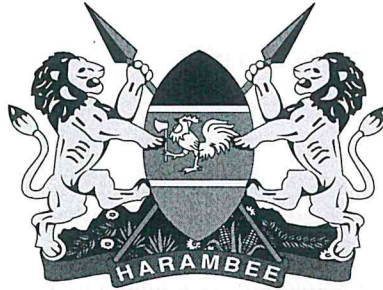


REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY


Approved
SNA
26/6/25

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

BUDGET IMPLEMENTATION MONITORING FOR THE FINANCIAL YEAR 2023/2024

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 25 JUN	
DAY: THURSDAY	
TABLED BY:	CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS
CLERK-AT-THE-TABLE	WILLIS OBIRO
CLERK'S CHAMBERS	

NATIONAL ASSEMBLY RECEIVED
26 JUN 2025
SPEAKER'S OFFICE P. O. Box 41842, NAIROBI

DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2025

Contents

LIST OF ABBREVIATIONS AND ACRONYMS.....	2
CHAIRPERSON'S FOREWORD.....	3
PART I	4
1.0 PREFACE	4
1.1. Introduction.....	4
1.2. Mandate of the Committee	4
1.3. Committee Membership	6
1.4. Committee Secretariat	7
1.5. Overview of the Examination of the Approved Estimates for FY 2023/24.....	8
1.6. The Legal Framework for Budget Oversight and Monitoring.....	8
1.7. Acknowledgements.....	8
PART 2	10
2.1.0 BUDGET PERFORMANCE FOR THE GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR FY 2023/24	10
2.1.1 The State Law Office and Department of Justice	10
2.1.2 The Judiciary.....	11
2.1.3 State Department for Correctional Services.....	11
2.1.4 The Independent Electoral & Boundaries Commission.....	12
2.1.5 The Office of Director of Public Prosecutions	13
2.1.6 The Office of the Registrar of Political Parties.....	13
2.1.7 The Witness Protection Agency	14
2.1.8 Ethics and Anti-Corruption Commission	15
2.1.9 The Kenya National Commission on Human Rights	15
2.1.10 The Commission on Administration Justice	16
2.1.11 The Judicial Service Commission	16
PART 3	17
3.1 OBSERVATIONS	17
3.1.1 Judiciary.....	17
3.1.2 Judicial Service Commission.....	17
3.1.3 State Law Office and Department of Justice	17
3.1.4 State Department for Correction Services	18
3.1.5 Independent Electoral and Boundaries Commission	19
3.1.6 Commission for Administrative Justice.....	19
3.1.7 Witness Protection Agency.....	20
3.1.8 Kenya National Commission on Human Rights.....	20
3.1.9 Ethics and Anti-Corruption Commission.....	20
3.1.10 Office of the Director of Public Prosecution	21
3.1.11 Registrar of Political Parties	21
3.2 RECOMMENDATIONS	22

LIST OF ABBREVIATIONS AND ACRONYMS

BPS	-	Budget Policy Statement
CAJ	-	Commission on Administrative Justice
CFS	-	Consolidated Fund Services
DJ	-	Department of Justice
DPP	-	Directorate of Public Prosecutions
EACC	-	Ethics and Anti-corruption Commission
FY	-	Financial Year
IEBC	-	Independent Electoral and Boundary Commission
IFMIS	-	Integrated Financial Management System
JSC	-	Judicial Service Commission
JPIP	-	Judicial Performance Improvement Project
KNCHR	-	Kenya National Commission on Human Rights
OAG	-	Office of the Attorney General
RPP	-	Registrar of Political Parties
TNA	-	Training Needs Assessment
WPA	-	Witness Protection Agency

CHAIRPERSON'S FOREWORD

The Departmental Committee on Justice and Legal Affairs is established pursuant to National Assembly Standing Order 216 which mandates it to inter-alia, ***“investigate, inquire into and report on all matters relating to the mandate, activities, administration, management, operations and estimates of the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House.”***

Standing Order 216(5) (ba) of the National Assembly requires each Departmental Committee to “on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate.” Further, Standing Order 245(2)(c) provides that each Departmental Committee shall “examine and report on the expenditures and non-financial performance of the budget of the national government”.

- i. Review the quarterly reports submitted by the Cabinet Secretary responsible for finance pursuant to the Public Finance Management Act;*
- ii. Review reports submitted by the Controller of Budget (CoB) on matters relating to implementation of the Budget by the national government;*
- iii. Examine and report on the expenditures and non-financial performance of the budget of the national government; and*
- iv. Examine the conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution.*

Honorable Speaker, the Committee is cognizant of the responsibility that has been bestowed upon it by the Constitution and House Standing Orders and endeavors, at all times, to discharge this responsibility with utmost objectivity, and the engagements provided a platform for Members of the Committee to seek clarifications and gain deeper insight on the various aspects of the budget for FY 2023-24 which will help the Committee in strengthening its oversight role according to Article 95 (4) (c) of the CoK 2010, through;

- i. Apprising the House on the implementation status of the budgets of the agencies under its purview;*
- ii. Giving important feedback that will help lawmakers come up with legislative initiatives to resolve challenges in budget implementation in a timely manner;*
- iii. Helping plan corrective measures, such as special audits, for delayed or stalled projects and programs that are currently under way; and*
- iv. Informing future budget reviews and scrutiny.*

May I take this opportunity to express my gratitude to the Committee Members for their devotion and commitment to duty which made scrutiny of the implementation of the approved Budget Estimates for FY 2023/24 successful.

May I also extend my sincere gratitude to the Parliamentary Budget Office for providing expert advice, Offices of Speaker and Clerk of the National Assembly for providing overall guidance and direction and the Committee secretariat for providing technical and logistical support.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the Public Finance Management Act, 2012 and S.O. 245A, it is my pleasant privilege and duty to present the Committee's report on Budget Implementation for FY 2023/24.



