

Freedom of speech denied at the UN

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I participated as an invited expert for the first Theme at the **United Nations Forum on Minority Issues**, 12th Session, 28-29 November 2019, Palais des Nations, Geneva, Switzerland. This Forum was the Fourth and final in a series organised by the UN Special Rapporteur on Minority Issues, Fernand de Varennes. I was also an invited panellist at the First Forum on Europe that was held in Brussels in June 2019.

At the opening ceremony, the President of the Human Rights Council Mr Coly Seck, the High Commissioner for Human Rights Ms Michelle Bachelet, the OSCE High Commissioner on National Minorities Mr Lamberto Zannier, and the Special Rapporteur on Minority Issues Dr Fernand de Varennes (FdV), all presented statements.

I was the first speaker after them, at the first Panel of the Forum, **Human Rights and Minority Language Education**. The panellists, 3 for each of the four Themes, were assumed to be among the best experts in the world in their respective areas. I have written and/or edited around 50 books in this area and published around 600 articles in books and journals; my publications have appeared in almost 70 languages (see www.Tove-Skutnabb-Kangas.org).

Before the first day of the Forum, on the 27th of November there was a 3-hour Preparatory Meeting in the Palais des Nations for the panellists. Both Presidents of the Forum, Anastasia Crickley¹ (AC) and Astrid Thors (AT), were present, as was the Secretary, Karim Ghezraoui² (KG), and the Moderators of the first day's Panels, Vincent Defourny³ (VC), and Anna-Mária Bíró (the Moderator of the second Panel), and several other people, but not the UN Special Rapporteur who had other meetings at that point. After some presentations about the procedures and plans, the panellists were asked to give a short summary of what they were going to say. After I had done that, three people, AC, KG, and the Moderator of the first Panel, VD, chose to concentrate on my intervention, the text of which had been available to them in advance. They protested about my use of term "linguistic and cultural genocide", and about naming countries and peoples. They wanted me to delete such references or at least to reformulate the last

paragraph before my Recommendation. The last paragraph was as follows:

Today's submersion education continues to participate in linguistic and cultural genocide pedagogically, psychologically, culturally, linguistically and sociologically⁴ – see Articles 2b and 2e in the UN Genocide Convention for definitions of genocide. But it is not only Indigenous peoples and numerically small minorities that suffer. Their languages and the world's linguistic and cultural diversity suffer, and as a consequence, biodiversity⁵ and climate. Some of the *big* minorities today continue to bear the brunt of all this, not only undergoing linguistic and cultural genocide in education but also being physically killed and tortured. I am thinking of the Uyghurs and Tibetans in China, and the Kurds especially in Turkey and Syria. Condemnation from the rest of the world is now forthcoming to some small extent, on paper, but as long as implementation is lacking, even here, it is toothless. Capital and trade trump human rights, as usual.

The three UN staff identified above did not want genocide to be mentioned, and they did not want Uyghurs, Tibetans and China, or Kurds and Turkey and Syria to be mentioned. (Maybe I should mention here that I have worked with all three groups, with Kurds very intensively for some 50 years). In their view this would cause a serious interruption in the Forum; it was not “UN language”. The States concerned would interrupt my intervention with Points of Order. It seems that the three had not read my full paper but started looking at the paragraph in question after I had summarised what I was going to say. The Notes in my paper give more information, including references to two of my publications (together with human rights lawyer Robert Dunbar and Professor Robert Phillipson) where we go through from a multidisciplinary angle the concepts of various kinds of genocide and crimes against humanity). After some debate, I asked everybody in the room if they knew how genocide is defined in the UN 1948 Genocide Convention. Not one knew, including the three.

After a great deal of discussion, it was suggested that everyone in the room apart from AC, AT, KG and VD leave the room and go and have dinner. (In fact several of them stayed outside until I came out; some of them said afterwards that they were shocked by how I had been treated). In the long discussion that followed, both the Chair (AC) and the Moderator (VD) of my panel stated that they were in considerable doubt as to whether they would be able or willing to chair or moderate the panel if I did not change my presentation. They also said that they feared that in the worst case the Special Rapporteur's work might be

endangered so that he might not be able/allowed to organise Forums next year. The other President, AT, did not say that, and did not participate in threats of this kind, but she also thought that it might be a good idea to make changes. Then the Special Rapporteur was brought in via phone for a few minutes; the three, AC, VD and KG explained their views to him. He said, in his usual diplomatic way, that it might, all things considered, be wise to change the paragraph. In my view, he could obviously not say anything else in this situation. Because of my great respect for him, and his way of functioning as a Special Rapporteur, I promised to send AC, VD, KG and AT an alternative text. I sent it first to the Special Rapporteur, who wrote back immediately, and suggested a good way of ending the paragraph; this was then sent to the four.

In the end, because of the time pressure, I decided to skip the whole contested paragraph, to have time for the poem Hope (by Vaughan Rapatahana) instead. (I would have had time for the paragraph had I chosen to speak a bit faster). I have asked my original to be put on the Forum's website "but it was considered not fair and transparent towards the participants if one version is pronounced by panelists during the Forum and another one posted online." (an email from the OHCHR consultant *Lilia Petrosyan*, after she had consulted with the people above). This argument apparently does not apply to the NGO interventions which were interrupted after exactly two minutes; their interventions will be in full on the website). These participants were free to name countries and oppressed minorities and use the concept of genocide, while I was not. Therefore, I want to post the original version (and the censored version) on my website. People are invited to share this story and the two versions as widely as they wish, and comment.

