



**KENYA LAW REFORM COMMISSION**

*A vibrant agency for responsive law reform*

**2021-2022  
ANNUAL  
REPORT**

## LETTER OF TRANSMITTAL

**Hon. Kihara Kariuki**

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

**Mr. Jeremiah Nyegenya,**

**CBS**

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

**Ms. Serah Kioko**

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

### **RE: ANNUAL REPORT FOR THE FINANCIAL YEAR 2021/2022**

The Kenya Law Reform Commission (KLRC) has a mission 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 present the Annual Report for the financial year 2021/2022. This Report has been prepared pursuant to Section 32 of the KLRC Act, 2013 and all other enabling provisions of the Law of Kenya. 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 interventions and be a useful tool in promoting feedback and building commitment in law reform work in Kenya.

We thank you in advance for the continued support.

**Mr. Joash Dache, MBS**



**Secretary/ Chief Executive Officer**

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## LIST OF ACRONYMS

AG	Attorney-General
AGPO	Access to Government Procurement Opportunities
ATI	Access to Information
CAJ	Commission on Administrative Justice
CEO	Chief Executive Officer
COK	Constitution of Kenya
COVID	Corona Virus Disease
CSO	Civil Society Organization
DCIV	Directorate of National Cohesion and Values
FY	Financial Year
GIMIS	Government Investment Management Information System
GDP	Gross Domestic Product
GoK	Government of Kenya
HDPs	Hospital Detention Practices
ICT	Information Communication Technology
IEBC	Independent Electoral and Boundaries Commission
ISMS	Information Security Management System
ISO	International Standard Organization
ISK	Institute of Surveyors of Kenya
KLRC	Kenya Law Reform Commission
KM	Knowledge Management
KRA	Kenya Revenue Authority
KSB	Kenya Society for the Blind
LRN	Law Reform Newsletter
MDAs	Ministries, Departments and Agencies

MOH	Ministry of Health
NACOSTI	National Commission for Science, Technology and Innovation
NCPWD	National Council for Persons with Disabilities
NSSF	National Social Security Fund
OAG	Office of the Attorney-General
ORPP	Office of the Registrar of Political Parties
PC	Performance Contract
PFM	Public Finance Management
PSC	Public Service Commission
PPDA	Public Procurement and Asset Disposal
PPE	Personal Protective Equipment
PPDT	Political Parties Disputes Tribunal
SCAC	State Corporations Advisory Committee
SOPs	Standard Operating Procedures
SP	Strategic Plan
STI	Science, Technology and Innovation
UHC	Universal Healthcare Coverage
WIBA	Work Injury Benefits Act
WHO	World Health Organization

## FORWARD BY THE CHAIRPERSON

**Christine Agimba,  
Chairperson, Kenya Law Reform  
Commission**



On behalf of the Commission, it is with great honour and humility that I forward the Kenya Law Reform Commission's Annual Report and Financial Statements for the Financial Year ended 2021-2022. The Commissioners took office on the 15<sup>th</sup> of August 2022 upon our gazettment and swearing in. We have had occasion to go through the Report and are delighted at the successes reported amid the absence of the Commissioners in the reporting period.

We have particularly taken note of the legislative and other programmatic interventions that KLRC undertook in the reporting period in the support of the Big Four Agenda. We single out the contributions towards the development of regulations to

operationalize the National Hospital Insurance Fund Act which have and will have far reaching impact towards the realization of Universal Health Care. In addition, KLRC made law reform contributions which are central to the realization of food security, the reduction of hunger as well as a transparent and accountable electoral process. Further, in our devolved system of governance, we are happy that KLRC did provide technical assistance to county governments as required by the County Governments' Act, 2012. In the context of devolved governance, KLRC reviewed or developed pieces of legislation, regulations and policies for various county governments.

We have also taken note that KLRC has continued to collaborate and partner with other agencies in the law



reform sector to deliver on its mandate. Of critical mention, are the references by the Judiciary which require KLRC to participate in the reform of identified areas of law. The Parliament is also an important partner to KLRC and has been supportive in the review or the provision of information on particular areas of legislative and policy interventions. We also laud the collaboration with the Office of the Attorney-General, National Government MDAs, County Assemblies, County Executive, Civil Society Organizations, the Private Sector, Development Partners, the Academia and the Media. We do not take the cooperation that we enjoy with our key stakeholders and partners for granted as the Commission continues to play its assigned role in constitutional implementation and law reform processes with dedication.

As Chairperson and Commissioners, we commit to providing leadership to ensure the effective discharge of the functions of KLRC and the realization of the vision of the KLRC. We will also work with utmost dedication to continuously support our stakeholders in the development of high quality legislation, policies,

regulations and other governance instruments. We therefore wish to acknowledge with profound gratitude the efforts of all those who were instrumental in the realization of set targets in the reporting period.

The Commission remains dedicated and committed to achieving its vision “of being a vibrant agency for responsive law reform” and mission “of facilitating 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.”

***Christine Agimba,  
Chairperson,  
Kenya Law Reform Commission.***



## **PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER**

**Mr. Joash Dache, MBS,  
Secretary/CEO.**

We are delighted at the publication of the KLRC's Annual Financial Report and Financial Statements for the year ended 30th June 2022. The Report and Statements are a reflection of the work done and milestones achieved in the reporting period towards the realization of our mandate and functions as drawn from: the Constitution of Kenya 2010, the Kenya Law Reform Commission Act, 2013, the State Corporations Act, Cap 446 and the County Government's Act, 2012, among other instruments. These instruments of governance also inform the commission's establishment, structure and operations.

The Report details the activities of KLRC during the period under review, achievements, challenges and the mitigating factors for addressing them. Further, the

progress made in law reform in Kenya generally.

As promulgated in the Constitution, Kenya adopted a devolved system of government comprising of both National and County levels in which KLRC is the primary law reform agency. KLRC continues to offer technical assistance and advice on the review of laws, policies, regulations and other instruments of governance to both levels of Government. Further the Commission offers advisory opinions and undertakes research on legal matters as informed by emerging issues, court decisions and global trends.

While the year was not without its challenges, the management team and staff of KLRC continued to successfully implement its mandate and to advance its goals and

objectives set in its Strategic Plan 2018-2022. The strategic objectives adhered to during the year under review were to: implement the Constitution of Kenya, 2010, enable implementation of the government's Big Four Agenda, enhance research and advisory functions of KLRC for informed law reform, enhance effective public education on law reform matters in Kenya, enhance the institutional capacity and profile of the Commission for strategic positioning in the country and build human resource capacity for quality service delivery.

In the reporting period, KLRC received GOK grants of Kshs. 266,660,000 to implement its targets and mandate as compared to the previous year where KLRC received Kshs 272,118,373. Whereas the Commission's allocation has been reducing steadily over the years, the mandate and the expenditure have been on an upward trend thus hindering implementation and completion of critical projects as set out in the strategic plan.

Despite the limited resources, KLRC was able to undertake development of legislation to address emerging issues, gaps and challenges for law reform and the continuous implementation of the Constitution. The projects focused on key strategic pillars of electoral reforms that enhanced transparency, accountability and credibility of the just concluded electoral process. In addition, we have been proactive in supporting health care reforms towards the realization of Universal Healthcare Coverage (UHC) among other pillars of the Big Four Agenda. We commenced two critical research projects namely: a) Research on ending hospital detention for non-payment of hospital bills by patients admitted in hospitals and b) Research on the adoption of penalty and fee units in drafting legislation relating to penal and fee provisions in Kenya. These projects aim to address the legislative and policy gaps in the targeted sectors.

During the Financial Year 2021/22, we did not have a fully constituted Board. However, the Secretariat, under the guidance of the office of the Attorney General, pursued KLRC's mandate in accordance with all applicable statutory provisions. KLRC will continue to ensure the effective implementation of its programmes and projects as set out in the strategic plan and the annual performance contract.

***Joash Dache, MBS,  
Secretary/CEO,  
Kenya Law Reform Commission.***

## ACKNOWLEDGEMENTS

We are honoured to publish the Annual Report for the Financial Year (FY) ended 2021/22. The realization of our goals as set out in the Strategic Plan 2018-2022 and targets in the Performance Contract for the reporting FY is a collaborative dedication of many institutions and individuals. At the onset, we acknowledge the Office of Attorney-General and Department of Justice whose leadership and support remains appreciated. We also laud the following institutions that have been key pillars towards our shared success: the Parliament, the Judiciary, the National Treasury as well as all other respective Ministries, Departments and Agencies at both levels of government (National and County). Equally, the support of the Development Partners, Civil Society Organizations, Professional Associations, Private Sector, Media, and other stakeholders remains invaluable.

We are also truly indebted to the staff and management whose tireless efforts and commitment have enabled KLRC realize its goals. Further, the publication of this Annual Report for the reporting period has been made possible with the support and contributions of KLRC officers led by Mr. Joash Dache, MBS (the Secretary/CEO); Mr. Peter Musyimi, HSC (Head of Legislative Drafting/Ag. Director, Legislative Services); Ms. Mercy Muthuuri (Ag. Director, Finance and Administration); Mr. James Ruteere (Head of ICT); Ms. Margret Githae (Head of Accounts); Mr. Cornelius Musangi (Head of Finance); Mr. Alex Matheri (Head of Planning); Dr. Otachi Orina (Head of Corporate Affairs and Communications) and all other Heads of Departments and staff.

