



DANCING

SUBMISSION

to the Department of Tourism, Culture,
Arts, Gaeltacht, Sport and Media
on its Statement of Strategy
for the three-year period
from 2021 to 2023



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1. Who We Are

The present **research-informed submission** has been prepared by Prof. Delia Ferri and Dr. Ann Leahy of Maynooth University Department of Law.

Prof. Ferri and Dr. Leahy are currently carrying out a research project entitled '*Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths*' (DANCING). The project is funded by the European Research Council (ERC) Consolidator, under the Grant No. 864182, with Delia Ferri as the Principal Investigator, and explores the extent to which the protection of the right to take part in culture of people with disabilities and the promotion of cultural diversity intersect and complement each other in the European Union (EU) legal order. DANCING looks at the right to participate in culture in a comprehensive way with reference to its twofold individual dimension and its collective aspect. This twofold individual dimension encompasses the right to access cultural activities, goods and services, i.e., the right to cultural consumption, and the right to active involvement in culture, which includes the engagement in the creation of cultural goods, services and activities. The collective aspect entails the right of cultural communities to be recognised and protected as well as to enjoy and make use of their cultural heritage and cultural expressions. DANCING is a participatory and interactive project and aims to create synergies with various stakeholders and policy makers. In line with this ambition, researchers in DANCING aim to support, and contribute to, consultations processes and present relevant legal research and data in order to foster legal change and effective policy responses at the national and EU levels. More Information on the Project is available at the Cordis Site: [here](#). A full abstract of the project is available on the ERC website [here](#).

The authors of this submission, Prof. Ferri and Dr. Leahy, have distinguished expertise on disability rights and cultural matters.

Delia Ferri is a Professor of Law at Maynooth University and co- Director of the ALL Institute. She is an affiliated researcher at the Dirpolis Institute of *Scuola Superiore Sant'Anna* (Italy) within the research cluster on disability, and a fellow at the Burton Blatt Institute of Syracuse University (USA). Alongside being Principal Investigator in the project DANCING, she also holds a position of co-investigator in the project '*Rethinking Digital Copyright Law for a Culturally Diverse, Accessible, Creative Europe*', led by Scuola Superiore Sant'Anna Pisa, and funded by the EU Horizon 2020 programme. Within this project, she investigates access to digital goods for people with disabilities, from an intersectional perspective. Furthermore, among other projects, in 2015-2016, she was member of the interdisciplinary project '*Sacred sites between cultural heritage and religious tourism*' run by the University of Trieste. Prof. Ferri has also taken part into several EU-funded studies in the field of disability law. Among many others, in 2016, she co-authored (with A. Lawson) the report on '*Reasonable accommodation for disabled people in employment*' for the European Commission. She published extensively in the fields of International and Comparative Disability Law and EU Law, on topics including the rights of persons with disabilities, participatory processes, State aid to culture and cultural diversity.

Ann Leahy is a Postdoctoral Researcher with the DANCING project. Her PhD, completed at the Department of Sociology of Maynooth University, was an interdisciplinary study of the intersection between disability and ageing. She is the author of a book on that subject (forthcoming from Policy Press). Her academic awards include an Irish Research Council Postdoctoral Fellowship (2019), an Irish Research Council Employment-based PhD Scholarship (2014) and a John and Pat Hume Scholarship from Maynooth University (2013).

She has a background in law and also worked for over a decade as Assistant CEO of Age & Opportunity, where, amongst other things, she was responsible for the organisation's work on arts and culture.

2. Focus and Structure of this Submission

In line with the aims and objectives of the DANCING project, Prof. Ferri and Dr. Leahy herewith submit their **research-led contribution** to this consultation, with the intention of providing a short legal analysis **to support the mainstreaming of disability considerations within the Statement of Strategy**. The submission highlights the **obligations that Ireland has undertaken by ratifying the UN Convention on the Rights of Persons with Disabilities (CRPD)** and outlines some **key points for consideration** that should be included for the period of the next three years in order to fully comply with the CRPD.

