



JUDICIAL SERVICE COMMISSION



Republic of Kenya

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JUDICIAL SERVICE COMMISSION SUB SECTOR REPORT

for the year
2018 / 19 - 2020 / 21

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EXECUTIVE SUMMARY

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The 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; Bail & Bond, HR Manual, Finance Manual, Performance Measurement, Management and Understanding Guidelines, Disability, Sexual Offences, and Sentencing policies. 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 on Complaints against Judicial Officers.

The Judiciary Training Institute (JTI) coordinated successful Annual Judges Colloquium and the Magistrates and Kadhis' Colloquiums. The colloquiums 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, anticorruption, refugee law, 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 registry staff, drivers on defensive driving and

other staff in 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 FY2016/17 ended with a series of trainings on Election Dispute Resolution (EDR), in readiness of hearing and determining election disputes after the 2017 general elections.

During the FY2016/17, The Commission advertised and competitively recruited the Chief Justice, the Deputy Chief Justice, 29 Judges, 30 judicial officers and 297 judiciary staff. In addition 130 magistrates, 38 Kadhis and 294 judicial staff were promoted to enhance staff motivation for better service delivery. To promote accountability, the Commission investigated, heard and concluded over 70% of public complaints against Judges and another 62% of disciplinary cases against judiciary staff.

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 2018/19 – 2020/21 which are guided by its Strategic Plan and the framework on Sustaining Judiciary Transformation.

CHAPTER 1

1.0 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** appointment of the Chief Justice, Deputy Chief Justice and the Judges.
- **National Treasury** administers the Judges remuneration
- Cross check with Judiciary report – KENAO, OAG, COB,
- **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 2

2. PROGRAMME PERFORMANCE REVIEW 2014/2015-2016/2017

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.

FY 2016/2017:

a) Recruitment

The Commission advertised and competitively recruited the Chief Justice, the Deputy Chief Justice, 29 Judges, 30 judicial officers and 297 judiciary staff.

b) Promotions

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. During the year under review the Commission considered the cases of promotion of both Judicial Officers and Staff. 130 magistrates, 38 Kadhis and 294 judicial staff were promoted.

c) Resolution of Disciplinary cases

Decisions on 59 disciplinary cases were made and communicated to the affected staff.

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.

It is in light of the above provisions of the Constitution the Commission received 50 complaints against Judges and 58 complaints against Magistrates and they were forwarded to the Judiciary Ombudsperson for processing as per the Commission's resolution.

e) Training

The Judiciary Training Institute coordinated successful Annual Judges Colloquium and the Magistrates and Kadhis Colloquiums. The colloquiums 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 included 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. The year ended with a series of trainings on Election Dispute Resolution, which are aimed at ensuring that the Judiciary is ready to hear and determine election disputes post August, 2017.

JTI also co-hosted other trainings for Judiciary staff including registry staff, drivers on defensive driving and other staff in 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.

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 in the year and are at various completion stages. These 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.

2.1.2. Financial Year 2015 / 2016

a) Recruitment

The Commission advertised for 20 posts of Environment and Land Court Judges and 15 High court Judges. The Commission received 134 applications, interviewed 70 shortlisted candidates for the positions. With the recruitment the number of judges will increase from 134 to 169. This represents a 26% increase. The Commission further appointed 5 Chief Magistrate and 26 Senior Resident Magistrates; to address the shortage of judicial officers in the Judiciary. Further the Commission appointed 916 clerical officers to address shortages at courts. Interviews for clerical officers were conducted at the region to ensure regional representation in the appointment.

To enhance the capacity of the Judiciary Training Institute, the Commission approved the JTI establishment and organizational structure. The commission advertised top management positions and the selection process will be concluded in the 2016/2017 financial year.

b) Promotions

During the FY2015 /16 the Commission conducted suitability interviews and promoted 775 judicial staff who had met the requirements of the schemes of service. The

Commission further approved the promotion of 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 financial year under review the Commission processed over 40 cases of discipline, and appeals.

d) Management of Complaints

The Commission successfully processed 65 complaints/petitions lodged against judges. In one of the Petitions the Commission sent the petition to the President recommending appointment of a tribunal under Article 168(4) to further investigate the Judge this represented 60% Clearance rate of the complaints.

e) Training

Enhanced staff knowledge, skills, competence and attitude in achieving the mandate of expeditious delivery of Justice: JTI conducted trainings and workshops that brought together 133 judges; this constitutes 99% of the total. 247 Judicial officers participated at the 5 Continuous Judicial Education (CJE) workshops organized during the year. Alongside the CJE's JTI conducted 24 trainings where 229 judicial officers (Magistrates and Kadhis) participated. Further, 699 judicial staff were trained in areas identified as critical to service-delivery.

