



Country Profile

Ireland

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1. Cultural policy system

1.1. Objectives, main features and background

Objectives

The main objectives of cultural policies implemented by different levels of the Irish public administration relate to the protection, development and presentation of heritage, culture, Irish language and the arts. There is an emphasis on the promotion of access to culture for all citizens of Ireland. More recently, government strategy documents have emphasised the role of culture in the development of the wellbeing of citizens. The cultural policy in Ireland is strongly in line with main European cultural policy principles of support of creativity, participation in cultural life and cultural rights and broadly in line with cultural rights policies.

Recently, in 2015, the Department of Arts, Heritage and Gaeltacht promised to deliver a new national cultural policy that would replace the *Arts Act*. The policy process offered an opportunity to review, adapt and renew the existing cultural policy legislation under one overarching cultural policy. While no such one-for-all policy came, a draft policy framework document was created with some new strategic objectives. For example, an all-of-government strategic approach has been attempted in the strategic vision. This has had some success in the area of arts education, but without any legislative changes underpinning such inter departmental cooperation it remains an elusive and vague objective. The other main strategic objective is a focus on culture as a means of increasing wellbeing. This objective has been supported by the establishment of a new Creative Ireland agency within the culture department.

Main features

Ireland operates an arm's length cultural policy model as well as an architect model. The arm's length model is provided through autonomous semi-state agencies such as the Arts Council, the Heritage Council, Údarás na Gaeltachta or Screen Ireland. The Arts Council is the national agency for the promotion and development of the arts in Ireland. It was established in 1951, to stimulate public interest in, and promote the knowledge, appreciation and practice of, the arts. The Heritage Council was established as a statutory body under the *Heritage Act* (1995). The Council provides policy advice to government on heritage issues including preservation, sustainability, landscape management, high nature value farming, forestry and climate change.

Support for culture at government level is the responsibility of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.^[1] The Minister/Teachta Dála (TD) in charge of this Department is assigned such responsibility under the legislation of the *Arts Act* (2003) to promote the arts both inside and outside the state, in consultation with the Arts Council/an Chomhairle Ealaíon. The Minister also has legislative responsibility for Irish heritage under the *Heritage Act* (2018) and Gaeilge/the Irish language under the *Official Languages Act* (2003).

The levels of autonomy offered by the arm's length model have been increasingly limited during the past ten to fifteen years. The expansion of the role of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media represents a shift towards an architect model of cultural policy. This expansion has included the subsumption of the semi-state agency Culture Ireland into the Department, the creation of a new agency/entity within the department called Creative Ireland that has a role of directly funding arts and culture, the Limerick City of

Culture project, and various initiatives under the decade of centenaries. These increased roles within the Department with associated funding allocations have occurred during a period of time when the funding allocation to autonomous agencies such as the Arts Council and Heritage Council has remained static. However, it must be noted however that since 2019 funding allocations to these semi-state agencies have been increased, which has gone some way to addressing this balance.

Background

1922-1950: From the foundation of the state in 1921, the arts and culture were initially treated either as an ill afforded luxury or as a representation of previous British colonial rule. With no official legislation for culture or arts, this period was dominated by censorship laws for film and literature. These laws were eventually seen by most as isolating the people from the realities of the world and began to be eroded from the 1960s onwards. However, there were still books and films banned under these legislations up until the 1990s. In 1947 the Cultural Relations Committee (CRC) was established within Department of Foreign Affairs to stimulate cultural activity nationally and promote Ireland's image abroad.

1950-1970: The arts and culture were officially introduced into the governmental portfolio with the *Arts Act* (1951). The act establishes the Arts Council/An Chomhairle Ealaíon as an autonomous semi-state agency to support arts in Ireland. This followed in line with the Keynesian and welfare state model that had been introduced in Britain a few years earlier.

1970-1990: In 1973, amendments were made to the *Arts Act*, widening the parameters of arts funding to include film and allowing for local authorities to support the arts at a local level. In 1980, the Film Board was established to support the development of film as an industry in Ireland. It was then disbanded in 1987 for six years until its reinstatement in 1993, demonstrating the authority of government to roll back on cultural policy commitments. The first regional arts officer was appointed in 1985. The following ten years, arts officers were appointed in almost every local authority in Ireland, along with a small administrative arts office and small arts programmes.

1990-2000: The Temple Bar Property Company was established in 1991 as a public private partnership/semi private agency to develop a 70-acre central area of Dublin City as Cultural Quarter. Eleven nationally significant cultural institutions are established in the quarter. In 1993, the Department of Arts, Culture and Gaeltacht was established, but there was no legislative underpinning for the Department until 2003.

2000-2010: The *Arts Act* was further amended in 2003 with a wider definition of arts (including dance as well as traditional arts), more authority assigned to the Minister of Arts and compliance from the Arts Council. The act is the first legislation to acknowledge the role of the Department of Arts, Heritage and Gaeltacht and increases the Arts Council's responsibility of reporting to the Department while passing the responsibility of policy making to the Department.

Culture Ireland was established in 2005 as an autonomous semi state body to develop an international platform for Irish arts organisations and individual artists. In 2008, the National Campaign for the Arts (NCA) evolved as a lobby group of artists and arts workers concerned about impending government cuts on culture and arts. In 2009, the NCA organised a lobby and successfully curtailed the massive cuts that had been planned. This collective action of the NCA demonstrated the lobbying power of the arts community in a way that had not been seen previously. However, the planned cuts in arts spending in 2009 (rumored to be 50%) did eventually

occur step by step over the course of the following five years.

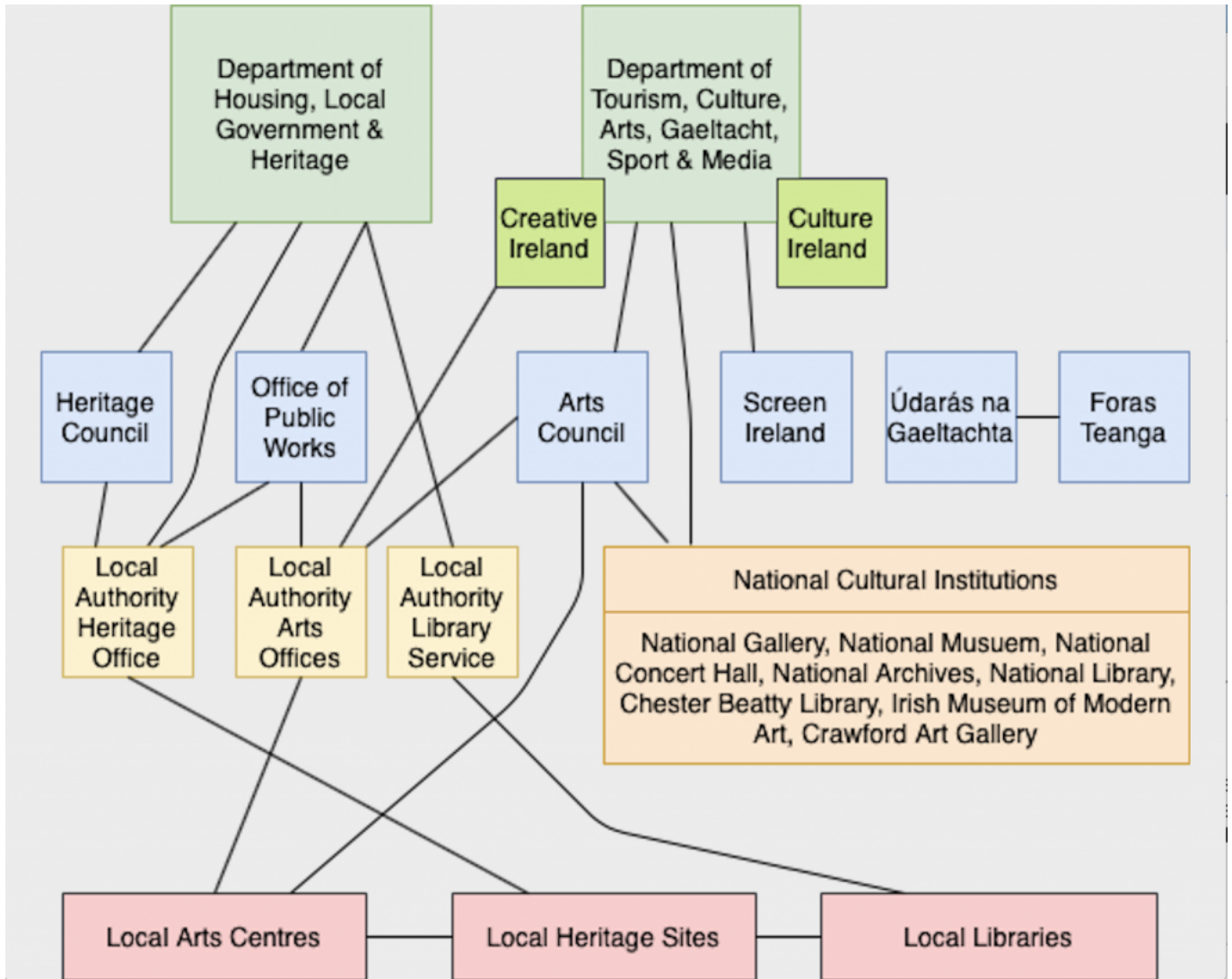
2010-2020: In 2012, Culture Ireland lost its autonomy when it was subsumed into the Department of Arts, Heritage and Gaeltacht. In 2015, the Minister for Arts, Heritage and Gaeltacht announced a major cultural budget for commemoration of the 1916 Rising. This increase masked the reality of significant decreases in cultural spending for culture over the previous seven years. In 2016, the Department of Arts, Heritage and Gaeltacht launched a national consultation for the establishment of a new cultural policy for Ireland. Ultimately, the legislation remained the same, but the strategy moved towards a focus on wellbeing with the establishment of Creative Ireland in 2017 within the Department.

In 2020: COVID-19 hit the cultural sector very hard. The Government initially responds with artist access to an emergency social payment scheme. The NCFA as well as other groups lobbied heavily for a stronger response. Eventually, the Government responded with additional funding of EUR 25 million. The budget allocation for 2021 has increased funding to the Arts Council from EUR 100 million to EUR 130 million as well as increases for Irish language and Screen Ireland.

^[1] Other Departments affecting culture include the Department of Education (having a strong influence via the state schools curriculum in culture and arts); the Department of Rural and Community Development/an Roinn Forbartha Tuaithe agus Pobail (having a strong influence on policy at local authority level); the Department of Employment Affairs and Social Protection (having an influence on state support for individual artists); Department of Communications, Climate Action and Environment/an Roinn Cumarsáide, Gníomhaithe ar son na hAeráide agus Comhshaoil (having an influence on press freedom, platforms for culture via public service broadcasting, as well as copyright and digital culture).

1.2. Domestic governance system

1.2.1. ORGANISATIONAL ORGANIGRAM



Organisational relationship between state-funded arts and culture organisations (2020)

1.2.2. NATIONAL AUTHORITIES

In June 2020, a new government coalition was officially formed. The new department with the main responsibility for cultural policy at a national level is the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.^[1] The goals of the department up to July 2020 were to promote and protect Ireland’s heritage and culture, to advance the use of the Irish language, and to support the sustainable development of the islands. It had overseen the protection and presentation of Ireland’s heritage assets, but this responsibility has now been moved to the Department of Housing.

Capital funding is the main form of support of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The department had, until July 2020, directly funded a set of national cultural institutions including National Archives, National Library, National Museums, National Gallery, Chester Beatty Library, Irish Museum of Modern Art, National Concert Hall, and the Crawford Gallery. However, now that responsibility for heritage has moved to the Department of Housing, it is yet unclear how the national cultural institutions will be supported. Issues relating to the day-to-day management of the individual national cultural institutions are dealt with autonomously by the institutions themselves; matters relating to the general policy under which they operate and the provision of financial resources are the responsibility of the Department.

The department operates two cultural agencies within the department with funding capacity: Culture Ireland

and Creative Ireland. The Department subsumed the once autonomous agency Culture Ireland in 2012. The agency is responsible for the promotion of Irish arts worldwide through specific grant programmes. Creative Ireland was established within the department in 2017 to enable ‘a cross-government wellbeing [...] strategy that places culture and creativity at the centre of our lives.’^[2] It has had some limited cross-government cooperative success with regard its *Creative Schools* initiative.

There are a number of semi-state cultural agencies funded by the department that operate at arm’s length from government. These include the Arts Council, the Heritage Council, Screen Ireland, Heritage Council and Údarás na Gaeltachta. However, the reach of this arm’s length has been shortened during the past twenty years following increased reporting and accountability procedures put in place by the department as well as increases in cultural actions taken on directly by the department, such as Limerick City of Culture, or 2016 Commemorations, or the Decade of Commemorations.

The Arts Council (An Chomhairle Ealaíon) was established under the first Arts Act in 1951 as a semi-state agency to support arts in Ireland. It is the national agency for funding, developing and promoting the arts in Ireland. The council has always operated as an autonomous body, but the level of autonomy has fluctuated under the aegis of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The core functions of the Arts Council under the *Arts Act* (2003) are to: Stimulate public interest in the arts; Promote knowledge, appreciation and practice of the arts; Assist in improving standards in the arts; Advise the Minister and other public bodies on the arts.^[3]

The Arts Council’s main function is to provide financial assistance to artists and arts organisations (but also support other organisations that develop and promote the arts). The council offers advice and information on the arts to government and to other agencies; publishes research and information to advocate for the arts and artists; and supports projects (often in partnership with other organisations) to promote and develop the arts in Ireland.

Screen Ireland (Fís Éireann) is a semi-state agency operating at arm’s length from government. It is the development agency for the Irish film, television and animation industry. The agency provides policy advice for government. According to [Variety magazine](#), “Ireland has become a capital of filmmaking” in recent years, establishing itself as “one of the world’s most attractive production environments”. Screen Ireland supports the industry through a range of grants and investments for development, production and distribution. The agency comes under the aegis of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

The Heritage Council (An Chomhairle Oidhreachta) was established as a statutory body under the *Heritage Act* (1995). The Council advises government on heritage policy issues such as conservation, sustainability, landscape management, forestry, high nature value farming, and climate change. They work with their network of local heritage organisations as well as local authority heritage officers. The national brief of the Heritage Council includes natural, cultural and built heritage. The agency operates under state grant from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

Údarás na Gaeltachta is a semi-state agency that supports the preservation and strengthening of Irish as a living language in Ireland. The agency strives to achieve this objective by supporting communities to live their daily lives through the Irish language, including supporting enterprise and employment and supporting community, cultural and language-based events mainly within Gaeltacht defined regions. The Department of Tourism,

Culture, Arts, Sport, Gaeltacht and Media funds the work of the agency. The Gaeltacht regions (where Irish is the primary language) are recognised in government legislation. There is a very strong traditional arts/folk culture in the Gaeltacht and the people of the Gaeltacht are recognised for their unique dancing, music, crafts and other intangible heritage. The total population of the Gaeltacht is 96,090 (2016 census).

^[1] Government policies developed in other departments (ministries) that have direct consequences for cultural policy include the Department of Enterprise, Trade and Employment (copyright, cultural enterprise), Department of Climate Action, Communication Networks, and Transport (broadcasting, tech) Department of Foreign Affairs and Defense (Irish art abroad), Department of Children, Disability, Equality and Integration (social/cultural inclusion, protection) Department of Education (cultural education), Department of the Housing, Local Government, and Heritage (heritage, local government, including library institutions, local authority arts), Department of Finance (office of public works), Department Social Protection, Community and Rural Development, and the Islands (artists welfare, island cultural heritage) and Department of Higher Education, Innovation and Science (research funding).

^[2] <https://www.chg.gov.ie/arts/creative-arts/creative-ireland-programme>

^[3] <http://www.irishstatutebook.ie/eli/2003/act/24/section/9/enacted/en/html>

1.2.3. REGIONAL AUTHORITIES

As part of the government's reform of local government as formulated in *Putting People First: Action Programme for Effective Local Government* (2012), the *Local Government Reform Act* (2014) provided for the existing eight regional authorities and two regional assemblies to be replaced by three new regional assemblies. The new assemblies were established with effect from 1 January 2015 by the *Local Government Act* (1991). The aim of the new assemblies is to co-ordinate, promote and support strategic planning and sustainable development as well as promote efficiencies in local government and public services. They do so by drawing up regional spatial and economic strategies in conjunction with the various enterprise and economic development agencies. Culture does appear in Regional Assembly, Regional Spatial and Economic Strategy documents. For example, it appears as an asset (mainly tangible heritage infrastructure) as well as under the principle of healthy place making where creative places contribute to 'healthy and attractive places to live, work, visit and study in'. Arts and cultural support is not provided at a regional level, but is funded through local authority arts offices. These offices are financed in part from the Arts Council and partly through the local authority.

1.2.4. LOCAL AUTHORITIES

Since 2014, there are thirty one local authorities with a total of 949 members known as councilors. Thirty local authorities have an arts office managed by an arts officer. The majority of arts offices operate at a county council level with some at metropolitan level in larger urban centres. The exception to this rule is Dublin County, which is split into four local authority areas, each with its own arts office. Most arts officers are supported by a small staff ranging from one full time staff member to up to eight for the larger local authority areas. This represents the total local authority arts level structure in Ireland.

Support for local arts began to develop from the late 1980s. The *Arts Act* (1973) enabled local authorities for the

first time to support the arts as part of their services, stating that they “may support” the arts. Although this legislative support was in place from 1973, local authorities were slow to recognise the potential benefit or value of adding the arts to their brief. The Arts Council intervened to try and incentivise local authorities by partly funding the arts officer positions. The first local authority arts officer was appointed in 1985, but in the first years of local arts offices there was little funding going directly to the arts. The Arts Council now contributes funding to programming only and the local authorities fund both programming and the arts office personnel.

During the 1990s, cultural development was given a more central role in arts and cultural planning at local level. Since the *Arts Bill* of 2003, each of Ireland's local authorities is required by government to produce a plan for the arts. As more local authorities began to actively engage in local arts planning, their contribution to cultural policy and cultural funding increased, and this connected cultural planning at a local level with a range of other policy areas. Local authorities' arts office programmes have helped increase access and participation in the arts in Ireland through removing many of the geographic barriers to participation. There is an arts centre within circa twenty miles of most people in Ireland. Local arts programmes tend to focus on the local impact as a highest policy priority of their strategic plans, which has helped to remove many barriers created by elitist perceptions of the arts. The role of local authority arts officers has more recently been evolving to include a broader cultural remit including such areas as cultural tourism, urban regeneration and creative industries.

The local government authorities rely on a combination of income from both central government via the Department of Housing and Local Government and locally raised income. Local income is raised through rates on commercial and industrial buildings; income from goods and services (housing rents, planning fees etc); exchequer grants (e.g. NDP) etc.

The Creative Ireland programme, which is operated within the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, has attempted to tie a number of policy goals of different agencies together. The Creative Ireland agreements are made between local authorities and the Department of Culture, Heritage and Gaeltacht. The programme is guided by a vision that every person in Ireland should have the opportunity to realise their full creative potential. It is a five-year all-of-Government initiative, from 2017 to 2022, to place creativity at the centre of public policy. Three years into the programme, it has achieved some success with the creative schools initiative encouraging primary schools to engage pupils in creativity. Another success is their partnerships together with local authorities and Music Generation (the national music education programme), which provides access to quality music tuition at a local level in many parts of Ireland.

1.2.5. MAIN NON-GOVERNMENTAL ACTORS

Some of the larger privately funded arts organisations in Ireland would include performing arts organisations such as the Gaeity theatre, the Bord Gáis Energy Theatre, or the 3Arena. The music sector in particular is dominated by private organisations. At a performance level, the 3Arena is run by Live Nation who run another three venues. Named the fourth busiest music arena in the world in 2013, it is owned by Apollo Leisure Group (a subsidiary of Live Nation) and is operated by Live Nation Ireland. Live Nation is pursuing the purchase of the Irish concert promotions company MCD. Through their subsidiary Festival Republic, Live Nation also runs most of Europe's music festivals, including Electric Picnic in Ireland formerly run by POD concerts.

The 2010 merger of Live Nation and Ticketmaster to become Live Nation Entertainment has sparked concern about the controlling monopoly and the over commercialising of the live music experience. A quote from the

Live Nation sponsorship website suggests that the concern may be justified: “Through their partnership with Live Nation Ireland, Heineken have had a resounding success amongst a captive audience – gaining market share growth and recognised as a leading brand in music.”

IMRO (Irish Music Rights Organisation) is the dominant player in music licencing collection and also provides some minor levels of funding. The organisation sponsors a number of song contests, music festivals, seminars, workshops, research projects and showcase performances. IMRO’s Music Funding Programme is part of its mission to help foster and develop creativity across all categories of music styles and genres in Ireland today.

Business to Arts is a membership based charitable organisation that acts as a bridge connecting creative partnerships between business and the arts. They offer circa six organisations EUR 80,000 per year under their new stream programme which funds capacity building for arts and cultural organisations to develop their arts fundraising. The annual Business to Arts Awards aim to give recognition to quality sponsorship partnerships.

Fund It was established by Business to Arts as an all-island rewards-based crowdfunding website for Ireland’s creative projects. Most funding through this site is based on individual giving. An area that could be developed further is pier to pier funding and investment funding. At present there are no private grant-making foundations in Ireland focusing specifically on arts and culture.

1.2.6. TRANSVERSAL CO-OPERATION

Inter-ministerial cooperation is difficult within the Irish model of government, as it requires a transfer of functions order. The Taoiseach, as head of Government (Article 13, Constitution), is responsible for the allocation of functions between Ministers, and for the overall organisation of the government. Arts education policy presents an example of significant attempts at intergovernmental cooperation between government departments, namely the Department of Education and the Arts Council or Department of Arts, Heritage and Gaeltacht. There have been numerous cross-departmental committees established from as far back as the 1970s that have produced forward thinking guidelines and recommendations on arts education that were largely ignored by the Department of Education. More recently, action has been taken based on the recommendations of much earlier reports. This suggests a lack of transversal cooperation.

Recent success in transversal cooperation can be seen in the results of some of the Creative Ireland initiatives. This sub division of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has cross-government policy goals working with the Department of Education, Arts Council, local authorities, and other agencies. The Creative Schools initiative, while underfunded, has achieved some success in developing creative champions in local schools.

The 1% for Arts initiative allows for 1% of budgets on public works to be invested in arts. This includes public works from any department and therefore requires cooperation between departments, local authorities and agencies. This initiative involves an inter-agency group working with the Arts Council.