HON. GEORGE GITONGA MURUGARA, M.P.
CHAIRPERSON, JUSTICE AND LEGAL AFFAIRS COMMITTEE

PART I

1.0 PREFACE

1.1. Introduction

1. This is the Committee report on its consideration of the budget implementation for the FY 2023/2024 for the Ministries, Departments and Agencies (MDAs) under its purview in accordance with Article 95 and 228(6) of the Constitution of Kenya together with the Public Finance Management Act, 2012 under Section 66(h) and Section 83(5a) which provide for the review of quarterly reports from the National Treasury and Controller of Budget Reports to monitor progress in implementation of the approved budgets.
2. The Departmental Committee on Justice and Legal Affairs held meetings with the Departments and Agencies under its purview to scrutinize the implementation of the approved budget for FY 2023/24 on 9th – 14th December, 2024 at English Point Marina Hotel, Mombasa County. The Committee then consolidated its recommendations for submission to the House pursuant to the provision of Standing Order 245A.

1.2. Mandate of the Committee

3. The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-
 - (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - (b) Study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
 - (c) Study and review all legislation referred to it;
 - (d) Study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (e) Investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - (f) Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
 - (g) Examine treaties, agreements and conventions;
 - (h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (i) Consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and
 - (j) Examine any questions raised by Members on a matter within its mandate.
4. The Second Schedule of the Standing Orders on Departmental Committees mandates the departmental committee on justice and legal affairs to consider matters relating to -
 - (a) Constitutional affairs;
 - (b) The administration of law and Justice
 - (c) The Judiciary;
 - (d) Public prosecutions;
 - (e) Elections;
 - (f) Ethics, integrity and anti-corruption; and
 - (g) Human rights.

5. It is from this perspective that this Committee is now mandated to scrutinize the implementation of approved budget estimates for the following agencies-

- (i) Judiciary
 - (ii) Judicial Service Commission (JSC)
 - (iii) State Department for Correction Services
 - (iv) Office of the Attorney General and the Department of Justice (OAG&DJ)
 - (v) Ethics and Anti-corruption Commission (EACC)
 - (vi) Directorate of Public Prosecutions (DPP)
 - (vii) Registrar of Political Parties (RPP)
 - (viii) Witness Protection Agency (WPA)
 - (ix) Kenya National Commission on Human Rights (KNCHR)
 - (x) Independent Electoral and Boundaries Commission (IEBC)
 - (xi) Commission on Administrative Justice (CAJ)
-

1.3. Committee Membership

6. The Departmental Committee on Justice and Legal affairs was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency

UDA Party

Vice-Chairperson

Hon. Mutuse Eckomas Mwengi
Kibwezi West Constituency

MCCP Party

Members

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency

UDA Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency

WDM-Kenya

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency

UDA Party

Hon. Francis Kajwang' Tom Joseph, CBS, MP
Ruaraka Constituency

ODM Party

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP
Westlands Constituency

ODM Party

Hon. (Dr.) Otiende Amollo, SC, EBS, MP
Rarieda Constituency

ODM Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency

UDA Party

Hon. Muchangi Karemba, MP
Runyenjes Constituency

UDA Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency

FORD-Kenya

Hon. Mogaka Stephen M., MP
West Mugirango Constituency

Jubilee Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency

Jubilee Party

Hon. Siyad Amina Udgoon, MP
Garissa Township (CWR)

Jubilee Party

Hon. CPA Suleka Hulbale Harun, MP
Nominated Member

UDM Party

I.4. Committee Secretariat

7. The Committee secretariat is as follows-

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat

Mr. Ronald Walala
Senior Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Ms. Jael Ayiego
Clerk Assistant III

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Omar Abdirahim
Fiscal Analyst I

Ms. Vivienne Ogega
Research Officer III

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

Mr. Silas Opanga
Hansard Reporter III

Mr. Meldrick Sakani
Audio Officer

Mr. John Nduaci
Serjeant-At-Arms

1.5. Overview of the Examination of the Approved Estimates for FY 2023/24

8. The Committee held eight (8) sittings in examining the estimates. The first sitting took place on 10th December, 2024 where the Committee discussed the implementation of the Approved Estimates for FY 2023/24 with the Parliamentary Budget Office before interacting with the State agencies.
9. Subsequently, the Committee met with the officials from the state agencies that include; the Judiciary and Judicial Service Commission, the Ethics and Anti-Corruption Commission (EACC), Kenya National Commission on Human Rights (KNCHR) and the Independent Electoral and Boundaries Commission (IEBC), the Office of the Attorney General and Department of Justice (OAG&DOJ), Kenya Law Reform Commission (KLRC), the Office of the Director of Public Prosecutions, the Commission on Administration of Justice (CAJ), State Department for Correctional Services, Office of the Registrar of Political Parties (ORPP), and Witness Protection Agency. The last sitting was held on 15th April 2025 where the Committee met and adopted its report.

1.6. The Legal Framework for Budget Oversight and Monitoring

10. Article 95 of the Constitution mandates the National Assembly to appropriate funds for expenditure by National government as well as national state organs. It further envisages that the National Assembly exercises oversight over national revenue and its expenditure.
11. The Constitution under Article 228(6) together with the Public Finance Management Act, 2012 under section 66(h) and section 83(5a) provide for production of in-year reports including QEBR from the National Treasury and Controller of Budget Reports which are laid in the House. The Committees are required to review these quarterly reports to monitor progress in implementing the approved budget and inform future budgeting.
12. In addition, Standing order No. 245A requires each Departmental Committee to;
 - Review the quarterly reports submitted by the Cabinet Secretary responsible for finance pursuant to the Public Finance Management Act;
 - Review reports submitted by the Controller of Budget on matters relating to implementation of the Budget by the national government;
 - Examine and report on the expenditures and non-financial performance of the budget of the national government; and
 - Examine the conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution.
13. In this regard, the National Assembly is not only tasked with allocating funds for expenditure by the national government and other national state organs, but also with monitoring how voted public resources are used to deliver public goods and services. As a result, the Committee is therefore required to monitor progress in implementing the approved budget.

