

Developing a People-Centred Access to Justice Strategy

A Blueprint for Social Transformation
in Kenya and Beyond



The Commonwealth

EQUAL ACCESS TO JUSTICE BEST PRACTICE GUIDES

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A Blueprint for Social Transformation in Kenya
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Foreword

The Commonwealth is a voluntary association of 56 countries with a combined population of 2.7 billion, working together to advance shared values and goals that promote peace, democracy and development. Although its roots are historical, emerging from the British Empire, today it serves a modern purpose grounded in co-operation and mutual support. The core purpose of the Commonwealth includes promoting democracy and good governance, advancing sustainable development, protecting human rights, fostering trade and economic co-operation, empowering youth and civil society, building peace and security, and strengthening cultural and people-to-people ties. Its existence therefore serves to support its members through shared values, practical co-operation and mutual respect, and creating a network where countries can learn from each other, collaborate and uplift their people.

To advance the realisation of the goals set out in the 2019 Declaration on Equal Access to Justice and Sustainable Development Goal (SDG) 16, the Commonwealth Heads of Government considered and endorsed the Declaration and Plan of Action on Equal Access to Justice, which had been developed by the Commonwealth Secretariat. This was during their June 2022 meeting in Kigali, Rwanda. At their subsequent meeting in Zanzibar in March 2024, law ministers agreed to the development of the *Commonwealth Best Practice Guides on Access to Justice* as part of the implementation of the Declaration and Plan of Action. This series of guides is developed pursuant to the law ministers' endorsement of the need for a practical, experience-based guide to support member countries in developing their own approaches.

This guide showcases the *Social Transformation through Access to Justice (STAJ) blueprint*, a people-centred strategy that is currently being implemented in Kenya. The 10-year blueprint has been selected as a best practice guide because of its people-centred approach to the delivery of justice to citizens. This aligns with the core objective of the Equal Access to Justice Declaration and Plan of Action, whose aim is to promote people-centred justice and development.

We hope that it will enable chief justices, attorneys general and other relevant officers develop and sustain people-centered approaches to justice in their respective jurisdictions.

Acknowledgments

The Commonwealth Secretariat is deeply grateful to the Chief Justice and President of the Supreme Court of the Republic of Kenya, Hon. Lady Justice Martha Koome, and Dr Willy Mutunga, former Chief Justice and President of the Supreme Court of Kenya, for graciously availing themselves for the in-depth interviews that were necessary in the development of this guide. Their thoughtful reflections as leaders, and experiential insights into Kenya's justice transformation journey, provided invaluable context and depth to this guide.

We further extend our appreciation to Ms Anne Amadi, former Chief Registrar of the Judiciary of Kenya, for providing practical insights on the foundational work in strengthening institutional frameworks for shaping an inclusive, responsive and accountable justice systems. Her perspective as one of the earliest implementers of the STAJ Blueprint was invaluable. Further information provided by Caroline Kabucho, Registrar, Magistrates Courts, and Duncan Okello of the Kenya Judicial Academy, also went a long way in unpacking the processes and systems around the implementation of the judiciary's blueprints.

In particular, we thank our colleagues in the Commonwealth Secretariat, Rule of Law Section, led by Nancy Kanyago, for their assistance and support, as well as their invaluable advice and direction provided during the development of this publication. The Secretariat worked closely with the consultant, Dr Mercy Deche, and is grateful for her professionalism, dedication and time, in her role as 'the pen holder' in the development of this guide.

Finally, the Secretariat conveys its heartfelt thanks to all Commonwealth member countries for their unwavering support, which has continually enabled the Secretariat to deliver on its various mandates – including support for justice reforms.

Acronyms

A2J	access to justice
ADR	alternative dispute resolution
AJS	alternative justice systems
AVCB	Activating Village Court in Bangladesh (project)
CAM	court-annexed mediation
CSO	civil society organisation
CTS	case tracking system
CUC	Court Users Committee
DSA	daily subsistence allowance
ERP	enterprise resource planning
EXR	expenditure requisition
GBV	gender-based violence
ICT	information and communication technology
JDGs	Justice Development Goals (Canada)
JTF	Judiciary Transformation Framework
KNCHR	Kenya National Commission on Human Rights
M&E	monitoring and evaluation
NCAJ	National Council on the Administration of Justice
NGO	non-governmental organisation
ODPP	Office of the Director of Public Prosecutions
OECD	Organisation for Economic Co-operation and Development
PCJ	people-centred justice
SDGs	Sustainable Development Goals
SGBV	sexual and gender-based violence
SJT	Sustaining Judiciary Transformation
SMS	short message service
SOJAR	State of Judiciary and Administration of Justice Report
STAJ	Social Transformation through Access to Justice (blueprint)

Executive Summary

This *Equal Access to Justice Best Practice Guide* provides a road map for judiciaries of Commonwealth countries in developing people-centered justice strategies in response to the need for structured access to justice strategies in these countries. The guide is both a tool and an indicator of growing recognition that justice must be planned, not expected to develop organically. It affirms that people-centred access to justice is not merely an aspiration, but a technical and policy imperative requiring deliberate design, leadership and resourcing.

The guide provides a practical step-by-step process through which Commonwealth countries may develop and implement people-centred access to justice strategies. Grounded in the principles of inclusion, equity, responsiveness and community participation, the guide responds to the persistent justice gaps that disproportionately affect marginalised groups across the Commonwealth.

The guide draws innovative practices and lessons from Kenya's *Social Transformation through Access to Justice (STA.J)* blueprint. It emphasises that while justice strategies are state-driven, they must also be co-created with communities, recognising diverse pathways to justice beyond formal courts.

Key components of a people-centred strategy include:

- evidence-based problem identification through legal needs surveys, court data and community engagement;
- inclusive multistakeholder processes, involving civil society, traditional leaders, local governments and justice sector actors;
- integrated service delivery models, including mobile courts, alternative justice systems, court user committees, legal aid and technology-enabled platforms;
- strong monitoring, evaluation and learning systems, to ensure continuous adaptation and responsiveness to evolving justice needs.

The guide advocates for whole-of-government and whole-of-society approaches, backed by strategic partnerships, adequate financing and political commitment. It offers step-by-step guidance, tools and case studies to support countries in building justice systems that are people centred, accessible, fair and trusted by all.

Ultimately, this guide aims to contribute to the realisation of Sustainable Development Goal 16 (peace, justice and strong institutions) by equipping Commonwealth countries with actionable strategies to close the global justice gap and uphold the rights and dignity of all people.

Introduction

Summary of objectives

This guide aims to provide a structured, practical reference for policy-makers, law ministries and judicial leaders across the Commonwealth seeking to develop and implement a people-centred access to justice strategy. It analyses the experience of the judiciary of the Republic of Kenya, highlighting best practices, key challenges and transferable lessons.

Methodology

The methodology was informed by the above objectives. Information in this guide was compiled from desk research and key informant interviews. The literature reviewed included official reports, institutional documents and data compiled during the development and implementation of the Social Transformation through Access to Justice (STAJ) blueprint. The STAJ was interrogated with a genealogical lens that involved an analysis of the preceding blueprints of the Kenyan judiciary. This included the Judiciary Transformation Framework (JTF) (2012–2016) and the Sustaining Judiciary Transformation (SJT) framework (2017–2021).

The key informants interviewed were those who had participated in the development and implementation of STAJ and therefore had first-hand experience and knowledge of its processes. This included the vision bearer of STAJ, the Chief Justice of the Republic of Kenya, Honourable Lady Justice Martha Koome; and Anne Amadi, the immediate former Chief Registrar of the Judiciary who served at the time STAJ was developed and played a critical role in its implementation as the Chief Accounting Officer of the Judiciary. Retired Chief Justice Willy Mutunga, the first post-2010 Chief Justice who highlighted the journey of judicial transformation in Kenya, was also interviewed. Other informants included heads of various directorates and registrars of various courts in Kenya, and other judiciary staff involved in the development of the STAJ and the two blueprints that preceded it.

Chapter breakdown

Chapter 1 unpacks access to justice as a concept, its definition and essential ingredients. It also highlights the importance of appropriate access to justice strategies as an imperative for a just society and socio-economic development. The chapter concludes by introducing the reader to the concept of people-centred access to justice.

Chapter 2 uses a genealogical lens to discuss the Kenyan experience. It starts by laying out the historical context and the transformation journey that has informed and shaped the current status of the Kenyan judiciary. It highlights the different transformation phases the institution has gone through and the changing priorities of the two phases preceding the STAJ. The relevance of the historical background is to demonstrate the importance of building on successes that have been incrementally achieved over time, maintaining the transformation momentum and preserving gains already achieved. This chapter also introduces the vision of STAJ.

Chapter 3 traces the conceptualisation of the STAJ blueprint, the process of its development and how it was launched.

Chapter 4 outlines the implementation of the blueprint by identifying the change process, key stakeholders, resources, timelines, innovative approaches and technologies used. It discusses the mobilisation and utilisation of resources, and the 'hits' and the 'misses' so far that may inform processes in other jurisdictions. It further highlights the challenges experienced in implementing the strategies and key lessons learned from the Kenyan experience that could be adopted by other jurisdictions for greater success.

Chapter 5, the final chapter, lays out a proposed step-by-step road map for developing and implementing a people-centred access to justice strategy. It includes tips on how the strategy can be adopted across other Commonwealth countries in the various regions, leaving room for customisation by respective jurisdictions based on their respective realities and contexts.

Annexes: Attached to the guide are six annexes that provide additional information to the core content in the guide. They are:

- a guide on conducting an access to justice needs assessment
- an access to justice needs assessment template
- a case study on Bangladesh Village Courts
- a case study on Rwanda people-centred justice strategies
- a case study on people-centred justice approaches in Canada
- a sample monitoring and evaluation matrix.

1. Understanding Access to Justice

1.1 Defining access to justice

Access to justice is a basic principle of the rule of law, generally defined as the ability of individuals to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards. It is therefore about people's ability to resolve their disputes, prevent the violation of their rights, and to use justice as a platform to participate in their economies and societies. Accessing justice also involves empowering people to seek it and securing the mechanisms to get it.¹ It is therefore not just about accessing formal courts. It includes access to other preferred alternative modes of dispute resolution.² It is therefore best understood in its broader context:

*'Access to justice is, therefore, much more than improving an individual's access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable.'*³

Rights are granted to those in a position to claim them, making legal awareness an imperative to accessing justice. Apart from building capacity in the judicial sector, grassroots legal empowerment must also therefore be part of all engagements towards the realisation of access to justice for all. Access to justice must therefore be perceived from both an outcome and operations perspective:

*'As a process, access to justice ought to encompass how people navigate and are treated in the many relations and transactions (with dignity and legal consequences) that comprise everyday life.'*⁴

Equal access to justice is not only a factor of the rule of law, but also an imperative for:

- peaceful societies
- economic growth
- institutional legitimacy
- social cohesion
- legal empowerment
- sustainable development.

Access to justice is therefore critical in upholding the socio-economic well-being of citizens and is essential to fostering a peaceful and harmonious co-existence in society, state stability, and business confidence and economic growth. It is no wonder that in Kenya it is a constitutional right enshrined in the Bill of Rights of the Constitution of Kenya 2010. The Constitution provides that:

*'The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to Justice.'*⁵

The Constitution further requires national state organs such as the judiciary to ensure reasonable access to its services in all parts of the republic, so far as it is appropriate.⁶

1.2 Essential elements of access to justice

Though access to justice may have different perceptions by justice seekers in their diverse circumstances, it has certain key common elements.⁷ These elements are interconnected and form the foundation for a people-centred justice system (see Table 1.1)

1 International Development Law Organization (IDLO) (no date), 'Creating a Culture of Justice', www.idlo.int/sites/default/files/pdfs/IDLO%20Leaflet%20-%20English.pdf.
 2 Penal Reform International (2000, November 10), 'Access to justice in sub-Saharan Africa: The role of traditional and informal justice systems'. www.penalreform.org.
 3 UN Development Programme (UNDP) (2004), 'Access to Justice Practice Note'. www.undp.org/publications/access-justice-practice-note.
 4 Kenya Judiciary (2020), 'AJS Baseline Survey'. <https://judiciary.go.ke/download/alternative-justice-systems-baseline-policy-and-policy-framework/>

5 Republic of Kenya (2010), Article 48, The Constitution 2010 (KEN). <https://new.kenyalaw.org/akn/ke/act/2010/constitution/eng@2010-09-03>.
 6 Ibid., Article 6(3).
 7 UNDP et al. (no date), 'Informal Justice Systems: Charting a Course for Human Rights-Based Engagement'. www.undp.org/sites/g/files/zskgke326/files/publications/Informal-Justice-Systems-Summary.pdf.

Table 1.1. Essential elements of access to justice

Element	Description
1. Fair and transparent legal framework	Laws must be clear, just, non-discriminatory and consistently applied. Legal processes should uphold the principles of due process and equality before the law. Judicial precedents should also abide by <i>stare decisis</i> to avoid confusing justice seekers,
2. Legal awareness and empowerment	Enjoyment of access to justice must be preceded by knowledge of one's rights as a person cannot possibly access rights they have no knowledge of. People need to know their substantive rights and the legal procedures and processes on how to claim them. In this regard, legal education, sensitisation on rights, awareness campaigns and civic literacy are essential.
3. Availability and accessibility of justice services	This includes physical infrastructure (courts, mediation centres) accessible to all, including the physically challenged, and within geographical reach. It also includes the incorporation of translation services to address language barriers, digital access to courts, tribunals, legal aid and alternative dispute resolution (ADR). Services should be available in rural and marginalised areas, for example, through mobile courts. The design and maintenance of the infrastructure should also be gender sensitive. For instance, lack of toilet facilities with running water may prevent women accessing justice during menstruation.
4. Efficient and accountable justice institutions	Courts, police service, prisons, children services, probation and after-care services, and other administrative bodies should be well-resourced, impartial and transparent. Timely resolution of cases is crucial to prevent denial of justice. Clear and simple complaint mechanisms should be put in place to enable justice seekers to achieve resolution where they feel violated. At the institutional level, annual reports on the state of the judiciary and administrative of justice should be communicated to relevant organs, like Parliament, and to the public at large.
5. Affordable and effective legal aid and assistance	The cost of justice, especially in terms of legal fees or court filing fees, can be prohibitive compared to the median income of most ordinary citizens. Legal aid and paralegal support should be available to those who cannot afford legal representation. Mechanisms for early legal advice and assistance are key.
6. Alternative dispute resolution (ADR) and informal mechanisms	An overwhelming percentage of justice seekers resolve their disputes in fora other than the formal courts. ⁸ Community-based, traditional or restorative justice systems that are culturally appropriate and accessible should be available and must operate in line with human rights standards.
7. Inclusivity and non-discrimination	Justice systems need to be sensitive to the needs of vulnerable and marginalised groups (for example, women, children, persons with disabilities, Indigenous peoples). Data disaggregation and tailored interventions are necessary to ensure responsiveness to the needs of different interest groups.
8. Participation and voice	Communities should be involved in shaping justice services and holding institutions accountable. User feedback and justice audits are useful for strengthening responsiveness.
9. Innovation and use of technology	Digital tools (e-filing, mobile courts, virtual courts) can expand reach and efficiency. Technology must be inclusive and not deepen the digital divide, especially where communities cannot access appropriate gadgets or connectivity.
10. Monitoring, evaluation and learning	There must be regular assessment of justice needs, outcomes and impact. Planning and policy reform must be evidence based.

⁸ Hague Institute for Innovation in Law (HiIL) (2018), 'Justice Needs Survey and Satisfaction in Kenya 2017', HiIL, Kenya Judiciary and World Bank. www.hiil.org/wp-content/uploads/2018/07/hiil-report_Kenya-JNS-web.pdf.

1.3 Importance of access to justice strategies

As stated above, access to justice is a foundational pillar of the rule of law, democratic governance and inclusive development. However, it encounters numerous barriers, such as the high cost of litigation, delays in hearing and determination of cases, endemic case backlog, lack of legal awareness and difficult-to-understand technicalities of the judicial process. In marginalised areas, the difficult terrain and geographical distance to court stations become practical challenges to accessing justice. Rights mean little if those entitled to them are not aware they exist or are not able to reach the place where justice is dispensed. Access to justice only makes sense when justice seekers can secure fair outcomes. Appropriate strategies must therefore be continuously developed and maintained to surmount the ever-evolving barriers.

