

RESPONSE TO THE CALL FOR COMMENTS: COUNTERING DISINFORMATION FOR THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Submitted by the Section on Archives and Human Rights, International Council on Archives
18 April 2022

The International Council on Archives (ICA), an international association created in 1948 to promote the development of archives, with advisory status to UNESCO in the field of archives and documentary heritage, commends the initiative of the United Nations High Commissioner for Human Rights to review the impact of disinformation and the means to counter it in order to protect and promote human rights and fundamental freedoms.

The International Council on Archives, informed by the work of its Section on Archives and Human Rights, is pleased to provide its views on this important subject, which goes to the heart of the work of archives.

The Universal Declaration on Archives, developed by the International Council on Archives and adopted by UNESCO on 10 November 2011

(https://www.ica.org/sites/default/files/20190510_ica_declarationuniverselle_en_0.pdf) emphasizes the importance of archives as the core of evidence-based information and their quality “as authentic evidence of administrative, cultural and intellectual activities and as a reflection of the evolution of societies.” Archives, properly managed and made accessible to all, “contribute to the promotion of responsible citizenship” and the respect of human rights.

Disinformation affects human rights and is frequently used to hide human rights violations, sometimes by obscuring facts (total or partially), other times distorting them or causing serious problems for people who suffered human rights violations. Access to archives to combat disinformation is needed, whether of governmental, business, religious or other nongovernmental archives. For a few examples:

*A 2021 report by a commission of inquiry established by the government of Bosnia’s Republika Srpska said the thousands of Bosniaks killed at Srebrenica included “2,500-3,000 military prisoners” and only “several hundred male civilians,” and accused “the UN’s International Criminal Tribunal for the Former Yugoslavia of staging politically-biased trials of Bosnian Serb political and military leaders, and of wrongly classifying the Srebrenica massacres as genocide.” *BIRN*, a network of local non-governmental organizations promoting freedom of speech, human rights and democratic values, responded to this with an article using archival evidence from the ICTY and the International Court of Justice.

*In many countries, aggressive corporations and individuals invade the lands of Indigenous peoples in order to extract resources or to grow crops. Land records showing title or demarcated Indigenous lands are critical to prevailing in efforts to force out the encroachers, who often allege that the property is untitled. Related to that, ICA Tandanya/Adelaide declaration, adopted at the Adelaide conference (2019), called upon archival institutions to support the right of indigenous people to have access to the information related to their rights, in conformity with the UN declaration on the rights of indigenous people (UNDRIP).

*Locating missing persons may be hindered by lack of access to records of governments or of paramilitary groups. In response, Argentina’s National Archives of Memory is preserving a bank of DNA samples from relatives of the disappeared and the archives of the International Committee of the Red

Cross holds similar DNA records from Chile, which will allow the identification of remains discovered in the future and may help establish a case against the parties that deny knowledge of disappearances.

*Sexual abuse by persons in authority has been examined by investigating bodies of the Catholic Church. Using records of church administration, the claims of the victims have been upheld and the previous denials by the Church of violations have been countered.

*Businesses put the best interpretation of the efficiency of products. But research in U.S., French and Dutch business archives showed that big oil companies knew as early as 1959 that fossil fuel use caused greenhouse effects damaging climate, but hid the knowledge and denied the facts. And, in another case, files of the Johnson & Johnson pharmaceutical company's product testing were released, showing that in the 1960s the company paid for an experiment in which nearly a dozen men in a prison in the U.S. state of Pennsylvania were paid to be injected with potentially cancer-causing asbestos so the company could compare its effect on their skin versus that of talc, a key component in its iconic baby powder that they continued to market in the face of rising complaints.

Governments and professionals, including archivists, are and must be engaged also in the enhancement of the critical sense and rational analysis. Those capacities of critical and analysis must be stimulated in the all the educational levels, particularly in the primary and secondary ones, and also be goals of political policies, including in the archival area. We note with approval that UNESCO's 1974 "Recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms" is being revised with a new version to be presented and approved in 2023.

On behalf of the International Council on Archives, as an effort to provide information on human rights issues, the ICA/SAHR publishes monthly *SAHR Newsletter*, a compilation of "summaries of reports, news, updates, action alerts, media coverage, upcoming events, ongoing projects, reports from programs, resources, reviews of publications and information related to human rights issues from around the world" (see <https://www.ica.org/en/sahr-newsletters>). ICA/SAHR also promotes debates (e.g. Tuesday Talks, the first Tuesday of every other month), events and publications such as the volume *Archives and Human Rights* (<https://www.taylorfrancis.com/books/oa-edit/10.4324/9780429054624/archives-human-rights-jens-boel-perrine-canavaggio-antonio-gonz%C3%A1lez-quintana>), initiatives that are available without charge for all interested persons.

The International Council on Archives would be pleased to provide any further comment or explanation on this submission. Our contact for this purpose is Vitor Fonseca, Chair of ICA-SAHR: vitormowlac@gmail.com