



Landon Pearson Resource Centre
for the Study of Childhood
and Children's Rights

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Children's Rights Academic Network



The Muttart Foundation



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6th CRAN Meeting
Response to Shaking the
Movers VII
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Prepared by Lindsey Li

Landon Pearson Resource Centre for the Study of Childhood and Children's Rights
A735 Loeb Building
Carleton University
1125 Colonel By Drive
Ottawa, Ontario K1S 5B6
Phone: (613) 520-2600 ext. 1453
Website: www.landonpearson.ca

Email:
landon_pearson@carleton.ca
virginia_caputo@carleton.ca

Hon.Landon Pearson, Chair
Dr. Virginia Caputo, Director
Nina Ryan, Administrative Staff

The Landon Pearson Resource Centre for the Study of Childhood and Children's Rights was created with a powerful vision: every child in Canada will grow up aware of his or her rights and responsibilities and be enabled to exercise them within a receptive and respectful society.

The LPRC began with a donation by the Honourable Landon Pearson to Carleton University. This donation included her extensive collection of books, documents and reports collected over a lifetime of engagement with children. The collection also contains archival material that documents the evolution over time of perceptions of childhood and conceptions of children's rights both in Canada and abroad.

The Centre will continue to enable children and youth voices in advancing their rights by:

- Creating practical opportunities with and for children and youth for the exercise of their civil and political rights and responsibilities
- Providing children and youth with access to fundamental citizenship rights
- Actively challenging and engaging schools, educational institutions, government and the non-profit sector to

systemically and structurally respect the right to be heard of children and youth

- Demonstrating model decision-making processes that involve children and youth in important civil and political decisions
- Facilitating a network of child rights academics from Canada, the U.S. and the U.K. to respond to what children and youth have to say about their rights
- Reinforcing and facilitating the network of agencies that shape public policy with respect to children and youth
- Nurturing in adults a culture of respect for children and youth as fellow citizens and the willingness to hear what they have to say

Previous CRAN and *Shaking the Movers* Reports:

- Shaking the Movers I: Speaking Truth to Power: Civil and Political Rights of Children (2007)
- Shaking the Movers II: Identity and Belonging (2008)
- CRAN 2008: Inaugural Meeting | Response to Shaking the Movers II
- Shaking the Movers III: Child Rights in Education (2009)
- CRAN 2009: 2nd Meeting | Response to Shaking the Movers III
- Shaking the Movers IV: Children and the Media (2010)
- CRAN 2010: 3rd Meeting | Response to Shaking the Movers IV
- Shaking the Movers V: Divided We're Silent, United We Speak: Standing Up for Youth Justice (2011)
- Shaking the Movers VI: Standing Up for Children's Mental Health (2012)
- CRAN 2012: 4th Meeting | Response to Shaking the Movers V
- Shaking the Movers VII: The Right to Play and Artistic Expression (2013)
- CRAN 2014: 5th Meeting | Response to Shaking the Movers VI
- Shaking the Movers VIII: Child Exploitation (2014)

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INTRODUCTION

“Peek-a-boo!” You uncover your eyes and the baby squeals with delight. Anyone who has spent any time with small children knows how important play and playful interactions are to their healthy development, so important that the right to play is incorporated into the UN Convention on the Rights of the Child. Included with the right to play in Article 31 is the right to artistic expression and one can easily understand, watching a young child moulding figures out of plasticine or splashing colours on paper or shaking a tambourine or dancing up a storm, how the two go together. They are both rooted in the world of the senses and nourish the imagination. Small children love to play with words as well, especially from two to five, with nursery rhymes and skipping songs, riddles and tall tales. These are all ways in which a young child tests and makes sense of his or her surrounding world.

As children grow older they are attracted to more regulated play. They become enthusiastic about games, both mental and physical ones. They dress up, try on social roles and pretend to be grown up. They play Snakes and Ladders and learn about ups and downs, or checkers and chess and learn about strategy or hide and seek and sardines and learn about being lost and found. These games can be found in a variety of forms around the world, serving a common developmental purpose, conveying cultural norms, nurturing the capacity to think in symbols and the ability to detach meaning from a simple object and transfer it to one that exists only in the imagination. Let’s pretend!

Later, of course, the games become more serious and much more competitive. Then we call them “sports” and they are good for the body as well as the soul. Or not, depending! And then in cyberspace there are all the addictive computer games that unfortunately deliver mixed messages to many players and tend to take away from the sociability and physical activity inherent in outdoor games. Nevertheless, almost all kinds of play should be encouraged, as should virtually all forms of artistic expression – even when what a child chooses to express may make some adults uncomfortable.

There are, of course, limitations to the child’s right to play and to artistic expression, limitations that are contained in the CRC itself. Children under the age of 18, according to the articles of the Convention, have the right to be free from violence and exploitation, for example, with all that that implies about bullying and coercion. They also have the responsibility to respect the rights of other children without discrimination. This has major implications for girls as well as for children with disabilities. But, still, we can always take comfort in the fact that one of the most important characteristics of play is that it is fun and it ceases to be fun if someone is hurt.

Most of the young participants at Shaking the Movers VII were delighted, if somewhat surprised, to discover that they actually had the right to play and to artistic expression. This resulted in an explosion of lively and colourful activity at the event itself and subsequently at the CRAN meeting convened to respond to the youth. There were even balloons and paper airplanes flying about the 20th floor of Dunton Tower when child rights academics gathered at Carleton in January (2015). But in among the jokes and laughter there were plenty of thoughtful presentations, most of which are collected in this report. Please read, enjoy and reflect.

Hon. Landon Pearson O.C.

OVERVIEW OF THE 6TH MEETING OF THE CHILD RIGHTS ACADEMIC NETWORK

On January 30th-31st, 2015 thirty or so academics, members of CRAN (the Child Rights Academic Network), students and interested observers gathered in Ottawa to respond to what youth had said at Shaking the Movers VII with respect to Article 31 of the CRC. Each of the participating academics had carefully read the comments by the young people related to their right to play and their right to artistic expression, and sought to respond to them as though they were present in the room. One of the unique characteristics of CRAN meetings is that it is children and youth who really set the agenda.

This time, CRAN members were also asked to think about what they were going to say by reflecting on each of following questions:

Question 1: Taking into account what Shaking the Movers participants had to say, from your perspective, how is attending to the right to play and to artistic expression valuable for understanding identity issues for young people using a rights-based framework?

Question 2: How can attending to the rights enshrined in Article 31 become a meaningful vehicle for addressing issues of inequality in the lives of young people?

Question 3: How can their recommendations about enabling social change be operationalized to take into account young people as agents in their own lives?