Access to justice strategies, however, remain uncommon in many Commonwealth countries. This gap has created inconsistencies in how justice challenges are identified, prioritised and addressed, which has led to ad hoc programming, insufficient funding and exclusion of community voices. Without a coherent and co-ordinated strategy, efforts to improve justice delivery often remain fragmented, reactive and under-resourced. The paucity of structured strategies highlights the need for a practical, experience-based guide to support member countries in developing their own approaches.

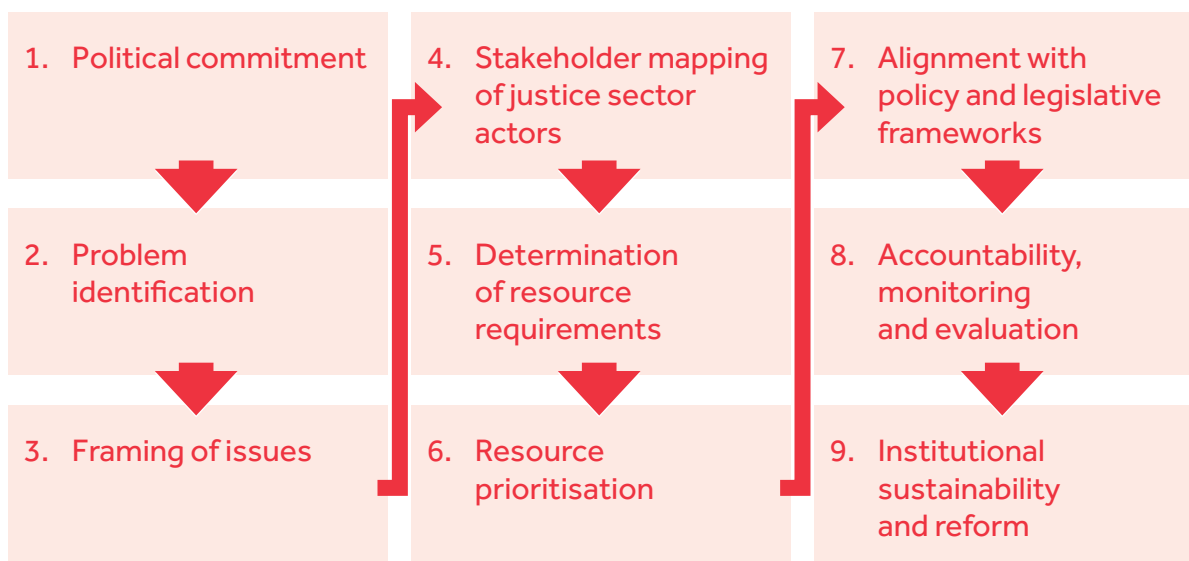
At their meeting in Colombo, Sri Lanka in November 2019, Commonwealth law ministers adopted the Declaration on Equal Access to Justice ('the Declaration'). In adopting the Declaration, law ministers were of the view that ensuring equal access to justice for all was critical to the realisation of Commonwealth member countries' various objectives as set out under United Nations Sustainable Development Goal (SDG) 16. This guide therefore offers a practical, people-centred roadmap that could be adopted with appropriate variations based on the lived realities of each jurisdiction.

An access to justice strategy serves to ensure that:

- the issues sought to be addressed are clearly identified
- the identified issues are appropriately named and prioritised
- the interventions to address those issues are clearly spelt out
- the stakeholders' are mapped-out and responsibilities appropriately assigned.
- the timelines for the implementation of the identified interventions are realistic
- adequate resources are allocated towards the identified interventions.

A properly developed access to justice strategy should, therefore, provide a structured, systematic approach to identifying, prioritising and addressing

Figure 1.1. Elements of an access to justice strategy



justice needs, especially for the marginalised and vulnerable populations, as shown in Figure 1.1. It should consist of the following elements.

1. Political commitment

The development of an access to justice strategy demonstrates a political commitment to shift towards inclusive governance. The commitment must come from the top leadership of the institution, and deliberate efforts to obtain the buy-in of all concerned must be made.

2. Problem identification

An access to justice strategy helps in identifying the real justice needs of all, especially the marginalised, vulnerable, invisible or deprioritised in broader societal or governance agendas.

3. Framing of issues

By specifically naming and framing issues, for example, traditional beliefs, economic disempowerment, lack of legal aid, procedural delays, case backlog or discriminatory practice, the strategy creates visibility and political momentum for reform in the respective areas.

4. Stakeholder mapping

Access to justice is not the business of any single institution. The stakeholders in the justice chain must all be involved if it is to succeed. All the institutions and groups concerned must be identified, with their respective roles clearly spelt out along with the expectations of each from the other. If any of the institutions is left out or fails to play their part, the implementation of the strategy could be compromised.

5. Determination of resource requirements

The resources required are determined for the purposes of budgeting and developing resource mobilisation strategies.

6. Guided resource allocation

The strategy should provide a clear justification for the allocation of human, financial and institutional resources. Resources are often limited with competing priorities. Prioritisation ensures that resourcing for justice sector reforms are evidence based and impact oriented.

7. Alignment with policy and legislative frameworks

An access to justice strategy allows for sector-wide approaches within the existing policies and laws in a given jurisdiction. This helps in moving away from silo actions as it integrates efforts across institutions – including the judiciary, legal aid bodies, the police, correctional services, children services, bar associations, civil society and others – so promoting synergy and reducing duplication. It creates a shared framework of goals, indicators and priorities. It must be geared towards addressing gaps in practice and policy.

8. Accountability and measurement

A well-developed strategy includes mechanisms for monitoring and evaluation. This allows for the measurement of progress to ensure the activities are progressing as planned, and allows for corrections as needed and institutional accountability. It ensures that access to justice gains can actually be measured.

9. Institutional sustainability and reform

Sustainability is crucial for achieving long-term impact and embedding a culture of people-centred justice. The strategy should serve to institutionalise reforms, moving them beyond the discretion of individual actors or temporary donor-funded or non-government-funded projects.

1.4 The concept of people-centred justice

The people-centred justice concept is based on the understanding that people experience justice differently, and that they respond to it differently. In that regard, planned interventions must be tailored to the unique contexts of the justice needs of people, their capacities and capabilities. People-centred justice (PCJ) must therefore aim to empower citizens, respect diversity, simplify procedures and value the contributions of all justice actors, formal and informal.⁹

To achieve its purposes, a people-centred access to justice strategy must be data driven, evidence based, innovation focused and must be capable of creating an enabling regulatory environment that allows continuous improvement in the administration of justice. It is based on a rule-of-law approach that relies on the perspectives, needs, strengths and expectations of the justice user to improve the quality of justice and reduce barriers to service delivery.

Therefore, in developing a PCJ strategy, the elements of this concept must be considered to ensure that it is focused on expanding access to justice, in accordance with Sustainable Development Goal 16 of the 2030 Agenda, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and to build effective, accountable and inclusive institutions at all levels.

1.5 The guiding principles and commitments for a people-centred access to justice strategy

As enunciated in the Hague Declaration on Equal Access to Justice by all by 2030,¹⁰ people-centred justice approaches are founded on the following core commitments.

- To empower people to access services and opportunities.
- To improve justice journeys.

- To put people and their legal needs at the centre of justice system.
- To use justice for prevention of disputes and to promote reconciliation.
- To work to solve justice problems.

Traditional justice systems are slowly gaining popularity, and in some regions they are the preferred mode for dispute resolution. The Organisation for Economic Co-operation and Development (OECD)¹¹ has been at the forefront in championing the shift towards a people-centred justice and has studied the links between inclusive growth and the justice agenda. Through this process, the OECD developed a four-stage framework for ensuring that justice pathways and services are responsive to the needs of people. To that end, it proposes the following questions that would be useful when developing a PCJ strategy.

- Who experiences legal needs and what legal needs do they have?
- Where and when are these needs experienced?
- What works to meet these needs most effectively?
- How should these services be delivered and evaluated?

Aligned with these stages, the OECD further proposed the following criteria for people-centred justice.

1. Accessibility
2. Availability
3. Proactivity and timeliness
4. Appropriateness and responsiveness
5. Empowerment
6. Equality and inclusion
7. Outcome-focus and fairness.

The OECD framework intertwines with the access to justice principles and therefore reaffirms the elements required for PCJ strategies for enhanced access to justice.

⁹ International Development Law Organization (no date), 'Creating a Culture of Justice'. www.idlo.int/sites/default/files/pdfs/IDLO%20Leaflet%20-%20English.pdf.

¹⁰ Grassroots Justice Network (2019), 'The Hague Declaration on Equal Access to Justice for all by 2030'. <https://namati.org/news-stories/the-hague-declaration-on-equal-access-to-justice-for-all-by-2030>.

¹¹ Organisation for Economic Co-operation and Development (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*. <https://doi.org/10.1787/cdc3bde7-en>.

People-centred access to justice essentially places individuals and communities at the core of justice systems, ensuring that justice processes are responsive to their needs, experiences and realities. This approach shifts focus from institutions to people, recognising that justice should be accessible, fair and effective for everyone, particularly the poor, marginalised and vulnerable. The next chapter explores the Kenyan journey towards a people-centred justice system from the pre-colonial, colonial and post-independence period to the current post-2010 constitutional system.

2. The Kenyan Experience

2.1 Historical context

In pre-colonial Kenya, different communities applied their respective customs and traditions to resolve disputes without necessarily distinguishing between civil and criminal disputes. All wrongs were harmonised as transgressions against the community. The common features of these pre-colonial justice systems were their informality, flexibility, unwritten and un-codified procedures, reliance on community participation, and restorative outcomes.¹² The advent of colonialism introduced the English common law justice system, resulting in a bifurcated system for the colonised and the colonisers. The justice system was segregated, marginalising the Indigenous people to native tribunals while the settler community was served by formal courts presided over by expatriate magistrates and judges. The segregated system served to deny basic rights to Indigenous people while legitimising the colonial state. Even so, the judiciary itself was marginalised, as it was positioned as a department in the public service. So invisible was it that it was not even mentioned in the Flemming Commission report of 1962 mandated to investigate government's recurrent expenditure.¹³

At independence, the dual system was abolished and merged into a modern court, which was a colonial heritage in most aspects. Marginalisation of the ordinary citizens remained largely unaddressed, as the judiciary was still dominated by foreigners who continued to serve the interests of the government of the day – due to the independence constitutional architecture allowing for control of the judiciary by the executive. The general populace viewed the judiciary with a lot of scepticism. Public confidence in the judiciary remained generally low for an institution charged with the responsibility of ensuring respect for the rule of law. The situation remained largely the same until the promulgation of the Constitution of Kenya in 2010. Indeed, the country's worst inter-ethnic post-election

violence of 2007/2008, where more than 1,000 people were killed and thousands displaced, was partially attributed to the low levels of confidence the Kenyan public had in the judiciary.¹⁴ From a past defined by colonial legal exclusion to post-independence marginalisation, the Kenyan judiciary has evolved through deliberate and sweeping reforms following the adoption of a new constitution in 2010.

This is not to say that there were no pre-2010 initiatives to reform the judiciary. Prior to this, the judiciary had constantly been conscious of the need to reform, with a view to creating an institution that was more accessible and responsive to the justice needs of Kenyans. This was viewed as being essential to the transformation of the Kenyan society towards a free, equal, prosperous and just social order. In 2003, a committee known as the Integrity and Anti-Corruption Committee, led by retired Justice Aaron Ringera, was appointed to address judicial accountability. It produced a report that resulted in forced mass resignations and retirements of judges and magistrates implicated in corrupt practices.¹⁵ There were concerns about the implementation of the report. However, it was the first public formal acknowledgement that there was need for transformation in the judiciary. Efforts were made through the appointment of various committees (13 in total), whose mandates included making recommendations on how delivery of justice could be enhanced in the various aspects of judicial service. The most prominent of the pre-2010 committees was the Task Force on Judicial Reforms (2010)¹⁶ led by then-High Court Judge William Ouko (now a Judge of the Supreme Court of Kenya). Each of these committees submitted reports identifying a myriad of challenges and

12 Kenya Judiciary (2020), 'AJS Baseline Survey'. <https://judiciary.go.ke/download/alternative-justice-systems-baseline-policy-and-policy-framework>

13 Economy Commission (1962, December), *Report of the Economy Commission*. <https://kenyalaw.org/kl/fileadmin/CommissionReports/Report-of-the-Economy-Commission.pdf>.

14 Kenya Commission on Human Rights (KNCHR), Independent Review Commission (no date), *Report on the Independent Review Commission on the General Elections held in Kenya on 27 December 2007 ('Kriegler Commission Report')*. www.knchr.org/Portals/0/Reports/Kriegler_Report.pdf?ver=2013-02-12-095936-503.

15 Integrity and Anti-Corruption Committee of the Judiciary (2003), *Report of the Integrity and Anti-Corruption Committee of the Judiciary*. Republic of Kenya.

16 Republic of Kenya (2010), *Final Report on the Task Force on Judicial Reforms*. https://kenyalaw.org/kl/fileadmin/pdfdownloads/Final_Report_of_the_Task_Force_on_Judicial_Reforms.pdf.

Table 2.1. Pre-2010 interventions to reform the judiciary

1. Legal aid and pro bono service	<ul style="list-style-type: none"> • Limited state support through a pauper system run by the judiciary. • Limited pro bono services. • Civil society provided most legal aid.
2. Alternative dispute resolution	<ul style="list-style-type: none"> • Pilot ADR (mediation) in a few courts. • Reconciliations promoted in cases of misdemeanors, as provided for by the Criminal Procedure Code. • Traditional and customary systems applied in rural areas, without formal recognition of the systems.
3. Gender and children justice	<ul style="list-style-type: none"> • Children's courts existed but were not widely operational due to lack of appropriate infrastructure and facilities. • Gender-based units were created in police stations, mainly through donor support for survivor support.
4. Public awareness and civic education	<ul style="list-style-type: none"> • Legal rights awareness campaigns, often led by non-governmental organisations (NGOs) and the media. • Introduction of paralegal training programmes, especially in slum and rural communities.
5. Mobile courts	Temporary courts mainly supported by development partners – for example, in inaccessible refugee camps.
6. Legal and judicial reform	The Governance, Justice, Law and Order Sector (GJLOS) Reform Programme was a major donor-supported multistakeholder reform programme aimed at enhancing co-ordination, protection of human rights and access to justice, public responsiveness, and addressing corruption, among others.

making recommendations for reform. Most of the recommendations were incorporated into the judiciary transformation frameworks that followed – which are discussed later in this guide.

The pre-2010 interventions that laid the groundwork for later reforms were mainly geared towards addressing:

- judicial corruption and case backlog
- lack of judicial independence
- limited infrastructure and human resource capacity
- inadequate co-ordination across justice institutions
- low levels of public trust in formal justice systems.

The pre-2010 interventions may be summarised as shown in Table 2.1.

During this period, there was heightened civil society advocacy around the need for a state-funded legal aid programme and shelter services, among other broad legal and judicial reforms.

2.2 The post-2010 journey

A major turning point in the judiciary reform processes occurred when Kenya promulgated its current Constitution. The Constitution of Kenya 2010 came at a time when the Kenyan judiciary had suffered decades of neglect, gross underfunding and low public confidence. The state of the judiciary then was captured by the first post-2010 Chief Justice, Dr Willy Mutunga, in a now famous quote.

'We found an institution so frail in its structures; so thin on resources; so low on its confidence; so deficient in integrity; so weak in its public support

that to have expected it to deliver justice was to be wildly optimistic. We found a Judiciary that was designed to fail.'

Dr Willy Mutunga, Chief Justice 31 May 2012¹⁷

The new Constitution heralded a call for urgent institutional renewal that would restore public confidence and trust in it. Kenya's post-2010 judicial transformation journey, culminating in the Social Transformation through Access to Justice (STAJ), has been a profound evolution marked by introspection, bold reform and innovative blueprints.

2.3 The Judiciary Transformation Framework (JTF) (2012–2016)

The Judiciary Transformation Framework (JTF)¹⁸ was a landmark initiative aimed at reforming the Kenyan judiciary to enhance access to justice, accountability, transparency and efficiency. It laid a foundation for what was largely inward-looking institutional transformation. The deliberate use of the term 'transformation' conveyed a sense of urgency by the judiciary, that it must heed the call of Kenyans to radically change its practices, norms and structures in order to serve the interests of the new democratic order. It was a shift from a history where:

- power and authority were highly centralised, with the Office of the Chief Justice operating as a judicial monarch supported by the Registrar of the High Court
- accountability mechanisms were weak and reporting requirements absent.