The submission is divided into three further sections, followed by concluding remarks. Section 3 provides some background information on the participation by people with disabilities in cultural life. Section 4 briefly highlights the obligations stemming from the CRPD and the relevant EU legal context. Section 5 situates the Strategy within the current national legal framework and identifies the legal provisions and policy commitments that would support mainstreaming disability considerations in the Statement of Strategy. It then presents some key issues for consideration and indicators that should be adopted. The final section includes some concluding remarks on addressing the implications of the COVID-19 Pandemic.

This submission uses people-first language ('persons/people with disabilities'), in line with the language used in the CRPD and with the CRPD's understanding of disability.

3. Background

The number of people with disabilities in Ireland was 643,131 according to the latest census accounting for 13.5% of the population.¹ The number had increased by 47,796 people between 2011 and 2016. Even though people with disabilities represent a sizeable proportion of Irish society, a proportion that is growing as populations age,² they still experience marginalization.

As yet disability policies have focused on education and employment, while the importance of participation in cultural life for people with disabilities has not been addressed. Participants in research published by *Arts & Disability Ireland* suggested that **key barriers to cultural participation are access** (mentioned by 33% of respondents) and **lack of support** to be able to attend cultural activities (mentioned by 22%).³ These findings align with our preliminary findings across the EU. In the DANCING project, among other actions, we are carrying out a review of all State's reports to the UN Committee on the Rights of Persons with

¹ Central Statistics Office. Profile 9 - Health, Disability and Carers. Accessible [here](#).

² The link between growth in disability and global population ageing, especially amongst the 'oldest old', is well-recognised - see United Nations (2019), Report of the Special Rapporteur on the rights of persons with disabilities: General Assembly 74th Session, p. 4.

³ Arts & Disability Ireland (2017). *Audiences-in-waiting? How do people with disabilities engage with culture?*. Available at <http://adiarts.ie/assets/uploads/2017/11/Audiences-in-Waiting-survey-report-final.pdf>.

Disabilities (CRPD Committee) focusing on their responses on culture (under Article 30 CRPD – see section 4). We have reviewed all reports of EU countries (comprising 31 reports up to October 2020), subsequent Lists of Issues raised by the CRPD Committee (amounting to 29), and the Concluding Observations of the Committee (amounting to 23). Our review suggests that barriers to participation in culture for people with disabilities relate to lack of physical accessibility of venues, heritage sites and libraries and cultural sites and also to poor accessibility or inaccessibility of cultural content (e.g. content of exhibitions). Furthermore, it emerges that, across the EU, economic barriers prevent people with disabilities from accessing culture. Overall, however, there is limited data on access to cultural activities, goods and services for people with disabilities or on persons with disabilities as artists or cultural producers. In some countries, such as the UK, some national statistics suggest that figures for disabled workers in the arts remain very low.⁴ Only a few festivals include disabled artists alongside non-disabled ones,⁵ and it is not clear whether accessibility of performances is ensured.

Recognition of the importance of participation in culture for people with disabilities has emerged slowly, but it is now evident that inclusion in cultural life is essential to end the marginalisation of persons with disabilities in society⁶ and to allow them to fully participate in the life of the community.⁷ Furthermore, the loss of opportunities to participate in cultural life for people with disabilities entails also a loss for the society as whole because of the lack of cultural diversity resulting from such an inaccessible and exclusionary cultural realm.

Against this background, we submit that the **Statement of Strategy for the three-year period from 2021 to 2023** should be an important policy tool to **foster participation of people with disabilities in cultural life**. This Statement of Strategy, in setting out the Department's goals for the coming period 2021-2023, together with the strategies and outputs that the Department will employ to deliver on these goals, should **address the barriers faced by people with disabilities and the needs of people with disabilities**, in order to recognise and realise the 'Value of Culture to the Individual and to Society' as indicated in 'Culture 2025 - A National Cultural Policy Framework for Ireland' (Culture 2025 Framework).⁸ Culture 2025 Framework highlights that 'providing opportunities for wider and richer cultural and creative participation can also contribute to community cohesion and reduce social exclusion and isolation, leading to more resilient and sustainable communities'.

⁴ Arts Council England (ACE). (2016). *Grant-in-Aid and Lottery Distribution Annual Report and Accounts 2015/16*. Available at http://www.artscouncil.org.uk/sites/default/files/download-file/ACE166_Annual_Report_201516.pdf.

