

Children's play as a human right: a global perspective



*Harry Shier
Centre for Children's Rights,
Queen's University Belfast*

...and CESESMA, San Ramón, Nicaragua



Children's play as a human right: A global perspective

Friday 1st February 2013 was a historic date in the history of the international movement for the child's right to play. This presentation will try to explain why, and we will see how Nicaragua's child coffee workers played a part in these historic events. To tell this story we will need to look at:

1. Children's play as a human right.
2. Nicaragua's child coffee workers.
3. Child workers researching and campaigning for the right to play.
4. The UN Committee on the Rights of the Child and its "General Comments".
5. The global campaign for a General Comment of the Right to Play.
6. The IPA Global Consultation Report.
7. The new General Comment.
8. What next?



1. Play as a human right

United Nations Convention on the Rights of the Child, Article 31

1. States Parties recognise 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.



2. Nicaragua's child coffee workers





NICARAGUA



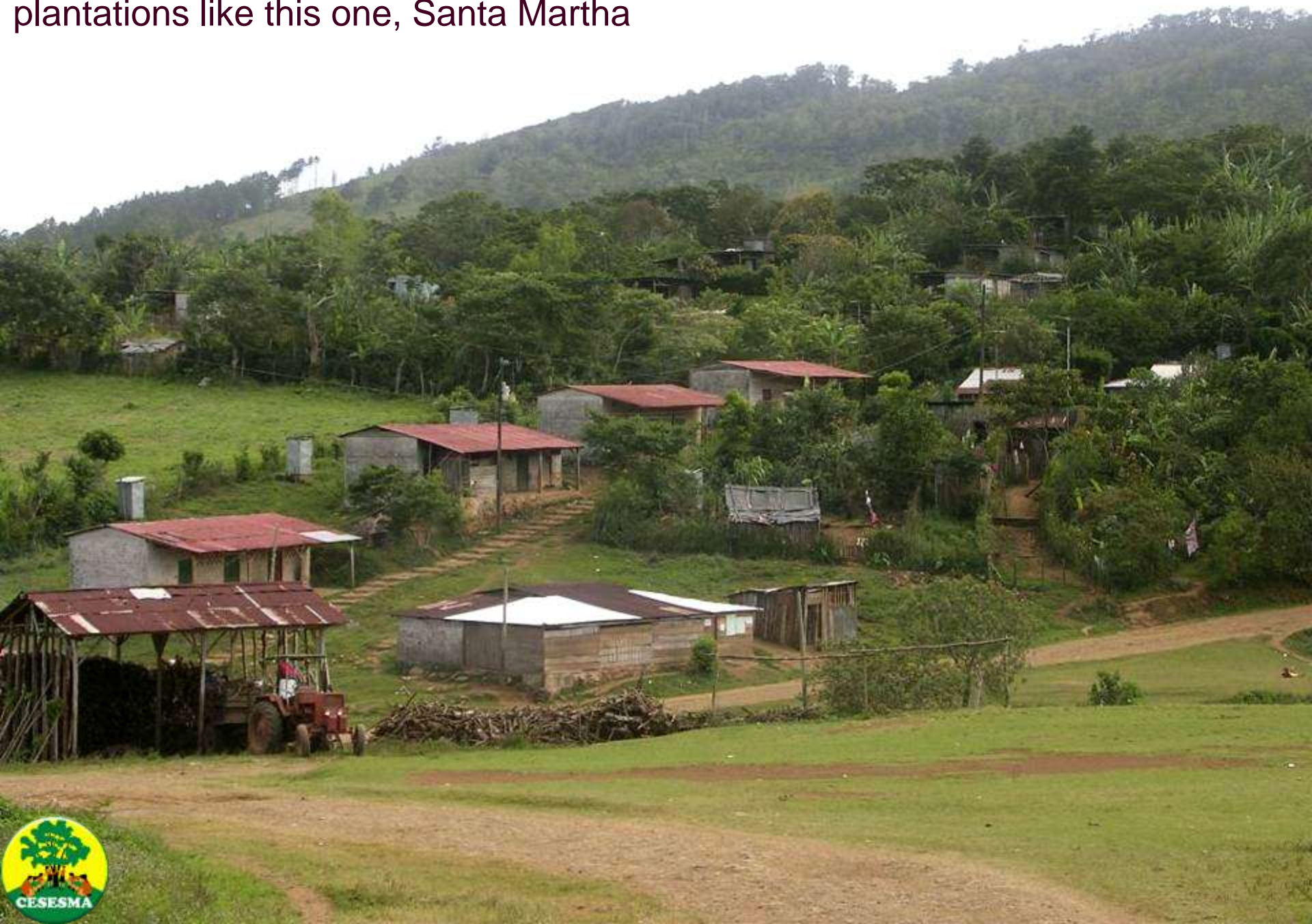
Tropical, rural, mountainous



Coffee is grown in the forests, protected by the partial shade of the forest canopy



Much of it is still produced on large feudally-run plantations like this one, Santa Martha







Harvesting coffee is highly labour-intensive. During the harvest period (November to February) many thousands of children work all day every day picking coffee ...



