The following is number twenty-two in a series of brief discussions of the Articles of the Universal Declaration of Human Rights (UDHR) and the archival holdings that relate to them.

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.

Seated behind a bank of microphones, King Abdullah of Saudi Arabia announced on 25 September that starting in 2015 women in the Kingdom will have the right to vote in local elections and to stand as candidates in municipal elections.

When the Universal Declaration of Human Rights was adopted in 1948, 13 of the 56 countries voting did not give women the right to vote (12 countries who voted for the UDHR and one country—Saudi Arabia—that voted against it). Yet Article 21 speaks of “universal and equal suffrage,” and in the final vote Article 21 was adopted unanimously. How could this be, when women and minorities in many countries could not vote?

As with the debates over many of the articles, international politics was at play in the debates over Article 21. The delegates had adopted Article 2, which contains sweeping language on non-discrimination, including freedom of “political or other opinion.” Article 21 focused on the procedure of political life: periodic, equal, universal, direct and secret suffrage. The debate in the drafting process focused on the question of multiple parties. The Belgian delegate bluntly said that having more than one party “was essential to the efficient functioning of the democratic system,” to which the USSR delegate replied that “under the prevailing [Soviet] system” there was “no justification for the creation of other parties.” Article 21, as adopted, does not specifically call for a multi-party system, but scholars such as Johannes Morsink argue that the drafters knew that, read together, Article 2 with its right of
free political opinion and Article 21 made multi-party systems the only logical outcome.  

The United Nations Covenant on Civil and Political Rights, adopted in 1966, reiterates in *its* Article 25 the provisions of UDHR’s Article 21. Thirty years later, in 1996, the United Nations Committee on Human Rights adopted a “General Comment” in which it interprets the rights defined in Article 25. The Comment begins by saying, in its first paragraph, “Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant.” The word “democratic,” not used in the UDHR, now, in the post-Cold War years, is seen as the heart of the matter. The Comment briefly notes the right to public service employment stated in subparagraph 2 of the UDHR and subparagraph 3 of the Covenant, saying, “[T]he criteria and processes for appointment, promotion, suspension and dismissal must be objective and reasonable.” This provision could be used in employment cases brought against governments. 

http://www.unhchr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb

Archival materials on voting and public employment are extensive. Government archives hold the official results of elections, as well as the legislative debates over suffrage and the court records of challenges in voting rights cases. How long to retain the actual ballots has been a matter of controversy in some countries and in some elections. Truth commissions, such as the one currently underway in Kenya (see below) may investigate elections and their records would reflect those inquiries. And, of course, government archives hold the records of government employment, including the rules for employment and dismissal as well as the individual case files on personnel. The United Nations plays an important role in supporting the electoral process in countries that are moving from a repressive system to a more democratic one, and the records of those activities are in the United Nations Archives. Many non-governmental organizations (NGOs) around the world monitor elections, and their records hold the reports of observers; the International Foundation for Electoral Systems highlights on its website “What Article 21 of the Universal Declaration of Human Rights Means to Democracy”  http://www.ifes.org/Content/Publications/Opinions/2009/Dec/What-Article-21-of-the-Universal.  Other NGOs monitor political processes generally, such as Freedom House, an NGO that for 40 years has published an annual report *Freedom in the World* that surveys global political rights and civil liberties, including electoral rights, using the standards of the UDHR  http://www.freedomhouse.org/template.cfm?page=15  Law firms and legally-oriented groups have records of their voting rights cases, as well as litigation in favor of persons seeking public employment or being dismissed from it. Labor unions representing government workers would also have relevant records. And personal papers of suffrage campaigners, election monitors, and persons seeking government employment are important archival materials. There is no lack of archival holdings on suffrage and public employment.

