

## **Victims' right to the truth**

On March 24 the United Nations and the human rights community observed an international day for the right to the truth. As this was only the third occasion the day has been observed since it was proclaimed by the UN in December 2010, this important initiative is not widely known. Called in full the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, the initiative has particular significance for victims of human rights violations everywhere and relevant agencies, including those involved with Australia's new Royal Commission into Sexual Abuse. It also has historical links to the Catholic church in Latin America and to Argentina whose Dirty War over 30 years ago has raised questions touching on the newly elected Pope Francis.

The content of the right is contained in a number of UN documents principally elaborated by UN human rights bodies in Geneva. In summary, it seeks to uphold the right of victims and their families to seek, receive and impart information on the human rights violations they suffered, including the identity of perpetrators, and, on the basis of this right, to require States to preserve and make accessible all relevant data, not destroy or lock it away.

The formulation and promotion of the right owes much to Latin America. It evolved in the 1970s first in response to the practice of forced disappearance undertaken by dictatorships such as the military junta that ruled Argentina 1976-1983, then in relation to the torture and killing of political opponents. New democracies and human rights advocates in the region's former dictatorships were determined that the violence of those dark days should never be repeated, in Latin America or globally. They argued that without full disclosure of the truth, victims will be denied reparations and other rights, reforms will not be made, and impunity will prevail because perpetrators will be able to avoid accountability. As the international day for the truth indicates, the UN is listening. Member states, including Australia, adopted the proposal by consensus.

### **Pope Francis**

The day chosen to highlight the right internationally has particular significance for Argentina, the new Pope's homeland. March 24 is a public holiday in Argentina. It marks the anniversary of the start of the Dirty War and is dedicated as a Day of Remembrance for Truth and Justice. This is not just symbolism. Though unfinished business remains, including finding those *los desaparecidos* and their children who are still unaccounted for, Argentina has made public the secret archives of its armed forces and provides unrestricted access to them. High-level military have admitted to their responsibilities and the dictator, General Jorge Videla, is serving life imprisonment.

The role of Pope Francis during this deeply challenging period, when he was head of the Jesuits, has been much discussed in recent times. Some claim he was complicit but leading Argentinian human rights activists like the Nobel Peace Prize winner Adolfo Perez Esquivel do not believe he was an accomplice of the dictatorship like the Argentine Catholic hierarchy. At the same time, Esquivel has stated that Bergoglio 'lacked courage' during the crisis and at best engaged in quiet diplomacy on human rights. One would presume, however, that if there was a strong case against Bergoglio, a prominent figure in Argentina, it would have been established years ago.

### **Oscar Romero**

The UN chose March 24 to promote the right to truth, however, not because of events in Argentina but in honour of Archbishop Oscar Romero of El Salvador. Doctrinally conservative like Jorge Bergoglio, and remarkably like him to look at, Romero became an outspoken critic of the El Salvadorean junta and a strong defender of the poor. He was assassinated by death squads on 24 March 1980 while celebrating Mass. Pope John Paul II initiated the process of his canonisation and he is universally revered as a martyr for human rights including by the Anglican Church which included his statue above the Great West Door in Westminster Abbey alongside Martin Luther King, Dietrich Bonhoeffer and other outstanding figures.

Born out of intense abuse of power and human suffering, but also the heroic dedication of extraordinary people, the right to the truth has remarkable potential traction and global application. Might it, for example, encourage the Latin American Pope Francis to decide that the Vatican – a UN non-member state - should open the files of the Congregation for the Doctrine of the Faith on sexual abuse by Catholic clergy? Might Pope Francis also give further substance to his gestures of solidarity with the poor by using his new platform to champion the cause of human rights globally, including the right to the truth, and by furthering the cause of Oscar Romero's canonisation which seems to have stalled during Pope Benedict's time?

Closer to home, it is to be hoped that Australia's Royal Commission into Sexual Abuse will live up to its promise to be a model of best practice and that its upholding of the right to the truth will help to deter paedophilia elsewhere. As UN Secretary-General Ban Ki-moon noted in his recent statement on the right to the truth, 'the truth also has to be told more widely as a safeguard to prevent violations from happening again.'

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