



**KENYA:  
JUDICIARY SUPPORT PROGRAMME**

**IDLO QUARTERLY REPORT**

**Country**

Kenya

**Programme Duration**

1 January 2021 – 31 December 2023

**Donor**

Government of the Netherlands

**Programme Reference Number**

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**Programme Value**

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*The International Development Law Organization (IDLO) is pleased to submit this narrative Quarterly Report to the Embassy of the Kingdom of the Netherlands in Nairobi, Kenya (the Embassy) as a courtesy accompaniment to required IATI reporting in accordance with the Arrangement for the Programme "Judiciary Support Programme" as signed by the Minister for Foreign Trade and Development Cooperation of the Netherlands and IDLO on 30 November 2020.*

## LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CAM	Court Annexed Mediation
CMCC	Chief Magistrates Commercial Court
CTS	Case Tracking System
CUC	Court Users Committee
DPAC	Directorate of Public Affairs and Communications
DPOP	Department of Planning and Organizational Performance
EKN	Embassy of the Kingdom of Netherlands
FY	Financial Year
ICT	Information, Communication, and Technology
IPOA	Independent Policing Oversight Authority
IDLO	International Development Law Organization
JAMS	Judiciary Advocates Management System
JSC	Judicial Service Commission
JSP	Judiciary Support Programme
JSR	Justice Sector Reforms
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KJA	Kenya Judiciary Academy
KPS	Kenya Prison Service
KSG	Kenya School of Government
LSK	Law Society of Kenya
MERL	Monitoring, Evaluation, Research and Learning
NCAJ	National Council on Administration of Justice
NGEC	National Gender Equality Commission
NPS	National Police Service
ODPP	Office of the Director of Public Prosecutions
PMMU	Performance Management and Measurement Understandings
SCC	Small Claims Court
SGBV	Sexual and Gender-Based Violence Court
SOJAR	State of the Judiciary and Administration of Justice Report
STAJ	Social Transformation through Access to Justice

## I. EXECUTIVE SUMMARY

The International Development Law Organization (IDLO) has been implementing the Judiciary Support Programme (JSP) with funding from the Embassy of the Kingdom of the Netherlands (EKN) since 2021. The JSP aims to enhance access to justice through increased responsiveness of the Judiciary to the needs of justice seekers in Kenya. The programme focuses on the promotion of court-annexed mediation (CAM) to reduce case backlog, the promotion of alternative dispute resolution (ADR) to establish the linkages between formal and informal justice systems, the advancement of the rights of women and children, and the creation of an enabling environment, through increased communication and collaboration between the Judiciary and key stakeholders.

IDLO's partnership with the EKN in this programme has led to significant advancements in fortifying access to justice in Kenya, as outlined in this Report, and has been instrumental in realizing outcomes that contribute to the outcomes set forth.

- **Under Outcome 1 - Enhanced capacity of the Judiciary to deliver fair, effective, and representative justice outcomes:** Initiatives under this Outcome have contributed to enhanced efficiency in dispute resolution and reduction of case backlog. These include the monitoring of CAM to ensure continued delivery of quality services, and induction of the newly appointed Small Claims Courts (SCC) adjudicators on SCC legislative frameworks for seamless court operations. While no new CAM stations were replicated in this reporting period, IDLO already surpassed the cumulative annual target of CAM roll-out to three (3) court stations by October 2023. These previously rolled-out CAM stations continued to operate successfully. From October to December 2023, 251 cases were referred to mediation, of which 124 were concluded, resulting in a conclusion rate of 44.94%. The cases settled through mediation had a total value of KES 15.3 billion.<sup>1</sup>
- **Under Outcome 2 – Enhanced capacity of the Judiciary to respond to the specific justice needs of women, youth, and children:** Efforts under this Outcome led to capacity improvements for judicial officers from the Family Division of the High Court Bar Bench Committee and Kadhis Courts, respectively. Two (2) workshops supported under the programme provided platforms for stakeholders of the Family and Kadhis courts to discuss emerging issues affecting access to justice for women and children and make recommendations that shape policy decisions to strengthen access to justice for women and children.
- **Under Outcome 3 - Enhanced capacity of the Judiciary to monitor and communicate results and pathways to justice:** IDLO has contributed to improving public confidence in judicial services through the development and implementation of innovative communication and performance monitoring tools to communicate justice pathways to court users. The Judiciary Communication Strategy developed under the programme was validated by stakeholders to strengthen access to information and collaboration amongst the Judiciary, the media practitioners, and members of the public, which is a key enabler of public confidence in the Judiciary's service delivery.
- **Under Outcome 4 - Enhanced capacity of the Judiciary to deliver representative justice outcomes through a multi-door approach to access to justice:** Efforts under this Outcome have reduced case backlog through the establishment of SCCs in three (3) court stations, namely Embu, Makindu, and Malindi. This brings the total number of SCCs rolled out with the programme's support to 10, which satisfies the cumulative programme target of 10 courts. In this reporting period, a total of 9,175 cases that would have otherwise been added to the existing case backlog at the Magistrates Courts were filed in the SCC, with 3,029 cases valued at KES 2.5 billion heard and determined.<sup>2</sup> The expeditious disposal of cases by the SCCs relieves