**United Nations rapporteur.** On 29 September the United Nations Human Rights Council unanimously decided to appoint a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence of serious crimes and gross violations of human rights. The mandate of this rapporteur, which is for a period of three years, tracks the “Principles against Impunity,” commonly known as the “Joinet principles,” which include important responsibilities for the preservation and use of archives. The resolution was presented by Switzerland, Argentina and Morocco and sponsored by nearly 80 States.
representing all regional groups.

**Human Rights Working Group news.** The draft “Principles of Access to Archives,” developed by a working group of the International Council on Archives’ Committee on Best Practices and Standards, is now available for comment. The draft is on the ICA website in English, French, Spanish and Portuguese. The comment period extends through January 2012. The United Nations “Principles against Impunity” (see news note above) are incorporated by reference in one of the principles. [http://www.ica.org/9400/news-events/principles-for-access-to-archives-give-your-opinion-now.html](http://www.ica.org/9400/news-events/principles-for-access-to-archives-give-your-opinion-now.html)

Giulia Barrera of Italy and Sigrid McCausland of Australia have volunteered to draft a statement of professional responsibilities for archivists with regards to human rights, as announced in the last newsletter. Other volunteers are welcome.

**International courts.** “Confirmation of charges” hearings ended in the case of Callixte Mbarushimana, accused as a leader of the FDLR Rwanda Hutu militia that committed war crimes and crimes against humanity in the Congo. Among the documents in the case, the prosecutors introduced press releases, intercepts of telephone calls, sms-text messages, and copies of email exchanged between Mbarushimana and other FDLR leaders to show that he directed the crimes from his home in Paris. The email included exchanges with another FDLR leader, Ignace Murwanyashaka, currently on trial in Stuttgart, Germany. [http://www.rnw.nl/international-justice/article/icc-aims-mbarushimana](http://www.rnw.nl/international-justice/article/icc-aims-mbarushimana); [http://www.rnw.nl/international-justice/article/icc-deliberates-trial-against-rwandan-rebel-leader#comment-form](http://www.rnw.nl/international-justice/article/icc-deliberates-trial-against-rwandan-rebel-leader#comment-form)

**International news.**


**Colombia/United States.** A partially declassified U.S. State Department cable from the American Embassy in Bogota, Colombia, in August 1999, obtained by the National Security Archive, a U.S. non-governmental organization, says that Colombian journalist Jaime Garzon “had been killed by paramilitaries in league with ‘loose cannon’ active or retired members of the security forces.” The cable also reports on Garzon’s meeting with an army general, who has denied that he had ever met Garzon. The cable will be used by lawyers representing Garzon’s family in their case against the government for the death of Garzon; the attorneys have requested a hearing on the Garzon case before the Inter-American Commission on Human Rights. [http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB360/19990818.PDF](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB360/19990818.PDF)

**Germany/Nicaragua.** The Instituto de Historia de Nicaragua y Centroamerica de la Universidad Centroamericana, the German Service for Academic Exchange and the Embassy of Germany opened an exhibition in Managua on archives of repression in Germany and Nicaragua.
Germany/Poland. An archivist in Poland’s Institute of National Remembrance located a letter from 1986, addressed to a colonel in the former communist security services, saying that Polish resistance fighters hijacked a Nazi convoy in January 1945 that was “carrying archives of the Krakow Gestapo in ten boxes,” according to a report by Polskie Radio. The letter gave the location where the hijackers hid the boxes, but the Radio cautions that it is not clear whether the letter is authentic or “an elaborate hoax.”
http://www.thenews.pl/1/10/Artykul/54361,Riddle-of-missing-Third-Reich-files.

