



JUDICIAL SERVICE COMMISSION

ANNUAL REPORT

FOR THE FINANCIAL YEAR
2023/2024

www.jsc.co.ke

SCAN



For JSC website

Published by:

The Judicial Service Commission
CBK Pension Towers 13th Floor, Harambee Avenue, CBD, Nairobi
P.O. Box 40048 -00100,
Nairobi, Kenya

-  **Tel:** +254-20 2333191, +254 202739180
-  **Email:** jscsecretariat@jsc.go.ke
-  **Facebook:** www.facebook.com/judicialkenya
-  **X:** [@jsckenya](https://twitter.com/jsckenya)
-  **Website:** www.jsc.go.ke

© 2024 Judicial Service Commission

Published 2024



Some rights reserved.

This work is made available under the Attribution-Noncommercial 4.0 International (CC BY-NC 4.0) available at <https://creativecommons.org/licenses/by-nc/4.0/> This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only so long as the work is appropriately cited and attribution is given to the creator.

Users wishing to reuse material from this work attributed to a third party such as tables, figures or images are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third party owned component in the work rests solely with the user.


Any copyright use requests relating to this publication should be addressed to the Judicial Service Commission. Subscription correspondence may be addressed directly to the Head of Library Services through the email addresses provided.

Image source: Istock © 2024 accessed via [www. JUDICIAL SERVICE COMMISSION / Istockphoto.com](http://www.JUDICIAL SERVICE COMMISSION / Istockphoto.com)

Recommended citation: JSC 2024. Annual Report 2023/2024. Nairobi, Kenya.



**THE JUDICIAL SERVICE COMMISSION
ANNUAL REPORT FOR THE FINANCIAL YEAR
2023/2024**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 MAR 2025	DAY: Tuesday
TABLED BY:	Deputy chief whip Hon. Naomi Jillo
CLERK-AT THE-TABLE:	Benson Inzofu



OUR VISION

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



OUR MISSION

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



OUR VALUES

- Independence
 - Transparency
 - Accountability
 - Integrity and
 - Professionalism
- 

JSC

Judicial Service
Commission

FUNCTIONS



Receive and consider petitions for the removal of Judges from office.



Advise the National Government on improving the efficiency of the administration of Justice.



Prepare and implement programmes for the continuing education and training of Judges and Judicial Officers.



Appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary.



Review and make recommendations on conditions of service of Judges, Judicial Officers (other than their remuneration) and staff of the Judiciary



Recommend to the President persons for appointment as Judges.

STATEMENT BY THE CHAIRPERSON

I am pleased to present the Judicial Service Commission Annual Report for the financial year 2023/24. The report documents the Commission's activities and achievements in discharging its constitutional mandate of facilitating the independence and accountability of the Judiciary and the efficient, effective and transparent administration of Justice.

During the financial year 2023/2024, significant strides were made in strengthening the Judiciary's capacity through strategic appointments and infrastructural improvements. In an effort to expedite the dispensation of justice, the JSC nominated and facilitated the appointment of twenty (20) High Court Judges and appointed seventy-seven (77) Judicial Officers, including the Chief Registrar, Chief Kadhi, Registrar Automation, four (4) Members of the National Civil Aviation Administrative Review Tribunal, and seventy (70) Resident Magistrates.

The Commission appointed an additional Five Hundred and Seventy-Two (572) judicial staff across various cadres within the Judiciary and the Commission. These efforts have enhanced efficiency by significantly reducing case backlogs and improving service delivery. Moreover, the Commission played a crucial role in overseeing the construction and modernization of court infrastructure across the country, ensuring that justice is not only served but also brought closer to the people, in line with the constitutional mandate to promote access to justice for all Kenyans.

The Commission is committed to entrenching and promoting the highest standards of performance, integrity, accountability, and professionalism in the Judiciary. In that quest and in line with its mandate under article 168 of the Constitution, the Commission received and processed 141 Petitions against Judges during the period, out of which 70 were concluded.

The Commission has also contributed to the country's development and strengthening of the policy and legal framework by making recommendations for the formulation and amendment of various laws and regulations, namely the Judicial Service Act, 2011 (No. 1 of 2011); the Magistrates' Courts Act, 2015 (No. 26 of 2015); and the Small Claims Court Act, 2016 (No. 2 of 2016). Similarly, the Commission has been at the forefront of advocating for implementing alternative dispute resolution mechanisms to ensure efficient resolution of disputes and promoting the use of alternative justice system.

The Commission remains committed to collaborating with national, regional, and international players in promoting the rule of law, the integrity of the Judiciary, and the administration of Justice. In that pursuit, it has engaged with various state and non-state actors aimed at collaborating and partnering in the administration of justice.

The Commission calls upon the Government to support the Judiciary, the Commission, and other players in the justice sector through adequate resourcing and funding for the public good, as a stable economy is highly dependent on strong institutions in the justice sector.

At the time of preparation of this report, the Commission experienced profound loss with the passing on of Commissioner Hon. Justice David Majanja, who, until his demise, was the representative of the Kenya Magistrates and Judges Association (KMJA) in the Commission. Hon. Justice Majanja's dedication and contributions to the Commission and the administration of justice through his judicial pronouncements were invaluable, and his absence is deeply felt within the Commission. The JSC honours his memory and remains committed to advancing the work he was so passionate about, ensuring that his legacy continues to influence the justice system in Kenya.

As we forge ahead to the 2024/25 financial year, the Commission reassures Kenyans of its commitment to promoting and facilitating the independence and accountability of the Judiciary and enhancing the efficient, effective, and transparent administration of justice through various planned programmes.

Finally, I wish to welcome members who joined the Commission in the year 2024 and to express my gratitude to my colleague commissioners for their selfless and exceptional commitment to the discharge of the mandate of the Commission. Gratitude also goes to Hon. Anne A. Amadi, the former Chief Registrar of the Judiciary and the Secretary of Judicial Service Commission, for her committed service to the Commission and the Judiciary. To all stakeholders who partnered with the Commission in one way or another in discharging its mandate, we thank you.

HON. JUSTICE MARTHA K. KOOME, EGH
CHAIRPERSON
JUDICIAL SERVICE COMMISSION



The Commission calls upon the Government to support the Judiciary, the Commission, and other players in the justice sector through adequate resourcing and funding for the public good, as a stable economy is highly dependent on strong institutions in the justice sector.

STATEMENT BY THE **SECRETARY JUDICIAL SERVICE COMMISSION**

I am delighted to present the Commission's 2023/2024 Annual Report. The report has been prepared pursuant to Article 254 of the Constitution and Section 10 of the JSC Act, 2011. This 2023/2024 report serves as a critical appraisal tool for the Commission to evaluate its performance during the period under review.

This report details the Commission's performance in discharge of its mandate. It also highlights challenges experienced during the period while providing recommendations on how those challenges can be addressed to ensure the Commission's efficacious implementation.

I am pleased to report that the Commission implemented its planned activities in line with the approved strategic Plan and highlight the achievements herewith. In the reporting period, the Commission approved four (4) policies to strengthen operational performance within the Judiciary, which included: The JSC Judges and Judicial Officers Performance Appraisal Framework, The JSC Data Policy, The JSC Caseload Data Policy and the Judiciary Incentives Policy establishes a framework.

To enhance service delivery and the efficient, effective administration of Justice, the Commission recommended 20 persons for appointment as High Court judges, appointed 77 judicial officers and 572 judiciary staff. The enhanced numbers will be critical to addressing the case backlog and thus improving the case clearance rate.

On the other hand, to enhance judicial accountability, the Commission processed and concluded seventy (70) petitions against judges and conducted twelve (12) investigations against Judges, Judicial Officers, and staff in support of the processing of complaints and petitions.

In the year the Commission was allocated gross recurrent estimates of Kshs. 897 million comprising of Kshs. 619 million for the Administration and Judicial Services Sub-Programme as well as Kshs. 278 million for the Judicial Training Sub-Programme and achieved a 98% absorption rate of the allocated funds. Notably, the Commission received unmodified audit reports for the past year, demonstrating its commitment to prudent financial management.

In the year under review, the nation witnessed the unprecedented and tragic shooting at the Makadara Law Courts that led to the untimely death of a Judicial Officer and injuries to staff and other court users. To enhance Security the Commission is developing policies and strategies for implementation to support the enhancement of security in the courts.

The delay in enactment of legislation proposed by the Commission, namely the Tribunals Bill and Judges Retirement Bill is hampering the effective administration of justice, independence of the Judiciary and the Judges' welfare. Further, the Implementation of Commission programmes and activities were constrained by budgetary allocation.

I sincerely thank the Hon. Chairperson and Members of the Commission for their oversight and guidance, which were central to the successful execution of our programs. I also thank the public for their engagement and contributions during public participant forums. Lastly, I acknowledge the dedication of the secretariat team, whose commitment and diligence have been critical to our achievements this year

Winfridah B. Mokaya
Secretary / Accounting Officer
Judicial Service Commission



”

To enhance service delivery and the efficient, effective administration of Justice, the Commission recommended 20 persons for appointment as High Court judges, appointed 77 judicial officers and 572 judiciary staff. The enhanced numbers will be critical to addressing the case backlog and thus improving the case clearance rate.

LIST OF **ACRONYMS** **AND ABBREVIATION**

AJS	Alternative Justice Systems
BETA	Bottom-up Economic Transformation Agenda
BIC	Budget Implementation Committee
CAM	Court Annexed Mediation
CAPs	County Action Plans
CCIOs	Constitutional Commissions and Independent offices
CJE	Continuous Judicial Education
CSR	Corporate Social Responsibility
EGH	Elder of the Golden Heart
ELC	Environment & Land Court
ELRC	Employment & Labour Relations Court
ERP	Enterprise Resource Planning
ESAMI	Eastern and Southern Africa Management Institute
FY	Financial Year
H.E.	His Excellency
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information Communication Technology
IFMIS	Integrated Financial Management Information System
IHRM	Institute of Human Resource Management
IPSAS	International Public Sector Accounting Standards
JSC	Judicial Service Commission
KEMNAC	Kenya Muslims National Advisory Council
KJA	Kenya Judiciary Academy
KLRC	Kenya Law Reform Commission
KMJA	Kenya Magistrates and Judges Association
KSG	Kenya School of Government
MoU	Memorandum of Understanding
OAG	Office of the Auditor General
OCOB	Office of the Controller of Budget
OSHA	Occupational Safety and Health Act
PAC	Parliamentary Accounts Committee
PFM	Public Finance Management
PSASB	Public Sector Accounting Standards Board
SGBV	Sexual and Gender-Based Violence
SLDP	Strategic Leadership Development Programme
SMC	Senior Management Course
STAJ	Social Transformation through Access to Justice
SUPKEM	Supreme Council of Kenya Muslims

I TABLE OF CONTENTS

STATEMENT BY THE CHAIRPERSON	i
STATEMENT BY THE SECRETARY JUDICIAL SERVICE COMMISSION	iii
LIST OF ACRONYMS AND ABBREVIATION	v
TABLE OF CONTENTS	vi
LIST OF TABLES	viii
LIST OF FIGURES	ix
EXECUTIVE SUMMARY	xi
THE YEAR AT A GLANCE	xii
CHAPTER ONE: THE COMMISSION	1
1.1 Introduction	1
1.2 Mandate and Functions of the commission	1
1.3 Membership	2
1.4 Committees of the Commission	7
1.5 The Secretariat	8
1.6 Legal and Policy Documents Guiding the Commission	8
CHAPTER TWO: STRATEGIC PRIORITIES AND ACHIEVEMENTS FOR THE FINANCIAL YEAR 2023/2024	9
2.0 Introduction	9
2.1 Efficient, Effective, Accountable and Transformative Administration of Justice	9
2.1.1 Overview	9
2.1.2 Strengthened Organizational performance within Judiciary.	10
2.1.3 Improved process of handling petitions, complaints and disciplinary cases	12
2.1.4 Enhanced Inclusivity in Access to Justice	15
2.2 Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers and Judicial Staff	18
2.2.1 Recruitment of Judges, Judicial Officers and Judicial Staff	18
2.2.2 Promotion of Judicial Officers and Judicial Staff	22
2.2.3 Employee Exits	23
2.2.4 Improved Terms and Conditions of Service for Judges and Judicial Officers	23
2.2.5 Development of Policies	36
2.2.6 Partnerships and Collaboration	37
2.3 Financially Independent and Sustainable Judiciary and the Judicial Service Commission	37
2.3.1 Judiciary Budget Performance	37
2.3.2 Legal reforms to address challenges to the operationalization of the Judiciary Fund	38
2.3.3 Engagement with the National Assembly and Executive for Funding of the Judiciary	38
2.3.4 Resource Mobilization Strategies	39
2.3.5 Audit, Governance and Risk Management	39
2.3.6 Approval of Prototype Courts	40
2.3.7 Public Participation on Budget Making Process	40
2.3.8 Enhancement of Funding to Small Claims Court	40
2.4 Increased public confidence and trust in the JSC and the Judiciary	41

2.4.1	Public Participation and Stakeholder Engagement	41
2.4.2	Stakeholder Management Guidelines	48
2.4.3	Communications Needs Assessment Survey	48
2.4.4	Communications and Stakeholder Engagement Strategy	48
2.4.5	Information Education and Communication Materials	48
2.5	Strengthened Institutional Capacity of the JSC	48
2.5.1	Aligning the Organizational Structure with the Strategic Plan	48
2.5.2	Enhancing human capital	48
2.5.3	Capacity building programmes	49
2.5.4	Institutionalization of Performance Management	51
2.5.5	Strengthened ICT infrastructure	51
2.5.6	Implementation of the ERP System	52
2.5.7	Strengthening Kenya Judiciary Academy	52
2.5.8	Development of Commission Governance Instruments	52
CHAPTER THREE: FINANCIAL STATEMENTS		53
3.1	Introduction	53
3.2	Budget Performance Analysis	53
3.2.1	Comparative Expenditure Analysis	54
3.2.2	Revenue Analysis	55
3.2.3	Approved Annual Budget Allocation and Actual Expenditure Comparative Analysis for the Past Five Years	56
Notes to the Financial Statements		60-65
Annex 1:	Summary of Fixed Asset Register	66
Annex 2:	Cash and Cash Equivalents	66
Annex 3:	List of Projects implemented by Judicial Service Commission	66
Annex 4:	List of SCs, Sagas and Public Funds Under Judicial Service Commission	66
Annex 5:	Contingent Liabilities Register	66
Annex 5:	Reporting of Climate Relevant Expenditures	66
Annex 6:	Disaster Expenditure Reporting Template	66
CHAPTER 4: CHALLENGES, RECOMMENDATIONS AND WAY FORWARD		67
4.1	Introduction	67
4.2	Challenges	67
4.2.1	Inadequate Budgetary Allocation	67
4.2.2	Delay in enactment of legislations	68
4.3	Recommendations	69
4.3.1	Enhancement of the Commission's and Judiciary Budget	69
4.3.2	Legal Reforms	69

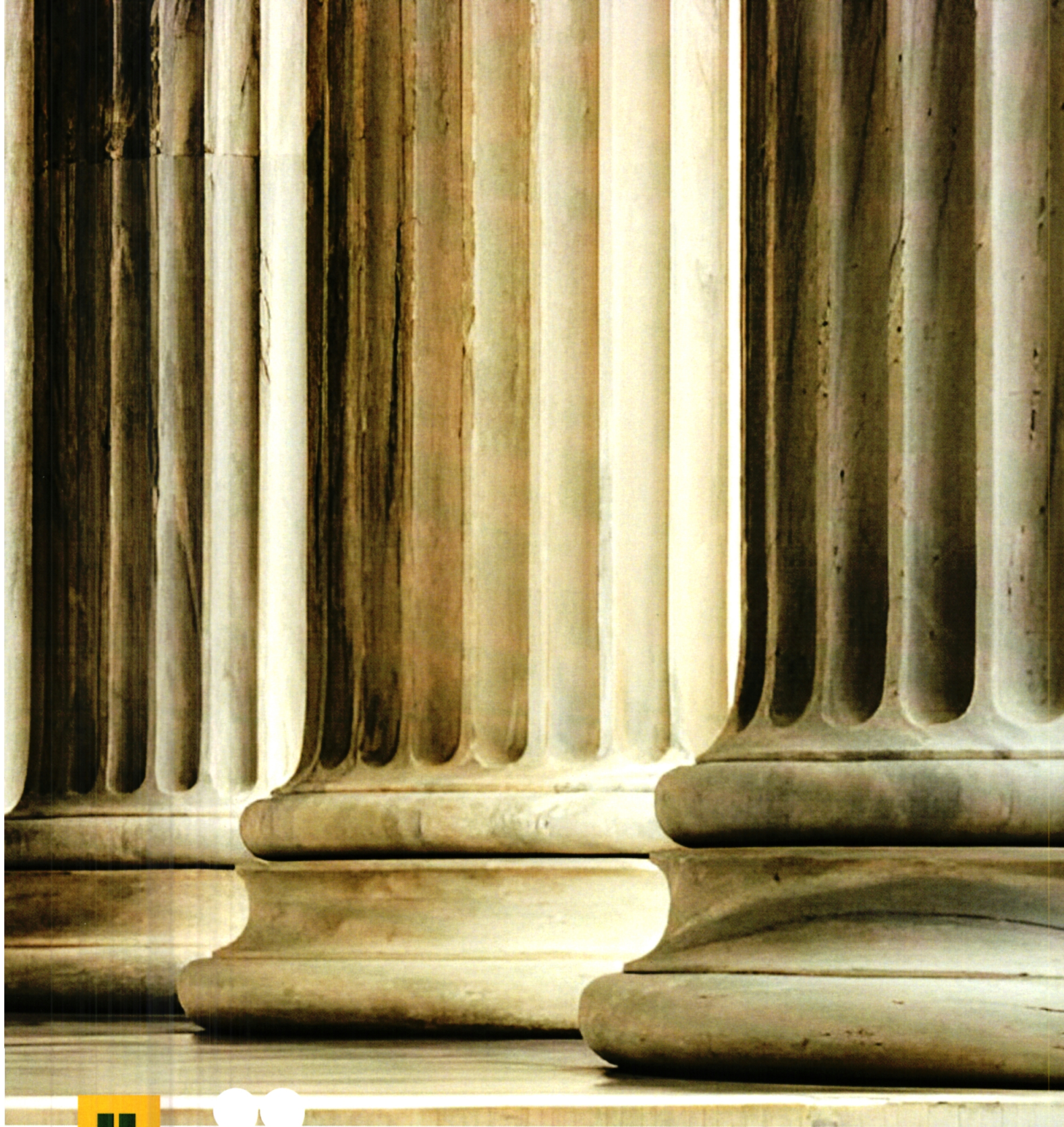
I LIST OF TABLES

Table 2-1:	Summary of Petitions against Judges	12
Table 2-3:	Disciplinary cases against judicial officers	14
Table 2-4:	Nature of Disciplinary cases against judicial officers	14
Table 2-5:	Disciplinary cases against judicial staff	15
Table 2-6:	Nature of Disciplinary cases against judicial staff	15
Table 2-7:	Analysis of Judiciary Approved Establishment vis a vis in post as at June 2023	19
Table 2-7:	Gender analysis of the 20 appointed Judges	20
Table 2-8:	Judicial Officers appointed in the FY 2023/2024	21
Table 2-9:	Judicial Staff	22
Table 2-10:	Breakdown of Employee Exits	23
Table 2-11:	Continuous Judicial training programmes	24
Table 2-12:	Analysis of ICT and Technology Capacity Building Programmes	25
Table 2-13:	Tabulates the training undertaken during the year.	36
Table 2-14:	Five-year comparisons between the National Budget and Judiciary Budget	39
Table 2-15:	Schedule of Public Participation on Budget making	40
Table 2-16:	The County Governments donated land and buildings to the Judiciary for establishment and construction of courts	45
Table 2-17:	Staff Recruited in the Period	48
Table 2-18:	Analysis of training and professional programmes attended	50
Table 3-1:	Analysis of the approved budget estimates by sub-programs for FY 2023/2024	54
Table 3-2:	Comparative Expenditure Analysis	55
Table 3-3:	Comparative Revenue Analysis	55
Table 3-4:	illustrates the budget performance status for the past five financial year	56
Annex 2:	Cash and Cash Equivalents	56
Annex 3:	List of Projects implemented by Judicial Service Commission	56
Annex 4:	List of SCs, Sagas and Public Funds Under Judicial Service Commission	56
Annex 5:	Contingent Liabilities Register	56
Annex 5:	Reporting of Climate Relevant Expenditures	56
Annex 6:	Disaster Expenditure Reporting Template	56

3.2.4 Statement of Receipts and Payments for The Year Ended 30th June 2024	57
3.2.5 Statement of Financial Assets and Financial Liabilities As at 30th June 2024	57
3.2.6 Statement of Cash Flows for the year ended 30th June 2024	58
3.2.7 Statement of Comparison of Budget and Actual Amounts for FY2023/24	58
3.2.8 Statement of Comparison of Budget and Actual Amounts: Recurrent for FY2023/24	59
3.2.9 Budget Execution by Programmes and Sub-Programmes for FY2023/24	59
13.2 Pending Accounts Payable	64
13.1 Related party transactions:	64
13.3: Pending Staff Payables	65
13.4: Other Pending Payables	65
13.6 Progress on follow-up of Prior Years Auditor-General's recommendations.	65
13.5 Contingent Liabilities	65
Annex 1 – Summary of Fixed Asset Register	66
Annex 2: Cash and Cash Equivalents	66
Annex 3 – List of Projects implemented by Judicial Service Commission	66
Annex 4 – List of SCs, Sagas and Public Funds Under Judicial Service Commission	66
Annex 5 – Contingent Liabilities Register	66
Annex 5: Reporting of Climate Relevant Expenditures	66
Annex 6: Disaster Expenditure Reporting Template	66

I LIST OF FIGURES

Figure 2-1: Judges of the High Court establishment and in the post as of 30th June 2024.	20
Figure 2-1: Judges of the High Court establishment and in the post as of 30th June 2024	20
Figure 2-1: Promoted Judicial Officers	22
Figure 2-2: Analysis of Recurrent Expenditure	38
Design of the Prototype court	40
Figure 3-1: Graphical representation of the percentage sub-program budget allocation	54
Figure 3-2: Graphical representation of the comparative expenditure	55
Figure 6: Annual Budget Allocation	56



”



The tent of existence is upheld upon the pillar of justice, and not upon forgiveness. The continuance of mankind depends upon justice and not upon forgiveness.

EXECUTIVE SUMMARY

This report is prepared in accordance with Article 254 of the Constitution of Kenya and the JSC Act 2011, which indicates that the Commission shall submit the Annual Report to the President and Parliament within six months after the end of the Financial Year.

The report presents a comprehensive overview of the Judicial Service Commission's achievements, challenges, and initiatives over the past year. It reflects the Commission's commitment to executing its mandate to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

The Commission made notable strides in enhancing judicial efficiency, particularly by appointing 20 High Court judges, 77 judicial officers, and 572 judiciary staff. These appointments were critical in addressing case backlogs and facilitating better access to justice nationwide. Additionally, the Commission facilitated the modernisation and expansion of court facilities, with new specialised courts for handling issues like sexual and gender-based violence and small claims.

To support inclusivity and accessibility, the JSC facilitated the expansion of Alternative Dispute Resolution (ADR) mechanisms, including the opening up of 15 new mediation registries and the establishment of specialised courts, such as the Sexual and Gender-Based Violence (SGBV) Court and the Small Claims Courts. The Commission facilitated the establishment of 25 additional small claims courts to bring the number to 37 across the country. These efforts, along with an enhanced ICT infrastructure and the roll-out of e-filing services, have streamlined court processes and improved public access to legal services across Kenya.