The quote above by the Chief Justice clearly and succinctly captured the need for the transformation. The JTF was developed through a highly consultative process that involved judges, magistrates, judicial staff and other stakeholders in the justice sector. It also benefited greatly from previous reports prepared over the years on judicial reform, as well as in-depth discussions in various forums seeking to address what ailed the judiciary at the time.

Dr Willy Mutunga, who became the Chief Justice of the Republic of Kenya in 2011, was the first chief justice to be appointed after the promulgation of the Constitution of Kenya 2010 through a public, open and people-focused interview process.

In an interview with Dr Willy Mutunga,¹⁹ the former Chief Justice emphasised that his judicial transformation agenda, expressed through the Judiciary Transformation Framework (JTF) 2012–2016 blueprint, was deeply rooted in the national values and principles of governance. These are espoused in Article 10 of the Constitution of Kenya, 2010, and include among others, justice, equality, human rights and public participation. The blueprint was also anchored on the desire to restore public confidence, judicial independence, integrity and efficiency in Kenya's judiciary.

The retired Chief Justice was concerned that the vast majority of Kenyans did not go to courts for redress, yet it was the courts that were considered to be 'formal', while the more available and accessible justice systems, such as '*Maslaha*' (the Somali community justice system, which is largely restorative in nature) or '*Kithitu*' (the Kamba community justice system that involves 'oathing' as a way of determining truth in a matter), were relegated or ignored altogether as 'informal'. There was something fundamentally wrong with that position.

These examples are representative of most African justice systems that involve entire families and tend to focus on restoration apart from retribution or punishment. Where *Kithitu* was to be administered, the whole family took interest in the matter and prevailed upon the parties to stick to the truth to avoid curses that might arise should they take the oath while guilty. These systems worked and kept communities in harmony.

The new Constitution had provisions that supported a framework to anchor a people-centred governance structure. It required a reorientation of the state and all its institutions to be pro-people. Some of the relevant provisions of the Constitution are expanded on below.²⁰

17 Kang'ara, S et al. (eds) (2021), *Beacons of Judiciary Transformation: Selected Speeches, Writings and Judicial Opinions of Chief Justice Willy Mutunga*. Sheria Publishing House.

18 Kenya Judiciary (no date), 'Judiciary Transformation Framework 2012–2016'. <https://judiciary.go.ke/judiciary-transformation-frameworkjtf-2012-2016/>.

19 Mutunga, W (2025), interview, 11 July, Nairobi.

20 Republic of Kenya (2010), The Constitution 2010 (KEN). <https://new.kenyalaw.org/akn/ke/act/2010/constitution/eng@2010-09-03>.

a. The national values and principles of governance (Article 10)

The national values and principles of governance bind all state organs, state officers, public officers and all persons whenever any of them:

- applies or interprets the Constitution
- enacts, applies or interprets any law
- makes or implements public policy decisions.

These values and principles of governance include democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, and protection of the marginalised. They also include good governance, integrity, transparency and accountability. These constitutional provisions on equity, inclusivity and equality effectively formalise what had been considered 'informal'.

b. Access to justice (Article 48)

As stated earlier, the Constitution of Kenya provides that the state shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice. This is an important provision that further anchors the inclusion of the poor, marginalised and vulnerable in society.

c. Judicial authority (Article 159)

The Constitution recognises that judicial authority vested in, and exercised by, the courts and tribunals, is derived from the people. It further requires that in exercising judicial authority, the courts and tribunals shall be guided by the following principles.

- Justice shall be done to all, irrespective of status.
- Justice shall not be delayed.
- Alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms, shall be promoted, to the extent that they do not contravene the Bill of Rights and also that they are not repugnant to justice or morality, or result in outcomes that are repugnant to justice and morality. They must also be consistent with the Constitution or any written law.

- The Constitution further requires that justice shall be administered without undue regard to procedural technicalities; and that the purpose and principles of the Constitution shall be protected and promoted.

Chief Justice Mutunga expressed the view that these provisions in the Constitution were highly progressive in as far as the realisation of the right to access to justice, but in an abstract sense. This therefore necessitated the development of a framework that 'breathed life' into these provisions. To realise this, he put together a multidisciplinary think tank that came up with the Judiciary Transformation Framework. He also put in place a judiciary leadership team known as the Judiciary Leadership Advisory Council (JLAC), taking cognisance of the importance of collective leadership to steer and provide oversight to the implementation of the JTF.

The development of the JTF focused achieving three main objectives.

1. To reset the relationship between the judiciary and other arms of government on the principle of robust independence and constructive interdependence, and reposition itself as a strong, effective and equal independent arm of government, in its engagements with other agencies in the administration of justice.
2. To reorient its organisational culture and align its social realities, institutional design and leadership style to reflect modern management concepts.
3. To enhance service delivery to the people. This entailed expressing itself with greater authority and integrity through its judicial pronouncements, hence winning back public confidence.

The four main pillars of the JTF were as follows.

1. People-focused access to justice.
2. Transformative leadership, organisational culture and professional staff.
3. Adequate financial resources and physical infrastructure.
4. Harnessing technology as an enabler of justice.

These four pillars were intended to be driven and implemented through 10 Key Result Areas (KRAs), with clear targets and activities defined in the Strategic Plan (2012–2016) that was subsequently developed. The Judiciary Transformation Framework laid the roadmap for an ambitious transformation agenda and was largely successful in meeting its objectives and guided by its underlying philosophy of laying the foundations of judiciary transformation, from which the 2012–2019 Strategic Plan was developed.

Key successes of the JTF are discussed below.

1 Improved access to justice

i. Judicial infrastructure

Under the JTF, significant improvement in court infrastructure was realised, including construction and renovation of court buildings, to create a more dignified environment. Counties that had no court houses were prioritised, which significantly reduced the physical distances to courts. The construction of courts was done through a participatory process by engaging stakeholders before the design stage. As a result, the new courts that were constructed or rehabilitated included features such as ramps or lifts to cater for older people and persons with disabilities, lactation rooms for breastfeeding mothers, spaces that could be used as mediation rooms, and gender-responsive restrooms for girls, boys, women and men.

ii. Mobile courts

The launching of mobile courts to serve distant/inaccessible areas also brought justice closer to the people. To actualise this, the judiciary, which at that point had managed to convince Parliament and the executive to increase its budget, was able to incorporate the entire cost of running the mobile courts, which also increased in number. The expenses of the Office of the Director of Public Prosecutions (ODPP), the police (court orderlies), witness expenses and other incidental expenses for running the mobile courts were covered by the judiciary as other agencies had no budgetary allocation for this initiative.

iii. Court User Committees (CUCs)

Court User Committees are multistakeholder forums established in all courts in Kenya. They are ordinarily chaired by the magistrate heading the station or judge and include representatives from:

- the judiciary (judicial officers and court staff)
- National Police Service
- Office of the Director of Public Prosecutions (ODPP)
- prisons service
- probation and aftercare services
- county administration and local authorities
- Kenya National Commission on Human Rights (KNCHR)
- civil society organisations
- advocates
- community and faith-based organisations and other interest groups.

The functioning of Court Users Committees

- Court Users Committees hold regular meetings (usually quarterly) to identify bottlenecks and propose solutions that will enable the seamless operation of the courts with all players on board.
- They develop and monitor their Court Users Charters and service delivery commitments in each court.
- They address emerging issues like case backlogs, delays or corruption.
- They co-ordinate legal awareness forums, open days, mobile courts and alternative justice systems (AJS), where applicable.
- They facilitate feedback mechanisms (complaints desks, surveys and public *barazas* – that is, forums usually convened by local chiefs to sensitise communities on emerging issues).
- They also integrate gender, disability and human rights considerations in court processes.

The institutionalisation of CUCs helped to improve access to justice by:

- identifying and resolving challenges affecting court users
- enhancing co-ordination among justice sector institutions (the police, prosecution, prisons, legal aid providers) by bringing together all key actors in the justice chain and improving the delivery of justice through collaboration
- promoting accountability and transparency in service delivery and people-centred approaches by incorporating public feedback and community participation
- serving remote and marginalised areas to improve the relationship between the courts and its stakeholders.

iv. Use of Kiswahili language

The enhanced use of Kiswahili and other local languages in proceedings to accommodate non-English speakers also entrenched the people centeredness of the courts.

v. Institutional independence and integrity strengthened

The judiciary gained greater independence, evidenced by increasingly bold pronouncements of the courts, which were previously viewed as timid when dealing with cases against the government. The creation of the Judicial Review and Constitutional Divisions of the High Court served to bring to focus matters of constitutional interpretation to 'breathe life into' the new constitutional provisions.

The accountability standards that emerged were aimed at both external and internal constituencies. Systems to combat corruption, such as the Office of the Judiciary Ombudsperson and the creation of the internal audit function (which was previously managed by the executive), led to increased accountability.

vi. Case management reform

Case management reforms under the JTF in Kenya aimed at improving efficiency, reducing backlog, enhancing access to justice and restoring public confidence in the judiciary. The strategy introduced a number of changes.

- Standardised procedures were introduced for the management of cases from filing of determination.
- Through the Active Judicial Case Management initiative, judges and magistrates were encouraged and trained to take a proactive role in managing cases, rather than leaving the process entirely to litigants. This included early identification of issues, setting timetables and encouraging ADR mechanisms.
- The Directorate of Performance Management was created, under which performance management and measurement understandings (PMMUs) to track and improve performance were introduced for every judge, judicial officer and senior administrative staff of the judiciary.
- Case tracking tools were introduced to monitor progress, reduce delays and identify bottlenecks.
- Case management rules were formalised and integrated into court operations across all court stations.
- 'Judicial service weeks' were introduced to fast track hearings and determine pending or stalled cases in courts with heavy caseloads and backlog. This was a rapid results initiative (RRI) that was applied in high-burden courts to deliver quick wins and reduce case backlogs. It led to notable decreases in pending cases.
- The service 'weeks' entailed the mobilisation of judges from less busy court stations to go and help a busier station for a period of one week or more, depending on the caseloads. These service weeks targeted towards the oldest cases for clearance. Dormant cases involving parties that were no longer interested in their cases were also targeted for dismissal. The parties were duly notified of the intention to dismiss their cases if they failed to show cause why this should not be done. The effect of this was to unclog the system by getting rid of matters that were unnecessarily stalled in the system.

- Digitisation of court records was initiated, which laid the foundation for later innovations such as e-filing, virtual hearings and the e-justice system currently being implemented under STAJ.
- Court-annexed mediation (CAM) was piloted in the Family and Commercial Divisions of the High Court with the aim of enabling the resolution of disputes faster, in a manner that met the best interests of the parties for purposes of reducing the burden on formal litigation. By 2016, CAM had recorded significant settlements, contributing not only to backlog reduction, but also unlocking huge sums of money previously stuck in litigation for circulation in the economy. This initiative led to Kenya attaining a higher rating in the World Bank Ease of Doing Business Index.
- attempted to demystify and decolonise the judiciary by dropping the use of wigs and introducing dress-down Fridays for judges, magistrates and judicial staff during the JTF period.

This latter was not documented as a policy. It was complemented by judiciary marches and open days when the judges, magistrates and staff of the judiciary engaged face to face with the public in well-organised and highly publicised events. The public got an opportunity to seek answers to what they saw as hindrances to justice and get appropriate responses from the institution. This contributed to enhanced public trust and confidence in the institution. The use of wigs was, however, promptly reintroduced and Friday dress-downs dropped during the Sustaining Judiciary Transformation (SJT) era, a shift largely attributable to the more conservative disposition of the new head of the institution.

These successes, together with a significant reduction in the backlog, especially in civil and commercial cases, and the improved public perception of judicial efficiency and integrity, created a foundation for further reforms under the SJT and STAJ blueprints, which built heavily on these case management innovations.

2 Human resource development

Recruitment of more judges, magistrates and judicial officers was undertaken, increasing capacity and diversity. The gender parity at 50:50 has almost been achieved. Enhanced training and professional development were stepped up through the Judiciary Training Institute (now the Kenya Judiciary Academy).

3 Enhanced public engagement and public confidence

An improvement in public trust and confidence in the judiciary, as evidenced by various surveys during and after the JTF period, was achieved, while annual *State of the Judiciary and Administration of Justice Reports (SOJARs)* were disseminated to promote transparency and inform the public. Strengthened engagement with stakeholders also took place through Court User Committees and civic education.

4 Policy and legal reform

Policy and legal reform:

- led and contributed to the review of laws and judicial procedures, particularly after the 2010 Constitution
- introduced alternative dispute resolution (ADR) mechanisms for faster resolution of cases

2.4 Sustaining Judiciary Transformation (SJT) roadmap (2017–2021)

With the success of the JTF, all the pre-conditions for transformation and excellence in service delivery were in place, providing a conducive platform for the succeeding blueprint, Sustaining Judiciary Transformation for Service Delivery (SJT).²¹ The SJT roadmap proposed to move the judiciary from institutional capacity building to service delivery.

This phase was to be undertaken through a bottom-up approach, with each court station required to prepare its own service delivery charter which would provide a basis for evaluating individual court station performance. This was in line with the realisation that true transformation of the judiciary meant a positive citizen experience at the courts. The judiciary at this stage had to ensure a qualitative difference in the services offered to them.

²¹ Kenya Judiciary (no date), 'Sustaining Judiciary Transformation: A Service Delivery Agenda'. <https://judiciary.go.ke/category/our-blueprints/>

The SJT phase focused on six areas.

1. Automation, digitisation and improvement of work methods.
2. Operationalisation of development systems.
3. Enhancing individual accountability.
4. Enhancing institutional accountability.

5. Enhancing performance measurement, monitoring and evaluation.

6. Entrenching policies and manuals already developed.

The SJT framework aimed to complete and consolidate the reforms realised by the JTF, while laying emphasis on targeted improvement of work

Table 2.2. Implementation of commitments under the JTF and SJT

Commitment	JTF (2012–2016)	SJT (2017–2021)
Enhanced access to justice	<p>Establishment of additional High Court stations and decentralisation of the Court of Appeal; creation of mobile courts.</p> <p>Mediation piloted.</p> <p>Establishment of tribunals as subordinate courts as per the dictates of the Constitution.</p>	<p>Establishment of more Magistrates' Courts and increase in mobile courts to marginalised areas.</p> <p>ADR entrenched and rolled out nationally. Court-annexed mediation processes deepened.</p> <p>Full institutionalisation of tribunals in the judiciary.</p> <p>Operationalisation of the Small Claims Courts for quick resolution of small claims disputes.</p>
Case backlog reduction	<p>Reduction by over 50 per cent of backlog in the five years preceding 2017.</p>	<p>Finalisation of cases older than five years, which stood at over 175,000 cases, was prioritised for completion by December 2018.</p>
Enhanced accountability	<p>Creation of the Office of the Judiciary Ombudsman (OJO).</p> <p>Creation of the Internal Audit Function.</p> <p>Initiation of delinking judiciary accounts from district treasuries under the executive.</p> <p>Structured engagement with the National Auditor, Ethics and Anti-Corruption Commission (EACC), and Public Procurement Regulatory Authority (PPRA).</p>	<p>Strengthening of the OJO with Deputy Chief Justice (DCJ) as the head and a fully-fledged secretariat.</p> <p>Fast tracking the disciplinary processes of the Judicial Service Commission (JSC).</p> <p>Finalisation of the delinking process.</p> <p>Enhanced collaboration with the same offices.</p>
Automation	<p>Automation as an enabler of justice identified as one of the JTF pillars.</p> <p>Prioritisation of resources of information and communication technology (ICT) initiated and digital policy formulation started.</p>	<p>Digital strategy completed; e-filing and virtual courts in place and functioning.</p> <p>The need to upscale automation of administrative processes prioritised for the enhancement of transparency and accountability.</p>
Performance measurement and management	<p>Review of institutional organisational structure and job descriptions initiated.</p>	<p>Performance management and measurement understandings (PMMUs) and performance appraisal (PAS) institutionalised and strengthened.</p>

methods and a corporate culture that emphasised integrity, individual and institutional accountability, and measurable performance. This was expected to lead to greater efficiency and effectiveness at the individual and system levels, while entrenching individual accountability for performance.

The stated objectives were to be achieved through six targeted interventions.

1. Automation, digitisation and improvement of work methods.
2. Operationalisation of development systems.
3. Enhancement of individual accountability.
4. Enhancement of institutional accountability.
5. Entrenchment of performance measurement and monitoring and evaluation.
6. Entrenchment of policies and manuals already developed.

In terms of progression, Table 2.2 presents examples of what can be observed from the implementation of the commitments under JTF and SJT.

