



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Office for Identity and Cultural
Expression
Provisions of the Draft
Northern Ireland Act 1998
(Amendment No 1)**

May 2020

Table of Contents

Summary of Recommendations	3
1.0 Introduction.....	5
2.0 General Comments on the Bill	6
Clause 78A: General Principles	7
Clause 78C: Aims and Functions of the Office	14
Clause 78D: Definition of a 'public authority'	17
Appendix 1 – Right to Identity and Right to Cultural Expression .	18
UN International Covenant on Civil and Political Rights	18
UN International Covenant on Economic, Social and Cultural Rights ...	19

Summary of Recommendations

The Northern Ireland Human Rights Commission (NIHRC):

- 3.13 recommends that human rights language is embedded within Clause 78A, for example enabling the right to identity and cultural expression to cover where it is necessary in promoting the general welfare of a democratic society, proportionate in pursuing a legitimate aim, and adheres to the principle of non-discrimination.**
- 3.20 recognises that the General Principles in Clause 78A must include language reflective of two main communities in NI as a post-conflict society. However, the NIHRC recommends that in upholding the right to identity and cultural expression, that other smaller minority communities are included. Both of the above can be best achieved through a common commitment to human rights, fairness, equality and justice for all.**
- 3.23 recommends that a similar approach is taken in respect of the Office and the Bill is amended to include reference in to the European Charter for Regional or Minority Languages, Framework Convention on National Minorities and the culture provisions in UN CRC within its General Principles. In addition to the three aforementioned treaties, the NIHRC recommends that the proposed list of human rights treaties to be included in the Bill is expanded to include Articles 1, 19 and 27 of the UN ICCPR and Article 15 of the UN ICESCR, the detail of which is provided in Appendix 1.**
- 3.28 recommends that rights based language is embedded within the aims and functions set out in clause 78C. This involves amending the language to include 'promote and protect'. This is particularly important as it reflects the intended aims and functions of the Office envisaged in the New Decade New Approach document.**

3.31 recommends that all functions of the Office contained with the New Decade New Approach document are included within the legislation.

3.36 advises that consideration is given to how a public authority's non-compliance with the Office's General Principles is remedied within the Bill. This could be enabling the Office to receive complaints, providing the Office with an investigations function or extending the Director's remit. This should involve considering the relationship between the Office and the Equality Commission NI, to ensure there is no duplication of duties or functions.

3.39 advises that the interpretation of 'public authority' within Clause 78D is too narrow and recommends that the definition of 'public authorities' is amended to reflect section 6 of the Human Rights Act 1998.

1.0 Introduction

1.1 The Northern Ireland Human Rights Commission (NIHRC), pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). In accordance with this function the following advice is submitted to the Executive Office on the Office for Identity and Cultural Expression provisions contained in the Northern Ireland Act 1998 (Amendment No 1).

1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:

- European Convention on Human Rights (ECHR);¹
- UN International Covenant on Civil and Political Rights (UN ICCPR);²
- UN International Covenant on Economic, Social and Cultural Rights (UN ICESCR);³
- UN Convention on the Rights of the Child (UN CRC);⁴
- Council of Europe Framework Convention for the Protection of National Minorities 1993;⁵
- Charter of Fundamental Rights of the European Union 2000;⁶ and
- European Charter for Regional or Minority Languages 1992.⁷

1.3 In addition to these treaty standards, there exists a body of 'soft law' developed by the human rights bodies of the CoE and UN. These declarations and principles are non-binding, but provide further guidance in respect of specific areas. The relevant standards in this context include:

¹ Ratified by the UK in 1951. Further guidance is also taken from the body of case law from the European Court of Human Rights (ECtHR).

² Ratified by the UK 1966.

³ Ratified by the UK 1966.

⁴ Ratified by the UK 1989.

⁵ Ratified by the UK in 1998.

⁶ Ratified by the UK in 2000.

⁷ Ratified by the UK in 2001.