...and sorting the red and green coffee berries.













Contents of the sacks are measured at the end of each day, and registered workers are paid according to the quantity picked.

Children are not registered and not paid.



The first stage of processing, de-pulping the berries to extract the seeds, is generally done on the plantation.

The beans are then taken off to a processing plant for cleaning, drying and sorting.





They are then exported for roasting and packing.

Most of the added value goes with them. Most of the profit is taken in wealthy northern countries such as the USA and UK.

Meanwhile on the plantation ...



Living conditions are very basic





These are typical family homes

The basic diet is rice, beans and maize-flour tortillas.



Primary schools exist in most communities, but are under-resourced, poorly staffed, and often in bad repair



There are no secondary schools in rural areas



These children struggle to combine work (in the fields and at home), school and play.



The impulse to play is so strong within them that they always find a way.



There are some positive factors on their side: the year-round warm weather, the rich natural environment, the relative freedom of movement in small rural communities where everybody knows everybody.



3. “Children and Young People Defending our Right to Play” campaign



Action-research teams carry out an appraisal of play opportunities and limitations in their communities.





Preparing a report

They present their findings and recommendations in the local communities



Community festival in Samulalí

...and the Municipal Children and Youth Committees.



Municipal Children and Youth Committee, San Ramón

Campaign banners



Street parade in Matagalpa City





*"Children and young people
defending our right to play, For
health, learning, development,
happiness and a life without
violence."*



These children's research has had recognition nationally in Nicaragua:



Article by the children's research team in Nicaragua's children's rights magazine "Arco Iris" (November 2009)



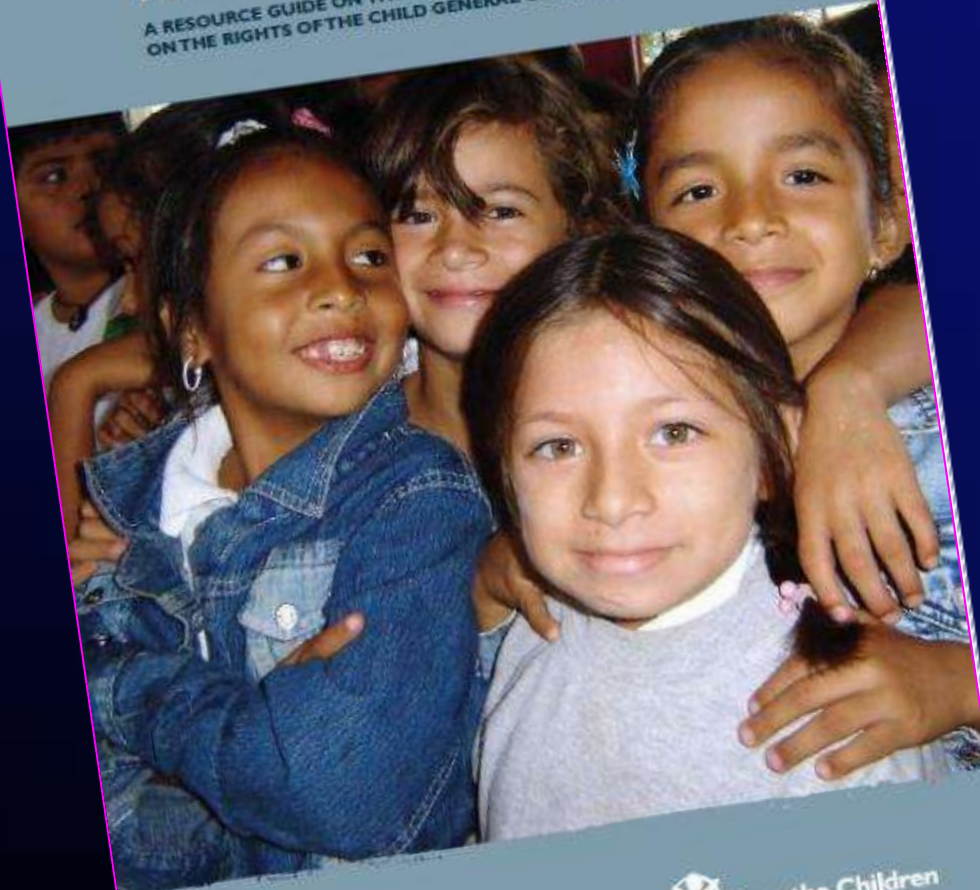
National newspaper feature drawing on the children's findings.
Title: "What are we playing at?"