1.3. Cultural institutions

1.3.1. OVERVIEW OF CULTURAL INSTITUTIONS

The *National Cultural Institutions Act (1997)* provides that certain cultural institutions hold a special status as National Cultural Institutions. These cultural institutions are given financial resources directly via the Cultural Institutions Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. Ultimately, this offers a higher level of medium term financial security for such institutions. These institutions are: National Archives of Ireland, National Library of Ireland, National Museum of Ireland (including four museums), National Gallery of Ireland, Chester Beatty Library, Irish Museum of Modern Art, National Concert Hall, Crawford Art Gallery. Overall, the cultural institution infrastructure is quite centralised with a majority based in the Dublin area.

The second layer of cultural institutions attempt to operate at a national level in terms of artistic ambition, but have less financial security. They are reliant on a number of funding sources and must apply competitively to the Arts Council for funding on an annual basis and are not guaranteed funding. These include a wide range in size and type of institutions for example the Abbey Theatre, Dublin; Druid Theatre, Galway; the Gate Theatre, Dublin; Project Arts Centre, Dublin; Temple Bar Gallery & Studios, Fire Station Studios, Sculpture Society of Ireland, Cork; Visual & Bernard Shaw, Carlow; Dance Ireland/Dance House, Dublin; The Model Sligo, Royal Hibernian Academy (RHA), Dublin. The strategic fund allocated to cultural institutions from the Arts Council can vary a great deal from EUR 10,000 to EUR 7 million dependent upon the scale of the institution and the ambition of funding proposal.

A third institutional layer is supported predominantly by local arts offices, along with some programme funding support from the Arts Council. The main issue faced by such institutions is a tension between meeting the need to stimulate local audience development while also supporting artistic ambition. More often these institutions are reliant on balancing a programme of hosting touring works of national artistic merit along with popular or local productions. These organisations support multiple art forms. Examples would include Rua Red, Tallaght; Draiocht, Blanchardstown; Pavillion Theatre, Dun Laoghaire; Tain centre, Dundalk; Galway Arts Centre; Solstice Arts Centre Navan. Most have been built with the benefit of capital funding under the Arts and Culture Capital Enhancement Support Scheme (ACCESS and ACCESS II) programme between 2000 and 2006. It was envisioned that such centres would break down geographical barriers to participation and encourage cross audience development. While there is strong evidence that participation has increased at the local level, the data is limited in support of the argument that audiences attending one art form became interested in attending another art form as a result of both being in the same building.

A final layer would include private institutions such as performance venues and private galleries. As they are privately funded, they are reliant on commercially viable productions that will allow for sustainability. These organisations include the Bord Gais Energy Theatre, Dublin; the 3Arena, Dublin; the Gaeity Theatre, Dublin; Kerlin Gallery, Dublin; Molesworth Gallery, Dublin.

1.3.2. DATA ON SELECTED PUBLIC AND PRIVATE CULTURAL INSTITUTIONS

Table 1: Cultural institutions, by sector and domain

Domain	Cultural institutions (subdomains)	Public sector
Cultural heritage	Cultural heritage sites (recognised)	780 (2003)
	Archaeological sites	150800 (2020)

Museums	Museum institutions	140 - 186 (2016)
Archives	Archive institutions	212 (2005)
Visual arts	Public art galleries / Exhibition halls	69 (2016)
Performing arts	Scenic and stable spaces for theatre	82 (2020)
	Theatre companies	90 (2020)
	Dance and ballet companies	1 ballet & 15 dance (2020)
	Symphonic orchestras	2 (2020)
Libraries	Libraries	330 (2019)
Audiovisual	Cinemas	463 (2018)
	Broadcasting organisations	2 (2020)
Interdisciplinary	Socio-cultural centres / cultural houses	138 (2018)

Sources:

Heritage Ireland; Heritage Council; Irish Museums Survey/Irish Museums Association; National Monuments Service, Sites and Monuments Record (SMR) database; Arts Council; Visual Artist Ireland; Irish Theatre Institute; Statista; Department of Rural and Community Development; Department of the Environment, Climate and Communications.

1.3.3. PUBLIC CULTURAL INSTITUTIONS: TRENDS AND STRATEGIES

The *National Cultural Institutions Act (1997)* changed the relationship of government to a number of key cultural institutions in Ireland. The Act provided for the establishment of the Museums Board of Ireland (Bord Ard-Mhúsaem na hÉireann) and the National Library Board (Bord Leabharlann Náisiúnta na hÉireann). The Act also provided for a new framework of support for national heritage. It is as yet unclear which department will continue the support of these national cultural institutions, as responsibility for heritage has been moved in 2020 from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to the Department of the Housing, Local Government and Heritage. Up until 2020, the Department of Culture directly funded national cultural institutions including National Archives, National Library, National Museums, National Gallery, Chester Beatty Library, Irish Museum of Modern Art, National Concert Hall, and the Crawford Gallery. Issues relating to the day-to-day management of the individual national cultural institutions are dealt with directly by the institutions themselves; matters relating to the general policy under which they operate and the provision of financial resources are matters for the related department.

The Office of Public Works (OPW) is a government office with responsibility for state-owned and protected national monuments, sites or properties in Ireland. OPW Heritage Services is tasked with conserving these heritage sites as well presenting these sites to visitors. An increased trend has been the utilisation of heritage by government as an instrument in the development of brand Ireland and its tourism products. The OPW maintains and presents Ireland's most iconic heritage sites, including Ireland's two World Heritage sites, 780 national monuments and over 2,000 acres of gardens and parklands. The OPW is also responsible for the management of the State Art Collection which comprises of c.16,000 works. These works include both historical and contemporary works including paintings, prints, sculpture, fine and decorative art objects, music, as well as poetry. The National Monuments Service, Historic Properties Service and Visitor Services operate the OPW Heritage Services.

Increased partnership now occurs at a local authority government level between heritage and arts offices. [A](#)

Framework for Collaboration: An Agreement between the Arts Council and the County and City Management

Association highlighted the value and clarified the current position of the 30-year strategic partnership between the Arts Council and local authorities nationwide, and agreed a vision and broad goals for what can be achieved collaboratively over the next ten years.

Public cultural institutions in Ireland have been greatly affected by many years of austerity following the economic recession of 2008. An embargo on recruitment combined with stagnation and cuts in funding have greatly curtailed the development of cultural institutions. This austerity lifted slightly since 2017 with minor infrastructural investments from government mainly dealing with legacy buildings' maintenance issues. A number of institutions have also been highlighted for future major investment such as the National Abbey Theatre in Dublin. The stagnation of funding to cultural institutions during the years of austerity lead to changes in employment practices with the introduction of short-term contracts, Jobsbridge internships (a national internship scheme that provides work experience placements for a six or nine month period), as well as outsourcing of production.

1.4. International cooperation

1.4.1. PUBLIC ACTORS AND CULTURAL DIPLOMACY

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media co-funds two of the six cross-border implementation bodies established under the terms of the *British-Irish Agreement Act* (1999). The instrumental use of culture in sustaining international relations is important to the Irish Government. Previous to the establishment of Culture Ireland in 2005, the promotion of Irish culture internationally was supported via the Cultural Relations Committee (CRC), a much smaller agency which was a minor sub department attached to the Department of Foreign Affairs (1948-2004.)

In 2005, Culture Ireland was established as a stand alone, autonomous agency with the role of supporting the development of international opportunities for Irish arts organisations as well individual Irish artists. For a time the agency operated at arm's length with considerable freedom and without a remit to operate solely for the purpose of cultural diplomacy, which was quite a change from the CRC.

In 2012, Culture Ireland was subsumed into the Department of Culture, Heritage and Gaeltacht. While this relocation was deemed by Government as an essential organisational re-configuration of state institutions under crisis conditions after entering the EU-IMF loan programme, it has resulted in much reduced autonomy for the agency. Culture Ireland's current role is to promote Irish arts worldwide by creating and supporting opportunities for Irish artists and companies to present and promote their work at strategic international festivals and venues. They develop platforms to present "outstanding" Irish work to international audiences, through showcases at key global arts events, such as the Edinburgh Festivals, SXSW Texas, WOMEX or the Venice Biennales.

There are three strategies at work in Culture Ireland. Because of the scarce resources of the agency, they have strategically focused on specific geographic territories such as the United States in 2017, and Britain in 2018. The second strategy is supporting Irish artists and arts organisations to travel internationally. In 2018, this strategy allowed Irish artists to travel to 55 countries and reach a combined international audience of 5.5 million people. The third strategy is to financially support special initiatives, such as the EUR 3.5 million for Imagine Ireland Fund

in 2011, EUR 1.9 million for EU Presidency in 2013, and EUR 2.5 million for the cultural fund I am Ireland in 2016. This recent strategic funding is more politically motivated and dependent on the motivations of the Minister of the Department than an autonomous strategy informed by cultural policy expertise.

There has been an initial period of increased funding for Culture Ireland in the past, from EUR 2 million in 2005 to EUR 4.7 million in 2008, which was followed by a decrease down to EUR 2.5 million between 2010 and 2015. In 2018, the funding was increased again to EUR 4 million.

A 2015 review of Ireland's foreign policy undertaken by the Department of Foreign Affairs stated that 'Irish culture is a global commons, recognised and followed by people who may have no other connection to Ireland.' The review also stated that 'through cultural diplomacy, the relationship we have built with our diaspora communities and the partnerships we have forged around the globe can only be strengthened.' Initiatives such as the Gathering 2013 and the 2016 Commemorations have strategically used culture as an instrument to connect with the Irish diaspora.

It is worth noting that the lobbying power of cultural agencies in Ireland is limited relative to their levels of autonomy. Culture Ireland was unable to criticise government because it was in the direct employment of government during a time of critical underfunding of its agency and increased government instrumental use of the cultural budget. While the case for cultural funding is made internally, there is an inability for such cultural institutions to lobby for public support.

1.4.2. EUROPEAN / INTERNATIONAL ACTORS AND PROGRAMMES

Ireland is a (founding) member of the Council of Europe. The Irish Minister for Foreign Affairs engages with the Committee of Ministers of the Council. Ireland is a member of the European Union, joining the European Economic Community in 1973. Concerns were expressed during the two Lisbon referendums in Ireland in 2008 and 2009 about the 'constitutionalising' of the Charter of Fundamental Rights and about the potentially expanding reach of EU law. The main concern was that key decision-making by the Irish judiciary on aspects of fundamental rights might be supplanted in practice by the European Court of Justice. These concerns were not matched by the reality since the referenda. Most aspects of Irish life have improved through EU membership. Ireland was a net recipient of European funds up to the 2014-2020 Multiannual Financial Framework (MFF) EU budget, but is expected to become a net contributor within the next framework 2021-2027. Ireland's recovery from the financial crisis was aided by a three year EU/IMF financial assistance programme that ran from 2010-2013. Much of Ireland's cultural infrastructure has benefited from EU structural funds and regional funds.

Ireland participates in Creative Europe and Horizon programmes of the European Commission. However, participation rates are lower than most other EU states. A Creative Europe desk supporting cultural projects is operated out of the Arts Council. For media support and advice, there is a Creative Europe MEDIA desk in Dublin and in Galway. Cross-sectoral support and advice is then offered across all three Creative Europe desk offices.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, along with the Arts Council, has responsibility for implementing and monitoring the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

1.4.3. NGO'S AND DIRECT PROFESSIONAL COOPERATION

Numerous arts and culture institutions are engaged in transnational cooperation, ranging from major institutions to small cultural initiatives. Cooperation projects have either followed long standing relationships established through cultural diplomacy; availed of European funding from Creative Europe or Horizon 2020; or been supported through Culture Ireland to promote Irish arts and culture internationally. Arts and cultural institutions have engaged in activities such as festivals (music, film, etc.), exhibitions (art fairs, Biennale, architecture, photography etc.), conferences and workshops, information and training programmes. Professional cooperation activities within European and international networks include Culture Action Europe, European League of Institutes of the Arts (ELIA), European Network of Cultural Administration Training Centres (ENCATC), International Network for Contemporary Performing Arts (IETM), International Council of Museums (ICOM), International Council on Monuments and Sites (ICOMOS), International Federation of Arts Councils and Cultural Agencies (IFACCA).

There is a limited network of Irish arts and cultural centres internationally. For example, the Irish Cultural Centre/Centre Culturel Irlandais (CCI) in Paris has established a longstanding relationship with the city. The Centre presents the work of contemporary Irish artists, reinforces the rich heritage of Franco-Irish relations and fosters a vibrant and creative resident community. In addition to its diverse cultural programme, the CCI houses France's primary multi-media library of resources on Ireland as well as significant historic archives and an old library. Inaugurated in 2002, the CCI is situated in the Collège des Irlandais, or Irish College, formerly home to a large collegiate community of Irish priests, seminarians and lay scholars whose origins stretch back to 1578. The *Fondation Irlandaise* has overseen the building since the Consular Decree of Napoléon Bonaparte consolidated the former Irish, English and Scots foundations and colleges in Paris into the Collège des Irlandais. The Fondation acts as a board comprising French and Irish members; it appoints the director and staff of the Centre Culturel Irlandais. The cultural programme of the centre is organised in partnership with the Department of Foreign Affairs and Trade and Culture Ireland and with the sponsorship from the Arts Council of Northern Ireland and the British Council.

The London Irish Centre organises a cultural programme of Irish arts and culture. The centre was set up as a charity to relieve and combat poverty, distress, financial hardship and sickness; to relieve those in need by reason of youth, age, ill health, disability, unemployment or other disadvantage; to promote Irish art, culture and heritage for the public benefit; and to advance education for the public benefit in Irish culture and language. The centre is supported through a range of partnerships from the Government of Ireland: Emigrant Support Programme; Culture Ireland; Irish Youth Foundation; the Ireland Funds; City of London; along with commercial and charitable sponsorship from Allied Irish Bank and others.

Founded in 1972, the Irish Arts Centre (New York) based in Manhattan is dedicated to projecting a dynamic image of Ireland and Irish America for the 21st century; building community with artists and audiences of all backgrounds; forging and strengthening cross-cultural partnerships; and preserving the evolving stories and traditions of Irish culture for generations to come. The centre's multi-disciplinary programming operates in three core areas: performance — including live music, dance, theatre, film, literature, and the humanities; visual arts — including presentations and cultural exhibitions that tell the evolving Irish story; and education — with dozens of classes per week in Irish language, history, music, and dance.

The Irish Government has recently invested capital funding towards updating the infrastructure of a number of

the international cultural centres, including EUR 2.5 million towards the EUR 60 million capital costs for a new building in New York City. The new building is due for completion in 2020.

2. Current cultural affairs

2.1. Key developments

From the perspective of the arts and cultural community, the Fine Gael governments from 2011 to 2020 represent a period of severe austerity and a lack of both public investments and governmental advocacy for arts and culture. The Fine Gael and Labour Coalition as well as the Fine Gael and Fianna Fail Coalitions have overseen the worst period of public investment in arts and culture for quite a significant time.

The cultural achievements of the Fine Gael party relate mainly to grand celebratory gestures such as the Gathering 2013, Limerick City of Culture 2014, and the 2016 Centenary Commemorations. These events achieved success in relation to the economic development of tourism through increased foreign visitors, while at the same time providing opportunities for creativity and community engagement. They also allowed citizens to re-imagine Ireland in a positive light, which in turn builded new partnerships between residents, artists and cultural organisations. However, these events could be seen as an instrumentalisation of arts and culture towards policy objectives outside of culture and arts. The financial commitments to such grand gestures have been made at a loss to normal direct funding of arts organisations. From a peak in 2008, government funding was initially decreased during the austerity measures imposed by the troika bailout and recovery plan. Investment in culture then stagnated, even after economic stability had been achieved. The working conditions of artists and arts workers deteriorated as a result. Many great artists and arts workers have been forced to quit the profession through economic necessity.

The Fine Gael government brought in a work placement scheme tied to social security payments called JobsBridge in 2011. The scheme was successful in getting people off the live register of unemployed. It also offered additional educational opportunities through affiliated courses in education institutions. The scheme was taken up by a large number of arts organisations that were under severe financial pressure of austerity measures, as well as government imposed recruitment embargos. This led to the majority of cultural jobs being given to JobsBridge candidates above other candidates. The scheme can be seen therefore as a contributing factor in the rise of a 'precariat' class of cultural workers where work has become extremely unstable and infrequent to the point that it keeps workers on or below minimum wage levels without the rights associated with longer term contracted employment. At the time, JobsBridge was seen as the only option to get into the workforce for many young graduates, but they clearly understood it to be exploitative and lacking respect for their levels of qualifications and related investments.

Also in 2011, the increasing expectation of free artist labour under proposed publicly funded cultural opportunities lead to a national campaign by Visual Artist Ireland (VAI) to insist on fair pay for artists work ('Ask! Has the Artist Been Paid!'). The Arts Council has since supported the issue with the launch of a new policy in 2020 entitled 'Paying the Artist.'

The government also attempted to address the working conditions of artists by offering a new social welfare scheme for professional artists in July 2019. The scheme allowed qualifying artists to avail of jobseekers allowance without having to take part in the job activation programme for one year. This allows artists to focus on their artistic work for one year. However, the scheme has not been very successful to date in terms of uptake and it is only provided for artists and not arts workers.

Fine Gael also made a number of promises in relation to cultural policy in Ireland. A fifty percent increase in funding was promised by the party during the 2017 elections campaign. There was very little evidence that this increase was ever going to occur with only an increase of 17% between 2015-2020. The first significant funding increase did take place in 2020 with an additional EUR 25 million for the Arts Council in 2020. This has been followed by a substantial increase in funding allocation for 2021 to EUR 130 million from EUR 100. While these substantial funding increases have been universally welcomed by the arts and cultural community, as they come at the centre of the COVID-19 crisis, it is unclear if they are merely propping up the sector during these challenging times or if they represent a significant trend.

In 2015, the coalition government also promised a new cultural policy for Ireland called Culture 2025. The arts and cultural sectors approached this news positively and welcomed a reform of existing legislation. The sectors engaged fully in sessions feeding into the policymaking process. However, the Culture 2025 policy did not arrive. In its place [a draft version was published in 2016](#) which eventually developed into [a framework policy published in 2020](#). The final document demonstrates very little sign of any review of existing legislation for culture. The only change of note was the establishment of a new agency within the department called Creative Ireland in 2017 to support the implementation of Culture 2025's instrumental use of culture as a means towards cultural/social wellbeing. While the Culture 2025 policy vision reads well in parts as being conceived from culturally democratic values, it is weak on clear support for the professional arts and cultural sectors. The government has been clear in its financial support and advocacy towards one sector, namely the audio-visual sector. This sector has seen great market potential for growth, which has been acknowledged by government through increased funding.

2.2. Cultural rights and ethics

Cultural access and participation are prominent in cultural policy and cultural strategy documents of all levels of government in Ireland. Artistic freedom is not explicitly anchored in the Constitution, but freedom of expression is stated as a stand-alone fundamental right within the Constitution. In this sense, it generally protects any kind of artistic creation from state intervention. However, artistic freedom is not one of absolute freedom as there is a stated limitation in Article 40.6.1.i. which provides that the State guarantees liberty for the rights of citizens to express freely their convictions and opinions, "subject to public order and morality".^[1] This provides that organs of public opinion such as the radio and the press must not be used to undermine public order or morality or the authority of the State. In effect, this means that prior restraint receives constitutional sanction. A particularly restrictive era of prior restraint which lasted 23 years came to an end in 1994 when the first Minister for Arts, Culture and the Gaeltacht, with the approval of the Government, decided not to renew the annual "Section 31" order.^[2]

In 1992, Ireland ratified the UN Convention on the Rights of the Child, thus committing the State to cultural investment that would provide children's right to access and participate in arts and culture. The national cultural institutions in Ireland provide cultural programmes specifically designed for children. Creative Schools — a programme born out of the Arts and Education Charter (2012)— creates an arts-rich environment in over 300 schools. There are other institutions with specific programmes for children as well, such as the Ark Cultural Centre for Children in Dublin and Kid's Own in Sligo. However, universal access for all children is still an issue. There have been calls for further interventions to address the issue such as the 2019 joint initiative by newspaper The Irish Times and the Children's Rights Alliance entitled 'No Child 2020'. The initiative called for a universal investment in children's participation in cultural activity as one of five actions to eradicate child

poverty.

In 1989, Ireland ratified the UN International Covenant on Economic, Social and Cultural Rights, including the right of everyone to take part in cultural life. From that point onwards, the rights of minorities to participate fully in cultural life have improved from a policy perspective. While these rights are now written into most cultural institutions strategies, and there have been improvements in relation to access, there remain many barriers to participation for numerous communities.

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) protects the right of ethnic, linguistic and religious minorities to enjoy their cultural life both individually and in community with the members of their minority. The Human Rights Committee, which monitors the ICCPR, has stated that Article 27 requires the Government to take positive measures to protect the cultural identity of a minority and the right of its members to enjoy and develop their culture. Soft law instruments such as the UN Minorities Declaration and various UNESCO conventions provide for the removal of legal obstacles to cultural development, while at the same time highlighting the need to promote, develop and celebrate the diversity of cultural life of minority groups and the responsibility of Government to take action to ensure the transmission of cultural heritage. Furthermore, under the Council of Europe's Framework Convention for the Protection of National Minorities, there is an obligation upon States Parties to promote and maintain conditions to enable national minorities to maintain, develop and promote their culture.

^[1] [Constitution of Ireland](#)

^[2] The Order had been issued pursuant to section 31 of the *Broadcasting Authority Act 1960* as amended by s. 16 of the *Broadcasting Authority (Amendment) Act 1976*. The *Broadcasting Authority Act, 1960 (Section 31) Order, 1993* (S.I. No 1 of 1993) lapsed on January 19, 1994.

2.3. Role of artists and cultural professionals

As a small country with a small professional community within the arts and culture, Ireland has a minor network of arts institutions offering limited career development potential. Within these circumstances, it would be easy for artists to become conservative and subconsciously fall into a pattern of artistic conformity within an acceptable level of pre determined artistic freedom offered by the establishment. The ability of artists to speak out on issues has been tested in recent times. What has been interesting is that the more socially challenging artistic expressions have not been made within the cultural institutions but on the streets outside. Artists are somewhat protected by Article 40.6.1(i) of the Irish Constitution concerning the right to freedom of expression. However, this right is caveated by qualification that this freedom is "subject to public order and morality."

