

RECENT DEVELOPMENTS

How Far are Kenya's Courts? Distance as a Barrier to Justice in Kenya

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Abstract

Access to justice for many Kenyans remains a challenge due to the infrastructural and geographic reach of court services throughout the country. This recent development paper presents a spatial proximity analysis that quantifies the distribution of Kenya's population proximate to the nearest court as an illustrative indicator of access to justice. The results estimate that about 3.5 per cent (1.7 million) of Kenya's population reside more than 100 kilometres to the nearest physical courthouse, with the average distance to the nearest court per person being 22 kilometres. These considerable travel distances create significant barriers to justice, especially for rural populations, which are further aggravated by limited access to information and low levels of legal literacy. The paper concludes by discussing the current approaches, such as leveraging information and communication technologies, to expand access to court services, improve case information availability and ultimately enhance last-mile justice delivery for Kenyans living in remote regions.

Keywords: access to justice; barriers to justice; court infrastructure; distance; Kenya; spatial proximity analysis

Introduction

Access to justice is a persistent challenge for many Kenyans due to limited court infrastructure and the geographic distribution of services across the country. Poor quality transport infrastructure, the amount of time and associated transport costs to physically access formal courts or legal services are marginalizing barriers for Kenya's less affluent and rural populations.¹ Recognizing the issues of distance and physical barriers for Kenyans seeking court services, Kenya's judiciary has strategically prioritized the geographical spread of courts to enhance accessibility.² Little attention has been paid, however, to quantifying the extent of Kenyans' remoteness from court infrastructure, despite advances in geospatial data and analyses. Against this backdrop, this paper aims to illustrate access to justice issues associated with physical remoteness from courts and bring attention to the needs for more efficient and targeted court infrastructure development.

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1 Sida *A Guide to Equal Access to Justice Programmes* (2010); Katiba Institute and University of Nairobi "Alternative approaches to access to justice in Kenya: A cost-benefit analysis" (2021).

2 The Judiciary of Kenya "State of the judiciary and the administration of justice annual report 2021–2022" (2022).

The cumulative direct and indirect costs of travel to access local courts is a significant factor discouraging poorer citizens from seeking redress through official court processes, and thereby frustrating their fundamental right to access and receive justice.³ Distance to courts and associated travel times can have disproportionate and inequitable impacts on Kenya's citizens, depending on whether they live in urban or rural areas, whether they have access to means of transportation and their economic situation. Costs such as transportation fares, accommodation fees and time spent away from work can undermine the capacity of individuals to pursue legal and formal remedies. The impact of such distances on courtroom actors can also have compounding secondary effects throughout the local justice system by creating case delays, rescheduling and lengthy detention periods. Moreover, poorer citizens are disproportionately impacted when courts are not designed to accommodate for the extra time needed by those with physical disabilities and slower transport (eg, walking) and when court processes are not adaptable to their needs over long distances.

Exacerbating the issue of costs associated with distance to courts in Kenya are the inefficiencies and poor information communication channels that necessitate frequent in-person visits to courts, especially in rural areas. Limited communication channels for minor matters, court procedures, case status updates and required documentation often force individuals to repeatedly visit the courthouse for clarification, resulting in significant individual time spent, effort and resources. Without clear guidance or centralized platforms for accessing relevant information, litigants may be left with few options but to navigate the complexities of the legal system through trial and error, needlessly visiting courthouses, leading to frustration and inefficiency. Altogether, these experiences contribute to rural perceptions of legal ineffectiveness and unwillingness to participate in formal legal processes.

Kenya has indeed made significant efforts to improve court infrastructure, deploy mobile courts and digitalize courtroom processes; however, basic legal resources remain elusive to some of the poorest citizens. An illustrative example is the local court calendar, commonly referred to as the "causelist". Published on a daily, weekly or bi-weekly basis (depending on the schedule of the given court), the causelist is an important part of court operations as it presents the schedule of cases to be heard.⁴ Currently, the causelist is available online through the Kenya Law website and the Kenyan judiciary's E-filing Public Information Kiosk, however, for those without internet, airtime, laptops or computers, or those less digitally literate, these citizens must visit the court station's physical notice board for trial dates and times.