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<sup>1</sup> Data from the CAM Secretariat drawn from internal tracking, released on 5 January 2024.

<sup>2</sup> Data from the SCC drawn from internal tracking of the SCC progress, released on 30 December 2023.

the Magistrates Courts to focus on higher-value commercial cases, thus contributing to the reduction of case backlog and expanding affordable, accessible, and timely avenues for commercial justice. These successes are captured in the 2022/2023<sup>3</sup> State of the Judiciary and Administration of Justice Report (SOJAR).

- **Under Outcome 5 - Enhanced capacity of the Judiciary to employ a social transformation approach to respond to the specific needs of women, and children:** Efforts under this Outcome have strengthened the social transformation approaches to respond to the specific needs of women and children, as championed by the Judiciary under the Social Transformation through Access to Justice (STAJ) Blueprint.<sup>4</sup> During the Children's Service Month supported under the programme, 1,476 children's cases were presented for hearing and determination, out of which 831 cases were determined resulting in a conclusion rate of 56%.<sup>5</sup> The capacity of the Sexual and Gender-Based Violence (SGBV) Courts was strengthened through training on a victim-centred approach to justice, structured engagements for information exchange, experience-sharing, and cross-learning. Furthermore, the developed SGBV Court Practice Direction, Training Manual, Monitoring, Evaluation, Research, and Learning (MERL) Plan, and Service Charter for SGBV Courts have streamlined SGBV court operations.

## II. PROGRAMME GOAL

Access to Justice is enhanced through increased responsiveness of the Judiciary to the needs of justice seekers in Kenya.

## III. RESOURCES

The total programme budget is EUR 1,974,600. At the end of the reporting period, total expenditures amount to EUR 1,917,792.

## IV. PROGRESS AGAINST PROGRAMME OUTCOMES AND OUTPUTS

### **OUTCOME 1: ENHANCED CAPACITY OF THE JUDICIARY TO DELIVER FAIR, EFFECTIVE, AND REPRESENTATIVE JUSTICE OUTCOMES**

Outcome 1 aimed at enhancing the capacity of the Judiciary to deliver fair, effective, and representative justice outcomes through a multifaceted approach. This approach included expanding the avenues for access to justice and advancing the use of ADR mechanisms. The overall goal was to make the justice system more efficient, accessible, and responsive to the needs of justice seekers.

During the reporting period, the induction of the newly appointed SCC adjudicators on SCC legislative frameworks and procedures for enhanced seamless court operations contributed to strengthening service delivery at the SCC. Additionally, the stakeholders' dialogue with the Magistrates Courts supported by the programme boosted the uptake of CAM, thereby strengthening the use of mediation for dispute resolution. The institutionalization of ADR mechanisms represents a significant leap towards embracing alternative methods of dispute resolution, which not only alleviates the burden on formal court processes but also offers more amicable and equitable means of resolving conflicts.

<sup>3</sup> 2022/2023 SOJAR [https://judiciary.go.ke/sojar-2022-2023-2/#dearflip-df\\_31698/1/](https://judiciary.go.ke/sojar-2022-2023-2/#dearflip-df_31698/1/)

<sup>4</sup> STAJ <https://www.judiciary.go.ke/download/chief-justice-martha-koomes-vision-for-the-judiciary-social-transformation-through-access-to-justice-staj/>

<sup>5</sup> Data from the various court stations where the Children's Service Month were held.

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## **Output 1.1: Legal and institutional framework developed under the Justice Sector Reforms (JSR) Programme operationalized to enhance access to formal and informal justice mechanisms**

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The Output 1.1 activity described below contributed to the implementation of legal and institutional frameworks that enhance access to justice. The induction of the SCC adjudicators strengthened their capacity to interpret the SCC legal framework, regulations, and procedures that standardize court practices and make the SCCs function optimally. The resulting efficient and timely resolution of cases in the SCC demonstrated in the 2022/2023 SOJAR is attributable to this enhanced capacity of the adjudicators.

