UNIVERSITY OF WARWICK & CULTURE COMMONS

A role for Cultural Rights in local cultural decision making?

An overview of the concept, legal architecture, and iteration of a 'human right to culture' in national, regional and local contexts

DISCUSSION PAPER

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Abstract

The purpose of this study is to identify how 'Cultural Rights' – a sub-category of Human Rights – is legally defined and applied today, internationally, nationally and locally. The study is limited to an iteration of the sources, institutions and resources, of international law pertaining to culture; and to identifying the sources, institutions and resources of Cultural Rights nationally as potentially significant to the devolution of cultural policy (i.e. local decision making in cultural policy). It identifies the laws and means by which Human Rights have become domestic law and the subject of public policy generally – so much so that 'rights' are assumed to be applicable to the entirety of public services – and yet it points how rights as applied to culture is less confident and widespread. The study attempts to define how and why, and propose further research.

Keywords

Human Rights; institutions; Cultural Rights; Law; Cultural Policy; EDI; local cultural policy.

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Executive Summary

- o This report is an empirical survey on the use of the term 'Cultural Rights' in the context of Human Rights law, both international and national. It commences with the general observation that the subject under assessment Cultural Rights is not a widely recognised term or subject of public policy. Indeed, it is a neglected category of Human Rights internationally.
- Human Rights law, and its domestic iteration, is less widely applied to culture than other areas of social and public life. The first section of this report is a clarification on the meaning of key terms, their origin and basic application in the UK today.
- o The remaining three sections of the report involve a narrative overview of Human Rights Law and the legal dimension of our understanding of culture and the culture sector – specific laws, institutions and local iterations or adaptations of Human Rights principles, precepts or frameworks relevant to culture.
- o The report recognises the enduring relevance of UN institutions for the evolution, promotion and resourcing of Human Rights-based research, as well as regional courts and other legal agencies, for reporting, publishing case studies, constructing guidelines and assessment frameworks.
- The UK, through its various governmental, legal and public bodies national and devolved has generated a wide range of supporting policy guidance, reports and research, from which more effective local public policies could be developed.
- o It remains, however, that local (or place-based) public policies for Human Rights and the right to culture, are extrapolated (or simply iterations of) national and international frameworks and have not evolved or been developed in relation to (or in dialogue with) their constituencies.
- Hitherto, only Scotland has demonstrated a specific interest in Cultural Rights as a significant dimension of Human Rights. As policy and legal research, this interest is embryonic.

Introduction

Is Cultural Rights a potentially significant component of local cultural policy making? The phrase 'cultural rights' is little used in the UK. This, in itself, is significant, as Human Rights as an area of law, policy and advocacy, has grown exponentially, internationally and nationally, and is now integrated into every dimension of public service provision through various acts of the UK Parliament.

'Rights-based' policies of all kinds have proliferated, often beyond the legal reach of the Human Rights laws from which they emerge. Human Rights begin as international law, which are adopted (ostensibly 'translated') into domestic or national law, then into policy and various strategy applications of local policy. Yet, this process of adoption and 'translation' is taken to be self-evident but is not. The purpose of this study will be (limited) to:

- (a) an iteration of the sources, institutions and resources, of international law pertaining to culture; and
- **(b)** in identifying the sources, institutions and resources of Cultural Rights nationally as potentially significant to the devolution of cultural policy (i.e. local decision making in cultural policy).

There are two preliminary caveats to this – firstly, 'the cultural' within Human Rights is often embedded in 'non-cultural' Rights, or can be social, political and economic as it is cultural. For example, rights to do with race, disability or minority groups often have a cultural dimension, or a cultural impact, when implemented. A second caveat is that within Human Rights law, there are rights to which governments or authorities must implement, and rights to which they need only to aspire – this is specifically true when the 'aim' of a right is 'freedom' or some unquantifiable condition of social life or expression.

This study seeks to bring together all the components that form the basis of Human Rights as law, legal practice, policy and governance in the UK and (by example) locally. As a general observation, there is little local innovation in Human Rights. This might well be because, as a legal and therefore professionally specialist discourse, how laws are implemented and policies created is subject to a range of official guidance and devolved

implementation frameworks. Nonetheless, even at local level, Human Rights are visible; this study will require an overview Human Rights in order then to define and assess how far Cultural Rights is recognised, operationalised and relevant for local cultural decision making.