The link between accessibility and court proximity is well-established in qualitative studies.⁵ However, spatial proximity analysis of Kenya's population relative to courthouses represents a novel illustration of Kenya's justice accessibility issues. Borrowing from proximity analyses in other sub-Saharan African public service accessibility contexts,⁶ a spatial proximity analysis provides advantages in producing measurable benchmarks and disaggregated regional insights for which locales require specific development attention.

3 UN General Assembly Report of the Special Rapporteur on Extreme Poverty and Human Rights (August 2012) UN Doc A/67/278.

4 EN Onchana "Case study – National Council for Law Reporting (Kenya)" (2011).

5 W Scharf et al "Access to justice for the poor of Malawi?" (2002, Department of International Development), available at: <<https://gsdrc.org/document-library/access-to-justice-for-the-poor-of-malawi-an-appraisal-of-access-to-justice-provided-to-the-poor-of-malawi-by-the-lower-courts-and-the-customary-justice-forums/>> (last accessed 20 November 2016); JW Nyongesa, G Odongo and K Ondimu "Exploring the impact of court proximity on access to justice: A qualitative study" (2020) 15/2 *Journal of Legal Studies* 123; M Kimathi, A Nyongesa and K Ondimu "The influence of court accessibility on legal outcomes: A qualitative analysis" (2018) 20/3 *Journal of Law and Society* 245.

6 R Ettarh and J Kimani "Influence of distance to health facilities on the use of skilled attendants at birth in Kenya" (2016) 37/2 *Health Care for Women International* 237, DOI: [10.1080/07399332.2014.908194](https://doi.org/10.1080/07399332.2014.908194); A Maleyo, K Omoke and J Mo "Accessibility analysis of childbirth service centers using geospatial techniques in rural Magadi, Kenya" (2023) 4/2 *East African Journal of Science, Technology and Innovation*.

Table 1. Number of physical court locations, by function, in Kenya

Type	Count
Court of Appeal	1
Supreme Court	1
Employment and Labour Relations Court	12
Small Claims Court	13
Kadhi's Court	35
Environment and Land Court	37
High Court of Kenya	45
Chief Magistrates Court	156

Methods and data

This paper adopts a spatial approach that compares the locations of Kenya's courts with the geographic distribution of the country's population.

Court data

The data for Kenya's court locations are sourced from the National Council for Law Reporting in Kenya (also known as Kenya Law Institute (KLI)). The KLI is a state agency that is officially mandated as the official publisher of the Kenya Law Reports and the Laws of Kenya.⁷ Specifically, the list of courts, their locations and their official function (eg, magistrate courts, employment and labour relations, etc) are taken from the KLI's published notices from individual courts throughout the country. Table 1 summarizes the number of courts, by function, from the KLI data.

Population distribution data

Utilizing remote sensing and geographic information systems, gridded population data serves as a powerful resource for high-resolution spatial information on population distribution. The Gridded Population of the World (GPWv4) data set is used for this study's population distribution data, which provides Kenya's distribution (counts and densities) of the human population on a continuous surface.⁸ A 15 arc-min grid is used, which encompasses an area approximately 27 kilometres squared. In total, Kenya's national boundaries encompass 780 gridded squares. The GPWv4 population count variable for the year 2020 is used in this study.

The data indicates that Kenya's population totalled 54.6 million, with a median density of 15,474 individuals per grid square. Most populous grids were in Nairobi City County, with one grid square estimating 3.6 million individuals, where the least populated grid squares were located in the northern and southern border regions.

Analytical strategy

Each of the courts from the KLI data was mapped to its association locational grid cell in the GPWv4 dataset. Then, for each grid cell within the boundaries of Kenya, the distance to the nearest court was

7 "About us" *Kenya Law*, available at: <<https://www.kenyalaw.org/kl/index.php?id=115>> (last accessed 30 April 2025).

8 E Doxsey-Whitfield et al "Taking advantage of the improved availability of census data" (2015) 1/3 *Papers in Applied Geography* 226, DOI:[10.1080/23754931.2015.1014272](https://doi.org/10.1080/23754931.2015.1014272).

