research will also provide data for assessing how the Judiciary is progressing in achieving strategic objectives and outcomes. This will be a key source of evidence-based decision-making.

Information will be collected, analysed, and/or used in research and development to generate lessons and draw conclusions about the success of various initiatives. For research and development, both quantitative and qualitative data will be collected. Gaps in STAJ implementation will be identified, and studies conducted to identify remedies. Further, regular internal and external surveys will be conducted to obtain input from court users, employees and the general public on access to justice. The ultimate goal of R&D interventions will be to enhance decision-making and performance. As a result, research and monitoring will be essential and, therefore, integrated into the Judiciary information system.

The STAJ implementation will use the iteration approach every three years, and therefore, research will be an important tool to improve the blueprint's effectiveness. It will provide evidence of what works, provide a systematic and rigorous approach to generating new knowledge and understanding, and be useful in ensuring that monitoring and evaluation efforts are based on sound evidence and analysis. Research through results dissemination will be a learning tool for the Judiciary, its stakeholders and partners through the generation, extraction, consolidation, transfer and communication of knowledge.

Research will provide the baseline data for the performance indicators of the blueprint. Research will often be conducted during the implementation of the blueprint to better understand evolving contexts. Further, during implementation, research will be used to test the Theory of Change assumptions and, if necessary, recommend their revision or rejection. Lastly, it will play a crucial role in the evaluation and assessment of the blueprint.



Figure 5.2: Linking Research and Development to Monitoring and Evaluation

5.7 Learning

Learning will be institutionalised by embedding knowledge management into current tools and procedures. This will be accomplished through the implementation of a results-based management approach to foster organisational learning through a STAJ learning model. The model's purpose is to increase awareness, foster ownership of STAJ, and share information about people-centric procedures and best practices. During the implementation of the blueprint, lessons learned, best practices, game-changing initiatives, processes and knowledge products that capture STAJ and people-centred justice initiatives will be guided through seven phases, as illustrated hereunder.

- 1) *Innovation*: Identification and design of initiatives to support access to justice.
- 2) *Testing*: Piloting the identified or designed initiative in select court stations. The resources to pilot these innovations will be obtained from the Innovation Fund.
- 3) *Incubation*: Testing ideas with stakeholders and users to determine areas for improvement or enhancement.
- 4) *Funding and rollout*: Incubated ideas will be costed, funded and implemented.
- 5) *Impact assessment*: The interventions will be modelled to the specific context and impact assessed to determine justification for scale-ups.
- 6) *Scaling*: The interventions will be rolled out throughout the country.

- 7) *Institutionalisation and documentation*: Successful high impact innovations and interventions will be documented and mainstreamed into the institution's day-to-day operations