Question 4: How can imagination and the capacity for imaginative thinking nurtured through experiences of play and artistic expression become a relevant aspect of your research and practice with young people?

While not all questions were answered by everyone, the presentations were rich and varied. Every response printed here deserves attention because all of the authors are concerned with children's rights and our widespread failure as adults to fully respect them here and around the world. Of course, life is a serious business but perhaps we all need to play more in order to gain perspective!

PARTICIPANT RESPONSES

CINDY BLACKSTOCK, PH.D.
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA

Presentation to CRAN 2015 on Behalf of Professor Blackstock
By Landon Pearson

Cindy Blackstock was unable to attend this CRAN meeting as she was at a meeting of other Indigenous leaders on the West Coast. However, Landon and Cindy had an interview about Article 31 before she left so that Landon could convey some of Cindy's reflections on the right to play and the right to artistic expression to the group on the understanding that they would eventually be shared with the young people who had participated in Shaking the Movers VII and had so many ideas.

First, Landon and Cindy discussed the right to play in general and what it specifically meant for Aboriginal children. Cindy stated that all children have both a right and a need to play. For very many children, play is the way they learn and many developmental outcomes are short-circuited if they aren't allowed to. With Aboriginal children the right to play is not only developmentally necessary but also has practical importance for their sense of identity and belonging and for the healthy transfer of traditional values, the values of sharing, deep thinking, respect for the Elders, as well as for the environment, and not forgetting the value of humour!

In Cindy's memory childhood play was sometimes solitary but more often with other children as well as with close adults. Traditional ways of learning in Aboriginal communities involve watching older people closely, copying actions and hearing stories while doing things together. Cindy remembers low-bush blueberry picking with her grandfather who told her stories as they worked together. She remembers how she and her playmates created their own toys as well as the faceless dolls they played with after being told by the Elders that it was up to them to give the dolls a personality. She remembers certain traditional games that taught her to share and to see things in a positive light. She remembers playing in the snow in a variety of imaginative ways, thus learning to enjoy winter as well as all the other seasons. She also remembers talking to squirrels and playing with pinecones!

With respect to competitive sports Cindy reminded Landon that lacrosse, which is still popular in native communities, was originally an Aboriginal game. Some of the Elders that Landon interviewed with respect to *Tibacimowan* (memories of the near past), the book she co-authored with Judy Finlay, echoed Cindy's recollections. The Elders had told Landon about playing with home-made bows, arrows and slingshots, competing to see who could shoot the furthest and most accurately, as well as with toy canoes in the water – all games equipping them with survival skills.

With respect to the right to artistic expression Cindy drew on her more recent experiences with older children and adolescents especially around "Have a Heart" Day when middle school children, Aboriginal

and non-Aboriginal alike engage in advocacy that is fun! On that day children are invited to offer their gifts of expression, their dreams in colour, gala cookies with messages, hearts on a stick and iridescent bubbles for parliamentarians. For Cindy, the arts are a way of expressing things that cannot be said by words alone, particularly in view of the still commonly held belief among Aboriginals that education stole their childhood.

NATASHA BLANCHET-COHEN, PH.D.

DEPARTMENT OF APPLIED HUMAN SCIENCES, CONCORDIA UNIVERSITY

Value and Threats to Unstructured Play

For me, a key concern is the threat to unstructured play.

I want to start with my son's sticks and Lego. My son, as any boy, loves sticks. They are all over the place and he uses them in all kinds of ways, as bows and arrows, for taekwondo do...and he carves them. They are left all over the house. At the age of nine, my husband gave him a Swiss Army knife, and last year he brought a Parang for him from his home. The other day a mother in the neighbourhood says to me: "my daughter came home saying she's been playing with all these knives and stuff! If I did not know it was with your boy I would be wondering what was going on..."

My son also has Lego – and tons of it. The best thing that we did was when we went on to Craigslist purchased a set of loose Legos for 100 bucks. And not these little boxes at 50 dollars each where you create one thing and that's it, but this bunch of loose Legos that my son can create from. So he uses his imagination and spends hours creating.

In contrast, the neighbours' boy who has an extremely structured schedule. He dives four times a week adding five hours of driving time per day along with soccer, chess, and hockey lessons. In the Fall, I remember, he did not want to restart the diving classes, and his parents were desperate. I recall saying, "this kid is over-structured; why are you pushing him? He is telling you no", but they would not accept no so he is back on the treadmill. I notice that when he comes to our house, he just wants to watch TV. He says "I am bored, can we watch TV?" What are all these activities doing to his imagination/his capacity to be independent and autonomous? How is this preparing him to be an adult and cope in life?

So these two kids both have agency. They have agency – but the opportunities to exercise that agency are not the same. Agency is a concept that I adore – it was central to my aha moment in analyzing the data for my PhD, and that time there was not much written on the concept – because it really bring our focus onto how children navigate the structures in which they develop/ and grow. As opposed to children's participation/right to expression that sometimes seems to exist a little bit in a void, agency really brings attention to children's power, or lack of power, to influence or organize events and to engage in the structures that affect their lives.

Those two boys, while living on the same street, are responding to their different contexts, parents/societal expectations.

My deep sadness in reflecting on children's agency with respect to the right to play is how while we know that play is the essence of being a kid, it is the very thing that industrialization/modernisation is taking away from kids. That unstructured play that allows for the "the freedom to be ourselves", "discover who [we] are", "learn and grow, socialize, be creative and explore", shared by the kids at Shaking the Movers, is at serious risk.

As Richard Louv (2006) wrote in his book a few years ago, we are experiencing nature-deficit disorder. Are we aware of it? Perhaps because it has taken so for granted, it is so much at risk in the industrial world and in aspiring upper class southern countries. What struck me is how many young people in Shaking the Movers did not know about the right to play and "had no clue about the rights to play's existence" (p. 27).

The lack of unstructured play is resulting in huge health problems such as obesity. A lot of the money in children's issues is being put into healthy living, because governments are realizing that health issues like obesity are going to cause a lot of problems and weigh heavily on the health care system in the future. In Quebec, data from the Canadian Community Health Survey 2009–2010 revealed that 31% of adolescents aged 12 to 17 and 21% of children aged six to 11 had minimal or no physical activity.

Why? Is it because kids in this day and age are no longer eating the right kind of food? Maybe all that junk is killing off their agency.

But certainly one thing that is clear is the attitude of adults – which came out strongly when the STM kids discussed the need for adult allies (p. 23). Another problem is the lack of infrastructure that supports young people to play.