Guatemala/United States. The U.S. Presidential Commission for the Study of Bioethical Issues released its report on the experiments in Guatemala on sexually transmitted diseases. The title of the report says it all: “Ethically Impossible: STD Research in Guatemala from 1946 to 1948.” For background on the experiments and the role that archives played in uncovering the events, see HRWG News 2010-09 and 2010-10. The report is found http://bioethics.gov/cms/sites/default/files/Ethically-Impossible_PCSBI.pdf

Libya/Scotland. Scotland asked Libya’s new government to find “documentary evidence and witnesses” on the Lockerbie airliner bombing on December 1988 that killed 270 people, the BBC reported. http://www.bbc.co.uk/news/uk-scotland-south-scotland-15057662

Palestine/Tunisia. A Tunisian police officer, jailed for alleging wrongdoing by the Tunisian interior ministry, was acquitted by a military tribunal, although civil courts have yet to rule on related charges in the case. According to the Index on Censorship, the policeman made the accusations in a letter to the Interior Minister; two newspapers subsequently published the information. Among the charges, he “accused officers of destroying official records, including some taken from the former residence of the late PLO Leader Yasser Arafat” (the Palestine Liberation Organisation was based in Tunis between 1982 and 1994), in the days following the overthrow of President Zine El-Abidine Ben Ali in January.

National news.

Brazil. Brazil moved one step closer to another truth commission with the passage in the lower house of the bill authorizing the President to appoint a seven person panel to investigate cases of human rights violations between 1946 and 1988. The bill now must be approved by the Senate and signed by the President.

Burundi. Pierre Claver Mbonimpa, the legal representative for the Association for the Protection of Human Rights and Prisoners in Burundi, made public a document given to him by a member of the former rebel group, now political party, FNL. The document, entitled “Safisha,” which is the Swahili word for “cleaning,” lists the names of 60 government opponents, some of whom have been killed. After revealing the list, Mbonimpa met with a deputy prosecutor and provided photos of some of the victims whose names had been on the list. The government denies compiling the list, according to AllAfrica and other press.
http://www.independent.co.ukrwanda-ed/burundi/4676-a-determined-voice;
http://www.isanganiro.org/spip.php?article4988
Canada. A Thailand-born naturalized U.S. citizen is suing the Canadian web service provider Netfirms.com Inc., who he claims shared his personal information with the Thai authorities. The man posted comments anonymously criticizing Thailand’s “lease majeste” law, which makes criticism of the royal family an offense carrying up to 15 years in prison.

Chile. The National Commission on Political Imprisonment and Torture (often called the Valech Commission) reported in 2004 on abuses committed in Chile between 1973 and 1990 by the military regime: it listed 28,000 victims. The commission was reopened in February 2010 for 18 months and now has presented the President with an additional list of 9800 victims who, if the President agrees, are eligible for reparations. The list contains controversial names, including one accused assassin, the press reports.

Colombia. The former head of the Colombian spy agency, the Administrative Department of Security, was convicted of collaborating with paramilitary assassination squads and sentenced to 25 years in prison. According to the New York Times, he “was also found guilty of destroying and hiding public documents.”

Czech Republic. Transitions OnLine, based on reporting from Mlada fronta DNES, says that the Ministry of Justice admitted that the names of 22 judges and 9 prosecutors had been incorrectly placed on a list, made public in January 2011, that named current judges and prosecutors who were members of the Communist Party under the former regime. “According to historians,” said TOL, “the Justice Ministry made some basic mistakes in researching the list, not even asking the National Archives to verify the names with its own extensive records.”

Germany. In an interesting test of the meaning and applicability of UDHR Article 21, subparagraph (2), the German federal government proposes to amend the law relating to the records of the State Security Service (Stasi) of the former German Democratic Republic to ban former Stasi employees from working for the Stasi archives. The law would dismiss the 47 former Stasi personnel now working in the archives as well as bar the hiring of any in the future. The head of the archives claims the continued employment of former Stasi personnel “undermines the credibility of the authority,” according to Deutsche Welle, but he supports placing the current employees in “equivalent jobs [elsewhere] in the federal administration.”
http://www.dw-world.de/dw/article/0,,15381477,00.html

Guyana. Guyana’s National Assembly passed an Access to Information Bill. Caribbean News Now! noted that the bill “is in accord with Article 146 of the Constitution and Article 19 of the Universal Declaration of Human Rights.”
Hungary. In a report at the Deutscher Archivtag, Istvan Kenyeres of the Budapest City Archives said that negotiations continue between the government and the archives association on the disposition of the files of the former Hungarian secret service. The association expects the government to release a draft bill at the end of October, with provisions allowing people to reclaim personal property such as diaries, photos, and private letters that were confiscated by the police. It is not expected to include disposition of the actual files of the police. Thanks to Bernhard Post for this update.

