Access to cultural life for people with disabilities

SUMMARY

Despite the additional barriers they face, artists with disabilities make a creative contribution to cultural life. People with disabilities should also have equal access to works of art and be able to enjoy cultural life on a par with all citizens.

The United Nations (UN) Convention on the Rights of People with Disabilities entered into force in 2011. It enshrined, among other rights, the right of people with disabilities to access cultural venues such as theatres, cinemas and museums, and to enjoy cultural materials, books, films and music in an accessible format. It also highlighted the right of people with disabilities to participate in cultural life as both amateur and professional artists. The European Union, party to the Convention, is committed to working on legislation, and implementing and promoting programmes and actions in favour of these rights.

The EU disability strategy is a step in this direction. It also covers the cultural rights of 80 million people with disabilities in the EU. According to a public consultation on disability issues carried out in accordance with the recommendations of experts from the Member States working on access to culture, such access is an important area that the EU should address. Various EU funds contribute financially to research and innovation, cultural and infrastructure projects, and programmes promoting the right to cultural life of people with disabilities within this framework.

In October 2018, the EU also ratified the Marrakesh Treaty, administered by the World Intellectual Property Organization, to facilitate access to published works for people who are blind, visually impaired, or otherwise print disabled. The EU effectively became a party to the treaty as of 1 January 2019, committing to set mandatory limitations and exceptions for the benefit of the blind, visually impaired, and otherwise print disabled.

The European Parliament and its Disability Intergroup, established in 1980, promote the rights, including the cultural rights, of people with disabilities.
Cultural rights of people with disabilities

Not everyone has equal access to culture either as a consumer, or as an amateur or professional contributor. People with disabilities can face particular barriers owing to the inaccessibility of cultural premises, venues or content. People in wheelchairs cannot attend a concert if the only way into a hall is up a flight of stairs; blind people cannot appreciate exhibits in a museum if there are no descriptions in accessible audio or electronic format or in Braille print; and a deaf person cannot enjoy a film in a cinema if there is no subtitling or sign-language interpretation.

These barriers persist even though the EU is party to the UN Convention on the Rights of People with Disabilities (CRPD), adopted in 2006 and in force since January 2011. Under the convention the EU is committed to ensuring and promoting the full realisation of all human rights for all people with disabilities through the adoption of new legislation, policies and programmes and the review of existing measures. Article 30 enshrines the right of people with disabilities to participate in cultural life: including access to cultural materials in accessible formats, television programmes, films, theatre and other cultural activities in accessible formats; cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, monuments and sites of national cultural importance. It also establishes the right of people with disabilities to develop and utilise their creative, artistic and intellectual potential, as both amateur and professional artists, and to have their linguistic and cultural identities recognised and supported – sign language for instance. To this end it is necessary 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’. The Marrakesh Treaty was adopted in 2013 to set mandatory limitations and exceptions to intellectual property rights for the benefit of the blind, visually impaired and otherwise print disabled. The EU ratified the treaty in October 2018 and became party to it as of 1 January 2019.

Cultural life of people with disabilities

Statistics

Although Article 31 CRPD focuses on the need to collect appropriate information and statistical and research data to formulate and implement policies on the inclusion of people with disabilities, there is still a lack of data on the subject, particularly on access to culture. According to the Commission, 80 million people in the EU are affected by a disability (‘long-term physical, mental, intellectual or sensory impairment’) to some degree. As the population is ageing, the figure is expected to grow: by 2020, one-fifth of the EU population is expected to have some form of disability.

The EU’s statistical office Eurostat reports that one in seven people between the ages of 15 and 64 has difficulties with basic activities, such as walking (4.2% of women, 3.4% of men), seeing (2.1% of women, 1.8% of men) or hearing (1% of women, 1.3% of men). Meanwhile, just 1%-5% of literature is accessible to blind and visually impaired people. These three categories (blind and partially sighted people (estimated at 30 million by the European Blind Union); wheelchair users (estimated at 5 million) and deaf people (750 000 sign-language users according to the European Union of the Deaf) constitute almost half the whole population of people with disabilities.