- UN Human Rights Committee, General Comment No 10;⁸
- UN Human Rights Committee, General Comment No 23;⁹
- UN Human Rights Committee, General Comment No 34;¹⁰
- UN Committee on Economic, Social and Cultural Rights, General comment No 21;¹¹
- UN Committee on the Rights of the Child, General Comment No 17;¹²
- UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992;¹³ and
- UNESCO Universal Declaration on Cultural Diversity.¹⁴

1.4 The NIHRC welcomes the NI Act 1998 (Amendment No 1) that will establish an Office of Identity and Cultural Expression. This Office aims to “promote cultural pluralism and respect for diversity, build social cohesion and reconciliation and to celebrate and support all aspects of Northern Ireland’s rich cultural and linguistic heritage”.¹⁵

1.5 The NIHRC welcomes the opportunity to provide advice on the Northern Ireland Act 1998 (Amendment No 1). The NIHRC makes a number of recommendations to enhance the protection of and ensure compliance with international and domestic human rights standards.

2.0 General Comments on the Bill

2.0 The Northern Ireland Act 1998 (Amendment No 1) contains provisions to establish an Office of Identity and Cultural Expression,

⁸ ‘UN Human Rights Committee General Comment No 10: Freedom of Opinion’, 29 June 1983.

⁹ ‘UN Human Rights Committee General Comment No 23: Rights of Minorities’, 8 April 1994.

¹⁰ CCPR/C/GC/34, ‘UN Human Rights Committee General Comment No 34: Freedoms of Opinion and Expression’, 12 September 2011.

¹¹ E/C.12/GC/21, ‘UN ICESCR Committee on Economic, Social and Cultural Rights General Comment No 21: Right of Everyone to Take Part in Cultural Life’, 21 December 2009.

¹² CRC/C/GC/17, ‘UN Committee on the Rights of the Child: General Comment No 17: Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts’, 17 April 2013.

¹³ A/RES/47/135, ‘UN General Assembly Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’, 3 February 1992.

¹⁴ UNESCO Universal Declaration on Cultural Diversity 2001.

¹⁵ NI Office, ‘New Decade New Approach’ (NIO, 2020), at para 26.

and the appointment of a Director. It also details the functions and status of the office.¹⁶

- 2.1 International human rights standards include positive obligations to ensure the right of everyone to take part in cultural life and freedom of cultural expression.¹⁷
- 2.2 Prior to the publication of the New Decade, New Approach document, domestic commitments to enhance and develop cultural rights had been established within the Belfast (Good Friday) Agreement 1998,¹⁸ the St Andrew's Agreement 2006¹⁹ and through an amendment to Section 28D(2) of the Northern Ireland Act 1998.²⁰

Clause 78A: General Principles

3.0 Clause 78A(1) states that "a public authority must in exercising its functions have due regard to the principles set out in this section". These are:

- a) the need to respect the freedom of all persons in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity and to celebrate and express that identity in a manner which takes into account the sensitivities of those with different cultural identities and respects the rule of law;²¹ and
- b) the need to encourage and promote reconciliation, tolerance and meaningful dialogue between those of different cultural identities in Northern Ireland with a view to promoting parity

¹⁶ Clauses 78A-78D, Northern Ireland Act 1998 (Amendment No 1).

¹⁷ Articles 1, 19 and 22, UN International Covenant on Civil and Political Rights 1966; Article 15, UN International Covenant on Economic, Social and Cultural Rights 1966.

¹⁸ The Belfast (Good Friday) Agreement recognises "the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland the Irish language, Ulster Scots and the languages of various ethnic communities, all of which are part of the cultural wealth of the island of Ireland". See Belfast (Good Friday) Agreement 1998; Rights, Safeguards and Equality of Opportunity, at para 3.

¹⁹ The St Andrew's Agreement 2006 reiterates that "the [UK] Government firmly believes in the need to enhance and develop the Ulster Scots language, heritage and culture and will support the incoming Executive in taking this forward". See St. Andrews Agreement, 2006, at Annex B.

²⁰ As amended by section 15, Northern Ireland (St. Andrews Agreement) Act 2006).