India. India is creating the largest identity database in the world to register 1.2 billion Indians, storing a digital copy of their fingerprints and the unique pattern of their eyes. Each Indian whose biometric data is recorded is assigned a 12-digit number which is proof of identity. The identity database is being managed by what the New York Times described as “a highly unusual hybrid institution: a small team of elite bureaucrats who are working with veterans of Silicon Valley start-ups and Bangalore’s most respected technology companies.” The long-term preservation of this massive database and the role of the national archives in it will surely be an important future issue. [Link](http://www.nytimes.com/2011/09/02/world/asia/02india.html?_r=1&emc=eta1)

Land title deeds and files “went missing” at Puliyanmala from an official vehicle that had transported them for an official function. Some of the records were “later recovered by an autorickshaw driver who handed them over to the leaders of Democratic Youth Federation of India, who in turn handed them over to the District Collector,” said The Hindu, but it is not known how many title deeds remain missing. An official inquiry is underway. [Link](http://www.thehindu.com/news/cities/Kochi/article2453178.ece)

The New Indian Express raised an alarm that the Andhra Pradesh State Archives and Research Institute “is in danger of losing some of its most valuable archive” which is brittle and damaged. Among the items mentioned as in danger are the industrial census in the Nizam Dominion 1935-1945, the agricultural census, and Kesava Iyengar’s economic investigations in Hyderabad State in 1939. [Link](http://ibnlive.in.com/news/ancient-state-archives-in-danger-of-extinction/183713-60-114.html)

Ivory Coast. The Truth, Reconciliation and Dialogue Commission was formally launched. The 11-member Commission has a two-year mandate; Konan Banny, the Commission chairman, said the Commission needs to examine, “How we became a country absent of dialogue, a country of lies. We need to know the truth, even if it isn’t pretty.” [Link](http://www.iol.co.za/dailynews/news/ivory-coast-inaugurates-trc-1.1146711; http://sites.rnw.nl/pdf/ijt/ijt135.pdf)

Kazakhstan. At a regional UNESCO meeting, the chairman of the Kazakhstan National Commission for UNESCO and ISESCO called for “the maximum use of archival materials with the intent to reconstruct the region’s history and prevent its distortion,” Trend reported, noting the “ethno-cultural community of Central Asian countries.” [Link](http://en.trend.az/regions/casia/kazakhstan/1926506.html)

Lebanon. The government maintains a list of 28 villages and towns whose residents were displaced during the civil war and are now eligible for compensation (excluding persons displaced in the south of Lebanon, who are handled separately). Parliament’s Committee for the Displaced is now debating how to “add several villages to the government’s list,” the Beirut Daily Star reported. Clearly the list is a key human rights document.
Libya. As usual in the wake of a revolution, records of intelligence services are a target for the rebels. The New York Times reported, “Documents found at the abandoned office of Libya’s former spymaster appear to provide new details of the close relations the Central Intelligence Agency shared with the Libyan intelligence service – most notably suggesting that the Americans sent terrorism suspects at least eight times for questioning in Libya despite that country’s reputation for torture.” In a subsequent article, a reporter went to the offices of the former intelligence bureaucracy with a former employee who told the reporter that he had read cases in the intelligence archives, including files relating to the Lockerbie bombing and to the murder of Musa Sadr, the Iranian-Lebanese cleric who disappeared in Libya in 1978.

New Zealand. A digitization project of Archives New Zealand and FamilySearch will scan and make available free of charge the will and probate records for Christchurch, the West Coast and Timaru. Records through 1998 are included in the project.

