

**RECORDS MANAGEMENT AND HUMAN RIGHTS AT KENYA
NATIONAL COMMISSION ON HUMAN RIGHTS**

BY

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DECLARATION

DECLARATION BY THE CANDIDATE

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ABSTRACT

Proper management of records is crucial for good governance as well as the attainment of human rights in all societies. However, the mismanagement of records in most institutions today continues to undermine human rights. The aim of the study was to investigate the extent to which records management underpins human rights activities undertaken by Kenya National Commission on Human Rights (KNCHR) and to make recommendations aimed at enhancing human rights through the strengthening of records management.

The specific objectives of the study were to: conduct business process analysis in order to establish the human rights activities undertaken by KNCHR and the types of records created or received; establish what records are considered useful in upholding human rights at KNCHR; establish the policies and procedures put in place by KNCHR and the extent to which they safeguard KNCHR records and information. The study also sought to identify challenges faced by human rights officers when obtaining information pertaining to human rights and to suggest a records management framework for managing human rights related records at KNCHR.

The study was based on two models namely: the Records Continuum Model and the Calvert-Henderson Human Rights Indicator. Literature review was structured around records management and human rights themes. The study population sample size constituted thirty two (32) respondents drawn from KNCHR headquarters. The study utilized face-to-face interview and analysis of documentary sources. Qualitative and quantitative approaches were used to analyze, present and interpret data.

Key findings of the study showed that records underpinned all the activities at KNCHR, provided evidence and led to the protection of human rights. The study established that KNCHR was faced with various challenges such as limited funding and inadequate records management staff, issues that needed to be addressed urgently. The study concluded that there was a strong connection between sound records management and human rights. The study recommended development of policies and procedures to provide a holistic way of managing records at KNCHR.

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LIST OF ABBREVIATIONS

AI: Amnesty International

FIDA: Federation of Women Lawyers

FoI: Freedom of Information

LSK: Law Society of Kenya

KNCHR: Kenya National Commission on Human Rights

KNA&DS: Kenya National Archives and Documentation Service.

RCM: Records Lifecycle Model

RCM: Records Continuum Model

TI: Transparency International

ICT: Information Communication Technology

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DEDICATION

To my dear parents for their unconditional love.

CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.0 INTRODUCTION

This chapter provides background information to the study. It gives an overview of records management and human rights and background information about Kenya National Commission on Human Rights (KNCHR)

1.1 OVERVIEW OF RECORDS MANAGEMENT AND HUMAN RIGHTS

The ability of governments to protect the rights of its citizens and improve citizen-government interaction is a crucial issue. The rights and entitlements of citizens are based on records and the ability of a government to continue to respect these rights and entitlements is based on the quality and the policies, standards and practices employed for the care of those records.

Every person is entitled to certain rights – simply by the fact that they are human beings. These are "rights" because they are things you are allowed to be, to do or to have. These rights are therefore, protection against people who might want to harm or hurt us. They are also there to help us get along with each other and live in peace. Many people know something about their rights. They know they have a right to be paid for the work they do and they have a right to vote. But there exist many other rights. When human rights are not well known by people, abuses such as discrimination, intolerance, injustice, oppression and slavery can arise. Born out of the atrocities and enormous loss of life during World War II, the Universal Declaration of Human Rights was created by

the United Nations to provide a common understanding of what everyone's rights are. There exist other conventions such as the European Convention on Human Rights (1954) and the International Covenant on Civil and Economic Rights (1966), African Charter on Human and Peoples' Rights among others. This forms the basis for a world built on freedom, justice and peace.

1.1.1 Records, and Records Management

In the context of this study, a record is defined by the ISO 15489-1:2001 standard as information created, received and maintained as evidence and information by an organization or person pursuant to legal obligations or in the transaction of business. Many other authors including Shepherd and Yeo, (2003), IRMT (1999) all content that records can exist in any medium and in many forms

Yusof and Chell (1999) state that there is yet no single definition of records management acceptable to all. However similar definitions have been presented by various authors and institutions (ISO 15489-1 (2001), AS 4390-1996) that could serve as working definitions.

The Australian Standard defines records management as a discipline and Organizational function of managing records to meet operational business needs, accountability requirements and community expectations. In this definition the key terms such as meeting community expectation is very crucial as far as promotion of human rights in society is concerned.

For the purpose of this research, records management will be based on ISO 15489-1 (2001) which points out that records management is the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records including the process of capturing and maintaining evidence of information about the business activities and transactions in the form of records.

Poor records management has been known to have its consequences. Kallaus (1987) contents that poor recording keeping can lead to:

- Loss of information resulting to loss of evidence.
- Waste of resources-financial and physical.
- Inadequate and poor decision making due to inadequate information.
- Loss of confidence among customers due to loss or misplacement of their records.
- Demoralized staff as a result of long and tiring duration taken in search of and retrieval of records.
- Poor recording of corporate memory

1.1.2 Human Rights

Human rights are universal legal guarantees that require protection and safe-guarding from abuse and violence. Fagan (2006) defines Human rights as 'Basic moral guarantees that people in all countries and cultures allegedly have simply because they are people. Calling these guarantees "rights" suggests that they attach to particular individuals who

can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary this often held in a universal sense. He further asserts that Human rights aim to identify both the necessary negative and positive prerequisites for leading a minimally good life, such as rights against torture and rights to health care.

In the Kenyan context, “Human rights” means the fundamental rights and freedoms of any individual protected under the constitution and any human rights provided for in any international instrument to which Kenya is a signatory; (the Kenya National Commission on human rights Act, No. 9 of 2002.)

1.1.3 Records Management and Human Rights

Proper, management of records is crucial for good governance as well as the attainment of human rights in our societies today. Records that are accumulated and used by government are reflective of the activities undertaken and the process that have or are being initiated on behalf of the public. Management of these records enables government to operate in a transparent fashion and the being able to account to the public who brought it to power.

The absence of records impacts upon transparency and accountability of government. The baseline of this argument is that where there are no records, there is no transparency and accountability. Where there is no transparency and accountability, there is no good governance and human rights will be undermined.

Oburo (2008) believes that records are used to:

- Benchmark its progress and that of organizations and individuals working for it.
- Protect the rights and obligation of the public, its partners and itself.
- Support programs meant to advance the will of the public
- Enable the public gain an insight into the centuries and processes government does in their name.
- Prevent, eliminate or reduce fraud.
- Support accountability
- Support and uphold transparency
- Provide evidential support during a litigation process
- Preserve corporate memory, culture and history of a people and finally.
- Fulfill FoI Compliance.

Wamukoya (2007) notes that poor records keeping results to: poor decision making; lack of transparency and accountability; theft, corruption and plunder of resources; mistrust of the organization and those who run it; frustrations amongst staff, stakeholders and citizens; poor productivity and failure to meet obligations and mandates; vulnerability to lawsuits. All these among others jeopardize the promotion of human rights.

1.2 BACKGROUND INFORMATION ON KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

The Kenya National Commission on Human Rights (the National Commission) is an independent national human rights institution established by the government through an

Act of Parliament, namely the Kenya National Commission on Human Rights Act 2002. Its core mandate is to further the protection and promotion of human rights in Kenya. Many countries have similar bodies that audit the government on human rights.

1.2.1 Vision

The vision of KNHRC is, a strong and vibrant human rights culture founded on equality and social justice for all

1.2.3 Mission

The mission of KNCHR is to be an independent national institution established by an Act of Parliament to lead in protecting and promoting human rights in Kenya. The Commission will contribute to the establishment of a society that respects human dignity, social justice and equal opportunity.

To achieve this, the Commission will, among others, conduct:

- Investigations and provide redress.
- Research and monitoring on compliance of human rights norms and standards.
- Human rights education and training.
- Campaigns, advocacy, and collaboration with other stakeholders.

1.2.4 Core Values

The Commission has identified the following core values, which it undertakes to; fully integrate in all its work. These values are: independence, accessibility, humility,

professionalism, gender equity, accountability, participation, equality and people centeredness.

1.2.5 Programmes in KNCHR

KNCHR has the following programmes:

1.2.5.1 Campaigns and Advocacy Programme

The campaigns and advocacy program contributes towards reduction of systemic human rights violations which is currently a key strategic focus of the Commission. Due to their systemic nature, these violations affect an immense section of the Kenyan population especially the vulnerable groups. Currently, the program focuses on the following key areas:

- Transitional justice
- Reform of law enforcement institutions
- Anti-Corruption political accountability
- National integration

1.2.5.2 Complaints and Investigations Programme

The complaints and investigations programme receives complaints of alleged violation of human rights, investigates them and advises the commission on possible options for redress.

Complaints investigated by the KNCHR include:

- complaints against security agencies (police, armed forces, prison warders); complaints on discrimination on grounds such as race, class, gender; complaints

relating to abuse or misuse of power by government officials; complaints about denial of rights recognized in national law and international treaties which Kenya has ratified.

- Complaints falling outside the mandate and the national commission's admissibility criteria such as land disputes are referred to relevant partner civil society organizations (CSOs), government departments or public bodies for their appropriate action.

1.2.5.3 Economic, Social and Cultural Rights Programme

The program fulfils its mandate to protect and promote economic, social and cultural rights by designing interventions that:

- Address violations of economic, social and cultural rights often providing broad policy responses since ECOSOC rights are often the subject of systemic violations with broad causes and effects, they therefore require systemic responses.
- Monitor the realization of economic, social and cultural rights through systematically tracking and assessing state performance against benchmarks and targets.
- Promoting economic, social and cultural rights i.e. Creating awareness and imparting knowledge about human rights.
- Conduct research and produce publications on economic, social and cultural rights.

1.2.5.4 Human Rights Education Programme

The human rights education department's mandate is set up under the Kenya National Commission on Human Rights Commission Act 2002 under section 16 1(c) that states: The functions of the Commission shall be "to inform and educate the public as to human rights for the purpose of enhancing respect for such rights by means of a continuing program of research, publication, lectures, symposiums and by such other means that the commission may deem fit." This task is fulfilled by the informing the public on human rights issues and capacity building for different Government agencies.

1.2.5.5 Media and Communications Programme

The media and communications program of the Kenya National Commission on Human Rights (KNCHR) is a sub-program in the institutional capacity strengthening program. The purpose of the sub-program is to plan, develop and implement the commission's internal and external communications strategy in order to support and promote the work of the national commission using appropriate communications channels and tools. The program designs appropriate communication and media strategies to facilitate responsive communication with and between relevant internal and external publics with a view to create consistency between the commission's goals, objectives, philosophy and societal expectations. Among the activities the program conducts include the following:

1.2.5.5.1 Research, Policy and Legislation Programme

Key activities include:-

- Conducting research into human rights issues and making recommendation for policy or law reform. Reviewing existing and proposed legislation to ensure it conforms to human rights standards and principles.
- Conducting annual assessments on the state of human rights in Kenya and issuing reports to the president, parliament and the public.
- Publishing journals and position papers on human rights issues.
- Overseeing development of the national action plan for human rights.
- Facilitating and monitoring government's compliance with international human rights obligations.

1.2.5.5.2 Administration, Finance & Procurement Section

This section is charged with:

- Liaison with other sections and program officers in preparation of the commissions budgets from work plans.
- Managing the budget throughout the year ensuring that the budget is not overrun in due course.
- Sourcing for funds from treasury and donors.
- Preparing financial reports and interpreting them to commissioners, staff, donors and the general public for decision making.
- Preparing the procurement plan and ensure that the Commission's requirements are catered for throughout the year.

- Facilitating financially and logistically, the program officers in their day to day operations.

1.2.5.6 The Redress Programme

The Redress Program co-ordinates the commission's redress mechanisms which include the complaints hearing panel (Tribunal), alternative dispute resolution, public inquiries and other redress activities relating to human rights violations as captured in Section 25 of the KNCHR Act.

1.2.6 Staffing

KNCHR headquarters has a total of 80 members of staff. Among them are 8 commissioners, 30 interns and the rest are staff in various departments. KNCHR has other offices based at Kapenguria and Wajir. Out of the 80 staff members 8 of them are commissioners. The Chairperson, deputy and secretary are all picked by the other commissioners.

1.2.7 The State of Human Rights

Amnesty International's State of the World's Human Rights 2008 , shows that sixty years after the Universal Declaration of Human Rights was adopted by the United Nations, people are still tortured or ill-treated in at least 81 countries, face unfair trials in at least 54 countries and are not allowed to speak freely in at least 77 countries. "The human rights flashpoints in Darfur, Zimbabwe, Gaza, Iraq and Myanmar demand

immediate action," said Irene Khan, Secretary General of Amnesty International, launching AI Report 2008: State of the World's Human Rights

McKinnon (1994) asserts that poor record keeping attracts corruption like flies to a carcass. This implies poor records management exacerbates one of Africa's greatest concern corruption. The situation of human rights in Africa is generally reported to be poor, and it is seen as an area of grave concern according to the UN, governmental, and non-governmental observers. Democratic governments seem to be spreading, though are not yet the majority. Many nations have at least nominally recognized basic human rights for all citizens, though in practice these are not always recognized, and have created reasonably independent judiciaries.

Extensive human rights abuses still occur in several parts of Africa, often under the oversight of the state. Most of such violations occur for political reasons, often as a 'side-effect' of civil war. Notable countries with reported major violations include, but are not limited to, the Sudan, and Côte d'Ivoire. Reported violations include extrajudicial execution, mutilation, and rape. The African Commission on Human and Peoples' Rights is an international body which seeks to provide supranational monitoring and rights to citizens of Africa.

Human rights in Kenya are far better than in most of Africa today though political freedom is still curtailed. The current government has worked to improve the human rights environment in Kenya and has significantly reduced the use of the legal system to harass government critics. The Daniel arap Moi administration consistently received international criticism of its record on human rights. Under Moi, security forces

regularly subjected opposition leaders and pro-democracy activists to arbitrary arrest, detention without trial, abuse in custody, and lethal force.

The police force is widely viewed as the most corrupt entity in the country, given to extorting bribes, complicity in criminal activity, and using excessive force against both criminal suspects and crowds. Most police who commit abuses still do so with impunity. Prison conditions remain life threatening. Apart from police and penal system abuses, infringements of rights in the course of legal proceedings are widespread, despite recent pressure on judicial personnel.

Law Society of Kenya report (2008) shows that freedom of speech and of the press continue to be compromised through various forms of harassment of journalists and activists. Violence and discrimination against women are rife. The abuse of children, including in forced labor and prostitution, is a serious problem. Female genital mutilation (FGM) remains widespread, despite 2001 legislation against it for girls under 16. The abuse of women and girls, including early marriage and wife inheritance, is a factor in the spread of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS). Kenya made some progress in 2003, when it set up the Kenya National Human Rights Commission, with a mandate to ensure Kenya's compliance with international human rights standards. Also, parliament passed the Children's Act to ensure the protection of minors, as well as the Disability Act, outlawing discrimination against the disabled.

1.3 STATEMENT OF THE PROBLEM

Records play an indispensable role in societies today. The ability to maintain their integrity and authenticity is therefore crucial. The Kenyan government has always come under constant criticism for abuse of human rights. World report (2008) reported human rights abuses such as infringement of mass media, rampant corruption, poor governance and electoral processes, mistreatment of refugees, violation of women and children rights, unconstitutional eviction of individuals from rightful land and other historical social injustices. Actions to address Kenya's longstanding problems with corruption continue to be desultory. World report (2008) has further reported that Corruption has spread to the extent of being a serious obstacle to the rule of law and the sustainability of public institutions. Human rights abuses are seriously linked also to various forms of the illegal use of public property for private gain by small groups of politicians, public officers and others.