In 2015, in the run-up to the Marriage Referendum, artist Joe Caslin created a large-scale temporary paper stencil mural of two men embracing on the side of a building on George's Street in Dublin. Although the building owner granted Caslin permission, the Dublin City Council ordered the removal of the mural (based on a small number of complaints), claiming that it did not comply with planning rules by not applying for planning permission.

Some cultural institutions have championed freedom of speech such as Project Arts Centre. In 2016, in the very early stages of the lead up to the Abortion Referendum of 2018, artist Maser painted a mural on the front façade of the Project Arts Centre. It was a simple graphic of a red heart with the text 'Repeal the 8th' inset in white surrounded by a white border. The graphic clearly depicted a message in support of a 'Yes' vote in the referendum. Again, Dublin City Council ordered its removal on the basis of lack of planning permission. Project Arts Centre argued that it was their building and they were supporting artistic freedom. But the Council replied it fell under planning rules because the mural faced the public space.

The mural was repainted in 2018 in the middle of the referendum campaign. This time, the charities regulator intervened and ordered its removal on the basis that legislation dictates that charities are not allowed to have political affiliations. Project Arts Centre argued again for artistic freedom turning the 'painting over' of the mural into a performance event, which circulated on social media. A small section was left visible as a reminder of the enforcement over freedom of expression. The incident garnered debate (mostly within the arts sector) around the limits of the freedom of expression and censorship within the arts and culture. The repeated backlash from authorities against Project Arts Centre's mural demonstrated a difference of public opinion on what constitutes freedom of speech for artists working in public spaces but equally highlighted a perceived limit on cultural institutions.

Concurrently, there was a strong voice of support from a group called 'artists for repeal'. The Artists' Campaign to Repeal the Eighth Amendment was set up in 2015 by Cecily Brennan, Alice Maher, Eithne Jordan, and Paula Meehan. It began as an online campaign appealing to fellow artists, writers, musicians, and actors to put their names to a statement calling for a repeal of Eighth Amendment of the Constitution of Ireland (Article 40.3.3) that equates the life of a pregnant woman with that of the foetus. The aim of the campaign group was to promote national and international awareness of the restrictive reproductive laws of Ireland and to encourage and inspire other groups and activists to use cultural means to promote social change. A rich body of visual artefacts were created during the campaign. These artistic voices contributed a distinct and unique visual culture that united the campaign. Public gatherings including performances and readings organised by artists also supported the campaign. In literature, 'Repeal the 8th', an anthology edited by Una Mullally, is a collection of the writing and art inspired by the most pressing debate in contemporary Ireland in the run up to the referendum in 2018. It became a national bestseller despite its launch being cut out of the Dublin Festival of Literature programme.

A recent Theatre Forum survey elaborated the precarious nature of performing artists work. The survey revealed that a third of artists earn less than the national minimum wage of EUR 9.55 per hour and 83% of the artists are paid flat fees regardless of hours worked.

2.4. Digital policy and developments

While passing references have been made to digital policy within cultural policy and strategy for some time, implementation has been slow. In 2007, the Irish Manuscripts Commission drafted a [digitisation policy](#) including recommendations to government that a National Digital Strategy was required. They suggested that this responsibility should fall on the then Department of Arts, Sport and Tourism. Phase 1 of Ireland's National Digital Strategy (NDS) was launched in July 2013 by the Department of Communications. The main focus of the NDS is on 'doing more with digital', aiming towards a digitally enabled society. The strategy sets out a vision and a number of practical actions and steps to encourage and assist citizens and small businesses to get online.

Phase 1 focuses on Business & Enterprise, Citizen Training and Schools & Education. The ultimate goal is the optimal economic and social use of the Internet by business, individuals and the government. Apart from a minor reference to the potential to development of creativity skills within digital skills education, arts or culture are not mentioned in the digitisation strategy.

The Government is now seeking to develop a new National Digital Strategy to progress further and grasp the opportunities offered by digitalisation and respond to its challenges. The newly formed coalition government of 2020 has maintained the strategy to roll out high speed broadband to the whole of the country under the National Broadband Plan through a combination of commercial and state investment. Another initiative that has enabled digital growth is entitled *Smart Cities*. The overarching aim of a smart city designation is to enhance the quality of living for its citizens through smart technology. 2016 saw the launch of *Smart Dublin*, a collaboration between Dublin's four local authorities, which aims to engage with smart technology providers and researchers 'to solve city challenges and improve city life'.

Culture Ireland's strategy 2017-2020 makes specific reference to developing digital footprint potential internationally. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media's statement of strategy 2018-2020 makes a passing reference to the 2040 goals related to the digital economy. The only solid reference to digitisation is made in relation to the digitisation of the national archives, in line with the national development plan. The government strategy 'Project 2040' aims to upgrade the cultural infrastructure including large scale investment in the digitisation of the National Archives. The National Archives' digital imaging policy (2016) is designed to support and facilitate the preservation of archives. The Digital Repository of Ireland stores digital data archives in humanities, social sciences, and cultural heritage.

The audiovisual sector has capitalised more than other cultural sectors on the opportunities offered by digitalisation. A national strategy for the development of skills for the audiovisual industry in Ireland prepared by the Screen Ireland and the Broadcasting Authority of Ireland (BAI) in 2017 placed emphasis on the need to develop digital skills reacting to the changes in convergence including digital platforms.

2.5. Cultural diversity

2.5.1. NATIONAL / INTERNATIONAL INTERCULTURAL DIALOGUE

Concerning the cultural field, statements made in relation to 'cultural diversity' and 'social inclusion' appear in strategy papers as well as legislation. However, there is no cohesive all-of-government programme linking intercultural dialogue and culture. There is also a lack of monitoring of existing strategies for international dialogue. Grants for multicultural cultural projects are given by government agencies (Arts Council, Screen Ireland, Culture Ireland, Creative Ireland) and through local authorities (arts offices, libraries, heritage). The awareness of the need to promote intercultural dialogue at a national level is growing and there are a number of initiatives to support this.

The central conclusion of the 2010 report *How People Live their Lives in an Intercultural Society* of the European Cultural Foundation's Irish Committee, is that Irish people — personally, in their communities, in business, society and public service — are ready to learn more about other cultures and to facilitate greater integrations of migrants into Irish society. However, the capabilities and practices that might support an intercultural society are inhibited by some features of Irish policies and a lack of opportunities for intercultural dialogue.

Ireland participated in the programme of the European Year of Intercultural Dialogue (EYID) in 2008. Some critics have argued that the programme in Ireland focused on too narrow a definition of 'culture' as 'arts'. Still, it resulted in many interesting intercultural projects that highlighted the positive effect of collaborative arts where professional artists work with communities to achieve the EYID goals of raising awareness and promotion of the role of intercultural dialogue. Many professional cultural organisations such as Aramb Productions, Camino Productions, Calypso Productions, Polish Theatre Ireland as well as NGO's such as the Migrant Rights Centre Ireland, Spirasi and the Forum on Migration and Communication have pushed for cultural recognition of minority-ethnic groups and interactions between majority and minority groups through engaging and inclusive artistic programmes. The programme also acted as a catalyst for policy change such as the 2010 Arts Council's *Cultural Diversity and the Arts* policy and strategy statement.

2.5.2. DIVERSITY EDUCATION

The Equality Authority of Ireland has a broad legislative mandate to promote equality of opportunity and to combat discrimination. The field of education is a core focus in the work of the Equality Authority. In Ireland the *Employment Equality Acts* prohibit discrimination in the workplace, which is relevant for staff in educational establishments as well as educational contexts of cultural institutions. The *Equal Status Acts* prohibit discrimination in the provision of goods and services, accommodation and education. The Acts include specific provisions in relation to educational establishments.

Diversity at School (2004) is a unique and valuable report of the Equality Authority. It encompasses all nine grounds covered by the equality legislation — gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community — in a single study. It is valuable in its identification of a broad range of issues that need to be addressed in schools and other educational institutions if equality is to be effectively promoted in a context of diversity.

Under the *Education Act* (1998), a number of key partners (in addition to the Department of Education and Science) are identified as playing a central role in education policy at primary, secondary and tertiary levels. These include teacher unions, national parents' associations, school management bodies and school patrons (including the Vocational Education Committees). In addition, a number of statutory bodies and support agencies have important roles such as the National Council for Curriculum and Assessment, the National Educational Welfare Board, the Higher Education Authority and the agencies and support services of the Department of Education in such areas as school development planning, curriculum development, student guidance, etc. Students are defined as key partners in their own education under the *Education Act*. The *Diversity at Schools* report suggests that if equality-related change is to be implemented within the education system then each of the partners needs to be involved.

Barriers to diversity education include inherited historic post-independence policy attempts at promoting a homogenous cultural identity for Ireland. Differences around disability, ethnicity, or beliefs were subsumed or suppressed in a society in which all were deemed to be the same. While the policy situation has improved in relation to providing access and participation to all, there remain barriers. Single sex denomination schools as well as a high proportion of private schools dominate the compulsory components of education (primary and secondary level). Over 90 per cent of primary schools are denominationally controlled (mainly Roman Catholic.) However, since the mid-1980s the majority of newly established primary schools have been multi-denominational schools as provided under Educate Together or Gaelscoileanna (Irish Language Schools),

representing a change in traditional patterns.

It was the recommendation of the *Diversity at School* report that education about equality should become more systematic in the Irish educational institutions. Equality principles need to inform all programmes taught in schools, regardless of whether there are members of groups from the nine grounds named in the equality legislation on the roll.

A further report by the Economic and Social Research Institute in 2009 entitled *Adapting to Diversity: Irish Schools and Newcomer Students* studied the diversity policies at primary and secondary schools. It found that over half of the schools had a specific policy to support the integration of new students from diverse backgrounds, including special language support programmes. The report recommended a policy focus on language programmes. An anti bullying policy was also recommended. While the report does find a lack of understanding amongst Irish students of other cultures, it falls short of recommending diversity education.

In 2013, Anti Bullying Procedures for Primary and Post-Primary schools were introduced by the Department of Education and Skills. In accordance with the *Education (Welfare) Act (2000)* and guidelines issued by the National Educational Welfare Board (NEWB), all schools in Ireland are now required to have an anti-bullying policy within their overall code of behaviour.

Since 2005, an action plan by the Department of Education and Science called *Delivering Equality of Opportunity in Schools (DEIS)* has been in place to support equal opportunity in education. The plan has focused on identifying economic disadvantage and offering support for disadvantaged students to continue in education. The action plan is grounded in the belief that:

- every child and young person deserves an equal chance to access, participate in and benefit from education;
- each person should have the opportunity to reach her/his full educational potential for personal, social and economic reasons and;
- education is a critical factor in promoting social inclusion and economic development. The Action plan does not include specific actions related to diversity education.

The DEIS plan of 2017 has focused on implementing “a more robust and responsive Assessment Framework for identifying schools” in need of supports, as well as improving the learning experience of pupils in DEIS schools.

The Educate Together schools in Ireland are co-educational and have no school uniforms. The schools are led by an equality based ethos and work hard to instill a sense of equality and justice in students. All children have equal access to school and no religion or worldview is given priority over another.

Goal 4 of the Irish Government's *Sustainable Development Goals National Implementation Plan 2018-2020* sets out government targets in 2030 related to ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all in Ireland. Most of the emphasis is on removing inequality barriers for children, girls, women and disabled. There is little specific emphasis on diversity education related to cultural or ethnic diversity.

2.5.3. MEDIA PLURALISM AND CONTENT DIVERSITY

The Broadcasting Authority of Ireland (BAI) published a new Media Plurality Policy in 2019 that sets out how BAI will support and promote media plurality. The BAI's role in promoting and supporting media plurality is undertaken in the context of the provisions of the *Broadcasting Act* (2009) and the *Competition and Consumer Protection Act* (2014). The BAI works together with and supports media plurality activities undertaken by the Minister for Climate Action, Communications Networks and Transport, and the Competition and Consumer Protection Commission (CCPC). Under the *Competition and Consumer Protection Act* (2014), both the Minister for Communications and the CCPC have key powers related to maintaining plurality. It is the role of the CCPC to review media merger proposals over a certain financial scale threshold to ensure that they will not substantially lessen competition. It is the role of the Minister for communications to make a determination on whether a proposed media merger will be contrary to the public interest in protecting plurality of media in the State.

Media plurality is defined in the BAI policy as *Diversity of Content* (the extent to which the broad diversity of views including diversity of views on news and current affairs and diversity of cultural interests prevalent in Irish society is reflected through the activities of media businesses in the State, including their editorial ethos, content and sources) and *Diversity of Ownership*. Consideration of media plurality is especially important given the rapidly evolving and converging media environment. Reporters Without Borders has criticised the high concentration of media ownership in Ireland and the need for defamation reform as these issues threaten press freedom. Independent News and Media (INM) control much of the daily and Sunday newspaper market as well as one of the few national commercial television company, while broadcasting was dominated by the semi-state company RTE. Frequent defamation suits and the extraordinarily high damages awarded by Irish courts also pose a significant threat to press freedom. In November 2019, the Minister of Justice pledged to reform the *Defamation Act* in 2020 to tackle these issues. The reform is long overdue as a review was intended within five years of the law's passage in 2009.

In 2017, the European Court of Human Rights found that a EUR 1.25 million award in a defamation case in Ireland was a breach of the right to freedom of expression. The *Communications (Retention of Data) Act* (2011) was due to be revised and replaced, however no bill has yet been tabled. The *General Scheme of the Communications (Retention of Data) Bill* (2017), which came in response to judgements of the Court of Justice of the European Union, has received criticism for failing to provide specific protections for press journalists.

Current challenges to media plurality as defined in the BAI Media Plurality Policy (2019) include: changes in consumption patterns away from traditional media; concern regarding issues of misinformation, disinformation, and malinformation on political, social and cultural matters which is evident via discussions on fake news in the social media sphere and elsewhere; the aggregation of personal data by media businesses, in particular social media businesses, and its use in ways that are neither transparent nor ethical; the impact of news filters, intermediaries and algorithms that can lead to polarisation and to a limitation of exposure to a diversity of viewpoints; threats to the sustainability and quality of news and cultural production due to the loss of income from the decline in payments for news content and from shifts in advertising towards online media.

2.5.4. LANGUAGE

The Irish language represents an area of complexity for cultural policy. In legislation, the Irish language is deemed important to Irish culture and Irish identity by the Irish Government. The *Official Languages Act* (2003)

sets out the status of the Irish language in the Irish Constitution. Article 8 of the Constitution states: 1. The Irish language as the national language is the first official language; 2. The English language is recognised as a second official language; and 3. Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof. This was the first time the provision of services in general through Irish by the state system was placed on a statutory footing. The aim of the 2003 Act is to increase and improve in an organised manner over a period of time the quantity and quality of services provided for the public through Irish by public bodies. The legislation intends to create a space for the language in public affairs in Ireland. The Office of An Coimisinéir Teanga (a fully independent office) was established under the *Official Languages Act* as an independent statutory office operating as an ombudsman's service and as a compliance agency.

An important goal of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media is to support the Irish language, to strengthen its use as the principal community language of the Gaeltacht and to assist the sustainable development of island communities. The Department funds Údarás na Gaeltachta as the regional development agency for the Gaeltacht and co-funds Foras na Gaeilge in its work in supporting the Irish language on an all-island basis (including Northern Ireland.) It also funds the office of the Language Commissioner and supports the delivery of services to island communities.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has an overarching responsibility for the implementation of the *20-Year Strategy for the Irish Language (2010-2030)*. The Strategy aims to promote a holistic, integrated approach to the Irish language. A key feature of the Strategy is a coordinated approach in conjunction with Údarás na Gaeltachta and Foras na Gaeilge. Údarás na Gaeltachta operates under the *Údarás na Gaeltachta Acts (1979-2010)*. The relevant primary legislation includes both the *Údarás na Gaeltachta Acts* and the *Gaeltacht Act (2012)*. The policy support for the Irish language is spread across multiple Government departments: the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media works with the Department of Education and Skills, and the Department of Children and Youth Affairs.

2.5.5. GENDER

There are no specific strategies for the cultural labour market to support women as professionals. The government set a target back in 1993 that all State boards should have a representation of at least 40% of each gender. The *National Strategy for Women and Girls 2017-2020* published by the Department of Justice and Equality in 2017 is the framework through which the Government will attempt to advance the rights of women and girls and to enable their full participation in Irish society.^[1] In 2017, women constituted 38% of board members according to the *National Strategy for Women and Girls 2017-2020*. However, according to a recent gender balance survey conducted by the Central Statistics Office the figure for total female appointment to boards is lower at just 30%. Only one in nine CEO's in large enterprises in Ireland are women according to the CSO Gender Balance in Business Survey of 2019. Publicly funded cultural institutions have overall representation of 36% women on their boards.

The *Employment Equality Act (1998)*, which came into operation in 1999, repeals and replaces the *Anti-Discrimination (Pay) Act (1974)* and the *Employment Equality Act (1977)*. Discrimination in employment is outlawed by the act on nine distinct grounds: gender, family status, marital status, age, disability, sexual orientation, religion, race, or membership of the traveller community. The wide scope of the legislation covers discrimination in relation to: access to employment, advertising, conditions of employment, equal pay for work of equal value,

promotion, collective agreements, training, and work experience. Discrimination in these areas is outlawed whether by an employer, an employment agency, a trades union, a professional body, a vocational training body or within newspaper advertising jobs. The Act gives protection to employees both in the public and private sector as well as applicants for employment and training. It also allows an employer to put in place positive action measures to promote equal opportunities on gender grounds.^[2] This legislation is guided and supported by the Equality Authority as well as the Human Rights Commission. However cases of discrimination are decided upon by the Office of the Director of Equality Investigation.

Women artists and arts workers across a range of disciplines continue to encounter barriers to advancing their careers compared to their male counterparts. The recent emergence of artist led movements such as *Waking the Feminists*, *Sounding the Feminists* and *Fair Plé* have evidenced this. *Waking the Feminists* was formed in 2015 by artists in response to a male-dominated programme for the 1916 Rising centenary at the Abbey Theatre. With advocacy support from the department of Culture, Heritage and the Gaeltacht a number of leading theatre organisations in Ireland worked together to initiate and formalise a position on gender policy. Over two years from 2016-2018, the companies engaged in a series of discussions that resulted in each organisation forming its own gender policy statement with reference to a common desire for reform. The Arts Council responded further with the production of its own [Equality, Human Rights and Diversity Policy](#) in 2019. The accompanying action plan is the first of its kind put forward by the council. Action 2.2. of the plan commits the council to “publish aggregate information on award applicants and recipients with an immediate focus on gender...” with annual reports on gender statistics published on their website. Policy Action 4.2 requires strategically funded organisations to ensure their boards are gender balanced.

Screen Ireland has engaged a new strategic focus on gender equality in their strategic plan with a six-point plan. The strategy demonstrates a proactive approach as demonstrated by the accompanying programme of actions, including new production and training schemes specifically for female creative talent. In 2018, the Department of Arts Heritage and Gaeltacht launched the Countess Markievicz Award for Irish female artists. At EUR 20,000, it is the largest fund available to individual artists in Ireland. The purpose of the award is to honour Countess Constance de Markievicz who was an artist and radical historical figure in Ireland at the beginning of the twentieth century. She was the first woman to be elected to parliament. When the new award was first announced by the Minister it appeared that it was open to women, but this was later reframed as an award to provide support for artists from all backgrounds and genres to buy time and space in order to develop new work that reflects on the role of women in the period covered by the decade of centenaries 2012-23, and beyond.

^[1] Department of Justice and Equality (2017) *National Strategy for Women and Girls 2017-2020: Creating a Better Society for All*.

^[2] www.genderequality.ie

2.5.6. DISABILITY

In 1999, the *National Disability Authority Act* was enacted to underpin the new mainstream framework for the provision of services to people with disabilities. Under this Act, the National Disability Authority (NDA) was established as an independent statutory body dedicated to disability issues. The authority gathers data on

disability issues, establishes and monitors standards and codes of practice in the implementation of programmes and services. It liaises with all agencies of government with the aim of encouraging the recognition and promotion of equality for people with disabilities. Under the act cultural agencies such as the Arts Council must ensure that their programmes are in line with the standards and codes of the authority.

In 2012, the Arts Council published an update of their disability policy along with a five-year strategy entitled *Arts and Disability (2012-2016)*. The key values of the strategy include ensuring equality for people with disability so they can engage fully in artistic and cultural life in Ireland; and the support of a more social model of disability as an approach where access is considered at the early planning stage of infrastructure and programmes. The strategy acknowledges that it is important that disability is seen to include a diversity of people and practices. A holistic approach is favoured combining the mainstreaming of access and participation for artists and audiences with the more strategically targeted supports. The strategy fits within a wider inclusion policy of the Arts Council where arts and disability are part of a larger commitment to social inclusion.

The organisation Arts and Disability Ireland (ADI) is the national development and resource organisation dealing with arts and disability issues. The organisation promotes engagement with the arts at all levels — as professional artists, audience members and arts workers — for people of all ages with disabilities of all kinds. They encourage arts programmes and arts venues in becoming fully accessible experiences for all. They also advocate for inclusive policy and practice, which provides real access to all aspects of the arts for everyone. ADI's strategic plan 2017-2021 entitled *Leading Change in Arts and Culture* focuses on three strategic areas: artists, audiences, and the arts and cultural environment. In relation to artists, they aim to ensure that Irish artists with disabilities experience no barriers in making art, and that their quality work is seen and appreciated in Ireland and internationally. They aim to ensure that audiences enjoy seamless, holistic, person-centred experiences. In relation to the arts and cultural environment ADI aim to ensure that disability inclusion becomes a natural part of the practice of arts programmers and arts workers.

2.6. Culture and social inclusion

The strongest protection offered to minority groups in Ireland comes from the *Equal Status Act (2000)*. The Act compliments the *Employment Equality Act of 1998*. Under the Equal Status Act, it is illegal to discriminate on the nine grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the traveller community within the context of:

- the provision of goods, facilities and services available to the public generally
- schools and other educational establishments
- the provision of accommodation
- relation to membership of private registered clubs.

The act also sets forth the obligations now imposed on the owners and operators of businesses (including cultural) that supply goods and services, on those who provide accommodation, on the management of schools and educational establishments, and on the boards of private registered clubs.