1.7. Acknowledgements

14. The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank all the State Departments under its purview for their participation in scrutinizing the implementation of the approved budget for FY 2023/24.

15. Finally, I wish to express my appreciation to the Honorable Members of the Committee who made useful contributions towards the preparation and production of this report.
16. It is my pleasant duty and privilege, on behalf of the Departmental Committee on Justice and Legal Affairs to submit its Report on the scrutiny of the implementation of the approved budget for FY 2023/24.

PART 2

2.1.0 BUDGET PERFORMANCE FOR THE GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR FY 2023/24

2.1.1 The State Law Office and Department of Justice

17. The gross revised allocation for the Office in FY 2023/24 was **Kshs. 6.7 billion** comprised of **Kshs. 6.5 billion** for recurrent expenditure and **Kshs 0.17 billion** for development expenditure.
18. As at the end of June, 2024, the department's cumulative expenditure was **Kshs 6.6 billion** comprised of **Kshs 6.4 billion** for recurrent expenditure and **Kshs 0.172 billion** for development expenditure.
19. The total pending bill for the office as of 30th June 2024 is Kshs 380.2 million out of which Kshs 276.8 million is for recurrent expenditure and Kshs 103.4 million for development expenditure.

Table 1: Approved Budget Estimates for the FY 2023/24 Kshs Billion

	Items	FY 2023/24 Revised Estimates	Actual Expenditure	Absorption Rate
State Law Office and Department of Justice	Recurrent	6.492	6.389	98.4%
	Development	0.175	0.172	98.2%
	Total	6.667	6.561	98.4%

Source: Approved Estimates, National Treasury

20. In the FY 2023/2024, the Office of Attorney General and Department of Justice (OAG&DOJ) expanded its legal aid services to 32,789 people and resolved 2,344 cases against the government. The office also developed 50 bills to harmonize existing laws with the Constitution and drafted 297 subsidiary legislations. The transformation of public services, including Marriages, Societies, public Trustee, and College of Arms, was implemented.
21. The office also developed reports on the international covenant on economic, social, and cultural rights and attended international meetings. The Assets Recovery Agency verified intelligence and traced suspected proceeds of crime in 111 cases. In addition, the Business Registration Service increased the number of registered businesses from 43.5% to 48.6%.
22. The challenges faced during the implementation of FY 2023-24 budget include: high staff turnover as a result of retirement of the senior and skilled staff; inadequate budgetary allocation and lack of exchequer which has led to pending bills amounting to Kshs. 456.9 million, insufficient training and capacity building of staff to ensure efficiency in service delivery, and reduction in A-I-A collection by SAGAs as a result of low provision to expand their operations to generate A-I-A; Changing Legal Landscapes due to changes in laws, regulations, and court procedures, training is necessary to enable NLAS adapt and this may require additional resources, Inadequate office accommodation, leading to separation of the officers and working in shifts.

2.1.2 The Judiciary

23. The revised allocation to the Judiciary in the FY 2023/24 was **Kshs. 22.5 billion** comprised of **Kshs. 21.02 billion** for recurrent expenditure and **Kshs 1.45 billion** for development expenditure.
24. The department cumulative expenditure as at the end of June, 2024 was **Kshs. 21.0 billion** translating to 93.4% of the Gross revised allocation. The gross recurrent expenditure was **Kshs. 20.2 billion** against an allocation of **Kshs. 21.0 billion** reflecting an absorption rate of 96.1%. The expenditure towards development projects was **Kshs. 0.81 billion** which is 56% of the department's development budget of **Kshs 1.45 billion**.
25. During the period under review, The Department conducted 20 court of appeal circuits, 20 high court circuits were also conducted, 4 high court stations established in Thika, Kibera, Nyandarua and Kwale, 3 Magistrate Courts were established in Malaba, Etogo and Port Victoria, Rolled out 11 court annexed mediations, Completed the Construction of Marsabit judges residence, and 3 ELRC sub-registries established in Bungoma, Malindi and Nyamira.

Table 2: Approved Budget Estimates for the FY 2023/24 – Kshs Billion

Vote	Items	Gross Revised Estimates	Actual Expenditure	Absorption Rate
Judiciary	Recurrent	21.02	20.20	96.1%
	Development	1.450	0.810	55.9%
	Total	22.5	21.01	93.4%

Source: Approved Estimates, National Treasury

26. The Agency as at 30th June 2024 had a pending bill of Kshs 638.5 million comprised of Kshs 239.9 million for recurrent expenditure and Kshs 398.6 million for development expenditure.
27. The Agency was faced with a number of challenges amongst them; insufficient funding, lack of uniformity in the pace at which the justice sector players are implementing digitization, inadequate and poor court infrastructure, poor security of judiciary infrastructure and safety of personnel and increased cost of pro bono services due to change in payment services.

2.1.3 State Department for Correctional Services

28. The gross revised allocation for the Office in FY 2023/24 was **Kshs. 35.3 billion** comprised of **Kshs. 34.5 billion** for recurrent expenditure and **Kshs 0.795 billion** for development expenditure.
29. As at the end of June, 2024, the department's cumulative expenditure was **Kshs 32.9 billion** comprised of **Kshs 32.3 billion** for recurrent expenditure and **Kshs 0.635 billion** for development expenditure translating to an absorption rate of 93.6% and 79.9% respectively.