In Quebec, a survey carried out in 2010 for the Fondation Monique Fitz-Back shows that among 1,297 Quebec youth between the ages of 10 and 17 years from 25 schools in 10 administrative regions, many young people have little access to outdoor settings. The educational milieu is currently not addressing this shortcoming. Close to one-third (31%) of the young respondents noted a lack of access to places where they could practice outdoor activities or experience nature, and 39% said their school did not provide access to outdoor activities or activities in a natural setting. Furthermore, 37% noted that they rarely or never visited such places.

In order to change this, adults – parents, decision-makers and professionals (such as urban planners) – need to be brought on board.

Over the last three years, I have been working with Velo Quebec "Mon école a pied à vélo", which aims at encouraging kids to walk or bike to school. Instead of the parent dropping off their single child, kids will walk together/chit-chat and play — for a kid it is never just a walk, it's playing — but the problem we see is that there are no sidewalks and parents are concerned about safety. The change needs to involve both the infrastructure as well as the parents.

It really feels like an upward battle in changing the car-centred mentality and giving children the confidence to walk alone for a few blocks. It can actually can be good for them and prepare them for the future.

There is a worrisome devaluing of unstructured play. A sociologist from Wilfred Laurier, Linda Quirke, studies the coverage in *Today's Parents* of summer camps and what she found is that really what is promoted these days is having camps that keep kids busy and supervised all the time... that is what makes a "good" camp.

So when we look at play, we need to really consider those different forms of play. Structured play has a role, but it cannot replace unstructured play because that's where kids can really practice agency. Taking away agency is making robots. It is in play that really kids get to participate. As George Bernard Shaw's famously said: "We grow up old because we stop playing".

VIRGINIA CAPUTO, PH.D.

DEPARTMENT OF SOCIOLOGY & ANTHROPOLOGY, CARLETON UNIVERSITY

Educated Imaginations and Children's Rights

Two anecdotes drawn from fieldwork with children in public and private school settings serve to frame the remarks I wish to make in response to the important observations and perspectives on the right to play and artistic expression presented by young people at Shaking the Movers VII.

The first anecdote captures an interaction that occurred while conducting research in a school setting to investigate the ways notions of childhood and motherhood intersect and mutually shape one another in these institutional spaces. The second anecdote details an encounter with school officials that provides a glimpse of how differing conceptions of childhood are woven into the process of researching with children in schools through musical practices.

Anecdote One: The setting is an elementary school play yard where a group of grade two girls gathered in a circle during recess: "Do you know that one?" I heard one of the girls ask a friend as we stood under the shade of the maple tree at the side of the yard during recess. I watched as the girls started to chant, with intricate hand movements accompanying their voices:

Miss Sue. Miss Sue. Miss Sue from Alabama.
Sittin' in a rocker, eatin' Betty Crocker,
Watchin' the clock go tick, tock, tick tock shawalawala,
Tick, tock, tick, tock shawalawala
A, B, C, D, E, F, G.
Wash those boy germs off of me.
The moon shine, the moon shine, the moon shine.
Freeze!¹

¹ To view a performance of a variation of Miss Sue from Alabama see:
<https://www.youtube.com/watch?v=d-svfUMX3BM>

Then the bell rang. The circle quickly dispersed. The orderly lines of children appeared again. The yard monitor took her place at the side of the metal gate that led back into the school. She motioned with her finger placed on her lips that talking was to cease. Most of the girls complied as they filed back into the school. Once inside, I watched as the yard monitor slipped off the bright orange sash, unclipped her two-way radio, and locked the door of the school behind her.²

Anecdote Two is drawn from one of the first music-based school projects that I carried out to replicate Canadian folklorist Edith Fowke's song collection 1959-1964 in schools in eight downtown Toronto neighbourhoods. Revisiting the same schools at a distance of approximately 25 years, my intent was to replicate this local branch of children's songs to examine transmission and change in an oral tradition comprising clapping, skipping and ball bouncing songs. After interviewing Mrs. Fowke to learn the details of her method, I contacted officials at the same schools that she had visited in the early 1960s to explain the study and to ask permission to meet with groups of children in order to collect songs. To say that they were quite skeptical that I would find any of the same "children's songs" at all is an understatement. Almost all of the school personnel contacted tried to dissuade me from pursuing the research project, arguing that 'children did not sing these songs anymore' or that 'this kind of play did not happen in their schools.' They advised me that my research would likely turn up little to nothing resembling the Fowke collection. What they did suggest was that I sit in on the school's music classes. They speculated that the musical activity occurring in these classes would be of interest for my research project. These classes were teacher-led and usually involved singing along to recordings of songs including Michael Mitchell's song "Canada Is."³ While I did observe the formal music classes, I eventually negotiated with the schools to work with the students on my own to collect their songs without the intervention of any other adults in the classroom. By the end of the project, and to the great surprise of all the school officials, my children's song collection contained close to 200 skipping and clapping songs that were highly gendered, touching on issues of violence, sexuality, and identity, among others.⁴

Play has framed my research approach and interests over the past 25 years, assisting in my formulation of policy recommendations, in creating appropriate research methodologies, and in addressing practice-oriented questions. By taking seriously and attending to children's play, I have learned a great deal from children, for instance, about the increasing intensification of their lives as a result of major transformations in the global economy and market forces, among others. This intensification has consequences not only for those raising children but, as I learned from children, it has consequences precisely for the ways in which children themselves experience childhood. In some of the school settings in which I have worked, childhood is experienced as a highly monitored, rigorously defined and tightly circumscribed category of social life. By relying on play, however, I have come to understand how children and young people, as actively engaged social actors, adapt to, negotiate and respond to the demands and exigencies of a changing world, including changing understandings of childhood.

² Caputo, Virginia. "She's From a 'Good Family': Performing childhood and motherhood in a Canadian private school setting." *Childhood. International Journal of Child Research*, vol. 14, 2007, 173-192

³ Mitchell, Michael. "Canada Is for Children."
<https://www.youtube.com/watch?v=DjUvsT2DKk4>

⁴ Caputo, Virginia. "Continuity and change in Canadian English-language children's song [microform]: a replication and extension in 1988 of Edith Fowke's fieldwork, 1959-1964." Thesis (M.A.), York University Library, Toronto, 1989.

Apart from the importance of play as a research approach, my other point in offering these two snapshots is to reiterate what we have already heard from other speakers at this CRAN conference as well as in the words of young people in the Shaking the Movers report; that is, that invoking play allows multiple dimensions of children's lives to emerge in a way that pre-empts valorizing a particular view of children's lives. What paying attention to play and artistic expression demonstrates is that they are vehicles that enable imaginations that in turn, become the basis of how young people may envision and make their way through the world.