Cultural and social inclusion is one of many issues facing refugees within the Direct Provision system in Ireland. This is a system of asylum seeker accommodation in Ireland operated by the Reception and Integration Agency (RIA) of the Department of Justice and Equality. The majority of centres are privately owned and operated and

the standards of accommodation and living conditions vary considerably. While the system provides asylum seeker residents with accommodation and a small weekly living allowance, there are a number of limitations placed on asylum seekers, which act as barriers to participation in the cultural and social life of Ireland. The National Integration Strategy (2017-2020) of the Office for the Promotion of Migrant Integration was published in 2017 and sets out the Government's approach to integration. Culture is specifically mentioned in the strategy's vision and includes participation in cultural activities, development of language skills, while preserving also their own traditions. The newly elected government of 2020 acknowledges that the Direct Provision system is not working and is now working to create major reforms.

A number of artists and arts organisations have sought to engage with people living in direct provision as well as give voice to artists within the direct provision system. [The Asylum Archive](#) consists of accumulated documents, artefacts, oral histories and photography created by Dublin based visual artist and researcher Vukašin Nedeljković. The archive engages directly with the everyday realities of asylum seekers, drawing on Nedeljković's personal experience of being an asylum seeker. The multidisciplinary collaborative art project involved working with asylum seekers, artists, academics, civil society activists and immigration lawyers, amongst others, with a view to creating an interactive documentary and cross-platform online resource, critically foregrounding accounts of exile, displacement, trauma and memory. The work has been exhibited throughout Ireland. The Glucksman Gallery in Cork supported a project working with children living in direct provision. The project sought to offer a marginalised community a creative and positive experience within a museum environment. Many other arts institutions have attempted to reach out to the asylum seekers living in direct provision.

To focus specifically on social inclusion measures within cultural policy, the Department of Arts, Heritage, and Gaeltacht's *Culture 2025* policy framework states:

"Culture also has an important role to play in promoting tolerance, inclusivity and social cohesion in our increasingly diverse society. It should be accessible to everyone, irrespective of origin, place of residence, religious beliefs, or economic or social background. Culture also has an important role in social integration. It must reflect Ireland's shift to a multicultural society and recognise the value of diverse cultural influences. Interaction, equality of opportunity, understanding, respect and integration all contribute to the enrichment of our culture."

However, many local diversity issues remain despite the explicit reference to the importance of cultural diversity made by the Department as well as the Arts Council and Creative Ireland in several policy and strategy documents. For example, the historic difficulty of the Traveller community to freely express their distinct culture continues as a cultural rights issue. One recent positive change has been the official recognition of the Traveller community as an ethnic minority group in 2017. By taking this step, Ireland has shown its determination to value the unique culture, identity and heritage of Travellers in the country. This has offered better protection of the group's cultural rights. But it must be noted that this protection is very late in relation to the rights of minority groups internationally. The National Traveller and Roma Inclusion Strategy 2017 – 2021 was published in 2017 by the Department of Justice. Roma people are entitled to the same rights and responsibilities as any other European Union citizen when in Ireland.

The diversity policy emphasis has recently shifted away from 'integration' and towards 'inclusion'.^[1] Cultural identity is recognised as one of ten strategic themes within the National Traveller and Roma Inclusion Strategy along with objectives related to supporting Traveller and Roma culture, identity and heritage to be valued within

Irish society while also preserving Traveller cultural heritage.

The 2010 report of the Arts Council on Cultural Diversity and the Arts, while acknowledging the wider socio-economic, educational and health factors, listed a number of barriers specific to the area of cultural diversity: lack of knowledge and capacity among those charged with arts provision at both local and national level; lack of clarity about the arts agenda vis-à-vis the cultural diversity agenda; lack of funding and support; and overdependence on short term projects and 'celebratory' approaches. The Arts Council has responded to the first of these barriers by now providing demographic cultural mapping information for local arts programmers to better understand the diversity of the communities that may engage with arts programmes. Within the Arts Council's plan for 2020-2022 it is stated that "we live in a republic of equals, where the arts are for all. But there are still communities in Ireland where access to the arts continues to be a challenge. Barriers to participation in the arts include geography, demography, socio-economic background, gender and disability." In response the Council has adopted a new Equality, Human Rights and Diversity Policy to be integrated across all of their work.

^[1] Department of Justice and Equality (2017) *National Traveller and Roma Inclusion Strategy 2017 – 2021*.

2.7. Societal impact of arts

References to the societal impacts of arts are frequently made in many policy framework documents of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media as well as the Arts Council. *Making Great Art Work: Leading the Development of the Arts in Ireland - Arts Council Strategy (2016–2025)* for example states that "The arts shape and challenge us, give us pleasure, help us to know who we are and where we are going: their distinctive, creative power is an essential feature of our consciousness and conversation."

Research has been conducted related to participation and engagement in the arts as well as attitudes to the arts, such as the Arts Council commissioned *The Arts in Everyday Life* (2015) or the *Public and the Arts* (1994, 2006, 2018.) However, the societal impacts of the arts lack evidence-based research to underpin policy claims of social impact. The Arts Council as well as local government acknowledge that while they have many anecdotal accounts of the transformative effect the arts have had on different communities and localities, they do not have a systemic way of gathering this information to tell the story of true impact. For this reason, in 2020 the Council has trialed a new system to assist in assessing the social impact of investment in the arts at local level. Using the Social Impact Assessment (SIA) model, the Council is currently piloting this approach with projects in three local authorities in the counties Carlow, Leitrim and Limerick. The results have not been shared as yet.

2.8. Cultural sustainability

Cultural sustainability is still a conceptual outlier both in cultural policy and sustainable development policy in Ireland. Cultural sustainability rarely appears in policy as a stand-alone goal. Neither is there a distinct strategy to progress towards the UN Sustainable Development Goals taking account of cultural sustainability.

'Sustainability' is interpreted in cultural policy as a term to refer to the sustainability of the arts sector or cultural and creative industries. More recently with the Arts Council's *Creative Places* pilot initiative, sustainability has

been interpreted as a strategic sustained investment in a local community.

Policies related to investing in the cultural wellbeing of communities appeared more recently in the cultural policy framework document *Culture 2025* (2020) of the Department of Culture, Heritage, and Gaeltacht: "The value of culture as a means of fostering a more sustainable future for Ireland, including through economic, environmental and social policy". Increasing public engagement with the arts is a goal of the Arts Council's strategy *Making Great Art Work* (2016-2025). This goal then translates to a principle of recognizing the value of culture and creativity to the individual and society.

In the *Voluntary National Review 2018* submitted to the Sustainable Development Goals knowledge platform by the Irish Government, culture is not mentioned at all. The *Sustainable Development Goals National Implementation Plan 2018-2020* also makes little mention of cultural sustainability. Goal 8.9 states that by 2030 the government will devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products. Goal 12.b aims to monitor impacts of tourism development on culture. The emphasis on culture is mostly related to supporting economic development. Sustainable cultural development is not emphasised as a distinct goal or sub goal in itself.

Within the governmental tourism strategy *People, Place and Policy - Growing Tourism to 2025*, culture (mainly cultural heritage) is only seen as worth protecting as one of a number of valuable assets to ensure a positive visitor experience for tourists. But the responsibility for this protection is clearly passed on to the Office of Public Works and Department of Heritage and Heritage Council. There is a lack of coordination over the shared responsibility for the sustainability of cultural heritage from the tourism bodies, the cultural heritage bodies, as well as bodies responsible for national infrastructural development. Within the governmental framework *Our Sustainable Future* (2012), culture is only mentioned in relation to sustaining a multicultural society. Thus, culture is not recognised as a strategic priority in achieving sustainable development. This lack of recognition of culture within sustainable development is clearly evidenced by its absence in the Irish Government National Reviews submitted to UNESCO on progress towards the UNESCO sustainable development goals as well as the National Development Plan (*Project 2040*).

ICOMOS Ireland contributes to international dialogue, debate and policy related to the sustainability of heritage and cultural heritage. ICOMOS International has [recently published](#) an important set of principles for EU funded interventions with potential impact upon cultural heritage in 2018.

2.9. Other main cultural policy issues

Other issues affecting cultural policy relate to insurance legislation. The very high cost of insurance premiums is putting the festivals and cultural events sectors in Ireland at risk. In response, the Alliance for Insurance Reform (a group representing businesses in Ireland) is lobbying government and demanding a cut in unfair personal injury awards, a rebalance of the Duty of Care, the establishment of a Garda insurance fraud unit, and lower premiums from insurers. The group consists of a wide range of civic, sports and small business bodies as well as individual businesses; all of them affected by the unsustainable cost of insurance in Ireland. The group has called for the establishment of a special cabinet committee in government to address the issue but as of yet government has not dealt with the issue adequately.

3. Cultural and creative sectors

3.1. Heritage

In 2020, government responsibility for heritage moved from the Department of Culture, Heritage and Gaeltacht to the Department of Housing. As stated in the *Heritage Act (2018)*, the department is responsible for “promoting interest in and knowledge, appreciation and protection of the national heritage.” Other Government departments and agencies also impact heritage, such as the Department of the Environment and the Office of Public Works (OPW). The OPW responsible for the day-to-day maintenance and presentation of all national monuments in state care and national historic properties.

The *Heritage Act* of 1995 established the Heritage Council as a public body with the task “to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways.” The Council has a small staff of circa twenty. The Heritage Council coordinates circa 2,200 events across the country as part of an annual national heritage week to celebrate Ireland’s built, natural and cultural heritage.

At regional level, there are 27 county heritage officers employed by local authorities in partnership with the Heritage Council and under the auspices of the Heritage Officer Programme, which was initiated in 1999. Their role is to promote heritage awareness, to develop policy and provide advice and information on local as well as national heritage issues.

Although intangible heritage was never clearly defined under the *Heritage Act*, there is a history of protection and preservation of intangible heritage. The National Folklore Collection at the University College Dublin, with circa two million manuscript pages, is recognised as one of Europe’s largest archives of oral tradition and cultural history and inscribed to the UNESCO Memory of the World Register. This recently digitized collection documents many aspects of local Irish language, traditions, and customs from the early twentieth century.

In 2018, the Minister of Culture, Heritage and Gaeltacht launched a four-month public consultation process to inform the development of the new national heritage plan for Ireland, *Heritage Ireland 2030*. There were some welcome minor changes in policy direction reflective of contemporary concerns around climate change. However, An Taisce (an independent charity that preserves and protects Ireland’s natural and built heritage) [responded](#) with grave concern that the Government was not taking climate change into account sufficiently. They called for a plan that “recognises the scale and urgency of the threats facing our natural world through mass extinction and climate change.”

The Department’s policy intent with *Heritage Ireland 2030* is to have an integrated approach to heritage across the whole of Government where relevant to other policy areas, which is similar to the approach proposed in the *Culture 2025* policy framework and tied under the objectives of *Project Ireland 2040*. The difficulty with this approach is that subsequent governments need to follow this same strategy. More often, the incoming government makes changes or rewrites the national strategy to match their political manifesto.

According to An Taisce, “the vision in *Heritage Ireland 2030* lacks any clear objectives, or any real targets [...]

Promulgation of policy, and the promotion of partnerships, community projects and engagement is irrelevant unless legally effective and adequately resourced and timetabled actions are put forward. These actions will need to be targeted and measurable, and should address, amongst other things, biodiversity loss, and threats to cultural heritage.”

Lack of funding is one of the biggest issues impeding the protection of Ireland’s natural heritage, according to An Taisce. In comparison to other EU countries of comparable wealth, support for the protection of landscape and cultural heritage in Ireland is poor.

Heritage at the Heart is the title of the Heritage Council’s strategy for the years 2018-2022. Beyond the aspirational language of ‘nurturing belonging’, the strategic plan is short on clear goals and targets that reach beyond maintaining the status quo.

Heritage and tourism

The impact of tourism on cultural heritage and heritage policy is an ever-present policy challenge in Ireland. While Ireland currently enjoys a low population density, there is a belief that tangible and intangible cultural heritage assets offer an endless resource to promote tourism while still offering such assets as meaningful amenities for local communities. The *Heritage Act* could offer better support for the common ownership and responsibility for the national environment, intangible heritage and recent heritage. There are a number of areas in the legislation that offer too much protection to the landowner.

As recent urban development has affected the capital city Dublin, urban cultures such as nightclub culture have been negatively affected with a recent trend of venues being developed into hotels. At times the protection of this less tangible cultural participation is inadequate against the tide of development of hotels for the tourist economy.

In 2020, the newly formed coalition government has further increased the potential for instrumental use of cultural heritage to achieve tourism goals by placing responsibility for culture and tourism under the aegis of the same department.

The Irish Landmark Trust is a non-profit organisation founded in 1992 that finds interesting and unusual properties that are in need of conservation and protection. The Landmark Trust’s mission is to ‘nurture the symbiotic relationship between heritage and tourism’.^[1] While the relationship between tourism and heritage is an important one, it is also understandable that tensions exist within this relationship around the balance between protecting fragile heritage for present and future local communities and developing a robust and sustainable tourism offer.

^[1] Irish Department of Transport, Tourism and Sport (2015) *People, Place and Policy-Growing Tourism to 2025*, p. 14.

3.2. Archives and libraries

The National Archives of Ireland was established in 1988 following the amalgamation of the State Paper Office (SPO) and the Public Record Office of Ireland (PROI). Under the terms of the *National Archives Act* (1986), the National Archives is responsible for the preservation of departmental records that warrant permanent preservation as archives, and of providing access to archives in its care to members of the general public. Records of governmental departments and their agencies are transferred to the National Archives when they are thirty years old.

The National Archives has developed policies to ensure the permanent protection and preservation of archives in their care and to facilitate access through the provision of a high quality public service. The Archives Framework 2018–2020 sets out the policy framework to ensure a coordinated and standardised approach in the management and preservation of archives during 2018–2020. The National Archives Strategic Plan 2018–2022 outlines the priorities for the development of archives including the completion of the Archive Repository Project, improving the visibility of archival and public services, and developing the civil service-wide records management plan including the development of capability in the National Archives to manage electronic records. The Digital Imaging Policy 2016 sees digital imaging as the primary means of assisting preservation whilst simultaneously enabling wider access to collections of national significance.

The Irish Society for Archives was founded in 1970, before the *National Archive Act*. It published the *Irish Archives Bulletin* which later grew into *Irish Archives*, which remains Ireland's only dedicated archives journal that promotes the place of archives in Irish society. It also organises lectures on topics of interest to archivists, the users of archives and the wider public.

The Library Council, established in 1947, was replaced in 2012 by Libraries Development as the national agency for the development of libraries within the Local Government Management Agency (LGMA). Local authorities operate a network of public libraries across Ireland. Public libraries are open to everyone and most of their services are free. The Department of Rural and Community Development published *Our Public Libraries 2022: Inspiring, Connecting and Empowering Communities* in March 2019 to guide the development of the public library service in Ireland. The first national strategy for the library service entitled *Branching Out* was published in 1998. *Opportunities for All* was the title of the libraries strategy for 2013–2017. The web portal *Libraries Ireland* is managed by Libraries Development, within the Local Government Management Agency (LGMA), on behalf of the public libraries. This work is supported by the Department of Rural and Community Development.

The tender process for the procurement of library books for the libraries of Ireland has granted 60% of the EUR 6 million annual contract to a UK company. This has had a negative impact on Irish booksellers. The decision was heavily criticised by Irish cultural bodies such as the Irish Writers Centre and Poetry Ireland.

3.3. Performing arts

In 2018, the Arts Council published *Making Great Art Work: Theatre Policy & Strategy 2018*. In this strategic plan the Arts Council stated that their investment in theatre production is primarily through three mainstays: strategic funding, arts grants funding and project awards. This is complemented by a series of specifically tailored schemes and a range of supports to individual artists.

Strategic funding supports the essential infrastructure required to sustain and develop theatre in Ireland. This funding gives a level of security to mostly established theatre organisations such as the Abbey, Druid and Project, and is expected to yield a return of quality “exemplary” work. They are also expected to engage “to a significant level” with the people of Ireland. Arts grants funding supports the artistic vision of artists and arts organisations to develop a programme of excellent arts activities over a defined period of time. Project awards offer support on a once-off basis to both new and established artists and companies.

The Arts Council’s strategy places equal emphasis on ‘artist’ and ‘public engagement’. The strategy encourages the theatre sector to invest in more diverse partnerships including co-production, co-presentation and co-curation with the aim of reaching more public. The strategy also gives specific mention to establishing robust policies within the theatre sector around gender and diversity equality.

The precarious nature of theatre workers is a prevailing issue for the sector. A recent Theatre Forum survey elaborated the precarious nature of performing artists work. The survey revealed that a third of artists earn less than the national minimum wage of EUR 9.55 per hour and 83% of the artists are paid flat fees regardless of hours worked.

A grassroots movement entitled *Waking the Feminists* has had an important impact on Irish theatre and culture in highlighting gender and equality issues. The movement was founded by set designer Lian Bell in response to the Abbey Theatre’s announcement of their new season programme in November of 2015. The movement took issue with the fact that there were 18 men on the programme (writers or directors) and just two women. All of the plays were written by men apart from one play, which was referred to as a “monologue for children”. *Waking the Feminists* was very successful in garnering public support.

Initially, *Waking the Feminists* was intended as a one-year campaign. However, in 2016, the Arts Council commissioned the organisation to conduct research on gender balance in Irish theatre. This resulted in *Gender Counts: An Analysis of Gender in Irish Theatre 2006-2015*, a comprehensive research report on gender balance in Irish theatre over a ten-year period. The report found that the four highest-funded theatre organisations had the lowest female representation. In fact, “the higher the funding an organisation receives, the lower the female presence”.

A number of actions resulted from the *Waking the Feminists* movement, including a coordinated effort by ten theatre organisations coming together in 2016 to consider their own record in programming and supporting women within the theatre sector. With support from the Department of Culture, Heritage and the Gaeltacht, they spent two years meeting to discuss the development of their own gender policies with the aim of producing concrete “action plans and measurable results” to identify processes that would ensure gender parity and dignity at work into the future. The resulting *Gender Equality in Practice in Irish Theatre* was launched by the Minister for Culture, Heritage and Gaeltacht in 2018. Also in 2018, the Irish Theatre Institute published *Dignity in the Workplace: Towards A Code of Behaviour in Irish Theatre*.

The immediate impact of *Waking the Feminists* was to prompt policy action and public commitments from Ireland’s leading theatre organisations to gender balance and equality. The movement was a catalyst for industry-wide debate and consultation on the issues and for government policy change. But the most significant impact was the collective empowerment of women to challenge those in power on the issue of inequality, and to stir society to question how women are viewed and treated in the theatre world and in society as a whole.

3.4. Visual arts and crafts

At a national level, the Arts Council of Ireland is responsible for funding visual arts in Ireland. *Making Great Art Work: Visual Arts Policy and Strategy 2019-2022* was published by the Council in 2018. The Arts Council supports individual artists to buy time to make new work and to develop their practice through funding programmes such as the Bursary Award, Next Generation Award, Project Award, and Arts Grant funding. Artist led studio spaces and workspaces are supported through the Visual Artists' Workspace Scheme. Through strategic funding the Council indirectly supports visual arts organisations to support artists.

As stated in the strategy, a recurring challenge is the ability to sustain financially viable careers in visual arts. The Council states that "the lack of a strong industry framework and production models, outside of individual exhibition opportunities over the lifetime of an artist's career, is problematic for working artists." In fact, numerous reports^[1] have been conducted as far back as 1979 on the living standards and earning potential of visual artists. Consistently, research has clearly demonstrated that only a very small minority of visual artists are able to financially sustain a career in the visual arts. Most visual artists are forced to sustain their artistic career through incomes derived outside of their visual art practice, requiring second and third jobs to make ends meet. According to the 2010 Arts Council Report on living standards, 67% of artists earn less than EUR 10,000 per annum from their creative work. The data refers to 2008 figures that don't account for the significant cut in earnings felt across all sectors post recession. The average annual salary in Ireland was EUR 45,256 in 2016.^[2]

According to research conducted by the representative body for visual artists in Ireland, Visual Artist Ireland (VAI), funding sources available to artists are meagre. Artists in Ireland are entitled to apply for tax exemption status on earnings derived from their creative works. While this is of assistance to a number of artists, the majority of artists do not earn enough from their creative works to merit the administrative burden of claiming for the relief.

The Artist Tax Exemption Scheme allows income earned by visual artists from the sale of original and creative works to be exempt from income tax. The scheme is governed by Section 195 of the *Taxes Consolidation Act* (1997). It is administered by Revenue with assistance from the Arts Council. While this scheme has helped artists since 1969, it has not changed the living conditions of artists generally. Artists in receipt of funding from local or national cultural agencies can avail of the scheme.

Availability of artists' workspaces is also a current issue, especially in Dublin. As the commercial pressures increase and the availability of space decreases with commercial development, artists have felt the squeeze in terms of lack of available space to rent and increasing rental costs. There are a number of long established subsidised studio spaces available, but it has been acknowledged by Dublin City Council that the issue needs to be addressed.

^[1] The Arts Council/An Chomhairle Ealaíon (1979) *The Living and Working Conditions of Artists in Ireland*; The Arts Council Ireland & The Arts Council Northern IRELAND (2010) *The Living and Working Conditions of Artists in the Republic of Ireland and Northern Ireland*; Visual Artist Ireland (2009) *The Social Economic and Fiscal Status of the Visual Artist in Ireland*.

3.5. Cultural arts and creative industries

3.5.1. GENERAL DEVELOPMENTS

Ireland has had major individual successes internationally coming from the cultural and creative industries. However, government policies and strategies regarding the sector have to date provided inconsistencies around the definitional scope and the relationship to the economy. At a basic level there is a lack of clarity as to which Government department is responsible.

A number of reports point to the central importance of content creation in driving future economic growth within the context of a knowledge-based economic agenda. Most recently, the national cultural policy framework of the Department of Culture, Heritage and Gaeltacht — *Culture 2025* (2016) — aimed amongst other things “to integrate cultural policy within broader social and economic goals.” (p.3) The creative industries were defined as “including film and television production, animation, broadcasting, electronic games, architecture, design and fashion, publishing, media and advertising.” (p.5) However, when the final policy framework *Culture 2025* was published in 2020, the cultural and creative sectors are defined as industries and occupations which focus on creativity as a means to deliver commercial success, export growth and resilient employment for Ireland including: advertising and marketing; architecture; crafts; design; fashion; film, TV, video, radio and photography; IT, software and computer services; publishing; museums, galleries and libraries; music, performing and visual arts. The 2020 draft policy document has not been followed by a strategic action plan or a clear budget agenda for specifically funding the cultural and creative industries sector, which limits its effectiveness.