Human Rights & Cultural Rights: background

Cultural Rights is a category of Human Rights and is included in one of the major treatises of the UN-managed International Bill of Human Rights. It is adjudicated by the UN Human Rights Council (UNHRC), by regional Human Rights courts, and by the supreme and higher courts of UN member states (for the UK, the Strasbourg-based European Court of Human Rights, the UK Supreme Court and upper part of the court system including specialist tribunals). The International Bill includes the three fundamental Human Rights documents – the 1948 Universal Declaration of Human Rights (UDHR) and the two 1966 'covenants' with their additional 'protocols' [the International Covenant on Economic, Social and Cultural Rights (the ICESCR); and the International Covenant on Civil and Political Rights (the ICCPR] – the former is monitored by the Geneva-based UN Committee on Economic, Social and Cultural Rights.

The last report of the Equality and Human Rights Commission concerning the UK's compliance to the ICESCR was in 2023 and entitled 'Economic, Social and Cultural Rights in Great Britain'. Its understanding of Cultural Rights is limited to 'digital exclusion', online safety, and race in sport (pp.21-23, 26), and to that extent is indicative of the lack of legal depth and policy scope that is Cultural Rights in UK legal discourse generally. Yet, originating with the Universal Declaration of Human Rights, and continued by UNESCO's mandates and governance on global cultural policy, the human rights that pertain to culture are both extensive and not difficult to comprehend:

- **1) Participation**: this is the right to take part in 'cultural life': Article 27 of the Universal Declaration of Human Rights and Article 15 (paragraph 1 (a)), of the International Covenant on Economic, Social and Cultural Rights. Cf. the 2009 General Comment No. 21 of the Committee on Economic, Social and Cultural Rights.
- **2) Recognition**: the 'right to enjoy the benefits of' scientific progress and its applications: Article 27 of the Universal Declaration of Human Rights; Article 15, paragraph 1 (b), of the International Covenant on Economic, Social and Cultural Rights.
- **3) Protection**: the right to the protection of the 'moral and material interests' emerging from any scientific, literary or artistic production of which a person is involved (such as the author): Article 27 of the Universal Declaration of Human

- Rights; Article 15, paragraph 1 (c), of the International Covenant on Economic, Social and Cultural Rights. Cf. The 2005 General Comment No. 17 of the Committee on Economic, Social and Cultural Rights.
- **4) Freedom**: the right to engage in scientific research and creative activity: Article 15, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights; Article 19, paragraph 2, of the International Covenant on Civil and Political Rights: the right to freedom of expression includes the freedom to seek, receive and impart information and ideas, regardless of 'frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice'.
- **5) Education**: the right to education, embedded in other international instruments, in particular Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and Articles 28 and 29 of the Convention on the Rights of the Child. As stated in the 'World Declaration on Education for All' (1990), the role of education in society and economy is central and not least its crucial role in empowering people to take up the 'rights' listed above (promoting participation in and access to the creation of knowledge, values and cultural heritage).

Rights are not static laws, but evolving institutions, global public debates and policy frameworks. There are three critical reference points for a policy understanding of the current meaning (and recent development of) Cultural Rights:

- the UNESCO-sponsored 'Fribourg Declaration on Cultural Rights' of 2007 was the culmination of a significant academic study of the evolution of Human Rights law. It is used in the on-going work of UNESCO itself as it faces the conundrum of culture as both a matter of individuals and of groups, and where rights attributed to each can conflict or at least make for a different legal and policy situation. A secondary resource in navigating the expansive landscape of culture in terms of rights is the publication that emerged from the Polish city of Wrocław and its European Capital of Culture in 2016: Culture and Human Rights: The Wroclaw Commentaries (a De Gruyter Handbook publication in 2017). The Fribourg Declaration and the Commentaries arguably stand as the twin authorities on Cultural Rights in English.
- (ii) In 1948, UNESCO was the first UN-agency to commit itself to policymaking with reference to the UDHR (now phrased as the 'HRBA' or human rights-based

approach). In 1967, UNESCO was mandated by the UN Assembly with a 'Procedure 104' in administering Human rights complaints with regard to culture and heritage. In 2003 it published a 'UNESCO Strategy on Human Rights' and has been vocal in promoting human rights in culture globally.

- (iii) In 2009, a new office of Special Rapporteur in Cultural Rights was established by the UNHRC. Its expanded field of Cultural Rights are so stated:
 - expression and creation, including in diverse material and nonmaterial forms of art;
 - o information and communication;
 - o language;
 - identity and belonging to multiple, diverse and changing communities of shared cultural values;
 - development of specific world visions and the pursuit of specific ways of life;
 - o education and training;
 - access, contribution and participation in cultural life and the conduct of cultural practices; and
 - access to and enjoyment of heritage in its tangible, intangible, natural and mixed manifestations.

