


|   |                     |
|---|---------------------|
| <br><b>THE NATIONAL ASSEMBLY</b><br><b>PAPERS LAID</b> |                     |
| <b>DATE:</b> 05 OCT 2021  | <b>DAY:</b><br>TUR. |
| <b>TABLED BY:</b>   | LOMP.               |
| <b>CHECKED THE TABLE:</b>   | Inzofu M.           |



**KENYA LAW REFORM COMMISSION**  
*A vibrant agency for responsive law reform*

PARLIAMENT  
 OF KENYA  
 LIBRARY

# ANNUAL REPORT

## 2020-2021



### Contact Details

Kenya Law Reform Commission  
Reinsurance Plaza, 3rd Floor,  
Taifa Road  
P.O. Box 34999-00100  
NAIROBI, Kenya



[info@klrc.go.ke](mailto:info@klrc.go.ke)



(+254) 20 2241201



(+254) 799 030 716



[www.klrc.go.ke](http://www.klrc.go.ke)



[@klrcKE](https://twitter.com/klrcKE)



[KenyaLawReformCommission](https://www.facebook.com/KenyaLawReformCommission)

# TABLE OF CONTENT

|   |           |
|---|-----------|
| LETTER OF TRANSMITTAL.....  | iii       |
| PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER .....                         | iv        |
| ACKNOWLEDGEMENTS .....  | v         |
| LIST OF ACRONYMS.....   | viii      |
| <b>CHAPTER ONE: ABOUT THE KENYA LAW REFORM COMMISSION.....</b>                  | <b>1</b>  |
| 1.0 Introduction.....   | 1         |
| 1.1 Background and Scope.....   | 1         |
| 1.1.1 Governance Justice Law and Order Sector Reforms .....                     | 1         |
| 1.1.2 Social, Economic and Institutional Reforms (Studies and Taskforces) ..... | 1         |
| 1.1.3 Electoral Reforms .....   | 2         |
| 1.1.4 Development and Implementation of the 2010 Constitution .....             | 2         |
| 1.1.6 Association with other Law Reform Agencies.....                           | 2         |
| 1.2 Current Establishment and Mandate.....                                      | 3         |
| 1.2.1 Constitutional Mandate.....   | 3         |
| 1.2.2 Statutory Mandate.....  | 3         |
| 1.2.3 Functions of the Kenya Law Reform Commission .....                        | 3         |
| 1.2.4 Support to County Governments .....                                       | 4         |
| 1.3 Vision.....   | 4         |
| 1.4 Mission .....   | 4         |
| 1.5 Core Values .....   | 5         |
| 1.6 Value Proposition .....   | 5         |
| 1.7 Inherent Principles and Attributes.....                                     | 5         |
| 1.8 Structure and Administration of KLRC.....                                   | 5         |
| 1.8.1 KLRC`s Organization Structure .....                                       | 6         |
| <b>CHAPTER TWO: GOALS, TARGETS AND APPROACH.....</b>                            | <b>7</b>  |
| 2.1 Introduction.....   | 7         |
| 2.2 Key Strategic Objectives .....  | 7         |
| 2.3 Targets and Principal Activities.....                                       | 7         |
| 2.3.1 Targets .....   | 8         |
| 2.4 The Approach.....   | 11        |
| <b>CHAPTER THREE: ACHIEVEMENTS AND MILESTONES .....</b>                         | <b>13</b> |
| 3.1 Introduction.....   | 13        |
| 3.2 Core Mandate Achievements .....   | 13        |

|   |   |           |
|---|---|-----------|
| 3.2.1   | The Big Four Agenda .....   | 13        |
| 3.2.2   | Effective Implementation of the Constitution .....                  | 14        |
| 3.2.3   | Technical Assistance to National Government MDAs .....              | 14        |
| 3.2.4   | Technical Assistance to County Governments .....                    | 14        |
| 3.2.5   | Public Education on Law Reform .....                                | 15        |
| 3.2.6   | Enhanced Legal Research .....                                       | 16        |
| 3.3   | Enhanced Institutional Capacities .....                             | 17        |
| 3.3.1   | Targets and Achievements .....                                      | 17        |
| 3.3.2   | Human Resource Management and Development .....                     | 17        |
| 3.3.2   | Improved Staff Welfare .....  | 18        |
| 3.3.3   | Specific COVID 19 Measures .....                                    | 18        |
| 3.3.4   | Resolution of Public Complaints .....                               | 18        |
| 3.3.5   | Adoption of Information Security Management System(ISMS) .....      | 19        |
| 3.3.6   | Access to Information, Communication and Knowledge Management ..... | 19        |
| 3.3.7   | Effective Procurement and Disposal of Assets.....                   | 19        |
| 3.3.8   | Effective Utilization of Funds.....                                 | 20        |
| 3.4   | Milestones .....  | 20        |
| 3.4.1   | Constitutional Implementation .....                                 | 20        |
| 3.4.2   | Implementation of Presidential Directives .....                     | 20        |
| 3.4.3   | Youth Internship/Industrial Attachment/ Apprenticeships .....       | 21        |
| 3.4.4   | National Cohesion and Values .....                                  | 21        |
| <b>CHAPTER FOUR: CHALLENGES AND RECOMMENDATIONS .....</b> |   | <b>22</b> |
| 4.1   | Introduction.....   | 22        |
| 4.1.1   | Operational Challenges .....  | 22        |
| 4.1.2   | Inadequate notice for urgent and emerging work .....                | 22        |
| 4.1.3   | Multiplicity of Similar Law Reform Initiatives .....                | 22        |
| 4.1.4   | Outbreak of COVID-19 .....  | 23        |
| 4.1.5   | Inadequate Presence in the Counties .....                           | 23        |
| 4.1.6   | Inadequate Financial Resources .....                                | 23        |
| <b>CHAPTER FIVE: LESSONS LEARNT AND WAY FORWARD .....</b> |   | <b>24</b> |
| 5.1   | Introduction.....   | 24        |
| 5.2   | The Essence of Civic Education.....                                 | 24        |
| 5.3   | The Need for Emergency Preparedness.....                            | 24        |
| 5.4   | Adaptability to Change.....   | 24        |
| 5.5   | Conclusion .....  | 24        |
| <b>6.0 APPENDIXES .....</b>                               |   | <b>25</b> |



## LETTER OF TRANSMITTAL

Mr. Michael Sialai, EBS  
Clerk, National Assembly  
P.O Box 41842-00100  
Parliament Buildings  
Nairobi, Kenya.

Mr. Jeremiah Nyegenye  
The Clerk, Senate  
P.O Box 41842-00100  
Parliament Buildings  
Nairobi, Kenya.

Hon. P. Kihara Kariuki  
The Attorney General  
P.O Box 40112 -00100  
Sheria House  
Nairobi, Kenya.

### RE: ANNUAL REPORT FOR THE FINANCIAL YEAR 2020/2021

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

It is our pleasure to formally present the Annual Report for the financial year 2020/2021. This Report has been prepared pursuant to Section 32 of the KLRC Act, 2013 and all other enabling provisions of the Law of Kenya. It captures our mandate, strategic goals, targets, achievements and milestones realized in the reporting period. The Report further highlights challenges encountered, lessons learnt and the relevant recommendations.

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

We thank you in advance for the continued support.

Mr. Joash Dache, MBS



Secretary/ Chief Executive Officer

## PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER



**Joash Dache, MBS**  
**Secretary/CEO**

We are delighted at the publication of the KLRC's Annual Report and Financial Statements for the financial year ending 30<sup>th</sup> June 2021. The Report is prepared pursuant to the Section 32 of the Kenya Law Reform Commission Act, 2013, Article 35 of the Constitution of Kenya (Access to Information) and KLRC`s commitment towards public accountability. The Report is thus a reflection of the work done in the reporting period (1<sup>st</sup> July 2020 - 30<sup>th</sup> June 2021) towards the realization of our mandate, vision and performance targets.

In the reporting period, KLRC continued to play its primary law reform role by providing technical assistance to both National and County Governments in respect of development, review of various legislation and policies. KLRC further worked closely with other stakeholders in advancing the goals set out in its Strategic Plan (SP) 2018-2022 and in particular undertaking research, drafting, public education and providing the necessary advice and information in matters of law reform.