**Induction of Small Claims Courts Adjudicators in Naivasha:** From 8 to 14 October 2023, IDLO supported the SCC Secretariat to hold an induction for 69 (F: 43; M: 26) newly appointed adjudicators for the SCC. The induction aimed to familiarize the adjudicators with SCC procedures, the judicial code of ethics and conduct, active case management, and the jurisdiction of the Magistrates Court. The adjudicators were taken through the legislative framework of the SCC, including the SCC Act and Rules, the bail and bond policy, plea taking, and recording of proceedings and judgment writing. In attendance, Chief Justice Martha Koome expressed commitment to transforming the Magistrates Courts and SCCs into beacons of service excellence, aligned with the STAJ Blueprint. The Chief Justice urged the adjudicators to prioritize case backlog reduction, minimizing delays, and adherence to the "no adjournment" policy in the hearing and determination of cases, to enhance access to justice.

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## **Output 1.2: Court annexed mediation processes operationalized and replicated to reduce case backlog**

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The follow-up on activities under Output 1.2 positively influenced the CAM implementation. By monitoring and documenting the progress of CAM stations and facilitating engagements with stakeholders, IDLO was able to assess the contribution of CAM to case backlog reduction and enhanced access to justice. While no new CAM stations were rolled out in this reporting period, IDLO had already surpassed the cumulative annual target of CAM roll-out to three (3) court stations by October 2023.

**Increased uptake of Court Annexed Mediation (CAM):** IDLO has been supporting the Judiciary to implement the CAM Action Plan (2021-2024), aimed at expanding CAM to the remaining court stations, among others. The 2022/2023 SOJAR, which was launched on 24 November 2023 by Chief Justice Martha Koome, indicated an increased uptake of CAM with 4,708 cases filed in the financial year (FY) 2022/23 compared to 2,445 cases in the previous FY, marking a 93% increase in the uptake of CAM. Out of 4,708 cases filed, 4,450 were settled successfully. The total value of matters referred to mediation during FY 2022/23 was KES 33.8 billion, while the total value of settled matters was KES 8.69 billion. The overall conclusion rate for matters referred to CAM was 95%. These achievements are a key milestone for the programme, which has been supporting the implementation of the CAM Action Plan (2021-2024) developed through IDLO support.

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## **OUTCOME 2: ENHANCED CAPACITY OF THE JUDICIARY TO RESPOND TO THE SPECIFIC JUSTICE NEEDS OF WOMEN, YOUTH, AND CHILDREN**

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Outcome 2 aimed at enhancing access to justice for women, youth, and children through the technical support provided to the National Council on Administration of Justice (NCAJ) Special Task Force on Children Matters, the Department of Children Services, as well as the Family Division of the High Court. In this reporting period, IDLO provided convening support for (i) the Family Division of the High Court's Bar/Bench Committee meeting; and (ii) the stakeholders' dialogue on the Kadhis

Court practices supported under the programme. These events provided critical platforms for the examination of the emerging issues in the administration of justice for women and children, which generated feedback for action to strengthen access to justice for women and children in the Family Division and Kadhis Courts, respectively. The emerging issues explored during these events in turn influenced the policy decisions, including the development of ICT tools to enhance efficiency in the Kadhis courts in 2024.

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### **Output 2.1: Legal framework for women and children reviewed and amended to enhance their access to justice**

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The Output 2.1 activities described below contributed to the review of the legal framework for enhanced access to justice for women and children. Both the Family Division of the High Court Bar Bench Committee meeting and the meeting with Kadhis and Magistrates provided platforms for critical examination of the legal framework gaps in access to justice for women and children in the Family and Kadhis courts.

**Family Division Bar Bench Convening on Administration of Justice:** On 30 November 2023, IDLO provided convening support to the Family Division of the High Court to hold a Bar Bench Committee meeting in Nairobi. The meeting was attended by 38 (F: 20; M: 18) participants drawn from the Judiciary, Law Society of Kenya (LSK), child protection services, pro bono lawyers, and community paralegals. During the meeting, the Bar Bench Committee members discussed emerging issues in the administration of justice, including prevailing case backlog especially for adoption and succession matters, limited sensitization of court users on the processes for confirmation of grants, and limitations of the automated judicial services. The participants proposed the following actions for the Family Division of the High Court: (i) development of Information, Communication and Technology (ICT) tools for the Family Division of the High Court registry; and (ii) capacity development of advocates and court users on these tools. The Family Division of the High Court will pursue the proposed actions in 2024.

