

**Submission
to Culture Ireland's
Consultation on Culture Ireland Strategy 2021–2025**

Dr. Ann Leahy and Prof. Delia Ferri

**Department of Law
Maynooth University,
Maynooth, Co. Kildare**

Ann.leahy@mu.ie

Delia.Ferri@mu.ie

16 July 2021

Table of Contents

1. Who We Are	3
2. Focus and Structure of this Submission	4
3. Background.....	5
4. The Rights of Persons with Disabilities to Participate in Cultural Life: Relevant International Obligations and EU policies.....	7
4.1 The CRPD Obligations	7
4.2 Relevant EU Provisions and Policies	9
5. Key Issues for Consideration	10
5.1 Mainstreaming Disability	10
5.2 Increase Participatory Processes	11
6. Concluding Remarks: Covid-19 and Beyond	12
Selected Bibliography.....	13

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 and other colleagues 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. It 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. The 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 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 on the project 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 recent book on that subject 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 make this **research-led contribution** to this consultation, with the intention of providing a short legal analysis **to support the mainstreaming of disability considerations within the Culture Ireland Strategy 2021-2025**. We believe that the mainstreaming of considerations of disability is in line with the values as stated in the information on the consultation published on the website of Culture Ireland, especially those of diversity and inclusivity. Culture Ireland has at the core of its mission the promotion of Irish arts worldwide, and the strengthening of Ireland's cultural profile and global reputation and increasing career opportunities for Irish artists globally. This mission should encompass the promotion of artists with disabilities.

We are taking the opportunity to make our submission as a word document as your website envisages. We also focus mainly on one aspect of your questionnaire that comes within our area of work and expertise, namely your question 9:

Is there anything that Culture Ireland should do to ensure the support of a more broad and diverse spectrum of Irish artists?

Prompted not only by question 9 but also by question 10 which relates to the Irish language ('What actions can Culture Ireland take to increase the support of presenting work delivered through the Irish language or bilingually?'), we also take the opportunity to mention the fact that Irish Sign Language is the first and/or preferred language of Deaf people in Ireland, and the rights of its users to use sign language as their native language is now recognised in the **Irish Sign Language Act 2017** (see **Section 5.1** below).

The submission, therefore, focuses on people with disabilities and Deaf people as artists or creators of culture, highlighting the **obligations that Ireland has undertaken by ratifying the UN Convention on the Rights of Persons with Disabilities (hereafter, 'CRPD')** and outlines some **key points for consideration** that might be included in the Strategy for the period of the next five 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 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 and policy framework and identifies the legal provisions and policy commitments that would support mainstreaming disability considerations in the Culture Ireland Strategy 2021-2025. It then presents some key issues for consideration in formulating the Strategy. The final **Section 6** 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 Irish disability policies have tended to focus on education and employment, while the importance of participation in cultural life for people with disabilities has received less attention. However, the CRPD is focusing attention globally on participation in culture by people with disabilities, not only as audience but also as artists. As it will be further discussed in **Section 4.1.**, Article 30 of the CRPD obliges parties to the CRPD to:

‘take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society’ (Article 30(2)).

In addition, Article 30(4) CRPD provides for the recognition and support of the specific cultural and linguistic identity of people with disabilities, including sign languages and Deaf culture.

Ireland ratified the CRPD in 2018, and has recently consulted on its Initial State Report to be submitted to the Committee on the Rights of Persons with Disabilities (hereinafter ‘the CRPD Committee’) in compliance with Article 35 which lays out reporting obligations. In the DANCING project, among other actions, we have carried out a review of reports to the CRPD Committee focusing on how reports of parties to the CRPD (that is, States Parties) deal with culture under Article 30 CRPD. We have reviewed all reports of EU countries (34 reports), subsequent Lists of Issues raised by the CRPD Committee (amounting to 33), and the Concluding Observations of the Committee (amounting to 23) up until May 2021, and we have also reviewed reports of 11 further countries that are outside the EU (44 reports in total). We discuss this review further in **Section 5.1.**, below.