Amid the celebrated milestones in the reporting period, KLRC faced but overcame a number of challenges. The major ones were two. First, was the outbreak of the global COVID-19 pandemic which stalled operations and programme implementation for some time. Second, the Commission was and is yet to be fully constituted following the exit of the former commissioners.

We enjoyed the support of key stakeholders and partners including: all the arms of Government (Judiciary, Legislature, and Executive) and their agencies: County Governments (County Executives and Assemblies) and their agencies, Constitutional Commissions and Independent Offices, Civil Society Organizations, Academia, and the KLRC staff among others

In this regard, I am grateful to all individuals and institutions who made a contribution in one way or the other and unreservedly share our resolve to remain dedicated to achieving our vision of being “*a vibrant agency for responsive law reform*” and mission of “*facilitating law reform conducive to social, economic and political development of Kenya*”.

**Joash Dache, MBS**

A handwritten signature in black ink, appearing to read 'Joash Dache', written in a cursive style.

**Secretary/ Chief Executive Officer**

## ACKNOWLEDGEMENTS

The realization of our targets in the financial year 2020/21 is a collaborative dedication of many individuals and institutions. We salute the staff whose tireless efforts and commitment have catapulted us this far. In addition, we acknowledge the Office of Attorney-General and Department of Justice whose leadership and support remains appreciated. In the same vein, the following institutions have been a key pillar towards this shared success: Office of the President and the entire Cabinet, Parliament, the Judiciary, the National Treasury as well as all other respective Ministries, Departments and Agencies at both levels of government (National and County). The support of Development Partners, Civil Society Organizations and other stakeholders remains invaluable.

The publication of this Annual Report for the financial year 2020/2021 has been made possible with the support and contributions of KLRC officers led by Mr. Joash Dache, MBs (the Secretary/CEO); Mr. Peter Musyimi, HSC (Head of Legislative Drafting/Ag. Director, Finance and Administration); Ms. Mercy Muthuri (Ag. Director, Legislative Services); Mr. Mathew Kimanzi (Head of Public Education); Ms. Margret Githae (Head of Accounts); Mr. Cornelius Musangi (Head of Finance); Mr. Alex Matheri (Head of Planning); Dr. Jacob Otachi (Head of Corporate Affairs and Communications); and all other Heads of Departments and staff.

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

God bless you.

## KEY ACHIEVEMENTS

- (i) KLRC, pursuant to its mandate under Clause 5(6)(b) of the Sixth Schedule to the Constitution, continued to develop legislation required to implement the Constitution.
- (ii) KLRC assisted a number of MDAs with the development and review of their respective legislative frameworks in conformity with the Constitution.
- (iii) KLRC provided technical assistance to a number of county governments with regard to the reform or amendment of their laws.
- (iv) KLRC continued to engage with Parliament as follows:
  - (a) reviewed Bills submitted to it by Parliament;
  - (b) participated in joint sessions on review of Bills;
  - (c) reported on progress on development of Bills;
  - (d) provided advisory opinions to Parliament; and
  - (e) prepared written submissions upon request.
- (v) KLRC continued to give advisory opinions to the Attorney-General, MDAs and county governments.
- (vi) KLRC continued to propose amendments to various laws after receiving reports from the National Council of Law Reporting on court judgments touching on law reform.
- (vii) KLRC continued receiving status reports from various MDAs on the implementation of the Constitution.
- (viii) KLRC undertook research on various topics to facilitate informed law reform.
- (ix) KLRC carried out public education on proposed review of laws while also popularizing law reform initiatives.

## CHALLENGES

- (i) The emergence of the COVID-19 pandemic which led to the abrupt scaling down of activities in various institutions including KLRC.
- (ii) Budget cuts and inadequate financial resources continue to be a major challenge to KLRC.



- (iii) Inadequate stakeholder consultation and public participation in view of limited funding.
- (iv) Delay in the replacement of full-time commissioners and the Chairperson therefore missing out on their strategic leadership and policy input.
- (v). Inadequate staff owing to retirement or exits that affected key programmatic work.
- (vi) Inadequate notice for urgent and emerging work.
- (vii) Inadequate presence in the counties.

## LIST OF ACRONYMS

|                    |  |
|--------------------|--|
| AG                 | Attorney-General   |
| AGPO               | Access to Government Procurement Opportunities                 |
| ALRAESA            | Association of Law Reform Agencies in East and Southern Africa |
| ATI                | Access to Information  |
| CAJ                | Commission on Administrative Justice                           |
| CALRA <sub>s</sub> | Commonwealth Association of Law Reform Agencies                |
| CEO                | Chief Executive Officer  |
| CoK, 2010          | Constitution of Kenya, 2010                                    |
| CPD                | Continuous Professional Development                            |
| DCIV               | Directorate of National Cohesion and Values                    |
| FY                 | Financial Year   |
| HoD                | Head of Department   |
| IEC                | Information Education and Communication                        |
| ICT                | Information Communication Technology                           |
| ISMIS              | Information Security Management System                         |
| JLAC               | Justice and Legal Affairs Committee of the National Assembly   |
| KEBS               | Kenya Bureau of Standards                                      |
| KLRC               | Kenya Law Reform Commission                                    |
| KM                 | Knowledge Management   |
| KNADS              | Kenya National Archives and Documentation Service              |
| KSG                | Kenya School of Government                                     |
| LRN                | Law Reform Newsletter  |
| MCDAs              | Ministries, Counties, Departments and Agencies                 |
| MDAs               | Ministries, Departments and Agencies                           |
| MOH                | Ministry of Health   |
| MTEP III           | Medium Term Plan (Third)                                       |
| NCAJ               | National Council for Administration of Justice                 |
| NYS                | National Youth Service   |
| OAG                | Office of the Attorney General                                 |
| PC                 | Performance Contract   |

|      |                                      |
|------|--------------------------------------|
| PPE  | Personal Protective Equipment        |
| PSC  | Public Service Commission            |
| SRC  | Salaries and Remuneration Commission |
| SAGA | Semi-Autonomous Government Agency    |
| SCAC | State Corporation Advisory Committee |
| SP   | Strategic Plan                       |
| WIBA | Work Injury Benefits Act             |

**VISION**

A vibrant agency for  
responsive law reform

**MISSION**

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

## 1.0 Introduction

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

## 1.1 Background and Scope

World over, law reform institutions exist to provide specialized legislative drafting and evidence-based research, which inform government decisions about the development, reform and harmonization of laws and related processes. The Kenya Law Reform Commission (KLRC) was first established in 1982 under the then Law Reform Commission Act, Cap. 3 (now repealed) as a primary agency to spearhead law reform and review processes in Kenya. Its mandate as contained in section 3 of the repealed Law Reform Commission Act was:

“to keep under review all the laws of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization.”

Notable strides since inception

### 1.1.1 Governance Justice Law and Order Sector Reforms

At inception, the KLRC operated as a department within the Office of the Attorney-General. However, upon reorganization of Government Ministries and functions vide Presidential Circulars Nos. 1 of 2003 and 2008, the law reform function and the Kenya Law Reform Commission were administratively moved to the Ministry of Justice, National Cohesion and Constitutional Affairs. As a department in the Ministry of Justice, the KLRC made significant achievements, including the development of legislation required under the Governance Justice Law and Order Sector Reform (GJLOS) programme.

### 1.1.2 Social, Economic and Institutional Reforms (Studies and Taskforces)

KLRC has undertaken legal research and review of legislation in diverse thematic areas including: agriculture, trade, urban development, criminal, social, commercial, land and family sectors. These efforts have culminated in development of various pieces of legislation among them: Marriage Act, Limited Liability and Partnerships Act, Insolvency Act and Companies Act. The KLRC also played a central role in several Task

Forces established by Ministries, Departments and Agencies (MDAs) for purposes of reform of sector specific laws. Some of these task forces include Task Force for the Review of Laws Relating to Women in Kenya, Task Force on Public Collections/Harambees, Task Force on Development of the Sexual Offences Act, Task Force on Judicial Reforms, and the Task Force on Police Reforms.