Finally, KLRC is indebted to the people of Kenya for entrusting us with this critical mandate and believing in our ability to deliver. God bless you.

## CHAPTER ONE: ABOUT THE KENYA LAW REFORM COMMISSION

### 1.1 Introduction

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

### 1.2 Current Establishment and Mandate

KLRC is a statutory body corporate with perpetual succession, which serves both National and County governments in matters of law reform. KLRC draws its mandate from a number of constitutional, statutory and administrative instruments which govern its establishment, structure, functions and operations. These instruments are the Constitution of Kenya, 2010, Kenya Law Reform Commission Act, 2013, the State Corporations Act, Cap. 446 and the County Governments Act, 2012 among others.

#### 1.2.1 Constitutional Mandate

The promulgation of the Constitution of Kenya 2010 entrenched the legislative development and law reform function to KLRC. Under Clause 5(6)-(b) of the Sixth Schedule to the Constitution, KLRC is required to coordinate with the Commission for the Implementation of the Constitution (*now defunct*) and the Attorney-General (AG) to prepare for tabling in Parliament legislation required to implement the Constitution. The significance of this is that, beyond the required Fifth Schedule legislation which had an initial five-year implementation period, KLRC needs to continuously conduct law reform on all laws existing immediately before and after the effective date of the Constitution. Specifically, the laws should be construed with alterations, qualifications and exceptions necessary to bring each into harmony and conformity with the Constitution (Clause 7 of the Sixth Schedule).

### 1.2.2 Statutory Mandate

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

### 1.2.3 Functions of the Kenya Law Reform Commission

The functions of KLRC are set out in section 6 of the Kenya Law Reform Commission Act (2013), which provides that 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;

- (a) upon request or on its own motion, undertake research and comparative studies relating to law reform;
- (b) formulate and implement programmes, plans and actions for the effective reform of laws and administrative procedures at national and county government levels;
- (c) 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;
- (d) formulate, by means of draft Bills or otherwise, any proposals for reform of national or county government legislation;
- (e) upon request or on its own motion, advise the national or county governments on the review and reform of their legislation;
- (f) undertake public education on matters relating to law reform; and
- (g) perform such other functions as may be prescribed by the Constitution, this Act or any other written law.

#### **1.2.4 Support to County Governments**

Additionally, section 5 (3) of the County Government Act, 2012, mandates the KLRC to provide technical assistance to county governments in the development or reform of county legislation.

#### **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 Value Proposition

“KLRC firmly believes that a performance culture which sets standards for excellence and which constantly seeks to improve the way things are done should apply to all activities undertaken in pursuance of its mandate”

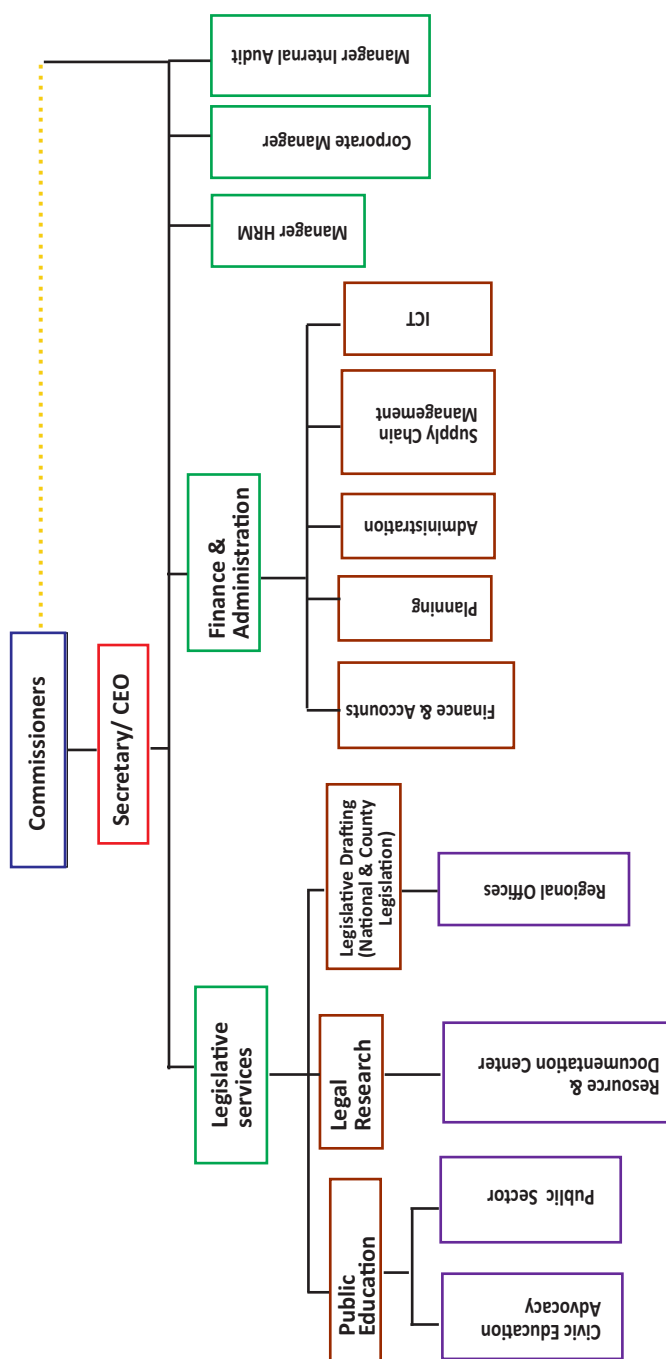
## 1.7 Corporate Governance and Organizational Structure

The Kenya Law Reform Commission Act, No. 19 of 2013 (KLRC Act) provides for the KLRC’s governance structure at both policy and operational levels. At the apex of KLRC’s governance is a Board of Commissioners who are responsible for oversight and policy direction. The Board comprises of eight Commissioners who are: (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 professor and who teaches law in a public university, appointed by the Attorney General and a (viii) a person nominated by the Council of Governors and appointed by the Attorney General.

The Board also comprises of a Secretary who is the Chief Executive Officer and is responsible to the Commission for day-to-day administration. Guided by the applicable law and other government regulations such as the Code of Conduct for State Corporations (Mwongozo), the Commissioners are inducted, trained and discharge their functions in accordance with the laid down parameters.

Commissioners meet at least once a month to review projects and programmes of the Commission and provide appropriate direction to the Secretariat. When there is need, Commissioners may meet more frequently. The full organizational structure is captured in the organogram below.

## 1.7.1 KLRC's Organization Structure



## 1.8 KLRC Commissioners

At the time of publishing this Annual Report, KLRC Chairperson and other Commissioners had been appointed and sworn in. The swearing in which took place on the 15<sup>th</sup> of August, 2022, before the Hon. Chief Justice Hon. Martha Koome was preceded by formal appointment and gazettment vide Gazette Notice No. 9300 of 5<sup>th</sup> of August, 2022 (for the Chairperson), Gazette Notice No. 9370 of 5<sup>th</sup> of August, 2022 for Commissioner Dr. Mary Gaturu, HSC, Gazette Notice No. 6836 of 7<sup>th</sup> July 2021 for Commissioner Dorcas Agik Oduor and Gazette Notice No. 11864 of 13<sup>th</sup> December, 2019 for Commissioners: Ms. Rose Janet Ayugi, Ms. Linda Misilivi Murila, Mr. Duncan Okello, Mr. Paul Musili Wambua and Hon. Kiraitu Murungi.

### Commissioners' Profiles



**Christine Agimba,  
Chairperson,  
Kenya Law Reform Commission**

Ms. Agimba holds a Bachelor of Laws degree from the University of Nairobi and a Master's degree in Law in Development from the University of Warwick, England. She holds a Diploma in Law from the Kenya School of Law and is an Advocate of the High Court of Kenya. She is also a Member of the Chartered Institute of Arbitrators, (Kenya Chapter) and is a Certified Public Secretary, Kenya. She is a seasoned lawyer with more than thirty years' experience serving in diverse strategic leadership and senior management roles, in the public service and in private legal practice. Recently appointed as the Chairperson of the Kenya

Law Reform Commission, Christine draws on her extensive experience and expertise in providing advice on a wide range of legal and policy matters.

She has previously served as a Deputy Solicitor-General at the Office of the Attorney-General and Department of Justice. She was Project Manager and Legal Sector Specialist of the Financial and Legal Sector Technical Assistance Project under the Ministry of Finance, supporting legal, regulatory and institutional reforms in the financial and legal/judicial sectors. She has also practised law, as an associate and then a partner, at the law firm of Hamilton, Harrison and Mathews in Nairobi.

Ms. Agimba has served on the boards of various government agencies, including the Council of Legal Education, the Anti-money Laundering Advisory Board and the National Council of Law Reporting (Kenya Law). 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.

### **Prof. Paul Musili Wambua, Vice Chairperson, KLRC.**



Prof. Wambua holds a Bachelor of Laws degree from the University of Nairobi and a Master's degree in Law from the University of London, England. He holds a Diploma in Law from the Kenya School of Law and is an Advocate of the High Court of Kenya. He has a Doctor of Laws (LL.D) in Maritime Law and Law of the Sea from Ghent University, Belgium. He also holds a Master of Business Administration (MBA -*Magna cum Laude*) from the United States International University (USIU)-Africa.

