

**FY 2019/20 – 2021/22**

**JUDICIAL SERVICE COMMISSION**

**SUB SECTOR REPORT**

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## **List of Acronyms**

AJS	:	Alternative Dispute Resolution
CJE	:	Continuous Judicial Education
CUC	:	Court Users Committee
EACC	:	Ethics and Anti-Corruption Commission
EDR	:	Elections Dispute Resolution
ELC	:	Environment and Land Court
FY	:	Financial Year
GJLOS	:	Governance Justice Law and Order Sector
IFMIS	:	Integrated Financial Management Information System
JSC	:	Judicial Service Commission
JTI	:	Judiciary Training Institute
KMJA	:	Kenya Magistrates and Judges Association
KPI	:	Key Performance Indicator
LSK	:	Law Society of Kenya
MDA's	:	Ministries, Departments and Agencies
MTEF	:	Medium Term Expenditure Framework
NSIS	:	National Security and Intelligence Service
TNA	:	Training Needs Assessment



## **EXECUTIVE SUMMARY**

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The Constitution confers upon the JSC an expansive and liberal mandate in the discharge of its functions. The mandate of the Commission as provided for under Article 172 (1) of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

The Commission executes this mandate under **General administration; Planning and support services programme**. The Programme has two sub programmes namely: Administration and Judicial Services; and Judicial Training.

During the MTEF Period the Commission reviewed and approved key policies critical in contributing to efficiency and effectiveness of justice, which include; Code of conduct, Court Annexed Mediation, Bail and Bond and the Judiciary and Judicial Service Commission Organogram. To address research and development needs which are aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed in the year and are at various completion stages. These include Development of Draft Rules and Guidelines on Alternative Dispute Resolution (AJS), Justice Needs Survey, Training Needs Assessment (TNA), Courts Administrators Hand-book, Kadhi's Court Handbook and Manual, Training policy, Employee Handbook and Induction Manual, Strategies to clear case backlogs in superior courts, environmental law bench book and Manual on complaints against Judicial Officers.

The Judiciary Training Institute (JTI) coordinated successful Annual Judges Colloquium and the Magistrates and Kadhis' Colloquia. The colloquia are crucial in that they allow Judges, Magistrates and Kadhis to introspect the preceding year and discuss critical issues relating to the administration of justice.

Various trainings on specific topics were also held including environmental law, wildlife law, ICT Trainings, Election dispute resolution (EDR) and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative



aspects. JTI also co-hosted other trainings for Judiciary staff including ICT staff, and trained other judicial staff on registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that will enable them undertake their duties efficiently. The FY2017/18 ended with a series of trainings on Election Dispute Resolution (EDR), for both judges and magistrates, in readiness for hearing and determination of election disputes after the 2017 general elections.

In the FY2017/18, the Commission also advertised and competitively recruited 42 judicial officers and 23 judiciary staff in order to not only reduce the shortage experienced in various courts but to also promote expeditious disposal of cases. Equally the commission promoted 220 judicial staff on merit. These promotions have impacted positively on performance and employee morale.

In addition to the above, the Commission investigated, heard and concluded over 70% of public complaints against Judges and another 62% of disciplinary cases against judiciary staff in endeavors to bring about more transparency and accountability in administration of justice. Public confidence has continuously increased on the commission's work with members of the public coming out to report complaints with the assurance that the same are effectively investigated and concluded by the commission.

This report evaluates and appraises the Commission's performance in the implementation of its mandate over the last three years. It also provides projections for the medium term. It details the achievements and fiscal performance over the period. The report also presents the Commission's medium-term priorities and financial plan for the MTEF period 2019/20 – 2021/22 which are guided by its Strategic Plan and the framework on Sustaining Judiciary Transformation.

## **CHAPTER ONE**

### **1. INTRODUCTION**

#### **1.1. Background**

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The Constitution confers upon the JSC an expansive and liberal mandate in the discharge of its functions. The mandate of the Commission as provided for under Article 172 (1) of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

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

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

##### **1.2.1. Vision**

A Commission of excellence in facilitation of an independent and accountable Judiciary

##### **1.2.2. Mission**

To promote an independent and accountable Judiciary through oversight; capacity building and Constructive stakeholder engagement

### **1.3. Strategic Goals/Objectives of the Sub-sector**

The Commission implements the General Administration and Support Services Programme. The two sub programmes under this include; Administration and judicial services; judicial training. The following strategic objectives guide the implementation of activities and delivery of outputs:

- a. Improve Efficiency and Effectiveness in Administration of Justice
- b. Attract and Retain Competent Human Capital
- c. Enhance Transparency, Independence & Accountability of Justice
- d. Improve Stakeholder Engagement, visibility and Image of the Commission
- e. Enhance capacity of Judges, Judicial Officers and staff
- f. Improve Curriculum for Continuing Education and Training
- g. Enhance Research and Policy Framework
- h. Constructive Stakeholder Engagement

### **1.4. Sub-Sector and their Mandate**

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

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; and Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

The Commission has strengthened the JTI to support its function of preparing and implementing programmes for the continuing education and training of judges and judicial officers. In this regard, the JTI has the following responsibilities:



- a) To provide and co-ordinate the provision of continuous judicial education to all judges and magistrates and to co-ordinate the provision of continuous professional development to all other employees working in the Judiciary.
- b) To conduct research and develop policy on various aspects related to the administration of justice.
- c) To have constructive engagement with stakeholders and other arms of government.

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

The commission does not have Semi-autonomous Government agency under its vote

### **1.6. Role of Sub-Sector Stakeholders**

The Judicial Service Commission appreciates the significant role of stakeholders. The stakeholders include:

- **The Judiciary** which dispenses justice;
- **Ethics and Anti-Corruption Commission (EACC)** and **National Security and Intelligence Service (NSIS)** supports the recruitment process for Judges, judicial officers and staff to ensure those selected meet integrity requirements of the Constitution;
- **National Assembly** approves budgetary allocation to support administration of justice; in addition, National Assembly through legislation supports Commissions work. It also approves JSC membership of LSK nominees and representatives of the public.
- **Law Society of Kenya** provides clearance for applicants from the legal profession.
- **The Executive** appoints the Commission's commissioners and approves the appointment of the Chief Justice, Deputy Chief Justice and the Judges selected by JSC.
- **National Treasury** provides for proper budgetary and expenditure management of public financial resources. It coordinates MDAs in the preparation and implementation of the annual national budget through issuance of Circulars and administration of the Integrated Financial Management Information System (IFMIS).
- **The Office of the Controller of Budget** oversees the implementation of the JSC's budget by authorizing withdrawals from the Consolidated Fund through approval of exchequer requests.

- **Office of the Auditor- General** is the external auditor for JSC whose mandate is to confirm whether or not public money has been applied lawfully and in an effective way through routine audits and preparation of annual reports which are submitted to Parliament.
- **The media** has supported the commission in publicizing information that is of public interest especially during the recruitment of the Chief Justice and Deputy Chief Justice and other Judges of superior courts.
- **Development partners** have been supportive in providing additional funds to support service delivery.
- **Salaries and Remuneration Commission** sets and regularly reviews the remuneration and benefits of the State Officers within the Commission.
- **Other public commissions** such as Gender and Equality Commission and the Commission on Administrative Justice have been important in increasing awareness and access to justice by all. The Commissions provide very vital inputs in the processes of the Commission to validate policy documents.