United Kingdom. The government’s Forensic Science Service is scheduled to close in March 2012, but no decision has been made on the disposition of the Service’s archives of evidence. Police and scientists point out that the archives needs to be maintained because “the evidence in it provides the only hope of solving cold cases,” writes the Guardian.

During an office move, the Eastern and Coastal Kent Primary Care Trust, a unit of the National Health Service, sent a filing cabinet to a landfill. In the cabinet was a CD that contained the name, address, date of birth, and National Health Service number of about 1.6 million people. The cabinet has not been recovered, according to The Independent.

United States. The right of adopted children to know the identities of their birth parents has been an issue for many years. Now, however, with the advent of sperm banks, “donor-conceived” children are campaigning for the right to know the biological father, demanding access to the records of medical facilities and laboratories. One donor-conceived child, now an adult with a medical problem that might be traced to heredity, found that her paternal medical records were not kept. She told the Washington Post, “There needs to be less emphasis on the parents and the donors and their rights, because the children are the ones who have no say in this entire process—they’re just born into this situation.”

The Cherokee Nation planned to bar descendants of Cherokee tribal members’ former slaves from voting on September 24 in a special election for principal chief. An organization of descendants asked a federal judge to restore their voting rights, pointing out that an 1866 treaty between the government and the Cherokee Nation gave the freed slaves and their
descendants all the rights of native Cherokees, the Associated Press reported. A compromise was reached allowing the descendants to vote, although the larger controversy over the rights of the descendants remains unresolved.


Records of safety in the air are critical, and the retention period must be sufficient to cover the period of use of the equipment. The Federal Aviation Administration requires aircraft manufacturers to retain manufacturing records only for 5 years (10 years for “critical components”). An American Airlines plane built in 1990 suffered a tear in its skin last year, and this April a Southwest Airlines plane built in 1996 had a section of fuselage tear open in the air. According to AV WEB, the National Transportation Safety Board found that Boeing, which manufactured the planes, had no records of the manufacture, “therefore a cause for the manufacturing non-conformance could not be identified.”


September saw an epidemic of lost and compromised health records. In North Carolina a doctor was fined $40,000 for dumping 1600 patients’ medical records at a recycling center. In Texas, information was “breached” on 4.9 million patients in military clinics and hospitals when back-up tapes were stolen from the car of an employee of a health care provider. In Alabama, a man bought the contents of a storage unit and found 20-some boxes of personal medical records from a diagnostic imaging facility. In California, a medical privacy error led to the nearly year-long posting on a commercial website of data on 20,000 emergency room patients. In Minnesota, a laptop containing private information on 16,800 patients at two medical centers was stolen from a car. Finally, a survey of 90 healthcare information technology managers found that “more than 70% of healthcare organizations reported a breach of public health information over the past 12 months” with the majority of breaches committed by employees (35% of breaches were snooping into the medical records of fellow employees and 27% were looking at records or friends and relatives).


California. California’s ban on same-sex marriage was struck down in a federal district court as unconstitutional in August 2010 and is now on appeal. On request by the opponents of the ban, the district court proceeding was videotaped. After a legal battle over the tape, a judge ruled in September that the video should be released to the public, saying that “public access to trials and court records was ‘foremost among the aspects of the federal judicial system that foster public confidence in the fairness and integrity of the process,’” the New York Times reported. By the end of the month, however, an appeals panel stopped the release of the tapes.


