

Questionnaire on Cultural Rights and Public Spaces

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

Public Spaces are places that is generally open and easily accessible to the public at large. They include gardens, parks, social complexes, including village halls, public squares, beaches, sports infrastructures like, football grounds, soccer pitches, gymnasiums, health tracks, markets/ fairs, and so on, which are all under the jurisdiction of the Government or any other Government Agencies. Such places are equipped with lighting facilities and are free of cost to public. Green space is also part of the category. According to UNESCO, public spaces relate to an area or place that is accessible to all people, regardless of gender, race, ethnicity, age or socio-economic level. Sidewalks and streets are also viewed as public spaces. In the 21st century public spaces have taken another dimension as it is now also associated to virtual spaces available through the internet that develops interaction and social mixing.

Civil spaces, however, is a whole new concept of encouraging social mixing, civil participation, recreation and a sense of belonging among people.

Although Public spaces have a pivotal role both physically and functionally in urban planning and development, we should not limit ourselves to “public spaces”. It should include other terms like “civic space and “public domain”.

- 2. 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 challenges?**

There are legal provisions which promote access to public spaces for example, the law provides for public buildings and other public spaces to have the necessary amenities such as lifts, ramps and proper sanitation to facilitate access to women, old aged and children and to persons with disabilities. The law also stipulates that the public area is equipped with lighting facilities for the public to benefit from facilities till late evening. Public is entitled to join the library to their respective local Authority, free of charge. Most public spaces are open to the public at specific hours and no access is authorized before or after prescribed hours. There are also legal frameworks that queries the conduct of the public and usage of public areas. For example:

- (i) People should respect each other and should not indulge in any indecent act in the public areas.
- (ii) Any damage to public property is severely cautioned.
- (iii) No dumping or littering of waste is allowed. A sound environment prevails.
- (iv) Most public areas are non-smoking zones and alcohol intake is also condemned.

Public spaces are very often visited by defaulters causing inconvenience and insecurity to mainly women, young girls and children who are willing to benefit from facilities available at parks, gardens, waterfronts but are reluctant due to insecurity.

The installation/fixing of cameras under the safe city project ensures that such places are secure for every person.

- 3. What are the specific characteristics of public spaces that either re 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, availability, and adequacy?**

Mauritius is a multi-cultural country whereby every citizen has freedom of expressing his/her culture without harming the sensitivity of other cultures. Mauritius has adopted public holidays for major festivals in connection with different religion and even assists socio-cultural and religious organisations in terms of logistics and financial assistance so that people of the particular culture celebrates their festival to the best. E.g. of some festivals are Maha Shivratri festival, Père Laval, Cavadee, Eid and others. With a view to promoting cultural exchange between people, cultural spaces have been set up at different areas whereby cultural/musical activities are organized for instance Diwali celebrations, festival Kreol, among others. The government also organizes culinary festivals or fairs.

- 4. 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?**

In a democratic state, every citizen has equal right to have access to public spaces in any part of the island without restrictions. However, in certain places, despite having such freedom, people cannot freely enjoy recreational areas. E.g. children parks, garden where children of certain age are allowed to benefit while some are restricted to play on their own and must be accompanied by adults, nonetheless, no proper infrastructure has been set up for the parent accompanying that children.

You may wish to take note of the First Schedule of the Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017, which is enclosed and give detailed information about accessibility and gender compliance.

- 5. 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 role of cultural right is for the exchange of knowledge so as to promote better understanding and harmony between various cultures. It brings people of different cultures together and creates a sense of belonging with a view to creating a better society for tomorrow.

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

Privatisation may lead to payment of facilities being provided. Hence it will not be accessible to public who cannot afford. People will be discouraged to benefit from such facilities and would prioritise. E.g. if a Jogger's park is accessible under fee, it is clear that not all people benefits from those facilities. It is quite probable that low and middle income families would suffer. Yet privatisation may also mean the provision of better service as private firms are more concerned with providing quality service.

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

Government should aim at providing modern public spaces for the welfare of its citizens. More recreational spaces should be set up and made available to the disabled. The provision of ramps for such persons is a must to facilitate mobility. The organisation of cultural activities in different areas may reduce the number of delinquencies as teenagers would be more concerned about engaging themselves in other things. A well connected public transport would enhance service delivery.

FIRST SCHEDULE
[Regulations 3 and 4]

DESIGNATED BUILDINGS	ACCESSIBILITY				GENDER COMPLIANCE		
	Wheelchair user	Disabled toilet	Separate children toilet	Communication (visual, audible and tactile)	Baby changing room	Breastfeeding room	Rest room
Airport, light railway transport station, terminal, bus seaports	✓	✓	✓	✓	✓	✓	✓
Bank	✓	✓		✓	✓	✓	✓
ATM	✓			✓			
Bus sheiter	✓			✓			
Cinema, theatre, stadium or other place of public entertainment with permanent seating arrangements	✓	✓	✓	✓	✓	✓	✓
Citizen Advice Bureau	✓	✓		✓		✓	✓
Conference centre	✓	✓		✓			✓
Court of Justice	✓	✓		✓	✓	✓	✓
Daycare centre	✓	✓		✓	✓	✓	✓
Factory, workshop, or office building	✓	✓		✓	✓	✓	✓
Heritage sites	✓	✓	✓	✓	✓	✓	✓
Hospital, clinic, dispensary, nursing home, health centre	✓	✓	✓	✓	✓	✓	✓
Hotel or restaurant	✓	✓	✓	✓	✓	✓	✓
Market place	✓	✓			✓	✓	✓
Museum and art gallery	✓	✓	✓	✓	✓	✓	✓

Night clubs/ Entertainment places	✓	✓	✓	✓	✓	✓	✓
Orphanage	✓	✓		✓	✓	✓	✓
Parking area capable of accommodating more than 10 vehicles	✓						
Parliament	✓	✓		✓			✓
Pilgrimage sites	✓	✓	✓	✓	✓	✓	✓
Place of worship	✓	✓	✓	✓	✓	✓	✓
Police Station	✓	✓		✓	✓	✓	✓
Post office	✓	✓			✓	✓	✓
Prison	✓	✓		✓	✓	✓	✓
Public library	✓	✓	✓	✓	✓	✓	✓
Public swimming pool, sport complex	✓	✓	✓	✓	✓	✓	✓
Public toilet	✓	✓	✓	✓	✓	✓	✓
Radio TV Station	✓	✓	✓	✓	✓	✓	✓
Rehabilitation Centre/Spa	✓	✓	✓	✓	✓	✓	✓
Residential care home	✓	✓		✓			✓
School, college, university, training institution or any other learning institution	✓	✓		✓			✓

Shopping and multipurpose complex	✓	✓	✓	✓	✓	✓	✓
Social welfare, community centre or women centre	✓	✓	✓	✓	✓	✓	✓
Social security office	✓	✓	✓	✓	✓	✓	✓
Tourism venues	✓	✓	✓	✓	✓	✓	✓
Town and village hall	✓	✓	✓	✓	✓	✓	✓
Youth centre	✓	✓		✓			✓
Listed buildings	✓	✓			✓	✓	✓