The Commission strengthened its governance framework by developing new policies, including the Judges and Judicial Officers Performance Appraisal Framework, which establishes clear and measurable objectives to promote high performance and ensure the delivery of expected results. The Data Management Policy sets provisions for managing judiciary data, and defining roles, responsibilities, processes, and procedures for effective data management. Additionally, the Judiciary Caseload Data Policy guides the collection, usage, and application of caseload statistics within the Judiciary. At the same time, the Judiciary Incentives Policy introduces a rewards and incentives framework tied to performance, establishing clear standards and criteria for recognizing exemplary work.

Financially, the Commission demonstrated prudent management, achieving a 98% absorption rate of allocated funds. Despite the remarkable achievement, the JSC encountered significant setbacks, including budget constraints that impacted operational effectiveness, a delay in essential legislative enactments, and inadequate infrastructure. The JSC recommends an increased budget allocation, expedited legal reforms, improved staffing, enhanced court infrastructure, and public awareness initiatives to address these challenges and further strengthen Kenya's justice system.

The JSC nominated and facilitated the appointment of:

Twenty
(20) High
Court
Judges



Appointed
seventy-seven
(77) Judicial
Officers,



Chief
Registrar



Chief
Kadhi



Registrar
Automation



Four (4) Members
of the National Civil
Aviation Adminis-
trative Review



seventy (70)
Resident
Magistrates



Five Hundred
and Seventy-Two
(572) judicial staff
across various
cadres



The Year at a Glance

In the unwavering commitment to professional development, the Commission undertook several strategic initiatives aimed at bolstering the capacity of judges, judicial officers and judicial staff. These initiatives include:



Received and processed 141 Petitions against Judges during the period, out of which 70 were concluded.

141

01



Development of the Curriculum for Training at Kenya Judiciary Academy:

The Commission developed a curriculum for training that sets out course aims, content and methodology for training judges and magistrates. This foundational document outlines the guiding principles and standards for judicial education and sets out course aims, content, and methodology for training judges and magistrates. The curriculum was developed through extensive consultation with stakeholders, including judges who reviewed and approved it.

02



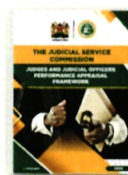
Development of a Handbook on Training for Judicial Trainers:

The Commission has developed a Handbook on Training of Judicial Officers to ensure that Trainers are equipped with effective training skills that are relevant to the client's training needs. This will engender training that meets program objectives.

This handbook equips judicial trainers with the necessary skills to deliver effective training that meets the specific needs of their trainees. By ensuring that trainers are well-equipped, the JSC aims to enhance the quality and relevance of judicial training programs.



Approved four (4) policies to strengthen operational performance within the Judiciary



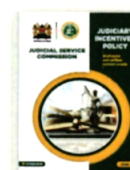
The JSC Judges and Judicial Officers Performance Appraisal Framework



The JSC Data Policy



The JSC Caseload Data Policy



The Judiciary Incentives Policy establishes a framework

The Judicial Service Commission made the following changes in the Judiciary Administrative Structure to enhance efficiency and effectiveness in the delivery of Judicial services to the public:

01

Increased staff establishment of the Directorate of ICT from two hundred and fifteen (215) to two hundred and fifty-seven (257). This will ensure efficient services to the users in line with automation of the Judiciary that includes the operationalization of Electronic Filing, Electronic Payments, Case Tracking System, Virtual Courts and ERP

02

Three (3) new positions in the Directorate of Supply Chain Management, namely;

- Deputy Director, Procurement and Planning,
- Deputy Director, Stores Inventory Asset Management & Disposals and;
- One (1) of Senior Officer.

03

Expanded establishment for Directorate of Audit & Risk Management from thirty (35) to fifty (50). The position of Deputy Director, Internal Audit has also been created. This will enhance transparency and accountability.

04

Renaming of the Directorate of Planning and Organization Performance (DPOP) to 'Directorate of Strategy, Planning and Organization Productivity (DSPOP)'. An additional position of Deputy Director (to make for three) has also been created in the Directorate and the establishment expanded from forty (40) to forty-seven (47) staff.



Conducted 7 stakeholder engagements



Chapter 01

The Commission

1.1 Introduction

This chapter provides a comprehensive overview of Kenya's Judicial Service Commission (JSC). It covers the Commission's mandate and functions, outlines its membership, and provides the current and former members who served during the reporting period. Further, it details the Commission's committees' structure, and the Secretariat tasked with the Commission's daily operations and highlights the legal and policy documents guiding the Commission's activities.

1.2 Mandate and Functions of the Commission

The mandate of the Commission, as stipulated in Article 172 of the Constitution, is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

Article 172 of the Constitution provides the following as the functions of the Commission:

- i. Recommend to the President persons for appointment as judges.

- ii. Review and make recommendations on condition of service for Judges, judicial officers (other than their remuneration) and staff of the Judiciary.

- iii. Receive complaints against, investigate and remove from office or otherwise disciplining registrars, magistrates, other judicial officers and other staff of the Judiciary.

- iv. Prepare and implement programmes for the continuing education and training of judges and judicial officers.

- v. Advise the National Government on improving the efficiency of the administration of Justice.

- vi. Receive and consider petitions for the removal of Judges from office under Article 168 of the Constitution.



Sustainable development is the pathway to the future we want for all. It offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthen governance.



1.3 Membership

The membership of the Commission as provided for under Article 171(2) of the Constitution comprises of;

1. The Chief Justice as the Chairperson of the Commission,
2. One Supreme Court Judge elected by the Judges of the Supreme Court,
3. One Court of Appeal Judge elected by the Judges of the Court of Appeal,
4. One High Court Judge and one Magistrate, one woman and one man elected by members of the Kenya Magistrates and Judges Association (KMJA),
5. The Attorney General,
6. Two advocates, one woman and one man elected by members of the Law Society of Kenya,
7. Public Service Commission nominee,
8. Two members, a man and a woman, who are not lawyers appointed by the President with the approval of the National Assembly to represent the public interest.

The Chief Registrar of the Judiciary is the Secretary to the Commission.

The following are members who served the Commission during the financial year 2023/2024

The Commission calls upon the Government to support the Judiciary, the Commission, and other players in the justice sector through adequate resourcing and funding for the public good, as a stable economy is highly dependent on strong institutions in the justice sector.”

Chairperson the Commission



Hon. Justice Martha K. Koome,
*EGH Chairperson, Judicial
Service Commission /Chief
Justice & President of the
Supreme Court of Kenya*

”

The Commission calls upon the Government to support the Judiciary, the Commission, and other players in the justice sector through adequate resourcing and funding for the public good, as a stable economy is highly dependent on strong institutions in the justice sector.”

Hon. Justice Martha K. Koome EGH, is the Chairperson of the Judicial Service Commission, pursuant to Article 171, 2 (a) of the Constitution.

Hon. Justice Koome was appointed the Chief Justice and President of the Supreme Court on May 19, 2021, as the 15th Chief Justice of the Republic of Kenya and the 3rd President of the Supreme Court of Kenya. She is the first woman to hold the office of the Chief Justice of the Republic of Kenya.

Before her elevation to the office of the Chief Justice, Hon. Justice Koome served as Judge of the Court of Appeal from 2012 to 2021. She joined the Judiciary as High Court Judge in 2003 and held the position for eight years.

Before joining the Judiciary, she worked as a Managing Partner at Martha Koome & Company Advocates between 1993 and May 2003 and served as an Advocate in Mathenge and Muchemi Advocates firm from 1988 to 1993.

Hon. Justice Koome is an affiliated and licensed member of various professional bodies and has held several leadership positions throughout her career which include; serving as Co-Chair National Steering Committee on Children's Bill and the Committee Developing Guidelines on Psychosocial Support, Chairperson of the Kenya Magistrates and Judges Associations (KMJA) and the Chairperson of International Federation of Women Lawyers (FIDA) Kenya. In addition, she has several publications in her name. Hon. Justice Koome holds a Master of Laws degree from the University of London, a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law.

Members of the Commission



Hon. Isaac Kiprono Rutto, EGH
Vice Chairperson Judicial Service
Public Representative



Hon. Everytne S. A. Olwande,
Commissioner
Kenya Magistrates and Judges Association
Representative



Hon. Jacqueline Ingutiah, LL.M, LL.B
Commissioner
Law Society of Kenya Representative



Hon. Justice Mohammed Ibrahim,
CBS, SCJ
Commissioner
Supreme Court of Kenya Representative



Hon. Justin B. N Muturi, EGH
Commissioner
Attorney General



Hon. CHRP Caroline Nzilani Ajuoga
Commissioner
Public Representative



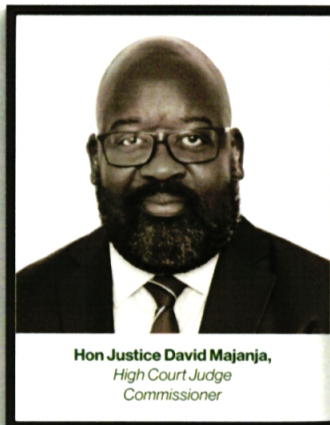
Hon. CPA Charity Seleina Kisotu, CBS
Commissioner
Public Service Commission Representative



Hon. Lady Justice Fatuma Sichale, JA
Commissioner
Court of Appeal Representative



Hon. Omwanza Ombati, LL.B, LL.M
Commissioner
Law Society of Kenya Representative



Hon Justice David Majanja,
High Court Judge
Commissioner

It is with profound sadness and a heavy heart that we acknowledge that the late Hon commissioner is no longer with us. He passed on 10th July 2024 while serving his second term having been re-elected on 25th May 2024.

Hon. Winfrida Mokaya,
*Chief Registrar Judiciary
Secretary*



”

Hon. Winfridah B. Mokaya was appointed as the Chief Registrar of the Judiciary and the Secretary to the Judicial Service Commission with effect from 18th March 2024.

Prior to her appointment as the CRJ and the Secretary to the Commission, she served as the Registrar of the Judicial Service Commission, a position she held since 2012.

Hon. Mokaya, an Advocate of the High Court of Kenya, joined the Judiciary in 1997 rising from District Magistrate II to Senior Principal Magistrate. With over 27 years of experience in the legal profession, Hon Mokaya has garnered a wealth of knowledge and expertise.

She holds a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law. She is also a Certified Public Secretary and is currently pursuing Master of Laws degree.

The Commission calls upon the Government to support the Judiciary, the Commission, and other players in the justice sector through adequate resourcing and funding for the public good, as a stable economy is highly dependent on strong institutions in the justice sector.”

Changes in the Membership of the Commission



01.

Commissioner

Hon. Macharia Njeru,
*(Vice chairperson of the Commission)
Advocate of the High Court*

Period Served

13th May 2019 to 12th May 2024



02.

Commissioner

Hon. Justice Mohamed Warsame,
Judge of the Court of Appeal

Period Served

2013 to 28th January 2024



03.

Secretary to the Commission

Hon. Anne A. Amadi, CBS,
Secretary to the Commission

Period Served

January 13th, 2014, to January 12th, 2024

1.4 Committees of the Commission

Section 19 of the Judicial Service Act gives the Commission powers to constitute committees to discharge its mandate effectively. Accordingly, the Commission has established the following five (5) standing committees with specific terms of reference to process matters referred to them by the Commission; the Commission may also establish Ad hoc committees as and when necessary to deal with any specific matters and make recommendations for approval:

1. Committee on Administration of Justice
2. Human Resource Management Committee
3. Finance, Planning and Administration Committee
4. Learning and Development Committee
5. Audit, Governance and Risk Management Committee

1. Committee on Administration of Justice

The Committee is responsible for the development of policies and strategies to facilitate the efficient, effective, and transparent administration of justice in the Judiciary, this includes advising on strategies to increase access to justice and stakeholder engagement, ensuring the Judiciary's voice is heard on key issues affecting the public interest and getting feedback on the performance.

2. Human Resource Management Committee

The Human Resource Management Committee is responsible for developing human resource management strategies to attract, develop, and retain competent human resources in the Judicial Service.

The Committee makes recommendations to the Commission on Human Resource Management Strategies to ensure that the judicial service has qualified and skilled employees who are correctly facilitated to maintain high motivation for effective performance and productivity.



3. Finance, Planning and Administration Committee

Under Section 29 of the Judicial Service Act, 2011, the JSC must review the financial estimates for the JSC and the Judiciary and submit the estimates to the National Assembly. The Committee makes recommendations to the Commission on financial policies to ensure prudent utilisation of public resources, reviews budgets and work plans, and oversees the implementation of the budget, ensuring the organisation's financial sustainability and strategic direction.

4. Learning and Development Committee

The Committee is responsible for developing policies and strategies for transforming the Judiciary by inculcating a learning culture that enables Judges, Judicial Officers, and Staff to acquire the skills, attitudes, and capabilities needed to foster a skilled, knowledgeable, and engaged workforce needed to deliver services.

5. Audit, Governance and Risk Management Committee

Section 73(5) of the Public Finance Management Act, 2012 requires that every national government public entity should establish an audit committee. Pursuant to the aforementioned, the JSC Audit, Governance and Risk Management Committee is established to oversee internal control systems and risk management for the Judiciary and the Commission by reviewing, identifying, assessing, monitoring, and managing risks and ensuring good governance.



Ad hoc Committees

Ad-hoc committees are temporary committees established to resolve a specific issue and with particular timelines and are typically constituted through a Motion; they are formed for a specific purpose to provide a flexible and efficient way to tackle challenges; the commission ad hoc committees and membership are as follows:

1. Strategic Plan Implementation Steering Committee

The Commission constituted the JSC Strategic Plan Implementation Steering Committee to spearhead the implementation of Strategic Plan 2022-2027.

2. Committee for reviewing of petitions lodged against judges and disciplinary cases against judicial officers and staff of the judiciary

The Committee is responsible for reviewing of petitions lodged against judges under Article 168 of the Constitution and disciplinary cases received by the Commission pursuant to Paragraph 25(3) Part IV of the Third Schedule against judicial officers and staff before tabling their recommendations before the Commission for preliminary evaluation.

3. Commission Panels

The Commission is mandated under Article 168 of the Constitution to process Petitions against Judges and under Article 172(1) c) of the Constitution to receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary.

Pursuant to the above mandate, if the Commission is satisfied that a petition against a judge or a disciplinary case against judicial officers and staff of the Judiciary raises sufficient grounds, it shall admit the matter for hearing and appoint a panel pursuant to Article 168 (4) Section 32 (1) as read with Paragraph 25(4) to (9) Part IV of the Third Schedule of the Judicial Service Act to consider petitions against judges and investigate complaints against judicial officers and staff and report its findings and recommendations to the Commission.

1.5 The Secretariat

According to Sections 19 and 20 of the Judicial Service Act, 2011, the JSC has established a Secretariat to facilitate the Commission's work and provide technical support to it.

The Secretariat is structured as follows:

- Office of the Registrar
- Directorate of Legal Services
- Directorate of Human Resource Management
- Directorate of Complaints Management and Investigation
- Directorate of Finance and Administration
- Department of Board Services,
- Department of Monitoring and evaluation
- Department of Supply Chain Management,
- Department of Internal Audit
- Department of Public Affairs and Corporate Communication
- Department of Information Communication and Technology

1.6 Legal and Policy Documents Guiding the Commission

In the discharge of its mandate the Commission was guided by the Constitutions, relevant laws, regulations and policies, among them;

- The Judicial Service Act, 2011
- Labour Laws
- Fair Administrative Act, No. 4 of 2015
- Public Finance Management Act, 2012
- Judiciary Fund Act, 2016 and its Regulations
- Public Procurement and Asset Disposal Act, 2015
- Public Officer Ethics Act, 2003
- Leadership and Integrity Act
- Access to Information Act
- The JSC Strategic Plan 2022-2027
- JSC induction manual, 2023
- Judiciary Human Resource Policy and Procedures Manual, 2014
- Judiciary Finance Policy and Procedures Manual, 2014



Chapter 02

Strategic Priorities and Achievements for the Financial Year 2023/2024

2.0 Introduction

This chapter highlights the Commission's performance in realizing its mandate and its five-year strategic plan. The period under review marked the second year of the implementation of the Commission's Strategic Plan 2022-2027. The Commission has prioritized the following five (5) strategic outcomes in the planning period:

- i. Efficient, effective, accountable, and transformative administration of justice.
- ii. Motivated, professional, dynamic, responsive judges, judicial officers and judicial staff.
- iii. Sustainable funding and sound financial management for the JSC and the Judiciary.
- iv. Increased public confidence and trust in the JSC and the Judiciary.
- v. Strengthened institutional capacity of the Commission.

The key achievements are reported based on the highlighted strategic outcomes.

2.1 Efficient, Effective, Accountable and Transformative Administration of Justice

2.1.1 Overview

The outcome of an efficient, effective, accountable and transformative administration of justice aims to ensure that the Judiciary functions in a manner that upholds the rule of law, strengthens public confidence, and delivers justice to all promptly and transparently.

Article 172 of the Constitution outlines the JSC's mandate to promote the independence of the Judiciary and facilitate the effective and efficient administration of justice. This provides a framework that guides the JSC in its efforts to ensure accountability, enhance judicial efficiency, improve performance, safeguard integrity, reduce case backlogs, foster transparency, and build a justice system that is responsive to society's needs.

These are being achieved through strengthening the governance framework and organizational performance; improved process of handling petitions, complaints, and disciplinary cases through judicial accountability; enhanced inclusivity in access to justice; strengthened financial systems and enhanced risk management systems.

2.1.2 Strengthened Organizational Performance within the Judiciary.

In the reporting period, the Commission approved the following policies to strengthen organisational performance within the Judiciary.

2.1.2.1 Performance Management and Measurement Understanding

The Commission has ensured the mainstreaming of performance management in the Judiciary. This was achieved through the introduction of a performance management system which encompasses a variety of key tools, among them being the Performance Management and Measurement Understandings (PMMUs).

The PMMUs are used to establish the key performance indicators (KPIs) for each unit, set targets, sign measurements of understanding and assign responsibilities. The understandings explain each party's unique obligations and objectives.

Beyond the broad framework, the PMMU defines and utilizes various metrics to gauge performance across different aspects of the courts' operations which are internationally recognized as benchmarks for excellence.

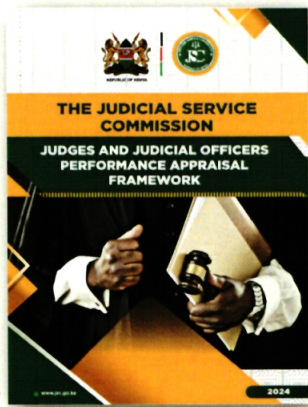
The year 2023/24 marked the 8th cycle of the Performance Management Measurement and Understanding covering the period 2022/23 financial year. During the 8th cycle PMMU evaluation process, a total of 319 units across various levels of the Judiciary were assessed. These units included the Supreme Court, 6 Court of Appeal Stations, 45 High Court Stations and Divisions, 7 Employment and Labour Relations Courts and 36 Environment and Land Courts. The Magistrates' Courts which constituted the largest group had 133 Stations evaluated. Additionally, 44 Kadhis' Courts, 12 Small Claims Courts, and 13 Tribunals were also assessed. Further, the evaluation process encompassed 8 Registrars' offices, 11 Directorates, 2 administrative offices and the Kenya Judiciary Academy.

The overall performance of the Judiciary was recorded at 97.26 per cent in 2022/2023 financial year. This was a significant improvement from 93.71 per cent performance recorded in the previous cycle.

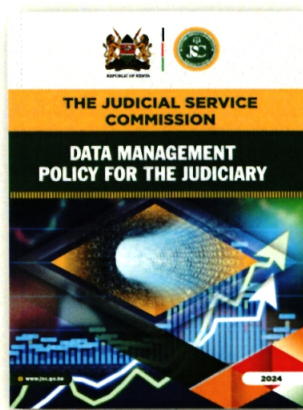


The performance measurement has resulted in the enactment of the underlisted policies.

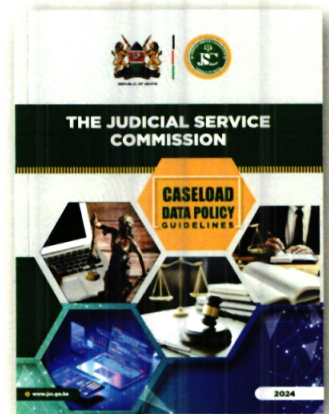
01. Judges and Judicial Officers Performance Appraisal Framework — The framework provides a clear and measurable objective to enhance high performance and delivery of expected results. It will also provide a feedback mechanism on individual and court performance.



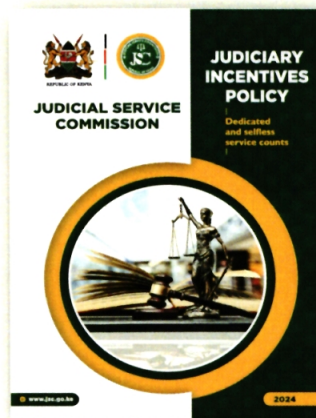
02. Data Management Policy for the Judiciary — The policy makes provisions for managing Judiciary data and spells out the roles, responsibilities, processes, and procedures for managing data.



03. Judiciary Caseload Data Policy—The policy provides a guide on collecting, using, and applying caseload statistics in the Judiciary. It aims to enhance integrity, consistency, completeness, and comprehensiveness, as well as governance and management of caseload data.



04. Judiciary Incentives Policy — The policy establishes a framework of rewards and incentives linked to performance by setting out clear standards and criteria for rewarding exemplary performance. It also spells out motivation strategies for Judges, judicial officers and staff to enhance service delivery.



Implementing these policies will lead to a strong work culture that will aid in effective service delivery.

NB: Scan QR Code to get publications Online

2.1.3 Improving Judicial Accountability

The Constitution, under Article 168, bestows upon the Commission powers to receive and process petitions against judges. Similarly, under Article 172 (1) (c), the Commission exercises disciplinary control over judicial officers and judicial staff.

The petitions and disciplinary cases handled by the Commission in the reporting period are presented below

2.1.3.1 Petitions Against Judges

The Commission processed a total of one hundred forty-one (141) petitions against judges, comprising one hundred (100) new petitions and forty-one (41) petitions from the previous financial year.

Out of the 141 petitions, seventy (70) were concluded, while seventy-one (71) petitions received towards the end of the financial year are pending investigations and hearings before the Commission panels. Table 2-1 presents a comparative summary of petitions processed in FY 2023/2024 and FY 2022/2023.

Table 2-1: Summary of Petitions against Judges

No	Details	2023/24	2022/23
1.	Petitions brought forward	41	75
2.	Petitions received during the year	100	43
3.	Total Petitions handled	141	118
4.	Petitions concluded	70	77
	Petitions carried forward	71	41

The number of petitions filed in the reporting period increased by over 100% compared to the previous year due to increased public awareness of the Commission's complaint processes and procedures.

The nature of the allegation in the 141 petitions the Commission processed is detailed in **Table 2-2**.