...and globally:

EVERY CHILD'S RIGHT TO BE HEARD

A RESOURCE GUIDE ON THE UN COMMITTEE
ON THE RIGHTS OF THE CHILD GENERAL COMMENT NO.12



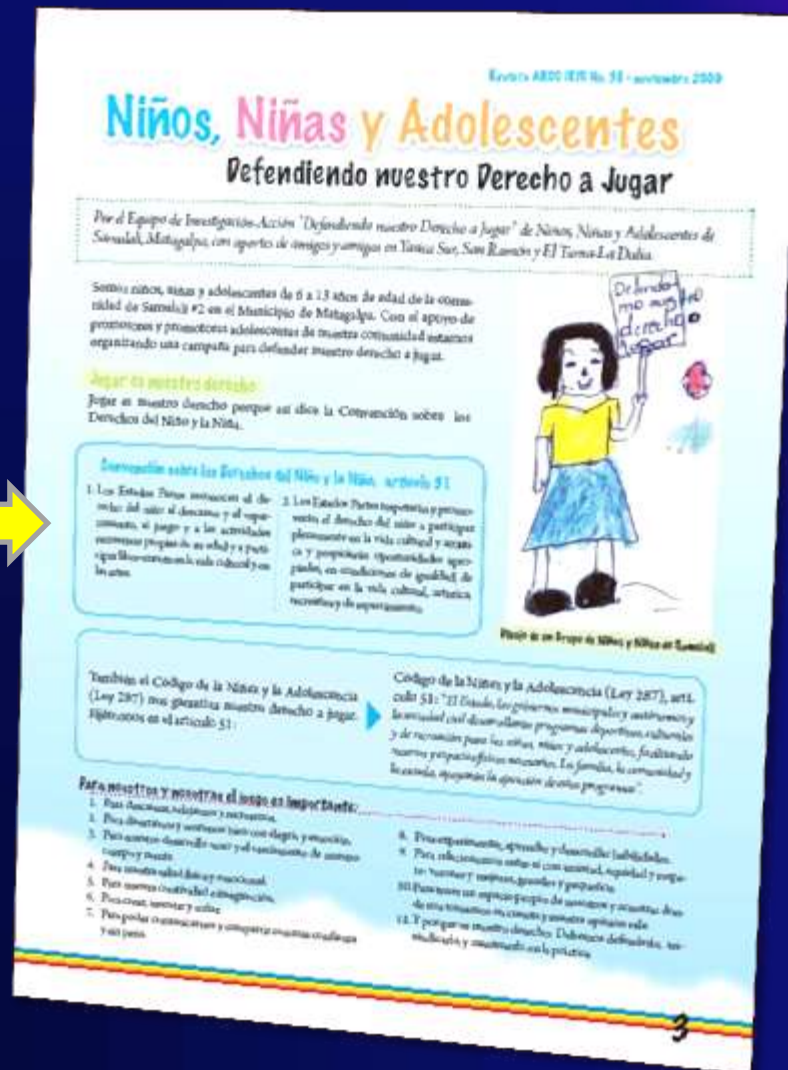
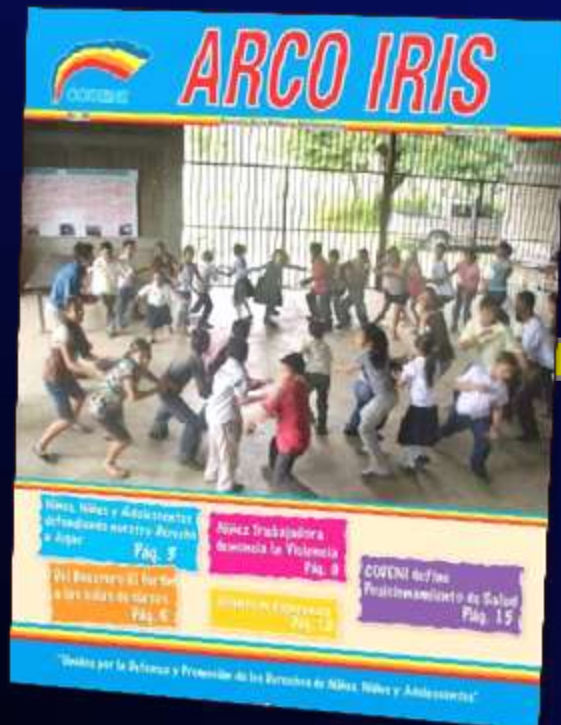
unicef

Save the Children

The young campaigners' work is cited as a case study of good practice in "*Every Child's Right to be Heard*", the resource guide on the UN Committee's General Comment No 12 (UNICEF / Save the Children UK, 2011).