Table 3: 4th Quarter Expenditure for FY 2023/24 Kshs Billions

	Items	FY 2023/24 Revised Estimates	Actual Expenditure	Absorption Rate
State Department for Correctional Services	Recurrent	34.5	32.3	93.6%
	Development	0.795	0.635	79.9%
	Total	35.3	32.94	93.3%

Source: FY 2023/24 Revised Estimates, National Treasury

30. The total pending bill for the state department as of 30th June 2024 is Kshs 316.1 million out of which Kshs 196.7 million is for recurrent expenditure and Kshs 119.4 million for development expenditure.
31. The major achievement for the State Department includes the following; contained a daily average of 50,070 inmates in humane and safe custody; provided 22,423 pairs of uniforms; 28,660 beddings and linen to inmates; supervised 60,924 non-custodial offenders; supervised 40,834 on Community Service Orders and 79 power of mercy pardonees.
32. The State Department also rehabilitated inmates through offering formal education to 17,148 inmates; registered 2,016 inmates for KCPE and 287 for KCSE, 23,776 non-custodial offenders were rehabilitated and reintegrated within the community; 8,866 probationers were offered vocational education; 46 ex-offenders provided with workshop tools; and 308 special needs offenders were provided with temporary accommodation.

2.1.4 The Independent Electoral & Boundaries Commission

33. The gross Approved Estimates for the Independent Electoral and Boundaries Commission for FY 2023/24 is Kshs. 4.699 billion which was solely for recurrent expenditure. The budget catered for the following key areas; Compensation of employees – Kshs 2.506 billion, use of goods and services – Kshs 2.154 billion, Acquisition of non-financial assets – 10.765 million and Social benefits – Kshs 27.383 million.

Table 4: Approved Budget Estimates for the FY 2023/24 – Kshs Billion

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Independent Electoral & Boundaries Commission	Recurrent	4.699	4.553	93.5%
	Development	-	-	-
	Total	4.699	4.553	93.5%

Source; Approved Estimates, National Treasury

34. The Cumulative expenditure for the period under review amounts to **Kshs 4.553 billion** Comprised of the following; Compensation of employees – Kshs 2.506 billion, use of goods and services – Kshs 2.154 billion, Acquisition of non-financial assets – Kshs 10.765 million and Social benefits – Kshs 27.383 million.

35. During the period under review, the Commission reviewed 4 electoral laws, Completed the construction of 4 county warehouses; Developed 4 voter education materials, conducted 4 stakeholder forums, and prepared 4 compliance reports.
36. The Commission has pending bills amounting to Kshs 3.95 billion of which legal fees accounts for Kshs 2.7 billion, election logistic – postal corporation 0.36 billion and other pending bills – Kshs 0.92 billion. The Committee stressed the need for the Commission to standardize the fees charged by the law firms and engage in-house lawyers to undertake some of the petitions.

2.1.5 The Office of Director of Public Prosecutions

37. The Gross Approved Estimates for the Office of the Director of Public Prosecutions for the FY 2023/24 amounts to Kshs. 4.163 billion. This comprises of Kshs. 4.107 billion for recurrent expenditure and Kshs. 0.055 billion for Capital expenditure respectively.

Table 5: Approved Budget Estimates for the FY 2023/24 – Kshs Billion

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Office of Director of Public Prosecutions	Recurrent	4.107	4.106	99.3%
	Development	0.055	0.054	173.8%
	Total	4.163	4.160	99.5%

Source: Approved Estimates, National Treasury

38. The cumulative expenditure for the period under review is Kshs 4.16 billion comprised of Kshs 4.106 billion for recurrent expenditure and Kshs 54.4 million for development expenditure translating to an absorption rate of 99.9% and 98.9% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (65.1%), and other recurrent at 34.9%.

39. During the period under review the ODPP achievements include: the 315,503 criminal matters handled (caseload), uadilifu case management system rolled out to 47 offices, construction of the PTI is 90% complete, 173 staff trained, participated in 175 inter-agency fora, and 799 public complaints handled. The conviction rate for the reporting period was 67%.

2.1.6 The Office of the Registrar of Political Parties

40. The gross approved allocation for the Office of the Registrar of Political Parties for the FY 2023/24 is Kshs. 1,460.3 million which comprises of Kshs 635.1 million for office operations and Kshs 808.3 million for Political Parties Fund which is shared amongst the political parties as per the provisions of Section 25 of the Political Parties Act and Kshs 16.9 million for the Political Parties Liaison Committee.
41. The cumulative expenditure for the period under review is Kshs 1,429.8 million comprised of Kshs 604.6 million for office operations, Kshs 808.3 million for Political Parties Fund and Kshs 16.9 million for Political Parties Liaison Committee translating to an absorption rate of 95.2%, 100% and 100% respectively.

Table 6: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Office of the Registrar of Political Parties	Recurrent	1,460.3	1,452.8	94.9%
	Development	-	-	-
	Total	1,460.3	1,452.8	94.9%

Source: Approved Estimates, National Treasury

42. During the period under review, 6500 brochures were disseminated to sensitize the public on their political rights and ORPP mandate, five (5) policy document was developed – Registration policy, Transport policy and field coordination policy, finance and procurement manual for parties, participated in 2 ASK Shows, 450 post-election evaluation reports disseminated, and Kshs 808.3 million was disbursed to political parties.

2.1.7 The Witness Protection Agency

43. The gross approved allocation for the Commission for FY 2023/24 is Kshs. 791.4 million which is for recurrent expenditure. The expenditure return as at 30th June 2024 was Kshs 774.0 million translating to an absorption rate of 98%.

44. It is important to note exchequers of Kshs 14.3 million relating to personnel emoluments were not requested for since the earmarked officers had not reported. During the year, the National Treasury approved recruitment of an extra 22 officers in the month of November 2023. The process of recruitment and vetting was completed in June 2024 and the officers reported in the month of August 2024 hence the variance in government grants of 2%.

45. The Agency during the period under review, the Agency handled a total of 168 witnesses under the program and 338 related persons inclusive of carry overs, post-trial risk assessment done, resettle and re-integrate of witnesses, psychosocial assessments on the witnesses was carried out, safe houses was procured for the witnesses and related persons after admission into the program, and provision of armed escort to and from pre-trial and in court protection.

