

Mission permanente
de l'État du Qatar
auprès de l'Office
des Nations-Unies à Genève



الوفد الدائم لدولة قطر
لدى مكتب الأمم المتحدة
جنيف



2019/0040028/5

Ref: الوفد الدائم لدولة قطر / جنيف

The Permanent Mission of the State of Qatar to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the latter's note dated 1st of March 2019, requesting the submission of information to the report of the Secretary General of the United Nations on the implementation of the GA resolution 72/170 "Human Rights and cultural diversity.

The permanent Mission of the State of Qatar is pleased to attach herewith the Above-mentioned requested information as received from the competent authorities in the State of Qatar.

The Permanent Mission of the State of Qatar avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurance of its highest consideration.

Geneva, May "23rd 2019



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REFERENCE: TESPRDD/HRESIS/ESCR

Subject: General Assembly resolution on human rights and cultural diversity

The Secretary-General of the United Nations presents his compliments to all Permanent and Observer Missions to the United Nations and has the honour to refer to resolution 72/170 entitled "Human rights and cultural diversity" adopted by the General Assembly on 19 December 2017.

In paragraph 24 of the resolution, the General Assembly "requests the Secretary-General to prepare a report on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels regarding the recognition and importance of cultural diversity among all peoples and nations in the world and taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, and to submit the report to the General Assembly at its seventy-fourth session".

The Secretary-General would be grateful if any relevant information, in English or French, concerning the implementation of this resolution could be forwarded to the Office of the United Nations High Commissioner for Human Rights (United Nations Office at Geneva, CH-1211 Geneva 10; E-mail: registry@ohchr.org or escr@ohchr.org) by 1 May 2019.

The Secretary-General of the United Nations avails himself of this opportunity to renew to all Permanent and Observer Missions to the United Nations the assurances of his highest consideration.

1 March 2019





**Concerning the response to the questions contained
in the letter of
The United Nations Special Rapporteur
on Cultural Rights**

1 - On the definition of "public spaces" in national legislation, within international mechanisms, experts or civil society organizations.

A review of national legislation shows that the legislator defined these spaces in material terms as part of the public domain of the public, which may be urban spaces within the framework of the preparation of cities such as roads or parks or may be natural spaces such as forests and others.

However, with reference to the definitions adopted by experts and civil society organizations, the definition of public spaces is not limited to mere physical spaces that include the public domain, and that, given the scientific development of the world as the internet emerged, the concept of public space has cover the virtual public space also.

With regard to the extension of the concept of public spaces within societies, the physical or virtual perception of the expression of working spaces reflects more important and deeper connotations as those spaces It reflects on the cultural identity of the state through the diversity of society and the multiculturalism in which it is manifested. In addition, it enshrines the principle of social justice and citizenship through equality between individuals and non-discrimination among citizens in their use.

2 - On legal systems and practices at the national level that would encourage actors, including women and persons with special needs, in the cultural field to access and use public spaces, or those that may impede their access to or use of them.

Some government practices at the national level on public freedoms help to encourage various social groups to benefit from them, without discrimination,



taking into account the specificity of some of these categories. Emphasis is placed on the cultural role of these categories by providing standards that ensure the attraction of actors in the cultural field. These spaces are an alternative to the network of industry and production of culture to the point of profitability, which may not provide the same opportunities for all people in the cultural field.

Moreover, cultural actors enjoy greater freedom in public spaces than in institutional space, which is often subject to several restrictions on the freedom of expression and movement of individuals. The quality of the preparation of such spaces, such as governmental practices at the national level, which promote the cultural and social states of those spaces, which requires the provision of guarantees for the access of all social groups of those spaces at the lowest cost, and on the other design of those spaces based on the needs of each social group To ensure their good utilization.

3 - On the characteristics of public spaces that may be conducive to the guarantee of cultural rights, including for women or persons with special needs, or may be an obstacle to the realization of those rights in relation to equality, lack of access to or use of such spaces ...

The characteristics of public spaces that help to support their social and cultural role by ensuring access to and use by different social groups are as follows:

- These spaces should be practical, so that they can be used without undue effort or complexity, taking into account the needs of each category within those spaces, that is, flexible in use, and offering several options to meet all users.
- Accessible: Several options for access by various social groups, such as buses connecting remote areas to ensure the residents of those areas have access to them.
- Affordable cost: Access to and use of public places should not be of a heavy economic cost that would deprive social groups of their use.



And that the absence of any of the above-mentioned elements may lead to a disruption of the principles of equality and social justice in the public's use of those facilities.

4 - On the concept and limits of the term "right to public spaces", the legitimate limitations to which this right may be invoked in accordance with international standards, whether the term is used in your country or at work and the benefit of that right.

The concept of the "right to public spaces" cannot be confined to the obligation of the State to provide only that space. Rather, the content of this right requires that the State, through the creation of such areas, should respect the principle of equality and social justice. Follow the participatory approach, through the involvement of various members of the community through civil society organizations in the creation of these areas and how to design them and establish the principle of participatory planning, which is one of the vital elements in ensuring respect for human rights.

As for the legitimate boundaries of the concept of the right to public space, it is concerned with ensuring the protection of public order so that the rights established within those spaces cannot constitute a threat to state institutions and social peace.

As for the benefit of establishing the right to public space, we consider that this right is an important part of guaranteeing the rest of the human rights to secure a dignified life, in addition to enshrining the concept of citizenship of individuals by guaranteeing the principle of freedom of expression.

5 - On the role of cultural rights in ensuring the existence, accessibility and optimal utilization of public spaces in order to ensure the public participation of individuals in cultural life and the achievement of citizenship in addition to other rights.

The right of individuals to participate in cultural life, as set out in the International Covenant on Economic, Social and Cultural Rights, is the main motive for the creation of those spaces that attract the general public to engage



in cultural life, including those manifestations of cultural expression and artistic manifestations.

And that cultural rights may contribute to ensuring respect for human rights recognized in a number of international human rights instruments, including articles 2 and 26 of the International Covenant on Civil and Political Rights, articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the Convention on the Rights of the Child and article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

However, building public spaces open to all is not sufficient to ensure that these rights are realized and it is necessary to meet the specific needs of different social groups in the implementation of those spaces.

6 - What is the impact of the privatization of public spaces on the right of individuals to use those spaces?

That the issue of privatizing public spaces may have an important impact on the extent to which the benefit of the general social groups from those spaces, and given the form of profitability that may be attributed to the private properties of the management of those spaces, this may deprive the vulnerable social groups to access those spaces, which would constitute a breach of article 11 of the International Covenant on Economic, Social and Cultural Rights on the right to an adequate standard of living for the enjoyment of human dignity, including the State's obligation to design, build and maintain public spaces consistent with human rights standards relating to the provision, accessibility and affordability of such spaces, in accordance with a large number of interrelated rights that promote the principles of freedom of expression, cultural identity and equality .

7 - On recommendations to the State and other relevant parties.

States should pay attention to the participation of individuals in the design of public spaces to ensure the feasibility and efficiency of these spaces, to ensure sustainable cities and to ensure the realization of the basic principles of human rights.