



# Convention on the Rights of the Child

## Committee on the Rights of the Child

### General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)\*

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## I. Introduction

The importance of play and recreation in the life of every child has long been acknowledged by the international community, as evidenced by the proclamation in the 1959 Declaration of the Rights of the Child: "The child shall have full opportunity for play and recreation [...]; society and the public authorities shall endeavour to promote the enjoyment of this right" (art. 7). This proclamation was further strengthened in the Convention on the Rights of the Child (the Convention) of 1989 which explicitly states in article 31 that "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."

However, based on its reviews of the implementation of the rights of the child under the Convention, the Committee is concerned by the poor recognition given by States to the rights contained in article 31. Poor recognition of their significance in the lives of children results in lack of investment in appropriate provisions, weak or non-existent protective legislation and the invisibility of children in national and local-level planning. In general, where investment is made, it is in the provision of structured and organized activities, but equally important is the need to create time and space for children to engage in spontaneous play, recreation and creativity, and to promote societal attitudes that support and encourage such activity.

The Committee is particularly concerned about the difficulties faced by particular categories of children in relation to enjoyment and conditions of equality of the rights defined in article 31, especially girls, poor children, children with disabilities, indigenous children, children belonging to minorities, among others.

Furthermore, profound changes in the world are having a major impact on children's opportunities to enjoy the rights provided for in article 31. The urban population, especially in developing countries, is increasing significantly, as is violence worldwide in all its forms – at home, in schools, in mass media, in the streets. The implications, along with the commercialization of play provisions, are influencing the ways children engage in recreation, as well as in cultural and artistic activities. For many children in both rich and poor

countries, child labour, domestic work or increasing educational demands serve to reduce the time available for the enjoyment of these rights.

This general comment has been developed to address these concerns, raise the profile, awareness and understanding among States of the centrality of the rights in article 31 in the life and development of every child, and urge them to elaborate measures to ensure their implementation. The rights in article 31 have universal application in the diversity of communities and societies in the world and respect the value of all cultural traditions and forms. Every child should be able to enjoy these rights regardless of where he or she lives, his or her cultural background or his or her parental status.

This general comment only touches tangentially on the issue of sport, as it is a major issue in its own right. In respect of cultural life, the general comment focuses primarily on aspects related to creative or artistic activities, rather than the broader definition embraced in article 30 on the right of the child to enjoy his or her own culture.

## **II.Objectives**

The present general comment seeks 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, and to highlight the implications for the determination of:

- (a) Consequent obligations of States in the elaboration of all implementation measures, strategies and programmes aimed at the realization and full implementation of the rights defined in article 31;
- (b) The role and responsibilities of the private sector, including companies working in the areas of recreation, cultural and artistic activities, as well as civil society organizations providing such services for children;
- (c) Guidelines for all individuals working with children, including parents, on all actions undertaken in the area of play and recreation.

## **III.Significance of article 31 in children's lives**

Article 31 must be understood holistically, both in terms of its constituent parts and also in its relationship with the Convention in its entirety. Each element of article 31 is mutually linked and reinforcing, and when realized, serves to enrich the lives of children. 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. Indeed, environments in which play and recreational opportunities are available to all children provide the conditions for creativity; opportunities to exercise competence through self-initiated play enhances motivation, physical activity and skills development; immersion in cultural life enriches playful interactions; rest ensures that children have the necessary energy and motivation to participate in play and creative engagement.

Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. They contribute to all aspects of learning; they are a form of participation in everyday life and are of intrinsic value to the child, purely in terms of the enjoyment and pleasure they afford. Research evidence highlights that playing is also central to children's spontaneous drive for development, and that it performs a significant role in the development of the brain, particularly in the early years. Play and recreation facilitate children's capacities to negotiate, regain emotional balance, resolve conflicts and make decisions. Through their involvement in play and recreation, children learn by doing; they explore and experience the world around them; experiment with new ideas, roles and experiences and in so doing, learn to understand and construct their social position within the world.

Both play and recreation can take place when children are on their own, together with their peers or with supportive adults. Children's development can be supported by loving and caring adults as they relate to children through play. Participation with children in play provides adults with unique insights and understanding into the child's perspectives. It builds respect between generations, contributes to effective understanding and communication between children and adults and affords opportunities to provide guidance and stimulus. Children benefit from recreational activities involving adults, including voluntary participation in organized sports, games and other recreational activities. However, the benefits are diminished, particularly in the development of creativity, leadership and team spirit if control by adults is so pervasive that it undermines the child's own efforts to organize and conduct his or her play activities.

Involvement in a community's cultural life is an important element of children's sense of belonging. Children inherit and experience the cultural and artistic life of their family, community and society, and through that process, they discover and forge their own sense of identity and, in turn, contribute to the stimulation and sustainability of cultural life and traditional arts.

In addition, children reproduce, transform, create and transmit culture through their own imaginative play, songs, dance, animation, stories, painting, games, street theatre, puppetry, festivals, and so on. As they gain understanding of the cultural and artistic life around them from adult and peer relationships, they translate and adapt its meaning through their own generational experience. Through engagement with their peers, children create and transmit their own language, games, secret worlds, fantasies and other cultural knowledge. Children's play generates a "culture of childhood," from games in school and in the playground to urban activities such as playing marbles, free running, street art and so on. Children are also at the forefront in using digital platforms and virtual worlds to establish new means of communication and social networks, through which different cultural environments and artistic forms are being forged. Participation in cultural and artistic activities are necessary for building children's understanding, not only of their own culture, but other cultures, as it provides opportunities to broaden their horizons and learn from other cultural and artistic traditions, thus contributing towards mutual understanding and appreciation of diversity.

Finally, rest and leisure are as important to children's development as the basics of nutrition, housing, health care and education. Without sufficient rest, children will lack the energy, motivation and physical and mental capacity for meaningful participation or learning. Denial of rest can have an irreversible physical and psychological impact on the development, health and well-being of children. Children also need leisure, defined as time and space without obligations, entertainment or stimulus, which they can choose to fill as actively or inactively as they wish.