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.

f) Research and Policy

Policies and procedures – During the financial year under review, the Commission issued several policy directives for smooth administration and management as follows:-

- Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- 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.

- 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.
- 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.
- Disability Mainstreaming Policy – In line with the requirements of the Constitution and other statutory obligations, the Commission approved the Judiciary Disability Mainstreaming Policy.
- 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.
- 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.
- The Commission too developed the Judicial Conduct Bill 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.

Other achievement 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. Successfully carried out 34 court visits to various parts of the country: During the visits the Commission had meetings with Court Users Committees, met with 11 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. The Commission in the last financial year 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. This is aimed at sharing information with members of the public. The Commission has initiated a social media page. Facebook: JudicialServiceCommissionKenya@judicialkenya.

2.1.3 Financial Year 2014/2015:

a) Recruitment

During the year under review, 14 judges were appointed by the President, 15 staff recruited, 4 persons appointed as members of tribunals.

b) Promotion

During the year under review, 117 Magistrates were promoted, and 484 staff were promoted.

c) Resolution of Disciplinary Cases

15 new disciplinary cases and 32 appeals were received by the Commission during the year, 29 were heard and concluded.

d) Management of Complaints

The Commission received 29 new public complaints against judges 14 of which were concluded. Further the Commission developed a complaints manual to provide a clear channel for lodging and management of complaints against Judges and other judicial officers.

e) Training

JTI facilitated training for 133 Judges constituting 99% of the total. 213 judicial officers were trained this being 71% of the total, further 14% (775) of judiciary staff benefited from trainings during the year.

To improve jurisprudence 7 course contents and pedagogies were developed around the JTI thematic areas to improve the Continuing education and training programme in 2014/2015. These included; Gender Based Violence (GBV); Children & the Law; Transformation Phase II-Re-induction; Devolution Jurisprudence; Training of Trainers;

Leadership & Management. 3 policies namely: Disability, Sentencing and Sexual Harassment were developed for implementation. The Institutes during the year coordinated 6 judicial exchanges to Rwanda, Burundi, South Korea, Germany, UK and South Africa achieving 60% of the planned target

f) Research and Policy

Further, the Commission reviewed and approved for implementation the Human Resource manual and the staff mapping report. The Finance manual was also reviewed and approved for implementation to ensure prudent utilization of funds allocated to the Judiciary and the Commission. The Commission also during the year reviewed and approved the bail and bond policy and the performance measurement, management and understanding guidelines for implementation to improve efficiency in service delivery.

Other achievements in the period included:

The Commission conducted court visits to 18 court stations with a view of identifying areas that require streamlining in administration of Justice, case management and identifying best practices that can be replicated across all court stations. In addition, the Commission identified best practices from USA and Germany that are expected to contribute to improving efficiency and effectiveness in Administration of justice once domesticated and implemented.

To increase public awareness the Commission held a consultative meeting with the Departmental Committee on Justice and Legal Affairs of the National Assembly, hosted the JSC Uganda, held meetings with the county governors of Machakos, Kitui, Makueni ,Kajiado , Bomet , Kericho and Baringo Counties to support the establishment and expansion of courts. A website was developed to enhance the sharing of information between the Commission and stakeholders.

Table 2.1 below provides detailed performance review of the Commission and JTI during the years by sub-programme.