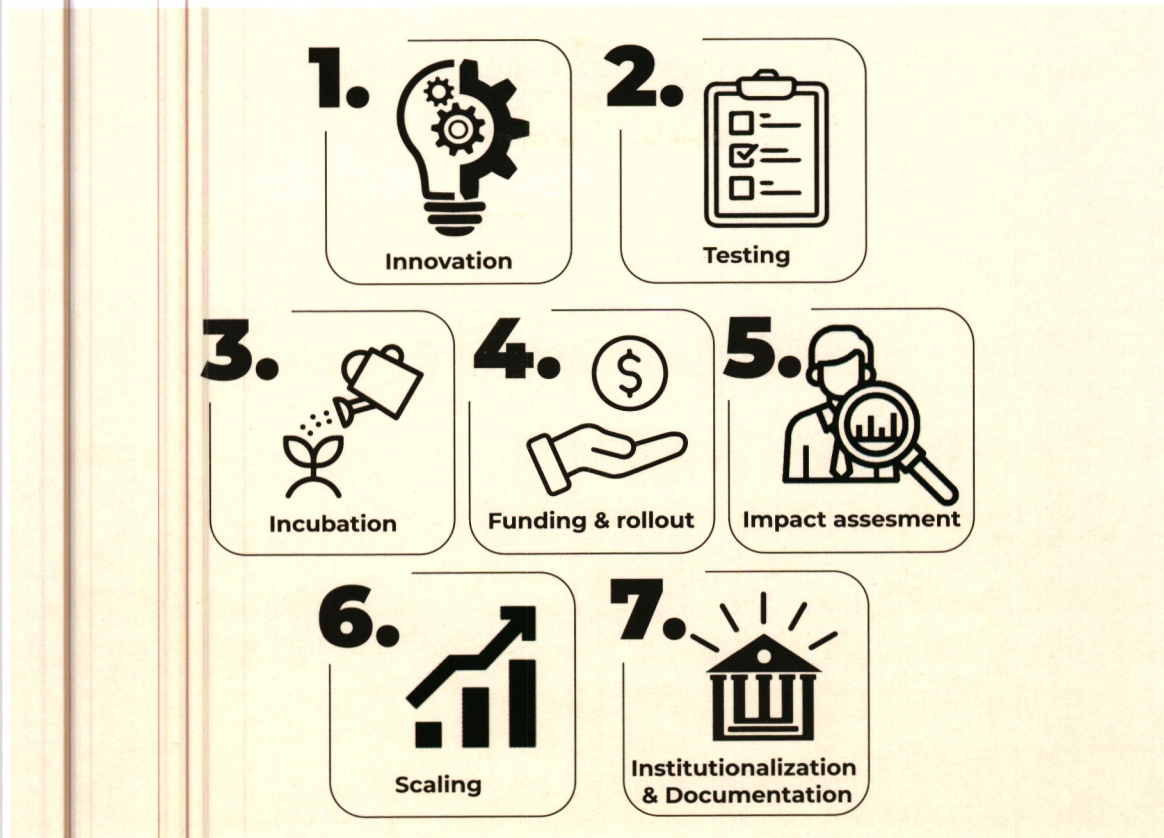


Figure 5.3: Learning Model

5.8 Risk Monitoring and Management

Risk mapping and management will encompass the identification, analysis, control of and response to risk factors that form part of the STAJ implementation. This will, therefore, necessitate the development and implementation of an effective risk management strategy that attempts to control future outcomes by acting proactively rather than reactively. Effective risk management is envisaged to reduce the possibility of a risk occurring and its potential impact.

STAJ risk analysis was undertaken using a combination of qualitative and quantitative factors. The criteria used considered the likelihood of events and their consequences, the nature and magnitude of impact, the complexity and connectivity of the risk, time-related factors, the effectiveness of existing controls and sensitivity.

The STAJ risk matrix is detailed in Annex 3

Chapter 5

Conclusion

The bedrock of our nation, the Constitution, aspires for a Kenya where every individual – regardless of their background, status, or circumstances – is recognised, respected, and given the opportunity to thrive and realise their potential and capabilities. This is a state and society where justice is accessible to all – especially the vulnerable and marginalised – and societal transformation is tangible. In this spirit, the STAJ Blueprint is a beacon of Kenyans’ collective dreams, channelling the aspirations of Kenyans into actionable, and impactful outcomes, objectives, and strategies as outlined in Chapter 4 of the blueprint.

By placing the justice needs, capabilities, and outcomes of the people at the centre of its outcomes, objectives and strategies, STAJ aims to reform, streamline and refine the judicial system. It pursues this agenda through people-centred programming incorporating data-driven decision making, evidence-informed practices, innovation in justice, empowering justice champions, multiplying and expanding the doorways of justice, wellness of Judiciary employees, efficiency excellence in service delivery, collaborative approaches to justice, and upholding accountability and integrity.

However, a blueprint, no matter how ground-breaking, cannot implement itself. It demands action, collaboration, and an unwavering commitment from every corner of our society. The collaboration and commitment of judges, judicial officers, Judiciary staff, the Executive, the Legislature, County Governments, stakeholders in the justice sector, and all Kenyans to the implementation of the outcomes, objectives, and strategies outlined in this blueprint will be instrumental in bridging the aspirations of STAJ with practice. This commitment should be both institutional and personal. It is through the combined efforts of all Kenyans and the state that we will realise the goal of access to justice and efficiency in the judicial system. In this way, we will redefine the narrative of justice in Kenya and usher in an era where social transformation is not just a mantra but a lived experience.