The cultural and creative industries still provide opportunity for growth. In recent government policy, the significance of the cultural and creative industries in driving economic growth and jobs provision has been recognised by policymakers with increased focus on scaling up capacity within the audio-visual sector. However, the coordination of actions through a national strategic plan is lacking. Following the publication of the government’s first Audio-Visual Action Plan (2018), an additional EUR 200 million in funds for Screen Ireland was announced over the next ten years. Examples of recent initiatives by national and local governments include the development of Troy Film Studios in Limerick.

Local authorities in Ireland have launched the *Culture and Creativity Strategies 2018-2022*. Supported by the Department of Culture, Heritage and the Gaeltacht and the Department of Housing, Planning and Local Government, each local authority is implementing a five-year strategy. While there are many great individual initiatives implemented under the strategy that aim at increasing participation and social cohesion, it is unfortunate that there is no overarching national policy guidance on the conceptualising of what is deemed to belong to the cultural and creative industries.

Creative Ireland is currently working on a Creative Industries Roadmap expected to be published in 2020. The Roadmap is expected to clearly define the creative industries in Ireland as industries and occupations which utilise creativity as a means to deliver commercial success and employment. The roadmap is expected to concentrate efforts on:

- design-based (i.e., industrial design, product design, web design and visual communications, user-interface/user-experience design and software design, service design, and strategic design),
- digital creative (i.e., games sector, and the post-production/visual effects (VFX) which supports the audio-visual sector, but is also an export service in its own right), and
- content creation industries (i.e., advertising and brand development, but also including new content for commercial social media uses, online distribution and mobile applications ('apps') as well as content for new platforms such as augmented/virtual/mixed reality).

3.5.2. BOOKS AND PRESS

IBISWorld's *Books, Newspaper and Magazine Publishing in Ireland Industry Trends (2014-2019)* showed an average industry growth in Ireland of -4.3%. According to the IBISWorld outlook for 2019–2024, the book, newspaper and magazine publishing industry is expected to decline further, although this is primarily owing to newspaper publishers continuing to struggle to sustain a stable portion of the advertising market due to fierce competition, despite expected growth in revenue from digital advertising. In conjunction with dwindling newspaper circulation figures, revenue from print advertising is expected to continue to fall at a faster rate than digital advertising revenue grows. However, the outlook for magazine and book publishers is positive. The number of businesses stands at 335 with employment at 6,690. The companies holding the largest market share in the industry include Independent News & Media PLC and The Irish Times DAC., followed by Associated Newspapers (Ireland) Ltd, Independent Star Ltd, and Penguin Random House Ireland Ltd.

A briefing document from the Irish Book Industry Forum raised concerns about the procurement policy within the new library policy. They are concerned that it represents a move towards value before quality service in offering 65% of contracts to the lowest price (large scale UK supplier). It is argued that this puts Irish publishers at a disadvantage. Books published in Ireland will have to be transported to the UK for library binding and so forth in order to be sent back to Ireland again. This will incur additional sales costs to Irish publishers, but is also environmentally wasteful and expensive. This policy is in direct violation of the Irish Government's and EU's policy on "Green Public Procurement". They suggest that this new policy creates a monopoly putting the sustainability of the industry's ecosystem at risk. There is also a risk of 'dumbing down' the selection of books available to Irish readers. The writers lobby group Words Ireland have called for a reinstatement of the school library fund that was scrapped during the financial crisis.

The Arts Council offers support to emerging and professional writers through funding and bursaries such as literature project awards, commission awards, professional development awards, writers in schools schemes, arts grants, next generation awards, and literature bursary awards.

3.5.3. AUDIOVISUAL AND INTERACTIVE MEDIA

The audio-visual sector in Ireland had a gross value added of EUR 1,049.9 million in 2016. This figure includes film, television and animation, commercials, video games and radio. That same year, there were 16,930 jobs in the whole of the audio-visual sector. On its own, the film, television and animation sector is worth EUR 692 million, including production and distribution/exploitation. The film, television and animation sector comprises 11,960 jobs by way of direct, indirect and induced employment across the economy. Direct employment within the sector is 7,070, while the direct employment figures on production is 4,480.^[1]

Film and television productions in Ireland benefit greatly from a tax incentive for film under Section 481 of the Consolidation of Taxes: a 32% tax credit for film, television and animation. In 2016, the outlay from Government under Section 481 was estimated at EUR 91.9 million. It is estimated that every euro of Section 481 outlays returned EUR 1.02 in tax revenue to the Irish government. This result was arrived at before taking into account the tax revenues generated by screen tourism and other spillover effects, and therefore, should be viewed as a conservative estimate.^[2]

In 2017, Irish films, television and animation spent over EUR 292 million in the economy. This direct impact figure represents an annual increase of 10% on 2016 spend and an increase of 192% since 2007. There has been constant growth in production activity throughout the industry since 2007, except for a dip in 2015, which represented the changeover to a new updated system of Section 481.^[3]

Screen Ireland's funding improved when an additional EUR 200 million in funds for Screen Ireland was announced over the subsequent ten years in the government's first *Audio-Visual Action Plan* (2018). Screen Ireland offers support for screen writers, directors and production companies by providing investment loans for the development, production and distribution of film, television and animation projects.

The Broadcasting Authority of Ireland supports the audio-visual sector in Ireland through programmes, such as Sound & Vision 4 for television and radio. This programme provides funding in support of high quality programmes on Irish culture, heritage and experience, and programmes to improve adult literacy.

^[1] In 2016 the Department of Culture, Heritage and the Gaeltacht, the Department of Communications and the Department of Enterprise commissioned SPU/Olsberg to produce a report measuring the value of the audiovisual sector. The report was published in 2018 using 2016 baseline data.

^[2] Olsberg SPU/Nordicity estimates based on data from RTE, BAI, CRAOL, Irish Times, Core Media, IFB, Imirt, Industry surveys, company accounts, ONS, Indecon and CSO.

^[3] https://www.screenireland.ie/images/uploads/general/S481_Production_Spend_Trends.pdf

3.5.4. MUSIC

The Arts Council offers support to emerging and professional musicians through awards and bursaries such as music project awards, music commission awards, professional development awards, beyond borders awards, arts grants, next generation awards, music bursary awards, music recording schemes, and touring and dissemination of work schemes.

The music funded by the Council includes, traditional folk music, jazz, contemporary classical, classical and opera. The popular music industry is not supported by the national government or by the Arts Council through any specific music schemes. A business expansion scheme for music exists, but the sector has made very little use of it. Local authority arts offices also offer funding for musicians that live or work within the location of the authority.

Music Generation is Ireland's National Performance Music Education Programme, initiated in 2010 by Music

Network. The main demographic focus of their programmes is children and young people under the age of 18. The initiative aims to provide what was missing in music education, i.e. performance music education, and to complement the music curriculum in mainstream education. The catalyst for finally setting up such an infrastructure was a philanthropic donation of EUR 7 million from the band U2 and The Ireland Funds. There are many reports spanning 30 years that highlighted the need for an initiative such as this. These include *Deaf Ears?* (Heron, 1985), The PIANO Report (PIANO Review Group, 1996), The MEND Report (Heneghan, 2001) and *A National System of Local Music Education Services*, a report completed by Music Network in 2003 which included piloted projects in two areas of the country, Donegal and Dublin City.

Music Generation works in partnership with national and local partners across the education sector, arts sector and local government. The contexts within which it works include educational, community and arts settings, as well as within probation services, direct provision centres, festivals and innovative and alternative venues. Music Generation programmes cover many genres and include individual music-making and many types of vocal and instrumental ensembles.

The music industry has received funding for the first time from government in 2020 in response to the effect of COVID-19 restrictions on live music events.

3.5.5. DESIGN AND CREATIVE SERVICES

2015 was designated as the Year of Design in Ireland, which involved a EUR 5 million programme of activities to promote and encourage design activity in Ireland. The Year of Design also stimulated debate and discussion around the future of design. A new *Policy Framework for Design in Enterprise in Ireland* was developed and subsequently launched in 2016 by the Department of Jobs, Enterprise and Innovation. The policy framework included: increased use of design-driven innovation in enterprise, building scale in the design sector and the engineering design sector, supporting entrepreneurship, skills development, and more females in design roles.

The Design and Craft Council published their National Design Strategy for Ireland in 2016. This ambitious strategy pointed out the need for a specific national policy for design in Ireland. Design research is highlighted as a strategic priority to apply design strategies to real-world issues across sectors. Increasing design capabilities in enterprise is also given strategic focus encouraging the introduction of design thinking and skills across all education. The final focus of the strategy relates to facilitating creative communities through user-centred design.

Ireland's design sector is a fast growing creative industry, with over 3,000 jobs created between 2011 and 2014. In 2015, the sector employed 48,000 people, equivalent to 2.48% of the total workforce. It has a strong regional spread, with over 65% of registered design companies located in the regions. It generates over EUR 38 billion in exports, across traditional and digital design. It attracts significant inward investment, with multinationals such as IBM establishing design centres in Ireland. The sector makes a contribution to the wider enterprise base, with over 80% of Irish firms citing the importance of design to innovation, customer service and profit.^[1]

^[1] Department of Jobs, Enterprise and Innovation (2015) *Policy Framework for Design in Enterprise in Ireland*.

3.5.6. CULTURAL AND CREATIVE TOURISM

'Cultural tourism' is relatively underdeveloped in Irish tourism policy. A strategy for the development of cultural tourism in Ireland was produced in 2006 by Failte Ireland, the National Tourism Development Authority, entitled *Cultural Tourism: Making it Work for You*. The strategy struggles to pin down a clear definition of cultural tourism. For instance a major absence is agricultural tourism. While it may be conceived as part of rural tourism, it is not given the strategic attention that it gets in other EU states. The strategy borrows a definition from an Australian strategy from 1994 that is extremely broad. This results in a strategy that mostly validates the cultural elements of the existing tourism strategy rather than define new opportunities for development. The strategy focuses on tourist visits to historical houses, gardens, monuments, museums, heritage centres, art galleries or gardens, festivals and events, and gastronomy. Cultural tourism is recognised as a key driver of the national tourism strategy. The strategy acknowledges the market potential of increasing cultural tourist visits.

The strategy recommends the following changes within the current model: product development — moving from a concentration of focus within silos (e.g. built heritage, natural heritage, performing arts, etc.) to a more holistic cross domain approach, and from 'observation-based' ('look but don't touch') visitor experiences to something more embracing and participatory; product marketing — from a presentation of cultural tourism destinations that resembles 'a supermarket with the products arranged in alphabetical order' to something that is more compelling, distinctive, joined-up and consumer needs-focused. This strategy should be refreshed and updated. Failte Ireland also offers market research tools for providers to help target cultural tourists, but there is a need for product development that is focused on cultural sustainability.

In 2012, the Arts Council published the report *Cultural Tourism: A How to Guide*. The guide was aimed at arts organisations wanting to diversify their audience and attract the cultural tourist to participate in their cultural programme.

Culture Ireland plays an important role in promoting Irish culture internationally. The importance of this organisation in balancing the relationship between tourism and culture is not well understood in policy terms. This once autonomous semi-state agency was subsumed into the Department of Arts Heritage and Gaeltacht in 2012. The balance of culture and tourism was tested with an initiative of government called The Gathering. The initiative was successful in generating greater tourist numbers, but was criticised also for its projecting of a clichéd image of a folksy Ireland. There also is a need for a coordinated approach that acknowledges the need for cultural sustainability as well as economic growth.

4. Law and legislation

4.1. General legislation

4.1.1. CONSTITUTION

Bunreacht na hÉireann, the Constitution of Ireland, was enacted in 1937 and can only be amended by way of a referendum. It does not make specific reference to culture. Amongst many recommendations made in 2017 by the Oireachtas' (the legislature of Ireland) joint committee on arts and heritage was that the government should initiate a referendum to insert a specific reference to arts, culture and heritage in the constitution. Following from this insertion, the committee also called for legislation to vindicate the cultural rights of Irish citizens to cultural expression and cultural access.

The following articles of the Constitution relate to culture and cultural rights:

- *Right to participate*: Article 2 states the entitlement to be “part of the Irish Nation” to all those born on the island of Ireland. Article 3 states the will of “the Irish Nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions.”
- *The Irish Language*: Article 8 states that the Irish Language is the first official language with the English language recognised as the second language of the State.
- *Cultural Representation in the Senate*: Under Article 7 candidates for Seanad Éireann/the Irish Constitution are elected from panels of candidates with experience from 5 areas. The first of these panel area is “National Language and Culture, Literature, Art, Education...”
- *Freedom of Expression*: Article 40 asserts the fundamental personal rights of the citizen. Under Article 40 6 1° the State guarantees liberty for the exercise of the following rights, subject to public order and morality: i) The right of the citizens to express freely their convictions and opinions; ii) The right of the citizens to assemble peaceably and without arms; iii) The right of the citizens to form associations and unions.
- *Religious Freedoms*: Article 44 refers to religious rights. Under sub section 2 1° Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

4.1.2. ALLOCATION OF PUBLIC FUNDS

The main law governing the allocation of public funds to the arts is the *Arts Act (2003)*. Section 24 of this Act enshrines the arm's length principle in legislation. Commentators have noted the increasing allocation of arts funding directly by the Department of Culture, Heritage and the Gaeltacht (DCHG) without acknowledging a change of functions or responsibilities relative to the *Arts Act*. Subsequent Ministers have defended all increases in direct spending from the Department. Taking an overview the legislation of 2003 attempted to add clarity around the working relationship between the Arts Council (autonomous agency) and the Department. It would appear that there is at best a lack of clarity or at worst a redirection of funding that is at odds with the existing legislation.

Other cultural legislation governing allocation of funds include the *Heritage Act (2018)*, the *Heritage Fund Act (2001)*, *Údarás na Gaeltachta Act (2010)* and the *Official Language Act (2003, 2018)*. The *Heritage Act (2018)*

provided for the establishment of the Heritage Council and allows for the funding of Heritage via the semi state council. The purpose of the Heritage Fund provided under the *Heritage Fund Act* (2001) is to provide resources for use by the principal State collecting cultural institutions in acquiring, for the national collections, items of moveable heritage such as artefacts, manuscripts, books and works of art "that are both rare and of national importance, that are outstanding examples of their type, that are pre-eminent in their class and that otherwise could not be acquired".^[1] The five institutions funded under the Heritage Fund are the National Archives, the National Gallery of Ireland, the National Library of Ireland, the National Museum of Ireland and the Irish Museum of Modern Art. The *Language Act* (2003 ,2018) provides that the statutory framework for the delivery of State services through the Irish language. The state agency supporting the development of the Irish language Údarás na Gaeltachta operates under the *Údarás na Gaeltachta Acts* (1979-2010).

Public service broadcasting in Ireland is paid for through a combination of government funding, television license fee and advertising revenue. The *Broadcasting Funding Act* (2003) provides that the Broadcasting Commission of Ireland provide grant funding for television and radio programmes out of an amount of 5% of net receipts for television license fees.

The *Irish Film Board Act* (1980) assigns the role of developing the film industry to the Film Board (now Screen Ireland), including the allocation of funding through a combination of investments, grants, loans and guarantees of loans.

Other public funding for culture is subject to normal public procurement processes.

^[1] <https://www.chg.gov.ie/arts/culture/projects-and-programmes/the-heritage-fund/>

4.1.3. SOCIAL SECURITY FRAMEWORKS

In 2017, a new pilot scheme was introduced for artists' social security support. The scheme was developed in partnership between the Department of Social Protection and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The scheme gave new acknowledgement to the professional status of visual artists and writers applying for Jobseeker's Allowance from the Department of Social Protection. It was part of a key commitment made by Creative Ireland to artists under the Creative Ireland Programme. Visual Artist Ireland and The Irish Writers Centre provided expert knowledge for the development of the one-year pilot scheme as both these organisations are approved to certify the professional status of artists under their respective discipline.

In 2019, the scheme was made permanent and is now open for applications from a wider range of professional artists including actors, dancers, street performers and musicians.^[1] Under this new scheme, the criteria for Jobseeker's Allowance remains the same but professional artists who are self-employed will be able to have 'artist' as their primary profession. This professional status of artists has not been recognised in the past by the social welfare system. The new system now makes this easier and artists will no longer have to hide their primary profession so as to access supports. During the COVID-19 crisis in 2020, artists were entitled to avail of an emergency relief payment scheme similar to other workers. In acknowledgement of the greater impacts on the sector a special CRSS (Covid Restrictions Support Scheme) was also implemented in the budget 2021 with immediate effect in October 2020.

^[1] <http://www.welfare.ie/en/pdf/Professional-Disciplines-and-Certifying-Organisations.pdf>

4.1.4. TAX LAWS

Though Ireland does not have general legislation aimed at stimulating arts sponsorship or investment, there is a range of tax reliefs in operation to incentivise such activity. For instance, Section 481 of the *Taxes Consolidation Act* (1997) allows investors in film or television drama to claim tax relief on share subscriptions in qualifying film production companies. The amount of relief that can be claimed is subject to annual limits. A new film tax scheme was commenced in 2015.

Section 1003 of the *Taxes Consolidation Act* (1997) enables tax relief for persons who donate important national heritage items to the Irish National Collections. In addition, other tax breaks can be availed of to support cultural organisations:

- business sponsorship of an artist or arts organisation in exchange for promotion of the business;
- donations to charitable institutions;
- expenditure on buildings and gardens;
- gifts to the Exchequer; and
- provision of certain goods and services such as printing of programmes or tickets, offering airline tickets, etc.

The 21.5% VAT charge on visits by foreign performing artists to Ireland continues to be burdensome for festivals and other organisations, as well as discouraging exchange between North and South, as the same tax does not apply in the UK.

Generally, the usual VAT rate of 21.5% is reduced to 12.5% in respect of sales of art works and admission to artistic and cultural exhibitions. The general position of Revenue Commissioners (the governmental agency responsible for customs, excise, taxation and related matters) is that the printing of books qualifies for the zero rate of tax while the printing of newspapers and periodicals attracts VAT at the second reduced rate. Other printed matter including stationery are liable at the standard rate. The second reduced rate, currently 9%, was introduced on the 1st July 2011 and still applies.

Artists in Ireland benefit from a specific tax provision. Tax-exempt status for self-employed creative artists resident in Ireland was introduced in the 1969 *Finance Act*. This provision was lauded internationally as an imaginative piece of legislation. It allows exemption from tax on income earned by creatives (writers, visual artists, sculptors and composers) in Ireland so long as it meets certain criteria. This would include income from sales or copyright fees in respect of original and creative works, as well as on Arts Council bursaries, payments of annuities under the Aosdána scheme and foreign earnings. Revenue Commissioners along with representatives of the Arts Council will make a determination on creative works' eligibility. Works eligible include: books or other forms of writing; plays; musical compositions; paintings or other similar pictures; and sculptures. Income derived from the performance of works is subject to normal taxation. The work must be of artistic merit. The artist's work is qualified as having artistic merit if "it enhances to a significant degree the canon of work in the relevant category in its quality of form and/or content".

From the tax year 2011, the artist's exempt income is subject to Universal Social Charge at the appropriate annual rates. Artists' income exempted under the scheme may be subject to Pay Related Social Insurance, VAT and the Higher Earners Restriction. In 2014, the provision was revised with a cap placed on the exemption on the first EUR 50 000 of profits or gains. As a self-employed worker, the artist is entitled to claim back some VAT paid for materials costs. The scheme has recently been extended to EU non-resident artists.

4.1.5. LABOUR LAWS

Artists and cultural workers are subject to the same labour laws as other citizens. The main legislation regarding employment in Ireland is *The Terms of Employment Act* (1994-2014) which requires employers to provide employees with certain information about their employment, such as a job description, a contract of employment, a defined rate of pay and hours of work. *The Employment (Miscellaneous Provisions) Act* (2018) brought in a ban on zero-hour contracts in most situations and provides for minimum payments and banded hours. It also forces the employer to provide employees with information on the five core terms of employment within five days of them starting work.

Irish legislation affecting labour law

Employment Act 2018

Companies Act 2014 (No. 38)

Industrial Relations (Amendment) Act 2012 (No. 32) *Industrial Relations Act 1946* (No. 26)

Industrial Relations Acts 1946 to 2015

National Minimum Wage Act 2000 (No. 5)

National Minimum Wage Acts 2000 and 2015

Organisation of Working Time Act 1997 (No. 20) *Payment of Wages Act 1991* (No. 25)

Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c.93)

Protected Disclosures Act 2014 (No. 14)

Terms of Employment (Information) Act 1994 (No. 5)

Unfair Dismissals Acts 1977 to 2015

Workplace Relations Act 2015 (No. 16)

4.1.6. COPYRIGHT PROVISIONS

In Ireland, the *Copyright and Other Intellectual Property Law Provisions Act* (2019) replaces the previous *Copyright and Related Rights Act* (2000) in setting out the rights of copyright owners as well as penalties for infringements. The law intersects creative works with information technology law and data protection law. The policy process of modernising copyright law, undertaken by the Department of Business, Enterprise and Innovation, began back in 2011 and involved the 2013 report *Modernising Copyright* of the Copyright Review Committee. The Committee was established to identify any barriers to innovation in the digital environment, and developing proposals for reducing barriers in order to provide greater support for growth and jobs in the digital industry. The 2019 Act also includes certain exceptions permitted by the Information Society Directive 2001/29/EC. The act provides stronger protections of copyright and other intellectual property (IP) in the digital era. It also enables the right-holders to better enforce their IP rights in the courts.

With up to 80% of corporate value now represented by intellectual property assets (IPRs) such as patents, trademarks, copyright and designs, the main focus of the 2019 legislation is on the strengthening of legal

protection of the commercial assets relative to the digital age. However, other issues required amendments also. The Act makes a number of amendments including:

- Renaming the “Patents Office” to the “Intellectual Property Office of Ireland” reflects the contemporary role of “the Office”, which is in line with the more standardised naming convention for such offices across the EU.
- New Court Jurisdiction: Allowing owners of intellectual property to pursue lower value IP infringement claims in the District and Circuit Courts which may result in a reduction in litigation costs; As a result of this amendment, infringement actions by copyright owners will now be heard quicker and will incur lower legal costs than if proceedings were brought in the High Court.
- Research and Education: Making it easier for researchers (non-commercial) to use text and data mining tools by expanding the current exception. The existing copyright exceptions for education is expanded, to allow teachers to display works on a whiteboard to illustrate a point, or to provide education by means of distance learning and education over the internet, in line with the changing methods of providing education and training in Ireland.
- Creative: The term of protection for copyright in designs and artistic works is expanded from a 25-year term to life of the creator plus 70 years. In relation to photography, it is now an infringement to tamper with metadata associated with the photographic works. The authorship of a film soundtrack accompanying a film is to now be treated as part of the film. The use of copyright works is covered by an exception to allow for caricature, pastiche and parody.
- Media: In the context of recent fake news issues related to the re-use of news material, the 2019 Act extends the exception to copyright for news reporting.

