

The implications of a rights-based approach to children's play



Harry Shier
CESESMA, San Ramón, Nicaragua

...and the Centre for Children's Rights, Queen's University Belfast



Overview

1. The child's right to play
2. The implications for adults
3. The child's right to be heard
4. The implications for adults



The Australian connection

I started my career in the 1970s, working on Adventure playgrounds in the UK.



My first publication:
*"Adventure Playgrounds,
an Introduction"*. 1984.

Then I 'discovered' children's rights at the 'World Play Summit',
Melbourne 1993



This experience changed the course of my life.

Whatever issue you are concerned about, children's rights provides both an underpinning framework and an overarching approach – which I have been committed to ever since, first in the UK, later in Nicaragua.

The child's right to play in the UN Convention on the Rights of the Child.

Article 31

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.

What we adults need to think about, however, is the obligations this places on the state and its agents (i.e. local government) as duty-bearers, and how it affects our role..



Asbjørn Eide notably defined three types of states' obligations as duty-bearers in respect of human rights:

- To respect rights,
- To protect rights
- To fulfil rights.

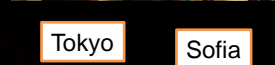


For 20 years the right to play was largely ignored outside our own small sector.
Until IPA set out to change things...

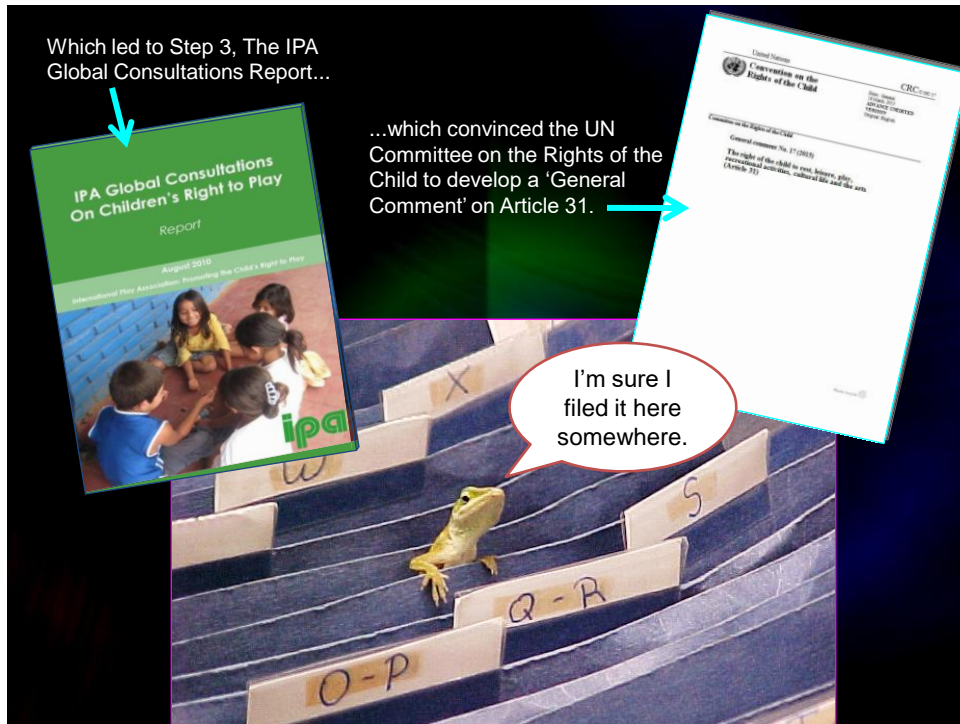


Step 1. A thorough analysis of the world literature on the importance of play as a human right (Lester and Russell, 2010)

Step 2: The IPA Global Consultations on Children's Right to Play



The Consultation provided evidence of hundreds of infringements of the right to play from around the world.



The General Comment picks up on Eide's three duties and explains that states (and by extension all public authorities) are obliged to:

- refrain from any interference in children's enjoyment of the right to play;
- act decisively to prevent others from interfering in children's right to play;
- where circumstances prevent the realisation of children's right to play, to ensure this right is fulfilled by taking action to make available all necessary services, provision and opportunities (this can be either by direct provision, e.g. council-run playgrounds/playcentres; or by facilitating such provision by others, e.g. funding for community-run playgrounds/playcentres). (CRC General Comment 17, para 54)