Prof. Wambua is a practicing advocate with three decades of experience serving in diverse strategic leadership roles in legal practice and academia. He is currently a Professor in the School of Law at University of Nairobi and has previously served as the first Chancellor of the University of Embu and as a former Dean at Kabarak University School of Law. Prof. Wambua served on the board of Constitution of Kenya Review Commission (CKRC).

**Dr. Mary Wangechi Gaturu , HSC,  
Commissioner, KLRC.**

Dr. Gaturu, HSC 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 (KSG), Senior Management Course (KSG), Mwongozo (SCAC) and Advanced Program Management, Monitoring and Evaluation (ESAMI). She has over 35 years' experience in the education sector having served as a graduate teacher, District Education Officer, County Director of Education in various counties and as Regional Director of Education Rift Valley Region. She also served as a Director of Quality Assurance and Standards in the State department of Early Learning and Basic Education. She has 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,  
Commissioner, KLRC.**

Ms. Ayugi holds a Bachelor of Laws degree and a Master's degree in Law both from the University of Nairobi. She holds a Diploma in Law from the Kenya School of Law and is an Advocate of the High Court of Kenya. She is a practicing advocate with thirty years' experience serving in diverse strategic leadership and senior management roles, in the public service, corporate world and academia. Ms. Ayugi is currently a senior lecturer in the School of Law at Moi University and a part-time member of the Kenya Law Reform

Commission.

She has previously served in University of Nairobi (School of Law), Kenyatta University, Strathmore University Business School and Saint Lawrence University, New York (Kenya Chapter) as a lecturer and as a legal researcher in Law Reform Commission. She was a Programme Officer in the Public Law Institute, Climate Network Africa.

Ms. Ayugi has served as the Chairperson in the Seeds and Plant Varieties Tribunal. She has also served as a member of the Board in the following institutions: Rules Board (Labour) and Chepserei TVET Elgeyo Marakwet of Kabianga. She was previously appointed as a Secretary to Task Force on Law of the Child.

**Dorcas Agik Oduor, OGW,EBS,SC,  
Commissioner, KLRC.**



Ms. Oduor is an astute prosecution lawyer who has risen through the ranks over a period of over 30 years to the position of Secretary Public Prosecutions. Before then, she was a Deputy Director of Public Prosecutions in charge of Economic, International and Emerging Crimes. She has also appeared before Tribunals and Judicial Commissions as an Assisting Counsel and as Secretary. Accordingly, Dorcas has a deep and extensive understanding of the criminal justice system in Kenya.

She is a holder of a Master of Arts Degree in International Conflict Management from University of Nairobi, a Bachelor of Laws degree from the same institution and post graduate Diploma in Law from Kenya School of Law. She has also attended several other local and international trainings.



**Duncan Okello,  
Commissioner, KLRC.**



**Ms. Linda Murila,  
Commissioner, KLRC.**



Ms. Murila holds a Bachelor of Laws degree from the University of Nairobi. She holds a Diploma in Law from the Kenya School of Law and is an Advocate of the High Court of Kenya. She also has an Advanced Diploma in Legislative Drafting from University of West Indies, Barbados. Ms. Murila is a seasoned public officer with vast experience in legislative drafting being a Chief State Counsel in the Legislative Drafting Department in the Office of the Attorney General and Department of Justice. She serves as a representative of the Attorney General on the National Council for Law Reporting (NCLR).

## H.E. Hon. Kiraitu Murungi, EGH, Commissioner, KLRC.

Hon. Kiraitu Murungi holds a Bachelor of Laws degree from the University of Nairobi and two Masters' degrees in Law from the University of Nairobi and Harvard University, USA. He holds a Diploma in Law from the Kenya School of Law and is an Advocate of the High Court of Kenya. Hon. Kiraitu is an experienced advocate and public officer with immense experience having served in diverse leadership roles in the public service. He draws on his extensive experience and expertise in providing advice on a wide range of legal reform and policy matters. He 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 Minister 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 a Minister in the Ministry of Energy.



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





**Mr. Joash Dache, MBS  
Secretary/Chief Executive  
Officer.**

Mr. Joash Dache is the Secretary/Chief Executive Officer of the Kenya Law Reform Commission. He is a Certified Public Secretary CPS (K), an Advocate of the High Court of Kenya. Mr Dache holds: an LL.M. degree (Monash University, Australia), an LL.B. degree (University of Nairobi), a Diploma in Law (Kenya School of Law) and also has a Certificate in Legislative Drafting (University of London). Mr. Dache has undergone the Strategic Leadership and Development Programme (SLDP), Kenya School of Government and various other professional courses both locally and abroad. He participated in the development of the Guide to the Legislative Process in Kenya (published) and County Model Laws. He specializes in International and Comparative Law and has studied International Criminal Justice; International Aspects of Foreign

Investment; World Trade Organization [WTO] Law and Policy; European Union [EU] Law and Policy; Intellectual Property; Regulatory Fundamentals; Privatization Law and Policy; Law of the Internet; and Legislative Drafting at post-graduate level. His core Expertise includes, Constitutional Development and Law Reform, Legislative Drafting, Legal and Policy Research; and Programme Coordination. He is a member of the Law Society of Kenya, Commonwealth Association of Legislative Counsel (CALC), Commonwealth Association of Law Reform Agencies (CALRAs) and the Association of Law Reform Agencies in Eastern and Southern Africa (ALRAESA).

## CHAPTER TWO: GOALS, TARGETS AND APPROACH

### 2.1 Introduction

This chapter presents the strategic objectives, principal activities and a summary of targets as contained in the Strategic Plan (2018-2022), Performance Contract and Work-plan for the FY 2021-2022. It also outlines the strategies and the approach employed in the realization of the targets.

### 2.2 Key Strategic Objectives

- i. To implement the Constitution of Kenya, 2010;
- ii. To facilitate implementation of the government's Big Four Agenda;
- iii. To enhance research and advisory functions in KLRC for informed law reform;
- iv. To enhance effective public education on law reform matters in Kenya;
- v. To enhance the institutional capacity and profile of KLRC for strategic positioning in the country; and
- vi. To build human resource capacity for quality service

### 2.3 Targets and Principal Activities

Based on the mandate of KLRC, the principal activity of KLRC is to

*“keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization.”*

In line with our vision and mission, these activities can be summarized as: providing technical law reform assistance to National and County Governments and other stakeholders in form of: legal research, development or review of legislation and legal public education.

## 2.4 The Approach

Table 1 below shows the approach that was adopted by KLRC in pursuit of its vision and mission during the reporting period:

Approach	Description( the how)
<b>Targeted Legislative and Policy Research</b>	<ul style="list-style-type: none"> <li>- Appreciation of the essence of research;</li> <li>- Mainstreaming research in all aspects of law reform;</li> <li>- Developing a research strategy in line with Science Technology and Innovation guidelines;</li> <li>- Collaboration and partnership in legal research;</li> <li>- Resource mobilization to support legal research; and</li> <li>- Utilization of research outputs in law reform.</li> </ul>
<b>Targeted Review of Legislation</b>	<ul style="list-style-type: none"> <li>- Identification and mapping of key law reform areas in the Performance Contract;</li> <li>- Resource mobilization and allocation on key reform projects;</li> <li>- Working and collaboration with stakeholders for reform synergy; and</li> <li>- Training of technical staff on key legislative areas;</li> </ul>
<b>Stakeholder Participation</b>	<ul style="list-style-type: none"> <li>- Mapping of relevant stakeholders in targeted reform projects;</li> <li>- Information and feedback sharing with stakeholders;</li> <li>- Mainstreaming public participation in all work; and</li> <li>- Development and maintenance of engagement mechanisms.</li> </ul>
<b>Capacity Enhancement</b>	<ul style="list-style-type: none"> <li>- Undertaking a gaps analysis and implementation of the recommendations;</li> <li>- Secondment of staff; and</li> <li>- Undertaking capacity development programmes and initiatives including: training, mentorship and induction.</li> </ul>

<b>Access to Information (ATI)</b>	<ul style="list-style-type: none"><li>- The recognition of Access to Information (ATI) as an integral constitutional principle under <i>Article 35</i>;</li><li>- Development of programs and initiatives for proactive disclosure of information;</li><li>- Development and implementation of ATI mechanisms;</li><li>- Development of draft ATI guidelines; and</li><li>- Keep the public and stakeholders proactively informed of KLRC`s work.</li></ul>
<b>Public Education, Communication and Outreach</b>	<ul style="list-style-type: none"><li>- Establishment of a public education function;</li><li>- Development of outreach and public education programmes;</li><li>- Adoption of ICT and other outreach innovations;</li><li>- Leveraging on existing <i>fora</i> such as conferences, seminars, clinics, career talks in universities to engage with the public on KLRC`s work.</li></ul>
<b>Performance Management, Monitoring, Evaluation and Reporting</b>	<ul style="list-style-type: none"><li>- Developing and signing of the Performance Contract;</li><li>- Development of Annual and Departmental Work plans;</li><li>- Cascading the PC to the various departments within KLRC;</li><li>- Implementation and monitoring of performance in relation to the PC targets;</li><li>- Review and implementation of recommendations emanating from evaluations; and</li><li>- Preparation of reports to relevant statutory agencies.</li></ul>

## CHAPTER THREE: ACHIEVEMENTS AND MILESTONES

### 3.1 Introduction

This chapter describes the achievements that were realized in the financial year 2021/22. The thematic areas adopted herein (performance indicators) are drawn from the Performance Contract for the reporting period. The chapter also provides a summary of key milestones and success stories.