Viewed strictly in relation to artistic works, the provisions of the 2000 and 2019 Acts protect:

- Original literary, dramatic, musical and artistic works
- Film, sound recordings, broadcasts and the typographical arrangement of published editions
- Computer software and non-original databases
- Performances

An ‘artistic work’ includes a work of any of the following descriptions, irrespective of their artistic quality: (a) photographs, paintings, drawings, diagrams, maps, charts, plans, engravings, etchings, lithographs, woodcuts, prints or similar works, collages or sculptures (including any cast or model made for the purposes of a sculpture); (b) works of architecture, being either buildings or models for buildings; and (c) works of artistic craftsmanship.

The legal rights encompassed by the Act include a right of the creator to prevent others from exploiting the work (taking account of the information society and the digital age). The creator has a right to charge a fee for the reproduction of works even after resale. The creator also has ‘moral rights’, that include the right to be identified as the author of the work, the right to prevent mutilation or distortion or other derogatory alteration, as well as the right not to have a work falsely attributed to them. The Act gives the author of a work the exclusive right to authorize making the work available, copying, and for a period of 70 years.

Authors societies and copyright collection agencies

The Irish Visual Artists Rights Organisation (**IVARO**) is a not for profit organisation representing over 1500 Irish visual artists. The Artists Resale Right (ARR), also known as *droit de suite* (right to follow), has been in operation in Ireland since 2006. The regulation entitles artists to receive a royalty each time their work is resold by an auction house, gallery or art dealer.

The Irish Music Rights Organisation (IMRO) is an authors' society established as a Company Limited by Guarantee (CLG). IMRO is a member of the European authors societies network GESAC. IMRO's main function is to collect and distribute royalties arising from the public performance of copyright works, ie. music used anywhere outside of the domestic environment. This is mainly carried out through licensing agreements in line with the *Copyright & Related Rights Act* (2000-2019). As of January 2016, IMRO also acts as agent for Phonographic Performance Ireland (PPI), collecting public performance royalties on behalf of record producers and performers. PPI was established in 1968 to act as a central administrator of record company rights in the public performance, broadcasting and reproduction of their recordings. PPI is owned by its Irish and multinational record company members.

Run by performers for performers, the *Recorded Artists Actors Performers* (RAAP) is a not-for-profit organisation set up after the *Copyright and Related Rights Act* (2000-2019) to ensure that musicians receive the performance royalties that are due to them.

The Mechanical Copyright Protection Society Limited (MCPS) is an organisation that represents thousands of composers and publishers of music in Ireland. By way of reciprocal agreements with other organisations around the world, MCPS also represents the interests of music copyright owners in other countries. MCPS licenses to companies and individuals who record its members' musical works and then collects and distributes the royalties payable under those licences. This service is available to anybody who wants to record music including record companies, independent production companies and others. MCPS also licenses the importation of recordings from outside of the EU.

The Motion Picture Licensing Corporation (MPLC) provides licensing for public broadcasting. Whenever audio-visual content is being viewed outside the private home, it is considered a 'public performance' where legal authorisation is needed to avoid copyright infringement. MPLC licences these public performances of audio-visual content in a public location, such as shops, waiting rooms, reception areas, bars and restaurants, coaches, schools, activity centres, children's nurseries, and care homes.

The Newspaper Licensing Ireland Ltd (NLI) was established in 2002 to administer the copyright in original works published on behalf of member publishers, and to promote a culture of copyright understanding and compliance.

The Irish Copyright Licensing Agency CLG (ICLA) is a non profit-making licensing body, defined by the *Copyright & Related Rights Act* (2000) that issues licences for the re-use of print and digital works to educational institutions, businesses and other organisations. They permit copying within certain rules from Irish as well as overseas publications. They issue licencing for copyright holders of content in books, magazines or journals.

4.1.7. DATA PROTECTION LAWS

The *Data Protection Act* (1988-2018) regulates the collection, processing, keeping, use and disclosure of personal data, both manual and electronic. Cultural institutions must take account of this. The application of the General

Data Protection Regulation (GDPR) (EU) 2016/679 in 2018 has greatly changed data protection in Ireland. A new Data Protection Commission was established. It replaces the previous data protection directive in force since 1995. The transition to the new regulations in 2018 greatly affected the cultural sector. The majority of cultural organisations operate with a small administrative office and many organisations struggled to deal with the administrative burden of the changes. While many organisations were prepared for the legislative change, a number of organisations' audience mailing lists had to be started afresh.

4.1.8. LANGUAGE LAWS

The basic principles regarding language rights are set out under the Irish Constitution. These rights were further enshrined in legislation with the *Official Languages Act (2003)*, which aims to ensure that high quality services are widely available to the public through Irish. The Act aims to create a space for the Irish language in public affairs in Ireland. The public has the right to expect to communicate with and receive information from the agents of the state through the Irish language. There is also an apparatus set up under the Act to allow for complaints, procedures and advice known as An Coimisinéir Teanga. Section 32 of the Act provides that the Minister for Culture, Heritage and Gaeltacht issues placenames orders declaring the Irish versions of placenames. The state agency supporting the development of the Irish language is Údarás na Gaeltachta and operates under the *Údarás na Gaeltachta Acts (1979-2010)*. Language policy also overlaps other policy areas. For example, the *Broadcasting Act (2003)* allows for the funding of certain cultural and heritage programming including Irish language programming.

4.1.9. OTHER AREAS OF GENERAL LEGISLATION

No further information available.

4.2. Legislation on culture

4.2.1. GENERAL LEGISLATION ON CULTURE

In the absence of one singular overarching legislation for culture, the *Arts Act (2003)* establishes the main legislative framework for cultural policy-making in Ireland. The Act defines the arts, sets out the role and functions of the Minister, local authorities and the Arts Council, and prescribes the membership and procedures of the latter. While the Act clearly establishes in legislation the autonomous role of the Arts Council in funding decisions, the strength of autonomy is somewhat compromised firstly by the provision that the Minister can appoint special committees to advise the Arts Council and secondly the provision of the overarching role of the Minister in policy matters. The previous *Arts Acts* of 1951 and 1973 stated that policy-making was the responsibility of the Arts Council. The 2003 Act defines a responsibility for local authorities to produce arts plans in line with other plans under Section 31 of the *Local Government Act (1994)* as well as defining the role of the Department of Culture, Arts, Tourism, Sport and Gaeltacht.

While it refers to other cultural areas as well, the *Arts Act* is first and foremost legislation for the arts. Other areas of cultural policy are provided for by a number of legislations. These other acts of legislations directly affecting culture are listed in the table below, followed by international legal instruments implemented by Ireland in the cultural field

Table 2a. Existing legislation affecting culture in Ireland

Title of the act	Year of adoption
<i>Public Libraries Act</i>	1947
<i>Finance Act</i>	1969
<i>Film Board Act</i>	1980
<i>Local Government Act</i>	1994, 2001
<i>National Cultural Institutions Act</i>	1997
<i>Taxes Consolidation Act – Section 481, Section 195</i>	1997
<i>Copyright and Related Rights Act, Copyright and Other Intellectual Property Law Provisions Act</i>	2000, 2019
<i>Heritage Fund Act</i>	2001
<i>Heritage Act</i>	2018
<i>Arts Act</i>	1951, 1973, 2003
<i>Broadcasting (Funding) Act</i>	2003
<i>The Official Languages Act</i>	2003
<i>Planning and Development Act</i>	2003
<i>National Monuments Act</i>	1930, 1994, 1954, 1987, 2004
<i>Broadcasting Act</i>	2009
<i>National Tourism Development Authority Act</i>	2003, 2011, 2016

Table 2b. International legal instruments implemented by Ireland in the cultural field

Title of the act	Year of adoption
<i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>	Signature: 1973 Ratified: 1989
<i>Optional Protocol to the International Covenant on Economic, Social and Cultural Rights</i>	Signature: 2012 Not ratified
<i>UN Convention on the Protection and Promotion of the Diversity of Cultural Expressions</i>	Ratification: 2006
<i>UN Convention concerning the Protection of the World Cultural and Natural Heritage</i>	Ratification: 1991
<i>Universal Copyright Convention</i>	Signature: 1952 Ratified: 1958
<i>Constitution of the United Nations Education, Scientific and Cultural Organisation (UNESCO)</i>	Acceptance: 1961
<i>UN Agreement on the Importation of Educational, Scientific and Cultural Materials</i>	Acceptance: 1978
<i>Convention for the Protection of Cultural Property in the Event of Armed Conflict</i>	Signature: 1954 Ratified: 2018
<i>European Agreement on the Protection of Television Broadcasts</i>	Signature: 1960 Not ratified
<i>European Agreement Concerning Programme Exchanges by Means of Television Films</i>	Signature: 1958 Ratified: 1958
<i>European Convention on the Protection of Archaeological Heritage</i>	Signature: 1992 Ratified: 1997
<i>UN International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations</i>	Signature: 1962 Ratified: 1979

<i>European Convention on Cinematographic Co-Production</i>	Signature: 2000 Ratified: 2000
<i>European Landscape Convention</i>	Signature: 2002 Ratification: 2002
<i>Convention on Cybercrime</i>	Signature: 2002 Not ratified
<i>Convention for the Safeguarding of the Intangible Cultural Heritage</i>	Ratification: 2015
<i>WIPO Berne Convention for the Protection of Literary and Artistic Works</i>	Ratification: 1968
<i>WIPO Copyright Treaty</i>	Signature: 1997 Ratified: 2009 In force: 2010
<i>Convention on Wetlands of International Importance Especially as Waterfowl Habitat</i>	Ratification: 1984
<i>Agreement on the Importation of Educational, Scientific and Cultural Materials</i>	Accession: 1978

4.2.2. LEGISLATION ON CULTURE AND NATURAL HERITAGE

A number of national legislations cover the role of the state to protect the archaeological and architectural heritage as well as wildlife in Ireland. On the archaeological heritage side, the *National Monuments Act* (1930-2014) gives the government authority to protect archaeological sites and monuments that have been identified under the Archaeological Survey of Ireland. An amendment to the *National Monuments Act* was made in 2012 with the addition of the EU standard Environmental Impact Assessment (EIA). This Bill was intended to afford stronger protection for heritage.

The new *Heritage Act* of 2018 amended and extended the *Wildlife Act* (1976), the *Canals Act* (1986) and the *Heritage Act* (1995). The Heritage Council (An Chomhairle Oidhreachta) was established under the act for the purpose of “promoting interest in and knowledge, appreciation and protection of the National heritage”. The *Heritage Act* defines the working relationship between Government and heritage agencies such as Waterways Ireland, and the Heritage Council. Some amendments to the act in 2018 related to natural heritage and biodiversity were made despite opposition from the Green party, An Taisce, and the Wildlife Trust. The concern related to the provisions in the act for extending the legal period for uplands burning and hedgerow cutting into the August nesting season for many bird species. The Heritage Council supports and develops the heritage management system and infrastructure in Ireland. This is mainly achieved in partnership with other relevant agencies and authorities as well as local communities.

The *National Cultural Institutions Act* (1997) sets the framework for museums in Ireland and provided for the establishment of the National Museums Board. The *National Monuments Act* (1930-2014) has considerable impact on the work of the National Museum. The act asserts the State’s ownership of archaeological objects, which are found and which have no known owner. They also provide for the National Museum’s role as a regulatory body in Irish archaeology. The *Heritage Fund Act* (2001) gives a statutory framework for the acquisition of works towards the national collection.

Ireland’s waterways are protected by Waterways Ireland, which uniquely operates under the policy direction of the North-South Ministerial Council (NSMC) and the Ministers of the Sponsor Departments, and is accountable to both the Northern Ireland Assembly as well as the Houses of the Oireachtas. A recent divisive issue related to natural heritage created tensions between environmental and cultural policies. The EU habitats directive as well as Irish law from 2011 now make it illegal to cut turf — traditionally used as a domestic fuel — on 54 Irish bogs. Peat, cut and dried for fuel, it is known as turf in Ireland. The bogs have now been designated as special

conservation areas as part of an EU commitment to reverse biodiversity loss by 2020. Some see turf cutting as a distinct part of Irish cultural heritage worth protecting and maintaining. However, most now understand the value of the bogs in the fight against climate change and most turf cutting has been stopped. Enforcement of the law against cutting turf has been limited allowing for gradual cultural change.

4.2.3. LEGISLATION ON PERFORMANCE AND CELEBRATION

The main legislative support for performance and celebration in Ireland (including theatre, dance, opera, music theatre, music, circus, street arts, festivals) is provided by the *Arts Act (1951-2003)*, which established the Arts Council as the national agency for support of the arts.

As the National Tourism Development Authority, Fáilte Ireland supports festivals through funding, for the purpose of increasing the quality of the visitor experience within the tourism industry. The authority was established under the *National Tourism Development Act (2003)*.

The interpretation of legislation related to crowd control has affected the festival sector. The crowd control law in Ireland is designed to focus on either preventing or controlling meetings that are calculated or designed to cause a riot or breach of the peace. The purpose of crowd control at public events such as festivals is to maintain public peace and order, and to ensure the safety of all who are gathered there. Part III of the *Criminal Justice (Public Order) Act (1994)* is the main legislation in place designed to give the Gardaí (Irish police force) comprehensive legal powers to deal with crowd control. The festival organiser is responsible for the cost of policing their event, but the number of Gardaí (police) required is decided by the local Gardaí. The fluctuating cost of paying for a police presence has rendered some festivals cost prohibitive.

Festivals and performances are required to abide by existing laws regarding the serving and sale of alcohol and health and safety, as set out in the *Intoxicating Liquor Act (2008)* and the *Safety, Health and Welfare at Work Act (1989)*. The document *Safety at Outdoor Pop Concerts and Other Outdoor Music Events (1997)* provides comprehensive guidelines on safety for promoters. Organisers must apply for an outdoor event licence to hold an event, comprising of public entertainment in accordance with part XVI of the *Planning and Development Act (2000)*. Applications are processed through the local authority planning office.

Copyright legislation affects festivals in which there are performances of creator's works. The artist is entitled to a royalty payment for the use of their creative works. While for the most part copyright legislation imposes economic restrictions on promoters, it also offers some sustained income for artists. The legislation also creates many cultural limitations. The *Copyright and Related Rights (Amendment) Act (2004)* clarifies that a person could place literary and artistic works on public exhibition, without breaching the copyright vested in such cultural texts. However, the ad hoc legislation is inadequate against the protective will of many artists' estates. Many artists estates are extremely protective which inhibits the use of visual references to such works within academic studies. There is potential for the defense of 'fair use' to be expanded to allow for the transformative use of copyright works, particularly in respect of adaptations and derived works by visual artists. However, there has been limited legal testing of such defenses to date.

4.2.4. LEGISLATION ON VISUAL ARTS AND CRAFTS

The main legislative support for visual arts in Ireland is the *Arts Act (2003)*, which established the Arts Council. Visual arts are supported through grants for artists and arts organisations. Visual artists can also apply to

Revenue Commissioners for tax exemption on earning up to EUR 50,000 from the sale of their work. The works must be deemed to be original and creative. This is supported by Section 195 of the *Taxes Consolidation Act*. (See chapter 4.1.4 for more information.)

The One Per Cent for Art Scheme in Ireland was first introduced in 1978. Since 1997, the scheme approves the inclusion of up to 1% as funding for an art project subject to a cap of EUR 64,000 within the budgets of public infrastructure projects. However, pooling of projects has allowed for more substantial art projects. The Arts Council plays a developmental role in the scheme. The implementation is the responsibility of the local authority arts office. Many arts offices have an assistant arts officer position specifically assigned to the role of public arts development at county or municipal area.

There is no specific legislation governing crafts in Ireland. It is not listed in the definition of art forms supported under the *Arts Act* (2003).

The copyright legislation in Ireland creates many cultural limitations on re-use or interpretation of works. The *Copyright and Related Rights (Amendment) Act* (2004) clarifies that a person could place literary and artistic works on public exhibition, without breaching the copyright vested in such cultural texts. However, the ad hoc legislation is inadequate against the protective will of many artists' estates. Many artists estates are extremely protective which inhibits the use of visual references to such works within academic studies. There is potential for the defense of 'fair use' to be expanded to allow for the transformative use of copyright works, particularly in respect of adaptations and derived works by visual artists. However, there has been limited legal testing of such defenses to date.

4.2.5. LEGISLATION ON BOOKS AND PRESS

The main legislative support for literature in Ireland is the *Arts Act* (2003), which established the Arts Council. Writers are supported through grants for artists and arts organisations. Writers can also apply to Revenue Commissioners for tax exemption on earning up to EUR 50,000 from the sale of their work. The works must be deemed to be original and creative. This is supported by Section 195 of the *Taxes Consolidation Act*. (See chapter 4.1.4 for more information.)

The *Censorship of Publications Act* (1929) still exists in Ireland. It is an act "to make provision for the prohibition of the sale and distribution of unwholesome literature". While it is very rarely used in modern times, the legislation has not been changed. The last time a book was banned was in 2016, which was the first time since 1998. After the 2018 repeal of the Eighth Amendment, which provides for the legal termination of pregnancy, references to abortion were removed from the *Censorship of Publications Act* (1946). In 2019, the Department of Justice confirmed that several publications providing information about abortion were to be removed from the Register of Prohibited Publications.

While freedom of speech is protected under the Constitution of Ireland, it is forever in battle with the interpretation of the *Defamation Act* (2009) in Ireland. The law of defamation in Ireland is governed by the Constitution, common law and the *Defamation Act*. According to the Act, a defamatory statement is one, which tends to injure a person's reputation in the eyes of reasonable members of society.

The imbalance between these legislations determines press freedom in Ireland. Currently, Ireland's defamation laws pose "a significant threat to press freedom" according to [Reporters Without Borders \(RSF\)](#). In 2019, the

NGO stated “frequent defamation suits and the extraordinarily high damages awarded by Irish courts also posed a significant threat to press freedom”. According to Lawyer.ie, 80% of defamation actions are taken against the media. A libel action carries the real threat of bankrupting a small newspaper. According to RSF, the possibility of exorbitant damages, combined with the high costs of defending defamation suits, has resulted in a climate of self-censorship, in which prominent individuals known to be litigious become largely untouchable by the Irish media. Despite these real concerns, RSF has ranked Ireland quite well at 13 out of 180 countries in its 2020 World Press Freedom Index, an increase from 15 in 2019.

4.2.6. LEGISLATION ON AUDIOVISUAL AND INTERACTIVE MEDIA

The objective of Irish broadcasting policy is to maintain access for the people of Ireland to high quality Irish radio and television services. The *Broadcasting Act (2009-2020)* establishes the role of the Broadcasting Authority of Ireland (BAI). The BAI has responsibility for regulating particular aspects of the public service broadcasters, ensuring quality of public service, transparency and accountability in use of public finance and in accordance with Irish and EU law. The public service broadcasters, Radio Teilifís Éireann (RTÉ) and Teilifís na Gaeltachta (TG4), are licensed by the Minister of the Department for Communications, Energy and Natural Resources. The publicly funded broadcasting services are autonomous in relation to day-to-day programming and editorial decisions. However, the legislation enforced by the BAI requires RTÉ and TG4 to reflect the cultural diversity of Ireland in programming.

The *Broadcasting Act (2009)* introduced three reporting requirements for RTE: Public Service Statement, Statement of Strategy, and an annual statement of performance commitments. RTÉ's public service obligation under the *Broadcasting Act* and the Public Service Broadcasting Charter is to serve the whole community including a broad range of interests be they cultural, generational, regional or international. They are required by statute to spend a certain minimum amount of EUR on independent productions. The Public Service Broadcasting Charter specifically includes "arts" among the key genres of programming that RTÉ is expected to include in its schedules.

In the case of the independent broadcasting sector, there are no legislative provisions relating to the makeup of programme schedules other than in the case of news and current affairs. Licenses to broadcast in the independent sector are awarded by the Broadcasting Authority of Ireland. Proposed programme schedules are amongst the issues considered by the Authority when assessing applications for licenses and are then reflected in a contract where a license is awarded.

The provisions of the EU Television without Frontiers Directive apply to both public and private television services in Ireland. The Directive requires that, where practicable:

- 50% of programming should be made up of European works; and
- 10% of programming time (or budget) should be produced by independent producers.

These quotas apply to programmes apart from news, sport and current affairs. On the national level, independent broadcasters are required by statute to devote a minimum of 20% of broadcasting time to news and current affairs. There are no specific quotas in the case of public broadcasters but RTÉ's statutory mandate requires comprehensive programme scheduling.

4.2.7. LEGISLATION ON DESIGN AND CREATIVE SERVICES

There is no specific legislation governing design as a cultural or creative form in Ireland. While design for industry was seen as a justification for the original *Arts Act* of 1951 and responsibility was given to the Arts Council, it was soon moved to the Department of Industry/Córas Tráchtála in 1961. This has left design outside of the legislation for culture ever since. With the establishment of the Kilkenny Design Workshop in 1963, industrial design moved under their responsibility.

In legislative terms, design is recognised only as an industry. The *Industrial Design Act* (2001) is the primary legislation dealing with industrial designs in Ireland. Its main interest is protecting registered designs from patent infringements. Apart from this, the *Copyright and Other Intellectual Property Law Provisions Act* (2019) covers copyright protection.

There is a lack of support from government for design as a creative pursuit in and of itself. This form of support would help boost the design standards and quality. The amendment of the Craft Council's trading name to Design and Crafts Council of Ireland (DCCoI) has given greater visibility to the design and also formally acknowledges their existing remit which includes supporting and promoting Irish craft and product-related design enterprises. This new amendment is not underpinned by an act of legislation. DCCoI is the 'national agency for the commercial development of designers, stimulating innovation, championing design thinking and informing government policy.'

More recently, in 2016, the Department of Enterprise produced a *Policy Framework for Design in Enterprise*. The framework report pointed to a need for a new national policy for design.