Our review suggests that States reports show an awareness of the need to make culture more accessible for people with disabilities, but that there is less acknowledgement of people with disabilities as professional creators of culture. However, there are reports that are explicit about professional participation or that refer to arts organisations which include disabled and non-disabled artists and performers side-by-side (discussed again in **Section, 5.1**). Preliminary results from a Europe-wide survey amongst cultural actors in the performing arts evidence limited levels of knowledge and experience in relation to artists with disabilities and their works.³ That study evidences that most venues and festivals reported taking some measures to improve physical access, but access measures are less frequent in artistic programming and decision-making. Statistics from the UK suggest that figures for disabled

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 British Council. (2021). *Time to Act: How lack of knowledge in the cultural sector creates barriers for disabled artists and audiences. Initial findings*. Accessible here: <https://www.ietm.org/en/themes/article/time-to-act-report-preliminary-findings-published>

workers in the arts are disappointing⁴, and that the number of people with disabilities serving on boards of arts organisations does not reflect wider society.⁵ Only a few festivals include disabled artists alongside non-disabled ones,⁶ and it is not clear whether accessibility of performances is ensured. The Covid-19 pandemic may also have worsened rates of employment by people with disabilities in the arts⁷.

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 society⁸ and to allow them to fully participate in the life of the community.⁹ The implementation of the CRPD across the globe requires all States to promote their cultural sector domestically and internationally in a way that is inclusive of artists with disabilities.

Giving attention to disability considerations is mandated by the CRPD and should be reflected in the work of Culture Ireland when providing support for Irish artists and arts organisations for the presentation of their work internationally, and when encouraging Irish artists to collaborate with global partners and supporting the presentation of collaborative works. Against this backdrop, we submit that **Culture Ireland Strategy for 2021- 2025 should aim to be an important policy tool to foster participation of people with disabilities in cultural life as artists and performers globally, and to foster the global appreciation of Irish artists with disabilities on an equal basis with others.** This would be consistent not only with Culture Ireland’s stated mission to ‘promote and advance Irish arts worldwide, strengthening Ireland’s cultural profile and global reputation and increasing career opportunities for Irish artists globally’, but also with your stated values of **diversity and inclusivity**, and with your aim of prioritising ‘**support for Irish artists and arts organisations in all their diversity**’ and ‘**developing diverse international markets and increased audiences for Irish arts**’. The Strategy, in setting out Culture Ireland’s goals for the coming period, together with the strategies and outputs that will be employed to deliver on these goals, should **address the barriers faced by people with disabilities as creators of culture and the needs of artists with disabilities**, in order to recognise and realise the ‘Value of Culture to the Individual and to

⁴ (1) Arts Council England. (2016). *Grant-in-Aid and National Lottery Distribution Annual Report and Accounts 2015/2016*. Accessible here: <http://www.gov.uk/government/publications>.

(2) Arts Council England. (2017). *Making a Shift Report: Disabled people and the Arts and Cultural Sector Workforce in England: Understanding trends, barriers and opportunities*. Available here: <https://www.artscouncil.org.uk/sites/default/files/download-file/ACE206%20MAKING%20A%20SHIFT%20Report%20FINAL.pdf>

(3) Arts Council England. (2020). *Grant-in-Aid and National Lottery Distribution 2019/20: Annual Report and Accounts for the Year Ended 31 March 2020*. Available from: <https://www.artscouncil.org.uk/sites/default/files/download-file/ACE%20Annual%20Report%202019%202020.pdf>

⁵ Arts Council England. (2020). *Grant-in-Aid and National Lottery Distribution 2019/20: Annual Report and Accounts for the Year Ended 31 March 2020*. See footnote 4(3).

⁶ British Council (undated), European Disability Arts Festivals <http://www.disabilityartsinternational.org/resources/toolkits/european-disability-arts-festivals/>.

⁷ Gentry, A. (2021). *UK Disability Arts Alliance 2021 Survey Report: The Impact of the Pandemic on Disabled People and organisations in Arts & Culture #WeShallNotBeRemoved*. Retrieved from <https://www.weshallnotberemoved.com/2021survey/>

⁸ Tatic D. (2015). *Access for People with Disabilities to Culture, Tourism, Sports and Leisure Activities: Towards Meaningful and Enriching Participation*. Council of Europe.