### 1.1.3 Electoral Reforms

Following the 2007 post-election violence, KLRC worked with the Panel of Eminent African Personalities (the Kofi Annan-led peace process) to bring the country back to normalcy by preparing all the necessary legislative interventions. KLRC was heavily involved in the process since it was respected as a neutral party by the two sides of the political divide. In this regard, KLRC developed constitutional amendments to establish the Agenda Four Commissions in 2008-9, being the Interim Independent Electoral Commission (IIEC), Committee of Experts (COE), Truth Justice and Reconciliation Commission (TJRC) and the Interim Independent Constitutional Dispute Resolution Court (IICDRC).

### 1.1.4 Development and Implementation of the 2010 Constitution

KLRC provided technical support in drafting the 2010 Constitution. With the promulgation of the Constitution, the KLRC acquired a constitutional mandate vide section 5(6)-(b) of the Sixth Schedule to the Constitution which required the KLRC to work with the Office of the Attorney General

and Department of Justice (OAG & DJ) and the now defunct Commission for the Implementation of the Constitution (CIC) in preparing for tabling in Parliament the legislation required to implement the Constitution. During the five-year transition period following promulgation of the Constitution, KLRC, in partnership with the CIC, OAG and respective line ministries developed all the legislation required to be enacted by Parliament within the timeframes specified under the Fifth Schedule.

### 1.1.5 Reforms towards the recognition of Intersex Persons in Kenya

KLRC has recently chaired the Taskforce on Policy, Legal, Institutional and Administrative Reforms regarding Intersex Persons in Kenya. The Taskforce was mandated to safeguard the interests of intersex persons by identifying the immediate, medium and long term reforms required to respect and protect their rights as Kenyans. The findings and recommendations of the Taskforce provided the opportunity for inclusion of intersex person in the 2019 census making Kenya the first African nation and one of the only countries in the world to conduct such an exercise despite widespread stigma and a low level of awareness attached to the condition.

### 1.1.6 Association with other Law Reform Agencies

Like other law reform agencies in the region and globally, KLRC continues to partner and work closely with all stakeholders while achieving the desired competitiveness. In this regard, KLRC is affiliated with the

Commonwealth Association of Law Reform Agencies (CALRAs). KLRC is also the Secretary to the Association of Law Reform Agencies in East and Southern Africa (ALRAESA). ALRAESA is a regional body of law reform agencies in East and Southern Africa with a mission to support sustainable law reform practices within the region. ALRAESA was established in Windhoek, Namibia, in August 2003 and currently has 15 members among them: Kenya, Botswana and South Africa. The Association provides a platform for comparative knowledge in matters related to law reform by bringing knowledge to national and local actors on law reform and facilitating dialogue in support of legal review process.

## **1.2 Current Establishment and Mandate**

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

### **1.2.1 Constitutional Mandate**

The promulgation of the Constitution of Kenya 2010 entrenched the legislative development and law reform function to

KLRC. Under Clause 5(6)-(b) of the Sixth Schedule to the Constitution, KLRC is required to coordinate with the Commission for the Implementation of the Constitution (now defunct) and the Attorney-General (AG) to prepare for tabling in Parliament legislation required to implement the Constitution. The significance of this is that, beyond the required Fifth Schedule legislation which had an initial five-year implementation period, KLRC needs to continuously conduct law reform on all laws existing immediately before and after the effective date of the Constitution. Specifically, the laws should be construed with alterations, qualifications and exceptions necessary to bring each into harmony and conformity with the Constitution (Clause 7 of the Sixth Schedule).

### **1.2.2 Statutory Mandate**

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

### **1.2.3 Functions of the Kenya Law Reform Commission**

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

(a) keep under review all the law and recommend its reform to ensure—

- (i) that the law conforms to the letter and spirit of the Constitution;
- (ii) that the law systematically develops in compliance with the values and principles enshrined in the Constitution;
- (iii) that the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost-effective in application;
- (iv) the respect for and observance of treaty obligations in relation to international instruments that constitute part of the law of Kenya by virtue of Article 2(5) and (6) of the Constitution;
- (v) keep the public informed of review or proposed reviews of any laws; and
- (vi) keep an updated database of all laws passed and reviewed by Parliament.

(b) work with the Attorney-General and the Commission for the Implementation of the Constitution (now defunct) in preparing for tabling, in Parliament, the legislation and administrative procedures required to implement the Constitution;

(c) provide advice, technical assistance and information to the national and county governments with regard to the reform or amendment of a branch of the law;

(d) upon request or on its own motion, undertake research and comparative studies relating to law reform;

(e) formulate and implement programmes, plans and actions for the effective reform of laws and administrative procedures at national and county government levels;

(f) consult and collaborate with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social, economic and political policies for the time being in force;

(g) formulate, by means of draft Bills or otherwise, any proposals for reform of national or county government legislation;

(h) upon request or on its own motion, advise the national or county governments on the review and reform of their legislation;

(i) undertake public education on matters relating to law reform; and

(j) perform such other functions as may be prescribed by the Constitution, this Act or any other written law.

### 1.3 Vision

*“A vibrant agency for responsive law reform”*

### 1.4 Mission

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



## 2.1 Introduction

This chapter presents the strategic objectives and performance targets as continued in the Strategic Plan (2018-2022) and Performance Contract 2020-2021. It also highlights diverse strategies and the approach applied in the realization of the targets.

## 2.2 Key Strategic Objectives

- i. To implement the Constitution of Kenya, 2010; and enable implementation of the government's big four agenda;
- ii. To enhance research and advisory functions in KLRC for informed law reform;
- iii. To enhance effective public education on law reform matters in Kenya;
- iv. To enhance the institutional capacity and profile of the Commission for strategic positioning the country; and
- v. To build human resource capacity for quality service delivery.

## 2.3 Targets and Principal Activities

The principal activity of KLRC is to keep under review all the law of Kenya and recommend its reform. The targets and principal activities are organized into thematic areas namely: Law Reform (Core Mandate); Legislative Services (Technical and Advisory); Institutional Capacity and Cross cutting issues.

### 2.3.1 Targets

Table 1 below shows a summary of targets, performance indicators and activities in the reporting period:

| T/No   | Result Area  | Indicators  | TARGET (FY 2020-2021) |
|--|--|---|-----------------------|
| <b>CORE MANDATE</b>  |  |   |                       |
| KLRC priority programmes/projects ('Big Four' Initiatives, Vision 2030 Flagship projects, Post COVID-19 Recovery Strategies and Plans, Other Programmes/Projects aligned to SDG's and SPS) |  |   |                       |
| <b>Big Four initiatives</b>  |  |   |                       |
| 1  | Technical Assistance to MCDAs Provided                   | - % No of MCDAs assisted<br>-% No of legislation developed/reviewed | 100                   |
| <b>Vision 2030 Flagship Projects and Programmes</b>  |  |   |                       |
| 1  | Effective Implementation of the Constitution Facilitated | %   | 100                   |
| 2  | Legislation Aligned to the Constitution                  | %   | 100                   |
| <b>Post COVID-19 Recovery Strategies and Plans</b>   |  |   |                       |
| 1  | Legal Reform on Post Covid-19 Response Initiated         | %   | 100                   |
| <b>Other projects and Programs Aligned to SDG's and Sector Standards</b>   |  |   |                       |
| 1  | Public Education on law Reform Conducted                 | No  | 9                     |
| 2  | Research and Development                                 | %   | 100                   |
| 3  | Review/Development of Draft Strategic Plan               | %   | 100                   |
| 4  | Implementation of Presidential Directives,               | %   | 100                   |
| 5  | Access to Government Procurement (AGPO) opportunities    | Kshs.(M)  | 10.19                 |
| 6  | Promotion of local content in Procurement                | Kshs.(M)  | 13.59                 |

## CROSS-CUTTING

|    |   |     |   |   |     |
|----|---|-----|---|---|-----|
| 1  | Asset management  | %   | 1 | - | 100 |
| 2  | Youth Internships/ Industrial Attachments/Apprenticeships | No. | 1 | - | 20  |
| 3  | Competence Development                                    | %   | 1 | - | 100 |
| 4  | Disability mainstreaming                                  | %   | 1 | - | 100 |
| 5  | Gender Mainstreaming                                      | %   | 1 | - | 100 |
| 6  | Prevention of Alcohol and Drug Abuse                      | %   | 1 | - | 100 |
| 7  | Prevention of HIV Infections                              | %   | 1 | - | 100 |
| 8  | Safety and Security Measures                              | %   | 1 | - | 100 |
| 9  | National Cohesion and Values                              | %   | 1 | - | 100 |
| 10 | Road Safety Mainstreaming                                 | %   | 1 | - | 100 |
| 11 | Corruption Prevention                                     | %   | 3 | - | 100 |