Table 7: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Witness Protection Agency	Recurrent	791.4	774.0	98%
	Development	-	-	-
	Total	791.4	774.0	98%

Source: Approved Estimates, National Treasury

46. The Agency has faced a number of challenges during the period under review amongst them; Inadequate budget allocation to the Agency, lengthy trials, poor, insufficient and slow pace of investigations of some of the referred cases, lack of appropriate infrastructure in court and release of prior evidence to the accused.

2.1.8 Ethics and Anti-Corruption Commission

47. The gross approved allocation for the Commission for FY 2023/24 is Kshs. 3,986.8 million comprised of Kshs 3,915.6 million for recurrent expenditure and Kshs 68.14 million for development expenditure.
48. The cumulative expenditure for the period under review was Kshs 3,826.7 million comprised of 3,767.1 million for recurrent expenditure and Kshs 59.6 million for development expenditure translating to an absorption rate of 96.0% and 87.0% respectively.

Table 8: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Ethics and Anti-Corruption Commission	Recurrent	3,915.6	3,767.1	96.0%
	Development	68.14	59.6	87.0%
	Total	3,983.8	3,826.7	96.0%

Source: Approved Estimates, National Treasury

49. During the period under review, the Commission has completed investigation on 126 cases and files forwarded to ODPP, 12 proactive investigations were also undertaken averting public loss of approximately Kshs 2.9 billion, recovered unexplained and corruptly acquired assets valued at Kshs 2.94 billion, sensitized 137,930 persons on ethics, integrity and good governance and 8 system examinations and corruption assessments were also conducted in various public institutions.

2.1.9 The Kenya National Commission on Human Rights

50. The gross approved allocation for the Commission for FY 2023/24 is Kshs. 739.4 million for recurrent expenditure comprised of Kshs 524.8 million from exchequer and Kshs 214.7 million from donors.
51. The cumulative expenditure for the period under review is Kshs 693.5 million comprised of Kshs 524.7 million from exchequer and Kshs 168.8 million from donor support translating to an absorption rate of 93.7%.

Table 9: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Kenya National Commission on Human Rights	Recurrent	739.4	693.5	93.7%
	Development	-	-	-
	Total	739.4	693.5	93.7%

Source: Approved Estimates, National Treasury

52. During the period under review, 708 cases of human rights violations, investigated and filed in court, 265,400 members of the public sensitized on human rights and fundamental freedoms, one thematic report on human rights developed and 21 human rights cases resolved through ADR, and 422 state actors trained on economic and social rights.

2.1.10 The Commission on Administration Justice

53. The gross approved allocation for the Commission on Administration Justice for FY 2023/24 is Kshs. 730.2 million for recurrent expenditure. In the financial year under review, the Commission actual expenditure is Kshs 687.8 million to facilitate the planned activities translating to an absorption rate of 98%.

Table 10: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Commission on Administration Justice	Recurrent	730.2	687.8	94%
	Development	-	-	-
	Total	730.2	687.8	94%

Source: Approved Estimates, National Treasury

54. During the period under review, decentralized the ombudsman services through establishment of branch office in Meru County and Makueni County, 5,365 cases/complaints were resolved, Automation and digitization of CAJ services, resolution of public complaints on maladministration, Sensitized and educated public on administrative justice and three bi-annual and annual reports were published.
55. The commission carried forward pending bills amounting to Kshs 3.2 million from the 2023/24 financial year. The bills will be settled in the FY 2024/25 as a first charge as per the provisions of the PFM Act.

2.1.11 The Judicial Service Commission

56. The Judicial Service Commission was allocated **Kshs 896.6 million** in the FY 2023/24. During the period under review, the actual expenditure of the Commission was **Kshs 881.2 million** translating to an absorption rate of 98.3%.
57. The approved allocation comprises of the following; Compensation to employees – Kshs 219.0 million, Use of goods and services – Kshs 613.3 million, Social security benefits – Kshs 5.6 million, and Acquisition of Assets – Kshs 58.6 million.
58. During the period under review, the commission delivered the following outputs; Recruited twenty (20) judges for the High Court, 77 judicial officers were also appointed including the Chief Registrar of the Judiciary, 70 Resident Magistrates and 6 members of the various tribunals, 6 policies and guidelines were developed and approved, and conducted 12 training programs on diverse thematic areas.

Table 11: Approved Budget Estimates for the FY 2023/24 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Judicial Service Commission	Recurrent	896.6	881.2	98.3%
	Development	-	-	-
	Total	896.6	881.2	98.3%

Source: Approved Estimates, National Treasury

PART 3

3.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.1 OBSERVATIONS

3.1.1 Judiciary

- a) The revised allocation to the Judiciary in the FY 2023/24 was **Kshs. 22.5 billion** comprised of **Kshs. 21.02 billion** for recurrent expenditure and **Kshs 1.45 billion** for development expenditure.
- b) The department cumulative expenditure as at the end of June, 2024 was **Kshs. 21.0 billion** translating to 93.4% of the Gross revised allocation. The gross recurrent expenditure was **Kshs. 20.2 billion** against an allocation of **Kshs. 21.0 billion** reflecting an absorption rate of 96.1%. The expenditure towards development projects was **Kshs. 0.81 billion** which is 56% of the department's development budget of **Kshs 1.45 billion**.
- c) During the period under review, The Department conducted 20 court of appeal circuits, 20 high court circuits were also conducted, 4 high court stations established in Thika, Kibera, Nyandarua and Kwale, 3 Magistrate Courts were established in Malaba, Etago and Port Victoria, Rolled out 11 court annexed mediations, Completed the Construction of Marsabit judges residence, and 3 ELRC sub-registries established in Bungoma, Malindi and Nyamira.
- d) The Agency as at 30th June 2024 had a pending bill of Kshs 638.5 million comprised of Kshs 239.9 million for recurrent expenditure and Kshs 398.6 million for development expenditure.
- e) The Agency was faced with a number of challenges amongst them; insufficient funding, lack of uniformity in the pace at which the justice sector players are implementing digitization, inadequate and poor court infrastructure, poor security of judiciary infrastructure and safety of personnel and increased cost of pro bono services due to change in payment services.