## CHAPTER TWO

### 2. PROGRAMME PERFORMANCE REVIEW 2015/2016-2017/2018

#### 2.1. Review of Sector Programme Performance

During the years under review, implementation of activities by the Commission took into consideration the lessons learnt from previous years, the strategic issues, best practices from other jurisdictions and emerging issues in administration of justice. The Commission achieved the following outputs during the MTEF period.

##### a) Recruitment

In the review period the commission advertised and competitively recruited the Chief Justice, the Deputy Chief Justice, 43 High Court Judges, 19 ELC judges, 103 magistrates and 1,496 judicial staff were appointed to address the staffing needs of the Judiciary for effective service delivery.

To enhance the capacity of the Judiciary Training Institute, the Commission approved the JTI establishment and organizational structure. The commission advertised top management positions which were competitively filled to enhance performance at the Institute

##### b) Promotion

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. As a result, in the review period 130 magistrates, 38 kadhis and 1,454 judicial staff were promoted. Included in the 1454 judicial staff promoted, are 254 officers aged 55 years and above who had stagnated in the same position for more than 3 years.

##### c) Resolution of Disciplinary Cases

The Commission exercises disciplinary control over employees of the Judiciary. During the review period, the Commission processed 125 disciplinary cases which were heard and concluded.



#### **d) Management of Complaints**

Under Article 172 (1) (c) of the Constitution, the Commission is mandated to receive complaints against, investigate and remove from office or otherwise, discipline Registrars, Magistrates, other Judicial officers and other staff of the Judiciary. In the review period, The Commission received 134 new public complaints against judges and magistrates, 89 of which were heard and concluded while 108 complaints were forwarded to the Judiciary Ombudsperson for processing as per the Commission's resolution. In one of the petitions, the Commission sent the petition to the President recommending appointment of a tribunal provided under Article 168(4) to further investigate the Judge. In addition, the Commission developed complaints manual to provide a clear channel for lodging and management of complaints against Judges and other judicial officers.

#### **e) Training**

In the period under review, the Judiciary Training Institute facilitated the training of judges and magistrates through holding Annual Judges, Magistrates and Kadhis Colloquia whose target is 100% attendance. The colloquia are crucial in that they allow Judges and Magistrates to introspect the preceding year and discuss critical issues relating to the administration of justice. Other trainings held in the review period included Continuous Judicial Education (CJE) workshops for Magistrates and Kadhis, environmental law, wildlife law, anticorruption, refugee law, and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative aspects.

Access to Justice through AJS: JTI facilitated 2 elders' exchanges that brought together more than 100 elders from Othaya and Kericho. The AJS is in its pilot stage and is already contributing to dispute mediation in Othaya and Kericho.

To improve jurisprudence, 7 course contents and pedagogies were developed around the JTI thematic areas to improve the Continuing education and training programme in 2017/2018. These included; tax matters; Gender issues; Legal issues in Extractive industries; Election Dispute resolutions; Environmental and Wildlife laws and other emerging issues. The Institute during the year coordinated 8 judicial exchanges to Rwanda, South Africa, Canada and UK in a

bid to learn and share best practices including operations and administration of tribunals recently transitioned into Judiciary

In the review period, JTI facilitated training for 2,894 judicial staff who were trained in areas identified as critical to service-delivery. 230 of the staff were trained on leadership and integrity while JTI also co-hosted other trainings for Judiciary staff including registry staff, drivers on defensive driving and other staff on registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that would enable them undertake their duties efficiently. These training are envisaged to streamline service delivery and improve in accountability through capacity building.

**f) Research and Policy**

To address research and development needs aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed. The policy documents are at various completion stages. These policies include:

- (i). Development of draft Rules and guidelines on ADR: The draft addresses various concerns on ADR like civic engagement and awareness as well as suggesting a creation of a workable system of ADR.
- (ii). Justice Needs Survey: The program is underway and survey was conducted on the Justice needs of the public through partnering with stakeholders to provide data for decision making.
- (iii). Training Needs Assessment and Training Policy
- (iv). Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- (v). Criteria for appointment of Deputy Registrars deployed to serve in superior court. The Commission created an establishment of 57 Deputy Registrars to be deployed in various courts. The Commission directed that magistrates in the ranks of Senior Resident Magistrate and below only be appointed to serve as Deputy Registrar so that senior magistrates focus on court matters.
- (vi). Professionalization of court interpretation function – The Commission issued a policy for professionalization of the court interpretation function by developing schemes of service and training programme.

- (vii). Court Administrators Handbook
- (viii). Kadhis Court Handbook and Manual
- (ix). Strategies to clear case backlogs in superior courts
- (x). Conversion of Judicial Service Superannuation Scheme from Defined Benefit Scheme to defined Contribution Scheme – In line with the Government policy on cost reduction, the Commission approved the conversion of the scheme as indicated with effect from 1st January, 2016.
- (xi). Disability Mainstreaming Policy – In line with the requirements of the Constitution and other statutory obligations, the Commission approved the Judiciary Disability Mainstreaming Policy.
- (xii). To enhance transparency in the recruitment process of state officers, the Commission Developed Recruitment Procedure manual for the position of chief Justice, Deputy Chief Justice and Judge Supreme Court.
- (xiii). With a view towards improving service standards to the public, the Commission developed complaints manual to guide effective administration of complaints. This will ensure that all complaints made by the public are handled in a timely and consistent manner thus achieving higher rate of complaint clearance.
- (xiv). The Commission approved the Code of Conduct policy for Judges, Judicial Officers and Staff of the Judiciary. This provides Judiciary with a clear benchmark for ethical behavior and expected values. Further, it provides a mechanism for reporting variances from those standards. These codes will build a value driven organization and provide a reference point within a disciplinary process.
- (xv). The Commission reviewed and approved the Judiciary and JSC organogram which would provide for functional reporting lines and clear roles.
- (xvi). Human resources policies,
- (xvii). Records management policies,
- (xviii). ICT masterplan policy.

**g) Other achievements in the period included:**

- (i). To enhance access to justice, the Commission approved the establishment of the following court stations - High Court station at Kibera Law Courts and Makadara Law Courts in



Nairobi. The Commission also approved the opening of satellite courts at Jomo Kenyatta International Airport, Ngong, Kasarani and Embakasi.

