



KENYA LAW REFORM COMMISSION

ANNUAL REPORT

2022 - 2023



CONTACT DETAILS

Contact Details

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

Email: info@klrc.go.ke

Phone: (+254) 20 2241201

Website: www.klrc.go.ke

X: @klrcKE

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



Annual Report 2022-2023

LETTER OF TRANSMITTAL

Hon. Justin Muturi

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

Mr. Jeremiah Nyegenye, CBS

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

Mr. Samuel Njoroge

Clerk, National Assembly
P.O Box 41842-00100
Parliament Buildings
Nairobi, Kenya.

RE: ANNUAL REPORT FOR THE FINANCIAL YEAR 2022/2023

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

It is our pleasure to formally submit the Annual Report for the financial year 2022/2023. This Report has been prepared pursuant to section 32 of the KLRC Act, 2013. It captures our mandate, strategic goals, targets, achievements and milestones realized in the reporting period. The Report further highlights challenges encountered, lessons learnt and the relevant recommendations.

It is our sincere hope that the Report will inform future policy and budgeting interventions, and be a useful tool in providing feedback for improving law reform work in Kenya. We thank you for the continued support.

Mr. Joash Dache, MBS

Secretary/ Chief Executive Officer



TABLE OF CONTENT

LETTER OF TRANSMITTAL	i
LIST OF ACRONYMS	v
FORWARD BY THE CHAIRPERSON	vii
PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER	ix
ACKNOWLEDGMENTS	xi

CHAPTER ONE: INTRODUCTION

1.1	Overview	1
1.2	Mandate and Functions	1
1.2.1	Functions of the Kenya Law Reform Commission	1
1.3	Vision	2
1.4	Mission	2
1.5	Core Values	2
1.6	Leadership and Governance	3
1.6.1	Composition of the Commission	3
1.6.2	Current Commission	3
1.6.3	Committees of the Commission	4
1.6.4	The Secretariat	5

CHAPTER TWO: STRATEGIC PRIORITIES AND ACHIEVEMENTS

2.1	Overview	6
2.2	Technical Assistance to Ministries, Departments and Agencies	6
2.2.1	Requests for Review of Bills and Acts of Parliament	6
2.2.2	Review of Regulations and Policies	7
2.2.3	Aligning Law Reform with the National Government Legislative Agenda	7
2.2.4	Review of Time Lapsed Regulations	7
2.3	Law Reform Support to Parliament	8
2.3.1	Referrals by Parliamentary Committees	8
2.3.2	Pre-Publication Scrutiny	9
2.3.3	Engagements and Collaboration with Parliament	9



Annual Report 2022-2023

2.4	Supporting Justice Sector Reforms	10
2.4.1	National Council for Administration of Justice Bill, 2023	10
2.5	Technical Assistance to County Governments	11
2.5.1	Requests from County Governments	11
2.5.2	Review of the Protocol on Publication of County Legislation	11
2.5.3	Collaboration with the Council of Governors	11
2.6	Legal Research and Public Education	12
2.6.1	Development of a Research Policy	13
2.6.2	Science Technology & Innovation (STI) Mainstreaming	13
2.6.3	Review of the Guide to the Legislative Process in Kenya	13
2.7	Engagements with East African Community	14
2.7.1	Review of EALA Bills	14
2.8	Enhanced Institutional Capacities	14
2.8.1	Implementation of Citizens' Service Delivery Charter	14
2.8.2	Resolution of Public Complaints	15
2.8.3	Business Process Re-engineering	15
2.8.4	Competence Development	15
2.8.5	Youth Internships/ Industrial Attachments/ Apprenticeships	16
2.8.6	Gender Mainstreaming	16
2.8.7	Disability Mainstreaming	16
2.8.8	Prevention of HIV Infections and Non -Communicable Diseases	16
2.8.9	Prevention of Alcohol and Drug Abuse	17
2.8.10	Implementation of Road Safety Guidelines .	18
2.8.11	National Values and Principles of Governance	18
2.8.12	Anti-Corruption Measures .	18
2.8.13	Development of the 2023- 2028 Strategic Plan	19
2.8.14	Visibility	19
2.8.15	Records Management	20
2.8.16	Information Resource Centre	20
2.8.17	Performance Management	20
2.8.18	Asset Management	21



Annual Report 2022-2023

CHAPTER THREE: FINANCIAL STATEMENTS

3.1	Overview	22
3.2	Financial Obligations	22
3.2.1	Absorption of Allocated Funds	22
3.3	Statement of Financial Performance for the Year Ended 30 June 2023	23
3.4	Statement of Financial Position as at 30 June 2023	24
3.5	Statement of Changes in Net Assets for the Year Ended 30 June 2023	25
3.6	Statement of Cash Flows for the Year Ended 30 June 2023	26

CHAPTER FOUR: CHALLENGES AND RECOMMENDATIONS

4.1	Overview	27
4.2	Absence of a Streamlined and Collaborative Approach to Policy and Legislative Development	27
4.3	Inadequate Human Resource Capacity Especially at the Technical Level	27
4.4	Inadequate Funding from the Exchequer	28

APPENDIXES

Appendix I: Profile of the Commissioners	30
Appendix II: List of Legislative Proposals Reviewed or Developed	39

LIST OF ACRONYMS

AG	Attorney-General
CEO	Chief Executive Officer
COG	Council of Governors
COK	Constitution of Kenya
EAC	East African Community
EALA	East African Legislative Assembly
EBS	Elder of the Burning Spear
EGH	Elder of the Golden Heart
FY	Financial Year
GJLO	Governance, Justice, Law and Order Sector
ICT	Information Communication Technology
IEC	Information Communication and Education
KLRC	Kenya Law Reform Commission
MBS	Moran of the Burning Spear
MDAs	Ministries, Departments and Agencies
NACOSTI	National Commission for Science, Technology and Innovation
NCAJ	National Council on Administration of Justice
NGAAF	National Government Affirmative Action Fund
NGEC	National Gender and Equality Commission
NGLA	National Government's Legislative Agenda
NCPWD	National Council for Persons with Disabilities
OAG	Office of the Attorney-General
OGW	Order of Grand Warrior
OPCS	Office of the Prime Cabinet Secretary
PC	Performance Contract
SC	Senior Counsel
SGBV	Sexual and gender-based violence
SP	Strategic Plan
STI	Science, Technology and Innovation
TVET	Technical Vocational Education Training



FORWARD BY THE CHAIRPERSON

We are pleased to publish the Annual Report of the Kenya Law Reform Commission for the financial year 2022/2023. This publication is issued at a time when the current Commission is now a year in office. During the reporting period, members of the Commission and myself have paid keen attention to provide strategic policy direction as well as our oversight responsibilities. We remain fully cognizant of the important mandate that KLRC has to keep the law of Kenya under review, but also fully aware of the challenges that must be addressed to deliver on this mandate.

The Report gives us an opportunity to highlight the strategic priorities that KLRC has focused on as we sought to discharge our mandate and achievements during the year under review. As will be noted from the Report, KLRC has largely implemented the strategic goals under its work plan for 2022-2023 and realized the targets set under its Performance Contract. On behalf of the members of the Commission, I wish to commend the continued dedication and efforts of the entire staff of the Commission, led by the Secretary/CEO.

The Commission has initiated the development of the Strategic Plan for the period 2023-2028 and we look forward to the launch the Strategic Plan in the next financial year. KLRC's new strategic plan is being developed at a time when the Commission is marking ten years, since the enactment of the KLRC Act in 2013. This has given us an opportunity to take stock of the Commission's wide range of milestones and success stories, which include: the critical role in the effective constitutional implementation of the Constitution of Kenya, 2010; the development of legislation towards realization of Kenya's Vision 2030; the review and reform of laws and regulations to support the implementation of

the national and county governments' development agenda and just as importantly, the growth of KLRC as an institution.

This has been achieved in collaboration with other partners and stakeholders and KLRC is proud to be associated with

the Kenya's advancement in the cultural, social-economic, governance and democratic space over the past decade. On this basis, the Commission can firmly attest to the transformative aspects that law reform plays in any nation.

As we position ourselves to the future priorities of the Commission and seek to effectively discharge our functions, we look forward to revitalizing the Commission, while consolidating the solid foundation of gains and achievements of the past ten years.

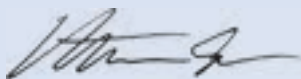
The achievements by the Commission over the reporting period would not have been possible without the support and guidance of the Honourable Attorney General, the Solicitor General and the collaboration with the Parliament, the Judiciary, the National Treasury, the Ministries, State Departments, County Governments and other partners and stakeholders that we collaborate with. The Commission is grateful for the honor bestowed upon us to serve the people of Kenya and we remain committed to continue to fully discharge our roles and responsibilities.