From these examples, it is clear that the SJT never departed from the trajectory set by the JTF but rather upscaled and enhanced the interventions that had worked under the previous blueprint.

Despite the successes of both the JTF and SJT, challenges remained – including perennial case backlog and lack of accountability. Addressing these challenges required an approach that would build on the gains made while charting a roadmap towards greater accessibility, with a view to meeting the needs of the public and thereby inspiring public confidence.

2.5 The Social Transformation through Access to Justice vision

The Judiciary Transformation Framework and Sustaining Judiciary Transformation blueprints laid a solid foundation for a robust and more accountable institution by putting in place more responsive internal processes to guarantee better access to justice.

The STAJ vision was borne out of a concern for social transformation. The vision was about a set of processes in which individuals and groups of people bring about large-scale social change, with the aim of improving the quality of life discernible through a just society. It considered the initiatives put in place by the two preceding blueprints, then infused the social transformative promise of the Constitution of Kenya. The purpose of the STAJ vision was to develop a roadmap that would help sustain and enhance the place of Kenya as a democratic, equitable, accountable and participatory society.

It is important to note that the STAJ vision is a separate document from the STAJ blueprint. The vision was conceived and developed by the Hon. Justice Martha Koome before she became the Chief Justice, as part of her preparation for the interview with the Judicial Service Commission for the position of Chief Justice. The vision was the precursor to the blueprint and guided the STAJ committee in coming up with the blueprint. The development of both the STAJ vision and blueprint are discussed in the next chapter.

Figure 2.1. Evolution of Judiciary Strategic Framework

JTF (2012–2016)	SJT (2017–2021)	STAJ (2021–)
Focused on restoring public confidence in the judiciary through internal clean-up and systemic reforms	Focused on building on gains consolidating and deepening reforms	Focused on people-centred justice and social impact

3. Social Transformation Through Access to Justice (STAJ) Blueprint

3.1 The people-centred access to justice approach

In response to the question what may have inspired her to conceptualise and develop the STAJ vision, the Chief Justice explained the thinking behind STAJ.

'With the understanding that only 20 per cent use the formal courts for resolution of their disputes, I asked myself, "If I become Chief justice, whose chief justice will I be? For the 20 per cent?" I wanted to be everybody's Chief Justice including the 80 per cent who settle their disputes elsewhere.'

Chief Justice Martha Koome²²

The statistics the Chief Justice was referring to are captured in the Justice Needs and Satisfaction Survey that was conducted in 2018 to map out the demand and supply of justice services as experienced by Kenyans. The survey revealed that only about 20 per cent of justice seekers had access

to the formal justice system.²³ These statistics have been captured elsewhere in the metaphor, 'River of Justice',²⁴ which depicts the paths disputes in Kenya take. The river is in stages with the first stage being the point where the dispute arises. This is the widest point as most disputes are settled there either personally or via family and/or kinship ties. With every subsequent stage, the river gets narrower and by the time it gets to the formal courts, it has narrowed significantly (see Figure 3.1).

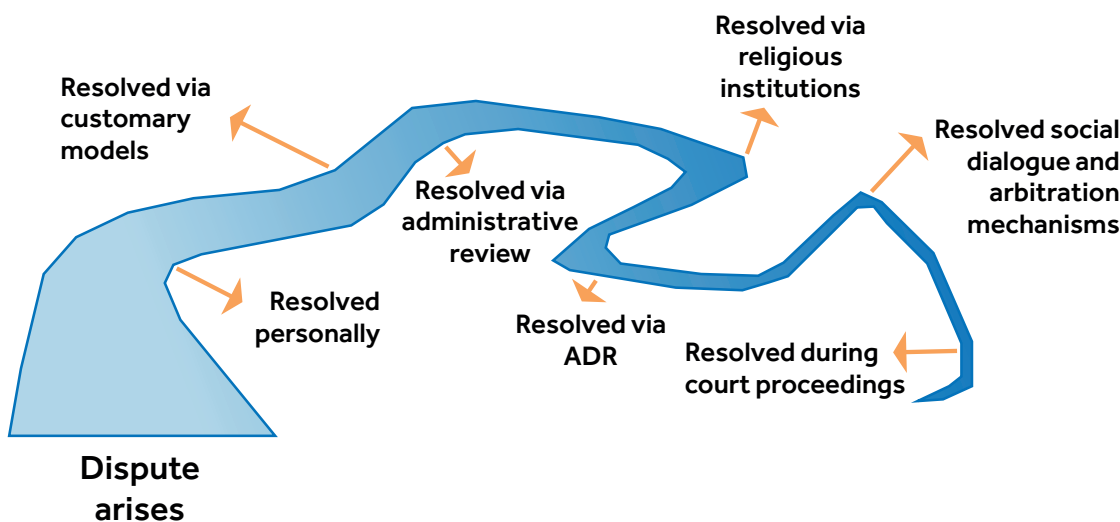
It was the view of the Chief Justice that all justice providers, formal and informal, be they chiefs, imams, pastors or village elders, among others, must be recognised as being part of the justice system. She was keen to bring on board the simplicity of the process of experiencing justice as a key consideration in the development of the vision.

23 Hague Institute for Innovation in Law (HiIL) (2018), 'Justice Needs Survey and Satisfaction in Kenya 2017', HiIL, Kenya Judiciary and World Bank. www.hiil.org/wp-content/uploads/2018/07/hiil-report_Kenya-JNS-web.pdf.

24 Kenya Judiciary (2020), 'AJS Baseline Survey'. <https://judiciary.go.ke/download/alternative-justice-systems-baseline-policy-and-policy-framework>

22 Koome, M (2025), interview, 12 June, Mombasa.

Figure 3.1. Framing the alternative justice systems (AJS) discussion: the 'river of justice'



The people-centred justice approach adapted by STAJ is therefore based on the acknowledgement of citizens' expectation of the quality of justice that intrinsically serves their best interest. This 'social' concept seeks to not only expand, but also to accelerate access to justice from the standpoint of the citizenry in a holistic manner, with people placed at the centre of all justice interventions to facilitate justice outcomes that make sense to consumers of justice in Kenya.

Entrenching a people-centred access to justice strategy is therefore, the judiciary's contribution to the creation of a just social order, promoting peaceful co-existence in communities and the country.

The STAJ vision highlights various features captured in the Constitution of Kenya that demonstrate its quest for social transformation and people-centeredness (see Table 3.1).

To this end, the Constitution of Kenya, 2010, provides a framework that supports people-centred responsive structures for the enhancement of public welfare and a just society.

The STAJ vision further recognised that it is through the development of social justice jurisprudence sensitive to the Kenyan social and economic context that the judiciary can contribute to the realisation of the transformative vision of the Constitution of Kenya, 2010. To achieve this, the STAJ blueprint, like its predecessors, the JTF and SJT, recognised the need to strengthen internal structures, including equipping the workforce to deliver on its mandate appropriately within the dictates of Kenya's social and economic context.

Table 3.1. Features of the foundational constitutional principles highlighted in the STAJ vision

Key principles	People-centred characteristics
Broad generation of rights	The Constitution recognises civil and political rights, social, economic and cultural rights, and group rights.
Diversity	The Constitution celebrates diversity and specifically provides for special protection to historically vulnerable and marginalised groups.
Family	The family is recognised as the foundation of society, entrenching children's rights, and those of persons with disabilities, youth, minorities and marginalised groups.
Equality	The Constitution expresses a strong commitment to equality, prohibits discrimination and mandates special affirmative action policies for the achievement of real equality.
Democracy	The Constitution expands and strengthens democracy by creating avenues for citizen participation, including through devolution of government and resources.
Accountability, transparency, integrity and good governance	The Constitution infuses accountability, transparency, integrity and good governance by strengthening institutions while safeguarding the independence of the legislature, the judiciary, constitutional commissions and independent offices.
Checks and balances	It entrenches the practice of checks and balances in the exercise of public power, and strengthens the ability of citizens to claim their rights and freedoms.

3.2 The guiding principles for a people-centred access to justice blueprint

The STJ blueprint is anchored on five principles, as follows.²⁵

1. **Accessibility and efficiency.** A justice system that is available and reachable to all members of the society regardless of gender, socio-economic status, race, ability or any other characteristic, and where all matters are resolved expeditiously.
2. **Transparency and accountability.** A justice system that is transparent and trustworthy.
3. **Inclusiveness and shared leadership.** A justice system that involves diverse perspectives and fosters collaboration in decision-making processes.

4. **Co-operative dialogue.** A justice system that fosters collaboration, robust communication and inclusivity in policy-making processes.
5. **Social justice.** A justice system that guarantees access to justice for all, regardless of socio-economic status, gender, ability or any other characteristic, and availability of legal assistance and aid.

Sustaining Development Goal 16(3) popularises the notion of people-centred justice by calling to attention the place of people as champions and beneficiaries of justice outcomes. STAJ is therefore conceptualised and is designed to be implemented through processes that use different platforms to access justice and allow people to make informed choices of the platforms to access justice. The intended outcomes of the vision are:

- strong institutions
- inspired workforce
- strong financial mechanisms
- deepened partnerships
- enhanced public trust.

25 Kenya Judiciary (2023), 'A Blueprint for Social Transformation Through Access to Justice'. <https://judiciary.go.ke/wp-content/uploads/2023/11/STAJ-Blueprint-1.pdf>.

Table 3.2. Summary of the process of developing the STAJ blueprint

Step	Action
Development of the STAJ vision	The vision formed the basis for the judiciary's 10-year blueprint.
Appointment of the STAJ Blueprint Development Committee	A team appointed by the Chief Justice and led by the Chief of Staff, Office of the Chief Justice, representatives from the Office of the Chief Registrar of the Judiciary, the Directorate of Planning and Organizational Performance, and other directorates.
Literature review	An extensive review of institutional (previous blueprints/strategies/reports) and external reports and documents aimed at reforming the justice sector.
Stakeholder engagement	The process was participatory and inclusive, soliciting views, suggestions and input from a wide range of stakeholders – including judges, judicial officers, judiciary staff, external stakeholders within the justice sector and the general public.
Identification and collation of anchor strategies	This was done in workshops with participants being made up of members of the STAJ Committee.
Presentation for approval	The committee then presented the completed strategy to the judiciary leadership team for formal approval by the Chief Justice.
Launch of the blueprint	The launch was held publicly with live media coverage by national TV stations. Invited guests included senior government officials from the executive and legislature, the bar association, civil society, representatives of courts, and representatives of the entire justice sector under the auspices of the National Council on the Administration of Justice (NCAJ).

The launch of the STAJ vision took place on the 100th day of the term of the Chief Justice, Martha Koome. This was an event that provided a platform for the Chief Justice to announce her vision to the institution and the public. In the spirit of inclusivity and public participation, the event was broadcast live on national television as a way of ensuring the entire nation was carried along in this new phase of judiciary transformation. The choice of invited guests was deliberate and included representatives of all justice sector institutions under the auspices of the National Council on the Administration of Justice (NCAJ). The uniqueness of the NCAJ model is that it provides a one-stop-shop for policy decision-making on administration of justice matters, as a way of promoting harmony in the dispensation of justice in Kenya. Its membership is drawn from state and non-state actors in Kenya and it provides an ideal platform for raising concerns and finding solutions to matters affecting the administration of justice in Kenya.

The launch of the STAJ vision in the presence of all concerned was therefore significant in the spirit of people centeredness, collaboration and shared leadership, and accountability. The main achievement of the public launch of the vision was in the buy-in and ownership of the vision by all internal and external stakeholders. The launch of the vision also allowed for the commencement of the development of the blueprint in 2023.

3.3 The development process

Table 3.2 provides step-by-step summary of the various stages of the process of developing the STAJ blueprint.

4. Implementation of the STAJ Blueprint

The implementation of the Social Transformation through Access to Justice (STAJ) blueprint marked a bold and progressive shift in Kenya's judicial reform agenda. Moving beyond traditional models of judicial administration, STAJ has prioritised a people-centred, inclusive and participatory approach to justice delivery.

This chapter describes the operationalisation process of the blueprint, from internal institutional alignment and stakeholder engagement to the adoption of multi-door approaches to justice and innovative use of technology. It highlights the systems, partnerships and interventions that supported this transformation, while also examining the challenges encountered and lessons learned along the way. Together, these efforts represent a decisive commitment to making justice more accessible, responsive and reflective of Kenya's commitment to a just society.

4.1 The change process

The implementation of the STAJ blueprint stepped up the paradigmatic shift from traditional judicial administration to a holistic people-centred justice delivery system. It was guided by the understanding that justice systems should be responsive to societal needs and realities.

The change process was iterative and dynamic, focusing on institutional renewal and a cultural shift within the judiciary. It began with internal sensitisation sessions with judicial officers and staff, ensuring buy-in and alignment to the blueprint's values. The participation of heads of directorates and registrars of all the courts was instrumental in ensuring internal dissemination and effective buy-in by teams within the institutions.

The Annual Heads of Court Stations Forum, as well as the Magistrates' Annual Colloquia, became useful forums for in-depth dissemination of the new system. Through these avenues, the integration of STAJ priorities into operational plans of individual court stations, departments and directorates, backed by capacity-building initiatives and revised performance indicators was achieved.

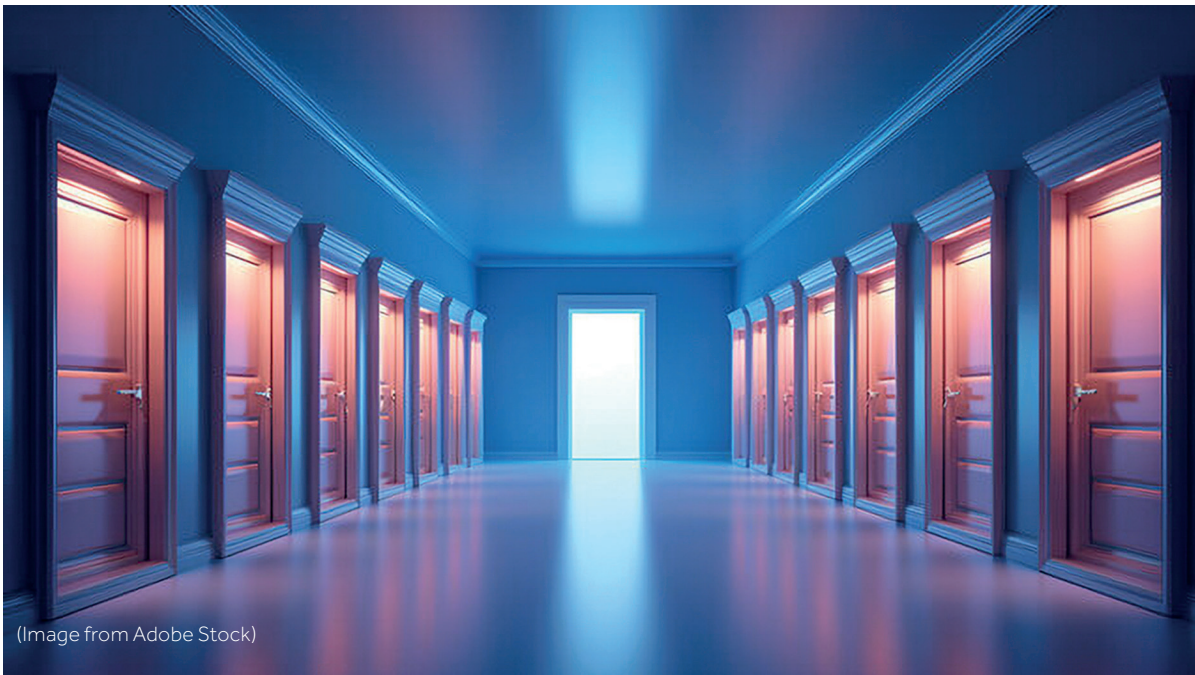
4.2 Key stakeholders in the implementation process

Successful implementation of STAJ required a multistakeholder, whole-of-society approach. Key stakeholders included the following.

- **Judiciary leadership:** The Chief Justice, Deputy Chief Justice and Office of the Chief Registrar of the judiciary provided vision, oversight and strategic direction.
- **Judicial personnel:** Magistrates, judges, registrars, clerical staff and administrative officers implemented changes on the ground.
- **Court Users Committees (CUCs):** Local-level forums facilitated regular interaction between the judiciary and community stakeholders.
- **Development partners:** International donors and technical support organisations offered funding and capacity-building resources.
- **Civil society organisations:** CSOs advocated for the public interest and acted as intermediaries for community concerns.
- **Community justice actors:** Chiefs, elders, religious leaders and informal dispute resolution facilitators acted to help resolve disputes.
- **Technology providers:** This group of stakeholders supported digital transformation and ICT infrastructure.