This concept of the imagination leads me to point out two equally complicated ideas: the imaginative and educated imaginations. As evidenced in the words of the Shaking the Movers young people, an educated imagination, meaning a strong imagination, consists of both consciousness and action. The words of young people at the Shaking the Movers workshop demonstrate their understanding of the point that strong imaginations open up possibilities that enable them to assert their identities as individuals, as well as in a shared humanity. Extending this view of imagination further, I would argue to consider it broadly as enabling and effecting social change concerning children's rights, considering that everything one does with music, art, dance, words and other expressive cultures are imaginative acts that ultimately create realities that are meaningful to young people. The key to this process of meaning making is in the "doing" and "undoing" of social life through imagination. Thus I would argue that the imaginative necessarily implies an ability to act and to be agentic. Importantly, for children and young people, this agency and engagement is at the heart of imagination through play. Their words in the Shaking the Movers report demonstrate their understanding of the connections between play, artistic expression, agency and engagement, and that it is in the "doing" that imagination is fortified and strengthened.

We also learn from young people's words in the Shaking the Movers report that while their lives may be situated in relations of power that are set in hyper-mediated and consumerist environments, one of the ways that they access power to negotiate these contexts is through play and artistic expression. Intertwined with these mediated and consumer driven contexts are ideologies of childhood that, in turn, inform other key sites in young people's lives including family and schools. As these institutions endeavour to balance rights with notions of conformity, young people tell us that play and artistic expression enable them to move through, in, and around these contexts and institutions so that they may find ways to assert themselves in meaningful and, I would say, hopeful ways. For some young people, play and artistic expression become a mode of survival. As a 17 year old young woman tells us in the Shaking the Movers report: "The right to play means freedom to imagine: imagining stories, songs, arts, plays. It starts in the head with freedom of expression then expressing yourself through how you socialize and emotions" (2013: 13).

For those of us working in academia, advocacy, practice and policy and who are committed to participation and children's rights, hearing and understanding young people's views expressed so eloquently in the Shaking the Movers report means positioning children and young people, at every turn, as agents of their own social lives. To be effective, our efforts must be meaningful, and not tokenistic gestures of inclusion, in acknowledging that young people harness the power of play and imagination to be heard in matters that pertain to them in ways that are transformational. Play transcends limitations of place and distance; imagination transforms the conditions of people's lives. We hear in the words of young people in the Shaking the Movers report how they are able to employ play in these ways by

embodying engagement, just as we witnessed in the example of the Dandelion Dance Company's moving performance at the CRAN conference.⁵

Play and artistic expression enable children and young people to inspire, teach, and communicate in ways that can lead us to only one conclusion: play is a serious matter.

PHILIP COOK, PH.D.
MICHEAL MONTGOMERY
INTERNATIONAL INSTITUTE FOR CHILDREN'S RIGHTS AND DEVELOPMENT
LAURA WRIGHT
RIGHT TO PLAY

Play-Based Education Fostering Protection and Resilience Using an Example from Conflict Affected Communities in Mali

"There is lack of understanding of the concept of Rights in general and of the Right to Play in particular ... and confusion of play with other activities"

-Mexico City participant in the International Play Association
Global Consultation on Play Report, 2010

"I learned what the 'right to play' means to others and personally I agree it's important to improve your health, develop life skills, and help foster peace for children and communities as well as, most importantly, expressing yourself towards others through play."

"Expressing yourself brings out the inner you"

-Shaking the Movers VII, 2013

The right to play, enshrined in Article 31, continues to be one of the most neglected of all children's rights often due to a lack of awareness and understanding of the benefits of play (International Play Association, 2008; 2010). What is the significance of the intrinsic and instrumental value of play as a right in itself, and in its role in realizing other rights?

This presentation builds on the key learnings from the Shaking the Movers Conference on Article 31, the right to play and leisure. Throughout the Shaking the Movers conference children had the opportunity to engage in play, culture and leisure activities, and learn about their rights. This CRAN presentation begins with an overview of the right to play's intrinsic and instrumental value for children, and the power of play for both children and adults as perceived through the separate and joint work of the International Institute for Children's Rights and Development (IICRD) and Right to Play (RTP). We will bring to the fore some of the reasons why we believe that play is fundamental to the development and learning of children as well as adults. We will also examine, light heartedly, perceptions on play and its value for health and

⁵ Watch Dandelion Dance Company's performance of "We Are Children of the World" (at minute 8:15): <http://dandeliondancecompany.ca/watch-our-videos/>

well-being before using an example from our joint work in Mali. The Segou and Bamako Child Protection Assessment conducted in Right To Play program conflict-affected communities is showcased, including the qualitative and quantitative results and key findings, and the integral role of play-based, participatory action research methods that were used in the process. Finally, the presentation will conclude with recommendations on how play can be a powerful tool to strengthen education in contributing to peace and protection through an enhanced collective sense of shared humanity.

Play in education can be a powerful entry point for protecting children affected by armed conflict. The opportunities to access humanistic quality education are threatened significantly in times of conflict, violence and disaster, and children and youth who are most vulnerable, especially girls, are in great need of human-centred education. Play is found in all cultures and is increasingly seen as a cornerstone of children's full and healthy development. It supports children to "get to explore [their] surroundings and to know [themselves]" (17 year old female, *Shaking the Movers VII*, 2013). Indeed, play is often thought of as an integral part of our humanity as *homo ludens*, the playful human (Huizinga, 1944; Sutton-Smith 1996). Building on play literature over the centuries, research in the past ten to fifteen years has begun to highlight the critical role of play in the healthy, cognitive, social and physical development of children (Hirsh-Pasek & Michnick Golinkoff, 2008; Marantz Henig, 2008; Ratey, 2008). The definition of play, however, is still wide-ranging and elusive. It's no surprise then that the IPA consultations on the children's right to play found that the most common challenge in implementing Article 31 was a lack of awareness by most adults of what play actually *is*, and how it can contribute to the growth, development and well-being of children (IPA, 2010).

The IPA study also highlighted that adults are unaware of the importance of play; that parents' fears of harm is preventing children getting access to unstructured play; that local and national authorities' play policies are inadequate or non-existent; that today globally there are inadequate spaces or facilities for play, partially based on Authorities', institutions' and professionals' fear of litigation (IPA, 2010). Finally the study also points out that the norm for children is becoming structured, programmed adult-driven leisure time with little room for unstructured, child-generated play activities.