**Stakeholder Dialogue on Kadhis Court Practice and Emerging Areas on Access to Justice:** On 27 November 2023, IDLO supported the Family Division of the High Court to hold a workshop with 59 (F: 20; M: 39) Kadhis and magistrates in Nairobi. The workshop aimed to provide a platform for stakeholders to address emerging access to justice issues in the Kadhis courts. The participants held discussions on emerging issues such as the review of the jurisdiction on the adoption matters, and delayed decisions of the children's court. At the end of the workshop, the way forward proposed for consideration included the need for regular supervisory meetings between the High Court and lower courts to consider the impact of Islamic laws on access to justice.

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### **OUTCOME 3: ENHANCED CAPACITY OF THE JUDICIARY TO MONITOR AND COMMUNICATE RESULTS AND PATHWAYS TO JUSTICE**

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Outcome 3 aimed to enhance the Judiciary's monitoring and evaluation and enhance the Judiciary's communication by developing innovative tools to communicate justice pathways to court users. During this reporting period, IDLO's technical support to the Directorate of Public Affairs and Communication (DPAC) facilitated the successful revision and alignment of the Judiciary's Communication Strategy with the STAJ Blueprint, to facilitate seamless implementation. Additionally, the training of the Judiciary's Directorate of Planning and Organizational Performance (DPOP) staff on MERL supported under the programme contributed to strengthening the Judiciary's performance monitoring capacity that shaped the development of the 2022/2023 SOJAR. The Report also integrated gender disaggregation of data, which is central to understanding the gender mainstreaming dynamics, trends, and needs of the Judiciary.

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### Output 3.1: Communication Strategy and Plan operationalized to increase public confidence and trust in judicial processes

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The Output 3.1 activity provided below contributed significantly to the operationalization of the Judiciary Communication Strategy to increase public confidence in judicial processes. Validation of the Judiciary Communication Strategy developed under the programme paved the way for the full implementation of the strategy, to streamline the Judiciary's communication with media practitioners, court users and members of the public. Streamlined communication is an enabler of public confidence in judicial processes, as it ensures that the public receives timely, relevant, and useful communication and feedback from the Judiciary on justice service delivery.

**Enhanced Communication Capacity of the Judiciary:** From 12 to 16 November 2023, IDLO provided convening support for 15 (F: 10; M: 5) members of the Judiciary Communication Advisory Committee to hold a stakeholder engagement on the Judiciary Communication Strategy in Mombasa. The Judiciary Communication Strategy was developed in part with support under the programme in 2023. The objective of the meeting was to discuss and improve the communication capacity of the Judiciary to reflect the aspirations of the STAJ vision. The participants were involved in the drafting, editing, and finalization of the Communication Strategy. Some of the recommendations made to improve the Strategy included the timely provision of information to the public to ensure the public is informed about Judiciary activities and functions, particularly through use of the social media platforms. The Judiciary Communication Strategy is pending adoption by the Judicial Service Commission (JSC). Once adopted, the Strategy will be essential in improving public confidence in the judicial processes.

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### Output 3.2: Directorate of Planning and Organisational Performance (DPOP) staff trained on data collection, analysis, and reporting to improve its monitoring and evaluation capacity

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Output 3.2 activities described below directly improved the monitoring and evaluation capacity of the Judiciary. The programme's investment in the training for DPOP staff on MERL provided the team with essential knowledge and skills for the development of data-informed, concise, relevant, reader-friendly and gender-responsive reports for the Judiciary. The use of these skills resulted in significant improvement in the quality of the policy documents and reports such as the STAJ, 2022/2023 SOJAR, and 2022/2023 Performance Management and Measurement Understandings (PMMU) Evaluation Report,<sup>6</sup> respectively.

**Training of DPOP staff on Monitoring, Evaluation, Research and Learning (MERL):** From 8 to 15 October 2023, IDLO provided convening support to the Judiciary for training for 34 (F: 10; M: 24) DPOP staff in Kisumu on effective MERL practices for the Judiciary. IDLO contracted trainers from the Kenya Institute of Public Policy Research and Analysis (KIPPRA) to offer the training. The training topics included monitoring and evaluation tools, processes and practices, effective data collection and analysis, and impact evaluation of the Judiciary's progress against the indicators of the STAJ vision. Further, from 11 to 15 December 2023, IDLO provided convening support to the Judiciary to train 24 (F: 9; M: 13) DPOP staff in Nakuru. IDLO contracted trainers from the Kenya School of Government (KSG). The participants were introduced to the best practices and techniques for writing informative, responsive, and evidence-based reports for the Judiciary that would impact policy decisions for the Judiciary.