## IV. Legal analysis of article 31

### A. Article 31, paragraph 1

#### States parties recognize the right of the child to:

(a)**Rest:** The right to rest requires that children are afforded sufficient respite from work, education or exertion of any kind, to ensure their optimum health and well-being. It also requires that they are provided with the opportunity for adequate sleep. In fulfilling the right to both respite from activity and adequate sleep, regard must be afforded to children's evolving capacities and their developmental needs.

(b)**Leisure:** Leisure refers to time in which play or recreation can take place. It is defined as free or unobligated time that does not involve formal education, work, home responsibilities, performance of other life-sustaining functions or engaging in activity directed from outside the individual. In other words it is largely discretionary time to be used as the child chooses.

(c)**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.

(d)**Recreational activities:** Recreation is an umbrella term used to describe a very broad range of activities, including, inter alia, participation in music, art, crafts, community engagement, clubs, sports, games, hiking and camping, pursuing hobbies. It consists of activities or experiences, chosen voluntarily by the child, either because of the immediate satisfaction provided or because he or she perceives that some personal or social value will be gained by accomplishing them. Recreation often takes place in spaces specifically designed for it. While many recreational activities may be organized and managed by adults, recreation should be a voluntary activity. Compulsory or enforced games and sports or compulsory involvement in a youth organization, for example, do not constitute recreation.

(e)**Appropriate to the age of the child:** Article 31 emphasizes the importance of activities appropriate to the age of the child. In respect of play and recreation, the age of the child must be taken into account in determining the amount of time afforded; the nature of spaces and environments available; forms of stimulation and diversity; the degree of necessary adult oversight and engagement to ensure safety and security. As children grow older, their needs and wants evolve from settings that afford play opportunities to places offering opportunities to socialize, be with peers or be alone. They will also explore progressively more opportunities involving risk-taking and challenge. These experiences are developmentally necessary for adolescents, and contribute to their discovery of identity and belonging.

(f)**Cultural life and the arts:** The Committee endorses the view that it is through cultural life and the arts that children and their communities express their specific identity and the meaning they give to their existence, and build their world view representing their encounter with external forces affecting their lives. Cultural and artistic expression is articulated and enjoyed in the home, school, streets and public spaces, as well as through dance, festivals, crafts, ceremonies, rituals, theatre, literature, music, cinema, exhibitions, film, digital platforms and video. Culture derives from the community as a whole; no child should be denied access either to its creation or to its benefits. Cultural life emerges from within the culture and community, rather than imposed from above, with the role of States being to serve as facilitators not suppliers.

(g)**Participate freely:** The right of children to participate freely in cultural life and the arts requires that States parties respect and abstain from interfering in the child's access to, choice of and engagement in such activities, subject to the obligation to ensure the protection of the child and the promotion of the child's best interests. States parties must also ensure that others do not restrict that right. The child's decision to exercise or not exercise this right is his or her choice and, as such, should be recognized, respected and protected.

### B. Article 31, paragraph 2

#### States Parties shall respect and promote the right of the child:

(a)**Participate fully in cultural and artistic life:** The right to participate fully has three inter-related and mutually reinforcing dimensions:

(i)**Access** necessitates that children are provided the opportunities to experience cultural and artistic life and to learn about a wide range of different forms of expression;

(ii)**Participation** requires that concrete opportunities are guaranteed for children, individually or as a group, to express themselves freely, to communicate, act and engage in creative activities, with a view to the full development of their personalities;

(iii)**Contribution to cultural life** encompasses the right of children to contribute to the spiritual, material, intellectual and emotional expressions of culture and the arts, thereby furthering the development and transformation of the society to which he or she belongs.

(b)**Encourage the provision of appropriate opportunities**: Although the requirement to encourage the provision of appropriate opportunities specifies cultural, artistic, recreational and leisure activity, the Committee interprets it as including play also, further to article 4 of the Convention. States parties must therefore ensure the necessary and appropriate preconditions for participation to facilitate and promote opportunities for the realization of the rights under article 31. Children can only realize their rights if the necessary legislative, policy, budgetary, environmental and service frameworks are in place.

(c)**Provision of equal opportunities**: Every child must be afforded equal opportunities to enjoy his or her rights under article 31.

## V. Article 31 in the broader context of the Convention

### A. Links with the general principles of the Convention

**Article 2 ( non-discrimination)**: The Committee emphasizes that States parties shall take all appropriate measures to ensure that all children have the opportunity to realize their rights under article 31 without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Particular attention should be given to addressing the rights of certain groups of children, including, inter alia, girls, children with disabilities, children living in poor or hazardous environments, children living in poverty, children in penal, health-care or residential institutions, children in situations of conflict or humanitarian disaster, children in rural communities, asylum-seeking and refugee children, children in street situations, nomadic groups, migrant or internally displaced children, children of indigenous origin and from minority groups, working children, children without parents and children subjected to significant pressure for academic attainment.

**Article 3 ( best interests of the child)**: The Committee emphasizes that the realization of the rights under article 31 is, by definition, in the child's best interests. The obligation to consider the child's best interests applies to children as individuals and as a group or constituency. All legislative, policy and budgetary measures, as well as measures relating to environmental or service provision, which are likely to impact on the rights provided for in article 31 must take into consideration the best interests of children. This would apply, for example, to regulations relating to health and safety, solid waste disposal and collection, residential and transportation planning, design and accessibility of the urban landscape, provision of parks and other green spaces, determination of school hours, child labour and education legislation, planning applications or legislation governing privacy on the Internet, among others.

**Article 6 ( life, survival and development)**: State parties must ensure, to the maximum extent possible, the life, survival and development of the child. In this regard, the Committee draws attention to the need to recognize the positive value of each dimension of article 31 in promoting the development and evolving capacities of children. This also requires that the measures introduced to implement article 31 are in accordance with the developmental needs of children at all ages. States parties should promote awareness and understanding of the centrality of play for children's development among parents, caregivers, government officials and all professionals working with and for children.