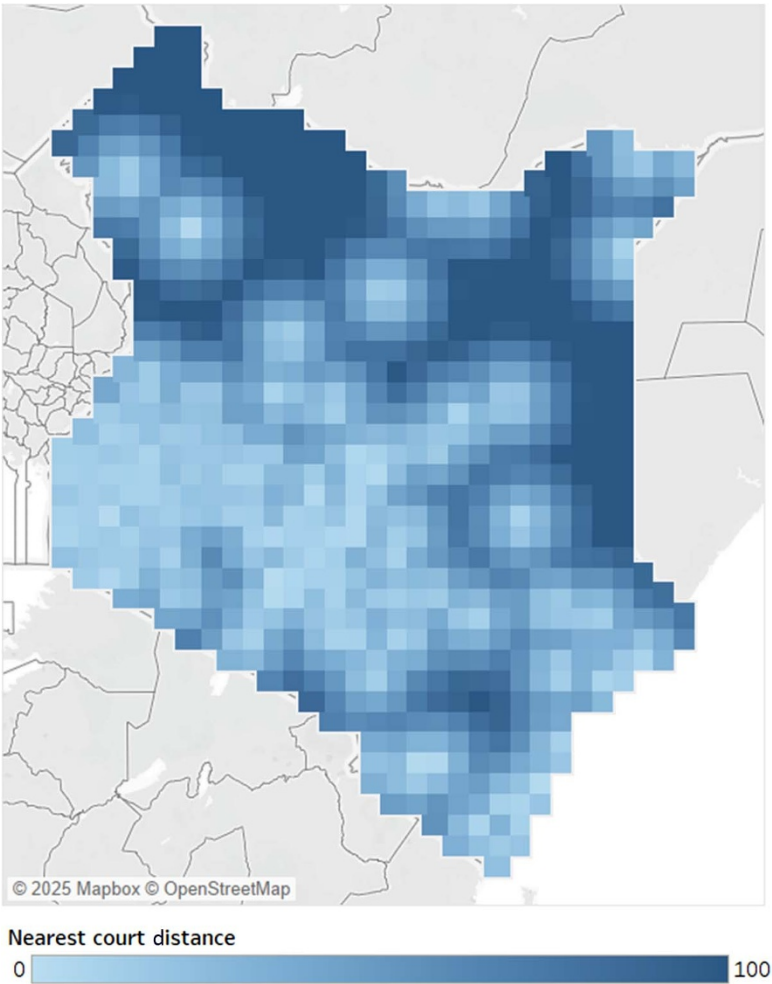


Figure 1. Spatial distance to nearest general court.

calculated. The population count for that grid cell is then said to be “within X distance of the nearest court”. This provides this study’s basic “court accessibility” indicator.

An additional indicator is generated based on the different territorial jurisdiction of the multiple stations of the High Court. Given that the above-described indicator may mean that certain areas in one jurisdiction may actually be relatively closer to another jurisdiction’s court, it is necessary to capture the distance to the court, which is likely to realistically hear the legal case relevant to that specific territory. For this, each grid cell is mapped to a Kenyan county – which corresponds with the territorial jurisdiction of a High Court – and then the distance from that cell to the nearest High Court station within that county is calculated. This gives the High Court accessibility indicator.

We also choose arbitrary reporting cutoffs of 50+ and 100+ kilometres to present the results of the analysis. While transport quality and time are not explicit in our analysis, we highlight these two cutoff figures as they can be considered to require the entire day’s commitment from a roundtrip traveller in Kenya, especially in more rural areas.

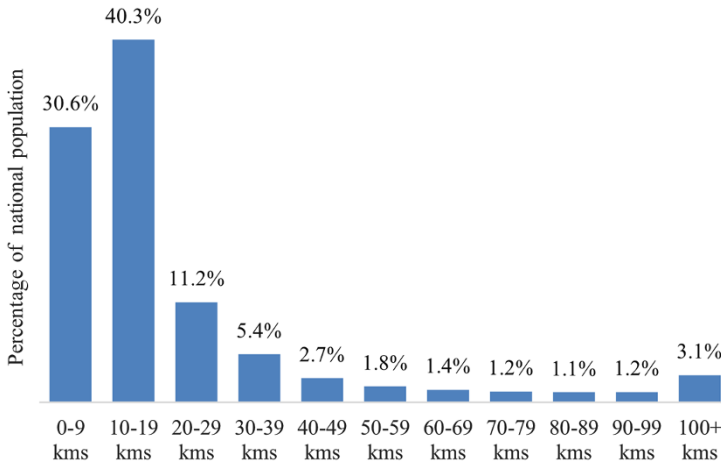


Figure 2. Percentage of national population and distance to nearest general court.

