**Blog: The right to cultural life (and why it’s all about dignity, really)**

When you think of cultural life, what do you think of? For me, it brings to mind shows in the theatre, art galleries, poetry. Maybe if I was pushed a bit, I would talk about libraries and festivals and music and language.

Human rights is not something that people typically think of when you say the words cultural life, but we do all have the human right to cultural life – it is one of our rights in international law. It sits mainly within the International Covenant on Economic Social and Cultural Rights (ICESCR) signed up to by the UK, as well as in some treaties for particular groups. And it is one of the rights that the Scottish Government plans to bring into Scots law within the next 3 years.

[A new report](https://hrcscotland.org/wp-content/uploads/2023/03/Final-The-right-to-cultural-life-in-Scotland-March-2023-1.pdf) published by the Consortium with Art27 in Scotland (a brilliant human rights + culture organisation, [look them up](https://www.art27scotland.org/)!), delves into exactly what is this right. Culture can seem quite vague and a bit nebulous – what is the international definition of this right, and how do we best protect and realise it in Scotland?

The authors of the report, Elaine Webster and Lynsey Mitchell at Strathclyde University and Diana Camps at Glasgow University, explain that it has three different parts: you have to be able to 1) access, 2) take part in, and 3) contribute to your cultural life.

They emphasise that cultural life or cultural identity does not have a firm, top-down, excluding definition. Instead, it has a person-centred definition. For example, the Fribourg Declaration’s definition is:

*‘the sum of all cultural references through which a person, alone or in community with others, defines or constitutes oneself, communicates and wishes to be recognised in one’s dignity.’*

That very core, challenging and readily identifiable principle of dignity says it all. It is not possible for the Government to tread all over a person’s way of life, how they define themselves and how they work out their culture, and yet protect their dignity. You cannot do the first, and respect the latter. The two are so closely intertwined and connected that the necessity for any decent Government to protect, respect and fulfil a person’s right to cultural life just makes sense.

Of course, as with all human rights, very often the majority and those who are most to be found in positions of power, largely have this right protected. It is much more difficult (though granted not impossible) and democratically unlikely for the State to trample on the economic, social and cultural rights of the majority. The paper sets out that there are many groups who are more likely to face barriers to living out their cultural life, and that our international human rights framework recognises this. There are particular provisions for example, for disabled people, for migrants, for women, for indigenous people, and for older people.

At a UN level too, there is recognition, as always, that none of our human rights sit on their own. It is not possible to fully protect one human right if you ignore the others. The right to cultural life is often made tangible through for example, the right to culturally appropriate food, to cultural expression in housing (particularly important for example to Gypsy Traveller culture), to learning about your culture as part of your right to education. It is easy to see how freedom of religion and belief, freedom of expression, and freedom of association are impacted by, and impact upon, protection of the right to cultural life.

But what now for this right being protected and realised in Scotland? This paper points to some helpful considerations. The authors point out that the international human rights law definitions and understandings are a ‘useful, authoritative starting point for national considerations’. However, international human rights law does not ‘provide detailed guidance on implementation’. How could it when it applies to so many many, very diverse national contexts? But the paper goes on to say, ‘This must instead be developed in a context-sensitive way at the national level, which provides the best chance of implementation.’

They flag that whilst some elements of this particular right to cultural life might be unique to the cultural sector, there is evidence of shared challenges in implementation with other human rights more broadly. They emphasise that human rights law offers a framework for decision-making that can help public authorities to navigate disagreements to make good decisions.

Lastly, they say:

*‘incorporation of the right to take part in cultural life can provide an empowering narrative, based on the entitlement of individuals acting alone or in community, to participate, access and contribute to cultural life. This will be further strengthened if the legal framework for incorporation explicitly recognises that all human rights, including cultural rights, are grounded in respect for human dignity.’*

By the end of June this year, we will see a bit more of the Scottish Government’s thinking around the incorporation of our international human rights into Scots law when they publish the Bill consultation. Then, the Bill will be passed by 2026, so this right to take part in cultural life is very much about to come closer to home. The period until then is a valuable opportunity to think through what it means for all in Scotland to have this right realised, who is missing out, and what are the priorities for change.

However, whatever the answers given to these questions during the next 3 years and beyond, my sense is that this will not be straightforward. It is not a ‘do A, and B will surely follow’. True to the whole idea of culture and cultures, it is likely to be a lot more creative and messy than that. But for now, a determination to listen to those on the margins, to embrace diversity, to rebalance who has power in decisions that impact culture, and to use the human rights framework to shine a light on access, participation and cultural contribution, are all at least part of the answer. We know the direction we are going in - we just need to work out the next step towards getting there.

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Read the report: [Incorporating International Human Rights: The right to cultural life in Scotland -A briefing paper by Dr Lynsey Mitchell, Dr Elaine Webster and Dr Diana Camps.](https://hrcscotland.org/wp-content/uploads/2023/03/Final-The-right-to-cultural-life-in-Scotland-March-2023-1.pdf)

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