### 3.2 The Big Four Agenda

KLRC has proactively made efforts towards the realization of the Big Four Agenda of the Government. During the financial year (FY) 2021/22, KLRC provided technical assistance to MDAs (Ministries, Departments, and Agencies) in support of this Agenda in the following thematic areas:

#### 3.2.1 Housing

The objective of the affordable housing pillar was to enable the construction of affordable houses and reduce the cost of home ownership by 50%. In order to achieve this target, the Ministry of Lands and Physical Planning initiated a number of interventions which included legislative review. In this regard, the Cabinet Secretary for Lands and Physical Planning appointed a Taskforce to review the Survey Act, Cap. 299 with the aim of aligning the Survey Act to the Constitution and regulate the surveyors profession. Membership of the Taskforce included the Ministry of Lands, Institute of Surveyors of Kenya (ISK) and KLRC, among others. The Taskforce developed the Land Surveyors Registration Bill, 2021 and the Land Survey and Mapping Bill, 2021. In addition, KLRC was part of a committee to develop the

Geophysical Professional Bill whose aim is to regulate geophysicists. These professionals are critical in determining the status of the earth for construction of houses and other purposes.

Other initiatives facilitated by KLRC in promotion of housing included:

- a) review of the Sectional Properties Act, 2020;
- b) development of the Sectional Properties Regulations, 2021;
- c) development of the National Building Regulations (the Building Code) in partnership with the National Construction Authority; and
- d) drafting of the Slum Upgrading and Prevention Bill in partnership with the State Department of Housing and Urban Development.

### **3.2.2 Food Security and Nutrition**

This pillar had a number of objectives, key among them being: a 48% increase in the agricultural sector contribution to GDP and a 27% reduction in malnutrition among children under five years of age. In the reporting period, KLRC provided technical assistance to MDAs and county governments towards the development of the following pieces of legislation:

- a) the Kenya Food and Drug Authority Bill, 2020;
- b) the Breast Milk Substitute Regulations, 2020;
- c) the Livestock Bill, 2020;
- d) the Livestock Regulations;
- e) the Nyandarua County Agriculture and Livestock Bill, 2020.
- f) the Water Laws (Amendment) Bill, 2022 and
- g) the Agriculture Laws (Amendment Bill), 2022.

### **3.2.3 Manufacturing**

The manufacturing pillar was aimed at raising manufacturing sector contribution to GDP from 8.5% to 15% and to achieve the top 50 rank in the World Bank's ease of doing business global index among others. To this end, KLRC participated in the development of the following pieces of legislation:

- a) the Industrialization laws (Amendment Bill), 2022;
- b) the Business Laws (amendment) Bill, 2020;
- c) the Employment (Amendment) Bill, 2020;
- d) the Insurance Law (Amendment) Bill, 2020;
- e) the Insolvency (Amendment) Bill, 2020; and
- f) the Land (Electronic Transactions) Regulations, 2020.

The above legislation is intended to liberalize the manufacturing and industrial sector and promote ease of doing business.

### 3.2.4 Universal Health Care

In support of Sustainable Development Goal number three on *Good Health and Well Being*, the Government identified Universal Health Care as key pillar aimed at actualizing 100% cost subsidy on essential health services and reduction of out-of-pocket expenses by 54% as a percentage of household expenditure. In the reporting period, KLRC initiated a number of interventions including research on ending hospital detention due to unpaid medical bills (ongoing). In addition, it participated in:

- a) the development of Pricing of Health Products and Technologies Regulations, 2021;
- b) drafting the Social Health Insurance Policy in partnership with the Ministry of Health;
- c) drafting the NHIF (Amendment) Bill, 2020; and
- d) development of the Public Health (Prevention, Control and Suppression of Covid-19 Rules, 2020 (completed and gazetted into law).

### 3.3 Effective Implementation of the Constitution

There are a number of progressive provisions that are enshrined in the Constitution of Kenya. Some of these include: gender equality, fair administrative action and access to justice among others. KLRC has been proactive in provision of technical assistance in the development of legislation and other policy interventions towards the realization of these provisions envisioned in the Constitution. Some of the key issues addressed in the reporting period include:

### **3.3.1 Review of Laws Relating to the Power of Mercy**

The Taskforce on the Review of the Laws relating to the exercise of power of mercy was constituted by the Attorney-General to review the laws related to the exercise of the power of mercy under Article 133 of the Constitution. The Taskforce recommended, among others, the review of the power of mercy policy framework as well as the legal framework to give full effect to provisions of Article 133 of the Constitution.

In this regard, the Taskforce developed the Power of Mercy Bill, 2022 which seeks to address matters relating to parole and case management. It also seeks to establish the Mental Health Review Board. The Bill further, seeks to amend the Criminal Procedure Code, Cap. 63, the Prisons Act, Cap. 90, Kenya Defence Forces Act, No. 25 of 2012, the Mental Health Act, Cap. 248, the Mutual Legal Assistance Act, No. 36 of 2011, the Victim Protection Act, No. 17 of 2014, the National Police Service Act, No. 11A of 2011, the Magistrates Courts Act, No. 26 of 2015, the Court of Appeal (Organization and Administration) Act, No. 28 of 2015 and the High Court (Organization and Administration) Act, 27 of 2015.

### **3.3.2 Implementation of the UN Women Report, 2020**

The UN Women published a report on Mapping Discriminatory Laws Against women and Girls in Kenya, in the year 2020. The objective of the report was to identify and analyze the provisions in the law of Kenya that are discriminatory against women and girls. It also highlights the challenges that undermine the effective implementation of the existing laws in Kenya. To address these gaps, KLRC, in partnership with the International Law Development Organization (IDLO) initiated policy and legislative reforms towards the full enjoyment of rights and fundamental freedoms of women and girls.

In the reporting period, KLRC developed draft legislative proposals including Law of Succession (Amendment) Act, 2022 to end the discrimination against children born out of wedlock and their mothers. KLRC also developed the Penal Code (Amendment) Bill, 2022 which proposes to amend sections 158, 159, 160 and 228 of



the Penal Code, Cap. 63 so as to implement the recommendations on reproductive health rights.

Other law reform areas identified include the amendment of section 15(1) of the Victim Protection Act, No. 17 of 2014 to streamline the procedure for restorative justice to make it easier for survivors to access it, amendment of section 34 of the Sexual Offences Act, No. 3 of 2006 to remove permissibility of evidence on survivor sexual history and amend section 30(4) of the Teachers Service Commission Act, No. 20 of 2012 to provide that where the name of any teacher is removed from the register for sexual abuse of a learner under section 30(1)(c), such name shall not be reinstated into the register under section 30(4).

### **3.3.3 Kenya Society for the Blind**

KLRC provided technical assistance to the Kenya Society for the Blind (KSB) to review the Kenya Society for the Blind Act, Cap. 251 so as to align it to the Constitution. The review sought to bring the Act in line with international conventions on persons with disabilities as well as international best practice. The Bill seeks to repeal and re-enact the KSB Act and to provide for its incorporation, functions and powers. It also seeks to provide for the promotion of the welfare, education, training and employment of the blind and to assist in the prevention and alleviation of blindness and proposes changes to the composition of the KSB Council. Finally, the Bill provides for sources of funding for KSB and these include funds from the Exchequer.

### **3.3.4 Review of the KLRC Act**

In the reporting period, KLRC has proposed amendments to its parent Act and prepared the Kenya Law Reform (Amendment) Bill, 2022. These amendments include: giving the KLRC the power to undertake relevant consultancy services at a fee as a means of funding law reform activities, providing that the chairperson shall serve until a new Chairperson is appointed to address succession gaps and that the selection of a Chairperson and Commissioner shall commence six months before the expiry of their respective terms. This is intended to address delays in appointment of new Boards after lapse of term of the serving Board.

### **3.4 Technical Assistance to National Government MDAs**

KLRC continued to provide technical support to Ministries, Departments and Agencies (MDAs) at the national level. Some of these legislation/regulations/policies that were developed or reviewed include: electoral reforms in preparation for the 2022 general elections, review of the existing laws to align them with the Constitution and make them responsive to social, economic and political dynamics, providing support to other agencies in the implementation of government policies and generally keeping the law under constant review. To this end, KLRC has reviewed over seventy (70) pieces of legislation during the reporting period. A comprehensive list of the reviewed laws is contained in *Appendix 1*.

### **3.5 Technical Assistance to County Governments**

During the reporting period, KLRC continued to support county governments in the review and reform of their legislation. Some of the county legislation that were developed or reviewed are the Makueni County Equitable Development Bill, Kajiado County Land Use and Planning Bill, 2021, Garissa County Health Facilities Improvement Bill, 2021, and Marsabit Health Services Bill. Further support accorded to counties is annexed (see *Appendix 1*).

### **3.6 Public Education on Law Reform**

In line with its mandate, KLRC has continued to conduct public education on law reform. A number of initiatives were undertaken, among them, the revamping of the KLRC website where useful IEC materials were published, stakeholder consultative meetings, and other *fora*. In the reporting period, KLRC continued to disseminate the Guide to the Legislative Process in Kenya to a number of county governments. The Guide has been instrumental in aiding policy and legislation development amongst targeted stakeholders.