Results

Figure 1 presents the results of the spatial analysis of grid cell population and grid distance to any court. Darker regions of the visualization identify grid cells that are further from the nearest court. Figure 2 presents the grid cell distances as a percentage of the national population. The results show that the average distance, weighted by grid population, to the nearest general court per person in Kenya is 22.0 kilometres. Also, approximately 70.9 per cent of Kenya's population are located within 20 kilometres of the nearest court. However, it was also found that nearly 9.8 per cent of the population (approximately 5.3 million citizens) are located further than 50 kilometres from the nearest court, and 3.1 per cent of the population (approximately 1.7 million citizens) are located more than 100 kilometres from the nearest court.

We also present the results of the relative distance to the same territorial jurisdiction of the High Court in Figures 3 and 4. The results of the county-relevant court spatial proximity present a more extreme picture of distance for Kenyan citizens throughout the country. The average distance, weighted by grid population, to the nearest High Court per person in Kenya is 24.4 kilometres. Similar to the data on distance to a High Court, the average distance to county courts conceals extreme values for a sizable proportion of the population. While 69.6 per cent of the population is located within 20 kilometres of a High Court, 10.9 per cent (approximately 5.9 million citizens) of the population are located more than 50 kilometres from a High Court and 4.3 per cent (approximately 2.3 million) are located more than 100 kilometres from a High Court.

Table 2 presents the population figures in selected counties that were identified to be more than 100 kilometres from the High Court, and from any court. The figures suggest that the largest population furthest from courts are Wajir and Mandera. The table shows that of Kenya's total population, 2,357,314 individuals live more than 100 kilometres away from their county's High Court, and 1,671,694 individuals live more than 100 kilometres away from any court. Over two million people are experiencing a disproportionate impact due to the distribution of courts, particularly those residing in remote or rural areas. An increased distance to courts may result in delayed legal proceedings, heightened costs and difficulties in securing legal representation for populations within each of these counties. Of particular concern is the high populations who do not have immediate access to their county High Court, because these are the courts that address civil, criminal and constitutional matters. So, it is likely that these are the courts used by people with the widest array of legal needs.

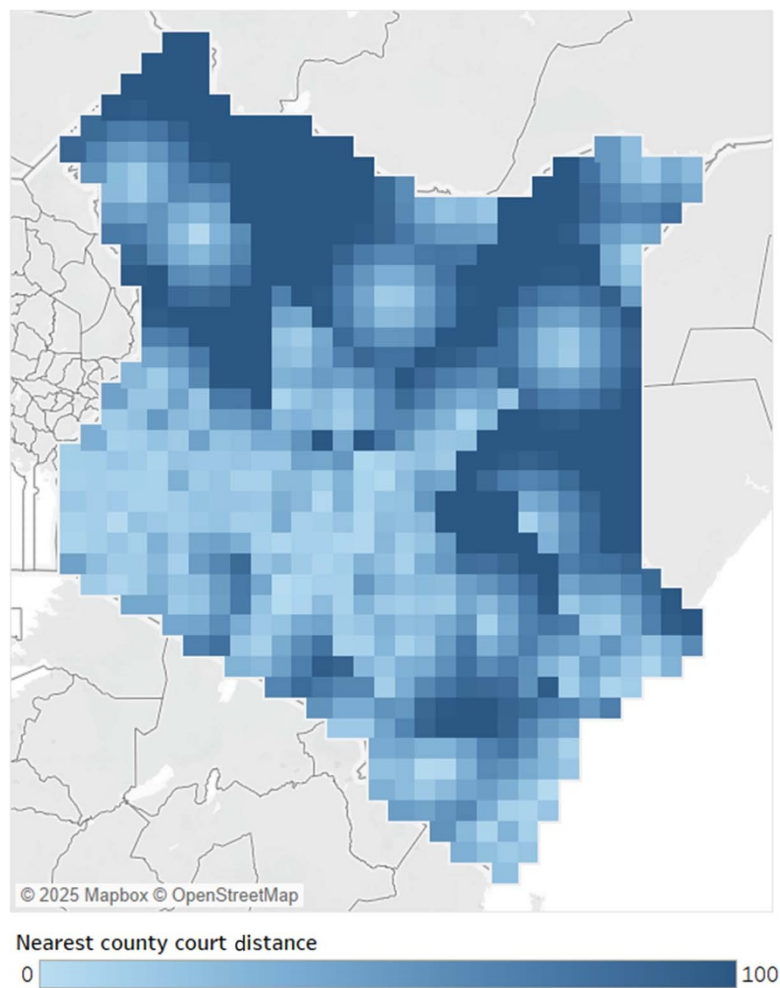


Figure 3. Spatial distance to the nearest High Court in the same county.