3.1.2 Judicial Service Commission

- f) The Judicial Service Commission was allocated **Kshs 896.6 million** in the FY 2023/24. During the period under review, the actual expenditure of the Commission was **Kshs 881.2 million** translating to an absorption rate of 98.3%.
- g) The approved allocation comprises of the following; Compensation to employees – Kshs 219.0 million, Use of goods and services – Kshs 613.3 million, Social security benefits – Kshs 5.6 million, and Acquisition of Assets – Kshs 58.6 million.
- h) During the period under review, the commission delivered the following outputs; Recruited twenty (20) judges for the High Court, 77 judicial officers were also appointed including the Chief Registrar of the Judiciary, 70 Resident Magistrates and 6 members of the various tribunals, 6 policies and guidelines were developed and approved, and conducted 12 training programs on diverse thematic areas.

3.1.3 State Law Office and Department of Justice

- a) The gross revised allocation for the Office in FY 2023/24 was **Kshs. 6.7 billion** comprised of **Kshs. 6.5 billion** for recurrent expenditure and **Kshs 0.17 billion** for development expenditure.
- b) As at the end of June, 2024, the department's cumulative expenditure was **Kshs 6.6 billion** comprised of **Kshs 6.4 billion** for recurrent expenditure and **Kshs 0.172 billion** for development expenditure.

- c) The total pending bill for the office as of 30th June 2024 is Kshs 380.2 million out of which Kshs 276.8 million is for recurrent expenditure and Kshs 103.4 million for development expenditure.
- d) In the FY 2023/2024, the Office of Attorney General and Department of Justice (OAG&DOJ) expanded its legal aid services to 32,789 people and resolved 2,344 cases against the government. The office also developed 50 bills to harmonize existing laws with the Constitution and drafted 297 subsidiary legislations. The transformation of public services, including Marriages, Societies, public Trustee, and College of Arms, was implemented.
- e) The office also developed reports on the international covenant on economic, social, and cultural rights and attended international meetings. The Assets Recovery Agency verified intelligence and traced suspected proceeds of crime in 111 cases. In addition, the Business Registration Service increased the number of registered businesses from 43.5% to 48.6%.
- f) The challenges faced during the implementation of FY 2023-24 budget include: high staff turnover as a result of retirement of the senior and skilled staff; inadequate budgetary allocation and lack of exchequer which has led to pending bills amounting to Kshs. 456.9 million, insufficient training and capacity building of staff to ensure efficiency in service delivery, and reduction in A-I-A collection by SAGAs as a result of low provision to expand their operations to generate A-I-A; Changing Legal Landscapes due to changes in laws, regulations, and court procedures, training is necessary to enable NLAS adapt and this may require additional resources, Inadequate office accommodation, leading to separation of the officers and working in shifts.
- g) It has further been observed by the Committee that the Attorney General's Office litigates on behalf of the state agencies however when the court awards claims against those agencies, they don't promptly settle the claims but abandon the claims with the Attorney General office. In addition, the state law does not get the necessary support from the state agencies in terms of facilitating the legal counsels with daily subsistence allowance in order for them to execute their work.
- h) The State Law Office is faced with the challenge of retaining staff due to uncompetitive remuneration package by the Office. The Office has lost considerable number of staffs to other organization such as Parliament, Judiciary and Ethics and Anti-Corruption Commission.

3.1.4 State Department for Correction Services

- a) The gross revised allocation for the Office in FY 2023/24 was **Kshs. 35.3 billion** comprised of **Kshs. 34.5 billion** for recurrent expenditure and **Kshs 0.795 billion** for development expenditure.
- b) As at the end of June, 2024, the department's cumulative expenditure was **Kshs 32.9 billion** comprised of **Kshs 32.3 billion** for recurrent expenditure and **Kshs 0.635 billion** for development expenditure translating to an absorption rate of 93.6% and 79.9% respectively.
- c) The total pending bill for the state department as of 30th June 2024 is Kshs 316.1 million out of which Kshs 196.7 million is for recurrent expenditure and Kshs 119.4 million for development expenditure.
- d) The major achievement for the State Department includes the following; contained a daily average of 50,070 inmates in humane and safe custody; provided 22,423 pairs of uniforms; 28,660 beddings and linen to inmates; supervised 60,924 non-custodial offenders; supervised 40,834 on Community Service Orders and 79 power of mercy pardonees.

- e) The State Department also rehabilitated inmates through offering formal education to 17,148 inmates; registered 2,016 inmates for KCPE and 287 for KCSE, 23,776 non-custodial offenders were rehabilitated and reintegrated within the community; 8,866 probationers were offered vocational education; 46 ex-offenders provided with workshop tools; and 308 special needs offenders were provided with temporary accommodation.
- f) The Committee has also observed that there is need for the department to leverage on public private partnerships to implement some of its programmes. In addition, the Committee has also urged the state department to leverage on the huge tracks of land at its disposal and the convicted prisoners to generate food in order to complement the resources it has received from the exchequer.
- g) The Committee has also observed the need for the departments in the Justice sector to collaborate together with a view to developing policies that are geared towards decongesting our prisons considering other forms restorative justice that can be implemented.