The Law Society of Kenya (LSK) report (2008) has indicted the Government over human rights violations in aspects relating to freedom of expression and association. In its 2008 human rights report, the society pointed to the 2006 raid on The Standard and KTN offices by state agents'. The report further castigates the police for discriminately dispersing public meetings organized by the opposition and the civil society.

The Kenya National Human Right Commission has been charged with the responsibility of being a watchdog on behalf of the citizens of Kenya; however it has always been at loggerheads with the government in issues relating to human rights

abuses and has been releasing parallel reports on this issue. The successes of these reports and their ability to stand the test of time depends on access by the human rights activists to crucial records in government ministries, hospitals, police, among other sources. Apart from access the information should be authentic and of high integrity to ensure that claims being made are from reliable foundation. But research has highlighted that records management in Kenya remains poor despite efforts by Kenya National Archives and Documentation Services to streamline record keeping situation in the country, a lot remains to be done. In Kenya there exists other acts such as the secret Act rule and the Kenya National Archives and Documentation Act (KNA&DS) cap 16 of the laws of Kenya that provide conditions on access to public records. However the KNA&DS Act has been criticized for its 30 year access rule and thus seen as jeopardizing the realization of human rights. KNA&DS Act also needs amendments to cater for the dynamic changes that have taken place in the world. For human rights activities to run smoothly, good records management practices need to be put in place including adequate access policies such as Freedom of Information legislation, which Kenya is yet to implement.

The problem of poor records management in our institutions therefore presents a potential research area that needs intensive and extensive investigations. This is necessary to establish the to evaluate the extent to which records underpin promotion of human rights, to determine the place and role of records management in promotion of human rights and subsequently submit appropriate recommendations to improve the situation.

1.4 AIM AND OBJECTIVE OF THE STUDY

1.4.1 Aim of the Study

The study aim was to investigate how records management underpins human rights activities at KNCHR and suggest recommendations aimed at enhancing human rights through sound records management.

1.4.2 Objectives

To achieve the aim of the study, the researcher was guided by the following specific objectives:

- To conduct a business process analysis in order to find out the types of records created or received at KNCHR
- To establish what records are considered useful in upholding human rights at KNCHR.
- To find out the role that records play in promoting human rights at KNCHR.
- To find out the importance of good records management practices in upholding human rights activities at KNCHR.
- To investigate the policies and procedures put in place in Kenya National Commission of Human rights aimed at safeguarding their records and other information.
- To identify challenges faced by Human Rights Officers in obtaining information pertaining to human rights at KNCHR.
- To suggest a records management framework for managing human rights related records at KNCHR.

1.5 RESEARCH QUESTIONS

To achieve the above objectives, the study sought to answer the following questions:

- What are the main business activities of KNHR and what types of records are generated /received?
- What role do records play in promoting human rights and what can be suggested as the importance of good records management practices in upholding human rights?
- What records are considered useful in promoting human rights?
- What policies and procedures have been put in place in Kenya National Commission of Human rights to safeguarding records and information?
- What challenges are faced by human rights staff when obtaining information pertaining to human rights?
- What are the possible recommendations on improving records management in order to strengthen human rights?

1.6 ASSUMPTIONS

The researcher carried out the study with the following assumptions in mind:

- Good records management is essential in upholding human rights at KNCHR.
- Inadequate records management policies and practices in most institutions are impacting negatively on human rights activities at KNCHR.
- Poor records management undermines attainment of human rights at KNCHR.

1.7 SCOPE AND LIMITATIONS

1.7.1 Scope

KNCHR has other offices in Wajir and Kapenguria and has its officers spread out in every district. KNCHR manages its branches (Wajir and Kapenguria) from the headquarters hence most of the records are kept at the headquarters. It's for this reason that the study will be confined at KNCHR headquarters.

1.7.2 Limitation

Literature done in the line of this study objectives is scarce, because previous studies of this nature are few.

1.8 SIGNIFICANCE OF STUDY

The study has demonstrated the importance of good records management in promoting good governance, accountability and transparency and further highlights the existing linkage between records and human rights.

This study, to the best of the researcher's knowledge, forms a pioneering work in the study of the relationship between records management and human rights. Information generated in this study is expected to assist policy makers and decision makers at KNCHR and other government institutions in addressing challenges faced by staff and users of records.

It is further anticipated that the study will be of significance to KNCHR in evaluating their own records management policies and procedures. It will also serve as a reference tool on decisions about records management practices undertaken by human rights bodies in other countries.

The study has also made appropriate recommendations that are considered useful in supporting records management and human rights and has provided a records management model that links records management and human rights

1.9 CONCLUSION

This chapter has provided the background information and introductory information to the research. The chapter lays foundation for the study and it has provided information that will set the pace for the study and serves as the basis of subsequent chapters.

CHAPTER TWO

LITERATURE REVIEW

2.0 INTRODUCTION

This chapter reviews literature. It also provides the theoretical framework upon which the study was based. The study is based upon two models namely the records continuum model and the Calvert-Henderson Human Rights Indicator. The aim of this literature review is to assist the researcher uncover methodologies that have successfully been used by other research investigation with similar research problem and in the processes suggest new approaches to conducting research.

2.1 THEORETICAL FRAMEWORK

Hannabus (1995) points out that any research work should be based on some theoretical framework. Theory provides a starting point for research. According to (Mugenda and Mugenda 1999) a theory is a system explaining phenomena which state constructs to one another. Theories are basically the basis to which models are formed.

A model can be said to be a hypothetical description of a complex process or entity. It is the act of representing something. Katz and Harvey (1994) describe a model as a phenomenon that is abstracted from the details of reality. In scientific research, Kemoni (2008) citing Cozby (2001) that theories serve four purposes: description, explanation, prediction and control. A number of theories have been developed over the years. The following models are discussed in this research.

2.1.1 Records Management Theories

There exist several models of managing records that include record life cycle concept, the records continuum model among others. The research will discuss some of the models.

2.1.1.1 Records Lifecycle Model

The life cycle was articulated by Theodore Schellenberg in the early 1960s. This model postulates that, records have a life similar to that of a biological organism: that is, it is born (creation phase), it lives (maintenance and use phase) and it dies (disposition phase).

There are four phases to the life cycle of records.

- i. **Creation:** Records begin the life cycle when they are created or received.
- ii. **Active Records:** Active records are needed frequently. They are retrieved at least once per month, so they are stored in readily accessible office spaces.
- iii. **Semi-Active/Inactive Records:** Semi-active records are not needed for day-to-day business. Organizations need to keep them for reference, for legal reasons, or for financial reasons. They are not used often enough to justify their being stored in prime office space and equipment. Semi-active records are often stored at a lower cost in a records centre. Semi-active records are sometimes called “inactive records.”
- iv. **Final Disposition:** Final disposition is the action that takes place when records have no more value to an organization. Final disposition can involve: Physical destruction of the records or transfer of the records to Archives.

Criticism of the Records Life Cycle Model

Upward (2000) and McKemmish (1998) postulates the following shortcoming of the record lifecycle model:

Suggesting that records die: Some critics have noted that not all records die. Some are often retained indefinitely because of their enduring value. Because of the divisions of the records life in to compartments/stages/phases, it has been argued that this is artificial because often this stage often interweave in to one another.

McKemmish (1998) further asserts that this perpetuates an artificial distinction between records maintained for business purpose and those maintained for cultural, historical and informational purposes. By extension it represents an artificial division between the work of records management and that of archivist.

2.1.1.2 Records Continuum Model (RCM)

The RCM was developed as a result of weaknesses in the records life cycle model. Australia Records Management Standard AS4390 that refers to a records continuum as a consistent and coherent regime of management processes from the time of the creation of records (and before creation, in the design of recordkeeping system) through to the preservation and use of records as archives (AS4390 1996, part 1: clause 4.22).

Mckemmish (1998) believes that a record continuum model is a model of archival science that emphasizes overlapping characteristics of record keeping, evidence, transaction and the identity of the creator. The records continuum model de-emphasizes the time-bound stages of the life cycle model.

Upward (1996) states the following as four principles of the records continuum model:

- A concept of 'record' which is inclusive of records of continuing value (archives), which stresses their uses for transactional, evidentiary and memory purposes, and which unifies approaches to archiving/recordkeeping whether records are kept for a split second or a millennium.
- A focus on records as logical rather than physical entities, regardless of whether they are in paper or electronic form.
- Institutionalisation of the recordkeeping profession's role requires a particular emphasis on the need to integrate recordkeeping into business and societal processes and purposes.
- Archival science is the foundation for organising knowledge about recordkeeping. Such knowledge is revisable but can be structured and can be explored in terms of the operation of principles for action in the past, the present and the future.

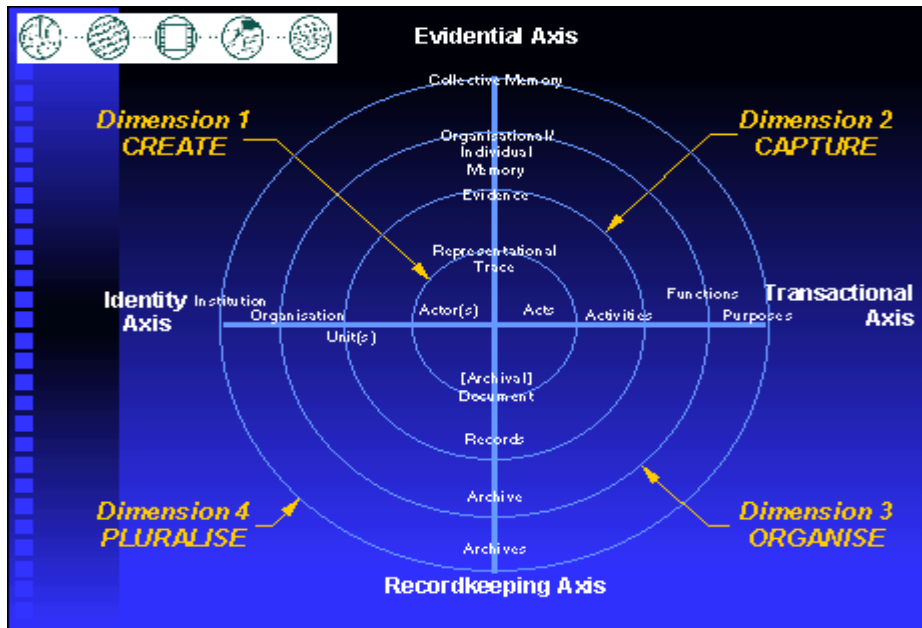


Figure1. The Records Continuum Model

The Records Continuum Model diagram (Adapted from McKemmish S (1998) *Yesterday, Today & Tomorrow: A Continuum of Responsibility*. Available at <http://www.sims.monash.edu.au>)

The model has four axes dealing with archivists' concerns on four major themes in archival science: evidentiality, transactionality, identity, and recordkeeping containers. Four dimensions of the continuum are identified as: document creation, records capture, the organisation of corporate and personal memory, and the pluralisation of collective memory.

Pederson (1999) points out that such a model has four basic recordkeeping functions: Control Access Disposal Storage.

- Control: Capture, identification, organisation and control.

- Accessibility: Ensuring access and usability.
- Disposal: Setting up provisions (appraisal criteria and disposal policies or procedures) for “capturing” appropriate records and for “cleansing” the regime of records that are no longer needed, whether for business, regulation or cultural/historical purposes.
- Storage: Maintaining record authenticity, integrity and usability over time.

Criticism of the Model

It can be used to justify restructuring job cuts or changes in workplace structuring thus invalidating its usefulness. The model generates a certain fear in the records and archive industry, based on the notion premise that record managers share both the territory and professional competencies, thus posing a threat to the autonomy.

Justification of Continuum Model as Theory of Choice for the Study

Despite the above criticism, this model has gained acceptance world wide as the best practice for managing both archives and electronic records. The record continuum theory is the preferred best of practice model for this study.

Shepherd and Yeo (2003), believe that the continuum model is flexible and inclusive concept that reflects a whole range of issues surrounding the role of records in contemporary society. It emphasizes the same principles apply to management of all records, whether newly created or inherited from the past.

Shepherd and Yeo (2003) further assert that the continuum offers a holistic view of record keeping.

Origins of the model: RLC Evolved from the need to effectively control and manage physical records after Second World War II (half a century ago) whereas RCC evolved from the more demanding need to exercise control and management over electronic records for digital era (today)

Elements of records definition: The records life cycle is focused more on the Physical entity whereas the records continuum model is focused on Content; Context and Structure.

Major concerns in records management: Records-centred, product-driven, Focus on records as tangible physical entities, the physical existence of records and records themselves. It's more of Paper world whereas the records continuum model is Purpose-centred, process & customer driven. Focus on nature of records, the recordkeeping process, the behaviours and relationships of records in certain environments. It also covers the digital world.

Recordkeeping process: In life cycle there are clearly definable stages in recordkeeping and creates sharp distinction between current and historical recordkeeping whereas in the continuum model there should be integration of recordkeeping and archiving processes.

2.1.2 Human Rights Model

The literature does not present a lot on human rights model other than treaties, declarations and charters developed. However the study will discuss the human data model and the Calvert-Henderson Human Rights Indicator in which the study will also be based on.

2.1.2.1 Human Rights Data Model

The human rights data model is a structure used to represent a single deposition of human rights. It has three main components: victim, violation, and perpetrator.

A complainant, interviewee, or deponent gives information to a human rights organization about a human rights event. The violent events may have happened only to the complainant or to other people. Each person against whom one or more of the abuses were committed is a victim.

The abuses may have occurred at one time or several different times and at one place or several different places. Additionally, the abuses may have occurred in the same time and place as abuses happening to other victims, or this victim may have been the only victim during some or all of the events. Each violent thing happening to a single victim is called an act or violation.

Zero, one, or many identifiable perpetrators may have committed each act. The perpetrators may be identifiable as individuals or organizations and may have committed one or several acts in the complainant's narrative. Each victim may have

suffered at the hands of the identifiable perpetrator(s) and each perpetrator may have committed violence against one or several victims.

2.1.2.1.1 Benefits of a Human Rights Data Model

The human rights data model is important as human rights violation data is extremely complex and trying to simplify this model can lead to distortions, which can bias the analysis. As a project collects interviews, many deponents may describe some of the same victims, violations, and perpetrators. The wrong way to handle this problem is to delete the "redundant" or "duplicate" information. The overlapping information contains extremely valuable statistical information that can be used for multiple systems estimation.

Instead of deleting the overlapping information, the overlaps must be identified, and the organization doing the work must make judgments about what is truly unique and what interviews describe the same events and violations.

2.1.2.2 The Calvert-Henderson Human Rights Model

The model was adopted from the Calvert-Henderson Quality of Life Indicators, which is a contribution of the worldwide effort to develop comprehensive statistics of national well-being that go beyond traditional macroeconomic indicators. A systems approach is used to illustrate the dynamic state of our social, economic and environmental quality of life. The dimensions of life examined include: education, employment, energy,

environment, health, human rights, income, infrastructure, national security, public safety, re-creation and shelter.