Table 2.1: Sub-Sector Programme Performance

Programme	Key Output	Key Performance Indicators	Planned Target				Achieved Targets			Remarks
			2014/2015	2015/16	2016/2017	2014/15	2015/16	2016/17		
Sub programme										
Administratio n and Judicial Services	Best practices mainstreame d in Judiciary operations to improve efficiency	No of policies developed/rev iewed.	6	6	4	6	5	4		The polies FY2016/17 include: guidelines for promotion, criteria for appointment of DR Deployed to serve in superior courts, professionalization of court interpretation function, Conversion of Judiciary superannuation scheme to Defined contribution, Disability mainstreaming policy
	Enhanced Capacity and	No of Judges recruited.	0	0	31	0	0	31		Chief Justice. Deputy Chief Justice, Supreme Court Judge and 28 Superior court Judges

Programme	Key Output	Key Performance Indicators	Planned Target				Achieved Targets			Remarks
			2014/2015	2015/16	2016/2017	2014/15	2015/16	2016/17		
performance of the Judiciary in administrative n of justice	No of Judicial officers recruited.	0	52	50	0	52	0	0		
	No of judicial staff recruited.	15	936	400	15	936	327	327	Secretaries=132 ICT=36 Archivists=70 Clerical staff = 71 Auditors=18	
	No of Judicial officers/staff promoted.	1762	775	500	772	775	462	462	Magistrates = 130 Kadhis = 38 Judicial staff = 294	
Enhanced Transparency, Independence &	%age of complaints heard and concluded.	100%	100%	100%	50%	65%	70%	70%		

Programme	Key Output	Key Performance Indicators	Planned Target					Achieved Targets			Remarks
			2014/2015	2015/16	2016/2017	2014/15	2015/16	2016/17			
	Accountability of Justice	Percentage of staff disciplinary cases concluded	100%	100%	100%	50%	55%	62%			
			Increased public awareness of the commission and functions	3	5	5	5	5	4	LSK, Editors, NA and KMJA, Governors	
				No of Public outreaches	1	2	2	1	2	2	Radio talk shows
Judicial Training	Enhanced capacity of Judges, Trained	%age of Judges Trained	No of IEC materials published.	4	5	5	1	5	5	JSC Newsletter, JSC facts and figures 3 benchmarking reports	
				100%	100%	100%	99%	99%	99%	Total number = 7SCJ, 25 COAJ and 130 HCJ totals 162 Judges	

Programme	Key Output	Key Performance Indicators	Planned Target				Achieved Targets			Remarks
			2014/2015	2015/16	2016/2017	2014/15	2015/16	2016/17		
	Judicial Officers and staff	% age of Judicial Officers Trained	100%	100%	100%	98%	98%	98%	Total number of magistrates = 425 and 56 Kadhis	
		% age of staff Trained	100%	100%	100%	31%	14%	25%	Total number of staff ≈ 5000 staff .	

2.2 Analysis of Expenditure Trends

2.2.1 Analysis of programme expenditure.

In the 2016/17 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was Kshs 450 million. The Commission utilized 96% of the approved estimates. This was an improvement from the previous year's 88% in FY 2014/15 and 85% in FY 2015/16 as illustrated in the figure 1.

Figure 1:

Approved Estimate Vs Actual expenditure

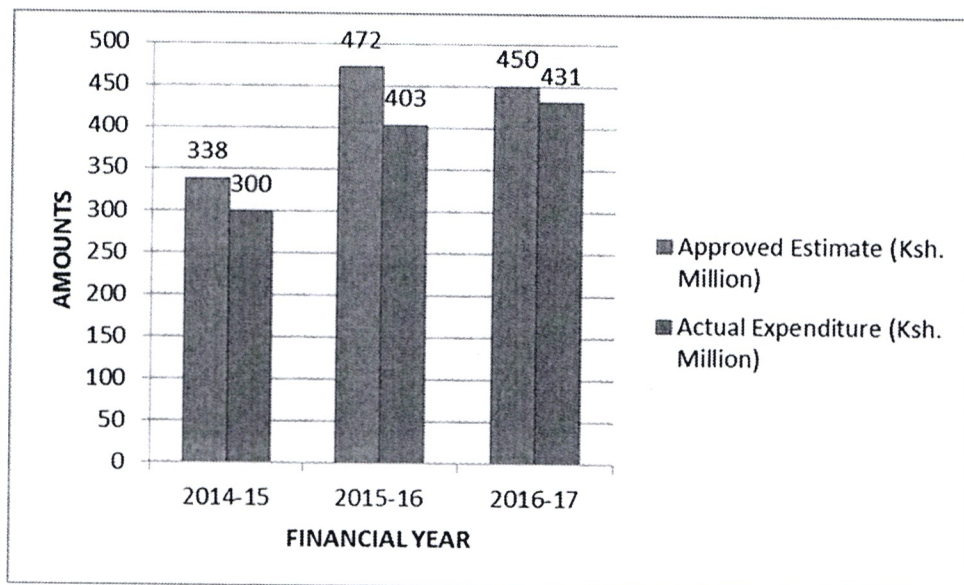


Table 2.2: Analysis of Recurrent Expenditure by Sector and vote

ANALYSIS OF RECURRENT EXPENDITURE BY SECTOR AND VOTE							
Sector Name: Governance, Justice Law and Order Sector.							
Vote and Vote Details	Economic Classificati on	APPROVED BUDGET ALLOCATION			ACTUAL EXPENDITURE		
		2014/1 5	2015/16	2016/17	2014/15	2015/16	2016/1 7
2051: Judicial Service Commission	Gross	338	472	450	300	403	431
	AIA	-	-	-	-	-	-
	NET	338	472	450	300	403	431
	Compensati on to Employees	5	5	5	0	0	2
	Transfers	-	-	-	-	-	-
	Other Recurrent	333	467	445	300	403	429

Table 2.3: Analysis of Development Expenditure by Sector and vote
The commission did not have a development vote.

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

ANALYSIS OF PROGRAMME EXPENDITURE (AMOUNT IN KSH MILLION)						
	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
PROGRAMME 1: General Administration, Planning and Support Services						
Sub-Programme 1: Administration and Judicial Services	182	258	246	151	238	237
Sub-Programme 2: Judicial Training	156	214	204	149	165	194
TOTAL PROGRAMME.....	338	472	450	300	403	431

2.2.2 Analysis of Programme expenditure by Economic Classification

Table 2.5: Programme Expenditure by Economic Classification

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
Economic Classification						
PROGRAMME 1:						
Current Expenditure						
Compensation of employees	5	5	5	0	0	2
Use of Goods and Services	333	467	445	300	403	429
Grants and Other Transfers						
Other Recurrent						
Capital Expenditure						
Acquisition of Non-Financial Assets	-	-	-	-	-	-
Capital Grants to Government Agencies	-	-	-	-	-	-
Other Development	-	-	-	-	-	-
TOTAL PROGRAMME.....	338	472	450	300	403	431
TOTAL VOTE.....	338	472	450	300	403	431

2.3 Review of Pending Bills

In the Financial Year 2014/15 the commission had pending bills totaling to Ksh. 22M which reduced to Ksh. 7M in the FY2015/16. In the year 2016/17 the commission had a total of Kshs. 12 Million pending bills due to lack of exchequer. This represents 2.8% of the total expenditure during the same year. These bills will form the first charge in the FY2017/18 budget.

Type/Nature	Due to lack of exchequer			Due to lack of provision		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
Recurrent	-	-	-	-	-	-
Compensation of employees	-	-	-	-	-	-
Use of goods and services	22	7	12	-	-	-
Social benefits	-	-	-	-	-	-
Other expense	-	-	-	-	-	-
Development	-	-	-	-	-	-
Acquisition of non -financial assets	-	-	-	-	-	-
Use of goods and services	-	-	-	-	-	-
others specify	-	-	-	-	-	-
Total Pending Bills	22	7	12	-	-	-

CHAPTER 3

3. MEDIUM TERM PRIORITIES AND FINANCIAL PLAN 2018/19 – 2020/21

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 and oversight of Judicial 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 2016/2017	Actual Achievements 2016/17	Baseline 2017/2018	Target 2018/2019	Target 2019/2020	Target 2020/2021
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.									
Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/Developed	5(ADR Policy, ICT Policy, Training Policy, Communication Strategy, Integrity policy)	4	4 (Transition of tribunals and the bill, Framework for review of staff remuneration and benefits, Promotion policy and Mediation policy)	5	5	6
		Attract and retain Qualified Productive Human Capital	No of Judges Recruited	35	31	10	10	10	10
			No of Judicial Officers	50	30	0	100	100	100

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/2018	Target 2018/2019	Target 2019/2020	Target 2020/2021
			Recruited						
			No of Judiciary Staff Recruited	400	327	200	200	200	200
			No of Judicial Officers/staff promoted	500	462(130 Magistrates,38 Kadhis and 294 judicial staff)	328	500	1250	350
		Enhanced Transparency, Independence and accountability of Justice	% of complaints heard and concluded	100%	70%	100%	100%	100%	100%
			% of disciplinary cases concluded	100%	62%	100%	100%	100%	100%
			Production of Annual Report	1	1	1	1	1	1