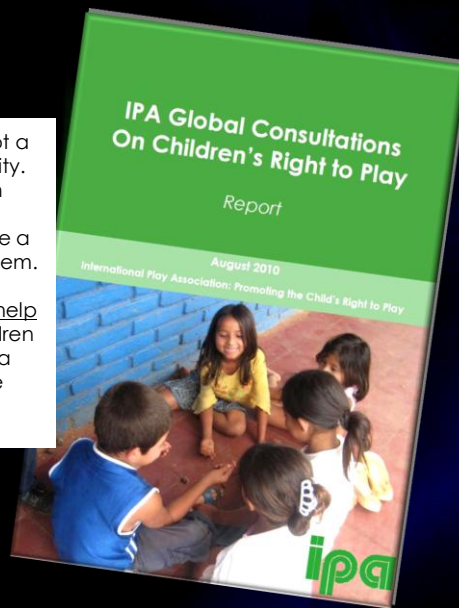
In Australia, citizens cannot take the state to court to enforce their rights under international treaties like the Convention on the Rights of the Child.

But the state still has its obligations under international law, which lend strong legal and moral force to demands for the realisation of the right to play, particularly for children whose equal access to play is limited through social exclusion, discrimination or disadvantage.

What does this tell us about our role, as adults working in the promotion of or provision for children's play?



"It is important to stress that play is not a public service, much less a commodity. Play is a natural and universal human impulse. Children only stop playing if they are traumatised, abused or have a severe impairment which prevents them. Adults never have to make children play, and only rarely do we have to help children play. Adults have to let children play. In other words, we have to put a stop to the worldwide violation of the child's right to play."



In a perfect world, to meet our obligation to “let children play” would mean just that.:
“Don’t interfere”.



In the real world, it's more complicated.

- Where can we let children play? We need to guarantee a safe space.
- Then what play opportunities are available in the protected space? We need to ensure a supply of resources for play to be interesting and satisfying.
- The right to play must be enjoyed by all children without discrimination, so we need to be conscious of those factors that may limit children's enjoyment of their right to play through direct or indirect discrimination, and be ready to deal with them.

However, a rights-based approach does not require us to organise play activities, pursue a play curriculum, or produce evidence of the “benefits” of play.

Please note: I am not saying we should never do these things. But if we are taking a rights-based approach, they are optional extras and not obligatory.

The child's right to be heard:

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Here the duty-bearers' obligation is even clearer: In all matters that affect children, their expressed opinions are to be “given due weight in accordance with the age and maturity of the child”.



So many decisions that local authorities make on a regular basis directly or indirectly affect children's right to play; not just decisions to do with play provision as such, but others to do with:

- town planning,
- housing,
- parks and recreation,
- traffic control,
- school timetables,
- school grounds,
- child-care (among others).

All these decisions affect the extent to which children can or cannot realise their human right to play.



Therefore, those charged with taking such decisions are obliged to take into account and give due weight to the views of children regarding these matters.

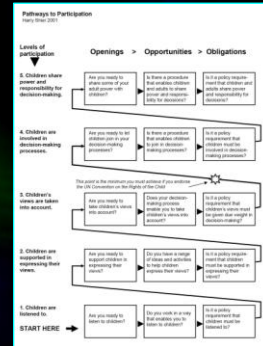
This is not a matter of opinion or an option. It is an obligation of the state under international law, and by extension, the responsibility of all those who have authority to make and implement public policy under the aegis of the state.



The last time I was in Sydney, 15 years ago, I presented for the first time the “Pathways to Participation” diagram. It has since become known around the world as one of the most widely-used tools for analysing children’s participation.

This shows us that as a minimum we must set out a clear policy that requires us to:

1. Listen to children;
2. Support children in expressing their views;
3. Give due weight to the children’s views in decision-making.



The Convention on the Rights of the Child does not oblige us to involve children directly in policy decisions, once their views have been heard and taken on board.

But to do so represents a positive way forward for those committed to empowerment, democracy, equality and good governance.

Summing up:

3 important rights:

1. The right to play (Article 31);
2. The right to be heard and have one's views taken into account by adults (Article 12);
3. All rights to be enjoyed equally by all children without discrimination of any kind (Article 2).

And 3 duties placed on adults :

1. To respect rights;
2. To protect rights;
3. To fulfil rights, either by direct provision or otherwise.



The End – and some questions for you...

1. How does this relate to the reality you see in your own communities, and in your work in this area?
2. Does local government take children's rights seriously? Are local officials aware of their obligations as duty-bearers in relation to the UN Convention on the Rights of the Child?
3. Is it enough to "let children play"? In our communities, what does that really mean?
4. Are we listening to children's voices? Are we hearing what they tell us?
5. What about the view sometimes expressed in playwork circles that it is better to let the children get on with playing, and let adults get on with the policy and provision stuff?
6. If we do want children's voices to be heard and taken into account in play policy, provision and programming, what's the best way to go about it?

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www.harryshier.net

harry@cesesma.org