## SERVICE DELIVERY

|   |  |   |   |   |     |
|---|--|---|---|---|-----|
| 1 | Implementation of Citizen's Service Delivery Charter | % | 4 | - | 100 |
| 2 | Application of Service Delivery Innovations          | % | 3 | - | 100 |
| 3 | Resolution of Public Complaints                      | % | 3 | - | 100 |

## RESOURCES

|   |                                     |       |   |   |        |
|---|-------------------------------------|-------|---|---|--------|
| 1 | Absorption of Allocated Funds (GoK) | %     | 5 |   | 100    |
| 2 | A-I-A                               | Kshs. | 2 |   | 45,000 |
| 3 | Pending Bills                       | %     | 3 | 0 | ≤1     |

| <b>CROSS-CUTTING</b>    |   |       |   |   |        |
|-------------------------|---|-------|---|---|--------|
| 1                       | Asset management  | %     | 1 | - | 100    |
| 2                       | Youth Internships/ Industrial Attachments/Apprenticeships | No.   | 1 | - | 20     |
| 3                       | Competence Development                                    | %     | 1 | - | 100    |
| 4                       | Disability mainstreaming                                  | %     | 1 | - | 100    |
| 5                       | Gender Mainstreaming                                      | %     | 1 | - | 100    |
| 6                       | Prevention of Alcohol and Drug Abuse                      | %     | 1 | - | 100    |
| 7                       | Prevention of HIV Infections                              | %     | 1 | - | 100    |
| 8                       | Safety and Security Measures                              | %     | 1 | - | 100    |
| 9                       | National Cohesion and Values                              | %     | 1 | - | 100    |
| 10                      | Road Safety Mainstreaming                                 | %     | 1 | - | 100    |
| 11                      | Corruption Prevention                                     | %     | 3 | - | 100    |
| <b>SERVICE DELIVERY</b> |   |       |   |   |        |
| 1                       | Implementation of Citizen's Service Delivery Charter      | %     | 4 | - | 100    |
| 2                       | Application of Service Delivery Innovations               | %     | 3 | - | 100    |
| 3                       | Resolution of Public Complaints                           | %     | 3 | - | 100    |
| <b>RESOURCES</b>        |   |       |   |   |        |
| 1                       | Absorption of Allocated Funds (GoK)                       | %     | 5 |   | 100    |
| 2                       | A-I-A   | Kshs. | 2 |   | 45,000 |
| 3                       | Pending Bills   | %     | 3 | 0 | ≤1     |

## 2.4 The Approach

Table 2 below reflects the approach that was used by KLRC in realizing its set targets for the reporting period:

| T/No   | Result Area  | Indicators   | TARGET (FY 2020-2021) |
|--|--|--|-----------------------|
| <b>CORE MANDATE</b>  |  |  |                       |
| KLRC priority programmes/projects ('Big Four' Initiatives, Vision 2030 Flagship projects, Post COVID-19 Recovery Strategies and Plans, Other Programmes/Projects aligned to SDG's and SPS) |  |  |                       |
| <b>Big Four Initiatives</b>  |  |  |                       |
| 1  | Technical Assistance to MCDAs Provided                   | - % No of MCDAs assisted<br>- % No of legislation developed/reviewed | 100                   |
| <b>Vision 2030 Flagship Projects and Programmes</b>  |  |  |                       |
| 1  | Effective Implementation of the Constitution Facilitated | %  | 100                   |
| 2  | Legislation Aligned to the Constitution                  | %  | 100                   |
| <b>Post COVID-19 Recovery Strategies and Plans</b>   |  |  |                       |
| 1  | Legal reform on post Covid-19 response initiated         | %  | 100                   |
| <b>Other Projects and Programs Aligned to SDG's and Sector Standards</b>   |  |  |                       |
| 1  | Public Education on law Reform Conducted                 | No   | 9                     |
| 2  | Research and Development                                 | %  | 100                   |
| 3  | Review/Development of Draft Strategic Plan               | %  | 100                   |
| 4  | Implementation of Presidential Directives,               | %  | 100                   |
| 5  | Access to Government Procurement opportunities (AGPO)    | Kshs.(M)   | 10.19                 |
| 6  | Promotion of local content in Procurement                | Kshs.(M)   | 13.59                 |

**Public Education,  
Communication and  
Outreach**

- Recognition of public education as a statutory mandate
- Developing outreach and public education programmes
- Developing ICT and other outreach innovations;
- Leveraging on existing for a such as conferences, seminars, clinics, career talks in universities to engage with the public on the KLRC work.

**Strategic Planning and  
Performance Contracting  
and Reporting**

- Conducting mid-term evaluation of the Strategic Plan;
- Developing and signing of the Performance Contract;
- Development of Annual and Departmental Work plans;
- Cascading the PC to the various KLRC departments;
- Implementation and monitoring of performance in relation to the PC targets;
- Preparation of reports.

## 3.1 Introduction

This chapter highlights KLRC’s core mandate and institutional achievements for the financial year 2020/21. The performance indicators are drawn from the 2018-2022 Strategic Plan while the targets are those captured in the Performance Contract for the reporting period. The chapter also provides a summary of key milestones and success stories.

## 3.2 Core Mandate Achievements

KLRC aimed to strengthen law reform in Kenya in the period under review. Table 3 below provides achievements in respect of various thematic areas in the reporting period:

| Key Performance Pillars/Theme  | Key Performance Indicators  | Target Activities  | Achievements  |
|--|---|--|---|
| <b>3.2.1 The Big Four Agenda</b>   |   |  |   |
| <ul style="list-style-type: none"> <li>-Draft Bills</li> <li>-Regulations</li> <li>-Legal Opinions</li> <li>-Policies</li> </ul> | <ul style="list-style-type: none"> <li>-No. of legislation developed to implement Universal Health Coverage (UHC);</li> <li>-No. of legislation developed to promote food and nutrition security;</li> <li>-No. of legislation developed to promote industry, manufacturing, and export;</li> <li>-No. of legislation developed to enhance affordable housing.</li> </ul> | <ul style="list-style-type: none"> <li>Review of the Big Four Agenda related legislation and policies by making proposals for amendment</li> </ul> | <p>KLRC played its role in enabling line ministries to put in place appropriate legislative frameworks to support the Government's Big Four Agenda. Key legislation developed/reviewed during the reporting period include:</p> <ul style="list-style-type: none"> <li>-The National Building Regulations (Building Code),</li> <li>-Sectional Properties Act and regulations thereunder,</li> <li>-Health related laws (including: the Health Act, the NHIF (Amendment) Bill, 2020 and the Kenya Food and Blood Transfusion Bill, 2020),</li> <li>-Labour laws including the Work Injury Benefits Act, No 13 of 2007 (Ongoing),</li> <li>-The Export Promotion Council Bill, 2020, and</li> <li>-Food and Nutrition Bill, 2020.</li> </ul> |

### 3.2.2 Effective Implementation of the Constitution

|  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>-Draft Bills</li> <li>-Regulations</li> <li>-Legal Opinions</li> <li>-Policies</li> </ul> | <p>-No. of legislation developed and or reviewed to implement the Constitution of Kenya.</p> | <ul style="list-style-type: none"> <li>-Develop Constitution of Kenya (Amendment) Bill, 2020;</li> <li>-Review of Elections Act;</li> <li>-Review of Political Parties Act;</li> <li>-Develop Referendum Bill, 2020;</li> <li>-Develop Political Parties Primaries Bill, 2020;</li> <li>-Review identified obsolete laws.</li> </ul> | <p>KLRC, in partnership with the Office of the Attorney General and Legal Counsel of Parliament, provided technical assistance in the drafting of the Constitution of Kenya Amendment Bill, 2020 together with the accompanying legislative proposals which included the Referendum Bill, 2020, Elections (Amendment) Bill, 2020, and Political Parties (Amendment) Bill, 2020.</p> <p>In addition, KLRC in conjunction with JLAC and CIOC undertook reviews of all the proposed constitutional amendments during the reporting period.</p> <p>Further, KLRC has continued to review all the laws in the statute book to ensure their alignment to the Constitution. During the reporting period, KLRC put in place measures for the review of 150 old laws.</p> |
|--|--|--|--|