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/ 2018	Target 2018/ 2019	Target 2019/ 2020	Target 2020/ 2021
		Improved stakeholder engagement, visibility and image of the commission	No of stakeholder forums held	5	4	4	5	4	4
			No of IEC materials developed and disseminated	6	6	4	4	4	4
Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	99%	100%	100%	100%	100%
			Percentage of Magistrates trained	100%	98%	100%	100%	100%	100%
			No. of staff trained	346	1551	1600	1700	1800	2000

Program me	Delivery unit	Key outputs	Key performance Indicator	Target 2016/2017	Actual Achievements 2016/17	Baseline 2017/ 2018	Target 2018/ 2019	Target 2019/ 2020	Target 2020/ 2021
		Policy documents reviewed and approved.	No. of policies	3	Draft rules and guidelines on ADR, Justice Needs Survey, Training Needs Survey, Court Administrators Handbook, Kadhi's Court handbook and Manual on complaints against Jos	6(Mediation, Training Policy, Administrators Handbook, Judicial Code of Conduct, Court Administration Policy, Procurement Policy and Procedure manual.)	6	6	6

3.2.1. Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Requirements and Allocations as per the Formats Below.

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (AMOUNT KSH MILLIONS)												
	2017/18			2018/19			2019/20			2020/21		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme: General administration, Planning and support services.												
Sub Programme 1: Administration and Judicial Services	280	-	280	413	-	413	454	-	454	499	-	499
Sub Programme 2: Judicial Training	210	-	210	478	-	478	526	-	526	578	-	578
Total Programme	490	-	490	891	-	891	980	-	980	1077	-	1077
Total Vote	490	-	490	891	-	891	980	-	980	1077	-	1077

Table 3.5. Programme/Sub-Programme Resource Allocation

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE ALLOCATION (AMOUNT KSH MILLIONS)												
	2017/18			2018/19			2019/20			2020/21		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme: General administration, Planning and support services.												
Sub Programme 1: Administration and Judicial Services	280	-	280	262		262.6	286.41		286.41	292.02		292.02
Sub Programme 2: Judicial Training	210	-	210	202		252.6	247.28		247.28	252.13		252.13
Total Programme	490	-	490	464		545.2	533.69		533.69	544.15		544.15
Total Vote	490	-	490	464		545.2	533.69		533.69	544.15		544.15

3.2.2 Programmes and sub-Programmes by economic classification

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

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION	REQUIREMENT			ALLOCATION		
	2018/19	2019/20	2020/21	2018/19	2019/20	2020/21
Economic Classification						
Programme:						
Current Expenditure						
Compensation to Employees	6	6	6	5.2	5.46	5.73
Use of goods and services	785	974	1,071	458.8	528.23	538.42
Grants and other transfers	-	-	-			
Other Recurrent	-	-	-			
Capital Expenditure						
Acquisition of Non Financial Assets	-	-	-			
Capital Grants to governments Agencies	-	-	-			
Other Developments	-	-	-			
Total Programme	891	980	1,072	464	533.69	544.15
Total Vote	891	980	1,072	464	533.69	544.15

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

The Commission Does not have a semi-Autonomous Government Agency

CHAPTER 4

4.0 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 in the Judiciary – To date 18 tribunals have transitioned to the Judiciary and 3 are in the process. This was done in an adhoc manner and without the legal framework to ensure seamless transition.

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 – on case backlog.....

4.3 Challenges

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.

CHAPTER 5

5.1 CONCLUSION

The Constitution of Kenya and Vision 2030 envisages a stable democratic society that is based on the rule of law among other principles. 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.

CHAPTER 6

6.0 RECOMMENDATION

The Commission will continue to deliver its mandate as envisaged in the Constitution, various laws and National Policy Documents especially the Vision 2030 and the Second Medium Term Plan. In so doing, all the operations of the Commission will be guided by its 2015 – 2020 Strategic Plan and the SJT.