Pre- and post-training tests were administered to the participants of both trainings, to ascertain the level of knowledge acquired during the training and provide a basis for assessment of the use of

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<sup>6</sup> PMMU Evaluation Report 2022/2023 <https://www.judiciary.go.ke/wp-content/uploads/2023/07/PMMUs-EVALUATION-REPORT-2021.2022-May-2023.pdf>

that knowledge in the development of subsequent SOJAR and other Judiciary reports. From the evaluations done, 82% of participants recorded increased knowledge from the training. The skills gained during the training were applied in the development of the 2022/2023 SOJAR, which was launched by Chief Justice Martha Koome in November 2023.

**Technical support for the development of the STAJ Blueprint (2023-2033) Vision for the Judiciary:**

In October 2023, IDLO engaged an expert to support the Judiciary in editing the draft STAJ Blueprint (2023-2033), to improve its quality before the launch. The blueprint fosters internal capacity development and instituting reforms within the Judiciary, to enhance accountability, and service delivery and bolster public confidence in the judicial system. Subsequently, on 24 November 2023, Chief Justice Martha Koome launched the STAJ Blueprint in Nairobi. The Chief Justice underscored the Judiciary's commitment to ensuring that justice is accessible to everyone regardless of socioeconomic status, geographical location, or personal vulnerabilities.

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#### **OUTCOME 4: ENHANCED CAPACITY OF THE JUDICIARY TO DELIVER REPRESENTATIVE JUSTICE OUTCOMES THROUGH A MULTI-DOOR APPROACH TO ACCESS TO JUSTICE**

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Outcome 4 aimed to enhance the Judiciary's capacity to deliver representative justice outcomes. The expanded roll-out of the SCC to three (3) court stations, and the use of ADR mechanisms expanded further the avenues to access justice for justice seekers. The institutionalization of ADR mechanisms represents a significant leap towards embracing alternative methods of dispute resolution, which not only alleviates the burden on formal court processes but also offers more amicable and equitable means of resolving conflicts.

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#### **Output 4.1: Implementation and replication of the Small Claims Courts supported**

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The Output 4.1 activity described below directly contributed to the implementation and replication of the SCCs, as part of the Judiciary's strategies to expand avenues for access to justice. The SCC stations collectively facilitate accessible, affordable, predictable, and less costly resolution of disputes, and reduce case backlog in the Magistrates Courts where the disputes handled by the SCC would have otherwise been filed.

**Roll-out and stakeholders' sensitization on the Small Claims Courts (SCC):** During the reporting period, IDLO supported the roll-out of the SCC to three (3) court stations namely, Makindu, Malindi, and Embu Law Courts. IDLO provided convening support to the SCC Secretariat staff to set up the SCC registries in the three (3) court stations and induction of registry staff on the management of the SCC registry and court processes. The established SCCs facilitate timely, less costly, and accessible resolution of commercial disputes that meet the agreed threshold. Additionally, IDLO supported the SCC Secretariat to organize three (3) stakeholder sensitization meetings for 122 (F: 61; M: 61) stakeholders<sup>7</sup> on the SCC legal framework, rules, and practices. These meetings enhanced understanding of the mandate, jurisdiction, and role of the SCC, the SCC registry procedures, and how to access and file cases before the court.

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#### **Output 4.2: Coordination and referral mechanisms across justice systems developed**

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The Output 4.2 activity described below facilitated the coordination and referral mechanisms across justice systems, by providing a platform for ADR stakeholders and practitioners to identify and discuss strategies to strengthen ADR mechanisms and the public's awareness of them. These

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<sup>7</sup> The stakeholders included representatives of the Judiciary, LSK, Court Users Committees (CUCs), Bar Bench Committees, Office of the Director of Public Prosecutions (ODPP), and Kenya Prison Service (KPS).

discussions led to recommendations that foster collaboration and enhance ADR practices. These include actions such as the institution of the Mediation Bill to Parliament in November 2023, and the ongoing development of tools for the referral of cases across ADR mechanisms.

