

Open Up Museums!

Prospects and Challenges of Accessibility, Diversity and Inclusion

Edited by

Giulia Dore and Marta Arisi



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A HUMAN RIGHTS APPROACH TO ACCESSIBILITY FOR VISITORS WITH DISABILITIES IN MUSEUMS. REFLECTIONS FROM THE DANCING PROJECT

Léa Urzel Francil, Ann Leahy and Delia Ferri

Introduction

It has been recognised by the former Special Rapporteur in the field of cultural rights, Karine Bennoune, that cultural participation has potential to build mutual understanding and trust and that it is essential to achieve a range of human rights goals.¹ Most recently, the newly appointed Special Rapporteur, Alexandra Xanthaki, has highlighted that ‘culture is a positive element and a positive drive for the realization of human rights’.² She has also emphasised that the recognition and pro-

* This contribution has been written within the remit of the project ‘Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths – DANCING’, funded by the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (Grant Agreement No. 864182). The contribution has been written in early 2023 and includes legal developments up until March 2023.

1 United Nations Human Rights Council (UNHRC), “Report of the Special Rapporteur in the Field of Cultural Rights: Note by the Secretariat”, (4 January 2018) A/HRC/37/55 <<https://digitallibrary.un.org/record/1473375?ln=en>>, accessed 06 November 2023.

2 UNHRC, “Cultural Rights: An Empowering Agenda: Report of the Special Rapporteur in the Field of Cultural Rights, Alexandra Xanthaki”, (22 March 2022) A/HRC/49/54, para 10 <<https://digitallibrary.un.org/record/3982215?ln=en>>, accessed 06 November 2023.

tection of cultural rights is thus ‘a tool of affirmation of one’s identity and ultimately a tool of empowerment’.³

The right to participate in cultural life involves the protection of the right of everyone to access, participate in, and enjoy cultural goods and services and heritage. It is provided for in a number of international human rights treaties.⁴ Among them, Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic Social and Cultural Rights (ICESCR) explicitly and in a general fashion articulate the right to culture. With regard to persons with disabilities, the United Nations Convention on the Rights of Persons with Disabilities (hereafter, ‘CRPD’ or ‘the Convention’)⁵ recognises the right to cultural participation in its Article 30. This provision imposes several obligations on States Parties, including that of ensuring accessibility of cultural goods, services, institutions, and heritage, for persons with disabilities.

In spite of such widespread recognition of the right to cultural participation, it is acknowledged that people with disabilities still face numerous barriers in accessing culture. Xanthaki has generally argued for the need to ‘eradicate discrimination in cultural activities’.⁶ In Europe, the European Parliament has called for further action to improve access for people with disabilities to cultural activities and infrastructures, and for more work towards removal of existing barriers.⁷ In a similar vein, the

3 Ibidem para 13.

4 Delia Ferri and others, “Implementing the Right of People with Disabilities to Participate in Cultural Life across Five European Countries: Narratives and Counter-narratives” (2022) 14 *Journal of Human Rights Practice* 859, 860, citing Elsa Stamatopoulou, *Cultural Rights in International Law: Article 27 of the Universal Declaration of Human Rights and Beyond* (Martinus Nijhoff 2007); Mylène Bidault, *La Protection Internationale des Droits Culturels* (Bruylant 2009); Pok Yin S. Chow, “Cultural Rights” in Christina Binder and others (eds), *Elgar Encyclopedia of Human Rights* (Edward Elgar Publishing Limited 2022).

5 United Nations Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD).

6 UNHRC, A/HRC/49/54 (n 2) para 7.

7 European Parliament, “Report on Structural and Financial Barriers in the Access to Culture” A8-0169/2018.

Council Conclusions on the Work Plan for Culture 2019-2022 state that a stronger orientation towards the interests and needs of specific groups, including people with disabilities, is necessary to enhance access to culture.⁸ Consistent with this, the European Commission report related to the Work Plan for Culture 2019-2022 identifies the need for a renewed focus on access to culture for persons with disabilities as spectators and as artists.⁹

When it comes to museums and cultural heritage, disability issues are discussed within the remit of broader debates regarding audience development,¹⁰ or providing equal access in the context of legislation on discrimination or equality.¹¹ Contributions from a disability perspective sometimes focus on how people with disabilities are under-represented in museum exhibitions and are seldom recognised as a social minority with their own culture and identity,¹² notwithstanding how museums could operate as places where visitors could reframe what they know using a disability consciousness.¹³ Furthermore, a series of reports in a range of cultural sectors and countries evidence relatively low levels of participation of people with disabilities, and

8 Council of the European Union, "Council conclusions on the Work Plan for Culture 2019-2022" 2018/C 460/10.

9 European Commission, "Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Work Plan for Culture 2019-2022" COM (2022) 317 final, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022DC0317&qid=1656662290105>> accessed 06 November 2023.