### **3.7 Enhanced Legal Research**

KLRC continued to undertake a number of research projects in law reform. The research was aimed at fact finding, comparative analysis and impact assessment preceding law reform. Some of the key studies that were conducted are as follows:

### 3.7.1 Ending Hospital Detention

According to the World Health Organization (WHO), the practice of refusing to release patients or bodies of deceased patients for non-payment of hospital bills is identified to be a common phenomenon across the globe, but most prevalent in developing countries. Despite the common occurrence, the scale of the problem is unknown and reports of the practice are scarce because hospital detention practices (HDPs) are often unlawful and official figures are absent. In Kenya, accounts of HDPs are frequently highlighted in the media with the government responding by urging hospitals and patients to reach agreements on the settlement of bills rather than resorting to arbitrary methods of securing payment.

KLRC carried out a research to respond to the issues raised above. The study analyses key legal issues arising out of HDP in Kenya. It also concludes that HDP is a violation of human rights and recommends its ban in Kenya. Finally, it calls for the establishment of a legal framework for the prevention of HDP and the creation of alternative avenues of recovering debts arising out of medical services.

### 3.7.2 Adoption of Penalty and Fee Units

The research paper was developed pursuant to section 6(d), (g) and (h) of the KLRC Act that collectively mandates the KLRC to develop policy and legislative proposals on its own motion to address varying social, economic or political issues that may from time to time arise. The paper explores the history behind the use of the currency points system in Uganda, the penalty units system in the wider Australian continent and the use of the fee units system in the State Government of Victoria in Australia. It also looks at the current framework for the crafting of penal provisions in Kenyan legislation, and sets out the benefits a penalty and fee units based system would have if adopted into the criminal justice & penal system and in legislation relating to fees for various services offered by the government (both national and county).

The paper also considers the lack of a standardized system and structure for comparability between fines in law and periods of incarceration in the same laws and across different laws. In the consideration, a proposal is made to explore the possibility of directly converting incarceration periods into pecuniary values in Kenya, particularly in cases where the courts would deem it appropriate to offer

such an option for convicts and where it is not provided for in legislation. The paper is the first step towards the development of a policy, legislative and regulatory framework for the adoption of a penalty and fee units based system of drafting penal and fiscal fees in Kenyan legislation.

### 3.8 Milestones

#### 3.8.1 Implementation of Presidential Directives

KLRC implemented the relevant Presidential Directives that touch on its mandate. Some of them were on the implementation of National Values and Principles of Governance, 30% procurement, youth internships and payment of pending bills. KLRC also updated all the procurement carried out in the year under review in the Public Procurement Information Portal (PIIP) in line with the Executive Order No. 2 of 2018. In addition, KLRC also promoted environmental sustainability by facilitating the planting of 500 trees in Menengai Forest in Nakuru County.



*KLRC in collaboration with officers from KWS participating in the Tree Planting exercise at Ndundori Forest, Nakuru County*

#### 3.8.2 Election Management

KLRC played a crucial role towards ensuring a transparent, accountable, credible, simple and verifiable 2022 general elections. In order to achieve this, KLRC partnered with the IEBC, PPDT, ORPP, the Judiciary Committee on Elections and Development Partners to develop or review the relevant legal framework. In this regard, KLRC

reviewed the following Electoral Laws in preparation for the 2022 general elections:

- a) Political Parties (Amendment) Act, 2022;
- b) Election Laws Amendment Act, 2022;
- c) The Political Parties Disputes Procedure (Amendment) Regulations, 2022;
- d) The Elections (Parliamentary and County Elections) (Amendment) Petitions Rules, 2022;
- e) The Court of Appeal (Elections Petition) (Amendment) Rules, 2022;
- f) The Elections (Amendment) Act, 2022;
- g) Review of the Election Campaign Financing (Amendment) Bill, 2022; and
- h) Prepared the Political Parties' Primaries Bill, 2021.

### **3.8.3 Extractive Industries and Nuclear Energy**

Kenya has made strides towards being energy reliant, efficient, reliable as well as compliant. These processes of exploration often involve extraction of natural resources such as oil, metal and gold from the earth/soil. As a result, they usually attract environmental effects where proper legal and environmental impact assessment regimes are not in place. In this regard, KLRC reviewed the national laws relevant to Nuclear Power Programme and the Nuclear Regulatory Act. In addition, KLRC supported a number of counties to develop extractive sector related Bills such as the Turkana County Extractive Bill.

### **3.9 Enhanced Institutional Capacities**

This Part provides achievements on KLRC's efforts towards building its institutional capacity for effective and efficient service delivery. A number of initiatives were targeted including: competency development and human resources, improving work environment and enhancing staff welfare. Further, KLRC aimed to enhance: science technology and innovation, resolution of public complaints, adoption of ICT, communication and access to information, effective utilization of funds, effective procurement and disposal of assets and adoption of Information Security Management System (ISMS) and Knowledge Management (KM). In the reporting period, results were realized in the following key areas:

### **3.9.1 Competency Development and Human Resource**

KLRC has an authorized establishment of 257 staff and a current in post of 70 members of staff. These officers support KLRC in the delivery of its mandate as stipulated in KLRC Act No. 19 of 2013 and through the strategic plan 2018-2022. To enhance service delivery, KLRC (as a Public Service entity), continues to be guided by government policies and regulations given by respective bodies like Public Service Commission, Salaries and Remuneration Commission and circulars guiding the Public Service. These documents which have been developed by KLRC include the Human Resource Policy Manual which stipulates the role of the Committees in the KLRC and the policies guiding the human resource from recruitment to exit. In the reporting period, the human resource documents were reviewed and forwarded to SCAC for approval.

### **3.9.2 Youth Internship**

KLRC has over the years made efforts to support the youth by providing them with internship opportunities and nurturing them through training, coaching and mentorship. In the recent past, the Public Service Internship Programme has been centralized at the Public Service Commission (PSC). In this regard, KLRC, in collaboration with the PSC provided internships in various professions under the PSC Internship Programme. Further, KLRC also received students who were referred by various institutions of higher learning for purposes of academic compliance (supervised attachment). Consequently, a total of 15 youth internship and attachment opportunities were accorded to graduates and college students so as to equip them with the necessary skills and experience in the work environment.

### **3.9.3 Staff Welfare and Work Environment**

KLRC has adopted a number of policies to enhance employee welfare. These policies guide in the: hiring, internship/attachment, deployment or transfer/secondment, disability and gender mainstreaming, training and development, discipline, complaints procedure and stress management. In addition, there is a recognition policy under the performance appraisal system



where high performers are recognized, while low performers are placed on coaching/counseling before any decision is made.

KLRC recognizes that staff wellness is instrumental to productivity. In this regard, KLRC has an insurance policy to cover the work injury as per the Occupational Safety and Health Act of 2007, (OSHA). Consequently, KLRC continued to provide the group personal cover, WIBA and group life insurance in its medical scheme for all staff. This scheme for all staff (and their dependants) was implemented to take care of injuries and sickness. KLRC also continued to support the KLRC Pension Scheme in its operations. This was achieved by ensuring prompt remittance of staff contributions and provision of personnel information to the Scheme. As a result, the Scheme expedited pension payment for retiring staff.

In addition, during the period under review, KLRC continued to enhance its staff work environment. Towards this end, KLRC refurbished the offices by painting and floor upgrades. In addition, owing to the on-going COVID 19 pandemic, KLRC continued to carry out office fumigation, distribution of face masks and other personal protective equipment (PPEs). Further, in collaboration with the MOH, KLRC, facilitated vaccination against COVID 19 for all members of staff as well as CEO's of various state corporations. In total, about 700 people were vaccinated. Efforts were also made to guarantee social distancing of staff so as to minimize the risk of transmission.

It is notable that KLRC also received a compliance certificate for excelling in its service delivery while upholding the highest level national values and principles of public service as graded by the DCIV. Further, KLRC attained recognition by NCPWD for its inclusivity and diversity in the workplace for persons living with diversity and was awarded a recognition certificate.

### **3.9.4 Procurement and Disposal of Assets**

#### **(i) Support to Local Content and AGPO**

In the year under review, KLRC procurement contracts were competitively awarded at prevailing market prices. KLRC allocated 40.4% of the procurable budget to goods and services produced locally. This was in line with the *Buy Kenya – Build*

*Kenya Strategy* aimed at promotion of local content. Further, KLRC allocated 43.5% of the procurable budget to persons with disability, women and youths (AGPO groups). This was in line with the Public Procurement and Asset Disposal Act, 2015 related regulations and circulars from the National Treasury. KLRC also sensitized the AGPO suppliers on government procurement procedures, requirements for accessing government procurement opportunities, quality assurance and specific opportunities available at KLRC.

## **(ii) Disposal of Assets and Inventory Management**

All the items that were earmarked for disposal were competitively disposed-off as per the approved KLRC Annual Disposal Plan. Further, KLRC sensitized the management and key stakeholders in supply chain management on their role in public procurement and disposal processes. KLRC also continuously updated the supplier register in line with the Public Procurement and Asset Disposal Act and the attendant Regulations.

### **3.9.5 Science Technology and Innovation**

KLRC successfully implemented the targets under the Science, Technology and Innovation (STI) indicator. This was achieved by developing Science Technology and Innovation Strategy using the template provided by NACOSTI. The STI strategy has helped KLRC to undertake research programmes, technology innovation, technology transfer and commercialization. KLRC also disseminated research findings/recommendations and technology innovations through conferences, workshops and seminars.