“

KLRC's new strategic plan is being developed at a time when the Commission is marking ten years, since the enactment of the KLRC Act in 2013

”

Christine Agimba



Chairperson

Kenya Law Reform Commission



PREFACE BY THE SECRETARY / CHIEF EXECUTIVE OFFICER

Preparation of annual reports is both a legal and good governance obligation. Under the Constitution of Kenya and attendant legislation, reporting is aimed at promoting transparency and accountability especially with respect to utilization of public resources and delivery of services. Pursuant to these statutory provisions and principles, this Report also contains the Financial Statements for the Financial Year starting 1st of July 2022 and ending 30th of June 2023.

In the period under review, KLRC continued to execute its mandate and functions as provided for under the Constitution of Kenya, the Kenya Law Reform Commission Act, 2013 and other legislation. We also implemented and complied with Government policies, directives and circulars while executing our mandate. These instruments provided a framework that enabled us mainstream our initiatives and operations as we pursued our targets and goals in the Performance Contract and Work Plans for the reporting period as documented in subsequent chapters. We are also pleased to note that KLRC prudently utilized its resources to accomplish the set targets and plans for the year under review. This affirms KLRC's resolve to strengthen its management control systems and governance.

We take pride in the accomplishments achieved during the reporting period amid the attendant challenges including low budgetary allocations which had direct and indirect impact on our operations. To address these challenges, this Report contains relevant recommendations and appropriate actions that need to be undertaken by various stakeholders.

“

We take pride in the accomplishments achieved during the reporting period amid the attendant challenges....

”



Annual Report 2022-2023

KLRC management is eternally grateful for the continued support of all staff and stakeholders who contributed to the successes and milestones achieved in the reporting period.

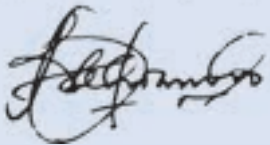
Joash Dache, MBS

Secretary/ Chief Executive Officer

ACKNOWLEDGEMENTS

We are deeply grateful to the Chairperson and members of the Commission, staff, partners and stakeholders who made tremendous efforts towards the realization of the targets and milestones for the financial year 2022/2023. We equally appreciate the Office of Attorney-General and Department of Justice whose leadership and support has been instrumental in the successful execution of our mandate for the period under review. We also acknowledge the active support of other institutions of government: Office of the President and the entire Cabinet, Parliament, the Judiciary, the National Treasury, Constitutional Commissions County Governments as well as all other respective Ministries, Departments and Agencies. Finally, KLRC is indebted to the people of Kenya for entrusting us with this critical mandate and believing in our ability to deliver.

Joash Dache, MBS



Secretary/ Chief Executive Officer

CHAPTER ONE

INTRODUCTION

1.1 Overview

This chapter provides background information about the Kenya Law Reform Commission (KLRC). It captures the mandate and functions, vision, mission and core values of KLRC. It also highlights KLRC's governance and administration.

1.2 Mandate and Functions

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

1.2.1 Functions of the Kenya Law Reform Commission

The functions of KLRC are set out under section 6 of the KLRC Act, which provides that the KLRC shall—

- (a) keep under review all the law and recommend its reform to ensure—
 - (i) that the law conforms to the letter and spirit of the Constitution;
 - (ii) that the law systematically develops in compliance with the values and principles enshrined in the Constitution;
 - (iii) that the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost-effective in application;
 - (iv) the respect for and observance of treaty obligations in relation to international instruments that constitute part of the law of Kenya by virtue of Article 2(5) and (6) of the Constitution;
 - (v) keep the public informed of review or proposed reviews of any laws; and
 - (vi) keep an updated database of all laws passed and reviewed by Parliament.
- (b) work with the Attorney-General and the Commission for the Implementation of the Constitution (now defunct) in preparing for tabling, in Parliament, the legislation and administrative procedures required to implement the Constitution;
- (c) provide advice, technical assistance and information to the national and county governments with regard to the reform or amendment of a branch of the law;

- (d) upon request or on its own motion, undertake research and comparative studies relating to law reform;
- (e) formulate and implement programmes, plans and actions for the effective reform of laws and administrative procedures at national and county government levels;
- (f) consult and collaborate with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social, economic and political policies for the time being in force;
- (g) formulate, by means of draft Bills or otherwise, any proposals for reform of national or county government legislation;
- (h) upon request or on its own motion, advise the national or county governments on the review and reform of their legislation;
- (i) undertake public education on matters relating to law reform; and
- (j) perform such other functions as may be prescribed by the Constitution, this Act or any other written law.

1.3 Vision

“A vibrant agency for responsive law reform”

1.4 Mission

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

1.5 Core Values

To achieve its vision and mission, KLRC endeavours to articulate and execute its functions with fidelity to the following core values:

- (i) Integrity;
- (ii) Teamwork;
- (iii) Professionalism;
- (iv) Transparency and Accountability; and
- (v) Courtesy and Equality.

1.6 Leadership and Governance

1.6.1 Composition of the Commission

Section 8 of the KLRC Act provides for the KLRC's governance structure at both policy and operational levels. The Commission is the governing organ responsible for providing oversight and strategic policy direction.

The Commission comprises of:

- (i) a chairperson appointed by the President through an open and competitive process;
- (ii) a member appointed by the Attorney-General through an open and competitive process;
- (iii) a representative of the Law Society of Kenya who is an advocate of the High Court of Kenya;
- (iv) an officer in the Office of the Attorney-General, appointed by the Attorney-General;
- (v) a representative of the Director of Public Prosecution appointed in writing;
- (vi) a representative of the Chief Justice appointed in writing;
- (vii) a person of the rank of a professor and who teaches law in a public university, appointed by the Attorney General; and
- (viii) a person nominated by the Council of Governors and appointed by the Attorney General.

1.6.2 Current Commission

The Chairperson and members of the Commission took oath of office on the 15th of August, 2022. The Chairperson is Christine Agimba. The members are: Prof. Paul Musili Wambua (Vice-Chairperson), Dr. Mary Gaturu, HSC, Dorcas Agik Oduor, OGW, EBS, SC, Ms. Rose Janet Ayugi, Ms. Linda Musilivi Murila, Mr Duncan Okello and Hon. Kiraitu Murungi, EGH. Their profiles are in *Appendix I*.



Commissioners led by the Chairperson Ms. Christine Agimba (3rd from left, front row) pose for a photo after they were sworn in on the 15th of August, 2022. The Chief Justice Hon. Martha Koome (fourth from left, front row) and the Chief Registrar of the Judiciary, Ms. Anne Amadi (sixth from left, front row) presided over the swearing in.

1.6.3 Committees of the Commission

The Commission has pursuant to section 18 of the KLRC Act, established the following Committees for the effective discharge of its functions.

Committee	Convenor
1. Law Reform Committee	Prof. Paul Wambua, Vice Chairperson
2. Finance, Human Resource and General Purposes	Dr. Mary Gaturu, HSC, Commissioner
3. Audit, Compliance and Risk Management	Ms. Rose Ayugi, Commissioner

1.6.4 The Secretariat

Pursuant to section 19 of the KLRC Act, the Secretariat is headed by the Secretary to the Commission who also serves as the Chief Executive Officer and the accounting officer and is responsible for day-to-day administration and supervision of staff. The Secretariat is comprised of two directorates namely: Legislative Services and Corporate Services. Each directorate is subdivided into departments. There are staff under each department who carry out duties to discharge the Commission`s mandate and functions.

CHAPTER TWO

STRATEGIC PRIORITIES AND ACHIEVEMENTS

2.1 Overview

This chapter presents the priorities and achievements of KLRC and are aligned to the mandate and functions under the KLRC Act, the 2018-2022 Strategic Plan and the Performance Contract for the Financial Year 2022/2023. It summarizes key achievements in relation to projects and programmes implemented during the reporting period.

2.2 Technical Assistance to Ministries, Departments and Agencies

In the reporting period, KLRC, in line with its mandate and functions continued to provide technical assistance to national government Ministries, Departments and Agencies (MDAs) by way of review and development of legislation, regulations and Regulatory Impact Assessments (RIAs).

2.2.1 Requests for Review of Bills and Acts of Parliament

KLRC received and processed all requests from various MDAs achieving 100% of the Performance Contract targets. Consequently, KLRC worked with a number of agencies and participated in the review of a number of Acts including the: Civil Aviation Authority Act, 2013; the Investment Promotion Act, 2014; the Biosafety Act, 2009 and the Wildlife Conservation and Management Act, 2013.

