UN HUMAN RIGHTS COMMITTEE

The Ethics of Memory: Regulating State Narratives on Historical Atrocities and the Right to Collective Remembrance

Inspired by ongoing legislation in Russia, Poland, and China.
How do states manipulate national memory, restrict education,
or criminalize dissent under the guise of patriotism or stability?

I. Introduction: Memory As A Human Rights Issue

Collective memory plays a central role in shaping national identity and public life. It influences how societies understand their past, relate to their institutions, and envision their future. When states regulate memory (through education, law, or public discourse) they are not merely recounting history. They are actively constructing narratives that can legitimize authority, foster unity, or suppress dissent.

This becomes especially significant in contexts marked by historical violence, colonization, or political upheaval. Decisions about what is remembered, what is omitted, and how events are framed can affect the rights of communities seeking recognition or justice. In some cases, governments criminalize interpretations of the past that challenge official accounts. In others, histories of marginalized groups are excluded from national narratives altogether.

The regulation of memory raises fundamental human rights concerns. It intersects with freedom of expression, academic freedom, the right to education, and the right to truth, particularly in societies transitioning from conflict or authoritarianism. As international frameworks increasingly acknowledge the importance of memory and accountability, tensions continue to emerge between national sovereignty and global human rights norms.

II. Tools of Memory Control

States influence collective memory through a range of institutional tools, often framed as efforts to preserve national identity or promote social cohesion, but they also shape which histories are legitimized, and which are excluded. One of the most direct mechanisms is education policy. National curricula and state-approved textbooks determine how historical events are taught in schools. This can mean the glorification of particular leaders, the omission of atrocities, or the framing of complex conflicts in simplified, nationalistic terms. In some cases, laws dictate what teachers are allowed to say, criminalizing perspectives that challenge official narratives.

Legal frameworks can further entrench control through what are sometimes called “memory laws.” These laws criminalize specific historical interpretations. While some are designed to prevent hate speech or genocide denial, others restrict open academic debate or insulate the state from criticism. The legal consequences of violating such laws vary widely, from fines to imprisonment.

Public monuments, national holidays, museums, and commemorative events also play a role in shaping memory. Governments use these spaces to reinforce a particular vision of history. In doing so, they may elevate some voices while silencing others. When memory becomes part of a state project, it can shift from recognition to control, especially in contexts where alternative narratives are discouraged or punished.

Media regulation and digital censorship are also increasingly relevant. Online platforms, search engine filters, and information blackouts can prevent entire generations from accessing certain histories. This is especially visible in states with strict content monitoring, but also occurs in more subtle forms elsewhere.

Together, these tools do not just reflect a state's version of the past: they shape the conditions under which people are allowed to remember, question, or challenge it.

III. Global Case Studies

***Russia**: The Great Patriotic Narrative and the Criminalization of Historical Dissent*

In contemporary Russia, the memory of World War II holds a uniquely powerful position in the national imagination. Known as the “Great Patriotic War,” the Soviet Union’s role in defeating Nazi Germany has been elevated to near-sacred status. This narrative emphasizes Soviet heroism, sacrifice, and moral righteousness: a portrayal reinforced by decades of state-sponsored commemoration, from annual parades to memorial sites and school curricula.

However, since the early 2000s, this narrative has been increasingly protected by legal and institutional measures that limit alternative interpretations. In 2009, the Kremlin established a “Presidential Commission to Counter Attempts to Falsify History to the Detriment of Russia’s Interests.” This signaled a broader strategy: to use memory politics not only as a tool of national pride, but as a mechanism of ideological control.

The legal framework evolved accordingly. In 2014, Russia introduced amendments to its criminal code making it illegal to "spread knowingly false information about the activities of the USSR during World War II." This includes criticism of the Red Army or any comparison between Nazi Germany and Stalinist practices. Convictions can result in significant fines or imprisonment. Similar restrictions have been placed on media outlets and public speech. In 2020, a constitutional amendment reinforced the state's role as the "successor" of the USSR, further enshrining an official version of history.

The implications for historians, educators, and activists have been severe. Independent researchers working with archives related to Stalin-era purges or wartime atrocities, such as mass rapes committed by the Red Army in Eastern Europe, have faced surveillance, harassment, or forced closures. The human rights organization Memorial, which for decades documented victims of political repression in the USSR, was liquidated by Russian courts in 2021 under the "foreign agent" law. Its closure was widely interpreted as part of the state's campaign to suppress inconvenient historical truths.

The state's rationale is framed around national dignity and social cohesion. Officials argue that historical revisionism undermines patriotism and weakens society's resistance to foreign influence. In practice, this position leaves little room for critical engagement with the past, especially with the more violent or repressive dimensions of the Soviet legacy.