- (ii). In the review period, the commission successfully carried out court visits to various parts of the country: During the visits the Commission had meetings with Court Users Committees, met with Governors from different Counties to discuss issues that touch on effectiveness and efficiency in the administration of justice. Through the court visit the Commission further managed to fast-track completion of buildings that were under construction which have improved access to justice.
- (iii). The Commission has continued to engage with its stakeholders both internal and external. In the review period, the Commission engaged members of the Parliamentary Committee on Justice and legal affairs. These constructive engagements are aimed at developing legislation that support administration of justice, allocation of resources and need for respect for separation of powers and upholding the rule of law. The Commission was further actively engaged in Election preparedness through the working Election preparedness Committee.
- (iv). The Commission has also engaged governors with aim of ensuring County governments set aside land for construction.
- (v). The Commission launched its website under the domain name [www.judicialservicecommission.go.ke](http://www.judicialservicecommission.go.ke). This is aimed at sharing information with members of the public. The Commission has initiated a social media page. Facebook: JudicialServiceCommissionKenya@judicialkenya.
- (vi). The commission also held meetings with the Law Society of Kenya (LSK) in Nakuru, Naivasha and Eldoret which were aimed at understanding challenges affecting administration of justice in these regions and how best to mitigate them.
- (vii). The Commission also attended the 6th Annual Devolution Conference which was held in December 2017 in Nyeri. The theme was Five Years of Devolution and issues of the big 4 agenda were discussed. The overall objective was to evaluate the impact of the Commissions in improving quality of life of Kenyans in line with the Social Development Goals and to reflect on their roles and their relationship with other arms of Government.

**Table 2.1: Sub Sector Programme Performance.**

Programme	Key Output	Key Performance Indicators	Planned Target				Achieved Targets			Remarks
			2015/16	2016/17	2017/2018	2015/16	2016/17	2017/18		
<b>Name of Programme:</b> General administration, Planning and support services.										
<b>Programme Outcome:</b> Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice										
Administration and Judicial Services	Best practices mainstreamed in Judiciary operations to improve efficiency	No of policies developed/reviewed.	6	4	4	5	4	4	The policies FY2017/18 include: Judiciary and JSC organogram, Human Resources Policy, Records Management and ICT masterplan Policy, Code of Conduct policy, Court Annexed Mediation Policy	
			Enhanced Capacity and	No of Judges recruited.	0	31	10	0		31

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks	
			2015/16	2016/17	2017/2018	2015/16	2016/17	2017/18		
	performance of the Judiciary in administration of justice	No of Judicial officers recruited.	52	50	0	52	0	42	The recruitment process started in FY2016/17 and completed in FY2017/18 due to background checks processes.	
			936	400	200	936	327	23		Activity rescheduled following budget cuts
			No of Judicial officers/staff promoted.	775	500	328	775	462		320
	Enhanced Transparency, Independence & Accountability	%age of complaints heard and concluded.	100%	100%	100%	100%	92%	98%	Target achieved	



Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2015/16	2016/17	2017/2018	2015/16	2016/17	2017/18	
	Department of Justice	Percentage of staff disciplinary cases concluded	100%	100%	100%	55%	62%	56.3%	Complaints are received continuously and by end of the period some remained unresolved due to nature and funding.
	Increased public awareness of the commission and functions	No of key stakeholder forums held.	5	5	4	5	4	4	In FY 2017/18, forums with LSK, Governors, CUCs were held. In addition, the attended Devolution.
		No of Public outreaches	2	2	0	2	2	0	
		No of IEC materials published.	5	5	4	5	5	3	In FY 2017/18, JSC facts and figures, annual report and Service Charters were published
Judicial Training	Enhanced capacity of Judges,	%age of Judges Trained	100%	100%	100%	99%	99%	100%	All judges attended at least one training

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2015/16	2016/17	2017/2018	2015/16	2016/17	2017/18	
	Judicial Officers and staff	% age of Judicial Officers Trained	100%	100%	100%	98%	98%	100%	All magistrates attended at least one training
		No. of staff trained	5000	346	1600	699	1551	771	The variation attributed to austerity measures whose effects reduced the training budget by 75%

## 2.2. Expenditure Analysis

### 2.2.1. Analysis of programme expenditure.

In the 2017/18 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was KShs 283 million. The Commission utilized 68% of the approved estimates. This was a decrease from the previous year's 96% in FY 2016/17 and 85% in FY 2015/16 as illustrated in the figure 1 due to budget cut and lack of exchequer.

**Figure 1: Analysis of Absorption rates (2015/16-2017/18)**

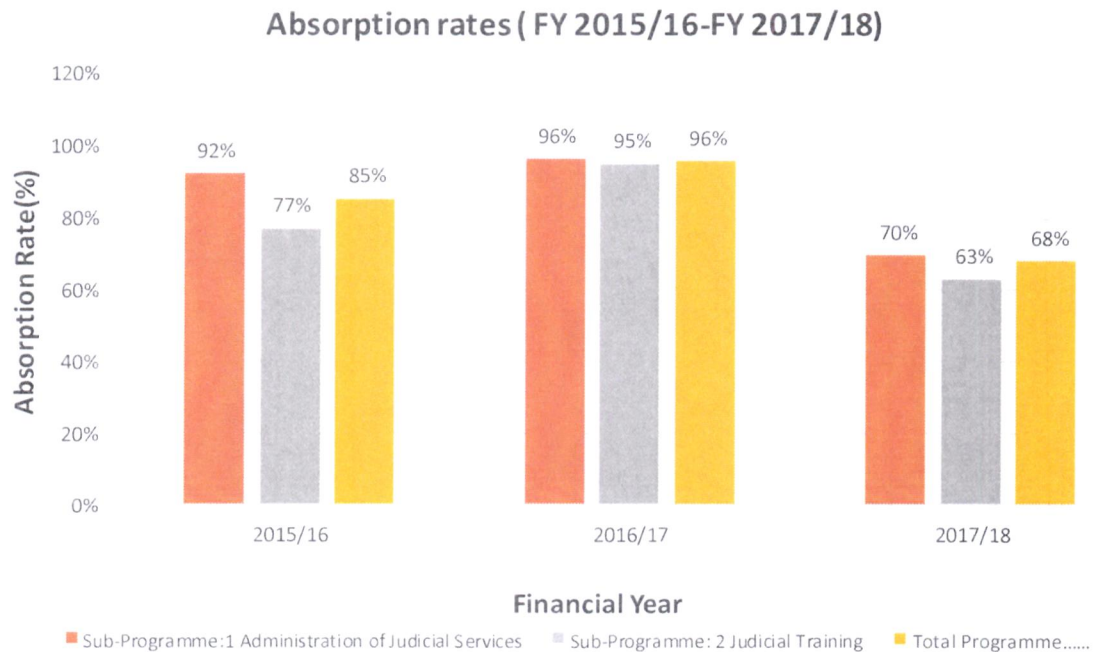




Table 2.2: Analysis of Recurrent Expenditure by Sector and vote

<b>ANALYSIS OF RECURRENT EXPENDITURE BY SECTOR AND VOTE</b>							
<b>Sub -Sector Name: Judicial Service Commission.</b>							
<b>Vote and Vote Details</b>	<b>Economic Classification</b>	<b>APPROVED BUDGET ALLOCATION</b>			<b>ACTUAL EXPENDITURE</b>		
		<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2015/ 16</b>	<b>2016/ 17</b>	<b>2017/ 18</b>
2051: Judicial Service Commission	<b>Gross</b>	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>
	AIA	-	-		-	-	
	NET	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>
	Compensation to Employees	5	5	5	0	2	0
	Transfers	-	-		-	-	
	Other Recurrent	<b>467</b>	<b>445</b>	<b>278</b>	<b>403</b>	<b>429</b>	<b>193</b>

