

CHILDREN'S RIGHT TO PLAY



A Booklet for a Richer Understanding of Children's Right to Play

“Play is a vital dimension of the
pleasure of childhood”

UN Committee on the Rights of the Child



**“Laws guarantee human rights.
Understanding them gives power.”**

The **Convention on the Rights of the Child (CRC)** is the fundamental basis for children's rights in international law. If children are to enjoy all their human rights, it is vital that a broader understanding of the CRC is developed across the world.

Children's Rights Information Service (CRIN)



The Children's Right to Play Booklet

All children have a right to play. This universal right is enshrined in article 31 of the UN Convention on the Rights of the Child (CRC).

What does it mean to have this right and what do adults need to think about to uphold it?

What basic principles underpin children's rights generally and the right to play in particular?

This booklet will help you explore these questions further, demystify the jargon, and take you into a richer understanding of article 31.

The focus is understanding play as a right of children rather than children's activities.

**You will find prompter questions in the text.
Links are provided at the bottom of pages.**

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Article 31

Each right in the Convention on the Rights of the Child (CRC) is known as an ‘article’. This is the actual wording of both paragraphs of article 31 (States Parties refers to countries):

Article 31 of the UN Convention on the Rights of the Child

- 1 States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2 States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Note on paragraph two

The Committee on the Rights of the Child has clarified that although the requirement ‘to encourage the provision of appropriate opportunities’ in paragraph two specifies cultural, artistic, recreational and leisure activity, the Committee interprets this in its legal analysis as including play.

(Committee on the Rights of the Child, 2013, para.15b)

A richer understanding of article 31

Article 31 is full of the things that are enriching, appealing and empowering to children. It is the part of the CRC which is about children’s own interests, ideas and choices about how they spend their own time.

The Committee on the Rights of the Child advises that article 31 must be understood holistically; that is, we need to bear in mind the interaction of all the elements of article 31 and also, the relationship of article 31 to the whole of the Convention.



CULTURAL LIFE PLAY APPROPRIATE AND EQUAL REST THE RIGHT LEISURE RESPECT PARTICIPATE FREELY RECREATIONAL ACTIVITIES APPROPRIATE TO THE AGE OF THE CHILD

CONVENTION OF THE RIGHTS OF THE CHILD

EVERY CHILD THE ARTS ENCOURAGE PROMOTE

Each element of article 31 links to the others and they reinforce and support each other.

Together, they describe conditions necessary to protect the unique and evolving nature of childhood. Their realization is fundamental to the quality of childhood, to children’s entitlement to optimum development, to the promotion of resilience and to the realization of other rights.

(Committee on the Rights of the Child, 2013, para.8).

A shared understanding of play

The Committee on the Rights of the Child gives us definitions for the elements of both paragraphs of article 31 including concepts found in the article such as ‘to participate freely’ and ‘equal opportunities’. This provides a shared basis for discussion and action around article 31 without having to endlessly re-establish the common ground. The analysis for play is as follows:

Play: Children’s play is any behaviour, activity or process initiated, controlled and structured by children themselves; it takes place whenever and wherever opportunities arise.

Caregivers may contribute to the creation of environments in which play takes place, but play itself is non-compulsory, driven by intrinsic motivation and undertaken for its own sake, rather than as a means to an end.

Play involves the exercise of autonomy, physical, mental or emotional activity, and has the potential to take infinite forms, either in groups or alone.

These forms will change and be adapted throughout the course of childhood.

The key characteristics of play

are fun, uncertainty, challenge, flexibility and non-productivity.

Together, these factors contribute to the enjoyment it produces and the consequent incentive to continue to play.

While play is often considered non-essential, the Committee reaffirms that **it is a fundamental and vital dimension of the pleasure of childhood**, as well as an essential component of physical, social, cognitive, emotional and spiritual development.

(Committee on the Rights of the Child, 2013, para.14c)

Building blocks

The richer understanding of article 31 available to us is built on two key documents.

Of course, one of these is the Convention on the Rights of the Child (CRC) and the second is the General Comment on article 31 which was issued by the Committee in 2013.



The Convention of the Rights of the Child in full
<http://ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
English | Français | Español | русский | العربية | 中文

Information about the state of children's rights
country by country

<https://www.crin.org>

العربية | English | Français | Русский | Español

CRC basics

Since its adoption by the UN in 1989, the Convention on the Rights of the Child has been ratified more quickly and by more governments than any other human rights treaty or convention (the exception being the USA).