10 Steven Hadley, *Audience Development and Cultural Policy* (Palgrave 2021).

11 Vassilios S. Argyropoulos and Charikleia Kanari, "Re-Imagining the Museum through "Touch": Reflections of Individuals with Visual Disability on Their Experience of Museum-Visiting in Greece" (2015) 9 *Alter* 130; Jonathan Rix, Ticky Lowe, and the Heritage Forum, "Including People with Learning Difficulties in Cultural and Heritage Sites" (2010) 16 *International Journal of Heritage Studies* 207.

12 Patrícia Roque Martins, "Redefining Disability in Museums: Exploring Representation" (2021) 15 *International Journal of the Inclusive Museum* 20; Amanda Cachia, "'Disabling' the Museum: Curator as Infrastructural Activist" (2013) 12 *Journal of Visual Art Practice* 257.

13 Katherine Ott, "Collective Bodies: What Museums Do for Disability Studies" in Richard Sandell, Jocelyn Dodd and Rosemarie Garland-Thomson (eds), *Re-presenting Disability: Activism and Agency in the Museum* (Routledge 2010).

ongoing accessibility issues with infrastructure.¹⁴ Museum and gallery collections have traditionally been accessed through sight and strictly without touch, making them particularly inaccessible for people who are blind or visually impaired.¹⁵ In addition, certain groups, especially people with Intellectual Disability (ID) or neurodivergent conditions, such as dementia, are thought to be at particular risk of exclusion and are under-represented in terms of navigational information design in museums and heritage sites.¹⁶ Where access to people with disabilities is catered for, most attention has been placed on physical access. In that regard, cultural heritage projects that address only physical barriers are erroneously considered to be fully accessible. Thus, a thoroughgoing approach to accessibility is often lacking within the museum sector, with access to cultural content facilitated only in limited ways, or to limited exhibitions.¹⁷ It is difficult not to agree with Weisen that inclusive design of cultural services often remains an after-thought worldwide.¹⁸ As Eardley and colleagues put it, 'despite the moral, legal and financial motivations, the majority of museum collections remain largely inaccessible to visitors with an impairment or disability'.¹⁹

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- 14 Ann Leahy and Delia Ferri, "Barriers and Facilitators to Cultural Participation by People with Disabilities: A Narrative Literature Review" (2022) 24 *Scandinavian Journal of Disability Research* 68.
- 15 Alison F. Eardley and others, "Redefining Access: Embracing Multimodality, Memorability and Shared Experience in Museums" (2016) 59 *Curator: The Museum Journal* 263.
- 16 William Renel, "Sonic Accessibility: Increasing Social Equity Through the Inclusive Design of Sound in Museums and Heritage Sites" (2019) 62 *Curator: The Museum Journal* 377; Jane Seale and others, "A Participatory Approach to the Evaluation of Participatory Museum Research Projects" (2021) 44 *International Journal of Research & Method in Education* 20.
- 17 Eardley and others (n 15); Susana Mesquita and Maria João Carneiro, "Accessibility of European Museums to Visitors with Visual Impairments" (2016) 31 *Disability & Society* 373; Argyropoulos and Kanari (n 11); Rix, Lowe, and the Heritage Forum (n 11).
- 18 Marcus Weisen, "International Perspectives on the Cultural Accessibility of People with Disabilities (European Centre for Cultural Accessibility; Art Beyond Sight)" in Jörn Berding and Matthias Gather (eds), *The Inclusive Museum – Challenges and Solutions, State of the Art and Perspectives* (Proceedings of the 1st and 2nd COME-IN! -Thematic Conferences Berichte des Instituts Verkehr und Raum, 2018) 12–17.
- 19 Eardley and others (n 15) 263–264.

This chapter is informed by the human rights model of disability, which will be discussed below, and adopts a socio-legal approach in that it focuses on analysis of law and is directly linked to the analysis of the social situation to which the law applies. In that connection, we draw on a new empirical study to shed light on the need for a more thorough approach to accessibility and inclusivity in museums. The research was conducted within the remit of the project '*Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths (DANCING)*'. Funded by the European Research Council, the DANCING project uses a combination of legal, empirical, and arts-based research to pursue three complementary objectives: experiential, normative, and theoretical. One of its aims is to identify and categorise barriers and facilitators to cultural participation experienced by people with disabilities. In particular, in this chapter, we present findings from empirical, qualitative research, mainly in the form of semi structured interviews with representatives of organisations of people with disabilities, organisations of Deaf people and organisations working on disability and arts in 28 European countries (27 European Union Member States plus the UK) as well as from a focus group conducted with people from five countries who work on accessibility in the cultural sector. While both the interviews and the focus group sought, *inter alia*, to understand what factors operate as barriers to, or facilitators of, cultural participation generally conceived of, this chapter only discusses the findings that relate to participation as audience or visitors in museums and cultural heritage.

Following these introductory remarks, the chapter is presented in five sections. We first contextualise our analysis by outlining the human rights approach to accessibility that characterises and frames the empirical study (Section 2). In doing so, we briefly examine the human rights model of disability as lens of analysis, and consider key provisions of the CRPD, with particular emphasis on its Article 9. Section 3 delineates the methods used in our empirical study, before discussing our findings in Sections 4 and 5, which focus especially on

the experiences of people with disabilities with regard to the practical implementation of access measures in museums, rather than overarching policy issues. We then present some concluding remarks.