Table 2.4 Analysis of Programme/Sub-programme Expenditure by Sector and Vote

<b>ANALYSIS OF PROGRAMME EXPENDITURE (AMOUNT IN KSH MILLION)</b>						
	<b>APPROVED BUDGET</b>			<b>ACTUAL EXPENDITURE</b>		
	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>PROGRAMME 1: General Administration, Planning and Support Services</b>						
<b>Sub-Programme 1: Administration and Judicial Services</b>	258	246	215	238	237	150
<b>Sub-Programme 2: Judicial Training</b>	214	204	68	165	194	43
<b>TOTAL PROGRAMME.....</b>	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>

Low absorption rates in FY 2017/18 is attributed to austerity measures and pending bills as a result of lack of exchequer

## 2.2.2. Analysis of Programme expenditure by Economic Classification

Table 2.5: Programme Expenditure by Economic Classification

	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
<b>ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION</b>						
Economic Classification						
<b>PROGRAMME 1:</b>						
<b>Current Expenditure</b>						
Compensation of employees	5	5	5	0	2	0
Use of Goods and Services	467	445	278	403	429	193
Grants and Other Transfers						
Other Recurrent						
<b>Capital Expenditure</b>						
Acquisition of Non-Financial Assets	-	-		-	-	
Capital Grants to Government Agencies	-	-		-	-	
Other Development	-	-		-	-	
<b>TOTAL PROGRAMME.....</b>	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>
<b>TOTAL VOTE.....</b>	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>

### 2.2.3. Analysis of Capital Projects by Program

The Commission did not have any capital projects in the period under review.

### 2.3. Review of Pending Bills

In the year 2017/18, the commission had pending bills totaling KShs. 44 Million an increase from FY2016/17 which stood at KShs 14million. This was due to lack of exchequer.

**Table 2.6 Summary of Pending bills by nature and Type (KShs Million)**

Type/Nature	Due to lack of exchequer			Due to lack of provision		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
<b>Recurrent</b>	-	-		-	-	
Compensation of employees		-		-	-	
Use of goods and services	7	14	44	-	-	
Social benefits	-	-		-	-	
Other expense	-	-		-	-	
<b>Development</b>	-	-		-	-	
Acquisition of non -financial assets	-	-				
Use of goods and services	-	-		-	-	
others specify	-	-		-	-	
<b>Total Pending Bills</b>	<b>7</b>	<b>14</b>	<b>44</b>	<b>-</b>	<b>-</b>	



## **CHAPTER THREE**

### **3. MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2019/20 – 2021/22**

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

Pursuant to the Provisions of the Constitution under Article 172, Judicial Service Commission is mandated to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. The Commission will therefore execute this mandate under **General administration, Planning and Support Services**

The programme is achieved primarily through the following two Sub Programmes

- Administration and Judicial Services
- Judicial Training

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

The overall objective of the sub-sector programme is to promote the independence and accountability of the Judiciary and facilitating the efficient, effective and transparent administration of justice.

### 3.1.2. Programmes, sub-programmes, Expected outcomes, Outputs and key performance indicators for the sector.

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

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
Name of the Programme: General administration, Planning and support services.									
Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice.									
SP 1: Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/Developed	4	4	5	5	6	6
		Qualified and Productive Human Capital attracted and retained	No of Judges Recruited	10	0	10	50	50	30
			No of Judicial Officers Recruited	0	42	100	100	100	100
			No of Judiciary Staff Recruited	200	23	200	200	200	100

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
			No of Judicial Officers/staff promoted	328	320	500	1250	350	150
		Enhanced Transparency, Independence and accountability	% of complaints heard and concluded	100%	92%	100%	100%	100%	100%
			% of disciplinary cases concluded	100%	100%	100%	100%	100%	100%
			Production of Annual Report	1	1	1	1	1	1
		Improved stakeholder engagements	No of stakeholder forums held	4	4	5	4	4	4
			No of IEC materials developed and disseminated	4	4	4	4	4	4

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
				SP 2: Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	100%
			Percentage of Magistrates trained	100%	100%	100%	100%	100%	100%
			No. of staff trained	1600	644	1700	1800	2000	1000
		Policy documents developed.	No. of policies	4	4	6	6	6	6



### 3.1.3. Programmes by Order of Ranking

### 3.2. Analysis of Resource Requirement versus Allocation by Sector/Sub-sector

The Commission's printed estimates for FY 2018/19 was Kshs. 364 million for the recurrent vote which was way below the resource requirement of Kshs. 891 Million and the rationalized requirement for the next FY 2019/20 which stands at Kshs. 893 Million. The additional resources are required to bridge the consistent underfunding in critical areas such as recruitment of judicial officers and staff; equipping of enhanced court infrastructure; hearing and determination of complaints; finalization of pending policy documents and capacity development for judicial officers and staff aimed at ensuring enhanced access to justice.

**Table 3.2 Recurrent Requirements/Allocations by Sector/Sub-sector (Amount KSh. Million)**

ANALYSIS OF RECURRENT RESOURCE REQUIREMENT VS ALLOCATION								
		2018/19 Printed Estimates	REQUIREMENT			ALLOCATION		
			2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
<b>Judicial Service Commission: 2051</b>	Economic Classification							
	Gross	364	1228	1268	1310	480	550	620
	AIA	-	-	-	-	-	-	-
	<b>NET</b>	<b>364</b>	<b>893</b>	<b>1077</b>	1292	480	550	620
	Compensation to Employees	5	6	6	6	122	174	229
	Transfers	-	-	-	-	-	-	-
	Other Recurrent	359	887	1071	1286	358	376	391

**Table 3.4: Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Requirements.**

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (AMOUNT KSH MILLIONS)												
	2018/19			2019/20			2020/21			2021/22		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme: General administration, Planning and support services.</b>												
<b>Sub Programme 1: Administration and Judicial Services</b>	206	-	206	628		628	648		648	671		671
<b>Sub Programme 2: Judicial Training</b>	158	-	158	600		600	620		620	639		639
<b>Total Programme</b>	<b>364</b>	<b>-</b>	<b>364</b>	<b>1,228</b>		<b>1,228</b>	<b>1268</b>		<b>1268</b>	<b>1310</b>		<b>1310</b>
<b>Total Vote</b>	<b>364</b>	<b>-</b>	<b>364</b>	<b>1,228</b>	<b>-</b>	<b>1,228</b>	<b>1,268</b>	<b>-</b>	<b>1,268</b>	<b>1,310</b>		<b>1,310</b>

**Table 3.5: Programme/Sub-Programme Resource Allocation**

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE ALLOCATION (AMOUNT KSH MILLIONS)												
	2018/19 Approved Estimates			2019/20			2020/21			2021/22		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme:</b> General administration, Planning and support services.												
<b>Sub Programme 1:</b> Administration and Judicial Services	206	-	206	341	-	341	306	-	306	345	-	345
<b>Sub Programme 2:</b> Judicial Training	158	-	158	139	-	139	244	-	244	275	-	275
<b>Total Programme</b>	<b>364</b>	<b>-</b>	<b>364</b>	<b>480</b>	<b>-</b>	<b>480</b>	<b>550</b>	<b>-</b>	<b>550</b>	<b>620</b>	<b>-</b>	<b>620</b>
<b>Total Vote</b>	<b>364</b>	<b>-</b>	<b>364</b>	<b>480</b>	<b>-</b>	<b>480</b>	<b>550</b>	<b>-</b>	<b>550</b>	<b>620</b>	<b>-</b>	<b>620</b>