With Human Rights law, treatises and declarations (all the legal 'instruments', many of which are not legally binding but are collectively agreed statements or member-state declarations) there is a large overlap of culture and other rights: of relevance in UNHRC adjudications are the following three treatises:

- **1.** The 1969 'International Convention on the Elimination of All Forms of Racial Discrimination'
- 2. The 1990 'Convention on the Rights of the Child'
- **3.** The 2006 'Convention on the Rights of Persons with Disabilities'

It was only with the election of New Labour in 1997 did Human Rights become a matter of national public policymaking (Cf. Section 2). The 1998 National Literacy Strategy (NLS) initially seemed to promise a UNESCO-style HRBA to language, literature and libraries, but

in the event, the legal status of 'cultural literacy' remained a question mark. Its lack of international reference points – including direct reference to international law – has remained a feature of UK approached to Human Rights, in part as international law is now domestic law but also because of the undeniable political controversy that often surrounds Human Rights. As defined by the UN, Human Rights are 'universal, indivisible, interdependent and interrelated' - and therefore not substantially subject to national political, cultural, religious or legal tradition. National democracies often experience Human Rights as an imposition; culture is a realm of difference and particularity and not 'universal' principles, and so it is not difficult to imagine that local authorities find Human Rights 'large scale', generic and not specific enough to be meaningful in local contexts. And historically, the British media tend only to refer to Human Rights in terms of serious abuse, violations and oppressive regimes. Occasionally, less severe situations may warrant some attention: a recent BBC news article of February 2024 on the current financial deficits in Birmingham City Council claimed the prospect of 'cultural depravation'. Otherwise, the term 'Cultural Rights' is not one would tend to hear within mainstream news reporting or even current affairs journalism.

In the public mind, the role of Human Rights tends to be associated with advocacy, pressure groups, campaigning minority groups and activist approaches to freedom and censorship; historically the most well-known include: PEN International, Index on Censorship, Article 19, Liberty, and Amnesty International. The current EU supported research and advisory agency, Freemuse, must also be recognised as significant. In 2020, the UK's most notable professional news website for the creative, cultural and heritage sectors – Arts Professional – commissioned and published a report on 'freedom of expression' in the UK cultural and arts sector. Its findings were as interesting as they were unfortunate: there was no mention or assessment of Cultural Rights as such. The UK Citizen's Advice Bureau offers support with Human Rights complaints in general (only as tabulated under the Human Rights Act 1998), and The British Institute for Human Rights (Originally, the Human Rights Trust, est. 1970) continues to be active in advocacy, education and training. Neither cite Cultural Rights as a discrete area.

There are, of course, routine cultural events that thematise Human Rights, notably, film festivals (such as the Leicester Human Rights Arts and Film Festival). The arts project 'Fly the Flag for Human Rights' initiated in 2018 by the London based Fuel Theatre, has become a locally managed occasion in many places around the UK (and some abroad).

There are a wide range of legal, charitable and association-based organisations dealing with Human Rights, though very few cite Cultural Rights. One exception is the new and independent Scottish arts organisation 'Art 27' [after Article 27 of the UHDR, defined above]: on their website they state: 'We see cultural rights as indivisible from human rights and a driver of citizenship and democracy. As an arts and human rights organisation, we centre the promotion of Dignity, Justice, and Peace through our cultural role in civic society, articulated through great art and great stories.'

The Human Rights Consortium, Scotland, is a notable addition to the civil society contribution to human rights discourse: their attention tends towards serious legal situations, obvious, but where a rights-approach is often lacking (e.g. housing). The Consortium's commitment to the ICESCR is explicit, and it references two reports (2021; 2023) the latter of which was commissioned by the Consortium and Art27 Scotland and stands as a significant as rare legal statement entitled 'Incorporating International Human Rights: The right to cultural life in Scotland'.

There are other single references one may cite on rights and culture - which tends to remain something of an entrepreneurial initiative – the association 'Together' (the Scottish Alliance for Children's Rights) and the Crownwood Primary School policy (Bracknell, nr. Reading, England) and its improvised Cultural Rights manifesto for children – otherwise the role of Cultural Rights in the UK today is slight.

