



OFFICE OF THE ATTORNEY GENERAL
STATE DEPARTMENT FOR JUSTICE, HUMAN RIGHTS AND
CONSTITUTIONAL AFFAIRS

SUB SECTOR REPORT
FINANCIAL YEARS 2026/2027 – 2028/2029

SEPTEMBER, 2025

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Abbreviations/Acronyms

Abbreviation	Details
ADR	Alternative Dispute Resolution
AG	Attorney General
AIA	Appropriation in Aid
AIDS	Acquired Immunodeficiency Syndrome
ALB	Auctioneers Licensing Board
AML	Anti-Money Laundering
ARA	Assets Recover Agency
ATP	Advocates Training Programme
AUABC	African Union Advisory Board on Corruption
AUCPCC	African Union Convention on Preventing and Combating Corruption
BETA	Bottom-Up Economic Transformation Agenda
BPMS	Business Process Management System
BQ	Bill of Quantities
CAB	Cabinet
CACCOC	County Anti-Corruption Civilian Oversight Committees
CBD	Central Business District
CDA	County Department Agencies
CFT	Counter Financing of Terrorism
CLE	Council of Legal Education
CMO	Collective Management Organizations
CPD	Continuing Professional Development
DPF	Development Policy financing
EACC	Ethics and Anti-Corruption Commission
EU	European Union
FY	Financial Year
GDP	Gross Domestic Product
GIZ	Gesellschaft fur Internationale Zusammenarbeit
GJLOS	Governance, Justice, Law and Order Sector
GPS	Global Positioning System
HR	Human Resource
ICT	Information Communication Technology
IPCRM	Integrated Public Complaints Referral Mechanism
JG	Job Group
KLRC	Kenya Law Reform Commission
KNCHR	Kenya National Commission on Human Right
KPI	Key Performance Indicators
MAT	Multi-Agency Team

MDACs	Ministries, Department, Agencies and Counties
MoU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NACCSC	National Anti-Corruption Campaign Steering Committee
NCLR	National Council for Law Reporting
NIIMS	National Integrated Identity Management System
NIP	National Indicative Programme
NLAS	National Legal Aid Service
OAG	Office of the Attorney General
POCAMLA	Proceeds of Crime and Anti Money Laundering Act
PSC	Public Service Commission
SAGAs	Semi-Autonomous Government Agencies
SCAC	State Corporations Advisory Committee
SDJHCA	State Department for Justice, Human Rights and Constitutional Affairs
SP	Sub-Programme
SRCD	Sector Resource Coordination Department
UNCAC	United Nations Convention Against Corruption
UNCAT	UN Convention Against Torture
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
	Victim Protection Board

EXECUTIVE SUMMARY

The Office of the Attorney General and State Department for Justice, Human Rights and Constitutional affairs (OAG & SDJHRCA) derive its mandate from the Constitution of Kenya 2010. Under Article 156 (4) (a) of the Constitution, the Attorney General is the principal legal advisor to the government on all matters relating to the Constitution, international law, human rights, consumer protection and legal aid.

In addition, Section 5(1) of the Office of the Attorney General Act, 2012 provides that the Attorney General is responsible for advising Government Ministries, Departments, Constitutional Commissions, Independent Offices and State Corporations on legislative and other legal matters, including but not limited to matters relating to the Constitution, International Law, and Human Rights.

The OAG & SDJHRCA derives its mandate from other statutes, which include implementing the anti-corruption policy; negotiating, drafting, vetting and interpreting local and international documents, agreements and treaties for and on behalf of the Government and its agencies; protection of victims of crime; coordinating reparations and Legal Aid; reporting obligations to international Human Rights treaty bodies to which Kenya is a member or on any matter which member States are required to report; and in consultation with the Law Society of Kenya, advising the Government on the regulation of the legal profession.

The State Department for Justice, Human rights and Constitutional affairs is established pursuant to Executive Order No. 1 of 2025 to oversee matters relating to promotion and protection of Humana rights, Constitutional affairs, access to justice, rule of law, governance and anti-corruption, and implementation of legal reforms.

The SDJHRCA falls under the ambit of GJLOS Sector and in the FY2026/27 and MTEF period proposed to have one (1) Programme and four (4) Sub Programmes. The Sub Sector is mandated to oversight its aligned State Corporations, namely the Assets Recovery Agency (ARA); the National Legal Aid Service (NLAS); the National Anti-Corruption Campaign Steering Committee (NACCSC); the Victims Protection Board (VPB); the Kenya Law Reform Commission (KLRC); the Assets Recovery (ARA); National coroners Service; Multi Agency Team (MAT); and the Witness Protection Agency (WPA).

The FY 2026/27 – 2028/29 budget has been prepared to enable the sub-sector sector attain its mandate and strategic objectives as outlined in Article 156 of the Constitution, the Office of the Attorney-General Act Cap 6A, the Executive Order No. 1 of 2025 and various policy and legal frameworks.

The Sub Sector also provides legal advice to Government; promotes and protects the rule of law, public interest, human rights, good governance, transparency, accountability, ethics and integrity.

In the current FY 2025/26, the Sub Sector has a gross allocation of **Kshs. 1,020.44 million**. To execute its mandate effectively, the Sub Sector has a requirement of Kshs. **3,290.58 million** in FY 2026/27 for recurrent budget. The gross requirement is projected to increase to **Kshs. 3,899.58 million** in FY 2027/28 before settling at **Kshs. 4,628.39 million** in FY 2028/29.

During the FY 2026/27 and MTEF period, the Sub Sector will identify, investigate, trace and file cases for recovery of all assets arising from proceeds of crime and administer estates and trusts. The Sub Sector sensitize citizens on corruption issues; develop the whistleblower protection framework; implement the National Ethics and Anti- Corruption Policy strategies; operationalize the Assets Recovery Advisory Board, National Coroners Service, National Legal Aid Services and, Victims Protection Board, educate legal aid providers on use of ADR mechanisms to promote access to justice; conduct civic education on constitution affairs; and consolidating, revising and updating of the Laws of Kenya.

Among the challenges faced include inadequate office space and equipment, high turnover of skilled personnel, lack of a legal resource center and library. Others include inadequate provision for capacity building of the State Counsel on the emerging areas of law, increased workload, slow pace of decentralization, and inadequate transport facilities.

To remedy these challenges, the Sub Sector requires an enhanced budget allocation to facilitate the completion of planned activities, improve the working environment and the terms and conditions of service for its staff, capacity build its staff especially in emerging and specialized areas of law, upgrade ICT infrastructure and automate its processes and services.