A Human Rights Approach to Accessibility for Persons with Disabilities

This section first briefly discusses the CRPD and its core tenets. In fact, by embedding the human rights model of disability, the Convention provides the lens through which we understand barriers and facilitators experienced by persons with disabilities in museums and the heritage sector. Further, this section zooms in on accessibility, highlighting the interrelatedness of a range of CRPD provisions when it comes to cultural participation.

The CRPD and the Human Rights Model of Disability

Nearly 18 years after its adoption, the CRPD is widely regarded as a global normative standard on disability rights. As such, it is considered the primary human rights framework that must inform national disability policies. Being the first binding human rights instrument addressing specifically disability rights and the result of an unprecedented involvement of civil society in the drafting process, the Convention is in many ways deemed a ground-breaking treaty.²⁰ In this respect, it has contributed greatly to 'refram[ing] the needs and concerns of persons with disability in terms of human rights',²¹ and to clarifying 'existing international human rights law'.²²

20 Rosemary Kayess and Phillip French, "Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities" (2008) 8 Human Rights Law Review 1, 2.

21 Ibidem.

22 Gerard Quinn, "Resisting the 'Temptation of Elegance': Can the Convention on the Rights of Persons with Disabilities Socialise States to Right Behaviour?" in

The CRPD was not meant to introduce new rights, but rather to reaffirm the application of 'existing human rights to the particular circumstances of persons with disability'.²³ Participating in a revolutionary 'paradigm shift' in the way disability is approached globally, the CRPD 'brings into play a different way of seeing the reality of the lives of persons with disabilities, a different set of values with which to judge existing social arrangements and wholly new policy prescriptions to bring about improvement'.²⁴ This 'paradigm shift' implies moving away from a medical approach, where individuals with disabilities are seen as objects of charity, to a rights-based approach, where persons with disabilities are considered as subjects, as holders of rights.²⁵

Central to the Convention is the novel conceptualisation of disability it embodies. In this respect, the CRPD is underpinned by what has been termed the 'social contextual model of disability',²⁶ which centres on the interaction between the individual's impairment and social as well as environmental barriers. Although it does not articulate a fixed definition of disability, the Convention does address it in the preamble, highlighting that '[d]isability is an evolving concept and that [it] results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society, on an equal basis with

Oddný Mjöll Arnardóttir and Gerard Quinn (eds), *The UN Convention on the Rights of Persons with Disabilities* (Brill Nijhoff 2009) 215.

23 Kayess and French (n 20) 20.

24 Quinn (n 22) 216.

25 Kayess and French (n 20) 3, citing the Office of the High Commissioner for Human Rights, "Statement by Louise Arbour UN High Commissioner for Human Rights on the Ad Hoc Committee's adoption of the International Convention on the Rights of Persons with Disabilities" (5 December 2006), available at: <<https://www.ohchr.org/en/statements/2009/10/statement-louise-arbour-un-high-commissioner-human-rights-ad-hoc-committees>>, last accessed 06 November 2023; Quinn (n 22) 216.

26 Andrea Broderick and Delia Ferri, *International and European Disability Law and Policy: Text, Cases, and Materials* (Cambridge University Press 2019).

others'.²⁷ Furthermore, Article 1(2) CRPD provides that '[p]ersons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. In doing so, it is clear that the Convention 'acknowledge[s] the role of societal barriers in the process of disablement', whilst 'not view[ing] disability as being entirely socially constructed'.²⁸

The CRPD is also understood to embed the human rights model of disability. According to Degener, one of the most authoritative exponents of this model, the human rights model of disability revolves around human dignity of persons with disabilities, and 'encompasses both sets of human rights, civil and political as well as economic, social and cultural rights'.²⁹ Such model further emphasises 'the indivisibility, interdependence and interrelatedness of all human rights' set out in the CRPD,³⁰ and reinforces the recognition of persons with disabilities as rightsholders.³¹ The human rights model effectively underpins the CRPD and is recalled consistently by the Committee on the Rights of Persons with Disabilities ('CRPD Committee') as it monitors 'the efforts of State parties to implement the CRPD'.³² In that regard, Lawson and Beckett point to the prescriptive nature of this model, that can be viewed 'not as a model of disability but as a model of disability policy', thus instrumental to 'progress[ing] disability policy and law reform in line with human rights principles and obligations, as set out in the CRPD'.³³

27 CRPD preamble recital(e).

28 Andrea Broderick, *The Long and Winding Road to Equality and Inclusion for Persons with Disabilities: The United Nations Convention on the Rights of Persons with Disabilities* (Intersentia 2015) 79.

29 Theresia Degener, "Disability in a Human Rights Context" (2016) 5 *Laws* 35, 4.

30 *Ibidem* 5.

31 *Ibidem* 8; Anna Lawson and Angharad E. Beckett, "The Social and Human Rights Models of Disability: Towards a Complementarity Thesis" (2021) 25 *The International Journal of Human Rights* 348, 368.