### 3.2.2. Programmes and sub-Programmes by economic classification

**Table 3.6: Programmes and sub-programmes by economic classification (Amount Ksh. Million)**

Economic Classification	Approved Estimates	RESOURCE REQUIREMENT			RESOURCE ALLOCATION		
	2018/19	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
<b>PROGRAMME 1:</b>							
<b>Current Expenditure</b>							
Compensation Of Employees	5	335	348	362	122	174	229
Use Of Goods And Services	359	893	920	948	358	376	391
Grants And Other Transfers	-	-	-	-	-	-	-
Other Recurrent	-	-	-	-	-	-	-
<b>Capital Expenditure</b>	-	-	-	-	-	-	-
Acquisition Of Non-Financial Assets	-	-	-	-	-	-	-
Capital Grants to Government Agencies	-	-	-	-	-	-	-
Other Development	-	-	-	-	-	-	-
<b>TOTAL PROGRAMME.....</b>	<b>364</b>	<b>1228</b>	<b>1268</b>	<b>1310</b>	<b>480</b>	<b>550</b>	<b>620</b>
<b>TOTAL VOTE.....</b>	<b>364</b>	<b>1228</b>	<b>1268</b>	<b>1310</b>	<b>480</b>	<b>550</b>	<b>620</b>

#### 4. Analysis of Resource Requirement Vs. Allocation for Semi-Autonomous Government Agencies

The Commission Does not have a semi-Autonomous Government Agency



## CHAPTER FOUR

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

#### 4.1. Cross-Sector Linkages

The commission has developed strong working relationships with players within and without the sector to enable the achievement of its goals.

- The Ethics and Anti-Corruption Commission supports with the vetting of potential employees and supporting corruption prevention initiatives through capacity building.
- To support the process of establishment of the International and organized Crime Division, the commission has maintained close working relationships with the Office of Director of Public Prosecution to develop rules and procedures for the Division.
- The Commission provides oversight to the Judiciary and therefore has a strong linkage that facilitates policy direction, effectiveness and efficiency of service delivery. The Judiciary further provides technical capacity for development of various policy documents spearheaded by the Judicial Training institute and the Commission.
- The JSC will also strive to create strong partnerships and consultative mechanisms with other key stakeholders, co-sector working groups and relevant government ministries.
- The established court- user-committees (CUCs) in all stations will need to be empowered through capacity building in order to improve efficiency and effectiveness in delivery of Justice.

#### 4.2. Emerging Issues

**Transitions of tribunals into the Judiciary – Tribunals are** statutory bodies established under various Acts of Parliament with a mandate of resolving disputes in specific areas of law and industry. Prior to the enactment of the Constitution 2010, tribunals previously operated under various ministries within the executive arm of government. The changes introduced in the Constitution prompted their transition into the Judiciary as a component of the court system. The

Judiciary has taken measures to put in place mechanisms for appropriate legal, policy and institutional frameworks for the full transition of tribunals into the Judiciary. Some of the measures taken include the development and presentation of a draft Tribunal Bill to the Attorney General.

**Operationalization of the Judicial Fund and its Regulations** – The coming into law of the Judicial Fund Act, 2016 is expected to contribute immensely towards how the Judiciary fulfils its mandate. The Commission may require to procure its own integrated financial management system to operate the fund.

**Impact of Election Dispute Resolution** – Filing of elections disputes in the various levels of the courts and their resolutions within the agreed timeline is an indicator of the increasing confidence of Kenyans in the Kenyan Judiciary

**Technology**- rapid advances in technology globally have changed the way institutions deliver services. The public is increasingly demanding better service experience that embraces technology by public institutions hence the Commission and Judiciary should not be left behind

#### **4.3. Challenges**

- a) Budget Cuts and Inadequate Budgetary Allocations-The Commission has increasingly suffered budget reduction thus impeding on its general operations. As a result a number of planned activities were not implemented in the period under review.
- b) Delay in exchequer releases. In the period under review, exchequer releases to the commission was delayed
- c) Inadequate Human Resource. The optimum staffing levels as per the organogram and the staff establishment is yet to be reached. Some critical areas have no officers or very few staff and this may impact negatively on service delivery.
- d) Lack of office space and training facilities for the Judiciary Training Institute

## **CHAPTER FIVE**

### **5.1 CONCLUSION**

The Commission has made gains in several areas of service delivery as noted in chapter two. The Judicial Service Commission exists to facilitate and hold the Judiciary accountable to deliver Justice expeditiously to the people of this great nation. Therefore, the Commission will continue to perform its facilitation and oversight mandate in an efficient way that upholds the 'value-for-money' principle in its strategic plan and the Sustaining the Judiciary Transformation Operational Plan. This can only be achieved through adequate funding to enable the commission facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

## **CHAPTER SIX**

### **6.0 RECOMMENDATION**

- a) Adequate funding should be given to the Commission to enable it meet its mandate and its objective promoting efficient administration of justice
- b) The National Treasury should release the exchequers in a timely manner so that the operations of the commission are not hampered
- c) There is need to fill the vacancies in the Secretariat and Judiciary with substantive staff in line with the approved organization structure and thus budgetary allocation should be enhanced to provide for this.
- d) More infrastructure should be provided to enhance service delivery in all units particularly the Judiciary Training Institute

The page features a decorative graphic consisting of three overlapping circles with a green-to-orange gradient, arranged vertically. Two thin, light blue lines intersect at the top center, forming a V-shape that frames the circles. The text is positioned to the left of the circles.

# **JUDICIAL SERVICE COMMISSION**

[Program- Based Budget FY2019/2020 –  
2021/2022]



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## PROGRAMME-PERFORMANCE BASED BUDGETS (PBB)

**VOTE NO:** 2051  
**VOTE TITLE:** Judicial Service Commission

**PART A: VISION**

A Commission of excellence in facilitation of an independent and accountable Judiciary

**PART B: MISSION**

To promote an independent and accountable Judiciary through oversight; capacity building and Constructive stakeholder engagement

**PART C: PERFORMANCE OVERVIEW AND BACKGROUND FOR PROGRAMMES FUNDING**

**JSC Mandate**

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

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; and Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

## Expenditure Trends

Analysis of Expenditure Trends:

Judicial Service Commission approved allocation for recurrent budget for FY21015/16 was Ksh. 472 million, while FY2015/16, was 450 million and FY2017/2018 Ksh. 283 million. The reduction is attributed to austerity measures.