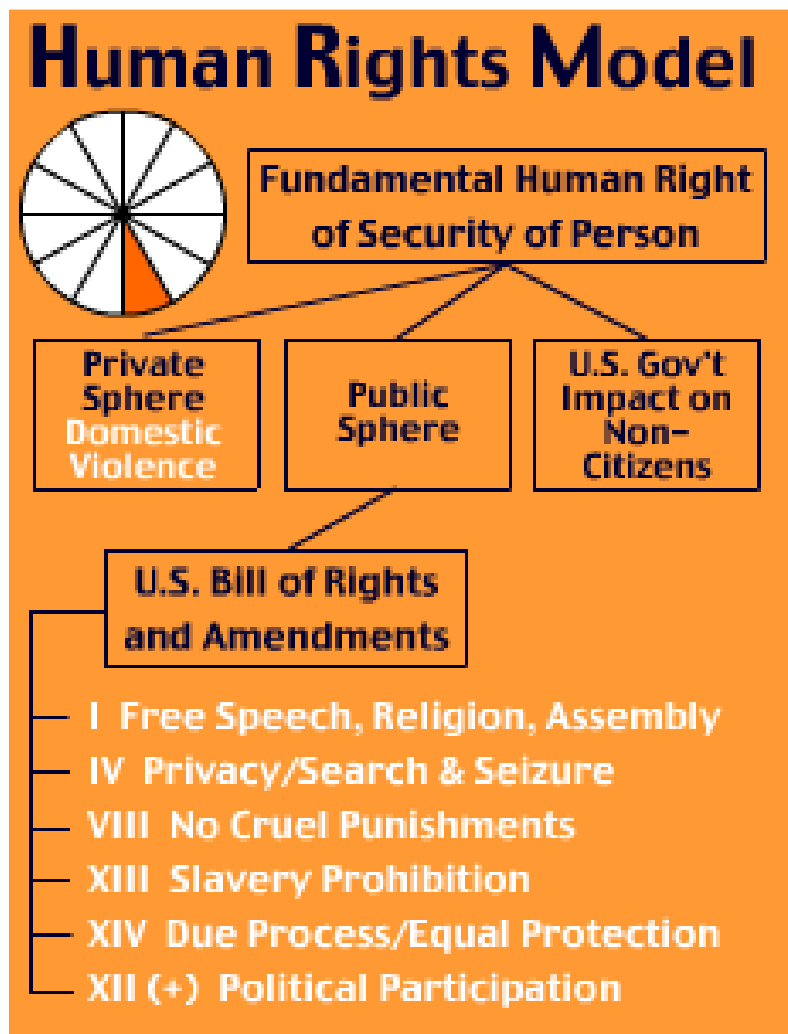


Figure 2: Human rights Model

Source Human Rights Model. (Adapted from the Calvert-Henderson Quality of Life Indicator). Available at: <http://www.calvert-henderson.com/humanr.htm>.

The model postulates that defining human rights is controversial, particularly because it is deeply rooted in moral philosophy, notions of justice, and respect for human beings.

The Calvert-Henderson Human Rights Indicator provides a tool for viewing and evaluating our rights in the United States. The indicator examines the state of human rights in broad areas: fundamental rights to security of person in the private sphere (e.g., freedom from domestic violence, access to food, nutrition, medical care, and clothing) and the U.S. Bill of Rights and other amendments to the Constitution established to protect our rights in the public sphere (e.g., freedom of expression, religious freedom, rights of assembly, voting rights).

The indicator covers incarceration data, the death penalty, prison labor, racial/gender discrimination, rights of American Indians and other indigenous people, mistreatment of prisoners and aliens, as well as voting rights, participation in politics, and the growing influence of money and special interests.

The Human Rights model also embraces an evolving international view embodied in the International Bill of Rights (1996) and the Universal Declaration of Human Rights (1948), which cover civil, political, economic, social, and cultural rights. These and other issues have become a keystone of U.S. foreign policy as we begin to see movement toward a reformulation of human rights in ways that integrate not only the private and public rights of women, men, and children but also political, social, and economic rights and responsibilities.

2.1.2.2.1 Application of the Calvert-Henderson Human Rights Model as choice of Model

The Calvert-Henderson Human Rights Indicator has been used as a tool for viewing and evaluating human rights in the United States and has been found to be working well. Hence it can be adopted by other countries.

The indicator examines the state of human rights in broad sense hence covering all aspects of human rights in a holistic manner. This tool is embodied the Universal Declaration of Human Rights (1948), which cover civil, political, economic, social, and cultural rights in which Kenya is a signatory.

It is in the researcher's best interest to note that although the indicator was developed in the US, it can be adopted by other countries such as Kenya.

2.1.3 Triangulation of the Records Continuum Model and the Calvert-Henderson Human Rights Indicator

Triangulation is the combination of methodologies in the study of the same phenomenon. It is the use of multiple theories in tandem to study an organizational phenomenon. It mixes theories, methods, and multiple data sources to strengthen the credibility and applicability of findings Hoque, (2006).

This study was informed by both the Records Continuum Model and the Calvert-Henderson Human Rights Indicator. Triangulation of these two theories is necessary given the fact that the study is touching on two professionally distinct but practically related areas of human rights and records management. It is therefore essential to

employ the Calvert-Henderson Human Rights Indicator to guide the study on human rights related aspects and the continuum model to guide the study on records management aspects. In principle, because records management is a human rights tool, it is therefore essential in fulfilling the requirements of the human rights which is catered for in Calvert-Henderson Human Rights Indicator the study's primary concern is records management. Hence the combination of the two theories is essential.

2.2 RECORD

There has never been a universally agreed definition of a record. However research has indicated that the definition of a record has changed over the years, and thus ensuring that the record is well contextualized in its current dynamic environment

The International Records Management Trust (1999) defines a record as a document regardless of medium, created or received, maintained and used by an agency, organization (public or private) or individual in pursuance of legal obligations or in the transaction of business, of which they themselves form part or provide evidence.

Shepherd & Yeo, (2006); Shepherd & Yeo (2003) and Ngulube, (2001) content that a record can be in any media, paper, electronic or microfilm. From the definition, the medium of record has been emphasized as being electronic as well as paper based. Also worth taking note is that a record can be created by both public and private organization and also its role in proving evidence in a given phenomena.

A record is recorded evidence of an activity that is, of an action undertaken by an individual or a work group in the course of their business, which results in a definable

outcome. A record is not defined by its physical form, its age, or the fact that it contains information. Its essential characteristic is that it provides evidence of some specific activity. Activities may be undertaken by people or may be largely or wholly automated. Records can exist in any medium and in many forms, including documentary, databases, photographs, audio visual. Most organizations have hybrid record systems, with some records in paper and some in digital form Shepherd and Yeo, (2003).

2.2.1 Role of Records

Records play a crucial role in our societies today. Wallace (2004) points out that records are social glue which holds together, sustains, and sometimes unravel organization, governments, communities and societies. They are used by societies to come to terms with past societies. This points out the vital role that records play in helping people come to terms with their past.

Roper and Millar (1997) asserts that records can be used for development and implementation of polices. Keeping track of action, meeting legal and regulatory requirement protecting the interest of organization...”records has an important role in tracking organization growth, projects and protecting interest of an organization in the processes of carrying out other transaction such as contracts, title deeds among others.

Many injustices that have been committed by governments or individuals can be traced to records. Records support accountability, support citizens rights, pension and other

entitlements. Records promote human rights through the provision of evidence of oppression, evidence required to gain freedom which includes: doing and undoing wrong among others. Ketelaar and Mckemmish (2005) notes that records act as tools of repression, liberation, capturing people, controlling memories and violation of human rights.

Records play a crucial role in the governance processes. Oburo (2008) asserts that records are the benchmark upon which present and future decisions and activities of government are predicated. Where records are known to exist, but cannot be retrieved, decision and activities of government cannot be evaluated. Citizens or nationals may not know their rights. Governance may not be questioned if decisions arrived at are not derived from complete, reliable and accurate records. Even the functions, activities, and obligations can be suspected if they are not backed by records he further goes ahead to state the indispensable role of records to governments as;

- Benchmark its progress and that of organizations and individuals working for it.
- Protect the rights and obligation of the public, its partners and itself.
- Support programs meant to advance the will of the public
- Enable the public gain an insight into the centuries and processes government does in their name.
- Prevent, eliminate or reduce fraud.
- Support accountability
- Support and uphold transparency

- Provide evidential support during a litigation process
- Preserve corporate memory, culture and history of a people and finally.
- Fulfill FOI Compliance.

Cox and Wallace (2002) also perceive records use from the perspective of accountability. Arguing that accountability can be served or undermined by record keeping practices in many contexts. According to them the use of records evolve around four major areas

- Explanation
- Secrecy
- Memory
- Trust.

2.3 RECORDS MANAGEMENT

Records management has been defined from different perspectives that include management, life cycle information management and accountability.

Oburo (2008) defines records management from a management point of view. He asserts that it's a management activity that ensures that complete, accurate and reliable records of organizational activities and processes are created, maintained in a way allowing for their eventual retrieval for internal and external use and to prove that what an organization is doing is in accordance with the will of the people (human right). He believes that this fulfils public expectations that organizations are accountable for what

they have been set up to do. It should be noted that without records management government cannot manage current activities and has no ability to use past experience captured in records. This definition however falls short of acknowledging that records can be in any format such as electronic or paper.

The Australian Standard AS 4390-1996 defines records management as a “discipline and Organizational function of managing records to meet operational business needs, accountability requirements and community expectations”. In this definition the key terms such as meeting community expectation is very crucial as far as promotion of human rights in society is concerned.

For the purpose of this research, the definition of records management will be based on ISO 15489-1 (2001) which points out that records management is a field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records including the processes of capturing and maintaining evidence of information about the business activities and transactions in the form of records.

Records management covers the management of records regardless of their age, to meet the needs of public and private organizations. It enables an organization to achieve its business aims and goals through proper record keeping practices. Records management is a necessary requirement in all organizations and individuals' lives as it is the only way to prove of past transactions and also give a clear picture of the present through

available records. Records management fulfills public expectations that organizations are accountable for what they were set up to do. Therefore, without records management governments cannot manage current activities and will have no ability to use past experience captured in records.

Records management aims and objectives according to Griffin and Roper (1999) include:

- Managing records during the life cycle
- Providing services to meet the needs and protect the interest of the organizations clients and staff.
- Capturing complete, accurate, reliable and usable documentation of organizations activities, to meet legal requirements, regulatory, evidential and accountability needs.
- Managing records as a resources
- Finally promoting efficiency and economy through sound record keeping practices.

2.3.1 Importance of Good Records Management

Records that are well managed are instrumental to effective good governance (human rights, accountability) and the realization of FOI tenets. Oburo (2008) postulates that the management of records is crucial to good governance. Records management sees to the creation of records that are authentic and trustworthy to support growth activities.

Records management also ensures that access to the records is possible and timely. Human rights are written document legally blinded, stating certain rights or benefits every citizen of a nation must enjoy. E.g. Freedom of information, speech and expression, freedom to practice any religion, freedom of movement, freedom to education to mention but a few. If records containing these rights are not well managed and made available to the public, citizens may not know their rights and human rights promotion would not be possible.

Blake (2005) points out the benefits of effective records management to include:

- Supporting efficient joint working and information exchange
- Facilitating evidence based policy making and support of administration data protection principles and effective implementation of freedom of information and other policy legislation through organization of records
- Supporting accountability by providing reliable information available for sharing, extraction and summarization

Kemoni (2007) observes that records management is the key to public service delivery. Without proper records management, transparency, accountability and efficiency in the public service would be heavily compromised. Records are the known tools for demonstration of transparency and accountability as well as for manifestation of corruption and other irregularities public sector. Similarly, good record management allows for good governance, protects rights and interests, ensures essential evidence, enables accountability for actions, improves the delivery of services, reduces exposure

to legal, financial and political risks and ultimately results in good archives which form part of our collective memory and our heritage. Good record and information keeping is everybody's business in an organization.

Smith (2007) points out that an organization with good records management practices benefit in many ways, for example:

- Staff time is saved both in filing records and in retrieval when they are needed again.
- Decision-making and operations are properly supported and informed by relevant records.
- Record storage is more cost-effective because redundant records can be removed
- Records are created and managed in compliance with and as required by legislation, standards and regulations.
- Accountability is demonstrated because the records provide reliable evidence of policy, decision making and actions/transactions.
- Duplicates and versions are removed as soon as possible.

In many businesses today the impact of records management is enormous. In most businesses, storing records is a major commitment of both space and time. It's a good practice to manage both well. Some of the benefits businesses can derive include:

Fellowes Work space ideas (2010) points out the following eight benefits to good record management:

- i. Perform daily business transactions more efficiently.
- ii. Waste less employee time with faster record retrieval.
- iii. Protect against accidental or premature record destruction.
- iv. Prevent costly paper accumulation with systematic record disposal.
- v. Secure vital records and information in case of business disruption or disaster.
- vi. Reclaim office space used for inefficient storage.
- vii. Access documents that demonstrate regulatory and legislative compliance.
- viii. Build confidence and pride from knowing you've done an important job well.

Records management is a key business process that underpins strategic planning, decision-making and operational activities. In the context of human rights, records provide the information by which government and other organizations can meet and discharge their obligations to citizens and communities. For example, without good record keeping and adequate records citizens may not receive entitlements such as pensions or housing allowances.

2.4 HUMAN RIGHTS

Human rights are universal legal guarantees that require protection and safe-guarding from abuse and violence. Human rights has been defined and evaluated in different perspectives. Some of these definitions will be highlighted in this research.

Fagan (2006) defines Human rights as basic moral guarantees that people in all countries and cultures allegedly have simply because they are people. Calling these guarantees "rights" suggests that they attach to particular individuals who can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary this often held in a universal sense.

Fagan (2006) further asserts that Human rights aim to identify both the necessary negative and positive prerequisites for leading a minimally good life, such as rights against torture and rights to health care. This aspiration has been enshrined in various declarations and legal conventions issued during the past sixty years, initiated by the Universal Declaration of Human Rights (1948) and perpetuated by, most importantly, the European Convention on Human Rights (1954) and the International Covenant on Civil and Economic Rights (1966).

In the Kenyan context, “Human rights” means the fundamental rights and freedoms of any individual protected Under the Constitution and any human rights provided for in any international instrument to Which Kenya is a signatory; (the Kenya National Commission on Human Rights Act, No. 9 of 2002.)

2.4.1 Types of Rights

Stanford encyclopedia of philosophy (2006) highlights the following as examples of rights:

- Security rights: protect against crimes such as murder, massacres, torture and rape.
- Due processes rights: protect against abuse of legal systems such as imprisonment without trial, secret trials and excessive punishments
- Liberty rights: protect freedom such as beliefs, expression, association, assembly and movements
- Political rights: protect liberty to participate in politics through actions such as communicating, assembling, protesting, voting and serving in public office.
- Equality rights: guarantees equal citizenship, equality before law and non discrimination.
- Social (welfare): require provision of education to all children and protection against severe poverty and starvation.
- Group rights: protection of ethnic groups against genocide and ownership by countries of their national territories and resources.

Stanford Encyclopedia of Philosophy (2006) highlights human rights as generally as:

- Human rights are political norms dealing mainly with how people should be treated by their governments and institutions. They are not ordinary moral norms applying to interpersonal conduct.
- Human rights exist as moral or legal rights. These norms are often supported by strong reasons as a legal right at the national or international level.
- Human rights are numerous rather than few. They often address specific contemporary problems and institution. All these are aimed at protecting people against familiar abuses of people's dignity and fundamental interests.
- Human rights are minimal standards. as minimal standards they leave most legal and policy matters open to democratic decision making at national and local levels thus allowing it to accommodate a great deal of cultural and institutional variations.
- Human rights are international norms thus gives it a global reach.
- Human rights are high priority norms. Cranston (1967) asserts that rights are matters of high importance and their violation a grave affront to justice.
- Human rights require robust justification that apply everywhere and support high priority without which it can't stand the cultural diversity and national sovereignty.

