



Scotland's Commissioner  
for Children & Young People



# Children's right to play, culture and arts

**A review of Article 31 in Scotland**

A special supplement produced by Scotland's  
Commissioner for Children & Young People.

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

**1.** States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

**2.** States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.



Cover photo: Niamh Hewitt at the Scottish Parliament © Theresa Casey (2010)

## Children's right to play, culture and arts A review of Article 31 in Scotland

Article 31 of the UNCRC sets out children's right to rest, leisure and play, cultural life and the arts (the 'Article 31 rights').

Widely acknowledged as central to children's health, development and happiness, nevertheless Article 31 rights have not routinely been given the level of attention they deserve.

In 2013 the UN Committee on the Rights of the Child published its 'General Comment'<sup>1</sup> on Article 31, a landmark document setting out both the importance of Article 31 to children and young people, and the obligations of governments to make progress in implementation.

In Scotland, the UN General Comment was welcomed by Government<sup>2</sup>, the Commissioner for Children and Young People and by the wider play, cultural and children's rights sectors. This welcome has been positively reinforced by policy developments, which it is hoped will support and stimulate practical implementation and in doing so, increase children's enjoyment of Article 31 rights in their everyday lives.

While renewed vigour in the policy arena is welcome, this review suggests there is more to be done to provide a consistent, comprehensive and inclusive approach to the implementation of Article 31 in Scotland.

<sup>1</sup> UN Committee on the Rights of the Child (2013) General Comment no. 17  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en)

<sup>2</sup> Play Strategy for Scotland: Our Vision (2013) Scottish Government  
<http://www.scotland.gov.uk/Publications/2013/06/5675>



Photo: GoMA, Glasgow (Takeover Day 2013)

## A richer understanding of Article 31

Full implementation of Article 31 requires both understanding of the article as a whole, and of the distinct but intertwined elements of rest, play, recreation, cultural life and the arts.

*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.**<sup>3</sup>*

Achieving this holistic approach conjures a vision of children and young people playing, laughing, encountering richly rewarding cultural environments and engaging with ideas and with the arts. It suggests all children experiencing these types of freely chosen, spontaneous or adult supported activities from the earliest years all the way through to young adulthood, in their homes and family environments, in their communities, in schools, childcare and nurseries and through the opportunities provided by technology and online environments.

Many vibrant examples in Scotland illustrate the richly rewarding possibilities of bringing together artists, performers, musicians, playworkers, storytellers, educators, parents, children and young people in diverse environments such as cultural institutions, theatres, public space, schools and nurseries, playgrounds and out of school care.

<sup>3</sup> UN Committee on the Rights of the Child (2013) General Comment no. 17

## Starcatchers

Starcatchers for example has pioneered in the field of performance and creativity with young children up to the age of 5. It has developed innovative and inspiring creative experiences and performances for very young audiences to enjoy with their parents, carers, families and educators. Nurturing young children's creative and cognitive development and sparking their imaginations is a central aim.

## GoMA

Since opening in Glasgow in 1996, the Gallery of Modern Art (GoMA) staff team has created workshop and exhibition programmes that encourage children and young people to be creative, play with materials and bring their experiences into their artwork.

Awareness and energy around children's play and creativity has informed work in the gallery that began with the exhibition 'Blueprint for a Bogey'(2011) and lead to the concept of ATELIER PUBLIC in which materials are left in the gallery for visitors to use. This brought in the free play aesthetic and stimulated questions about the right to play in cultural institutions.

## YoHoArt

*YoHoArt* is a partnership between the Young People's Service of the Royal Hospital for Sick Children (Yorkhill) and GoMA to research and develop how a gallery public programme can operate within a hospital context. *YoHoArt* asks what the role of an arts institution or hospital is, in ensuring that the right to play, arts and culture, is as valid for young people in hospital as it is for the children who use the play services. 'We are asking ourselves what could shift in the arts and cultural offer of the hospital that is not just a soothing aesthetic or therapeutic offer delivered by adults on behalf of children and could really be led by the young people themselves.'