Some extracts from the children's article in "Arco Iris" magazine:



Children and Young People Defending our Right to Play



We are children and young people from the community of Samulalí #2 in the District of Matagalpa. We are children aged 6 to 13, supported by young volunteer community educators (Promotores and Promotoras). We are organising a campaign to defend our right to play



To play is our right according to the International Convention on the Rights of the Child. Also the Nicaraguan Children's Rights Code (Law No. 287) guarantees our right to play. Let's look at Article 51:

Article 51

The state, municipal authorities, autonomous regional governments and civil society will develop sports, cultural and recreational programmes for children and young people, making available the necessary resources and facilities. The family, the community and the school will support the implementation of these programmes.



For us, play is important:



- Because it makes us feel good.
- It also helps us share and express what we feel.
- For personal development.
- It helps us make friends.
- We learn to relate to one another.
- It helps us have more confidence and respect.
- It helps us not to be shy.
- Boys and girls can relate to each other.
- It enables us to have communication in the group.
- We learn to relate together, not just children, also young people and adults.
- To feel respected.
- We learn to share games, because not everyone knows the same games.

And because it is our right.

We have done research on children's play in our community. We want to share our findings with you:



We compiled a list of traditional games that the children in our community know:



Games known by the children

- | | | |
|---|--|--|
| 1. Cuartel (barracks, den) | 14. Arroz con leche (rice pudding) | 25. Mirón (on-looker) |
| 2. Landa (tag) | 15. La banderita (the flag) | 26. Béisbol (baseball) |
| 3. Congelado (freeze tag) | 15. La muñeca de vestido azul (the doll in the blue dress) | 26. Fútbol (football) |
| 4. Araña (spider) | 16. Enano gigante (giant and dwarf) | 27. Voleibol (volleyball) |
| 5. Lobo (wolf) | 17. Rayuela (hopsotch) | 28. Los pollitos de mi cazuela (the chickens in my cook-pot) |
| 6. Reloj dolipana (? clock) | 18. Gallina ciega (blind hen) | 29. Lápiz hablante (talking pencil) |
| 7. La cebolla (the onion) | 19. El mundo al revés (the world upside down) | 30. La lechuga (Lettuce) |
| 8. Los colores (colours) | 20. La cola (the tail) | 31. Las adivinanzas (Riddles) |
| 9. El listón (the ribbon) | 21. Doña Ana | 32. El escondido (Hide and seek) |
| 10. Los pollitos (the chickens) | 22. Los apodos (nicknames) | 33. La silla pica (stinging chair) |
| 11. El rey manda (the king commands) | 23. El aceite (Oil) | 34. El conejito llesulón (the little ? rabbit). |
| 12. La pájara pinta (the speckled bird) | | |

Many of these games have a song or rhyme. We are going to record these games so we have a record of this part of our culture.





We collected memories of the old people about how children played in times past. Our grandparents played many of the same games as we play, like Hide and Seek, Doña Ana or the Blind Hen. But they also remember games from their childhood that we don't play any more, such as the Fox, the Arrow and the Squirrel's Tail.

We want to rescue these games. We'll have to find old people who can explain how to play them, so that they don't disappear.

The old people say things have changed. Some said that when they were little their parents did not let them play, because in those days they did not respect children's rights.

We analysed the factors that limit girls' exercising their right to play, from a gender perspective:



- Society limits us, and also our own parents. For example when boys and girls are playing, together the parents say, "Don't play with the boys. Girls should play apart".
- They discriminate against us in sports, because only boys play. There are sports like baseball where the boys hit the ball at the girls so they'll leave the game. They don't take us girls into account simply because we are girls.
- The parents believe that boys have more rights, and they give them more freedom than girls.
- Women take on more responsibility in the house. In many houses the girls look after their young brothers and sisters while the boys play.
- This means we are being discriminated against unfairly, because we are all equal and we all have the same rights.

Another factor that limits our right to play is child labour.

- Many kids work on farms and they come home worn out and are too tired to play.
- At coffee harvest time the kids work all day long on the plantations and there's no time to play.
- At harvest time many families leave their homes and move around from place to place to look for work.