Table 2-2: Nature of Allegations in the Petitions

S/ No	Nature of Allegations in the Petitions	No. of Cases
1.	Gross misconduct or misbehaviour - Grant of mandatory /final orders ex parte at the interlocutory stage, delay in delivery of ruling/ judgment/backdating judgment, use of intemperate language & hostility towards litigants and abuse of office/violation of the oath of office.	75
2.	Incompetence - Entertaining matters while lacking jurisdiction, overturning orders of Judges of concurrent jurisdiction and higher courts, and Unprofessional conduct-issuing 2 conflicting rulings.	15
3.	Breach of the Code of Conduct - Withholding/retaining Court files in chambers after delivery of judgment/ruling, soliciting for bribe/corruption/Compromise/ undue influence, conflict of Interest/Interference, bias/malice/partiality/unjust/ impropriety/ineptitude	51
	Total	141



The Commission has also established a digital platform for submitting petitions and complaints, allowing easier access for the public and more efficient case tracking. The system provides a clear timeline to avoid delays, ensuring that complaints are handled expeditiously.

21.3.2 Process of handling petitions

The process for considering petitions filed against Judges under Article 168 of the Constitution is detailed below;

01. Receipt, registration and acknowledgement

02. Preliminary evaluation to determine admissibility

At this stage, the Commission may resolve to:

- i) To dismiss the petition for not disclosing ground(s) for removal. Upon dismissal, the Commission shall inform the Petitioner in writing of the decision.
- ii) Ask the judge to respond to the allegations.

05. Consideration of the panel report by the Commission

05.

At this stage, the Commission may resolve to:

- i) Dismiss the petitions for not disclosing grounds for removal from office or;
- ii) Forward the petition to the President recommending the appointment of a tribunal in accordance with Article 168(4) of the Constitution if satisfied that the allegations disclose ground(s) for removal of the Judge from office.

04.

Hearing of the petition

During the hearing, the petitioner and the Judge can give evidence and call witness(es). Parties must attend the hearing in person and may be represented by a counsel.

03.

Review of the Judge's response

At this stage, the Commission may resolve to:

- i) Dismiss the petitions for not disclosing grounds for removal from office or;
- ii) Admit the petition for investigation and hearing, appoint a panel to consider the petition and notify the Judge and the petitioner of its decision.



2.1.3.3. Improved process of handling petitions, complaints and disciplinary cases

Effective management of petitions and complaints, coupled with disciplinary control, is critical in entrenching integrity and accountability in the judicial service and adherence to the code of conduct.

The Commission developed the Judicial Service (Process of Petitions and Complaints) Draft Regulations, which, when finalized, will streamline the process of handling petitions against Judges and complaints against judicial officers and staff.

The regulations were developed pursuant to Section 47 of the Judicial Service Act, which requires the Commission to make regulations to better carry out its functions. The draft regulations are at the stakeholder engagement stage before being submitted to the National Assembly for enactment.

The Commission has also established a digital platform for submitting petitions and complaints, allowing easier access for the public and more efficient case tracking. The system provides a clear timeline to avoid delays, ensuring that complaints are handled expeditiously.

By introducing these initiatives, the JSC aims to foster greater transparency, accountability, and trust in the Judiciary while upholding the rule of law and ethical standards within the judicial system.

2.1.3.4 Disciplinary Matters Against Judicial Officers

The Commission, under Article 172(1)(c) of the Constitution, has been conferred the power to exercise disciplinary control over judicial officers and staff. The function is geared towards promoting high standards of performance, integrity, and professionalism.

To ensure fairness and efficiency in the discipline process, the Commission developed the Human Resource Policies and Procedures Manual and Judicial Service (Code of Conduct and Ethics) Regulations, 2020, as part of the rules and regulations that govern the disciplinary procedure. The rules provide a general mechanism for handling disciplinary matters.

In the financial year 2023/2024, the Commission received and processed seven (7) disciplinary cases against judicial officers, three (3) of which were concluded, while four (4) are pending investigation and hearing before the Commission. Out of the concluded cases, one (1) judicial officer was dismissed from service, and two (2) officers were reinstated after their interdiction was lifted. **Table 2-3** presents disciplinary cases against judicial officers.

Table 2-3: Disciplinary cases against judicial officers

S/No.	Details	2023/24	2022/23
1.	Discipline cases received	7	7
2.	Total cases handled	7	7
3.	Cases Concluded	3	7
4.	Cases carried forward	4	0

The nature of the seven (7) disciplinary cases against judicial officers processed by the Commission is as detailed in **Table 2-4** below.

Table 2-4: Nature of Disciplinary cases against judicial officers

S/no.	Nature of discipline case	No. of cases
1	Gross misconduct: <ul style="list-style-type: none"> Pronouncement of judgements and rulings that were not written and failing to ensure the judgements and rulings are available to the litigants. Reviewing of bond terms Suo moto in the absence of parties Issuing ex parte eviction orders at interlocutory stage Irregular appraising of surety and falsifying court records 	4
2	Breach of the Code of Conduct: <ul style="list-style-type: none"> Bribery Absenteeism and retaining a court file after delivery of judgement Impropriety/ dereliction of ignoring submission in court and recording the same. 	3
Total		7





Judicial Staff during the Sensitization of the Judicial Service (Code of Conduct & Ethics) Regulations 2020.

2.1.3.4 Disciplinary Cases Against Judicial Staff

The Commission received and processed thirty-five (35) disciplinary cases against judicial staff, nine (9) of which were appeals against the Commission's decision. At the close of the 2023/2024 FY, thirty-four (34) disciplinary cases were finalized, while one case was pending. Table 2-5 provides a comparative summary of the disciplinary cases against judicial staff.

Table 2-5: Disciplinary cases against judicial staff

S/ NO.	DETAILS	2023/24	2022/23
1.	Discipline cases received	26	19
2.	Appeals/Reviews received	9	6
3.	Total cases handled	35	25
4.	Cases Concluded	34	25
5.	Cases carried forward	1	0

The nature of the disciplinary cases is detailed in Table 2-6.

Table 2-6: Nature of Disciplinary cases against judicial staff

S/ No	Nature of the cases	No.
1.	Sexual Harassment	2
2.	Financial impropriety	5
3.	Corruption	2
4.	Forgery	7
5.	Absence from duty	7
6.	Negligence of duty	3
Total		26

2.1.3.5. Dissemination and sensitization on the Judicial Service (Code of Conduct & Ethics) Regulations 2020

To promote ethical and professional standards within the Judiciary, the Commission disseminated copies of the Judicial Service (Code of Conduct and Ethics) Regulations 2020 to 60 court stations in 32 counties. During the exercise, Judges, Judicial Officers and Staff signed and undertook to abide by the code of conduct.

The Commission is continuously disseminating the code of conduct and carrying out sensitization forums to Judges, Judicial officers and staff.

2.1.3.6 Declaration Of Income, Assets and Liabilities.

Section 27 of the Public Officer Ethics Act requires every public officer to submit to the responsible Commission for the public officer a declaration of the income, assets and liabilities of himself, his spouse or spouses and his dependent children under the age of 18 years.

In compliance with this requirement, the Commission received and duly submitted to the EACC declaration of Interest and Liabilities Forms in respect of 1033 State Officers and 5860 Public Officers drawn from both the Judiciary and the Commission.

2.1.4 Enhanced Inclusivity in Access to Justice

The JSC is mandated to exercise oversight over the judiciary in the administration of justice. This requires that the Commission put in place strategies and develop policies to facilitate access to justice for all Kenyans. Several critical areas of the Commission's performance that contributed towards this include:

2.1.4.1 Increased Courts and Sub-Registries

The Commission is focused on ensuring that a High Court station is established in every county as required under Section 12(1) of the High Court (Organization and Administration) Act. In furtherance of the objective, the Commission lobbied for additional funds and land allocation to the Judiciary to ensure expansion of Judiciary's physical presence across the country. Three (3) High Court stations were established in Thika, Kibera and Nyandarua, respectively bringing the total number of High Court stations to 46 across 42 counties.

In addition, High Court sub-registries were also established in Mandera and Samburu (Maralal). Consequently, the High Court has presence in 46 of the 47 counties.

One more ELRC sub-registry was established in Voi, increasing the number of ELRC sub registries to Eleven (11). This is in addition to 10 fully fledged ELRC Courts across the country.

Similar expansion was undertaken in the ELC with the establishment of three (3) new stations in OI-Kalou, Voi and Naivasha and a sub-registry in Lodwar. These brought the number of ELC stations to 40 enhancing the accessibility of justice in land and environmental disputes.

The Commission is continuously mobilising for resources to ensure the establishment of a subordinate court in all the 290 constituencies. This is in line with the institution's commitment to ensure no litigant travels for more than 100 kilometres to access a physical court.

During the reporting period, the mobile courts in Port Victoria, Malaba, and Etago were upgraded to fully fledged Magistrates' Courts, raising the total number of Magistrates' Courts to 140.

2.1.4.2 Establishment of Mobile Courts

As work progresses towards establishing a court in each of the 290 constituencies, the Commission deploys mobile courts as an interim strategy to avail judicial services to populations who have to cover great distances or difficult terrain to reach established courts.

In the year under review, there were 57 operational mobile courts where a total of 9,207 cases were filed, with 7,283 cases being resolved. The average distance from these mobile courts to their parent stations was 80 kilometres, with the furthest mobile court sitting more than 230 kilometres from its parent station.

2.1.4.3 Strengthening Alternative Dispute Resolution Mechanism (ADR)

Article 159 of the Constitution mandates the Judiciary to promote alternative forms of dispute resolution, including through mediation and traditional dispute resolution mechanisms. In its ongoing efforts to uphold this constitutional obligation, the Commission has been actively collaborating with stakeholders to broaden access to justice for all by embracing alternative dispute resolution through Court Annexed Mediation and Alternative Justice Systems (AJS) to create a more inclusive, efficient, and responsive legal system

2.1.4.4 Court Annexed Mediation.

The Commission has championed the integration of Court-Annexed Mediation into the judicial system, notably in commercial and family matters. Court Annexed Mediation (CAM) is an alternative dispute resolution (ADR) mechanism where courts refer cases to a neutral mediator to help resolve conflicts.

During the year, nine (9) new CAM registries were established at Homa Bay, Voi, Garissa, Kenol, Isiolo, Marsabit, Makueni, Nyahururu, and Narok court stations, increasing the total number of mediation registries from 54 to 63.

Additionally, mediation services were introduced in five more court stations—Kitui, Kabarnet, Karatina, Voi, and Ndhiwa raising the number of counties using mediation to 41. During the year, 6136 matters were referred to court annexed mediation out of which 3030 cases worth Kshs 35.1 billion were settled by consent of the parties.

The Mediation Accreditation Committee approved 146 certified mediators to from time to time adjudicate over disputes referred to CAM.

2.1.4.4 Establishment and operationalisation of specialized courts

To tackle specific societal challenges, the JSC has facilitated the establishment of specialised courts such as the Sexual and Gender-Based Violence (SGBV) Court and the Small Claims Courts.

The SGBV courts were established to address the increasing cases of sexual violence, ensuring victims get justice in a sensitive and expedited manner. These courts provide specialised attention to cases, ensuring survivors of gender-based violence are treated with dignity while reducing trauma.

On the other hand, small claims courts hear and determine disputes of a commercial nature with a monetary value of up to one million shillings, and They have been instrumental in ensuring the expeditious disposal of cases and decongesting courts.

The Commission facilitated the establishment of 27 additional small claims courts, bringing the number to 39 across the country.

The Commission also appointed 70 resident magistrates, all of whom were gazetted as adjudicators to preside over small claim cases.

2.1.4.5 Alternative Justice Systems (AJS)

During the period under review, the Commission engaged with the National Steering Committee on Implementation of Alternative Justice Systems (NaSCI-AJS) and the Administration of Justice and Performance Management Committee (AJPMC) of the Judiciary. Consequently, the Commission approved the Alternative Justice System Policy. The Commission also participated in the launch of six AJS suites in Uasin Gishu County.

Under the leadership of the National Steering Committee for the Implementation of the Alternative Justice Systems (AJS) Policy

(NaSCI-AJS), several initiatives aimed at mainstreaming and advancing AJS were implemented during the year. County AJS Action Plans for Mandera, Turkana, Narok and Uasin Gishu Counties were launched, marking the start of a unique innovation in including citizens and communities in advancing access to justice and collaborating with county governments in opening the doorways of justice. These counties now join Kajiado, and Nakuru where AJS County Action Plans were previously developed and is being implemented.

The Commission through NaSCI-AJS also spearheaded sensitization and capacity building for key stakeholders on AJS. During the reporting period, the committee held the third National AJS conference at Kabarak University, Nakuru, with the aim of expanding the explorations as well as consensus building on what it means to realise the constitutional concept of justice and operationalise the multi-door methods of accessing Justice in Kenya.

The NaSCI-AJS committee also conducted thirteen training sessions

aimed at building capacity of participants. Among the areas covered in training sessions included familiarising participants with doctrinal knowledge of AJS and the AJS Policy, capacitating them to lead implementation of the AJS Policy in their regions, and to constitute a pool of AJS champions.

Further, a total of 500 stakeholders were sensitised on AJS. This included social justice centres and media bloggers regarding the acceleration and utilisation of AJS in informal settlements, discussions with market committees aimed at promoting AJS for dispute resolution within market environments, and dialogues with elders concerning the application of AJS in resolving community disputes. In addition, sensitization on AJS was undertaken through radio, television, social media and conferences, reaching more than 20,000 people

These initiatives complement formal court systems and aim to provide vulnerable populations with accessible and affordable dispute-resolution options.



The Chairperson of the Judicial Service Commission, Hon. Martha Koome, and the Governor of Uasin Gishu County, Hon. Jonathan Bii, joined by Commission members, preside over the launch of six alternative justice systems suites and a new court in Moiben, Uasin Gishu County.

2.1.4.3 Leveraging on ICT and automation of courts as an enabler of justice.

Under Section 3 of the Judicial Service Act, the JSC and the Judiciary must apply modern technology. The Commission has spearheaded initiatives to harness ICT tools to improve access to justice. To that end, the Commission in the period undertook the following activities:



- i) Rollout of e-filing** — The Commission has facilitated the Judiciary through lobbying for additional funding to support court automation and digital strategy. This has led to the successful rollout of e-filing in all 47 counties, with 34 rolled out in the reporting period.



- ii) Enactment of the ICT Business Continuity Plan and Disaster Recovery Policy for the Judiciary** — As part of leveraging on ICT to enhance efficiency in service delivery, the Commission enacted the policy which establishes a framework for ensuring the continuity of operations for the Judiciary ICT systems and infrastructure in the event of disruption. It outlines the establishment of primary, secondary and disaster recovery data centres to guarantee business continuity and disaster recovery capabilities



- iii) Appointment of Registrar -Automation** — in its effort to ensure a coordinated approach to the automation and digital strategy in the Judiciary, the Commission established the position of Registrar Automation and appointed a registrar to oversee the operations.

2.1.4.4 Building the Capacity of Tribunals

Tribunals handle specialised disputes, such as employment, land, and taxation. The Commission is enhancing tribunal capacity by providing human resource, legal, financial, and administrative support.

Consequently, the Commission engaged the Executive and the Legislature in fast-tracking the enactment of the Tribunals Bill. The Bill is envisaged to streamline the jurisdiction and transition of tribunals to the judiciary and harmonise the process of appointing and remunerating chairs and members of tribunals.

In addition, the Commission recruited four National Civil Aviation Review Tribunal members and Chairperson Financial Centre Tribunal members to enhance capacity within the tribunals.

2.1.5 Strengthening Integrity Framework

In fulfilment of the Commission's mandate to promote integrity and transparency, the Commission has developed the following draft policies and procedures that awaits ratification in the FY 2024/2025.

2.1.5.1 Anti-Corruption Policy

This policy provides a framework for preventing, detecting, and reporting corruption in the judicial service. It also defines structures

and systems that will be implemented and are critical in deterring corrupt practices.

2.1.5.2 Whistle-Blowing Policy

The Policy seeks to protect whistle-blowers who act in good faith to disclose information about the Judiciary and its operations that might be considered improper or illegal.

2.1.5.3 Administrative Procedures on Declaration of Assets, Income & Liabilities

The procedures are developed pursuant to the provisions of Section 33 (1) of the Public Officers Ethics Act, which requires JSC to establish Administrative Procedures for managing the Declaration of Income, Assets, & Liabilities by its employees.

The Procedures standardize the process of declaring Income, Assets, and liabilities by providing the manner in which declaration, verification and clarification, access, disclosure, storage, retention, and retrieval of the declarations are to be administered.

2.2 Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers and Judicial Staff

This section highlights the activities undertaken by the Commission to ensure a motivated, professional, dynamic, and responsive judge, judicial officers, and judicial staff. Through a detailed review of employee establishment and by implementing rigorous recruitment processes, promoting employees, facilitating continuous training and development programs and establishing improved terms and conditions of service, the JSC actively works to enhance the competency and effectiveness of the judiciary and fosters a supportive work environment.

2.2.1. Recruitment of Judges, Judicial Officers and Judicial Staff

As part of its core function, the JSC is responsible for identifying and vetting candidates for judicial positions, ensuring that appointments are made based on merit, professional qualifications and moral character. This process includes a transparent and competitive recruitment procedure to foster public trust in the judiciary.

Through this mandate, the Commission safeguards the quality of judicial services, protects the rule of law, and strengthens the overall justice system by promoting a judiciary that reflects the values of competence, fairness, and independence.

The recruitment processes begin by assessing the current staffing establishment and identifying the judiciary's overall human resource needs. This analysis highlights staffing gaps, workload distribution issues, and critical areas needing additional personnel, helping guide decisions on appointing new judicial officers and Judicial staff.

The Optimal staff level of the Judiciary is 10,111, this includes the Judges, Judicial Officers, registrars, and Judicial staff. As of June 2023, the Judiciary had a total of 6,643 employees in post. **Table 2-7** represents the various employee in post as at June 2023

Table 2-7: Analysis of Judiciary Approved Establishment vis a vis in post as at June 2023

S/No	Category	Approved establishment	In post	Variance	% of in post
1.	Supreme Court Judges	7	7	0	100
2.	Court of Appeal Judges	70	29	41	41
3.	Judges of the High Court	200	78	122	39
4.	ELC Judges	63	53	10	84
5.	ELRC Judges	48	21	27	44
6.	Judicial Officers	1200	573	627	48
7.	Registrars	428	7	421	2
8.	Law Clerks and Legal Researchers	666	169	497	25
9.	Judicial Staff	7469	5593	1876	75
10.	Optimal Establishment	10151	6530	3621	64

According to the State of the Judiciary and Administration of Justice Annual Report for FY 2022/2023, as of June 30, 2023, the Judiciary case backlog was at 272,678 cases. These cases were distributed as follows: Supreme Court (5) cases, Court of Appeal (6,942) cases, High Court (46,240) cases, Employment and Labour Relations Court (ELRC) (7,837) cases, Environment and Land Court (ELC) (8,160) cases, Magistrates Courts (185,903) cases, Tribunals (16,576) cases, and Kadhi's Courts (1,015) cases. The overall case backlog in the Judiciary went down by 17 percent from 336,119 cases in June 2022 to 276,678 cases at the end of June 2023.

Additionally, the report also highlighted that the Judiciary established six (6) sub-registries and thirteen (13) courts across different regions and courts to improve access to justice. The Supreme Court opened two (2) sub-registries, in Mombasa and Kisumu, while the Court of Appeal launched two new court stations in Nakuru and Eldoret. The High Court operationalized the Kapsabet High Court station and added sub-registries in Lamu and Iten. The ELRC elevated the Kakamega, Bungoma, and Malindi courts as fully-fledged Courts and launched sub-registries in Kisii and Nyamira. Additionally, the Environment and Land Court established a Court station in Voi and sub-registries in Lamu and Kabarnet. Within the magistracy, six (6) courts were made operational in Tinderet, Ol Kalou, Kenol, Rumuruti, Kabiye, and Madiany.



To meet the growing demand for justice due to court expansions and to support efficient and accessible justice delivery, the Commission initiated the recruitment of additional employees.

Status of the Establishment High Court Judges

To meet the growing demand for justice due to court expansions and to support efficient and accessible justice delivery, the Commission initiated the recruitment of additional employees as follows:

1. Judges of the High Court — The Commission facilitated the appointment of judges of the High Court by nominating twenty (20) candidates for appointment by the President. This brings to ninety-eight (98) the total compliment in that office out of an optimum number of two hundred 200 judges. **Figure 2-1** presents the current status of the establishment.

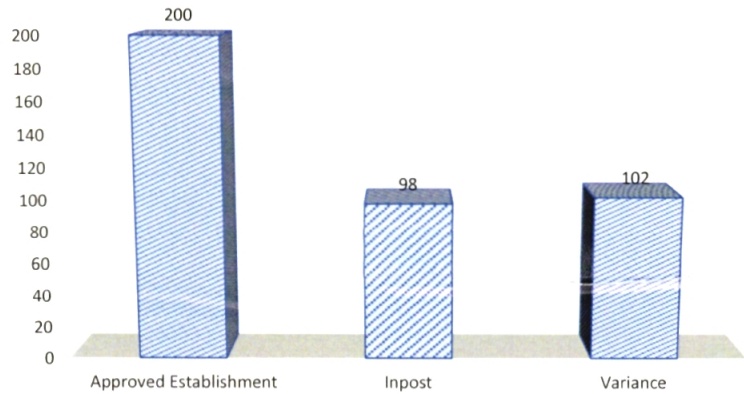


Figure 2-1: Judges of the High Court establishment and in the post as of 30th June 2024

Establishment and Inpost of Judges of High Court

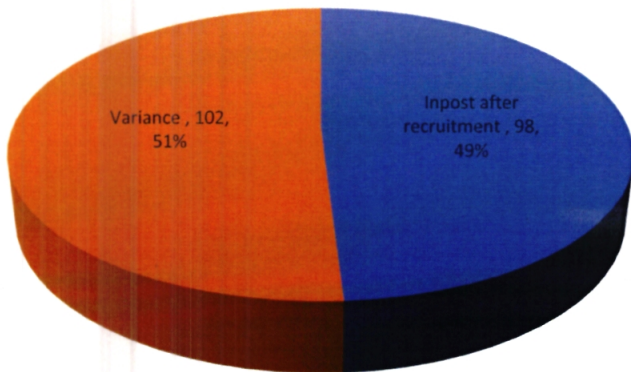


Figure 2-1: Judges of the High Court establishment and in the post as of 30th June 2024.

The figure 2-1 shows a variance of one hundred and two (102) judges below the optimal level of 200, representing nearly half (51%) of the optimal establishment. This shortage has increased workloads and case backlogs at the High Court.

The Commission was guided by the principles of gender, regional, and special group considerations in making the nominations. The appointments aimed at improving the court system's efficiency, reducing case backlogs, and ensuring that justice was administered more effectively. Out of the twenty appointed Judges, twelve (12) were male and eight (8) female drawn from eighteen (18) counties as presented in **Figure 2-1**.

The graph shows a variance of one hundred and two (102) judges below the optimal level of 200, representing nearly half (51%) of the optimal establishment. This shortage has increased workloads and case backlogs at the High Court.

The Commission was guided by the principles of gender, regional, and special group considerations in making the nominations. The appointments aimed at improving the court system's efficiency, reducing case backlogs, and ensuring that justice was administered more effectively. Out of the twenty appointed Judges, twelve (12) were male and eight (8) females, as presented in **Tables 2-7**.

