

Ph.D. Živana HEĐBELI

8th IIAS AUTUMN ARCHIVAL SCHOOL 2014

Professional training course
on the issues relating to

Archives - political powers - civil society

Trieste, October 22nd, Wednesday, 2 p.m.

What are human rights?



The rights you have simply because you are human.

Human rights are based on the principle of respect for the individual.

They are called human rights because they are universal.

Human rights are the rights to which everyone is entitled — no matter who they are or where they live — simply because they are alive.

The Cyrus Cylinder (539 B.C.)



- The decrees Cyrus made on human rights were inscribed in the Akkadian language on a baked-clay cylinder.
- Cyrus the Great, the first king of Persia, freed the slaves of Babylon, 539 B.C.
- In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for Man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script.
- Known today as the Cyrus Cylinder, this ancient record has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and **its provisions parallel the first four Articles of the Universal Declaration of Human Rights.**

Magna Carta (1215)



- Magna Carta, or “Great Charter,” signed by the King of England in 1215, was a **turning point in human rights**.
- In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. Among them was the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct.
- The Magna Carta, or “Great Charter,” was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world. Widely viewed as one of the most important legal documents in the development of modern democracy, the Magna Carta was a crucial turning point in the struggle to establish freedom.

Petition of Right (1628)



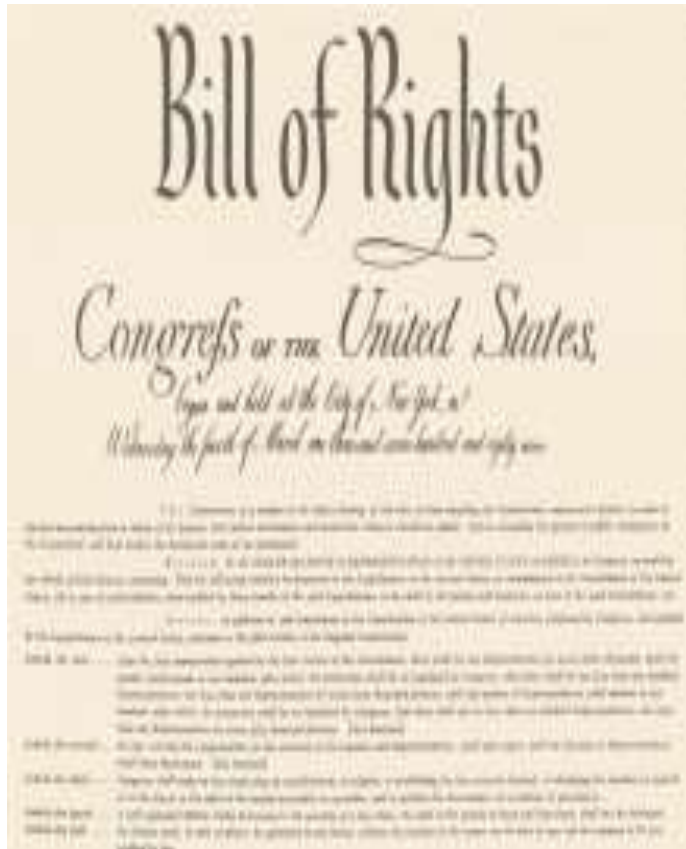
- In 1628 the English Parliament sent this statement of civil liberties to King Charles I.
- The Petition of Right, initiated by Sir Edward Coke, was based upon earlier statutes and charters and asserted four principles: (1) No taxes may be levied without consent of Parliament, (2) No subject may be imprisoned without cause shown (reaffirmation of the right of habeas corpus), (3) No soldiers may be quartered upon the citizenry, and (4) Martial law may not be used in time of peace.

United States Declaration of Independence (1776)



- Its primary author, Thomas Jefferson, wrote the Declaration as a formal explanation of why Congress had voted on July 2 to declare independence from Great Britain, more than a year after the outbreak of the American Revolutionary War, and as a statement announcing that the thirteen American Colonies were no longer a part of the British Empire.
- On July 4, 1776, the United States Congress approved the Declaration of Independence. Philosophically, the Declaration stressed two themes: individual rights and the right of revolution. These ideas became widely held by Americans and spread internationally as well, influencing in particular the French Revolution

The Constitution of the United States of America (1787) and Bill of Rights (1791)



- The Bill of Rights of the US Constitution protects basic freedoms of United States citizens.
- Written during the summer of 1787 in Philadelphia, the Constitution of the United States of America is the fundamental law of the US federal system of government and the landmark document of the Western world. It is the oldest written national constitution in use and defines the principal organs of government and their jurisdictions and the basic rights of citizens.
- The Bill of Rights protects freedom of speech, freedom of religion, the right to keep and bear arms, the freedom of assembly and the freedom to petition. It also prohibits unreasonable search and seizure, cruel and unusual punishment and compelled self-incrimination.