The verb 'to play' means to engage in an activity for enjoyment and recreation rather than a serious or practical purpose. Play is seen as a state of being, purposeless, fun, pleasurable, for the most part focused on the actual experience, not on accomplishing a goal or outcome. Play is where we learn to be, and remain, human. Play is where the self is truly expressed, where wishes and fantasies are expressed, where deep emotions and core dynamics show themselves and where interests are nurtured. And it is essential for health, healing and well-being.

Mark Twain stated "Work consists of whatever a body is obliged to do. Play consists of whatever a body is not obliged to do."

Many societies dismiss play as childish, as not serious. Play is perceived as unproductive, petty or even a guilty pleasure. The notion is that once we reach adulthood, it's time to get serious. Between personal and professional responsibilities, there's no time for play. Yet we also know that children and adults learn best when playing. By its nature play is rewarding, generates optimism/hope, makes perseverance fun, leads to mastery, fosters empathy, promotes a sense of belonging and community and allows difficult issues to be addressed. It enhances relationships, is energizing, deepens connections and does not feel like work.

Play has the ability to support children and youth to “learn and grow, socialize, be creative and explore” (Shaking the Movers VII, 2013). The physical and social benefits of play are most widely recognized, such as play’s ability to build children’s physical literacy as well as collaboration, cooperation, problem-solving, and communication skills (Miller & Almon, 2011; Ratey, 2008). Play can increase children’s ability to regulate their emotions and behaviour; play can enhance children’s self-efficacy, self-esteem, confidence, and feelings of mastery and well-being; play can help in coping with distress and can foster hope, optimism, and social cohesion; and play can help teach honesty, teamwork, fair play, and respect for oneself and others (Duncan & Lockwood, 2008; Hammer & Baluja, 2012; Hirsh-Pasek & Michnick Golinkoff, 2008; Ratey, 2008; Giesbrecht, n.d.; Marantz Henig, 2008; Miller & Almon, 2009).

Through play, children can build their executive functioning and critical thinking skills, and can generate ideas of their own while exercising their imaginations (Colucci, 2012; Duncan & Lockwood, 2008; Hirsh-Pasek & Michnick Golinkoff, 2008; Miller & Almon, 2009; Ratey, 2008). Well-designed programs that use play as a tool for learning can create a safe environment where mistakes have lower consequences and more risks can be taken and learned from (Duncan & Lockwood, 2008; Marantz Henig, 2008). Furthermore, play can create an engaging educational environment where children can develop a love of learning (Hirsh-Pasek & Michnick Golinkoff, 2008; Miller & Almon, 2009). Less recognized are play’s cognitive benefits, and play’s vital role in enhancing the learning process. This is due to the fact that play is often, and erroneously, seen in contrast to productive work. The IPA global consultations found that these negative perceptions of play have deep roots in the socio-cultural construction of play as a concept in many different societies, where play is defined in opposition to work, and by implication, is not necessary and therefore not important (IPA, 2010).

Through play in IICRD’s work and Right To Play programs, children and adults are able to actively engage in decision-making processes, develop to their full potential and thrive amidst a broad array of challenges. Despite strong evidence that play is beneficial to children’s development, Article 31 continues to be one of the most neglected rights of the child (Shackel in Smith, 2015). Unfortunately, the growing cross-cultural evidence base on the benefits of using play to learn, and general psychosocial flourishing, is often not integrated into school curricula, particularly in the Global South, and is even less available to children suffering the effects of conflict and community violence (UN Committee on the Rights of the Child, 2012). The universalistic normative assumption that children are objects identical across time and space instead of unique individuals with their own ways of knowing and communication acts as a limitation for actualizing diverse forms of play to meet children’s learning and development needs. Too often we see a hierarchy of work over play, where there is a linear trajectory of development of children into adulthood, as if children are progressing from human becomings to human beings. We need to move towards children and adults as both beings and becomings.

Mali Child Protection Assessment Case Study

The *Monitoring Right To Play’s Child Protection Impact on War Affected Children in Mali* research was grounded in an ecological theory of Indigenous and endogenous understandings of play, education, human development and well-being (Bronfenbrenner, 1975; Cook & White, 2007; Rogoff, 2005). In defining “Indigenous”, we challenge the dichotomy of “ancient” and “modern” knowledge by recognizing and exploring ways in which Indigenous knowledge systems are dynamic and adapt to new concepts and philosophies throughout time and place (Dei, 2011; Haerkort, 2010; Semali, 1999). Thus, Indigenous

knowledges can be defined as under “a continuous process of experimentation, innovation and adaption” (Lebakeng, 2010, p. 25-26) in which young people play a creative role.

Right To Play and IICRD’s play-based methodology and approach is grounded in participatory, experiential learning and the work of educationalists such as Freire, Brown, Piaget, and Bransford. Connecting play-based learning to education in unstable environments further increases children and youth’s success in education through regular participation in active, safe learning and student-centred pedagogy. In both conflict and non-conflicts settings, sport and play activities promote children’s meaningful participation, coping skills, concentration, problem-solving, critical thinking, positive self-esteem, self-efficacy, the capacity to have fun and manage stress, and the ability to envision a future with hope. Engaging traditional leaders, teachers, parents/caregivers, and community in play and learning, and positioning children and youth in play-based peer mentorship roles, have together been shown to strengthen the holistic learning experience.

Right To Play (RTP) partnered with the International Institute for Child Rights and Development (IICRD), Royal Roads University, to evaluate the influence of play-based education in mediating child protection and developmental outcomes in the context of the ongoing civil war and resulting community and domestic violence in Mali, West Africa. The evaluation drew on IICRD’s child-centred, participatory action research tools processes to explore interrelationships between risk and protective factors across children’s social ecologies. IICRD added another dimension of “mindfulness” to strengthen the research process to support children and youth engaged to thrive. Mindfulness is defined as “the intentional, accepting and non-judgmental focus of one’s attention on the emotions, thoughts and sensations occurring in the present moment” (IICRD & RTP, 2015). It is frequently used in meditation and other reflective practices and has been integrated by IICRD in many intentional games with children and adults to stimulate empathy and evidence-informed engagement in support of children’s rights.

The findings suggest that play is reinforcing protection and the resulting social well-being is contributing to children’s education in multiple ways, including: enhancing mind-body connection, social bonding, learning and creative thinking to solve problems, overcoming social challenges, and fostering agency, community engagement and social activism. Some of these variables, such as the benefits of mind-body connection and harmonious conjoining of joy and creativity, offer important opportunities for broadening the range of emergency options that are afforded to children in more typical child protection interventions such as trauma-informed counselling interventions and the creation of safe spaces.