4.3 The multi-door approaches

The 'multi-door approach' to justice in the Kenyan judiciary under STAJ refers to the diverse pathways through which people can resolve disputes, access remedies and enforce rights beyond the traditional courtroom litigation model. This approach aims to provide flexible, inclusive, affordable and people-centred justice and is supported by a constitutional framework that recognises alternatives to traditional litigation. The multi-door approach under STAJ is guided by the principles summarised in Table 4.1.



(Image from Adobe Stock)

At the time of writing, the judiciary in Kenya had been dispensing justice through the following additional approaches apart from litigation.

Court-annexed mediation

Court-annexed mediation (CAM), which was piloted in 2015 and gradually rolled out to the court stations across the country, is now officially integrated as an alternative approach to dispute resolution. Mediation registries have been established across the country.

Alternative justice systems

The Constitution of Kenya (2010) mandates the promotion of alternative justice systems (AJS) to complement formal judicial mechanisms. Article 159(2)(c) recognises AJS as essential to achieving accessible, efficient and culturally relevant justice. Under STAJ, AJS has been significantly institutionalised and expanded to enhance people-centred justice delivery.

The AJS in the Kenyan judiciary is an initiative that recognises and supports community-based dispute resolution methods, mostly in rural, pastoralist and informal settlements, where formal courts are inaccessible or viewed as intimidating or unfriendly by local communities. AJS is broadly grounded on

Table 4.1. Principles of the multi-door approach under STAJ

Principle	Elements
People centeredness	Focuses on the realities of users, and in particular the needs of the poor and vulnerable.
Pluralism	Recognises that the formal justice system is not available to all, and that there are other justice traditions and mechanisms that can serve the same purpose
Efficiency	It promotes quicker, less adversarial, and more acceptable and cost-effective solutions.
Inclusivity	Seeks to leave no one behind, whether rich, poor, old, young, urban or rural, literate or illiterate, or persons with disabilities.
Complementarity	Acknowledges that different doors serve different types of disputes or user preferences.

customary, traditional Indigenous and religious practices, recognising elders and local mediators as justice providers. The implementation of AJS has to align with the constitutional imperative of compliance with the law, must not be repugnant to justice and morality, and its outcomes must be non-discriminatory based on gender or any other prohibited grounds.

AJS has been institutionalised through the development of the AJS Policy and Framework launched in 2020, which gave the initiative formal recognition and support for its promotion and alignment with constitutional values such as equality, fairness and human rights. AJS offers accessible justice for marginalised and rural communities, especially where formal courts are distant or unaffordable. The AJS Policy provided a basis for the establishment of AJS suites (*Ukumbi*) at various court centres.

'The judiciary, through County Court Users Committees that included stakeholders from outside the judiciary, developed guidelines for interaction between the judiciary and various AJS models.'

a. The nature of AJS

AJS includes a range of traditional, religious, customary and informal systems, such as:

1. elders' councils
2. clan systems
3. faith-based mediation
4. community forums
5. cultural tribunals (for example, Somali *Xeer*, Maasai elder systems, *Luo Kith* councils).

b. The dispute resolution process under AJS

The AJS processes varies from community to community. However, the general pattern includes:

1. **Report:** Dispute reported by a party to a local elder, clan leader or religious authority.
2. **Consensus:** The parties agree to resolve the matter through the local or customary mechanism.
3. **Hearing:** Elders or community mediators facilitate dialogue between parties, often in public or communal settings.

4. **Resolution:** A resolution is reached, usually based on restorative justice, reconciliation and social harmony.
5. **Documentation or endorsement:** In some areas, resolutions may be documented and endorsed by local administrators or chiefs. In others, CUCs or courts may acknowledge outcomes.

c. Integration with the formal justice system

Integration with Kenya's formal justice system involves:

1. **Referral and linkage:** Formal courts may refer suitable cases such as land, succession or family disputes, or minor criminal disputes to AJS forums.
2. **Recognition by courts:** Courts may recognise and enforce AJS outcomes, provided they meet constitutional and legal standards.
3. **Training and support:** The judiciary and partners have trained elders, chiefs, paralegals and other actors to standardise and humanise AJS processes.

d. Types of disputes handled by AJS

The types of disputes handled by AJS include:

1. land and boundary disputes
2. family and succession matters
3. minor criminal offenses (for example, theft, assault)
4. community or inter-clan conflicts
5. debt and business disagreements.

Serious criminal offenses, human rights violations, or constitutional issues are not eligible for AJS.

e. Key benefits of AJS in Kenya

Benefits of AJS include:

1. **Cost-effectiveness:** No fee is payable or is very nominal if payable at all.
2. **Efficiency:** AJS involves quick dispute resolution.
3. **Culturally appropriate:** AJS reflects values and norms of local communities; is it therefore readily acceptable by communities.

4. **Accessible:** People who are illiterate and/or poor or remote populations can easily reach and afford AJS forums.
5. **Restorative:** The focus of AJS is on repairing relationships for social harmony as opposed to punishment.

f. Challenges and safeguards

There are challenges associated with AJS that must be continually kept in focus by the judiciary to avoid injustices that could arise from AJS processes. These include:

1. the risk of gender bias or discrimination if not well regulated
2. the need for legal literacy and human rights training for AJS actors
3. documentation and monitoring remain weak in many communities
4. formal recognition and enforcement mechanisms are still evolving.

g. Mahakama Popote programme

'Mahakama Popote' is a Kiswahili term that literally means 'courts anywhere'. The name 'Mahakama Popote' is coined from the manner in which the judiciary leverages technology to optimise the availability of judicial officers to hear and determine cases that are not necessarily filed at their court stations.

Through the *Mahakama Popote* programme, technology allows for the remote hearing of cases by judicial officers with low caseloads – regardless of where the cases have been filed. This enables optimal use of available resources to enhance service delivery across the country, reducing backlog. *Mahakama Popote* guidelines have also been developed to help promote access to justice by enabling timely resolution of cases. The programme represents a major step towards the realisation of the objectives of the Social Transformation through Access to Justice strategy.

Small Claims Courts

Kenya's Small Claims Courts, established in 2021, aim to provide quick, inexpensive and informal resolution of disputes with a value of 1 million Kenya shillings (KSh) or below (approximately US\$8,000 at the time of writing). These courts operate

with simplified procedures and a strict 60-day resolution timeline. They are designed to serve ordinary citizens and small businesses, enhancing economic justice.

There are several challenges of the Small Claims Courts.

- The courts have gained popularity to the extent that they are now overwhelmed, making the 60-day completion timeline difficult to achieve.
- The overwhelming number of appeals to the High Court, which had not been envisaged. At the time of writing, a committee headed by a judge of the High Court was working on a framework which, if approved, will address the challenge of the numerous appeals to the High Court.
- The courts are required to be presided over by adjudicators. However, the adjudicator's framework is not yet in place and currently they are being run by magistrates who have legal training and are predisposed to legal formality. The idea of adjudicators is also resisted by advocates, who do not want to appear before 'non-professionals'. The adjudicators model therefore needs further thought and development to create an environment that will fully serve the purpose for which the Small Claims Courts were intended.

Specialised Gender Justice and Children Courts

The Kenyan judiciary has in place a Gender Mainstreaming and Diversity Policy²⁶ that seeks to entrench equity and non-discrimination in the institution. The STAJ blueprint specifically recognises that systemic inequalities affect the ability of women, persons with disabilities (PWDs), children, the elderly and marginalised groups to access justice. Pursuant to that recognition, STAJ takes an intersectional approach to respond to gender, disability and other vulnerabilities through various innovative strategies. These innovations have allowed vulnerable categories of people to resolve their disputes in a manner that takes into consideration their multiple identities.

26 Kenya Judiciary (no date), 'Gender Mainstreaming Policy for the Judiciary'. <https://judiciary.go.ke/download/gender-mainstreaming-policy/>

To address challenges faced by women who face violations based on gender, STAJ introduced special courts to deal with cases of sexual and gender-based violence (SGBV). The creation of the Gender Justice Courts has ensured these cases are prioritised and finalised within the shortest time possible. This includes ensuring women, and occasionally men, are able to access justice in SGBV cases in a manner that does not re-victimise them. These specialised courts are facilitated to provide sensitive and speedy handling of cases involving gender-based violence (GBV) and sexual offences.

Children Courts in Kenya are specialised Magistrates' Courts established under the Kenyan Children Act (Part III) and designated by the Chief Justice across the country. These courts have both civil and criminal jurisdiction. They handle cases of guardianship, parental responsibility, custody, maintenance, adoption and protection orders. They also hear criminal cases against children and cases involving offences against children where they may be victims or complainants. However, they, do not deal with murder trials against children.

All Magistrates' Courts technically have jurisdiction over children's matters, but specialised Children's Courts exclusively (for example, *Tononoka* Law Courts in Mombasa and *Milimani* Law Courts in Nairobi) handle children's cases in some stations.²⁷ The Chief Justice has the power to designate such courts in other counties.

Children's Courts are designed to be less intimidating. The use smaller hearing rooms, in-camera proceedings, masked identities (for example, use of initials rather than full names) and non-uniformed police officers. The aim is to make interactions more child-sensitive and reduce trauma during proceedings.

For speedy delivery of justice, the judiciary has introduced frameworks such as dedicated children's court days to fast track cases and reduce backlog. Emphasis is placed on diversion, where appropriate – redirecting children away from formal legal processes toward rehabilitation, counselling, restitution or community care.

Some of the challenges associated with the Children's Courts include missing witnesses causing long delays and lack of facilities to ensure a child-friendly environment in court.

27 Children Act, 2022, Part III.

Impact of the multi-door approach to justice

The impact of the multi-door approach to justice is evidenced by:

- Reduced case backlog in formal courts. The annual *State of the Judiciary and Administration of Justice Reports* (SOJAR) detail the numbers in each court and these indicate success in this respect.²⁸
- Increased user satisfaction and trust in the justice system as per the customer satisfaction surveys conducted by the judiciary. The Kenyan judiciary has been deliberate about improving court services through stakeholder feedback. The judiciary conducted court user satisfaction surveys in 2019 and 2021 and a national dialogue 2025. Valuable feedback obtained from stakeholders has been taken into account in improving service delivery. The overall satisfaction index was 67 and 69 per cent respectively in the two surveys.²⁹
- Enhanced access to justice for marginalised communities (for example, women, persons with disabilities, Indigenous peoples).
- A stronger justice ecosystem that integrates both formal and informal mechanisms.

4.4 Innovation and technology in the administration of justice

Technology has been harnessed and used to improve access to justice through the following platforms:

a. The electronic filing system

The electronic filing (e-filing) system is a public-facing portal used by lawyers and litigants to file pleadings and track cases. The system was given the initial thrust by COVID. It commenced in Nairobi in July 2020, alongside virtual courts and the case

28 Kenya Judiciary (2023), *State of the Judiciary and Administration of Justice Report, Annual Report 2022/2023*. <https://judiciary.go.ke/wp-content/uploads/2023/11/SOJAR-2022-2023-1.pdf>.

29 Kenya Judiciary (2021), *Court User Satisfaction Survey Report 2021*. <https://judiciary.go.ke/download-category/survey-reports/>; Kenya Judiciary (2022), *E-filing and Commercial Justice Sector Reform Survey Report 2022*. <https://judiciary.go.ke/download-category/survey-reports/>.

tracking system (CTS), and expanded to multiple counties over time. All court stations had adopted e-filing by 11 March 2024, with physical document printing phased out by 1 July 2024.

Users are required to register online for a user ID and password via the judiciary's website. Law firms or organisations are at liberty to create multiple user accounts under a single firm profile. Access to the system requires a virtual private network (VPN) connection, along with password and two-factor authentication.

b. Filing of cases

All documents filed must be in PDF format, with a maximum size of 50 MB, and must be clearly named (for example, 'Affidavit', 'Annexures', 'Plaint') to avoid mix-ups. Parties are required to provide valid email and phone contacts to an electronic service, including details of the opposing party. *Partial filings* can be saved and revisited later. The filing must be completed within 30 days, after which the process must be restarted. The e-filed date is taken as the date when full payment is confirmed, and any supporting documents can only be considered and filed after payment of the requisite fees.

c. Fees assessment

The system automatically assesses court fees based on case type. Payments can be made electronically through a bank or mobile phone platforms. Once payment is confirmed, the person paying receives an electronic receipt via email and short message service (SMS) notification.

d. Filing confirmation and e-service

After successful submission and payment, the party receives an SMS and email confirming receipt, including the case number and list of filed documents. A party may also request e-service and after approval by the registry, the system sends pleadings directly to the email addresses of the other parties.

e. Case tracking and additional documents

The case tracking system (CTS) automatically links new documents to existing cases and supports all registry activities such as registration, cause list generation, tracking, court orders and performance reporting. Once a case is in the system, parties

can upload additional documents after requesting a link to the existing case. The court carries out a verification before providing the link.

The case tracking system helps in tracking progress and measuring performance of individual courts.

f. Cause lists and the judiciary dashboard

Through the cause list portal, litigants and advocates are able to view live daily schedules of listed cases which are integrated with the CTS. The judiciary also uses a data tracking dashboard for real-time oversight, helping management monitor case flow, adjournments and reasons for adjournment, backlog volumes and general court performance.

- a. **Digitisation of court records** systematically across all courts has enabled greater efficiency in registry operations.
- b. Robust, integrated **enterprise resource planning (ERP)** for administrative efficiency in support of enhanced delivery of justice has been put in place. This initiative is discussed in detail in sub-section 4.5 below.
- c. The **judiciary complaints management system (JCMS)** is an important accountability tool that helps in the efficient handling of complaints from the public.
- d. The presence of a **court recording and transcription system** in some courts and tribunals has been a 'game changer' in terms of making court proceedings and decisions available in record time. Previously, obtaining proceedings expeditiously was a challenge.
- e. Operationalisation of an automated **judiciary advocates management system (JAMS)** has eased the processing of annual practising certificates for advocates who obtain their annual practising licences from the Office of the Chief Registrar of the Judiciary.

The e-Judiciary mobile application

The recently introduced e-Judiciary mobile application is an integrated application of the case tracking system and e-filing designed to run on a mobile device, for the availability of various court services on a mobile platform. It is available on App Store or Google Play and has the following seven features.

1. **Access to case information:** This allows for self-searching of case information from a mobile phone, eliminating the need to visit the court registry to check the status of a matter. This feature allows a person to quickly access activity dates, case summaries, as well as case outcomes.
2. **Verification of court orders, judgment and rulings:** This allows for verification of case outcomes for authenticity, completeness and accuracy. It also builds stakeholders' confidence, reinforces the integrity of the justice sector and assists in eliminating forgeries.
3. **Access to probate and administration records:** This allows for self-searching of succession matters filed in all the courts. People are able to check whether a succession matter has been filed in another court just by populating the name or the estate of the deceased.
4. **Access to cause lists and court virtual links:** This allows for easy access to the virtual court and also helps in checking the scheduling of cases and other court activities.
5. **Checking payment status:** This is useful in enhancing accountability. The feature is used to confirm payment details and get receipts for filed cases. Confirming payments is important for generating and downloading receipts when preparing release orders/ payment verification by prison officers or verifying the authenticity of receipts to confirm completeness of the filing process.
6. **Filing cases:** This allows for filing of cases in the Small Claims Courts. All advocates, litigants or the general public can initiate and complete the filing of their cases without the necessity of appearing at the registries.

Providing internet connectivity to all court stations and equipping judiciary personnel with ICT working tools and equipment enables safeguarding of all the gains enumerated above.

Challenges of transitioning from a manual system to an automated system

The Kenyan judiciary prides itself in having developed digital justice through the use of internal capacity. None of the systems enumerated above

were procured from external providers, who often charge heavy licencing fees for the use of products or systems they have developed. All systems have been developed by the ICT Directorate, which utilised the institution's internal capacity.

However, the transition from a fully manual to an almost fully automated system has not been without challenges. The challenges – together with the corresponding interventions – are listed in Table 4.2.

There are also interventions yet to be put in place.

- The implementation of the file transfer process from one court to another is long overdue.
- The system-based file movement register is also long overdue.
- The system needs to be configured to provide privacy in cases involving children, protected witnesses, family and other matters requiring privacy.
- The digitisation of old case registers is still outstanding; these registers are still fully manual.

