

INTERNATIONAL COUNCIL ON ARCHIVES

HUMAN RIGHTS WORKING GROUP

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

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INTRODUCTION

Archives are useful for human rights purposes. Many of these archives 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 archives 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, police and intelligence units from periods of dictatorship, even records of prisons, hospitals, morgues and cemeteries.

Archivists and records managers handling archives with human rights aspects deal with concrete legal issues, questions of broad social policy, and matters of personal professional ethics. In many countries, this is complex but manageable using the best professional practice. However, archivists and records managers in a variety of situations and institutions may find themselves under pressure as they attempt to manage such archives. They may not be permitted to have access to the records for purposes of management or appraisal, they may be pressured to approve the disposal of archives that they believe have human rights implications, they may be instructed not to acknowledge in finding aids that the archives exist, they may not be able to undertake necessary preservation actions on these archives, they may not be permitted to make decisions about public access on these archives or provide them to qualified researchers. And they may fear retaliation if they seek to follow professional principles.

All archivists and records managers look for support from the profession at large as they seek to show the profession in its best, most competent light as they handle archives of importance for human rights. The International Council on Archives adopted a *Code of Ethics* in 1996, which provides a set of ethical parameters within which archivists carry out their professional duties. In 2011 the *Universal Declaration on Archives*, adopted by UNESCO in 2011, gave voice to the significance to the peoples of world of archives and the work of archivists and records managers. These important documents provide a general framework for the responsibilities of the profession; however, the important linkage between human rights and archives makes it important to clearly focus on the ethical and practical problems that are stated only generally in the framework Code and Declaration.

The *Basic Principles on the Role of Archivists and records managers in Support of Human Rights* is organized in two parts: a Preamble and a set of Principles. The Preamble provides the conceptual framework for the Principles. Each Principle is accompanied by explanatory text which is not part of the Principle. The Principles are grouped in five sections. The first two sections cover the basic archival functions; the third covers the special situations of working with archives that appear to document wrongdoing and with displaced archives; the fourth and fifth sections are devoted to the roles and rights of archivists and records managers as professionals.

The *Principles* are followed by definitions of terms used in the *Principles* and a list of international treaties, covenants, agreements, opinions and related matter that serve as foundation for the *Principles*.

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

Preamble

Whereas the enforcement of human rights and fundamental freedoms to which all persons are entitled under the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and its two Optional Protocols, the *International Covenant of Economic, Social and Cultural Rights* and other international treaties and legal instruments is strengthened by the preservation of archives and the ability of individuals to gain access to them;

Whereas the United Nations High Commissioner for Human Rights' *Updated Set of Principles for the Protection and Promotion of Human Rights through Action 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 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 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 professional associations of archivists and records managers 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,

Whereas the preservation of archives and access to them can be guaranteed only if all concerned—institutions and individuals—contribute to such goals, according to their respective responsibilities;

The *Basic Principles on the Role of Archivists and records managers in Support of Human Rights*, set forth below, have been formulated in order to:

- assist institutions that preserve archives in their task of ensuring the proper role of archivists in support of human rights,
- provide guidelines for individual archivists and records managers who, in the course of their everyday work, must take decisions that might affect the enforcement and protection of human rights,
- provide support for professional associations of archivists and records managers, and
- help international officials dealing with human rights issues understand the importance of the issues covered by the *Principles* and the contribution that professional archivists and records managers can provide to the protection of human rights.

The Principles

I. Selecting and Retaining Archives

- 1. Institutions, archivists and records managers should create and maintain recordkeeping regimes that protect archives that document human rights and should act to ensure that the management of those archives preserves the integrity of the archives and their value as evidence.***

Regardless of format, archives need to support rights and entitlements or enable persons to protest effectively when their rights are violated, and must be strongly managed from their inception to ensure that they are accessible and trustworthy. The International Organization for Standardization (ISO) has published a number of standards which address these requirements. ISO 15490, “Information and documentation – Records management”, for example, establishes core concepts and principles for the creation, capture and management of archives. Aligned with ISO 15489, the ISO 30300 series provides a systematic approach to the creation and management of archives, focused on the implementation and operation of an effective Management System for Records (MSR). In the digital environment, ISO 16175 “Principles and Functional Requirements for Records in Electronic Office Environments” provides internationally agreed principles and functional requirements for software used to create and manage digital information in office environments. Systems that create and manage human rights archives needs to ensure those archives can be proven to be genuine, are accurate and can be trusted, are complete and unaltered, secure from unauthorised access, alteration and deletion, can be found when needed, and are related to other relevant archives. ARMA International’s *Generally Accepted Recordkeeping Principles* provide a benchmark for managing archives in both public and private sectors.