This control over memory extends beyond academia into the public sphere. Cultural products, such as films or museum exhibits, are expected to align with state-sanctioned narratives. Online discourse is monitored, and posts that deviate from the approved version of events can lead to censorship or legal action.

Russia's approach to historical memory illustrates the broader tension between state-building and truth-telling. By codifying a singular historical narrative, the state aims to consolidate legitimacy and patriotic identity. But in doing so, it risks suppressing diverse perspectives, erasing the voices of victims, and violating fundamental rights to freedom of expression and academic inquiry.

This case raises urgent questions for human rights bodies: Can historical memory be regulated without undermining truth? At what point does commemoration become censorship? And what role, if any, should international actors play in defending the right to remember?

***Poland**: Legislating National Innocence and the Struggle Over Holocaust Memory*

Poland's national memory of World War II is grounded in the experience of profound suffering and resistance. The country was invaded by Nazi Germany in 1939, and millions of its citizens, including three million Polish Jews, were killed under occupation. Many Poles actively resisted the Nazis and thousands risked their lives to protect Jewish neighbors. This legacy of heroism and victimhood is central to the Polish national identity.

However, Poland's wartime history is more complex. Scholars have documented cases in which Polish individuals or communities were complicit in the persecution or betrayal of Jews. These events do not define the entire nation's actions, but they form a part of the historical record - one that some in Poland find difficult or offensive to confront.

In 2018, the Polish parliament passed an amendment to the Act on the Institute of National Remembrance criminalizing public accusations of Polish complicity in Nazi crimes. The law specifically targeted terms like "Polish death camps," arguing that such language falsely implied that Poland operated Nazi concentration camps on its territory. Supporters framed the law as a necessary defense of national honor.

The response, both domestic and international, was sharply divided. Historians, human rights groups, and foreign governments, including Israel, warned that the law could suppress academic freedom and inhibit truthful engagement with the Holocaust. Survivors and educators expressed concern that even nuanced discussions could be punished under vague legal standards.

After facing global criticism, the Polish government amended the law to remove criminal penalties, though civil liabilities remained. Despite this softening, the law had a chilling effect: scholars became more cautious in their work, and public discussion of Polish-Jewish relations during the war grew more politicized.

This case highlights the delicate balance between safeguarding national reputation and ensuring the right to historical inquiry. Poland's experience suggests that memory laws, even if well-intentioned, can unintentionally restrict truth-telling, marginalize survivors' voices, and create pressure to conform to a simplified narrative. It also raises broader questions about how post-conflict nations confront painful histories, and whether state-led remembrance can coexist with open, critical reflection.

***China**: Tiananmen and the Politics of Silence*

On June 4, 1989, the Chinese military violently suppressed pro-democracy protests in Beijing's Tiananmen Square. The demonstrations, led largely by students, had drawn tens of thousands of citizens calling for political reform, freedom of speech, and an end to corruption. The crackdown left hundreds, possibly thousands, dead, though the exact toll remains unknown. Internationally, the event became a symbol of authoritarian repression. Inside China, it became something else: a void.

In the decades since, the Chinese government has implemented one of the most comprehensive efforts of historical erasure in the modern world. The Tiananmen massacre is not taught in schools, not covered in state media, and not commemorated in public life. Textbooks omit it. Search engines and social media platforms, tightly regulated by government censors, automatically block references to dates, images, and symbols associated with the event, including the famous "Tank Man" photo, which is virtually unknown to many young people in mainland China.

Those who attempt to remember publicly face consequences. Activists who organize vigils or publish memoirs have been detained, harassed, or imprisoned. Even in Hong Kong, once a site of annual June 4 commemorations, public remembrance has been criminalized under new national security laws. In 2021, authorities forcibly shut down the city's Museum of the June 4th Massacre and removed statues commemorating the victims. What was once tolerated as a sign of local autonomy has been folded into the broader policy of enforced forgetting.

The state's rationale is that such censorship maintains social stability and national unity. Officials often characterize the 1989 protests as "political turmoil," avoiding open acknowledgment of violence or wrongdoing. Critics argue that this approach not only denies justice to victims and their families, but also undermines civil society's ability to engage with history honestly and critically.

The silence around Tiananmen illustrates the extreme end of state-controlled memory, where the absence of a narrative is itself the narrative. It raises urgent human rights concerns about freedom of expression, access to information, and the right to truth. It also poses a challenge to international actors and diaspora communities, who continue to commemorate the events from abroad.

China's case forces a deeper reflection: what happens when a historical atrocity is not rewritten, but simply removed? And what are the long-term costs, to justice, education, and national identity, of collective forgetting?