Conclusion

Cultural Rights are an official, defined and studied dimension of Human Rights at the level of the UN. There are significant documents, case law and policy resources that help us understand the definition, scope and application of Cultural Rights. But nationally, they have not become as emphatic, neither legally nor in terms of social, economic or cultural policy. Scotland is the only example of an advance in understanding, and this is only beginning.

The UK UNESCO office, and the DCMS (responsible for reporting to UNESCO on cultural treatise commitments), have not demonstrated a specific interest in Cultural Rights. And if rights are viewed primarily in terms of abuse, freedoms or censorship, then there seems to

be little need to expand outside of mainstream Human Rights. This is the subject of the next section.

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Human Rights Law & the legal dimension

The international legal order at the level of UN institutions is the primary field of reference with regard the interpretation and promotion of fundamental Human Rights treatises, agreed principles, statements and documents relating to implementation procedures or methods. The first item of reference is obviously the 1948 Universal Declaration of Human Rights (UDHR), now famous as one of the most published and translated documents in world history. As only a declaration, it is not itself legally binding, but is bound up with the 'International Bill of Rights' for reference and is used as a legal 'instrument'.

The United Nations is a complex of institutions, but the centrality of Human Rights is underscored by the Human Rights Council, with the administrative and technical support of the (separate and distinct) Office of the High Commissioner of Human Rights (OHCHR). The Office is the strategic heart of the UN Human Rights system, even though the main legal deliberations and research take place in the Council. The Office is independent of individual member states and has field agents around the world; the Human Rights Council is a subsidiary body of the UN General Assembly and as currently formed is relatively young (est. 2006) but a powerful independent 47 member-governed body. It serves as a global research, deliberation, advocacy and policymaking chamber. The UNHRC-appointed Special Rapporteur in Cultural Rights is a position continually reviewed but has successfully operated as a research, advocacy and monitoring since its establishment in 2009. The current incumbent is Professor of Law, Alexandra Xanthaki, a specialist in indigenous and minority rights, who publish regular reports that stand as essential references on the current evolution of the legal discourse on Cultural Rights.

Regional Courts of Human Rights have adjudicated on Cultural Rights matters. There are only 3, covering Europe, Africa and the Americas; the European Court of Human Rights is unique in that it occasionally makes statements on Human Rights observance outside of Europe, and has ruled on a range of significant Cultural Rights cases, forming a European-based case law in Cultural Rights. It is established on the European Convention on Human Rights (1952) and where the European Cultural Convention (1954) is also a principal reference. National Human Rights Institutions are widespread (NHRI's) and work as member-state-based specialist organisations (usually called 'commissions', 'councils', or an office of an advocate, defender or ombudsman). They undertaking legal, advisory,

monitoring and research work on their country under their countries obligations to UN Human Rights law, and are often funded in part by international donors as well as internally, and are represented collectively by The Global Alliance of National Human Rights Institutions (recognised by the UNHRC).

Around this institutional configuration gather the huge range of independent 'Human Rights Defenders' (HRD's), which are in principle protected by the OHCHR under the 'UN Declaration on Human Rights Defenders' of 1999. The International Service for Human Rights is an NGO specialising in HRDs advocacy, training, research and liaison, for NGOs and other civil society organizations, and is indicative of the way hundreds of NGOs need to be equipped and work in a way that cuts across diplomacy, politics, cultural leadership and community liaison. Human Rights NGOs can be 'accredited' by the United Nations Office at Geneva (UNOG) under Article 71 of the UN Charter, which names the Economic and Social Council (ECOSOC) as the body to develop 'suitable arrangements for consultation' with NGOs. The 'Committee on Non-Governmental Organizations' is a standing committee of the Economic and Social Council (ECOSOC), est. 1946.

The UK Supreme Court is the highest court in the UK adjudicating on Human Rights, and it does so (as can other higher level British courts), on the basis of the UK Human Rights Act 1998 (the domestic law iteration of the European Convention on Human Rights). The Equality and Human Rights Commission (EHRC) is the non-departmental public body (est. 2007 merging previous 'equal opportunities' and 'disability' commissions) and possesses wide ranging legal powers for policy declarations, investigation, litigation and pursuing prosecutions. While the EHRC is based largely on the UK Human Rights Acts 1998, it is more focussed on the Equality Act of 2010 (i.e. discrimination and equality, assuming these to be central to Human Rights). While the EHRC does not pursue Cultural Rights specifically (or only under the 1966 ICESCR, which the UK joined in 1976), its reports and investigations indicate an attentiveness to issues of race, inclusion, identity, ethnicity and language – particularly in education or the public realm (and its freedoms) generally.