Our conclusions:

- Through play we can learn to develop our minds and teach what we know to our friends.
- Play is important to share ideas, make friends and build confidence.
- To play and to share is to feel free.
- Play is life, play is health: **Let's make the most of it!**





Our proposals

- We are defending children's right to play, and we want all children, boys and girls, to be able to play freely and have fun together.
- Our parents must respect our right to play.
- There should be more research into the topic of children's play.
- There should be campaigns and talks to defend the right to play.
- From our community we want to take our campaign to the District Children and Youth Committee.
- We want to start a national and international campaign to defend the right to play.

¡Thank you!



4. The United Nations' Committee on the Rights of the Child.

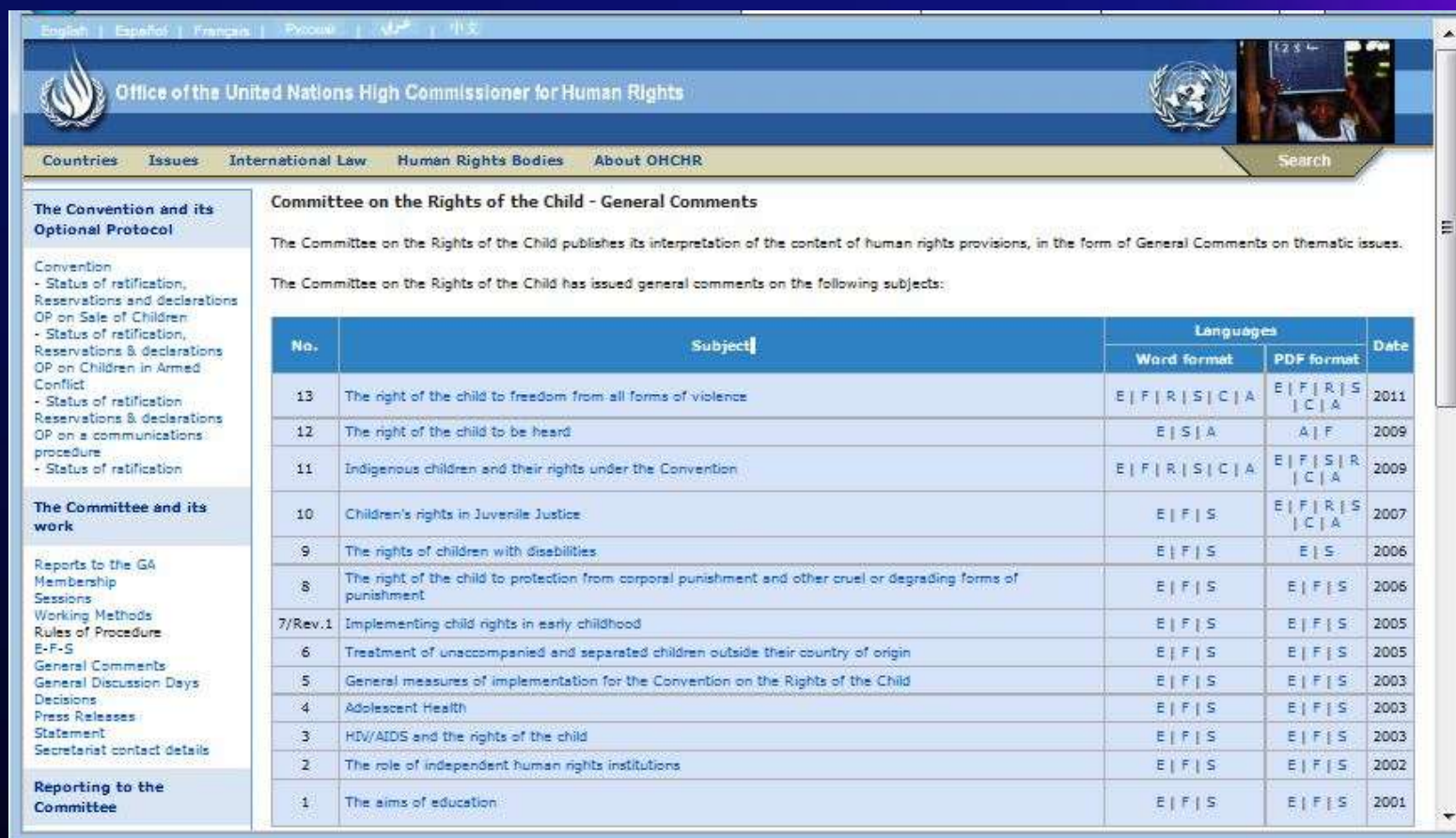


The Committee on the Rights of the Child is an official body set up by the United Nations to monitor member states' compliance with their obligations under the UN Convention on the Rights of the Child. It is made up of 18 international experts on children's rights, elected by the member states. It meets regularly at its headquarters in Geneva.