**Enhanced use of ADR mechanisms in the Magistrates Court:** On 19 October 2023, IDLO provided convening support to the Chief Magistrates Commercial Court Secretariat at Milimani to conduct a stakeholders' workshop aimed at identifying ways of increasing the uptake of mediation within the Magistrates Commercial Court. The engagement brought together 115 (F: 62; M: 53) participants consisting of judges, deputy registrars, magistrates, and registry staff. The primary issue under discussion was the persistent backlog of cases within the Magistrates Commercial Court. The participants' feedback underscored the urgency of enhancing public awareness of the benefits of CAM and other ADR processes. Recommendations included the regular promotion of CAM through initiatives like service weeks and utilizing public communication channels to bridge this awareness gap.

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## **OUTCOME 5: ENHANCED CAPACITY OF THE JUDICIARY TO EMPLOY A SOCIAL TRANSFORMATION APPROACH TO RESPOND TO THE SPECIFIC NEEDS OF WOMEN, AND CHILDREN**

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Outcome 5 aimed to enhance the capacity of the Judiciary to employ a social transformation approach to respond to the specific needs of women, and children. During this reporting period, IDLO contributed to the realization of the Outcome by strengthening the capacity of SGBV Courts on the administration of a victim-centred approach to justice and validation of the SGBV Court Practice Direction. IDLO also supported children's service weeks to fast-track the conclusion of children's cases.

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### **Output 5.1: Operationalization of the Sexual Gender Based Violence (SGBV) courts for enhanced access to justice for the vulnerable groups supported**

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The Output 5.1 activities described below contributed to the institutionalization of access to justice for the most vulnerable groups. These included support for (i) enhancing the capacity of the SGBV Courts to better adjudicate on SGBV cases; (ii) organizing the National SGBV Conference; and (iii) developing a Training Manual, MERL Plan, and Service Charter for SGBV Courts, respectively. These structured engagements are necessary as capacity development tools for information exchange, experience-sharing, and cross-learning, which are essential to meet the justice needs of the most vulnerable groups.

**Enhanced capacity of the SGBV Courts:** IDLO supported the training for the SGBV Court officials from 23 to 25 October 2023 in Nakuru. The training was attended by 44 (F: 28; M: 16) representatives from 12 SGBV Courts,<sup>8</sup> and stakeholders.<sup>9</sup> The objective was to bolster the expertise of judicial officers in promoting justice and protecting the rights of victims of SGBV through effective adjudication of cases in the established SGBV Courts. Participants recommended two (2) key actions for the Judiciary: (i) developing a structured manual to guide all SGBV Courts; and (ii) changing the name of SGBV Courts to "Gender Courts" to better reflect their broader mandate and scope. The recommendations hold significant implications for the ongoing development of SGBV Court systems in Kenya and their critical role in pursuing justice and gender equality. The Judiciary has incorporated these key action points in the implementation plan for the STAJ Blueprint and will

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<sup>8</sup> The SGBV Courts include: Shanzu, Kibera, Siaya, Kisii, Kisumu, Makadara, Meru, Nakuru, Kiambu, Machakos, Kitale, and Kakamega Law Courts.

<sup>9</sup> The stakeholders included representatives of the Independent Policing Oversight Authority (IPOA), KJA, ODPP, National Police Service (NPS), LSK, National Gender Equality Commission (NGEC), and civil society organizations.

be implementing the same in 2024.

**Development of a Training Manual, MERL Plan, and Service Charter for SGBV Courts:** IDLO, in collaboration with the Kenya Judiciary Academy (KJA), engaged an expert to develop a comprehensive Training Manual, MERL Plan, and Service Charter for SGBV Courts. The training manual will be used to equip judicial officers with knowledge and skills to effectively resolve SGBV cases. The MERL Plan will guide structured progress monitoring of the SGBV Court. On the other hand, the Service Charter will serve as a standard for operations for the victims' safety, dignity, and privacy. The three (3) documents are currently awaiting validation with stakeholders of the SGBV Court before adoption by the KJA in April 2024.

**Inaugural National SGBV Conference:** IDLO provided convening support for the inaugural national SGBV Conference, hosted by the NCAJ on 17-18 October 2023 under the theme '*Enhancing the Administration and Access to Justice in addressing SGBV*'. The conference brought together state and non-state actors from the criminal justice sector, and focused on survivor-centred interventions, reducing bottlenecks in SGBV case disposal, and innovative approaches to SGBV response. Chief Justice Martha Koome emphasized the Judiciary's commitment to efficient handling of SGBV cases and highlighted the roll-out of 12 specialized SGBV Courts across the country. These recommendations will be actioned in 2024 by the various actors, as a representation of the multi-faceted approach to SGBV response.