### **3.9.6 ICT Adoption and Use**

KLRC's ICT operations are guided by National ICT Master-Plan which has been incorporated in the KLRC ICT Policy. Guided by these policies, KLRC continued to acquire and implement ICT infrastructure and equipment to enhance effective service delivery. KLRC continued on the automation path of critical departments namely: Supply Chain Management, Finance and Accounts. The KLRC website was revamped and also continued to be the reference point on the COK 2010 due to its



user friendly and ease of navigation menus. Further, KLRC has leveraged on online platforms to cut on costs while advertising for its services and dissemination of information to the public in line with its mandate.

### **3.9.7 Information Security Management System (ISMS)**

The KLRC in its endeavor to manage its information assets better has embarked on certification process to Information Security Management System (ISMS) based on ISO 27001:2013 Standard. In the reporting period, KLRC developed Information Security Policy, Functional Risk Registers and Standard Operating Procedures (SOPs). KLRC also carried out file and mail management whose objective was to enable seamless flow of KLRC records and information. This facilitated the implementation of the following routine activities: receipting, processing, filing, circulation, storage and retrieval of mails. As a result, all KLRC business processes were documented and KLRC was able to achieve efficient and effective decision making processes.

### **3.9.8 Road Safety and Transport**

KLRC implemented the Road Safety Guidelines. This was achieved by the sensitization of the Road Safety Mainstreaming Committee. In addition, KLRC drivers were sponsored for refresher courses so as to improve safety of the personnel and vehicle through acquisition of new skill. These efforts have reduced near misses and accidents.

### **3.9.9 Environmental Sustainability**

Sustainable development is a cross-cutting issue which KLRC has taken keen interest in while executing its mandate of law reform. In this regard, KLRC has been mainstreaming and guiding necessary law reform interventions for addressing the effects of climate change, promotion of afforestation efforts, supporting legislation: on the Blue Economy, biodiversity, waste management, mitigation and adaptation as well as other sustainable development frameworks. At operational level, KLRC's environmental policy is anchored in its operational instruments including the Performance Contract. It provides for a broad policy direction on what KLRC would undertake to do in the reporting period.

A number of successes have been achieved including the support in the planting

of over 500 trees and contribution in the reduction of carbon footprints. In addition, the ICT policy provides for mechanisms of disposing off e-waste. Further, in the reporting period, KLRC made environmentally sustainable efforts by enhancing energy efficiency, use of digital services which reduced printing as contrasted with manual services and other carbon emission reduction initiatives with regards to transportation and road safety.

### **3.9.10 Public Communication, Outreach and Access to Information**

In the reporting period, KLRC continued to proactively implement its Communications Strategy and Policy. Some of the initiatives conducted included media engagement through press releases and advisories, publication and dissemination of IEC materials which included brochures and annual reports. In particular, KLRC published and disseminated over 500 copies of the Law Reform Newsletter (LRN) to key stakeholders. In the reporting period, KLRC facilitated access to information (ATI). In order to achieve these, KLRC processed ATI applications, disclosed information and enhanced its disclosure mechanisms. Further, draft internal guidelines for ATI were developed and will be tabled before Commissioners for validation.

### **3.9.11 Resolution of Public Complaints**

KLRC continued to resolve public complaints from all stakeholders including staff and customers within the shortest time possible. This was achieved by setting up a public complaints committee and other necessary procedures for complaints handling. The procedures were publicly displayed on the website and the service charter at strategic positions such as the reception area. Staff were also sensitized on the same procedures. In addition, KLRC facilitated anonymous reporting of complaints through a private online portal on the website and in the suggestion boxes installed within the head office. In circumstances where the complaints were lodged but determined not to be relevant to KLRC, they were referred to either the relevant entity or the Commission on Administrative Justice (CAJ). To enhance service delivery to all customers and to reduce service related complaints, KLRC converted its Service Delivery Charter into audio and sign language. The charter

was also translated into English, Kiswahili and Braille.

### **3.9.12 Corruption Prevention**

KLRC continued to play its role in the fight against corruption. In this regard, KLRC has put in place measures such as a staff code of conduct. In the reporting period, KLRC sensitized staff members on corruption prevention and facilitated preparation of a Corruption Prevention Plan as well as Corruption Risk Assessments for identified departments.

### **3.9.13 Performance Management, Monitoring, Evaluation and Reporting**

KLRC negotiated and was contracted for the year's performance contract. The PC was cascaded to all departments. KLRC continued to closely monitor the implementation of the PC targets and made periodic reports to the relevant statutory agencies.

### **3.9.14 Prudent Utilization of Funds**

During the reporting period, KLRC effectively utilized its allocation of Kenya Shillings, Two Hundred and Sixty Six Million, Six Hundred and Sixty Thousand Shillings (Kshs. 266,660,000) in programs and projects for which they were appropriated and planned. KLRC also ensured that all its financial obligations were met and sustained bills below 1% of the total budget at the end of the financial year. It is worth noting that KLRC did not have any pending bills during the reporting period and made payments to suppliers on time. In addition, a number of achievements were realized as outlined below:

- (i) successfully trained all Public Finance Management (PFM) and other officers on the new Government Investment Management Information System (GIMIS) which is the reporting tool for all state corporations to the National Treasury;
- (ii) processed all statutory payments and remittances to NHIF/NSSF/SACCOs/HELB and KRA;
- (iii) prepared all monthly bank reconciliation reports for the year under review in compliance with the PFM Act 2012 and PFM Regulations 2015; and
- (iv) prepared and submitted all quarterly financial reports and monthly expenditure returns as required by the Controller of Budget.

## CHAPTER FOUR: FINANCIAL STATEMENTS

### 4.1 Introduction

This chapter provides an analysis of the unaudited financial statements for the reporting period. Section 81 of the Public Finance Management Act, 2012, section 14 of the State Corporations Act, Cap 446 and section 32 of the Kenya Law Reform Commission Act, 2013 require the Commission to prepare Financial Statements and other information in respect of the operations in a manner that reflects a true and fair state of affairs of the Commission at the end of the year under review.

### 4.2 Statement of Financial Performance for the Year Ended 30 June 2022

	2021-2022	2020-2021
	Kshs	Kshs
<b>Revenue from non-exchange transactions</b>		
Transfers from other governments entities	266,660,000	272,118,373
	<b>2021-2022</b>	<b>2020-2021</b>
	<b>Kshs</b>	<b>Kshs</b>
	<b>266,660,000</b>	<b>272,118,373</b>
<b>Revenue from exchange transactions</b>		
Other income	3,580,949	156,750
<b>Total revenue</b>	<b>270,240,949</b>	<b>272,275,123</b>
<b>Expenses</b>		
Use of goods and services	138,876,172	118,917,387
Employee costs	143,541,950	146,283,520
Remuneration of Commissioners	-	-
Depreciation and amortization expense	4,241,077	3,258,887
Repairs and maintenance	3,656,741	4,744,178
<b>Total expenses</b>	<b>290,315,940</b>	<b>273,203,972</b>
<b>Other losses</b>		
Impairment loss	16,177,002	-
<b>Deficit for the period/year</b>	<b>(36,251,993)</b>	<b>(928,849)</b>

Name: Mr. Joash Dache, MBS



Accounting Officer

Name: CPA Margaret Githae



Head of Accounts

ICPAK M/No:13051

### 4.3 Statement of Financial Position as at 30 June 2022

	2021-2022	2020-2021
	Kshs	Kshs
<b>Assets</b>		
<b>CurrentAssets</b>		
Cash and Cash equivalents	23,936,902	51,963,282
Receivables from Non-Exchange Transactions	10,447,978	10,274,971
Inventories	4,762,368	4,549,441
<b>Total Current Assets</b>	<b>39,147,248</b>	<b>66,787,694</b>
<b>Non-CurrentAssets</b>		
Property, Plant and Equipment	17,990,224	14,357,304
Intangible Assets	1,233,428	1,762,040
<b>Total Non- Current Assets</b>	<b>19,223,652</b>	<b>16,119,344</b>
<b>TotalAssets</b>	<b>58,370,900</b>	<b>82,907,038</b>
<b>CurrentLiabilities</b>		
Trade and Other Payables	-	-
<b>TotalLiabilities</b>	<b>-</b>	<b>-</b>
<b>NetAssets</b>		
Reserves-Revaluation	11,715,856	-
Deficit for the year	(36,251,994)	(928,849)
Accumulated Surplus	82,907,038	83,835,887
<b>Total Net Assets</b>	<b>58,370,900</b>	<b>82,907,038</b>
<b>Total Net Assets and Liabilities</b>	<b>58,370,900</b>	<b>82,907,038</b>

Name: Mr. Joash Dache, MBS



Accounting Officer

Name: CPA Margaret Githae



Head of Accounts  
ICPAK M/No:13051

#### 4.4 Statement of Changes in Net Assets for the Year Ended 30 June 2022

	Fair value adjustment reserve	Retained earnings	Total
	Kshs	Kshs	Kshs
<b>As at July 1, 2020</b>	-	83,835,887	83,835,887
Fair value adjustment on PPE	-	-	-
Deficit for the year	-	(928,849)	(928,849)
<b>As at June 30, 2021</b>	-	<b>82,907,038</b>	<b>82,907,038</b>
<b>As at July 1, 2021</b>	-	<b>82,907,038</b>	<b>82,907,038</b>
Fair value adjustment on PPE	11,715,856	-	11,715,856
Deficit for the year	-	(36,251,994)	(36,251,994)
<b>As at June 30, 2022</b>	11,715,856	<b>46,655,044</b>	<b>58,370,900</b>