²¹ Clause 78A(2)(a), Northern Ireland Act 1998 (Amendment No 1).

of esteem, mutual respect and understanding and cooperation.²²

3.2 General Principle A, regarding respect for freedom of cultural expression and the right to choose one's cultural identity, reflects human rights language and principles. This includes the self-identification principle upheld in Article 3 of the CoE Framework Convention of National Minorities, which states that:

every person belonging to a national minority shall have the right freely to choose to be treated or not be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

3.3 The Bill applies a caveat on the expression of identity and culture requiring that a person must have regard to the "sensitivities" of those with different cultural identities with "respect for the rule of law". The NIHRC recognises that there are 'sensitivities' regarding expression of culture and identity in Northern Ireland. Indeed, the UK Government within the Belfast (Good Friday) Agreement encouraged the NI Assembly to take "account of the desires and sensitivities of the community".²³

3.4 Cultural rights are protected by a number of ECHR provisions, namely: Article 8 and the right to lead one's life in accordance with a cultural identity and the right to choose freely a cultural identity;²⁴ Article 9 and the right to a religious identity;²⁵ Article 10 and the right to cultural expression;²⁶ and Article 11 and the freedom of association with a cultural purpose.²⁷ Additionally, the right to cultural life, is directly provided for in Article 15 of the UN ICESCR.

3.5 All of these are qualified rights, which can be subject to limitations when exercising these rights. However, the UN ICESCR Committee

²² Clause 78A(2)(b), Northern Ireland Act 1998 (Amendment No 1).

²³ Belfast (Good Friday) Agreement 1998, at Rights, Safeguards and Equality of Opportunity, at para 3.

²⁴ *Chapman v United Kingdom* (2001) ECHR 43.

²⁵ *Sinan Işık v Turkey Sinan* (2010) ECHR 2265.

²⁶ *Dink v Turkey*, Application no. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, Judgment of 14 September 2010.

²⁷ *Sidiropoulos and Others v Greece* (2013) ECHR 62.

is clear that any limitations to these rights “must pursue a legitimate aim, be compatible with the nature of this right and be strictly necessary for the promotion of a general welfare in a democratic society”.²⁸ This is supported by the ECtHR, which states any limitation of such rights must be proportionate in pursuit of a legitimate aim and based on the principle of non-discrimination.²⁹

3.6 In some situations, this can lead to the need to balance one individual’s rights with another individual’s rights. It is important that the correct balance is struck, with human rights standards providing guidance on how this can be achieved. For example, consideration should be given to whether restricting the cultural expression and identity of one individual to accommodate the ‘sensitivities’ of another individual is a disproportionate interference with one or other’s right to freedom of expression (Article 10 ECHR). This was explored in the ECtHR case of *Dink v. Turkey* (2010).³⁰

3.7 Dink, a Turkish journalist of Armenian origin, was publication director and editor-in-chief of a bilingual Turkish-Armenian weekly newspaper published in Istanbul. Following the publication in this newspaper of eight articles, in which he expressed his views on the identity of Turkish citizens of Armenian origin, he was found guilty in 2006 of “denigrating Turkish identity”.³¹ The ECtHR held that Dink’s right to freedom of expression (Article 10 ECHR) had been violated, on the basis that there had been no pressing social need to find Dink guilty of denigrating “Turkishness”.³² The ECtHR observed, in particular, that the series of articles taken overall did not incite others to violence, resistance or revolt. The articles had not been gratuitously offensive or insulting, and they had not incited others to disrespect or hatred.³³

²⁸ E/C.12/GC/21, ‘UN ICESCR Committee General Comment 21: Right of Everyone to Take Part in Cultural Life’, 21 December 2009.

²⁹ *Sunday Times v UK* (1979) 2 EHRR 245, *Open Door and Dublin Well Woman v Ireland* (1993) 15 EHRR 50 and *Handyside v UK* (1979) 1 EHRR 737.

³⁰ *Dink v Turkey*, Application no. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, Judgment of 14 September 2010.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

3.10 Hate speech and incitement of hatred is not protected as freedom of expression under Article 10 ECHR, which makes it easier to gauge where limitations are justified or not in such situations. The right to freedom of expression must be read alongside Article 17 ECHR on the prohibition of abuse of rights, which states that:

nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

3.11 Article 17 is relevant where an individual attempts to rely on an ECHR provision which deflects from its real purpose, including in order to justify, promote or perform acts that are contrary to the text and spirit of the ECHR; are incompatible with democracy or other fundamental values of the ECHR; or infringe the rights in the ECHR.³⁴ For Article 17 to apply, the:

offending actions must be to spread violence or hatred, to resort to illegal or undemocratic methods, to encourage the use of violence, to undermine the nation's democratic and pluralist political system, or to pursue objectives that are racist or likely to destroy the rights and freedoms of others.³⁵

3.12 The NIHRC welcomes reference in General Principle A to the respect of the rule of law, which will help protect against incitement of hatred by ensuring that legislation regarding for example, hate crime can still be applicable.