Human Rights in the UK is defined largely by three domestic laws to which arts and cultural organisations refer as a principal reference:

(i) The UK's Human Rights Act of 1998. This does not have a specific culture subsection or reference. It incorporates the European Convention on Human

- Rights into domestic law (not exceeding it, but facilitating UK citizens in approaching UK courts for adjudication instead of Strasbourg).
- (ii) The Equalities Act 2010: this is an anti-discrimination law, which covers a wide range of discriminatory behaviours and impacts. Its innovations involve the establishment of 'Protected Characteristics', a typology of discriminatory objects, diagnostic concepts, a 'Public Sector Equality Duty', and 'Offences' involving a range of behaviours from harassment to victimisation.
- (iii) The Gender Recognition Act 2004: while usually unnecessary because of the Equality Act, this law's focus on transgender rights and protections, and so remains a visible reference.

The devolved parliaments of Scotland, Wales and Northern Ireland (est. 1998 by three separate acts), despite their limited powers, do play a role in the national legal developments in Human Rights (at least, Scotland and Northern Ireland as they have separate legal systems). They each have their own national Human Rights institution: The Scottish Human Rights Commission (SHRC, est. 2006); and the Northern Ireland Human Rights Commission (NIHRC), an independent statutory body established in 1999 under the Good Friday Agreement. The Wales Human Rights Commission (Cytûn: Comisiwn Hawliau Dynol Cymru, est. 2021) functions as a committee of the Welsh parliament (Senedd), complimented by a separate 'Wales Committee' of the EHRC. All three parliaments must uphold national law on Human Rights, but Scotland and Northern Ireland are able to innovate policies and adjudicate human rights cases independently (including on how Human Rights law works in those jurisdictions). Given the lack of national attention to both the Cultural Rights dimension of the ICESCR and its international policy discourse, it is worth identifying one area of culture (arguably) that has enjoyed some substantive legal attention: religion and belief (Article 9 of the HRC, which combines 'thought' with 'religion and belief').

May 2022 saw a specific UK Government ministry statement [Foreign and Commonwealth Office] on 'FoRB' (Freedom of Religion or Belief). This coincided with an 'International Ministerial Conference on FoRB' (July 2022), primarily in coordination with OSCE (Organisation for Security and Cooperation in Europe, which now has non-European members and covers a range of human rights issues). This event referenced a 2016

(updated from 2009) Foreign and Commonwealth Office 'Freedom of Religion or Belief Toolkit' (a guidance document on the law and the freedoms and protections it provides). In 2023, following an ECHR briefing on Article 9 'Freedom of Religion' (with case law examples), the House of Commons Library issued a 'Research Briefing' on 'The UK and global freedom of religion or belief', putting UK law and policy in an international legal and global political context. Altogether, 'FoRB' is an acronym that indicates an established identity, cross-consultative conferencing, deliberation and research-based policy statements, allowing this area of Human Rights to be subject to further development.

Conclusion

There is an international legal order of Human Rights adjudication, with a huge realm of institutions and organizations generating research, reports, data and news. The UK has a coherent institutional infrastructure for adjudicating Human Rights, but there remain questions on how far Human Rights actually extends into economic and political life (such as local governance, or the rights of the citizen, for example) and also questions concerning the commitment to fully extend the terms of the ICESCR (i.e. Cultural Rights in relation to the 'social' and the 'economic'). There is no obvious agency outside the legal system that may monitor or evaluate how regional or local authorities (in England, specifically) were upholding Cultural Rights.

While the status of religion as 'culture' is a question in itself (the Church of England's constitutional role make this designation problematic), religion intersects very vividly with Cultural Rights, but the attention awarded to religion (as 'FoRB') is not afforded to other areas of culture. Nonetheless, the attention to religion by national policymakers is a valuable example.

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Human Rights knowledge & practice in the UK

The EHRC's National Equality and Human Rights Monitor is an annual exercise, looking at the UK's four jurisdictions in a comparative way (and not just a general national picture – this is not to be confused with governmental monitoring around reviews, such as the Independent Human Rights Act Review, established in December 2020 for UK parliamentary assessment). The categories of rights so monitored are education, work, living standards, health, justice and personal security and participation – not 'culture' per se.