Study limitations

Geographic accessibility to courts is only one component of access to justice in Kenya. While this study has used distance as a proxy variable for associated costs to legal reach and participation, access to justice encompasses several other important factors. Recent research indicates that beyond geographic accessibility, factors such as legal literacy, affordability of legal services, systemic corruption and procedural efficiency significantly impact access to justice in Kenya. According to a 2023 study of access to justice in Kenya, systemic inefficiencies and corruption remain critical barriers, with the judiciary scoring low on both efficiency and efficacy scales.⁹ Another study highlights that legal reforms and increased investment in digital legal services can improve efficiency, but the implementation must be coupled with measures to address corruption and enhance procedural transparency.¹⁰

9 RTI International *Access to Justice in Kenya: Overcoming Systemic Barriers* (2023).
10 The Legal Education Foundation *Legal Reforms and Digital Services: Pathways to Efficiency and Transparency in Kenya’s Judiciary* (2023).

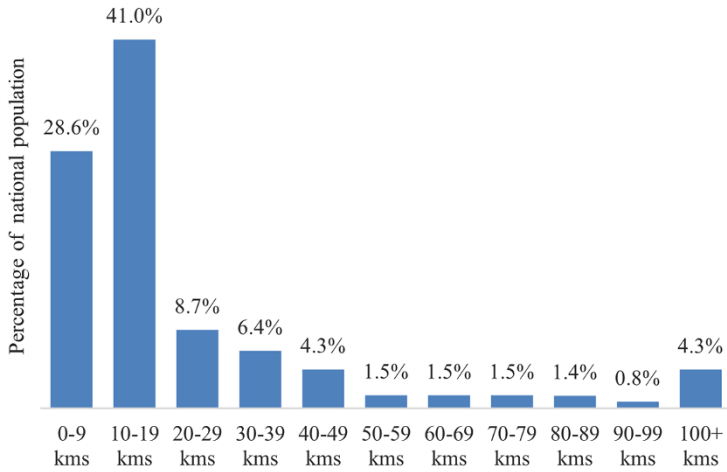


Figure 4. Percentage of national population and distance to nearest High Court in the same county.

Table 2. Select counties with population more than 100 kilometres from physical courthouse locations

County	Population more than 100 kms from same county High Court	Population more than 100 kms from any court
Wajir	684,487	796,001
Garissa	528,246	306,383
Mandera	440,862	281,505
Turkana	315,966	166,032
Tana River	151,690	122
Marsabit	113,509	91,383
West Pokot	68,131	29,304
Isiolo	30,442	964
Baringo	23,980	-
Total	2,357,314	1,671,694

Therefore, enhancing access to justice in Kenya is likely to require a multifaceted approach that goes beyond improving geographic access, and focuses on reducing corruption, improving legal literacy and increasing the affordability and efficiency of legal services throughout the country to enhance the overall efficiency and efficacy of the justice system in Kenya.

Discussion

This study was motivated by the need to assess how distance influences Kenyans' ability to access court services. Many individuals must travel great distances simply to obtain basic legal information, such as causerslists, underscoring the pivotal role distance plays in limiting access to justice. To reduce these barriers, policymakers need to consider strategies that support remote access to up-to-date legal resources.

