

Cultural Rights in Ireland: A Joint submission to ICESCR: Equality and Rights Alliance and Blue Drum

Article 15 of the ICESCR sets out States Parties obligations regarding cultural rights:

1. The States Parties to the present Covenant recognize 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.

The Irish State's third periodic report under ICESCR usefully focuses on work being done across various public sector bodies in pursuance of these rights to promote respect for cultural diversity and the identities of minority ethnic groups (including Travellers) and migrants. However, investment in any form of integration strategy based on such respect has ceased over recent years. Beyond this narrow, albeit important, focus on respect for the cultural diversity of minority ethnic groups, the Government report uses a narrow interpretation of cultural rights. It limits those rights to the consumption of and access to cultural products (arts and cultural events, libraries etc). This is an inadequate understanding of the breadth of the right to 'take part in cultural life' and highlights the need for a systemic shift in mind in State thinking that the arts can be a significant place where some individuals and communities discover a place to participate meaningfully in society.

The UN Committee on ESC rights, following deliberations on the scope and meaning of "cultural life" in Art 15, concluded : "*Culture is no longer an expression of knowledge or demand for recreational activities as consumer goods, but reflects a way of being and feeling, in short, the community's way of life and thought.*"¹ Article 15 must also be read with reference to Article 1 of ICESCR which states that "*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.*" The concept of 'self-determination' is an important element in promoting, respecting and fulfilling cultural rights. Self-determination focuses on the capability to have agency over the creation and production in one's cultural life rather than just consumption. It raises the issue of having the capability to directly shape the way one takes part in cultural life.

Within the restricted focus on cultural rights, adopted at national level, important questions arise; who is 'culture' for? What groups create culture and participate in cultural life? All the evidence presents a stark picture of significant barriers to participation for disadvantaged groups and a failure to remove these barriers.

¹ E/C.12/1992/SR.17, General Discussion on the Right to Take Part in Cultural Life as recognized in Article 15 of the Covenant, 11 December 1992

Two seminal national reports on access to the arts and culture in Ireland were published in 2007 and 2008.² A key finding from the 2008 study was that people with lower educational attainment and from lower socio-economic groups are “many times less likely” to participate in arts and cultural events in Ireland than people from higher socio-economic groups, despite equivalent levels of interest across groups (inclusive of events perceived as ‘high-arts’ and as well as more mainstream such as film and music).³ The 2007 study raised important questions regarding the lack of available data on the allocation of exchequer funding to address cultural inclusion and a lack of data to determine whether the spend in this regard was effective. The report notes: “*Apart from not knowing even in broad terms the relative sums of public money allocated to cultural inclusion, there is also extremely limited evidence relating to the impact of such funding.*”⁴

The main funding source for the Department of Arts, Heritage and the Gaeltacht is the revenue raised by the National Lottery.⁵ National Lottery funding also provides about 90% of State funding to the Irish Arts Council. Lottery revenue is gathered disproportionately from lower socio-economic groups. From the available data it is almost certain that the substantial public money spent on the arts is regressive meaning it is a transfer of resources from the less well off to the better well off.

The dominant arts and culture discourse and State-supported practice largely excludes disadvantaged and marginalised communities and is seen by those communities as having little relevance to their lives.⁶ This results in a denial of cultural rights for these communities and groups in Irish society. The Government must therefore address how it has committed resources to stimulating and supporting an arts and culture discourse and practice that includes marginalised communities, that engages the creativity of these communities, and that enables these communities to have control over how they participate in cultural life. This has not been addressed in the Irish State’s third periodic report under ICESCR.

Community arts in Ireland are now a well-established and growing aspect of EU and global cultural life, reflecting an increasing concern about inclusiveness and equality. While there is a wide diversity of understanding of this term, in the public and voluntary sector it is understood as working with others (artists and non-artists) to bring about social and cultural change. Community arts have a key role in empowering and recognising the capacity of people to create wider and deeper well being. It is about supporting communities to express and explore their situation collectively.