The Foreign and Commonwealth Office (FCO) monitors the role of UK development aid in the promotion of Human Rights and Democracy (and Oxfam's 2023 'Human Rights Impact Assessment Framework' is a well-known non-governmental framework for organisations within the development sector and beyond). The DCMS Modern Slavery statement was developed after the UK government's global innovation of a governmental level commitment (March 2020) to inspecting supply chains as well as domestic labour for human rights compliance. DCMS, however, have only applied Human Rights directly to matters of minorities, religion, cultural protection and heritage. It does not use the term 'Cultural Rights'.

There are various forms of local Rights-based monitoring and assessment work – applied typically to social care, health, and criminal justice areas. After the Nationality, Immigration and Asylum Act 2002, LAs need to revise their approach to various care arrangements (introducing a new Human Rights Assessment template). The Local Government and Social Care Ombudsman reports on matters of rights and Human Rights. Scotland now has an Equality and Human Rights Monitor (the last report, 2023, does not specify culture as a category). Scotland's Equality and Human Rights Impact Assessments (the EHRIA's) is endorsed by the UNHRC and featured in its 'Guiding Principles on Business and Human Rights' of 2011, which was an innovation in applying Human Rights to organisations – particularly public or governmental agencies. Equality and human rights impact assessments (EQHRIAs) are intended as a mechanism for human rights considerations to be embedded into the policies, practices, procedures and priorities of government and public agencies. They also aim to facilitate the public in decision-making processes.

British Cities sometimes feature City Council statements on Human Rights, usually with reference to the Human Rights Act 1998, the Equality Act 2010, and the Public Sector Equality Duty (PSED) on which there is an annual reporting mechanism. The Local Government Association developed a report on a 'culturally responsive' approach to the national JSNA (the Joint Strategic Needs Assessment mandated under the Health and Social Care Act 2012). Coventry has developed an innovative cultural policy approach to the JSNA, but is not specifically Rights-based.

Most cultural organisations in the UK use the 'EDI' (Equality, Diversity and Inclusion) framework as a means of articulating Human Rights (often assuming a direct line from international Human Rights Law, the UK's Human Rights Act and Equalities Act, and EDI policies). Arts Council England has invested resources in developing policies that bundle diversity, equality and Human Rights, integrating previous policy areas of Arts & Disability, Cultural Diversity and the Arts, and Dignity at Work. It does not cite 'Cultural Rights'. Creative Scotland are active in 'Creative Scotland Equalities, Diversity and Inclusion Mainstreaming' and annually reporting on such, including the use of 'Equality Monitoring' in all funding applications and support. Arts Council Wales 'Strategic Equality Action Plan' has a similar function. Arts Council England's Diversity statement, and Equality Action plan, have been influential (both now updated).

Creative Scotland's statement on the 'Rights of the Child' (2023) is indicative of a wider interest in children's rights in Scotland but we do not see this in other UK nations.

Concerning education and training, like most research and education institutions, the UKRI Research Councils (funders of university-based and other research) articulate Human Rights within their policies for (i) Equality, Diversity and Inclusion, and (ii) Research Integrity – involving a range of ethical, professional-procedural and IP-based practices.

Many government ministries, advocacy agencies, ACAS, the British Institute for Human Rights, labour unions, and many others, offer training on Rights-based policies, often categorised by sector, such as Health and Social Care, Policing, Civil Service, Legal, and so forth. Training tends to dovetail with communications and advocacy work, with a range of charities and third sector bodies involved: 'Equally Ours' [previously the Equality and Diversity Forum] is one example of a charitable organisation active in this area. Training manuals or introductory texts for professionals can be a useful resource: good examples are the Department for Constitutional Affairs 2006 'Making sense of Human Rights, a short

introduction' and the more recent (2014) 'Human Rights: Human Lives. A handbook for public authorities'.

Conclusion

While most research and knowledge formed on Human Rights tends to come from monitoring and indicator-based assessment, there is now a widespread understanding in the public sector on the specific application and challenge of Rights-based policy of many kinds. While the Equality Act 2010 intended to 'translate' the Human Rights Act 1998 into terms more open to strategic application, this has led broader Human Rights terms to become submerged in EDI policy discourse – which has become the principal (if not exclusive) means by which cultural and arts organisations understand the relevance of Human Rights. This means the specificity of Cultural Rights has largely been eclipsed, though Scotland are exploring this and recognising the limitations on EDI frameworks with right-based research on children.

In the UK, research tends to be within either policy research (addressing specific policy aims or problems) or monitoring and impact measurement.