- 2. Institutions, archivists and records managers should prevent the destruction of archives that are likely to contain evidence of the violation of human rights or humanitarian law.***

Principle 14, “Measures for the Preservation of Archives,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* states, “The right to know implies that archives should be preserved. Technical measures and penalties shall be applied to prevent any removal, destruction, concealment or falsification of archives, especially for the purpose of ensuring the impunity of perpetrators of violations of human rights and/or humanitarian law.” While an archivist or records manager may not know that a body of archives contains evidence of violations, an archivist or records manager may be able to presume, based on the provenance of the archives, that the content may contain such information and should not be destroyed.

- 3. Archivists and records managers should select, acquire and retain archives that are within the scope and mandate of their archival institution, without discrimination that is proscribed by the Universal Declaration of Human Rights.***

Article 2 of the *Universal Declaration of Human Rights* states that everyone is entitled to rights and freedoms “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Archivists should ensure that they acquire archives that reflect and are pertinent to all groups. Some archives have a special focus, such as archives of faith-based bodies, archives of indigenous communities, or archives documenting social movements. These institutions discriminate in their acquisition program in accordance with their mandate, but regardless of their special focus within their mandate they are inclusive.

- 4. Archivists and records managers should consider in each appraisal decision the utility of that body of archives 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 who held positions that might have involved them in human rights violations, 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.***

Following the concepts developed in the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity*, transitional justice is understood to require holding perpetrators accountable, ensuring that persons responsible for abuses in the old regime are not in positions of power in the new one; determining the truth of what happened to society as a whole, to groups within the society and to individuals; and obtaining restitution and reparation. Similar demands are made in democratic states in the aftermath of state actions that caused civic trauma and, increasingly, the actions of private bodies that violate rights. Archives are essential in these processes.

Many other bodies of archives support human rights, from civil registries to land titles to personnel files of the clergy to archives that show a business enterprise’s due diligence when it contracts for goods, as required by the *UN Guiding Principles on Business and Human Rights* adopted in 2011. Archivists and records managers should be aware of the rights that might be supported by the archives they manage.

- 5. Governments should ensure that archives concerning violations of human rights and humanitarian law are preserved. Governments and private institutions ensure the provision of sufficient funding and other resources for the professional management of these archives.***

Principle 3, “The Duty to Preserve Memory” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* states, “A people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfillment of the State’s duty to preserve archives and other evidence concerning human rights violations and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from

extinction and, in particular, at guarding against the development of revisionist and negationist arguments.”

The Principle does not say the State must preserve only the State’s archives; it instead says “archives.” A State has many options for supporting preservation and access to non-governmental archives, such as making forceful public statements on preservation and access, enacting legislation requiring such archives be preserved, obtaining court rulings that require specific archives be preserved, providing monetary support for non-government archives, conducting surveys and creating databases to identify for the public where relevant archives are located, taking donations of private sector archives, or providing a “safe haven” trusted repository for endangered archives.

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

Principle 5, “Guarantees to Give Effect to the Right to Know,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* reads in part: “Societies that have experienced heinous crimes perpetrated on a massive or systematic basis may benefit in particular from the creation of a truth commission or other commission of inquiry to establish the facts surrounding those violations so that the truth may be ascertained and to prevent the disappearance of evidence. Regardless of whether a State establishes such a body, it must ensure the preservation of, and access to, archives concerning violations of human rights.”

The archives of transitional justice institutions, whether created by governments or by private institutions, concern violations of human rights and fall within this scope. Giving public notice before destroying part of an archives is an established practice in states such as Spain and the United States and provides an opportunity for the public to object to the disposal of bodies of archives, which is particularly important when the archives are the product of these sensitive transitional justice institutions.