Photo: GoMA, Glasgow (Takeover Day 2013)

## Takeover Day

2013 saw the first 'Takeover Day' in Museums in Scotland with over 30 museums taking part. Takeover Day is an annual day on which museums, galleries and historic homes invite young people in and give them empowering experiences and meaningful roles. Children and young people were able to learn first-hand about the work of the sector. They were inspired by the stories, artefacts and treasures held within Scotland's collections and the many roles carried out in the daily care and promotion of them to the public.

While Takeover Day hands over the keys to museums, National Play Day is devoted to the promotion of free play, with events taking place in streets, parks and public spaces all over Scotland. Happening on the first Wednesday in August each year, Play Day celebrates the right to play and its importance in children's lives.

These are just a few examples demonstrating that the importance children and young people place on Article 31 rights is reflected amongst communities, families, institutions and practitioners.

## Child Rights Journey: UNICEF UK

As a legacy programme of the Glasgow 2014 Commonwealth Games, UNICEF UK's Child's Rights Journey will draw upon a unique partnership between UNICEF and Glasgow 2014. Child Rights Journey is a new award to be rolled out across Scottish schools by UNICEF. It will take children and young people on a journey to understand their rights and will connect them with other children in Scotland and around the world. It aims to enthuse, empower and engage children and young people about their rights starting from sporting and cultural activities. It will be available to children between the Glasgow 2014 Games and the 2018 Games in Gold Coast, Australia.

## Placing importance on Article 31

Feedback from the 74,059 children and young people who took part in the 2009 Right Blether<sup>4</sup> is shaping the work of Scotland's Commissioner for Children and Young People. One of the clearest messages from the Blether was that fair and equal access to creative opportunities is vitally important to children and young people.

The Commissioner is committed to promoting Article 31 in his own work and in partnership with cultural projects throughout Scotland during his tenure. Article 31 is central to his work and to the potential for all children and young people to realise their right to play, relax and enjoy creative lives.

A special conference to celebrate the adoption of the UN General Comment on Article 31 and explore how we can make the expectations



Photo: City of Edinburgh Council, Edinburgh Playday, July 2013

of the Comment a reality in Scotland was organised by the International Play Association (IPA) Scotland and SCCYP in March 2013. The event, *A Richer Understanding of Article 31: What does this mean for Scotland's children?*, brought professionals and organisations from across sectors together to look at how we can best provide culture, leisure, play and rest opportunities for Scotland's children.

However, for all that Scotland has a lively community of talented and committed artists and organisations working for and with children and young people, and is home to some exceptional projects such as Sistema Scotland's Big Noise Orchestra, many of our children will have little access or exposure to this work as they grow up. This is a situation described by Scotland's performing arts promotion and development organisation Imagine as 'all icing and no cake'<sup>5</sup>.

<sup>4</sup> Scotland's Commissioner for Children and Young People (2009) Right Blether

<sup>5</sup> Imagine (2012) All icing and no cake – exploring the case for the development of the performing arts for children and young people in Scotland



Photo: Landscape Structures, Inc

## Equality of opportunity and non-discrimination

At the conference the Commissioner called on central and local government to ensure the full realisation of Article 31 rights for all children in Scotland.

Realising the Article 31 rights of all children is a crucial part of achieving a fully inclusive Scotland. As well as geographic differences, some groups of children have particularly highlighted the barriers they face to enjoying their Article 31 rights caused by non-inclusive planning, policies, procedures, practices, attitudes and design.

For example, the Save the Children Young Ambassadors launched the Get In! campaign to draw attention to the barriers that prevent young people aged 11–19 years living in poverty, accessing leisure activities. The 2013 State of Children's Rights in Scotland report pointed out the wide concern that disabled children still do not have equal access to recreation and play and that current financial climate is having negative impact on the number of opportunities available to them<sup>6</sup>. A huge shortage of suitable social clubs and opportunities for disabled young people was reported to SCCYP<sup>7</sup>, the summer holidays being a particularly challenging time. There were also concerns about staff not being trained to work with disabled children.