5. Arts and cultural education

5.1. Policy and institutional overview

The Department of Education and Skills has the principal responsibility for arts education within schools. The National Council for Curriculum and Assessment (NCCA) is a statutory body of the Department of Education and Skills that develops the national education curriculum on behalf of the Department. The NCCA three-year strategy 2019-2021 expresses its strategic intention to focus the curriculum around STEM (Science, Technology, Engineering and Maths) over what the arts and cultural community have called for: STEAM (STEM with the inclusion of A for Arts).

Arts education takes place informally in the context of audience development and outreach programmes of cultural institutions. The majority of cultural institutions will have some form of outreach policy. This activity is supported by the national and local authority policy frameworks: the Arts Council's emphasis on stimulating public interest in the arts, promoting knowledge, appreciation and practice of the arts and assisting in improving standards in the arts; local authorities emphasis is on local development including education. Outreach projects take place either within the institutions or outside in venues such as schools and family workshops, youth and community outreach projects, working with facilitators, etc.

Arts education also occurs within the arts and health context. In 2010, the Arts Council published the *Arts and Health Policy and Strategy* that set in place strategic partnerships as well as implementing monitoring and evaluation processes. While the primary aim is related to health and wellbeing, arts education also occurs.

Arts-in-education is a term used in Ireland to describe a practice involving skilled, professional artists of all disciplines working for and with schools in the making, receiving and interpreting of a wide range of arts experiences. Many schools across the country are engaged in such collaborations ranging from one-off artist visits to artistic projects over a longer duration to intensive collaborative projects. The practice can take place within or outside the school. The collaborative arts projects are aimed at enriching the education curriculum, and nurturing and developing the imaginations of the pupils.

The Government's Creative Ireland Programme states the policy goal of "enabling the creative potential of every child" under Pillar 1 of the programme. The programme financially supports small level interventions in arts-in-education such as the Creative Schools Initiative, which rewards schools that demonstrate creativity. The initiative often involves children interacting with professional artists although the programme has limited funding which affects its scale. These initiatives are welcome in encouraging grassroots school led creative programmes. To date these are minor interventions into general schools' wellbeing programmes and are dependent on individuals championing the initiative within each school staff.

5.2. Arts in schools

The Irish government of the past ten years has largely prioritised a STEM Education Policy (Science, Technology, Engineering and Maths) over STEAM (with the inclusion of Arts). There have been calls from the arts sector for more recognition and inclusion of arts in the policy agenda of Government. These calls have been acknowledged by the Minister of Culture, but there have been few concrete actions to divert from the STEM policy agenda or to

widen it to include arts.

The importance of arts education has been emphasised continuously through numerous reports commissioned either by the Arts Council or through joint committees established between the Arts Council and the Department of Education going as far back as the 1970s. However, concrete actions from the Department of Education have been very slow to result from these reports.

There was some hope for change in 2012 when the Department of Education and Skills (DES) and the Department of Arts, Heritage and the Gaeltacht (DAHG) produced a joint commitment to promote and integrate the arts in education with the launch of the *Arts in Education Charter* (December 2012). The Charter placed a welcome emphasis on the importance of arts education. There was some concern within the arts community about the requirements set out within the charter for any artists in receipt of funding from government to give some time back within an arts in education context. It was pointed out that not all artists have the relevant skillset to do so. It was also pointed out that the arts funding was designed to give artists time to develop their practice. This requirement was not pursued post Charter.

The most concrete change after the Charter has been the introduction of the Creative Schools initiative of Creative Ireland. The Arts in Education Portal was another outcome of the *Arts in Education Charter*. The intention was to create a community of practice. However, it has been relatively underutilised post 2016.

The Teacher-Artist Partnership (TAP) is a Department of Education and Skills initiative, which commenced on a pilot basis in 2014/15 to enhance arts in education at primary school level. This initiative is guided by the principles expressed in the Charter and Pillar 1 (Creative Youth) of the *Creative Ireland Programme* (2017–2022).

Cultural curricula

The national curriculum for secondary level junior cycle's (years 1-3) Visual Art subject sets out clear expectations for students, across the three integrated strands of art, craft and design. It aims to provide the student with a set of personal attitudes and qualities as well as skills, processes and a sense of the aesthetic. Through practical engagement in the areas of art, craft and design, 'students will develop self-confidence, inquisitiveness, imagination, and creativity'. Junior cycle's Music subject focuses on giving students the opportunity to develop their musical knowledge, skills and cultural awareness through practical and cognitive engagement with music. This can be achieved through the three interconnected strands: procedural knowledge, innovate and ideate, and culture and context.

Within the secondary level, the Leaving Certificate Art (including Crafts) exam programme is studied across four main areas of Art History and Appreciation, Still Life, Imaginative Composition, Design and Craftwork. These are all supported by the underlying use of observational studies, which enables students to build up a range of work and develop their skills and knowledge. A study of art forms of the past and present informs this work. The Leaving Certificate Design and Communication Graphics involves comprehending, analysing and communicating information presented verbally or graphically. Problem solving and creative thinking skills are developed through the analysis and solution of problems in both two and three dimensions graphics. Graphics and design are communicated using a variety of media, including computer-aided design (CAD). The main areas of study are: Plane and Descriptive Geometry, Communication of Design and Computer Graphics, and Applied Graphics.

Other subjects such as Classical Studies, Languages, Politics and Society, or History include the study of culture in their curricula from mainly a sociological perspective. A number of art forms such as Dance and Theatre remain at extra curricular level, which have the effect of impeding participation in these art forms for many through geographical or financial barriers. Achieving Leaving Certificate results in Music requires extra curricular tuition which also creates barriers.

In many instances, individual secondary level schools choose to not offer any arts education as a specific subject choice for students up to the final exams (Leaving Certificate), blaming lack of available staff resources or lack of student interest. On the other end of the spectrum, there are a minority of independent schools with the resources to offer special extra educational resources in this field (e.g. for music, fine arts, graphics). These private or semi-private schools generally require extra funding from parents for extra curricular tuition.

5.3. Higher arts and cultural education

University studies of arts are organised into undergraduate courses (bachelor's degrees) and postgraduate courses (master's degrees, postgraduate programmes, doctoral programmes, etc.). The qualifications that can be obtained are officially recognised under the National Framework of Qualifications. The number of students choosing to study arts degrees at third level has been in decline ever since the recession of 2008, with growing numbers of students deserting the arts for a science, technology, engineering and maths (STEM) course. STEM subjects have been incentivised heavily by successive governments since 2008.

The Bologna Process has impacted third level education in Ireland in a number of ways. The degree structure proposed in the process was already implemented in Ireland prior to the process. The European Credit and Accumulation System (ECTS) was also already in place in Ireland since the 1990s. The standardization of ECTS across Europe has greatly benefited student mobility through the Erasmus programme. The Bologna Process has had most impact on the area of quality assurance. There is now greater consistency of approach across the sector. Ireland was first country in Europe to provide a National Framework of Qualifications in line with the agreed standards of the Bologna process.

Third level institutions specialising in arts and cultural education include the Institute of Art Design and Technology (IADT) and the National College of Art and Design. The Royal Irish Academy of Music is Ireland's music conservatoire offering pre-college, undergraduate and postgraduate musical training. The Irish World Academy of Music and Dance is situated in the University of Limerick and offers undergraduate and post graduate study programmes in dance and music. The Lir Academy is an academy of Dramatic Art offering undergraduate and postgraduate courses in acting, stage management, playwrighting, directing, and stage design. It is part of Trinity College Dublin and is associated with the Royal Academy of Dramatic Art (RADA) in London. Arts administration is also taught at third level with degrees and postgraduate programmes. Many third level institutions, other than traditional arts college, conservatoire or academies, have now created degree programmes related to culture and the arts or have schools or faculties of arts. Increased competition between higher level institutions since 2010 has resulted in many choosing to increase the number and variety of programmes offered to sustain general student numbers. This has led to a proliferation of arts programmes across the country for prospective students to choose from. It has become increasingly difficult to sustain the third level arts ecosystem as a result, with many high quality programmes now under threat.

Discussions of the possibilities of a Creative University/University of the Arts/Creative Cluster began after the

publication of the *National Strategy for Higher Education to 2030* (2011), generally referred to as the Hunt Report. This report came about in the context of severe constraints on public finances under pressure imposed by the troika bailout post recession. It called for a major reform of the public funded education infrastructure, including the possibility of a creative cluster approach to arts education at third level. A number of third level institutes engaged in early stage discussions, but no mergers have occurred around a creative cluster since. In 2020 a new set of discussions have begun on this issue.

As already touched upon above, arts and cultural education at higher level is currently under severe pressure. The number of students choosing to study an arts or creative course at third level has dropped significantly according to the Central Applications Office (CAO). The future of the arts as a profession or creative career is under serious threat as a result. The diversity of voices being heard within or projected through the arts is continuing to narrow. There is need for greater advocacy by government leading to a coordinated policy to support arts education at third level.

A range of access programmes exists to encourage a broad diverse student body. Higher Education Access Route (HEAR) offers assistance to encourage more students from disadvantaged backgrounds to attend third level. Disability Access Route to Education (DARE) offers assistance to people with disability. Many institutes have their own access initiatives such as Trinity College's Trinity Access Programme (TAP) to support people from geographical areas with low progression rates to higher education to access third level education.

5.4. Out-of-school arts and cultural education

Most publicly funded arts organisations in Ireland provide outreach programme or audience development programme that offers community engagement and participation in arts practice. These educational programmes are offered to all age groups and occur on site at the cultural institution or offsite in a community setting. Encountering the Arts Ireland (ETAI), an alliance of a diverse range of arts and cultural organisations working with education providers, advocate for greater collaboration and alignment in policy between organisations and government agencies in order to provide children and young people with sustained opportunities in the arts and culture in and out of school.

Local authorities also offer numerous cultural education and participation opportunities for their communities. Local authority arts offices frequently partner with individuals, groups and organisations within their locality to develop projects and programmes for children and young people. For example the Fingal county council's arts service normally commits over 50% of the annual expenditure to supporting educational programmes. These programmes are primarily developed for children and young people but also include activities for professional development and lifelong learning for older generations.

Youthreach is a programme of second-chance education provided by the Department of Education and is directed at unemployed early school leavers aged 15-20. The programme provides two years of integrated education, training and work experience. The programme is delivered in out of school settings, including engagement with arts institutions.

A number of youth focused cultural organisations offer education in their discipline, such as Dublin Youth Theatre. The National Youth Council of Ireland (NYCI) promotes the use of STEAM (science, technology, engineering, art and maths) and Digital Youth Work in youth work settings. Their Equality and Intercultural

Programme supports youth workers to embed equality, inclusion, diversity and interculturalism into youth work settings. NYC's Youth Arts Programme is produced in a strategic partnership with the Arts Council and the Department of Children and Youth Affairs. The programme aims specifically to realise the potential of young people through good quality youth arts practice within youth work organisations and the non-formal educational sector, and to develop appropriate policies and activities at local, regional and national level.

CREATE is the National Development Agency for Collaborative Arts. The organisation supports artists and communities to 'co-create work of depth, ambition and excellence'. The organisation, although a great advocate of high quality interventions, has limited reach and capacity given its limited funding allocation.

The Creative Ireland programme offers opportunities for communities to engage in cultural activities. The agency acts as a go-between, working across government and civil society with the aim of promoting understanding of the value and importance of creativity and wellbeing. They work within as well as outside of schools and across all ages supporting cultural education through the following initiatives: Creative Schools; Local Creative Youth Partnerships; Fighting Words; Youth Theatre Ireland; Music Generation (see chapter 3.5.4); and Cruinniú nan Óg; Creative Communities.

5.5. Vocational and professional training

The Arts Council offers funding for artists for professional development. The Travel and Training Award is offered in three strands. The Travel and Training Outbound Award offers funding for Irish artists to travel outside of the island of Ireland to improve their practice through vocational training such as masterclasses or specialist training courses. The Travel and Training Inbound Award offers assistance to arts organisations to bring in specialists from abroad to work with their artists. The third strand relates to arts organisations wishing to travel that are in the process of applying to a Creative Europe (culture sub-programme) fund. The Council also strategically funds arts and cultural organisations that offer vocational training such as Dance Ireland, Visual Arts Ireland, Fire Station Studios, or the Gallery of Photography. A number of these artist-oriented organisations offer short vocational training courses for professional artists within their specific disciplines to complement their practice.

Post Leaving Certificate (PLC) courses taught in Colleges of Further Education offer a training opportunity for students who were not offered third level choices through the CAO points system or they were not interested in that route. Programmes include arts and humanities education and training. These qualifications are recognised by the National Framework of Qualifications and therefore by all third level educational institutions. Students can therefore gain access for progression to level 7 or 8 programmes. While these programmes act as a stepping-stone towards tertiary educational attainment, they also offer improved access to the workforce on completion. Criticisms of the current system relate to the reduction of options related to craft-based apprenticeships schemes, as well as an outsourcing of service provision to private agencies such as Seetec.

6. Cultural participation and consumption

6.1. Policies and programmes

Access and participation in art and culture for all citizens in Ireland is evident as a strategic goal and objective across many levels — from national cultural policy frameworks and semi state cultural agencies' strategies and mission statements to local authority levels. All aim to affirm the right of every citizen to access and participate in cultural life. Museums and galleries in Ireland are free of charge for all to attend. But even though the entry may be free, there remain many barriers. Participation in the arts in Ireland varies markedly according to a number of factors, including educational level, socio-economic status, geographical area, and age. This variation is associated with a range of inhibitors such as economic costs, poor transport, lack of literacy, and social and psychological barriers.

Cultural organisations in Ireland have developed programmes to attempt to diversify and expand their audience as well as outreach programmes focused on art and cultural participatory engagement. [The Education and Outreach Policy of the National Council of Cultural Institutions](#) has developed a stronger focus on cultural inclusion.

Although 'access' and 'participation' are not explicitly referenced within the *Arts Act* (2003), the described functions of the Arts Council — including the stimulation of the public interest in the arts — are clearly linked to these subjects. There is explicit reference made at strategy level within the Arts Council and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The [Making Great Art Work: Leading the Development of the Arts in Ireland, Arts Council Strategy 2016-2022](#) states in its vision that “the centrality of the arts to Irish will have been strengthened by” amongst other actions “the depth and breadth of people’s engagement with the arts as a valued feature of their lives.” Further the vision states that the Council is inspired by the prospect of an Ireland “where the arts are practiced and enjoyed widely in our communities”.

Public engagement is one of two priority areas within the strategy. The Council commits to championing the value of amateur and voluntary participation in the arts and develops an advocacy framework of amateur and voluntary practice and participation.

Of the five pillars of the [Creative Ireland Programme 2017-2022](#), representing the Department’s strategy arising from the [Culture 2025 Framework National Cultural Policy \(2016\)](#), two of the pillars focus on participation: 1. Enabling the creative potential of every child; 2. Enabling creativity in every community. The first creates participatory opportunities for children and young people within and outside of the formal education setting in partnership with schools and other youth services. The second supports over 2500 creative projects in partnership with the local authorities. Local authorities in Ireland have a clear legislative mandate to support social inclusion in the arts: Local authority arts offices are required since 2003 to produce an arts or cultural plan for their local region. Arts organisations are now encouraged through the principles set out in the *Culture Ireland Programme* to open access further and to create new partnerships with community organisations to offer greater participation. The aforementioned policy frameworks and strategies offer evidence of a recent trend in policy away from an exclusive priority focus on supporting artistic excellence towards an emphasis on culture’s potential as an instrument in citizen wellbeing.

A valuable resource in understanding participation and engagement in the arts was undertaken in 2018 by Behavior and Attitudes (B&A) on behalf of the Arts Council. The study confirmed that the arts provision in Ireland is successful at reaching what they called 'cultural aficionados' (people who attend 5+ arts events in previous 12 months).^[1] The survey data suggests that the Arts Council policy is relatively successful at reaching a group identified as 'regulars' (3-4 types of arts events in previous 12 months). But the data also suggests that the Arts Council still struggles to increase participation levels from the group defined as 'occasionals' (1-2 types of events in previous 12 months). Since the 2018 study, the Arts Council has aimed to develop better understanding within individual arts organisations of using census data to understand the profile of their local communities in order to reach out to new audiences. This work is in early stage of development.

There remain a number of psychological barriers to participation and engagement in 'high culture' or 'art' that is linked to Ireland's past colonial sublimation as well as perceptions of classist or elitist distinction. Recent cultural policy has attempted to increase participation by widening the definition of culture within policy. Strategic intermediary organisations such as Dublin City Culture Company at a local authority level, or Creative Ireland nationally have been established to operate across and between local neighbourhood communities and cultural institutions as mediator.

^[1] Arts Council/Behaviour & Attitudes (B&A) (2018) *Attendance, Participation & Engagement with the Arts in Ireland 2018: Arts Council National Survey*.

6.2. Trends and figures in cultural participation

The Arts Council has recently piloted a new approach to research, evaluation and monitoring of cultural participation. A Social Impact Assessment (SIA) model has been piloted in 2019 and a new Social Impact toolkit is planned for 2020. There has also been a reform of box office data gathering which will improve analysis of quantitative data.

An important recent study aimed at increasing the understanding of arts participation of children and young people in Ireland was conducted by Dr. Emer Smyth in 2016 entitled 'Arts and Cultural Participation among Children and Young People: Insights from the Growing Up in Ireland Study.' The study was commissioned by the Arts Council of Ireland/An Chomhairle Ealaíon. The highly gendered participation was striking with girls much more likely to participate than boys from as young an age as three. The study suggested the importance of placing emphasis on quality participation experiences from pre-school age to allow for the nurturing of exposure across all social groups, which in addition could challenge gender stereotyping from an early age.^[1] The report also found that children exposed to cultural participation during school were more likely to participate outside of school. The study noted the high level of engagement in libraries by families and young children across the country and suggested the possibility of using these spaces of high engagement to widen the cultural experiences available to families. Barriers to participation include household income levels, with most structured cultural activities outside of school requiring payment. Building on international research the report confirmed a definite link between participation in culture and cognitive development and wellbeing.

Visitor numbers cultural institutions

According to the Department of Culture, Heritage, and Gaeltacht, the number of visitors to national cultural institutions grew from 4 million in 2014 to 4.9 million in 2016. Visiting cultural institutions is free of charge, apart from some special exhibitions that require payment and are subsidised.

Film

The aggregate output level of film and television production sector grew from half a billion euro in 2014 to over one billion in 2016. Cinema attendance figures declined between 2010 and 2014 but have made some recovery back to 2010 levels.^[2]

Arts participation survey

In January 2019, a summary of the report [Attendance, Participation & Engagement with the Arts in Ireland 2018: Arts Council National Survey](#) conducted by Behaviour and Attitudes and commissioned by the Arts Council was presented to the arts community. The report continues a series of periodic reviews of participation conducted by the Arts Council (1983, 1994, 2006, 2018).

The researchers separated the data into profile groupings according to an established pattern of attendance: 'Occasionals' attending 1-2 types of art forms; 'Regulars' 3-4 types; 'Aficionados' 5+ types; 'films only'; and 'none'. The report can be seen to suggest that existing policies were relatively successful at maintaining satisfaction within the category of attendees they unfortunately termed 'Aficionados' who normally attend 20+ arts events within the previous 12 months across all art forms. The report also states that all groups were satisfied with their current levels of attendance regardless of whether low or high. This makes the task of persuading people to attend more difficult if they do not feel they are missing out. Entertainment and socialising are key reasons for attending arts events according to the survey.

As stated earlier, this study continues a series of studies of public attitudes to the arts. However, the studies to date have not looked at comparative levels of participation longitudinally across the 10-12 year period between surveys. It would be useful to do this most especially excluding the group defined as 'aficionados'. If this comparison was carried out it could act as a benchmark of success of existing cultural access policy in reaching people who had not participated. Also more research on the levels of attendance of minority groups is required as well as greater focus on lower and non-attenders. Specific benchmarks are needed relative to increasing levels of participation from the reports defined groups 'occasionals' and 'regulars'. The highest level reasons for non-attendance in the survey were 'I'm not really interested' at 35%, 'It's difficult to find the time' at 30% and 'It costs too much' at 30%.^[3] According to *The Arts in Irish Life* report, theatre is the Arts Council funded art form that is attended by the highest percentage of the population compared to other art forms.^[4]

Table 3. People who participated in or attended a certain cultural activity during the last 12 months in Ireland (in % of the population, over 2 available years)

Activities heavily subsidised by the state	2018	2019
Theatre	22%	15%
Opera performance	5%	3%
Zarzuela	0%	0%
Dance	9%	10%

Concerts of classic music	6%	6%
Libraries	*16%	N/A
Museums	N/A	N/A
Monuments	N/A	N/A
Cultural centres	N/A	N/A
Activities without large public subsidies		
Cinema	55%	51%
To read books not related to the profession or studies	73%	44%
<i>In paper format (Usually use)</i>	43%	N/A
<i>In digital format (Usually use)</i>	15%	N/A
<i>Directly on the Internet (Usually use)</i>	N/A	N/A
To listen to music (Usually listen)	N/A	N/A
<i>In a computer or directly on the Internet</i>	58%	77%
To read periodic publications (Usually read)	N/A	N/A
<i>Directly on the Internet</i>	N/A	N/A
To watch movies (Usually watch)	N/A	N/A
<i>Directly on the Internet</i>	32%	32%
To watch television (Usually watch)	71%	72%
<i>Directly on the Internet</i>	36%	37%
To listen to the radio (Usually watch)	**82%	N/A
<i>Directly on the internet</i>	N/A	N/A
To play videogames (Usually play)	N/A	N/A
To use computer for entertainment or leisure (Usually use)	N/A	N/A
Internet for entertainment or leisure (Usually use)	N/A	***88%

Sources:

Arts Council, *Attendance, Participation and Engagement with the Arts in Ireland: Arts Council National Survey, 2018 + 2019*.

*Department of Rural and Community Development, *Our Public Libraries 2022: Inspiring, Connecting and Empowering Communities*, 2018. (754,748 library members, 2016 census population figure of 4761865 = 16%)

**JNLR figures 2019

***www.cso.ie, Information Society Statistics - Households 2019

Table 4. People who have carried out artistic activities in Ireland in the last 12 months by type of activity (in % of total population, 2018)

Activities	2018
Writing	5%
Painting or drawing	6%

Other visual arts	N/A
Photography	N/A
Making videos	4%
Designing web pages	N/A
Drama	4%
Dance and ballet	8%
Playing a musical instrument	6%
Singing in a choir	8%

Sources:

Arts Council National Survey 2018 (*conducted every 10-12 years*)

^[1] Arts Council/Smyth, E. (2016) *Arts and Cultural Participation among Children and Young People: Insights from the Growing Up in Ireland Study*. Arts Council, Dublin.