In addition, in view of public interest and emerging issues in the labour sector, KLRC worked closely with the Ministry of Labour to review labour laws among them: Employment Act, 2007; Labour Relations Act, 2007; Labour Institutions Act, 2007; Occupation Health and Safety Act, 2007 and Work Injury and Benefits Act, 2007. Further, KLRC supported the development of a number of Bills such as the Kenya Space Bill, 2023 and the National Land Commission (Amendment) Bill, 2023 among others. A comprehensive list of Bills and Acts of Parliament reviewed or developed is provided in *Appendix II*.

2.2.2 Review of Regulations and Policies

KLRC also received requests to review and develop regulations among them: Kenya Bureau of Standards Regulations (Standards Levy Order 1990); Regulations under the Computer Misuse and Cybercrimes Act, 2018; Way Leaves & Public Rights of Way) Compensation Regulations; Capital Markets Authority Regulations and the Kenya National Qualifications Framework Regulations, 2018. Further, KLRC was part of a multi-stakeholder committee that developed the National Addressing System of Kenya Policy and the Kenya National Quality Policy. Overall, the regulations and policies were properly construed and recommendations made to ensure their conformity with the constitutional requirements and are currently with the relevant MDAs. A comprehensive list of Regulations and Policies reviewed or developed is provided in *Appendix II*.

2.2.3 Aligning Law Reform with the National Government Legislative Agenda

KLRC acknowledges that the Government of the Republic of Kenya has set out an elaborate social and economic transformation framework under the auspices of the *Bottom-Up Economic Transformation Agenda* as detailed in the *Kenya Kwanza* manifesto. The Office of the Prime Cabinet Secretary is established (*vide* Executive Order No. 1 of 2023) with a mandate to chair and coordinate National Government's Legislative Agenda across all Ministries, Departments and Agencies. To fast-track this agenda, the Office of the Prime Cabinet Secretary, Office of the Attorney General and KLRC have held meetings with the aim of developing a joint collaboration framework for the collation, analysis, implementation and reporting of the NGLA. In this regard, a technical committee was established with the objective of having roundtable consultative meetings with MDAs to discuss their policy and legislative initiatives and how they were geared towards the NGLA.

2.2.4 Review of Time Lapsed Regulations

In this year's Performance Contract, KLRC had purposed to support MDAs to review regulations which were expected to expire pursuant to section 21 of the Statutory Instruments Act, 2013. The section provided that a statutory instrument is revoked after 10 years from the date of its making unless it had been repealed or another regulation had been made to exempt it from expiry. The import of this requirement was that all regulations developed before 2013 had to be reviewed in accordance with the Statutory Instrument Act.

KLRC put in place measures to support MDAs in the review of the statutory instruments. However, section 21 of the Statutory Instruments Act was repealed by the Finance Act, 2023, thus giving the said Regulations a new lease of life.

2.3 Law Reform Support to Parliament

KLRC has cultivated a close working relationship with Parliament (Senate and National Assembly) as the legislative arm of government with a mandate to make and reform laws. In Kenya, such law reform proposals may be introduced in Parliament by any member or by the executive arm through the Leadership of Government Business in the House. KLRC has continued to support Parliament in the review of Bills and other instruments before they are presented to Parliament for processing.

2.3.1 Referrals by Parliamentary Committees

In the reporting period, KLRC reviewed a number of Bills referred from Parliamentary Committees as shown in the table below:

Parliamentary Committee	Legislative Proposal/Bill(s)
National Assembly, Justice and Legal Affairs Committee	Statute Law Miscellaneous (Amendment) Bill, 2022
Senate Standing Committee on Justice, Legal Affairs and Human Rights	Preservation of Human Dignity and Enforcement of Economic & Social Rights Bill, 2022
Committee on Finance and Planning	The Public Procurement and Asset Disposal (Amendment) Bill, 2023
National Assembly Departmental Committee on Health	Cancer Prevention and Control (Amendment) Bill, 2022
National Assembly, Departmental Committee on Transport and Infrastructure	National Transport and Safety Authority (Amendment) Bill, 2023
National Assembly Departmental Committee on Sports and Culture	Statute Law (Miscellaneous Amendment) Bill, 2022
National Assembly Departmental Committee on Labor	The Public Service (Values and Principles) (Amendment) Bill, 2022

2.3.2 Pre-Publication Scrutiny

KLRC has established a working understanding with the Speakers of the two Houses of Parliament. Under this arrangement, legislative proposals referred to the various Departmental Committees of the National Assembly and the Senate, are subjected to a pre-publication scrutiny and are referred to KLRC for review in line with its statutory mandate.

During the reporting period, the following Bills were referred to KLRC for input.

Bills referred to KLRC for pre-publication scrutiny

- (i) Anti-Corruption and Economic Crimes (Amendment) Bill, 2023;
- (ii) Kenya Roads (Amendment) Bill, 2023;
- (iii) National Land Commission (Amendment) Bill, 2023;
- (iv) Penal Code (Amendment) Bill, 2023;
- (v) Statutory Instruments (Amendment) Bill, 2023;
- (vi) National Coroners Service (Amendment) Bill, 2023;
- (vii) Basic Education (Amendment) Bill, 2023;
- (viii) Land Control Bill, 2023;
- (ix) Medical Training College (Amendment) Bill, 2023;
- (x) Gold Processing (Amendment) Bill, 2023;
- (xi) Kenya Drugs Authority Bill, 2022;
- (xii) Assisted Reproductive Technology Bill, 2022;
- (xiii) Higher Education Loans Board (Amendment) Bill, 2023;
- (xiv) Kenya Institute of Curriculum Development (Amendment) Bill, 2023;
- (xv) Consumer Protection (Amendment) Bill, 2023; and
- (xvi) National Health Insurance Fund (Amendment) Bill, 2023.

2.3.3 Engagements and Collaboration with Parliament

KLRC continues to proactively engage with Parliament for the effective discharge of its mandate. KLRC has thus purposed to support, participate in and collaborate with Parliament in its legislative initiatives and programmes. In this regard, the Commission, led by the Chairperson, made a presentation to the Senate's Standing Committee on Justice, Legal Affairs and Human Rights at a workshop in Naivasha (April 2023). The presentation focused on opportunities for collaboration and cooperation with a view to strengthening devolution and devolved institutions.

2.4 Supporting Justice Sector Reforms

The justice sector in Kenya comprises several institutions and agencies that work together in a highly coordinated manner so as to ensure that they execute their mandates and provide efficient and quality services. These institutions are part of the National Council for Administration of Justice, established under the Judicial Service Act, No. 1 of 2011 to facilitate effective and efficient coordination of the justice sector. The NCAJ, chaired by the Chief Justice includes: the Judiciary, the Office of the Attorney General, Office of the Director of Public Prosecutions, the Directorate of Criminal Investigations, the National Police Service, the Department of Correctional Services, the Ethics and Anti-Corruption Commission and the Department of Children's Services, among others. KLRC is a co-opted member of NCAJ. In the reporting period, KLRC was appointed as a member in the NCAJ Working Committees on: Criminal Justice Reforms, Court Users, Administration of Justice for Children, ICT, Anti-Corruption, Review of Laws and Policies on SGBV, Civil Justice Reforms, *Ad hoc* Committee on Elections Preparedness and the Traffic Reforms Taskforce.

In addition, as a substantive member of the Judiciary's Rule Committee, the Commission participated in the review of the:

- (i) Fair Administrative Action Rules, 2023;
- (ii) The Insolvency Regulations, 2023;
- (iii) The Children (Adoption Proceedings) Regulations, 2023;
- (iv) The Children (Foster Care) (Procedure and Practice) Rules, 2023;
- (v) The Children (Guardianship) (Procedures) Rules, 2023;
- (vi) The Children in Conflict with the Law (Practice and Procedure) Rules, 2023; and
- (vii) Practice Directions for the Admission of Advocates.

2.4.1 National Council on Administration of Justice Bill, 2023

The NCAJ is mandated to coordinate the administration of justice and reforms in the justice sector in an efficient, effective and consultative manner. This is done through the formulation of policies as well as the implementation and evaluation of various strategies aimed at proper administration of the justice sector. The Commission is a member of the NCAJ Taskforce on the Development of the National Council on Administration of Justice Bill which has prepared the Draft National Council on Administration of Justice Bill, 2023.

2.5 Technical Assistance to County Governments

KLRC, under section 6 of the KLRC Act, is required to formulate, by means of draft Bills or otherwise, any proposals for reform of national or county legislation and further upon request or on its own motion, advise the national or county governments on the review and reform of their legislation. As provided for under section 5(3) of the County Governments Act, 2012, KLRC provides technical assistance to county governments in the development or reform of county legislation. Stated below, are some of the highlights of technical assistance to the County Governments in the reporting period.