In order to deliver on the mandate, the Commission will definitely require additional funding. In particular, more resources will be needed to allow the Commission to recruit additional staff to enhance delivery of justice in the Judiciary and strengthen its capacity to deliver its mandate. Further the Commission will require extra financial resources to allow it secure/procure Office premises so as to lower the high expenditure on rents thereby releasing them for the delivery of key activities for promoting efficient administration of justice. While appreciating the critical partnerships it has with development partners, the Judicial Service Commission will engage the National Assembly for additional funding to meet its resource requirements.

The Commission will develop and propose a robust sector wide legal framework for transition of Tribunals in the Judiciary in line with the best practices observed during judicial exchanges with other progressive Judiciaries.

Judicial Service Commission 2018/19 itemised Budget Proposal						
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year
Code	Code Particular	Kshs	Kshs	Kshs	Kshs	Kshs
	Personell Emoluments	650,000.00	650,000.00	650,000.00	650,000.00	2,600,000
2210201	Telephone Telex, Facsimile and Mobile Services	810,000.00	810,000.00	810,000.00	810,000.00	3,240,000
2210202	Internet connection	540,000.00	540,000.00	540,000.00	540,000.00	2,160,000
2210203	Courier and postal	100,000.00	100,000.00	100,000.00	100,000.00	400,000
2210301	Travel costs	801,175.00	801,175.00	801,175.00	801,175.00	3,204,700
2210302	Accommodation-Domestic	3,607,050.00	3,607,050.00	3,607,050.00	3,607,050.00	14,428,200
2210303	Daily subsistence allowance	2,403,525.00	2,403,525.00	2,403,525.00	2,403,525.00	9,614,100
2210401	Travel costs	1,757,551.75	1,757,551.75	1,757,551.75	1,757,551.75	7,030,207
2210402	Accommodation-Domestic	3,929,252.75	3,929,252.75	3,929,252.75	3,929,252.75	15,717,011
2210403	Daily subsistence allowance	1,171,701.00	1,171,701.00	1,171,701.00	1,171,701.00	4,686,804
2210502	Publishing and Printing Services	500,000.00	1,000,000.00	500,000.00	500,000.00	2,500,000
2210503	Subscriptions to Newspapers, Magazines and Periodicals	100,800.00	100,800.00	100,800.00	100,800.00	403,200
2210504	Advertising, Awareness and Publicity campaigns	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	8,000,000
2210603	Rent and Rates-Non Residential	1,980,000.00	1,980,000.00	1,980,000.00	1,980,000.00	7,920,000
2210701	Travel Allowance	933,500.00	933,500.00	933,500.00	933,500.00	3,734,000
2210710	Accommodation allowance	2,500,000.00	2,500,000.00	2,500,000.00	2,500,000.00	10,000,000
2210711	Tuition fees	1,475,000.00	1,475,000.00	1,475,000.00	1,475,000.00	5,900,000
2210801	Catering Services	3,000,000.00	3,000,000.00	3,000,000.00	3,000,000.00	11,231,778
2210802	Boards and conferences and committees	4,000,000.00	3,000,000.00	4,000,000.00	2,000,000.00	13,000,000
2210809	Board Allowances	15,000,000.00	14,000,000.00	15,000,000.00	12,000,000.00	56,000,000
2211101	General office supplies(writing materials & small office eqpt	500,000.00	500,000.00	800,000.00	200,000.00	2,000,000
2211102	Supplies and accessories for computers and printers	200,000.00	800,000.00	-	-	1,000,000
2211103	Sanitary and cleaning materials, supplies and services	50,000.00	50,000.00	50,000.00	50,000.00	200,000
2211201	Refined fuels lubricants for transport	640,000.00	640,000.00	640,000.00	640,000.00	2,560,000
2211310	Contracted professional services	11,250,000.00	10,250,000.00	10,250,000.00	10,250,000.00	42,000,000
2211318	Witness Expenses	150,000.00	100,000.00	150,000.00	100,000.00	500,000
2220101	Maintenance expenses- motor vehicles	250,000.00	250,000.00	250,000.00	250,000.00	1,000,000
2220202	Maintenance of furniture and office Equipment	120,000.00	120,000.00	120,000.00	120,000.00	480,000
3111112	Purchase of Software	4,500,000.00				4,500,000
2220205	partitioning	4,500,000.00				4,500,000
2220205	Maintenance of building non-residential	60,000.00	60,000.00	60,000.00	60,000.00	240,000
2710102	Gratuity - Civil Servants			4,650,000.00		4,650,000
3111001	Purchase of office equipmenta	3,000,000.00				3,000,000
2220210	Maintenance of computers, software & comm. Equipment	200,000.00	200,000.00	200,000.00	200,000.00	800,000
2210606	Hire of Equipment, Plant and Machinery	200,000.00	200,000.00	200,000.00	200,000.00	800,000
2630101	Purchase of motor vehicles		11,000,000.00			11,000,000
		72,879,555.50	69,929,555.50	64,629,555.50	54,329,555.50	261,000,000.00