^[2] In 2016 the Department of Culture, Heritage and the Gaeltacht, the Department of Communications and the Department of Enterprise commissioned a report to measure the value of the audiovisual sector. SPI/Olsberg won the tender. The report was published in 2018 using 2016 baseline data.

^[3] Arts Council/Behaviour & Attitudes (B&A) (2019) *Summary Report: Attendance, Participation & Engagement with the Arts in Ireland 2018*.

^[4] Kantar Media (2016) *The Arts In Irish Life: Attendance of Arts Events in the Last Year* (page 8, table 2.1).

6.3. Trends and figures in household expenditure

Cultural consumption statistics are not separated out at a national level through the Central Statistics Office (CSO) and the CSO only offers data for 'recreation and culture' in general. Therefore, there are no reliable data available to provide percentage shares for different domains within the cultural household expenditure of Ireland.

According to Eurostat figures from 2018 price levels for the category 'recreation and culture' Ireland is 15.8% above the EU-27 average, placing Ireland in the top 7 most expensive countries. The GDP per capita figure for Ireland places second highest in EU-27 at 220.9% of the EU-27.

6.4. Culture and civil society

Access to and participation in culture by civil society is seen as an important part of cultural policy in Ireland. When surveyed, the public demonstrated a preference for government expenditure to go towards support for youth arts, arts in schools and local arts above support for professional artistic activity.^[1]

A network of arts centres are in place throughout the country. They mostly provide a service for each county in Ireland and are supported by a majority of funding from the local authority arts offices and a minority of funding

from the Arts Council. Most centres are designed as multi-artform venues with a theatre space as well as a gallery space and practice spaces/studio spaces. These centres are designed so that every citizen has an arts centre within a 20 mile reach. More recent cultural infrastructure investment has produced buildings to serve a library, heritage and arts function such as Dun Laoghaire Lexicon. Youth participation is actively encouraged through the programmes of local authorities. In addition there are youth specialist arts organisations such as Dublin Youth Theatre.

Volunteering is an important form of civic engagement with the arts and culture. A number of not-for-profit organisations are active in this area. Voluntary Arts Ireland is a charity working across Northern Ireland and the Republic of Ireland to promote participation in arts and crafts. They promote equality, diversity, social inclusion and active citizenship through participation in the arts. Local authority arts offices and arts centres are reliant on volunteers to help deliver their programmes. Festivals rely heavily on volunteers. Heritage is reliant on volunteers also, as well as the rich local knowledge held by local amateur historians and genealogists.

Local authority arts offices support a number of amateur societies, mostly through benefit in kind, such as film societies and drama societies. The Amateur Drama Council of Ireland (A.D.C.I) is the federation of amateur drama festivals for the whole of Ireland - North and South. It coordinates 47 amateur drama festivals across the island of Ireland including Northern Ireland. The main objective of the Council is to foster, develop, promote and encourage amateur drama in Ireland.

Outside of arts centres and institutions, there is a high level of civic engagement and participation in traditional Irish culture in pubs, village halls, community centres, and in the streets. Traditional arts in Ireland include Irish music, dance, Sean Nós and Irish language literature. Traditional arts in Ireland have only been recognised in cultural policy and supported financially by Government since 2003. The traditional arts in Ireland owe their culturally rich development to voluntary support from civic society. The deep support within civic society for all uniquely Irish culture from Gaelic Athletic Association (GAA) to traditional music and dance can be seen as entwined with national pride and nation building. Consequently, there are greater levels of attendance, participation, engagement, volunteering, and philanthropic support from civic society for local festivals and traditional folk culture than there are for the cultural programmes of national cultural institutions.

^[1] Arts Council/Behaviour & Attitudes (B&A) (2019) *Summary Report: Attendance, Participation & Engagement with the Arts in Ireland 2018*.

7. Financing and support

7.1. Public funding

7.1.1. INDICATORS

The majority of public cultural expenditure in Ireland comes from the national government and local governments. Local government expenditure has increased in proportion to national government expenditure, but this is more likely related to the stagnation of national level expenditure. Central government expenditure on culture peaked in 2007/2008, but — similar to other areas of public expenditure — declined during each year of the economic recession up until 2013. For example, Arts Council funding allocation peaked in 2008 at EUR 83 million, fell to EUR 56.7 million in 2013 and rose again very marginally every year to EUR 68 million in 2018. Total public culture expenditure per capita is difficult to quantify given the availability of data: Not since 1997 has such data been compiled or made publicly available. Government funding allocation for culture improved slightly in the 2020 budget allocation and was then supplemented mid year to reflect changed circumstances for the sector under COVID-19 restrictions. The government's 2021 budget allocation reflected how COVID-19 had adversely impacted the sector and increased substantially. The total culture allocation for 2021 has increased by 70% compared to the previous year.

According to Eurostat, 1% of general government expenditure was spent on cultural services in the EU-28 in 2019. In Ireland, the figure is much lower at a mere 0.8% of GDP. Ireland does however fare better in comparison with other EU-28 countries when we look at general government expenditure devoted to broadcasting and publishing services at 0.8% compared to 0.4% in the EU-28. Irish Government expenditure on broadcasting and publishing services increased marginally from 0.7 to 0.8% (2013-2018).

In the period 2009-2013, the evolution of per capita public expenditure on culture has been negative, as a result of the economic crisis, which has affected cultural budgets on all levels of government. Overall, the expenditure decreased in nominal terms by 30%.

7.1.2. EXPENDITURE ON GOVERNMENT LEVEL

According to the ministerial 2019 budget speech (November 2018), the departmental expenditure for the arts and culture sector in 2019 increased by EUR 22.6 million to almost EUR 190 million, which is an increase of 14% on 2018. This funding related to EUR 148.2 million in current expenditure and EUR 41.7 million in capital investment.

Local authorities are the second largest funding source for the arts in Ireland. In 2018, their net investment was almost EUR 40.1 million.^[1] Local authority's arts expenditure now represents a significant proportion of the total figure of expenditure on culture in Ireland. Data collated annually by the Arts Council states that between 2005–2014 Arts Council funding of the arts totalled EUR 623 million, while local authority expenditure figures on the arts totalled EUR 386 million. However, local authority arts funding was severely cut during the recession and is only recently recovering. An embargo on recruitment of new staff was put in place across the entire civil service in Ireland in response to the recession in 2008. While this embargo is beginning to lift in places, it still impacts greatly on the service provision at local authority level. Programming budgets were cut from the level of

both the national Arts Council and the local authorities. This had an enormous impact on the sustainability of the professional arts level in Ireland and on the opportunity for people to participate in and engage with the arts.

Table 5. Public cultural expenditure by level of government

Level of government	Total expenditure in EUR			
	2018	% share of total	2019	% share of total
State (central, federal)	166.4m	80.60%	189m*	81%
Regional (provincial, etc.)	0	0	0	0
Local (municipal, incl. counties)	40.1m**	19.40%	44.5m***	19%
TOTAL	206.5m	100%	233.5m	100%

Sources:

*Exchequer Funding, Further Revised Estimate

**Arts Council Annual Report, 2018

***Arts Council Annual Report, 2019

^[1] Arts Council, *Three Year Plan Making Great Art Work, 2020 - 2022*.

7.1.3. EXPENDITURE PER SECTOR

No reliable comparative breakdown available.

7.2. Support programmes

7.2.1. STRATEGIES, PROGRAMMES AND OTHER FORMS OF SUPPORT

The main approach of the Irish Government to support artists and creative workers has been a system of grants to directly support the practice of artists. These grants are administered at arm's length by semi state agencies such as the Arts Council, Screen Ireland and Culture Ireland. The national strategy is also supported at local authority arts offices level with a supplementary system of arts grants guided by both national and local arts strategies. Given the continued precarity of artists and creative workers despite the intentions of the existing support system, there has been a recent additional support scheme introduced within the social welfare system that has been specifically designed for artists. Introduced in 2019, this scheme allows artists to avail of social welfare payments without the requirement to seek employment outside of the arts.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media's *Creative Ireland Programme (2017-2022)* provides the overarching framework for semi state agencies and local authorities to support artist and creative workers in Ireland. The programme aims to facilitate an ecosystem of creativity enabled by collaboration between central and local government, culture and industry, and artists and policy makers. The programme leans support towards artists engaged in work that enables community and youth participation in culture. The audiovisual sector is the only area defined within the programme with a focus on developing artistic excellence.

The Arts Council is the main support agency for artists in Ireland providing a system of grants to support artists

practice. The Council's strategy for the period 2016-2025 (*Making Great Art Work: Leading the Development of the Arts in Ireland*) affirms the Council's commitment to the value of artistic excellence. The strategy prioritises the artist to make excellent work that is enjoyed and valued through public engagement of high quality arts experiences. Artists can avail of individual grants or project grants through open call submission process.

Screen Ireland supports creative workers in film, animation and television through a system of grants. Individual writers, directors or producers can avail of grants or investments to support their creative work. Screen Ireland's programme of grants is guided by its current strategic plan 2016-2020 entitled *Building on Success* (2015). Pillar one of the strategic plan supports amongst other things greater gender equality for film, television and animation creative workers. The second pillar supports creative screen production, the development of talent and skills and inward production and investment.

Culture Ireland supports Irish artists to work internationally through its strategy 2017-2020. Key priorities of the strategy include: supporting Irish artists and arts organisations in all their diversity for the presentation of their work internationally; developing diverse international markets for Irish arts; encouraging Irish artists to collaborate with global partners and support the presentation of collaborative work.

At a local authority level, a system of small grants to support artists living or working locally is guided by *Local Authority Cultural and Creativity Strategies* (2018-2022) in 31 local authorities in Ireland. These locally tailored strategies were developed to support the creative life of the local communities. The strategies are broadly in line with the national *Creative Ireland Programme* (2017-2022). They focus on expanding collaborations between people, artists and arts and cultural organisations within communities, demonstrating the evolving nature of the *Creative Ireland Programme* and its priorities.

7.2.2. ARTIST'S FUNDS

In 2018, the Arts Council gave EUR 11.7 million to individual artists. Within the category of artists funding, just over EUR 2.5 million goes towards Aosdána – Cnuas awards (more information below). Other grants to individual artists total EUR 9.2 million. The grant aid to individual artists was just under 20% of the total funding allocation of the Arts Council of EUR 62.3 million in 2018. The remaining 80% of funding is given to arts organisations that in turn commission and award grants to artists.

2018 saw the introduction of a new award for individual artists named the Markievicz Award in honour of Countess Markievicz, herself an artist and the first woman to be elected to parliament. It is the single largest fund for individual artists in the history of the state at EUR 20,000. The fund can be awarded to an individual artist working in any art form or practice. It gives artists to time and space to develop new work that reflects on the role of women in the period covered by the decade of centenaries 2012-23, and beyond. The award is administered by the Arts Council on behalf of the Department of Culture, Heritage and the Gaeltacht, and is open via a public call to artists working in all arts genres supported by the Arts Council. Five artists received the award in 2018.

Aosdána was established in 1981 by the Arts Council as an honorary association of peer-nominated outstanding creative artists in Ireland. At the time, there were no other funds available to individual artists. The aim of Aosdána is to encourage and assist members to devote their energy fully to art. The membership includes creative artists working in a wide range of disciplines including architecture, choreography, music, literature and

visual art. The 250 Aosdána members are eligible to apply for a Cnuas from the Arts Council, which is a multi-annual bursary granted for five years (EUR 17 180 in 2019). One hundred and fifty artists currently benefit from the Cnuas. Aosdána also runs a contributory pension scheme. There has been significant criticism of Aosdána in recent times on the grounds that it is elitist, too large and lacking in accountability. It costs EUR 2.9 million to run Aosdána annually.

7.2.3. GRANTS, AWARDS, SCHOLARSHIPS

The Arts Council manage a small number of trust funds, scholarships and awards. These include the President Douglas Hyde award; W.J.B.Macaulay award; Denis Devlin award; Ciste Cholmcille; Marten Toonder award; Doris Keogh award; Michael Byrne award; Mary Farl Powers award; Margaret Arnold scholarship; Joan Denise Moriarty scholarship; John Broderick trust. They total just under EUR 1 million annually.

A number of artist residencies internationally are supported through fellowships such as Location One, New York; Banff Centre for Arts, Alberta. Local authority arts offices offer residency awards for artists to spend time at the Tyrone Guthrie Centre, a residential workspace for artists located in rural county Monaghan.

7.2.4. SUPPORT TO PROFESSIONAL ARTISTS' ASSOCIATIONS OR UNIONS

A number of professional artists' associations and interest groups currently operate with restricted membership in Ireland. Unlike other countries, there is no overarching union or professional association to lobby on behalf of the cultural sector as a whole. Such a combined lobby group would present a more cohesive strategy to lobby for the sector.

The various professional artists associations operate separately of each other, but have the same aim: to represent the common interests of their members primarily to the state, but also to other professional associations or the general public. Collectively they represent creative artists, arts workers and assist their members in professional practice development.

- Visual Artist Ireland (VAI) is the representative body for professional visual artists in Ireland. VAI research has identified isolation, a need for support and a need for information as the three primary areas of concern for visual artists. VAI is supported by a grant from the Arts Council along with membership fees.
- Theatre Forum works alongside members and partners to strengthen Ireland's performing arts community, and to advance its interests to ensure a sustainable future. Theatre Forum is funded by a grant from the Arts Council as well as members fees. They lobby on behalf of the performing arts, to represent the disparate views of members including theatre, dance and opera production companies as well as venues, festivals and individual artists.
- Dance Ireland is a representative body for dance in Ireland including both professional and amateur dance. They offer professional artist development alongside lobbying for the development of dance as an art form. Dance Ireland is funded by the Arts Council.
- Poetry Ireland is supported by the Arts Council to achieve excellence in the reading, writing and performance of poetry throughout the island of Ireland.
- Comhaltas is a democratically governed global cultural movement made up of tens of thousands of volunteer members concerned with the promotion and preservation of the music, dance and language of Ireland. Comhaltas is funded through a combination of members as well as grant aid from the Department

of Culture, Heritage and Gaeltacht and Culture Ireland.

- Screen Producers Ireland lobbies on behalf of its members for the growth and sustainability of a working environment conducive to a strong independent production sector and IBEC (Irish Business and Employers Confederation) lobbies on behalf of film producers. Screen Guilds of Ireland aims to promote excellence in all fields of film and television production in Ireland, through the representation of its members. Screen Directors Guild of Ireland represents directors in the Irish and international industry.
- The Irish Association of Youth Orchestras represents over 5000 young musicians through 108 youth orchestras in Ireland. Membership is open to all youth orchestras in Ireland (secondary school, school of music, college or university, or independent or community-based orchestras).
- Irish Street Arts, Circus and Spectacle Network started as a voluntary organisation in 2010. Together with this emerging artform, it has grown and now the organisation supports and advocates for their [100 member organisations](#) and individuals across Ireland and beyond.
- The Irish Writers Union represents the interests of Irish writers, whether they were born in Ireland or elsewhere. They successfully campaigned for Public Lending Rights (small payment made to author every time their book is borrowed from a library).

SIPTU (Services Industrial Professional and Technical Union) affiliated unions

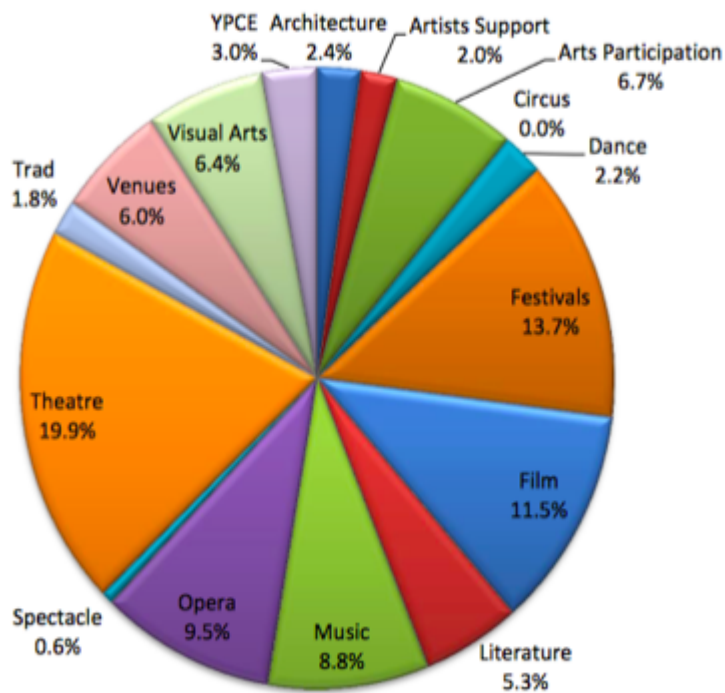
SIPTU directly represents a number of workers who earn their living from the arts including professional musicians, writers, actors and other performers, as well as film, broadcasting and theatre staff. The Musicians Union of Ireland (MUI) and Irish Equity are affiliated to SIPTU. Established in 2003, the Musicians Union of Ireland represents musicians from every genre along with music teachers, singers and other music professionals. Irish Equity, established in 1949, is the only Trade Union representing actors, theatre directors, stage managers, dancers, stage and set designers in Ireland.

A recent Oireachtas Committee in 2018 heard from representatives of unions representing workers in the film and television industry (Irish Film Association and GMB). They relayed the discontent of their members in relation to working conditions and protections. Freelance contractors in the sector are not covered by employment legislation. Workers such as drivers worked over and beyond normal working hours. As a result, a steering group was established in 2018 within Government, which recommended the establishment of a new film industry forum that would be hosted by Screen Ireland. This would allow all stakeholders within the sector to meet and work together to develop mutually agreed solutions for the industry. This forum did not take place with the Irish Congress of Trade Unions (ICTU) deciding to withdraw from the process. Another steering group was established within the Department of Culture's *Audio-visual Action Plan* (2018) to monitor risks and report directly to the Minister.

7.3. Private funding

The total private investment in culture in 2014 was EUR 8,919,000. That same year, sponsorship of the arts was EUR 3.6 million and voluntary income stood at EUR 5.3 million.^[1] Theatre, festivals and film receive the largest private investments respectively, closely followed by opera and music. Generally, there is a trend of increased private investment but it is still very low.

Total private investment received by sub domain (2014)



Source:

Private Investment Report 2016, Arts Council

The 2016 Arts Council report on private investment in the arts^[2] also captured the impact variants of private funding according to location in Ireland. The report clearly points out that private investment is highly centralized around the nation's capital: 65% of total private investment went to the province of Leinster and 52% to Dublin County. Outside of the capital, there is also a clear bias towards urban investment: around 77% of total private investment in the arts nationally goes towards four counties with larger urban centres.

The Arts Council has encouraged arts organisations to diversify their income and become proportionally less reliant on the Arts Council. In 2020, the Council launched phase two of its three phase programme called RAISE. The programme aims at building capacity to generate significant new private investment by delivering the skills and resources to build robust, sustainable philanthropic and private investments. This initiative has had some success with higher profile organisations.

Business to Arts (BtoA) is a membership-based, charitable organisation that brokers, enables and supports creative partnerships between businesses, individuals and the arts. The business members are teamed up with arts organisations and artists to develop solutions in areas such as sponsorship, commissioning, brand development, training, leadership development, internal and external communications, and events. BtoA also runs a crowdfunding platform called Fund it. This allows individuals and companies around the globe to support creative projects from Ireland. In the financial year 2018/19, over 4,165 pledges from funders has resulted in over EUR 248,387 paid to over 52 creative projects across Ireland. The BtoA Arts Fund project is Ireland's first arts fund supported by companies, organisations and individuals. The Arts Fund has enabled over EUR 375,669 of investment in arts education projects, bursaries and prizes for artists and commissions of new artworks.

In 2018, over EUR 13 million was spent by corporate sponsors on arts, festivals and music sponsorship according to BtoA. Fundraised income for the not-for-profit sector is increasing exponentially each year. But it is still only 8% of the total income of the not-for-profit sector according to the 2into3 *Irish Not-for-Profit Sector*:

Fundraising Performance Report 2019. Transparency is decreasing within the sector with more organisations submitting abridged accounts. State and earned income represent the largest proportion of income across the not for profit sector. This is no different for the Arts, Culture and Media category: State income averages 56% and earned income is 29%; Fundraising is 12% and sponsorship is 1%.

With the majority of arts and cultural organisations operating low staff numbers, fundraising is often sidelined until a later date. However, staffing levels across the whole not-for-profit sector are also low. The total fundraised income for the Irish not-for-profit sector was EUR 1.1 billion in 2017, but per capita giving in Ireland lags behind the UK and US.

There are over 20,000 not-for-profit organisations in Ireland. The category Arts, Culture and Media represent 5% of the total sector but only receive 3% of income of the total not-for-profit sector. The fundraised income for Arts, Culture and Media was down almost 12% in 2018 from the previous year.

When comparing Irish giving to the UK and US, the stand out area for growth is foundations. In the UK the percentage of fundraised income from foundations is the same as the US at 16%. Yet this figure is only 1% in Ireland. Ireland's treatment of charitable giving is preventing the development of this income stream. The lack of tax benefit available on individual donations is seen as a barrier in Ireland. Also the high minimum donation of EUR 250 in Ireland means many donations do not meet the required threshold for tax benefit.

The not-for-profit sector comes under the regulation of the Charities Regulator, which became operational in 2014. Under the *Charities Act (2009)* it was intended that a Statement of Recommended Practice (SORP) would become mandatory. This hasn't happened yet, but it is expected under the Act that organisations with a charitable status adhere to the *Guidelines for Charitable Organisations on Fundraising from the Public* and the *Governance Code for the Community and Voluntary Sector*.^[3]

^[1] 2into3 (2016) *Irish Arts Sector: Private Investment Report*.

^[2] Ibid.

^[3] 2into3 (2019) *The Irish Not-for-Profit Sector: Fundraising Performance Report*.

Expert Authors

Paraic Mc Quaid



ARTIST AND LECTURER

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The Irish profile was first prepared by Marian Fitzgibbon and updated by Fitzgibbon until 2016.