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Local adaptations of Human Rights

The Council of Europe offers a useful calendar of Human Rights events, and these are often celebrated in creative ways at the local level. Film festivals tend to be the most visible cultural expression of Rights-based themes and issues – if audiences tend to be self-selecting and small. The Screening Rights Film Festival (SRFF), for example, is 'the West Midlands human rights and social justice film festival', situated at multiple locations across Birmingham and Coventry.

More visible are the legal, advocacy and special interest groups that campaign for human rights, and a dimension of this is forthcoming from universities. *Lacuna*, the international Human Rights magazine, has an international readership but is based in the University Centre for Human Rights in Practice of Warwick university; and the Birmingham University Centre for Human Rights (CHR) has a significant profile in working internationally in an advisory capacity for UN and other institutions. In the last four years a 'Higher Education (Freedom of Speech) Act' (2023) has emerged, involving some practical application of Human Rights issues relating to freedom of speech and association. Universities have probably been the most consistent sphere within which Human Rights issues are explored, but now, other public bodies are taking an interest.

The Birmingham Human Rights Commission is an innovation of the Mayor's Office of the West Midlands Combined Authority. Birmingham City Council has innovated applications of its 'diversity and equality' policies to community cohesion and budget allocation fairness. Various Rights-based framings of the city are promoted by the City Council, including 'Healthy City', a rights-based Housing strategy, and an 8-year 'Food System strategy' aiming for equity and wellbeing, as well as other safety, economic and social aims. The West Midlands Police cite Human Rights along with its policies on diversity and equality – its 'Mission, Vision, Values, Behaviours and Strategy' statement is inflected with human rights, diversity and equality. This is also the case with the West Midlands Fire Service, as all other public service organisations also articulate diversity and equality policies that echo human rights.

Less formal approaches to Human Rights have been taken within public consultation frameworks: the 'Creatively Birmingham Strategy' is an access strategy, connected with various inclusion mechanisms: its 'Statement of Intent' emerged from a period of consultation that featured 'The Big Creative Birmingham Conversation' consultation.

Coventry cites a 'Human Rights and social justice' approach to public information and access to legal advice in the criminal justice system. Its 'Modern Slavery and Human Trafficking' statement is part of a broader procurement and employment approach for the local public sector. Its 'Abuse prevention and Safeguarding' policies are rights-based.

Since the Second World War, Coventry City Council and Coventry Cathedral have maintained a strong 'peace and reconciliation' commitment in both city-based events, conferences and gatherings, international diplomacy, relations and various promotional initiatives. This has become part of a formal city branding. The Cathedral also maintains a special working relationship with Coventry University's Centre for Trust, Peace and Social Relations (CTPSR), occasionally involving UNESCO and the British Council. Coventry City has therefore participated in a range of projects, from Twin Cities (with Dresden, since 1959), Sanctuary City scheme and various ethnic minority, 'new arrival' and refugee schemes. The itinerary is inconsistent, but there is often a Coventry Human Rights Day (the International Human Rights Day on 10th December) with many organisations contributing: and the city-based 'UNACOV' (United Nations Association) is a small but vocal advocate of such events. Coventry has always been a beacon for immigration and refugee work: the Sanctuary City movement began in Sheffield in 2005 as a single charity organisation, but inspired many cities, including Birmingham and Coventry (both during the so-called 2015 European migrant crisis).

Unusually perhaps, the Coventry Building Society has a Human Rights policy (since June 2023), which coordinates human rights principles with the 'United Nations Global Compact' (UNGC) corporate responsibility initiative (which seeks to integrate policies for employees, customers, stakeholders and governance).

Coventry was awarded the third UK City of Culture accolade, and its strategic cultural evaluation framework was embedded with Rights-based concerns. The very first UK City of Culture was awarded to Derry Londonderry in part on account of their post-conflict Human Rights work – and this report was composed during a year of human rights-themed events. A year later, submitted a contribution relating to the thematic report of the first Special Rapporteur on the Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity (2014). The second City of Culture – Hull – thematised 'freedom' and related Human Rights (incorporating the City's annual Freedom Festival, as well as other cultural sites that celebrate the anti-slavery campaigner William

Wilberforce and the abolitionist movement of the late eighteenth and early nineteenth centuries).