Key lessons learned on automating justice

- There must be a change management strategy developed from the onset.
- There is the need to maintain a robust engagement with key stakeholders, such as the bar associations, for the strategies to succeed.
- Governments looking to automate justice should do 'the first-things-first', get statistical baselines right as the data entry begins, and should close all old, concluded files then digitise the existing records before rolling out e-filing.
- The training of judges, magistrates and staff before launch is important for ownership and buy-in.

4.5 The judiciary's enterprise resource planning system

The Kenyan judiciary's enterprise resource planning (ERP) system, *Jumuika* (Kiswahili for 'integrate incorporate') covers various functionalities, including work plan preparation, financial document recall and reversals, supply chain management (SCM) processes, expenditure requisition (purchase order generation, approval and posting), and updating bank details for daily subsistence allowances (DSAs). The system integrates with the e-filing system and facilitates deposit refunds to litigants.

Work planning: Here, the system helps the judiciary management team and heads of court stations in the preparation and revision of resource requirements to align with uploaded budget ceilings for a particular financial year.

To assist in work planning, the system allows for the following.

1. Preliminary budget ceilings for each court station or directorate are loaded into the ERP system and the draft work plan is made accessible.
2. Budget allocations for ring-fenced items such as electricity, the internet, cleaning services, contracted guards, rent, and fuel are confirmed during a work planning workshop.
3. The leadership and management team engages staff on prioritisation of activities to align within provided ceilings.
4. The revised resource requirements are loaded onto the system in accordance with the new ceilings.
5. Work plans are reviewed and finalised.

Table 4.2. Challenges and interventions for transitioning to an automated system

Challenge	Intervention
Lack of funding for ICT systems	Use of internal capacity to develop the systems.
Capacity to apply technology	Provision of trainings on the various platforms.
Resistance/lack of information	Change management trainings and involvement of users from the early stages of developing the systems.
Digitisation of existing record	Undertaking scanning through a phased approach to achieve completeness of records.
Security concerns	Ensuring continuous review of the system to fortify from intrusion and enhance user confidence.
Access by indigent/self-representing litigants without ICT gadgets or airtime	An ICT support team has been put in place and the judiciary is in the process of establishing support centres, not necessarily at court stations, for such litigants.
System down times stalling court operations	Operationalisation of offline operation mode; the establishment of call/support centres.
Internet/power failures	Exploration of alternative sources of power; collaboration with national government on sharing of existing installations.
Automated court fees assessment for e-payment	Amendment of laws that envisioned manual assessment to permit automation and gazettement of new court fees schedule by the Chief Justice.
Service of e-pleadings within a legal framework that demands physical service	Law amended to allow e-service.
Reluctance to accept system-generated orders by institutions such as banks doubting the authenticity of the orders	Sensitisation, enhancement of document security and the creation of a verification portal.

Financial documents' recall and reversals

The system allows for recalling and reversing financial documents related to expenditure requisitions (EXRs), purchase orders (POs) and payment vouchers (PVs). This is with a view to enhancing budget management to ensure accountability and accuracy in financial records. Only one authorised user can recall historical EXRs to preserve the integrity of past records. Access is controlled via user setup functionality. Current recalls are also restricted and limited to specific authorised users (defined in user setup) to ensure traceability and accuracy. The Accounts Directorate Module Lead reviews and assigns recall and reversal permissions while the ICT Team grants access based on these permissions.

Once the budget is approved, the system commits the budget amount, whereupon it becomes unavailable for any other use unless a successful reversal is undertaken by the Accounts Directorate. The system also manages procurement of goods and services, ensuring greater accountability by minimising human intervention in the supply chain processes of the institution.

User guidelines on withholding taxes

User guidelines have been developed to assist suppliers to assess electronic slips for withholding income tax digitally in compliance with regulations issued by the National Treasury and the Kenya Revenue Authority.

For e-filing, court users are facilitated to upload their bank details so that they can receive their deposit refunds in the e-filing system. For staff on duty travel, they too can upload their bank details on the *Jumuika* Employee Self-Service Portal. This helps ensure accurate and updated bank details for timely DSA payments.

4.6 Resources mobilisation and utilisation

a. Funding the annual operational plans

The core funding for the annual operational plans of STAJ is mainly from government allocations and external donor support. The law in Kenya does not permit the use of internally generated revenues to run the institution. All revenue collected by the institution is remitted to the Consolidated Fund. However, the annual judiciary's budget allocation only covers about 50 per cent of its resource requirements, creating a significant funding shortfall.

b. The Judiciary Fund

The Judiciary Fund is established by Kenya's 2010 Constitution, with the aim of giving the judiciary greater autonomy over its finances. This fund became operational in 2022, aiming to provide extra support and more efficiency in funding planned activities. However, its implementation has presented challenges the effect of which is to claw back on gains envisaged by the Constitution. The challenges relate to the introduction of controls by the National Treasury, which have made efficient access to funds difficult. Constant engagement with the executive and legislature has continued for the purposes of streamlining the operational framework of the fund.

c. External donor and partner support

To sustain STAJ, development partners and bilateral and multilateral institutions have often extended a hand in funding some STAJ initiatives. The judiciary has sustained partnerships with various donors who provide funding based on the extent of the interventions' alignment to their own priorities

4.7 Successes in the implementation of the strategy

Success area	Achievement
People-centred strategy	Kenya's first people-based, multi-door, outcome-focused justice blueprint. Entrenched alternative justice systems strategy that is gaining popularity in certain regions, including the now popular Small Claims Courts and specialised SGBV courts.
Institutional reforms	More focus on data, innovation, staff motivation and interagency collaboration has been instrumental in enhancing institutional culture on decision-making and responsive service delivery.
Digital transformation	Rolling out of technological platforms started under SJT to all courts, including e-filing, case-tracking, ERP and recording services. Consistent streamlining continues.
Political buy-in	Broad stakeholder involvement at launch aided legitimacy and momentum by all arms of government, including independent offices and other relevant stakeholders.
Phased implementation	The phased implementation approach allows for realistic goal-setting and adaptability.

4.8 Challenges faced in implementing STAJ

a. Digital divide and technological limitations

Uneven access to digital tools among court users and judicial staff limits the effectiveness of digitisation efforts. This is more so among rural populations where internet connectivity is limited or lack of appropriate gadgets.

b. Legal and policy constraints

The incongruence between formal legal frameworks and community-based or informal justice systems slows the integration and recognition of alternative justice systems (AJS) within the formal justice sector.

c. Co-ordination across justice sector actors

Fragmentation and lack of synergy among justice institutions, including the police, prosecution, legal aid providers and correctional services weakens the coherence of access to justice initiatives and referral mechanisms.

d. Inclusivity barriers

Persistent marginalisation of vulnerable groups (women, persons with disabilities, people living in poverty) in justice processes undermines the core objective of people-centred and equitable access to justice.

e. Persistent funding shortfall

The judiciary has consistently received only about half of its resource requirements, leading to understaffed courts that cannot operate optimally and under-supported programmes. This affects service delivery and the implementation of the blueprint.

4.9 Lessons learned

The implementation of Kenya's Social Transformation through Access to Justice (STAJ) blueprint offers valuable lessons that can inform the development of people-centred access to justice strategies to propel reforms across the Commonwealth. These lessons emerge from both the achievements and the challenges experienced during rollout. Some examples include the following.

1. A successful strategy must leverage and build on successes that have already been realised by past strategies to maintain the momentum of the transformation and to keep on the right trajectory.

2. Leadership anchored in vision and values is critical. A vision bearer who demonstrates passion and commitment to the strategy motivates the rest of the institution to follow.
3. Judiciaries tend to be misunderstood by the other arms of government. In complex legal and socio-political environments, the importance of risk-mitigation strategies and resilience building is critical.
4. Strong, data-driven cases for funding must be made, while engaging formally and informally with national budget planners and other stakeholders.
5. A resource mobilisation strategy must be in place and the creation of a resource mobilisation office is critical in ensuring a structured and well-co-ordinated approach to fundraising from development partners. Capacity building for resource mobilisation is important to ensure proposals submitted to support the strategy are in line with the priorities of the partners, without compromising on the priorities of the judiciary.

5. Roadmap for Development of a Model People-Centered Access to Justice Strategy

5.1 Proposed roadmap

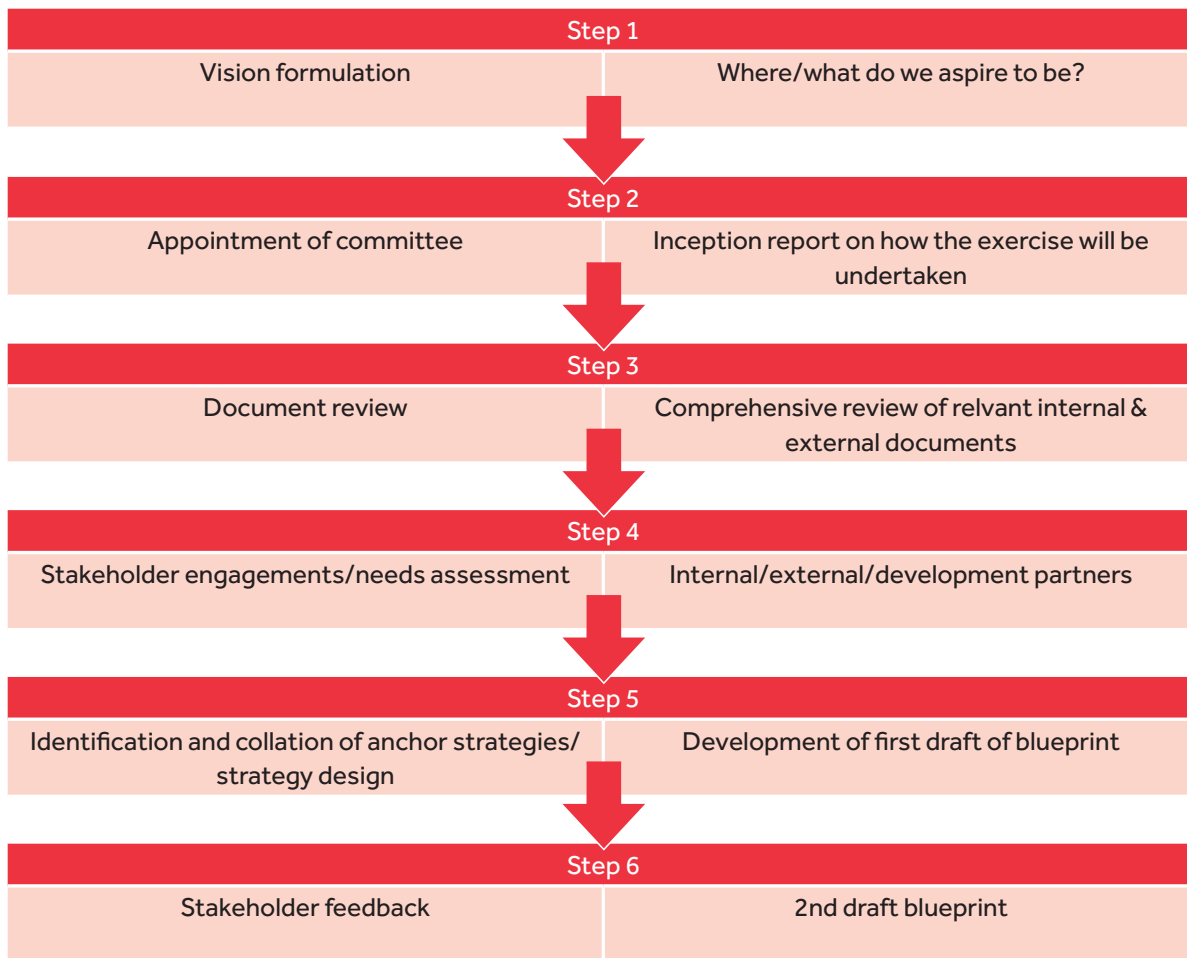
Looking at the Kenyan experience, in developing strategies for people-centred justice in the Commonwealth, the following process may be considered, with variations that suit each jurisdiction.

1. **Vision formulation:** The leader of the institution bears responsibility for formulating the vision with the help of a core team or through a wider consultative process. In the Kenyan case, the vision was formulated and documented separately to guide the development of the blueprint. Developing both simultaneously could be cost-effective and is may be preferable.
2. **Appointment of the committee:** Identify for appointment a competent team with diverse skills sets: leadership, statistics, human resources, ICT, communications etc. The team could include individuals from outside the institution for expert support if necessary and to formalise the appointment.
3. **Needs assessment:** Identify the most important issues that justice seekers and stakeholders would like addressed; for example, delays, huge backlogs, legal technicalities. Are there preferred alternatives to the formal justice system? Are there informal/traditional systems in place that could be given formal recognition and supported to settle disputes within the communities? Are there customer care services making the justice experience better? Will the proposed changes make the judicial services more responsive to citizens?
4. **Literature review:** Conduct an extensive review of institutional documents, including previous reports, blueprints and strategies. External documents such as national development plans, Commonwealth reports, relevant UN reports on reforming the justice sector should also be considered.
5. **Stakeholder consultations:** Map out the stakeholders. Identify the value of each stakeholder towards the achievement of the vision and the expectations of the institution from each stakeholder and what the stakeholder expects from the judiciary.
6. **Strategy design:** Identify the strategic objectives, key result areas with specific interventions, and objectively identifiable indicators for purposes of monitoring and evaluating progress.
7. **Validation:** Create a forum for all stakeholders to validate and own the strategy before approval for implementation.
8. **Launch:** A public launch is important for public information and dissemination, taking into account the outward-looking people-centeredness of the strategy implementation. Invitations to the launch should aim at achieving the greatest dissemination impact.
9. **Monitoring and evaluation:** develop a tool for checking progress, preferably one that is automated for greater efficiency and effectiveness.

5.2 Tips for adaptation of a people-centred justice strategy

Drawing on the experiences of Kenya, Rwanda, Bangladesh and Canada, among others, this summary distils practical lessons from these select Commonwealth countries to support the development of effective, inclusive and sustainable people-centred access to justice strategies. Based on the lessons, it suggests practical tips that could

Figure 5.1: An outline of the proposed roadmap for people-centred justice



be applied by other Commonwealth countries in developing their own people-centred access to justice strategies.

1 Anchor strategies in national vision and legal frameworks

In Kenya, STAJ was aligned with the Constitution of Kenya (2010), emphasising human rights and social transformation.

TIP 1: Embed access to justice strategies in the national agenda and constitutional values of legal reform to ensure legitimacy, coherence and sustainability.

2 Use empirical data and evidence to identify justice gaps

Canada uses legal needs surveys and empirical data to guide interventions.

TIP 2: Conduct regular legal needs assessments and ensure disaggregation of data by gender, geography, age, disability, vulnerability and other factors to inform tailored interventions.

3 Build local justice infrastructure and partnerships

In Bangladesh, the Village Courts Act enables local government-led justice delivery while in Kenya Court Users Committees ensure co-ordination by bringing together stakeholders at the grassroots level.

TIP 3: Decentralise justice services and empower local justice actors by creating local multistakeholder partnerships between the judiciary, NGOs, chiefs, elders, legal aid providers and others to foster collaboration and accountability.

4 Engage communities and justice users in strategy design

In Rwanda, village-level forums and *Abunzi* mediators are selected by local communities, building trust. In Bangladesh, Village Courts are accessible, local and familiar to communities.

TIP 4: Use participatory consultative methods involving justice users, community consultations, including marginalised groups, legal empowerment surveys, and user feedback loops in the design and feedback processes.

5 Strengthen alternative and informal justice systems

Kenya has institutionalised alternative justice systems (AJS) through policy and pilot projects. Kenya's AJS Policy formalises community-based justice mechanisms; Rwanda's *Abunzi* mediation system is a formal pre-court mechanism embedded in law.

TIP 5: Recognise, support, regulate and appropriately link customary or informal justice mechanisms with formal systems, ensuring safeguards for human rights and equity.

6 Address inclusion and the needs of marginalised groups

Kenya's STAJ prioritises gender, disability and minority inclusion (for example, using sign language in courts, providing mobile courts to remote areas), while Canada recognises Indigenous justice initiatives and culturally appropriate legal services.

TIP 6: Build in inclusive measures such as legal aid, translation, and accessible infrastructure for women, children, people with disabilities and Indigenous groups.

7 Leverage technology to expand reach

In Kenya, *e-filing*, *e-payments*, *e-judiciary* mobile applications and *Mahakama Popote* mobile platforms have improved remote access, while in Canada, virtual courts and online legal help which originally came to prominence during the COVID-19 pandemic continue to serve justice seekers.