One promising avenue involves expanding digital legal services available to Kenyans. Sourdin, Li and McNamara found that COVID-19 disruptions prompted courts worldwide to pivot from traditional face-to-face proceedings to online processes, while continuing to prioritize access to

justice.¹¹ This global shift underlines new opportunities for how Kenyans can engage with the judicial system. Incorporating more comprehensive IT solutions for case registration and management can help address Kenya's historically overburdened courts. Examples of mobile-based services already exist: Kenyan apps that provide constitutional information, as well as programmes using mobile phones, GPS and SMS technology to resolve disputes in remote rural areas.¹²

Remote access to court information also helps to reduce distance-related challenges. In particular, using SMS or USSD-based platforms would allow individuals – including those without internet connectivity – to retrieve case details and hearing schedules. This approach is critical given that Kenya's internet coverage is at 42 per cent and many rural or low-income individuals rely on basic feature phones. A study by Sauti East Africa, for instance, shows that only 18 per cent of rural micro, small and medium enterprises have smartphones, further demonstrating that reliance on internet-based portals would exclude large segments of rural populations.¹³

Overall, ensuring equitable access to justice requires not only bridging physical distances but also providing robust information platforms that cater to the varying accessibility needs of Kenyans. By combining mobile-friendly technologies with broader public education efforts on legal rights, the judicial system can better serve the estimated 2.3 million Kenyans who live more than 100 kilometres from their county High Court and the 1.7 million who reside equally far from any court. We discuss some of these inclusive strategies in the next section.

Overcoming distance as a barrier to justice

Given the considerable distance to the courts for many citizens in Kenya, some measures show promise for justice practitioners and solution designers in Kenya.

Single Window Services

A promising approach to address the access to courts issue is the setup of integrated services, or Single Window Services – facilities that offer multiple administrative services and reduce the number of steps in the process while facilitating coordination among different offices. They are usually the first point of contact with public institutions for public service seekers, and are staffed with medical personnel, social workers and police officers who have received special training to work as one integrated body.¹⁴ In Kenya, the one-stop-shop model (or Huduma centre) began with access to a few services including the issuance of national identity cards and birth certificates, applications for business licenses and registration of business names, issuance of police abstracts and an application for renewal of driver's licenses, among others. The government has thus far established 52 one-stop-shop kiosks in many counties across the country.¹⁵ The Kenyan justice system could consider introducing legal service provision at these one-stop-shops, especially in availing records that can allow for cases to be tracked.

Mobile courts

To establish more accessible routes to justice, especially for those in rural and remote areas, mobile courts have been used in a number of countries, including Somalia, Sierra Leone, Pakistan, Peru and

11 T Sourdin, B Li and DM McNamara "Court innovations and access to justice in times of crisis" (2020) 9/4 *Health Policy and Technology* 447, DOI: [10.1016/j.hlpt.2020.08.020](https://doi.org/10.1016/j.hlpt.2020.08.020).

12 J Beqiraj and LJ McNamara "International access to justice: Barriers and solutions" (2014, Bingham Centre for the Rule of Law, International Bar Association).

13 Sauti East Africa "Smartphone adoption among traders in Kenya and Uganda" (2022), available at: <https://sautiafrica.org/wp-content/uploads/2019/09/Smartphone-Adoption-Among-KEUG-Traders-SAUTI-EAST-AFRICA.pdf> (last accessed 30 April 2025).

14 UN Women and the Council of Europe *Framework for Measuring Access to Justice Including Specific Challenges Facing Women* (2016, UN Women).

15 I Mwangi "Govt to introduce fee for services at Huduma Centres, CS Kuria says" (16 October 2023) *Capital News*.

the Democratic Republic of Congo. Staffed by regular judges and court personnel, mobile courts travel to underserved communities on scheduled days when hearings can be held. The function of mobile courts is to address minor property disputes, alimony and custody issues and other family disputes. In Peshawar, Pakistan, UN Development Programme-supported mobile courts do not charge litigation fees and offer the option of resolving the issue through mediation, instead of waiting for a formal decision. In Sierra Leone, Somalia and the Democratic Republic of Congo, mobile courts have been used to help rebuild the justice machinery after a period of conflict during which institutions had collapsed, physical infrastructure had been destroyed and human resources were scarce. In particular, in the Democratic Republic of Congo addressing widespread sexual violence, which already overloaded and understaffed regular courts were unable to address, mobile courts have been deployed to overcome the barriers of locating courts that are out of reach for many.¹⁶

Specialized courts and special procedures

The creation of adequately funded specialized courts staffed with properly trained specialized personnel is another tool to increase access to justice and improve experience of justice. Simplified procedures, lower or no fees and special provisions for speeding up the process (fast-tracking) make these courts more easily accessible and adaptable to the needs of vulnerable communities. Other benefits of specialized courts include the possibility of developing high competencies among judicial professionals who focus on a particular area, and the visibility of these courts, as evidence shows that in some cases their functions are better known to the public than those of ordinary courts. Family courts are probably the most common example of specialized courts and exist (either as a separate court or as sections of ordinary courts) in countries as diverse as Afghanistan and Morocco.¹⁷