JUDICIARY TRAINING INSTITUTE ITEMISED BUDGET FY2018/19

2210102	Water & Sewerage charges	-	-	-	-	-
2210201	Telephone, telex, facsimile, and mobile phones	40,000	47,500	40,000	40,000	167,500
2210202	Internet connections	197,650	197,650	197,650	197,650	790,600
2210203	Courier and postal	45,000	45,000	45,000	45,000	180,000
2210301	Travel costs	-	-	(1,951,600.00)	-	1,951,600
2210302	Accommodation-Domestic	-	-	(5,744,250.00)	-	5,744,250
2210303	Daily subsistence allowance	-	-	(1,529,750.00)	-	1,529,750
2210401	Travel costs	-	-	526,976	-	526,976
2210402	Accommodation-Foreign	-	-	3,405,168	-	3,405,168
2210403	Daily subsistence allowance	-	-	1,135,056	-	1,135,056
2210502	Publishing and Printing	-	750,000	750,000	-	1,500,000
2210503	Subscptn N/papers	81,000	81,000	81,000	81,000	324,000
2210504	Advertising, awareness and publicity campaigns	-	500,000	500,000	-	1,000,000
2210603	Rent and rates - Non-residential	-	-	-	-	-
2210701	Travel allowance	-	-	-	-	-
2210703	production and printing of training materials	-	-	-	-	-
2210704	Hire of training facilities and equipment	-	-	(13,022,000.00)	-	13,022,000
2210708	Trainer allowance	-	-	-	-	-
2210710	Accommodation allowance	-	3,575,717.00	188,500.00	-	29,431,217
2210801	Catering Services	200,000	200,000	200,000	200,000	800,000
2210802	Boards Committees, conferences and seminars	-	-	875,000	-	875,000
2210809	Board allowances	600,000	600,000	600,000	600,000	2,400,000
2211009	Education and library Services	-	250,000	250,000	-	500,000
2210011	Purchase/production of photographic and audio visual materials	25,000	25,000	25,000	25,000	100,000
2211101	General office supplies(writing materials & small office eqpt	500,000	1,500,000	1,500,000	500,000	4,000,000
2211102	Supplies and accessories for computers and printers	250,000	500,000	500,000	250,000	1,500,000
2211103	Sanitary and cleaning materials, supplies and services	75,000	75,000	75,000	75,000	300,000
2211201	Refined fuels lubricants for transport	187,500	187,500	187,500	187,500	750,000
2211204	Other Fuels (Wood, charcoal,cooki	12,000	12,000	12,000	12,000	48,000
2211305	Contracted guards and cleaning services	300,000	300,000	300,000	300,000	1,200,000
2211306	Membership fees dues and subscriptions to professional and trade bodies	200,000	200,000	200,000	200,000	800,000
2211310	Contracted professional services	250,000	250,000	250,000	250,000	1,000,000
2220101	Maintenance expenses- motor vehicles	250,000	250,000	250,000	250,000	1,000,000
2220202	Maintenance of furniture and office Equipment	50,000	200,000	200,000	50,000	500,000
2220205	Maintenance of building non-residential	68,750	68,750	68,750	68,750	275,000
2220210	Maintenance of computers, software & comm. Equipment	100,000	150,000	150,000	75,000	475,000
3111001	Purchase of office furniture and equipment	400,000	1,000,000	1,000,000	-	2,400,000.00
3111002	Purchas of computers, printers and other IT equipment	600,000	600,000	-	-	1,200,000.00
	TOTAL					34,585,917
	JTI - GROSS Ceiling					203,248,100.00
	JSC - GROSS Ceiling					464,248,100.00