During the 1980s and 1990s community arts practice evolved in areas of disadvantage through: youth services, the Community Development Programme, family supports, and the Drugs Task Force. In the early 1990s, the Combat Poverty Agency integrated community arts practice and developed imaginative and wide-ranging policies and programmes to address poverty at local, regional and national level. However, these areas have seen significant cuts in recent years. This has diminished the practice of community arts and served as a barrier to these communities exercising their cultural rights. The funding to the Community

² Lunn and Kelly (2008) “In the Frame or Out of the Picture: A Statistical Analysis of Public Involvement in the Arts” commissioned by the ESRI. And National Economic and Social Forum- NESF (2007) “The Arts, Cultural Inclusion and Social Cohesion” . NESF report No. 35: Dublin

³ IBID pg 13

⁴ NESF (2007) op cit pg x

⁵ Irish Government. December 2013. Revised Estimates for Public Expenditure. Dublin: The Stationary Office p. 228, Appendix 1

⁶ See for instance the Witness Statements to the Dáil Committee on Utilising the Arts to Combat Disadvantage (2012). For example, “Large swathes of our society do not engage because they do not believe that they have a right to the State’s resources.” (Quote by Liz Meaney, Arts Officer, Cork City Council).

Development Programme has been reduced by 35%; from €84.7million in 2008 to €55.3million in 2012. The Family Resource Centres are funded through the Family Support Agency, which has seen its budget reduced by 17%; from €36 million in 2008 to €29.8 million in 2012.⁷ Youth services that deliver significant cultural work to disadvantaged young people have also been cut by 33% since 2008.⁸ It should be pointed out that these cuts are disproportionate when compared to cutbacks in the wider public sector. At local government level, while the existence of local arts officers and arts centres has the potential to widen access to the arts, the data show that awareness is also heavily skewed towards those in more advantaged groups.⁹ Hence, at present, these components of the arts infrastructure reflect, rather than counter, the bias towards the better-off.

Despite the level of informal support, community arts have not been adopted as a domain for policy in Ireland. To this end the Department of Arts, Heritage and the Gaeltacht and the Arts Council have taken no positive actions to combat disadvantage in the Arts. It has blocked any attempt to adopt this practice in its policy. There is an absence of a nationally coordinated response to policy-making or resource allocation to supporting and developing the practice of community arts and the realisation of cultural rights of communities. The current Minister for Arts, Heritage and the Gaeltacht has stated that “*much of the programmes aimed at community arts fall outside the remit of this Department and the Arts Council.*”¹⁰

Community arts remains marginalised within the mainstream institutions for arts and culture. It remains excluded from the mainstream resource channels for arts and culture. There is no human rights and equality proofing mechanism applied to policy or the allocation of resources by public bodies (including, for example, the Arts Council and local authorities) that control the development and resourcing of culture and the arts at national and local level. While a dedicated Dail Committee on Utilising the Arts to Combat Disadvantage sat in 2012, to-date no report has issued.¹¹ The distance then, and now, between aspiration and action is unacceptable.¹²

In summary

We contest the fitness of our cultural system for action in the area of utilising the arts to combat disadvantage; there are systemic problems with the way arts funding is delivered at Department of Arts, Arts Council and Local Authority levels.

- Cultural rights are denied to the most marginalised and disadvantaged groups in Irish society;
- Barriers to access arts and culture as consumers are significant and have not been addressed;
- The opportunity to create arts and culture has been limited, and to better resourced groups and communities, and is increasingly restricted;

⁷ Harvey, Brian (2012) “Downsizing the Community Sector: Changes in employment and services in the voluntary and community sector in Ireland, 2008-2012” for the Irish Congress of Trade Unions, Dublin. pg 12

⁸ National Youth Council of Ireland (*October 2013*) Budget 2014: “Further Hardship for Young People. Post Budget Analysis. Comhairle Náisiúnta na nÓg; Dublin p. 3.

⁹ NESF and ESRI (February 2008) In the Frame Out of the Picture Seminar Report. Dublin: NESF pp. 11,25. available to download here: http://files.nesc.ie/nesc_archive/nesc_seminar_series/NESF_seminar_report_1.pdf

¹⁰ Letter from Minister for Arts, Heritage and the Gaeltacht Mr Deenihan TD, to community arts organisation Blue Drum dated 4 March 2014 in response to the Community Culture Strategy, which looked to renew, refresh and reinvent Community Arts. The full strategy is available to download here http://issuu.com/bluedrum/docs/pamphlet_10_community_culture (Accessed 10 June 2014.)

¹¹ As of June 2014

¹² Submission by Blue Drum Community Art project to the Oireachtas Committee on Arts and Disadvantage 2012

- Community arts practice has been marginalised and remains without resources and without a policy framework;
- Public bodies with responsibility for arts and culture need to apply equality and human rights impact assessments in their policy-making and resource allocation;
- The Irish Government must reinvest in locally based community initiatives that provide the key settings for community arts practice and reverse the cuts in funding that have compromised Family Support, Local Development and Youth Service programmes.