Ratification means that a State (government) has formally indicated its consent to be bound to the Convention. Governments must report back to the Committee on the Rights of the Child on progress made in children's rights in their country.

The basic premise of the CRC is that children (everyone below the age of 18) are born with fundamental freedoms and the inherent rights of all human beings.

The UK signed the CRC on 19 April 1990, ratified it on 16 December 1991 and it came into force on 15 January 1992.

Do you think the children you work with have an understanding of the CRC?

Have children's play opportunities changed over time?

How does play change with age and circumstances?

How might awareness of cultural diversity inform provision of play opportunities?

Recommendation made by the Committee on the Rights of the Child in response to country reports are called Concluding Observations. These can be found at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=5

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UN General Comments

A General Comment is an official document published by the United Nations. General Comments are published to give guidance to governments about how they should implement different parts of Conventions and to tell them in more detail what is expected of them. General Comments are usually about aspects of Conventions to which the UN feels governments haven't paid enough attention, don't understand well or need to do more to implement fully. This is the case for article 31 which includes the right to play.

The Committee on the Rights of the Child published a General Comment on article 31 in 2013. Known as General Comment no. 17 (GC17), this is now widely acknowledged as a landmark document for advocates for children's play.

General Comment no. 17 has three core objectives:

- to enhance the understanding of the importance of article 31 for children's well-being and development;
- to ensure respect for and strengthen the application of the rights under article 31, as well as other rights in the Convention,
- to highlight the obligations of governments, the role and responsibilities of the private sector, and guidelines for all individuals working with children.

General Comment no. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en

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Learn to love the lingo

some more about the CRC

The next three pages give a quick familiarisation with three key ideas related to the CRC. These are:

- **Indivisibility**
- **General Principles**
- **Respect, protect, fulfil**



Indivisibility

Children have many different relationships and experiences in their day-to-day lives; they navigate many different environments, including home, school, healthcare, community, public and private space. They have rights in relation to all of those.

Children’s lives and experience aren’t made up of neat little boxes that are unconnected to each other. Rather, there are many points where they meet and link – what happens at home has an impact on education, if children face discrimination it can affect their health, if they are never asked their opinion it has an impact on their opportunities, standards of living impact on health and aspirations, and so on.

Indivisibility means that the different rights that children have cannot be separated or divided from each other. Children’s rights should be seen as a whole. All the rights in the CRC are as important as, and support, each other.



Indivisibility and article 31

Article 31 had become known as ‘the forgotten right’ because its place with the CRC as a whole was not understood.

In the CRC Handbook (2007) Hodgkin and Newell commented that it is perhaps because children find ways and means of playing ‘even in the most dire circumstances,’ that the right to play is overlooked.

The late IPA Vice President and campaigner, Valerie Fronczek, asserted that an important principle of the Convention however is that its articles are interdependent, interrelated and indivisible and therefore there should be no ‘forgotten’ articles

within the Convention and certainly not one ‘so basic to childhood’ as the right to play.

Article 31 has a strong relationship with the Convention as a whole, supporting realisation of other rights – education, health etc.

The UN Children’s Committee have said that article 31 serves to enrich the lives of children and is fundamental to:

- the quality of childhood
- to children’s entitlement to optimum development
- to the promotion of resilience
- and to the realization of other rights.

“How can we promote a better understanding of the full implications of respecting children’s right to play?”

Indivisibility and article 31

Freedom of expression (art. 13) Adequate standard of living (art. 27)

Social protection, employment, housing, public space

Freedom of association (art. 15)

Friendships, social groups

Access to such information and materials (art. 17)

Social, cultural

Cultural rights (art. 30)

Enjoy and participate, own cultures

Refugee and asylum-seeking children (art. 22)

Equal opportunities

Education (arts. 28 and 29)

Article 31 is essential inclusive education and inclusive play



Child workers (art. 32)

Arduous and exploitative work denies the rights under article 31

Violence, exploitation, deprivation of liberty (arts 19, 34, 37 and 38)

Disabled children's rights (art. 23)

Accessible, inclusive, equal

Seriously impede or even eliminate children's access to article 31 rights

Health (art. 24)

Well-being, development, recovery

Victims of violence in any form (article 39)

Recovery, reintegration, dignity

General Principles and article 31

Certain rights in the CRC are described as General Principles. The General Principles are considered particularly necessary to underpin fulfilment of all rights. These are:

Non-discrimination (article 2)

All children should be able to exercise their rights without discrimination of any kind. The right to play belongs to every child regardless of background, age, ability, ethnicity etc.