- Human rights are rights, but not necessarily in a strict sense. It has rights doers who have particular right. They focus on freedom, protection, status and benefits of the right doer.
- Rights have addresses who are assigned responsibilities. They impose obligations on governments of the country in which persons resides or is located. For example human rights of citizens of Kenya are addressed to the Kenyan government.
- Rights are usually mandatory in the sense of imposing duties to addressees.

2.4.2 Underlying Principles of Human Rights

Flowers (2000) and Ravindran, (1998) points out the following as principles underpinning human rights.

Equality

The equality concept expresses the notion of respect for the inherent dignity of all human beings. As specified in Article 1 of the Universal Declaration of Human Rights, it is the basis of human rights: “All human beings are born free and equal in dignity and rights.”

Universality

Certain moral and ethical values are shared in all regions of the world, and governments and communities should recognize and uphold them. The universality of rights does not

mean, however, that the rights cannot change or that they are experienced in the same manner by all people.

Human Dignity

The principles of human rights are founded on the notion that each individual, regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability or social class, deserves to be honored or esteemed.

Non-discrimination

Non-discrimination is integral to the concept of equality. It ensures that no one is denied the protection of their human rights based on some external factors. Reference to some factors that contribute to discrimination contained in international human rights treaties include: race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The criteria identified in the treaties, however, are only examples; it does not mean that discrimination is allowed on other grounds.

Indivisibility

Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.

Inalienability

The rights that individuals have cannot be taken away, surrendered, or transferred.

Interdependency

Human rights concerns appear in all spheres of life – home, school, workplace, courts, and markets – everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights.

Responsibility

- Government responsibility: human rights are not gifts bestowed at the pleasure of governments. Nor should governments withhold them or apply them to some people but not to others. When they do so, they must be held accountable.
- Individual responsibility: Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.
- Other responsible entities: Every organ of society, including corporations, non-governmental organizations, foundations, and educational institutions, also shares responsibility for the promotion and protection of human rights.

2.4.3 HUMAN RIGHTS DECLARATION AND CHARTERS

In order to safeguard and continually minimize human rights abuses various agencies, union, religions and countries have come up and adopted various human rights charters and declaration among them: the famous UDHR, African Charter on Human Rights among others.

2.4.3.1 Universal Declaration on Human Rights

The UN General Assembly adopted the Universal Declaration of Human Rights in 1948 following the human atrocities committed during World War I and World War II, including the genocide of the Jews by Hitler's Nazi-Germany. Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948 has been summarized in to thirty articles as follows:

- i. Article 1:right to equality
- ii. Article 2: freedom from discrimination
- iii. Article 3: right to life, liberty, personal security
- iv. Article 4:freedom from slavery
- v. Article 5: freedom from torture and degrading treatment
- vi. Article 6: right to recognition as a person before the law
- vii. Article 7: right to equality before the law
- viii. Article 8: right to remedy by competent tribunal
- ix. Article 9: freedom from arbitrary arrest and exile
- x. Article 10: right to fair public hearing
- xi. Article 11: right to be considered innocent until proven guilty
- xii. Article 12: freedom from interference with privacy, family, home and correspondence
- xiii. Article 13: right to free movement in and out of the country
- xiv. Article 14: right to asylum in other countries from persecution
- xv. Article 15: right to a nationality and the freedom to change it
- xvi. Article 16: right to marriage and family

- xvii. Article 17: right to own property
- xviii. Article 18: freedom of belief and religion
- xix. Article 19: freedom of opinion and information
- xx. Article 20: right of peaceful assembly and association
- xxi. Article 21: right to participate in government and in free elections
- xxii. Article 22: right to social security
- xxiii. Article 23: right to desirable work and to join trade unions
- xxiv. Article 24: right to rest and leisure
- xxv. Article 25: right to adequate living standard
- xxvi. Article 26: right to education
- xxvii. Article 27: right to participate in the cultural life of community
- xxviii. Article 28: right to a social order that articulates this document
- xxix. Article 29: community duties essential to free and full development
- xxx. Article 30: freedom from state or personal interference in the above rights

The UDHR has gained worldwide acceptance and has been used as the basis of practicing human rights in many countries today. It has been translated into at least 375 languages and dialects, making it among the most widely translated document in the world. The Declaration arose directly from the experience of the Second World War and represents the first global expression of rights to which all human beings are entitled. It consists of 30 articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions and laws.

The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. In 1966 the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights.

The Declaration was explicitly adopted for the purpose of defining the meaning of the words fundamental freedom and human rights appearing in the United Nations Charter, which is binding on all member states

The declaration has received praise as being an international document of the first order of importance, from various diplomats and philosophers among others. However it has also faced criticism from some Islamic countries who have criticized the Universal Declaration of Human Rights for its perceived failure to take into the account the cultural and religious context of Islamic countries.

Rajaie-Khorassani(1982), articulated that it was “a secular understanding of the Judeo-Christian tradition”, which could not be implemented by Muslims without trespassing the Islamic law. On 30 June 2000, Muslim nations that are members of the Organization of the Islamic Conference officially resolved to support the Cairo Declaration on Human Rights in Islam, an alternative document that says people have "freedom and right to a dignified life in accordance with the Islamic Shari'ah". However, this

document does not guarantee freedom of religion or gender equality, the root of many criticisms against its usage.

In regard to education, some proponent of alternative education, particularly un-schooling, take issue with the right to compulsory education stated in Article 26. In the philosophies of John Holt and others, compulsory education itself violates the right of a person to follow their own interests: No human right, except the right to life itself, is more fundamental than this. A person's freedom of learning is part of his freedom of thought, even more basic than his freedom of speech. If we take from someone his right to decide what he will be curious about, we destroy his freedom of thought. We say, in effect, you must think not about what interests you and concerns you, but about what interests and concerns us (Holt, 1974). Despite all criticism the UDHR remains the cornerstone of human rights in today's world.

2.4.3.1 The African Charter on Human Rights

African [Banjul] Charter on Human and Peoples' Rights, adopted in June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986. The regional human rights system covers the countries of the African continent. In 2000 the Organization of African Unity transformed itself into the African Union. The Constitutive Act whereby this was accomplished reaffirmed Africa's determination "to promote and protect human and peoples' rights." The African Union's objectives include the promotion and protection of human rights in accordance with the African

Charter of Human and Peoples' Rights and "other relevant human rights instruments."
As of 2006 the African Union consists of 53 state parties.

The African Charter on Human and Peoples' Rights was created in 1981 and entered into force in 1986. This treaty obligates ratifying countries to recognize the rights and duties listed and to adopt legislation or measures to bring them into effect (article 2).

The African Charter is divided into two parts.

The first part sets forth rights and duties and the second part establishes safeguards for them. Like the American Convention on Human Rights, the African Charter does not simply identify rights but also explicitly imposes duties upon individuals (articles 27-29). These individual duties, included perhaps to counter claims that human rights promote excessive individualism, consist of duties to family, society, state, and the international community.

The African Charter explicitly posits group rights — the rights of peoples. Examples of such rights include the right of a group to freely dispose of its natural resources in the exclusive interest of its members (article 21), and the right of a colonized or oppressed group to free themselves from domination (article 20).

The Charter created an African Commission on Human and Peoples' Rights to promote and ensure the protection of human and peoples' rights in Africa. (Article 30). The Commission meets twice a year and consists of eleven members of the African community who serve six year terms in their personal capacities. The functions of the Commission are the promotion of human rights, the protection of these rights,

interpretation of the African Charter, and the performance of "any other tasks" requested by the AU" (article 45). The Commission is also authorized to perform studies regarding problems in the area of human rights; formulate rules addressing human rights problems; investigate alleged human rights violations by any appropriate means; and prepare reports discussing human rights abuses; and make recommendations to the AU Assembly (articles 45-54). Furthermore, states are required to submit regular reports to the Commission on their human rights problems and efforts to address them (article 62).

The African system has enormous human rights problems to address, frequently faces non-cooperation by governments, and has inadequate resources to play a major role (Evans and Murray, 2002). But despite its limited legal and economic resources the African Union seems to be slowly constructing international mechanisms to promote and protect human rights in Africa.

2.5 THE RELATIONSHIP BETWEEN RECORDS MANAGEMENT AND HUMAN RIGHTS

Human rights are almost a form of religion in today's world. They are the great ethical yardstick that is used to measure a government's treatment of its people. The extent to which the treatment can be measured will depend on availability of authentic records among many other factors.

Ketelaar and Mckemmish (2005) notes that records act as tools of repression, liberation, capturing people, controlling memories and violation of human rights. This point out the indispensable need to manage records well in order to facilitate the promotion of

human rights. This also highlights the nexus between records management and how it underpins human rights

Blake (2005) asserts that one benefit of good records management is Facilitating evidence based policy making and support of administration data protection principles and effective implementation of freedom of information and other policy legislation through organization of records. This implies that good records management practices provide the foundation on to which other policies can be successfully implemented.

Blake (2005) further believes that records management Supports accountability by providing reliable information available for sharing, extraction and summarization. One of the responsibilities of human rights commission is to act as a watchdog to counter check the government activities to ensure that there is no corruption whatsoever and those public resources which citizens have entrusted upon the government is well guarded.

Ngulube (2006) also notes that without proper records management, accountability, transparency and efficiency especially in public services would be heavily compromised leading to corruption and loss of confidence in the civil service.

2.8 EMERGING ISSUES

2.8.1 Freedom of Information Act (FoI), Records Management and Human Rights

The ability of individuals to access information held by public institutions and about their government is central to democracy. Only a well-informed public can carry out its obligation to shape policy and effectively participate in nation building.

Mnjama (2000) noted that, all over the world, there is a new realization that information and particularly government held information is a public resource created, assembled and maintained by public servants and paid for by taxpayers. He further, notes that, when a government operates in secret, its goal will be undermined. As citizens become literate, they are increasingly becoming aware of their rights to information and demanding for accountability and good governance. As a result, the general public is making greater demands for access to the vast quantities of information held by government agencies, archival institutions and the private sector.

Sebina (2003) defines FoI as the legal right of access to government information given to the public. He says that it creates an environment in which government information flows freely to the public albeit some exemptions. This enables the public to be in a position of Understanding what decisions government has made, why they were made and if they have the needs of the public at heart. FOI is a “right which the individual exercises directly, without an intermediary.

He further asserts that FoI promotes access to information held by government. Access to the information by the public is important to good governance in that the public become informed of how governance is practiced on their behalf and can use the knowledge gained to effectively participate in governance. Provision of access to information also enables the public to use it to hold government accountable. Where records management is non-functional, the guarantee to government information, which FOI advances, is meaningless. Where records management is faulty, the guarantees of transparency and accountability, which are crucial to good governance, will not be met.

Shepherd and Yeo, (2003) the scope of FoI legislation varies from one country to another. Some FoI laws may purport to give the public access only to 'information' but most refer specifically to 'records' or 'official documents'. In practice, wherever FoI legislation is in force, members of the public have a right of access to a wide range of government records, although exceptionally sensitive or confidential records are usually exempt from the disclosure provisions.

Sebina, (2004). Points out that absence of FoI can result in governments subverting programs and policies either through inaction or ineptitude. It further contributes to making the public unaware of the activities of the government. FoI is based on the understanding that information maintained and used by a government is reflective of how public resources are expended and thus, need to be opened up unless there are reasons for its closure. FoI is linked to the need of a government to be accountable to the public. Where governments operate in secrecy, the decision making process is obscured from the public. This therefore, prevents the government conduct to be

appraised and judged by the public. Absence of accountability translates into absence of transparency. Where both accountability and transparency are non-existent, good governance is bound to fail.

Many countries especially in the developing world are yet to adopt/develop freedom of information act. It has an important issue in the recent especially in democratic societies. One reason why probably many countries are yet to have this act is because of inadequate records management system which also mirrors the credibility of governance in that particular country. There is need for the FoI to be in line with the existing records and archives legislation in that particular country. They should not conflict but should be in harmony with one another. Implementing FoI may mean that some countries may have to change some existing legislation.

FoI on the other hand is very crucial in enhancing the promotion of human rights. Basically a society with greater access to information, increases their chances of contextualizing the rights and hence makes the processes of championing for human rights quite easy.

2.8.2 Governance, Records Management and Human Rights

Fukuda-Parr and Ponzio,(2002) asserts that governance is about processes, not about ends. It is about the process by which power and authority is exercised in a society by which government, the private sector and citizens' groups articulate their interests, mediate their differences, and exercise their legal rights and obligations.

Davies, (1999) points out that governance is a process for reconciling the ambitions of the individual or group with the need to preserve and develop a 'common weal' which binds through shared interests. One key aspects of the above definition is the need for a common well and shared interest.

Neumayer (2002), defines it as "the way in which policy makers are empowered to make decisions, the way in which decisions are formulated and implemented (or not implemented) and the extent to which governmental discretion is allowed to encroach onto the rights of citizens". It's therefore important that government regimes do not encroach on human rights of its citizen.

Good governance according to International Records Management Trust (1999) refers to how government undertakes functions and activities, and works with stakeholders (including the public) in making decisions and fulfilling the needs and desires of the public. Good governance therefore, refers to the norms and values that a government takes into account as it governs. Authorities believe that good governance is predicated on among others:

- Legitimacy of government
- Public participation in government
- Accountability and transparency
- Respect for the rule of law
- Freedom of association and expression

United Nations Economic & Social Commission for Asia and the Pacific (UNESCAP) (2003) identifies the following as independent attributes of good governance:

- It is participatory;
- Consensus,
- Accountable;
- Transparent;
- Responsive;
- Equitable
- Inclusive;
- Effective and
- Efficient
- Follows the rule of law

Records that are accumulated and used by government are reflective of the activities undertaken and the process that have or are being initiated on behalf of the public. Management of these records enables government to operate in a transparent fashion and be able to account to the public who brought it to power.

The absence of records impacts upon transparency and accountability of government. The baseline of this argument is that where there are no records, there is no transparency and accountability. Where there is no transparency and accountability, there is no good governance and human rights will be undermined. In short Oburo (2008) believes that government uses records to:

- Benchmark its progress and that of organizations and individuals working for it.
- Protect the rights and obligation of the public, its partners and itself.
- Support programs meant to advance the will of the public
- Enable the public gain an insight into the centauries and processes government does in their name.
- Prevent, eliminate or reduce fraud.
- Support accountability
- Support and uphold transparency
- Provide evidential support during litigation.
- Preserve corporate memory, culture and history of a people and finally.
- Fulfill FOI compliance.

Proper management of records is crucial for good governance as well as the attainment of human rights in our societies today.

2.9 CONCLUSION

The chapter has highlighted the models used in this research. It has gone ahead to explore the concept of records and human rights and has highlighted the existing relationship between the two. The chapter concludes by highlighting the emerging issues as far as records management and human rights are concerned.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 INTRODUCTION

This chapter discusses the methodology that has been adopted in carrying out the study. It has discussed the research design, population of the study, sample and sampling techniques, data collection instruments, data analysis techniques, validity and reliability, pilot study and ethical considerations.

3.1 RESEARCH DESIGN

Kothari (2004) defines research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure.

Blaxter (2001) defines methodology as the approach or paradigm that underpins the research. The most common paradigms are quantitative and qualitative. Mugenda and Mugenda (1999) define quantitative research as research that includes techniques and measures that produce discreet, numerical or quantifiable data. Examples are: casual-comparative research, correlation and experimental research.

Qualitative research includes designs, techniques and measures that do not produce discreet numerical data. Qualitative research investigates, interprets and understands the phenomena under study by providing thorough information and thereby obtains an

understanding of the research problem. Examples of qualitative research includes: case studies and observational researches.