ANNEXURES

Annex 1: Three-year Evaluation Template

| Outcome | Outcome Indicators | Baseline | 3-Year Target | 3-year Achievement | Remarks |
|---|--|----------|---------------|--------------------|---------|
| Outcome 1: A Strong Institution that is Independent, Accessible, Efficient and Protects the Rights of All, Especially the Vulnerable | <ul style="list-style-type: none"> • Distance to the nearest court • % of the population aware of their legal rights and available services. • Average time taken to resolve cases. • Change in case backlog • % of cases resolved through PCJ dispute resolution mechanisms • Justice Needs PCJ satisfaction index • Technology adoption rate • Number of innovative programmes addressing emerging legal challenges. • Court users satisfaction index • % increase in population with disputes seeking justice services • % increase in vulnerable people with disputes seeking justice services • Change in public trust in the Judiciary • Change in progressive social justice jurisprudence/demosprudence | | | | |
| Outcome 2: An Inspired Team of Judges, Judicial Officers, and Judiciary Staff Committed to excellence in the Delivery of Justice | <ul style="list-style-type: none"> • Optimal staffing level • Employee satisfaction index • Work environment satisfaction index • Staff separations • Number of disciplinary cases | | | | |
| Outcome 3: Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary | <ul style="list-style-type: none"> • % of budget allocation • % absorption rate • % of development partners resources • Value for money (cost benefit analysis) • Cost-effectiveness analysis • Number of audit queries • Fully automated financial system • Financial malpractice among staff • Timely remission of revenue collected | | | | |
| Outcome 4: Deepened Partnerships that Enhance Coordination in the Administration of Justice | <ul style="list-style-type: none"> • Level of satisfaction with various partnerships • Number of PCJ partnerships • Increase in technical/financial support | | | | |
| Outcome 5: Enhanced Public Trust and Confidence in the Judicial System | <ul style="list-style-type: none"> • % of complaints resolved against judicial misconduct in relation to filed cases • People's satisfaction with the dispute resolution process • Level of trust in the Judiciary • Bribery prevalence • Corruption rate • Public trust and confidence index • Perception of fairness and impartiality • Transparency of processes | | | | |

Annex 2: STAJ Annual Work Plan

Outcome 1: A strong institution that is independent, accessible, efficient and protects the rights of all, especially the vulnerable

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|---|--|---|---------------|------------|-------|-------------|------------|-----------------|-------------|
| | | | | | | | | | |
| Strategic Objective 1: Improve Access to Court Services | | | | | | | | | |
| 1. Proximity to Courts | <ul style="list-style-type: none"> Courts established | <ul style="list-style-type: none"> No. of courts established Averaged distance to the nearest court | | | | | | | DBS/OCRJ |
| 2. Specialised Courts | <ul style="list-style-type: none"> Specialised courts established | <ul style="list-style-type: none"> No. of specialised courts established | | | | | | | DBS/OCRJ |
| 3. Inclusive Court Infrastructure | <ul style="list-style-type: none"> Multi-use court facilities established in all courts | <ul style="list-style-type: none"> % of courts with multi-use court facilities | | | | | | | DBS/OCRJ |
| 4. Court rules, procedures and administrative processes | <ul style="list-style-type: none"> Registry manuals harmonised/ reviewed | <ul style="list-style-type: none"> No. of registry manuals harmonised/ reviewed | | | | | | | OCRJ |
| Strategic Objective 2: Adopt and Deploy Versatile Technology | | | | | | | | | |
| 1. Integrated Case Management System | <ul style="list-style-type: none"> All courts fully automated | <ul style="list-style-type: none"> % of courts fully automated | | | | | | | ICT |
| 2. Securing Judiciary cyber space | <ul style="list-style-type: none"> Security systems installed Security controls implemented | <ul style="list-style-type: none"> No. of security systems installed No. of ICT sSecurity cControls | | | | | | | ICT |
| 3. Digitisation of Registries | <ul style="list-style-type: none"> E-filing implemented in all courts Paperless courts implemented | <ul style="list-style-type: none"> % of courts with e-filing % of paperless courts | | | | | | | ICT |
| 4. Transcription Services | <ul style="list-style-type: none"> All proceedings transcribed | <ul style="list-style-type: none"> % of proceedings transcribed | | | | | | | ICT |
| 5. Automation of Administrative Services | <ul style="list-style-type: none"> Administrative services automated with ERP | <ul style="list-style-type: none"> % of administrative units with ERP | | | | | | | ICT |
| 6. Digital Tools and Infrastructure | <ul style="list-style-type: none"> All staff provided with tools and infrastructure | <ul style="list-style-type: none"> Computer to staff ratio | | | | | | | ICT |