The Committee also provides advice and guidance to member states on how to interpret the Convention and how to fulfill their obligations. As well giving feedback to individual states, the Committee can also provide general guidance to the world's governments on particular aspects of the Convention as it considers necessary. It does this through its General Comments.



You can now see 13 General Comments on the Committee's website.



The screenshot shows the OHCHR website with the following structure:

- Header:** Office of the United Nations High Commissioner for Human Rights. Navigation links: Countries, Issues, International Law, Human Rights Bodies, About OHCHR. Search bar.
- Left Sidebar:**
 - The Convention and its Optional Protocol**
 - Convention
 - Status of ratification, Reservations and declarations
 - OP on Sale of Children
 - Status of ratification, Reservations & declarations
 - OP on Children in Armed Conflict
 - Status of ratification
 - Reservations & declarations
 - OP on a communications procedure
 - Status of ratification
 - The Committee and its work**
 - Reports to the GA
 - Membership Sessions
 - Working Methods
 - Rules of Procedure
 - E-F-S
 - General Comments
 - General Discussion Days
 - Decisions
 - Press Releases
 - Statement
 - Secretariat contact details
 - Reporting to the Committee**
- Main Content Area:**

Committee on the Rights of the Child - General Comments

The Committee on the Rights of the Child publishes its interpretation of the content of human rights provisions, in the form of General Comments on thematic issues.

The Committee on the Rights of the Child has issued general comments on the following subjects:

No.	Subject	Languages		Date
		Word format	PDF format	
13	The right of the child to freedom from all forms of violence	E F R S C A	E F R S C A	2011
12	The right of the child to be heard	E S A	A F	2009
11	Indigenous children and their rights under the Convention	E F R S C A	E F S R C A	2009
10	Children's rights in Juvenile Justice	E F S	E F R S C A	2007
9	The rights of children with disabilities	E F S	E S	2006
8	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	E F S	E F S	2006
7/Rev.1	Implementing child rights in early childhood	E F S	E F S	2005
6	Treatment of unaccompanied and separated children outside their country of origin	E F S	E F S	2005
5	General measures of implementation for the Convention on the Rights of the Child	E F S	E F S	2003
4	Adolescent Health	E F S	E F S	2003
3	HIV/AIDS and the rights of the child	E F S	E F S	2003
2	The role of independent human rights institutions	E F S	E F S	2002
1	The aims of education	E F S	E F S	2001

The most recent are:

GC 12 on the child's right to be heard (2009)

CG 13 on the child's right to be protected from all forms of violence (2010)



5. The global campaign for a General Comment of the Right to Play.

In 2008 the International Play Association: Promoting the Child's Right to Play wrote to the Committee, asking it to publish a General Comment on the Right to Play.