⁵ British Council (undated), European Disability Arts Festivals <http://www.disabilityartsinternational.org/resources/toolkits/european-disability-arts-festivals/>.

⁶ Tatic D. (2015). *Access for People with Disabilities to Culture, Tourism, Sports and Leisure Activities: Towards Meaningful and Enriching Participation*. Council of Europe.

⁷ Council of Europe (CoE). (2017). *Strategy on the Rights of Persons with Disabilities 2017-2023*. Available at <https://www.coe.int/en/web/disability/strategy-2017-2023>.

⁸ Culture 2025, A National Cultural Policy Framework to 2025.

4. The Rights of Persons with Disabilities to Participate in Cultural Life: Relevant International Obligations and EU policies

It is essential that the **Statement of Strategy fulfils international commitments that Ireland has undertaken under the CRPD and fully aligns with relevant EU legal provisions and policies.**

4.1 The CRPD Obligations

Ireland ratified the CRPD in March 2018, and the Irish government is due to report to the UN in 2020. In that connection, the **Statement of Strategy for the three-year period from 2021 to 2023 would represent an important opportunity to show the commitment on behalf of the Irish Government to fully comply with and implement the obligations laid out in the CRPD.**

The CRPD is a ground-breaking document and represents decades of work to change attitudes and approaches to persons with disabilities. Article 3 of the CRPD outlines the general principles upon which the Convention is based. These principles are intended to guide States Parties in implementing the Convention, and they serve as a benchmark against which States Parties should assess the conformity of domestic laws with the Convention. Among them is the **principle of non-discrimination**, which has been defined as the ‘leitmotif’ of the CRPD.⁹ It can be considered the cornerstone of the CRPD, as it **cuts across both civil and political rights, such as the rights to liberty and to legal capacity, and economic, social and cultural rights**, such as the right to participate in culture. Article 2 of the CRPD provides a broad definition of discrimination on the basis of disability highlighting that such discrimination includes the denial of reasonable accommodation. The duty to reasonably accommodate is also defined in Article 2 of CRPD as ‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’. The reasonable accommodation duty is subject to a limit: the duty-bearer is not required to provide an accommodation where to do so would impose a disproportionate or undue burden on that duty-bearer. Article 5(3) of the CRPD links the equality and non-discrimination norms with the duty to accommodate and provides that: ‘In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided’.

The CRPD is underpinned by the model of ‘inclusive equality’. According to the CRPD Committee, inclusive equality goes even further than substantive equality (which focus both on equal treatment and on uncovering covert forms of discrimination), in that it embraces four dimensions. First, a fair redistributive dimension: to address socioeconomic disadvantages. Secondly, a recognition dimension: to combat stigma, stereotyping, prejudice and violence and to recognise the dignity of human beings and their intersectionality. Thirdly, a participative dimension: to reaffirm the social nature of people as members of social groups and the full recognition of humanity through inclusion in society. Fourthly, an

⁹ Arnardóttir OM (2009) ‘A Future of Multidimensional Disadvantage Equality’ in O.M. Arnardóttir and G. Quinn *The UN Convention on the Rights of Persons with Disabilities: European and Scandinavian Perspectives*, Martinus Nijhoff, p. 41.

accommodating dimension: to make space for difference as a matter of human dignity.¹⁰ This model of equality promotes, *inter alia*, awareness-raising, reasonable accommodations, accessibility and positive action, which should be adopted in the field of culture as well as in other fields.

Accessibility is also a general principle of the CRPD, mentioned in Article 3 and laid down in Article 9. The latter provision obliges States Parties to take appropriate measures to ensure that people with disabilities have access to environments, facilities, information and services on an equal basis with others. Accessibility duties are generalised and anticipatory (to be fulfilled *ex ante*).¹¹

The principle of participation and inclusion of people with disabilities in society is also a core feature of the CRPD. The CRPD Committee has stated that full and effective participation requires ‘engaging with all persons, including persons with disabilities, to provide for a sense of belonging to and being part of society’ and that it can also be a ‘transformative tool for social change, and promote agency and empowerment of individuals’.¹² Ensuring participation of persons with disabilities is particularly important in fostering awareness-raising and promoting respect for the rights and dignity of persons with disabilities.¹³