I would also like to add two recent pieces of information about the situation of the Uyghurs. The first is in the link below from the Uyghur Human Rights Project:

"With the passage of the UIGHUR Act by the U.S. House of Representatives December 3, the U.S. Congress is one step closer to enacting into law specific policy responses to counter the ongoing crimes against humanity being committed against the Uyghur people. The bill passed by the House puts on the table stronger export controls

to ensure that US companies are not complicit in human rights abuses in East Turkestan against Uyghurs, Kazakhs, Kyrgyz and other Turkic Muslims in the Uyghur Region. UHRP reiterates the call for swift action it made in its press release, [UHRP applauds passage of the UIGHUR Act of 2019 by the U.S. House of Representatives](#) [corrected title], applauding last night's near-unanimous vote in the House of Representatives.”

The Guardian Weekly 29 November 2019, Vol. 201 No. 25, pp. 10-14, has as that week's “Big Story. The China cables. A major leak of secret Chinese Communist Party documents confirms the largest mass incarceration of an ethnic-religious minority since the second world war.”.

If the situation of the Uyghurs in China can be discussed in the U.S. Congress and the U.S. House of Representatives, and in the British newspaper the *Guardian*, it seems odd that this situation cannot be mentioned by an expert at a UN high-level Forum on Minority Issues, even when I refer to the 1948 UN Genocide Convention's definitions of genocide in Article 2b and 2e.

“Exposing abuse of power, manifested in denials or abuses of education, is the first necessary step towards opposing it. It is the essence of human rights”, writes the first UN Special Rapporteur on the Right to Education, Katarina Tomaševski⁶ (2003: 1). She also writes: “At the core of human rights work is a paradox: the main protector of human rights – the authority one must rely on to enforce human rights – is also the main violator. Exposing abuses of power by governments ... requires putting up with more verbal abuse than, even after twenty years of experience, I have imagined possible” (Tomaševski 2003: xiv). In a 2005 well-documented article (with 146 often lengthy Notes), **Has the Right to Education a Future Within the United Nations? A Behind-the-Scenes Account by the Special Rapporteur on the Right to Education 1998–2004**⁷, Tomaševski describes her considerable frustrations, where she met a wall of bureaucratic resistance and obstruction. She also describes the way the UN system failed to support her mandate because of a reluctance to offend the ‘world’ powers. ‘The Human Rights Commission's principal protective function was undermined through a weakened political support for exposing and opposing human rights violations’.

My experience reveals that what was censored as not ‘UN language’ was an example of a UN culture that blocks references to human rights norms. The individuals employed by the UN administer these norms that hinder both the naming of these violations of human rights, and the causes of them from being exposed.

Edward Said⁸ writes about the role of intellectuals: “The intellectual is ... someone whose place it is publicly to raise embarrassing questions ... to be someone who cannot be easily co-opted by governments or corporations ... Least of all should an intellectual be there to make his/her audience feel good: the whole point is to be embarrassing, contrary, even unpleasant” (Said 1994: 9-10).

As an invited panel expert at a UN Forum my role is to be an intellectual whose freedom of speech cannot be denied.

PS. An email from Fernand de Varennes, the Special Rapporteur on Minority Issues, 10 December (from Kyrgyzstan) cancels what I had been told earlier, see above. He writes: "Of course your written text will be posted on the Forum's website... This is now accepted and will occur this week."

Notes:

¹ Former chairperson of the UN Committee for Elimination of Racial Discrimination.

² Chief of Section in the Thematic Engagement, Special Procedures and Right to Development Division at the United Nations Office of the High Commissioner for Human Rights

³ Director of the UNESCO Geneva Liaison Office

⁴ See the definitions of genocide 2b and 2e in the 1948 *United Nations' Convention on the Prevention and Punishment of the Crime of Genocide* (the ‘Genocide Convention’) (<http://www.hrweb.org/legal/genocide.html>) and the argumentation in Skutnabb-Kangas & Dunbar 2010 (in Note 2 in my intervention) and in Skutnabb-Kangas, Tove, Phillipson, Robert & Dunbar, Robert (2019). *Is Nunavut education criminally inadequate? An analysis of current policies for Inuktitut and English in education, international and national law, linguistic and cultural genocide and crimes against humanity*. Nunavut, 25 April 2019. 83 pages; downloadable

from <https://www.tunngavik.com/files/2019/04/NuLinguicideReportFINAL.pdf>. See also Skutnabb-Kangas, Tove & Phillipson, Robert (eds) (2017). *Language Rights*. London/New York: Routledge. Series Critical Concepts in Language Studies. 4 volumes, 1.668 pp.

⁵ See, e.g. Phillipson, Robert & Skutnabb-Kangas, Tove (2018). Linguistic imperialism and the consequences for language ecology. In Penz, Hermine & Fill, Alwin (eds). *Handbook of Ecolinguistics*. New York: Routledge, 121-134; Skutnabb-Kangas, Tove & Harmon, David (2018). Biological diversity and language diversity: parallels and differences. In Penz, Hermine & Fill, Alwin (eds). *Handbook of Ecolinguistics*. New York: Routledge, 11-25.

⁶ Tomaševski, Katarina (2003). *Education Denied: Costs and Remedies*. London: Zed Books.

⁷ *Human Rights Law Review* 5:2, 205-237.

⁸ Said, W. Edward (1994). *Representations of the intellectual*. London: Vintage.