The needs of people with disabilities are not yet covered by EU statistics. The March 2012 Flash Eurobarometer on accessibility does not include any data on access for wheelchair users, interpretation in sign language, or audio description for visually impaired people, or on the cultural consumption and habits of people with disabilities. The European Blind Union conducted a survey on access to culture in 2012. The results revealed that people with visual disabilities have poor access to culture. The authors noted that little had been done across the EU to facilitate museum access for the blind, partially-sighted, deaf or hard of hearing, or for people with learning difficulties.
Measures to promote participation in and access to culture

In 2010, the European Commission adopted a communication ‘European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe’ that addressed participation in culture among its objectives and committed to considering an accessibility act. The Commission undertook to work to improve the accessibility of cultural organisations, activities, events, venues, goods and services, including audiovisual services, for people with disabilities, their participation in such events, as well as possible uses of exceptions to the Copyright Directive. The Commission’s staff working document accompanying the communication proposed specific actions to implement the strategy. These included: cross-border transfer of copyright works in an accessible format, accessibility of the interface and contents of Europeana (the European public digital library) for people with disabilities; and consideration of accessibility criteria in the context of the ‘European Capitals of Culture’ award. The latter evolved in 2015 into the European Access City Award (the 2020 award was given to Warsaw, Poland). In 2018 – European Year of Cultural Heritage – special awards for accessibility of cultural heritage were granted to Viborg (Denmark) and Monteverde (Italy).

In 2017, the European Parliament and the Council adopted Directive (EU) 2017/1564 on certain permitted uses of certain works protected by copyright for the benefit of persons who are blind, visually impaired or otherwise print-disabled, implementing the Marrakesh Treaty. A regulation on the cross-border exchange between the EU and third countries of accessible format copies of certain works protected by copyright for the benefit of blind, visually impaired or otherwise print-disabled people was also adopted. Although these acts resolve major legal issues, technical issues relating to the lack of works available in a proper format have still to be addressed.

The European Accessibility Act, an EU directive adopted in March 2019, sets out rules on products and services accessible to people with disabilities and functional limitations, including electronic devices, websites and audiovisual media services. It addresses access to audiovisual media services such as broadcast television and related consumer equipment, TV equipment related to digital television services, e-books, and e-commerce (important for purchasing tickets for cultural events). The 2015 impact assessment accompanying the Commission’s original proposal included information gathered during public consultations on access to cultural life by people with disabilities (respondents were asked which goods and services should be given priority in relation to accessibility for people with disabilities and for the elderly – see Table 1).

Table 1 – Barriers to access

<table>
<thead>
<tr>
<th>Barriers to access/according to</th>
<th>Information and communication</th>
<th>Transport and mobility</th>
<th>Built environment</th>
<th>Culture/leisure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisations (industry, NGOs and public bodies)</td>
<td>39 %</td>
<td>36 %</td>
<td>27 %</td>
<td>8 %</td>
</tr>
<tr>
<td>Citizens</td>
<td>16 %</td>
<td>33 %</td>
<td>20 %</td>
<td>6 %</td>
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</tbody>
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The impact assessment is in line with the recommendations of a 2012 report of a working group of EU Member States’ experts on better access to and wider participation in culture. They recommended cooperating with organisations representing people with disabilities in order to address this issue, listing culture as a fifth key area where accessibility problems needed to be addressed. Access to culture is also affected by information, mobility and the practical design of cultural venues.
European Parliament

The Disability Intergroup of the European Parliament (with the European Disability Forum (EDF) acting as its secretariat) has been defending the rights of people with disabilities since 1980. The Intergroup has contributed to Parliament’s legislative work and resolutions on relevant issues, such as the September 2015 resolution on an integrated approach to cultural heritage.

In its 2016 resolution on the implementation of the CRPD, Parliament recognised that a disproportionate number of people with disabilities were left out of digital developments, missed information and could not access important services. It also stressed the right to full access to cultural performances and to audiovisual and other works with suitable subtitles or audio descriptions for people with disabilities.

EU-funded projects

EU funding programmes co-finance and promote projects centred on access to cultural life for people with disabilities. In 2016 the EU disability card was piloted in eight Member States: the card offers people with disabilities equal access and mainly free admission to cultural venues, a visual and audio guide, sign language tours and information geared towards the visually impaired, thus helping to overcome financial and physical barriers.

The European structural and investment funds help to improve physical access to cultural sites and buildings. This is particularly important for old theatres or museums that need to adapt to the needs of wheelchair users.

The Horizon 2020 programme co-funded the Arches project on translation software and sign language avatars. It allows deaf people to access information on works of art exhibited in museums using a computer database and animated sign language avatars.

The EU’s Creative Europe programme co-funded the Audience Blending by Arts project and its Sign and Sound Theatre project, which enables audiences and artists with or without disabilities to enjoy the same cultural experience. It also co-funds the Europe Beyond Access project, supporting disabled artists who face additional barriers on their professional journey. Last but not least, Towards Creative Inclusion in Adult Education is an Erasmus+ co-funded project that looks for examples of best practice in education policy regarding inclusive arts and guidelines for educators and arts practitioners. It is developing an inclusive arts education knowledge centre.