

# **Basic Principles on the Role of Archivists in Support of Human Rights**

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# Express yourself!



Basic Principles on  
the Role of Archivists  
in Support of Human  
Rights:

Give your opinion!

# Plan for consultation on the draft Principles

**2014 June** The draft was sent to ICA members, and posted to ICA website; comment period opened

**2014 October** Open forum on the draft at the annual meeting in Girona

**2015 January** Comment period closes, draft completed, sent to Executive Board

**2015 April** Executive Board considers draft

**2015 September** Annual meeting in Iceland considers the statement of principles

# The ICA's Human Rights Working Group drafted the Basic Principles

- First impulse came from the ICA Section of Professional Associations

- We already have the Code of Ethics



- A more specific instrument addressing human rights concerns

## Our key goals:

- To make archivists aware that mismanagement of archives or improper destruction of archives can result in violation of human rights

## Our key goals:

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- To translate into guidelines for archival work some principles contained in the Universal declaration on human rights and in international conventions (non discrimination, respect for the right of minorities, etc.)

# What does archival work have to do with human rights?

Which connections are there between the work of preserving, arranging and describing archives, and making them available, and human rights?

## **In the 1990s, 3 different itineraries led to increasing awareness of the intersections of archives and human rights**

- Transition to democracy in many countries  
→ role of archives
- Law scholars singled out third generation of human rights
- Attacks against cultural heritage during conflicts



# **CITRA (ICA annual conference) Mexico 1993**

Creation of a working group on the archives of the security services of former repressive regimes

# WG on the archives of the security services of former repressive regimes

- Antonio GONZÁLEZ QUINTANA, *Archives of the Security Services of Former Repressive Regimes. Report prepared for Unesco on behalf of the International Council on Archives* (1996) («Janus», 1998, n. 2 and on line)
- Antonio GONZÁLEZ QUINTANA, *Archival Policies in the Protection of Human Rights* (Paris: International Council on Archives, 2009)

## In transition to democracy, people demand:

- To hold perpetrators of human rights violations accountable (→trials)
- To reform government structure in order to prevent new HR violations
- To know what really happened (individual and collective right to know)
- Reparations, restitution of properties, moral and material compensations

Trudy Huskamp Peterson “The Role of Archives in Strengthening Democracy” <http://www.trudypeterson.com/>

## **1997 UN High Commission on Human Rights *Principles against impunity* (by Louis Joinet)**

The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is a “duty to remember,” which the State must assume, in order to guard against the perversions of history that go under the names of revisionism or negationism; the knowledge of the oppression it has lived through is part of a people’s national heritage and as such must be preserved.

# 3 generations of human rights

1. Civil and political rights
2. Social and economic rights
3. Right to self-determination, environmental rights, cultural rights, right to information, right to privacy, etc.

# Cultural rights directly involve archives

- Peoples' right to history
- Peoples' right (and states' duty) to preserve their cultural heritage



Unesco 2005 Convention on the Protection and Promotion of the diversity of cultural expressions

**But also for the exercise of other rights,  
one needs records and archives**

- Can you give any example, drawing from your experience?

# Universal Declaration of Human Rights

## Article 6

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

## 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.



# Universal Declaration of Human Rights

## 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.

# Universal Declaration of Human Rights

## 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 to 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.

# Universal Declaration of Human Rights

## 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.

# Access to archives can be conceived as a human right

## Universal Declaration of Human Rights

### 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.

# Access to archives can be conceived as a human right

## Universal Declaration of Human Rights

### 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.

**JOINT DECLARATION by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression (2004)**

The right to access information held by public authorities is a fundamental human right which should be given effect at the national level through comprehensive legislation (for example Freedom of Information Acts) based on the principle of maximum disclosure, establishing a presumption that all information is accessible subject only to a narrow system of exceptions.