### 3.2.3 Technical Assistance to National Government MDAs

|  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>-Draft Bills</li> <li>-Regulations</li> <li>-Legal Opinions</li> <li>-Policies</li> </ul> | <p>-No. of legislation developed and or reviewed to implement the Constitution of Kenya.</p> | <ul style="list-style-type: none"> <li>-Develop Constitution of Kenya (Amendment) Bill, 2020;</li> <li>-Review of Elections Act;</li> <li>-Review of Political Parties Act;</li> <li>-Develop Referendum Bill, 2020;</li> <li>-Develop Political Parties Primaries Bill, 2020;</li> <li>-Review identified obsolete laws.</li> </ul> | <p>Provision of technical assistance to MDAs is a major component of KLRC's mandate. KLRC worked with MDAs in development of sector specific legislation. These included the development of the Business Laws (Amendment) Bill, 2020, Kenya Film Bill, 2020, Huduma Bill, 2020, Anti-Doping (Amendment) Bill, and a framework to merge the Kenya Industrial Property Institute (KIPI), Anti-Counterfeit Agency (ACA) and Kenya Copyright Board (KECOBO). Further, during the reporting period, KLRC provided ongoing support in the target areas such as the development of the draft Correctional Services Policy and the review of the legislative &amp; regulatory instruments establishing State Corporations.</p> |
|--|--|--|--|



### 3.2.4 Technical Assistance to County Governments

|   |   |  |  |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>-Training</li> <li>-Draft Bills</li> <li>-Draft Polices</li> <li>-Regulations</li> <li>Legal Opinions</li> </ul> | <ul style="list-style-type: none"> <li>-No. of trainings/ draft bills/ policies/regulations, legal opinions developed, reviewed or issued in respect of the MDAs</li> </ul> | <ul style="list-style-type: none"> <li>- Partner with Ministry of Devolution to assist at least 15 county governments to develop legal and institutional frameworks for social-economic empowerment and poverty reduction;</li> <li>- Assist various county governments with drafting of legislation upon request;</li> <li>- Research on the legal and institutional framework for county partnerships in Kenya.</li> </ul> | <p>In line with its mandate, KLRC has during the reporting period provided technical assistance to various county governments in development of their respective legislative proposals. Some of these assignments included: review of the Murang'a Municipality by-laws, Development of the Turkana County Extractives Bill, and provided assistance through the Ministry of Devolution to 15 other county governments in the development of legal instruments required for social-economic empowerment and poverty reduction.</p> <p>In addition, KLRC, in collaboration with COG developed the Model County Forestry and Tree Growing Policy and Model County Forestry and Tree Growing Bill, 2020 for adaptation and customization by the county governments.</p> |
|---|---|--|--|

### 3.2.5 Public Education on Law Reform

|   |   |  |  |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>-Capacity building programmes</li> <li>-Civic education fora</li> <li>-IEC Materials MoUs</li> </ul> | <ul style="list-style-type: none"> <li>-No. of capacity building programmes;</li> <li>-No. of Civic education initiatives</li> <li>-No. of IEC materials developed;</li> <li>-No. of MoUs initiated and implemented.</li> </ul> | <ul style="list-style-type: none"> <li>-Disseminate the Guide to the Legislative Process in Kenya;</li> <li>Sensitize stakeholders on County Model Laws in the target counties.</li> </ul> | <p>As part of its mandate to publicize law reform initiatives, KLRC disseminated its publications particularly the <i>Guide to the Legislative Process in Kenya and the Report on the Review of the Implementation of the Protocol on the Publication of County Legislation to Kisii, Nyamira, Migori, Mombasa, Kilifi, Kwale, Machakos, Kitui and Makueni</i> among other counties.</p> <p>In addition to disseminating the publications, KLRC sensitized officers in 9 county governments on County Model Laws and the <i>Report on the Review of the Implementation of the Protocol on the Publication of County Legislation</i>.</p> <p>KLRC also finalized and disseminated the protocol on publication of county legislation to target stakeholders.</p> |
|---|---|--|--|

### 3.2.6 Enhanced Legal Research

-Legal Research  
-Partnerships

-No. of research conducted  
-No. of research partnerships initiated  
-No. of innovations developed

-Prepare draft regulation required to address post  
-Covid-19 challenges in Kenya  
-Legal research on Covid-19 pandemic response and challenges

To enhance research and advisory functions for informed law reform, a number of research initiatives were conducted in the development and review of all Bills, Policies and other administrative instruments. During the outbreak of the novel COVID 19, KLRC undertook a review of legislative gaps so as to address the pandemic. Finalization of the report ongoing.

### 3.3 Enhanced Institutional Capacities

#### 3.3.1 Targets and Achievements

KLRC aimed at building its institutional capacity for effective and efficient service delivery. A number of initiatives were targeted including: competency development, replacement of retired staff, improving work environment and enhancing staff welfare. Further, KLRC aimed to enhance: resolution of public complaints, application of service delivery innovations, communication and access to information, effective utilization of funds, effective procurement and disposal of assets and adoption of Information Security Management System (ISMS) and Knowledge Management (KM). In the reporting period, results were realized in the following key areas:

#### 3.3.2 Human Resource Management and Development

##### (i) Capacity Enhancement

KLRC enhanced its internal capacity to deliver on its mandate by training, coaching and mentoring its officers in technical areas (such as legislative drafting, legal research) and in various administrative courses. KLRC also sponsored Continuous Professional Development (CPD) of its staff and paid annual professional membership subscriptions for its staff. These CPDs provided opportunities for peer to peer learning and acquisition of skills, knowledge and expertise for the staff

thus ensuring a professional workforce with excellent service delivery.

##### (ii) Youth Internships

KLRC, in collaboration with Public Service Commission provided internships in various professions under the Public Service Internship Programme and also through its own internship recruitment program.

##### (iii) HR Policies and Manuals

For effective service delivery, KLRC reviewed its Organization Structure, the Human Resource Manual and the Career Progression Guidelines which await Commissioners' approval. These tools have been domesticated based on the Public Service Commission (PSC) framework with key highlights on diversity, training and bonding, reward and sanctions, discipline and performance management. In the reporting period, KLRC trained its officers and conducted a job evaluation exercise whose report is currently under review by the Salaries and Remuneration Commission (SRC).

##### (iv) Effective Succession Management

KLRC, in ensuring effective succession management, conducted a replacement exercise for both retired staff and staff who exited its service. Additionally, KLRC carried out promotion exercises for its existing staff and ensured they met the requisite skills and competencies. In order to enhance its capacity and to guarantee uninterrupted services, KLRC

also competitively replaced 13 officers who had exited the service by way of retirement or transfer.

### **3.3.2 Improved Staff Welfare**

KLRC improved its staff welfare through a number of initiatives among them enhancing staff wellness through coverage in its medical scheme of COVID-19 related illnesses, facilitated staff vaccination through collaboration with MoH, provided PPEs and provided measures to ensure social distancing in the office for the staff to minimize the risk of transmission. Further, the group personal cover, WIBA and group life insurance was included and covered in the medical scheme for its staff. KLRC in the year under review also continued to support the KLRC Pension Scheme in its operations. This was achieved by ensuring prompt remittance of staff contributions and provision of personnel information to the Scheme. As a result, the Scheme expedited pension payment for retiring staff. It is notable that KLRC also received a compliance certificate for excelling in its service delivery while upholding the highest level national values and principles of public service as graded by the DCIV. In addition, KLRC appreciated its retiring staff for their impeccable working ethics, professionalism and service throughout their employment by provision of congratulatory gifts.

### **3.3.3 Specific COVID 19 Measures**

In the reporting period, KLRC continued to provide a conducive and secure working environment and appreciation of its staff. Following Government directives, non-essential staff was required to work from home and operations were down-scaled on a rotational basis. In addition, KLRC ensured that COVID-19 related illnesses were covered in the medical scheme. Further, KLRC ensured the provision of a well ventilated, secure and conducive work environment for its officers and also carried out periodic fumigation of office spaces as provided for in the COVID 19 Guidelines.

