



NGO Escola de Gente - Comunicação em Inclusão

Located in Rio de Janeiro, Brazil

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

Brazilian law establishes the concept of "public goods" which may be, and is, applied to spaces as well. Law number 10.406, of January 10, 2002, provides the definition of the concept:

"Public are the goods of the national domain belonging to legal entities of internal public rights; all the others are private, no matter who it belongs to".

The law also divides public goods in three categories:

"1 - The ones that are commonly used by people, such as rivers, seas, roads, streets;

2 - The special use ones, such as buildings, terrains destined to public service or the establishment of state, territorial, municipal or federal administration

3 - The dominical ones, that constitute the patrimony of public rights legal entities, as a personal, or real, right object of each one of these entities."

In the document, it is also specified that public goods for the general public and of special use are not transferable. Furthermore, general goods may be free or paid, depending only on the decision of the governmental entity responsible for its administration.

There are, in laws, variations of the terminology to refer to specific public goods - for example, public spaces. And there are concepts that are similar, but not the same, such as Public Domain, which, in the Brazilian law, mainly pertains to copyright matters.

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?

Escola de Gente works with people with and without disability, as well as equity of rights, so this will be the approach we will take in this answer.

Brazil is one of the countries with one of the most advanced legislations about rights of people with disability in the world. This extends to the cultural area. Our law to promote culture, for example, which allows the resource collection for various cultural projects every year, has a demand for accessibility in all the activities that it supports. However, the reality is very different from what it should be.

Despite the laws being extremely advanced, there is still a long way to go before they are respected. They are poorly enforced, and many people and companies lack the necessary knowledge to obey said laws. Therefore, despite there being a legal basis that promotes diversity in the cultural ecosystem, this promotion ends up not being translated to reality. Many theaters, for example, continue without physical accessibility. Many producers still do not think it is worth it to invest in communication accessibility resources (such as sign language).

Escola de Gente faces these challenges starting from the education and training of young people. We believe that, by teaching and turning the future of our nation aware, slowly but surely we will cultivate the existence of an inclusive society. It is a gradual change, but one that shows promising results.

3. 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, availability, and adequacy?

The biggest problem is the lack of accessibility - both physical and communicational. As said before, Brazil is very advanced in what pertains to accessibility laws. However, not even the government follows them fully. Despite it being an obligation to have physical accessibility in public spaces, for example, only one public theater in Rio de Janeiro is fully accessible. And again, this is just one example. Places such as public schools, public hospitals and many others usually do not have a single accessibility measure, especially communicational - such as a sign language interpreter.

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?**

Accessibility would be the main aspect of a "right to public spaces". One can not talk about having the right to something without first offering the tools to allow the person to take advantage of said right. In this case, one can't say that everyone has the right to all public spaces if some public hospitals, for example, don't have a sign language interpreter so that people who have a hearing disability may communicate. The right will exist, but a portion of the population won't be able to take advantage of it. Therefore, in case a new right was created, one of the main things it would have to include would be the right to use this space, whatever it is.

That is exactly what we do in our daily life at Escola de Gente. We seek to ensure accessibility for everyone, and thus, all of our cultural activities are made with full accessibility, ensuring that everyone, with and without disability, may enjoy the plays and other cultural activities in the same way. It is something that works really well for us, and people who participate walk away inspired to fight for an inclusive society. And it is worth it to remember, obviously, that we do not do anything special - we just abide by the law.

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?

It is an essential role. In our experience with our theater group, which is the only in the entire world that only does fully accessible plays, ensuring that everyone can participate together in a play, or a workshop, tends to change people's mindsets, making them MUCH more willing to fight for the equity of rights, as well as for the fiscalization and acceptance of already existing laws.

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

Theoretically, in Brazil, little - at least in regards to accessibility and the right of people with disability. The strict laws about rights to accessibility also apply to private companies. The problem is, as always, that this is in theory. In reality, few companies follow the law as they should. That being said, various public spaces, at the moment, also do not have the accessibility they should, which is why privatizing one would not have an immediate effect over it.

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

The main recommendation we have is that there is an investment in accessibility - not just physical, but also communicational, especially in public spaces used for cultural activities, such as a public theater. A space will never be truly public if it can not be accessed and enjoyed equally by everyone who joins. And at the moment, at least in Brazil, this is exactly what happens. Many of the people with disability that go to our plays, made with total accessibility, say that, during all their lives, they never had the chance to go to a play. Some do not even think it possible until they find out about us. Can we really consider a park to be a common public good if it has no accessible toilets, for example? Or can we say that a public transport is actually public if it does not accept wheelchairs? No, we can not. And this is an universal issue, which we would very much like to ask that no country forgets to address.