

## **Conference Review: Culture and Inclusion: Reflections on the conference “Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths”, 19-20 June 2025**

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## Abstract

This review offers a critical account of the final conference of the DANCING project titled “Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths”, funded by the European Research Council (ERC) and led by PI Delia Ferri. The conference was held at Maynooth University in June 2025. The event brought together scholars, policymakers, and practitioners to reflect on the project's findings and discuss future directions in disability, culture, and European Union (EU) law. Central themes of the conference included accessibility, the intersection of disability rights and cultural diversity, and the role of EU legal and policy frameworks in fostering cultural participation of persons with disabilities. Discussions addressed key barriers that persons with disabilities face in accessing culture, including under-enforced legal frameworks, insufficient support for inclusive practices, and fragmented implementation of EU instruments such as the Marrakesh Directive and the European Accessibility Act. This review highlights DANCING's scholarly contributions in reconceptualising accessibility through arts-based and participatory legal research, particularly the notion of 'embodied accessibility' developed through inclusive dance practice. It also explores how cultural diversity, recognised as a constitutional value in EU law, requires the meaningful inclusion of persons with disabilities as both consumers and creators of cultural expression. Legal developments concerning sign languages, Braille, and access to printed materials are assessed in this context. By reviewing key contributions and debates from the conference, this article demonstrates how the rights of persons with disabilities must be placed at the centre of EU cultural governance and integration efforts. It concludes by emphasising the need for deeper engagement with the Convention on the Rights of Persons with Disabilities (CRPD), stronger enforcement of accessibility obligations, and greater recognition of the role of persons with disabilities in enriching European cultural life.

**Keywords:** disability, cultural participation, accessibility, European Union law, cultural diversity

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## Conference Review: Culture and Inclusion: Reflections on the conference “Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths”, 19-20 June 2025

### Introduction

The final conference of the DANCING project took place at Maynooth University, Ireland, on 19–20 June 2025. Led by Delia Ferri, the five-year ERC-funded project explored how EU law can better

safeguard the cultural participation of persons with disabilities and promote cultural diversity. The current context for cultural participation by persons with disabilities is deeply concerning, as a large proportion of persons with disabilities in the EU remain excluded from cultural life. Existing data highlights significant gaps in cultural participation for persons with disabilities, with several notable outliers (Eurostat, 2024). The benefits of cultural participation are manifold, including improved personal wellbeing and an enhanced sense of community belonging (European Commission, 2021, p. 20; OECD, 2022, p. 43). The latter underpins EU cultural policy, whose central aim is to foster social cohesion and a shared sense of belonging to the Union. This resonates with public opinion, as the Eurobarometer indicates that 87% of EU citizens believe culture should play a very important role in the EU so that “citizens from different Member States can feel more European” (European Commission, 2024).

The project addressed both active (e.g. as artists) and passive (e.g. as audiences) cultural participation (Romainville, 2015; Ferri and Leahy, 2025b, p. 10). Its case study – dance – symbolised the project's emphasis on active participation, particularly the involvement of persons with disabilities as performers (Ferri, 2025; Ferri and Leahy, 2025a). The project was organised in four work packages (WP). WP1 comprised an “experiential component” focusing on empirical research into the facilitators and barriers of cultural participation (DANCING Project, 2025). This included semi-structured interviews with representatives of umbrella national organisations of persons with disabilities (OPDs), national organisations of deaf people, and cultural organisations in 27 EU countries and the United Kingdom (Ferri, Leahy, 2025b, p. 12), followed by a focus group. Additionally, WP1 included arts-based research aimed at identifying facilitators and barriers to the participation of performers with disabilities in developing and executing a dance performance (Feenish Productions Ltd, 2024). The dance case study was used to explore accessibility and develop an “embodied understanding of accessibility”, which underscores that accessibility should be inherent to the artistic performance and, as such, requires adapting or reshaping it in a collaborative and iterative manner (Ferri, 2025a).

