**Question № 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?*

**Response:**

Article 20.21 of the Code of the Russian Federation on administrative offenses provides administrative responsibility for appearance on streets, stadiums, in squares, parks, in the public vehicle, in other public places in the state of intoxication offending human dignity and public morals.

In addition, the phrase "public places" is contained in the Federal law of February 07, 2011 № Z-FZ "On police". The Federal law of June 19, 2004 № 54-FZ "On Assemblies, Meetings, Demonstrations, Processions and Pickets" mentions "places of social and political character".

However, these legal acts fail to enshrine the definition of "public places".

Considering such language, the list of public places is not exhaustive.

"Civiс space" as a definition is not widely used in the current legislation of the Russian Federation.

The language "public domain" applies to works of science, literature or art, whether published or not, after the termination of the exclusive right is used in part 4 of Article 1282 of the Civil Code of the Russian Federation.

It is enshrined that a work in the public domain may be freely used by any person without anyone's consent or permission and without payment of royalties. Authorship, author's name and inviolability of the work are protected at the same time.

**Question № 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?*

**Response:**

Article 19 of the Constitution of the Russian Federation prohibits any form of restriction of the rights of citizens on the basis of social, racial, national, linguistic or religious affiliation.

Effective and well-organized work on problems of accessibility, including problem of access to public places, allows to create a comfortable environment not only for people with disabilities, but also for all residents.

According to Art. 15 of the Federal Law of November 24, 1995 No. 181-FZ “On the Social Protection of Persons with Disabilities in the Russian Federation”, federal state authorities, state authorities of the federal subjects of the Russian Federation, local governments (according established powers), organizations regardless of their organizational legal forms provide persons with disabilities:

1) conditions for unhindered access to social, engineering and transport infrastructures (residential, public and industrial buildings and structures, including buildings and structures of sports and sports organizations, cultural organizations and other organizations), to recreation centers and to the in their services;

2) conditions for the unrestricted use of rail, air, water transport, road transport and urban land electric transport in urban, suburban and intercity communication, telecommunication and information (including means that ensure the duplication of light signals of traffic lights and devices that regulate pedestrian traffic through transport communications by the use of sound signals);

3) possibility of independent movement on the territory of social, engineering and transport infrastructures, entering and exiting such objects, boarding and disembarking the vehicle, including with using a wheelchair;

4) escorting persons with disabilities who have persistent impairments of visual function and self-movement, and assisting them at social, engineering, and transport infrastructures;

5) proper replacement of equipment and information carriers necessary to ensure the unhindered access of persons with disabilities to social, engineering and transport infrastructures and services, taking into account their disability;

6) duplication of sound and visual information necessary for people with disabilities, as well as inscriptions, signs and other textual and graphical information with signs in braille boldface, the admission of a sign language interpreter and a tactile sign language interpreter;

7) access to the objects of social, engineering and transport infrastructures of the guide dog if there is a document confirming its special training and issued in the form and manner determined by the federal executive body that performs the functions of developing and implementing state policy and legal regulation in the field of social protection of the population;

8) provision by employees of organizations that provide services to the population, assistance to persons with disabilities in overcoming barriers that prevent them from receiving services on an equal basis with other persons.

The procedure for ensuring accessibility for persons with disabilities to social, engineering and transport infrastructures and the services provided, as well as assisting them when it is necessary, is established by federal executive bodies responsible for developing and implementing state policy and legal regulation in the established areas of activity as agreed with the federal executive body responsible for the development and implementation of state policies and legal regulation in the sphere of social protection of the population, based on the financial capacity of the budgets of the budgetary system of the Russian Federation, and organizations.

**Question № 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?*

**Response:**

Cultural activity is an inalienable right of every citizen regardless of national and social origin, language, sex, political, religious and other beliefs, place of residence, property status, education, profession or other circumstances in the Russian Federation (article 8 of the "The Principles of Cultural Legislation", approved. Supreme Court of the Russian Federation from 09.10.1992 № 3612-1).

Pursuant to Article 30 of the Convention on the Rights of Persons with Disabilities states Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities: enjoy access to cultural materials in accessible formats; enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats; enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

During the construction of new or reconstruction of old cultural objects, it is necessary to be guided by urban planning documents, which describe the requirements required for compliance with the construction of ramps, exits from curbs, handrails, etc.

At the entrance to the cultural institution in a prominent place is a scheme or issued a memo according to which wheelchair users get an idea of the presence and placement in the building accessible to them elevators, toilets, telephones, etc.

For blind visitors there are models, relief-graphic plans of cultural institutions, Braille labels, exposure schemes.

The specialist on work with disabled people has phones of the organizations providing services of the sign language interpreter for deaf people, and also transport specially equipped for disabled people, including a social taxi.

On the website has been opened page of the cultural institution, informing visitors about the services provided at the facility to persons with disabilities and about the conditions created for visiting the cultural institution by persons with disabilities.

It is allowed to use models, moulage, relief drawings, schemes and plans (including large-scale models of architectural structures, animals, plants, transport, weapons, etc.).