**Article 12 ( right to be heard)**: Children, as individuals and as a group, have the right to express their views on all matters of concern to them, which should be given due weight, in accordance with their age and maturity, and they should receive adequate support to express their views, where necessary. Children are entitled to exercise choice and autonomy in their play and recreational activities, as well as in their participation in cultural and artistic activities. The Committee underlines the importance of providing opportunities for children to contribute to the development of legislation, policies, strategies and design of services to ensure the implementation of the rights under article 31. Such contribution could include their involvement, for example, in consultations on policies related to play and recreation, on legislation affecting educational rights and school organization and curriculum or protective legislation relating to child labour, on the development of parks and other local facilities, on urban planning and design for child-friendly communities and environments, and their feedback could be sought on opportunities for play or recreation and cultural activities within the school and the wider community.

### B. Links with other relevant rights

**Article 13**: The right to freedom of expression is fundamental to the right to participate freely in cultural and artistic activity. Children have the right to express themselves in whatever way they choose, subject only to restrictions as defined by law and when necessary to ensure respect for the rights and reputations of others, and for the protection of national security, public order and public health or morals.

**Article 15**: Children have the right to exercise choice in their friendships, as well as membership of social, cultural, sporting and other forms of organization. Freedom of association represents an integral dimension of their rights under article 31, as children together create forms of imaginative play that are rarely achieved in adult-child relations. Children need to engage with peers of both sexes, as well as with people of different abilities, classes, cultures and ages, in order to learn cooperation, tolerance, sharing and resourcefulness. Play and recreation create the opportunities for the formation of friendships and can play a key role in strengthening civil society, contributing towards the social, moral and emotional development of the child, shaping culture and building communities. State parties must facilitate opportunities to enable children to meet freely with their peers at the community level. They must also respect and support the right of children to establish, join and leave associations, and the right to peaceful assembly. However, children should never be compelled to participate or join organizations.

**Article 17:** Children are entitled to information and materials which are of social and cultural benefit and which derive from a diversity of community, national and international sources. Access to such information and materials is essential for their realization of the right to participate fully in cultural and artistic activity. States parties are encouraged to ensure that children are provided with the widest possible access, through different media, to information and materials related to their own culture and to other cultures, in a language that they understand, including sign language and Braille, and by permitting exceptions to copyright laws in order to ensure the availability of printed materials in alternative formats. In so doing, care must be taken to protect and preserve cultural diversity and to avoid cultural stereotypes.

**Article 22:** Refugee and asylum-seeking children face profound challenges in realizing their rights under article 31 as they often experience both dislocation from their own traditions and culture and exclusion from the culture of the host country. Efforts must be made to ensure that refugee and asylum-seeking children have equal opportunities with children from the host country to enjoy the rights provided for in article 31. Recognition must also be afforded to the right of refugee children to preserve and practice their own recreational, cultural and artistic traditions.

**Article 23:** Accessible and inclusive environments and facilities must be made available to children with disabilities to enable them to enjoy their rights under article 31. Families, caregivers and professionals must recognize the value of inclusive play, both as a right and as a means of achieving optimum development, for children with disabilities. States parties should promote opportunities for children with disabilities, as equal and active participants in play, recreation and cultural and artistic life, by awareness-raising among adults and peers, and by providing age-appropriate support or assistance.

**Article 24:** Not only does the realization of the rights provided for in article 31 contribute to the health, well-being and development of children, but also appropriate provision for children to enjoy the rights under article 31 when they are ill and/or hospitalized will play an important role in facilitating their recovery.

**Article 27:** Inadequate standard of living, insecure or overcrowded conditions, unsafe and unsanitary environments, inadequate food, enforced harmful or exploitative work can all serve to limit or deny children the opportunity to enjoy their rights under article 31. States parties are encouraged to take into account the implications for children's rights under article 31 when developing policies relating to social protection, employment, housing and access to public spaces for children, especially those living without opportunities for play and recreation in their own homes.

**Articles 28 and 29:** Education must be directed to the development of the child's personality, talents and mental and physical abilities to the fullest potential. Implementation of the rights under article 31 is essential to achieving compliance with the right provided for in article 29. For children to optimize their potential, they require opportunities for cultural and artistic development as well as participation in sports and games. The Committee also emphasizes that the rights under article 31 are of positive benefit to children's educational development; inclusive education and inclusive play are mutually reinforcing and should be facilitated during the course of every day throughout early childhood education and care (preschool) as well as primary and secondary school. While relevant and necessary for children of all ages, play is particularly significant in the early years of schooling. Research has shown that play is an important means through which children learn.

**Article 30:** Children from ethnic, religious or linguistic minorities should be encouraged to enjoy and participate in their own cultures. States should respect the cultural specificities of children from minority communities as well as children of indigenous origin, and ensure that they are afforded equal rights with children from majority communities to participate in cultural and artistic activities reflecting their own language, religion and culture.

**Article 32:** The Committee notes that in many countries, children are engaged in arduous work which denies them their rights under article 31. Furthermore, millions of children are working as domestic workers or in non-hazardous occupations with their families without adequate rest or education, throughout most of their childhood. States need to take all necessary measures to protect all child workers from conditions that violate their rights under article 31.

**Articles 19, 34, 37 and 38:** Violence, sexual exploitation, deprivation of liberty by unlawful or arbitrary means and forced service in armed conflicts impose conditions that seriously impede or even eliminate children's abilities to enjoy play, recreation and participation in cultural life and the arts. Bullying by other children can also be a major impediment to the enjoyment of the rights under article 31. Those rights can only be realized if States parties take all necessary measures to protect children from such acts.