WP2 – the normative component of the project – focused on exploring the connection between cultural participation of persons with disabilities and cultural diversity (DANCING Project, 2025). This WP included interviews with key informants at the EU level, particularly representatives of umbrella OPDs and umbrella organisations of cultural producers, artists, and cultural industries, followed by a focus group involving persons with disabilities and legal scholars to discuss legal and policy responses to barriers in cultural participation. The legal and empirical components of the research were closely interlinked: doctrinal analysis of hard and soft EU law, the jurisprudence of the Court of Justice of the EU, and relevant international legal instruments was conducted in parallel with interviews and focus groups, allowing for a multidimensional understanding of barriers to cultural participation. Therefore, throughout the project, Ferri and her team employed a multidisciplinary and participatory approach, as showcased above, which is uncommon in legal studies and thus adds significant novelty to legal scholarship.

The final conference drew on the project's substantial evidence base to discuss future research, policy and practical measures to improve the cultural participation of persons with disabilities. The following sections are organised based on broad themes discussed at the conference. This review does not present a detailed description of the conference and all discussions, which can be found in

the publicly available conference report (Stefanovic, Ferri and Krolla, 2025). The author was employed as a research assistant during the final phase of the DANCING project.

### **Disability research and accessibility**

In the initial sessions, the project Principal Investigator Delia Ferri and Ann Leahy presented DANCING research outputs and discussed the barriers that persons with disabilities face in participating in culture in the EU. These barriers include the lack of effective law enforcement and policy implementation in EU Member States, the lack of accessibility, issues with funding and service provision, the insufficient participation of persons with disabilities in cultural organisations, and negative attitudes, all of which are dissected in detail in the seminal book by the two academics (Ferri and Leahy, 2025b). Discussants predominantly held a view that law and policy frameworks on accessibility and cultural participation in EU Member States are relatively well developed, but they often remain unenforced for various reasons. The limited effectiveness of regulatory frameworks suggests that researchers on the rights of persons with disabilities should go beyond “black letter” analyses and embrace empirical and especially participatory methodologies.

One of the major broad topics of the conference was accessibility. Ferri advances the understanding of accessibility in legal scholarship through her socio-legal arts-based research by formulating an “embodied understanding of accessibility” (Ferri, 2025). Such an approach encompasses three inherent facets: accessibility as respect for difference, accessibility as collaboration and care, and accessibility as layered complexity. Although this conceptualisation arises specifically from Ferri’s arts-based research on inclusive dance performance, it has broader relevance across all spheres of life. This multilayered notion is significant for understanding accessibility as a human rights principle and as a legal obligation for both states and private actors (Ferri, 2025), with the potential to influence the interpretation and implementation of Article 9 CRPD. One of its major strengths is that it moves away from an individualistic approach to the rights of persons with disabilities and emphasises their relational and collaborative dimensions, which lawyers often overlook (Beckett, 2025, p. 17). Additionally, as Garcia Iriarte pointed out, accessibility of artistic processes – a focal point of the DANCING project – is often overlooked both in research and in artistic practices. The project and the conference thus contributed to enhancing the visibility, awareness and prominence of accessibility within artistic processes, which is a matter that is rarely discussed, especially in the legal scholarship. Scholarship on arts and culture on the island of Ireland has addressed the accessibility of artistic processes and performances, including through dance (Gibson, 2019; Kelly, 2023), signifying an increased interest in this topic.

Direct involvement of persons with disabilities in legal research – for example, as key informants or focus group participants – reveals that legal reforms meticulously theorised by academics and professionals often do not have a positive impact on the quality of life of persons with disabilities as everyone would hope. As research from Northern Ireland demonstrates, when the experiences of disabled artists are methodologically centred, deeper structural and cultural challenges can be addressed more meaningfully (Kelly, 2023). This is a call to legal researchers to explore these limitations and rethink the role of existing legal frameworks within the context of the CRPD paradigm shift (Kanter, 2006; Kayess and French, 2008), including in relation to accessibility. Such a stance resonates with Angharad Beckett’s (2025) call for a more critical legal scholarship that moves beyond

individualistic liberal ideologies, particularly given that disability law scholarship has profound implications for the development and implementation of international law. While accessibility remains a core concern of the DANCING project, it is closely intertwined with the broader objective of promoting cultural diversity. The next section examines how cultural diversity is positioned within EU law and policy frameworks, and why the participation of persons with disabilities is essential to its realisation.