***Turkey**: Denial and National Identity*

The mass killings and deportations of Armenians by the Ottoman Empire in 1915 remain one of the most sensitive and contested issues in modern Turkish politics. While over 30 countries (including France, Germany, and more recently the United States) officially recognize the events as genocide, Turkey has consistently rejected this label. Successive governments have acknowledged that large numbers of Armenians died during wartime unrest but deny that the deaths were part of a systematic campaign to annihilate a people.

This denial is not merely rhetorical. The Turkish state has built a legal and political framework that actively discourages public discussion of the genocide narrative. Article 301 of the Turkish Penal Code criminalizes "insulting Turkishness," a charge that has been used against journalists, writers, and academics who describe the 1915 events as genocide. One of the most prominent cases was that of Hrant Dink, an Armenian-Turkish journalist who was prosecuted under Article 301 and later assassinated in 2007 after repeated public threats. His murder shocked the nation but also underscored the risks faced by those who challenge the official version of history.

In schools, the Armenian genocide is either omitted or portrayed as a controversial or "foreign-imposed" claim. Turkish students are rarely taught about the scale of the killings, or the experiences of the Armenian community before and after 1915. Museums and public commemorations remain silent on the subject, and the state has opposed efforts by Armenian groups, both inside and outside Turkey, to memorialize the events. Meanwhile, Turkish diplomatic pressure has often extended internationally, with Ankara lobbying against genocide recognition bills in foreign parliaments and responding sharply to countries that pass them.

Supporters of Turkey's position argue that labeling the events as genocide imposes a one-sided narrative that ignores wartime chaos, intercommunal violence, and the broader context of World War I. They claim that legal recognition would unfairly stigmatize the Turkish nation and open the door to political or territorial demands. Critics, however, argue that refusal to engage honestly with the historical record hinders reconciliation and entrenches nationalist myths.

The Turkish case shows how state narratives about historical trauma are tied not only to memory, but to questions of identity, legitimacy, and diplomacy. Regulating the past becomes a way of defending the present, but at the cost of silencing entire communities whose histories remain unacknowledged.

***United States**: Education, Monuments, and the Politics of Historical Framing*

In the United States, debates over how the country remembers its past, particularly regarding slavery, racism, and Indigenous displacement, have intensified in recent years. While the U.S. does not have formal "memory laws" in the way some other countries do, state governments, school boards, and legislatures have increasingly taken steps to regulate historical narratives through education policy and public symbolism.

One of the most visible fronts in this memory conflict has been the battle over school curricula. In several states, legislation has been passed limiting how teachers can discuss systemic racism, slavery, segregation, or the legacy of colonialism. These laws often frame themselves as protecting students from "divisive concepts" or promoting a more "balanced" view of American history. Critics argue that they suppress honest engagement with historical injustice and disproportionately affect the experiences of marginalized communities. Teachers in some districts report self-censoring for fear of violating vague or politically charged guidelines.

Parallel to these developments, the U.S. has experienced a national reckoning over public monuments, particularly statues honoring Confederate leaders. While some see these monuments as symbols of heritage and regional pride, others view them as glorifications of white supremacy and historical violence. Protests following the murder of George Floyd in 2020 accelerated efforts to remove such statues, rename institutions, and recontextualize public spaces. Yet in some regions, these removals sparked fierce backlash, with counter-legislation introduced to preserve historical monuments by law.

Beyond education and monuments, national conversations have also emerged around museum exhibits, public holidays, and commemorations. Disputes over whether to celebrate figures like Christopher Columbus, how to acknowledge Indigenous Peoples' history, or how to frame the narrative of the Civil War all reflect deeper divisions about national identity and memory.

Unlike more authoritarian contexts, these memory struggles in the U.S. often take place within democratic institutions and civil society. But they are no less charged. The federal structure of the country means that memory is contested unevenly across states and communities, often reflecting broader political and cultural divides.

The American case reveals that historical memory can become a deeply polarized terrain, even in a society with legal protections for free speech and academic freedom. It underscores how narratives of the past are inseparable from current debates over race, power, and national purpose, and how the regulation of memory can occur not only through censorship, but through omission, reframing, and political pressure.

IV. Memory from Below: Resistance and Counter-Narratives

When official narratives dominate schoolbooks, news headlines, and public monuments, the work of remembering often falls into the hands of everyday people. In many countries, history lives not in law or curriculum but in whispered conversations, quiet memorials, and unregulated acts of remembrance passed from generation to generation. These “memories from below” are often fragmented, unofficial, and vulnerable, but they are also persistent, imaginative, and deeply human.

In many post-authoritarian societies, families become the first line of resistance. Stories that cannot be spoken in public are told around kitchen tables, carried in photographs, or hidden in diaries. Children grow up hearing what the textbooks omit. Memory becomes a private inheritance - a counterweight to what is sanctioned by the state. In such environments, remembering becomes not just an act of recall, but one of survival.