CHAPTER ONE

INTRODUCTION

1.1 Background

The Justice, Human Rights and Constitutional Affairs Sub Sector derive its mandate from Article 156 (4)(a) of the Constitution, the Office of the Attorney General Act, Cap 6A and Executive Order No. 1 of 2025 on the organization of the National Government. Additional mandates and functions have been spelt out in the various policies and legal frameworks in justice and governance sub sector.

In the performance of its mandate and functions under article 156 as read with sec 5 of the Office of the Attorney General Act, Cap 6A , the SDJHR&CA carries out mandate and functions that include, advising Government Ministries, Departments, Constitutional Commissions and State Corporations on legislative and other legal matters; advising the Government on all matters relating to the Constitution, international law, human rights, consumer protection and legal aid; coordinating reporting obligations to international human rights treaty bodies to which Kenya is a member or on any matter which member States are required to report; in consultation with the Law Society of Kenya, advising the Government on the regulation of the legal profession; oversee matters relating to promotion and protection of human rights, constitutional affairs, access to justice, rule of law, governance and anti-corruption, and implementation of legal reforms.

1.2 Vision and Mission

1.2.1 Vision

“The lead regional institution in promotion and protection of the rule of law, human rights and good governance”

1.2.2 Mission

“Facilitate realization of good governance, respect for the rule of law and promotion of human rights through provision of efficient public legal services”

1.3 Strategic Objectives of the Sub-Sector

The key strategic objectives of SDJHRCA are consistent with national and sectoral policy priorities and include the following: -

- i.** To enhance access to justice for all;
- ii.** To facilitate effective implementation of the Constitution;
- iii.** To strengthen Legal, Policy and Institutional Framework on Anti-Corruption, Ethics and Integrity;
- iv.** To establish a comprehensive and effective legal & policy framework for the promotion, protection & fulfilment of human rights in Kenya;

- v. To promote respect for the Rule of Law and Human Rights;
- vi. To strengthen the policy & institutional framework for legal education in Kenya;
- vii. To promote and enhance transparency and accountability in the investigations of unexplained & suspicious deaths in Kenya;
- viii. To enhance shared value system among the citizens across the country;
- ix. To increase public awareness and information on corruption;
- x. To enhance efficiency in the delivery of services, performance and operations;

1.4 Mandate

The mandate of the Sub Sector is derived from Article 156 of the Constitution and the Office of the Attorney General Act, Cap 6A. The State Department also performs the functions conferred on it by any other Act of Parliament or by the President under the Executive Order No.1 of 2025 on the Organization of the Government of Kenya.

The Sub Sector also derives its mandate from other Statutes, which include implementing the anti-corruption policy; negotiating, drafting, reviewing and interpreting local and international documents, protection of victims of crime; coordinating reparations and legal aid; reporting obligations to international human rights treaty bodies to which Kenya is a member or on any matter which member States are required to report; and in consultation with the Law Society of Kenya, advising the Government on the regulation of the legal profession.

1.5. Semi –Autonomous Government Agencies

1.5.1 Assets Recovery Agency (ARA)

The Assets Recovery Agency (hereinafter ‘the Agency’) is established under Section 53(1) of the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA) as a body corporate with the principal mandate of combating money laundering, terrorism financing, proliferation financing and other crimes through identifying, tracing, freezing and recovering properties/proceeds which have been acquired from or constitute profits or benefits derived from crime or used for or intended for use in the commission of an offence.

The Agency is an integral institution within the justice system implementing the Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT) framework in Kenya in addition being one of the institutions addressing the inadequacies identified by FATF to remove the country from grey listing

1.5.2 National Legal Aid Service (NLAS)

The National Legal Aid Service (NLAS) is established under the Legal Aid Act Cap 16A, Laws of Kenya to provide and fund legal aid services in Kenya through a Legal Aid Fund, establish and administer a national legal aid scheme that is affordable, accessible, sustainable, credible and accountable, encourage and facilitate the settlement of disputes through alternative dispute resolution, provide an oversight over legal aid providers and facilitate access to justice to the indigent persons in Kenya, in accordance with the constitution.

1.5.3 Kenya Law Reform Commission (KLRC)

Kenya Law Reform Commission is established by the Kenya Law Reform Commission Act, No. Cap 3 with the mandate to keep under review all laws and recommend reform(s) to ensure conformity to the letter and spirit of the Constitution; that the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost effective in application; and the respect for and observance of treaty obligations to international instruments that constitute part of the laws of Kenya by virtue of Article 2 (5) and (6) of the Constitution; to provide advice, technical assistance and information to the National and County Government legislation; to formulate by means of draft Bills or otherwise, any proposals for reform of National or County Government legislation; and to advise National and County Governments on the review and reform of their legislation.

1.6 Role of Sub-Sector Stakeholders

In discharging its mandate, the State Department partners with the following stakeholders

Table 1.0.1: Sub-Sector Stakeholders

Stakeholder	Roles
Judiciary	<ul style="list-style-type: none">● Interprets and enforces laws● Ensures access to justice● Provides feedback on gaps in legislation and reforms
Parliament	<ul style="list-style-type: none">● Enact laws● Provides oversight on budget, policy and departmental performance
MDACs	<ul style="list-style-type: none">● Collaborate on cross-cutting issues such as security, finance, governance and human rights
Civil society organizations	<ul style="list-style-type: none">● Advocate for human rights, accountability and good governance● Provide policy input, public education and monitoring
Professional bodies	<ul style="list-style-type: none">● Offer expert input on legal reforms● Uphold professional standards and ethics in the legal sector
Development partners/Donors	<ul style="list-style-type: none">● Provide financial and technical support● Promote global best practices● Support institutional capacity building
Academia & research institutions	<ul style="list-style-type: none">● Conduct research on justice and governance● Generate policy recommendations● Train legal professionals
Media	<ul style="list-style-type: none">● Inform and educate the public● Enhance transparency and accountability● Provide a platform for dialogue on justice issues
Citizen	<ul style="list-style-type: none">● Beneficiaries of justice services● Participates in consultations and oversight● Demand accountability, fairness and transparency

CHAPTER TWO

Sub Sector was formally established pursuant to **Executive Order No. 1 of 2025**. Given that the Sub Sector was not in existence prior to the issuance of Executive Order No. 1 of 2025, there were no activities or outputs to report for the preceding period as a Sub-Sector. The Sub-Sector was carved from the State Law Office under Vote 1252. Major part of the functions currently outlined in the Executive Order No.1 of 2025 for the Sub-Sector were captured under one programme and two Sub Programmes namely; - Governance, Legal Training and Constitutional Affairs Programme and Governance Reforms and Constitutional and Legal Reforms Sub Programmes. Therefore, the State Law Office will report the review of the above programme in their Programme Performance Review (PPR).

Future reports will reflect the Sub Sector progress in fulfilling its mandate, including legislative initiatives, policy development, and stakeholder engagement. The Sub Sector remains committed to transparency, accountability, and the realization of its foundational objectives.