The research collaboration between Right To Play and IICRD provided a rich learning experience that builds on both agencies’ strengths in child-centred interventions. The value of play adds specific support to children’s psychosocial well-being, agency and resiliency in conflict-affected situations, as well as development. In line with General Comment 17, we opine greater recognition of the value of play for children’s optimum development, resilience and the realization of other rights (General Comment 17). Through mutual learning, programming and research IICRD and RTP endeavour to contribute to the evidence base in the humanitarian and development sector, and support the realization of the right to play for children globally.

See: WWW.IICRD.ORG for link to the full RTP/IICRD Mali report

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RON ENSOM, M.S.W., R.S.W.
ENSOM & ASSOCIATES

The Right to Play: Addressing Inequality

This is not a particularly academic reflection on a child's right to play. It is, rather, the thread that began weaving itself together – at first without my even knowing it – when I began working as a teenager at a camp for boys released from their poverty in the city for two weeks in the country every summer.

Christie Lake Boys' Camp (now Christie Lake Kids) was directed then by a young, energetic and inspiring child psychiatrist, Dr. Dan Offord, who would go on to be recognized and lauded for his seminal research and passionate voice for disadvantaged children.

We never heard Dan use the term, “child rights”. But he did talk about poverty, poor kids beginning the race from well behind the start line, fairness, social justice, civic duty, skills, self-esteem, and pro-social behaviour. It was in hindsight, years later, that I understood that in offering poor children the recreational activities and opportunities their middle class peers take for granted, we were enabling their experience of a “lived right” central to their personal development – the right to play. This continues to this day in Christie Lake programs.

Play is a door to talking with children. When you play with children, you talk with them – about their lives, their hopes, and their worries. This is why I think the right to play is tightly tied to a child’s right to be heard. The relationships that develop between children and adults who play with them are hearing aids for children – or should I say, for adults.

Not only does play – and the voice it offers – enable children to find fun, make friends, explore interests, master skills, and develop a sense of self, it is a primary and early experience of a lived right. And that experience of an early lived right can prime a child’s recognition of her/his other rights.

Early in my career, I was responsible for community-based residential group care and treatment facilities for a children’s aid society. In those days (and even these days), group homes had a negative reputation for turbulence and for tottering on the edge of chaos and control. But exploring with our children their interests in recreation and other activities enriched their lives with positive experiences, built their skills and self-esteem, and strengthened our relationships with them. When this happened, a group home felt more like a caring family than a contest for control.

Later in my career, in a pediatric hospital child protection program, the importance of talking with children – listening carefully to them – could be critical to their personal safety and often a pathway to the rest of their lives. This is why, in a recent update of the hospital’s child protection policy, there is specific mention of CRC Article 12 (the right to be heard) as well, of course, as Article 19 (the right to protection from violence).

My experience of serving children who are living a right has led me to see “rights” in two ways: lived, as in experienced without being named, or named, whether experienced or not. For example, when we provide recreation programs and opportunities to address the inequality faced by disadvantaged children, those children in all likelihood simply participate in the activities without thinking they have a right to play. Later on, as they grow, reflect on their childhood, and perhaps learn about “rights”, they may see their childhood as a time when their formal rights were lived or ignored. The imperative in all of this for me is our civic duty, as Dan Offord put it, to ensure that life is fair for all kids.

Play is a natural and positive activity for children. Play develops skills. Skills develop confidence. Confidence builds self-esteem. Self-esteem is a foundational strength.

A final thought about rights and strengths. The “strengths-based perspective”, which has been gaining currency in the helping professions, strikes me as a conceptual and functional companion to children’s rights. The strengths-based perspective states the obvious: that it is people’s strengths, not their deficits, which enable them to make desired changes in their lives. People climb ladders by placing their feet on the rungs, not in the spaces between the rungs. Rights are rungs.

CHRISTINE GERVAIS, PH.D.
DEPARTMENT OF CRIMINOLOGY, UNIVERSITY OF OTTAWA

Standing Up for Offending Youths' Right to Play: Re-Constructing Individual Identity and Reassuring Public Safety

The Shaking the Movers' 2013 Workshop on "Standing Up for Children's Right to Play" sheds important light upon young people's insightful opinions of, and enriching approaches to, children's right to play. The participants must be commended for their thoughtful awareness of the obstacles that some children face in accessing recreational opportunities. It is the participants' consideration of barriers that drew my attention towards the context of a particularly marginalized population of children whose sexual offending behaviours, their harmful consequences, and societal reactions against them that tend to pose significant challenges in the upholding of their rights generally, and in the safeguarding of their 'right' to play more particularly. Yet, as I attempt to demonstrate in this brief commentary, attending to offending children's right to play is not only valuable in the constructive development of their individual identity, but it is also essential for public safety.

Upon hearing about sexual offending by children and youth, observers may react judgementally, assuming that such young people have crossed the boundary of what is acceptable behaviour in terms of the right to play because their sexual behaviour has infringed upon other children's right to safety, privacy and dignity. Thus, one may have a tendency to seek to deny such young people the right to play or assume that they are not deserving of any rights, and certainly not recreational ones.

Many young people and their families encounter such reactionary attitudes. In a study⁶ on the collateral consequences to parents of young people who sexually offend, Dr. Elisa Romano⁷ and I have heard from parents who have struggled with addressing the 'best interest' of their child as they have faced criticism from victims' relatives and other observers who contend that the child who has sexually harmed others should be deprived of all extra-curricular and recreational activities and that the emphasis should only be placed on holding them accountable in a punitive⁸ way. Many of the reactionary attitudes that these parents have faced have made them feel guilty for anything positive or constructive that they tried to do in order to support their offending child.

As societal reactions most often demand punitive 'justice' along with guilt and shame, expectations of 'responsibility' tend to prevail over any regard for 'rights', especially in cases where sexual offending against children has occurred. However, such a dominant anti-rights view can actually limit both the

⁶ The study has been sponsored by the Law Foundation of Ontario and is supported by the Interdisciplinary Research Laboratory on the Rights of the Child in the Faculty of Law at the University of Ottawa. We have been interviewing parents of adolescent boys who have been receiving support services from Children's Hospital of Eastern Ontario (CHEO)'s Mental Health Outpatient Services in the aftermath of their involvement in sexually harmful behaviour against other children.

⁷ Dr. Elisa Romano is an Associate Professor in Psychology at the University of Ottawa.

⁸ The punitive approach is not unique to children who sexually offend. It is a commonly held view against sexual offending generally.

potential and actual outcome of much-needed restorative responses among young people who struggle with a new social identity of ‘sex offender’ — a stigmatizing label that often exacerbates the deprivation of rights, and results in further isolation and feelings of unworthiness. Thus ideally, a comprehensive approach should address both rights and responsibilities.