The Spanish city of Barcelona is the only city to have conducted policy research and reached a political consensus on a city-wide plan on Cultural Rights (over and above other basic rights obligations). The influence for this was the advocacy, policy research and strategy co-creation work with cities around the world by the NGO, United Cities and Local Government (UCLG), along with its subsidiary, Culture 21 (once, Agenda 21 for Culture). The influence on the UK of these two organisations have, unfortunately, been slight. The Agenda 21 (now Culture 21) 'Pilot Cities programme' facilitated exchanges, evaluation, peer-learning and capacity-building among European cities concerned with a Human Rights-based culture and sustainable development policy: Leeds, Swansea and Belfast were involved.

The international Human Rights Cities Network (the HRCN) is a strong advocacy network for policy and local strategy development. The City of York is the only UK city to belong to this (though others have participated in various events). However, the HRC movement thematises social and political rights and not cultural to any significant degree.

Conclusion

As a general observation, local authorities and public agencies refer to the legal obligations under Human Rights law whereas local organisations tend to be issue-based and phrase Human Rights in terms applicable to specific contexts of application. Whether LAs, police, or local churches, there is an increasing awareness of human dignity, value and a need for behavioural change in the social landscape of public life. The examples of Birmingham and Coventry above, served to indicate that public consultation, along with basic needs like health and food, can be useful in generating more effective applications of Human Rights to local situations. Effective 'localisation' of human rights can also be enhanced through using heritage and historical narrative, such as Hull's celebration of abolitionism and freedom, and Coventry's thematisation and city branding with 'peace and reconciliation', and so an explicit welcome to 'outsiders'. Arguably, there is no substitute, however, for a city's strategic commitment to Human Rights law as a public project of policy development – to which York, and Barcelona, attest. A specific Cultural Rights momentum could be more so.

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	edge-form/supporters

Conclusions

Human Rights, as international law, is now globally recognised and promoted by a wide range of legal and social institutions, NGOs, advocacy and campaigning groups. Many of these organisations offer resources, information and data useful for policymakers, national and local. There are many guides, frameworks and assessment models that can be used in policy implementation at all levels of public life and public service provision – but not specifically for regional or local governance. While there exists case law on human rights and local government at the European Court of Human Rights, and the European Congress of Local and Regional Authorities promote a framework for local human rights implementation, and moreover, the Global Charter-Agenda for Human Rights in the City (2011) is used by Human Rights City member, Barcelona exemplifies the need for a place-based (participatory) approach to developing a local human rights approach to culture. Cultural Rights remains an often-ignored category of Human Rights law, and even though it is now adequately defined at UN level and part of the ICESCR, its adaptation into domestic legal discourse and practice at regional and local level is sporadic and slight.

Arguably, the dominance of the categories and aims of the UK's Equalities Act 2010 (and its discourse of 'equality, diversity and inclusion') has eclipsed the broader aspirations of Human Rights and with that the more specific applications of Cultural Rights. For example, children are not wholly served by a DEI framework; and a Rights-based approach to cultural policy – from freedom of expression, association, participation, education and access to culture – is evidently possible without recourse to Cultural Rights.

Consequentially, there is little policy research in Cultural Rights across the landscape of British public institutions: Only Scotland is exhibiting a policy interest in the broader potential of Cultural Rights that can move beyond the parameters of Human Rights implementation. This is despite that Cultural Rights intersects with many other categories of Right, particularly relating to race, minorities, identity and institutions, and a range of internet and place-based socio-cultural situations.

Areas for further policy research

Given the huge proliferation of publications, reports, reviews and policy research on Human Rights in the UK in the last few decades, a detailed review would be required in order to determine the precise reasons why Cultural Rights remains a neglected category. This would include the Equality and Human Rights Commission reporting on the ICESCR, and DCMS reporting to UNESCO (the 2005 Convention on Cultural Diversity).

Rights frameworks of any kind are generic and abstract, and so require policy research in place-based implementation: the Barcelona Plan, Culture 21 (and the UCLG), along with the Human Rights Cities Network members, could all supply relevant cases for such a project. Each of these demonstrate the following relevance of Cultural Rights:

- The interconnection of Human Rights with culture, place-based infrastructures and institutions of culture, participation, access, education, freedom of expression and recognition for communities, interest groups and marginalised individuals.
- Collaborative, partnership and co-creation frameworks for the construction of a Rights-based landscape of policies, practices and expression.
- The emphasis on the 'human' and not just the 'right' on exploring and finding public consensus on the meaning of human value, dignity, fulfilment, and the human capabilities that culture can help develop.
- A place-based culture of public policy dialogue between LAs and institutions, the public and individuals, making Cultural Rights a subject of debate for constructive local policymaking, sustainable development, social resilience and enhanced productivity.

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