THE RIGHT TO TRUTH AND THE CULTURE OF HUMAN RIGHTS

The Right to Historical Truth with a Focus on the Right to Education

Author: Mariann Rikka
Supervisor: Jan Klabbers
Abstract

In the light of the more and more acute ‘duty to remember’ concerning the past crimes against humanity, the importance of historical consciousness in individual and collective national identity, a re-grown role of propaganda for manipulating public opinion for legitimizing political interests, and the significant influence of such legitimizing on international security, this thesis explores the limits of state’s activities in creating its national identity.

Based on the right of the individual to his/her personal identity, obligations of states in creating the culture of human rights, and the concept of the right to truth, this thesis concludes that individuals and collectives have a right to truth about the crimes against humanity. Such truth forms a part of the history of humanity. Guaranteeing a possibility for the seeking and free dissemination of the truth about them constitutes a minimal moral-legal obligation of the states and educators towards humanity, towards the creation of the culture of human rights.

As for the practical application of the right to truth in a concrete field of life, education as the very basic and influential state controlled medium for identity creation, and history education specifically, is taken under observation. This thesis discusses the application and resemblance of the right to truth in education and the historical truth in history education. It concludes that the right to truth applies in the context of education, deriving specifically and relatedly to the culture of human rights also from the right to education itself. The specific characteristics and purposes of history education make the search for historical truth central in the process. As for the thematic example, the dealing with Nazi and Communist crimes in the ‘common European memory’ project is examined.
Table of Contents
Abstract .................................................................................................................................................. 2
List of Abbreviations ............................................................................................................................. 4
Introduction .............................................................................................................................................. 5
1. The Right to Truth ............................................................................................................................... 14
   1.1. The Right to Truth as a Norm of Customary Law ................................................................. 16
       1.1.1. Development, Nature and Application of the Right to Truth ..................................... 16
       1.1.2. Temporal Scope of the Right to Truth and Distinction from the Right to
              Information .............................................................................................................................. 21
   1.2. The Right to Truth as a General Principle of International Human Rights Law .............. 25
   1.3. The Notion of Truth .................................................................................................................... 31
2. Historical Truth, Memory and the Culture of Human Rights ....................................................... 34
   2.1. "The Community of Memory" ................................................................................................. 35
       2.1.1. The Inherent Value of Historical Truth ......................................................................... 35
       2.1.2. History and Law – Carriers of the Right to Truth ........................................................ 39
   2.2. From "Federation of Nations" to the Culture of Human Rights ............................................. 44
       2.2.1. A Human Being’s World – from Civilisation to Morality .............................................. 45
       2.2.2. The Marketplace of Opinions – Bargaining the Past ..................................................... 48
   2.3. The Memory Marketplace of Europe .......................................................................................... 51
3. The Right to Education ....................................................................................................................... 60
   3.1. Individual – the Centre of the Process of Education ............................................................... 64
   3.2. The Notion of Truth as a Virtue ................................................................................................. 67
   3.3. History Education ...................................................................................................................... 69
       3.3.1. The Role of History and Law – the Truth in History Education ................................. 69
       3.3.2. Keeping the Mirror of Self-Identification Clean ......................................................... 72
       3.3.3. History of the Nation or History of Nations? ................................................................. 75
Conclusion .............................................................................................................................................. 79
Bibliography .......................................................................................................................................... 84
2014

The right to truth and the culture of human rights: the right to historical truth with a focus on the right to education

Rikka, Mariann

https://doi.org/20.500.11825/451

Downloaded from Open Knowledge Repository, Global Campus' institutional repository