II. Providing Access to Information in Archives

7. ***Archivists should include in the description of archival holdings information that to the best of their knowledge enables users to understand whether the archives might contain information that would be useful to exercise a claim of human rights, with particular regard to information regarding gross human rights violations, information that would help resolve the fate of missing persons, or information that may enable individuals to seek compensation for past violations of human rights.***

Principle 2, “The Inalienable Right to the Truth,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* states, “Every people has the inalienable right to know the truth about past events concerning the

perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations of human rights, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.” The right to know the truth also is recognized explicitly in the *International Convention for the Protection of All Persons from Enforced Disappearances*, adopted in 2010. *Recommendation No. R (2000) 13 of the Committee of Ministers to member states on a European policy on access to archives* explains “that a country does not become fully democratic until each one of its inhabitants has the possibility of knowing in an objective manner the elements of their history.” Good archival description enables the right to truth and supports democracy.

8. ***Archivists and records managers should provide timely arrangement and description of the archives in the holdings to ensure equal, fair and effective access for users, giving priority to organizing and describing archival holdings documenting gross human rights violations.***

Archival institutions may not have a sufficient number of archivists to provide timely description of all archival holdings. When deciding the priorities for description of archival holdings, human rights concerns should be a key element to consider.

9. ***Governments should ensure that access is provided to their archives concerning violations of human rights and humanitarian law.***

Article 19.2 of the *International Covenant on Civil and Political Rights* establishes that everyone “shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information.”

The December 2004 *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 states, “The right to access information held by public authorities is a fundamental human right.”

The *Global Principles on National Security and the Right to Information* (the *Tshwane Principles*) set out guidelines on how to guarantee, to the extent possible, public access to government information while protecting legitimate national security concerns; Principle 10.A.1 states, “There is an overriding public interest in disclosure of information regarding gross violations of human rights or serious violations of international humanitarian law, including crimes under international law, and systematic or widespread violations of the rights to personal liberty and security. Such information may not be withheld on national security grounds in any circumstances.” The Council of Europe’s Parliamentary Assembly endorsed the *Tshwane Principles* in Resolution 1954 (2013): *National security and access to information*.

10. ***Archivists and records managers should advocate for and support the right of access to government archives and encourage non-governmental institutions to provide similar***

access to their archives, in accordance with the Principles of Access to Archives adopted by the International Council on Archives.

The ten ICA *Principles of Access* are the foundation for this Principle. In addition, Principle 6 of the International Council on Archives' *Code of Ethics* states, "Archivists should promote the widest possible access to archival material and provide an impartial service to all users," and the *Universal Declaration on Archives*, endorsed by the General Conference of UNESCO in 2011, declares, "Archives are made accessible to everyone, while respecting the pertinent laws and the rights of individuals, creators, owners and users."

A special requirement for access is found in Principle 16, "Cooperation between Archives Departments and the Courts and Non-judicial Commissions of Inquiry," of the United Nations High Commissioner for Human Rights' *Updated Set of Principles to Combat Impunity* which states: "The courts and non-judicial commissions of inquiry, as well as the investigators reporting to them, must have access to relevant archives. This principle must be implemented in a manner that respects applicable privacy concerns, including in particular assurances of confidentiality provided to victims and other witnesses as a precondition of their testimony. Access may not be denied on grounds of national security unless, in exceptional circumstances, the restriction has been prescribed by law; the Government has demonstrated that the restriction is necessary in a democratic society to protect a legitimate national security interest; and the denial is subject to independent judicial review."

11. *Institutions, archivists and records managers should ensure that safeguards are in place to protect personal information from unauthorized access, in order to ensure respect for rights, fundamental freedoms and the dignity of persons to whom the information relates.*

In addition to the provisions of the *Principles of Access*, Principle 7 of the International Council on Archives' *Code of Ethics* states, "Archivists should take care that corporate and personal privacy as well as national security are protected without destroying information, especially in the case of electronic records where updating and erasure are common practice. They must respect the privacy of individuals who created or are the subjects of records, especially those who had no voice in the use or disposition of the materials." Uncritical opening of archives may result in violations of the privacy of individuals and may result in retaliation against them. Archivists and records managers balance the right to truth with the need to protect the privacy of identifiable persons.