Elsewhere, artists and filmmakers take on the role that public institutions refuse. Through poetry, film, graphic novels, theater, and dance, creators have reconstructed silenced histories; not only to document them, but to explore their emotional aftermath. In places where speech is criminalized or censored, metaphor and fiction often become tools for telling truths that can’t be named directly.

Digital platforms have also become crucial spaces for unofficial remembrance. From anonymous blogs to encrypted archives, the internet offers ways to share testimony, digitize lost archives, and connect intergenerational communities across borders. Even in countries with strict censorship, VPNs, dark web forums, and social media hashtags have allowed people to find each other and reclaim narratives otherwise erased from public view.

Beyond documentation, collective memory often finds expression through symbolic acts: silent protests, commemorative graffiti, or naming a park bench after someone whose story was never recorded. In the absence of recognition, these gestures offer dignity. They also demonstrate that memory is not just a record of the past: it is a struggle over how the present is framed and who is allowed to speak.

These decentralized efforts are rarely coordinated. They are often local, personal, and fleeting. Yet taken together, they resist the idea that memory belongs solely to governments, museums, or courts. They show that people don’t simply forget when told to forget. They remember in secret, in art, in code, and in resistance.

V. Legal and Ethical Frameworks

Freedom of Expression vs. State Authority
Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees freedom of expression. However, it allows certain limitations, especially when states claim to protect national security, public order, or the reputation of others. This creates a gray area where states can legally regulate historical narratives under broad justifications.

Memory Laws: Between Protection and Suppression
Some countries criminalize denial of atrocities (such as Holocaust denial laws in Germany, France) as a way to uphold historical truth and prevent hate speech. In contrast, other memory laws are used to shield states from criticism or suppress marginalized voices (like banning discourse on colonial violence or war crimes). The difference lies in the intent, scope, and transparency of the law, and whether it aims to protect victims or silence them.

UNESCO and International Norms
UNESCO encourages pluralism in historical education and memory but has no binding authority. It promotes access to diverse perspectives and defends the right of communities to preserve their heritage, but enforcement relies on national will.

Right to Truth in Transitional Justice
Emerging from truth commissions and reparations processes, the “right to truth” is gaining recognition as a legal principle. It affirms that victims of mass atrocities and the public have a right to know what happened, even if that contradicts official narratives. This principle has been recognized in contexts such as Argentina, South Africa, and post-conflict tribunals.

Ethical Considerations
Law alone cannot resolve memory conflicts: ethical reflection is crucial. Questions persist: Who has the authority to tell a nation's story? Can silencing certain histories ever serve justice? What responsibilities do states have to acknowledge the suffering of marginalized communities?

The Role of Civil Society and Courts
Domestic and international courts occasionally weigh in on memory laws (such as European Court of Human Rights cases on free speech vs. hate speech). NGOs, educators, and cultural institutions play a vital role in promoting balanced, inclusive narratives, even when legal structures fall short.

FURTHER RESOURCES

Memory Laws: Historical Evidence In Support Of The “Slippery Slope”
https://www.asser.nl/research/publications/asser-verfassungsblog-joint-online-symposia/memory-laws-symposium/blog-post-6-memory-laws-historical-evidence-in-support-of-the-slippery-slope-argument/

Memory Laws, Rule Of Law & Democratic Backsliding: The Case Of Poland
https://www.illiberalism.org/memory-laws-rule-of-law-and-democratic-backsliding/

The Russian Memory Project That Became An Enemy Of The State
https://www.newyorker.com/news/news-desk/the-russian-memory-project-that-became-an-enemy-of-the-state

Russia’s Legislative Minefield
https://www.hrw.org/report/2024/08/07/russias-legislative-minefield/tripwires-civil-society-2020

Memory Laws & Memory Wars In Poland, Russia And Ukraine
https://kar.kent.ac.uk/88586/1/Memory_Laws_and_Memory_Wars_in_Poland_Ru.pdf

Why Turkey Doesn’t Use The Word “Genocide” For Armenia
https://www.youtube.com/watch?v=ENaO3NPxzkM

Architects Of Denial: The Armenian Genocide
https://www.youtube.com/watch?v=MuO0ysGjAKE

How Rude: Monuments And American Memory
https://www.youtube.com/watch?v=6SQJSjRo8zc

Nationalist Narratives In Authoritarian Legal Context
https://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=9155921&fileOId=9156014

The Putin-Hitler Analogy, Ukraine And Euro-Atlantic Security
https://cdainstitute.ca/is-history-rhyming-the-putin-hitler-analogy-ukraine-and-euro-atlantic-security/

Remembering Tiananmen Everywhere Except Where It Happened
https://www.youtube.com/watch?v=toUn6Yo3E9Y