Further, in collaboration with MoH, KLRC conducted a COVID-19 vaccination exercise in its premises. As a result, over 700 individuals who comprised of staff, stakeholders (from various MDAs and non-state agencies) and the general public received the AstraZeneca Vaccine. Furthermore, KLRC through collaboration with NYS, provided masks, gloves and hand sanitizers to the staff. It also ensured that each office and common area had a bottle of hand sanitizer together with a surface disinfectant and that there was social distancing among the staff. All this was done with a view to minimize the risk of transmission.

### **3.3.4 Resolution of Public Complaints**

During the financial year 2020/21, KLRC sought to promptly address and resolve all public complaints referred to it directly or



channeled through the Commission on Administrative Justice (CAJ). KLRC achieved this by reconstituting the Public Complaints Committee which was trained and sensitized on best practices and complaint handling by CAJ. In compliance with the targets and standards set by CAJ, KLRC received a compliance certificate at the end of the reporting period.

### **3.3.5 Adoption of Information Security Management System (ISMS)**

KLRC in the reporting period adopted the Information Security Management System (ISMS) based on ISO 27001:2013 standard. KLRC also sensitized staff on the Information Security Management System (ISMS) and appointed ISMS champions who were trained and certified in collaboration with Kenya Bureau Standards (KEBS) on ISO/IEC/27001:2013. Further, KLRC conducted the sensitization of HODs on Knowledge Management (KM) and its implementation in line with the Kenya National Archives and Documentation Service (KNADS) Guidelines.

### **3.3.6 Access to Information, Communication and Knowledge Management**

In the reporting period, KLRC developed its Access to Information Policy and Guidelines in line with Access to Information Act, 2016 (awaiting Commissioners' formal approval). KLRC also received and processed ATI

requests from the public and other stakeholders. In addition, KLRC continued to proactively implement KLRC's Communications Strategy and Policy. Some of the initiatives conducted included: proactive stakeholder engagement through advertisements, social media posts, the website, publication and dissemination of over 1,500 IEC materials including brochures and annual reports. Particularly, KLRC published through its website and social media platform the Law Reform Newsletter.

KLRC received and processed requests from the United States Library of Congress and other stakeholders for its publications. Over 1,000 hard and soft copies of KLRC publications were shared. The soft copies are hosted on the online Library of Congress thus enhancing its reach to stakeholders and worldwide. KLRC also welcomed external customers from the National Assembly and the Senate to its Information Resource Center. This enhanced knowledge sharing within the stakeholders and members of the public generally.

### **3.3.7 Effective Procurement and Disposal of Assets**

In the year under review, KLRC procurement contracts were competitively awarded at prevailing market prices. KLRC allocated 40% of the procurement budget to the locally produced goods and services and another 30% of the procurement budget to persons with disability, women and youths (AGPO groups). This was in line with the

Public Procurement and Asset Disposal Act, related regulations and circulars from the National Treasury. KLRC sensitized the AGPO suppliers on government procurement procedures, requirements for accessing government procurement opportunities, quality assurance and specific opportunities available at KLRC. All the items that were earmarked for disposal were competitively disposed off as per the approved KLRC Annual Disposal Plan. Further, KLRC sensitized the management and key stakeholders in supply chain management on their role in public procurement and disposal processes. KLRC also carried out a registration of suppliers exercise and continuously updates the register in line with the Public Procurement and Asset Disposal Act and the attendant regulations.

### 3.3.8 Effective Utilization of Funds

During the reporting period 2020/21, KLRC effectively utilized its allocation of Kenya Shillings, Two Hundred and Seventy Two Million, One Hundred and Eighteen Thousand, Three Hundred and Seventy Three Shillings (Kshs. 272,118,373) in programs and projects for which they were appropriated and planned. KLRC also ensured that all its financial obligations were met and sustained bills below 1% of the total budget at the end of the financial year. Further, KLRC implemented directives on payment of pending bills and submitted status reports on the same to the National Treasury and OAG.

It is worth noting that the KLRC did not have any pending bills during the reporting period and made payments to suppliers on time.

## 3.4 Milestones

### 3.4.1 Constitutional Implementation

KLRC pursuant to its mandate under Clause 5(6)-(b) of the Sixth Schedule of the Constitution, continued to develop legislation required to implement the Constitution. KLRC also assisted a number of MDAs with the development and review of their respective legislative frameworks with the Constitution as shown in Appendix 2. Further, KLRC continued receiving status reports from various MDAs on the implementation of the Constitution. In the reporting period, KLRC assisted in the development of the targeted legislation as per listed in *Appendix 2*.

### 3.4.2 Implementation of Presidential Directives

KLRC continued to implement all Presidential directives, Circulars and Executive Orders relevant to its mandate and operations. In this regard, KLRC fully implemented directives on payment of pending bills and submitted a status report to the National Treasury and OAG. It is notable that the KLRC did not have any pending bills during the reporting FY and made payments to suppliers on time.

### 3.4.3 Youth Internship/Industrial Attachment/ Apprenticeships

During the FY 2020/21, KLRC provided internships and attachments to 20 youths. The youths were mentored and trained in their various levels of expertise including law, accounting, supply chain and auditing standards.

### 3.4.4 National Cohesion and Values

During the FY 2020/21, KLRC implemented relevant commitments which formed part of the Annual President's Report on National Values and Principles of Governance. Specific aspects implemented

- i) Alignment of policies and implementation of programs, projects and activities for the realization of the 'Big Four' Agenda;
- ii) Continuous public awareness creation, capacity building, enforcement and monitoring of national values and principles of governance;
- iii) Implementation of interventions aimed at promoting national unity and nationhood; and
- iv) Enhancing collaboration between the two levels of government to entrench sharing and devolution of power.

## NATIONAL VALUES



## 4.1 Introduction

This chapter presents a synopsis of challenges that KLRC faced in the reporting period. General and specific recommendations have been made for improved service delivery.

### 4.1.1 Operational Challenges

Among the operational challenges experienced at KLRC included: delay in the appointment and reconstitution of the Commission, inadequate funding that affected key programmatic work and the outbreak of the Covid-19 pandemic.

#### Recommendations

- a) KLRC management to liaise with the Office of the Attorney-General and the Public Service Commission for the fast-tracking in the appointment of KLRC Board;
- b) KLRC to proactively engage with Parliament, the National Treasury and development partners for enhanced funding in key programmatic areas.

### 4.1.2 Inadequate notice for urgent and emerging work

While KLRC continued to deliver on its scheduled work, there were often requests or instructions that were presented on short notice and owing to their urgency, they were given priority necessitating some delays in already commenced projects/activities.

#### Recommendations:

- a) MCDAs at both levels of government to proactively engage KLRC for mutually convenient timelines prior to issuance of work (where applicable); and
- b) KLRC to consultatively develop and share its annual work-plans and project calendars with the relevant MCDAs.

### 4.1.3 Multiplicity of Similar Law Reform Initiatives

Law reform involves a multiplicity of players and processes whose interaction is time-consuming, tedious, laborious and costly. Sometimes there were different agencies doing similar work for instance public participation on legislation. This occasioned participation fatigue on the part of the stakeholders and resulted in inadequate clarity and participation.

#### Recommendations:

- a) KLRC to liaise with the Office of the Attorney-General and Department of Justice and other stakeholders on the establishment of a multi-stakeholder standing committee comprising of relevant players in law reform work such as the Parliament, Judiciary, Executive at both levels of Government



(National and County) so as to achieve synergy on law reform work;

- b) The Office of the Attorney-General and Department of Justice and KLRC to proactively engage MCDAs and disseminate guidelines for anticipated and planned law reform activities; and
- c) KLRC to proactively sensitize the stakeholders on its mandate so as to forestall duplication of similar processes.

#### 4.1.4 Outbreak of COVID-19

The second and third wave of the COVID-19 outbreak had an effect on the programmatic work of KLRC. Owing to the Ministry of Health Guidelines and other measures to contain the pandemic, KLRC staff had to scale down operations especially those that required face-to-face engagements/physical meetings.

##### Recommendations:

- a) Where applicable, KLRC to fully embrace technology in the delivery of its services;
- b) KLRC to upscale the vaccination exercise to all staff and their close associates; and
- c) KLRC to sensitize staff and stakeholders on the alternative virtual mechanisms for service delivery.