The principles of non-discrimination and equality, accessibility and participation should inform the implementation of Article 30 of the CRPD. Article 30(1) CRPD provides for the right of persons with disabilities to participate in cultural life. The wording of the first paragraph of the provision closely follows the formulation of Article 27 of the Universal Declaration on Human Rights (UDHR). Article 30 does not set out a definition of cultural life, but, as with the UDHR, it encompasses a broad understanding of ‘culture’. In that regard, it should be interpreted in line with Article 15 of the International Covenant on Economic Social and Cultural Rights and in light of General Comment No. 21 from the Committee on Economic Social and Cultural Rights (CESCR).¹⁴ The rest of Article 30 of the CRPD details States Parties’ obligations, and, *inter alia*, requires States Parties to the Convention to ensure accessibility of cultural materials, services, and activities and cultural heritage, and to take appropriate measures ‘to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential’. The emphasis on accessibility in Article 30 of the CRPD is in line with what has been already highlighted by the CESCR’s General Comment No. 21,¹⁵ which states that:

Accessibility consists of effective and concrete opportunities for individuals and communities to enjoy culture fully, within physical and financial reach for all in both urban and rural areas, without discrimination. It is essential, in this regard, that access for older persons and persons with disabilities, as well as for those who live in poverty, is provided and facilitated. Accessibility also includes the right of everyone to seek, receive and share information on all manifestations of culture in the

¹⁰ CRPD Committee (2018). General Comment No. 6, CRPD/C/GC/6. Para. 11. The model builds on scholarly work: see Fredman S. (2016). ‘Substantive equality revisited’, in *International Journal of Constitutional Law*, Volume 14, Issue 3, p. 712.

¹¹ Broderick A. and Ferri D. (2019). *International and European Disability Law and Policy: Text, Cases and Materials*, Cambridge University Press.

¹² CRPD Committee (2018). General Comment No. 7, UN Doc. CRPD/C/GC/7 (2018), para. 27 and para. 33.

¹³ *Ibid.* para. 76.

¹⁴ UN Committee on Economic, Social and Cultural Rights (2009). General Comment No. 21. E/C.12/GC/21

¹⁵ *Ibid.*, paras 3 and 16.

language of the person's choice, and the access of communities to means of expressions and dissemination.

Article 30 of the CRPD also includes a detailed set of commitments 'to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials'. It also imposes on State Parties the duty to ensure the 'recognition and support of their specific cultural and linguistic identity, including sign languages and Deaf culture'.

Furthermore, it is worth noting that Article 4 of the CRPD requires mainstreaming of the rights of persons with disabilities across a range of policies, which provides impetus for including disability considerations across all policy fields, including cultural one.

On the whole, the CRPD would require:

- a) Mainstreaming disability considerations and embedding the rights of persons with disabilities within the Statement of Strategy (and within all further initiatives) by placing emphasis on:
 - ✓ Ensuring physical accessibility of cultural places;
 - ✓ Providing cultural content in accessible formats;
 - ✓ Ensuring that reasonable accommodation is provided when needed in particular cases in order to allow people with disabilities to fully enjoy their right to participate in cultural life;
 - ✓ Promoting Irish Sign Language and Deaf Culture.
- b) A greater involvement of people with disabilities and their representatives in the development of the Statement of Strategy (and all further initiatives).
- c) A comprehensive approach to the right to participate in cultural life within the Statement of Strategy. That is to say, Article 30 CRPD recognises different dimensions of participation in culture by people with disabilities and the Statement of Strategy should address these various dimensions.

4.2 Relevant EU Provisions and Policies

Besides the principle of equality and non-discrimination (Arts. 2 and 3 TEU; Art. 19 TFEU; Art. 21 of the EU Charter of Fundamental Rights), Article 26 of the Charter of Fundamental Rights affirms 'the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community'. This provision is meant to encompass *inter alia* cultural life.