Table 2-7: Gender analysis of the 20 appointed Judges

Appointments



- 2. Chief Registrar of the Judiciary:** The Commission filled the vacant position of Chief Registrar of the Judiciary following the end of the tenure of the former officeholder. The Chief Registrar was appointed from among seven (7) candidates interviewed for the position. The Chief Registrar is the Judiciary's Chief Administrator, Accounting Officer, and Secretary to the Commission and National Council for Administration of Justice (NCAJ).
- 3. Chief Kadhi:** The Chief Kadhi presides over Islamic courts, particularly in matters relating to personal status, marriage, divorce, and inheritance for Muslim communities. The appointment was made following the retirement of the previous Chief Kadhi.
- 4. Resident Magistrates:** The Commission appointed seventy (70) resident magistrates to fill vacancies in the Magistrate establishment. The appointment enhanced the judiciary's capacity to handle cases at the magistrate level, and specifically, the seventy magistrates were gazetted to be adjudicators at the Small Claims Courts.

5. Members of the National Civil Aviation Administrative Review Tribunal: Four members of the National Civil Aviation Administrative Review Tribunal were appointed to fill the vacant positions. These appointments ensured effective dispute resolution and legal adjudication in civil aviation.

6. Registrar Automation: The Commission appointed the Registrar for Automation Services, tasked with streamlining court processes and implementing modern technological solutions to improve efficiency within the judiciary.

Table 2-8 presents a summary of the appointment of Judicial officers.

Table 2-8: Judicial Officers appointed in the FY 2023/2024

S/NO	Position	No. of appointments	Gender	
			Male	Female
1.	Chief Registrar	1	0	1
2.	Chief Kadhi	1	1	0
3.	Member, National Civil Aviation Administrative Review Tribunal	4	3	1
4.	Registrar Automation	1	0	1
5.	Resident Magistrates	70	19	51
Total		77	23	54



The table represents the appointments of seventy-seven (77) Judicial Officers, including the Chief Registrar of the Judiciary, Chief Kadhi, four (4) Members of the National Civil Aviation Administrative Review Tribunal, and Seventy (70) Resident Magistrates. Out of the 77, twenty-three (23) were male and fifty-four (54) females, representing 30 and 70 per cent, respectively.

7. Judicial Staff: The JSC appointed 562 judicial staff across various roles to strengthen its workforce and improve the

delivery of judicial services.

These appointments were part of the JSC's efforts to bolster judicial efficiency and access to justice and reflect the JSC's commitment to ensuring a competent and responsive judicial framework that meets the evolving needs of the public.

Table 2-9 highlights the appointment of judicial staff during the review period.

Table 2-9: Judicial Staff

S/ No	Position	No. of appointments	Gender		Percentage representation	
			Male	Female	Male	Female
1.	Director, Administration and Security Services	1	0	1		
2.	Director, Planning and Organization Performance	1	1	0		
3.	Directors Finance, Judiciary	1	0	1		
4.	Director Accounts	1	1	0		
5.	Deputy Director Human Resource Management	1	1	0		
6.	Legal Editor, Supreme Court	1	0	1		
7.	ICT advisor to the Chief Justice	1	1	0		
8.	Senior Law Clerk	1	0	1		
9.	Law Clerk	2	1	1		
10.	Legal Counsel	1	1	0		
11.	Assistant Deputy Registrars	18	8	10		
12.	Legal Advisor	1	1	0		
13.	Publicity and Media Facilitator	1	1	0		
14.	Office Assistant III	430	207	223		
15.	Process servers	100	61	39		
16.	Principal Driver	1	1	0		
Total		562	285	277		

From the above table, the Commission appointed five hundred and sixty-two (562) judicial staff, 285(49.8%) male and 277(50.7%) female. This was geared towards ensuring gender equality in the appointment.

2.2.2 Promotion of Judicial Officers and Judicial Staff

The Commission undertook a significant exercise in advancing thirty-nine (39) magistrates to higher positions within the Judiciary. This included the promotion of twenty-four (24) Senior Principal Magistrates to the rank of Chief Magistrates, four (4) Principal Magistrates elevated to Senior Principal Magistrates, and eleven (11) Senior Resident Magistrates promoted to Principal Magistrates. **Figure 2-3** represents the promoted Judicial Officers.

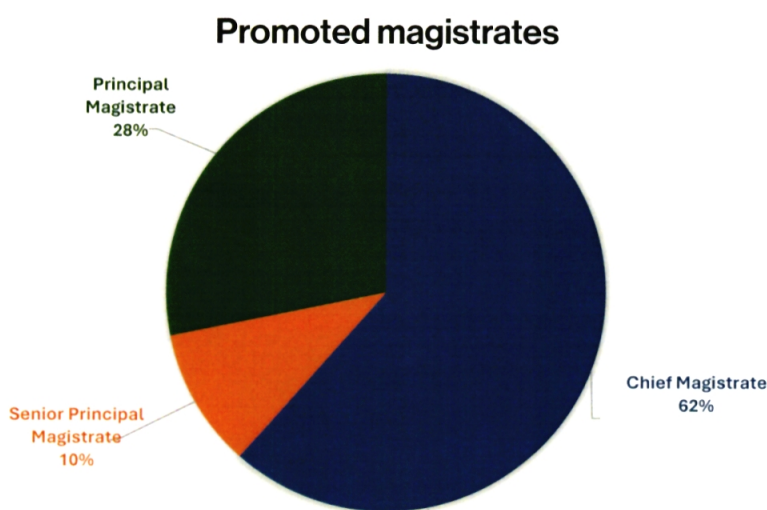


Figure 2-1: Promoted Judicial Officers

The chart above illustrates that more Chief Magistrates were promoted compared to the other two cadres. It's worth highlighting that the magistracy cadre resembles a funnel or pyramid, with a larger number of magistrates at the base and middle levels (Resident & Senior Magistrate cadre) compared to the apex. Promoting more at the top (Chief Magistrate) would create room for career growth for the lower cadres.

In addition, the JSC promoted 1,878 judicial staff across various cadres. These promotions are part of the Commission's ongoing efforts to strengthen the Judiciary by recognizing merit, experience, and dedication and ensuring a more efficient and effective delivery of

justice.

Alongside the promotions, the JSC re-designated forty-six (46) judicial staff to various cadres where they possess the necessary qualifications. This decision is part of a broader initiative to enhance the career progression framework within the Judiciary.

2.2.3 Employee Exits

As at June 30, 2024, a total of 150 employees exited from judicial service, 4 were dismissed from services, 59 resigned, 66 retired and 21 passed on. Table 2-10 provides the breakdown of employees' exits.

Table 2-10: Breakdown of Employee Exits

Cadre	Removed From Office / Dismissal	Resignation	End Of Contract	Retirement	Death	Total
Judicial Officers	1	9	0	7	3	20
Legal Researchers/Law Clerks	0	7	0	0	0	7
Judicial Staff	13	43	1	59	18	123
Total	4	59	1	66	21	150

2.2.4 Improved Terms and Conditions of Service for Judges and Judicial Officers

The Constitution of Kenya mandates the Commission to review and make recommendations on the conditions of service of judges, judicial officers other than their remuneration, and the judiciary's staff. The Commission executes this mandate by developing a policy and framework on terms and conditions of service for Judges, judicial Officers, and staff.

During the reporting period, the remuneration and benefits for Judges and Judicial Officers were reviewed following discussions between

the Commission and the Salaries and Remunerations Commission (SRC). This review led to the issuance of SRC Circular Ref No. SRC/TS/24/3, which reviewed the remuneration and benefits for judges and judicial officers. This change was implemented in November 2023, resulting in enhanced remuneration and benefits for state officers in the Judiciary. Additionally, the Club membership for Judges was approved in the period under review. The Commission is further engaging the SRC on several other pending issues aimed at improving terms and conditions for Judges and Judicial Officers.



JSC Chairperson, Hon. Members, and the Secretary JSC Pose for a Photo after a consultative meeting with Salaries and Remunerations Commission on remuneration and benefits for state & public officers in the Judiciary & JSC, for the third review cycle.

2.2.5 Training and Capacity Building for Judges and Judicial Officers

Under Article 172(1)(d), JSC is mandated to prepare and implement programs for the continuing education and training of judges and judicial officers. The Commission established the Kenya Judiciary Academy as an administrative function to execute this mandate.

Through diverse seminars, training programs, research initiatives, public lectures and other forms of intellectual discourse, the Academy strives to equip Judges and Judicial officers with the knowledge and skills necessary to navigate the complex challenges of the modern legal system.

In implementing this outcome, the commission:

- i. Developed an annual training master calendar
- ii. Conducted continuous judicial education programs
- iii. Developed training policies

Table 2-11: Continuous Judicial training programmes

S/No	THEMATIC AREA	TRAINING PROGRAMS	Target Audience
1	Information Communication and Technology (ICT)	Training of trainers (TOT) of Kenya's trainer judges and magistrates' Introductory course on cybercrime and electronic evidence.	Judges, Magistrates, Members of Tribunal
		Mobile Technology and Emerging Issues in Digital Arena and Technology	Judges and Magistrates
		Cybercrime and Electronic Evidence training	Judges, Magistrates
2	Anti-Money Laundering	Anti- Money Laundering, Anticorruption and Economic Crimes	Judges and Magistrates
3	Alternative Justice Systems (AJS)	AJS Training for Court of Appeal Judges	Court of Appeal Judges
		Alternative Justice Systems Training for the Employment and Labour Relations Court Judges	Judges and Deputy Registrars of ELRC
		Alternative Justice System (AJS) Training for the Judges of the Supreme Court	Supreme Court Judges
4	Children and Gender Matters	Sexual and gender-based violence (SGBV) Training for Judicial Officers	Magistrates
		Legal researchers training on SGBV and the Maputo Protocol	Legal Researchers
5	International Labour Standards	Training on International Labour Standards for ELRC Judges and DRs	ELRC Judges and DRs
6	EDR Debriefs	EDR Debrief for Court of Appeal Judges	Court of Appeal Judges
		EDR Debrief for High Court Judges	High Court Judges
		EDR Debrief for Magistrates and deputy registrars gazetted to handle the petitions	Magistrates and Deputy Registrars
7	Active Case Management	Judgement Writing and Active Case Management for Kadhis	Kadhis
8	Dialogue on Tax.	Dialogue on Tax Issues and Appeals	Judges
9	Counter-terrorism	Training of Judges on Adjudication of Counter Terrorism Cases	Judges
10	Dialogue on Company Law and Insolvency	Dialogue on Company Law and Insolvency for the Judges of the Court of Appeal	Court of Appeal Judges
11	Colloquia and Courts conference	Annual Judges Colloquium	All Judges
		Annual Conference for Hon. ELRC Judges	Judges of ELRC
		Small Claims Court Annual Symposium	Small Claims Court's Adjudicators
12	Regional Dialogues	Africa Regional Dialogue on Adjudicating Transnational Organized Crime and Illicit Financial Flows.	Judges, Magistrates, Deputy Registrars and other Justice sector stakeholders
		Regional Dialogue on Anti-Money Laundering, Anti-Corruption, Economic, And Transnational Organized Crime	Judges, Magistrates, Deputy Registrars and other Justice sector stakeholders

These programmes incorporated emerging jurisprudence, best practices, leadership and management, judicial skills and judge craft. There were deliberate efforts to adopt various approaches to enhance Judges' and judicial officers' awareness of social contexts in which they adjudicate based on emerging trends. The capacity-building programs are discussed as follows:

2.2.5.1. Development of the Training Master Calendar

The practical implementation of judicial education programs relies significantly on the training master calendar. The calendar is a crucial tool in ensuring that the training schedules are balanced with the demands of delivering Judicial Services. It also ensures efficient resource utilisation.

The development of the calendar is a consultative process with stakeholders.

2.2.5.2. Continuous Judicial Education Programs

To equip participants with skills, knowledge and competencies, the Commission organised various continuous judicial programs covering diverse thematic areas, as indicated in Table 2-10 below.



1. Information Communication and Technology

The Commission undertook several capacity-building programs to equip judges with the necessary knowledge and skills to navigate the complexities of technological development in the administration of justice.

The objectives of the training were to appraise Judges and Judicial Officers on emerging issues given the threat of technology-related crimes and the increasing relevance of electronic evidence in criminal proceedings—the TOT training aimed to create and maintain a pool of national trainers comprising Judges and judicial officers.

The analysis of the ICT programs undertaken are outlined in **Table 2-11** below.

Table 2-12: Analysis of ICT and Technology Capacity Building Programmes

S/ No.	PROGRAM	NO. of Judges Trained	No. of Judicial Officers Trained	Total Trained
1.	Training of Trainers (TOT) for judges and magistrates on cybercrime and electronic evidence.	20	10	30
2.	Mobile Technology and Emerging Issues in Digital Arena and Technology	19	38	57
3.	Cybercrime and Electronic Evidence	-	51	51



Participants in a Conversation on Mobile Technology and Emerging Issues in the Digital arena and Technology training for Judges.



Participants in a Conversation on Mobile Technology and Emerging Issues in the Digital arena and Technology training for Judges.

2. Anti-Money Laundering

The Academy organized four (4) training sessions on Anti-Money Laundering, anti-corruption, and economic crimes, during which 30 Judges and 41 Judicial Officers were trained.

The training was geared towards enhancing judges' and judicial officers' understanding of the latest trends, methodologies, and challenges in combating money laundering, corruption, and economic crimes. It further empowered participants with the requisite tools and strategies to identify, analyse, and mitigate risks associated with these offences.

3. Alternative Justice Systems

The Constitution places Judicial authority on the courts and tribunals established by or under the Constitution. In exercising this authority, the courts and tribunals are directed to promote alternative forms of dispute resolution, which include reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms.

In adherence to the constitutional imperative to promote AJS, the Academy, in collaboration with the National Steering Committee on Implementation of AJS (NaSCI-AJS), trained the seven (7) Judges of the Supreme Court and its staff, 22 Judges of the Court of Appeal, 18 Judges of the Employment and Labour Relations Court, and 43 Kadhis on streamlining the AJS Policy into the adjudication processes.

In addition, the Commission participated in the 3rd Annual AJS Conference, which was themed "Accelerating People-Centred Justice in Kenya: Engaging, Expanding and Retooling AJS."



Participants during the opening session of the 3rd Annual AJS Conference.



Hon. Justice (Prof.) Joel Ngugi, Judge of Appeal and Chair NaSCI-AJS facilitates a session during the Supreme Court Judges' training on AJS.



Dr. Steve A. Ouma, Vice Chair of NaSCI-AJS, facilitates a session during the Supreme Court Judges' training on AJS.

”

To equip magistrates with the necessary skills and knowledge to handle children and gender-related matters, the Academy trained seventy-four (74) magistrates on child-centred approaches, online child sexual exploitation and Abuse, victim-centred approaches, and self-care for magistrates handling children and sexual and Gender-Based Violence cases.

4. Children and Gender Matters

To equip magistrates with the necessary skills and knowledge to handle children and gender-related matters, the Academy trained seventy-four (74) magistrates on child-centred approaches, online child sexual exploitation and Abuse (OCSEA), victim-centred approaches, and self-care for magistrates handling children and sexual and Gender-Based Violence (**SGBV**) cases.

Additionally, seventy-seven (77) legal researchers were trained on **SGBV** and the Maputo Protocol, which guarantees women's rights to dignity, equality, and non-discrimination and emphasises their right to decision-making.



Hon. Justice (Prof.) Joel Ngugi, Judge of Appeal and Chair NaSCI-AJS facilitates a session during the Supreme Court Judges' training on AJS.



Hon. Justice (Prof.) Joel Ngugi, Judge of Appeal and Chair NaSCI-AJS facilitates a session during the Supreme Court Judges' training on AJS.

5. International Labour Standards

The judges and Deputy Registrars of the Employment and Labour Relations Court were trained on international labour standards in collaboration with the International Labour Organisation (ILO), Central Organisation of Trade Unions (COTU), and Federation of Kenya Employers (FKE).

The training strengthened the participants' knowledge base and skills and exposed them to the use of International Labour Standards (ILS) in daily practice.

6. Election Dispute Resolutions Debriefs

The Academy, in collaboration with the Judiciary Committee on Elections, conducted a debrief session for 29 judges of the Court of Appeal, 40 judges of the High Court and 40 magistrates and deputy registrars to address challenges from adjudication of the election petitions arising from the 2022 General elections. The debrief also drew participants from Malawi, Mozambique, Zimbabwe, and Zambia to learn about Kenya's election dispute-handling mechanisms.



Hon. Justice Daniel Musinga, President of the Court of Appeal and Vice Chairperson of the JCE, makes opening remarks during the EDR Debrief for Court of Appeal Judges.



Participants follow proceedings during the EDR Debrief for Court of Appeal Judges.



Participants followed the proceedings during the EDR Debrief for Magistrates, and deputy registrars gazetted to handle the petitions.



Small claims courts hear and determine disputes of a commercial nature with a monetary value of up to one million shillings, and they have been instrumental in ensuring the expeditious disposal of cases and decongesting courts.



Participants follow the proceeding during the Kadhis Training.

7. Judgement Writing and Active Case Management training for Kadhis

The KJA trained forty-eight (48) Kadhis as part of its mandate to build capacity among judicial officers continuously. The training was geared towards equipping the Kadhis with relevant knowledge on Judgement writing skills and court management.

8. Emerging issues on tax

The Academy conducted two training sessions focused on equipping Judges and Judicial Officers with knowledge of emerging Tax issues. Recognising the evolving landscape of tax law, these judicial dialogues equipped participants with the requisite skills to handle tax-related disputes effectively. A total of 26 Judges and 8 Deputy registrars drawn from the Commercial and Tax division of the High Court were trained.

The dialogue participants included legal and tax experts and representatives from the Institute of Certified Public Accountants of Kenya (ICPAK), the Kenya Bankers Association (KBA), the Law Society of Kenya (LSK), and the Kenya Revenue Authority (KRA).



Hon. Justice (Dr.) Smokin Wanjala, Supreme Court Judge and Director General KJA (5th from left), poses for a photo with other partners during the training on emerging issues on Tax.



KJA

9. Counter-Terrorism Training

The Academy held counter-terrorism (CT) training for twenty-eight (28) Judges and twenty-seven (27) Judicial officers. The training was conducted in partnership with the National Counter-Terrorism Centre (NCTC), Office of the Director of Public Prosecutions (ODPP), Anti-Terrorism Police Unit (ATPU), Asset Recovery Agency (ARA), Financial Reporting Centre, USODJ, the Joint Counter Terrorism Analysis Centre (JCTAC) and EU AMLCFT ESCAY.

The forum enabled the multi-agencies to appreciate the challenges faced and to forge collaborative strategies to fight against terrorism.



KENYA JUDICIARY ACADEMY
Counter Terrorism Training for Magistrates
7th - 12th February 2024, Great Rift Valley Lodge - Naivasha

10. Dialogue on Company Law and Insolvency

Twenty-nine (29) judges drawn from the Court of Appeal were trained on the new facets of company law and insolvency. The training was conducted in collaboration with the Kenya Deposit Insurance Corporation (KDIC), the Business Registration Service (BRS) and Financial Sector Deepening (FSD) Kenya. The training was organised against the backdrop of everchanging global landscapes and recession bringing to the fore new challenges and opportunities related to insolvency and company law.

11. Colloquia and Courts conference

Annual colloquia and court conferences are organized to provide a forum where judges and judicial officers discuss topical issues and emerging Jurisprudence. During these events the college of judges also receive feedback from other justice sector stakeholders, who present papers on a topical issue from their perspectives.

In the reporting period, the following events were undertaken; Judges Colloquium, ELRC Conference and Small Claims Court Symposium.



Judicial Service Commissioners Hon. Jacqueline Ingutiah, Hon. Caroline Nzilani, and Vice Chairperson Isaac Ruto actively participate in the Judges Colloquium, closely following the discussions and presentations.

Colloquia and Courts conference

Annual colloquia and court conferences are organized to provide a forum where judges and judicial officers discuss topical issues and emerging Jurisprudence. During these events the college of judges also receive feedback from other justice sector stakeholders, who present papers on a topical issue from their perspectives.

In the reporting period, the following events were undertaken; Judges Colloquium, ELRC Conference and Small Claims Court Symposium.

i) Judges Colloquium

The Annual Judges Colloquium was held in September 2023 where the following resolutions were made:

1. Judicial independence;

- a. Judiciary and JSC to continuously engage relevant Parliamentary Committees for enhanced budgetary allocation while maintaining on budgeting and financial allocations.

a) ELRC Conference

The Academy in collaboration with the registrar of the ELRC hosted the conference of the ELRC where all Judges, Registrar, Deputy Registrars and staff in management level participated. Representative from labour union movement, Federation of Kenya employers and legal practitioners in the Court were invited to make presentation on various areas of discussion including Courts performance, Jurisprudence in Employment and Labour relations disputes, and ELRC manual on Conciliation.

- b. Financial autonomy for the judiciary while maintaining judicial independence through

- c. Framework that guarantees a minimum percentage allocation to the judiciary each year.

2. Build Judges capacity and ensure additional recruitment and appointment of Judges;

3. Use of alternative forms of dispute resolution including AJS, reconciliation, mediation, and arbitration;

4. Use the electronic Case Management System; integrated document management system; and real time use of Case Tracking System (CTS) to ensure transparency, efficiency and accountability.

b) Small Claims Court Annual Symposium

The symposium themed, "Small Claims Court as a tool towards realization of the Judiciary Vision of Social Transformation Through Access to Justice", provided adjudicators with a platform to reflect on their responsibilities. The goal was to position the Small Claims Court (SCC) as a catalyst for positive change, envisioning a future where the SCC symbolises justice, accessibility, and social transformation.

By focusing on the SCC's role, the symposium aimed to highlight its potential to make justice more accessible and to drive social transformation, ensuring that even minor disputes are resolved efficiently and fairly. This aligns with the broader vision of enhancing access to justice and fostering a more equitable society.



Judicial Service Commissioners Hon. Jacqueline Ingutiah, Hon. Caroline Nzilani, and Vice Chairperson Isaac Ruto actively participate in the Judges Colloquium, closely following the discussions and presentations.

c) Regional Dialogues

The Academy in partnership with stakeholders coordinated and hosted two regional dialogues as follows;

- Africa Regional Dialogue on Adjudicating Transnational Organized Crime and Illicit Financial Flows.
- Anti-Money Laundering, Anti-Corruption, Economic, And Transnational Organized Crime for Judges & Judicial Officers of The Anti-Corruption Court In Kenya, Tanzania, Malawi And Mozambique

a) Africa Regional Dialogue on Adjudicating Transnational Organized Crime and Illicit Financial Flows.

Prevention and response to TOC and IFF, and its effects require coordinated and collaborative efforts across jurisdictions. Such collaborative efforts are facilitated through conversations, reflections, and information sharing between judiciaries on their different experiences, challenges, and best practices in the adjudication of TOC cases.

The dialogue provided a platform for policy leadership to improve transnational justice. The dialogue also provided a forum to discuss experiences, challenges, and potential solutions in the adjudication

of different forms of TOC and illicit financial flows amongst Judges, practitioners, and experts in this field. The dialogue provided an opportunity to reflect on the gains made in regional criminal justice reforms, and in particular, cross-border crimes and related judicial training by the judicial training institutions. The conversations meant to sustain achievements made in the adjudication of TOC and define a way forward for the development of a TOC curriculum for judiciaries in the region. Participants were drawn from Judiciary Training Institutes (JTI) and Judges from 21 African countries.



Participants pose for photo during the Africa Regional Dialogue on Adjudicating Transnational Organized Crime and Illicit Financial Flows.

Justice Prof. Redson Edward Kapindu Judge-in-Charge, High Court of Malawi, Financial Crimes Division makes remarks during the Africa Regional Dialogue on Adjudicating Transnational Organized Crime and Illicit Financial Flows.