### **Cultural Diversity and Persons with Disabilities**

Cultural diversity is embedded in the EU's constitutional fabric, including the founding treaties and the EU Charter of Fundamental Rights. Additionally, the EU is party to the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions (UNESCO, 2005) since 2006, which sets out obligations to protect and promote cultural diversity. This makes cultural diversity one of the core values of the EU, a horizontal matter in the implementation of EU law, and a staple of EU cultural policy whose underlying goal is to increase the legitimacy of the EU integration project (Calligaro, 2014). Therefore, obstacles to the cultural participation of persons with disabilities have far-reaching consequences that go beyond the violation of rights of individuals and groups with disabilities, as it undermines the very process of the EU integration. Persons with disabilities enrich cultural expression through their participation as artists, creators, and performers.

On a similar note, Eva Sophie Krolla argued that Braille is part of the EU's intangible cultural heritage, and reaffirmed the multifaceted roles of Braille, including its role in the identity development of individuals and groups (Beudaert, 2024). Evangelia Psychogiopoulou built on that calling for the exploration of Braille as a form of cultural expression that should be protected and promoted in the EU and falling within the scope of the above-mentioned UNESCO Convention on Cultural Diversity. Likewise, the formal recognition of sign languages across the EU is a necessary first step toward the recognition of their users as a linguistic minority within the EU. The formal recognition of such a status is gradually developing (Ferri, Tekuchova and Krolla, 2024), as evidenced by a series of European Parliament resolutions, including the 2016 resolution on sign languages and professional sign language interpreters (European Parliament, 2016). While cultural diversity is enshrined in the EU's constitutional values, its practical realisation depends on how EU law, funding instruments, and governance mechanisms are designed and operationalised. The next section examines the limits of EU competence in cultural matters, and how different funding instruments and other tools can support the inclusion of persons with disabilities in cultural life.

### **EU Law, Cultural Governance, and Funding Tools**

The conference dedicated a significant portion of discussions to the matter of EU law and cultural governance regarding the cultural participation of persons with disabilities. This included topics such as the impact of EU accessibility law on the law of the Member States and the Eastern Partnership countries, EU funding for culture, and the Marrakesh Treaty's impact and its limitations in the EU. The EU's competence in culture is limited, which means that the EU cannot adopt legislation in the sphere of culture, but can support, coordinate or supplement cultural actions of Member States, in accordance with Article 2(5) and Article 6 of the Treaty on the Functioning of the EU (TFEU). For

instance, through the Creative Europe programme adopted on the basis of Article 167(5) TFEU the EU co-finances transnational cooperation projects, European networks and platforms, mobility schemes for artists and other cultural actions (European Parliament and the Council, 2021). Apart from the supporting competence, the EU can and does influence cultural policies of Member States via its regulatory competence in the internal market (Psychogiopoulou and Schoenmaekers, 2024, p. 2; Ferri, 2023). Additionally, the EU can support Member States in combating discrimination, based on Article 19 TFEU (as explained by Bruno de Witte), which can be used to address discrimination against persons with disabilities in accessing culture.

The current EU Multi-Annual Financial Framework reinforced the duty of Member States to use European Structural and Investment (ESI) Funds, including through the existence of horizontal enabling conditions to align their spending with the CRPD. The existence of horizontal conditionalities, however, is not a guarantee that the Member States will not spend EU monies on actions contrary to the CRPD. I have argued elsewhere that the existence of enabling conditions that incite alignment with the CRPD is of little use if the interpretation of the CRPD applied by the EU institutions and EU Member States does not follow the rules of human rights interpretation and the Vienna Convention on the Law of Treaties (Stefanovic, 2023).

A similar view is upheld by Bernardo Cortese, who argued that the enabling conditions have broadly shown to be an ineffective tool, even in cases where a Member State is a perpetrator of serious human rights violations. Instead, he argued, the largest potential in convincing Member States (as well as Eastern Partnership countries) to comply with the CRPD, including in the sphere of culture, lies in the strengthening of civil society organisations (CSOs) and organisations of persons with disabilities (OPDs) that would push for CRPD implementation. Conversely, Iryna Tekuchova argued that EU technical assistance and conditionalities related to funding and internal market alignment have been comparatively more significant factors in the transfer of EU disability law (including the CRPD) to Ukraine than the EU support for CSOs and OPDs. The case of Ukraine, however, should be further explored and understood in the light of its evolving relationship with the EU amid the ongoing Russian–Ukrainian war.