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|-------------------------------------|---------|-------------------------------|---------------|------------|-------|-------------|------------|-----------------|-------------|
| | | | | | | | | | |

| Strategic Objective 8: Promote Indigenous Social Justice Jurisprudence and Demosprudence | | | | | | | | | |
|--|---|---|--|--|--|--|--|--|---------------|
| 1. Social Justice Jurisprudence | <ul style="list-style-type: none"> Social justice jurisprudence developed | <ul style="list-style-type: none"> No. of jurisprudential decisions | | | | | | | AJS Committee |
| 2. Social Justice Demosprudence | <ul style="list-style-type: none"> Social justice demosprudence developed | <ul style="list-style-type: none"> No. of demosprudential decisions | | | | | | | AJS Committee |
| 3. Social Justice Dialogues | <ul style="list-style-type: none"> Curriculum on indigenous Social Justice implemented A regional hub for social justice dialogue established | <ul style="list-style-type: none"> No. curricula developed and implemented Established regional hub for social justice dialogue | | | | | | | KJA |
| 4. Social Justice Research and Partnership | <ul style="list-style-type: none"> Partnerships with relevant institutions established | <ul style="list-style-type: none"> No. of partnerships established No of collaborative research projects | | | | | | | KJA |

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|---|--|---|---------------|------------|-------|-------------|------------|-----------------|--------------|
| | | | | | | | | | |
| 3. World Class Judiciary Academy | <ul style="list-style-type: none"> World class KJA established Research projects undertaken Self-paced courses operationalised | <ul style="list-style-type: none"> Report on KJA development milestones No. of research project done % of self paced trainings | | | | | | | KJA |
| 4. Employee Retention | <ul style="list-style-type: none"> Employee retention programmes implemented | <ul style="list-style-type: none"> Employee satisfaction index | | | | | | | DHRA |
| Strategic Objective 4: Improve Work Environment | | | | | | | | | |
| 1. Buildings and Workplace Safety | <ul style="list-style-type: none"> Safe and secured work environment in all stations | <ul style="list-style-type: none"> Disaster management policy No. of disability-friendly buildings No. of stations/offices creches, nursing facilities, and Muslim-friendly facilities, such as washrooms and prayer rooms | | | | | | | DBS/ DHRA |
| 2. Wellness and Psycho-sSocial Support | <ul style="list-style-type: none"> Wellness programmes implemented Reduced sexual harassment Hardship allowances reviewed regularly | <ul style="list-style-type: none"> No. of wellness programs rolled out % reduction in reported sexual harassment incidences No. of reviews of hardship policies | | | | | | | DHRA |
| Strategic Objective 5: Foster a Culture of Shared Leadership | | | | | | | | | |
| 1. Leadership and Management Teams (LMTs) | <ul style="list-style-type: none"> All LMTS implementing PCJ | <ul style="list-style-type: none"> No. of Leadership Management Teams implementing PCJ | | | | | | | OCJ |
| 2. Embolden Judges, Judicial Officers and Staff | <ul style="list-style-type: none"> Emboldened Judges, Judicial Officers and Staff | <ul style="list-style-type: none"> % change in the perception of independence | | | | | | | OCJ |
| 3. Collaborative Decision-making and Institutional Collegiality | <ul style="list-style-type: none"> Inter-court engagements held | <ul style="list-style-type: none"> No. of inter-court engagements held | | | | | | | OCJ |

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|--|--|--|---------------|------------|-------|-------------|------------|-----------------|-------------|
| 4. Internal Communication | <ul style="list-style-type: none"> Improved internal communication | <ul style="list-style-type: none"> No. of regular meetings between leadership and employees No. of communication platforms activated | | | | | | | DPAC |
| Strategic Objective 6: Inculcate a people-centred performance culture | | | | | | | | | |
| 1. Values-based Human Resource | <ul style="list-style-type: none"> Value-based programmes implemented across all courts | <ul style="list-style-type: none"> No. of value-based programmes rolled out | | | | | | | DHRA |
| 2. Peer Review and Mentorship | <ul style="list-style-type: none"> Peer review guidelines developed Young Advocate Mentorship Programmes implemented | <ul style="list-style-type: none"> Guidelines for peer review No of young advocates mentored | | | | | | | |