32 Lawson and Beckett (n 31) 349.

33 *Ibidem* 364–365.

Accessibility in the CRPD

As mentioned above, the CRPD was not designed to affirm new rights. However, as it is focused on the realisation of the human rights of persons with disabilities, it integrated innovative provisions on accessibility, which are not found in other international instruments.³⁴ Accessibility is mentioned as one of the general principles of the CRPD in Article 3, along with a selection of other principles such as respect for inherent dignity, equality or non-discrimination. As a general principle, accessibility acts as a standard of reference for States Parties in their implementation of the Convention, allowing them to assess their domestic legislation against it.³⁵

Accessibility is also ‘a vital precondition for the effective and equal enjoyment of civil, political, economic, social and cultural rights by persons with disabilities’.³⁶ As such, it is the subject of a separate provision – Article 9 CRPD. In the latter norm, the Convention embraces a broad understanding of accessibility, including physical accessibility, economic accessibility (i.e. affordability), and accessibility of information, addressing accessibility ‘in all its complexity’.³⁷ Article 9(1) CRPD requires States Parties to the Convention to:

take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

34 Broderick and Ferri (n 26) 132, citing Janet Lord, “Accessibility and Human Rights Fusion in the CRPD: Assessing the Scope and Content of the Accessibility Principle and Duty under the CRPD” (Presentation for the General Day of Discussion on Accessibility, UN CRPD Committee, Geneva, 7 October 2010).

35 Ibidem 67.

36 UN Committee on the Rights of Persons with Disabilities (CRPD Committee), “General Comment No. 2 (2014): Article 9: Accessibility” (22 May 2014) CRPD/C/GC/2 (General Comment No. 2), para 4.

37 Ibidem para 13.

Moreover, Article 9(2)(b) and 9(2)(d) CRPD oblige States Parties to ensure that private entities provide for accessible buildings, services, and facilities. The CRPD Committee confirms that, '[a]s long as goods, products and services are open or provided to the public, they must be accessible to all, regardless of whether they are owned and/or provided by a public authority or a private enterprise'.³⁸ Article 9 CRPD also refers 'to a principle of geographic equity, requiring equivalent levels of environmental accessibility in both urban and rural areas'.³⁹ In its General Comment on Article 9, the CRPD Committee even specifies that '[i]n both urban and rural areas, access should be available for persons with disabilities to the natural and heritage parts of the physical environment that the public can enter and enjoy'.⁴⁰

In order to realise Article 9 CRPD, the Committee indicates that States Parties must 'adopt, promulgate, and monitor national accessibility standards'.⁴¹ It is worth noting that Article 9 CRPD is subject to the doctrine of progressive realisation, meaning that 'the obligation to ensure accessibility is intended to be implemented gradually by States Parties'.⁴² The CRPD Committee provides indications on how to ensure such progress, insisting that '[b]arriers should be removed in a continuous and systematic way, gradually yet steadily'.⁴³ Additionally, States Parties are required to take adequate measures to the maximum of the resources available to them, as outlined in Article 4(2) CRPD. In that regard the CRPD Committee notes that 'the obligation to implement accessibility is *unconditional*'⁴⁴ in that it does not tolerate any undue burden exception to realising accessibility for persons with disabilities. Recently, in the views adopted on the Individual Communication 56/2018 in the case of *Henley v Australia*, the CRPD Committee recalled that:

38 CRPD Committee, General Comment No. 2 (n 36) para 13.

39 Kayess and French (n 20) 28.

40 CRPD Committee, General Comment No. 2 (n 36) para 16.

41 Ibidem para 27.

42 Broderick and Ferri (n 26) 143.

43 CRPD Committee, General Comment No. 2 (n 36) para 27.

44 Ibidem para 25.

progressive realization means that States parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of rights. The Committee considers that the steps taken towards the full realization of rights should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Convention.⁴⁵

Further to the obligations laid down in Article 9 CRPD, accessibility remains instrumental to the realisation of other rights set out in the Convention, which effectively cannot be read in isolation from each other. Therefore, we will briefly address Article 21 CRPD on Freedom of expression and opinion, and access to information, and Article 30 CRPD on Participation in cultural life, recreation, leisure and sport, which are particularly relevant to the analysis provided in the present chapter.

Indeed, Article 21 CRPD provides for access to information, within the remit of freedom of expression. The CRPD Committee has noted how Articles 9 and 21 CRPD intersect on the issue of information and communication, with Article 21 CRPD discussing at greater length the ways to ensure accessibility of information and communication in practice.⁴⁶ Article 21 CRPD requires States Parties to take appropriate measures to ensure that persons with disabilities may exercise their rights on an equal basis with others, and through all forms of communication of their choice, including information and services in accessible formats and technologies that are appropriate for different kinds of disabilities (covering also the mass media), sign language, Braille, augmentative and alternative communication, and 'all other accessible means, modes and format of communication of their choice by persons with disabilities in official interactions'.⁴⁷ Such measures must be intended broadly and entail the identification and

45 CRPD Committee, "Views adopted by the Committee under article 5 of the Optional Protocol, concerning Communication No. 56/2018" (*Henley v Australia*, 15 February 2023) CRPD/C/27/D/56/2018 (*Henley v Australia*), para 10.7.