12. *Archivists should provide reference service without discrimination that is proscribed by the Universal Declaration of Human Rights. All persons are entitled to call upon the assistance of an archivist to help them locate and retrieve archives that may enable them to establish their rights.*

As stated above in Principle 3, Article 2 of the *Universal Declaration of Human Rights* states that everyone is entitled to rights and freedoms "without distinction of any kind,

such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Principle 15, “Measures for Facilitating Access to Archives,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity*, states in part: “Access to archives shall be facilitated in order to enable victims and persons related to claim their rights. . . . Access to archives should also be facilitated in the interest of historical research, subject to reasonable restrictions aimed at safeguarding the privacy and security of victims and other individuals. Formal requirements governing access may not be used for purposes of censorship.”

This Principle does not prohibit institutional rules on who may use the archives (such as a requirement that a person must be of a certain age to use the archives or that a person may see his own file but the public may not), but it does require institutions to set those rules with a conscious effort to make access as fair and equal as possible.

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

Included in Principle 15 of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* is “Access should also be facilitated, as necessary, for persons implicated, who request it for their defence.” Archivists and records managers should not make distinctions between prosecutors and defendants when providing access to archives.

14. Institutions, professional associations of archivists and records managers and individuals should 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 ensuring that disadvantaged persons know that they may call upon archivists to locate and retrieve archives that may enable them to assert their rights.

Principle 3 of the *Principles of Access to Archives* adopted by the International Council on Archives, states, “Institutions holding archives adopt a pro-active approach to access.” Special needs of archives’ users should be accommodated. In particular, the *United Nations Convention on the Rights of Persons with Disabilities* declares that persons with disabilities are entitled to the “freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice” and that information intended for the general public should be provided “to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.” Similarly, 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; to obtain these goals, assistance in locating and copying archives may be required.

III. Special Safeguards

- 15. Archivists or records managers who, in the course of their professional activity, discover archives that they in good faith and on reasonable grounds believe contain evidence of gross violations of internationally recognized human rights that (a) are ongoing or (b) for which victims might seek compensation, should inform pertinent authorities about the existence of such archives.***
- a. Governments should provide government employees with channels to report such violations, either internally or to oversight bodies.***
- b. Non-governmental institutions may provide channels for their employees to report human rights violations; if such channels do not exist, governments may provide channels for reporting by persons who are not government employees.***

Information which shows wrongdoing, whether or not it is currently available to the general public, should be disclosed to appropriate authorities. The *Global Principles on National Security and the Right to Information*, Principle 37, suggests that information related to the following categories of wrongdoing should be considered for “public interest disclosures”:

- (a) “criminal offenses;
- (b) “human rights violations;
- (c) “international humanitarian law violations;
- (d) “corruption;
- (e) “dangers to public health and safety;
- (f) “dangers to the environment;
- (g) “abuse of public office;
- (h) “miscarriages of justice;
- (i) “mismanagement or waste of resources;
- (j) “retaliation for disclosure of the any of the above listed categories of wrongdoing; and
- (k) “deliberate concealment of any matter falling into one of the above categories.”

While the *Global Principles* speak specifically to government information, it is clear that this information can also be present in the archives of non-government institutions and archives of individuals.

The question of appropriate channels for reporting is difficult. If the institution has a formal reporting channel and if using it does not put the archivist or records manager at risk of retaliation, that channel should be used first. Independent oversight bodies or judicial authorities are alternate reporting channels. If no institution within the state can be trusted with the information, the archivist or records manager can turn to international bodies such as the staff of the United Nations High Commissioner for Human Rights or the International Committee of the Red Cross.

- 16. Archivists and records managers who make disclosures of information showing violations of human rights or international humanitarian law, regardless of whether the information is classified or otherwise confidential, have the right to report to an***

appropriate authority any measure of retaliation or the threat of retaliation in relation to the disclosure; provided that (a) at the time of disclosure the archivist had reasonable grounds to believe that the information disclosed shows wrongdoing, and (b) the archivist previously tried to use any existing internal reporting mechanism, so long as doing so did not increase the risk of retaliation.

Governments should have laws that protect from retaliation persons who make disclosures of information concerning wrongdoing as defined in Principle 15 above. The Council of Europe's Parliamentary Assembly Resolution 1554 (2013) on *National security and access to information* states, "A person who discloses wrongdoings in the public interest (whistle-blower) should be protected from any type of retaliation, provided he or she acted in good faith and followed applicable procedures." The Council of Europe's Committee of Ministers made a similar point in its *Recommendation CM/Rec (2014)7 to member States on the protection of whistleblowers*.

