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The right to cultural life and Ireland's Culture 2025 Policy Framework and Migrant Integration Strategy



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- 2016, first ever cultural policy drafted (2020 published officially), including ‘The vital role played by culture in the context of integration is also recognised in the Policy Framework.’ (Higgins and Donnellan, 2022: 5)
- Starting from 2015, implementation of Ireland’s first Migrant Integration Strategy (2017-2021).
 - ‘The Strategy defines integration as the “ability to participate to the extent that a person needs and wishes in all of the major components of society without having to relinquish his or her own cultural identity” and seeks to strike a balance between the protection of expression of migrant culture and the basic Irish societal values articulated in both the Irish Constitution and Irish legislation ’ (Higgins and Donnellan, 2022: 7)

How do this strategy
and policy framework
address *migrants'*
cultural rights?




Culture & cultural rights


- ✓ • “[i]n the Committee’s view, culture is a broad, inclusive concept encompassing all manifestations of human existence” (UNCESCR, 2009)
 - ‘Cultural rights protect the rights for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They may also be considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place.’ (UNCESCR, 2009)
- ✓ The ‘Cinderella’ of Human Rights (Xanthaki, 2015)
 - ‘neglected category of HR’ (Symonides, 1998)
- ✓ - ‘Cultural rights are transformative and empowering, providing important opportunities for the realization of other human rights. The lack of equal cultural rights, combined with economic and social inequalities, makes it difficult for people to enjoy personal autonomy, to exercise their civil and political rights and to enjoy their right to development.’ (Special Rapporteur in the Field of Cultural Rights at the UN Human Rights Council, 2016: 3)

 Universal Declaration of Human Rights, article 27.


 Universal Declaration on Cultural Diversity, art. 5


“Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. [...] All persons should therefore be able to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons should be entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.”


 International Covenant on Civil and Political Rights, arts. 17-22.

 International Covenant on Economic, Social and Cultural Rights

- arts. 13-15
- Art 15(1a): the right of everyone to take part in cultural life
 - ‘The expression “cultural life” is an explicit reference to culture as a living process, historical, dynamic and evolving, with a past, a present and a future.’ (UNESCR, 2016: para 11)
- Interdependent on:
 - right of all peoples to self-determination(art. 1)
 - right to an adequate state of living (art. 11)
- States to abstain and implement positive action plans (Committee ESCR, 2009)

 Convention on the Rights of the Child, art. 31(2)

 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 43, para. 1 (g)

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- Convention on the Rights of Persons with Disabilities, art. 30, para. 1
 - Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, art. 2, paras. 1 and 2.
 - United Nations Declaration on the Rights of Indigenous Peoples
 - Declaration on the Right to Development (General Assembly resolution 41/128), art. 1
 - Convention on the Elimination of All Forms of Discrimination against Women, art. 13 (c)
 - International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (vi)
 - cf. Convention on the Diversity of Cultural Expressions

Children & migrants as groups singled out for special attention and protection

from General Comment No 21, Committee on Economic, Social and Cultural Rights, 2009

✓ Children

- as 'bearers and transmitters of cultural values from generation to generation' (Para 26)
- emphasis on educational programmes (Para 27)

✓ Migrants

- 'States parties should pay particular attention to the protection of the cultural identities of migrants, as well as their language, religion and folklore, and of their right to hold cultural, artistic and intercultural events.' (para 34)
- emphasis on education (Para 35)

Migrant children in particular occupy peculiar 'intersectional experiences' of identity (Coakley, in Kenny, 2018)