46 CRPD Committee, General Comment No. 2 (n 36) para 38.

47 CRPD art 21.

elimination of obstacles and barriers that prevent the enjoyment of all the rights. Notably, the interpretation of ‘information and communications technologies and systems’ for the purpose of Articles 9 and 21 CRPD is broad and includes ‘a wide range of access technologies, such as radio, television, satellite, mobile phones, fixed lines, computers, network hardware and software’.⁴⁸ In the abovementioned case of *Henley v Australia*, the CRPD Committee further emphasised that:

the importance of information and communications technology lies in its ability to open up a wide range of services, transform existing services and create greater demand for access to information and knowledge, in particular in underserved and excluded populations, such as persons with disabilities.⁴⁹

Accessibility is also central to Article 30 CRPD, which focuses on participation in cultural life, leisure and sport. For the purpose of this provision, the right to take part in cultural life encompasses a twofold individual dimension, focusing on the right to access culture and the right to active involvement in culture,⁵⁰ and a collective dimension, referring to the recognition and protection of disability groups as cultural communities. Article 30 CRPD, in recognising the right of persons with disabilities to participate in cultural life, requires States Parties to ensure access to cultural goods and services, cultural heritage and cultural institutions.⁵¹ States Parties must, therefore, take all appropriate measures to ensure that individuals enjoy, as audience or visitors, ‘access to television programmes, films, theatre and other cultural activities, in accessible formats’ as well as ‘access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance’.⁵²

48 CRPD Committee, General Comment No. 2 (n 36) para 5.

49 CRPD Committee, *Henley v Australia* (n 45) para 10.8.

50 Ferri and others (n 4) 4–5.

51 CRPD art 30(1), (2), and (3).

52 CRPD art 30 (1)(b) and (c).

In this respect, the CRPD Committee touches upon the intersection between Article 9 CRPD and Article 30 CRPD, discussing access to cultural and historical monuments, and recognising that:

[it] may indeed be a challenge in some circumstances. However, States parties are obliged to strive to provide access to these sites. Many monuments and sites of national cultural importance have been made accessible in a way that preserves their cultural and historical identity and uniqueness.⁵³

On the whole, the CRPD offers an important backdrop against which to identify existing barriers to cultural accessibility, but also to understand what resources and steps are necessary to remove these barriers.

Methodology

As noted above in the Introduction, this chapter is based on a pan-European qualitative study conducted within the remit of the project DANCING. This study involved a range of interviews with representatives of organisations of people with disabilities. Further, it encompassed an online focus group with participants from several countries who work on access to art and culture. The research took place between mid-2021 and mid-2023. We obtained ethical clearance from the Maynooth University Ethics committee, and participants received information in advance about the study and agreed in writing to participate.

With regard to the interviews, we recruited representatives from 64 organisations that consisted of three types – umbrella organisation of people with disabilities, organisations working on arts and disability, and organisations of Deaf people. We prioritised organisations primarily governed by people with disabilities based on the definition in

53 CRPD Committee, General Comment No. 2 (n 36) para 44.

General Comment 7, para 11 from the CRPD Committee.⁵⁴ Participant organisations were drawn from 28 countries (all European Union Member States plus UK) with at least two participating organisations from each country. We conducted semi-structured interviews mainly by video conference, allowing for maintenance of the face-to-face element of interviewing.⁵⁵ Although a majority of participants opted for an online interview, in some instances and as a reasonable accommodation measure, we decided to offer some alternative accommodations to potential interviewees using qualitative questionnaires, which sought open-ended or free-text answers and can be combined in a complementary way with interviews.⁵⁶

The findings of these interviews are supplemented by the analysis of the discussion at the focus group, which took place in December 2021, to which we invited people working on arts/culture and disability in various ways. Its participants mainly consisted of people working on access for people with disabilities within museums and galleries or within European projects that address issues of accessibility. There were nine participants in this focus group and they came from five countries: Austria, Finland, France, Italy and UK.

Each interview was recorded and transcribed verbatim as was the focus group discussion. The analysis process we pursued followed the steps for thematic analysis outlined by Braun and Clarke,⁵⁷ a

54 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 on the participation of persons with disabilities (CRPD/C/GC/7 para 11) states that organisations of persons with disabilities are those 'led, directed and governed by persons with disabilities' and that 'a clear majority of their membership should be recruited among persons with disabilities themselves'.

55 Geraldine Foley, "Video-Based Online Interviews for Palliative Care Research: A New Normal in COVID-19?" (2021) 35 *Palliative Medicine* 625.

56 Pauline M. McGuirk and Philip O'Neill, "Using Questionnaires in Qualitative Human Geography" in Iain Hay (ed), *Qualitative Research Methods in Human Geography* (Oxford University Press 2016).