2.5.1 Requests from County Governments

KLRC received and processed formal requests from the respective County Governments (the County Executives and County Assemblies). Consequently, the Commission reviewed and developed a number of Bills from County Governments including Makueni, Garissa and Mombasa as listed in *Appendix II*.

2.5.2 Review of the Protocol on Publication of County Legislation

One of the crucial areas that affect county legislation is the manner in which Acts of County Assemblies are published. In the reporting period, a multi-agency committee comprising of the Office of the Attorney General and Department of Justice, the Senate, Government Printer, National Council for Law Reporting and KLRC reviewed the protocol with the aim of enhancing transparency and efficiency in the processes. The Committee further prepared the Regulations for Publication of County Legislation under the County Governments, Act, 2012.

2.5.3 Collaboration with the Council of Governors

Technical support to County Governments has been made possible through collaboration with the Council of Governors and other stakeholders. This collaboration has had a number of remarkable milestones including enhanced capacities and the sharing of technical expertise. During a courtesy call by KLRC on the COG Committee on Legislation, a number of law reform commitments were agreed upon. At the Induction Workshop of the COG Committee on Legislation in February 2023, the Chairperson of KLRC reiterated the need for enhanced coordination in policy and legislative development for smooth implementation of devolution.



CoG and KLRC officials and staff pose for a photo during a courtesy at CoG offices. In the middle is H.E Mutula Kilonzo (Chairperson of the COG Committee on Legislation), to his immediate left is Ms. Christine Agimba Chairperson KLRC and Ms. Mary Mwiti CEO of COG. To his immediate right is Prof. Paul Wambua (the Vice Chairperson of KLRC) (Photo Courtesy of CoG)

The deliberations of the workshop culminated into a joint communique on collaboration between COG, KLRC and the Commission on Administrative Justice in the development of a model County Ombudsman law. Further, the COG and KLRC agreed to jointly review and audit national legislation to ensure that there are no claw-back provisions on devolution.

2.6 Legal Research and Public Education

Legal research and comparative studies form an integral aspect of KLRC`s mandate. Paragraph (d) of section 6(1) of the KLRC Act requires KLRC to “upon request or on its own motion, undertake research and comparative studies relating to law reform”. The development of legislative proposals is always preceded by research and comparative studies of regional and international best practices coupled by input from stakeholders which takes place during public participation sessions. This research hence informs what legislative solutions may be preferred based on comparative scrutiny and best practice. KLRC is also obligated under Paragraph (i) of section 6 of its Act to undertake public education on matters relating to law reform. In the reporting period, KLRC undertook legal research and public education initiatives as described below.

2.6.1 Development of a Research Policy

KLRC embarked on the review of its Research Policy aimed at providing a proper framework for conducting relevant research in the Commission. The Research Policy seeks to: (i) standardize the way research activities are carried out in order to ensure consistency, (ii) ensure that the research agenda addresses the basic law reform function of reviewing legislation to ensure conformity with the Constitution and existing legislation, (iii) provide for a modality of research coordination at all levels (institutional, county, national, regional and international) and (iv) facilitate dissemination of research findings. The draft policy is to be subjected to stakeholders' consultation and validation.

2.6.2 Science Technology & Innovation (STI) Mainstreaming

KLRC embraces Science, Technology and Innovation (STI) strategies to enhance its operations. In this regard, KLRC developed and implemented an annual STI work plan and a Science Technology and Innovation (STI) Strategy. The STI Strategy helped KLRC to undertake research programmes and the dissemination of research findings. In the reporting period, KLRC scored 100% during the 19th Cycle PC ranking by NACOSTI. The import of this is that KLRC achieved all its set targets and emerged as one of the best institutions in mainstreaming STI.

2.6.3 Review of the Guide to the Legislative Process in Kenya

KLRC's flagship publication known as the *Guide to the Legislative Process in Kenya* consolidates the key procedural and substantive facets of law making. The Guide was launched and disseminated to the Counties, through a Trainers of Trainers model and a collaborative effort with stakeholders and development partners. The Guide emerged as integral not only as a reference material in the law-making process (especially in the counties) but also as a training manual at the Kenya School of Law and other institutions of higher learning. Over time, KLRC has received feedback on the need to review the Guide so as to respond to emerging trends in the legislative process. KLRC embarked on this review process and recently held a stakeholders' validation workshop in Nairobi.

2.7 Engagements with East African Community

KLRC's mandate is to keep under review all the law including recommending its reform to ensure the respect for and observance of treaty obligations in relation to international instruments that constitute part of the law of Kenya by virtue of Article 2(5) and (6) of the Constitution. Kenya is a member of the East African Community where the East African Legislative Assembly is a key governance organ. As part of the EAC community, the states parties collaborate on a number of issues including the review of East African legislation.

2.7.1 Review of EALA Bills

In the reporting period, a number of Bills and Regulations, were referred to the Sectoral Council of Legal and Judicial Affairs and EALA Committees through the Ministry of East African Affairs which are listed in *Appendix II*. KLRC as a member of these Committees provided the required technical assistance. KLRC also has participated in the review of Annex VII to the Protocol on the Establishment of the EAC Common Market on the Mutual Recognition of Academic and Professional Qualifications.

2.8 Enhanced Institutional Capacities

KLRC achieved various targets which were captured in its Performance Contract which are aimed at enhancing its institutional capacities. Below is a description of the targets and the progress made.

2.8.1 Implementation of Citizens' Service Delivery Charter

A service charter is a key service delivery tool for any organization. It outlines the services of the organization and what the customers expect in terms of timelines and costs (if any). KLRC continued to embrace the implementation of its Citizens' Service Delivery Charter so as to enhance customer service. In line with the PC targets, the Charter is prominently displayed in English and Kiswahili at service delivery points such as at the office reception, the boardroom and in key offices. KLRC also made the Charter available on its website and subsequently reshared in other digital platforms. Further, the Charter has been translated to Braille and audio formats so as to make it easier for persons with special needs to be able to access it. In the reporting period, KLRC sensitized its staff in order to ensure adherence to the commitments and standards outlined in the Charter.

2.8.2 Resolution of Public Complaints

During the Financial Year 2022/23 KLRC committed to promptly address and resolve all public complaints made to it directly or referred through the Commission on Administrative Justice or other authorities. In order to achieve this, KLRC established a Public Complaints Committee with a mandate of developing mechanisms and procedures for addressing public complaints. KLRC, further, established complaints register and provided alternative avenues for anonymous reporting of complaints. Although no formal public complaint was made that required KLRC's attention, a number of other complaints were made and forwarded to the relevant agencies. Further, KLRC resolved all internal complaints through the laid down reporting structures. In compliance with the targets and standards, KLRC received a certificate of compliance from the Commission on Administrative Justice at the end of the reporting period.

2.8.3 Business Process Re-engineering

Efforts to enhance service delivery were evident through the Commission's commitment to re-engineer two service delivery processes during the fiscal year. KLRC established a committee and collaborated with the Public Service Transformation Department to improve processes such: Mail Management System and Legislative Services Management. This initiative was aimed at optimizing efficiency and effectiveness in service delivery. The re-engineered mail management system helped reduce operational bureaucracies and provide fast convenient services to customers and made it easy to generate system reports. The Legislative Services Management introduced an online system of information sharing and developed KLRC Standard Guidelines for Law Reform which improved engagements between KLRC and its stakeholders.

2.8.4 Competence Development

Human resource capacities are a crucial enabler for service delivery. In order to effectively deliver on its mandate, KLRC prioritizes competence development and ensured training of 65 members of staff in various Continuous Professional Development courses, coaching and mentoring. KLRC also ensured that the staff continued to acquire the necessary skills to effectively deliver on its core mandate.

2.8.5 Youth Internships/ Industrial Attachments/ Apprenticeships

KLRC supports youth development by offering internship opportunities and attachments. KLRC collaborates with the Public Service Commission and institutions of higher learning in the identification of the requisite skills. As a result, KLRC through its officers, offered valuable on the job training to more than Twenty-Three (23) young professionals who were attached in various departments.

2.8.6 Gender Mainstreaming

Gender mainstreaming was another area of focus for KLRC in the year's Performance Contract and work plan, KLRC purposed to promote compliance with gender equality and non-discrimination laws. Subsequently, KLRC developed and is implementing Workplace Gender and Gender-Based Violence policies. Regular reports were submitted to the State Department for Gender showcasing progress and adherence. KLRC was awarded a score of 97% by the State Department for Gender and Affirmative Action, indicating exemplary performance.