CHAPTER THREE

MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2026/27 -2028/29

3.1 Prioritization of Programmes and Sub-Programmes

During the FY 2026/27–2028/29 MTEF period, the Sub-Sector will provide timely legal services to support the implementation of the Bottom-Up Economic Transformation Agenda (BETA) and other national development priorities.

The Sub sector will undertake Constitutional Implementation, Governance & Rule of Law and Coordinate State initiatives on constitutional implementation, governance, human rights, ethics, integrity, anti-corruption and economic crimes and coordinate implementation of sector-wide GJLOS reform programmes.

The Sub sector will strengthen the legal, policy, and institutional framework on anti-corruption, ethics, and integrity. Review implementation of international obligations on anti-corruption and facilitate ratification of relevant international and regional instruments through implementation of the National Ethics and Anti-Corruption Policy strategies.

A comprehensive framework for human rights protection to ensure State compliance with human rights obligations from international treaty bodies are observed and coordinate the victim reparation framework and operationalize the Victims Protection Board.

The Sub sector will ensure Access to Justice & Legal Aid for the vulnerable and indigent citizens and this will strengthen initiatives to enhance administration of Justice. During the FY 2026/27–2028/29 MTEF period, the Sub-Sector will have operationalized the National Coroners Service, National Legal Aid Services and the Victim Protection Board.

3.1.1. Programmes and Its Strategic objective

Programme 1 : Governance, Human Rights and Constitutional Affairs

Objective: To ensure effective implementation of the Constitution, access to justice, human rights and good governance.

3.1.2. Programmes, Sub-Programmes, Expected Outcomes, Outputs and Key Performance Indicators

Table 3.1.2 shows programmes, sub-programmes, key performance indicators, delivery units, and targets for the medium-term period.

Table 3.1.2: Programmes, Sub-Programmes, Outcomes, Outputs and KPIs

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
Programme 1: Governance, Human Rights and Constitutional Affairs	SP 1.1: Access to Justice, Human Rights and Constitutional Affairs	Enhanced implementation of the constitution, access to justice, human rights and legal affairs	Justice, Human Rights and Constitutional Affairs Services.	No. of reports on State compliance with international and regional instruments on human rights treaties prepared and disseminated.	2	2	2	3
				No. of Law Enforcement and Public officers trained on Human Rights approaches to service delivery of public service	300	400	500	600
				No. of citizens sensitized on Human Rights and peoples' obligations.	500	600	700	800
			National Legal Aid Services	No. of Legal Aid offices Operationalized in the Counties.	5	9	10	12
				No. of citizens sensitized on Legal aid services.	110	140	100	120
				No. of officers recruited	32	40	45	52
				No. of officers recruited	0	15	30	45

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
			National Coroners Services operationalized	% National Coroners Services board operationalized	-	50	80	100
				No. of specialized forensic equipment procured	0	5	4	3
				% National Coroners Regulations developed	0	30	50	100
			Victim Protection Services	% completion of the National victim's protection database developed	30	20	10	-
				The Victim Protection (amendment) Bill developed	1	1	-	-
				No. of, opinion leaders, NGAOs and "nyumba kumi" sensitized on Victim Protection.	2000	2500	3000	3500
	S.P 2.1 Constitutional Implementation Services	Enhanced implementation of the constitution, access to justice, human rights and legal affairs	Constitution and Legal reforms services	No. of reports on State compliance with international and regional democracy, elections & governance treaties prepared and disseminated.	1	1	-	-
				No. of citizens reached with civic	12	12	12	11

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
				education on the Constitution				
				No. of audits on electoral and political parties' laws and processes.	2	2	1	1
			Law Reform Services	% of bills received to be drafted/reviewed	100	100	100	100
				No. of County governments educated on legislative and law reform knowledge.	19	15	16	19
				% of technical assistance to MDACs and Constitutional Offices with regard to the reform or amendment of a branch of the law	100	100	100	100
				No. of legal research reports, advisories, policy interventions developed	2	1	1	1
				No. of GJLO Sector Policy reviewed	1	1	-	-
				No of counties where GJLO Sector Policy will be Disseminated.	12	12	12	11
				% of Integrated Public Complaints Referral Mechanism (IPCRM)	50	20	15	15

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
				system established and rolled out				
	S.P 3 Ethics, Integrity, Anti-corruption and Economic Crimes	Enhanced implementation of the constitution, access to justice, human rights and legal affairs	National Ethics and Anti-Corruption Policy (NEAP) implemented	No. of Reports on the Implementation of Sessional Paper No. 2. of 2018 on National Ethics and Anti-Corruption Policy (NEAP) developed and disseminated.	4	2	1	1
			Whistle-Blower Protection Bill, 2025.	Legal Whistleblower Protection Bill, 2025 developed.	1	1	-	-
			Anti-Corruption Laws (Amendment) Bill, 2025.	Anti-Corruption Laws Amendment Bill developed	1	1	-	-
			National Ethics and Anti-Corruption Policy (NEAP), Sessional Paper No. 2 of 2018	Reports on Monitoring the Implementation of the National Ethics and Anti-Corruption Policy (NEAP), Sessional Paper No. 2 Of 2018 monitored and evaluated.	1	1	-	-
			State counsel, public sector lawyers, County Attorneys and public officers in National and County Government	No. of State counsel, public sector lawyers, County Attorneys and public officers in National and County Government sensitized on ethics,	300	100	100	100

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
			sensitized on ethics, integrity and anticorruption.	integrity and anti-corruption				
			The UN Convention Against Corruption and the AU Convention on Prevention and Combatting Corruption implemented	No. of reports on State compliance with international and regional anti-corruption treaties prepared and disseminated.	3	3	3	3
			Multi Agency Anti-Corruption and Economic Crimes Team operationalized	% of the Multi Agency Anti-Corruption and Economic Crimes Team operationalized	10	30	30	30
			Anti-Corruption Awareness Services	No. of Social Accountability forums conducted	36	47	57	72
				No. of partnership forged with stakeholders in the anti-corruption sector	1	1	1	1
				No. of citizens reached with messages against corruption through radio	10M	10M	15M	20M
				No. of citizens reached with messages against	4M	8M	10M	12M

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
				corruption through television				
				No. of religious leaders participating in the delivery of scripture referenced anti-corruption messages	500	800	1000	1500
				No. of surveys on level of awareness on corruption in Kenya	1	1	1	1
				No. of value based anti-corruption messages disseminated	10	12	14	17
			Value (Kshs in billion) of suspected proceeds crime traced and identified.	17	25	30	35	40
			Value (Kshs in billion) of preserved and forfeited assets managed	2	2.5	3	5	7
			% of delinking of Asset Recovery Agency	100	-	-	-	-
	SP.3: Administrative Services		Administration Support Services	No. of service delivery processes re-engineered	2	2	2	2