This study used the case study method that aims at collecting information from respondents that was used to investigate the extent to which records management underpin human rights at KNCHR. Kombo (2005) describes case study method as a technique which describes a unit in detail, in context and holistically. Therefore the study used the case study techniques. This is because the researcher focused on the KNCHR headquarters as a single entity to obtain comprehensive information on the proposed research questions.

3.2 TARGET POPULATION

Mugenda & Mugenda (1999) defines research population as the complete set of individuals, cases or objects with some common observable characteristic.

Mugenda (2003) further defines a target population as the population to which a researcher wants to generalize the results of the study. The subjects of this study will be drawn among the staff of KNCHR headquarters. They included: 8 commissioners, 2 administrators, 6 heads of departments, 2 registry staff, 2 library staff and 12 human rights officers who are the technical and support staff members from all sections of KNCHR departments. The staff population of KNCHR is approximately 80. Thirty of these staffs are interns.

3.3 SAMPLING METHOD

Mugenda & Mugenda (2003) defines Sampling as the process of selecting a number of individuals for a study in such a way that the individuals selected represent the large group from which they were selected. In this study the researcher employed stratified and purposive sampling to collect data from respondents at KNCHR headquarter.

3.3.1 Stratified Sampling

The goal of stratified sampling is to achieve the desired representation from various sub-groups in the population. The population was divided into sub-populations or strata, and items are selected from each stratum to constitute a sample. In this study the researcher used stratified sampling to sample 12 human rights officers drawn from all departments at KNCHR headquarters’.

The respondents were sampled from the strata’s (departments/programs) at KNCHR headquarters. This included: Campaigns and advocacy programme, complaints and Investigations Programme, Economic, Social and Cultural rights Programme, Human rights education programme, Media and communications programme and the Redress Programme.

3.3.2 Purposive Sampling

Kothari (2004) points out that purposive sampling is a method where the researcher deliberately selects items for the sample. This sampling technique was extremely useful in this study in the selection of interviewees within the individual programs at KNCHR.

The researcher purposively selected all the 8 commissioners, 6 heads of programs and 2 administrators' at KNCHR headquarters'. From the registry 1 respondent was selected and 1 respondent from the library was also selected purposively.

3.3.3 Population Sample Size

Table 1: Study Sample size

(N=32)

Respondent	Number	Response rate
Commissioners	8	25%
Registry Staff	2	6.25%
Library Staff	2	6.25%
Administrators	2	6.25%
Head of Programmes	6	18.75
Human Rights Officers	12	37.5%
TOTAL	32	100%

The sample for this study was drawn from staff of KNCHR. The sample size comprised of 32 staff selected from various departments on purposive and stratified sampling as shown in Table 1.

3.3.1 Justification of the Sample Frame

Commissioners: They are charged with policy making and the overall management at KNCHR. All the 8 commissioners were sampled purposively and were useful in

providing information on policies and procedures put in place for managing information at KNCHR.

Registry staff: They are charged with the daily operations of the registry that included: filing, classification, tracking, among others. They were useful in providing information on the records management situation at KNCHR.

Library staff: Are responsible for managing library operations that include: classification, indexing and cataloguing. In this study 2 librarians were purposively sampled. They provided useful information on management of other information resources at KNCHR.

Administrators: Two administrators were sampled purposively. They were responsible for keeping financial records as well as administration records at KNCHR. They were similarly helpful in providing information on the management of records at KNCHR.

Heads of programmes: Six heads of programmes were purposively sampled in this study. They are responsible for the management of their respective programmes namely; campaigns and advocacy, complaints and investigations, human rights education, and the redress. They were useful in providing information on the importance of good records management.

Human rights officers: The researcher used stratified sampling to select 12 respondents from the 6 programmes at KNCHR. They provided useful information on the management and access to records at KNCHR.

3.4 DATA COLLECTION INSTRUMENTS

There are numerous tools that can be used for eliciting necessary information needed for the research. They included: interviewing, questionnaires, and observation and document sources. The study used interviews and analysis of documentary sources.

3.4.1 Interview

Oso and Onen (2005) defined interviews as person-to-person verbal communication in which one person (or a group of persons) asks the other questions intended to elicit information or opinions.

Face to Face interviews was the main data collection instrument for the study. This is because the study was qualitative in nature and interviews provided a good means of probing information. Raudenbush (2005) points out that the most commonly used are structured, semi structured and unstructured interviews. Bunce & Johnson (2006) believe that Semi structured interview is perhaps the most commonly used interview technique in qualitative researches.

Interviews were conducted amongst the various staffs of KNCHR as indicated in the target population. The study employed the semi-structured approach to ensure collection of relevant information in line with the research objectives and research

questions and at the same time create room for probing more information that may be useful to the research objectives

3.4.2 Documentary Sources

Oso and Onen (2005) it is a critical analysis or examination of public or private recorded information related to the issue under investigation it is a type of normative survey research, which deals with examining records, which already exist. Documentary sources are definitely qualitative as it is not concerned with the general importance of the documents, but with certain characteristics, which can be identified and counted.

Documentary sources, which were consulted for in this study, include various human rights reports and publications. The reason for this is that they provided useful insight to the state of human rights in Kenya today. Documentary sources were vital for this study in the following ways: it was used to obtain data that was thoughtful in that the informants had given attention to compiling them, it saved on time and costs in transcribing and it was also possible for the researcher to access data at the researchers own convenient time .

3.5 VALIDITY AND RELIABILITY OF THE RESEARCH INSTRUMENTS

3.5.1 Reliability

Kothari (2004) defines reliability as a measure of the degree to which a research instrument yields consistent results or data after repeated trials. Reliability indicates the

extent to which the measure is without bias and hence offers consistent results. In order to ensure reliability in the study, the researcher carried out a pre-test of the instruments before the actual data collection procedure to minimize any inaccuracies.

3.5.2 Validity

Kothari (2004) believes that validity is the accuracy and meaningfulness of inferences, which are based on the research results or the degree to which results obtained from the analysis of the data actually represent the phenomenon under study. In order to ensure validity of this study, the question formulated in the interview schedule was based on the objectives to be achieved and research questions to be answered. During data collection the researcher ensured that the targeted population answered the questions based on the interview schedule.

The researcher also ensured that any unclear questions was clarified, no leading questions and no comments on the respondents answers.

Also to ensure reliability and validity of the study, the researcher's supervisors assessed the aspects the instruments aimed to cover. They also determined if the instruments accurately represent the concept under study.

3.6 DATA COLLECTION PROCEDURES

The researcher obtained a research permit from the Ministry of Higher Education, Science and Technology accompanied with a letter from the department of Library, Records Management and information studies. An email of authorization/acceptance was obtained from the head of research and policy development at KNCHR in order to

increase the confidence of the respondents to answer questions freely without fear. Interviews were booked one week in advance.

Interviews were done through physical visits to the selected staff offices. A telephone interview was used in exceptional cases where spatial factors limited face-to-face interview. Documentary sources were analyzed both from KNCHR resource center and other reports acquired at KNCHR website and other human rights bodies websites.

3.7 DATA PROCESSING AND ANALYSIS

Mugenda (2003) defines data analysis as the process of bringing order, structure and meaning to the mass of information collected. In this study, data collected was analyzed both qualitatively and quantitatively. Qualitatively using content analysis and quantitatively using descriptive statistics in order to draw conclusions and determine frequencies and inferences.

The researchers analyzed the responses and assigned them into major categories. This was done bearing in mind the objectives and research questions of the study. Data interpretation stated the expected results, their meaning and significance in relation to the problem under investigation. This was achieved through careful, logical and critical examination of the results, which was obtained after the analysis.

3.8 ETHICAL CONSIDERATIONS

This study was guided by the following ethical consideration:

- The respondents were made aware that the aim of the study was not be to establish their weaknesses and that they were free to assist the researcher in achieving the research objectives.
- In the course of carrying out the study, appointments were made with respondents in advance.
- The researcher strived to treat all respondents equally.
- The respondents were assured that all the data collected was treated with confidence and was used for the purpose of this study
- Assurance that all the respondents remain anonymous unless where it was necessary to quote them.
- The researcher reported the research findings honestly and objectively.
- All support financially, socially, morally and in terms of any contribution of information relevant to this study was acknowledged

3.9 CONCLUSION

This chapter has discussed research methodology used in carrying out the study. It presents the general research design, location of the study and the population. Other issues discussed include the data collection instruments and procedures, reliability and validity; data presentation, analysis and interpretation

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 INTRODUCTION

This chapter presents, discusses and interprets the research findings. Data was obtained from the field through interviews with the respondents and this was complimented with a review of relevant documents.

4.1 RESPONSE RATE

A total of twenty five (25) respondents were interviewed. They comprised 5 commissioners, 1 registry staff, 1 library staff, 2 administrators, 4 heads of programmes and 12 human rights officers. The response rate was 83.3% and this is summarized in Table 1 below.

Table 2: Response rate

Category of respondents	Targeted number of Respondents	Percentage	Number of Respondents interviewed	Percentage
Commissioners	8	25%	5	16.7%
Registry Staff	2	6.25%	1	3.3%
Library Staff	2	6.25%	1	3.3%
Administrators	2	6.25%	2	6.7%
Head of Programs	6	18.75	4	13.3%
Human Rights Officers	12	37.5%	12	40%
TOTAL	32	100%	25	83.3%

As shown in the Table 2, a number of respondents did not take part in the study for various reasons. The library and registry which initially had two staff members now have one staff member each. In spite of several repeated attempts, two heads of programmes and four commissioners were unavailable for the interviews.

4.2 BUSINESS PROCESS ANALYSIS OF KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

One of the objectives of the study was to conduct a business process analysis in order to find out the types of records created or received at KNCHR. KNCHR have staff working at various levels within the organization and are charged with various responsibilities. Below are some of their specific duties and activities.

4.2.1 Commissioners

Commissioners are charged with the overall management of the entire organization. Five respondents (16.7 %) indicated that they carried out duties mostly related to policy making. These included: Policy level direction and development. These respondents critique policies and legislations. They examine proposals and legislature in order to see to what extent they comply with human rights.

Five respondents (6.7 %) have the responsibility of analyzing the problems affecting human rights issues in the country in order to generate ideas that are aimed at solving these impediments both at KNCHR and at the national level. In trying to address these

problems they look at the economic and social policies, both the existing and new ones, in order to see to what extent they are helping alleviate the problems.

Some of the respondents have been assigned specific duties of monitoring the extent to which the country is complying with international human rights law. One respondent (3.3%) reported having the responsibility of overseeing penal reforms and other international obligations.

Another 5 respondents (16.7 %) reported to be assisting the various programs within KNCHR.

Other specific duties of the commissioners included;

- Meeting stakeholders such as ambassadors on behalf of the commission.
- Attending statutory functions.
- Sitting in tribunals as adjudicators

When respondents were asked what records they required, generated/created and received, their responses are summarized in Table 3.

Table 3 Records required, generated/created and received by commissioners

Respondents	Records required to carry out duties	Records generated/created	Records received
Commissioners	Staff briefing, drafts of reports, editorials, websites, complainants screens, work plans, budget speech, research reports and the internet sources	Emails, Policy documents, reports, letters, publications, advisory briefs, and gazettes	Drafts reports, letters and emails

Table 3 above shows various reports including research reports and drafts reports play an instrumental role in development of policies and decision making processes within KNCHR.

4.2.2 Registry staff

KNCHR registry is managed by only one member of staff. The respondent has the specific duty of managing all records for the two programmes that include: complaints and investigation and redress. Furthermore, the respondent maintains the data management system in the organization. Other duties include serving court records, drafting and implementing the work plans for the two programs, screening in-coming

records and making follow up of records once they leave the organization for different destinations such as the courts.

When respondents were asked what records they required, generated/created and received, the respondents cited the following records as summarized in Table 4.

Table 4 Records required, generated/created and received by registry staff

Respondents	Records required to carry out duties	Records generated/created	Records received
Registry	Complaints screens, statements by complainants screens emails letters, notices, sermons and hearings	Government acts, Emails, Law based materials and KNCHR own publications.	Emails, Letters, Hospital records, Police records and reports from other organizations

Table 4 above indicates that the following records are vital for registry operations; summons, court notices and complainant screens. This is because the registry supports two programs within KNCHR namely the complaints and investigations and redress. Some of the records received within the registry that are important in fulfilling KNCHR mandate include: hospital records, police records and various reports. They are used to follow up on various human rights abuses reported at the KNCHR.

4.2.3 Library staff

KNCHR library is also managed by one staff member occasionally assisted by interns. One respondent (3.3%) reported to be charged with the following specific duties; circulation of materials, classification and cataloguing, reference service, stock control, selective dissemination of information and stock management.

When respondents were asked what records they required, generated/created and received, the respondents cited the following records as summarized in Table 5.

Table 5 Records required, generated/created and received by library staff

Respondents	Records required to carry out duties	Records generated/created	Records received
Library Staff	Book publications from KNCHR and other stakeholders, publications, newspapers and government acts.	Accession list, notices, adverts, memos and reference list.	Government acts, law based materials, Emails, letters and KNCHR publications.

As shown on the Table 5 above, the library maintains vast informational materials that are instrumental in the promotion of human rights. KNCHR also publishes books and magazines which are kept in the library.

4.2.4 Administrators

During the research, 2 of the respondents (6.7 %) indicated that they were responsible for financial administration at KNCHR. The respondents indicated that their work involved keeping financial records as well as administration records .

Their specific duties included;

- Managing budgets
- Sourcing for funds from treasury and donors.
- Preparing financial reports and interpreting them to commissioners, staff, donors and the general public for decision making.
- Preparing procurement plans
- Providing financial and logistical support to the program officers in their day to day operations.

When respondents were asked what records they required, generated/created and received, the respondents cited the following records as summarized in Table 6.

Table 6: Records required, generated/created and received by administrators

Respondents	Records required to carry out duties	Records generated/created	Records received
Administrators	Draft budgets, invoices, procurement plans, letters, emails and payment vouchers.	Cheques, procurement plans, cash receipts and budgets.	Cheques , letters, emails and invoices

Administrators play a crucial role in the overall management of KNCHR. As shown on the Table 6 above, administrators rely heavily on the following records in order to carry out their duties: draft budgets, invoices and payment vouchers. Moreover they receive cheques, emails, letters, invoices and receipts.

4.2.5 Heads of Programmes

One of the objectives of the study was to conduct a business process analysis in order to find out the types of records created or received at KNCHR. Four respondents (16.7%) pointed out that their duties were mostly confined to overseeing the work of their various programmes that included; campaigns and advocacy, complaints and investigations, human rights education, and the redress program.

When respondents were asked what records they required, generated/created and received, the respondents cited the following records as summarized in Table 7.

Table 7 Records required, generated/created and received by Heads of Programmes

Respondents	Records required to carry out duties	Records generated/created	Records received
Heads of Programmes	Complainants' statements, Emails, letters research papers, research reports, budgets, procurement plans, and minutes	Quarterly reviews, reports from inquiries, budgets, conference papers, training manuals and staff reports.	Government acts, emails, letters, Government bills, medical reports, and research reports.

The heads of programmes coordinate the activities of their respective programmes. In order for their work to be accomplished they create and generate the following records: quarterly reviews, budgets, conference papers, training manual, staff reports and complainant statements.

4.2.6 Human Rights Officers

This category constituted nearly half of the target population. Twelve respondents (40%) reported to be human rights officers for the various programmes at KNCHR. They are mostly charged with supporting the mandate of their specific programmes.