57 Virginia Braun and Victoria Clarke, "One Size Fits All? What Counts as Quality

flexible method for identifying and analysing patterns in qualitative data. All contributions have been anonymised, but we identify which country participants were drawn from and whether they worked with organisations of people with disabilities (DPOs), arts and disability organisations (A&D) or organisations of Deaf people (D). In the analysis presented, we also make it clear where we are drawing from the discussion that took place at our focus group.

The interview guide and questions for the focus group included questions about barriers to access and facilitators of access to a range of cultural opportunities, including access as audience to museums and cultural heritage sites. As mentioned in the Introduction, those perceptions and experiences of participants about access to museums and cultural heritage sites are the focus of this chapter.

Barriers Experienced by Visitors with Disabilities in Museums

Interestingly, many participants acknowledged that improvements in practices, often following implementation of legislation in recent decades, had led to cultural opportunities, including museum visiting, having become more accessible. Further, participants have highlighted that more cultural activities are indeed accessed by people with disabilities in their countries. For example, a German participant felt that a lot of cultural bodies, including museums, galleries and heritage centres, were 'all starting to make efforts to change things', adding that while these might be 'tiny baby steps' or restricted by lack of resources or because of being in a protected building, she felt it was 'wonderful' to see so many institutions, 'all starting to tackle access' (DE A&D). However, this participant and many others also identified a series of persisting barriers in accessing cultural opportunities. There were similarities across countries in many respects,

Practice in (Reflexive) Thematic Analysis?" (2021) 18 *Qualitative Research in Psychology* 328.

even if some participants perceived that developments in their country were far behind those of other countries in addressing many of those barriers. In this section, we discuss barriers encountered by people with disabilities in accessing museums and cultural heritage as audience under two sub-headings: first we focus on physical barriers, second, we examine access to cultural content.

Ongoing Physical Barriers

Participants in many countries considered that physical access to museums had improved overall for visitors, especially for groups like wheelchair users and particularly in newer buildings in public ownership. Participants often felt that physical access has been prioritised over other forms of access. This is consistent with an analysis of a series of States Parties' reports made by European states to the CRPD Committee, which identified an emphasis on physical accessibility in the cultural/heritage sphere.⁵⁸

However, continuing barriers based on lack of physical access were associated especially with older, heritage buildings that had not been adapted, or had been minimally adapted, and also with buildings outside large urban areas or in private ownership. In addition, participants often felt that, in practice, laws mandating physical access to public buildings (or to cultural institutions) could be ignored or only partially implemented with little or no consequences for the institutions involved. Thus, several participants outlined how legislation requiring accessible buildings – even new buildings – was not implemented properly or enforced. For example, a participant from Germany suggested that even new or renovated museums do not always comply with the prescribed standards and that 'nobody is really checking; nobody is really controlling this' (DE A&D).

58 Ann Leahy and Delia Ferri, "The Right to Participate in Cultural Life of Persons with Disabilities in Europe: Where is the Paradigm Shift?" (2022) 16 *Alter* 5.

Thus, even with new buildings, there were some ongoing issues with physical access identified by several participants. These included buildings where access measures were included, but, on completion, were found by people with disabilities to be unusable, such as a ramps recently installed that were too steep, or tactile flooring laid in the wrong place relative to lifts, making, even new buildings inaccessible (or partially inaccessible) for some groups. For example, for a Danish participant 'there is a lack of awareness amongst architects, builders, the ones who build the buildings and there is still a tendency in Denmark that you don't build universally' (DK DPO). In the experience of a Lithuanian participant, new buildings were often inaccessible for some groups of people with visual impairment. That participant described how: 'all the signs and walls and doors and everything is blinking, they have very bright lights which are really with low contrast very hard to see' (LT DPO). In the absence of a more comprehensive approach or enforced guidelines, she felt that good design in new buildings for blind people and people with visual impairments often depended on the knowledge and 'good wishes' of the designer.

Another issue raised by some participants was that the access provided for people with disabilities might involve a different type of experience. For example, an Italian participant discussed how access around a museum might be different from (and more limited than) access granted to non-disabled people: 'they have museum paths that are limited and.... not entirely usable by people with disabilities' (IT DPO). She added that there is insufficient attention paid not just to paths but to the overall experience of exhibitions in museums for people with disabilities. Thus, accessibility – even of new cultural buildings – often lacked a universal approach, informed by different groups of people with disabilities. Participants highlighted that accessibility measures could often result in a piecemeal approach, which might vary depending on the interest and skills of designers and architects.