2.8.7 Disability Mainstreaming

KLRC remains dedicated to promoting disability mainstreaming in its operations. Strategies were developed and implemented to achieve set targets including the requirement to have at least 5% of the staff and internship establishment being of persons with disabilities. The Commission also provided information about its services in formats and forms that facilitated access and participation for PWDs. In this regard, audio, Braille and visual access tools were embedded on its website. Further, KLRC trained customer service staff on sign language so as to easily offer support to PWDs whenever they would seek services. By integrating disability considerations, KLRC enhanced inclusivity and equal opportunities for all. KLRC scored 100% as evaluated by the examiners.

2.8.8 Prevention of HIV Infections and Non-Communicable Diseases

KLRC recognizes the importance of staff wellness and has over time continued to allocate resources so as to promote interventions for Universal Health Coverage for staff and their families. In the reporting period, KLRC prioritized the prevention of HIV infections and non-communicable diseases.

As an AIDS Control Unit, KLRC focused on workplace prevention and control of HIV/AIDS through promotion, adoption and implementation of the HIV/AIDS policy. Guidance and information on management of HIV and AIDS was provided. Additionally, KLRC enhanced employee education on ending new infections among staff and their families. KLRC's performance on the Maisha 2 Workplace HIV/AIDS intervention improved from 80.2% in the period 2021/2022 to 98.2% in the period 2022/2023 and was issued with a certificate of compliance.



KLRC staff participate in the HIV Aids Awareness forum_ looking on is Bungoma Governor H.E Ken Lusaka

2.8.9 Prevention of Alcohol and Drug Abuse

KLRC addressed substance abuse in the workplace by conducting baseline surveys on alcohol and drug abuse. A Baseline Survey on the status of Alcohol and Drug Abuse among employees of KLRC (conducted in June 2022) indicated that there was a low level of awareness on the same. Subsequently, KLRC developed a workplace Alcohol and Drug Abuse Policy. The Policy seeks to guide in the effective implementation of measures to control the abuse of alcohol and drug amongst staff and their families. This is to be achieved by ensuring early identification, intervention and support to the affected members. KLRC's scores on prevention of alcohol and drug abuse as a performance indicator improved from 52.2% in the FY 2021/2022 to 75% in the FY 2022/2023 and was issued with a certificate of compliance.

2.8.10 Implementation of Road Safety Guidelines

Road safety was a priority for KLRC. This is demonstrated in the development and implementation of the road safety guidelines. KLRC collaborated with the National Transport and Safety Authority in a number of discussions, sensitization programs, and the implementation of road safety measures. KLRC also participated in the World Day of Remembrance for Road Victims 2022 as a way of raising awareness. By ensuring compliance and engaging in proactive CSR initiatives, KLRC contributed to safer roads.



KLRC staff light candles during the commemoration of road victims at Milimani

2.8.11 National Values and Principles of Governance

National values and principles of governance are provided for under Article 10 of the Constitution. These values include: devolution, protection of human rights and sustainable development. In the reporting period, KLRC actively embraced and mainstreamed these values in a number of initiatives such as collaboration, protecting the environment and inclusivity. These were documented as part of the Annual President's Report on National Values and Principles of Governance.

2.8.12 Anti-Corruption Measures

Fighting corruption remained a core objective for KLRC. In line with anti-corruption legislation and government circulars on the same, KLRC remained committed towards this fight and in prevention measures. This was achieved by undertaking bribery and corruption risk assessments. These assessments identified the risk areas and consequently mitigation plans were developed. Further, KLRC appointed an anti-corruption committee which continued to sensitize its staff and the public on how to report incidents of corruption directly or anonymously via the website. In the reporting period, evaluation was done to monitor effectiveness of these measures and the overall index reflected an improvement in comparison with the previous years.

2.8.13 Development of the 2023- 2028 Strategic Plan

KLRC`s 2018-2022 Strategic Plan life Cycle came to an end as the new Commission came into office. The Commission therefore initiated the development of the 2023-28 Strategic Plan. The development of this plan has benefitted from the Commission`s vision of transforming KLRC to effectively deliver on its mandate. The Strategic Plan will focus on a number of result areas among them: (i) law reform, (ii) legal research and public education, (iii) institutional transformation and (iv) engagement with stakeholders. The has been developed in line with the revised Strategic Plan Guidelines 2023 published by the National Treasury, State Department for Economic Planning. These guidelines link strategic plans with the Bottom-Up Economic Transformation Agenda. The Commission intends to launch the Strategic Plan by December, 2023.

2.8.14 Visibility

As shown throughout this Report, KLRC took measures to enhance its visibility in line with its communications policy and strategy. Among the initiatives that were realized included: (i) documentation and the sharing of relevant information with stakeholders, (ii) proactive use of social media where KLRC maintained and regularly updated its social media accounts with information on key events and law reform and (iii) publication and dissemination of IEC materials in various fora.



LSK President Mr. Eric Theuri visits KLRC stand at the Milimani Law Courts during the LSK Awareness Week that was held in October 2022.



Head of Public Education Mr. Mathew Kimanzi engages with a member of the public during a public education event.

2.8.15 Records Management

Appraisal and disposal of records is an important element of records management. The main objective of these processes is to achieve efficiency and effectiveness in records use and ultimately achieve better decision-making processes. KLRC conducted records appraisal under the guidance of the Kenya National Archives and Documentation Service, the government body charged with the mandate of overseeing public records and archives management in all MDAs and County Governments in Kenya. In strict compliance with the KLRC Records Management Policy, the exercise was aimed at determining the value of existing records and, assessing their ongoing usefulness and to dispose those that were not needed. The exercise was completed and authority to transfer 486 files of continuing value to Kenya National Archives and Documentation Service for preservation has been sought. Similarly, authority to destroy 100 valueless records has been sought in accordance with the guidelines.

KLRC embarked on the automation of records process to enhance efficiency in service delivery. This process is currently on-going progressively having mapped out all manual records management processes. System customization is ongoing in order to automate these processes.

2.8.16 Information Resource Centre

KLRC continued to maintain its Resource Centre which is domiciled in the legislative services directorate. The centre has a number of useful law and law reform materials which have been sourced over time for purposes of legal and general research. In the reporting period, KLRC purchased relevant books to facilitate research and readership amongst staff and the public.

2.8.17 Performance Management

KLRC's dedication to excellence was evident through a performance management framework. The framework included the signing of the PC and cascading it to the various departments, units and individual staff. It further provided for the documentation, monitoring and reporting on performance contract targets. Through the framework, KLRC continuously tracked the implementation of targets for accountability and periodic progress assessment. Quarterly reports were prepared and shared with the management and have culminated into the production of this Annual Report.

2.8.18 Asset Management

KLRC maintained a robust approach to asset management by updating and maintaining accurate asset registers. The Commission also adhered to prescribed reporting templates and effectively disposed-off idle assets. By ensuring prudent asset management, KLRC demonstrated its commitment to responsible resource utilization.

CHAPTER THREE

FINANCIAL STATEMENTS

3.1 Overview

This chapter presents the financial statements of the Commission in the reporting period. It captures the: Financial Obligations, Statement of Financial Performance, Statement of Financial Position, Statement of Changes in Net Assets and Statement of Cash Flows for the year ended 30 June 2023.

3.2 Financial Obligations

Section 81 of the Public Finance Management Act, 2012 requires the Commission to prepare Annual Financial statements in respect of KLRC, which give a true and fair view of the state of affairs as at the end of the financial year and the operating results of the Commission for that year. The Commission is also required to keep proper accounting records which disclose with reasonable accuracy the financial position of the Commission. The financial statements have been prepared using the International Public Sector Accounting Standards accrual basis which is an accounting method where revenue or expenses are recognized when a transaction occurs and not necessarily when they are paid for. The standard also allows the use of estimates and assumptions and requires management to exercise judgment in the process of applying the accounting policies.

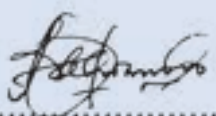
3.2.1 Absorption of Allocated Funds

During the reporting period (2022/23), KLRC effectively utilized its allocation of Kshs. 292, 000,000 in programs and projects for which they were appropriated and planned. The Commission ensured that all its financial obligations were met. The Commission also adhered to the Public Finance Management Act, related regulations and Circulars from the National Treasury. This was achieved by timely preparation of: Financial Programme Performance Reports; Annual Accounts; Annual Procurement Plans; Annual Work Plans and Cash Flow Projections. The Annual Procurement Plan for the FY2022/2023 amounted to **Kshs. 52,173,184.00**. Further, the Commission allocated 40% of the funds amounting to **Kshs. 20,869,274.00** to the locally produced goods and services and another 30% of the funds amounting to **Kshs. 15,651,955.20** to persons with disability, women and youth.