The Commission's budget utilization for FY2015/16 was Ksh. 403 Million which represented 85%; In the year 2016/17 utilization was Ksh. 431 representing 96% utilization and Ksh. 193 Million was utilized in FY2017/18 representing 68% utilization. The reduction in budget absorption in FY2017/18 is attributed to lack of exchequer and late release of supplementary 2 Ksh 100 million to reinstate the budget cut. See Table 1 Below.

**Table 1: ANALYSIS OF RECURRENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION**

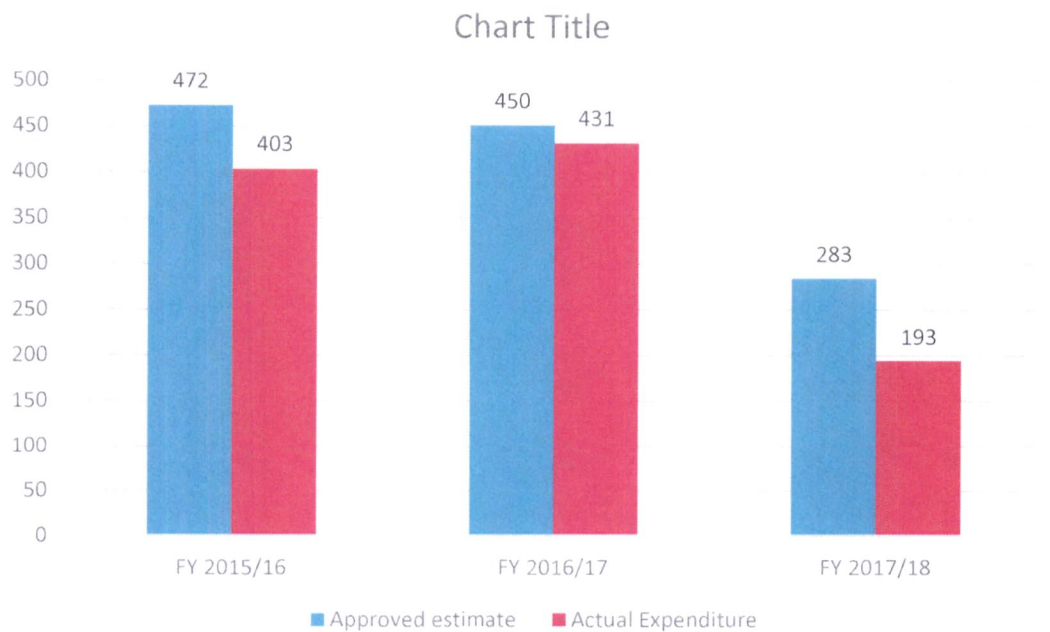
<b>Sub-Sector Name: Judicial Service Commission</b>							
<b>Vote and Vote Details</b>	<b>Economic Classification</b>	<b>Approved Budget Allocation</b>			<b>Actual Expenditure</b>		
		<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>2051</b>	<b>Gross</b>	<b>472</b>	<b>450</b>	<b>283</b>	<b>403</b>	<b>431</b>	<b>193</b>
	AIA	0	0	0	0	0	0
	NET	<b>472</b>	450	283	403	431	193
	Compensation to Employees	5	5	0	0	2	0
	Transfers	0	0	0	0	0	0
	Other Recurrent	<b>467</b>	<b>445</b>	<b>283</b>	<b>403</b>	<b>429</b>	<b>193</b>

In the 2017/18 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was Kshs 283 million. The Commission utilized 68% of the approved estimates. This was a decrease from the previous year's 96% in FY 2016/17 and 85% in FY 2015/16 as illustrated in the table 2 below:

**Table 2: Expenditure trends - Approved budget against actual expenditure for the 2014/15 -2016/17**

<b>ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION</b>						
	<b>APPROVED BUDGET</b>			<b>ACTUAL EXPENDITURE</b>		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
Programme; oversight and Administration of Judicial Services						
Sub-Programme: 1 Administration of Judicial Services	258	246	215	238	237	150
Sub-Programme: 2 Judicial Training	214	204	68	165	194	43
TOTAL PROGRAMME.....	472	450	283	403	431	193

**Figure 1:  
Approved Estimate Vs Actual Expenditure**





## **Major Achievements for the period's FY 15/16-17/18:**

During the years under review, implementation of activities by the Commission took into consideration the lessons learnt from previous years, the strategic issues, best practices from other jurisdictions and emerging issues in administration of justice. The Commission achieved the following outputs during the MTEF period.

### **a) Recruitment**

In the review period the commission advertised and competitively recruited the Chief Justice, the Deputy Chief Justice, 43 High Court Judges, 19 ELC judges, 103 magistrates and 1,496 judicial staff were appointed to address the staffing needs of the Judiciary for effective service delivery.

To enhance the capacity of the Judiciary Training Institute, the Commission approved the JTI establishment and organizational structure. The commission advertised top management positions which were competitively filled to enhance performance at the Institute

### **b) Promotion**

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. As a result, in the review period 130 magistrates, 38 kadhis and 1,454 judicial staff were promoted. Included in the 1454 judicial staff promoted, are 254 officers aged 55 years and above who had stagnated in the same position for more than 3 years.

### **c) Resolution of Disciplinary Cases**

The Commission exercises disciplinary control over employees of the Judiciary. During the review period, the Commission processed 125 disciplinary cases which were heard and concluded.

### **d) Management of Complaints**

Under Article 172 (1) (c) of the Constitution, the Commission is mandated to receive complaints against, investigate and remove from office or otherwise, discipline Registrars, Magistrates, other Judicial officers and other staff of the Judiciary. In the review period, The Commission

received 134 new public complaints against judges and magistrates, 89 of which were heard and concluded while 108 complaints were forwarded to the Judiciary Ombudsperson for processing as per the Commission's resolution. In one of the petitions, the Commission sent the petition to the President recommending appointment of a tribunal provided under Article 168(4) to further investigate the Judge. In addition, the Commission developed complaints manual to provide a clear channel for lodging and management of complaints against Judges and other judicial officers.

#### **e) Training**

In the period under review, the Judiciary Training Institute facilitated the training of judges and magistrates through holding Annual Judges, Magistrates and Kadhis Colloquia whose target is 100% attendance. The colloquia are crucial in that they allow Judges and Magistrates to introspect the preceding year and discuss critical issues relating to the administration of justice. Other trainings held in the review period included Continuous Judicial Education (CJE) workshops for Magistrates and Kadhis, environmental law, wildlife law, anticorruption, refugee law, and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative aspects.

Access to Justice through AJS: JTI facilitated 2 elders' exchanges that brought together more than 100 elders from Othaya and Kericho. The AJS is in its pilot stage and is already contributing to dispute mediation in Othaya and Kericho.

To improve jurisprudence, 7 course contents and pedagogies were developed around the JTI thematic areas to improve the Continuing education and training programme in 2017/2018. These included; tax matters; Gender issues; Legal issues in Extractive industries; Election Dispute resolutions; Environmental and Wildlife laws and other emerging issues. The Institute during the year coordinated 8 judicial exchanges to Rwanda, South Africa, Canada and UK in a bid to learn and share best practices including operations and administration of tribunals recently transitioned into Judiciary

In the review period, JTI facilitated training for 2,894 judicial staff who were trained in areas identified as critical to service-delivery. 230 of the staff were trained on leadership and integrity



while JTI also co-hosted other trainings for Judiciary staff including registry staff, drivers on defensive driving and other staff on registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that would enable them undertake their duties efficiently. These training are envisaged to streamline service delivery and improve in accountability through capacity building.