The interaction with exhibitions is especially difficult for totally blind visitors since they are unable to explore the exhibits in glass cases. For this category of visitors, whenever possible access to open, durable exhibits is provided. There are two categories of such exhibits:

1) interactive, for all visitors that can touch the exhibited objects;

2) openly standing exhibits that can be “viewed” by touch only by visually impaired visitors.

The best option is to use both options. Exhibits that are available for blind visitors have not only a regular label but also a Braille one. The Braille labels are usually made on a transparent carrier that is stick to regular labels, consequently, it does not affect the design of the exposition.

Each employee of the cultural institution must remember of the right of all visitors to access to cultural property and ethical attitude towards people with disabilities. Serving this category of visitors has its own specifics. The following are features of working with different categories of people with disabilities in cultural institutions.

**It should be noted that working with visitors with disorders of the musculoskeletal system** is the least difficult to maintain category of people with disabilities. This category of people with disabilities may need help moving around a cultural institution. For these purposes, volunteers can be used.

The following group does not exceed 8-10 people, otherwise there may be difficulties when interacting with glass cases, since the wheelchairs are quite wide.

The following recommendations are observed when servicing people with limited mobility:

- make sure in advance that the ramp at the entrance to the cultural institutions is clean and not slippery, not blocked by foreign objects;

- the aisles between the halls and in the halls are not narrowed by random objects: chairs, counters, etc.;

- during the excursion it is better if the persons of the guide and the guide are located on the same level, it is most convenient to sit down or step back a bit so that people with disabilities do not have to throw their heads back.

**Dealing with visitors with special development needs of intelligence and emotional response.**

The main thing to keep in mind for the employees of cultural institutions before meeting with this group of visitors, that there is also a need for such visitors to develop and receive new information.

The visitors have their own special view on the reality surrounding them. Workers of cultural institutions talk to them not as they are sick people, but with respect, calm tone of voice, not allowing harshness. They do not engage in discussions and disputes with such people. If someone's point of view is very different from the generally accepted one, it is recommended to simply point out that it also has a right to exist.

The text of the tour for people with special development needs of intelligence and conversations with the ones should not be overloaded with too complex information: numbers, scientific terms, quotes. In this case, the phrases should be short, clearly pronounced. A clear, slow speech is preferable.

**Question № 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?*

**Response:**

The approximate content of the term “rights to use of public places” in accordance with international standards provides grounds for restrictions arising from Article 29 of the Universal Declaration of Human Rights: “the right to use public places consists in securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

The Universal Declaration of Human Rights provides that “everyone has duties to the community in which alone the free and full development of his personality is possible” and therefore permits the possibility of restrictions established by law in the exercise of rights and freedoms. With this approach, Article 55.3 of the Constitution of the Russian Federation is in accordance with the international standards, allowing the possibility of restrictions exclusively by federal law to the extent necessary to protect the foundations of constitutional order, morality, health, rights and legitimate interests of others, ensure the defense of the country state security.

**Question № 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?*

**Response:**

Cultural rights are guaranteed in the Russian Federation, which include a broad enumeration of cultural human rights and freedoms: the inalienability of the right of every person to cultural activity; the priority of human rights over the rights of the state, organizations and groups; the right to creativity; the right to personal cultural identity; the right to participate in cultural life and to access to cultural property (Section II of the Framework Legislation of the Russian Federation on Culture, approved by the Law of the Russian Federation No. 3612-1 of 9 October 1992).

Moreover, Article 44, Paragraph 2, of the Constitution states: "Everyone has the right to take part in cultural life, to use cultural institutions and to have access to cultural property.

Cultural property should be understood as moral and aesthetic ideals, norms and behavioral patterns, languages, dialects and patois, national traditions and customs, historical toponyms, folklore, artistic crafts and handicrafts, works of culture and art, the results and methods of scientific research of cultural activities, buildings structures, objects and technologies of historical and cultural significance, and territories and sites of historical and cultural uniqueness (Article 3 of the Framework Legislation on Culture, approved by the Law of the Russian Federation No. 3612-1 of 9 October 1992).

Thus, cultural rights can often be exercised only through visiting cultural institutions (museums, theatres, galleries, etc.), which are public places.

In accordance with Article 30 of the Framework Legislation of the Russian Federation on Culture, approved by the Law of the Russian Federation No. 3612-1 of 9 October 1992), the state shall be responsible to citizens for ensuring conditions for the general accessibility of cultural activities, cultural properties and benefits.

In order to ensure the general accessibility of cultural activities, cultural properties and benefits for all citizens, the state agencies and agencies of local self-government are obliged in accordance with their capacity:

- to encourage the activities of citizens to involve children in creativity and cultural development, self-education, amateur art and crafts;

- to create conditions for aesthetic and art education, mainly, by means of support and development of organizations carrying out educational activities on educational programs in the field of culture and arts, as well as of preservation of free basic services of public libraries for the population;

- to promote charity, patronage and sponsorship in the field of culture;

- to exercise their protectionism (patronage) in the field of culture in relation to the least economically and socially protected strata and groups of the population;

- to publish annual data on the sociocultural situation for the population;

- to ensure conditions of accessibility for disabled persons of cultural values and benefits in accordance with the legislation of the Russian Federation on the social protection of disabled persons.