Barriers to Accessing Content

Participants also discussed barriers encountered in accessing exhibitions and other cultural content. Often, participants felt that accessible content of museums was lagging behind accessible infrastructure and they sometimes felt that there could also be significant regional or geographical divergences within countries. Staff of cultural organisations were often perceived to lack knowledge about how to make cultural content, such as exhibitions, accessible and to be apprehensive about engaging with people with disabilities or with some groups amongst them. So, for example, for a Greek participant, museums and heritage sites were more accessible now for people using wheelchairs, but not for blind people or people with visual impairments for whom there is a lack of tactile exhibitions (EL DPO). Participants representing organisation of Deaf people referred to a paucity of exhibitions incorporating sign language interpretation. Occasionally, even where exhibitions or events were meant to be accessible, participants talked about lack of quality in how accessibility in museums was approached in practice. An example came from a Romanian interview participant (RO A&D) who described how a museum claimed to offer accessible visits to Deaf people, even though they only had one staff member that was minimally trained in sign-language and not able to deliver a quality experience. Consistent with this, discussion in our focus group referred to how there were still museums that are unaware that it is possible go beyond physical access and make content accessible to people with other types of disabilities. The focus group discussion also suggested that, despite a lot of information being available to museums about how to make their offerings more accessible, the information is scattered and hard to engage with. Sometimes participants highlighted how accessible content entirely depended on the 'goodwill' or knowledge within an individual institution, or was even associated with an individual staff member, and depended on whether funding for access measures could be obtained.

Some participants felt that improvements had occurred in relation to access to cultural content – such as exhibitions that included tactile models or tours involving sign language translation, or sometimes use of various technologies to facilitate access. For example, a Portuguese participant suggested that there were ‘some good examples in the museum field’ and listed positive initiatives on the part of museums, including audio guides and live tours with audio description, video guides and live tours with sign language and also a museum with relaxed visits for people who are neurodivergent (PT A&D). Yet, that participant also felt that overall museums often think that it is ‘enough for the entrance to be accessible,’ and suggested that:

[they] don’t consider at what height we present the objects, where are the labels? What is the size of the letters? What are the contrasts of the panels? If we give alternative information in Braille or audio description or sign language tours etc. So for the majority I would say this doesn’t... maybe even if they have an accessible entrance, that is where it ends. (PT A&D)

Relatedly, good practice might remain somewhat fragile, with knowledge and expertise being lost at the end of a project or with loss of a particular staff member. This point was reinforced in our focus group discussion, where participants referred to the need for access measures to become embedded throughout cultural organisations and supported from the top-down.

A related issue involved lack of access to information and communications with many participants perceiving that obtaining information from websites about cultural events or accessible programming could be difficult and off-putting for some groups. Specifically, websites of cultural bodies often remained inaccessible or hard to navigate or inadequate in terms of the accessibility of the information provided (such as lack of information on transport links) and some obstacles around booking tickets were mentioned. For example, speaking about her experience, a Cypriot participant suggested

that, in spite of the legal framework prescribing accessibility,⁵⁹ the websites of cultural public bodies tended not to be accessible:

We don't have accessible websites especially in the public sector at all; they are not even user friendly for me, so I cannot use those.
(CY A&D)

Another example was given by a participant from Estonia (EE A&D) who felt that cultural websites were often not well organised from the perspective of blind and visually impaired people and did not make it easy to find information on accessibility. Again, however, in many cases, participants acknowledged that things had somewhat improved or were improving in the area of information. Participants working in museums at our focus group also talked about this issue, suggesting that liaison with organisations of people with disabilities about communications was important, that a decision to take part in a cultural activity starts long before people leave home, and that improving the information published on websites was not always expensive to implement.

Finally, some participants suggested that opportunities for certain groups of people with disabilities, such as people with intellectual disabilities and people with psychosocial disabilities, remained particularly limited. For example, an Italian participant felt that accessibility was often thought of in terms of physical disability, but access for people with ID was 'much behind' (IT DPO). A Romanian participant linked exclusion from cultural centres to lack of knowledge and fear, especially of some types of disability such as ID, and talked about staff being 'very afraid to welcome people with disabilities' (RO A&D). Thus, for certain groups, access was perceived to be still very limited in many countries.

59 The Web Accessibility Directive (Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies OJ L 327, 2.12.2016, p. 1–15) prescribes accessibility requirements for all public websites and mobile applications in the Member States of the EU, and has been implemented into national legislation by all Member States.

Overall, while participants had often experience of individual projects in which cultural content was accessible within museums and galleries, a patchiness, or lack of integration of accessibility across all offerings, was quite common across interviews with many other participants.

Facilitating Access to Museums: Good Practices and Experiences

Before turning to address what facilitates access to museums, it is worth noting that there were many good examples given of accessible buildings, museum content and websites, including tactile exhibits, audio guides/description, technical aids, tours with audio description and sign language, and relaxed visits. For example, a German participant characterised a museum in Hamburg and an art gallery in Bonn as having 'played a pioneering role' in providing sign language tours (DE D). It was also perceived that, sometimes, other institutions had begun to learn from these 'pioneering' bodies. Thus, there is good practice in accessibility for visitors/audience in many countries. However, in most cases, it seems to still depend on the interest of a few key allies, or on project-funding (as opposed to ongoing/mainstream funding), and, therefore, its dispersal is uneven and the knowledge of what facilitates access is not widely shared or understood.