One domain where the interaction between EU law and cultural accessibility becomes particularly visible is access to printed materials. The next section discusses recent developments and limitations in this field, including the role of Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, ratified by the EU (Council, 2018), and the European Accessibility Act (European Parliament and the Council, 2019).

### **Improving access to printed materials**

One of the key factors for increasing cultural participation is the accessibility of printed materials. While the Marrakesh Treaty and its implementation in the EU via the Marrakesh Directive and Regulation (European Parliament and Council, 2017a; 2017b) were widely welcomed, persistent shortcomings limit their effectiveness. These include a narrow personal scope that does not cover persons with cognitive or intellectual disabilities and a restricted material scope that applies only to certain works (Ferri, 2024). Ferri notes that the entry into force of the European Accessibility Act, has partially addressed these issues, as it obliges e-book providers to ensure accessibility for

persons with disabilities in all their diversity. However, complex interactions with older EU legislation, notably the InfoSoc Directive (European Parliament and the Council, 2001), risk undermining broader access. The Marrakesh Directive permits limited national compensation schemes, creating uncertainty and fragmentation across Member States.

Despite its shortcomings, Ferri found that the Marrakesh Directive has contributed to improved access to works by persons with disabilities (2024). Ciaran Finlay and Lina Kouzi confirmed the positive impact of advanced EU law on domestic Irish legislation and practice, particularly in the spheres of accessibility, including the availability of accessible printed materials and web accessibility. Experts and academics participating in the conference held varying views on how to improve the Marrakesh Directive, ranging from limited amendments to completely repealing the Directive, and aligning with the social model of disability. Further improvement of the EU legal framework, including interventions on the Marrakesh Directive, would contribute to a wider access of written works by people with disabilities. Beyond regulatory frameworks and access to cultural goods, the DANCING project also engaged directly with cultural production. The final thematic section turns to inclusive artistic performance and explores how accessibility can be embedded into the creative process itself.

### **Inclusive Artistic Practice and Representation**

As part of the conference, a roundtable showcased the project's inclusive opera concert and a dance performance as innovative approaches to research. While this concert served as a participatory exercise to embed accessibility and participation of artists with disabilities (Krolla and Ferri, 2023), the inclusive dance served as a method in socio-legal research undertaken with a participative and arts-based approach. Both however aimed to provide an example of good practice for other cultural organisations and dance groups in developing inclusive performances, and a clear demonstration that accessibility must be embedded in the creative process from its outset.

Earlier research by Gibson (2019) suggests that, due to low awareness among the media and the public, artistic performances featuring artists or performers with disabilities should be accompanied by effective communication strategies. Gibson explains that otherwise, media may focus solely on the disability, thereby undermining the artistic and performative prowess of the performers. This, in turn, can result in misrepresentation and diminish the enjoyment of performers with disabilities. This illustrates that inclusion in the cultural sphere should not rely solely on participation, but should also encompass how performances are communicated, received, and framed within broader public discourse.

### **Conclusion**

The conference reflected on project outcomes and advanced discussions on inclusive cultural policy. It offered both a reflection on the project's outcomes and a forward-looking discussion on advancing inclusive cultural policy through legal reform, participatory research, and innovation in the cultural sector. The conference reaffirmed that accessibility of culture is not merely a technical matter, but a multi-dimensional process embedded in all stages of cultural production and participation. The project's contribution to developing an "embodied understanding of accessibility" challenges legal

and cultural institutions to rethink their roles in promoting inclusion. It also underscored the limitations of existing EU legal frameworks and the need for stronger enforcement and greater cross-national learning. By linking cultural participation to EU integration and cultural diversity, the conference placed the rights of persons with disabilities at the centre of Europe's cultural future. Its findings will inform academic, policy, and organisational practices. In particular, Ireland is well-positioned to play a leading role in this area, with strong academic expertise and well-organised OPDs providing a solid foundation for further progress in inclusive cultural governance.

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