Programme	Sub - Programme	Expected Outcome	Key outputs	Key Performance Indicators	Target Baseline 2025/26	Target 2026/27	Target 2027/28	Target 2028/29
				No of services automated	2	2	2	2
				Percentage completion of ICT infrastructure installation	50	20	20	10
			Financial services	Reports on budget implementation	4	4	4	4
			Central Planning and Project Monitoring services	Reports on Monitoring, Evaluation	4	4	4	4

PROGRAMMES BY ORDER OF RANKING

The sub-sector continues to rate and rank programmes in line with the MTEF objectives and budgetary principles (efficiency and impact). The criteria used for ranking is based on public sector hearing data collected during the last county consultations and sector hearings:

RESOURCE ALLOCATION CRITERIA

The following criteria has therefore been adopted and used to guide the Sector's resource allocation:

- Programme that enhance value chain and linkage to BETA priorities;
- Cabinet Decisions;
- Linkage of the programme with the Priorities of Medium-Term Plan IV of the vision 2030;
- Completion of the on-going projects, stalled projects and payment of verified pending bills;
- Degree to which a programme addresses job creation and poverty reduction;
- Degree to which the programme addresses the core mandate of SDJHCA;
- Programme that support mitigation and adaptation of climate change;
- Cost effectiveness and sustainability of the programme;
- Requirement for furtherance and implementation of the Constitution

3.1.3 Analysis of Sub-Sector Resource Requirement versus allocation by:

3.1.3 Analysis of Sub-Sector Resource Requirement versus allocation by:

Table 3.1.3: Sub-sector Recurrent Requirements/Allocations (Amount in KSh Million)

Economic Classification	Approved Estimates	Requirement				Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29	
Gross	1,020.44	3,290.58	3,899.58	4,628.39				
AIA								
NET	1,020.44	3,290.58	3,899.58	4,628.39				
Compensation to Employees	168.75	307.07	319.35	332.13				
Grants and Transfers	632.98	1,818.23	2,091.10	2,377.16				
Other Recurrent	218.71	1,165.28	1,489.12	1,919.11				
Of Which								
Utilities	2.00	2.00	3.00	4.50				
Rent	46.66	65.85	71.89	75.50				
Insurance	0.00	0.00	0.00	0.00				
Subsidies	0.00	0.00	0.00	0.00				
Gratuity	0.00	9.21	9.48	9.77				
Contracted Guards & Cleaners Services	2.00	30.00	45.00	67.50				
Others	168.05	1,058.22	1,359.75	1,761.84				

Table 3.1.3 shows Vote 1253 recurrent resource requirements versus allocation for the medium-term. The recurrent budget allocation in the current financial year 2025/26 that is under implementation is **Kshs. 1,020.44 million**. The State Department requires **Kshs. 3,290.58 million**, **Kshs. 3,899.58 million** and **Kshs. 4,628.39 million** in FY2026/27, FY2027/28 and FY2028/29 respectively.

Sub – Sector Development Requirements/Allocations (Amount KShs. Million)

Table 3.3 summarizes our requirements and allocation for capital projects in the medium-term: Currently the State Department has no development allocations as well as projected development resource requirement.

Table 3.1.4: Sub-sector Development Requirements/Allocations (Amount in KSh. Million)

Sub-Sector: State Department for Justice, Human Rights and Constitutional Affairs
Vote: 1253

Description	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Gross	0.00	0.00	0.00	0.00			
GoK	0.00	0.00	0.00	0.00			
Loans	0.00	0.00	0.00	0.00			
Grants	0.00	0.00	0.00	0.00			
Local AIA	0.00	0.00	0.00	0.00			

Analysis of Programmes and sub-Programmes (Current and Capital) Resource Requirements

Table 3.1.5 analyzes the sub-sector's resource requirements in programmes and sub-programmes:

Table 3.1.5: Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Requirements (KSh Million)

Sub-Sector: State Department for Justice, Human Rights and Constitutional Affairs

Vote: 1253

Programme	Approved Budget			Projection (Requirement)								
	2025/26			2026/27			2027/28			2028/29		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme 1: Governance, Human Rights and Constitutional Affairs												
SP.1: Access to Justice, Human Rights and Legal Affairs	205.93	0.00	205.93	705.94	0.00	705.94	953.03	0.00	953.03	1,085.69	0.00	1,085.69
SP.2: Constitutional Implementation Services	350.92	0.00	350.92	641.50	0.00	641.50	831.68	0.00	831.68	942.08	0.00	942.08
SP.3: Ethics, Integrity, Anti-Corruption and Economic Crimes	294.20	0.00	294.20	941.26	0.00	941.26	1,160.21	0.00	1,160.21	1,364.29	0.00	1,364.29
SP.4: Constitutional and Legal Reforms	169.38	0.00	169.38	1,001.88	0.00	1,001.88	954.66	0.00	954.66	1,236.33	0.00	1,236.33
Total Vote	1,020.44	0.00	1,020.44	3,290.58	0.00	3,290.58	3,899.58	0.00	3,899.58	4,628.39	0.00	4,628.39

Analysis of Programmes and sub-Programmes (Current and Capital) Resource Allocations

Table 3.1.6 analyzes the sub-sector's resource allocations in programmes and sub-programmes:

Sub-Sector: State Department for Justice, Human Rights and Constitutional Affairs

Vote: 1253

Programme	Approved Budget			Allocation								
	2025/26			2026/27			2027/28			2028/29		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme 1: Governance, Legal Training and Constitutional Affairs												
SP.1: Governance Reforms	693.78	0.00	693.78									
SP.2: Constitutional and Legal Reforms	326.67	0.00	326.67									
Total Vote	1,020.44	0.00	1,020.44									

Programmes and Sub-Programmes by Economic Classification

Table 3.1.7 summarizes the sub-sector's resource requirement and allocation in terms of programmes, sub-programmes and economic classification:

Table 3.1.7: Programmes and Sub- Programmes by Economic Classification (Amount in KSh. million)