Ireland

From emigration to immigration

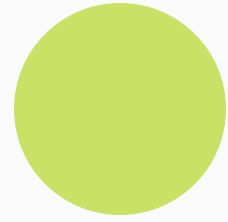
- rapid incline from 17,200 immigrants in 1987 to its peak of 151,100 in 2007
 - decline due to financial crises
 - 2020: 85,400 immigrants (Central Statistics Office, 2022)
 - ‘figures demonstrate that non-EU immigration had risen by one third, from 19,000 in 2014 to 30,400 in 2020, whilst immigration rates from within the EU have largely remained stable’ (Higgins and Donnellan, 2022: 6)
 - political suspicion of asylum seekers (Ni Raghallaigh and Toto 2017) and perception of migrants as economic agents (Higgins and Donnellan, 2022)
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Fraught adaptation of the education system

- ‘the power dynamics in schools operate both in an overt (what is taught) and covert (hidden curriculum, social interactions) way in perpetuating the position and values of the dominant group while ‘othering’ the migrant students. [...] Rewarding only the dominant cultural capital, the pedagogic action is likely to subject migrant children to a symbolic violence via a process of misrecognition of their backgrounds.’ (Darmoty, 2011: 233)

Cultural context

- importance of historical context and imperial experience under British Rule for development of cultural life



Culture 2025

Éire Idlanach

◆ From 2016 Draft to 2020 Framework

- Higgins and Donnellan (2022) work off the 2016 Draft, hinging their critique on the text's professed commitment to social integration via cultural policies and creative industries
 - Formulation of 'social integration' disappears in 2020
 - 'In our increasingly diverse society cultural participation has an important role to play in promoting tolerance, inclusivity and social cohesion. As such, it is important that the right of people to access, participate in and shape our culture should be recognised throughout their lives, from early childhood right through to old age.' (Government of Ireland, 2020: 10)



◆ First ever Policy Framework for Culture

- still mainly focused on high culture

◆ Underpinnings (inter alia)

- 'the right of everyone to participate in the cultural and creative life of the nation', to wellbeing, importance of irish language, heritage' (Government of Ireland, 2020: 6)
- 'the value of cultural diversity, informed by the many traditions and social backgrounds that constitute contemporary Ireland' (Ibid.)

◆ Children

- emphasis on fostering creativity



Intersections with Migrant Integration Strategy

Only surface level engagement (Culture 2025)

vs. the acknowledgement of the difficulties involved in including and integrating migrants (contained in EU Commission 2020 Communication), Culture 2025 does not attempt to contemplate these problem areas. Largely neglects migrants' cultural rights past the surface level commitment.

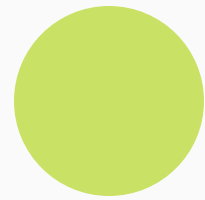
- slippage between everyone and citizens

Localised focus of strategy

- Strategy recognises Culture 2025 and importance of cultural rights.
- Some instances of success, but largely dependent on geographical specificities.

Successful initiatives under Culture 2025

- Culture Night, Arts Council
- through audience development and demonstrable commitments



Blindspot: Direct Provision

- Meant as emergency temporary (extra-legislative) measure in 2000, to relieve pressure on mainstream welfare system.
 - Has been in function ever since, meant to be abandoned (Government of Ireland, 2022)
 - State *directly provides* to asylum seekers (until recently banned from undertaking work, little focus on cultural rights)
 - deliberate isolation from Irish society – combination of accommodation (O'Reilly, 2018)
 - during assessment of asylum applications: *average of 5 years* (Ni Raghallaigh and Thornton, 2017: 392)
 - in 2017 almost 5000 people, 'with nearly 20% of these (999 people) waiting for over three years and just over 4% (207 people) waiting for over seven years.' (O'Reilly, 2018:824)
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From separated asylum-seeking children to care leavers

(Ni Raghallaigh and Thornton, 2017),

Dependent children in DP

- 'One third of all asylum seekers living under Direct Provision in Ireland are children. 2018 marks the 18th year of children growing up in this system which accounts for approximately 1,600 children in Ireland' (Kenny, 2018: 212)
- Educational facilities are provided, but Kenny suggests little cultural activities are guaranteed unless proposed from external actors (2018)

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