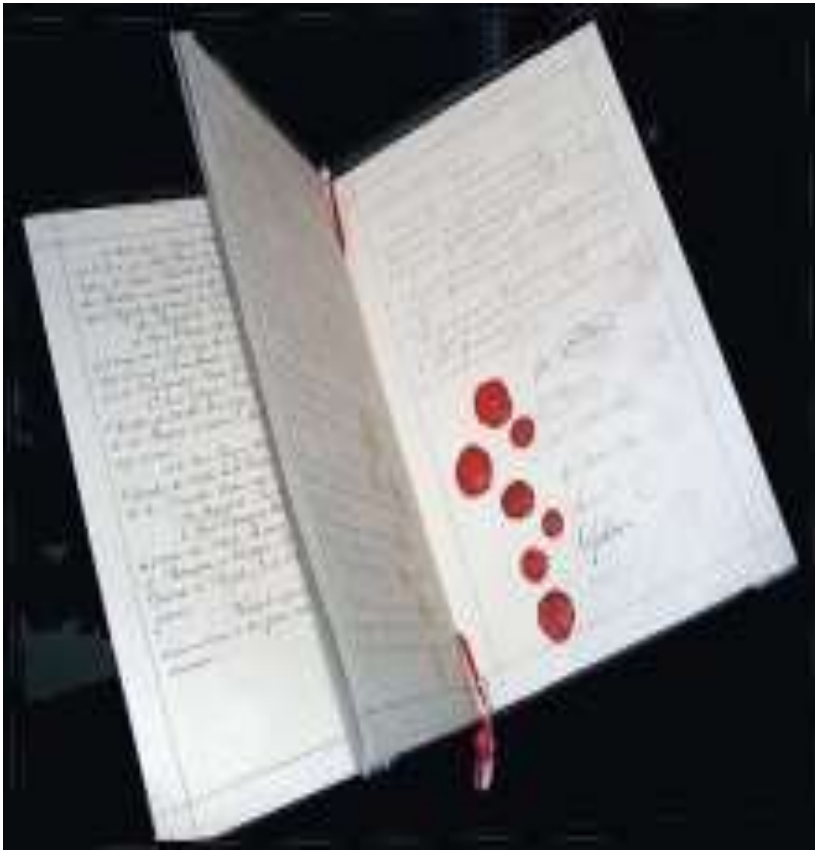
Public archives are human right



Declaration of the Rights of Man and of the Citizen (1789)

- Following the French Revolution in 1789, the Declaration of the Rights of Man and of the Citizen granted specific freedoms from oppression, as an “expression of the general will.”
- In 1789 the people of France brought about the abolishment of the absolute monarchy and set the stage for the establishment of the first French Republic. The Declaration proclaims that all citizens are to be guaranteed the rights of “liberty, property, security, and resistance to oppression.” It argues that the need for law derives from the fact that “...the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights.” Thus, the Declaration sees law as an “expression of the general will,” intended to promote this equality of rights and to forbid “only actions harmful to the society.

The First Geneva Convention (1864)



- The original document from the first Geneva Convention in 1864 provided for care to wounded soldiers.
- In 1864, sixteen European countries and several American states attended a conference in Geneva, at the invitation of the Swiss Federal Council, on the initiative of the Geneva Committee.
- The main principles laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation to extend care without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transports and equipment with the distinctive sign of the red cross on a white background.

The Universal Declaration of Human Rights (1948)



- The Universal Declaration of Human Rights has inspired a number of other human rights laws and treaties throughout the world.
- It was adopted by the United Nations on December 10, 1948.
- In its preamble and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people... **All human beings are born free and equal in dignity and rights.**”

First-generation human rights

often called "blue" rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature: They serve negatively to protect the individual from excesses of the state. First-generation rights include, among other things, freedom of speech, the right to a fair trial, freedom of religion and voting rights.