#### **f) Research and Policy**

To address research and development needs aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed. The policy documents are at various completion stages. These policies include:

- (i). Development of draft Rules and guidelines on ADR: The draft addresses various concerns on ADR like civic engagement and awareness as well as suggesting a creation of a workable system of ADR.
- (ii). Justice Needs Survey: The program is underway and survey was conducted on the Justice needs of the public through partnering with stakeholders to provide data for decision making.
- (iii). Training Needs Assessment and Training Policy
- (iv). Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- (v). Criteria for appointment of Deputy Registrars deployed to serve in superior court. The Commission created an establishment of 57 Deputy Registrars to be deployed in various courts. The Commission directed that magistrates in the ranks of Senior Resident Magistrate and below only be appointed to serve as Deputy Registrar so that senior magistrates focus on court matters.
- (vi). Professionalization of court interpretation function – The Commission issued a policy for professionalization of the court interpretation function by developing schemes of service and training programme.
- (vii). Court Administrators Handbook
- (viii). Kadhis Court Handbook and Manual
- (ix). Strategies to clear case backlogs in superior courts
- (x). Conversion of Judicial Service Superannuation Scheme from Defined Benefit Scheme to defined Contribution Scheme – In line with the Government policy on cost reduction, the

Commission approved the conversion of the scheme as indicated with effect from 1st January, 2016.

- (xi). Disability Mainstreaming Policy – In line with the requirements of the Constitution and other statutory obligations, the Commission approved the Judiciary Disability Mainstreaming Policy.
- (xii). To enhance transparency in the recruitment process of state officers, the Commission Developed Recruitment Procedure manual for the position of chief Justice, Deputy Chief Justice and Judge Supreme Court.
- (xiii). With a view towards improving service standards to the public, the Commission developed complaints manual to guide effective administration of complaints. This will ensure that all complaints made by the public are handled in a timely and consistent manner thus achieving higher rate of complaint clearance.
- (xiv). The Commission approved the Code of Conduct policy for Judges, Judicial Officers and Staff of the Judiciary. This provides Judiciary with a clear benchmark for ethical behaviour and expected values. Further, it provides a mechanism for reporting variances from those standards. These codes will build a value driven organization and provide a reference point within a disciplinary process.
- (xv). The Commission reviewed and approved the Judiciary and JSC organogram which would provide for functional reporting lines and clear roles.
- (xvi). Human resources policies,
- (xvii). Records management policies,
- (xviii). ICT masterplan policy.

**g) Other achievements in the period included:**

- (i). To enhance access to justice, the Commission approved the establishment of the following court stations - High Court station at Kibera Law Courts and Makadara Law Courts in Nairobi. The Commission also approved the opening of satellite courts at Jomo Kenyatta International Airport, Ngong, Kasarani and Embakasi.
- (ii). In the review period, the commission successfully carried out court visits to various parts of the country: During the visits the Commission had meetings with Court Users Committees, met with Governors from different Counties to discuss issues that touch on effectiveness and



efficiency in the administration of justice. Through the court visit the Commission further managed to fast-track completion of buildings that were under construction which have improved access to justice.

- (iii). The Commission has continued to engage with its stakeholders both internal and external. In the review period, the Commission engaged members of the Parliamentary Committee on Justice and legal affairs. These constructive engagements are aimed at developing legislation that support administration of justice, allocation of resources and need for respect for separation of powers and upholding the rule of law. The Commission was further actively engaged in Election preparedness through the working Election preparedness Committee.
- (iv). The Commission has also engaged governors with aim of ensuring County governments set aside land for construction.
- (v). The Commission launched its website under the domain name [www.judicialservicecommission.go.ke](http://www.judicialservicecommission.go.ke). This is aimed at sharing information with members of the public. The Commission has initiated a social media page. Facebook: [@JudicialServiceCommissionKenya](https://www.facebook.com/JudicialServiceCommissionKenya).
- (vi). The commission also held meetings with the Law Society of Kenya (LSK) in Nakuru, Naivasha and Eldoret which were aimed at understanding challenges affecting administration of justice in these regions and how best to mitigate them.
- (vii). The Commission also attended the 6th Annual Devolution Conference which was held in December 2017 in Nyeri. The theme was Five Years of Devolution and issues of the big 4 agenda were discussed. The overall objective was to evaluate the impact of the Commissions in improving quality of life of Kenyans in line with the Social Development Goals and to reflect on their roles and their relationship with other arms of Government.

### **Constraints and Challenges in Budget Implementation and how they are being addressed**

#### 1. Insufficient resources

Insufficient resources have hampered the performance of the commission's mandate to provide adequate training. This has led to over-reliance on partners and donor organizations to cover the resource-gaps. The challenge will be compounded with the exit of the World Bank funding under Judiciary Performance Improvement Project.

2. Legal suits against the commission.

Numerous litigations have been filed against the commission majority of them touching on constitutional and labour relations. The effect of this has been high legal cost thus constraining the commission's budget. JSC will however actively pursue arbitration.

3. Insufficient staff establishment.

To address this constraint various Judicial officers and staff have been recruited in the recent past, however this process will continue until the optimal staff in the establishment is achieved.

4. Infrastructure.

The Judicial Training Institute currently operates in property under lease. Proposal has been made to acquire Land/premises for JTI to ensure that they achieve their mandate effectively and efficiently.

5. Inadequate ICT systems

The Judicial Service Commission relies on the Integrated Financial Management Information System (IFMIS) for its operations however the system has limitations in that it cannot support human resource systems which is critical to the Commissions operations. An ERP system has been acquired to manage the Human resource systems however only phase one has been implemented due to inadequate funding. More resources are needed to fully implement the ERP completely to enhance recruitments, disciplinary and complaints management.

### **Major services/outputs to be provided in MTEF period 2019/20 – 2021/22**

In the MTEF period 2019/20 to 2021/22 the Commission will perform its constitutional mandate as stipulated in article 172 with the following major services/outputs:

- a) Recommend to the President persons for appointment as judges,
- b) Review and make recommendations on condition of service for judicial officers and staff.

- c) Appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary in the manner prescribed by an Act of Parliament,
- d) Prepare and implement programmes for the continuing education and training of judges and judicial officers and staff in line with the big four agenda
- e) Advise the national government on improving the efficiency of the administration of justice.

## **PART D: STRATEGIC OBJECTIVES**

**Programme:** General Administration, Planning and Support Services

Promote and facilitate independence of the Judiciary and the efficient, effective and transparent administration of Justice.