4.2.6.1 Campaigns and Advocacy Programme

Two respondents (6.7%) indicated that their specific duties in this programme included contributing towards reduction of systemic human rights violations. This was currently a key strategic focus of the Commission. The respondents focused on the following key areas: transitional justice, reform of law enforcement institutions, anti-corruption, political accountability and national integration.

4.2.6.2 Economic, Social and Cultural Rights Programme

In this programme two members of staff were interviewed. Two respondents (6.7%) reported their specific duties in this program to include;

- Addressing economic, social and cultural rights violations,
- Monitoring the realization of economic, social and cultural rights through systematically tracking and assessing state performance against set benchmarks and targets.
- Creating awareness and imparting knowledge about human rights.
- Conducting research and producing publications on economic, social and cultural rights.

4.2.6.3 Complaints and Investigations Programme

In the complaints and investigation programme 2 respondents (6.7) were interviewed. The Specific duties of respondents in this programme involved receiving complaints of alleged human rights violation, investigating them as well as advising the Commission on possible options for redress.

4.2.6.4 Human Rights Education Programme

In the Human Rights Education programme, 2 respondents (6.7%) were interviewed. The respondents indicated that they were responsible for the following;

- Infusing human rights in primary and secondary institution, educational as well as other training institutions
- Entrenching human rights in parliamentary business among other stakeholders.
- Training people on human rights issues
- Carrying out outreach programmes and clinics
- Carrying out campaigns among others.

4.2.6.5 Media and Communications programme

It was established that 2 respondents (6.7%) from this programme were charged with the following specific duties;

- Developing and implementing the Commission's internal and external communications strategies.
- Carrying out research and publishing the findings on various human rights issues.

- Conducting annual assessments on the state of human rights in Kenya and issuing reports to the president, parliament and the public.
- Publishing journals and position papers on human rights issues.
- Overseeing the development of the national action plan on human rights.
- Facilitating and monitoring government's compliance with international human rights obligations

4.2.6.6 The Redress Programme

The two respondents (6.7%) in this programme were charged with carrying out the following specific duties;

- Offering alternative resolution to disputes
- Public interest litigation
- Carrying out public inquiries
- Redressing activities relating to human rights violations.

When respondents were asked what records they required, generated/created and received, they cited the following records as summarized in Table 4.

Table 8: Records required, generated/created and received by human rights officers

Respondents	Records required to carry out duties	Records generated/created	Records received
Human Rights Officers	Complainants screens, government bills and Acts, medical reports, investigation reports statements by complainants, letters, notices, court summons and hearings	Policy documents, reports, letters, publications from KNCHR, notices, training manuals, budgets, advisory briefs and emails	Research papers, postmortem reports, medical reports, police records ,government acts, bills, policy papers, research papers, complainants reports and investigation reports

Table 8 above indicates that various records are required to carry out the activities of KNCHR. The table clearly shows that most respondents relied heavily on letters, mails, reports from complainants as well as respondents, and research reports among others.

4.3 RECORDS MANAGEMENT SITUATION AT KNCHR

As part of conducting the business processes analysis the study sought to find out the state of records management at KNCHR. Twenty respondents (66.7%) when asked to comment on the state of records management at KNCHR, pointed out that KNCHR was not doing well in records management. Most of the respondents pointed out the need for a central registry that was fully equipped and a dedicated person to oversee its functions.

Some of the respondents indicated that the Commission lacked a dedicated registry; it also lacked a fully functional filing system. These were clear indications of gaps in records management at KNCHR.

The findings further indicated that most of the records were stored within each specific programme. Whereas in other cases records were stored at KNCHR branches at (Kapenguria and Wajir), some of these were eventually brought to the headquarters. One respondent (3.3%) pointed out that some of the records within the organization were managed in the registry that served mainly the two programmes (complaints and investigation and the redress) in the organization. Other records at KNCHR were managed and kept at the programme level.

Two respondents (6.7%) also pointed out that some of KNCHR's records were managed using a database management system. This system was often used by the complaints and investigations programme and had security restrictions that ensure records remain safe and trustworthy. Two respondents (6.7%) also pointed out that the

records were maintained on shelves and cabinets that were well labeled to facilitate easy retrieval. Meanwhile electronic records were stored in hard discs, CD-ROMs, DVDs and diskettes. The study established that the Commission had a system for managing its electronic records but lacked an organized and well structured system for managing its manual records.

The study established as indicated by 21 respondents (70%) that records were produced and stored both in paper and electronic format. One respondent (3.3%) pointed out that KNCHR had neither specific nor consistent standards for managing its records. These standards provide guidelines on use of reference numbers, file numbers and box numbers.

As regards to Staff capacity and development the study found out that the KNCHR staff lacked adequate training in records management. One respondent (3.3%) reported to have had some form of on the job training accrued from experience as well as attendance of conferences and workshops. The respondent further indicated to have skills and competencies in searching and retrieval, classification, shelving and referencing with most of these acquired through on-job training.

4.4 MANAGEMENT OF INFORMATION RESOURCES

The Commission also maintains other types of information materials in the library.

They include:

- Government acts
- Reports
- Kenya law reports
- Books on international law
- Business law
- Newspapers
- Newsletters i.e. international and local
- Katiba
- Kituo cha haki publications.

The study established as reported by 1 respondent (3.3%) that the information materials were used by members of staff, members of the public and researchers. Furthermore, the users accessed the materials on a daily basis. In order to meet the information needs of its clients, the library practiced selective dissemination of information and searching and retrieval.

The study also sought to find out how the library was stocked. One respondent (3.3%) highlighted that library stocking was done through;

- Donations from organizations
- Requests from various programmes which are then acted upon.

- KNCHR publications

The study also sought to find out the training and qualifications of the library staff. 1 respondent (3.3%) reported to have had records management training, library training as well as human rights training. The rest had none.

4.5 RECORDS CONSIDERED USEFUL IN HUMAN RIGHTS AT KNCHR.

The study sought to establish what records were considered useful in upholding human rights at KNCHR. From the findings the following records were considered useful for upholding human rights at KNCHR; police records, hospital records, government records, accounting records, prisons records and postmortem records, among others.

Eighteen respondents (60%) indicated that police records were useful for upholding human rights at KNCHR. These records contained information about abuses/crimes committed by individuals or inflicted on individuals. Most of this information was contained in police abstracts and occurrence books. They were considered useful for providing evidence of abuses or occurrence of an abuse of human rights. These records were very important for a number of KNCHR programs including redress, complaints and investigations.

The study also established that hospital records were considered useful for upholding human rights at KNCHR. Ten respondents (33%) supported the view that indeed hospital records were useful in upholding human rights. These records contained information about an individual's health. Where abuse of human rights was suspected to

have occurred, these records provided information on the injuries caused to an individual or any other human rights abuses relating to health. The records included hospital P3 forms and X-rays.

Four respondents (16.7%) indicated that government records contained crucial information about government activities. The information was important as it underpinned good governance, transparency and accountability. These records provided evidence of fraud and embezzlement of funds. This finding concurred with the findings of Oburo (2008) which indicated that indeed records are the benchmark upon which present and future decisions and activities of government are predicated.

From the findings of the study, 4 of the respondents (16.7%) reported that accounting records were also regarded as vital for upholding human rights. The records contained information about use of organizations' resources. The records were therefore important in auditing, monitoring of expenditure and use of resources by institutions. At KNCHR, accounting records were considered useful for the overall administration of the institution. This finding reinforces the finding by Oburo (2008) which reported that records support accountability, support citizens rights, pension and other entitlements. He further reported that records prevent, eliminate or reduce fraud, support and uphold transparency and provide evidential support during a litigation process. For this process to be successful accounting records are heavily relied upon especial when reconciling the budget against the expenditure.

The study also established as per finding of 20 respondents (66.7%) that prison records were considered useful in upholding human rights. These records contain information about names, number of prisoners being held and the reasons of their detentions. These records were important in pointing out human rights atrocities committed in and outside prison. Among these were video tapes of Kamiti prisoners' being subjected to beatings.

The study also found out that 4 of the respondents (16.7%) reported that postmortem records were useful in upholding human rights. The records contain information about the cause and nature of a person's death. These are considered useful human rights records as they provide evidence in cases where foul play is suspected to have caused death.

4.6 ROLE OF RECORDS IN PROMOTION OF HUMAN RIGHTS

The other objective of the study was to find out the role that records play in promoting human rights and to determine the importance of good records management practices in upholding human rights issues. The study came up with the following results;

The study established that 23 of the respondents (76.7%) indicated that records play a paramount role of providing evidence. This is because records document activities as they occur. One example is video recordings showing the Kamiti prisoners undergoing beating. Records promote human rights through the provision of evidence of acts of oppression. This finding reinforces findings by Ketelaar and Mckemmish (2005) who

noted that records act as tools of repression, liberation, capturing people, controlling memories and violation of human rights.

Two of the respondents (6.7%) pointed out that records ensured the continuity of the organization. Records were maintained to support organizations' activities. In KNCHR outgoing staff are required to submit their records to their head of program as well as to new staff to ensure that the organizations' activities go on un-interrupted. However for this policy to be effective, KNCHR needs to implement proper records management in the organization.

One of the key finding of the study was that records were vital in the protection of human rights. This finding concurs with views expressed by Ketelaar and Mckemmish (2005) that records act as tools of repression, liberation, capturing people, controlling memories and violation of human rights. Twenty respondents (66.7%) pointed out that records play an instrumental role in protecting the rights of workers in an organization by redressing abuse of rights such as unlawful termination of employment. It is also of vital importance that records such as hospital records which are confidential in nature be well protected to avoid abuse of human rights through violation of privacy.

It was established further that 10 respondents (50%) were of the view that records play a role in monitoring compliance of human rights within organizations or countries. It's on the basis of records that reports on the state of human rights in Kenya by KNCHR and other organizations such as FIDA, Transparency International and other

organizations such as the International Criminal Courts are able to assess the human rights situation in the country.

Furthermore, the study established that 15 respondents (60%) believed that records played an important role in analyzing trends relating to human rights violations and occurrences. For example, past records have shown that in Kenya during election time tribal clashes are most likely to happen.

Promotion of social justice remains one of the crucial role of records. Twenty of the respondents (66.7%) pointed out that records provide the necessary evidence in which human rights lobby groups, civil society groups and other stakeholders can champion the rights of citizens. Recently in Kenya the Mau Mau Association instituted a case seeking compensation for atrocities committed to its members during the colonial era. The outcome of the case will largely depend on records kept by the Kenya National Archives and Documentation Service.

Enactment of good policies is crucial for the success of any organization as well as the country. Records play an important role in ensuring that realistic policies are enacted. Four respondents (6.7%) pointed out that through research based on records, human rights officers can challenge policies developed by the government and make recommendations on issues that they feel infringe the human rights of citizens. The finding is in agreement with similar findings by Roper and Millar (1997) who noted that records can be used for development and implementation of policies. Keeping track of

actions, meeting legal and regulatory requirement as well as protecting the interests of organizations.

Highlighting problems associated with human rights marginalization has been made a reality through the use of records. Six respondents (24%) pointed out that records play an instrumental role of highlighting the plight of the marginalized groups in Kenya such as the disabled, the minority tribes (Ogiek, El Molo and Endorois). Statistics from various women organization groups such as FIDA, Maendeleo ya Wanawake have shown that girls from the pastoralist community faced human rights abuses such as forced circumcision and early marriages.

Records play an important role in setting precedence .A lot of human rights violations occur daily irrespective of geographical distance. Depending on the number of occurrences, attention is given to the most urgent matters of human rights violations as others are also looked at. This helps in setting priorities when responding to human rights violation. One respondent (3.3%) observed that records play a vital role in setting precedence concerning human rights issues.

4.7 THE IMPORTANCE OF GOOD RECORDS MANAGEMENT PRACTICES IN UPHOLDING HUMAN RIGHTS

The study further focused on finding out the importance of good records management practices in upholding human rights activities at KNCHR.

Good records management is instrumental in improving access and retrieval of information. Fifteen respondents (60%) pointed out that good records management practices enabled fast access and retrieval of information at the point of need. Timely availability of information ensured that there are no delays in administration of justice related to human rights abuses at KNCHR.

The study also established that 12 respondents (48%) highlighted that good records management practices were vital in ensuring the availability of authentic records. The study found that KNCHR did create and receive records that were useful as evidence such as complainants statements, good records management practices therefore was instrumental in the management of authentic records that are reliable, usable and trustworthy and can endure the test of time.

The study further found out that 11 respondents (44%) believed that good records management practices facilitated provision of back-up information in case of any disaster. This was important in protecting evidence and enhancing security of records at KNCHR.

Good storage is critical for the continued preservation of records at KNCHR. Eighteen respondents (64%) indicated that if records were kept well, their lifespan was also extended. In cases where human rights abuses were not resolved the records could still be retrieved to find redress for atrocities committed.

Management of records enables KNCHR to operate in a transparent way and be able to account to the public. Research has shown that absence of records impacts negatively upon transparency and accountability in organizations. Twenty one respondents (84%) pointed out that good records management underpins good governance and enhances promotion of human rights. This finding concurs with findings by Oburo (2008) which indicated that the management of records is crucial to good governance. Records that are well managed are instrumental in effective good governance (human rights, accountability) and the realization of FoI tenets.

Good management of records provides the right foundation for good decision making at KNCHR. Sixteen respondents (54%) were of the view that decisions should be made on the basis of accurate and reliable records. Furthermore the management of records led to timely retrieval of required information. Records management sees to the creation of records that are authentic and trustworthy and that support decision making. Records management also ensures that access to the records is possible and timely.

The study further established that 4 respondents (6.7%) believed that good records management promotes the sharing of information between KNCHR and its

stakeholders. The finding agrees with Blakes' (2005) view that effective records management supported efficient joint working and information exchange. Human rights information is often shared among the various human rights lobby groups as well as members of the public. It is important that records are maintained in a manner that can easily be tracked, stored and retrieved for use. In an environment where information is shared, citizens become more enlightened and are able to articulate their rights better.

Good records management practices should facilitate the protection of sensitive records by classifying and assigning them to different security levels. Kenya has witnessed cases of witnesses being murdered after providing evidence. Nineteen respondents (76%) pointed out that in order to enhance promotion of human rights, witnesses needed to be protected. A good records management system should therefore be able to avoid exposing witnesses to danger by ensuring that information is only channeled to the right people and is not leaked to members of the public. Good records management systems protects sensitive records by having in place relevant security measures such as locking them in cabinets, having passwords, having backup among other security measures.

The study further established that absence of records impacted negatively upon transparency and accountability of organizations. KNCHR works hand in hand with other stakeholders such as hospitals, the Police among others. When these stakeholders fail to manage records in a manner that they are not authentic and available, they cannot be held accountable to human rights abuses because of lack of authentic records. Twenty four respondents (96%) pointed out that where there are no records, there can

be no transparency and accountability. Where there is no transparency and accountability, there can be no good governance and human rights are undermined.

4.8 POLICIES AND PROCEDURES

Another objective of the study was to investigate the policies and procedures put in place by the Kenya National Commission of Human Rights aimed at safeguarding their records and other information.

From the findings of the study Kenya National Commission on Human Rights lacks a records management policy. Whereas 24 respondents (96%) reported that the organization had a communications policy, the policy was more inclined to dealing with how KNCHR carries out its internal and external communication rather than how it manages its records.

Six respondents (24%) reported that KNCHR worked and distributed information among staff and other users in good faith and did not expect the information to be misused/ mishandled. Furthermore non-sensitive records were open to members of the public but for sensitive information an individual would be required to prove the need for it. In the event that an individual needed certain information, individually they may be required to write to the chairperson KNCHR or the head of programme in charge of media and communication. The existence of such procedures is aimed at safeguarding KNCHR records and other information

The study established that policies and procedures were instrumental in safeguarding information. Twenty four respondents (96%) believed that policies and procedures were vital as they defined responsibilities and how duties were discharged. Good records management also helped in the flow of information in and outside the organization. For example KNCHR had designated staffs that were authorized to speak to the press.