International Play Association: promoting the child's right to play



IPA Sweden is at:
www.ipa-sweden.org

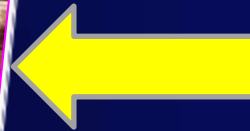
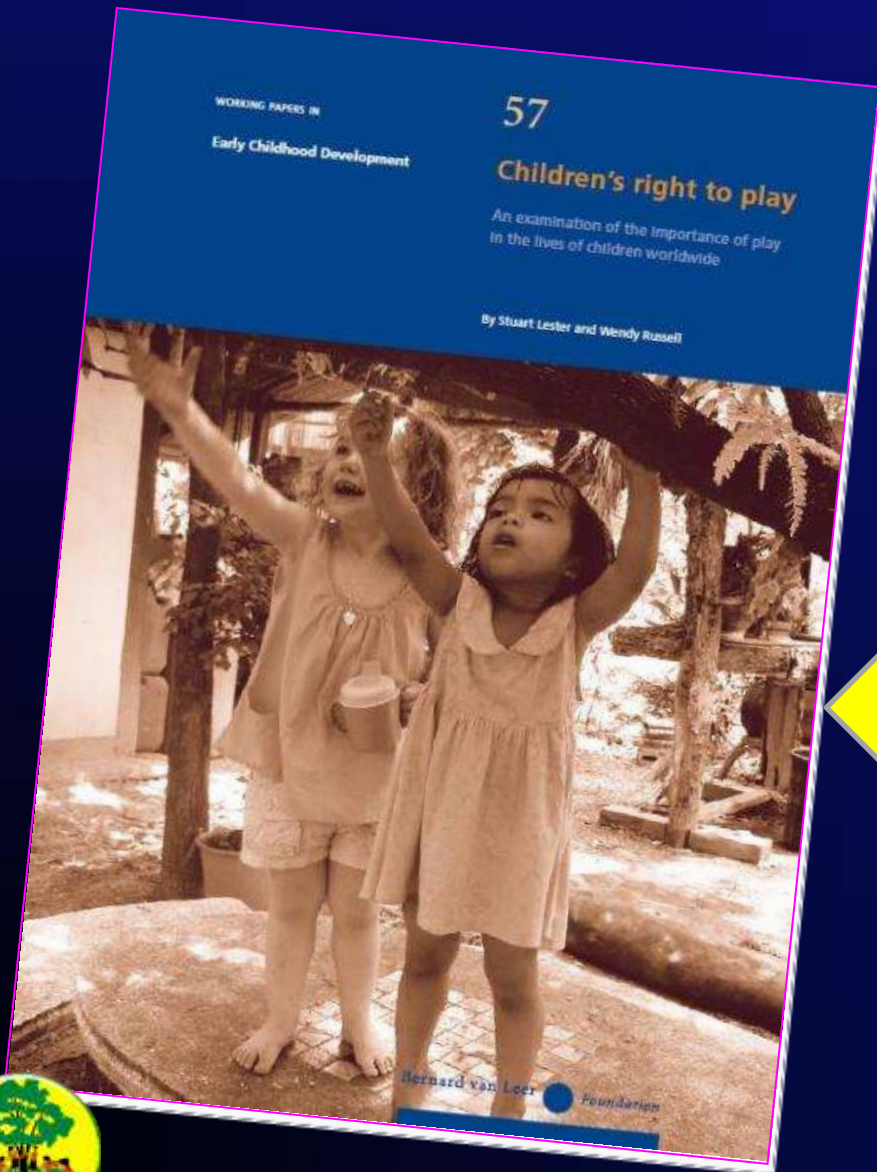


www.ipaworld.org



With support from the Bernard Van Leer Foundation, IPA commissioned an in-depth study on the importance of play in children's development (Lester and Russell 2009).

In the list of international experts who contributed to the study, you will find the young play campaigners from Nicaragua included.



6. The IPA global consultation report

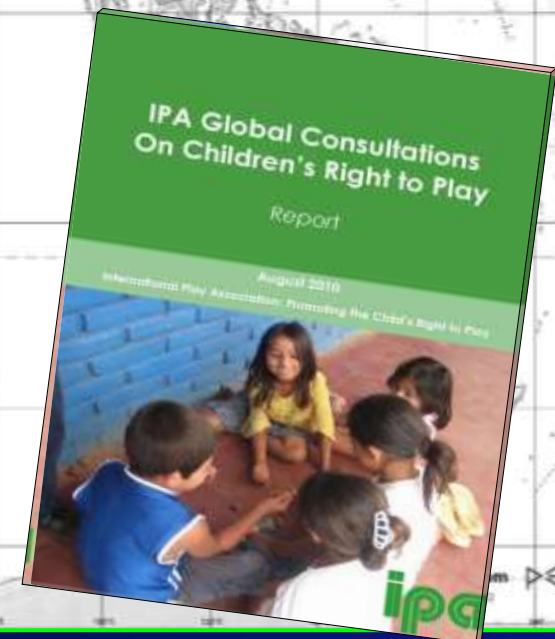
IPA then proposed a global consultation to identify infringements to the right to play around the world.

A partnership was formed with eight supporting organisations:

- Child Watch International
- European Child Friendly Cities Network
- International Council on Children's Play
- International Paediatrics Association
- International Toy Library Association
- Right to Play International
- World Leisure Association
- World Organisation for Early Childhood Education (OMEP).



Consultations were carried out in eight countries from January to June 2010.



Findings:

The report identifies 14 main types of infringements of the child's right to play throughout the world:





1. Adults unaware of the importance of play

- Parents' attitudes restrict play opportunities.
- Parents control children's play to fit their own agendas.
- Communities hostile to children at play.
- Professionals, officials and policy-makers equally unaware of the importance of play

2. Unsafe environments

- Physical dangers
- Human dangers
- Loss of play space





3. Parents' fears

- The culture of fear
- Over-protection of children
- "Stranger-danger"

4. National and local authorities' play policies inadequate or non-existent

- Failure from national policy to local planning
- Misuse of funds, corruption, prioritising adult (male) recreation over children's right to play.
- The underlying problem: Politicians don't understand play