**PART E. SUMMARY OF THE PROGRAMME OUTPUTS, PERFORMANCE INDICATORS AND TARGETS FOR 2019/20-2021/22**

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

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
<b>Name of the Programme:</b> General administration, Planning and support services.									
<b>Outcome:</b> Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice.									
Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/Developed	4	4	5	5	6	6
		Qualified and Productive Human Capital attracted and retained	No of Judges Recruited	10	0	10	50	50	30
			No of Judicial Officers Recruited	0	42	100	100	100	100



Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
			No of Judiciary Staff Recruited	200	23	200	200	200	100
			No of Judicial Officers/staff promoted	328	320	500	1250	350	150
		Enhanced Transparency, Independence and accountability	% of complaints heard and concluded	100%	92%	100%	100%	100%	100%
			% of disciplinary cases concluded	100%	100%	100%	100%	100%	100%
			Production of Annual Report	1	1	1	1	1	1
		Improved stakeholder engagements	No of stakeholder forums held	4	4	5	4	4	4

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2017/2018	Actual Achievements 2017/2018	Baseline 2018/2019	Target 2019/2020	Target 2020/2021	Target 2021/2022
			No of IEC materials developed and disseminated	4	4	4	4	4	4
Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	100%	100%	100%	100%	100%
			Percentage of Magistrates trained	100%	100%	100%	100%	100%	100%
			No. of staff trained	1600	644	1700	1800	2000	1000
		Policy documents approved.	No. of policies	4	4	6	6	6	6

**PART F. SUMMARY OF EXPENDITURE BY PROGRAMMES AND SUB-PROGRAMMES 2019/20 – 2021/22 (KSHS. MILLION)**

Programme	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
					2020/21	2021/22
<b>Programme 1: General Administration, Planning and Support Services</b>						
<b>Sub-Programmes (SP)</b>						
Administration and Judicial Services	215	150	206	628	648	671
Judicial Training	68	43	158	600	620	639
<b>Total Expenditure of Programme</b>	<b>283</b>	<b>193</b>	<b>364</b>	<b>1228</b>	<b>1268</b>	<b>1310</b>

**Part G. Summary of Expenditure by Vote and Economic Classification (KShs. Million)**

Code	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
						2020/21	2021/22
	<b>Current Expenditure</b>						
2100000	Compensation To Employees	5	2	5	335	348	362
2200000	Use of goods and services	278	191	359	893	920	948
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
	<b>Capital Expenditure</b>						
2100000	Compensation to Employees	0	0	0	0	0	0



	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
						1268	1310
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
<b>Total Expenditure of Vote</b>		<b>283</b>	<b>193</b>	<b>364</b>	<b>1228</b>	<b>1268</b>	<b>1310</b>

**PART H. SUMMARY OF EXPENDITURE BY PROGRAMMES, SUB-PROGRAMMES AND ECONOMIC CLASSIFICATION (KSHS. MILLION)**

Code	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
						2020/21	2021/22
<b>Programme: General Administration, Planning and Support Services</b>							
	<b>Current Expenditure</b>						
2100000	Compensation To Employees	2	2	2	178	184	193
2200000	Use of goods and services	213	148	204	450	464	478
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0

	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
						648	671
	<b>Capital Expenditure</b>						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
		<b>215</b>	<b>150</b>	<b>206</b>	<b>628</b>	<b>648</b>	<b>671</b>
<b>Sub-Programme: Judicial Training</b>							
<b>Code</b>	<b>Current Expenditure</b>						
2100000	Compensation To Employees	2	0	2	157	164	169



	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
2200000	Use of goods and services	66	43	156	443	456	470
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Current Transfers Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
	<b>Capital Expenditure</b>						
2100000	Compensation to Employees	0	0	0	0	0	0
2200000	Use of Goods and Services	0	0	0	0	0	0
2400000	Interest	0	0	0	0	0	0
2500000	Subsidies	0	0	0	0	0	0
2600000	Capital Transfers to Govt. Agencies	0	0	0	0	0	0
2700000	Social Benefits	0	0	0	0	0	0



	Expenditure Classification	Approved Budget 2017/18	Actual Expenditure 2017/18	Baseline Estimates 2018/19	Estimates 2019/20	Projected Estimates	
2800000	Other Expense	0	0	0	0	0	0
3100000	Non-Financial Assets	0	0	0	0	0	0
3200000	Financial Assets	0	0	0	0	0	0
		<b>68</b>	<b>43</b>	<b>158</b>	<b>600</b>	<b>620</b>	<b>639</b>
Total Expenditure for Vote		283	193	364	1,228	1,268	1,310

**PART I: SEMI- AUTONOMOUS GOVERNMENT AGENCIES**

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

**PART J; SUMMARY OF HUMAN RESOURCE**

Programme Code	Programme Title	Designation/Position Title	PL S	Count	Authorized Establishment	In Posts as at 30th June, 2018	2018/19 Funded Positions	2019/20 Positions to be Funded	2020/21 Projection	2021/22 Projection	
2051	General Administration Planning and Support services	Designations									
		Senior Principal Magistrate	Q	1		1	1	1	2	2	
		Senior Resident Magistrate	N	3		3	3	3	2	2	
		Resident Magistrate/Deputy Registrar	M	2		2	2	2	2	2	
		Registrar	17	1		1	1	1	1	1	
		Deputy Director - Administration	16	1		1	1	1	1	1	
		Deputy Director-Training and curriculum Development	16	1		1	1	1	1	1	
		Deputy Director-Policy and Research	16	1		1	1	1	1	1	
		Regional Assistant Director-HRM	14	2		2	2	2	2	4	4
		Principal ICT Officer	13	1		1	1	1	1	3	3
		Senior Executive Secretary	13	1		1	1	1	1	2	2
		CHIEF LEGAL OFFICER	12	3		3	3	3	3	3	3

Senior Accountant	11	2			2	2	2	4	4
Senior Archives Assistant	11	1			1	1	1	3	3
Senior Personal Secretary	11	2			2	2	5	5	5
Senior Risk & Internal Systems Auditor	11	1			1	1	3	3	3
ACCOUNTANT 1	10	1			1	1	3	3	3
Chief Library Assistant	10	1			1	1	4	4	4
HRM Officer 1	10	1			1	1	2	2	2
Personal Secretary 1	10	3			3	3	4	4	4
Procurement Officer 1	10	3			3	3	4	4	4
Supplies Officer 1	10	1			1	1	2	2	2
Accounts Assistant 1	9	1			1	1	2	2	2
HRM Assistant II	9	1			1	1	3	3	3
HRM Officer 2	9	1			1	1	2	2	2
Senior Clerical Officer	8	2			2	2	4	4	4
Senior Store Keeper	8	1			1	1	2	2	2
Cleaning Supervisor 1	7	1			1	1	2	2	2
Higher Clerical Officer	7	1			1	1	1	1	1
Clerical Officer	6	1			1	1	1	1	1
Clerical Officer 2	6	10			10	10	10	10	10
Computer Operations Assistant 2	6	1			1	1	2	2	2
Personal Secretary 1	6	2			2	2	2	2	2
Driver 2	5	2			2	2	4	4	4
Support Staff Supervisor	5	4			4	4	4	4	4
Driver 3	4	1			1	1	2	2	2
Support Staff 2	2	2			2	2	2	2	2
<b>TOTALS</b>		<b>64</b>			<b>64</b>	<b>64</b>	<b>64</b>	<b>99</b>	<b>99</b>