Policies and procedures played a significant role in safeguarding information by providing mechanisms for information sharing. The policies and procedures specified how information is shared and other access rights by users. For example KNCHR has a program that deals with communication known as the media and communication programme.

The study also established that KNCHR had no official policy on information access. Five respondents (20%) reported that they were not aware of the existence of any policy with regard to information access. However the library was open to the public as was the case with their website which also contained useful information resources.

4.9 CHALLENGES OF INFORMATION MANAGEMENT AT KNCHR

Another objective of the study was to identify challenges faced by human rights activists in obtaining information pertaining to human rights at KNCHR. These challenges are explained below;

The study established that one of the challenges faced by Human Rights Officers, in obtaining information pertaining to human rights at KNCHR was the ever growing volumes of records. One respondent 3.3% pointed out that the volume of records at KNCHR was growing enormously resulting in a shortage of storage space.

Only one respondent (3.3%) pointed out the need to carry out appraisal because the registry was running out of space and not all records stored there were still actively being used.

Having a Tracking system for both paper and electronic records is important in any organization. Ten respondents (40%) reported that KNCHR lacked a system with proper tracking tools for tracking the movement of records within the organization. Whereas file movement slips were used, some staff did not adhere to the use of these slips.

The study established that KNCHR was funded through a budget given by the government. The budget was often limited. Nineteen respondents (76%) reported that one of the challenges at KNCHR was limited internal funding. This had affected the establishment of a registry and employment of enough staff in the organization.

Twenty four respondents (96%) reported that the organization was indeed understaffed. Capacity building was necessary to ensure that there were qualified staffs for the organization with special emphasis given to the registry as well as the library.

Regarding availability and access to human rights information at KNCHR, 15 respondents (60%) reported that there existed mistrust between the human rights organizations and government agencies. The police were cited as one of the government agencies that hampered investigation activities and that KNCHR activists' were viewed as troublemakers.

KNCHR also relied on information from other organizations. Fifteen respondents (60%) reported that they were often denied information by various agencies. They cited a case, where a prominent referral hospital in the country was said to be carrying out secret surgeries on hermaphrodite children. Whereas the parents were given the option to choose the sex of the child, the child is denied the opportunity to identify himself/herself with the kind of gender they want. Efforts by KNCHR to get to the truth of the matter were hampered when the hospital denied and refused to provide information.

From the study 19 respondents (76%) reported lack of cooperation by key stakeholders as hampering their activities at KNCHR. Furthermore they cited the Kenyan Police Force as the most uncooperative government institution.

The study established that 1 respondent (3.3%) faced challenges in addressing specific user information needs. The respondents pointed out that human rights being a diverse subject, and the population of clients quite large, this made it hard to know and address the specific information needs of these varied users.

Furthermore 1 respondent (3.3%) pointed that they faced challenges in enforcing rules and regulations especially within KNCHR library. This was attributed to ignorance by staff members, organizational culture and staff attitude.

4.10 RECOMMENDATIONS BY KNCHR STAFF

The study also sought to solicit appropriate recommendations on how KNCHR could strengthen the records management function in order to enhance human rights activities in Kenya. The recommendations made by staff can be summarized as follows:

- Records management should be computerized in order to improve access and retrieval of information and avoid duplication.
- A standardized procedure of filing, referencing and description of records should be introduced.
- KNCHR should develop and adopt a centralized registry system and should be given qualified staff to run it.
- Security of records needs to be improved in order to safeguard the records.
- Appraisal of records should be done regularly in order to identify and maintain valuable records. This will help cut down on storage costs and also save on storage space.
- KNCHR should employ qualified staff to manage its registry and library. This will ensure that records are managed professionally in the organization.

- KNCHR should enforce strict procedures as well as security measures for access to their information .This is vital in safeguarding sensitive information and protecting witnesses and ensuring that complainant' statements are not leaked out.
- KNCHR needs to have in place proper tracking devices/tools to help in tracking records movement within the organization.
- KNCHR should fully utilize intranet communication within KNCHR and ensure that records are backed up frequently.
- A records management policy should be put in place at KNCHR. This is necessary to define responsibilities and to provide clear instructions on the management of records within the organization.

From the above recommendations, those that appeared to be raised by several respondents were: computerization of records management, the need for a specific records management policy and staff capacity building and development programme.

4.11 CONCLUSION

This chapter has presented the findings of the study. It has analyzed and presented the findings to reflect the aim of the study. The findings revealed that records management was essential in the promotion of human rights. However the findings also indicated that there were inadequacies in records management at KNCHR that have a bearing on human rights. These findings necessitate the need to review as well as enact records management policies and procedures at KNCHR in order to scale up records management as an effective vehicle for promoting human rights.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter provides a summary of research findings of the study, conclusions and recommendations. Suggestions for further research are also given. The following discussion presents each of these aspects.

5.1 SUMMARY OF MAIN FINDINGS

This section provides a summary of the research findings based on research questions that were formulated by the study.

5.1.1 Research Question One: What are the main business activities of KNHR and what types of records are generated /received?

- KNCHR has approximately 50 members of staff at the headquarters and at two of its branches in Wajir and Kapenguria. Respondents participating in the study included: commissioners, heads of programmes, registry staff, library staff and staff drawn from the administration.
- KNCHR has six programmes namely; The Redress, Media and Communications, Human rights education, Economic, Social and Cultural Rights, Campaigns Programme and Complaints and Investigations.
- The records required, received and generated at KNCHR included; letters, mails, reports from complainants as well as respondents, and research reports among others.

- Twenty of the respondents (66.7%) indicated that the records management situation was demanding and that the organization lacked a records management policy and a dedicated registry to serve the entire organization.
- Records were kept in shelves, boxes and cabinets and that the records were mostly in paper format but also in electronic format. Other information materials were kept at the library and at the programmes level. Information in the library was classified using the library of congress system and arranged in order on the shelves.
- KNCHR had low staff capacity in records management which needed to be developed with especial attention given to the registry and library. More qualified staffs needed to be recruited in these particular areas.
- Information materials kept at the library included; Government acts, reports, Kenya law report, books on international law, newspapers and newsletters among others.
- Information needs of clients were met through selective dissemination of information, referencing and abstracting.
- Library acquisition were mostly done through; donations from organizations, requests from various programs and KNCHR internal publications.

5.1.2 Research Question Two: What is the role of records in promotion of human rights?

The study findings showed the role of records in upholding human rights to include; provision of evidence, research, protection of human rights as well as monitoring

compliance to local and international human rights laws. They were further used to analyze human rights violations, promotion of social justice, enactment of good policies and to highlight human rights marginalization.

5.1.3 Research Question Three: What records are considered useful in promoting human rights?

- Records considered useful in upholding human rights included: internal KNCHR reports, minutes of KNCHR meetings and accounting records. Others were police records, hospital records, postmortem records and prison records.

5.1.4 Research Question Four: what is the importance of good records management practices in upholding human rights

On the importance of good records management practices, the study noted the following results; improved access and retrieval of information; enabling availability of authentic records; provision of back up for records; good storage; good governance; improved decision making; sharing of information; protection of witnesses and promotion of transparency and accountability in organizations.

5.1.5 Research Question Five: What policies and procedures have been put in place in KNCHR aimed at safeguarding records and other information?

- Kenya National Commission on Human right lacked a records management policy. However the organization had a Communications policy, which was

more inclined to dealing with how KNCHR carried out its internal and external communication. The policy did not address records management related issues.

- Regarding access to information, the organization lacked a documented policy and therefore operations were based on mutual trust among staff members.
- The study established that policies and procedures were instrumental in safeguarding information. Twenty four respondents (96%) believed that policies and procedures were vital as they defined responsibilities and how duties were discharged. Policies and procedures played a significant role in safeguarding information by providing mechanisms for information sharing. The policies and procedures specified how information was shared and accessed by users.

5. 1.6 Research Question six: What challenges are faced by human rights staff when obtaining information pertaining to human rights?

KNCHR faced various challenges pertaining to management of information and records on human rights. They included; increased volume of records; lack of archiving records; lack of a system to track records movement; limited funding; limited staff capacity; existence of suspicion/mistrust among various groups such as the police; denial of information by various groups; such as hospitals; lack of cooperation among key players and meeting the specific user needs of clients.

5.2 CONCLUSION

It is widely acknowledged that records serve a critical role in ensuring and sustaining good governance in all organizations, social groups and even governments. Yet the management of records in all these organizations remains wanting. Records are natural by-products of the activities of an organization. They are a means by which evidence of the past and current decisions, actions, procedures and policies are preserved for future use.

A key finding of the study was the recognition that indeed records underpinned all the activities at KNCHR. Among the records created were: KNCHR internal reports, minutes and accounting records which were important for internal and external auditing. Accounting records were used to check how the organization utilized its resources against a given budget. Oburo (2008) observed that these records support accountability and prevent, eliminate or reduce fraud within organizations. Notably, email records were mostly created and used within the organization. This concurs with views by Shepherd and Yeo, (2003) that most organizations have hybrid record systems, with some records in paper and some in digital form. This was the actual scenario at KNCHR. Other records considered useful in promotion of human rights were police records, hospital records, postmortem records and prison records. For these records to be useful there was need for them to be managed in a manner that they are available, authentic and reliable.

On the role of records, key findings of the study demonstrated that records provided evidence and led to the protection of human rights. Ketelaar and Mckemmish (2005) believe that records act as tools of repression, liberation, capturing people, controlling memories and violation of human rights. For all these to be realized, records need to be authentic, reliable, usable and available.

On the importance of records management and human rights, this study established that there was a strong connection between sound records management and human rights. Specifically, key findings of the study found that good records management underpinned good governance, transparency and accountability in most institutions. Oburo (2008) postulates that the management of records is crucial to good governance. Records management enables the creation of records that are authentic and trustworthy to support an organizations' activities.

The study has demonstrated that records management contributes to enactment of good policies and was instrumental in highlighting problems of human rights marginalization. Roper and Millar (1997) have asserted that records can be used for development and implementation of polices. Keeping track of actions, meeting legal and regulatory requirement, protecting the interest of organization. The study has demonstrated that records were indeed important in upholding human rights. However institutions including KNCHR needed to establish proper records management policies and procedures in order to generate quality records to meet evidentiary requirements. Without such policies and procedures organizations are likely to face the sort of

challenges KNCHR faced. Besides policies and procedures, a good records management programme had to be supported by qualified and competent staff and a well established registry.

This study has further established that KNCHR was faced with various challenges affecting the management of records and other information. These challenges included: limited funding; inadequate records management staff and denial of information by various groups such as hospitals. KNCHR needed to develop its staff capacity with special attention given to records management. KNCHR requires qualified records management staff to manage its records. Development of good records management policies and procedures is necessary to alienate problems stated above by providing a holistic way of managing records. The study noted that Freedom of information policy was necessary to improve access to information especially in public institutions and thus deal with issues of mistrust/suspicion and denial of information by various groups, for example the police.

The findings of this study can be generalized to address subjects of records management at KNCHR and by extension raise awareness among other institutions. It has also made a contribution to the body of knowledge on records management and human rights that if well harnessed could be instrumental in up scaling records management and thus promotion of human rights. It is in the opinion of this study that enormous effort is required to within KNCHR to ensure existing records management systems and practices adequately support, protect and promote human rights.

5.3 RECOMMENDATIONS

In view of the findings of the study which are discussed in chapter four, a summary of which is provided in chapter five, the study came up with the following recommendations which if implemented will contribute towards the strengthening of records management at KNCHR. It should further enhance the promotion of human rights in Kenya by providing access to human rights related information.

1. Policies

One of the key findings of the study was that Kenya National Commission on Human Rights lacked a records management policy. Consequently the records management situation at KNCHR is wanting. Cases such as poor tracking of records and lack of appraisal of records among many others, were reported. This study therefore recommends the development and implementation of a records management policy. The policy will provide guidance, define responsibilities and provide procedures for proper records management at KNCHR.

2. Procedures

The study established that KNCHR worked and distributed information among staff and other users in good faith and did not expect the information to be misused or mishandled. This is indeed dangerous for an organization such as KNCHR which handles sensitive data. This study recommends KNCHR should develop procedures on information access and management. This will help protect sensitive information as well as upscale the sharing of information to stakeholders

3. Capacity Building in Records Management

Another key finding of the study was that KNCHR had inadequate records management staff and that few staff available lacked adequate training in records management. This had significant effect on the management of records and other information within KNCHR. This study recommends that KNCHR employ more qualified staff for the registry. Staff should further be equipped with adequate knowledge and skills in the area of records management. This will ensure that records receive proper care.

4. Records Improvement Strategies

Another finding of the study was that the Commission lacked a fully functional filing system. This resulted in poor tracking of records. KNCHR needs to adopt a standardized system of filing, arrangement; description and storage of records. This will ensure consistency in managing records within the organization. To complement this, KNCHR should put in place a system to track the movement of both the paper and electronic records.

Furthermore KNCHR should consider modernizing its records management practices through the installation of electronic records management system (ERMS) and adoption of scanning technologies.

KNCHR should further consider benchmarking with other UN agencies regionally and other organizations with international records management best practice in the areas of records management.

5. Computerization

Another key finding of the study related to information access at KNCHR. This not only undermined the work of the Commission but similarly undermined human rights in the country. Therefore to promote and enhance access to human rights information and records, this study recommends that KNCHR upgrades its' computer system with the view to computerizing its records management system. This will help improve access and retrieval of information. It will also improve tracking of files and records. However to achieve this, KNCHR must first of all deal with the poor state of its' manual records.

6. Resources

Another finding of the study was that KNCHR was funded through a budget given by the Government. The budget was limited which therefore meant inadequate funding for the registry. This partly explains why KNCHR has no registry and the existence of inadequate staff in the organization. This study recommends that top management consider allocating funds dedicated to the management of records and capacity building in area of records management in the organization. This is one way in which top management can demonstrate appreciation for records management since records management underpins all activities undertaken by KNCHR.

7. Freedom of Information Policy

Another key finding of the study was that KNCHR relied on records from other organizations for example the police and hospitals. Similarly, the organization was faced with the challenge of denial of information by key stakeholders such government

institutions. Furthermore, they cited the Kenyan Police Force as the most uncooperative government institution. FoI policy is necessary to enable access to information held by government institutions. A society with greater access to information increases the chances of upholding human rights. This study recommends that KNCHR vigorously campaigns for the enactment of the FoI law in the country as the policy will contribute immensely to the work of KNCHR.

7. The proposed Human Rights Records Management Model for KNCHR

The study proposes a model that could be used to ensure proper records management practices at KNCHR in order to support human rights activities. The suggested model presents six stages that KNCHR would have to go through to ensure there is proper records management in order to promote human rights. These stages and requirements are shown in Figure 2.

This model was been adapted from the existing record life cycle model and records continuum model on records management. This proposed model values records management in support of human rights and the fact that records management underpins human rights. The model has six phases namely: Needs analysis, creation, maintenance and use, storage, disposition and legal and regulatory framework.