TIP 7: Invest in user-friendly digital tools ensuring they are accessible to low-literacy, low-income, remote and underserved populations.

8 Institutionalise monitoring, evaluation and learning

In Rwanda, regular performance contracts (*Imihigo*) help track justice sector goals. Kenya's STAJ uses a results-based management framework to monitor and track progress.

TIP 8: Develop monitoring and evaluation (M&E) frameworks with user-centred, community-level indicators and include mechanisms for feedback from justice users, incorporating regular learning loops.

9 Secure political will and multisectoral support

In Canada, there is strong collaboration across justice ministries, courts, academia and civil society. Likewise, in Kenya, access to justice reform initiatives are judiciary-led but involve multiple arms of government, with interagency co-ordination.

TIP 9: Build high-level commitment and cross-sectional partnerships and co-ordination to mobilise resources and drive implementation of strategic reforms.

10 Pilot, learn and scale

In Kenya and Bangladesh, mobile courts and Village Courts were piloted before being scaled nationally.

TIP 10: Start with pilot projects. Evaluate them rigorously to test the approaches and adapt suitable practices before upscaling or rolling out nationally.

11 Other tips

- i. Support peer-to-peer learning through twinning programmes, study visits to other jurisdictions or online engagement platforms.
- ii. Continuous leverage existing regional platforms, including Commonwealth Law Ministers Meetings and others for support and knowledge sharing.
- iii. Align strategies with SDG 16.3 indicators, particularly around access, dispute resolution and user satisfaction.
- iv. Mobilise support from development partners for technical assistance, training and digital infrastructure.

The experiences of Rwanda, Bangladesh, Canada and Kenya show that people-centred justice strategies must be country context specific, inclusive and evidence driven. A successful strategy balances top-down leadership with bottom-up engagement, embraces innovation and builds long-term systems for justice delivery that truly serve the people.

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Annex 1. Guide on Conducting an Access to Justice Needs Assessment

Undertaking a good needs assessment is a foundational step in designing a people-centred access to justice (A2J) strategy. It ensures that justice reforms are informed by evidence, responsive to real needs and inclusive of the voices of those most affected by legal problems.

Steps to undertake a good needs assessment for A2J

1 Define the purpose and scope

In defining the purpose and scope of the exercise, it is important to do the following:

- **Clarify objectives:** What is the objective of this needs assessment? Is it, for example, to identify barriers, to map existing services or to design new interventions? The objective must be clear.
- **Determine the population focus:** This clarifies the target groups – the general public, women, youth, marginalised groups, informal workers, among others.
- **Set geographic boundaries:** Is the assessment designed for a national, regional, rural or urban strategy, or is it for specific communities?

2 Stakeholder mapping and engagement

You need to identify and involve a diverse group of stakeholders. These could include state and non-state justice sector institutions such as courts, bar associations, the police service, legal aid service, probation and after-care, prisons, children services, gender ministries, civil society organisations (CSOs), vulnerable and marginalised populations, and/or existing traditional justice formations, among many others.

In engaging these stakeholders, the use of inclusive and participatory methods, like community dialogues, focus groups and town hall meetings, are appropriate, apart from the administration of questionnaires.

3 Collection and analysis of data on legal needs

Use multiple data sources to understand people's justice problems, experiences and priorities, as summarised in Table A1.1.

4 Identify barriers to access

Analyse the data to determine:

- structural barriers, including cost, distance, complexity aspects
- cultural barriers such as language, gender bias, fear, lack of trust
- legal barriers like gaps in legal frameworks or enforcement
- capacity barriers, including lack of legal aid, insufficient courts or staff, and budgetary constraints, among others.

5 Prioritise needs and gaps

Based on your assessment of the barriers, the findings will guide on the ranking and prioritisation of issues by impact, urgency and feasibility. The idea is to focus on the most pressing, high-frequency or high-harm legal issues (land, gender-based violence, family disputes). It is important to consider intersectionality – how multiple factors (for example, gender, disability, poverty) further compound injustice or lack of access to justice.

6 Validate findings with communities

Having analysed the findings, it is important to share preliminary findings in validation workshops or public forums. Ensure significant participation

Table A1.1. Collection and analysis of data

Method	Description
Legal needs survey	Quantitative surveys that identify common legal problems people face and how they resolve them.
Focus group discussions	Gathering qualitative insights from specific groups (for example, women, youth, rural poor).
Key informant interviews	Interviews with justice professionals, CSO leaders and community figures.
Data collection	Use of administrative data from courts, the police service, prosecution and prisons, among other services, to analyse case types, timelines and user demographics.
Service mapping	Identifying what justice services exist, their reach and gaps.
Participatory justice audits	Community-led processes to identify barriers and solutions to accessing justice.

of those who provided information for the needs assessment and for purposes of refining the report based on feedback from participants. It is also important to ensure the affected groups see themselves reflected in the findings.

7 Design the strategy

Having concluded the exercise, the assessment results need to be translated into a strategy. In so doing, the needs assessment report will be used to:

- define strategic priorities
- design targeted interventions
- establish indicators and baselines for monitoring progress
- prepare and lobby for budget allocation and policy reforms.

Annex 2. People-Centred Access to Justice Survey Template

1. Title of assessment

Geographic scope / national / county / community / region

Lead agency / institution

Assessment period

Key partners / justice actors, CSOs, community groups.....

Contact person email phone

2. Objectives of the needs assessment

Briefly describe the purpose of the needs assessment

For example: 'To identify barriers to justice for vulnerable people'; 'To identify existing legal services and identify gaps'

3. Target population/group description

Primary target (women, youth, persons with disabilities, Indigenous communities.....

Stakeholders engaged (for example, judiciary, police, chiefs, paralegals, NGOs, traditional leaders)

4. Methodology

Tool

Activity

Purpose

Target group

Sample size

Notes.....

.....

5. Legal needs survey

Identify common justice problems and user behaviour / general population / vulnerable groups

.....

.....

.....

.....

6. Focus group discussions (FGDs)

Understand perceptions, barriers and coping mechanisms

Women

Youth

Local leaders

7. Key informant interviews (KIIs)

Expert insights into system performance and gaps with judges, chiefs, police, legal aid actors

.....

8. Service mapping

Inventory of available justice services and referral mechanisms / service providers

Justice audit / community scorecard / community-based assessment of local justice institutions / local communities

9. Key findings

Common legal problems faced by communities

Problem area

Frequency

Vulnerable group most affected

10. Barriers identified

Land disputes

Women / widows / farmers / chiefs / courts / cost, delay, bias

Gender-based violence

Child custody

Debt

Employment disputes

Category description

Examples

Structural: cost / distance to courts / lack of transport

Legal: gaps in legislation or enforcement

Institutional: corruption, inefficiency, bias

Cultural: social stigma, power dynamics, language

Knowledge/awareness: low legal literacy, lack of information

11. Existing justice services

Service type / provider / coverage area / gaps noted Legal aid available / not available

.....

Traditional dispute resolution: elders / chiefs / community-wide / gender bias concerns

.....

Court services / magistrates / mobile courts

.....

12. Recommendations

Provide prioritised, actionable recommendations.

Examples

Scale up legal aid in underserved areas, train chiefs and local leaders on gender-sensitive justice.

Establish mobile legal clinics in rural counties.

Increase use of local languages in court forms.

13. Annexes

For example:

Survey questionnaire / interview / FGD guides / list of stakeholders consulted / maps or service inventories/
data tables / raw findings

Annex 3. Case Study 1: Bangladesh Access to Justice Strategies

The Village Court

Bangladesh has developed and made significant strides towards people-centred access to justice strategies over the past two decades. These strategies are aimed at addressing legal exclusion, poverty and systemic barriers. They combine state-led reforms, community-based legal aid services, and collaborations with civil society and development partners.

In Bangladesh, over 70 per cent of the population lives in villages, often far from formal courts. Most people face justice problems related to land, family disputes, theft, debt and violence and the formal justice system is considered to be costly, distant and slow.

One of the people-centred strategies in the rural areas of Bangladesh are the Village Court.

Strengthening the Village Court for grassroots access to justice in Bangladesh

Village Courts are a local justice delivery mechanism aimed at strengthening local authorities and institutions and making them more responsive to local needs. They function as a bridge between informal and formal justice institutions and provide a level of affordable, quick and accessible justice for all.³⁰

The specific objectives of the project are:

- i. to make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well-functioning Village Courts

- ii. to empower local people, especially women, the poor and vulnerable groups, to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner.

The Village Court Act 2006 (amended 2013) introduced the Village Court, which integrates ADR in dealing with disputes in rural areas. To address this gap, Bangladesh revived and scaled up the Village Court system, supported by the Government of Bangladesh and development partners through a project named 'Activating Village Court in Bangladesh (AVCB)'. Under this project, The Local Government Division of the Ministry of Local Government, Rural Development and Co-operatives takes the lead in the implementation, focusing on awareness creation on dispute resolutions services for rural people, particularly people living in poverty and the vulnerable at the community level.

The Village Court has been implemented in phases and following successful implementation of a Pilot phase (2009–2015), the AVCB III Project has been scaled up to 27 districts covering 8 administrative divisions of Bangladesh.

The structure of the Village Court is fairly simple. It handles criminal and civil cases of up to 75,000 Bangladesh taka (approximately US\$800) in value. Each court is chaired by an elected *Union Parishad* chairperson and includes four members – two nominated from each of the parties in dispute. At least one nominee from each side must be a member of the *Union Parishad*.

The decisions of the court are legally enforceable and can be appealed in higher forums.

The courts are highly accessible to all parties by way of proximity to the community, use of local language, no formal fees and legal representation not being needed.

30 Islam, MJ et al. (2024), 'Promoting access to justice in Bangladesh: Towards a hybrid justice model', *International Journal of Law, Crime and Justice*, Vol. 77, www.sciencedirect.com/science/article/pii/S1756061624000077; UNDP (2019), *Activating Village Courts in Bangladesh*, <https://www.villagecourts.org/about>

Key achievements

A study conducted on performance and effectiveness of Village Courts in Bangladesh confirmed that the *Union Parishad* (UP) plays a vital role in the economic and socio-cultural life of rural people. As the chair and members of the UP are elected by local people, they have greater accountability to the people.

Some of the key achievements of the project are as follows.

- The enactment of the Village Court Rules in February 2016.
 - The publication of the *Village Court Training Manual and Flipchart*, revised by the project and endorsed by the National Institute of Local Government, which allows for entrenchment of the courts within the local authorities.
 - Twenty-seven (27) district training pools provide capacity-building training to service providers, including chairs, panel chairs, members and secretaries, which is important for standardisation of practice across the courts.
 - District judicial officers are now officially authorised to participate in Village Court training and have become part of the district training pools, with necessary guidance from the Bangladesh Supreme Court.
 - Twenty-seven (27) districts and 128 *Upazilas* (Village Court Management Committees) have been created and are functioning.
1. Enhancement of both pecuniary and geographic jurisdiction is necessary for greater impact, as Village Courts can also deal with higher-value matters. This would further enhance swifter justice for such matters.
 2. Support is required from the police and other law enforcement authorities in criminal matters.
 3. There is the need to make mandatory the requirement for the Village Court to deal with all cases within its jurisdiction before lodging cases at police stations.
 4. Continuous training and capacity building for the UP chair, members and officials should be prioritised, especially on the fundamentals of a trial process.
 5. More publicity is needed through government and private mass media campaigns about Village Courts to improve public awareness.
 6. The secretarial function needs to be supported by more staff for greater efficiency.
 7. There is a need for legal intervention to support enforcement, particularly as regards contempt of court situations.

Some recommendations on enhancing effectiveness of Village Courts

The study on the performance and effectiveness of the Village Court³¹ made the following recommendations, which could be adopted by other jurisdictions with similar initiatives or who wish to introduce them.

31 Innovations for Poverty Action (2021), *Activating Village Courts in Bangladesh: Final Evaluation Report*, UNDP Bangladesh. <https://erc.undp.org/evaluation/documents/download/19729>

Annex 4. Case Study 2: People-Centred Access to Justice Strategy, Rwanda

Rwanda is one of the Commonwealth nations that has developed people-centred access to justice (A2J) strategies.³² The country has implemented several people-centred access to justice strategies as part of its broader governance and legal reform agenda. It has placed justice at the centre of its post-genocide reconstruction and nation-building, with a strong emphasis on accessibility, accountability and community-level dispute resolution.

1. Institutional framework

The Ministry of Justice in Rwanda is responsible for the overall co-ordination of justice policy and reform. It also oversees policy planning and monitoring of justice sector performance. The executive in Rwanda therefore has a role in the reforms of the judiciary, unlike in Kenya where the judiciary has more autonomy in its reform and transformation agenda.

Rwanda has been implementing the Justice Sector Strategic Plan (JSSP) IV (2018–2024), which focused on:

- enhanced legal aid provision
- improved delivery of justice services
- citizen participation
- performance accountability
- use of technology and innovation.

The 2014 Legal Aid Policy institutionalised free legal aid for vulnerable populations. Legal aid providers include the government through the Rwanda Bar Association, non-governmental organisations and faith-based organisations. The Rwanda Legal Aid Forum (RLAF) co-ordinates stakeholders and provides strategic direction.

32 See Ministry of Justice, Access to Justice Services Department, www.minijust.gov.rw/access-to-justice-services

People-centred A2J approaches in Rwanda

Rwanda's people-centred access to justice approach is built around a combination of community engagement, traditional reform strategies, and digital innovation and inclusion. Some of the key components of the strategies include:

- **empowering communities** through the *Abunzi* system
- **streamlining and digitising** justice processes with an integrated electronic case management system (IECMS)
- **expanding ADR options** in courts and dedicated centres
- **focusing support on land issues** through training and resources
- **justice for children and in cases of gender-based violence**
- **integrating innovation and inclusion** through workshops and policy development.

2. Abunzi Community Mediation Committees

The word '*Abunzi*' literally means 'those who reconcile' or 'those who bring together'. In traditional Rwanda, *Abunzi* were respected men known within their communities for personal integrity and were called upon to intervene between parties whenever disputes arose. The concept has been given legal recognition in Rwanda.³³ The Abunzi Community Mediation Committees were

33 Nyamasege, W. (2024, August 4), 'Rwanda's mediation committees solved 8,500 cases in the past fiscal year', IGIHE. <https://en.igihe.com/news/article/rwanda-s-mediation-committees-solved-8-500-cases-in-the-past-fiscal-year>

introduced in Rwanda in 2004. The members of the committees are elected within the communities and are structured from the cell to sector levels.

Each committee comprises 7–12 respected local volunteers, at least 30 per cent of whom must be women. These committees provide mandatory mediation for civil disputes of a value below 3 million Rwandan francs (an equivalent of about US\$2,700) and certain minor criminal cases, before they can be allowed to proceed to court. In carrying out their duties, they are allowed to merge national and traditional approaches in their dispute resolution mandate.

At the time of writing, there were more than 38,000 mediators operating nationwide. Outcomes show an 85 per cent case reduction of civil matters in the courts because of this intervention, a 78 per cent positive public perception and 77 per cent perceived integrity.

The 2006 Organic Law in Rwanda prohibits *Abunzi* mediators from giving punitive sentences. The mediators do not receive a salary. However, they receive support via in-kind benefits, including health insurance, airtime, bicycles to help them travel through the villages, and continuous training and training materials on different aspects of the law. They are expected to conduct their business with professionalism and inclusivity – giving each interested party a chance to be heard.

3. Integrated electronic case management system (IECMS)

Rwanda has an integrated electronic case management system (IECMS). The IECMS was launched in 2016 by the Ministry of Justice. Kenya's integrated case management system (ICMS) actually borrowed some aspects of the Rwanda system in developing its own. Its main functions include automated case filing and tracking of progress. Judgements and rulings are accessible through the system, while enforcement stages are also monitored. Mobile technology initiatives have been put in place to disseminate legal information, and online platforms are expanding access in rural and remote areas. These efforts have streamlined justice delivery, by making it more accessible without the necessity of visiting the registries or physically appearing in court.

Unlike the Kenya system, which only links with the Office of the Director of Public Prosecutions (ODPP) and is yet to integrate with other justice institutions, the Rwanda system links multiple justice institutions, enabling data sharing, case alerts and recommendations for ADR pathways. The Rwandan judiciary also continually offers training to upgrade the skills and enhance the capacity not just of staff, but also court bailiffs and law enforcement officers.