Moreover, the protection and promotion of the right of people with disabilities to take part in cultural life fits in the broader realm of EU disability policy. Recently, the EU has ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty).¹⁶ The EU Disability Strategy 2010-2020, due to expire soon (and to be replaced with a new strategy), emphasizes

¹⁶ Council Decision (EU) 2018/254 of 15 February 2018 on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled, OJ L 48, 21.2.2018, p. 1–23.

the need for the participation of people with disabilities in society on an equal basis with others. The EU Disability Strategy 2010-2020 also acknowledges that the 'EU action will support national activities to make sports, leisure, cultural and recreational organizations and activities accessible [...]'. Furthermore, non-discrimination, accessibility and participation are key cross-cutting areas of EU actions.

EU institutions have also recently highlighted the need to improve access to cultural activities and infrastructures.¹⁷ In the same vein, the Council Conclusions on the Work Plan for Culture 2019-2022¹⁸ state that a stronger orientation towards the interests and needs of specific groups, such as people with disabilities, is necessary to enhance access to culture.

These EU provisions and policies would support the mainstreaming of disability considerations in the Statement of Strategy.

5. Key Issues for Consideration

5.1 Mainstreaming Disability

Our key recommendation for the Statement of Strategy is to **mainstream disability considerations** in the document. This requires adopting an overall vision of tackling cultural exclusion of people with disabilities, and a commitment to concrete actions that would increase the cultural participation of people with disabilities within the next three years. In that connection the Statement of Strategy should be conceived of as a policy tool to implement Article 30 of the CRPD, and also a tool complementary to other existing policies. Moreover, it should endeavour to support the implementation of relevant legislation that promotes to varying degrees the right to participate in cultural life of persons with disabilities.

The current Irish disability policy framework is provided for by the **National Disability Inclusion Strategy 2017-2021**.¹⁹ This Strategy is 'underpinned by a vision of an Irish society in which people with disabilities enjoy equal rights and opportunities to participate in social and *cultural* life' (emphasis added). Among others, this Strategy commits to an action to 'foster disability awareness and competence in voluntary, sporting, cultural and other organisations', and to 'ensure that disability inclusion is fully integrated into funding programmes, monitored and linked to further funding', actions for which the Department of Arts Heritage and the Gaeltacht (along with the Department of Transport, Tourism and Sport) are responsible. A focus on disability in the Statement of Strategy would be consistent with these policy commitments and would actually contribute to the realisation of the goals of the National Disability Strategy (and of future disability policies).

Mainstreaming disability in the Statement of Strategy would support the implementation of legislative provisions to effect change. In this connection, the Strategy should foster the use of Irish Sign Language (ISL) in Compliance with the **Irish Sign Language Act 2017**, and should add a further impetus towards facilitating deaf people's participation in culture, both as

¹⁷ European Parliament (EP) (2018). Report on Structural and Financial Barriers in the Access to Culture. (2017/2255(INI)). Available at <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A8-2018-0169&language=EN>.

¹⁸ Council of the European Union. (2018). Work Plan for Culture 2019-2022.

¹⁹ Department of Justice and Equality (2017). National Disability Inclusion Strategy, 2017-2021.

audience and as creators of culture. This Act both recognises rights of Irish Sign Language users to use sign language as their native language and the corresponding duty on all public bodies to provide free interpretation (Section 3) and is intended to provide support for access to events, services and activities for users of Irish Sign Language (Section 7).

Furthermore, the Statement of Strategy should take into account the **European Union (Marrakesh Treaty) Regulations 2018 S.I. No. 412 of 2018**. These Regulations, which came into force in October 2018, transpose into Irish law EU Directive 2017/15641 which facilitates the use of certain copyright protected works, without the authorisation of the rightsholder, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

Including a focus on participation by people with disabilities in culture is entirely consistent with cultural policies and strategies of the Department of Arts, Heritage and the Gaeltacht and related statutory bodies. The Culture 2025 Framework includes as one of three core principles, around which the Framework is organised, ‘supporting creative practice and cultural participation’ intended to ‘shape Government cultural policy throughout the lifespan of Culture 2025’.²⁰ The Discussion document prepared by the Department prior to the adoption of Culture 2025 recognised the need to promote access to culture for older and retired people and raised the question of ‘whether existing measures for promoting access to both culture and the arts for people with disabilities are adequate’.²¹

Disability considerations in the Statement of Strategy would also tally with the **Arts Council Disability Strategy**,²² which identifies the need for improvements and supports in four key areas – (1) for artists with disabilities, (2) for audiences with disabilities, (3) for participants with disabilities in collaborative arts programmes and (4) a more inclusive infrastructure.