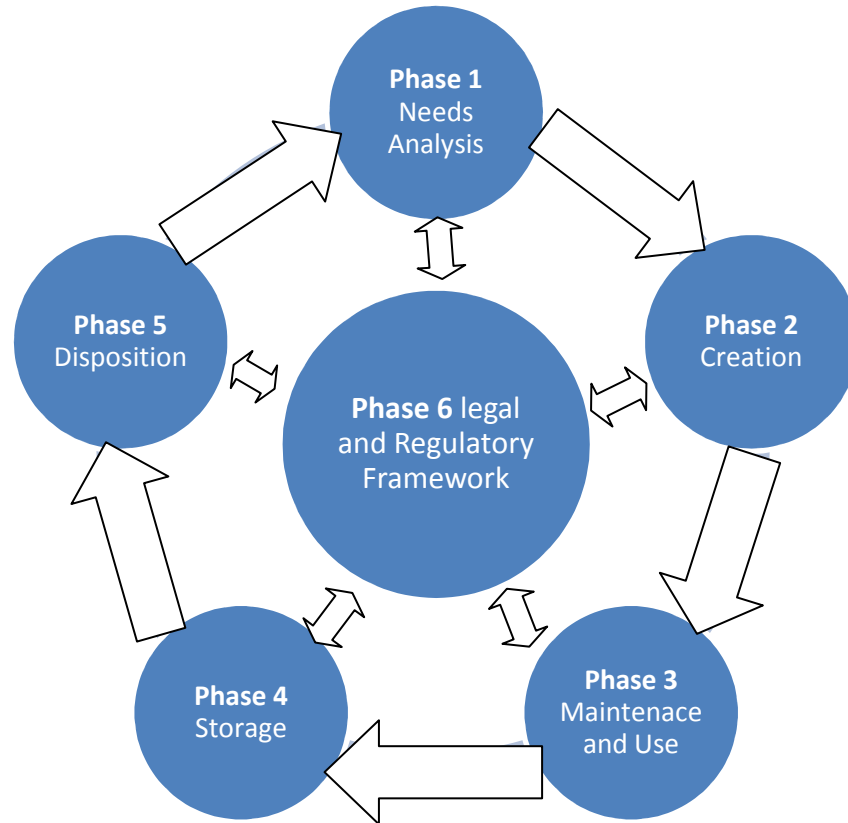


Figure 3: Human Rights Records Management Model

Phase 1: Needs analysis

The starting point in managing human rights records is to carry out a needs analysis of the organization (KNCHR). The needs analysis should also be carried out among the staff and Users of KNCHR and is necessary in establishing the following:

- To establish staff capacity building within KNCHR especially the records management staff. It will further examine the knowledge and skills of these staff in areas of records management and human rights.
- To identify the needs of the users(staff and clients) of the records at KNCHR

- Availability of adequate resources (Financial, human capital among others) that are necessary for the management of records through their life cycle.
- To identify records management needs such as: equipments, computers, relevant software and other resources
- To establish policies and procedures put in place at KNCHR to provide guidelines on management of human rights records.

Needs analysis should be carried out continuously to accommodate the needs for managing human rights records in a dynamic environment.

Requirements

The requirements at this stage would include:-

- Adequate staff with adequate knowledge and skills on records management and human rights in order to provide proper care for human rights records.
- Adequate equipments for proper storage of human rights records
- Adequate computers for data entry and storage of human rights records
- Records management standards and procedures to ensure consistency in management of human rights records
- Relevant software to enable tracking and timely searching and retrieval of human rights records.

Phase 2: Creation

Records are created or generated by records management staff, KNCHR staff and clients. Records created need to be kept authentic, usable and reliable as they used as

evidence (e.g. complainants statements). The systems being used need to be trustworthy because security of human rights records is important.

Requirements

The requirements at this stage would include:-

- Staff with adequate knowledge and skills on records management and human rights to ensure the professional management of human rights records.
- Adequate computers to ensure timely creation of records and storage in the right formats.
- Adequate and appropriate security measures such as use of passwords to ensure that records created are well secured. Access rights needs to be clearly defined and enforced.
- Records management standards and procedures to ensure consistency in management of human rights records.
- Relevant software to enable tracking, searching and retrieval of human rights records among others.

Phase 3: Maintenance and Use

Records are frequently accessed, used and maintained at this phase. Sensitive records need to be kept at lockable cabinets while others can be put in shelves. Timely access to information is crucial at this stage coupled with a proper tracking system. Security of human rights records is very important and thus access rights should be well enforced.

Requirements

The requirements at this stage would include:-

- Information access policies and procedures to provide guidelines on access to information.
- Adequate staff with knowledge and skills on searching and retrieval of information.
- Proper tracking of records (using file tracking tools such as an index for manual records as well as electronic indexes for electronic records).
- Relevant software to enable timely access and retrieval of information.
- Adequate security measures such as passwords, antivirus among others is necessary to protect the content of the document as well as the complainants.

Appraisal of records is necessary in order to identify the records that are no longer needed for day to day operation for transfer to a record center.

Phase 4: Storage

Records that are no longer frequently needed for day to day operations are transferred to a record center or any other secondary facility. Records are stored in shelves, cabinets among others. Appraisal of record is necessary to establish records of continuing value that needs to be transferred to an archival center.

Requirements

The requirements at this stage would include:-

- Proper environmental storage conditions (good lighting, proper humidity and cleanliness) to ensure the longevity of records.

- Registry/secondary storage facility should be well secured with strong doors among other security measures to ensure that human rights records are kept safe.
- Adequate storage equipments and shelves to ensure human rights records are stored in a secured place and that they remain accessible when needed.
- Adequate security to ensure that complainant details such as names, place of residents among others are not exposed to their perpetrators and working confidential human rights reports are not leaked out to the members of the public.
- Proper arrangement and labeling of archival boxes, cabinets and shelves to enable timely searching and retrieval of records.

Phase 5: Disposition

Once appraisal has been done, records that are no longer frequently accessed are transferred to an archival center for example for KNCHR, the Kenya National Archives and Documentation Service would be an ideal place. Human rights cases may arise or last for many decades thus it is important that they remain accessible many years to come to ensure that justice is attained. Records management disposal policies need to be clear on disposition of human rights records.

Requirements

The requirements at this stage would include:-

- Records management policies such as disposal policy and preservation policy.
- Good storage building that is well secured.
- Offsite storage is highly recommended especially for human rights records.
- Adequate security measures such as: use of passwords, back up, offsite storage among others
- Adequate storage equipments, archival boxes and shelves to ensure human rights records are well kept.
- Records migration strategies to ensure that records remain available in view of our changing ICT world.

Phase 6: Legal and Regulatory framework

The legal and regulatory is very important in the management of human rights records. They provide the necessary ingredients to ensure that records are managed in a manner that facilitates the promotion of human rights. In Kenya, international, national and institutional framework is necessary in the management human rights records.

Requirements

The requirements at this stage would include:-

International

It is necessary that staff at KNCHR be conversant with following charters on human rights:

- Universal Declaration of Human Rights (1948).
- European Convention on Human Rights (1954).
- International Covenant on Civil and Economic Rights (1966)
- African Charter on Human and Peoples' Rights (1981).

National

- Freedom of Information Act: to facilitate access to human rights records held in public institutions.
- Witness Protection Act: to provide security to complainants and other human rights victims.
- Kenya National Archives and Documentation Service: to ensure proper management of records held in public organizations.
- Kenya National Commission on Human Rights Act 2002.
- Professional ethics for records and human rights staff to ensure that they practice professionalism in management of human rights records.

Institutional

- Records management policy to ensure adequate care is accorded to human rights records that include: adequate security, define responsibilities of records managers as well as standards necessary in managing human rights records.

- Disaster management policy to ensure that human rights records are well safeguarded from both natural and man-made disasters.
- Preservation policy to ensure the continued availability and authenticity of human rights records in many years to come. For example through proper migration strategies.
- Information access policy to spell out clearly the procedures necessary when accessing human rights records(vital records, sensitive/confidential and non-confidential)

These acts need to be harmonized to ensure that they don't contradict each other whereas institutional policies need to complement each other. The policies and acts impact on the management of human rights records at every phase of the model and play an instrumental role in safeguarding human rights records and other information. The legal and regulatory framework is dynamic based on various issues that arise from the dynamic world for example changing information communication technologies.

Guiding principles for the management of human rights records.

From the above model, the researcher came up with the following guiding principles for managing human rights records:

1. Human rights records are those records that provide evidence of human rights violation.
2. That the legal and regulatory framework impact on the management of human rights records at all phases of the model.
3. That the records requirements at every phase of the model are dynamic.

5.3 SUGGESTION FOR FURTHER RESEARCH

This study covered a number of areas as outlined in the aim and objectives of the study.

It was however not exhaustive and certain areas still call for investigation by other researchers. The study therefore suggests the following areas for further research;

- The study recommends an investigation into the preservation of human rights records in electronic form to ensure that they not only remain authentic, reliable but also usable many years to come in spite of the changing ICT world.
- The study recommends an investigation into management of human rights records in the public sector organization such as the Kenyan Police, Truth Justice and Reconciliation Commission and Kenya Anti Corruption Commission since the study only focused at KNCHR.

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APPENDIX 1
INTERVIEW SCHEDULE

My name is Winnie Masai I am a Master of Philosophy student in Records & Archives Management at Moi University, conducting a research on *Records Management and Human rights: A case study of Kenya national Commission on Human Rights*. This is in partial fulfillment for the requirements for Master of Philosophy Degree in Records and Archives Management.

The study aims at assessing the role of records management in promotion of human rights. The results of the study are anticipated to support human rights activities in KNCHR through strengthening of the records management function.

I have identified you as one of the respondents to the study .Information provided will be treated with utmost confidentiality.

For any query/clarification please contact me, Winnie Masai 0720 470 462/202446564 or wmasai@gmail.com

APPENDIX 2**INTERVIEW SCHEDULE FOR COMMISSIONERS****Section A- General**

Name of programme

Occupation.....

Date:.....

Section B

1. What are your specific duties?
2. What records/information do you require in order to carry out your duties?
3. What records are generated or received in the course of your duties?
4. Can you comment on the records management situation at KNCHR?
5. What is the role/contribution of records in promoting human rights?
6. How can good records management contribute in upholding human rights?
7. What policies and procedures are in place to support the management of official information and records at KNCHR?
8. What role do these policies and procedures play in safeguarding records and information?
9. What is the official policy with regard to access to official records at KNCHR?
10. What improvements would you like to see in the way records are managed at KNCHR?

APPENDIX 3

INTERVIEW SCHEDULE FOR HUMAN RIGHTS OFFICERS

Section A- General

Name of programme

Occupation..... Date:.....

Section B

1. What are your specific duties at KNCHR?
2. What records/information do you require in order to carry out your duties?
3. What records are generated or received in the course of your duties?
4. Can you comment on the records management situation at KNCHR?
5. How do you go about seeking information relating to human rights?
6. What challenges do you face when seeking information relating to human rights?
7. Where do records/information you collect end up after you have completed your work?
8. In what formats is this information provided?
9. What is the role/contribution of records in promoting human rights?
10. How can good records management contribute to upholding human rights?
11. What policies and procedures are in place to support the management of official information at KNCHR?
12. What role does these policies and procedures play in safeguarding records and information?
13. What is the official policy with regard to access to official records at KNCHR?
14. What improvements would you like to see in the way records are managed at KNCHR?

APPENDIX 4**INTERVIEW SCHEDULE FOR ADMINISTRATIVE STAFF****Section A- General**

Name of programme.....

Occupation.....

Date:.....

Section B

1. What are your specific duties at KNCHR?
2. What are your specific duties as far as records management is concerned?
3. What records/information do you require in order to carry out your duties?
4. What records are generated or received in the course of your duties?
5. What is the records management situation at KNCHR?
6. What is the importance of good records management in upholding human rights?
7. What policies and procedures are in place to support the management of official information at KNCHR?
8. What role do these policies and procedures play in safeguarding records and information?
9. What is the official policy with regard to access to official records at KNCHR?
10. What improvements would you like to see in the way records are managed at KNCHR?

APPENDIX 5

INTERVIEW SCHEDULE FOR LIBRARY STAFF

Section A- General

Name of programme

Occupation.....

Date:.....

Section B

1. What are your specific duties at KNCHR?
2. What records/information do you require in order to carry out your duties?
3. What information materials do you keep in the library on human rights issues?
4. How are the information materials managed?
5. Who uses this information and how frequently are the materials used?
6. What records are generated or received in the course of your duties?
7. How do you go about addressing the information needs of your clients at KNCHR?
8. What challenges do you face when trying to satisfy the information needs of your clients at KNCHR?
9. How do you obtain information or materials on human rights to stock the library?
10. What is the role/contribution of records in promoting human rights?
11. What is the importance of good records management in upholding human rights?
12. What policies and procedures are in place to support the management of official information at KNCHR?

13. What role do these policies and procedures play in safeguarding records and information?
14. What is the official policy with regard to access to official information at KNCHR?
15. Can you comment on your training and qualification in library management?
16. What additional training do you have on human rights?
17. What improvements would you like to see in the way records are managed at KNCHR?

APPENDIX 6**INTERVIEW SCHEDULE FOR RECORDS MANAGEMENT STAFF****Section - General**

Name of programme

Occupation.....

Date:.....

Section B

1. What are your specific duties at KNCHR?
2. What records do you require in order to carry out your duties?
4. What records are generated or received in the course of your duties?
5. How are the records managed?
6. Who manages the records?
7. What systems are there to manage these records?
8. What is the records management situation at KNCHR?
9. What challenges do you face when managing records relating to human rights?
10. What is the role/contribution of records in promoting human rights?
11. What is the importance of good records management in upholding human rights?
12. What policies and procedures are in place to support the management of official information and records at KNCHR?
13. What role do these policies and procedures play in safeguarding records and information?
14. What standards are observed in managing the organizations records?

15. What is the official policy with regard to access to official records at KNCHR?
16. Can you comment on the training you have in records management?
17. Can you comment on your skills and competencies in records management work?
18. What improvements would you like to see in the way records are managed At KNCHR?

APPENDIX 7**UNIVERSAL DECLARATION ON HUMAN RIGHTS****Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Articles 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

**APPENDIX 8
RESEARCH PERMIT**

REPUBLIC OF KENYA



NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Telegrams: "SCIENCETECH", Nairobi
Telephone: 254-020-241349, 2213102
254-020-310571, 2213123
Fax: 254-020-2213215, 318245, 318249
When replying please quote

P.O. Box 30623-00100
NAIROBI-KENYA
Website: www.ncst.go.ke

Our Ref:

Date:

NCST/5/002/R/198/4

7th May 2009

Ms. Masai Chepkoech Winnie
Moi University
P.O. Box 3900
ELDORET

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on, *Records Management and Human Rights: A Case Study of Kenya National Commission on Human Rights'*

I am pleased to inform you that you have been authorized to carry out research in the Kenya National Commission on Human Rights Office in Nairobi for a period ending 30th December 2009.

You are advised to report to the Director-Kenya National Commission on Human Rights before embarking on your research.

On completion of your research, you are expected to submit two copies of your research report to this office.

PROF. S. A. ABDULRAZAK Ph.D.MBS
SECRETARY

Copy to:

The Director
Kenya National Commission on Human Rights
NAIROBI

APPENDIX 9
AUTHORITY TO CONDUCT RESEARCH AT KNCHR

From: **victor bwire** <bwire@knchr.org>
Date: Thu, Oct 30, 2008 at 11:19 AM
Subject: FW: Request Granted
To: wmasai@gmail.com

mailed-by knchr.org

Hi Winnie

You request to use the Kenya National Commission on Human Rights as a case study in your research on human rights has been granted.

Visit the KNCHR any your earliest opportunity for practicalities

Regards

Victor Bwire

Human Rights Officer
Media and Communications
Kenya National Commission on Human Rights (KNCHR)
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