3.13 **The NIHRC recommends that human rights language is embedded within Clause 78A, for example enabling the right to identity and cultural expression to cover where it is necessary in promoting the general welfare of a democratic**

³⁴ *Garaudy v France*, Application No 65831/01, Judgment of 7 July 2003.

³⁵ *Lehideux and Isorni v France* (1998) ECHR 90.

society, proportionate in pursuing a legitimate aim, and adheres to the principle of non-discrimination.

- 3.14 The terminology of General Principle B acknowledges the need to encourage, promote reconciliation and tolerance. This reflects the human rights discourse on cultural diversity, such as in Article 15 of the UN ICESCR.
- 3.15 Within the human rights framework cultural rights are realised as rights of everyone, regardless of the group or community to which they belong. Where a post-conflict situation has been addressed specifically under Article 15 of the UN ICESCR, the development of inter-culturalism is equally important as the cultural life of a minority community. For example, in relation to Kosovo, the UN ICESCR Committee noted the deep ethnic divide, incidents of inter-ethnic violence and a climate of intolerance. The UN ICESCR Committee subsequently recommended that the UN Interim Administration in Kosovo “encourage the relevant Kosovo authorities to foster inter-cultural dialogue and tolerance through school education, community level projects and Kosovo-wide campaigns”.³⁶
- 3.16 The international standards on culture outlined in the relevant articles of the UN ICESCR and UN ICCPR also highlight the need for adequate participation in the cultural life of society of minorities and migrants with any programme of integration being based on “inclusion, participation and non-discrimination, with a view to preserving the distinct character of minority cultures”.³⁷ For example, the UN Human Rights Committee has placed particular emphasis under Article 27 of the UN ICCPR on the rights of the Roma, where they are significantly represented in post-conflict societies (for example, Bosnia and Herzegovina in 2012; Serbia in 2011 and Former Yugoslav Republic of Macedonia in 2008).³⁸

³⁶ E/C.12/UNK/CO/1, ‘UN ICESCR Committee Concluding Observations on Serbia/Kosovo’, 1 December 2008, at para 32.

³⁷ Ibid, at 33.

³⁸ CCPR/C/BIH/CO/2, ‘UN Human Rights Committee Concluding Observations of Bosnia and Herzegovina’, 13 November 2012, at para. 21; CCPR/C/SRB/CO/2, ‘UN Human Rights Committee: Concluding Observations on Serbia’, 20 May 2011, at para. 22; CCPR/C/MKD/CO/2, ‘UN Human Rights Committee Concluding Observations on Former Yugoslav Republic of Macedonia’, 17 April 2008, at para. 19.

3.17 The UN Convention on the Rights of the Child also makes reference to cultural minority rights in Article 30:

in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

3.18 The UN Committee on the Rights of the Child in its General Comment No 17 specifically addresses conflict and post-conflict situations, recognising that cultural rights are often given low priority, but stressing that they can have an important “therapeutic and rehabilitative role” and requiring positive measures from the State to encourage creative expression to promote healing in post-conflict situations.³⁹

3.19 The Advisory Committee on the Framework Convention for the Protection of National Minorities has previously raised concerns that attention and efforts are directed at the two main communities in NI and that the needs of persons belonging to minority ethnic communities are not adequately catered for. The EU Advisory Committee recommended that the needs of all minorities are taken into account when allocating support and funding.⁴⁰

3.20 The NIHRC recognises that the General Principles in Clause 78A must include language reflective of two main communities in NI as a post-conflict society. However, the NIHRC recommends that in upholding the right to identity and cultural expression, that other smaller minority communities are included. Both of the above can be best achieved through a common commitment to human rights, fairness, equality and justice for all.

³⁹ CRC/C/GC/17, 'UN Committee on the Rights of the Child General Comment No 17: Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts', 17 April 2013.

⁴⁰ ACFC/OP/III (2011)006, 'Advisory Committee on the Framework Convention for the Protection of National Minorities Third Opinion on the United Kingdom for the Protection of National Minorities', 22 December 2011, at paras 78 and 82.