Re-Negotiating Identity and Preventing Further Harm

Without necessarily having specifically considered the plight of young people who sexually offend, the STM 2013 participants’ perspectives offer relevant insight into the ways in which exclusionary responses can and should be contested. In this light, both the barriers and solutions that the participants identified in relation to children’s right to play are pertinent to the restoration of identity,⁹ the reduction of stigma and the prevention of harm in relation to young people who have sexually offended — youth who are often extremely ostracized as a result of their past offending.

Barriers

In their apt identification of barriers related to the right to play, various participants (including 14 and 17 year old females [pgs. 20 and 13 respectively]) raised concerns about “being judged” by others. Parallel concerns are common among offending youth who are often deemed unworthy of inclusion in familial and societal activities and are thus ostracized, isolated and ultimately held back. The ensuing consequences of a sense of rejection, lower self-esteem and overall withdrawal from positive social settings can be detrimental to a young person’s pro-social capacity building and could place them at further risk of reoffending (Ryan et al. 2010; Worling & Langstrom 2006).

Such negative consequences resulting from “being judged” are also associated with other barriers to the right to play identified by the STM 2013 participants: “negative people” and “[f]amily’s view/perception/influence” (p. 14). In light of the broad implications of these barriers, I recommend that the STM 2013’s participants’ examples be considered for all young people who are faced with the burden and fear of other people’s negative perceptions. In the case of young offenders in particular, such barriers become relevant when they are perceived to not have ‘any’ rights, and certainly not the right to have fun anymore. Such views may be understandable when they are held by the victim(s) and their families as they are likely to still be struggling with the trauma resulting from the harm perpetrated against them. Yet, as parents have informed us, and as I show next, the young offender’s immediate relatives or close acquaintances sometimes also have negative reactions which can have devastating effects for the young person.

It was reported that during STM VII “Youth shared that when their favourite things were taken away they felt small, like their voices didn’t matter and weren’t heard” (p. 18). Such feelings of smallness and disregard are also felt among young offenders who are shunned. If we substitute “favourite things” with “favourite people” in the quotation above, we can reflect more widely on the negative impacts for young offenders who are separated abruptly and often over the long-term from siblings, cousins, friends and neighbours who are no longer allowed to play together. While such separation is understandable for preventative reasons, it is often carried out very judgmentally, leading to long-standing feelings of unworthiness on the part of the offending youth, as well as their immediate family members (parents,

⁹ The restoration of identity is essential to the restoration of a sense of community, belonging and acceptance.

siblings) who are often rejected along with them. What is of further concern, especially in cases where absolute exclusion is expected,¹⁰ is that the young offender struggles with broken or lost relations, and by extension sometimes with a lost identity as a sibling, cousin, friend or neighbour. As they conveyed the negative impacts experienced by their offending child, parents painfully recollected how such losses of identity and relations, and of the social aspects often associated with them, were among the most difficult challenges to manage, both emotionally and practically, in the aftermath of their child's offending behaviour. Such restrictions, which often include no contact at all with extended family, are often counter-productive in the constructive rehabilitation process in which building positive and constructive identities and relations is key (Worling & Langstrom 2006).

Solutions

One of the key questions posed by the participants and organizers of STM 2013 in their consideration of solutions is indicative of how attentive young people are to the plight of marginalized children: "How can we stand up or advocate for children and youth who may be facing challenges or barriers to accessing their right to play?" (p. 13). Such a question is central to the concerns that I have raised thus far regarding the ostracizing effects on young offenders who are excluded from 'playing' with others. Through their inclusive and compassionate outlooks, the STM 2013 participants' own responses to the aforementioned question offer important insight into how particular barriers to play and to a positive identity can be overcome among young people who have offended, but who also need their rights re-affirmed, not denied.

Primarily, the rationales that the participants put forth as they underscored the importance of the right to play are applicable to the context of young people who offend. For example, reasons such as "It allows kids to express themselves and discover who they are" and "Gives us identity" (p. 16) are central to efforts that enable offending youth to rediscover and to be able to re-emphasize their positive selves and, if necessary, to re-negotiate their social identity constructively after their harm-generating behaviour has been disclosed and they face stigmatizing reactions as a result. A specific solution proposed by the participants in order to overcome barriers to the right to play underscores the importance of identity in this regard: "Encourage others to be themselves" (p. 23). This is especially relevant in the context of an offending youth who must simultaneously face the negative repercussions of a stigmatizing label (e.g. 'sex offender') and strive towards strengthening his/her sense of self and positive potential. The circumstances are indeed complex given that the label itself can have devastating impacts on one's sense of self, and the individual and societal implications of such devastation/labelling¹¹ can neither be underestimated nor overlooked. Avoiding both underestimation and disregard is precisely what informs Richard Voss' approach: "I treat the child ... not the label."¹²

¹⁰ As offenders' parents reported to us in our study, such expectations were not always mandated by police and social workers; in some cases, it was only the victim's parents who set restrictions.

¹¹ Countering the label is essential because their sexual offending does not represent the totality of neither their behaviour(s) nor their identity. While holding them accountable for their behaviour, it is important to concentrate on the positive aspects of who they remain and what they represent.

¹² Permission to include this quotation was obtained by Richard Voss whose approach involves a balanced protocol that protects the rights of the perpetrator, attends to the victim's needs, recognizes society's expectations of accountability and considers the needs of the families of both the perpetrator and the victim.

Richard Voss is a social worker with the Children's Hospital of Eastern Ontario (CHEO)'s Mental Health Outpatient Services; he is affiliated with our study since he provides counselling to young people who have sexually offended. In stark contrast to those who view the latter as undeserving of the right to play, Mr. Voss emphasizes the positive potential of recreation on young people's identity, reintegration and overall mental health. Consistent with Article 31 of the Convention on the Rights of the Child, Mr. Voss established the "Enriching Life Fund" (ELF) which provides financial support to the families of the young people (both offenders and victims) whom he counsels and who cannot otherwise afford recreational or extra-curricular activities. The purpose of ELF, which is part of the wider CHEO Foundation, is to enable children and youth to gain access to extra-curricular opportunities that Voss views as essential to the healthy development of youths' identities and re-integration.