Outcome 3: Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|--|--|---|---------------|------------|-------|-------------|------------|-----------------|----------------------|
| | | | | | | | | | |
| Strategic Objective 1: Enhance Funding for the Judiciary | | | | | | | | | |
| 1. Budgetary Allocation from Exchequer | • Adequate budget allocated | • % budgetary allocation | | | | | | | Finance |
| 2. Resource Mobilisation | • Resources secured • New partnerships established | • Amount of resource raised • No. of partnerships established | | | | | | | Finance |
| Strategic Objective 2: Improve Efficiency in Resource Utilisation | | | | | | | | | |
| 1. Financial Management Policy and Frameworks | • Judiciary Fund Regulations reviewed • Procurement process streamlined | • All Judiciary Fund Regulations reviewed • No. procurement process reviewed • No. of framework contracts signed | | | | | | | Finance/ DSCM |
| 2. Capacity in Financial Management | • Financial processes automated • Finance and procurement staff trained • Financial performance monitoring and reporting framework developed | • No. of automated financial processes • No. of technical staff recruited and deployed • No. of trainings conducted • Financial performance monitoring and reporting framework | | | | | | | Finance/ Accounts |
| 3. Development Budget Absorption | • Increased absorption of the development • Project monitoring framework developed | • Development budget absorption rate • Project performance monitoring and reporting framework | | | | | | | Finance/ Accounts |
| 4. Enhance supply chain management (Asset management) | • Asset management register fully operational • All Judiciary assets tagged | • % of assets updated in the online asset register • % of assets tagged | | | | | | | DSCM |
| 5. Enhance capital projects implementation | • All capital projects completed in time | • No. of capital project completed on time | | | | | | | Finance/ Accounts |
| Strategic Objective 3: Improve Financial Management Systems | | | | | | | | | |
| 1. Integrated Financial Management System | • Corporate support systems automated | • No. of support systems fully automated • Cashless payment system | | | | | | | Finance/ Accounts |

Outcome 5: Enhanced Public Trust and Confidence in the Judicial System

| Strategic Objectives/ Strategies | Outputs | Key Performance Indicators | Annual Target | Activities | Input | Budget Item | Est Budget | Source of Funds | Core Actors |
|---|--|--|---------------|------------|-------|-------------|------------|-----------------|-------------|
| | | | | | | | | | |
| Strategic Objective 1: Maintain High Standards of Integrity among Judges, Judicial Officers, and Staff | | | | | | | | | |
| 1. Complaint Handling Mechanisms | <ul style="list-style-type: none"> Efficient complaint handling system implemented | <ul style="list-style-type: none"> Change in complaint resolution time | | | | | | | OJO |
| 2. Anti-Corruption Policies and Strategies | <ul style="list-style-type: none"> Anti-Corruption Strategy developed Anti-corruption Policy developed | <ul style="list-style-type: none"> Anti-corruption Strategy Anti-corruption Policy | | | | | | | OJO |
| Strategic Objective 2: Improve Communication and Information Sharing | | | | | | | | | |
| 1. External Communication and Information Sharing | <ul style="list-style-type: none"> Communication and information sharing strategy implemented | <ul style="list-style-type: none"> No. of external communication platforms implemented | | | | | | | DPAC |
| Strategic Objective 3: Strengthen Community Outreach and Civic Education | | | | | | | | | |
| 1. Enhance judicial outreach engagements | <ul style="list-style-type: none"> Judicial outreach conducted | <ul style="list-style-type: none"> No. of outreach events | | | | | | | DPAC |
| 2. Civic education | <ul style="list-style-type: none"> Civic education conducted | <ul style="list-style-type: none"> No. of civic education programmes conducted | | | | | | | DPAC |
| Strategic Objective 4: Strengthen Judicial Independence | | | | | | | | | |
| 1. Judicial education | <ul style="list-style-type: none"> Judicial education | <ul style="list-style-type: none"> No. of judicial education programmes rolled out | | | | | | | DPAC |
| 2. International exchange | <ul style="list-style-type: none"> Exchange programmes conducted | <ul style="list-style-type: none"> No. of exchange programmes undertaken | | | | | | | OCJ |
| 3. Decisional independence | <ul style="list-style-type: none"> Non interference from any parties with judicial decisions | <ul style="list-style-type: none"> Public perception index of judicial independence | | | | | | | OCJ |