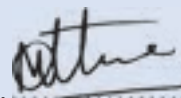
3.3 Statement of Financial Performance for the Year Ended 30 June 2023

	2022-2023	2021-2022
	KShs.	KShs.
Revenue from non-exchange transactions		
Transfers from other governments entities	292,660,000	266,660,000
Total revenue from non-exchange transactions	292,660,000	266,660,000
Revenue from exchange transactions		
Other income	-	21,000
Total revenue from exchange transactions	-	21,000
Total revenue	292,660,000	266,681,000
Expenses		
Use of goods and services	110,525,131	138,855,718
Employee costs	157,595,729	143,541,950
Remuneration of Commissioners	20,675,017	-
Depreciation and amortization expense	5,469,028	6,105,954
Repairs and maintenance	3,047,128	1,958,141
Total expenses	297,312,033	290,461,763
Other gains		
Gain from sale of Obsolete stock/PPE	35,800	1,592,300
Surplus before tax	(4,616,233)	(22,188,463)
Taxation	-	-
Surplus for the period	(4,616,233)	(22,188,463)
Remission to National Treasury	-	-
Deficit for the Year	(4,616,233)	(22,188,463)

The Commission's performance improved considerably as compared to the previous year owing to the support from The National Treasury in its operations.



Mr. Joash Dache, MBs
Accounting Officer

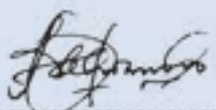


CPA Margaret Githae
Head of Accounts
ICPAK Member No:13051

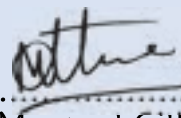
3.4 Statement of Financial Position as at 30 June 2023

	2022-2023	2021-2022
	Kshs	Kshs
Assets		
Current Assets		
Cash and Cash equivalents	23,839,147	23,805,396
Receivables from Non-Exchange Transactions	12,095,900	10,599,938
Inventories	3,427,265	4,762,368
Total Current Assets	39,362,312	39,167,702
Non-Current Assets		
Property, Plant and Equipment	17,664,838	22,475,681
Intangible Assets	-	-
Total Non- Current Assets	17,664,838	22,475,681
Total Assets	57,027,150	61,643,383
Current Liabilities		
Trade and Other Payables	-	-
Total Liabilities	-	-
Net Assets		
Accumulated Surplus	30,173,278	29,320,483
Capital Fund	26,853,872	32,322,900
Total Net Assets	57,027,150	61,643,383
Total Net Assets and Liabilities	57,027,150	61,643,383

The Commission's financial position remains healthy and is able to meet both its long and short-term obligations.



Mr. Joash Dache, MBs
Accounting Officer



CPA Margaret Githae
Head of Accounts
ICPAK Member No:13051

3.5 Statement of Changes in Net Assets for the Year Ended 30 June 2023

	Retained Earnings	Capital Fund	Totals
	Kshs.	Kshs.	Kshs.
Balance as at 1st July 2019	-	35,385,137	35,385,137
Surplus for the year 30.06.2020	48,450,750	-	48,450,750
Capital Grants Received during the Year	-	-	-
Transfer of depreciation/amortization from capital Grants to retained earnings	5,989,195	(5,989,195)	-
As at June 30th 2020	54,439,945	29,395,942	83,835,887
Balance as at 1st July 2020	54,439,945	29,395,942	83,835,887
Surplus for the year 30.06.2021	(928,849)	-	(928,849)
Capital Grants Received during the Year	-	-	-
Transfer of depreciation/amortization from capital fund to retained earnings	4,744,178	(4,744,178)	-
As at June 30th 2021	58,255,274	24,651,764	82,907,038
Balance as at 1st July 2021	58,255,274	24,651,764	82,907,038
Surplus for the year 30.06.2022	(22,188,463)	-	(22,188,463)
Transfer of depreciation/amortization from capital fund to retained earnings	6,105,954	(6,105,954)	-
Adjustment; Transfer to capital fund (Note 16)	(13,777,090)	13,777,090	-
Adjustment; Insurance recoveries (Note 20)	1,967,649	-	1,967,649
Adjustment; prior year errors (Note 21)	(1,042,841)	-	(1,042,841)
As at June 30th 2022	29,320,483	32,322,900	61,643,383
Balance as at 1st July 2022	29,320,483	32,322,900	61,643,383
Surplus for the year 30.06.2023	(4,616,233)	-	(4,616,233)
Transfer of depreciation/amortization from capital fund to retained earnings	5,469,028	(5,469,028)	-
As at June 30th 2023	30,173,278	26,853,872	57,027,150

3.6 Statement of Cash Flows for the Year Ended 30 June 2023

	2022-2023	2021-2022
	KShs	KShs
Cash flows from operating activities		
Receipts		
Transfers from other governments entities	292,660,000	266,660,000
Other Income	-	21,000
Total Receipts	292,660,000	266,681,000
Payments		
Employees Costs	157,595,729	143,541,950
Remuneration to Commissioners	20,675,017	-
Use of Goods and Services	110,525,131	138,855,718
Repair and Maintenance	3,047,128	1,958,141
Total payments	291,843,005	284,355,810
Decrease/Increase in inventory	1,335,102	(212,927)
Increase in Receivable	(1,495,962)	(324,967)
Working capital adjustments	(160,859)	(537,894)
Net cash flows from operating activities	656,136	(18,212,704)
Cash flows from investing activities		
Purchase of property, plant, and equipment	(658,185)	(13,505,131)
Proceeds from sale of Obsolete stock/PPE	35,800	1,592,300
Net cash flows used in investing activities	(622,385)	(11,912,831)
Cash flows from financing activities		
Net cash flows used in financing activities	-	-
Net cash flows used in financing activities	-	-
Prior year adjustments; Insurance recoveries	-	1,967,649
Net increase/Decrease in cash & cash Equivalent	33,751	(28,157,886)
Cash and cash equivalents as at 1 July	23,805,396	51,963,282
Cash and cash equivalents as at 30 June	23,839,147	23,805,396

CHAPTER FOUR

CHALLENGES AND RECOMMENDATIONS

4.1 Overview

This chapter presents a summary of challenges that impede the effective discharge of KLRC's mandate. General and specific recommendations have been made under each challenge.

4.2 Absence of a Streamlined and Collaborative Approach to Policy and Legislative Development

Critical law reform initiatives are handled through Presidential or Ministerial taskforces set up to address gaps in policy or legislation or challenges in implementing the law, or to align laws to the government's development agenda. The effective implementation of the government's national legislative agenda is sometimes delayed by the absence of a streamlined approach, especially when MDAs undertake the review and development of legislation with little involvement of KLRC, which has expertise in formulating legislative proposals for law reform.

KLRC notes that there is need to develop a streamlined and consultative approach to law reform and legislative development between all actors in the policy formulation and legislative process. Aware of this challenge, the Commission seeks to promote better linkages and collaboration with the Office of the Attorney-General, the Office of the Prime Cabinet Secretary and MDAs for purposes of streamlining the review and reform of law in Kenya.

4.3 Inadequate Human Resource Capacity Especially at the Technical Level

Despite an authorized establishment of nearly ninety legal officers, there are less than twenty lawyers at the Commission with expertise to discharge its core mandate. With the demanding responsibility for keeping all law under review and to meet the high demand by the national and county governments for advice and technical assistance on matters related to law reform, the KLRC does not have adequate capacity to prioritize critical work. The existing capacity constraints in the KLRC affects the ability to ensure the timely review of law and development of quality laws.

The KLRC seeks to increase the number of legal officers and to build critical skills and competencies to properly undertake their functions of a law reform institution. To attract and retain its staff, the KLRC seeks to establish Staff and Car Loan and Mortgage facilities, which are available to other public officers, but which the KLRC staff do not currently enjoy. There is also need to provide the attendant facilities such as office space, library and research resources, motor vehicles and ICT equipment to enable the Commission staff provides services to the national and county governments.

4.4 Inadequate Funding from the Exchequer

Over the last five years, the level of funding from the exchequer to KLRC has been declining leaving the Commission only able to pay salaries and basic operational costs. This has compromised the Commission's ability to discharge its mandate effectively.

The table below tabulates the declining funding levels to the Commission over the last five years. The impact of this scenario is directly proportional to number and quality of Bills presented to Parliament during the same time.

5-YEAR BUDGET BREAKDOWN	
FINANCIAL YEAR	APPROVED BUDGET ESTIMATES
2017/2018	330,700,000
2018/2019	305,460,000
2019/2020	298,400,000
2020/2021	272,100,000
2021/2022	266.660,000
2022/2023	266.660,000

While the MDAs receive budgetary allocations for the review and reform of legislation, they do not have the technical capacity and rely on the KLRC to provide advice and technical assistance on law reform matters.