⁹ 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>.

Society’ as indicated in ‘Culture 2025 - A National Cultural Policy Framework for Ireland’ (Culture 2025 Framework).¹⁰

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

It is essential that the **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

As noted above, Ireland ratified the CRPD in March 2018. In that connection, the **Culture Ireland Strategy 2021 - 2025 represents 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 CRPD is based. These principles are intended to guide States Parties in implementing the provisions of the CRPD, and they serve as a benchmark against which parties to the Convention (known as 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.¹¹ 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’. Thus, 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 focuses 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

¹⁰ Culture 2025, A National Cultural Policy Framework to 2025.

¹¹ 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.¹² 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. Article 9 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*).¹³

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’.¹⁴

The principles of non-discrimination and equality, accessibility and participation should inform the implementation of Article 30 of the CRPD. As stated already, Article 30(1) CRPD provides for the right of persons with disabilities to participate in cultural life. 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’.

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 the cultural one.

On the whole, the CRPD would require the Culture Ireland Strategy 2021-2025 to:

- a) Adopt a comprehensive approach to the right of people with disabilities to create art and to have their cultural expression presented internationally. This would include supporting artists with disabilities and Deaf people to present their work internationally, developing international audiences for that work and encouraging/facilitating artists with disabilities to collaborate with global partners.

¹² 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.

¹³ Broderick A. and Ferri D. (2019). *International and European Disability Law and Policy: Text, Cases and Materials*, Cambridge University Press.

¹⁴ CRPD Committee (2018). General Comment No. 7, UN Doc. CRPD/C/GC/7 (2018), para. 27 and para. 33.

- b) Mainstream disability considerations and embed the rights of persons with disabilities within the Strategy (and within all further initiatives) by placing an emphasis on:
- ✓ Ensuring accessibility of cultural venues and content in relation to any performances, exhibitions or other presentations that Culture Ireland is supporting or collaborating on;
 - ✓ 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 as audience and as creators of art;
 - ✓ Promoting Irish Sign Language and Deaf Culture.
- c) Involve artists with disabilities and their representatives in the development of the Strategy, and to foster appreciation of their work globally and also to ensure inclusive partnerships and co-productions.

4.2 Relevant EU Provisions and Policies

Turning to EU provisions, besides the principle of equality and non-discrimination (Arts. 2 and 3 Treaty on European Union (TEU); Art. 19 Treaty on the Functioning of the European Union (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).¹⁵ The recently adopted EU Disability Strategy (Union of Equality: Strategy for the Rights of Persons with Disabilities, 2021-2030) states that the EU Commission ‘will promote and raise visibility of the art works by persons with disabilities and strive to make cultural heritage and all art accessible and disability inclusive with support from EU funding such as the Creative Europe Programme’ (para 5.5). It also calls on Member States to:

....promote and encourage **arts of persons with disabilities** and raise awareness making them visible through exhibitions and performances; and make more art collections and museums accessible to persons with disabilities (5.5).

These EU provisions and policies would support the mainstreaming of disability considerations in Culture Ireland Strategy, in conjunction with the work done by the EU globally

¹⁵ 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.

5. Key Issues for Consideration

5.1 Mainstreaming Disability

Our key recommendation for the 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 during the period of the Strategy. In that connection the 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**.¹⁶ 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 the actions committed to in this Strategy is one 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 Culture Ireland Strategy would be consistent with these policy commitments and would contribute to the realisation of the goals of the National Disability Strategy (and of future disability policies).

Mainstreaming disability in the Culture Ireland Strategy would support the implementation of legislative provisions to effect change. In this connection, and responding to the Culture Ireland consultation questionnaire (questions no. 9 and 10), the Strategy should foster the use of Irish Sign Language (ISL) wherever possible in compliance with the **Irish Sign Language Act 2017**, and should add a further impetus towards facilitating Deaf people’s participation in culture as creators of culture wherever possible, by, for example, seeking to support travel, presentations or collaborations by Deaf artists. 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).