Annex 3: STAJ Blueprint Risk Matrix

| RISK DESCRIPTION | RISK CATEGORY | LIKELIHOOD | IMPACT | OVERALL RISK LEVEL | MITIGATION MEASURES |
|---|------------------|------------|--------|--------------------|--|
| 1. People may not afford formal justice | Financial risk | H | H | H | <ul style="list-style-type: none"> a) Connect indigent individuals to legal aid b) Make court fees affordable for indigent individuals c) Link users to <i>pro-bono</i> legal representation d) Provide framework/assistance for <i>pro se</i> court users |
| 2. Inadequate resources may impede implementation and achievements of the blueprint | Financial risk | M | H | H | <ul style="list-style-type: none"> a) Lobby for more government funding b) Anchor in statute allocation to the Judiciary at 2% of the total national government budget c) Undertake robust resource mobilisation |
| 3. Inaccessibility of court services | Operational risk | H | H | H | <ul style="list-style-type: none"> a) Establish more courts b) Build modern court facilities c) Enhance virtual access to court services d) Establish robust and stable network and ICT infrastructure to support online services |
| 4. A large portion of the population may not be tech-savvy or have access to technology or the Internet | Operational risk | M | H | H | <ul style="list-style-type: none"> a) Establish and equip Customer support desks at the stations b) Partner with government agencies such as Huduma Kenya to enhance digital reach c) Partner with private sector and NGOs |
| 5. Data breaches and cybersecurity violations | Operational risk | H | H | H | <ul style="list-style-type: none"> a) Ensure adherence to ICT safety protocols b) Observe data protection laws and policies c) Secure Judiciary cyberspace d) Establish robust and stable network and ICT infrastructure to support online services |
| 6. Communication risks; limited access to legal information, Complex legal jargon, Language differences, Negative media and public perception | Operational risk | H | H | H | <ul style="list-style-type: none"> a) Provide translation and interpretation services b) Simplify court language and ensure that legal documents are accessible and understandable c) Offering legal education and outreach programs d) Public awareness campaigns |
| 7. Susceptibility to corruption | Operational risk | H | H | H | <ul style="list-style-type: none"> a) Implementing judicial code of conduct and ethics b) Implementing robust anti-corruption strategies |

| | | | | | |
|---|----------------------------|---|---|---|---|
| 8. Conflict of interest issues in collaborations with other institutions that may have vested interests | Legal and compliance risks | L | H | M | a) Establish clear policies, guidelines and ethical standards for partnerships and collaborations |
| 9. Ensuring equal access to justice to all persons regardless of their socio-economic status environmental protections and benefits | Societal risk | L | L | L | a) Implementing policies that promote clean and sustainable technologies in construction of courts b) Promoting environmental law jurisprudence c) Community engagement and empowerment |
| 10. Interference from external agencies | Political risk | H | H | H | a) Upholding the principles of separation of powers, independence of the Judiciary and the rule of law |
| 11. Internal dynamics, culture, and behaviour may affect ability to effectively implement STAJ | | M | H | H | a) Culture change programme |
| 12. Cultural norms and social stigmas may discourage vulnerable individuals, including women, minorities from seeking justice | Societal risk | H | H | H | a) Public education b) Support services for affected |
| 13. Safety and security of individuals who have experienced harm, abuse, or victimisation | Safety and security risk | H | H | H | a) Victim protection programmes b) Enhanced law enforcement practices c) Trauma-informed care d) Public awareness campaigns e) Training for those working with victims |

RISK CRITERIA

Low Risk(L): Risks in this category have a low likelihood of occurring and if they do occur, they are expected to have minimal impact, hence may not require significant attention or resources.

Medium Risk(M): Risks in this category have a moderate likelihood of occurring, and their impact could vary from minor to moderate; hence, they should be monitored and managed.

High Risk(H): Risks in this category have a high likelihood of occurring and could have a significant impact; hence, they require immediate attention, mitigation, and management.



Social Transformation
through Access to Justice



Better Justice, Better Kenya

We have set a target:

20 million Kenyans excluded from the formal justice sector will have access to an efficient and responsive justice system that is inclusive and utilises people's justice capabilities by 2033