On the whole, mainstreaming disability would require that the **different dimensions of participation in culture by people with disabilities** recognised in Article 30 of the CRPD and also in the Arts Council Disability strategy **be addressed**. Thus, the Statement of Strategy should address (1) artists with disabilities, (2) audiences with disabilities, (3) participants with disabilities in collaborative arts programmes, and (4) a more inclusive infrastructure. It should be made explicit that the employment of persons with disabilities within creative and heritage industries is also important, something that overlaps with employment policy more generally.

Actions that facilitate participation should be identified. In this regard, on the basis of the review that we have carried out within the DANCING project, it appears that EU Member States are working to increase access in various ways to arts and culture such as making films, theatres, exhibitions or content of libraries or museums or heritage sites more accessible (although more research is needed in the area of cultural participation of people with disabilities). Festivals of or for people with disabilities and theatres and performances with disabled artists and non-disabled artists performing side-by-side are also regarded as good practice. Other actions that that we identify in reports as facilitators of cultural participation are measures providing for free or discounted entry to museums or other venues and/or companion passes.

In the Statement of Strategy (and more broadly in future policies) due consideration should be given as to whether Ireland should support and opt in to the EU Disability Card, and as to

²⁰ Culture 2025, A National Cultural Policy Framework to 2025. p. 9

²¹ Department of Arts, Heritage and the Gaeltacht, 2015. Culture 2025, Discussion Document. Page 15

²² Arts and Disability (2012-2016). Arts Council Policy and Strategy.

whether this card might enhance the number of EU citizens with disabilities visiting Ireland. The EU disability card is a pilot project involving eight EU countries (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania and Slovenia) to ensure equal access to benefits for people with disabilities mainly in the areas of culture, leisure, sport and transport. The card is mutually recognised between EU countries participating in the system, on a voluntary basis. In 2019 the European Commission started an assessment process on the initiative. The assessment study will provide a basis on which the Irish Government could decide to eventually opt in.

5.2 Increase Participatory Processes

The Disability Participation and Consultation Network is currently being established by the Department of Children, Equality, Disability, Integration and Youth. It aims to involve people with disabilities in the development of policy and legislation and to consult them on Ireland's Initial State Report to the UN Committee on the CRPD.²³

This Disability Participation and Consultation Network should be considered a vital resource to support the design and implementation of the Statement of Strategy. It should be involved in cultural policies, in order to identify needs of people with disabilities, and highlight best practices. We would also suggest that this network be involved in an ongoing way with the work of the Department so that **the voices of people with disabilities can inform how arts and culture develop in Ireland.**

5.3 Indicators: Measuring Progress by using Human Rights Indicators

In order to effect change and foster cultural participation of people with disabilities, human rights indicators based on the CRPD should also be adopted. They should be based on those elaborated by the Office of the High Commissioner for Human Rights (OHCHR) in support of a disability inclusive 2030 Agenda for Sustainable Development.²⁴

The **OHCHR indicators** are intended to guide States on actions and measures to be taken in implementing the CRPD and facilitating assessment of progress. The indicators take into account the indicators of the Sustainable Development Goals, which have been incorporated into the human rights indicator tables, where relevant. A separate set of indicators has been produced for each Article under the CRPD including Article 30 dealing with culture. This is a list of illustrative indicators on participation in cultural life, recreation, leisure and sport.²⁵

These indicators encompass structural, process and outcome indicators. **Structural indicators** measure the acceptance, intent and commitment to human rights and enactment of legal instruments and the adoption of policies for the implementation of human rights. **Process indicators** measure efforts to transform commitments into desired results and assess policies and measures taken to implement commitments on the ground. **Outcome indicators** measure the results of efforts to further human rights.

²³ See information on the call for participants [here](#) (dated 6 Nov 2020).

²⁴ Available here: <https://www.ohchr.org/EN/Issues/Disability/Pages/SDG-CRPDindicators.aspx#Project>.