However, the lack of adequate funding to the KLRC impedes its ability to provide technical assistance and advice on law reform need to support the Government's legislative agenda to drive the implementation of the Government's priority projects.

The Commission will continue to seek enhanced budgetary allocations from the National Treasury and the National Assembly in line with its strategic priorities, including the projected expansion of its technical personnel and its facilities and infrastructure. The Commission sought and was happy to receive an additional Kenya Shillings Twenty-six Million during the second supplementary estimates in the FY 2022/2023.

Profile of the Commissioners

COMMISSIONER

PROFILE



Christine Agimba
Chairperson

Ms. Christine Agimba is a seasoned lawyer and Advocate of the High Court of Kenya with more than thirty years` experience, having served in diverse strategic leadership and senior management roles, in the public service and in private legal practice. She holds a Master`s degree in Law in Development from the University of Warwick, England and a Bachelor of Laws degree from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law. She is a Certified Public Secretary, Kenya and a member of the Chartered Institute of Arbitrators, (Kenya Chapter).

Ms. Agimba previously served as a Deputy Solicitor-General at the Office of the Attorney-General and Department of Justice. As Project Manager and Legal Sector Specialist of the Financial and Legal Sector Technical Assistance Project under the Ministry of Finance, she led a multi-disciplinary team to support legal, regulatory and institutional reforms in the financial and legal/judicial sectors. Ms. Agimba has served as a board member in various government agencies, including the Council of Legal Education, the Anti-Money Laundering Advisory Board and the National Council of Law Reporting. She was a member of the Presidential Taskforce on Parastatal Reforms and the subsequent Parastatal Reforms Implementation Committee that developed the Mwongozo Code of Governance for State Corporations. Ms. Agimba began her legal career as an associate and then later as a partner in the firm of Hamilton, Harrison & Mathews Advocates.



Prof.
Paul Musili Wambua
Vice Chairperson

Prof. Paul Musili Wambua is an accomplished Advocate of the High Court of Kenya with over 37 years standing during which he has served in diverse strategic leadership roles in the legal profession and academia. He holds: a Doctor of Laws in Maritime Law and Law of the Sea from Ghent University, Belgium, a Master of Laws degree from the University of London, United Kingdom, a Master of Business Administration (MBA - Magna cum Laude) from the United States International University -Africa and a Bachelor of Laws degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law.

He is currently a Professor of Law, at the University of Nairobi, School of Law and teaches maritime law, the law of the sea, and insurance law with a special research interest in maritime security and corporate governance. He has previously served as the first Chancellor of the University of Embu, Associate Dean at the University of Nairobi School of Law and Dean at Kabarak University School of Law. He has also held numerous distinguished positions in the public sector including serving as a Commissioner in the Constitution of Kenya Review Commission and Chairman of the Betting Control and Licensing Board.



**Dr. Mary Wangechi
Gaturu, HSC
Member**

Dr. Mary Gaturu, HSC, is an exemplary and distinguished scholar with over 35 years' experience in the education, public administration and governance sectors. She holds a Doctor of Philosophy in Education Administration (Kenyatta University), Masters of Education in Administration (Kenyatta University), and a Bachelor of Education – Science (Kenyatta University). She has also been trained in various professional, leadership and governance programmes locally and internationally among them: Strategic Leadership Development Programme, Senior Management Course, Mwongozo and Advanced Program Management, Monitoring and Evaluation.

Dr. Gaturu has served in various capacities among them as: Regional Director of Education Rift Valley Region, a Director of Quality Assurance and Standards in the State Department of Early Learning and Basic Education, District Education Officer, County Director of Education in various counties and a graduate teacher. She has also been a Council /Board member in various State Corporations and Universities namely: Kenya National Examination Council, Kenya Institute of Curriculum Development, Kenya National Qualification Authority, University of Kabianga, Laikipia University, Kenyatta University and Mount Kenya University.



Rose Janet Ayugi
Member

Ms. Rose Ayugi is an astute Advocate of the High Court of Kenya with vast experience having served in the public, academia and Non-Governmental Organization sectors. She holds a Master of Laws and a Bachelor of Laws degree, both from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law.

Ms. Ayugi is currently a Senior Lecturer at School of Law, Moi University. She has previously served as a researcher at the Law Reform Commission and as a Programme Officer at the Public Law Institute, Climate Network Africa. She also previously worked with the University of Nairobi (School of Law), Kenyatta University (Environment), Strathmore University Business School and Saint Lawrence University, New York (Kenya Chapter). She has served as: the Chairperson Seeds and Plant Varieties Tribunal, member in Rules Board (Labour), a board member of Chepserei TVET Elgeyo Marakwet and Secretary to Task Force on Law of the Child.



Dorcas Agik Oduor,
OGW,EBS,SC
Member

Ms. Dorcas Oduor, OGW, EBS, SC is an astute Advocate of the High Court of Kenya with extensive understanding and vast experience of the criminal justice system in Kenya. She holds a Masters of Arts in International Conflict Management and Bachelor of Laws degrees both from the University of Nairobi. She also holds a Post- Graduate Diploma in Law from Kenya School of Law.

Ms. Oduor currently serves as Secretary Public Prosecution at the Office of the Director of Public Prosecutions. She has previously served in various capacities among them: Deputy Director Public Prosecutions, Head of Economic, International and Emerging Crimes Department, Deputy Chief State Counsel and as a State Counsel (the Department of Public Prosecutions) at the Office of the Attorney General. She has been a member in various agencies/commissions including as: Chairperson, Board of Review on Mentally Insane (Criminal Psychiatric), Assisting Counsel Akiwumi Commission on Land Clashes, Assisting Counsel, Bosire Commission on the Goldenberg Affair, Assisting Counsel, Kiruki Commission on Artur Brothers, Joint Secretary, Police Reform Commission, (Ransley Commission),Chair, Board on Criminal Psychiatric (on behalf of the Attorney General), member of the National Task Force on Money Laundering and Terrorist Financing among others.



Duncan Okello
Member

Duncan Okello is a political scientist, lawyer, and an international relations specialist. He holds a Masters of Arts degree in International Relations from the University of Kent, at Canterbury, United Kingdom, where he studied as a Chevening Scholar. He also holds a Bachelors of Arts degree in Political Science and a Bachelor of Laws degree, both from the University of Nairobi.

He has previously served as: Chief of Staff in the Office of the Chief Justice & President of the Supreme Court of Kenya, the founder Executive Director of the NCAJ, Deputy Executive Director and Director of Programs at the Institute of Economic Affairs and as Regional Director, Society for International Development, Eastern Africa Office. He was appointed as Chairperson of the *Judiciary Inauguration and Swearing-in Committee for the President and Governors (2017)* and as *Advisor to the Committee in 2022*. He was also part of the team that designed the Ministry of Justice's *Interim Governance, Justice, Law and Order Sector Program* and the *GJLOS Policy Framework Paper* in 2010. He has undertaken several consultancy assignments for the Government of Kenya, UN agencies, and other multilateral and bilateral organizations including the State University of New York and USAID, Kenya.

In the last two decades, he has researched, written, and worked extensively on policy, legal, political, and development processes, with a focus on governance and institutional reform in the Executive, Parliament, Judiciary and civil society. His policy and research interests revolve around questions of democratization and institution-building for societies in transition, and how the law and institutions interface to mediate and influence state and citizen relations in Africa. He has authored, edited, and published several books and book-chapters in his areas of interest.



***Ms. Linda Murila,
HSC
Member***

Ms. Linda Musilivi Murila, HSC is an Advocate of the High Court of Kenya with vast experience in legislative drafting and constitutional reform. She holds a Bachelor of Laws degree from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law and an Advanced Diploma in Legislative Drafting from the University of West Indies, Barbados.

Ms. Murila is currently serving as Chief State Counsel and acting Head of the Legislative Drafting Department in the Office of the Attorney General and Department of Justice. She is the representative of the Attorney General on the National Council for Law Reporting and a member of the Committee of Constitutional Experts to Draft the Constitution for the East African Community Political Confederation. Ms. Murila has served as a drafting expert in various initiatives to reform the Constitution of Kenya, various taskforces and technical committees to review legal instruments and as a member of the drafting team to review various East African Community legal instruments. She is a member of the Commonwealth Association of Legislative Counsel.



**H.E. Hon.
Kiraitu Murungi, EGH
Member**

Hon. Kiraitu Murungi, EGH is an experienced Advocate of the High Court of Kenya and State Officer with vast experience in: policy and legal reforms, public service administration and leadership. He holds Masters' degrees in Law from the University of Nairobi and Harvard University, USA and a Bachelor of Laws degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law.