#### 4.1.5 Inadequate Presence in the Counties

KLRC serves several stakeholders including both the National and County Governments who are spread across the country.

While this is the case, KLRC has offices in only Nairobi City County and is yet to devolve to other areas and counties for effective service delivery:

##### Recommendations:

- a) KLRC to proactively undertake initiatives so as to meet the demand for its services at the counties; and
- b) KLRC to develop and implement modalities of devolving some of its services and offices to regions and counties.

#### 4.1.6 Inadequate Financial Resources

KLRC has a broad mandate and many stakeholders including National and County Governments who require its direct/indirect technical support. However, its budget allocation was further reduced in the reporting period occasioning inadequate implementation of its core programmes in some cases.

##### Recommendation:

The relevant stakeholders such as Parliament and National Treasury to consider allocation of additional resources to KLRC owing to its unique and broad mandate.

## 5.1 Introduction

This chapter presents key lessons learnt by KLRC in the financial year 2020/2021 and the way forward.

## 5.2 The Essence of Civic Education

KLRC noted that an informed public is more likely to engage in meaningful public participation. In recognition of public participation as a crucial national value under article 10 of the Constitution, citizens and all stakeholders need proactive, user-friendly, timely and relevant information/education for effective participation in governance.

## 5.3 The Need for Emergency Preparedness

The outbreak of the novel global COVID 19 pandemic occasioned almost everyone out of the known lanes. This is especially so in the public service where most work had to stall owing to inadequate preparedness. KLRC observes the importance of state agencies to adequately prepare for risks and other emergencies by instituting advance contingency and mitigating measures so as not to affect service delivery.

## 5.4 Adaptability to Change

As change is inevitable, KLRC further recognized the need to ensure that there are adequate change champions so as to have

seamless transitions and adaptability to new technologies and norms such as work from home and ICTs. KLRC opines that the agility and preparedness to embrace change enhances institutions overall productivity while focus is on service delivery amid sudden internal/external stimuli.

## 5.5 Conclusion

This report captured KLRC's targets, the approach and achievements in the financial year 2020/2021. It has also highlighted the challenges encountered and the recommendations to address the challenges. With notable milestones and success stories, KLRC is pleased to be at your service in facilitating law reform conducive to social, economic and political development of Kenya.

## 6.0 APPENDIXES

### Appendix 1: Financial Statements

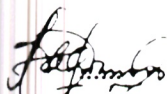
#### a) STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021

|   | Notes | 2020-2021          | 2019-2020          |
|---|-------|--------------------|--------------------|
|   |       | Kshs               | Kshs               |
| <b>Revenue from non-exchange transactions</b> |       |                    |                    |
| Transfers from other governments entities     |       | 272,118,373        | 298,440,000        |
| Other Grants                                  |       | 15,440,244         |                    |
|   |       | <b>287,558,617</b> | <b>298,440,000</b> |
| <b>Revenue from exchange transactions</b>     |       |                    |                    |
| Rendering of services                         |       | -                  | -                  |
| Sale of goods                                 |       | 156,750            | 42,000             |
| <b>Total revenue</b>                          |       | <b>287,715,367</b> | <b>298,482,000</b> |
| <b>Expenses</b>                               |       |                    |                    |
| Use of goods and services                     |       | 118,371,874        | 85,590,996         |
| Employee costs                                |       | 146,829,033        | 150,235,702        |
| Remuneration of directors                     |       | -                  | 2,018,728          |
| Depreciation and amortization expense         |       | 4,239,408          | 5,989,195          |
| Repairs and maintenance                       |       | 3,258,887          | 3,709,304          |
| Contracted services                           |       | -                  | 2,487,326          |
| <b>Total expenses</b>                         |       | <b>272,699,202</b> | <b>250,031,251</b> |
| <b>Other gains/(losses)</b>                   |       |                    |                    |
| Gain on sale of assets                        |       | -                  | -                  |
| Impairment loss                               |       | -                  | -                  |
| <b>Surplus/(deficit) for the period/year</b>  |       | <b>15,016,165</b>  | <b>48,450,750</b>  |

The Financial Statements were signed on behalf of KLRC by:

Secretary/CEO

Name: Joash Dache, MBS



Date: 1<sup>st</sup> September 2021

Head of Finance

Name: CPA. Cornelius Musangi

ICPAK No: 20829



Date 1<sup>st</sup> September 2021


b) STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2021

|  | Notes | 2020-2021         | 2019-2020         |
|--|-------|-------------------|-------------------|
|  |       | Kshs              | Kshs              |
| <b>Assets</b>                              |       |                   |                   |
| <b>Current Assets</b>                      |       |                   |                   |
| Cash and cash equivalents                  |       | 51,963,282        | 50,384,524        |
| Receivables from non-exchange transactions |       | 10,274,971        | 8,551,412         |
| Inventories                                |       | 4,549,441         | 5,079,079         |
| <b>Total Current Assets</b>                |       | <b>66,787,694</b> | <b>64,015,015</b> |
| <b>Non-Current Assets</b>                  |       |                   |                   |
| Property, plant and equipment              |       | 14,862,074        | 17,303,672        |
| Intangible assets                          |       | 1,762,040         | 2,517,200         |
| <b>Total Non- Current Assets</b>           |       | <b>16,624,114</b> | <b>19,820,872</b> |
| <b>Total Assets</b>                        |       | <b>83,411,808</b> | <b>83,835,887</b> |
| <b>Liabilities</b>                         |       |                   |                   |
| <b>Current Liabilities</b>                 |       |                   |                   |
| Trade and other payables                   |       | -                 | -                 |
| Refundable deposits from customers         |       | -                 | -                 |
| Employee benefit obligation                |       | -                 | -                 |
| <b>Total Current Liabilities</b>           |       | <b>-</b>          | <b>-</b>          |
| <b>Non-Current Liabilities</b>             |       |                   |                   |
| Non-current employee benefit obligation    |       | -                 | -                 |
| <b>Total Non- Current Liabilities</b>      |       | <b>-</b>          | <b>-</b>          |
| <b>Total Liabilities</b>                   |       | <b>-</b>          | <b>-</b>          |
| <b>Net assets</b>                          |       |                   |                   |
| Accumulated surplus                        |       | 68,395,643        | 35,385,137        |
| Surplus for the Year                       |       | 15,016,165        | 48,450,750        |
| <b>Total Net Assets</b>                    |       | <b>83,411,808</b> | <b>83,835,887</b> |
| <b>Total Net Assets and Liabilities</b>    |       | <b>83,411,808</b> | <b>83,835,887</b> |

The Financial Statements were signed on behalf of KLRC by:

Secretary/CEO

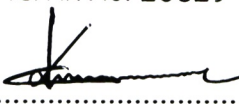
Name: Joash Dache, MBS

  
 Date: 1<sup>st</sup> September 2021

Head of Finance

Name: CPA. Cornelius Musangi

ICPAK No: 20829

  
 Date 1<sup>st</sup> September 2021

c) STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 JUNE 2021

| STATEMENT OF NET ASSETS                                 | Note |                   |
|---|------|-------------------|
|   |      | Retained Earning  |
| <b>As at July 1,2015</b>                                |      | <b>16,436,037</b> |
| Surplus for the year                                    |      | 7,577,781         |
| Prior year Adjustment: Reinstatement of opening balance |      | (20,000,000)      |
| <b>As at June 30, 2016</b>                              |      | <b>4,013,818</b>  |
| Balance as at 1st July 2016                             |      | 4,013,818         |
| Surplus for the year                                    |      | 5,631,232         |
| <b>As at June 30, 2017</b>                              |      | <b>9,645,050</b>  |
| Balance as at 1st July 2017                             |      | 9,645,050         |
| Surplus for the year                                    |      | 22,341,406        |
| <b>As at June 30, 2018</b>                              |      | <b>31,986,456</b> |
| Balance as at 1st July 2018                             |      | 31,986,456        |
| surplus for the year                                    |      | 3,398,681         |
| <b>As at June 30, 2019</b>                              |      | <b>35,385,137</b> |
| <b>Balance as at 1st July 2019</b>                      |      | <b>35,385,137</b> |
| Surplus for the year 30.06.2020                         |      | 48,450,750        |
| <b>As at June 30th 2020</b>                             |      | <b>83,835,887</b> |
| <b>Balance as at 1st July 2020</b>                      |      | <b>68,395,643</b> |
| Surplus for the year 30.06.2021                         |      | 15,016,165        |
| <b>As at Jun 30th 2021</b>                              |      | <b>83,411,808</b> |

d) STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2021

|   | Notes | 2020-2021<br>Kshs   | 2019-2020<br>Kshs  |
|---|-------|---------------------|--------------------|
| <b>Cash flows from operating activities</b>                 |       |                     |                    |
| <b>Receipts</b>   |       |                     |                    |
| Transfers from other governments entities                   |       | 287,558,617         | 298,440,000        |
| Rendering of services                                       |       | -                   | -                  |
| Sale of goods   |       | 156,750             | 42,000             |
| <b>Total Receipts</b>                                       |       | <b>287,715,367</b>  | <b>298,482,000</b> |
| <b>Payments</b>   |       |                     |                    |
| Use of goods and services                                   |       | 118,371,874         | 85,590,996         |
| Employee costs  |       | 146,829,033         | 150,235,702        |
| Remuneration of directors                                   |       | -                   | 2,018,728          |
| Repairs and maintenance                                     |       | 3,258,887           | 3,709,304          |
| Contracted services   |       | -                   | 2,487,326          |
| <b>Total Payments</b>                                       |       | <b>268,459,794</b>  | <b>244,042,056</b> |
| <b>Sub Totals</b>   |       | <b>19,255,573</b>   | <b>54,439,944</b>  |
| Increase/Decrease in inventory                              |       | 529,638             | (1,992,363)        |
| Increase/Decrease in Receivable                             |       | (1,723,559)         | 82,650             |
| Increase/Decrease in payable                                |       | -                   | (593,360)          |
| <b>Sub totals</b>   |       | <b>(1,193,921)</b>  | <b>(2,503,073)</b> |
| <b>Net cash flows from/(used in) operating activities</b>   |       | <b>18,061,652</b>   | <b>51,936,871</b>  |
| <b>Cash flows from investing activities</b>                 |       |                     |                    |
| Purchase of property, plant, equipment                      |       | (1,042,650)         | (1,961,800)        |
| Purchase of intangible Assets                               |       | -                   | -                  |
| <b>Net cash flows from/(used in) investing activities</b>   |       | <b>(1,042,650)</b>  | <b>(1,961,800)</b> |
| <b>Cash flows from financing activities</b>                 |       |                     |                    |
| Proceeds from borrowings                                    |       | -                   | -                  |
| Repayment of borrowings                                     |       | -                   | -                  |
| Utilization of Surplus funds                                |       | (15,440,244)        | -                  |
| <b>Net cash flows from /(used in) financing activities</b>  |       | <b>(15,440,244)</b> | <b>-</b>           |
| <b>Net increase/(decrease) in cash and cash equivalents</b> |       | <b>1,578,758</b>    | <b>49,975,071</b>  |
| Cash and cash equivalents at 1 JULY                         |       | 50,384,524          | 409,453            |
| <b>Cash and cash equivalents at 30 JUNE</b>                 |       | <b>51,963,282</b>   | <b>50,384,524</b>  |

## Appendix 2: Draft Legislation and Policies that KLRC worked on in the FY 2020-2021

|     | <b>A. BILLS DEVELOPED OR REVIEWED</b>   | <b>STATUS</b> |
|-----|---|---------------|
|     | <b>Constitution</b>   |               |
| 1.  | Develop Constitution of Kenya (Amendment) Bill, 2020  | Completed     |
|     | <b>Electoral Laws</b>   |               |
| 2.  | Elections (Amendment) Bill, 2020  | Completed     |
| 3.  | Political Parties (Amendment) Bill, 2020  | Completed     |
| 4.  | Political Parties Primaries Bill, 2020  | Completed     |
| 5.  | Campaign Financing (Amendment) Bill, 2020   | Completed     |
|     | <b>Devolution Laws</b>  |               |
| 6.  | Reviewed the County Governments Act   | Completed     |
| 7.  | Reviewed the Intergovernmental Relations Act  | Completed     |
|     | <b>Public Finance Laws</b>  |               |
| 8.  | Public Finance Management (Amendment) Bill, 2020  | Ongoing       |
| 9.  | Restorative Justice Fund Bill, 2020   | Ongoing       |
| 10. | Urban Development Fund Bill, 2020   | Ongoing       |
|     | <b>Constitutional Commissions Laws</b>  |               |
| 11. | Anti-Corruption and Economic Crimes Commission Bill, 2020   | Ongoing       |
| 12. | Ethics and Integrity Commission Bill, 2020  | Ongoing       |
| 13. | Independent Electoral and Boundaries Commission (Amendment) Bill, 2020  | Ongoing       |
|     | <b>Technical Assistance to Ministries, Departments and Agencies</b>   |               |
| 14. | Kenya Film Bill, 2020   | Completed     |
| 15. | Huduma Bill, 2020   | Completed     |
| 16. | Conflict of Interest Bill, 2020   | Completed     |
| 17. | Anti-Doping (Amendment) Bill, 2020  | Completed     |
| 18. | Framework to merge the Kenya Industrial Property Institute (KIPI), Anti-Counterfeit Agency (ACA) and Kenya Copyright Board (KECOBO) | Completed     |
| 19. | Review of the legislative and regulatory instruments establishing State Corporations  | Ongoing       |
| 20. | Review of the financial laws in partnership with the Capital Markets  | Ongoing       |

|     |  |               |
|-----|--|---------------|
|     | Authority (CMA)  |               |
| 21. | Review of the Nuclear Regulatory Act, No. 29 of 2019   | Ongoing       |
| 22. | Review of the Kenya Plant Health Inspectorate Service Act, No. 54 of 2012                          | Ongoing       |
| 23. | Review of the Agriculture Development Corporation Act, Cap. 444                                    | Ongoing       |
| 24. | Review of the Interpretation and General Provisions Act, Cap. 2                                    | Ongoing       |
| 25. | Review of the laws relating to the Power of Mercy  | Ongoing       |
| 26. | Review of the Persons Deprived of Liberty Act, No. 23 of 2014                                      | Ongoing       |
| 27. | Review of the Wildlife Conservation and Management Act, No. 47 of 2013                             | Ongoing       |
|     | <b>B. SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED</b>   | <b>STATUS</b> |
| 28. | Referendum Regulations, 2020   | Completed     |
| 29. | Huduma Regulations, 2020   | Completed     |
| 30. | County Governments Regulations, 2020   | Completed     |
| 31. | Intergovernmental Relations Regulations, 2020  | Completed     |
| 32. | Anti-Doping Rules, 2020  | Completed     |
| 33. | Kenya Institute of Curriculum Development Regulations, 2020  | Ongoing       |
| 34. | Kenya Civil Aviation Authority Regulations, 2020   | Ongoing       |
| 35. | Salaries and Remuneration Commission (Remuneration of State and Public Officers) Regulations, 2020 | Ongoing       |
|     | <b>C. COUNTY BILLS DEVELOPED OR REVIEWED</b>   | <b>STATUS</b> |
| 36. | Baringo County Pre-Primary Meals and Nutrition Bill, 2021  | Completed     |
| 37. | Baringo County Disaster Management Bill, 2020  | Completed     |
| 38. | Nairobi City Development Bill, 2020  | Completed     |
| 39. | Wajir County Persons with Disabilities Bill, 2020  | Completed     |
| 40. | Model County Forestry and Tree Growing Bill  | Completed     |
| 41. | Nairobi County Trade and Markets Bill, 2020  | Ongoing       |
| 42. | Kajiado County Water and Sanitation Services Bill, 2020  | Ongoing       |
| 43. | Kajiado County Sand Harvesting Bill, 2020  | Ongoing       |
|     | <b>D. COUNTY SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED</b>                                      | <b>STATUS</b> |
| 44. | Public Finance Management (Kakamega County Health Facilities Improvement Fund) Regulations, 2020   | Completed     |
| 45. | Muranga County Regulations, 2020   | Completed     |
|     | <b>E. LEGAL AUDITS</b>   | <b>STATUS</b> |