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## **Output 5.2: Implementation of the Children's Act 2022 for inclusive access to justice for children supported**

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The activities implemented under Output 5.2 contributed to achieving inclusive access to justice for children. These included support for (i) the reduction of case backlog on children matters; (ii) the NCAJ community dialogues on the application of the Children Act, 2022; and (iii) developing the capacity of Judiciary Staff on the use of the automated judicial process. The activities included:

**Reduction of case backlog on children matters:** In November 2023, IDLO supported the NCAJ Standing Committee on Children Matters to conduct a children's service month in six (6) courts namely: Milimani, Tononoka, Kibera, Makadara, Webuye, and Mavoko Law Courts. The Children's Service Month facilitated the timely resolution of 831 cases involving children (out of 1,476 cases received). Most cases reported included protection and aftercare services, sexual offences, maintenance, custody, guardianship, and child abuse.

**Support for the NCAJ Community Dialogues:** On 12 October 2023, IDLO provided convening support to the NCAJ to hold a community dialogue in Nakuru. The dialogue was attended by 46 (F: 26; M: 20) participants drawn from the Judiciary, local administration, community elders, and children's officers who handle children. The participants were sensitized on the Children Act and issues affecting children's access to justice in the community. The participants recommended the active involvement of all stakeholders in child protection activities and increasing community members' participation in the Children CUC to lead to more effective and comprehensive approaches to safeguarding the rights and well-being of children.

**Capacity development of Judiciary staff on the use of automated judicial processes:** On 13 October 2023, IDLO supported the Family Division of the High Court to conduct a sensitization workshop for 28 (F: 10; M: 18) newly recruited court assistants on e-filing and case tracking system (CTS) in Nairobi. The participants were sensitized on access and use of the automated judicial systems such as the CTS, e-filing, e-payments, and Judiciary Advocates Management System (JAMS). The automation of judicial processes simplifies procedures for both the Judiciary and court users by enabling citizens to file, pay court fees, and access their cases remotely. The participants recommended regular sensitization sessions to ensure that they are kept abreast of emerging issues in Judiciary automation.

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## **OUTCOME 6: STRENGTHENED DATA COLLECTION, COMMUNICATION, AND MANAGEMENT OF JUSTICE PATHWAYS**

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Outcome 6 aimed to strengthen data collection, communication, and management of justice pathways for the Judiciary. In this reporting period, IDLO contributed to the realization of this Outcome by supporting the development of anti-corruption and whistleblower policies and communication and branding strategy for the JSC. The development of these tools established a framework for stronger justice pathways, providing a structured approach to collaboration, communication, and action.

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### **Output 6.1: Judiciary communication to the public on rights, laws, and mechanisms to obtain justice supported.**

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The Output 6.1 activity described below facilitated the Judiciary communication to the public on rights, laws, and mechanisms to obtain justice. The Anti-Corruption Policy, Whistleblowers Policy, and Communication and Branding Strategy for the JSC, all developed under the programme, are tools whose application creates avenues for better and structured communication to promote judicial accountability to the beneficiaries of its services.

**Development of the Anti-Corruption Policy, Whistleblowers Policy, and Communication and Branding Strategy for the Judicial Service Commission:** IDLO provided technical support to the JSC to develop policy documents that guide its operations. These include: (i) Anti-Corruption Policy; (ii) Whistleblowers Policy; and (iii) Communication and Branding Strategy. The purpose of the Anti-Corruption Policy is to promote good governance, transparency, and a value-based system in the administration of justice as envisaged in the various national and international instruments relating to the prevention of corruption and the promotion of good governance. The Whistleblowers Policy provides a framework for preventing, detecting, and reporting corruption in the administration of justice. Finally, the Communication and Branding Strategy will structure the Judiciary's communication with court users. The policy documents were finalized in December 2023 and are pending stakeholder validation before adoption by the JSC.

## **V. SIGNIFICANT VARIANCES IN TIMELINE, IMPLEMENTATION PLAN AND BUDGET**

In this reporting period, all the planned activities were successfully implemented according to plan.

## **VI. CONCLUSION AND WAY FORWARD**

During the reporting period, IDLO contributed to enhancing the capacity of the Judiciary to deliver fair, effective, and representative justice outcomes. The interventions implemented in this period strengthened the Judiciary's ability to efficiently dispense with pending cases, and encourage alternative avenues for dispute resolution, thus increasing the Judiciary's responsiveness to the needs of justice seekers.

This is the last quarter of the programme. IDLO hopes that the collective efforts and successes of the programme will be sustained through the implementation of policies, legal and operational frameworks developed, application of knowledge and skills acquired from capacity development initiatives, and continued stakeholder engagements.