(b) Regional Dialogue on Anti-Money Laundering, Anti-Corruption, Economic, And Transnational Organized Crime (rework)

The Academy held a training on Anti-money laundering, Anti-corruption, economic, and Transnational organized crime. Participants were Judges and magistrates drawn from Kenya, Tanzania, Malawi, and Mozambique. This was to help cross-pollinate ideas in this subject area of interest, as the specific crime has been noted to have a ripple effect within the participating Countries.

The Training was purposed to assist the Anti-Corruption Court in combating financial crimes, where there has been a training need. A well-informed adjudicator has the full potential to navigate complex legal landscapes, interpret new legislation, and apply best practices in adjudicating cases related to money laundering, corruption, and economic crimes, often linked to transnational organized crime, such as trafficking in persons, migrant smuggling, trafficking of arms, and wildlife, counterfeiting among others.

2.2.5.3 Training and Development of Judiciary Staff

The Commission strives to retain highly qualified and motivated Judicial staff that implement its STAJ efficiently and effectively. The JSC, therefore, continuously facilitates the staff to acquire skills necessary to enable them to navigate in the ever-changing work environment and equip them with the skills necessary to perform their roles.

Training for the Judiciary Staff is managed through the Judiciary Staff



Hon. Justice (Dr.) Smokin Wanjala, Supreme Court Judge and Director General KJA, makes a submission during the plenary discussion at the Regional Dialogue on Anti-Money Laundering, Anti-Corruption, Economic, and Transnational Organized Crime.

Training Committee (JSTC), which is charged with the implementation of goal-oriented training and development interventions for all. In the period under review, one hundred and eight three (183) staff attended various training programs compared to the previous financial year in which 306 staff attended training. The notable decline in number of staff trained in the reporting period as compared to the previous period is attributed to inadequate funding. Table 2-12 presents comparison of the training in the FY 2022/23 and 2023/2024.



Table 2-13 tabulates the training undertaken during the year.

S/ NO	Program/ Course Name	No. of Participant 2023/2024			No. of Participant 2022/2023		
		Female	Male	Total	Female	Male	Total
1.	Strategic Leadership Development Programme (SLDP)	10	9	19	7	8	15
2.	Senior Management Course (SMC)	0	0	0	21	16	37
3.	Management Skills Course (MSC)	2	5	7	25	25	50
4.	Supervisory Skills Development Course (SSDC)	1	3	4	29	24	53
5.	Project management	0	1	1	0	0	0
6.	Public relations & customer care (group training)	16	13	29	20	13	33
7.	Records management course (group training)	27	32	59	41	24	65
8.	Pre-retirement	26	34	60	13	9	22
9.	Refresher, defensive driving & first aid	0	2	2	0	0	0
10.	Report writing	1	1	2	0	0	0
11.	Performance Management Systems	0	0	0	0	1	1
12.	Management Course for Office Administrators	0	0	0	30	0	30
Total		83	100	183	186	120	306

Achieving social transformation through Access to Justice depends, in part, on fostering a motivated and dedicated team of Judges, Judicial Officers, and Judiciary Staff who are committed to delivering justice with excellence. This commitment is strengthened through continuous training of the team.

2.2.5 Development of Policies

The Academy developed the following policies and guidelines to strengthen judicial training, enhance capacity-building for judicial officers, and ensure consistent professional development.

2.2.5.1 Bench Books

i. Judicial Decision Making and Judgment Writing Bench Book

The Academy coordinated developing a draft judicial decision-making bench book intended to train newly appointed judges and judicial officers and ongoing professional capacity building. The bench book will guide judges and magistrates in writing judgments in a structured manner.

ii. Bench-book on Wildlife, Forestry and Fisheries Crimes (WFF)

The Academy coordinated the development of a Bench-book on Wildlife, Forestry and Fisheries. The Bench book provides a quick reference guide for Judges, Magistrates and quasi-judicial officers

on legal, procedural and administrative issues that frequently arise in wildlife, forestry and fisheries crimes. The Bench book complements official law reports and other authoritative legal texts by providing a compact synopsis of key legal provisions and the prevailing jurisprudence on frequently recurring issues in forestry, fisheries and wildlife crimes.

2.2.5.2 Code of Conduct for Legal Researchers

Legal researchers play a crucial role in Kenya's trial courts, and the nature of their work exposes them to to more depth on matters before the Judges. Recognizing this sensitive role, the Academy developed the Code of Conduct to set out the ethical and professional standards of conduct and behavior that legal researchers must adhere to in order to uphold the independence, impartiality and integrity of Courts and the Judiciary at large.

2.2.5.3 Training Manual on Adjudication of Trafficking in Person and Smuggling of Migrants (TiP & SoM) in Kenya

The Academy coordinated and convened a Stakeholder engagement to develop a Training Curriculum on the Adjudication of Trafficking in Person and Smuggling of Migrants. The curriculum aims to facilitate judges and judicial officers with a comprehensive understanding of the legal frameworks governing SOM and TiP, including relevant international conventions, protocols, and domestic legislation.

2.2.6 Partnerships and Collaboration

2.2.6.1 Partnerships with CEELI Institute

To leverage ICT and explore the advantages of conducting virtual training, the Academy partnered with CEELI Institute, an Institute based in the City of Prague, Czech Republic, which conducted Webinars and virtual training for Judges and Judicial Officers. The participants benefited from the innovative training programs developed by CEELI and the rich networks of professionals. The program promotes peer-to-peer exchanges across four key work areas, including Cybercrimes and Cryptocurrencies; Non-conviction-based asset forfeiture and Transnational Corruption and Asset Recovery. This is done in collaboration with justice actors across all corners, including Judges, Lawyers, prosecutors, investigators and civil society.

For over a decade, the Institute has built networks of judges and judicial staff in Central and Eastern Europe. More recently, the network included Sub-Saharan Africa, where a new judicial exchange network is now thriving.

These sessions were conducted in a manner that had no or minimal court interruption while at the same time ensuring that the Judges and Judicial officers had access to the training materials and virtual forums to engage other participants in other jurisdictions.

2.3 Financially Independent and Sustainable Judiciary and the Judicial Service Commission

Cognizant of the need to optimally resource the Commission and the Judiciary, the JSC Strategic Plan 2022-2027 emphasises the need to ensure that both the Commission and the Judiciary are well funded to fully implement their respective mandates.

Prudent financial management is one of the key principles of public finance. The Commission strives to ensure that controls and measures are put in place to ensure that the public resources allocated to the Judiciary and the Commission are utilized in accordance with the law and to implement the constitutional mandate assigned to the two institutions.

Article 173 (3) of the Constitution stipulates that the Chief Registrar of the Judiciary shall prepare estimates of expenditure for each financial year and submit them to the National Assembly for approval. The Judiciary prepares these estimates through a consultative and participatory process in adherence to Article 201 of the Constitution and Section 37(5) (a) of the PFM Act, 2012.

Further, Section 29 of the JS Act requires the Chief Registrar to cause to be prepared estimates of all expenditures for the Commission and the Judiciary and present the estimates to the Commission for review before forwarding them to the National Assembly for approval.

The Commission's budget requirement in FY 2023/24 was Kshs. 1,619 million, but it received an allocation of Kshs. 896.6 million, leaving a 45% deficit. On the other hand, the Judiciary budget requirement was Kshs. 43.17 billion, but it received Kshs. 21.78 billion, translating to a 50% funding gap.

This funding gap poses a challenge to the growing demands for judicial services and hampers the effective delivery of justice across the country.

This section, therefore, presents the initiatives undertaken by the Commission to facilitate sustainable funding and sound financial management.

2.3.1 Judiciary Budget Performance

The Commission plays a critical role in overseeing the financial management of the Judiciary to ensure accountability, transparency, and efficiency in the use of public funds. This mandate includes reviewing budgets, allocating resources, and monitoring expenditures to meet the Judiciary's operational and strategic objectives.

During the financial year, the JSC received and evaluated detailed reports on budget allocation, expenditure trends, and utilization. The Commission provided oversight to ensure that allocated resources were used effectively to support key programs, improve service delivery, and align with the Judiciary's priorities. Additionally, it assessed compliance with financial regulations and addressed any emerging challenges related to resource management to enhance the institution's fiscal accountability.

The overall Budget absorption during the FY 2023/24 was 96 per cent, an increase from 95 per cent in the FY 2022/23. Budget absorption for the recurrent vote for FY 2023/24 improved to 98 per cent from 97 per cent absorption recorded in the previous year and a reduction of 12 per cent for the Development vote from 78 per cent in FY 2022/23 to 66 per cent in FY 2023/24.

Budget Absorption for FY 2021/22 – FY 2023/24

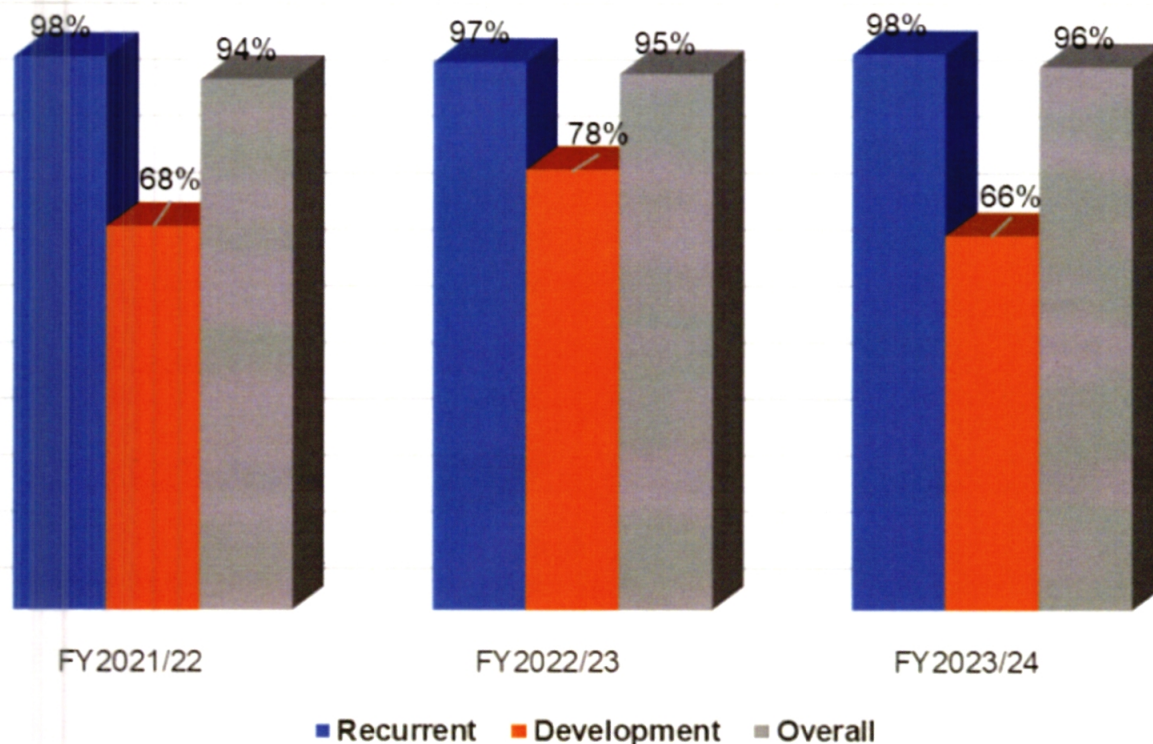


Figure 2-2: Analysis of Recurrent Expenditure

2.3.2 Legal reforms to address challenges to the operationalization of the Judiciary Fund

The Judiciary Fund is established under Article 173 of the Constitution which requires the approved estimates of expenditure of the Judiciary to be a direct charge on the Consolidated Fund. The detailed framework for the regulation and operationalization of the Fund is provided under the Judiciary Fund Act (No 16 of 2016) and the Judiciary Fund Regulations, 2019.

The Judiciary Fund was operationalized on 1st July, 2022 through a circular issued by the National Treasury on 24th May, 2022. There were, however, some post-implementation challenges that hampered the full operation of the fund. The challenges related to a lacuna in law and conflict between some legislations governing the fund together with other public finance laws and regulations needed harmonization.

To that end, the Chief Registrar of the Judiciary appointed the Judiciary Fund Legal Reforms Committee. The Committee's membership was drawn from the Judiciary, the National Treasury, the Central Bank of Kenya, the Controller of Budget, the JSC, and the Office of the Attorney General.

The Committee proposed amendment to several legislations through an amendment bill which is to be tabled before Parliament. Once enacted, the amendments will unlock the bottlenecks that have hindered the full operationalization of the fund.

2.3.3 Engagement with the National Assembly and Executive for Funding of the Judiciary

The Commission held a consultative meeting with the National Assembly's Justice & Legal Affairs Committee to deliberate on strategies for improving the administration of justice in the country. The consultations focused on enhancing access to justice by supporting the establishment of courts in every sub-county and ensuring services are more accessible to the public. The Commission also emphasized the need to address the historical underfunding of the Judiciary and urged the legislature to consider amending the law to allocate not less than 3 per cent of the national budget to the Judiciary to strengthen judicial independence and improve the efficiency and effectiveness of judicial services for citizens.

In addition, the Commission engaged the Cabinet Secretary, National Treasury and Economic Planning where the need to optimally resource the Judiciary to accelerate access to Justice was emphasized.

Whereas the Judiciary allocation has increased from Kshs. 17 billion in FY 2019/2020 and in FY 2023/24 respectively, the allocation still falls short of the Judiciary resource requirement to deliver on judicial services to the people of Kenya effectively.

The comparative analysis of the National Budget and proportionate allocation to the Judiciary and the Commission in the past five years is presented in **Table 2-12** below.

Table 2-14: Five-year comparisons between the National Budget and Judiciary Budget

S/No	Financial Year	National Budget (Billions)	Judiciary Resource Requirements (Billions)	Judiciary Allocation (Billions)	Judiciary (%) Allocation
1	2019/2020	2800	23	17	0.6
2	2020/2021	2890	37	17	0.6
3	2021/2022	3030	35	18	0.6
4	2022/2023	3300	40	21	0.6
5	2023/2024	3680	43	22	0.6

2.3.4 Resource Mobilization Strategies

The Commission in its effort to diversify its sources of funding, facilitated the establishment of a Resource Mobilization Unit for the Judiciary to facilitate resource mobilization.

In addition, the Commission has developed a Resource Mobilization Policy that will guide the Commission and the Judiciary in the engagement with different partners in providing resources to support the Commission's and the Judiciary's constitutional mandate. To this end during the reporting period, the Commission partnered with several development partners to support the development of Anticorruption Policy, Whistle Blowing Policy, Communication Strategy and to conduct a number of continuing education programmes for the judges and judicial officers, among other initiatives.

2.3.5 Audit, Governance and Risk Management

Section 73(5) of the Public Finance Management Act, 2012 provides that every National Government public entity shall establish an audit committee whose composition and functions shall be as

prescribed by the regulation. The Commission has established an Audit Committee that assists the Commission in fulfilling its oversight responsibilities by reviewing, identifying, assessing, monitoring and managing risks to ensure good governance within the JSC and the Judiciary.

The Committee monitors the effectiveness of the internal control systems and regularly receives reports from internal and external auditors. The Committee also oversees the implementation of such recommendations from both external and internal auditors. In the reporting period, the Commission received and considered and made recommendations from the Judiciary audit reports aimed at improving operations and strengthening controls in all areas.

Further, the Office of Auditor General audited Commission's financial statements for the year ended 30th June 2023 where the Commission received Unmodified Audit opinion (clean Audit Report). The Commission also received commendation from the National Treasury for the unmodified audit opinion.



JSC Commissioners and Auditor General pose for a group photo following a consultative engagement.

2.3.6 Approval of Prototype Courts

To enhance physical access to courts in underserved areas, the Commission has developed a program aimed at constructing and operationalizing courts in all sub-counties or constituencies. Currently, there are 153 court stations spread across the country, serving only a portion of the 290 constituencies. This leaves 137 constituencies without a court station. Prototype courts are intended to address this gap, ensuring judicial services are accessible at the sub-county or constituency level.

The Commission has approved a prototype court model estimated to cost between Kshs. 25–30 million. These prototype courts are designed with standardized specifications to meet the minimum requirements for supporting court operations at the constituency level.

To facilitate implementation, the Commission has developed a Memorandum of Understanding (MoU) to engage development partners. This initiative is informed by the budgetary constraints currently faced by the Judiciary.



Design of the Prototype court

It is anticipated that the construction and operationalization of these constituency courts will significantly improve access to judicial services. This will bring services closer to the people, enhancing dispute resolution at the sub-county and constituency levels.

2.3.7 Public Participation on Budget Making Process

Article 201 (a) of the Constitution requires the Commission to abide by the principle of openness and accountability including public participation in all financial matters.

To ensure compliance, the Commission organised five public participation forums with a view of seeking input on the proposed Commission's budgets for the Financial Year 2024/2025 to 2026/27. The Commission incorporated the input of the Public during the finalization of the Budget.

Table 2-13 presents the schedule of public participation forums on budget making.

Table 2-15: Schedule of Public Participation on Budget making

S/ No	Region	Venue	Date
1.	North Eastern	Garissa Law Courts	24 th October 2023
2.	Central	Meru Law Courts	27 th October 2023
3.	Rift Valley	Nakuru Law Courts	31 st October 2023
4.	Eastern	Makueni Law Courts	3 rd November 2023
5.	Nairobi	Kenyatta International Conference Centre (KICC)	7 th November 2023

2.3.8 Enhancement of Funding to Small Claims Court

Funding Small Claims Courts in Kenya is vital for enhancing access to justice, particularly for individuals and small businesses with low-value disputes. These courts provide a simplified, cost-effective, and faster mechanism for resolving cases, reducing the backlog in mainstream courts and alleviating delays in the judicial system. Adequate funding ensures the establishment, staffing, and operation of these courts across the country, enabling more equitable access to justice for underserved populations.

During the period under review, the Commission engaged the National Treasury to advocate for increased funding for Small Claims Courts. As part of this effort, the Commission approved an allocation of Kshs. 60 million for the courts in the FY 2023/24 budget.

The Commission extends its gratitude to the United Nations Development Programme (UNDP) for supporting the development of a mobile application aimed at improving access to services

provided by the Small Claims Courts. Additionally, the International Development Law Organization (IDLO) supported several key initiatives, including:

1. The roll-out of 25 Small Claims Courts.
2. Provision of ICT equipment to enhance court operations.
3. Implementation of secondary internet connectivity in five Small Claims Courts located in border towns.
4. Design, development, and deployment of end-to-end process automation for e-filing at the Milimani Small Claims Court, which now includes automation of all post-judgment requests.

These efforts are a significant step toward improving the efficiency and accessibility of services offered by the Small Claims Courts.

2.4 Increased public confidence and trust in the JSC and the Judiciary

The Commission and the Judiciary are fundamental pillars of Kenya's justice system, entrusted with upholding the rule of law and ensuring the fair and efficient administration of justice. A key strategic priority of the JSC is to enhance public confidence and trust in both institutions. Public trust is not only essential to the legitimacy of judicial decisions but also to the overall integrity and strength of our democratic system. This outcome highlights the diverse strategies implemented by the JSC in the past year to increase the transparency and accountability of the Commission and the Judiciary.

2.4.1 Public Participation and Stakeholder Engagement

The Commission remains unwavering in its commitment to adhering to the constitutional imperative of including the public and stakeholders in decision-making and in the discharge of its mandate. The Commission recognizes that the support and goodwill of the people of Kenya, the arms of Government, public service, justice sector players, civil society, media, private institutions, and development partners are critical in the administration of justice. In the reporting period the commission held public participation

and stakeholder engagement with various institutions, including the Judiciary, National Assembly's Justice & Legal Affairs Committee, the Executive - under the Constitutional Commissions and Independent Offices (CCIO) Forum, National Treasury, County Governments, justice sector players, civil society, the media, clergy and Development Partners. These engagements underscore the Commission's dedication in promoting transparency and accountability to enhance collaboration, cooperation and partnerships.

2.4.1.1 Stakeholder engagements during recruitment and selection

The Commission conducted consultations with various stakeholders during the recruitment processes for Judges of the High Court, the Chief Registrar of the Judiciary, and Judges of the Court of Appeal. These engagements aimed to gather diverse perspectives to inform the selection process, in accordance with the provisions of Article 10 of the Constitution, Section 30 of the Judicial Service Act, and the first Schedule of the Act.



JSC Chairperson Justice Martha Koome, JSC Commissioners, Deputy Chief Justice Hon. Philomena Mwili, Supreme Court Judge Hon. Isaac Lenaola, representatives of Kenya Judiciary Staff Association alongside key stakeholders from the law society of Kenya, civil society, government, and the private sector, pose for a group photo following engagements on the recruitment and selection of Court of Appeal Judges.

The President of the Court of Appeal, Justice Daniel Musinga, and Principal Judge Eric Ogola, present their insights to the Judicial Service Commission during a stakeholder engagement focused on the recruitment of Judges of the High Court and the Chief Registrar of the Judiciary. During the forum JSC also engaged the Kenya Judges Welfare Association, Kenya Magistrates and Judges Association, Kenya Judicial Staff Association, legal professionals, civil society organizations, government agencies, religious groups, the private sector, and the media.



2.4.1.2 Consultative Meeting with the National Assembly

The Commission convened a consultative meeting with the National Assembly's Justice & Legal Affairs Committee to discuss strategies for enhancing the administration of justice in Kenya. The discussions centred on improving access to justice by advocating for the establishment of courts in every sub-county and ensuring that judicial services are readily available to the public.

Further, the Commission emphasized the critical need to address the historical underfunding of the Judiciary. The Commission urged the legislature to consider amending relevant laws to allocate and ring-fence 3% of the national budget to the Judiciary. This increased allocation would not only strengthen judicial independence but also enhance the efficient and effective delivery of judicial services to all citizens including the vulnerable, marginalized and other special groups.



Chairperson of the Justice and Legal Affairs Committee, Hon. George Murugara, and Vice Chairperson Hon. Mutuse Mwengi at a joint meeting with the Judicial Service Commission.