Hon. Murungi is currently the Chairperson of the National Oil Corporation and has previously served as the Governor and Senator of Meru County. He has also served as a Member of Parliament for Imenti South Constituency in Meru County. During his tenure as the Cabinet Secretary in the Ministry of Justice and Constitutional Affairs, he was instrumental in supporting legal, regulatory and institutional reforms in the legal sector. He has also served as Minister in the Ministry of Energy. Hon. Kiraitu has been awarded the prestigious Presidential Award, Elder of the Golden Heart (EGH) and the Jubilee Golden Award for Distinguished Public Service.



Mr. Joash Dache, MBS
Secretary/Chief
Executive Officer

Mr. Joash Dache, MBS is a distinguished Advocate of the High Court of Kenya with vast experience in Constitutional Development and Law Reform, Legislative Drafting, Legal and Policy Research and Programme Coordination. He holds a Master of Laws degree from Monash University (Australia) and a Bachelor of Laws degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law and is a Certified Public Secretary. He has undergone other professional trainings including Legislative Drafting (University of London) and Strategic Leadership and Development Programme, Kenya School of Government. He is a member of the Law Society of Kenya, Commonwealth Association of Legislative Counsel, Commonwealth Association of Law Reform Agencies and the Association of Law Reform Agencies in Eastern and Southern Africa.

APPENDIX

II

List of Bills, Regulations and Policies Reviewed or Developed

BILLS REVIEWED OR DEVELOPED	
1.	Review of the Wildlife and Conservations Act, 2013
2.	Development of the Kenya Cultural Centre Bill, 2023
3.	Development of the National Council on the Administration of Justice Bill, 2023
4.	Development of National Youth Service (Amendment) Bill
5.	Review of the East African Community Financial Services Commission Bill, 2022
6.	Review of the East African Community Competition (Amendment) Bill
7.	Review of the East African Community Surveillance, Compliance and Enforcement Bill, 2022
8.	Review of the Statue Law (Miscellaneous Amendments) Bill
9.	Development of the Kenya Space Agency Bill, 2023
10.	Development of Public Finance Management (Amendment) Bill, 2023 to operationalize Articles 187 and 189 of the Constitution
11.	Development of the Public Service (Values and Principles) (Amendment) Bill, No. 46 of 2022
12.	Review of the Preservation of Human Dignity and Enforcement of Economic & Social Rights Bill, No. 7 of 2022
13.	Development of the Statute Law Miscellaneous Bill, No. 60 of 2022
14.	Development of the Public Procurement and Asset Disposal (Amendment) Bill, 2023
15.	Review of the Cancer Prevention and Control (Amendment) Bill, 2022
16.	Development of the National Transport and Safety Authority (Amendment) Bill, 2023
17.	Development of the National Addressing System of Kenya (NASK) Bill
18.	Amendment of the Biosafety Act, 2009
19.	Development of the Kenya Road (Amendment) Bill, 2023
20.	Development of the Competition (Amendment) Bill, 2023
21.	Review of the Public Service Bill, No. 63 of 2022
22.	Review of the Penal Code (Amendment) Bill, No. 56 of 2023
23.	Review of the Anti-Corruption and Economic Crimes (Amendment) Bill, 2023
24.	Review of the Kenya Accreditation Service Act, 2019
25.	Review of the Consumer Protection (Amendment) Bill, 2023
26.	Review of the Land Control Bill, 2023
27.	Review of the Sale of Goods (Amendment), Bill 2023
28.	Review of the Environment and Land Court (Amendment) Bill, 2023

Annual Report 2022-2023

29.	Review of the Basic Education (Amendment) Bill, 2023
30.	Review of the Kenya Medical Training College (Amendment) Bill, 2023
31.	Development of the Kenya Drugs Authority Bill, 2022
32.	Review of the Assisted Reproductive Technology Bill, 2022
33.	Amendment of the Scrap Metal Act
34.	Development of Certified Governance Secretaries Bill, 2023
35.	Development of Emergency Medical Care Bill, 2023
36.	Review of the Traffic Act, Cap 403
37.	Development of E-Health Bill, 2023
38.	Review of the Supplies Practitioners Management Act, 2007
39.	Review of the Prisons Act, Cap 90 and related laws
40.	Review of the Maritime laws under the Kenya Maritime Authority
41.	Review of Intergovernmental Relations Act, 2012
42.	Review of the Copyright Bill, 2023
43.	Review the Privatization Act, 2023
44.	Review of the Counter Trafficking in Persons Act, 2010
45.	Review of the Employment Act, 2007
46.	Review of the Labour Relations Act, 2007
47.	Review of the Labour Institutions Act, 2007
48.	Review of the Occupation Health and Safety Act, 2007
49.	Review of the Work Injury and Benefits Act, 2007
50.	Review of the Kenya National Examination Act
51.	Review of the Sexual Offences Act, 2006 and other Sexual Gender-Based Violence related laws
52.	Review of Electoral Laws in preparation for the 2022 General Elections
53.	Harmonization of laws in relation to delineation of Betting, Casinos and other Forms of Gambling functions
54.	Development of Legislation for Operationalization of Articles 187 and 189 of the Constitution on Transfer of functions and cooperation between National and County Governments
REGULATIONS/RULES REVIEWED OR DEVELOPED	
55.	Public Finance Management (Disaster Management Fund) Regulations, 2022
56.	Develop the Judicial Service (Processing of Petitions and Complaints Procedures) Regulations, 2023
57.	Public Finance Management (Disaster Management Fund) Regulations, 2022

58.	Development of Kenya Institute of Curriculum Development (KICD) Regulations
59.	Development of Regulations under the Statistics Act, 2006
60.	Review Regulations under the Kenya Information and Communication Act
61.	Regulations under the Cancer Prevention and Control Act
62.	Review of the NGEC Complaints Handling and Procedure Rules, 2020
63.	Fisheries Management and Development Regulations, 2022
64.	Review of NGAAF Regulations
65.	Development of Merchant Shipping (Maritime Transport Operators) Regulations, 2023
66.	Development of Cabotage Regulations
67.	Development of Regulations for the Urban Areas and Cities Act (2011 Amended 2019)
68.	Regulations and Regulatory Impact Assessment on the Kenya Roads (Roadside Stations) Regulations, 2023
69.	Review and Regularization of the Kenya National Qualifications Framework (KNQF) Regulations, 2018
70.	Review of the National Waste Management Council Regulations, 2023
71.	Development of Land (Public Rights of Way) Compensation Regulations, 2023
72.	Development of Regulations under the Computer Misuse and Cybercrimes Act (CMCA) 2018
73.	Review of Kenya Bureau of Standards Regulations (Standards Levy Order 1990)
74.	Development of Kenya Bureau of Standards Regulations (Cargo Consolidation), 2023
75.	Review of the Policy and Regulations under the Kenya Heroes Act, 2014
76.	Review of Rules under the Kenya National Examination Act
77.	Review of Inter-agency Taskforce on Public Finance Management (Disaster Management Fund) Regulations
78.	Develop the Judicial Service (Processing of Petitions and Complaints Procedures) Regulations, 2023
79.	Development of the Co-regulation framework for Audio-visual Content Classification
80.	Development of Regulations and Regulatory Impact Statement (RIS) for the UACA Regulations
81.	Development National Electronic Single Window Regulations

82.	Development of the Industrial Training Levy Administration Regulations
83.	Regulations on Pricing and Generic Prescribing of Health products technology
84.	Development of Regulations for Tobacco Control Act, 2007
85.	Review of Nairobi Coffee Exchange Trading Rules
86.	Redraft the Insolvency (Amendment) Rules
87.	Rules under the Judiciary Rules Committee
88.	Development of the National Addressing System of Kenya (NASK) Policy
89.	Development of the National Access to Information (ATI) Policy for Kenya
90.	Development of National Policy on Small Arms and Light Weapons
91.	Legal and Policy Framework for the Kenya Fish Marketing Authority
92.	Development of the Fair Administrative Action Rules
TECHNICAL ASSISTANCE TO COUNTY GOVERNMENTS	
93.	Development of the Makueni County Trade and Public Markets Bill, 2023
94.	Development of the Marsabit County Community Health Services Bill, 2023
95.	Development and review of sundry county legislation Garissa, Makueni, Mombasa Counties
96.	Review/development of Mombasa County legislation
97.	Development of the Makueni County Equitable Development Bill
98.	Implementation of KLRC - Makueni County government MOU on review of County Legislation
99.	Review of the Garissa Health Facilities Improvement Bill

Contact Us

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

✉ **info@klrc.go.ke**
📞 **(+254) 20 2241201**
🌐 **www.klrc.go.ke**
✂ **@klrcKE**
📘 **KenyaLawReformCommission**