They were enshrined at the global level and given status in international law first by Articles 3 to 21 of the 1948 Universal Declaration of Human Rights and later in the 1966 International Covenant on Civil and Political Rights.

Second-generation human rights

are related to equality and began to be recognized by governments after [World War II](#). They are fundamentally [economic, social and cultural](#) in nature. They guarantee different members of the citizenry equal conditions and treatment. Secondary rights would include a right to be [employed](#), rights to [housing](#) and [health care](#), as well as [social security](#) and [unemployment benefits](#).

They were also covered by the Universal Declaration of Human Rights, and further embodied in Articles 22 to 27 of the Universal Declaration, and the [International Covenant on Economic, Social, and Cultural Rights](#).

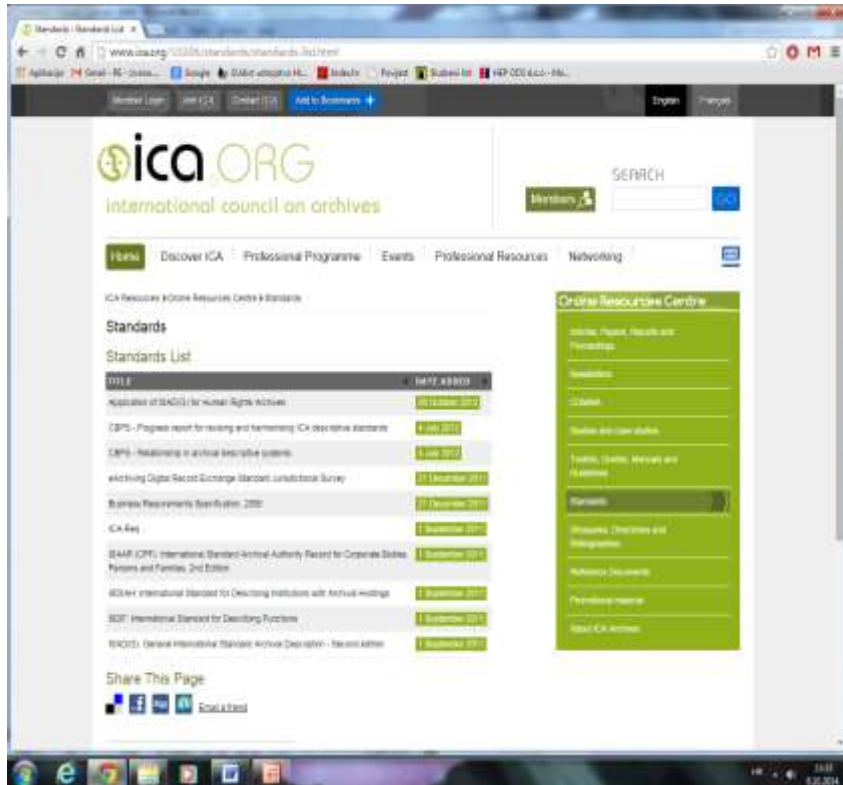
Third-generation human rights

are those rights that go beyond the mere civil and social, as expressed in many progressive documents of [international law](#), including the 1972 [Stockholm Declaration of the United Nations Conference on the Human Environment](#), the 1992 [Rio Declaration on Environment and Development](#), and other pieces of generally aspirational "[soft law](#)".

The term "third-generation human rights" remains largely unofficial, just as the also-used moniker of "[green](#)" rights, and thus houses an extremely broad spectrum of rights, including:

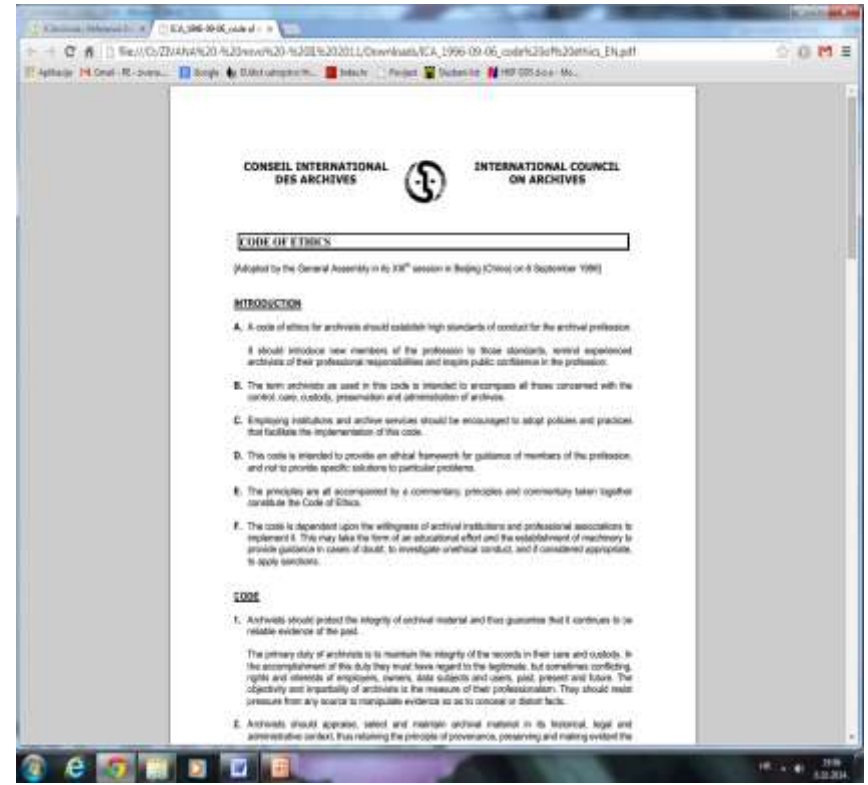
- Group and [collective rights](#),
- Right to [self-determination](#),
- Right to [economic](#) and [social development](#),
- Right to a [healthy environment](#),
- Right to [natural resources](#),
- Right to [communicate](#) and [communication rights](#),
- Right to participation in [cultural heritage](#),
- Rights to [intergenerational equity](#) and [sustainability](#).

ICA standards, studies, code ...




The screenshot shows the ICA.org website. The header includes the ICA logo and navigation links. A search bar is visible. The main content area is titled 'Standards' and lists various ICA standards with their titles and dates. A sidebar on the right is titled 'Online Resource Centre' and contains links to various resources.

Title	Year
Application of ICAOIS to Human Rights Archives	2012 (2009-2012)
ZAPS - Progress report for training and benchmarking ICA descriptive standards	2008 (2011)
DSIS - Relationship in archival descriptive systems	2008 (2012)
Archiving Digital Record Exchange (ARCE) International Survey	2011 (2010-2011)
Business Requirements Specification, 2009	2011 (2010-2011)
ICA 404	2010 (2011)
ISAAF (CPI) International Standard Archival Authority Record for Corporate Bodies: Policies and Practices, 2nd Edition	2010 (2011)
ISO 15489 International Standard for Describing Institutions with Archival Holdings	2010 (2011)
ISDF International Standard for Describing Functions	2010 (2011)
ISODS General International Standard Archive Description - Revised Edition	2010 (2011)



The screenshot shows the ICA Code of Ethics document. The header includes the ICA logo and the title 'CODE OF ETHICS'. The document is in French and English. The text is as follows:

CONSEIL INTERNATIONAL DES ARCHIVES  **INTERNATIONAL COUNCIL ON ARCHIVES**

CODE OF ETHICS

(Adopted by the General Assembly in its 33rd session in Beijing (China) on 8 September 1996)

INTRODUCTION

- A code of ethics for archivists should establish high standards of conduct for the archival profession. It should introduce new members of the profession to those standards, remind experienced archivists of their professional responsibilities and inspire public confidence in the profession.
- Employing institutions and archive services should be encouraged to adopt policies and practices that facilitate the implementation of the code.
- This code is intended to provide an ethical framework for guidance of members of the profession, and not to provide specific solutions to particular problems.
- The principles are all accompanied by a commentary, principles and commentary taken together constitute the Code of Ethics.
- The code is dependent upon the willingness of archival institutions and professional associations to implement it. This may take the form of an educational effort and the establishment of machinery to provide guidance in cases of doubt, to investigate unethical conduct, and if considered appropriate, to apply sanctions.

CODE

- Archivists should protect the integrity of archival material and thus guarantee that it continues to be reliable evidence of the past.

The primary duty of archivists is to maintain the integrity of the records in their care and custody. In the accomplishment of this duty they must have regard to the legitimate, but sometimes conflicting, rights and interests of employers, owners, data subjects and users, past, present and future. The objectivity and impartiality of archivists is the result of their professionalism. They should resist pressure from any source to manipulate evidence so as to conceal or distort facts.