#### 4.5 Statement of Cash Flows for the Year Ended 30 June 2022

	2021-2022	2020-2021
	Kshs	Kshs
<b>Cash flows from operating activities</b>		
<b>Receipts</b>		
Transfers from other governments entities	266,660,000	272,118,373
Other Income	3,580,949	156,750
<b>Sub Totals</b>	<b>270,240,949</b>	<b>272,275,123</b>
<b>Payments</b>		
Employees Costs	143,541,950	146,283,520
Remuneration to Commissioners	-	-
Use of Goods and Services	138,876,172	118,917,387
Repair and Maintenance	3,656,741	3,258,887
<b>Sub Totals</b>	<b>286,074,863</b>	<b>268,459,794</b>
<b>Totals</b>	<b>(15,833,914)</b>	<b>3,815,329</b>

Increase in inventory	(212,927)	529,638
Increase in Receivable	(173,007)	(1,723,559)
<b>Sub totals</b>	<b>(385,934)</b>	<b>(1,193,921)</b>
<b>Net cash flows from operating activities</b>	<b>(16,219,848)</b>	<b>2,621,408</b>
<b>Cash flows from investing activities</b>		
Purchase of property, plant, equipment and intangible assets	(11,806,531)	(1,042,650)
Purchase of Intangible Asset	-	-
<b>Net cash flows used in investing activities</b>	<b>(11,806,531)</b>	<b>(1,042,650)</b>
<b>Cash flows from financing activities</b>		
Net cash flows used in financing activities	-	-
<b>Net cash flows used in financing activities</b>	<b>-</b>	<b>-</b>
<b>Net increase/Decrease in cash &amp; cash Equivalent</b>	<b>(28,026,379)</b>	<b>1,578,758</b>
<b>Cash and cash equivalents as at 1 July 2021</b>	<b>51,963,282</b>	<b>50,384,524</b>
<b>Cash and cash equivalents as at 30 June 2022</b>	<b>23,936,902</b>	<b>51,963,282</b>

#### Note:

Fair value adjustments on property, plant and equipment relates to a comprehensive Audit and compilation of the Commission asset register that resulted in increase in reported costs from the previous years.



## CHAPTER FIVE: CHALLENGES AND RECOMMENDATIONS

### 5.1 Introduction

This chapter presents a synopsis of challenges that KLRC faced in the reporting period. General and specific recommendations have been made for improved service delivery.

### 5.2 Policy Level

#### 5.2.1 Delay in Appointment of Commissioners

During the reporting period ending 30th June, 2022, KLRC did not have a fully constituted Board of Commissioners, which was occasioned by a delay in their appointment. As a result, most policy decisions were left pending awaiting the appointment of Commissioners. This often hindered implementation of some critical initiatives, programmes and also affected staff operations such as delayed promotions.

#### Recommendation

As at the time of publishing this Report, the Commissioners had been appointed and sworn in on the 15<sup>th</sup> of August, 2022. However, to address this challenge in future, KLRC has proposed review of its Act and specifically recommended that the appointment of Commissioners should be initiated at-least 6 months before expiry of the term of a commissioner and the chairperson to remain in office until a new chairperson is sworn in.

#### 5.2.2 Inadequate Financial Autonomy

KLRC performs both constitutional and statutory functions. Upon the exit of the defunct Commission for the Implementation Constitution (CIC), Parliament made a resolution that KLRC would continue to undertake the residual roles of ongoing constitutional implementation. This is a role KLRC has earnestly undertaken through development of legislation and ongoing law reform to align existing law to the Constitution. Amid this dual role, KLRC still relies on the office of the Attorney

General for funding. While there has been a seamless and near perfect relationship in this regard, KLRC makes these recommendations:

**Recommendations:**

- (a) Accord KLRC financial autonomy by having its own vote; and
- (b) Parliament to enable KLRC access some of its funding from the Consolidated Fund.

### **5.3 Operational Challenges**

In the reporting period, KLRC experienced operational challenges that hindered implementation of strategic policy directives and day to day operations. These challenges include: inadequate budgetary allocation, delay in release of the Exchequer funds and high staff turnover among others. In this regard, the following recommendations are preferred:

#### **5.3.1 Inadequate Budget**

**Recommendations:**

- (a) KLRC to proactively engage with Parliament, the National Treasury and development partners for enhanced funding in key programmatic and operational areas;
- (b) KLRC to effectively engage with the National Treasury to ensure timely release of the Exchequer to ensure efficiency in operations and timely completion of outlined programmes; and
- (c) Parliament and National Treasury to consider allocation of additional resources to KLRC owing to its unique and broad mandate.

#### **5.3.2 Inadequate Automation**

**Recommendations:**

- a) In line with the National ICT Policy, KLRC to facilitate adequate budgetary allocation to the ICT function;

- b) KLRC to retrain staff on ICT; and
- c) KLRC to ensure the automation, modernization and digitization of old and obsolete systems and processes.

### **5.3.3 Short Notice Assignments and Insufficient Instructions**

While KLRC continued to deliver on its scheduled work, there were often requests or instructions that were presented on short notice, and owing to their urgency, they were given priority resulting in some delays in already commenced projects and activities. Further, some of those notices or instructions received from MDAs had inadequate or unclear policy from MDAs and county governments leading to delays in giving full drafting instructions and execution of work.

#### **Recommendations:**

- a) MDAs at both levels of government to proactively engage KLRC for mutually convenient timelines prior to issuance of work (as per the service charter where applicable);
- b) KLRC to consultatively develop and share its annual work-plans and project calendars with the relevant MDAs and county governments; and
- c) KLRC to share law reform guidelines and drafting instructions with its clients.

### **5.3.4 Human Resource Challenges**

During the reporting period, KLRC experienced human resource challenges of staffing capacity constraints as well as the attraction, motivation and retention of staff. This was occasioned by budgetary constraints and lack of a fully constituted board.

#### **Recommendations:**

- a) KLRC to develop and implement a staff motivation and retention policy framework within its HR manual and the SRC guidelines;
- b) KLRC to engage with the relevant stakeholders such as the Parliament and the National Treasury for budget enhancement for purposes of additional recruitment of officers especially in the technical areas.

## APPENDICES

### Appendix 1: Technical Assistance Provided (Law Reform)

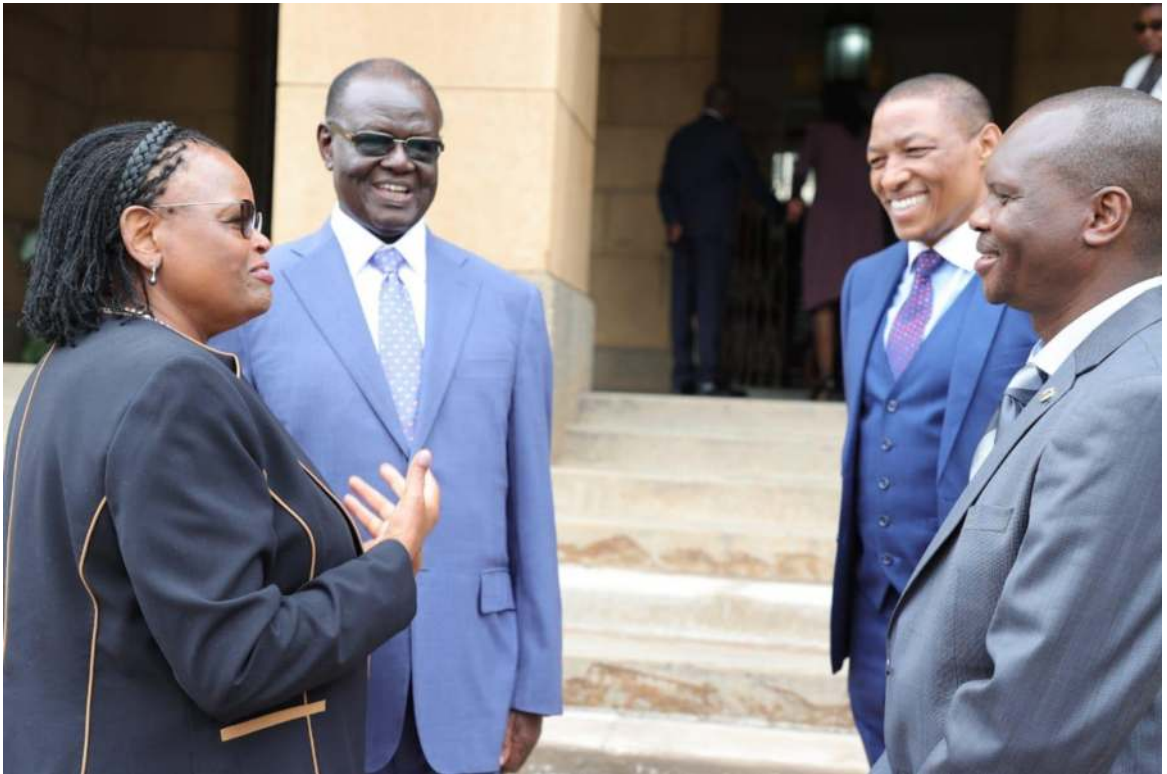
	TECHNICAL ASSISTANCE	STATUS
<b>BILLS REVIEWED OR DEVELOPED</b>		
1.	Review of the Political Parties (Amendment) Act, 2022	Completed
2.	Review of the Elections (Amendment) Act, 2022	Completed
3.	Reviewed the Political Parties' Primaries Bill, 2021	Completed
4.	Review of the Election Campaign Financing (Amendment) Bill, 2022	Completed
5.	Review of the Labour Institutions Act, 2007	Ongoing
6.	Review of National laws relevant to Nuclear Power Programme and the Nuclear Regulatory Act, 2019	Completed
7.	Review of the Maritime Laws	Ongoing
8.	Review of the Traffic Act, Cap 403	Ongoing
9.	Review of the Environmental Management and Coordination Act, 1999	Ongoing
10.	Review of the Privatization Act, 2005	Ongoing
11.	Review of Cap (404) Agricultural Development Corporation	Ongoing
12.	Development of the National Address System Policy & National Address System Bill	Ongoing
13.	Review the Books and Newspapers Act, Cap 111	Ongoing
14.	Develop the Criminal Procedure (Amendment) Bill, 2021	Ongoing
15.	Review of the Hire Purchase Act, Cap 507	Ongoing
16.	Review of Fines and Penalties within the Insurance Act	Ongoing
17.	Review of the Fisheries Management and Development Act (No. 35 of 2016)	Ongoing
18.	Development of the National Legislative Framework on Property Rates (Rating Bill, 2022)	Completed
19.	Review of the Cooperative Act	Completed
20.	Development of the Heraldry Bill, 2021	Ongoing
21.	Review of the Counter Trafficking in Persons Act No. 8/2010	Ongoing
22.	Development of the Kenya Youth Development Bill, 2022	Ongoing
23.	Development of the Kenya Forestry Research Institute Bill, 2022	Ongoing
24.	Review of the Wildlife Conservation Act	Ongoing
25.	Review of the Kenya Cultural Center Act	Ongoing
26.	Review of Sexual Offences Act and Sexual Gender-Based violence related laws	Ongoing
27.	Development of the National Hospital Insurance Fund (Amendment) Bill, 2021	Completed
28.	Review of the Kenya Literature Bureau Bill	Ongoing
29.	Review of the Laws Governing Advocates	Ongoing