**Article 39:** States parties should ensure that children who have experienced neglect, exploitation, abuse or other forms of violence are provided with support for recovery and reintegration. Children's experiences, including those which are painful and damaging, can be communicated through play or artistic expression. Opportunities to realize the rights under article 31 can provide a valuable means through which children can externalize traumatic or difficult life experiences in order to make sense of their past and better cope with their future. Play and artistic expression would enable them to communicate, better understand their own feelings and thoughts, prevent or resolve psychosocial challenges and learn to manage relationships and conflicts through a natural, self-guided, self-healing process.

## **VI. Creating the context for the realization of article 31**

### **A. Factors for an optimum environment**

Children have a spontaneous urge to play and participate in recreational activities and will seek out opportunities to do so in the most unfavourable environments. However, certain conditions need to be assured, in accordance with children's evolving capacities, if they are to realize their rights under article 31 to the optimum extent. As such, children should have:

Freedom from stress;

Freedom from social exclusion, prejudice or discrimination;

An environment secure from social harm or violence;

An environment sufficiently free from waste, pollution, traffic and other physical hazards to allow them to circulate freely and safely within their local neighbourhood;

Availability of rest appropriate to their age and development;

Availability of leisure time, free from other demands;

Accessible space and time for play, free from adult control and management;

Space and opportunities to play outdoors unaccompanied in a diverse and challenging physical environment, with easy access to supportive adults, when necessary;

Opportunities to experience, interact with and play in natural environments and the animal world;

Opportunities to invest in their own space and time so as to create and transform their world, using their imagination and languages;

Opportunities to explore and understand the cultural and artistic heritage of their community, participate in, create and shape it;

Opportunities to participate with other children in games, sports and other recreational activities, supported, where necessary, by trained facilitators or coaches;

Recognition by parents, teachers and society as a whole of the value and legitimacy of the rights provided for in article 31.

## **B.Challenges to be addressed in the realization of article 31**

**Lack of recognition of the importance of play and recreation:** In many parts of the world, play is perceived as “deficit” time spent in frivolous or unproductive activity of no intrinsic worth. Parents, caregivers and public administrators commonly place a higher priority on studying or economic work than on play, which is often considered noisy, dirty, disruptive and intrusive. Moreover, adults often lack the confidence, skill or understanding to support children’s play and to interact with them in a playful way. Both the right of children to engage in play and recreation and their fundamental importance of those activities for children’s well-being, health and development are poorly understood and undervalued. When play is recognized, it is usually physically active play and competitive games(sport) that are valued above fantasy or social drama, for example. The Committee emphasizes that greater recognition of the forms and locations of play and recreation preferred by older children is particularly necessary. Adolescents often seek places to meet with their peers and explore their emerging independence and transition to adulthood. This is an important dimension for the development of their sense of identity and belonging.

**Unsafe and hazardous environments:** Features in the environment which impact on the rights provided for in article 31 can either serve as protective or risk factors for children’s health, development and safety. In respect of younger children, spaces which provide opportunities for exploration and creativity should enable parents and caregivers to maintain oversight, including by means of eye and voice contact. Children need access to inclusive spaces that are free from inappropriate hazards and close to their own homes, as well as with measures to promote safe, independent mobility as their capacities evolve.

The majority of the world’s poorest children face physical hazards such as polluted water; open sewer systems; overcrowded cities; uncontrolled traffic; poor street lighting and congested streets; inadequate public transport; lack of safe local play areas, green spaces and cultural facilities; informal urban “slum” settlements in hazardous, violent or toxic environments. In post-conflict environments, children can also be harmed by landmines and unexploded ordnance. Indeed, children are at particular risk both because their natural curiosity and exploratory play increases the likelihood of exposure and because the impact of an explosion is greater on a child.

Human factors can also combine to place children at risk in the public environment: high levels of crime and violence; community unrest and civil strife; drug and gang-related violence; risk of kidnapping and child trafficking; open spaces dominated by hostile youth or adults; aggression and sexual violence towards girls. Even where parks, playgrounds, sports facilities and other provisions exist, they may often be in locations where children are at risk, unsupervised and exposed to hazards. The dangers posed by all these factors severely restrict children’s opportunities for safe play and recreation. The increasing erosion of many spaces traditionally available to children creates a need for greater Government intervention to protect the rights under article 31.

**Resistance to children’s use of public spaces:** Children’s use of public space for play, recreation and their own cultural activities is also impeded by the increasing commercialization of public areas, from which children are excluded. Furthermore, in many parts of the world, there is decreasing tolerance of children in public spaces. The introduction, for example, of curfews on children; gated communities or parks; reduced noise-level tolerance; playgrounds with strict rules for “acceptable” play behaviour; restrictions on access to shopping malls builds a perception of children as “problems” and/or delinquents. Adolescents, in particular, are widely perceived as a threat by widespread negative media coverage and representation, and discouraged from using public spaces.

The exclusion of children has significant implications for their development as citizens. Shared experience of inclusive public spaces by different age groups serves to promote and strengthen civil society and encourage children to recognize themselves as citizens with rights. States are encouraged to promote dialogue between older and younger generations to encourage greater recognition of children as rights holders, and of the importance of networks of diverse community spaces in local areas or municipalities which can accommodate the play and recreational needs of all children.

**Balancing risk and safety:** Fears over the physical and human risks to which children are exposed within their local environments

are leading, in some parts of the world, to increasing levels of monitoring and surveillance, with consequent constraints on their freedom to play and opportunities for recreation. In addition, children themselves can pose a threat to other children in their play and recreational activities – for example, bullying, abuse of younger children by older children and group pressure to engage in high risk-taking. While children must not be exposed to harm in the realization of their rights under article 31, some degree of risk and challenge is integral to play and recreational activities and is a necessary component of the benefits of these activities. A balance is needed between, on the one hand, taking action to reduce unacceptable hazards in children's environment, such as closing local streets to traffic, improving street lighting or creating safe boundaries for school playgrounds, and on the other hand, informing, equipping and empowering children to take the necessary precautions to enhance their own safety. The best interests of the child and listening to children's experiences and concerns should be mediating principles for determining the level of risk to which children can be exposed.

