



**INTERNATIONAL COUNCIL ON ARCHIVES**

**HUMAN RIGHTS WORKING GROUP**

**BASIC PRINCIPLES ON THE ROLE OF ARCHIVISTS IN SUPPORT OF HUMAN RIGHTS**

**DRAFT**

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## INTRODUCTION

Archives hold records that are useful for human rights purposes. Many of these records are essential to secure rights and benefits: personnel records, records of social insurance programs, records of occupational health and safety, records of military service. Other records help prove civil rights: voter registrations, land titles, citizenship records. Still others provide evidence of the abuse of human rights, such as the records of military and police units from periods of dictatorship, even records of prisons and morgues and cemeteries.

Archivists handling records with human rights aspects deal with concrete legal issues, questions of broad social policy, and matters of personal professional ethics. In many nations, this is complex but manageable using the best professional practice. However, archivists working in nations with weak or failing political arrangements may find themselves under pressure as they attempt to protect such records. And all archivists look for support from the profession at large as they seek to show the archival profession in its best, most competent light.

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. The Group is also concerned that United Nations specialists on human rights issues that include archival problems do not consult archivists or the ICA when developing their reports and recommendations. The Human Rights Working Group and the Steering Committee of the ICA Section of Professional Associations both reviewed and were impressed by the idea and format of “Basic Principles on the Role of Lawyers” that the United Nations developed in 1990 to establish the international norms relating to the key aspects of the right to legal counsel. However, both ICA bodies knew that the archival profession did not need a statement that would have the sweep of the lawyers’ document, which aimed to cover the entire activities of the profession, nor did they want to supplant the International Council on Archives’ *Code of Ethics* or deviate from its *Principles of Access to Archives*. Rather, they thought it would be useful to have a statement that would reflect on the three principal archival functions—appraisal and acquisition, arrangement and description, and access and reference--as they relate to human rights. Three persons from the Human Rights Working Group prepared this draft.

The “Basic Principles on the Role of Archivists in Support of Human Rights” is organized in two parts: a preamble and a set of principles, following the structure of the “Basic Principles on the Role of Lawyers.” The preamble provides the background for the principles, referring to United Nations documents, civil society statements, and archival precepts. The 23 principles are grouped in six sections. The first two sections cover the basic archival functions; the third covers the special situations of displaced archives and of archives that appear to document violations of human rights; the fourth through sixth sections are devoted to the roles and rights of archivists as professionals.

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

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Whereas the *Universal Declaration of Human Rights* establishes principles of respect for the dignity of people that can be effectively supported by the use of archives,

Whereas Article 19 of the *Universal Declaration of Human Rights* declares that everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers,

Whereas governments have the responsibility to promote and protect the right to seek and receive information as a fundamental prerequisite to ensuring public participation in governance,

Whereas the *Joint Declaration* by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe's Representative on Freedom of the Media, and the Organization of American States' Special Rapporteur on Freedom of Expression on 6 December 2004 states, "The right to access information held by public authorities is a fundamental human right,"

Whereas the United Nations High Commissioner for Human Rights' *Updated Set of Principles to Combat Impunity* asserts that it is responsibility of the State to "ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law;" proclaims that the right to know, including knowing what is in archives, is both a personal and collective right and that the State has a duty to remember; and emphasizes the importance of archives in ensuring that persons will be held accountable while guaranteeing the fair defense of everyone charged with a penal offense,

Whereas the *Global Principles on National Security and the Right to Information* (Tshwane Principles) emphasize the importance of archives, declaring that governments should not be permitted to withhold information that would enable victims of human rights violations to seek and obtain a remedy for their violations,

Whereas the *United Nations Declaration on the Rights of Indigenous Peoples* affirms that indigenous peoples have the right to maintain, protect and develop the past, present and future manifestations of their cultures, including their archives,

Whereas the *United Nations Convention on the Rights of Persons with Disabilities* declares that persons with disabilities are entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity,

Whereas the *United Nations Convention on the Rights of the Child* declares that children have the freedom to seek, receive and impart information and ideas of all kinds, through the media of the child's choice,

Whereas adequate protection of the human rights and fundamental freedom to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to archival services provided by independent archival professionals,

Whereas the archival profession commits to respect the dignity of people in its best practices,

Whereas professional associations of archives have a vital role to play in upholding professional standards and ethics, providing archival services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and the public interest,

The **Basic Principles on the Role of Archivists in Support of Human Rights**, set forth below, have been formulated to assist governments and non-government institutions in their task of ensuring the proper role of archivists in support of human rights. The **Principles** should be respected and taken into account within the framework of national legislation and practice on the safeguarding and promotion of human rights, non-governmental institutions employing archivists should respect the **Basic Principles** and apply them, as appropriate, within their institution, and all United Nations Special Rapporteurs and other international officials dealing with human rights issues should be aware of the importance of the issues covered by the **Basic Principles**.

## **1. 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.
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.
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.
4. Archivists and institutions prevent the destruction of records that are likely to contain evidence of the violation of human rights.
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.
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.

## **2. 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.
8. Archivists provide timely description of the records in the holdings to ensure equal, fair and effective access for users.

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

### **3. 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.
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.
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.

### **4. 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.
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.

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.

## **5. 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.
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.

## **6 .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.
22. Professional associations of archivists cooperate with governments and institutions to ensure that everyone has effective access to archival services.
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.