²⁵ These can be accessed [here](#).

The **Statement of Strategy could be accompanied by a list of indicators** setting relevant and timely goals to guarantee the rights to participate in cultural life. On the basis of the OHCHR indicators, we suggest an indicative list below:

Structural Indicators

- ✓ **Legislative provisions enacted and implemented** to ensure the right of persons with disabilities to participate in cultural life, recreation, leisure and sport (e.g., Irish Sign Language Act).
- ✓ **Adoption of a policy plans** to promote participation in cultural life which is inclusive of persons with disabilities, both as active participants and as beneficiaries/spectators.

Process indicators

- ✓ **Adopt specific measures to ensure that** public libraries (and other relevant bodies) are enabled to provide access to published works for people who are blind, visually impaired or otherwise print disabled pursuant to the European Union (Marrakesh Treaty) Regulations 2018 (and to the Government Guidance on them) and to raise awareness of the opportunities this presents amongst groups that might benefit.
- ✓ **Specific measures adopted to foster participation of persons with disabilities in cultural life**, including, for example, exemption or reduction of fees, quotas for the participation of persons with disabilities within cultural programmes, including study programmes and events.
- ✓ **Budget allocated** on measures and activities for the promotion and inclusion of persons with disabilities in cultural life, both as active participants and as beneficiaries/spectators
- ✓ **Number and proportion of relevant public and private sector staff trained** to facilitate access and participation of persons with disabilities to cultural life, including on the provision of reasonable accommodation, disaggregated by sector (public/private) and area of practice
- ✓ **Consultation processes undertaken to ensure active involvement of persons with disabilities**, including through their organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes related to cultural life, recreation, leisure and sport of persons with disabilities. Consulting with members of the Disability Participation and Consultation Network being formed at present (see above) represents a means by which to achieve this.

Outcome indicators

- ✓ **Number and proportion of persons with disabilities** accessing museums, galleries, libraries and cultural sites, as compared to other persons, disaggregated by sex, age and disability.
- ✓ **Average time spent** by persons with disabilities in cultural life and activities, as compared to other persons, disaggregated by sex, age and disability.
- ✓ **Number and proportion of persons with disabilities who receive public financial support for higher education and professional development** related to the area of

cultural life disaggregated by sex, age, disability and geographical location, as compared to other persons.

6. Concluding Remarks: Covid-19 and Beyond

Because the pandemic has brought unprecedented challenges, we conclude this submission with some brief considerations on the current context.

Karima Bennoune, the UN Special Rapporteur in the field of cultural rights, has stated²⁶:

Even in these trying times, when more than half a million people have died from the virus, cultural rights are not a luxury. They are key to the overall implementation of universal human rights and a crucial part of the responses to many current challenges, from discrimination and poverty to COVID-19 itself. Moreover, the safeguarding and promotion of culture contributes directly to many of the Sustainable Development Goals – safe and sustainable cities, the promotion of gender equality, and peaceful and inclusive societies.

She makes some key points about the role of culture in coping with the difficulties of the pandemic, which include that:

- ✓ Culture sometimes is the solution, and sometimes can help us to find other solutions.
- ✓ One of the things we need the most now, as human beings, is to find safe ways to share and connect, and culture offers this.
- ✓ We need nothing less than a global cultural plan to keep alive the cultural life which helps keep us alive. It should be locally driven, and globally supported and coordinated.

We note the establishment by your Department of the Arts and Culture Recovery Taskforce. We suggest that, in order to comply with the CRPD obligations, it should include people with disabilities. Given the disproportionate effect of COVID-19 on people with disabilities, it is very important that the arts and culture develop in a way that fosters their inclusion now. The pandemic has highlighted problems with how our societies are organised, not least our tendency to marginalise people with disabilities. We must learn from this experience and address the inequalities and exclusions that we have failed to address up until now. Fostering greater participation in all aspects of cultural life has much potential to contribute to this.

²⁶ K. Bennoune, UN Special Rapporteur in the field of cultural rights (2020). Local and Regional Governments Day on Accelerating transformation from the ground-up in a post-Covid era. UN High Level Forum on Sustainable Development. Culture is the Heart of Our Response to Covid-19. 10 July

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