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. Disability considerations in the Strategy would also be consistent with the **Arts Council Disability Strategy**,¹⁷ 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**. Given the remit of Culture Ireland, we suggest that key areas of focus should encompass support for:

¹⁶ Department of Justice and Equality (2017). National Disability Inclusion Strategy, 2017-2021.

¹⁷ Arts and Disability (2012-2016). Arts Council Policy and Strategy.

1. Artists with disabilities (including Deaf artists and recognition of sign language and of Deaf culture),
2. Developing more diverse international audiences that include people with disabilities,
3. Facilitating participants with disabilities to collaborate in arts programmes, and
4. Including consideration of how to develop a more inclusive arts/cultural infrastructure.

It should be made explicit that the employment of persons with disabilities within creative and heritage industries is also vital.

Undertaking these actions would make it possible to present Irish culture internationally in a way that is more representative of diversity, as Culture Ireland seeks to fulfil its mission and to take account of the Global Ireland 2025 mission of ‘sharing our culture more widely around the world and deepening links to our global family’¹⁸.

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 of reports made to the CRPD Committee, it appears that EU Member States and other countries are working to comply with Article 30 CRPD and to increase participation of people with disabilities in various ways in arts and culture. Examples drawn from the reports we reviewed include theatres and performances with disabled artists and non-disabled artists performing side-by-side. For example, the initial report from Sweden states that it ‘is becoming increasingly common for professional theatre and dance groups to include actors and dancers both with and without disabilities’ (CRPD/C/SWE/1: para. 289). It instances the National Theatre, within which a Quiet Theatre produces drama in sign language (para. 287). Similarly, the Croatian report refers to financial support for projects ‘specific theatres of persons with disabilities’ (CRPD/C/HRV/1: para. 217). Broadening out from European countries, the initial report from Australia refers to the need to address barriers faced by professional artists and arts workers as well as audience development; it also references programmes that support production of art by persons with disabilities (CRPD/C/AUS/1, paras 186-188). The initial report of South Africa refers to the *Performing Arts Policy* requiring that 5% of performers ‘contracted for celebration and/or commemoration of national days should be disabled’ (CRPD/C/ZAF/1, para. 354). We highlight these as examples of developments in other countries which might inform the Culture Ireland Strategy, and **which might suggest future possibilities for international collaborations, and the potential for developing diverse international markets by reaching more people with disabilities.**

5.2 Increase Participatory Processes

The Disability Participation and Consultation Network was established by the Department of Children, Equality, Disability, Integration and Youth in December 2020. It has been established to ensure that people with disabilities are actively engaged and directly consulted in the development of legislation and policies as well as to consult them on Ireland’s Initial State Report to the UN Committee on the CRPD.¹⁹ This Disability Participation and Consultation Network should be considered a resource to support all policy development in

¹⁸ Government of Ireland (2018). Global Ireland Ireland’s Global Footprint to 2025. Available here: <https://www.ireland.ie/media/ireland/stories/globaldiaspora/Global-Ireland-in-English.pdf>

¹⁹ See information on the call for participants [here](#) (dated 6 Nov 2020).

Ireland, including the design and implementation of the Culture Ireland 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 Culture Ireland so that **the voices of people with disabilities can inform how arts and culture develop in Ireland and are promoted globally.**

6. Concluding Remarks: Covid-19 and Beyond

We welcome the opportunity to contribute to this consultation and to the development of **Culture Ireland's Strategy 2021–2025**, in which we focused largely on one aspect - ensuring the support of a more broad and diverse spectrum of Irish artists - and on performers/ artists with disabilities or who are Deaf or use sign language. 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 stated²⁰:

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.

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.

Given the disproportionate effect of COVID-19 on people with disabilities²¹ and some evidence that the pandemic is likely to worsen rates of employment by people with disabilities in arts/culture,²² it is very important that the arts and culture develop in a way that fosters their inclusion globally.