**Lack of access to nature:** Children come to understand, appreciate and care for the natural world through exposure, self-directed play and exploration with adults who communicate its wonder and significance. Memories of childhood play and leisure in nature strengthen resources with which to cope with stress, inspire a sense of spiritual wonder and encourage stewardship for the earth. Play in natural settings also contributes towards agility, balance, creativity, social cooperation and concentration. Connection to nature through gardening, harvesting, ceremonies and peaceful contemplation is an important dimension of the arts and heritage of many cultures. In an increasingly urbanized and privatized world, children's access to parks, gardens, forests, beaches and other natural areas is being eroded, and children in low-income urban areas are most likely to lack adequate access to green spaces.

**Pressure for educational achievement:** Many children in many parts of the world are being denied their rights under article 31 as a consequence of an emphasis on formal academic success. For example:

Early childhood education is increasingly focused on academic targets and formal learning at the expense of participation in play and attainment of broader development outcomes;

Extracurricular tuition and homework are intruding on children's time for freely chosen activities;

The curriculum and daily schedule often lack recognition of the necessity of or provision for play, recreation and rest;

The use of formal or didactic educational methods in the classroom do not take advantage of opportunities for active playful learning;

Contact with nature is decreasing in many schools with children having to spend more time indoors;

Opportunities for cultural and artistic activities and the provision of specialist arts educators in school are, in some countries, being eroded in favour of more academic subjects.

Restrictions on the type of play in which children can engage in school serve to inhibit their opportunities for creativity, exploration and social development.

**Overly structured and programmed schedules:** For many children, the ability to realize the rights provided for in article 31 is restricted by the imposition of adult-decided activities, including, for example, compulsory sports, rehabilitative activities for children with disabilities or domestic chores, particularly for girls, which allow little or no time for self-directed activities. Where Government investment exists, it tends to focus on organized competitive recreation, or sometimes children are required or pressured to participate in youth organizations not of their own choosing. Children are entitled to time that is not determined or controlled by adults, as well as time in which they are free of any demands – basically to do "nothing, if they so desire. Indeed, the absence of activity can serve as a stimulus to creativity. Narrowly focusing all of a child's leisure time into programmed or competitive activities can be damaging to his or her physical, emotional, cognitive and social well-being.

**Neglect of article 31 in development programmes:** Early childhood care and development work in many countries focuses exclusively on issues of child survival with no attention paid to the conditions that enable children to thrive. Programmes often only deal with nutrition, immunization and preschool education with little or no emphasis on play, recreation, culture and the arts. The personnel running the programmes are not appropriately trained to support these aspects of the child's development needs.

**Lack of investment in cultural and artistic opportunities for children:** Children's access to cultural and artistic activities are often restricted by a range of factors, including lack of parental support; cost of access; lack of transport; the adult-centred focus of many exhibitions, plays and events; failure to engage children in the content, design, location and forms of provision. Greater emphasis is needed in the creation of spaces to stimulate creativity. Operators of arts and cultural venues should look beyond their physical spaces to consider how their programmes reflect and respond to the cultural lives of the community they represent. Children's participation in the arts requires a more child-centred approach which commissions and displays children's creations and also engages them in the structure and programmes offered. Such engagement during childhood can serve to stimulate cultural interests for life.

**Growing role of electronic media:** Children in all regions of the world are spending increasing periods of time engaged in play, recreational, cultural and artistic activities, both as consumers and creators, via various digital platforms and media, including watching television, messaging, social networking, gaming, texting, listening to and creating music, watching and making videos and films, creating new art forms, posting images. Information and communication technologies are emerging as a central dimension of children's daily reality. Today, children move seamlessly between offline and online environments. These platforms offer huge benefits – educationally, socially and culturally – and States are encouraged to take all necessary measures to ensure equality of opportunity for all children to experience those benefits. Access to the Internet and social media is central to the realization of article 31 rights in the globalized environment.

However, the Committee is concerned at the growing body of evidence indicating the extent to which these environments, as well as

the amounts of time children spend interacting with them, can also contribute to significant potential risk and harm to children. For example:

Access to the Internet and social media is exposing children to cyberbullying, pornography and cybergrooming. Many children attend Internet cafes, computer clubs and game halls with no adequate restrictions to access or effective monitoring systems;

The increasing levels of participation, particularly among boys, in violent video games appears to be linked to aggressive behaviour as the games are highly engaging and interactive and reward violent behaviour. As they tend to be played repeatedly, negative learning is strengthened and can contribute to reduced sensitivity to the pain and suffering of others as well as aggressive or harmful behaviour toward others. The growing opportunities for online gaming, where children may be exposed to a global network of users without filters or protections, are also a cause for concern.

Much of the media, particularly mainstream television, fail to reflect the language, cultural values and creativity of the diversity of cultures that exist across society. Not only does such monocultural viewing limit opportunities for all children to benefit from the potential breadth of cultural activity available, but it can also serve to affirm a lower value on non-mainstream cultures. Television is also contributing to the loss of many childhood games, songs, rhymes traditionally transmitted from generation to generation on the street and in the playground;

Growing dependence on screen-related activities is thought to be associated with reduced levels of physical activity among children, poor sleep patterns, growing levels of obesity and other related illnesses.

**Marketing and commercialization of play:** The Committee is concerned that many children and their families are exposed to increasing levels of unregulated commercialization and marketing by toy and game manufacturers. Parents are pressured to purchase a growing number of products which may be harmful to their children's development or are antithetical to creative play, such as products that promote television programmes with established characters and storylines which impede imaginative exploration; toys with microchips which render the child as a passive observer; kits with a pre-determined pattern of activity; toys that promote traditional gender stereotypes or early sexualization of girls; toys containing dangerous parts or chemicals; realistic war toys and games. Global marketing can also serve to weaken children's participation in the traditional cultural and artistic life of their community.

