

DIRITTI COMPARATI

Comparare i diritti fondamentali in Europa

EMBEDDING DISABILITY RIGHTS IN CULTURAL POLICY: LESSONS FROM SPAIN

Posted on 11 Settembre 2025 by [Delia Ferri](#)

1. In the last few years, Spain has been at the forefront of the implementation of the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) and has striven to embed the [human rights model of disability](#) in its Constitution – [with the amendment of Article 49](#) – as well as its legislation and policy. While compliance with the far-reaching obligations laid out in the CRPD is still far away, Spain has been creating a comprehensive framework to ensure that people with disabilities enjoy the same rights as others in all ambits of life, including culture. In that regard, in 2024, Spain enacted a new Law on Higher Arts Education -LHAE ([Ley 1/2024, de 7 de junio, por la que se regulan las enseñanzas artísticas superiores y se establece la organización y equivalencias de las enseñanzas artísticas profesionales](#)), commented on in a previous [post](#), which supports equal access for persons with disabilities to artistic education. The LHAE recognises the vital role that persons with disabilities can play in the artistic sector if allowed to develop their creative potential, as required by the CRPD. Approximately one year after the LHAE was adopted, on 8 July 2025, the Spanish Ministry of Culture launched the [Plan de Derechos Culturales \(Plan on Cultural Rights](#), hereafter 'Plan'). From a disability perspective, the Plan is quite interesting as it represents a significant example of the mainstreaming of disability rights in cultural policies.

2. This Plan covers the period from 2025 to 2030. It rejects both elitist views of culture and [populist approaches](#) to cultural policy. Rather, it is underpinned by the idea that culture is 'a fundamental human right and a common good inseparable from well-being, democracy, and social justice' (Plan p. 11). It also hints at an idea of cultural policy as regenerative, in the meaning put forward by [Damaso and Rex](#), i.e. as 'an approach that supports cultural practices of production and consumption which restore and enhance not only cultural ecosystems and communities but also their natural, social, economic and political contexts'. In fact, the Plan identifies five major priorities: (1) Guarantee cultural democracy; (2) Address contemporary challenges through culture; (3) Promote the sustainability and independence of the cultural ecosystem; (4) Consolidate cultural rights as a framework for public action; (5) Develop a public administration committed to cultural rights. In that regard, as [Montero](#) discusses, the central premise of the Plan is that cultural rights are not only ends in themselves, but also tools for addressing pressing societal issues such as growing inequality, climate change, and social polarisation. The Plan aspires to be 'a transformative tool for addressing the major global challenges of our time', and links its overarching priorities to a series of operational objectives that are intended to epitomise change.

3. From the perspective of disability rights, the Plan is interesting in that it can be qualified as an implementing tool of the CRPD. In this connection it is notable that the Plan cites the CRPD placing emphasis on [Article 30 CRPD](#) and on accessibility (referring to [Article 9 CRPD](#)) as key element to consider in the design of cultural policies. The Plan hence recognises the importance of the Convention as [global standard](#) on disability rights and situates among the implementation tools of the CRPD. Further, when looking at relevant national laws, the Plan highlights that the importance of guaranteeing access to culture for persons with disabilities is recognised in the revised text of the [General Law on the Rights of Persons with Disabilities \(RDL 1/2013\)](#) and in [Royal Decree 193/2023, of March 21](#), which regulates 'the basic conditions of accessibility and non-discrimination for persons with disabilities in accessing and using goods and services available to the public' ([Article 1 of the Royal Decree](#)). In

doing so it connects cultural policies to national disability legislation. Previous [research](#) has highlighted that national disability strategies in Europe refer, albeit to different degrees, to the central role of the State in promoting access to, and participation in, culture of persons with disabilities. However, when it comes to cultural policies, although pledges on accessibility and access are present, such commitments are often broad and not always targeted at persons with disabilities. As a result, disability rights have long remained hidden (or overlooked) in domestic cultural policies.