As referred to already, participants often perceived that a widespread lack of knowledge on disability or accessibility on the part of staff of arts organisations constituted or contributed to barriers to participation. Against that backdrop, participating in training delivered by groups of people with disabilities was considered a key facilitator, as were processes of meaningful consultation. This could mean receiving advice about the diverse accommodations needed and links being made with different groups of people with disabilities who could consult on the design of buildings, exhibitions and websites. This could be effective when it took place in the conception

stages of projects, and it also needed to involve input by people with different impairment types. On the other hand, in reality, consultation could also be attempted in a half-hearted manner after key decisions had been taken, which was clearly not considered useful. A few participants also regretted the lack of a universal design or design-for-all approach embedded within cultural institutions – which would involve moving away from access facilitated for particular groups and towards designing such that it could be accessed and understood as much as possible by all people regardless of impairment type. Focus group discussion also indicated that good practices on accessibility, including a more widespread use of technology, should not be considered a niche interest, because whatever affords access to people with disabilities is helpful for everyone.

Though it was not widely perceived to be the case in practice, employment of people with disabilities within cultural organisations at all levels was considered capable of making a difference, including by engendering trust with groups of people with disabilities. Discussion at the focus group included consideration of how, within museums, it can often be non-disabled people talking about access for groups that they do not know well, and that having a more diverse workforce and having people with disabilities amongst volunteers or as board members was another way to address barriers. Relatedly, a focus group participant suggested that even when access is provided, take-up can be challenging amongst communities ‘that aren’t used to be addressed...[or] not used to being considered’. In that connection, it was suggested that museums need to start by acting as allies of communities of people with disabilities.

Linked to this, another identified facilitator of access to museums was providing information to people with disabilities (or to particular groups amongst them). Information was perceived as key to ensuring that the availability and accessibility of these events were known to the target group. Again, it was felt that this was facilitated by engaging with people with disabilities and by employment of people

from the target group. For example, a Slovenian participant (SI DPO) highlighted the need for links between cultural organisations and different communities of people with disabilities, suggesting that 'efficient communication' requires people with disabilities acting as 'sort of ambassadors', which can then 'motivate their co-members of a certain organisation to participate'.

Finally, a few participants referred to more cultural content (including exhibitions of works) having been made available online during the Covid-19 pandemic, especially in its first year, and this was often considered positive. In some cases, participants perceived that this was likely to continue. For example, a Swedish participant (SE DPO) discussed streaming of theatre and of museum exhibitions that was continuing (at least at the time of interview), as the institutions now saw its potential for reaching not only people with disabilities, but also people living in remote areas. However, the shift to digital access witnessed during the pandemic was not always perceived as continuing or it was not known if it would continue.

Conclusion

It is clear from our research that the issue of 'accessibility' for visitors or audiences is now on the agenda of cultural bodies, such as museums and galleries, and that there have been improvements especially as regards access for some groups, such as wheelchair users. Access to exhibitions and other cultural content is perceived to also have improved in many countries. However, this still remains intermittent and patchy. Frequently, such access depends on the engagement of a limited number of venues and even on the interest and knowledge of an individual staff member and whether they can access the necessary funding. There are also many factors that continue to hinder people with disabilities from participating, including poorly conceived of access measures that are insufficiently informed by knowledge of what facilitates access for a broad range

of people, limited employment of people with disabilities, and absence of links and trust between institutions and groups of people with disabilities.

Moves towards accessibility measures informed by broader understandings of accessibility, beyond physical accessibility, were not universally experienced amongst the participants in our study, but these approaches are key to realising the human rights model of disability and fulfilling the obligations of the CRPD. Not least, they may make for greater accessibility for a broad range of groups, including older people, children and, arguably, even tourists. It is clear from the findings presented that there is a need for people with disabilities to contribute more to design and implementation processes within cultural institutions, and to lead on providing quality assurance. In this regard, we need proactive museums. As one of our participants put it, 'we don't always want to act as supplicants. It must be a matter of course that we get access to a wide variety of offers' (AT D).

On the whole, accessibility should be embedded throughout organisations from the top down and should be capable of influencing decisions, including funding decisions, at every level. Participants were aware of a range of good practices developed in many countries, but channels that make this knowledge more widely understood and available should be fostered.

Preface, *Roberto Caso*

Editors' foreword, *Giulia Dore and Marta Arisi*

Accessibility is not an option, it is a right to culture and the enjoyment of art, *Aldo Grassini*

Making museums accessible: best practices from MUSE, *Paolo Degiovanni, Patrizia Famà, Katia Franzoso and Romana Scandolari*

Accessibility and Inclusion at the MART, *Ornella Dossi*

Museo Egizio In & Out, *Alessia Fassone and Federica Facchetti*

Opening Up to the Community, *James Bradburne*

A Human Rights Approach to Accessibility for Visitors with Disabilities in Museums. Reflections from the DANCING Project, *Léa Urzel Francil, Ann Leahy and Delia Ferri*

Regulating Communities: Strategies for an Open Museum Sector, *Fiona Macmillan*

Reproduction, re-use and open access, *Barbara Pasa*

Reading 'Open museums' through a copyright lens: a primer on evidence-based legal research, *Giulia Dore*