The state is taking various measures to make public places (museums, libraries, theatres, cultural centres, etc.) more accessible. For example, with the support from the Ministry of Culture of the Russian Federation, the all-Russian event called “Night of Museums” is held annually.

In 2019, the “Night of Museums” campaign will be held in Russia for the thirteenth time, with more than 2,300,000 people joining last year[[1]](#footnote-1). This is the only time in the year when cultural institutions across the country work in the evening and at night. Art galleries and museums, art spaces and theatres prepare special programmes for visitors: exhibitions, concerts, quests and master classes.

According to the research conducted by the Russian Public Opinion Research Center[[2]](#footnote-2), every sixth respondent plans to take part in the all-Russian “Night of Museums” this year. The popularity of the “Night of Museums” campaign has increased significantly over the past seven years: while 56% of Russians did not know about it in 2012, today they amount to 36%.

In addition, three quarters of Russians (74%) believe that the “Night of Museums” is increasing public interest towards museums. In addition, 40% of those who did not know about the campaign would like to take part in it (46% each among 18-24-year-olds and 25-34-year-olds).

Thus, one can say that the human need for the realization of cultural rights, their guarantee by the state and diversity ensures the demand for public places that can be used as platforms for cultural activities**.**

**Question № 6.**

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

**Response:**

The right of ownership in the field of culture extends to objects of historical and cultural importance, collections and assemblies, buildings and structures, organizations, institutions, enterprises and other objects (Article 14 of the Fundamentals Legislation of the Russian Federation on Culture, approved by the Law of the Russian Federation of October 9, 1992 № 3612-1).

At the same time, in accordance with Article 44 of the Fundamentals Legislation of the Russian Federation on Culture, approved by the Law of the Russian Federation of October 9, 1992 № 3612-1, the cultural heritage of the peoples of the Russian Federation, including cultural values, are stored in the funds of state and municipal museums , archives and libraries, art galleries, in the assortment cabinets of art industry enterprises and traditional folk crafts, including the premises and buildings where they are located are not subject to privatization.

Privatization of other cultural objects is allowed in the manner established by the legislation of the Russian Federation, provided:

- preservation of cultural activities as the main activity;

- preservation of specialized services;

- organization of service preferential categories of the population; ensuring the existing number of jobs and social guarantees for employees (for up to one year).

Also according to part 1 of article 50 of the Federal Law of June 25, 2002 № 73 «On Cultural Heritage Objects (Historical and Cultural Monuments) of the Peoples of the Russian Federation» cultural heritage objects that are classified as especially valuable cultural heritage sites of the peoples of the Russian Federation, monuments and ensembles included in the World Heritage List, historical and cultural reserves, objects of cultural heritage provided in the prescribed manner to state museums and reserves, objects of archaeological heritage are not subject to alienation from state ownership.

Other cultural objects may be privatized in accordance with the procedure established by law, subject to a number of conditions, with the imposition of certain obligations on the owner or possessor (preservation of cultural activities, maintenance in a proper manner, etc.).

It is necessary to note the positive aspect of the possibility of privatization of such objects (for example, buildings), which is considered as a way of keeping those in unsatisfactory condition.

Thus, part 5 of article 29 of the Federal Law of December 21, 2001 № 178 «On the Privatization of State and Municipal Property» established that in relation to the cultural heritage object included in the register of cultural heritage objects, the state of which is recognized as unsatisfactory in accordance with the Federal Law of June 25, 2002 № 73 «On the objects of cultural heritage (historical and cultural monuments) of the peoples of the Russian Federation» and which is privatized by selling at a competition, the project documentation for the preservation of such cultural heritage object, which is included in the tender documentation, agreed in the manner established by the Federal Law of June 25, 2002 No. 73-Φ3 “On the objects of cultural heritage (historical and cultural monuments) of the peoples of the Russian Federation”, is provided in relevant state or municipal property authority.

Also, an agreement providing the alienation of a cultural heritage object included in the register of cultural heritage objects, in the order of privatization, must contain an essential condition on the obligation of the new owner of the cultural heritage object which is in poor condition to fulfill the terms of the competition on time and in full.

Such conditions of privatization contribute to the restoration and preservation of historically significant objects, which may include certain “public places” as well.

Summarizing, it can be noted that in the Russian Federation measures are being taken to ensure the safety and accessibility of public places in which cultural activities are carried out, regardless of the form of ownership, and in some cases the privatization of such facilities (for example, buildings) contributes to their restoration and preservation.

**Question № 7.**

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

**Response:**

As for recommendations to States and other stakeholders on the listed topics, it can be suggested to comply strictly with universally recognized principles and norms of international law and not to allow arbitrary limitations of the access to public places where cultural activities are carried out.

In addition, taking into account the requirements of public safety and maintenance of law and order, it is necessary to take all possible measures to preserve historical and cultural monuments regardless of a change in state policy.

1. https://museumnight.culture.ru/ [↑](#footnote-ref-1)
2. https://wciom.ru/index.php?id=236&uid=9689 [↑](#footnote-ref-2)