3.1.5 Independent Electoral and Boundaries Commission

- a) The gross Approved Estimates for the Independent Electoral and Boundaries Commission for FY 2023/24 is Kshs. 4.699 billion which was solely for recurrent expenditure. The budget catered for the following key areas; Compensation of employees – Kshs 2.506 billion, use of goods and services – Kshs 2.154 billion, Acquisition of non-financial assets – 10.765 million and social benefits – Kshs 27.383 million
- b) The Cumulative expenditure for the period under review amounts to **Kshs 4.553 billion** Comprised of the following; Compensation of employees – Kshs 2.506 billion, use of goods and services – Kshs 2.154 billion, Acquisition of non-financial assets – Kshs 10.765 million and social benefits – Kshs 27.383 million.
- c) During the period under review, the Commission reviewed 4 electoral laws, Completed the construction of 4 county warehouses; Developed 4 voter education materials, conducted 4 stakeholder forums, and prepared 4 compliance reports.
- d) The Committee observed that the Commission runs one of the most expensive general elections in the world. The situation was necessitated by the high bills for election result transmission, court rulings that resulted to reprints ballot papers, foreign exchange losses and emergency airlifting of strategic election materials and staff.
- e) The Commission has pending bills amounting to Kshs 3.95 billion of which legal fees accounts for Kshs 2.7 billion, election logistic – postal corporation 0.36 billion and other pending bills – Kshs 0.92 billion. The Committee stressed the need for the Commission to standardize the fees charged by the law firms and engage in-house lawyers to undertake some of the petitions.
- f) The Committee cognizant of its oversight mandate has also directed the Commission to submit before the Committee primary documents in support of the pending bills especially on the legal bills for consideration and scrutiny to ascertain whether the Auditor General should undertake a special audit.

3.1.6 Commission for Administrative Justice

- a) The gross approved allocation for the Commission on Administration Justice for FY 2023/24 is Kshs. 730.2 million for recurrent expenditure. In the financial year under review, the Commission actual expenditure is Kshs 687.8 million to facilitate the planned activities translating to an absorption rate of 98%.
- b) During the period under review, decentralized the ombudsman services through establishment of branch office in Meru County and Makueni County, 5,365

cases/complaints were resolved, Automation and digitization of CAJ services, resolution of public complaints on maladministration, Sensitized and educated public on administrative justice and three bi-annual and annual reports were published.

- c) The commission carried forward pending bills amounting to Kshs 3.2 million from the 2023/24 financial year. The bills will be settled in the FY 2024/25 as a first charge as per the provisions of the PFM Act.
- d) The Committee stressed the need for the commission to create awareness on its mandate particularly in ensuring the citizen right to quality service both at the national and county level of government is not compromised.

3.1.7 Witness Protection Agency

- a) The gross approved allocation for the Commission for FY 2023/24 is Kshs. 791.4 million which is for recurrent expenditure. The expenditure return as at 30th June 2024 was Kshs 774.0 million translating to an absorption rate of 98%.
- b) It is important to note exchequers of Kshs 14.3 million relating to personnel emoluments were not requested for since the earmarked officers had not reported. During the year, the National Treasury approved recruitment of an extra 22 officers in the month of November 2023. The process of recruitment and vetting was completed in June 2024 and the officers reported in the month of August 2024 hence the variance in government grants of 2%.
- c) The Agency during the period under review, the Agency handled a total of 168 witnesses under the program and 338 related persons inclusive of carry overs, post-trial risk assessment done, resettle and re-integrate of witnesses, psychosocial assessments on the witnesses was carried out, safe houses was procured for the witnesses and related persons after admission into the program, and provision of armed escort to and from pre-trial and in court protection.
- d) The Agency has faced a number of challenges during the period under review amongst them; Inadequate budget allocation to the Agency, lengthy trials, poor, insufficient and slow pace of investigations of some of the referred cases, lack of appropriate infrastructure in court and release of prior evidence to the accused.

3.1.8 Kenya National Commission on Human Rights

- a) The gross approved allocation for the Commission for FY 2023/24 is Kshs. 739.4 million for recurrent expenditure comprised of Kshs 524.8 million from exchequer and Kshs 214.7 million from donors.
- b) The cumulative expenditure for the period under review is Kshs 693.5 million comprised of Kshs 524.7 million from exchequer and Kshs 168.8 million from donor support translating to an absorption rate of 93.7%.
- c) During the period under review, 708 cases of human rights violations, investigated and filed in court, 265,400 members of the public sensitized on human rights and fundamental freedoms, one thematic report on human rights developed and 21 human rights cases resolved through ADR, and 422 state actors trained on economic and social rights.

3.1.9 Ethics and Anti-Corruption Commission

- a) The gross approved allocation for the Commission for FY 2023/24 is Kshs. 3,986.8 million comprised of Kshs 3,915.6 million for recurrent expenditure and Kshs 68.14 million for development expenditure.
- b) The cumulative expenditure for the period under review was Kshs 3,826.7 million comprised of 3,767.1 million for recurrent expenditure and Kshs 59.6 million for development expenditure translating to an absorption rate of 96.0% and 87.0% respectively.

- c) During the period under review, the Commission has completed investigation on 126 cases and files forwarded to ODPP, 12 proactive investigations were also undertaken averting public loss of approximately Kshs 2.9 billion, recovered unexplained and corruptly acquired assets valued at Kshs 2.94 billion, sensitized 137,930 persons on ethics, integrity and good governance and 8 system examinations and corruption assessments were also conducted in various public institutions.

3.1.10 Office of the Director of Public Prosecution

- a) The Gross Approved Estimates for the Office of the Director of Public Prosecutions for the FY 2023/24 amounts to Kshs. 4.163 billion. This comprises of Kshs. 4.107 billion for recurrent expenditure and Kshs. 0.055 billion for Capital expenditure respectively.
- b) The cumulative expenditure for the period under review is Kshs 4.16 billion comprised of Kshs 4.106 billion for recurrent expenditure and Kshs 54.4 million for development expenditure translating to an absorption rate of 99.9% and 98.9% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (65.1%), and other recurrent at 34.9%.
- c) During the period under review the ODPP achievements include: the 315,503 criminal matters handled (caseload), Uadilifu Case Management System rolled out to 47 offices, construction of the PTI is 90% complete, 173 staff trained, participated in 175 inter-agency fora, and 799 public complaints handled. The conviction rate for the reporting period was 67%.
- d) The Office is faced with a number of challenges; inadequate funding, inadequate human resource capacity, uncompetitive terms of service, inaccessibility of mobile court stations, politicization of cases, weak inter-agency collaboration, intimidation of witnesses and victims and inadequate infrastructural and operation capacity
- e) The Committee further observed that the Office is a key player towards improving the national security, strengthening good governance and fight against corruption and requires increase in resource allocation to enable the Office execute its mandate.