Economic Classification	Resource Requirement			Resource Allocation		
	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Programme 1: Governance, Human Rights and Constitutional Affairs						
Current Expenditure	3,290.58	3,899.58	4,628.39			
Compensation of employees	307.07	319.35	332.13			
Use of goods and services	655.28	960.17	1184.53			
Grants and other transfers	1,818.23	2,091.10	2,377.16			
Other recurrent	510.00	528.95	734.58			
Capital Expenditure	0.00	0.00	0.00			
Acquisition of non-financial assets	0.00	0.00	0.00			
Capital grants to Government Agencies	0.00	0.00	0.00			
Other development	0.00	0.00	0.00			
Total Programme	3,290.58	3,899.58	4,628.39			
SP.1: Access to Justice, Human Rights and Legal Affairs						
Current Expenditure	705.94	953.03	1,085.69			
Compensation of employees	13.20	13.73	14.28			
Use of goods and services	117.76	243.98	296.05			
Grants and other transfers	574.98	695.32	775.37			
Other recurrent	0.00	0.00	0.00			
Capital Expenditure	0.00	0.00	0.00			
Acquisition of non-financial assets	0.00	0.00	0.00			
Capital grants to Government Agencies	0.00	0.00	0.00			
Other development	0.00	0.00	0.00			
Total Sub-Programme	705.94	953.03	1,085.69			

SP.2: Constitutional Implementation Services						
Current Expenditure	641.50	831.68	942.08			
Compensation of employees	23.03	23.95	24.91			
Use of goods and services	117.76	243.98	296.05			
Grants and other transfers	500.71	563.75	621.12			
Other recurrent	0.00	0.00	0.00			
Capital Expenditure	0.00	0.00	0.00			
Acquisition of non-financial assets	0.00	0.00	0.00			
Capital grants to Government Agencies	0.00	0.00	0.00			
Other development	0.00	0.00	0.00			
Total Sub-Programme	641.50	831.68	942.08			
SP.3: Ethics, Integrity, Anti-Corruption and Economic Crimes						
Current Expenditure	941.26	1,160.21	1,364.29			
Compensation of employees	80.96	84.20	87.57			
Use of goods and services	117.76	243.98	296.05			
Grants and other transfers	742.54	832.03	980.67			
Other recurrent	0.00	0.00	0.00			
Capital Expenditure	0.00	0.00	0.00			
Acquisition of non-financial assets	0.00	0.00	0.00			
Capital grants to Government Agencies	0.00	0.00	0.00			
Other development	0.00	0.00	0.00			
Total Sub-Programme	941.26	1,160.21	1,364.29			
SP.4: Administrative Services						
Current Expenditure	1,001.88	954.66	1,236.33			
Compensation of employees	189.88	197.48	205.37			
Use of goods and services	302.00	228.23	296.38			
Grants and other transfers	0.00	0.00	0.00			
Other recurrent	510.00	528.95	734.58			
Capital Expenditure	0.00	0.00	0.00			
Acquisition of non-financial assets	0.00	0.00	0.00			
Capital grants to Government Agencies	0.00	0.00	0.00			
Other development	0.00	0.00	0.00			
Total Sub-Programme	1,001.88	954.66	1,236.33			
Total Vote	3,290.58	3,899.58	4,628.39			

Analysis of Recurrent Resource Requirement vs Allocations for SAGAs

Table 3.1.8 shows the sub-sector's resource requirements and allocations for SAGAs in the medium-term:

Table 3.1.8: Analysis of Recurrent Resource Requirement vs Allocation of SAGAs (Amount KSh. Million)

Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Kenya Law Reform Commission							
GROSS	326.665	500.71	563.75	621.12			
AIA	0.10	0.10	0.10	0.10			
NET	326.57	500.61	563.65	621.02			
Compensation to Employees	201.45	224.21	227.21	230.3			
Other Recurrent	125.22	276.50	336.54	390.82			
Of Which:							

<i>Insurance</i>	0.00	0.00	0.00	0.00			
<i>Utilities</i>	22.5	25.85	28.95	32.42			
<i>Rent</i>	48.60	50.80	54.43	60.96			
<i>Subscriptions to international organization</i>	0.00	0.00	0.00	0.00			
<i>Subscription to professional bodies</i>	0.00	0.00	0.00	0.00			
<i>Contracted Professional (guards and cleaners)</i>	5.78	5.78	6.48	7.25			
<i>Gratuity</i>	2.68	2.68	3.00	3.36			
<i>Others</i>	45.655	191.39	243.68	286.83			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
National Anti-Corruption Campaign Steering Committee							
GROSS	24.81	140	170.33	198.8			
AIA	0.00	0.00	0.00	0.00			
NET	24.81	140	170.33	198.8			
Compensation to Employees	0.00	0.00	0.00	0.00			
Other Recurrent	24.81	140	170.33	198.80			
Of Which:							
<i>Insurance</i>	0.00	0.00	0.00	0.00			
<i>Utilities</i>	0.00	0.00	0.00	0.00			
<i>Rent</i>	3.09	3.10	3.20	3.40			
<i>Subscriptions to international organization</i>	0.00	0.00	0.00	0.00			
<i>Subscription to professional bodies</i>	0.00	0.00	0.00	0.00			
<i>Contracted Professional (guards and cleaners)</i>	0.00	0.00	0.00	0.00			
<i>Gratuity</i>	0.00	0.00	0.00	0.00			
<i>Others</i>	21.72	136.90	167.13	195.40			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Asset Recovery Agency							
GROSS	240.64	551.54	601.70	711.87			
AIA	0.00	0.00	0.00	0.00			
NET	240.64	551.54	601.70	711.87			
Compensation to Employees	-	186.84	201.80	221.98			
Other Recurrent	240.64	364.70	399.90	489.89			
Of Which:							
<i>Insurance</i>	0.10	0.11	0.12	0.13			
<i>Utilities</i>	0.80	0.88	0.97	1.06			
<i>Rent</i>	33.10	36.41	40.05	44.06			
<i>Subscriptions to international organization</i>	0.00	0.00	0.00	0.00			
<i>Subscription to professional bodies</i>	0.00	0.00	0.00	0.00			
<i>Contracted Professional (guards and cleaners)</i>	2.70	2.90	3.30	3.60			
<i>Gratuity</i>	0.00	50.00	50.00	50.00			
<i>Others</i>	203.94	274.40	305.46	391.04			

Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Victim Protection Board							
GROSS	18.36	100.00	103.00	106.09			
AIA	0.00	0.00	0.00	0.00			
NET	18.36	100.00	103.00	106.09			
Compensation to Employees	0.00	0.00	0.00	0.00			
Other Recurrent	18.36	100.00	103.00	106.09			
Of Which:							
<i>Insurance</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Utilities</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Rent</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Subscriptions to international organization</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Subscription to professional bodies</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Contracted Professional (guards and cleaners)</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Gratuity</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Others</i>	<i>18.36</i>	<i>100.00</i>	<i>103.00</i>	<i>106.09</i>			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Victim Compensation Fund							
GROSS	0.00	50.00	75.00	100.00			
AIA	0.00	0.00	0.00	0.00			
NET	0.00	50.00	75.00	100.00			
Compensation to Employees	0.00	0.00	0.00	0.00			
Other Recurrent	0.00	50.00	75.00	100.00			
Of Which:							
<i>Insurance</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Utilities</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Rent</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Subscriptions to international organization</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Subscription to professional bodies</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Contracted Professional (guards and cleaners)</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Gratuity</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Others</i>	<i>0.00</i>	<i>50.00</i>	<i>75.00</i>	<i>100.00</i>			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
National Coroners Service							
GROSS	18.00	180.00	219.30	228.88			
AIA	0.00	0.00	0.00	0.00			
NET	18.00	180.00	219.30	228.88			
Compensation to Employees	0.00	85.00	88.40	91.94			
Other Recurrent	18.00	95.00	130.90	136.94			
Of Which:							
<i>Insurance</i>	<i>0.00</i>	<i>12.00</i>	<i>13.00</i>	<i>14.00</i>			
<i>Utilities</i>	<i>0.00</i>	<i>1.00</i>	<i>1.20</i>	<i>1.50</i>			
<i>Rent</i>	<i>0.00</i>	<i>50.00</i>	<i>55.00</i>	<i>60.00</i>			
<i>Subscriptions to international organization</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			
<i>Subscription to professional bodies</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>			

<i>Contracted Professional (guards and cleaners)</i>	0.00	2.55	2.86	3.20			
<i>Gratuity</i>	0.00	0.00	5.00	5.50			
<i>Others</i>	18.00	29.45	53.84	52.74			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
Multi Agency Team (MAT) Secretariat							
GROSS	4.50	51.00	60.00	70.00			
AIA	0.00	0.00	0.00	0.00			
NET	4.50	51.00	60.00	70.00			
Compensation to Employees	0.00	0.00	0.00	0.00			
Other Recurrent	4.50	51.00	60.00	70.00			
Of Which:							
<i>Insurance</i>	0.00	0.00	0.00	0.00			
<i>Utilities</i>	0.00	0.00	0.00	0.00			
<i>Rent</i>	0.00	0.00	0.00	0.00			
<i>Subscriptions to international organization</i>	0.00	0.00	0.00	0.00			
<i>Subscription to professional bodies</i>	0.00	0.00	0.00	0.00			
<i>Contracted Professional (guards and cleaners)</i>	0.00	0.00	0.00	0.00			
<i>Gratuity</i>	0.00	0.00	0.00	0.00			
<i>Others</i>	4.50	51.00	60.00	70.00			
Economic Classification	Approved Estimates	Requirement			Allocation		
	2025/26	2026/27	2027/28	2028/29	2026/27	2027/28	2028/29
National Legal Aid Service							
GROSS	0.00	244.98	298.02	340.40			
AIA	0.00						
NET	0.00	244.98	298.02	340.40			
Compensation to Employees	0.00	149.59	155.57	161.80			
Other Recurrent	0.00	95.39	142.45	178.60			
Of Which:							
<i>Insurance</i>	0.00	10.00	12.00	13.00			
<i>Utilities</i>	0.00	0.75	0.78	1.70			
<i>Rent</i>	0.00	31.68	31.68	47.51			
<i>Subscriptions to international organization</i>	0.00	0.00	0.00	0.00			
<i>Subscription to professional bodies</i>	0.00	0.00	0.00	0.00			
<i>Contracted Professional (guards and cleaners)</i>	0.00	1.74	1.93	1.93			
<i>Gratuity</i>	0.00	16.35	50.52	63.81			
<i>Others</i>	0.00	34.87	45.54	50.65			

CHAPTER FOUR

CROSS SECTOR LINKAGES, EMERGING ISSUES AND CHALLENGES

4.1 INTRODUCTION

This Chapter provides the linkages between the sub-sector and other sub-sectors in the wider Governance, Justice, Law and Order Sector, as well as other Sectors. Further, the Chapter also highlights emerging issues and challenges faced by the Sub-sector.

4.2 CROSS SUB-SECTOR LINKAGES

The cross-sector linkages significantly facilitate the synergy for the implementation of programs and projects as anchored in the Constitution of Kenya, Vision 2030, the Fourth Medium Term Plan and the Bottom-Up Economic Transformation Agenda (BETA).

The cross sub-sector priorities are underpinned by the political pillar of the Vision 2030, which advocates for a rights-based, people centered, gender-sensitive & sustainable environment, good governance and constant review of legislation to improve the justice system. It plays a critical role by creating an enabling environment for political and social-economic development of the country. The BETA cross sub-sector priorities are reinforced by the inclusive growth pillar with access to justice to the indigent persons and good governance as the key enablers within the sub-sector.

The functions of the sub-sector are anchored in the Office of the Attorney-General Act, Cap 6A, and Executive Order No. 1 of 2025. In discharging its mandate, the sub-sector facilitates compliance with the rule of law and accountability, while promoting justice and good governance in line with the national values and principles of governance. Its functions include providing legal advice to government entities; promoting and protecting human rights; and advancing good governance, transparency, accountability, ethics, and integrity. Further, the sub-sector facilitates the implementation of the Constitution; spearheads policy, legal, and institutional reforms in the administration of justice; undertakes electoral reforms; and oversees legal education and the regulation of the legal profession. It also fosters a conducive legal and political environment through the development, implementation, and review of relevant legal and policy frameworks.

In realization of its vision, mission, goals and objectives and mandate, the sub-sector endeavors to strengthen the following cross sub-sector and sector linkages:

Provision of Legal Advisory Services

The Sub-sector provides legal advisory on matters relating to Human Rights and fundamental freedoms, the rule of law, criminal justice policies, ethics, integrity, anti-corruption strategies, economic crimes policies, constitutional implementation, democratic governance, access to justice and legal education. These services are offered to all state agencies including ministries, semi-

autonomous organizations, constitutional commissions and independent offices, county governments, Parliament and the Judiciary.

Protection of Human Rights

The Sub-sector develops, implements, and reviews policies, legislation, regulations, strategies, frameworks, norms, plans, standards, and programmes for the promotion of human rights, fundamental freedoms, and legal education. It drafts legal opinions, legal briefs, Cabinet memoranda, and statutory instruments on matters relating to human rights, fundamental freedoms, and legal education. The Sub-sector further advises on the formulation and ratification of regional and international treaties relating to human rights and fundamental freedoms, coordinates reporting obligations on human rights treaties to which Kenya is a party, and monitors as well as promotes the country's compliance with the rule of law and the protection of human rights.

Promoting Constitution Implementation

The Sub-Sector develops, implements, and reviews policies, legislation, regulations, strategies, frameworks, norms, plans, standards, and programmes for constitutional implementation, democratic governance, and access to justice. It advises on the formulation and ratification of regional and international treaties relating to democratic governance and access to justice, and monitors as well as promotes the country's compliance with constitutionalism, the rule of law, democracy, and the protection of the public interest. In addition, it conducts civic education on the Constitution with the aim of promoting a culture of constitutionalism.