²⁰ 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

²¹ The Chief Commissioner of the Irish Human Rights and Equality Commission (IHREC) has stated that the impact of the pandemic has been devastating for people with disabilities. See Irish Human Rights and Equality Commission (2021). Annual Report 2020. Available here: <https://www.ihrec.ie/irish-human-rights-and-equality-commission-annual-report-2020-published/>

²² See Gentry (2021), footnote 7, above

Selected Bibliography

- Arnardóttir, O.M (2009) 'A Future of Multidimensional Disadvantage Equality' In O.M. Arnardóttir and G. Quinn (Eds) *The UN Convention on the Rights of Persons with Disabilities: European and Scandinavian Perspectives*, Martinus Nijhoff, The Hague-New York, 2009, p. 41.
- Arts Council (2012). *Arts and Disability (2012-2016). Arts Council Policy and Strategy*. Available at: [http://www.artscouncil.ie/Publications/Arts-participation/Arts-and-Disability-\(2012-2016\)-Arts-Council-Policy-and-Strategy_2951314223/](http://www.artscouncil.ie/Publications/Arts-participation/Arts-and-Disability-(2012-2016)-Arts-Council-Policy-and-Strategy_2951314223/)
- 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.
- Arts Council England (ACE) (2017). *Making a Shift Report: Disabled people and the Arts and Cultural Sector Workforce in England: Understanding trends, barriers and opportunities*. Available at <https://www.artscouncil.org.uk/sites/default/files/download-file/ACE206%20MAKING%20A%20SHIFT%20Report%20FINAL.pdf>
- Arts Council England (ACE). (2020). *Grant-in-Aid and National Lottery Distribution 2019/20: Annual Report and Accounts for the Year Ended 31 March 2020*. Available at: <https://www.artscouncil.org.uk/sites/default/files/download-file/ACE%20Annual%20Report%202019%202020.pdf>
- Bennoune, K. 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
- British Council. (2021). *Time to Act: How lack of knowledge in the cultural sector creates barriers for disabled artists and audiences. Initial findings*. Available at: <https://www.ietm.org/en/themes/article/time-to-act-report-preliminary-findings-published>
- British Council (undated), *European Disability Arts Festivals* Available at: <http://www.disabilityartsinternational.org/resources/toolkits/european-disability-arts-festivals/>.
- Broderick, A. and Ferri, D. (2019) *International and European Disability Law and Policy: Text, Cases and Materials*. Cambridge University Press, Cambridge, 2019.
- Central Statistics Office (2017). *Profile 9 - Health, Disability and Carers*. Accessible at: <https://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile9-healthdisabilityandcarers/>
- 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>.
- Council of the European Union. (2018). *Work Plan for Culture 2019-2022*, Brussels, 15 November 2018.

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

Gentry, A. (2021). *UK Disability Arts Alliance 2021 Survey Report: The Impact of the Pandemic on Disabled People and organisations in Arts & Culture #WeShallNotBeRemoved*. Retrieved from <https://www.weshallnotberemoved.com/2021survey/>

Government of Ireland (2020). *Culture 2025, A National Cultural Policy Framework to 2025*.

Irish Human Rights and Equality Commission (IHREC) (2021). *Annual Report 2020*. Dublin: IHREC. Available at: <https://www.ihrec.ie/irish-human-rights-and-equality-commission-annual-report-2020-published/>

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

UN Committee on the Rights of Persons with Disabilities (2018), General comment No. 6 (2018) on equality and non-discrimination CRPD/C/GC/6. Available at: <https://www.ohchr.org/en/hrbodies/crpd/pages/gc.aspx>

UN Committee on the Rights of Persons with Disabilities (2018) General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention. CRPD/C/GC/7. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnbHatvuFkZ%2Bt93Y3D%2Baa2pjFYzWLBu0vA%2BBr7QovZhbuyqzjDN0plw eYI46WXrJJ6aB3Mx4y%2FspT%2BQrY5K2mKse5zjo%2BfvBDVu%2B42R9iK1p>

United Nations (2019), *Report of the Special Rapporteur on the rights of persons with disabilities* General Assembly 74th Session.