JSC Commissioners and Members of the National Assembly Justice and legal Affairs Committee pose for a group photo following a consultative engagement



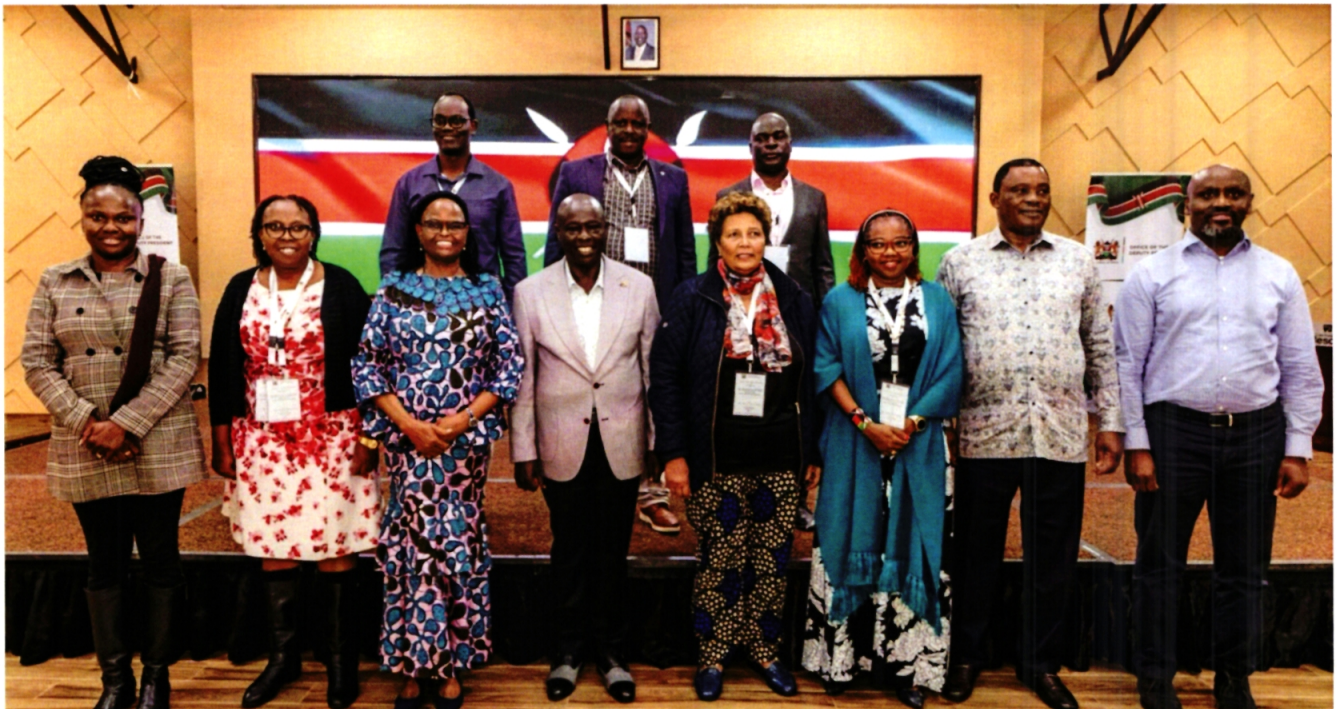
With increased funding allocation the Commission will not only strengthen judicial independence but also enhance the efficient and effective delivery of judicial services to all citizens including the vulnerable, marginalized and other special groups.

2.4.1.3 Engagement between Constitutional Commissions and Independent Offices and the Executive

The Judicial Service Commission is a member of the Constitutional Commissions and Independent Offices (CCIOs) forum, which was established to coordinate collaboration on matters of mutual interest. To this end, the Commission participated in a consultative meeting between the CCIOs and the Executive.

The engagement emphasized the interconnectedness of these institutions and the importance of mutual support, including adequate resourcing for effective governance.

Following the engagement, the parties resolved to develop a collaboration framework between the Executive and the CCIOs.



Chief Justice Martha Koome, H.E Deputy President Rigathi Gachagua, JSC Commissioners, Ag Registrar JSC and Deputy Chief Registrar Judiciary share a moment in a group photo at the engagement with the Deputy President on Constitutional Commissions and Independent Offices.



JSC staff members Anisa Abdi, Sylvia Njeri and Diana Munyingi engage with the public at the Huduma Exhibition and the 10TH ELRC Symposium.



2.4.1.4 Exhibitions and public forums

The Commission actively engaged with the public through its participation in the 10th Employment and Labour Relations symposium and the Huduma Week Exhibition. The primary objective of these engagements was to raise public awareness of the Commission's mandate and to address any questions or concerns related to its role and responsibilities.

2.4.1.5 Engagement with the Heads of Court Station

The Heads of Court Station forum serves as a vital platform for consultation, learning, peer review, and consensus-building among Magistrates and Kadhis who lead court stations across the country. The forum aims to enhance the administration of justice. The Commission engaged with these leaders during the **11th Heads of Station Forum**.

At the forum, the Commission emphasized the critical role that Heads of Station play in upholding the integrity and efficiency of the Judiciary. The Commission acknowledged these heads' leadership responsibilities and underscored the importance of maintaining professionalism, fidelity to the law, and adherence to the Judicial Code of Conduct in discharging their duties.



Heads of Station follow presentations and discussions during the 11th edition in Kisii County



JSC Commissioners and Members of the National Assembly Justice and legal Affairs Committee pose for a group photo following a consultative engagement

2.4.1.6 Court Outreach Program

The Commission conducted an outreach program across various courts in the country, visiting 60 court stations in 32 counties. The purpose of the program was to monitor and evaluate the effectiveness and efficiency of justice delivery while engaging key stakeholders, including Judges, Judicial officers, Judicial staff, lawyers, Court Users Committees, and County Governors. This initiative aimed to gather valuable feedback on the administration of justice within the courts, foster open dialogue, and identify areas for improvement.

The objectives of the outreach program were:

- i. To enhance partnerships and collaboration with the County Governments, Court Users Committees, and other stakeholders in the administration of Justice.

- ii. To seek feedback from the public on the performance, opportunities, and challenges in the administration of justice.
- iii. To assess the infrastructure and ICT development in the Judiciary.
- iv. To sensitize the Judicial officers and Judicial Staff on the Commission's mandate, approved policies and the Judicial Service Code of Conduct.

The County Governments donated Land and Buildings to the Judiciary for the establishment and construction of courts, as shown in **Table 2-14** below.

Table 2-16: The County Governments donated land and buildings to the Judiciary for establishment and construction of courts

S/ No	COUNTY	DONATION
1.	Turkana	2.3 hectares of land at Lokichar.
2.	Nakuru	5 acres of land for construction of a Court at Olenguruone, Kuresoi South sub-County, Solai.
3.	Elgeyo marakwet	<ul style="list-style-type: none"> · 2-acre piece of land with a one storey building structure in Iten in exchange with the current Iten court structures sitting on 0.25 acre. · Space in the County government premises for establishment of Magistrate Courts in Chepkorio, Keiyo South and Chesoi in Marakwet East. · Two parcels of land in Chepkorio, Keiyo South.
4.	West Pokot	The community donated: <ul style="list-style-type: none"> · Acres of land at Konyao, Kacheliba sub-county · 1 Acre in Alale. · 9.5 Acres of land at Runo, Pokot Central sub-county.
5.	Kericho	· A parcel of land
6.	Migori	12 Acres of land at Kegonga in Kuria East
7.	Kitui	Land at Munyunguni for expansion of the Court.
8.	Machakos	20-acre piece of land next to the white house for the construction of a Court complex.
9.	Lamu	2 acres of land at Mkowe
10.	Mombasa	<ul style="list-style-type: none"> · Land in Likoni for construction of a court. · Office space at Likoni upon completion of the County Government offices to house a court.
11.	Kwale	Land to construct court premises in Kinango & Lunga Lunga.



The Commission conducted an outreach program across various courts in the country, visiting 60 court stations in 32 counties, the purpose of the program was to monitor and evaluate the effectiveness and efficiency of justice delivery while engaging key stakeholders, including Judges, Judicial officers, Judicial staff, lawyers, Court Users Committees, and County Governors.



Elgeyo Marakwet Governor H.E Wesley Rotich donated 2-acre piece of land with a building to the Judiciary, following engagement with JSC Commissioners.



(L) JSC Commissioners engagement with Mombasa County Governor H. E. Abdulsamad Nassir (R). JSC and Judiciary team visit to Likoni parcel of land allocated by the Mombasa County Government for construction of a court.



JSC & Judiciary team visit 2 acres parcel of land at Mkowe for the construction of a Court complex donated by the Lamu County Government.



JSC Commissioners pose for a picture with Judges, judicial officers and staff from the Machakos Law Courts. The Machakos County Government has allocated a 20-acre piece of land next to the white house for the construction of a Court complex.

a) Inspection of Judiciary Infrastructure

The Commission conducted a comprehensive inspection of Judiciary infrastructure during the court visits to assess facility conditions and operational needs. This evaluation aimed at ensuring accessibility and improving working environments within the Judiciary. The findings of the inspection will guide targeted investments in court facilities to support an effective and efficient justice system across the country.



JSC Commissioners inspect ongoing construction of the Murang'a Law Courts

2.4.1.7 Engagement with Kenya Judiciary Staff Association

The Commission engaged with the Kenya Judiciary Staff Association (KJSA), during which KJSA submitted a memorandum highlighting key issues affecting judicial staff, including career progression, redesignation, and promotions. In response, the JSC reaffirmed its commitment to improving the terms and conditions of service for all judicial staff and assured that efforts are underway to address these concerns. Additionally, the JSC proposed holding quarterly meetings with KJSA, acknowledging its role as a key stakeholder in effectively delivering judicial services.

The Commission also held discussions with representatives of Law Clerks and Legal Researchers, who presented proposals outlining areas where the JSC could intervene to enhance their conditions of service.



The late Commissioner Hon. David Majanja and Commissioner Hon. Everlyne Olwande, the President of the Kenya Judiciary Staff Association and KJSA members

2.4.2 Stakeholder Management Guidelines

The Commission developed Stakeholder Management Guidelines to provide a structured approach to engaging and managing relationships with key stakeholders, including the Judiciary, legal professionals, government agencies, media and the public.

These guidelines ensure that the JSC fosters transparent, collaborative, and effective communication, which is vital for building trust and maintaining accountability in the administration of justice. By systematically addressing stakeholder concerns and aligning their needs with the Commission's goals, the guidelines help promote smoother coordination, minimize conflicts, and enhance the delivery of judicial services.

2.4.3 Communications Needs Assessment Survey

The Commission's Communication Needs Assessment Survey was a critical initiative that identified gaps and opportunities in its internal and external communication strategies.

The survey gathered feedback from key stakeholders and provided valuable insights into the effectiveness of current communication practices. This assessment is essential in shaping more responsive, transparent, and efficient communication channels that enhance public trust and engagement with the Commission. The findings also informed the development of the Communication and Stakeholder Engagement Strategy.

2.4.4 Communications and Stakeholder Engagement Strategy

The Commission has developed a comprehensive Communication and Stakeholder Engagement Strategy to strengthen relationships with stakeholders. This strategy not only enhances external collaboration but also improves internal efficiencies. Through clear and effective communication of its work and achievements, the Commission aims to positively shape public opinion, build greater public trust and confidence, and promote accountability and transparency in its operations.

2.4.5 Information Education and Communication Materials

In its commitment to promote access to information, the Commission developed a range of Information, Education, and Communication (IEC) materials about key judicial processes.

These materials included 3,000 flyers in both Swahili and English on *how to file a complaint against a Judge, judicial officer, or staff member* and flyer on *how to file a petition against a Judge*. Additionally, the JSC

produced a *JSC at a Glance Pamphlet* offering a understanding of its mandate, vision, mission, composition, key functions and a summary of what the JSC has accomplished in the administration of justice

The Commission also published and disseminated detailed information booklets outlining the *Recruitment and Selection processes for Judges of the High Court, the Chief Registrar of the Judiciary and Judges of the Court of Appeal*.

These resources are part of the JSC's ongoing efforts to increase public awareness, improve access to information, and foster greater transparency and accountability. By providing clear and accessible information, the JSC empowers the public to engage more effectively with judicial processes, thereby reinforcing trust in the Commission and the Judiciary.

2.5 Strengthened Institutional Capacity of the JSC

This strategic focus aims to strengthen the Commission's institutional capacity to fulfil its mandate effectively, efficiently, and sustainably by enhancing technical competencies and building overall institutional capacity.

During the reporting period, the Commission undertook the following intervention to strengthen its institutional capacity:

2.5.1 Aligning the Organizational Structure with the Strategic Plan

The Commission commenced a review of the Secretariat structure to ensure that it effectively supports the Commission in realizing its mandate. JSC collaborated with the Public Service Commission (PSC) of Kenya to facilitate the development of a new structure. The aim of the review is to clearly delineate technical from support functions to ensure the Secretariat effectively discharges its duties. PSC submitted the preliminary report to the Commission. The organization review will be concluded for implementation in the next financial year, 2024/2025.

2.5.2 Enhancing human capital

The Commission established the Directorate of Complaints Management and Investigations to provide technical support to the Commission in processing petitions against judges, and complaints / disciplinary cases against judicial officers and staff. The function was previous domiciled in the Directorate of Legal Services.

Following the restructuring, the Commission appointed the Directors of Complaints Management, investigations, and Legal Services and 8 officers, as indicated in **Table 2-15** below.

Table 2-17: Staff Recruited in the Period

S/No	Designation	No. of posts	Gender	
			Male	Female
1.	Director Legal Services	1	1	0
2.	Director Complaints Management	1	1	0
3.	Driver II	2	2	0
4.	Personal Assistant	6	2	4
Total		10	6	4



2.5.3 Capacity building programmes:

Commissioners and Secretariat staff attended individual group trainings and professional development programmes to enhance their skills, knowledge and competencies as detailed below:

2.5.3.1 Commission Development Programmes

The Commission Charter provides for capacity building of Board Members/Commissioners, following the principles and standards of good corporate governance.

The Commission periodically exposes its members to trainings. This exposure is geared towards equipping members with the essential knowledge and skills needed to fulfil their governance responsibilities. This is achieved through interactive workshops, facilitated discussions and training sessions which create opportunities for board members to build strong relationships, leverage diverse perspectives, and work cohesively towards shared goals.

Members of the Commission attended the following 6 capacity building programmes:

1. Commission induction
2. Leadership seminar
3. Executive interviewing skills training
4. Training on Audit, Governance and Risk Management Committee
5. Africa Regional Conference for International Association of Women Judges (IAWJ) themed: Combating negative cultural practices in contemporary times.
6. Learning exchange visit with the High Council of Rwanda Judiciary on Alternative Dispute Resolutions and Gacaca Court

2.5.3.2 Staff Training and Continuous Professional Development Programmes

The Commission recognizes the important role played by human resources towards realizing its mandate, hence it invests in the development of skills for its workforce through training and professional development programmes.

Forty-two (42) officers attended various training and professional development programmes during the reporting period. The objective was to equip the officers with the skills, knowledge, and attitudes to handle new tasks in the changing work environment, prepare them for career growth, and enhance their productivity.

Table 2-17 presents the training and professional development programmes officers attended during the reporting period

Table 2-16: Analysis of training and professional programmes attended

Table 2-18: Analysis of training and professional programmes attended

S/ No.	Type / Name of Training Programme	No. Staff Trained	Gender	
			Male	Female
1.	Strategic Leadership and Development Programme (SLDP)	3	1	2
2.	Senior Management Course (SMC)	6	1	5
3.	Aligning Records Digitization	2	1	1
4.	Advanced Data Analytics	1	1	0
5.	Communication Skills for Public Service Officers	1	0	1
6.	Executive Driving Course	1	1	0
7.	Hospitality Skills Development Course	1	0	1
8.	Internet of Things (IoT)	1	1	0
9.	Litigation Refresher Course for in-House Counsel	1	1	0
10.	Training of Trainers Programme	2	2	0
11.	Office Operation for Support Staff	1	1	0
12.	Payroll Management and Effective Payroll Controls	1	1	0
13.	Performance Management Systems Course	2	1	1
14.	Retirement Training Programme	1	1	0
15.	Effective control & Analysis of Financial Statements	1	0	1
16.	Training of Focal Point Persons from Ministries, Departments and Agencies (MDAs) on National Values	1	1	0
17.	Cyber Security and Cloud Networks Management Summit 2023	1	1	0
18.	Procurement Training for Committee's User Department and Procurement Professionals - Kenya Institute of Supplies Management (KISM)	1	0	1
19.	7 th National Lady Accountants Conference - Institute of Certified Public Accountants of Kenya (ICPAK)	2	0	2
20.	27 th Annual Conference - Institute of Human Resource Management (IHRM)	4	3	1
21.	Annual Summit - Public Relations Society of Kenya (PRSK)	1	1	0
22.	Annual Conference - Law Society of Kenya (LSK)	4	3	1
23.	Annual Conference - Economist Society of Kenya	1	1	0
24.	Certified Human Resource Auditor - IHRM	1	1	0
25.	Training on Board paper and Report Writing	13	8	5
Total				

The Commission also facilitated staff attending the following group trainings:

- i) Sensitization of the Secretariat Leadership & Management Team on Implementing National Values and Principles of Governance. The Directorate of Cohesion and National Values in the Executive Office of the President facilitated this sensitization virtually.
- ii) Annual performance management training to capacity-build staff members on target setting, measurement and reporting. Additionally, during the training, officers were sensitized on Emotional Intelligence, mental health, retirement planning, and interpersonal skills.



The Commission recognizes the important role played by human resources towards realizing its mandate, hence it invests in the development of skills for its workforce through training and professional development programmes.

2.5.4 Institutionalization of Performance Management

In the reporting period, the Commission developed the draft Performance Management Measurement Understanding (PMMU) to help staff set and track performance targets.

In addition, a draft Monitoring and Evaluation Policy was developed. The policy provides a framework for continuous information collection, analysis, and periodic and systematic assessment of programmes, projects, and activities implemented by the Commission.

2.5.5 Strengthened ICT infrastructure

During the Financial Year 2023/2024, the Commission made remarkable advancements in leveraging Information Communication and Technology (ICT) to enhance its operational capabilities. The achievements during this period encompassed the formulation of an ICT Policy and integrating an Enterprise Resource Planning (ERP) system.

2.5.6.1 Development of Information Communication and Technology (ICT) Policy

The Commission has developed a draft ICT policy which will provide a governance framework acquisition, use, and disposal of ICT in the Commission. The policy will ensure security of data and information, guide automation and standardization of Commissions processes and improve quality of services through application of ICT in service delivery.

The policy also identifies key areas where ICT can be leveraged to improve the Commission's oversight role.



1.4.5.2 Implementation of the ERP System

The Commission is in the process of implementing an Enterprise Resource Planning (ERP) system with a view to improving operational efficiency and streamlining its activities.

The ERP system will play a critical role in integrating essential core functions, including human resource and records management, into a unified and efficient platform across the Commission.

The Commission has developed the following modules of ERP which are under deployment:

1. Boards Services Application
2. JSC Intranet
3. Record Management System
4. Complaints Management System
5. Litigation Management System



2.5.7 Strengthening Kenya Judiciary Academy

The Commission has developed a Bill to make KJA a semi-autonomous entity, to effectively support the Commission in executing the mandate of preparing and implementing continuous education and training for judges and judicial officers. The Bill will be subjected to stakeholders' participation to give feedback, then submitted to the National assembly for enactment.

The KJA conducts all its trainings at hired facilities which has strained on its budgetary allocation while not generating any income from its current premises which is a leased property. To utilise the land that was allocated to the Commission to set up the Academy in the previous financial year, the Commission did launch a design competition in the year under review which was successfully completed. The proposed seat of the Academy is on an approximate plinth area of 22Ha, on plot L.R No 100133 located at Ngong, Nairobi.

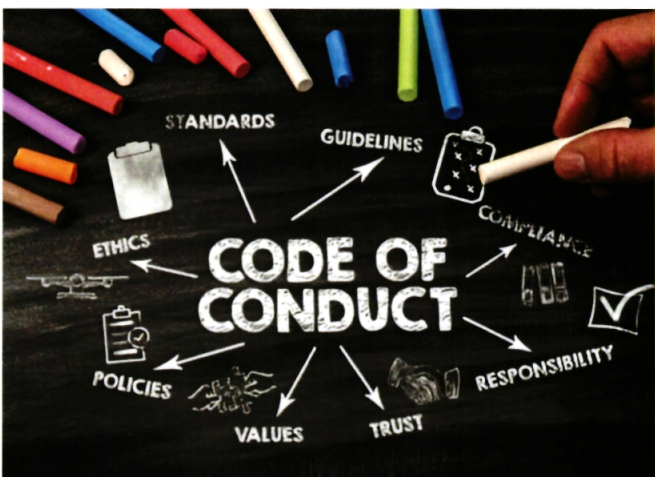


2.5.8 Development of Commission Governance Instruments:

Pursuant to Section 37 and 38 of the Leadership and Integrity Act, the Commission developed a leadership and Integrity Code aimed at ensuring that members of the Commission respect and uphold the values, principles and requirements of the Constitution in the discharge of their duties.

The Commission also revised its charter in order to align it to the changes and emerging trends in good corporate governance

These instruments will create a structured approach to decision making thus ensuring transparency, accountability and consistency within the Commission.



Chapter 03

Financial Statements

3.1 Introduction

This chapter presents the Commission's budget performance and the financial statements for the year that ended on 30 June 2024. During the fiscal year 2023/2024, the Commission made remarkable progress towards implementing its Strategic Plan 2022-2027 and supported the Government implementation of the Bottom-up Economic Transformation Agenda (BETA) and the Medium-Term Plan of Kenya's Vision 2030. This was enabled by the budgetary allocation to the various programmes and activities planned in the annual workplans for implementation in the 2023/24 financial year.

3.2 Budget Performance Analysis

The Commission was allocated gross recurrent estimates of Kshs. 896.6 million in the 2023/24 financial year. The amount was allocated to the Commission's two sub-programmes: Administration and Judicial Services at Kshs. 619.4 million (69%) and Judicial Training at Kshs. 277.2 million (31%).

Table 3-1 and **Figure 3-1** below analyze the approved budget estimates by sub-programs for the period under review.

”

As part of leveraging on ICT to enhance efficiency in service delivery, the Commission enacted the policy which establishes a framework for ensuring the continuity of operations for the Judiciary ICT systems and infrastructure in the event of disruption.



Table 3-1: Analysis of the approved budget estimates by sub-programs for FY 2023/2024

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference
	30 th June 2024		30 th June 2024	2024	
	a	b	c=a+b	d	e=c-d
	Kshs	Kshs	Kshs	Kshs	
Judicial oversight services	896,600,000	-	896,600,000	881,240,193	15,359,807
Administration and Judicial Services	611,599,999	7,754,613	619,354,612	612,076,948	7,077,664
Judicial Training	285,000,001	7,754,613	277,245,388	269,163,244	8,282,144

Budget Allocation Between JSC Programmes

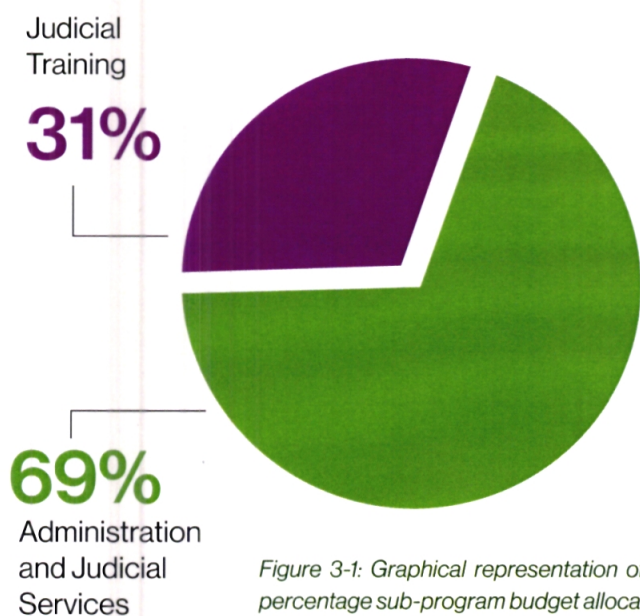


Figure 3-1: Graphical representation of the percentage sub-program budget allocation

3.2.1 Comparative Expenditure Analysis

The Commission's expenditure for the financial year 2023/24 was Kshs. 881.2 million representing an absorption rate of 98.3 percent, an increase from an absorption rate of 94.6 per cent in 2022/23 financial year. The increase in absorption resulted from various measures that were put in place by the Commission, including close monitoring of the implementation of the Commission's workplan and initiation of procurement processes on time.