5. Inadequate spaces or facilities for play

- Play in the local neighbourhood is no longer an option
- Designated play spaces are failing children

6. Authorities', institutions' and professionals' fear of litigation

- The “compensation culture” and its effect on children’s play opportunities





7. Excessive pressure for educational achievement

- Unhealthy competition
- Excessive hours of study

8. No recognition of or provision for play in schools

- The threat to school play-time
- No more “learning through play”





9. Structured, programmed leisure time

- Too many structured activities too young
- Programmed recreation is not a substitute for play

10. Technology and the commercialisation of children's play

- Computer games replace active social play. What is being lost?
- Risk of addiction and desensitisation to violence.
- Children are targets of manipulative mass-marketing.





11. Treatment of children in institutions (hospitals, orphanages, sanatoriums, residential centres)

- Staff not aware of importance of play, lacking motivation
- No play space or unsuitable play equipment
- Lack of control and supervision
- Inadequate funding and lack of resources
- Long-term damage to children's development.

12. Exclusion, discrimination, segregation and marginalisation



- “Non-discrimination”: A principle ignored.
- Discrimination and marginalisation of girls.
- Exclusion, marginalisation and segregation of children with disabilities.
- Exclusion through racism and other forms of discrimination.



13. Poverty and the struggle to survive

- The right to play is the first to be forgotten about in a crisis.

14. Child labour and exploitation

- Working children have no time to play.
- Children's work and exploitation take many forms.





From the Report's conclusion:

“In conclusion 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.”

Are there not underlying, more important problems that need to be addressed first, like poverty, violence, discrimination and environmental degradation?

“IPA believes this argument is fundamentally misconceived. We believe that poor children, disabled children, girl children, working children, and children whose lives are blighted by war and violence must not be made to wait until their circumstances improve before they can reclaim their childhood and enjoy the right to play. The right to play belongs to them now and always”.



7. The new General Comment

- ❑ The evidence was presented to the Committee on the Rights of the Child in Geneva in February 2011. The Committee recognised the strength of the evidence and accepted the arguments put forward. They agreed in principle to develop a General Comment on Article 31.
- ❑ The Committee worked closely with IPA on drafting the General Comment. There was consultation with a wide range of international experts and also with children's groups in different countries.
- ❑ The Committee approved the General Comment at its 62nd session in Geneva on 1st February 2013.
- ❑ The final text should appear on the Committee's website soon.



Committee on the Rights of the Child General Comment

Article 31: 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

FINAL DRAFT, OCTOBER 2012

1	INTRODUCTION	
2	OBJECTIVES OF THE GENERAL COMMENT	2
3	THE SIGNIFICANCE OF ARTICLE 31 IN CHILDREN'S LIVES	3
4	LEGAL ANALYSIS OF ARTICLE 31	4
5	ARTICLE 31 IN THE BROADER CONTEXT OF THE CONVENTION	6
6	CREATING THE CONTEXT FOR THE REALISATION OF ARTICLE 31	9
7	CHILDREN REQUIRING PARTICULAR ATTENTION IN ORDER TO REALISE THEIR ARTICLE 31 RIGHTS	14
8	STATES PARTIES' OBLIGATIONS	15
9	CONCLUSION	21

Meanwhile, here is the
Final Draft that the
Committee considered ...



“61. Article 31 is a vital dimension of childhood itself, fundamental to the joy, fun and sheer pleasure of growing up. Furthermore, its effective implementation will contribute to children’s development, not only as individuals, but also as competent members of society aware of the perspectives of others, and capable of co-operation and conflict resolution. Such developments are supported by traditions of play, games, recreation, culture and the arts transmitted through generations. In this way, Article 31 contributes to the social, cultural and economic development of society as a whole. The right to play, recreation, rest, leisure and participation in cultural and artistic life is not only a fundamental right of every child, but its realisation will bring significant individual and societal benefits. Compliance with the obligations elaborated in this General Comment will contribute to these outcomes.”



8. What next?

“63. The Committee recommends that States parties disseminate the General Comment widely within government and administrative structures, to parents, other caregivers, children, professional organizations, communities and civil society at large. All channels of dissemination, including print media, the Internet and children’s own communication means, should be used. This will necessitate translating it into relevant languages, including sign languages, Braille and easy-to-read formats for children with disabilities. It also requires making culturally appropriate and child-friendly versions available, holding workshops and seminars, providing age- and disability-specific support to discuss its implications and how best to implement it, and incorporating it into the basic and in-service training of all those working for and with children”.

These are tasks we can all contribute to.





Slutet. Tack för att lyssna