Coordinating Anti-Corruption Strategies

The Sub-sector develops, implements, and reviews policies, legislation, regulations, strategies, frameworks, norms, plans, standards, and programmes for the promotion of ethics, integrity, and anti-corruption. It coordinates reporting obligations on anti-corruption treaties to which Kenya is a party, and monitors as well as promotes the country's compliance with anti-corruption strategies and the protection of the public interest. In addition, the sub-sector monitors and evaluates the implementation of policies, legislation, regulations, strategies, frameworks, norms, plans, standards, and programmes aimed at advancing ethics, integrity, and anti-corruption.

Coordinating Reporting Obligations on International and Regional Treaties.

The Sub-sector plays a central role in coordinating treaty reporting obligations arising from Kenya's ratification of various regional and international human rights, anti-corruption and good governance instruments. This coordination function requires close collaboration with other government sectors, independent commissions, and civil society organizations to collect data, consolidate information, and harmonize positions on progress made and challenges experienced in fulfilling and/or implementing treaty obligations.

Recovery of Proceeds and instrumentalities of Crime

The Sub-sector, through the Asset Recovery Agency, undertakes the identification, tracing, freezing, seizing, and confiscation of proceeds and instrumentalities of crime. This role is integral in the fight against economic crimes, money laundering, terrorism financing, and organized crime, in the Governance, Justice, Law and Order Sector, including investigative, prosecutorial, and judicial agencies.

Support to the Criminal Justice System

The sub-sector provides witness protection services through the Witness Protection Agency to ensure that witnesses provide evidence without fear of relation, to achieve this, the sub-sector coordinates with law enforcement, anti-corruption and regulatory authorities, including the EACC, the ODPP, the Directorate of Criminal Investigations and the Judiciary.

Promoting Law Reforms

The Sub-Sector develops, reviews and harmonizes laws to ensure conformity with the Constitution. It drafts and facilitates legislation required to operationalize constitutional provisions, provides technical advice to the national and county governments and collaborates with Parliament and other institutions in the legislative process. The Sub-Sector also undertakes public education to promote awareness and ownership of law reform initiatives while maintaining coherence in the legal framework to strengthen constitutionalism, the rule of law, and access to justice.

Enhancing Access to justice

Access to Justice is a critical pillar of poverty reduction and sustainable development. The Constitution of Kenya requires the Government to facilitate access to justice for all citizens especially for the poor, marginalized and vulnerable people in the society by providing legal aid to indigent persons.

The sub-sector oversees the provision of legal mechanisms for the protection of victims of crime and for reparation, compensation, special protection for vulnerable victims and the development of mechanisms for dissemination of information and provision of victim support services.

The National Coroners Service aims to ensure all unnatural and suspicious deaths are thoroughly investigated thereby safeguarding the constitutional right to life. By Promoting accountability and transparency, the service is expected to build public trust and uphold the principles of truth and fairness in the quest for justice.

Through the National Legal Aid Service (NLAS), the sub-sector coordinates and provides legal aid, therefore enhancing equality before the law and strengthening the realization of constitutional rights.

These interventions are closely linked to the work of other sub-sectors in the Governance, Justice, Law and Order Sector, including the Judiciary, the Office of the Director of Public Prosecutions, the National Police Service, and oversight institutions

Regulating Legal Education

The Sub-sector sets the policy and standards for legal education, oversees academic and professional training and coordinates continuous professional development for the legal sector to ensure the provision of well trained and skilled legal professionals to serve the public and private sector.

GJLO Sector Reforms Coordination

The Sub-sector is the focal point for GJLO Sector coordination. The Sector coordination function entails policy leadership and oversight of donor supported programs by providing linkages with development partners for purposes of resource mobilization and sector coordination.

4.3 EMERGING ISSUES

The Sub-Sector has identified the following emerging issues that are likely to impact on the implementation of its mandate over the 2026/27-2028/29 MTEF period:

Increased demand for Legal Services

Kenyans have become increasingly aware of their rights, resulting in significant increase in litigation against the government. This has escalated the demand for legal services to defend government policies, programs, actions and laws. Furthermore, the Judiciary's transition of the pro bono and pauper brief scheme to the National Legal Aid Service (NLAS) is expected to result in a substantial increase in case volumes requiring legal representation.

Alignment of Mandate with Resources

The Sub Sector, recently reorganized as a State Department under **Executive Order No. 1 of 2025**, has been assigned an expanded mandate and responsibilities compared to its previous functions under the State Law Office. This elevation requires a commensurate strengthening of both human and financial resources to enable the Department to effectively deliver on its broader scope of work.

As a newly formed entity, the Sub Sector must build the institutional capacity necessary to operationalize its functions, establish new structures, and provide effective service delivery. Adequate resourcing is therefore an immediate and pressing need to ensure the Sub Sector can fully execute its mandate and meet the expectations placed upon it.

Emerging and specialized areas of Law

There is a need for capacity building of state counsel on emerging and specialized areas of the law to provide informed legal expertise to the government. These include coal, green energy, blue economy, climate change, recovery of virtual assets from proceeds of crime, cybercrime, sovereign bonds, syndicated loans, data protection, public private partnerships, international investment agreements, Artificial Intelligence among others.

Money laundering and economic crimes have evolved into complex schemes to conceal and layer the proceeds and instrumentalities that require modern day financial intelligence gathering tools and expertise in analysis and litigation to achieve the mandate of recovery of proceeds of crime.

Data Protection and Cybersecurity

The Data Protection Act, Cap 411C provides for statutory compliance by MDACs by registering as Data controllers and Data processors as stipulated under Act and the Data Protection Policy-2018. The Act also establishes Data Protection Units in MDACs.

There has been a surge in cybersecurity threats such as data breaches and ransomware attacks, coupled with the need to navigate intricate regulatory landscapes for responsible data handling. There is a need to strengthen the policy and legislative framework to address and prevent cyber-attacks. There is also a need to create awareness and capacity to build the employees.

The Sub-sector is responsible for developing whistleblower protection legislation hence the need to ensure the personal data of individuals who report wrongdoing is protected in line with data protection requirements. Similarly, the sub-sector continues to provide victim protection services, which demands robust data protection measures to guarantee privacy, safety, and compliance with the law.

Digitalization of Services

There is a growing need for digitalization and automation of services within the sub-sector to enhance efficiency, transparency, and accessibility. Manual processes remain slow, resource-intensive, and vulnerable to errors, delays, and integrity risks. Digitalization and automation would not only streamline service delivery and reduce turnaround time, but also strengthen record management, improve data security, and expand access to justice through online platforms.

E-waste and sustainability concerns have also emerged as significant issues, alongside growing worries about data storage, analysis, and privacy. Furthermore, regulatory frameworks have struggled to keep pace with the rapid expansion of digital transformation to necessitate a more orderly digital environment.

