**Input on Cultural Rights**

1. **What are the various existing definitions of “public spaces” used in national legislation or proposed by international mechanisms, experts and civil society organization? Are other terms used as “civic space” and “public domain”? What is the scope of the concept of such public spaces?**

Any open and closed space the public has access to counts as a public space. Any building to which the public has access or any space specified for a public gathering, even temporarily, is a public space. Public places include restaurants, eating places, cafes public festival gathering sites, Sunday bazaars, cattle markets, public parks, recreational sites, markets, but stands, waiting sites and places used by such organizations, whether bounded or unbounded, and spaces of commercial building left open, including roof tops, etc. Moreover, any activities that cause nuisance, annoyance or health risks for the general public are prohibited in public places. Such activates include smoking “in any form”.

As per the ***Prohibition of Smoking and Protection of Non-smokers Health Ordinance, 2002*** (Section 1-c) “place of public work or use” means any place declared as such under Section 3 and includes auditoriums, buildings, health institutions, amusement centres, restaurants, public offices, court buildings, cinema halls, conference or seminar halls, eating houses, hotel lounges, other waiting lounges libraries, bus stations or stands, sports

Stadiums, educational institutions, libraries and the like which are visited by general public but does not include any open place.

1. **What are the diverse legal frameworks, trends and practices at the national level that either promote or impede actors from across the cultural ecosystem, including women and persons with disabilities, from accessing and using public spaces? What strategies are most useful in overcoming such challenge?**

The Constitution of Pakistan encourages such trends and practices at the national level for promotion of cultural ecosystem for all citizens including women and persons with disabilities, in terms of accessing and using public spaces. Article 26 of the Constitution i.e. “Non-Discrimination in respect of access to public places” states – (1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth (2) Nothing in clause (1) shall prevent the State from making any special provision for women and children. The GoP has been undertaking different initiatives to protect cultural life, recreation, leisure and sports for women and PWDs. Before the 18th Amendment, “ministry of Culture” made efforts to preserve, promote and increase communities’ participation in cultural life, implementation and enforcement of cultural policies and activities in the country. After the 18th Amendment, these functions have been devolved to the provinces with a mandate to carry out the same at provincial, district, tehsil and even at union council/grassroots level.

The provincial governments duly recognize their role to promote the cultural life across the provinces. For that reason, every provincial government has established designated department with a mandate to increase the participation of local communities in cultural life and promote the popular culture within the province.

1. **What are the specific characteristics of public spaces that either are conducive to the realization of cultural rights, including of women and persons with disabilities, or are an impediment to them, including in relation to issues of discrimination, equal access, accessibility, and adequacy?**

Characteristics of Public Spaces conducive to the realization of cultural rights include the features that promote human contact, community involvement, social activities/networking; besides being safe, welcoming, and accommodating for all users, as well as having designs that are well maintained, unique and visually interesting and reflecting local culture.

1. **What could be the contents and contours of a possible “right to public spaces”, and of legitimate restrictions that could be made to it, in accordance with international standards? Is this concept employed in your country or in your work? Is it helpful?**

Contents and contours of the “right to public space” must cover the commonly defended human rights i.e. freedom of expression, right to assembly, right to information, freedom of movement, etc.

1. **What is the role of cultural rights in ensuring the existence, availability, accessibility and adequacy of public spaces that are conducive to widespread participation in cultural life, the realization of citizenship, cultural democracy, as well as the realization of other human rights?**

The Government of Pakistan recognized the role of cultural rights and accordingly respects the right of people to cultural life, in ensuring he existence, availability, accessibility and adequacy of public spaces that are conducive to widespread participation in cultural life, the realization of citizenship, cultural democracy, as well as the realization of other human rights. Recognizing the significance of the cultural rights, Article 28 of the Constitution of Pakistan furnishes that all sections of the society have the right to preserve and promote their distinct language, scrip or culture and for that purpose they have the right to establish and develop institutions.

The Government of Pakistan has established adequate institutional infrastructure to promote participation in, access to cultural life, especially at the community level. Recognizing the role and dire need of existence of an institution, which can perform coordination role among different provinces and spearhead the cultural activities at national level, the Government of Pakistan established the Ministry of Information, Broadcasting & National Heritage with a designated wing i.e. National Heritage & Integration in 2011 for increasing the participation, protection, promotion, and preservation of cultural life. Similar organizations are also working at provincial level.

1. **What is the impact on the enjoyment of cultural rights of trends regarding privatization, which may affect a variety of public spaces?**

Such trends affect enjoyment of cultural rights due to limited accessibility in terms of variety of public spaces.

1. **What recommendations should be made to States and other stakeholders concerning these topics?**

The stakeholders need to review their budgetary allocations with a view to enhance such resources for realization of Cultural Rights of people through promotion of public spaces. Moreover, all possible measures should be undertaken in order to ensure access of women and children to such places.

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