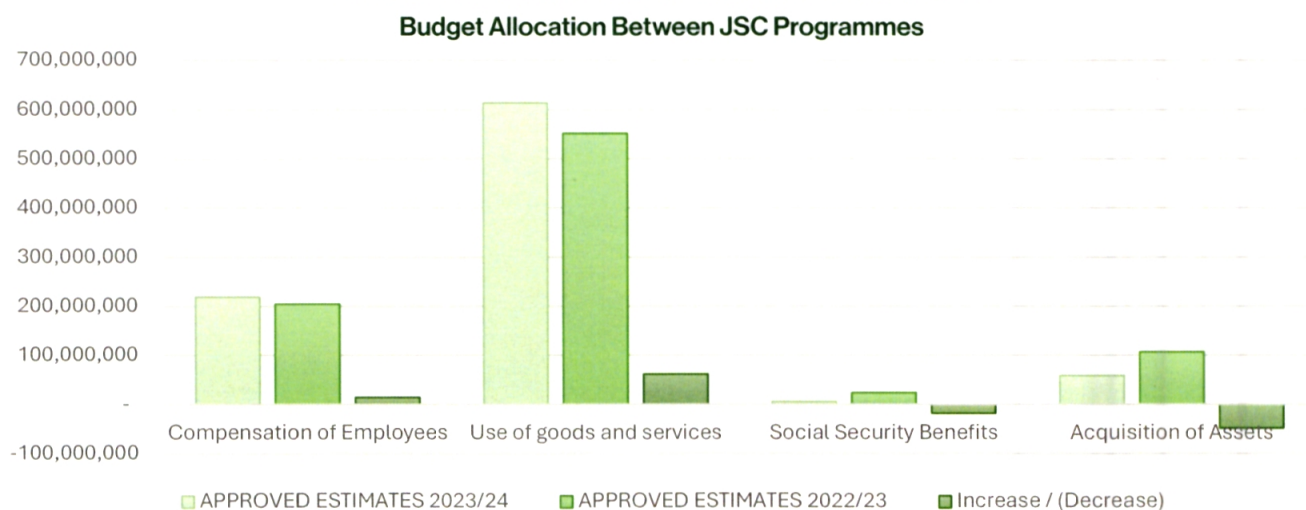
Compensation to employees had the highest absorption rate at 99.9 per cent, while acquisition of assets had the lowest absorption rate of 85.4 per cent. The lower absorption under acquisition of assets resulted from cancelation of tender.

Table 3-2 and Figure 3-2 give an analysis of the overall budget performance for the period under review and the comparative period.

Table 3-2: Comparative Expenditure Analysis

YEAR	FY2023/24			FY2022/23		
	DESCRIPTION	APPROVED ESTIMATES	ACTUAL EXPENDITURE	% ABSORPTION	APPROVED ESTIMATES	ACTUAL EXPENDITURE
Compensation of Employees	219,038,509	218,884,058	99.93	204,623,005	201,874,567	98.66
Use of goods and services	613,348,816	606,824,023	98.94	551,496,995	533,475,660	96.73
Social Security Benefits	5,600,000	5,479,504	97.85	23,800,000	22,572,871	94.84
Acquisition of Assets	58,612,675	50,052,608	85.40	107,080,000	80,851,229	75.51
TOTAL	896,600,000	881,240,193	98.29	887,000,000	838,774,327	94.56

Figure 3-2: Graphical representation of the comparative expenditure



3.2.2 Revenue Analysis

The Commission received in exchequer Ksh. 892m and Ksh. 842m in the FY2023/24 and FY2022/23 respectively. The Analysis of the exchequer receipts for the period under review and the comparative period is as highlighted in Table 3-3.

Table3-3: Comparative Revenue Analysis

Period	2023/24	2022/23
Quarter 1	114,540,662	116,807,505
Quarter 2	229,416,880	204,218,336
Quarter 3	205,605,136	76,114,655
Quarter 4	342,432,351	444,706,037
Total	891,995,028	841,846,533



3.2.3 Approved Annual Budget Allocation and Actual Expenditure Comparative Analysis for the Past Five Years

The Budgetary allocation for the Commission has increased in the past five years from Ksh. 501 million in the FY 2019/2020 to Ksh. 896.6 million in the financial year 2023/2024 representing an increase of 79 percent. The increase was a result of continuous engagement by the Commission with the National Assembly and the Executive.

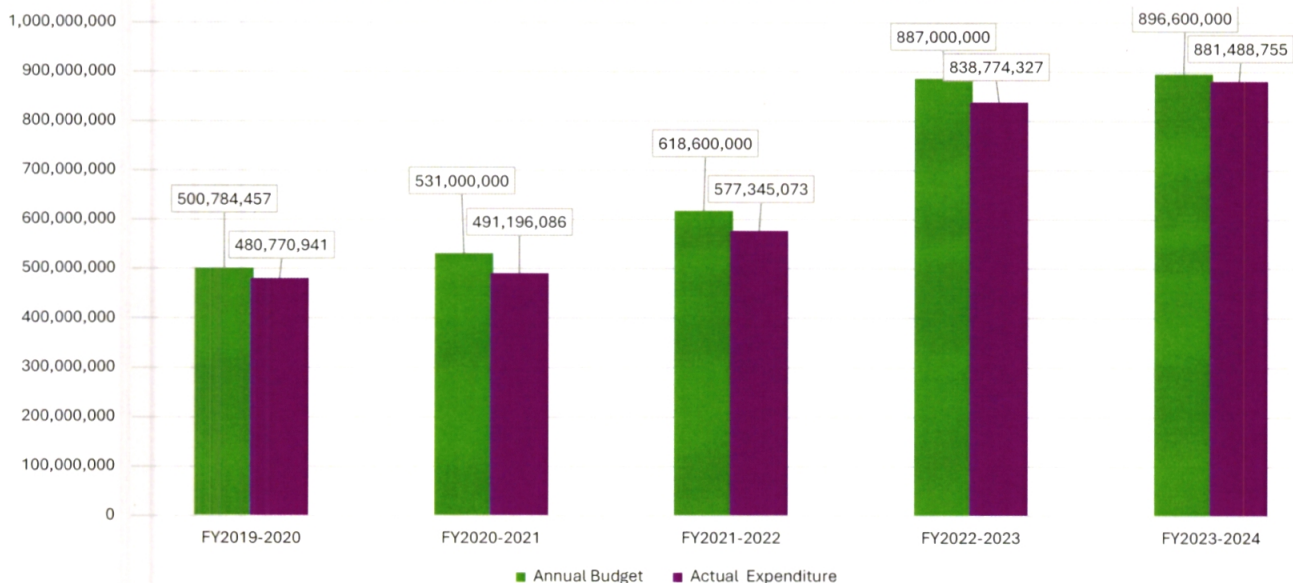
The average absorption for the last five years of the Commission's budget is 95 per cent illustrating the Commission's commitment to implement planned programmes within the set timelines and allocated ceilings.

Table 3-4 illustrates the budget performance status for the past five financial year

Receipt/ Expense Item	FY2023-2024		FY2022-2023		FY2021-2022		FY2020-2021		FY2019-2020	
	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June
Receipts										
Exchequer Releases	896,600,000	891,995,028	887,000,000	841,846,533	618,600,000	583,591,923	531,000,000	511,706,405	500,784,457	500,783,459
Total Receipts	896,600,000	891,995,028	887,000,000	841,846,533	618,600,000	583,591,923	531,000,000	511,706,405	500,784,457	500,783,459
Payments										
Compensation of Employees	219,038,509	218,884,058	204,623,005	201,874,567	219,038,509	218,884,058	160,254,213	154,701,249	142,819,999	142,818,872
Use of goods and services	613,348,816	606,824,023	551,496,995	533,475,660	613,348,816	607,072,586	313,284,064	298,724,410	280,516,770	272,827,678
Social Security Benefits	5,600,000	5,479,504	23,800,000	22,572,871	5,600,000	5,479,504	7,147,981	7,144,981	3,871,932	3,609,589
Acquisition of Assets	58,612,675	50,052,608	107,080,000	80,851,229	58,612,675	50,052,608	50,313,742	30,625,446	73,575,756	61,514,802
Total Payments	896,600,000	881,240,193	887,000,000	838,774,327	618,600,000	577,345,073	531,000,000	491,196,086	500,784,457	480,770,941
Surplus/ Deficit	10,754,835		3,072,206		6,246,850		20,510,319		20,012,518	
%Absorption	98%		95%		93%		93%		96%	

Figure 6: Annual Budget Allocation

Annual Budget Allocation Vis-A-Vis Actual Expenditure Comparative Analysis



3.2.4 Statement of Receipts and Payments for The Year Ended 30th June 2024

	Note	Period ended, June 2024		Comparative period	
		2023-2024		2022-2023	
		Kshs		Kshs	
Receipts					
Exchequer releases	1	891,995,028		841,846,533	
Total Receipts		891,995,028		841,846,533	
Payments					
Compensation of Employees	2	218,884,058		201,874,567	
Use of goods and services	3	606,824,023		533,475,660	
Social Security Benefits	4	5,479,504		22,572,871	
Acquisition of Assets	5	50,052,608		80,851,229	
Total Payments		881,240,193		838,774,326	
Surplus/Deficit		10,754,835		3,072,207	

3.2.5 Statement of Financial Assets and Financial Liabilities As at 30th June 2024

	Note	Period as at June, 2024		Prior Year Audited 2023	
		2024		2023	
		Kshs		Kshs	
Financial Assets					
Cash and Cash Equivalents					
Bank Balances	6A	16,354,670		6,316,969	
Cash Balances	6B	721,070		2,917,327	
Total Cash and cash equivalent		17,075,739		9,234,296	
Accounts Receivables					
	7	-		-	
Total Financial Assets		17,075,739		9,234,296	
Financial Liabilities					
Accounts Payables	8	6,320,904		6,162,088	
Net Financial Assets		10,754,835		3,072,207	
Represented By					
Fund balance b/fwd	9	3,072,207		6,801,709	
Prior period adjustment	10	-	3,072,208	-	6,801,708
Surplus/Deficit for the period		10,754,835		3,072,207	
Net Financial Position		10,754,835		3,072,207	

3.2.6 Statement of Cash Flows for the year ended 30th June 2024

	Note	Period as at June, 2024	2022-2023
		Kshs	Kshs
Receipts for operating income			
Exchequer Releases	1	891,995,028	841,846,533
		891,995,028	841,846,533
Payments for operating expenses			
Compensation of Employees	2	218,884,058	201,874,567
Use of goods and services	3	606,824,023	533,475,660
Social Security Benefits	4	5,479,504	22,572,871
		831,187,585	757,923,097
Adjusted for:			
Adjustments during the period			
Decrease/(Increase) in Accounts receivable:	11	-	-
Increase/(Decrease) in Accounts Payable:	12	158,816	3,293,058
Prior Period Adjustments	10	3,072,208	6,801,708
Net cash flow from operating activities		57,894,051	80,414,785
Cashflow From Investing Activities			
Acquisition Of Assets	5	50,052,608	80,851,229
Net Cash Flows from Investing Activities		50,052,608	80,851,229
Net Increase in Cash and Cash Equivalent		7,841,443	436,444
Cash And Cash Equivalent at Beginning of The Period	9	9,234,296	9,670,739
Suspense		-	-
Cash and Cash Equivalent at End of the Period		17,075,739	9,234,296

3.2.7 Statement of Comparison of Budget and Actual Amounts for FY2023/24

Receipt/Expense Item	Original annual Budget	Adjustments	Final Annual Budget	Actual Cumulative to date (30th June, 2024)	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d		e=d/c %
Receipts						
Exchequer releases	896,600,000	-	896,600,000	891,995,028	4,604,972	99
Total Receipts	896,600,000	-	896,600,000	891,995,028	4,604,972	99
Payments						
Compensation of Employees	211,283,896	7,754,613	219,038,509	218,884,058	154,451	100
Use of goods and services	597,126,387	16,222,429	613,348,816	606,824,023	6,524,793	99
Social Security Benefits	5,600,000	-	5,600,000	5,479,504	120,496	98
Acquisition of Assets	82,589,717	- 23,977,042	58,612,675	50,052,608	8,560,067	85
Total Payments	896,600,000	-	896,600,000	881,240,193	15,359,807	98
Surplus/ Deficit	-	-	-	10,754,835	-10,754,835	

Notes

- (a) The Commission had no A.I.A to report during the period under review.
- (b) The 15% under absorption under the acquisition of assets is attributed to market disruptions and unavailability of ICT related equipment in the local market.
- (c) During the period under review there was an adjustment of Ksh. 23,977,042 from acquisition of assets to personnel emoluments Ksh. 7,754,613 and use of goods and services Ksh. 16,222,429 to bridge the funding gaps in these areas.

3.2.8 Statement of Comparison of Budget and Actual Amounts: Recurrent for FY2023/24

Receipt/Expense Item	Original annual Budget	Adjustments	Final Annual Budget	Actual Cumulative to date (30th June, 2024)	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d		e=d/c %
Receipts						
Exchequer Releases	896,600,000	-	896,600,000	891,995,028	4,604,972	99
Total Receipts	896,600,000	-	896,600,000	891,995,028	4,604,972	99
Payments						
Compensation of Employees	211,283,896	7,754,613	219,038,509	218,884,058	154,451	100
Use of goods and services	597,126,387	16,222,429	613,348,816	606,824,023	6,524,793	99
Social Security Benefits	5,600,000	-	5,600,000	5,479,504	120,496	98
Acquisition of Assets	82,589,717	23,977,042	58,612,675	50,052,608	8,560,067	85
Total Payments	896,600,000	-	896,600,000	881,240,193	15,359,807	98

Notes

- (d) The Commission had no A.I.A to report during the period under review.
- (e) The 15% under absorption under the acquisition of assets is attributed to market disruptions and unavailability of ICT related equipment in the local market.
- (f) During the period under review there was an adjustment of Ksh. 23,977,042 from acquisition of assets to personnel emoluments Ksh. 7,754,613 and use of goods and services Ksh. 16,222,429 to bridge the funding gaps in these areas.

3.2.9 Budget Execution by Programmes and Sub-Programmes for FY2023/24

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference
	30th June 2024		30th June 2024	2024	
	Kshs	Kshs	Kshs	Kshs	
Judicial Oversight Services	896,600,000	-	896,600,000	881,240,193	15,359,807
Administration and Judicial Services	611,599,999	7,754,613	619,354,612	612,076,948	7,077,664
Judicial Training	285,000,001	7,754,613	277,245,388	269,163,244	8,282,144

3.2.9 Notes to the Financial Statements

1. Statement of Compliance and Basis of Preparation

The financial statements have been prepared in accordance with Cash-basis International Public Sector Accounting Standards (IPSAS) as prescribed by the Public Sector Accounting Standards Board (PSASB) and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for:

- a) receivables that include imprests and salary advances and
- b) payables that include deposits and retentions.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB. The accounting policies adopted have been consistently applied to all the years presented.

2. Reporting Entity

The financial statements are for the Judicial Service Commission. The financial statements encompass the reporting entity as specified under Section 81 of the PFM Act 2012. The Commission did not have any development projects in the period under review.

3. Reporting Currency

The financial statements are presented in Kenya Shillings (Ksh.), which is the functional and reporting currency of the Government, and all values are rounded to the nearest Kenya Shilling.

Significant Accounting Policies

The Judicial Service Commission has consistently applied the accounting policies set out in this section for all the years presented.

a) Recognition of Receipts

When an event occurs and the related cash is received, the Commission recognises all receipts from the various sources.

(i) Transfers from the Exchequer

When cash is received, transfers from the exchequer are recognized in the books of accounts. Cash is considered as received when payment instruction is issued to the bank and notified to the Commission.

(ii) External Assistance

External assistance is received through grants and loans from multilateral and bilateral development partners. Grants and loans shall be recognized in the books of accounts when cash is received. Cash is considered as received when a piece of payment advice is received by the recipient entity or by the beneficiary. In case of grant/loan in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The transaction date is the value date indicated on the payment advice. A similar recognition criterion is applied for loans received in the form of a direct payment. During the year ended 30th June 2024, there were no instances of non-compliance with terms and conditions, resulting in cancellation of external assistance loans.

(iii) Miscellaneous Receipts

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognised in the financial statements the time associated cash is received. The Commission did not have any Appropriation-in-Aid during the year

b) Recognition of payments

The Judicial Service Commission recognises all payments when the event occurs, and the related cash has been paid out by the Commission.

i) Compensation of Employees

Salaries and wages, allowances, and statutory contribution for employees are recognized in the period when the compensation is paid

ii) Use of Goods and Services

Goods and services are recognized as payments in the period when the goods/services are paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills.

iii) Acquisition of Fixed Assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange

transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment. A fixed asset register is maintained and a summary provided for purposes of consolidation. This summary is disclosed as an annexure 1 to the financial statements.

c) Cash and Cash Equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at Kenya Commercial Bank (KCB) at the end of the financial year. A bank account register is maintained, and a summary provided for purposes of consolidation. This summary is disclosed as an annexure 2 to the financial statements.

Restriction on Cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third party deposits and retentions. As of 30th June 2024, this amounted to Kshs 6,207,663 compared to Kshs 6,320,904 in prior period as indicated on note 7. There were no other restrictions on cash during the year.

d) Imprests and advances

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year are treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or Authority to Incur Expenditure (AIE) holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

e) Third party deposits and retention

For the purposes of these financial statements, deposits and retentions held on behalf of third parties have been recognized on an accrual basis (as accounts payables). This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted for National Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

f) Pending Bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items. When the pending bills are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.

g) Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits and retentions, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament in June 2023 for the period 1st July 2023 to 30th June 2024 as required by Law and there was one supplementary adjustment to the original budget during the year.

A comparison of the actual performance against the comparable budget for the financial year under review has been included in the financial statements. Government Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers.

h) Comparative Figures

Where necessary, comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

i) Subsequent Events

There have been no events after the financial year end with a significant impact on the financial statements for the year ended 30th June 2024.

j) Prior Period Adjustment

During the year, errors that have been corrected are disclosed under note 10 explaining the nature and amounts

k) Related Party Transactions

Related party means parties are related if one party has the ability to:

- Control the other party or
- Exercise significant influence over the other party in making financial and operational decisions, or if the related party entity and another entity are subject to common control.

Related party transaction is a transfer of resources or obligations between related parties regardless of whether a price is charged.

l) Contingent Liabilities

A contingent liability is:

- A possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- A present obligation that arises from past events but is not recognised because:
 - It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
 - The amount of the obligation cannot be measured with sufficient reliability.

Some of contingent liabilities may arise from: litigation in progress, guarantees, indemnities, Letters of comfort/ support, insurance, Public Private Partnerships.

The commission's contingent liabilities arise due to Compensation/Court awards to successful litigants against the Commission. The Courts continue to render themselves in various matters that are before them and awards damages/compensation to successful litigants against the Commission.

The Commission does not recognize a contingent liability but discloses details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote.

Note 13.5 and **Annex 5** of this financial statement is a register of the contingent liabilities in the year.

Notes to the Financial Statements

1. Exchequer releases

Description and reference of the transfer	Period Ended	Comparative
	June, 2024	period, 2023
	Kshs	Kshs
Total Exchequer Releases for quarter 1	114,540,662	116,807,505
Total Exchequer Releases for quarter 2	229,416,880	204,218,336
Total Exchequer Releases for quarter 3	205,605,136	76,114,655
Total Exchequer Releases for quarter 4	342,432,351	444,706,037
Total	891,995,028	841,846,533

The Ksh. 50m increase in exchequer in the FY2023/2024 as compared to FY2022/23 is attributed to realisation of the Commission's planned activities for the year as well as the Ksh. 9.6m budget increase in the year under review.

2. Compensation to Employees

	Period Ended	Comparative
	June, 2024	period, 2023
	Kshs	Kshs
Basic salaries of permanent employees	119,197,869	104,967,742
Basic wages of temporary employees	-	5,999,376
Personal allowances paid as part of salary	80,686,411	77,470,659
Pension and other social security contributions	18,999,777	13,436,790
Total	218,884,058	201,874,567

The increase in Basic Salaries of permanent employees of 13% is due to the annual staff progressions as well as recruitment. There were no staff in the period under review under temporary wages while the 41% increase under pensions and other social security contributions is attributed to payment of gratuity in arrears to the defined pension scheme in preparation of adoption of accrual basis of accounting.

3. Use of Goods and Services

	Period Ended	Comparative
	June, 2024	period, 2023
	Kshs	Kshs
Utilities, Supplies and Services	420,000	456,720
Communication, Supplies and Services	11,103,556	11,951,224
Domestic Travel and Subsistence, and Other Transportation Costs	113,167,674	100,452,447
Foreign Travel and Subsistence, and other transportation costs	61,525,052	46,447,952
Printing, Advertising and Information Supplies and Services	15,096,425	10,958,805
Rentals of Produced Assets	41,298,268	46,969,047
Training Expenses	184,812,795	145,896,579
Hospitality Supplies and Service	44,007,094	61,756,819
Hospitality Supplies and Service: Board Expenses	68,195,161	54,663,233
Specialised Materials and Supp	898,640	438,675
Office and General Supplies and Services	7,585,580	6,889,579
Fuel Oil and Lubricants	12,444,100	8,174,002
Other Operating Expenses	36,037,082	30,780,581
Routine Maintenance - Vehicles	9,755,757	7,294,637
Routine Maintenance - Other Assets	476,840	345,360
Total	606,824,023	533,475,660

The increase in expenditure under local travel, foreign travel, printing, training and specialised materials was occasioned by capacity building programmes that were conducted by the Commission in line with its constitutional mandate of preparing Continuous Judicial Education for judges and judicial officers.

Increased expenditure under Rentals was occasioned by the relocation of the Commission to its new office premises at CBK Pension towers to meet space requirement for efficient service delivery. The increase under fuel is attributed to the increase in cost for the commodity while increase in repairs of vehicles can be attributed to the general wear and tear.

4. Social Security Benefits

Explanation	Period Ended June, 2024	Comparative period, 2023
	Kshs.	Kshs.
Government pension and retirement benefits	5,479,504	22,572,871
Total	5,479,504	22,572,871

The payments relate to payments to members and staff of the Commission whose contracts ended during the year under review.

5. Acquisition of Assets

Non-Financial Assets	Period Ended June, 2024	Comparative period
	Kshs	Kshs
Refurbishment of Buildings	26,883,959	33,030,575
Purchase of Vehicles and Other Transport Equipment	7,610,000	12,780,000
Purchase of Office Furniture and General Equipment	14,455,132	19,122,101
Purchase of Specialized Plant, Equipment and Machinery	1,103,517	15,918,552
Total	50,052,608	80,851,229

The refurbishment expenditure relates to partitioning of the office space for the Commission and server room adjustments at the Kenya Judiciary Academy while purchase of vehicles relate to a van purchased for the Academy to facilitate its operations. The office furniture relates to supply of various office equipment.