Climate Justice

Climate justice is the linkage between climate change and social justice with a notion that those who are least responsible for climate change often suffer the most from its impacts. This now calls for a fair and equitable approach to tackling legal issues related to climate change and its impact. Under international human rights law, governments have legal and enforceable obligations to tackle the climate crisis, including by rapidly phasing out fossil fuels through a just transition to green energy that respects, protects and fulfills the human rights of all people, especially those most impacted.

4.4 CHALLENGES

During the period under review the sub-sector experienced the following challenges among others:

Inadequate budgetary allocation:

Failure to appreciate the unique nature of the State Department of Justice, Human Rights and Constitutional Affairs has led to inadequate budgetary allocation for the sub-sector

The Office is a new State Department created under Executive Order No. 1 of 2025 with an expanded mandate and responsibilities compared to the previous functions as a Department under the State Law Office.

The following are the effects of inadequate budgetary allocation:

- Low staffing level as well as high staff turnover across the whole spectrum of Sub Sector including the SAGAs;
 - Full operationalization of the CACCOCs in the 47 counties to conduct social audits has not been achieved, currently only 36 counties have been operationalized.
 - Inadequate office space and parking; Inability to renovate and rehabilitate existing buildings leading to inadequate office space. It has therefore become exceedingly difficult to accommodate staff. Inadequate office equipment; This has affected service delivery and productivity;
 - Inadequate provision of security to staff while attending matters in high risk areas;
 - Lack of training for officers on emerging legal issues
 - Lack of a well-equipped legal resource center to facilitate research for State Counsel in provision of services; and
 - Slow rate of developing and reviewing of legal and regulatory frameworks
- ii. Manual operations due to inadequate digitization and automation: Operations in are still being conducted manually leading to delayed service delivery.

- iii. High cost of managing recovered proceeds of crime: Recovery of proceeds of crime is a lengthy process which affects the value of preserved and forfeited/ confiscated assets through depreciation and dissipation. Management of seized, preserved and forfeited/ confiscated assets can be complex due to the varied nature of the assets and applicable laws. Inadequate legal and regulatory framework to address the use of block chain technology to disguise proceeds of crime.
- iv. The National Coroners Service Act has not been fully operationalized thereby hindering access to Justice in cases of unnatural and suspicious deaths.
- v. Lack of specialized tools, skills and competencies to identify, trace and recover proceeds and instrumentalities of crime that have been concealed in complex schemes within Decentralized finance (DeFi) ecosystem built on blockchain technology.
- vi. Continuous change and amendments to policy, legislative and institutional reforms including on emerging legal issues, hence the need to fast track the reforms or review of policies, legal and institutional frameworks in the sub-sector. The frequent change in policy and legislation requires public participation and budgetary allocation in order to enact legal instruments, if and when required and mostly on short notice.
- vii. The Victim Protection Act has not been fully operationalized, thereby hindering the effective provision of services to victims of crime

CHAPTER FIVE

CONCLUSION

The sub-sector plays a key role in ensuring a conducive legal environment for socio-economic and political development by providing legal advice to the government and the public, overseeing the fight against corruption and promoting the rule of law.

The sub-sector significance will be reinforced in BETA priorities during FY 2025/2026 and the Medium-Term period and is committed to scaling up the implementation of the provisions of the 2010 Constitution, strengthen the rule of law, increase access to justice, ensure respect for human rights; peace, justice and strong institutions.

The resource requirement for the sub-sector for recurrent expenditure is projected to be **Kshs. 3,290.58 million, Kshs. 3,899.58 million and Kshs. 4,628.39 million** in 2026/2027, 2027/2028 and 2028/2029 respectively.

The Sub-Sector will strive to prioritize key programs and projects in line with the National Development Agenda, which will contribute to a safe environment for Kenyans and Development Partners to engage in various national development, and economic investments.

In the FY 2025/26 the sub-sector was allocated **Kshs. 1,020.44 million**, the funds will be utilized to fund the activities of the sub-sector.

To enhance service delivery, the sub-sector intends to embrace automation and digitization of its critical services, strengthen, upgrade and modernize its offices and resource centers. This will enhance the quality of representation of the national government in civil proceedings by prioritizing facilitation of state counsel to attend court all over the country in addition to improving service delivery to the government and public.

However, in its quest to execute its mandate effectively, the Office faces a number of challenges such as inadequate budgetary provision, lack of office space and equipment, high turnover of skilled personnel, lack of a legal resource center and library to facilitate research and quality legal education, inadequate budgetary provision for capacity building of the State Counsel on the emerging areas of law such as climate change, cyber-crime, digital currency, inadequate resources to conduct public awareness and sensitization on the legal processes and services available in the sub-sector, increased workload, slow pace of decentralization, and inadequate transport facilities.

To address these challenges, the Sub-sector needs to be allocated additional budgetary resources in the FY2026/27 and Medium-Term period to implement its mandate.

CHAPTER SIX

RECOMMENDATIONS

In order to realize the aspirations of the Constitution of Kenya, Vision 2030, Sustainable Development Goals (SDGs), MTP IV and the Government's BETA agenda, the Sub-Sector will continue to prioritize the investment in programs and projects that will contribute to the nation's productivity and prosperity. Therefore, the following recommendations are made;

- i. Enhanced budget allocation to facilitate the completion of planned programmes and activities and also improve the working environment;
- ii. Develop a resource mobilization strategy for the Sub-sector;
- iii. Improve the terms and conditions of service for employees;
- iv. Capacity build staff especially in emerging and specialized areas of law through re-establishment of the specialized training budget line;
- v. Automation of functions and upgrade of ICT infrastructure;
- vi. Fast-track expeditious investigations and determination of cases instituted to recover proceeds and instrumentalities of crime through co-operation and collaboration with justice actors and stakeholders to mitigate against depreciation and dissipation of preserved and forfeited assets;
- vii. Enhance budgetary allocation to address legal and institutional reforms identified to address the country's inadequacies by the Financial Action Task Force (FATF), such as inadequate investigations and prosecutions, and limited powers to recover proceeds and instrumentalities of crime. This robust legal and institutional framework is a key step toward re-aligning Kenya with international AML/CFT standards and exiting the FATF grey list.
- viii. Resolve any potential legal and diplomatic technicalities that affect the execution of mutual legal assistance in the identification, seizure, recovery and repatriation of proceeds of crime stashed in other jurisdiction; and
- ix. Fully Operationalizing the National Coroners Service
- x. Policy, Legislative and Institutional Reforms: Through collaborations, there is a need to fast track the reforms or review of policies, legal and institutional frameworks in the sub-sector.
- xi. Fully Operationalize the Victim Protection Act

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