Connecticut. A new law amends Connecticut’s freedom of information act to exempt from disclosure “any privileged records created in marital relationships, clergy-penitent
relationships, doctor-patient relationships, therapist-patient relationships ‘or any other privilege established by the common law or the general statutes,’” the Connecticut Law Tribune reported. Even more serious for researchers is the provision that the amendment is retroactive, covering all records from all historical periods. The background to the amendment is a ruling that medical treatment records of Civil War veterans for the period through 1880 were available for research use. See the March 2010 HRWG News for the background case. http://www.ctlawtribune.com/getarticle.aspx?ID=41551

New York. The worst prison riot in United States history took place in September 1971 at the state prison in Attica, New York. By the time the state regained control, 32 prisoners and 11 prison employee hostages were dead and nearly 100 seriously injured. The evidence gathered from the prison in the wake of the riot, including personal letters and printed material, clothing, and weapons, now has been transferred from police custody to the New York state museum. http://www.timesunion.com/local/article/Truckloads-of-Attica-s-agony-2194152.php


Washington. The Seattle Police Department is missing 15,000 videos made from dashboard cameras on police cars, reports KOMO-TV News. A public defender pointed out that it is a serious matter if “there is potentially exculpatory video that is not available to defendants” because it has been lost by the police. http://www.seattlepi.com/local/komo/article/Records-show-Seattle-police-lost-thousands-of-2180898.php

Calls for papers, conferences, fellowships.

The Society for Threatened Peoples and the Open Society Institute are holding an international conference in Bern, Switzerland, 26-27 October, on the theme “Memory, truth and justice in Chechnya: The role of human rights archives in combating impunity.” For further information contact Shoma Chatterjee, project coordinator, at shoma.chatterjee@gfbv.ch or visit www.gfbh.ch.

On November 9-10, 2011, The Center for Public Scholarship will hold a conference at The New School, New York City, on “Human rights and the global economy.” Among the topics to be discussed is “How do democracy, social justice, and international human rights law constrain international trade and intellectual property?” Contact: cps@newschool.edu or see newschool.edu/cps/human-rights-global-economy/

The University of Reading, United Kingdom, will hold a one-day workshop, 29 November 2011, on “Interrogation in war and conflict: between liberty, security and justice.” The workshop will have three inter-disciplinary panels: Military interrogation: the questioning of enemies; Forensic interrogation and international justice; and HumInt: interrogation, intelligence and security. For further information, see http://www.reading.ac.uk/spirs/Leverhulme/spirs-leverhulme_home.aspx
On December 4, 1511, Antonio de Montesinos delivered a sermon in Santo Domingo calling for reform of Spanish policy towards indigenous peoples. On the weekend of December 2-4, 2011, a coalition of organizations is sponsoring a conference and celebration in Washington, D.C. to review both the 500 years of progress in defining and protecting human rights and to consider what change is needed to realize the fullest identification and protection of individuals and vulnerable populations from genocide, crimes against humanity and war crimes. For more information on the conference, please go to humanrights500.org/; paper and panel proposals should be submitted to montesinos@alma.edu

The Human Rights Initiative of the University of California, Davis, in partnership with the UC Davis Humanities Institute, is hosting an interdisciplinary graduate student symposium “Human rights in the aftermath of conflict,” on March 8, 2012. Abstracts for proposed papers must be submitted by November 11 to Katherine Unger, kkunger@ucdavis.edu, and/or Andrea Dooley, adooley@ucdavis.edu. For a full schedule of activities for Human Rights and the Humanities Week see http://humanrightsinitiative.ucdavis.edu/

The Steering Committee of the American Political Science Association (APSA) Human Rights Section, the Council of the International Political Science Association (IPSA) Human Rights Research Committee, and the Executive Council of the International Studies Association (ISA) Human Rights Section announce their second joint international conference on the theme “Protecting Human Rights: Duties and Responsibilities of States and Non-State Actors” to take place on 18-19 June 2012 at the University of Glasgow in Glasgow, Scotland, hosted by the Glasgow Human Rights Network. Information on the conference is at http://www.gla.ac.uk/research/az/glasgowhumanrightsnetwork/ghmconferencejune2012/ and paper submission details can be found on the ISA website http://isanet.ccit.arizona.edu/MyISA/Validated/ConferenceParticipation.aspx?ConferenceID=33&View=Submissions The deadline for paper submissions is 1 November.

Please share news with us! trudy@trudypeterson.com or j.boel@UNESCO.org

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