## **VII.Children requiring particular attention to realize their rights under article 31**

**Girls:** A combination of significant burdens of domestic responsibilities and sibling and family care, protective concerns on the part of parents, lack of appropriate facilities and cultural assumptions imposing limitations on the expectations and behaviour of girls can serve to diminish their opportunities to enjoy the rights provided for in article 31, particularly in the adolescent years. In addition, gender differentiation in what is considered girls' and boys' play and which is widely reinforced by parents, caregivers, the media and producers/manufacturers of games and toys serve to maintain traditional gender-role divisions in society. Evidence indicates that whereas boys' games prepare them for successful performance in a wide range of professional and other settings in modern society, girls' games, in contrast, tend to direct them towards the private sphere of the home and future roles as wives and mothers. Adolescent boys and girls are often discouraged from engaging in joint recreational activities. Furthermore, girls generally have lower participation rates in physical activities and organized games as a consequence of either external cultural or self-imposed exclusion or lack of appropriate provision. This pattern is of concern in the light of the proven physical, psychological, social and intellectual benefits associated with participation in sports activities. Given these widespread and pervasive barriers impeding girls' realization of their rights under article 31, the Committee urges States parties to take action to challenge gender stereotypes which serve to compound and reinforce patterns of discrimination and inequality of opportunity.

**Children living in poverty:** Lack of access to facilities, inability to afford the costs of participation, dangerous and neglected neighbourhoods, the necessity to work and a sense of powerlessness and marginalization all serve to exclude the poorest children from realizing the rights provided for in article 31. For many, the risks to their health and safety outside the home are compounded by home environments which provide no or little space or scope for play or recreation. Children without parents are particularly vulnerable to loss of their rights under article 31; children in street situations are not afforded play provisions, and are commonly actively excluded from city parks and playgrounds, although they use their own creativity to utilize the informal setting of the streets for play opportunities. Municipal authorities must recognize the importance of parks and playgrounds for the realization of the rights provided for under article 31 by children living in poverty and engage in dialogue with them in respect of policing, planning and development initiatives. States need to take action to ensure both access to and opportunities for cultural and artistic activities for all children, as well as equal opportunities for play and recreation.

**Children with disabilities:** Multiple barriers impede access by children with disabilities to the rights provided for in article 31, including exclusion from school; informal and social arenas where friendships are formed and where play and recreation take place; isolation at the home; cultural attitudes and negative stereotypes which are hostile to and rejecting of children with disabilities; physical inaccessibility of, inter alia, public spaces, parks, playgrounds and equipment, cinemas, theatres, concert halls, sports facilities and arenas; policies that exclude them from sporting or cultural venues on the grounds of safety; communication barriers and failure to provide interpretation and adaptive technology; lack of accessible transport. Children with disabilities can also be hindered in the enjoyment of their rights if investment is not made to render radio, television, computers and tablets accessible, including through the use of assistive technologies. In this regard, the Committee welcomes article 30 of the Convention on the Rights of Persons with Disabilities which emphasizes the obligations of States parties to ensure that children with disabilities have equal access with other children to participation in play, recreation, sporting and leisure activities, including in the mainstream school system. Pro-active measures are needed to remove barriers and promote accessibility to and availability of inclusive opportunities for children with disabilities to participate in all these activities.

**Children in institutions:** Many children spend all or part of their childhood in institutions, including, inter alia, residential homes and



schools, hospitals, detention centres, remand homes and refugee centres, where opportunities for play, recreation and participation in cultural and artistic life may be limited or denied. The Committee stresses the need for States to work towards the de-institutionalization of children; but until that goal is reached, States should adopt measures to ensure that all such institutions guarantee both spaces and opportunities for children to associate with their peers in the community, to play and to participate in games, physical exercise, cultural and artistic life. Such measures should not be restricted to compulsory or organized activities; safe and stimulating environments are needed for children to engage in free play and recreation. Wherever possible, children should be afforded these opportunities within local communities. Children living in institutions for significant periods of time also require appropriate literature, periodicals and access to the Internet, as well as support to enable them to make use of such resources. Availability of time, appropriate space, adequate resources and equipment, trained and motivated staff and provision of dedicated budgets are needed to create the necessary environments to ensure that every child living in an institution can realize his or her rights under article 31.

**Children from indigenous and minority communities:** Ethnic, religious, racial or caste discrimination can serve to exclude children from realizing their rights under article 31. Hostility, assimilation policies, rejection, violence and discrimination may result in barriers to enjoyment by indigenous and minority children of their own cultural practices, rituals and celebrations, as well as to their participation in sports, games, cultural activities, play and recreation alongside other children. States have an obligation to recognize, protect and respect the right of minority groups to take part in the cultural and recreational life of the society in which they live, as well as to conserve, promote and develop their own culture. However, children from indigenous communities also have the right to experience and explore cultures beyond the boundaries of their own family traditions. Cultural and artistic programmes must be based on inclusion, participation and non-discrimination.

**Children in situations of conflict, humanitarian and natural disasters:** The rights provided for in article 31 are often given lower priority in situations of conflict or disaster than the provision of food, shelter and medicines. However, in these situations, opportunities for play, recreation and cultural activity can play a significant therapeutic and rehabilitative role in helping children recover a sense of normality and joy after their experience of loss, dislocation and trauma. Play, music, poetry or drama can help refugee children and children who have experienced bereavement, violence, abuse or exploitation, for example, to overcome emotional pain and regain control over their lives. Such activities can restore a sense of identity, help them make meaning of what has happened to them, and enable them experience fun and enjoyment. Participation in cultural or artistic activities, as well as in play and recreation, offers children an opportunity to engage in a shared experience, to re-build a sense of personal value and self-worth, to explore their own creativity and to achieve a sense of connectedness and belonging. Settings for play also provide opportunities for monitors to identify children suffering from the harmful impact of conflict.