As the *Global Principles on National Security and the Right to Information* suggest in Principle 40, "if contested, the person may need to defend the reasonableness of his or her belief and it is ultimately for an independent court or tribunal to determine whether this test has been satisfied so as to qualify the disclosure for protection." As with Principle 15, the reporting of retaliation should first be to national authorities but may be to international authorities if no national protection is believed to be available or secure.

17. Institutions, archivists and records managers should respect the cultural and legal patrimony of countries and communities and not acquire archives which do not fall within their jurisdiction. Institutional acquisition policies should respect the right of communities to write their own histories.

The Executive Committee of the International Council on Archives, at its spring 1995 meeting, adopted a Position Paper, "The view of the archival community on the settling of disputed claims." It states, "Archival doctrine, which is founded on the principle of provenance . . . excludes, on the one hand, the possibility of dismembering fonds, and on the other hand, the acquisition by any archive institution of fonds which do not fall within its jurisdiction." This is particularly important for indigenous peoples; as noted in Principle 14 above, the *United Nations Declaration on the Rights of Indigenous Peoples* affirms that indigenous peoples have the right to maintain their cultural property, including archives.

18. Institutions and archivists should cooperate with institutions and individuals in other countries to manage and settle claims about disputed displaced archives in a spirit of fairness and mutual respect. If returning displaced archives is likely to risk their destruction, their use for repressive purposes, or will place at risk persons whose actions are reflected in the archives, return should be postponed.

In order to ease international conflicts on archives, UNESCO recommended the use of the concept of "common heritage," and the International Council on Archives endorsed it in the Position Paper cited in Principle 17 above. The first *Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict* (The Hague, 1954) requires parties "to

prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property,” including archives. If, nonetheless, during armed conflicts cultural properties have been exported, the Convention requires parties to return them at the end of the conflict.

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, signed in 1995, addresses the return of cultural materials, specifically including “archives, including sound, photographic and cinematographic archives.” UNIDROIT provides time periods within which restitution can be sought and provides for “a claim for restitution of a sacred or communally important cultural object belonging to and used by a tribal or indigenous community in a Contracting State as part of that community's traditional or ritual use.” Notwithstanding the Position Paper referenced in Principle 17 above and the UNIDROIT provisions, if returning the archives may endanger the life or fundamental freedoms of persons or lead to the destruction of the archives, then priority must be given to the protection of the rights of the persons mentioned in the archives and defer the return of the archives at the present time.

19. Institutions provide access to archives, including displaced archives, for transitional justice institutions and for persons, including victims and survivors of gross violations of human rights—regardless of their citizenship—who need them to seek compensation for previous damage to their human rights or to protect their fundamental rights.

Principle 15, “Measures for Facilitating Access to Archives,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* states in part: “Access to archives shall be facilitated in order to enable victims and persons related to claim their rights.” Principle 16 “Cooperation between Archives Departments and the Courts and Non-judicial Commissions of Inquiry,” of the United Nations High Commissioner for Human Rights’ *Updated Set of Principles to Combat Impunity* reads in full: “The courts and non-judicial commissions of inquiry, as well as the investigators reporting to them, must have access to relevant archives. This principle must be implemented in a manner that respects applicable privacy concerns, including in particular assurances of confidentiality provided to victims and other witnesses as a precondition of their testimony. Access may not be denied on grounds of national security unless, in exceptional circumstances, the restriction has been prescribed by law; the Government has demonstrated that the restriction is necessary in a democratic society to protect a legitimate national security interest; and the denial is subject to independent judicial review.”

IV. Education and Training

20. Governments, professional associations of archivists and records managers, archival and educational institutions and individual professionals engaged in archival education should 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.

The International Council on Archives' *Code of Ethics*, Principle 9, states, "Archivists should pursue professional excellence by systematically and continuously updating their archival knowledge, and sharing the results of their research and experience." It explains that archivists should "ensure that those whose training or activities they supervise are equipped to carry out their tasks in a competent manner." Because human rights and international humanitarian law evolve continuously, continued training in this area is essential.