30.	Development of Emergency Medical Care Bill	Ongoing
31.	Review of the Anti FGM Act	Ongoing
32.	Review of the Kenya Information and Communication Act, 1998 and Regulations	Ongoing
33.	Development of Legislation for Operationalization of Articles 187 and 189 of the Constitution on Transfer of functions and cooperation between National and County Governments	Ongoing
34.	Development of Marsabit Health Services Bill	Completed
35.	Review of the draft national film policy and Bill	Completed
36.	Review of the Supplies Practitioners Management Act, 2007	Ongoing
37.	Review of the Fire Brigades Professionals Board Bills as Proposed by the Kenya National Fire Brigade Association	Ongoing
38.	Harmonization of Laws in relation to Delineation of Functions (Betting, Casinos and other Forms of Gambling)	Ongoing
<b>REGULATIONS/RULES REVIEWED OR DEVELOPED</b>		
39.	Review of the Political Parties Disputes Procedure (Amendment) Regulations, 2022	Completed
40.	Review of the Purpose of the Court of Appeal (Elections Petition) (Amendment) Rules, 2022	Completed
41.	Development of Regulations of the Controller of Budget Act	Completed
42.	Regulations on the Data Protection Act	Completed
43.	Regulations under the County Governments Act, 2012	Completed
44.	Legal Education Appeals Tribunal (Procedure) Rules, 2019	Ongoing
45.	Review of the NGEK Complaints Handling and Procedure Rules, 2020	Ongoing
46.	Regulations on Salaries and Remuneration Commission	Ongoing
47.	Regulations on the review of the Mandatory Death Penalty	Stalled
48.	The Kenya Civil Aviation Authority Regulations	Completed
49.	Develop SOPs for Child Online Protection for Communication Authority	Ongoing
50.	PFM Standing Disaster Fund Management Regulations	Ongoing
51.	Develop National Electronic Single Window Regulations	Ongoing
52.	Review CMA Regulations in collaboration with the Capital Markets Authority Board Panel on Review of the Financial Laws	Ongoing
53.	Victim Protection Act (General) Regulations 2020 and Victim Protection Act (Trust Fund) Regulations 2020	Completed
54.	Climate Change Regulations under the Climate Change Act, 2016	Ongoing

55.	Review of the Coffee related Regulations	Ongoing
56.	Development of Regulations under the Urban Areas and Cities Act (2011 Amended 2019)	Ongoing
57.	Technical Support for the Development of Regulations on Pricing of Health Products and Technologies (HPT)	Completed
58.	Developing Radio Content Classification Guidelines	Ongoing
59.	Regulations under the Kenya Institute of Curriculum Development (KICD)	Ongoing
60.	Review of the Nuclear Regulatory Authority Regulations	Completed
61.	Review of Draft Fish Levy Trust Fund Regulations	Completed
62.	Development of the regulations to Implement the NHIF Act	Completed
63.	Amendment of the Scrap Metal Act and Scrap Metal Regulations	Ongoing
64.	Development of Regulatory Impact Assessment (RIA) for Ministry of Lands Regulations (various sets of Regulations)	Completed
65.	Development of the Co-regulation Framework for Audio-Visual Content Classification	Ongoing
66.	IPOA (General Operations) Regulations, 2022	Completed
67.	Development of Refugee Management Regulations	Ongoing
68.	Development of Regulations for Tobacco Control Act	Ongoing
69.	Regulations on Protection of Traditional Knowledge and Cultural Expressions Act 2016 (Revised 2018)	Ongoing
<b>POLICIES REVIEWED OR DEVELOPED</b>		
70.	Policy on National Civil Registration (Huduma Namba Policy)	Completed
71.	Review and Develop National Devolution Policy	Ongoing
72.	Development of Policy and Legislation to Support Blue Economy in the Lake Region	Ongoing
73.	Review and Propose Legal Policy and Operational Reforms to the Community Service Orders Act No. 10/1998	Ongoing
74.	Kenya Prisons Service Childcare Services Policy (Technical Working Group)	Ongoing
75.	Policy Interventions in the Fitness Industry	Ongoing
76.	Development of National Policy on Small Arms and Light Weapons	Ongoing
77.	Implementation of the Alternative Dispute Resolution Policy	Ongoing
78.	Health Impact Assessment Guidelines for Capital Projects in Kenya: HIV Prevention and Management	Ongoing
79.	National Oceans and Fisheries Policy	Completed
80.	Policy on Care of Children of Incarcerated parents	Ongoing
81.	Review of Slum Upgrading Policy and Strategies	Ongoing

82.	Technical Assistance on Legal and Policy Roadmap for Kenya Fish Marketing Authority	Ongoing
<b>TECHNICAL ASSISTANCE TO COUNTY GOVERNMENTS</b>		
83.	Development of the Implementation Framework on the Audit of the National and County legislation	Completed
84.	Development of the Kajiado Land Use and Planning Bill, 2021	Completed
85.	Development of the Turkana County Extractive Bill	Completed
86.	Collaboration and Partnership between KLRC - Makueni on review of County Legislation	Ongoing
87.	Development of the Makueni County Equitable Development Bill	Ongoing
88.	Review of the Garissa Health Facilities Improvement Bill, 2021	Completed
<b>OTHER SPECIAL ASSIGNMENTS</b>		
89.	Transfer of Assets & Liabilities from National Government to County government	Ongoing
90.	Transfer of Museum Functions from National Government to County Government	Ongoing
91.	Regulatory Impact Assessment on the Draft Sectional Properties Regulations, 2021 under the Sectional Properties Act, 2020	Completed
92.	Integrated Product Marketing & Authentication System (IPMAS) Technical Working group	Ongoing
93.	Technical Assistance to the EAC Sectoral Council on Legal and Judicial Affairs in Drafting Bills for EALA	Ongoing
94.	Legal Compliance and Governance Audit- for the Kenya School of Government Retirement Benefit Scheme	Ongoing
95.	Review of the Guide to Legislative Process in Kenya	Ongoing
96.	Implementation of the Intersex Persons` Report	Ongoing
97.	National Risk Assessment on Money Laundering and Terrorism Financing	Completed
98.	Implementation of the National Ethics and Anti-corruption Policy	Ongoing
99.	Development of the National Council on the Administration of Justice Bill	Ongoing
100.	Implementation of the Kenya Devolution Programme	Ongoing
101.	Development of legislative drafting Training Curriculum for KSG	Ongoing
102.	Revision of the Protocol on Publication of County Legislation	Ongoing
103.	Implementation of the Recommendations of the Audit Report (County and National Policy Legislation)	Ongoing
104.	Technical Assistance to the National Council on Administration of Justice working group on Traffic matters	Ongoing
105.	Development/Review of the Council of Legal Education ATP Curriculum	Ongoing





*KLRC Commissioners H.E Kiraitu Murungi and Prof. Musili Wambua and the CEO, Mr. Joash Dache hold a brief chat with the Chief Justice, Hon. Lady Justice Martha Koome after the swearing in ceremony*

## NOTES

### The Quote:

*“My goal for reform is not necessarily to pass laws but to make sure the laws are being followed.”*

— Chuck Grassley

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#### Contact Details

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



Email: [info@klrc.go.ke](mailto:info@klrc.go.ke)



Phone: (+254) 20 2241201



Website: [www.klrc.go.ke](http://www.klrc.go.ke)



Twitter: @klrcKE



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