## LIST OF ANNEXES

Annex A	IATI Programme Results Table
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## KENYA:

## JUDICIARY SUPPORT PROGRAMME

## IATI PROGRAMME RESULTS

## JANUARY 2021 – DECEMBER 2023

<b>Result 1: Enhanced reduction of case backlog through the implementation of court-annexed mediation and small claims courts</b>	
Type	2 - Outcome
Title	Outcome 1: Enhanced capacity of the Judiciary to deliver fair, effective, and representative justice outcomes
Indicators	<ul style="list-style-type: none"> <li>▪ No of cases referred and settled through Court Annexed Mediation (CAM)</li> <li>▪ No of cases referred and settled through the Small Claims Court (SCC)</li> </ul>
Baseline	<ul style="list-style-type: none"> <li>▪ 0</li> <li>▪ 0</li> </ul>
Period	January 2021 – December 2023
Cumulative Target	<ul style="list-style-type: none"> <li>▪ 3,000</li> <li>▪ 3,000</li> </ul>
Actual	<ul style="list-style-type: none"> <li>▪ 5,810</li> <li>▪ 34,761</li> </ul>
<b>Result 2: Small Claims Court rolled out in new court stations</b>	
Type	1 – Output
Title	Output 1.1: Legal and institutional framework developed under the JSR programme operationalized to enhance access to formal and informal justice mechanisms
Indicators	<ul style="list-style-type: none"> <li>▪ No of Small Claims Courts rolled out with the programme support.</li> <li>▪ No of laws, policies, and institutional frameworks developed with IDLO's support</li> </ul>
Baseline	<ul style="list-style-type: none"> <li>▪ 0</li> <li>▪ 0</li> </ul>
Period	January 2021 – December 2023
Cumulative Target	<ul style="list-style-type: none"> <li>▪ 10</li> <li>▪ 5</li> </ul>
Actual	<ul style="list-style-type: none"> <li>▪ 10</li> <li>▪ 4</li> </ul>
<b>Result 3: Judges trained in professional mediation</b>	
Type	1 – Output
Title	Output 1.2: Court annexed mediation processes operationalized and replicated to reduce case backlog
Indicator	No of judicial officers and staff trained in mediation
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	60

Actual	30
<b>Result 4: CAM rolled out in new court stations</b>	
Type	1 – Output
Title	Output 1.2: Court annexed mediation processes operationalized and replicated to reduce case backlog
Indicator	No of court stations where CAM has been successfully replicated.
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	10
Actual	10
<b>Result 5: Children Service Weeks and Court Users Committees organized</b>	
Type	1 – Output
Title	Output 2.1: Legal framework for women, and children reviewed and amended to enhance their access to justice
Indicators	<ul style="list-style-type: none"> <li>▪ No of children's service weeks organized.</li> <li>▪ No of CUC engagements supported by the programme</li> </ul>
Baseline	<ul style="list-style-type: none"> <li>▪ 0</li> <li>▪ 0</li> </ul>
Period	January 2021 – December 2023
Cumulative Target	<ul style="list-style-type: none"> <li>▪ 7</li> <li>▪ 10</li> </ul>
Actual	<ul style="list-style-type: none"> <li>▪ 19</li> <li>▪ 16</li> </ul>
<b>Result 6: Kadhis trained in the administration of gender justice</b>	
Type	1 – Output
Title	Output 2.2: Gender-sensitive training materials developed to inform Judiciary's training on gender
Indicator	No of judicial officers trained through JTI, using the manual developed with IDLO's support
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	78
Actual	115
<b>Result 7: Judiciary court correspondents trained on effective communication strategies for the Judiciary</b>	
Type	1 – Output
Title	Output 3.1: Communication strategy and plan operationalized to increase the public's confidence and trust in judicial processes
Indicator	No of judicial staff trained on effective communication
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	105

Actual	78
<b>Result 8: Judiciary Media Guidelines developed</b>	
Type	1 – Output
Title	Output 3.1: Communication strategy and plan operationalized to increase public confidence and trust in judicial processes
Indicator	No of user-friendly communication materials on access to justice developed with IDLO's support
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	12
Actual	7
<b>Results 9: Directorate of Planning and Organizational Performance (DPOP) staff trained on data collection, analysis, and reporting</b>	
Type	1 – Output
Title	Output 3.2: Training of DPOP on data collection and management provided to strengthen its monitoring capacity
Indicator	No of judicial staff trained on data collection and management.
Baseline	0
Period	January 2021 – December 2023
Cumulative Target	165
Actual	101