- 21. *Governments, professional associations of archivists and records managers, and archival and educational institutions should ensure that there is no discrimination against a person with respect to entry into or continued practice within the archival profession.***

Discrimination as defined in the commentary to Principle 3, based on the areas proscribed by the *Universal Declaration of Human Rights*, may not be used in the employment of archivists.

- 22. *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 and records managers, archival and 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.***

Many groups, communities and regions have insufficient archival services. The *United Nations Convention on the Rights of Persons with Disabilities* and the *United Nations Declaration on the Rights of Indigenous Peoples* underscore the need to provide opportunities to these specific groups.

V. Freedom of Expression and Association

- 23. *Archivists and records managers, like other persons, 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.***

Article 19 of the *Universal Declaration of Human Rights* states, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to see, received and impart information and ideas through any media and regardless of frontiers." Principle 8 of the International Council on Archives' *Code of Ethics* warns that archivists "should not reveal or use information gained through

work with holdings to which access is restricted.” This responsibility to maintain confidentiality continues after the archivist leaves archival employment. Principle 23 does not conflict with Principle 16 above, which refers to disclosure to limited pertinent authorities for the purposes of bringing wrongdoing to light, not to public discussion of such information.

24. Archivists and records managers 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 association should be elected by its members and should exercise its functions without external interference. Governments should recognize professional associations of archivists and records managers as civil society organizations that represent the interests of the profession and its practitioners.

Article 20 of the *Universal Declaration of Human Rights* states, “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”

25. Professional associations of archivists and records managers should provide guidance and support for archivists handling archives with human rights aspects.

Principle 10 of the International Council on Archives’ *Code of Ethics* states, “Archivists should promote the preservation and use of the world’s documentary heritage, through working co-operatively with the members of their own and other professions.” Providing assistance in handling the complex tasks associated with archives with human rights aspects is one area where working co-operatively surely is essential.

Annex 1. Definitions

In these *Principles*, the following definitions apply:

Archives. The documents created or received and accumulated by a person or institution in the course of the conduct of affairs, and preserved because of their continuing value. If the Principle means an institution whose primary work is the acquisition and preservation of historical archives, the Principle says “archival institution.” The term is meant to include records.

Displaced archives. Archives that have been transferred to and are in the custody of a person or institution not legally entitled to them. They include archives that have been removed from the country in which they were originally accumulated and captured archives.

Institution. Any corporate body, public or private, governmental or non-governmental, including, for example, commercial businesses, faith-based organizations, national or sub-national governments, international and inter-governmental organizations, and organized political parties. This is equivalent to the ISAAR (CPF) definition of “corporate body,” i.e., “an organization or group of persons that is identified by a particular name and that acts, or may act, as an entity.” If the Principle refers to “government” it means to exclude other types of institutions; if a particular type of institution is meant, the Principle says “archival institution” or “educational institution.”

Records. Recorded information in any form or medium, created or received and maintained, by an organization or person in the transaction of business or the conduct of affairs (definition from ISAD(G)). In the body of the *Principles*, “record” is used only in quotations; the preferred term in the Principles is “archives” and is meant to include records.

Transitional justice institutions. Entities created following a change in government from a more repressive to a more democratic regime. Transitional justice institutions may include special courts, truth commissions, and vetting and compensation panels.

Annex 2. Resources and References

Note: The following documents are available on line, generally in more than one language, with the exception of the proceedings of the ICA 1993-95 CITRA conferences (published only in paper, in English and French).

ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN). *Human Rights Declaration (AHRD)* (2012)

COUNCIL OF EUROPE.

- _____. *Convention for the Protection of Human Rights and Fundamental Freedoms* (also known as *European Convention on Human Rights*) (adopted in 1950).
- _____. *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* (adopted in 1981)
- _____. *Recommendation No. R (2000) 13 of the Committee of Ministers to member states on a European policy on access to archives* (adopted in 2000)
- _____. *Recommendation Rec(2002)2 of the Committee of Ministers to member states on access to official documents* (adopted in 2002)
- _____. *Convention on Access to Official Documents (2009, not yet in force)*.
- _____. *Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers* (adopted in 2014)

COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY (PACE). *Resolution 1954 (2013): National security and access to information* (2013)

INTERNATIONAL COUNCIL ON ARCHIVES.

- _____. *Code of Ethics* (adopted in 1996)
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