## VIII. States parties' obligations

Article 31 imposes three obligations on States parties to guarantee that the rights it covers are realized by every child without discrimination:

- (a) The obligation **to respect** requires States parties to refrain from interfering, directly or indirectly, in the enjoyment of the rights provided for in article 31;
- (b) The obligation **to protect** requires States parties to take steps to prevent third parties from interfering in the rights under article 31;
- (c) The obligation **to fulfil** requires States parties to introduce the necessary legislative, administrative, judicial, budgetary, promotional and other measures aimed at facilitating the full enjoyment of the rights provided for in article 31 by undertaking action to make available all necessary services, provision and opportunities.

While the International Covenant on Economic, Social and Cultural Rights provides for the progressive realization of economic, social and cultural rights and recognizes the problems arising from limited resources, it imposes on States parties the specific and continuing obligation, even where resources are inadequate, to "strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances". As such, no regressive measures in relation to the rights under article 31 are permitted. Should any such deliberate measure be taken, the State would have to prove that it has carefully considered all the alternatives, including giving due weight to children's expressed views on the issue, and that the decision was justified, bearing in mind all other rights provided for in the Convention.

The obligation to respect includes the adoption of specific measures aimed at achieving respect for the right of every child, individually or in association with others, to realise his or her rights under article 31, including:

- (a) **Support for caregivers:** Guidance, support and facilitation with regard to the rights under article 31 should be provided to parents and caregivers in line with article 18, paragraph 2, of the Convention. Such support could be in the form of practical guidance, for example, on how to listen to children while playing; create environments that facilitate children's play; allow children to play freely and play with children. It could also address the importance of encouraging creativity and dexterity; balancing safety and discovery; the developmental value of play and guided exposure to cultural, artistic and recreational activities.
- (b) **Awareness raising:** States should invest in measures to challenge widespread cultural attitudes which attach low value to the rights provided for in article 31, including:

Public awareness of both the right to and the significance of play, recreation, rest, leisure and participation in cultural and artistic activities for both boys and girls of all ages in contributing to the enjoyment of childhood, promoting the optimum development of the child and building positive learning environments;

Measures to challenge the pervasive negative attitudes, particularly towards adolescents, which lead to restrictions on the opportunities for the enjoyment of their rights under article 31. In particular, opportunities should be created for children to represent themselves in the media.

The obligation to protect requires that States parties take action to prevent third parties from interfering in or restricting the rights provided for in article 31. Accordingly, States are obliged to ensure:

(a)**Non-discrimination:** Legislation is required to guarantee access for every child, without discrimination on any ground, to all recreational, cultural and artistic environments, including public and private spaces, natural spaces, parks, playgrounds, sporting venues, museums, cinemas, libraries, theatres, as well as to cultural activities, services and events;

(b)**Regulation of non-State actors:** Legislation, regulations and guidelines should be introduced, together with the necessary budgetary allocation and effective mechanisms for monitoring and enforcement, to ensure that all members of civil society, including the corporate sector, comply with the provisions of article 31, including, inter alia:

employment protection for all children to guarantee appropriate limitations on the nature, hours and days of work, rest periods and facilities for recreation and rest, consistent with their evolving capacities. States are also encouraged to ratify and implement ILO conventions Nos. 79, 90, 138 and 182;

establishment of safety and accessibility standards for all play and recreational facilities, toys and games equipment;

Obligations to incorporate provision and opportunity for the realization of the rights under article 31 in urban and rural development proposals;

Protection from cultural, artistic or recreational material which might be injurious to children's well-being, including protection and classification systems governing media broadcasting and film, taking into account the provisions of both article 13 on freedom of expression and article 18 on the responsibilities of parents;

Introduction of regulations prohibiting the production of realistic war games and toys for children;

(c)**Protection of children from harm:** Child protection policies, procedures, professional ethics, codes and standards for all professionals working with children in the field of play, recreation, sports, culture and the arts must be introduced and enforced. Recognition must also be given to the need to protect children from potential harm that may be imposed by other children in the exercise of their rights under article 31;

(d)**Online safety:** Measures should be introduced to promote online access and accessibility, as well as safety for children. These should include action to empower and inform children to enable them to act safely online, to become confident and responsible citizens of digital environments and to report abuse or inappropriate activity when it is encountered. Measures are also needed to reduce impunity of abusive adults through legislation and international collaboration; limit access to harmful or adult-rated material and gaming networks; improve information for parents, teachers and policymakers to raise awareness of the potential harm associated with violent games and develop strategies for promoting safer and attractive options for children;

(e)**Post - conflict safety:** Active measures should be taken to restore and protect the rights under article 31 in post-conflict and disaster situations, including, inter alia:

encouraging play and creative expression to promote resilience and psychological healing;

Creating or restoring safe spaces, including schools, where children can participate in play and recreation as part of the normalization of their lives;

in areas where landmines pose a threat to the safety of children, investment must be made to ensure the complete clearing of landmines and cluster-bombs from all affected areas;

(f)**Marketing and media:** Action should be initiated to:

Review policies concerning the commercialization of toys and games to children, including through children's television programmes and directly related advertisements, with particular regard to those promoting violence, girls or boys in a sexual way and reinforcing gender and disability stereotypes;

Limit exposure to advertising during peak viewing hours for children;

(g)**Complaint mechanisms:** Independent, effective, safe and accessible mechanisms must be in place for children to make complaints and seek redress if their rights under article 31 are violated. Children need to know who they can complain to and how (what procedure) to do so. States are encouraged to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC), which will allow individual children to submit complaints of violations.

