

that task to the latter rather than the former, particularly given its importance to the TRC's mandate. [para. 75]<sup>156</sup>

Although the difficulties the TRC encountered in obtaining LAC documents were specific to the Commission's mandate, they highlight broader questions concerning the role of state archives and archivists in providing documents that reveal the facts of why and how a targeted group of people have suffered harms on a massive scale. As part of a growing trend towards demanding better government accountability and transparency, and the evolution of new privacy and freedom of information legislation, archives have become more directly connected to struggles for human rights and justice.<sup>157</sup>

### Archives and access to justice

Library and Archives Canada's federal government departmental records pertaining to Aboriginal peoples are vital to understanding how human rights violations occurred and their subsequent impacts. In 2005, the United Nations adopted the *Joinet-Orentlicher Principles*, which set out remedial measures that states must undertake to satisfy their duty to guard against impunity from past human rights violations and prevent their reoccurrence. This includes victims' right to know the truth about what happened to them and their missing family members. Society at large also has the right to know the truth about what happened in the past and what circumstances led to mass human rights violations. The state has a duty to safeguard this knowledge and to ensure that proper documentation is preserved in archives and history books.

The *Joinet-Orentlicher Principles* state, "The full and effective exercise of the right to truth is ensured through preservation of archives." Equally important, ready access to the archives must be facilitated for victims and their relatives, and for the purposes of research (principles 5, 14, 15, 16).<sup>158</sup>

The Commission notes that in his August 2013 report to the United Nations Human Rights Council, Pablo de Greiff, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, made specific reference to the importance of archives. He found that both a truth commission's own records and those housed in national, regional, and local archives extend the life and legacy of the truth commission's work. Archives can serve as permanent sites where post-commission accountability and the right to truth can be realized.<sup>159</sup> He further explained that archives "are a means of guaranteeing that the voices of victims will not be lost, and they contribute to a culture of memorialisation and remembrance. They also provide a safeguard against revisionism and denial—essential given the long duration and non-linearity of social reconciliation and integration processes."<sup>160</sup> He concluded that "truth commissions and national archives contribute in a substantial manner to realizing the right to truth and may further