# Basic Principles on the Role of Archivists in Support of Human Rights

00017E 1318 REFERENCIAS 00143F 1129

BUENOS AIRES, el 29 de marzo de 1.977. Ingresó al País en la segunda quinse-  
na de marzo de 1.977. Fue detenida en compañía de su conser-  
vador ALEJANDRO JOSÉ LOGOLUSSO, quien poseía documento falso a nom-  
bre de GUILLERMO OSCAR STAGEL y otros extremistas Uruguayos  
y Argentinos, alojados en la "Fuerza de Fulgencio R. Suarez  
Et AS", llegados de la Argentina con propósitos de obtener do-  
cumentos "araguayos. Se conoció con su conserbino en la ciudad  
de "Mar del Plata y llegaron al "Araguay en la Fuerza indicada  
se conoció con José Ball (Nonsomarse), quien trató a la pro-  
curadora y a su conserbino reemplazlos en las negociaciones de  
obtener documentos paraguayos "falsos" a Argentinos políticos  
salidos de su país, mientras dure la visita al "Araguay del  
Presidente Argentino VIDELA, por cuestiones de seguridad. Fue  
llevada a la "Fuerza de Fulgencio R. Suarez Et AS".

de Brion Superior, el 16 de Mayo  
de 1.977, viajó a Buenos Aires B.A.  
en compañía de Gustavo Esteban In-  
saurralde, José Ball, Alejandro In-  
gelines y Nelson Rodolfo Santana  
Bocito, quedando los mismos a dis-  
posición de las Autoridades Argenti-  
nas.

				
00118	00119	00120	00121	00122
				

# After the Preamble, 23 articles, organized in 6 sections

## Basic archival work

- a. Selecting and Retaining Archives
- b. Providing Access to Information in Archives

## Displaced archives and archives documenting human rights violations

- c. Special Safeguards

## Rights of archivists as professionals

- d. Qualifications and Training
- e. Freedom of Expression and Association
- f. Professional Associations of Archivists



## **Some articles are of special value for countries that have recently experienced an authoritarian rule**

- But the principles are not only for post-dictatorial countries.
- Violations of human rights take place in long-established democracies as well.
- The need to preserve archives that document human rights violations concerns us all.

# Selecting and Retaining Archives

1. Institutions and archivists maintain recordkeeping regimes that protect records that document human rights and act to ensure that mismanagement of records does not contribute to impunity for human rights violations.

# Selecting and Retaining Archives

2. Archivists ensure that they select, acquire and retain historically and legally important materials without discrimination based on race, color, ethnic origin, gender, sexual preference, language, religion, political or other opinion, national or social origin, property, birth, economic or other status.

# Selecting and Retaining Archives

3. Archivists consider in each appraisal decision the utility of the records to support or identify a claim of human rights, to assist in the identification of perpetrators of human rights violations, to permit the identification of persons whose service in past regimes may disqualify them from service in the current regime, to clarify the events that led to the violation of human rights, to help resolve the fate of missing persons, or to enable individuals to seek compensation for past violations of human rights.

# Selecting and Retaining Archives

4. Archivists and institutions prevent the destruction of records that are likely to contain evidence of the violation of human rights.

# Selecting and Retaining Archives

5. Governments ensure that archives concerning violations of human rights and humanitarian law are preserved and access to them is provided, whether these archives are in State custody or in the control of nongovernmental bodies or individuals, and ensure the provision of sufficient funding and other resources for their professional management.

# Selecting and Retaining Archives

6. Archivists and institutions ensure that the records of temporary bodies established to assist in transitional justice are protected and preserved, both while the entity exists and after it closes; public notice will be given prior to the disposal of any records from these bodies.

# Providing Access to Information in Archives

7. Archivists include in the description of their holdings information that to the best of their knowledge enables the user to understand whether the records would be useful to exercise a claim of human rights, to assist in the identification of perpetrators of human rights violations, to permit the identification of the employment history of persons, to clarify the events that led to the violation of human rights, to help resolve the fate of missing persons, or to enable individuals to seek compensation for past violations of human rights.