4. The Plan is notable for three main features. First, it recognises explicitly the bespoke interlinked barriers faced by persons with disabilities (p. 32-33) and the need to address them as matter of equality. In particular, the Plan highlights that, in Spain, 275.200 people with disabilities would like to attend cultural events but they cannot because of a lack of accessibility and other interlinked barriers. The Plan mentions 'shortage of accessible materials, a lack of technical and human support, insufficient training of professional teams, a lack of cognitive accessibility resources, deficiencies in the architectural design of spaces and their physical accessibility, a lack of tools for sensory accessibility, a lack of assistive technologies, and a lack of specific research in these areas' (p. 33). These barriers overlap with those I discussed in my recent [volume](#), authored with Ann Leahy, and are not specific to Spain but are experienced across Europe. Secondly, under the first priority (guarantee cultural democracy), the Plan places strong emphasis on the participation of persons with disabilities as artists. This is significant as the focus has for long been mostly on audiences with disabilities, as [research](#) has shown. Such focus on increasing participation of artists with disabilities connects to the implementation of Article 30(2) CRPD, which obliges States Parties to take all appropriate measures to enable persons with disabilities to develop their creative, artistic and intellectual potential. However, more generally, as [disability studies scholarship](#) has further highlighted, ensuring that disability art can flourish is vital to challenge the reproduction of inequalities and stigma. [Haller](#) in this respect has found that the voices of disabled media makers change society's understanding of disability. In

that regard the Plan, alongside general references to implementing inclusion and non-discrimination, identifies measures aimed at the promotion of the professional careers of people with disabilities, both in leadership and management positions and in areas of creation, performance, and technical functions (p. 51). In particular, the Plan commits also to ensure access for people with disabilities to artistic education and vocational training related to technical work and cultural management. While the Plan does not mention the LHAE, it is clear that this piece of legislation is key in achieving that objective. These measures are reinforced through commitments to foster teachers' education on diversity, disability, and universal accessibility (p. 66). Further, the Plan vows to support self-employed professionals and artistic creation collectives made up of people with disabilities, and to provide aid to cover the additional costs arising from the participation of professionals and artists with disabilities in the cultural sector (p. 51). The Plan also pledges to reinforce existing funding for artistic projects by people with disabilities (p. 51). Thirdly, the Plan commits to the deployment of a comprehensive strategy for cultural accessibility to achieve 'universal accessibility' (p. 51). In doing so, the Plan recognises that accessibility is a precondition to cultural participation, as the UN Committee on the Rights of Persons with Disabilities stated in its [General Comment No. 2](#). The Plan in particular aims to guarantee accessibility in cultural spaces that are under the responsibility of the Ministry of Culture. The plan also aims to promote research into assistive technologies and to develop a White Paper on universal design of cultural facilities. Interestingly, the Plan also aims to foster accessible publishing collections, in accordance with the principles of the [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled](#), ratified by the [EU](#) on behalf of its Member States. Other references to disability are included in the Plan, particularly in relation to the importance of culture in fostering public health (particularly mental health) and social inclusion.

5. Besides its substantive content, the Plan is also quite significant from a procedural point of view. It includes clear milestones, timelines, indicators,

and funding. The Plan comprises 146 measures some of which should be implemented in the short term, while others will be realised in the medium and long term. Further, the Plan includes a governance structure which is forward looking and inclusive (p. 138 et seq.). Such an approach reflects the path that was followed to develop the Plan itself. In fact, the Plan is the product of a participatory process in which 13 working groups contributed to the elaboration of the Plan. Notably, one working group focused on disability. A consultation process was also conducted through a digital platform. [Montero](#) suggests that ‘these participatory processes exemplify good practice in cultural democracy by encouraging the social appropriation of cultural rights and promoting the development of a constructive spirit based on the principles of diversity, equality, and participation’. From a disability perspective, they are essential and respond to the principle of participation included in [Article 3 CRPD](#) and to the general obligation to involve people with disabilities in all matters related to them.

6. Overall, this Plan is not only an important roadmap to promote cultural rights in Spain, but is also a blueprint to effect Article 30 CRPD. It enhances its visibility and the centrality of the right to cultural participation, [which cannot be the ‘Cinderella of human rights’](#). More broadly the Plan seems to be an important stepping stone in achieving the paradigm shift that the CRPD requires and in ensuring that persons with disabilities can participate fully in society on an equal basis with others.

** This post has been written within the remit of the research project ‘Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths – DANCING’. DANCING has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (Grant Agreement No 864182).*