4. Court-annexed ADR and small claims innovation

Since 2012, Rwanda has integrated court-annexed mediation and small claims procedures, resolving civil and commercial disputes without the necessity of the complicated technicalities of full litigation. It has a dedicated ADR centre, with a physical hub in Nyamirambo, designed to offer accessible, efficient and community-focused mechanisms for resolving disputes.³⁴ This development has centralised access to mediation. This works well for disputants around the city of Kigali. Through a robust communication strategy, community awareness of the hub has been enhanced and citizens made aware of the different available ADR options they can choose from.

5. Land dispute-focused justice programming

Land disputes being common in the country, Rwanda has undertaken targeted training through the support of development partners on land dispute resolution aligned with formal law and human rights. To support this initiative further, knowledge tools have been developed, including a *Land Dispute Resolution Handbook* available in Kinyarwanda and English. E-learning modules were introduced to standardise the practice.

34 Ministry of Justice, Rwanda (2024, August 28), 'Rwanda inaugurates Alternative Dispute Resolution Center in Nyamirambo: A milestone in Rwanda's justice system'. <https://www.minijust.gov.rw/news-detail/rwanda-inaugurates-alternative-dispute-resolution-center-in-nyamirambo-a-milestone-in-rwanda-justice-system>

6. Justice for children and gender-based violence

The *Isange* One Stop Centre provides integrated services (medical, psychosocial, legal and police) for those subjected to gender-based violence (GBV). The Centre GBV Service is an outpatient department service designed for delivering care to victims of GBV. Patients are attended to by medical doctors, accompanied by nurses who provide care as recommended by the doctors. Once their condition is stable, patients are transferred to other legal services or other referral facilities accordingly.

Child-friendly courts and specialised units are also in place for children in conflict with the law and those in need of care and protection. These efforts have led to the removal of barriers for women and children in accessing justice in Rwanda.

7. Integrating innovation and inclusion initiatives

To bridge the law and technology, the Ministry of Justice hosts regular events, such as the 2024 African Law and Tech Summit,³⁵ among other workshops whose objectives have been to integrate ADR and digital justice in government. Other activities include media training on topical issues around justice to help with effective dissemination of information. Rwanda has also ensured disability-friendly initiatives to ensure disability-inclusive access to ensure fairness.

This holistic model weaves grassroots empowerment, legal modernisation and digital infrastructure, offering a practical, people-centred framework in line with SDG 16.3. It has earned Rwanda international recognition, including the 2024 Commonwealth A2J Innovation Award.

Monitoring and community feedback

For purposes of monitoring progress and receiving community feedback, Rwanda has in place community dialogue sessions, known in the local dialect as '*Umuganda*', whose objective is to sensitise citizens about legal rights and justice services. The feedback mechanisms are integrated into Maison d'Accès à la Justice (Access to Justice Bureaus) and *Abunzi* performance evaluation frameworks and the Rwanda Governance Board

(RGB) tracks citizens' satisfaction through the Citizen Report Card³⁶ and Rwanda Governance Scorecard.³⁷

Successes

Confidence and trust in the *Abunzi* system, with an over 80 per cent satisfaction rate, has enabled a reduction in delays in the finalisation of cases by decongesting the courts and allowed for speedy resolution of disputes. Courts have become more efficient and responsive to the needs of justice seekers.

Challenges

- i. The limited and hybrid parameters within which the *Abunzi* are allowed to operate causes legal ambiguity in their processes. They are also excluded from high-value claims or high-stakes disputes that involve the government. The effect of this is to exclude the role of traditional systems in modern governance.
- ii. Legal aid service coverage for criminal matters is still very limited.
- iii. Continuous legal education for *Abunzi* members is hampered by limited resources, hence the need for sustainability measures to mitigate the challenge.
- iv. Remote and marginalised communities still experience challenges in terms of access to the ICT platforms due to limitations caused by illiteracy and poverty.

35 See <https://www.certaoundation.rw/resource/african-law-tech-summit>

36 Rwanda Governance Board (2025), *Citizen Report Card 2025*. <https://www.rgb.rw/publications/citizen-report-card/>

37 Rwanda Governance Board (2025), *Rwanda Governance Scorecard: 12th Edition*. <https://www.rgb.rw/publications/governance-scorecard/>

Annex 5. Case study 3: People-centred Justice Approaches in Canada

Laying the groundwork for people-centred justice in Canada

Access to justice is considered a fundamental value of the Canadian justice system that flows out of respect for the rule of law. In Canada, access to justice is a shared responsibility between the federal, provincial and territorial governments. While Canada does not have one single national strategy, it has developed a strong ecosystem to advance people-centred access to justice.

At the federal level, the Department of Justice Canada has established an Access to Justice Secretariat (A2JS), which serves as a focal point and advocate for efforts to provide equal access to justice for all individuals and communities. The A2JS has a mandate to promote and support people-centred justice and the full realisation of SDG 16 (Peace, Justice and Strong Institutions). It pursues its mandate through broad outreach and engagement within government and with external partners and stakeholders, as well as through leadership and support on substantive access to justice policy and research initiatives.

Collaboration with a wide range of partners and stakeholders within the justice system and across other disciplines and sectors is vital to fostering people-centred access to justice. Given the shared jurisdiction over the administration of justice, federal, provincial and territorial governments work together closely to advance access to justice objectives. Canada's Action Committee on Access to Justice offers another important example of co-ordination. Established in 2007 by the former Chief Justice of Canada, this broad-based network includes representation from provincial and territorial access to justice committees, the judiciary, government, legal organisations, academics and other justice sector actors. The Action Committee serves as a national leader, catalyst and convening voice for people-centred justice, pursuing a vision of society in which better

access to justice contributes to the wellbeing of people. In addition, Canada advances its domestic access to justice objectives through participation in valuable global efforts with various international organisations and platforms.

Research and data are also critical to advancing a people-centred approach to justice and to supporting the design of justice systems that deliver fair outcomes for people. Justice Canada conducts and promotes quantitative and qualitative access to justice research and disaggregated data collection – such as the Canadian Legal Problems Survey and the National Justice Survey³⁸ – to increase understanding of people's justice needs and experiences. Through commitments in Canada's National Action Plan on Open Government, Justice Canada is working to make its access to justice research and data more accessible and user-friendly.

Data and evidence have pointed to the need to address inequalities and access to justice challenges within Canada's justice system. The following initiatives are examples of some of the work that Canada is doing in this regard.

Indigenous Justice

Indigenous justice systems in Canada refer to the justice systems developed and maintained by Indigenous peoples themselves. As the Truth and Reconciliation Commission of Canada observed,

³⁸ See <https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html> and <https://www.justice.gc.ca/eng/rp-pr/jr/njs-snj.html> respectively.

*'long before Europeans came to North America, Indigenous peoples, like all societies, had political systems and laws that governed behaviour within their own communities and their relationships with other nations.'*³⁹

These systems were harmed by colonialism. However, considerable efforts are underway to revitalise Indigenous legal traditions and justice practices, and some nations have reestablished their own justice systems in specific areas of the law.

Indigenous Justice Strategy

In consultation and co-operation with Indigenous peoples, Justice Canada developed the Indigenous Justice Strategy, which sets out a shared vision and priority areas to guide ongoing work by Indigenous peoples, the federal government and provincial and territorial partners to advance transformative reforms across the criminal justice system and support the revitalisation of Indigenous laws and legal orders.

The Strategy is guided by Indigenous ways of knowing on justice and healing. It aims to consider the whole person, recognise the impact of trauma and respect the diversity among Indigenous peoples. It is organised into different themes and includes chapters codeveloped with First Nations, Inuit and Métis partners that outline distinctionsbased principles and priorities aimed at advancing selfdetermination, strengthening community safety and supporting the resurgence of Indigenous legal traditions.

The Strategy identifies specific actions to address systemic discrimination and the overrepresentation of Indigenous people in the justice system, developed collaboratively with provinces and territories in recognition of their key role in the administration of justice in Canada.

Gladue Courts and Reports

Canadian law mandates courts to consider non-custodial sentences for all offenders, with particular attention to the circumstances of the Indigenous

offenders.⁴⁰ In 1999, the Supreme Court decision in *R v Gladue*⁴¹ interpreted and enforced s. 718.2(e), creating the basis for what is now known as Gladue principles, a legal requirement for judges to consider:

'(a) the unique systemic or background factors which may have played a part in bringing the particular Indigenous offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.'

Gladue Courts operate within the formal justice system while aiming to account for its historic injustices against Indigenous peoples. Where available, they are integrated into regular courts but specifically designated to apply Gladue principles. They therefore provide a small opening within the Canadian criminal justice system for Indigenous legal traditions but are not stand-alone Indigenous courts.

One of the main ways in which the principles laid out in the *Gladue* decision are applied is through Gladue reports, which include information for the court about an Indigenous person's background and experiences with colonisation, intergenerational trauma, racism and discrimination. Each Canadian province and territory has its own approach, process or programs for Gladue reports.⁴²

Other Specialised Courts

Other specialised or problem-solving courts have been established in Canada to focus on a particular type of offence or accused.⁴³ These courts typically involve an interdisciplinary team that is focused on addressing the underlying causes of offending that bring the accused into contact with the criminal justice system.

40 Section 718.2(e) of the *Criminal Code*, RSC 1985, c C-46. [1999] 1 SCR 688.

42 See, for example, Department of Justice Canada (2024) *Applying R v Gladue: The use of Gladue reports and principles*. <https://www.justice.gc.ca/eng/rp-pr/jr/gladue2/toc-tdm.html>; Department of Justice Canada (2023), *Spotlight on Gladue: Challenges, Experiences, and Possibilities in Canada's Criminal Justice System*. <https://www.justice.gc.ca/eng/rp-pr/jr/gladue/toc-tdm.html>; and O'Bonsawin, M. (2020, September), 'We All Have a Role to Play: Gladue Reports', blog post, Action Committee on Access to Justice in Civil and Family Matters. <https://www.justicedevelopmentgoals.ca/blog>

43 See <https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2023/p10.html>.

39 Truth and Reconciliation Commission of Canada (2015), 'Chapter 2: Indigenous law: Truth, reconciliation and access to justice', in *Canada's Residential Schools: Reconciliation: The Final Report of the Truth and Reconciliation Commission of Canada*, Volume 6: 45–79. <https://publications.gc.ca/pub?id=9.807830&sl=0>

For example, mental health and wellness/ community courts are designed to assist accused persons who have mental health issues. This typically involves specially trained personnel and processes that take into consideration the difficulties that a person with mental health issues may encounter in the criminal justice process. Wellness/community courts offer integrated supports and services designed to offer a more compassionate and effective response for those who enter the system due to their mental health struggles, and to address the problems associated with repeat offenders struggling to reintegrate into society.

Drug treatment courts contribute to reducing criminal recidivism associated with substance use by offering eligible adult accused with a substance use disorder the opportunity to complete a court-monitored drug treatment program as an alternative to a finding of guilt or incarceration.

Family/domestic violence courts are designed to handle cases of family/domestic violence by offering an integrated, collaborative approach focusing on supporting victims, increasing accused responsibility and providing early intervention.

Canada's Black Justice Strategy

Canada's Black Justice Strategy is another example of how Canada is looking to improve access to justice. Studies have shown that Black people are overrepresented in all areas of the criminal justice system as a legacy of Canada's history, which resulted in entrenched systemic discrimination as most government institutions were built.

As part of a people-centred justice approach, to ensure the Strategy reflects the voices and expertise of Black communities, the Government of Canada established an external steering group, comprised of nine experts and leaders from Black communities across the country with diverse backgrounds and knowledge of Canada's justice system. Using a comprehensive framework, the Steering Group guided extensive consultations and engagements with Black-led, community-based organisations nationwide. An online survey was also made available to ensure broad participation.

The outcome of this process was the steering group's landmark June 2024 report, *A Roadmap for Transformative Change: Canada's*

Black Justice Strategy,⁴⁴ which presents 114 recommendations to combat the anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the criminal justice system, including as victims and survivors of crime.

Grounded in community engagement and lived experience, Canada's Black Justice Strategy advances a people-centred and evidence-based approach aimed at achieving the transformative change necessary to reduce the overrepresentation of Black people in the criminal justice system, including as victims and survivors of crime.

In February 2025, the Government of Canada released *Toward Transformative Change: An Implementation Plan for Canada's Black Justice Strategy*.⁴⁵ In that implementation plan, the Government made four commitments:

- i. a 10-year plan toward a better future
- ii. ensuring that plan is informed by evidence and demonstrates federal leadership
- iii. continuing to work with Black communities and all levels of government
- iv. recognising that the human and economic costs of inaction will only increase.

Impact of Race and Culture Assessments

Systemic racism can create disadvantages in education, employment and other areas of life for Black and racialised Canadians. As one measure to address systemic racism in the criminal justice system, the Government of Canada provides funding to support the implementation of Impact of Race and Culture Assessments (IRCA) in all provinces and territories.

IRCA are pre-sentencing reports that help sentencing judges to better understand the effect of poverty, marginalisation, racism and

44 Owusu-Bempah, A. and Jones, Z. (2024), *A Roadmap for Transformative Change: Canada's Black Justice Strategy*, Department of Justice Canada. <https://www.justice.gc.ca/eng/cj-jp/cbjs-scnj/transformative-transformateur/index.html>

45 Government of Canada (2025), *Toward Transformative Change: an Implementation Plan for Canada's Black Justice Strategy*. <https://www.justice.gc.ca/eng/cj-jp/cbjs-scnj/ttc-ect/toc-tdm.html>

social exclusion on the offender and their life experience. IRCAs explain the relationship between the offender's lived experiences of racism and discrimination and how they inform the circumstances of the offender, the offence committed and the offender's experience with the justice system.

Similar to *Gladue* reports, IRCAs inform sentencing judges of the disadvantages and systemic racism faced by Black and other racialised Canadians, and may recommend alternatives to incarceration and/or culturally appropriate accountability measures within a sentence of incarceration. IRCAs have been used primarily for Black offenders, both adults and youth, at the sentencing stage of the criminal process.

Annex 6. Monitoring and Evaluation

Table A6.1. Sample monitoring and evaluation matrix: people-centred access to justice strategy

Strategic objective	Outcome / result	Key indicators	Means of verification / data sources	Frequency	Responsibility
Improve legal awareness and empowerment	Increased public awareness of legal rights and services	<ul style="list-style-type: none"> • % of population aware of legal rights • # of public legal education campaigns conducted 	<ul style="list-style-type: none"> • National surveys • Campaign reports • Website/ social media analytics 	Annually	Ministry of Justice, CSOs, Legal Aid Boards
Expand access to legal aid and services	More people accessing quality legal aid and representation	<ul style="list-style-type: none"> • # of people receiving legal aid • % increase in legal aid centres • % of satisfied beneficiaries 	<ul style="list-style-type: none"> • Legal aid service records • Client satisfaction surveys 	Quarterly	Legal aid providers, bar associations
Strengthen informal and community justice systems	Enhanced functionality and accountability of community justice mechanisms	<ul style="list-style-type: none"> • # of trained community paralegals • # of disputes resolved at community level • % of users reporting fair outcomes 	<ul style="list-style-type: none"> • Paralegal reports • Case tracking tools • Community justice monitoring 	Bi-annually	Paralegal networks, local administration
Improve court efficiency and accessibility	More efficient and people-friendly formal justice system	<ul style="list-style-type: none"> • Average case disposal time • % of cases resolved within set timelines • # of court users reporting satisfaction 	<ul style="list-style-type: none"> • Court data management systems • User experience surveys • Judicial performance reports 	Annually	Judiciary, Court User Committees
Promote inclusive justice for vulnerable groups	Reduced justice barriers for women, children, people with disabilities and marginalised groups	<ul style="list-style-type: none"> • % of vulnerable groups accessing justice • # of gender-sensitive or child-friendly courts • Existence of special procedures/ mechanisms 	<ul style="list-style-type: none"> • Disaggregated case records • Court audit reports • NGO reports 	Annually	Gender ministry, human rights commissions, judiciary

Strategic objective	Outcome / result	Key indicators	Means of verification / data sources	Frequency	Responsibility
Institutionalise M&E and learning mechanisms	Strengthened data systems and continuous improvement culture	<ul style="list-style-type: none"> • Existence of a national justice data dashboard • Frequency of M&E reports • # of data-driven reforms implemented 	<ul style="list-style-type: none"> • M&E reports • Administrative data • Strategy review minutes 	Bi-annually	Ministry of Justice, M&E unit, statistics office

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