- Archivists should appraise, select and maintain archival material in its historical, legal and administrative context, thus retaining the principle of provenance, preserving and making visible the

HRWG@ica
human rights working group
international council on archives
groupe de travail sur les droits de l'homme
conseil international des archives

During the past ten years, the Human Rights Working Group of the International Council on Archives (ICA) became increasingly aware of the complex problems facing archivists as they encounter human rights issues.



Basic Principles on the Role of Archivists in support of Human Rights

Give your opinion!

<http://www.ica.org/15999/news-and-events/basic-principles-on-the-role-of-archivists-in-support-of-human-rights-give-your-opinion.html>, 6.10.2014.

Digitizing Archival Materials for Public Access

Electronic Records Scanning



Earth and water pollution

Electronic waste,
laser, ink jet, toner
cartridges ...



Child labour

refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful.



personal data protection, a person's will
respect



Am I citizen or serf or slave or subject?

Who owns me?

Who has a right to make decision for me, about me or/and in my name:

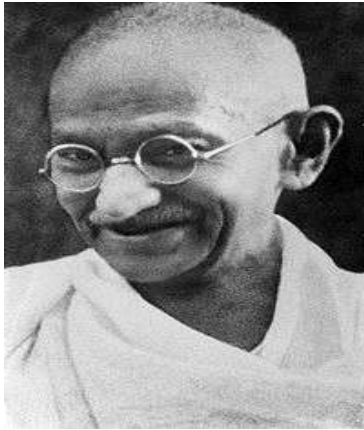
- State
- Church
- King
- Society
- Party
- ???

Or it is me who has only, absolutely and fundamental right to make decisions about myself

fourth generation human rights

- right to be anonymous
- right to be not recorded
- right to be forgotten
- ...

Some of the famous human rights figures in the XX century



Mothers of the Plaza de Mayo

The Mothers of the Plaza de Mayo (Spanish: *Asociación Madres de Plaza de Mayo*) is an association of [Argentine](#) mothers whose children were "[disappeared](#)" during the [Dirty War](#) of the [military dictatorship](#), between 1976 and 1983. They organized while trying to learn what had happened to their children, and began to march in 1977 at the Plaza de Mayo in [Buenos Aires](#), in front of the [Casa Rosada](#) presidential palace, in public defiance of the government's state terrorism intended to silence all opposition.



THE SIMON WIESENTHAL CENTER



“The Simon Wiesenthal Center is a global Jewish human rights organization that confronts anti-Semitism, hate and terrorism, promotes human rights and dignity, stands with Israel, defends the safety of Jews worldwide, and teaches the lessons of the Holocaust for future generations. With a constituency of over 400,000 households in the United States, it is accredited as an NGO at international organizations including the United Nations, UNESCO, OSCE, Organization of American States (OAS), the Latin American Parliament (PARLATINO) and the Council of Europe.”

Human Rights Watch



“Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.”

Usually, NGOs work in those fields to which 'official' organizations, for this or that reason, do not pay enough attention.

Human rights NGOs' activities always shed light on some dark areas.

archivists should help human rights NGOs in their work

archival profession needs to develop and improve its policy, strategy and methodology in this field

The Bosnian Book of Dead

The Bosnian Book of the Dead, jointly published by the Research and Documentation Centre (IDC) and the Humanitarian Law Center of Serbia, was presented in Sarajevo on 21 January 2013



(Reuters) - Mirsad Tokaca calls it the "crowning achievement" of 10 years of painstaking research - thousands of grey pages bearing the names of 95,940 victims of the Bosnian war, where they died and when. Published last month, war crimes researchers say *The Bosnian Book of the Dead* represents the most comprehensive statistical analysis yet of the bloodshed in Bosnia after federal Yugoslavia fell apart at the close of the 20th century.

<http://www.reuters.com/article/2013/02/15/us-bosnia-dead-idUSBRE91E0J220130215>, 6.10.2014

Further reading:

- http://en.wikipedia.org/wiki/Three_generations_of_human_rights, 6.10.2014
- <http://www.humanrights.com/what-are-human-rights/brief-history/cyrus-cylinder.html>, 6.10.2014
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- Ketelaar, Eric. Time future contained in time past. Archival science in the 21st century, cf.hum.uva.nl/bai/home/eketelaar/timefuture.doc, 6.10.2014
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