3.1.11 Registrar of Political Parties

- a) The gross approved allocation for the Office of the Registrar of Political Parties for the FY 2023/24 is Kshs. 1,460.3 million which comprises of Kshs 635.1 million for office operations and Kshs 808.3 million for Political Parties Fund which is shared amongst the political parties as per the provisions of Section 25 of the Political Parties Act and Kshs 16.9 million for the Political Parties Liaison Committee.
- b) The cumulative expenditure for the period under review is Kshs 1,429.8 million comprised of Kshs 604.6 million for office operations, Kshs 808.3 million for Political Parties Fund and Kshs 16.9 million for Political Parties Liaison Committee translating to an absorption rate of 95.2%, 100% and 100% respectively.
- c) During the period under review, 6500 brochures were disseminated to sensitize the public on their political rights and ORPP mandate, five (5) policy document was developed – Registration policy, Transport policy and field coordination policy, finance and procurement manual for parties, participated in 2 ASK Shows, 450 post-election evaluation reports disseminated, and Kshs 808.3 million was disbursed to political parties.

3.2 RECOMMENDATIONS

- (1) Pending Bills - The Committee noted with concern that the Independent Electoral and Boundaries Commission has pending bills amounting to Kshs 3.95 billion of which legal fees accounts for Kshs 2.7 billion, election logistic – postal corporation 0.36 billion and other pending bills – Kshs 0.92 billion. The Committee therefore recommends the Commission to standardize the fees charged by the law firms and engage in-house lawyers to undertake some of the petitions to cut down on cost.
- (2) Decongesting of Prisons - The Committee recommends the departments in the Justice sector to collaborate together with a view to developing and implement policies that are geared towards decongesting our prisons by considering other forms of restorative justice that can be implemented.
- (3) The Committee recommends the state department of Correctional services to leverage on public private partnerships to implement some of its programmes. In addition, the Committee has also urged the state department to leverage on the huge tracks of land at its disposal and the convicted prisoners to generate food for its prisoners in order to complement the resources it has received from the exchequer.
- (4) The Committee further recommends review of the laws regulating the services of the correctional department in the country since they have not been reviewed over a long period of time.
- (5) The Committee recommends additional allocation for the State Law Office to enhance its budget for compensation to employees so as to improve the terms of service for its employees. This will address the inability of the Office in retaining staff due to uncompetitive remuneration package.
- (6) The allocation to the Political Parties Fund is not in compliance with the provision of the Section 24 of the Registrar of Political Parties Act as well as the ruling of Justice Aburili on the implementation of Section 24 of the Act. Therefore, the Committee recommends the government to gradually comply with the provisions of the Act in light of the prevailing limited fiscal space.
- (7) The implementation of the budget has been affected considerably limitations of the IFMIS operations that disrupt implementation of planned activities, and delays in release of exchequer. Therefore, the Committee recommends the National Treasury to improve the IFMIS operations and release the exchequer for the in a timely manner.

Signed.....

for 

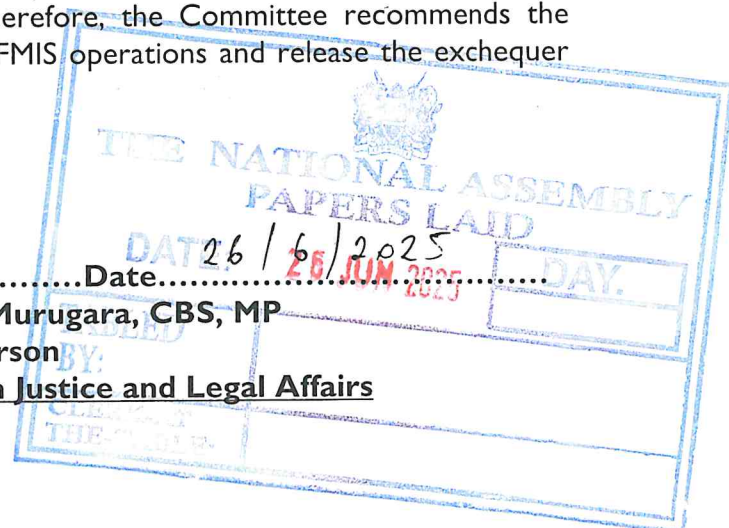
Date.....

26/6/2025
26 JUN 2025

Hon. George Gitonga Murugara, CBS, MP

Chairperson

Departmental Committee on Justice and Legal Affairs





THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**ADOPTION OF THE COMMITTEE REPORT ON BUDGET IMPLEMENTATION REVIEW FOR
ALL THE FOUR QUARTERS OF THE FINANCIAL YEAR 2023-2024**

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on Budget Implementation Review for All the Four Quarters of The Financial Year 2023-2024, and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson

Murugara

2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair

Mutuse

3. Hon. Maalim Farah, EGH, MP

Maalim

4. Hon. Francis Kajwang' Tom Joseph, MP

.....

5. Hon. Gladys Boss, MGH, MP

Gladys

6. Hon. Onyiego Silvanus Osoro, CBS, MP

.....

7. Hon. (Dr.) Otiende Amollo, SC, MP

.....

8. Hon. Muchira Michael Mwangi, MP

Muchira

9. Hon. Makali John Okwisia, MP

Makali

10. Hon. Timothy Wanyonyi Wetangula, CBS, MP

Timothy

11. Hon. Muchangi Karemba, CBS, MP

Muchangi

12. Hon. CPA Zuleka Hulbale Harun, MP

Zuleka

13. Hon. Mogaka Stephen M., MP

Mogaka

14. Hon. Aden Daud, EBS, MP

Aden

15. Hon. Siyad Amina Udgoon, MP

Siyad