6 Cash and Bank Accounts

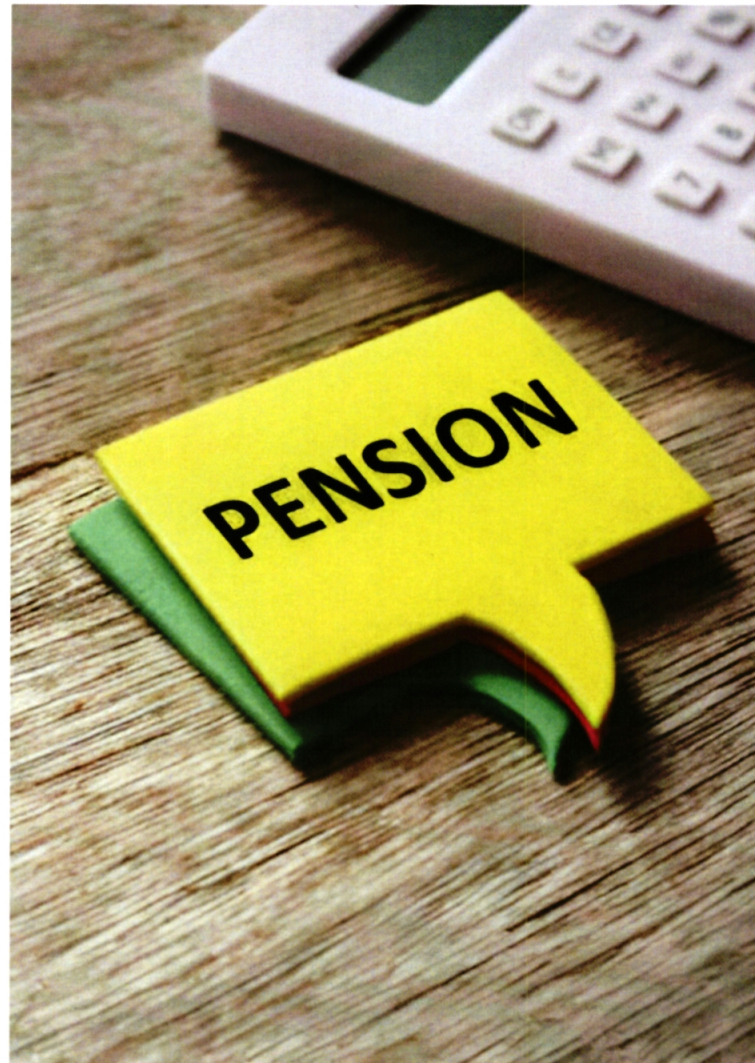
Description	Period Ended June, 2024	Prior Year audited
	Kshs	Kshs
Bank Accounts (Note 19 A)	16,354,670	6,316,969
Cash on hand (Note 19 B)	721,069	2,917,327
Total	17,075,739	9,234,296

19A: Bank Accounts

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit e.t.c	Exc rate (if in foreign currency)	Period Ended June, 2024	Prior Year audited
				Kshs	Kshs
Central Bank of Kenya,1000181273, Recurrent, KShs	KES	Recurrent	1	10,147,006	154,881
Central Bank of Kenya,1000492775, Deposit, KShs	KES	Deposit	1	6,207,663	6,162,088
KCB Bank, 1266450971, Reccurrent, Kshs,	KES	Reccurrent	1	-	-
Total				16,354,670	6,316,969

9B: Cash on hand

	Period Ended June, 2024	Prior Year audited
	Kshs	Kshs
Cash in Hand – Held in domestic currency	721,069	2,917,326.85
Cash in Hand – Held in foreign currency	-	-
Total	721,069	2,917,326.85



Detailed Cash is as follows:

Description	Insert Current	Insert
	FY	Comparative FY
	Kshs	Kshs
Location 1 - JSC	120,000	2,917,327
Location 2 -KJA	601,069	
Total	721,069	2,917,327

The cash balances relate to imprest balances that were banked directly to the bank after the exchequer balances were swept off. The same will be surrendered to the consolidated account. Extracts of the bank statements with the bankings are available for verification:

Imprests and Advances

The Commission did not have any pending imprest for the period under review

Third party deposits and retention

Description	FY 2023 / 2024	Prior Year audited		
	Kshs	Kshs		
Retention	-	-		
Deposits	6,207,663	6,162,088		
Other payables	113,241	-		
Total	6,320,904	6,162,088		
Ageing analysis:	FY2023/2024	% of the Total	FY2022/2023	% of the Total
Under one year	2,534,903	40%	3,303,057	53%
1-2 years	2,298,883	36%	2,858,031	47%
2-3 years	1,487,118	24%	-	%
Over 3 years	-	0%	-	%
Total	6,320,904	100%	6,162,088	100%

The Deposit comprises of contractor retention fees.

Fund Balance Brought Forward

Description	Period Ended	Prior Year
	June, 2024	audited
	Kshs	Kshs
Bank accounts	6,316,969	8,234,445
Cash in hand	2,917,327	1,436,294
Accounts Receivables	-	-
		10,000
Accounts Payables	-	-
	6,162,088	2,859,031
Total	3,072,207	6,801,709

The fund balance comprises of the bank account and cash balances carried forward as at 30th June, 2023 while the accounts payable relates to contractors' retention fund.

Prior Year Adjustments

Description of the error	Balance b/f	Adjustments	Adjusted **
	FY 2022/2023 as per audited financial statements	during the quarter relating to prior periods	Balance b/f
	Kshs	Kshs	Kshs
Bank account Balances	6,316,969	154,881	6,162,088
Cash in hand	2,917,327	2,917,327	0
Accounts Receivables	-	-	-
Accounts Payables	6,162,088	-	6,162,088
Others (specify)	-	-	-
	3,072,207	3,072,208	0

The adjustment during the period relates to un-utilised exchequer recovered by the National Treasury and cash in hand balance surrendered to the National Treasury.

Fund Balance Brought Forward

Description	Period Ended June, 2024	Prior Year audited
	Kshs	Kshs
Bank accounts	6,316,969	8,234,445
Cash in hand	2,917,327	1,436,294
Accounts Receivables	-	-
		10,000
Accounts Payables	6,162,088	2,859,031
Total	3,072,207	6,801,709

The fund balance comprises of the bank account and cash balances carried forward as at 30th June, 2023 while the accounts payable relates to contractors' retention fund.

(Increase)/ Decrease in Advances and Imprests

Description of the error	Period Ended June, 2024	Prior Year audited
	KShs	KShs
Opening Receivables as at 1 st July 2023	-	-
Closing account receivables as at June 2024	-	-
Change in Receivables	-	-

Increase/ (Decrease) in Retention and Third-Party Deposits

Description	Period Ended June, 2024	Prior Year audited
	Kshs	Kshs
Accounts payable as at 1 st July 2023	6,162,088	6,162,088
Closing accounts payables as at June 2024	6,320,904	6,162,088
Change in payables	158,816	-

Related Party Disclosures

The following comprise related parties to the Judicial Service Commission

- i) Key management personnel that include the Commissioners and Secretary to the Commission.
- ii) Other Ministries Departments and Agencies
- iii) State Corporations and Semi-Autonomous Government Agencies

13.2 Pending Accounts Payable

Description	Balance b/f	Cumulative additions for the period	Paid during the period	Balance c/f for the period
	Kshs	Kshs	Kshs	Kshs
Construction of buildings	-	-	-	-
Construction of civil works	-	-	-	-
Supply of goods	684,725	-	684,725	-
Supply of services	2,323,127	-	2,323,127	-
Total	3,007,852	-	3,007,852	-

Other Important Disclosures**13.1 Related party transactions:**

Description	FY 2023/2024	FY 2022/2023
	Kshs	Kshs
Key Management Compensation	68,195,161	54,663,233
Transfers to Related Parties		
Total Transfers to Related Parties	-	-
Purchase of Goods and Services		
Purchase of Electricity from KPLC	420,000	456,720
Rent paid to Govt. Agencies	36,018,000	37,452,758
Training Fees paid to Govt Agencies	1,224,676	485,800
EMS services from Postal Corporation of Kenya	299,990	231,275
Purchase of milk from KCC	391,140	142,080
Printing services from Kenya Yearbook	1,223,800	2,290,932
Total Goods and Services paid to Govt. Agencies	39,577,606	41,059,565
Transfers from Related Parties		
Transfers from the Exchequer	891,995,028	841,846,533
Total Transfers from Related Parties	891,995,028	841,846,533

The payment of Ksh. 68,195,161 and Ksh. 54,663,223 is as enumerated below and relates to the Commissioner's allowances for the period July 2023 to June 2024 and July, 2022 to June 2023 respectively for the listed members below

13.3: Pending Staff Payables

There were no staff payables to report for the period under review.

13.4: Other Pending Payables

Description	Balance b/f 2022-23 Kshs	Additions for the period Kshs	Paid during the year Kshs	Balance c/f 2023-24 Kshs
Amounts due to Third Parties	6,162,088	2,534,904	(2,376,088)	6,320,904
Total	6,162,088	2,534,904	(2,376,088)	6,320,904

a) Non-monetary external assistance

There is no non-monetary external assistance to report for the period under review.

b) External Assistance paid on behalf of the Commission by Source

There were no External Assistance paid on behalf of the Commission in the period under review

Fund Balance Brought Forward

Description	Period Ended June, 2024 Kshs	Prior Year audited Kshs
Bank accounts	6,316,969	8,234,445
Cash in hand	2,917,327	1,436,294
Accounts Receivables	-	- 10,000
Accounts Payables	6,162,088	- 2,859,031
Total	3,072,207	6,801,709

The fund balance comprises of the bank account and cash balances carried forward as at 30th June, 2023 while the accounts payable relates to contractors' retention fund.

13.5 Contingent Liabilities

Contingent liabilities	FY2023/2024 Kshs	FY2022/2023 Kshs
Court case against Judicial Service Commission	95,843,000	-
Bank guarantees in favour of subsidiary	-	-
Contingent liabilities arising from PPPs	-	-
Total	95,843,000	-

The Contingent liabilities of Kshs 95.8 million relates to various court awards to successful litigants against the Commission. The Commission has however appealed against such decisions and obtained stay of execution orders which has temporarily suspended payment. In the event that the respective appeals are not successful, the award/compensation must be paid. The contingent liabilities register is presented in **annex 5**

13.6 Progress on follow-up of Prior Years Auditor-General's recommendations.

The following is the summary of issues raised by the Auditor-General during the prior year and management comments that were provided.

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)
Emphasis of Matter	Note 27.2 to the financial statements reflect pending accounts payable amount of Kshs. 3,007,852. However, this amount was not settled in the year under review but instead carried forward to the financial year 2023/2024 due to inadequate exchequer allocations. Failure to settle pending bills in the year to which they relate adversely affect the implementation of the subsequent year's budgeted programmes as the pending bills form a first charge for that year's provision.	In line with the directive from The National Treasury pending bills were dully processed as a first charge to the FY 2023/24 and were settled in full.	Resolved	

Annex 1 – Summary of Fixed Asset Register

Asset class	Historical Cost b/f (Kshs) Previous Year	Additions during the year (Kshs)	Disposals during the year (Kshs)	Transfers in/(out) during the year	Historical Cost c/f (Kshs) Current Year
Land - Title # NGONG/NGONG/100133 22.32 HA.	-	-	-	-	-
Buildings and structures	101,982,451	26,883,959	-	-	128,866,410
Transport equipment	64,344,560	7,610,000	-	-	71,954,560
Office equipment, furniture and fittings	81,424,892	14,455,132	-	-	95,880,025
ICT Equipment	5,472,067	-	-	-	5,472,067
Machinery and Equipment	23,783,698	1,103,517	-	-	24,887,215
Total	277,007,668	50,052,608	-	-	327,060,276

The commission was allocated by the National Government a total of 22.32 HA land in Ngong for construction of Kenya Judiciary Academy as per title Ngong/Ngong/100133. The Commission will engage a valuer to determine the value.

Annex 2: Cash and Cash Equivalents

Item Description	2023-2024 Kshs	2022-2023 Kshs
Recurrent Bank Accounts	10,147,006.20	154,880.50
Deposit Bank Account	6,207,663.30	6,162,088.40
Cash in Hand	721,069	2,917,326.85
TOTAL	17,075,739	9,234,295.75

The cash and cash equivalents comprise of the recurrent and deposit bank accounts and cash balances as at 30th June, 2024.

Annex 3 – List of Projects implemented by Judicial Service Commission

There were no projects that were under implementation by the commission in the period under review.

Annex 4 – List of SCs, Sagas and Public Funds Under Judicial Service Commission

The Commission does not have any SCs, Sagas and Public Funds to report.

Annex 5 – Contingent Liabilities Register

	Nature of contingent liability	Remarks (Amounts in Ksh.)
1	Nakuru Civil Appeal No. E007/2023, Judicial Service Commission-Vs- Alice Bitutu Mongare	5,000,000
2	Nairobi Civil Appeal No E214/2023, Judicial Service Commission -Vs- Benedict Abonyo Omollo.	11,000,000
3	Nairobi Civil Appeal No. E331 Of 2020 Judicial Service Commission -Vs- Timothy Sironka Nchoe.	7,000,000
4	Nairobi Civil Appeal No E097/2022, Judicial Service Commission-Vs- Susan Khakasi Oyatsi.	12,000,000
5	Nairobi ELRC Cause No. 1273/2017, Justice (Rtd) Jonathan Havelock =Vs= Judicial Service Commission & CS National Treasury.	3,300,000
6	Nairobi ELRC Petition No E051/2022, Jophter Echor Jakait Vs Judicial Service Commission.	2,200,000
7	Nairobi Civil Appeal No. E353/2020, Bildad Rogoncho Kimwele =Vs= Judicial Service Commission	1,500,000
8	Nairobi Civil Appeal No. 654/2019, Judicial Service Commission=Vs= Simon Rutto Rotich.	1,275,000
9	Nairobi Civil Appeal No. E262/2021, Judicial Service Commission=vs= Walter Onchuru.	2,568,000
10	Nairobi Civil Appeal No. E568/2023, Judicial Service Commission -Vs- Ruth Muraya & others.	50,000,000
	Total	95,843,000

Annex 5: Reporting of Climate Relevant Expenditures

There are no climate relevant expenditures to report for the period under review.

Annex 6: Disaster Expenditure Reporting Template

There is no disaster expenditure to report for the period under review.



Chapter 04

Challenges and Recommendations

4.1 Introduction

This Chapter outlines the challenges faced by the Commission, its recommendations and the way forward.

4.2 Challenges

The Commission plays a crucial role in ensuring the independence and integrity of the Judiciary. However, it faces several challenges in implementing its mandate. The following are some of the challenges faced by the Commission in implementing its mandate:

4.2.1 Inadequate Budgetary Allocation for the Commission and Judiciary

The expansive mandate and functions of the Commission under Article 172 of the Constitution require a significant increase in budgetary allocation. In the reporting period, The Commission had a budget shortfall of Kshs. 723 million, equivalent to a 45% funding gap and as a result, faced difficulties in achieving its desired outputs and outcomes in staffing, infrastructure and other operational areas.

Specifically, the Commission was unable to proceed with recruitment of Court of Appeal Judges, Recruitment of Secretariat staff, Judicial Officers and staff. Operating at only 37% of its authorized capacity 69 staff members out of the required 184 the Commission struggles to effectively deliver on its mandate. Insufficient funding has also hindered the recruitment of additional staff, as the current infrastructure cannot accommodate the optimal workforce required.

Further, limited resources have restricted the Commission's ability to provide adequate training programs for judges and judicial officers, exacerbating challenges in maintaining a conducive learning environment. These combined limitations undermine the Commission's overall efficiency and ability to fulfill its critical responsibilities effectively.

Similarly, inadequate funding of the judiciary has significantly hampered the delivery of justice by limiting the capacity of courts to effectively perform their duties. Key underfunded areas include insufficient resources for court infrastructure, such as outdated and overcrowded courtrooms, and a lack of modern technology for case management, which leads to delays in proceedings. Additionally, inadequate funding has affected the recruitment and retention of judicial officers and staff, resulting in a backlog of cases and slower processing times. There is also limited financial support for legal aid programs, which restricts access to justice for the economically disadvantaged, further undermining the fairness and efficiency of the judicial system.



Limited resources have restricted the Commission's ability to provide adequate training programs for judges and judicial officers, exacerbating challenges in maintaining a conducive learning environment.

4.2.2 Delay in the enactment of legislation

To enhance the administration of justice and promote the judge's welfare, the Commission made proposals for the enactment of the Tribunals Bill and Judges Retirement Bill, respectively. The Tribunals Bill will streamline the management of tribunals. The delay in approval of the bill risks perpetuating inefficiencies and inconsistencies in tribunal operations, as they remain fragmented and under the executive's control rather than integrated into the judiciary. Approving the bill would align Kenya with international standards seen in Commonwealth countries, ensuring judges receive adequate retirement benefits and bolstering confidence in judicial roles as both prestigious and secure.

The Judges Retirement Bill on the other hand will provide the retirement package for judges. The delay in considering these proposed legislations has hampered the effective administration of justice, independence of the Judiciary, and the Judge's welfare.

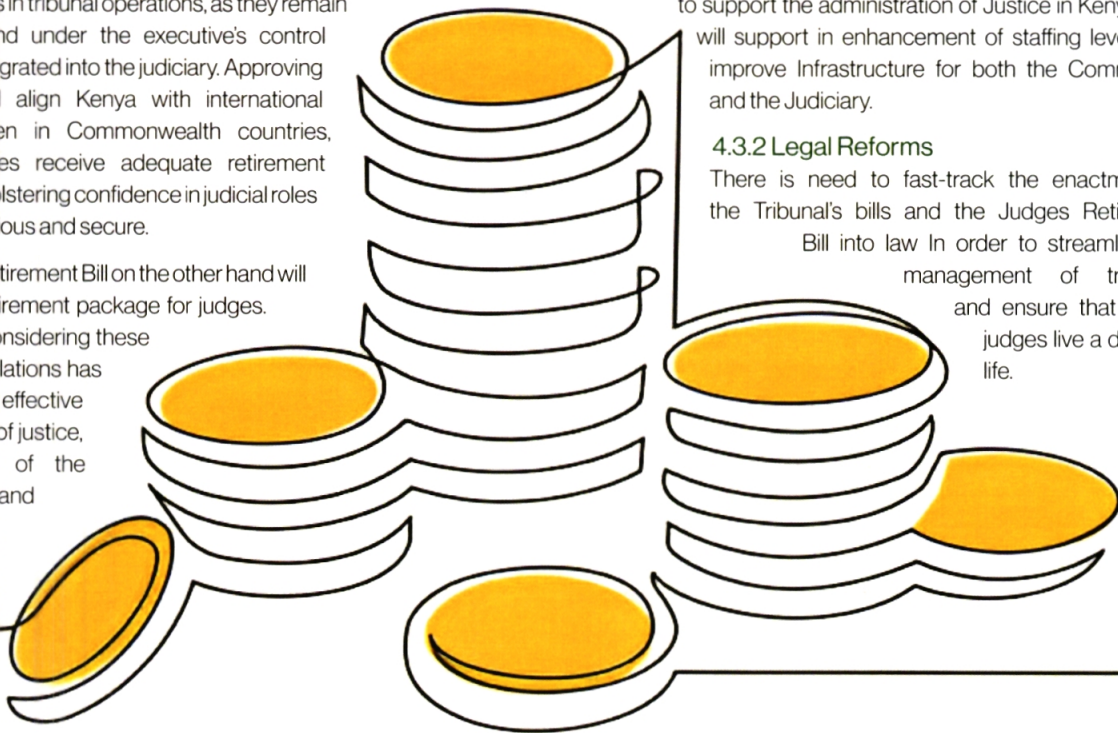
4.3 Recommendations

4.3.1 Enhancement of the Commission's and Judiciary Budget

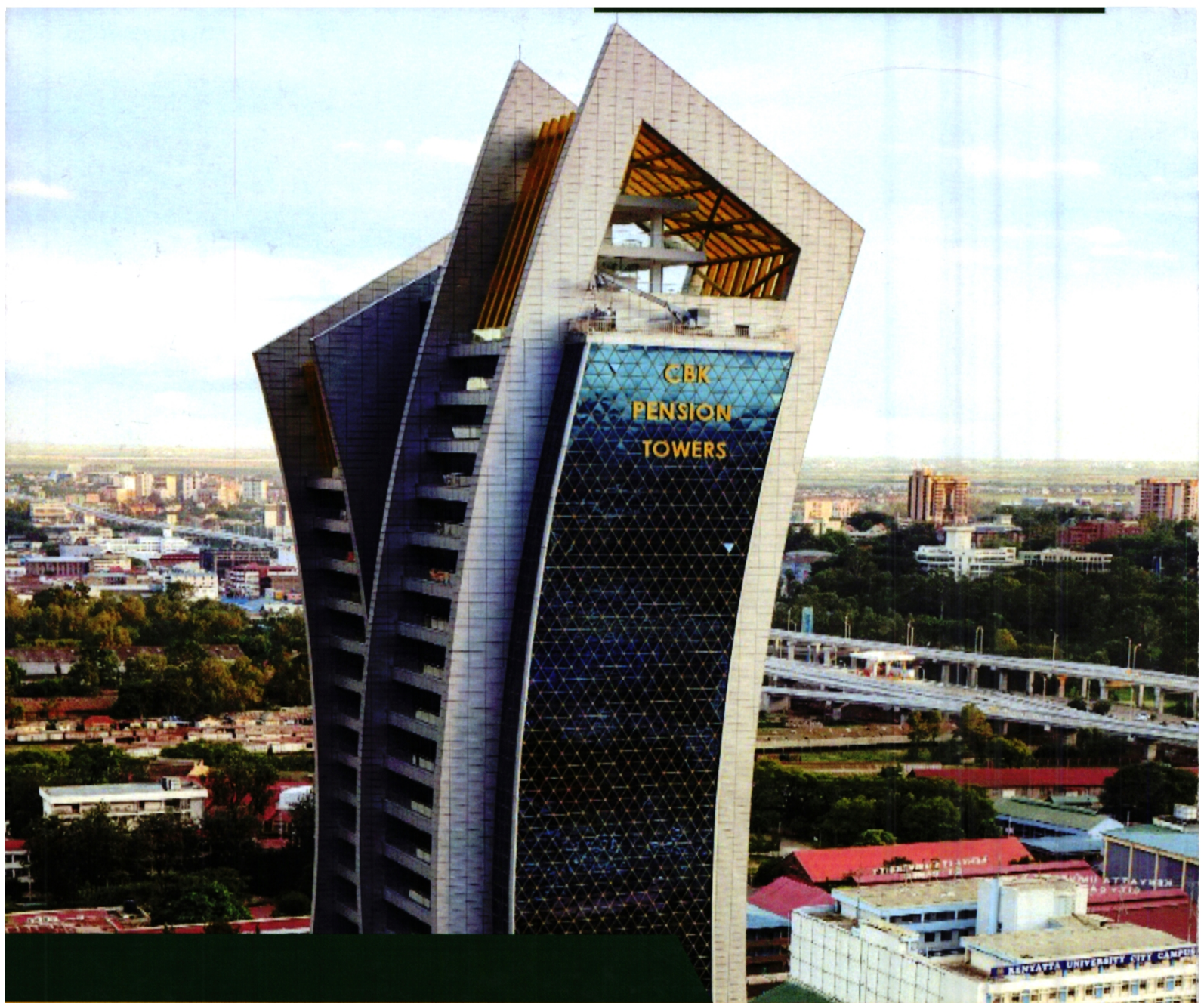
There is need for enhancement of the Judiciary and Commission's annual budget. The Commission, therefore, recommends the allocation of not less than 3 per cent of the National Budget to support the administration of Justice in Kenya. This will support in enhancement of staffing levels and improve Infrastructure for both the Commission and the Judiciary.

4.3.2 Legal Reforms

There is need to fast-track the enactment of the Tribunal's bills and the Judges Retirement Bill into law In order to streamline the management of tribunals and ensure that retired judges live a dignified life.



Inadequate funding of the judiciary has significantly hampered the delivery of justice by limiting the capacity of courts to effectively perform their duties.



Telephone: +254 202739180
Email: jscsecretariat@jsc.go.ke
X: @jsckenya
Facebook: www.facebook.com/judicialkenya
Website: www.jsc.go.ke
P.O. Box: 40048 -00100 Nairobi, Kenya
Location: CBK Pension Towers 13th floor,
Harambee Avenue, CBD, Nairobi

ANNUAL REPORT

FOR THE FINANCIAL YEAR

2023/2024