The obligation to fulfil requires that States parties adopt a wide range of measures to ensure the fulfilment of all the rights provided for under article 31. In accordance with article 12 of the Convention, all such measures, both at the national and local levels, and including planning, design, development, implementation and monitoring should be developed in collaboration with children themselves, as well as NGOs and community-based organizations, through, for example, children's clubs and associations, community arts and sports groups, representative organizations of children and adults with disabilities, representatives from minority communities and play organisations. In particular, consideration should be given to the following:

(a)**Legislation and planning:** The Committee strongly encourages States to consider introducing legislation to ensure the rights under article 31 for every child, together with a timetable for implementation. Such legislation should address the principle of sufficiency – all children should be given sufficient time and space to exercise these rights. Consideration should also be given to the development of a dedicated plan, policy or framework for article 31 or to its incorporation into an overall national plan of action for

the implementation of the Convention. Such a plan should address the implications of article 31 for boys and girls of all age groups, as well as children in marginalized groups and communities; it should also recognize that creating time and space for children's self-directed activity is as important as the provision of facilities and opportunities for organized activities;

(b)**Data collection and research:** Indicators for compliance, as well as mechanisms for monitoring and evaluating implementation need to be developed in order to ensure accountability to children in the fulfilment of obligations under article 31. States need to collect population-based data, disaggregated by age, sex, ethnicity and disability, to gain an understanding of the extent and nature of children's engagement in play, recreation and cultural and artistic life. Such information should inform planning processes, and provide the basis for measuring progress in implementation. Research is also needed into the daily lives of children and their caregivers and the impact of housing and neighbourhood conditions in order to understand how they use local environments; the barriers they encounter in enjoying the rights under article 31; the approaches they adopt to surmount those barriers and the action needed to achieve greater realization of those rights. Such research must actively involve children themselves, including children from the most marginalized communities;

(c)**Cross departmental collaboration in national and municipal government:** Planning for play, recreation and cultural and artistic activities requires a broad and comprehensive approach involving cross-departmental collaboration and accountability between national, regional and municipal authorities. Relevant departments include not only those dealing directly with children, such as health, education, social services, child protection, culture, recreation and sports, but also those concerned with water and sanitation, housing, parks, transport, environment and city planning, all of which impact significantly on the creation of environments in which children can realize their rights under article 31;

(d)**Budgets:** Budgets should be reviewed to ensure that the allocation for children, in respect of cultural, artistic, sports, recreational and play activities, is inclusive and consistent with their representation as a proportion of the population as a whole, and distributed across the provision for children of all ages, for example: budgetary support for the production and dissemination of children's books, magazines and papers; various formal and non-formal artistic expressions for children; accessible equipment and buildings and public spaces; resources for facilities such as sports clubs or youth centres. Consideration should be given to the cost of measures required to ensure access for the most marginalized children, including the obligation to provide reasonable accommodation to ensure equality of access for children with disabilities;

(e)**Universal design:** Investment in universal design is necessary with regard to play, recreational, cultural, arts and sports facilities, buildings, equipment and services, consistent with the obligations to promote inclusion and protect children with disabilities from discrimination. States should engage with non-State actors to ensure the implementation of universal design in the planning and production of all materials and venues, for example, accessible entrances to be used by wheelchair users and inclusive design for play environments, including those in schools;

(f)**Municipal planning:** Local municipalities should assess provision of play and recreation facilities to guarantee equality of access by all groups of children, including through child-impact assessments. Consistent with the obligations under article 31, public planning must place a priority on the creation of environments which promote the well-being of the child. In order to achieve the necessary child-friendly urban and rural environments, consideration should be given to, inter alia:

Availability of inclusive parks, community centres, sports and playgrounds that are safe and accessible to all children;

Creation of a safe living environment for free play, including design of zones in which players, pedestrians and bikers have priority;

Public safety measures to protect areas for play and recreation from individuals or groups who threaten children's safety;

Provision of access to landscaped green areas, large open spaces and nature for play and recreation, with safe, affordable and accessible transport;

Road traffic measures, including speed limits, levels of pollution, school crossings, traffic lights, and calming measures to ensure the rights of children to play safely within their local communities;

Provision of clubs, sports facilities, organized games and activities for both girls and boys of all ages and from all communities;

Dedicated and affordable cultural activities for children of all ages and from all communities, including theatre, dance, music, art exhibitions, libraries and cinema. Such provision should comprise opportunities for children to produce and create their own cultural forms as well as exposure to activities produced by adults for children;

Review of all cultural policies, programmes and institutions to ensure their accessibility and relevance for all children and to ensure that they take into account the needs and aspirations of children and support their emerging cultural practices;

(g)**Schools:** Educational environments should play a major role in fulfilling the obligations under article 31, including:

**Physical environment of settings:** States parties should aim to ensure the provision of adequate indoor and outdoor space to facilitate play, sports, games and drama, during and around school hours; active promotion of equal opportunities for both girls and boys to play; adequate sanitation facilities for boys and girls; playgrounds, play landscapes and equipment that are safe and properly and regularly inspected; playgrounds with appropriate boundaries; equipment and spaces designed to enable all children, including children with disabilities, to participate equally; play areas which afford opportunities for all forms of play; location and design of play areas with adequate protection and with the involvement of children in the design and development;

**Structure of the day:** Statutory provision, including homework, should guarantee appropriate time during the day to ensure that children have sufficient opportunity for rest and play, in accordance with their age and developmental needs;

**School curriculum:** Consistent with obligations under article 29 concerning the aims of education, appropriate time and expertise must be allocated within the school curriculum for children to learn, participate in and generate cultural and artistic activities, including music, drama, literature, poetry and art, as well as sports and games;

**Educational pedagogy:** Learning environments should be active and participatory and offer, especially in the early years, playful activities and forms of engagement;

(h)**Training and capacity - building:** All professionals working with or for children, or whose work impacts on children (Government officials, educators, health professionals, social workers, early years and care workers, planners and architects, etc.), should receive systematic and ongoing training on the human rights of children, including the rights embodied in article 31. Such training should include guidance on how to create and sustain environments in which the rights under article 31 can be most effectively realized by all children.

**International cooperation:** The Committee encourages international cooperation in the realization of the rights provided for in article 31 through the active engagement of United Nations agencies including UNICEF, UNESCO, UNHCR, UN Habitat, UNOSDP, UNDP, UNEP and WHO, as well as international, national and local NGOs.

## **IX. Dissemination**

The Committee recommends that States parties disseminate this 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 translation 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.

States parties are also encouraged to report fully to the Committee on the Rights of the Child on the measures they have adopted to encourage the full implementation of article 31 for all children.