Best interests of the child (article 3)

The Committee on the Rights of the Child have said that the right to play is 'by definition' in children's best interests. A child's best interests must be a primary concern in all matters affecting them, determined in the spirit of the Convention as a whole and take into account their views and feelings.

Life, survival and development (article 6)

There is a need to recognise the positive value of play and article 31 in promoting the development of children. Governments should promote awareness and understanding of the importance of play to parents, caregivers, government officials and all professionals working for and with children.

The right to be heard (participation) (article 12)

Children, as individuals and as a group, have the right to express their views on all matters of concern to them. Their age and maturity should be taken into account, and if necessary, they should receive support to express their views.

There are lots of ways children should be able to express their views in relation to the right to play:

- Their own freedom of choice in how they play, for how long and with whom etc.
- Contributing to legislation, policies, strategies and design of services
- Involvement in the development of local facilities and urban planning.

How can we support children to get their voices heard about the importance of and planning for play?

What can we learn from children about the importance of play from their point of view?

How can this inform practice and policy?

Respect, protect, fulfil

And finally, all adults have responsibilities for children’s rights whether that’s as a parent, professional, policy maker or simply as a fellow human being.

This is described as the responsibility **to respect, to protect, and to fulfil.**

To respect means that Governments and others should not interfere, directly or indirectly, in the right to play. They should promote respect through awareness-raising and increasing understanding.

To protect means things like protection from harm, safety standards, marketing and media. Children should have a way to complain about issues relating to their article 31 rights if they wish.

To fulfil includes actions such as putting in place legislation and policies, allocating budgets and implementing a wide range of measures to promote article 31 such as better design of outdoor spaces, play in schools, training for practitioners.

How familiar are you with these terms and ideas?

**How do they help you?
How will you use them?**

What do you think the implications are for how we work?

Take three actions for children's right to play

Don't leave this booklet without making your own commitment for children's right to play. You could for example:

- Download and display the article 31 poster (see resources)
- Making a small exhibition (play now and then, children's perspectives, etc.)
- Organise a team meeting to focus on implications for practice
- Change wording on a leaflet to reflect a rights-based approach
- Review policies to incorporate a rights-based approach
- Organise awareness raising activities for parents and colleagues
- Facilitate right to play activities with children
- Participate in drafting your country's report to the Committee on the Rights of the Child (find the children's rights alliance for your country or visit CRIN)
- Ask the children you work with how they feel about their current play opportunities and play spaces
- The list is endless – identify the right actions for you.

My commitments for the right to play...

Children's Rights International network www.crin.org

The Right to Play <https://bernardvanleer.org/publications-reports/?s=article+31>

Article 31 resources and where to get them

There are great resources you can use to promote children’s right to play.

IPA World worked with Play Wales to produce posters about article 31 of the CRC emphasising the right to play. The images as well as the words tell us about the right to play, and depict children of different ages, backgrounds and cultures.

- A3 and A4 posters to download
- Article 31 logo
- A summary of the UN General Comment on article 31
- Children’s Right to Play: An examination of the importance of play in the lives of children worldwide (Lester and Russell, 2009)
- This is Me, in several languages

This is Me

This is Me is a short film, directed by Cynthia Gentry, that IPA members around the world made to promote the General Comment on article 31 in a lively, accessible way. You will hear Professor Roger Hart speak about the General Comment.

While you are watching the film, think about things that you want to remember or that are especially relevant to you.

**One thing I liked
about the film**

One thing I learned from it

One thing I will tell someone else

These resources are all available from the IPA World website to download and use www.ipaworld.org

<http://ipaworld.org/ipa-working-paper-on-childs-right-to-play>
English | Spanish | Chinese

A little bit of history

- 1989** Following support from NGOs including IPA, play was included in the CRC as part of article 31.
- 2008** IPA built international support for a request for a General Comment on article 31.
- 2009** The Importance of Play in the Lives of Children Worldwide published by IPA and the Bernard van Leer Foundation.
- 2010** IPA Global Consultation on Children's Right to Play identified significant, worldwide barriers to the right to play.
- 2011** IPA was invited to manage the drafting of the General Comment on behalf of the UN Committee with a worldwide pool of experts.
- 2012** Children and young people in Scotland, Lebanon, Sierra Leone, Thailand, Brazil and Kenya helped review the draft.
- 2013** General Comment No. 17 was adopted by the Committee on the Rights of the Child at its sixty-second session (14 January - 1 February 2013).

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This booklet was developed
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