3.21 This approach can be aided by referencing human rights treaties. For example, the Ulster Scots /Ulster British Commissioner established by Northern Ireland Act 1998 (Amendment No 3) has role in providing:

advice and guidance to public authorities on the effect and implementation so far as affecting the relevant language, arts and literature of –

- i) the Council of Europe’s Charter for Regional or Minority Languages dated 5th November 1992;
- ii) the Council of Europe’s Framework Convention for the Protection of National Minorities dated 1st February 1995; and
- iii) the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989.

3.22 In addition, the UN ICCPR and UN ICESCR are two human rights treaties that are central in protecting culture. Articles 1, 19 and 27 of the UN ICCPR and Article 15 of the UN ICESCR are relevant to cultural rights and identity and the language and principles contained within these would assist with guiding the work of the Office of Identity and Cultural Expression.

3.23 **The NIHRC recommends that a similar approach is taken in respect of the Office and the Bill is amended to include reference in to the European Charter for Regional or Minority Languages, Framework Convention on National Minorities and the culture provisions in UN CRC within its General Principles. In addition to the three aforementioned treaties, the NIHRC recommends that the proposed list of human rights treaties to be included in the Bill is expanded to include Articles 1, 19 and 27 of the UN ICCPR and Article 15 of the UN ICESCR, the detail of which is provided in Appendix 1.**

Clause 78C: Aims and Functions of the Office

3.24 The legislation outlines that:

1) The aims of the Office are:

- a) to promote cultural pluralism in Northern Ireland;
- b) to promote social cohesion and reconciliation between those of different national and cultural identities;
- c) to increase the capacity and resilience of people in Northern Ireland to address issues related to differences of national and cultural identity;
- d) to support, and promote the celebration of, the cultural and linguistic heritage of all people living in Northern Ireland.

3.25 The legislation has included rights based language by framing the Office's aims and functions around a duty to "promote".

3.26 International human rights standards use the term 'promote and protect', as elaborated in the Vienna Declaration 1993:

the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles.⁴¹

3.27 The 'protect and promote' principles have subsequently been affirmed by human rights bodies.⁴² The UN Human Rights Committee has highlighted the need to both protect and promote rights to ensure full enjoyment of a right and effective implementation of the State's obligations.⁴³

⁴¹ A/CONF.157/23, 'Vienna Declaration and Programme of Action', 12 July 1993, at para 4

⁴² UN Human Rights Committee, 'Civil and Political Rights: Fact Sheet No 15' (undated); GA Res 53/144, 'UN General Assembly Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms', 9 December 1998, at Preamble; A/60/L.1, 'World Summit Outcome 2005', 16 September 2005, at para 12; CCPR/C/21/Rev.1/Add.13, 'UN Human Rights Committee General Comment No 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant', 26 May 2004, at paras 5 and 7.

⁴³ Ibid, at paras 5 and 7.

3.28 The NIHRC recommends that rights based language is embedded within the aims and functions set out in clause 78C. This involves amending the language to include 'promote and protect'. This is particularly important as it reflects the intended aims and functions of the Office envisaged in the New Decade New Approach document.

3.29 The New Decade New Approach document provides the Office with an additional function which is not mentioned on the face of the legislation. The function provides that the Office can "periodically audit public authorities on how they have respected and accommodated the cultural expression of minorities within their area of responsibility".⁴⁴

3.30 This function would fulfil human rights obligations in line with international standards which require positive obligations in relation to minorities.

3.31 The NIHRC recommends that all functions of the Office contained with the New Decade New Approach document are included within the legislation.

3.32 Clause 78C(2) outlines that in pursuing the Office's aims it can:

- a) provide guidance concerning their due regard duty as mentioned in 78A;
- b) monitor compliance with this duty;
- c) report to the Assembly on compliance with this duty;
- d) promote best practice in relation to compliance with the duty;
- e) commission and publish research and reports in respect of cultural identities and traditions;
- f) undertake research and make recommendations;
- g) promote public awareness and educational programmes;
- h) make grants to bodies promoting cultural pluralism; co-operate with other bodies and;

⁴⁴ Ibid.

i) provide support to other Commissioners under Clause 7B and 7C.