Enhanced uptake of information and communications technology among the public

Despite the digital revolution of the Kenyan Government that put most of its services online via the E-Citizen portal, there are still many Kenyans that use devices that cannot access the internet or who cannot afford the cost of internet connectivity. Information and communications-based technologies (ICT) that are designed to meet the legal requirements of individuals can be innovatively leveraged to reduce barriers to information sources that improve equitable participation in the legal justice system.¹⁸ Provision of legal information using accessible and innovative mobile-based solutions that are efficient, cost-effective and fast to deploy will enhance access to rights for the vulnerable communities. The justice system should seek to leverage the use of technology to facilitate access to justice for clients who do not have access to internet services. Additionally, the digital upscaling of court operations through the adoption of mobile technology could effectively counter poor case management and support clients' access to basic case information before court proceedings.

Supporting virtual court access

While growing ICT adoption among Kenyans is encouraging, its benefits for legal access depend heavily on strengthening ICT infrastructure in the courts. A robust ICT system also enhances virtual court accessibility for all stakeholders. This includes improving the courts' capacity to disseminate information, thus promoting transparency by making vital legal resources readily available online.¹⁹

16 M Maya "Mobile courts in the Democratic Republic of Congo: Complementarity in action?" (2012, American Bar Association Rule of Law Initiative).

17 UN Women and the Council of Europe *Framework for Measuring Access to Justice*, above at note 13.

18 NM Baraza and K Kimani "National report" *Global Access to Justice*, available at: <<https://globalaccesstojustice.com/global-overview-kenya/>> (last accessed 30 April 2025).

19 M Wanyonyi and C Naeku "Leveraging on digital technology in administration of justice" (1 July 2021) KIPPRA, available at: <<https://kippra.or.ke/leveraging-on-digital-technology-in-administration-of-justice/>> (last accessed 30 April 2025).

In addition, stronger ICT infrastructure supports effective e-filing, e-service of documents, digital displays, real-time transcripts, video and audio conferencing, and the electronic delivery of rulings and judgments.²⁰ By providing key information and making court procedures more accessible, better ICT infrastructure helps break down barriers to justice and ensures broader public engagement in the legal process.

Conclusion

The Government of Kenya has recently placed a strong emphasis on accessibility of court services since the onset of the COVID-19 pandemic. However, the remote provision of court services is becoming a more important factor in the future because of the negative impacts of lack of access that may become increasingly pronounced in the future. This study has shown that there are a significant number of people who are left out of Kenya's justice system due to distances that are unreachable by most individuals within a timely manner. More than 2.3 million Kenyan citizens were estimated to be more than 100 kilometres from the nearest county High Court, providing an extreme illustration of the distance-related obstacles that citizens are likely to face when seeking justice.

The digitalization of case management and improvement of judicial approaches to technology can contribute to greater access to justice including the right to have access to information and the right to be tried without undue delay. This includes employing mobile technological innovations to provide "quick", "efficient" and "affordable" information on cases to be heard. The recommendations made by this study highlight opportunities to implement single window services, mobile courts, specialized courts and special procedures, and an enhanced uptake of ICT among the public, to reduce the geographic barriers to effective and equitable justice.

Beyond the issue of physical distance, there is also a critical need for robust knowledge of legal rights and available remedies. Achieving universal access to justice goes beyond building more physical courts; it requires effective formal and informal mechanisms that provide fair outcomes. By incorporating new technologies, such as digital case management and remote legal aid services, and by strengthening public awareness of legal rights, Kenya can reduce barriers related to distance, information and service delivery. These combined efforts are likely to ensure a more inclusive and equitable justice system for all Kenyans throughout the country.

Competing interests. None

20 K Muigua "Embracing technology for enhanced efficiency and access to justice in the legal profession" (2022), available at: <<http://kmco.co.ke/wp-content/uploads/2022/06/Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-in-the-Legal-Profession-Dr.-Kariuki-Muigua.pdf>> (last accessed 30 April 2025).