# Providing Access to Information in Archives

8. Archivists provide timely description of the records in the holdings to ensure equal, fair and effective access for users.

# Providing Access to Information in Archives

9. Archivists advocate and support the right of access to government records and encourage institutions to provide similar access to non-government records, in accordance with the *Principles of Access to Archives* adopted by the International Council on Archives in August 2012.

# Providing Access to Information in Archives

10. All persons are entitled to call upon the assistance of an archivist to assist in establishing their rights. Archivists provide reference service without discrimination based on race, color, ethnic origin, gender, sexual preference, language, religion, political or other opinion, national or social origin, property, birth, economic or other status.

# Providing Access to Information in Archives

11. Archivists ensure that persons seeking to defend themselves from charges of violations of human rights are afforded access to archives.

# Providing Access to Information in Archives

12. Governments, institutions, professional associations of archivists and individuals promote programs to inform the public about their right of access to archives and the important role of archivists in protecting their fundamental freedoms. Special attention should be given to assisting the poor and other disadvantaged persons so as to enable them to assert their rights and where necessary call upon the assistance of archivists.

## Special Safeguards:

13. When archivists discover records that appear to document violations of human rights, whether in their holdings or in records or personal papers that are not yet transferred to an archives, archivists notify the pertinent authorities so that the materials can be reviewed for possible use in legal action.

## Special Safeguards:

14. Institutions and archivists respect the cultural and legal patrimony of nations and groups and do not acquire materials that would diminish the ability of these entities to protect their human rights or to seek compensation for previous damage to their human rights.

## Special Safeguards:

15. Governments, institutions and archivists cooperate with institutions and individuals in other countries to handle displaced archives, including measures to protect the rights of living persons whose lives are reflected in them.



# Qualifications and Training

16. Governments, professional associations of archivists, educational institutions and individual professionals ensure that archivists have appropriate education and training and are aware of the ethical duties of archivists with regard to human rights and fundamental freedoms recognized by national and international law.

# Qualifications and Training

17. Governments, professional associations of archivists, and educational institutions ensure that there is no discrimination against a person with respect to entry into or continued practice within the archival profession on grounds of race, color, gender, sexual preference, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement that a government employee must be a national of the country concerned is not discriminatory.

# Qualifications and Training

18. In countries where there exist groups, communities or regions whose needs for archival services are not met, particularly where such groups have distinct cultures, traditions or languages or have been the victims of past discrimination, governments, professional associations of archivists, educational institutions and individual professionals should take special measures to provide opportunities for persons from these groups to enter the archival profession and should ensure that they receive training appropriate to the needs of their groups.

# Freedom of Expression and Association

19. Archivists, like other citizens, are entitled to freedom of expression, belief, association and assembly. In particular, they have the right to take part in public discussion of matters concerning the promotion and protection of human rights and the professional responsibilities therefor. In exercising these rights, archivists do not divulge information that they obtained in the course of their professional responsibilities that has not been released by authorized officials for public use.

# Freedom of Expression and Association

20. Archivists who make disclosures of information showing human rights violations or international humanitarian law violations, regardless of whether the information is classified or otherwise confidential, and who at the time of disclosure have reasonable grounds to believe that the information disclosed tends to show wrongdoing, have the right to report to an appropriate authority any measure of retaliation or the threat of retaliation in relation to the protected disclosure.

# Professional Associations of Archivists

21. Archivists are entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

# Professional Associations of Archivists

22. Professional associations of archivists cooperate with governments and institutions to ensure that everyone has effective access to archival services.

# Professional Associations of Archivists

23. Codes of professional conduct established by the archival profession in each nation or subpart thereof shall be in harmony with the *Code of Ethics* adopted by the International Council on Archives in 1996.



**Thank you  
for your attention!**

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