3.33 Clause 78A requires that public authorities have due regard to the General Principles. Clause 78C(2) continues that the Office may:

- a) monitor the compliance of public authorities with that duty;
- b) report to the Assembly on compliance with that duty;
- c) promote best practice in relation to compliance with that duty.

3.34 However, there is no clear remedy for non-compliance outlined within the legislation. The Office does not receive complaints and has no investigative function. If the Office is to have a similar approach to other models such as those applied to the equality duties as set out in sections 75(1) and 75(2) of the Northern Ireland Act 1998, the Equality Commission NI and ultimately the Secretary of State holds enforcement powers. This complaints process to the Equality Commission NI is usually to be exhausted, before there is potential for judicial review. Given this envisaged function of the Office, the NIHRC is concerned how this will coincide with the role of the Equality Commission NI's role in monitoring implementation of section 75 of the Northern Ireland Act.

3.35 An alternative model would be the rural needs duty. This is not schemes based, but the Department of Agriculture and Rural Affairs has issued guidance as to how to comply with the rural needs duties, which includes a 'rural needs impact assessment'.⁴⁵ Non-compliance with the Rural Needs Act duty is only actionable through judicial review. The 'guiding principles' take a similar approach in the Bill, but the method of non-compliance is not outlined as such.

3.36 The NIHRC advises that consideration is given to how a public authority's non-compliance with the Office's

⁴⁵ Schedule 9, Northern Ireland Act 1998.

General Principles is remedied within the Bill. This could be enabling the Office to receive complaints, providing the Office with an investigations function or extending the Director's remit. This should involve considering the relationship between the Office and the Equality Commission NI, to ensure there is no duplication of duties or functions.

Clause 78D: Definition of a 'public authority'

3.37 Clause 78A(1) provides that a public authority in exercising its functions must have due regard to the 'general principles'. Clause 78D(1) states that a public authority is any body or person listed in Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016.

3.38 The term 'public authority' has a wider meaning under Section 6 of the Human Rights Act 1998 where it includes "a court or tribunal, and person certain of whose functions are functions of a public nature". A key distinction is that the Human Rights Act definition includes private organisations, when they are providing a public service or their service is paid for in whole or part by public money. The definition of a public authority within the Public Services Ombudsman Act does not extend to such scenarios. Additionally, the use of the term 'public services' within Article 10 of the European Charter for Regional and Minority Languages has been interpreted to include services delivered by third parties on behalf of public bodies.

3.39 The NIHRC advises that the interpretation of 'public authority' within Clause 78D is too narrow and recommends that the definition of 'public authorities' is amended to reflect section 6 of the Human Rights Act 1998.

Appendix 1 – Right to Identity and Right to Cultural Expression

UN International Covenant on Civil and Political Rights

Article 1, UN ICCPR provides:

all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 19, UN ICCPR provides:

everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

See UN Human Rights Committee 'General Comment No. 10: Freedom of Opinion'⁴⁶ and 'General Comment No 34: Freedoms of Opinion and Expression'.⁴⁷

Article 27, UN ICCPR provides:

in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

See UN Human Rights Committee 'General Comment No 23: the Rights of Minorities'.⁴⁸

⁴⁶ 'UN Human Rights Committee General Comment No 10: Freedom of Opinion', 29 June 1983, at para 4.

⁴⁷ CCPR/C/GC/34, 'UN Human Rights Committee General comment No 34: Freedoms of Opinion and Expression', 12 September 2011, at para 37.

⁴⁸ CCPR/C/21/Rev.1/Add.5, 'UN Human Rights Committee General Comment No 23: The Rights of Minorities', 8 April 1994.

UN International Covenant on Economic, Social and Cultural Rights

Article 15, UN ICESCR provides:

- 1) The States Parties to the present Covenant recognise the right of everyone:
 - a) To take part in cultural life;
 - b) To enjoy the benefits of scientific progress and its applications;
 - c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
- 2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
- 3) The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
- 4) The States Parties to the present Covenant recognise the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

See Committee on Economic, Social and Cultural Rights, 'General Comment No 21: Right of Everyone to Take Part in Cultural Life'.⁴⁹

⁴⁹ E/C.12/GC/21, 'UN ICESCR Committee General Comment No 21: Right of Everyone to Take Part in Cultural Life', 21 December 2009.

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