Marginalised groups of children and young people, disabled children, children living in poverty have as much right to play, culture and art being a part of their everyday lives as all other children in Scotland.

<sup>6</sup> Together (2013) State of Children's Rights in Scotland

<sup>7</sup> Scotland's Commissioner for Children and Young People (2013) It Always Comes Down to the Money – recent changes in service provision to disabled children, young people and their families in Scotland

## Policy context

In the Scottish context, policy developments which support Article 31 have been warmly welcomed. Getting it Right for Every Child, Equally Well and Achieving Our Potential provide the social policy framework within which Article 31 implementation can take root, while Curriculum for Excellence places creativity at the heart of learning. Implementation of all components of Article 31 can be positively linked to national outcomes, reduction of inequality and early intervention and prevention.

In 2013 the Scottish Government launched its *National Play Strategy: Our Vision and Play Strategy Action Plan*, and *Time to Shine - Scotland's Youth Arts Strategy*. The Scottish Government's Youth Sports Strategy is to follow in 2014. The first two of these explicitly address key elements of Article 31 - the right to play, and the right to participation in cultural life and the arts ('engaging in creative, expressive or cultural activity in any environment'<sup>8</sup>). The Youth Sports Strategy has a degree of overlap through recognition of informal, recreational sporting activities. (Article 31 does not explicitly include sport and the UN Children's Committee is careful to point out that Article 31 rights are undertaken voluntarily, in free or unobligated time.<sup>9</sup> The GC on Article 31 also points out that it doesn't address sport except in that context).

While these Strategies have rightly been recognised for their contribution to implementation of Article 31, they were each developed independently of each other. Though referencing Article 31 there is little indication of the relationship between them or the ways in which play, culture and the arts enhance and support each other and realisation of other rights in the Convention.



Photo: Neil Thomas Douglas, from the Burnbank Project by Jen Edger, part of the Playground Project run by Starcatchers

Furthermore, concern has been raised that initiatives to raise awareness and understanding of children's rights concentrate on some rights more than others, and that particular rights - such as those embraced by Article 31 - are seen as less important as a result.<sup>10</sup>

This combination of lack of understanding of the importance of Article 31 rights and policy developments happening in relative isolation from each other leaves Article 31 unhelpfully adrift at a time when there is an opportunity to ensure it is more firmly anchored.

<sup>8</sup> Creative Scotland (2013) *Time to Shine- Scotland's Youth Art Strategy For Ages 0-25*

<sup>9</sup> UN Committee on the Rights of the Child (2013) General Comment no. 17

<sup>10</sup> Together (2013) *State of Children's Rights in Scotland*

## Conclusion: why we need to take this seriously

The drive in Scotland to provide more holistic provision is reflected in many national policy and strategy documents including Getting It Right for Every Child, the Children and Young People's Bill and Curriculum for Excellence.

Planning for Article 31 requires a comprehensive approach with collaboration across sectors and policy areas such as health, education, architecture, transport and planning.

As we progress with implementation around Article 31, we should look for opportunities to embed full, rich and rewarding realisation of Article 31 rights in our vision of every child's day to day experience. In this way play, culture and arts, engagement, participation, creativity and fun will underscore realisation of the other rights contained in the UN Convention on the Rights of the Child as a whole. Or as the children told have said:

***"If Governments take all of this seriously, our lives will be happier and healthier."***<sup>11</sup>



<sup>11</sup>International Play Association: Promoting the Child's Right to Play (2013) Child Friendly UN General Comment on Article 3, [www.ipaworld.org](http://www.ipaworld.org)



***"Play is a serious business for children. They yearn for opportunities to play and when they do, it's important for adults to notice the concentration, noise and joy they experience in their playful world. I believe play is not only a right, but fundamental to the development of our children. The sooner we attach the same importance to play as do children, the better will be the world we create for all of us."***

Tam Baillie, Scotland's Commissioner for Children and Young People





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This review was developed by Scotland's Commissioner for Children & Young People with Theresa Casey and the International Play Association (IPA) Scotland's 'Richer Understanding Group' [www.ipascotland.org.uk](http://www.ipascotland.org.uk)