While many people may believe that young people who sexually offend are not deserving of what critics perceive as a 'privilege' rather than as a 'right' after committing harmful behaviour, it must be recognized that some of the young people who offend may have been deprived of life-enriching opportunities in the past due to their families' limited financial situation. Such a realization is consistent with the STM 2013 participants' awareness of that exact barrier – "Some kids don't have it" (p. 16) – and of the necessary ways to overcome it: "Individuals appealing to community resources and community officials" and "Access to more programming ..." (p. 23). Thus, in light of how STM 2013 participants contend that the right to play "helps you build confidence" and "develops people's social skills" (p. 16), providing young offenders with positive recreational experiences should be seen as part of a holistic approach that allows them to improve their sense of identity as they enhance their social skills. One of the STM 2013 participants aptly identified a potential outcome of play that is related to the purpose of post-offending recreational opportunities: "They may be nicer or more positive with play" (p. 16). Such a statement summarizes meaningfully, and from a child's perspective, the desired outcomes of the skills training and capacity-building that counsellors like Richard Voss practice with young offenders. By maximizing the positive social interactions derived from 'play', the former young offenders can learn to replicate pro-social (as opposed to harm-generating) interactions. In this light, inspiring healthier choices and safer actions on the part of young offenders through cognitive behavioural therapy that is complemented by recreational opportunities represents an important approach that can contribute to the prevention of recidivism (Borduin et al., 2009; Ryan et al., 2010). From both child rights and public safety perspectives, such an approach may be more productive given that it is supporting young people, who are still children, restoratively rather than responding to them (only) punitively (CRC Article 40.3(b); Ryan et al. 2010).

Such a non-punitive, or at the very least a less punitive,¹³ and more holistic approach corresponds with an example given by one of the STM 2013 participants on how to overcome barriers to the right to play: "Acceptance to overcome judging" (p. 23). Moving beyond judgment and focusing on support are essential steps towards restorative healing and constructive rehabilitation – both of which are arguably in the broader interest of public safety (Ryan et al. 2010; Koss et al. 2006).¹⁴ The multiple benefits of recreation that another STM 2013 participant identified also resonate with a play-inclusive approach to dealing with young offenders: "I learned what the 'Right to Play' means ... it's important to improve your health, develop life skills, and help foster peace for children and communities..." (p. 28). The three outcomes mentioned in the quotation are undeniably linked to both the prevention of harm and the

¹³ At least a non-custodial approach should be prioritized.

¹⁴ More information on restorative justice for youth and on a Restorative Peer Court can be found at <http://lanecdr.org/pg78.cfm>

prevention of recidivism. Yet to attain such outcomes among young people who have already sexually offended requires not only a shift in mindset (from a punitive mentality to a more restorative-oriented vision), but also a commitment to the collaboration necessary to ensure that a comprehensive approach is delivered – including one in which the safety of everyone is ensured through monitoring and supervision. As one of the youth leaders reflected on STM 2013, she realized the importance of collaboration in the context of support for children and youth: “It showed to me that therapy requires more cooperation than I was first lead to believe” (p. 32). As Elisa Romano and I (2014) have shown, based on feedback from parents of young people who sexually offend, the solution must indeed be comprehensive and include components that foster accountability and recreational activity. But for that all-encompassing approach to be successful – to whatever degree that is possible – there is an undeniable need for greater communication and cooperation among the service providers who must strive to minimize their sometimes contradictory and inconsistent decisions that lead to ineffective practices, and to instead maximize the consistency and clarity of their approaches that will ultimately foster greater effectiveness.

Conclusion

Standing up for the right to play on behalf of young people who offend, and particularly of those who sexually offend, challenges us, and perhaps even the most pro-child rights advocates among us, to dig deeper into our individual and collective selves in order to infuse compassion into our responses in such complex circumstances. Yet, it is from the STM 2013 participants’ own outlooks that we are reminded of the consideration required to think more broadly about why, how and for whom children’s right to play should be pursued. By drawing attention to the barriers to the right to play, the participants enable us to consider how such obstacles are relevant to marginalized children who cannot sometimes exercise their right to play due to the stigmatization that they encounter, which brands them as unworthy of ‘play’.

While the rights of victims, particularly child victims, are of the utmost consideration, attention must also be paid to how the consequences and reactions to young people’s offending and harm-generating behaviour can be stigmatizing and isolating, and can, as a result, deny them access to opportunities that are essential to help them reintegrate healthily and safely within society (Convention on the Rights of the Child, Article 40). Without disregarding the importance of holding young people accountable for their harm-generating behaviour, we cannot lose sight of the fact that the ‘offenders’ are first and foremost children, and they thus have rights.

In the interest of harm prevention, we must be cautious about not depriving young offenders of their right to the support that could optimize their development, enhance the pro-social aspects of their identity, and by extension lessen their risk of re-offending. Thus, the question we should be asking ourselves is less about: “Should young offenders, and particularly young ‘sex offenders’ be allowed to play?” But rather: “Are we, as a society, prepared to live with the consequences if we deny young offenders the opportunity to play?”

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NOAH KENNEALLY, PH.D. CANDIDATE

DEPARTMENT OF HUMANITIES, SOCIAL SCIENCES AND SOCIAL JUSTICE EDUCATION, OISE/UoFT

Response to Question 1 on "Play and Identity in a Rights-Based Framework"

One of the comments made by a youth participant of this year's Shaking the Movers struck a chord in me – speaking directly, I feel, to issues of identity and the right to play:

"The right to play is being able to express yourself without being judged." (Shaking The Movers VII [STM], p. 13).

This emphasis on being highlights play's relationship to identity. Along similar lines, I very much appreciated the comment in the description of STM 2013, on page 9:

"The most meaningful part of our conference was seeing youth supporting and encouraging one another to express themselves and be who they are."

At our CRAN meeting, Christine Gervais commented on how the young people's comments were so compassionate and attentive – I agree, and feel that this is woven throughout the report. What I also noted, across the participants' comments, was that the young people at the conference really considered play to be in profound relation to themselves – about expressing themselves, their beings, and who they are in the world.

However, it was in the following comment in particular that I found a direct tie-in to how the field of early childhood theoretically frames play:

“[The right to play means] getting to explore your surroundings and getting to know yourself.” (STM, p. 14).

In early childhood education and early childhood theory, experimentation and theory building and theory testing through play are big topics of conversation. These concepts, and their relationship to play, are at the heart of constructivist approaches to early learning (Chaillé & Britain, 2003; Chaillé, 2008). We see these concepts come alive in young children experimenting with roles, different ways of being and different ways of being with each other. Young children do this through:

- Dressing up,
- Building things,
- Role play,
- Sports and games,
- Imaginative play,
- Representational play, and
- Solitary play

I think that how this looks on the ground – in practice, with young children in a variety of contexts – we should take note of, and pay close attention to the assumptions and taken-for-granted ideas that underpin how we approach play in early childhood. I want to take this opportunity to point out how Foucault said “everything is dangerous” (Foucault, 1994, p. 256) – all our ideas and approaches come with double edges. In an Ontario context, over the last several years early learning has shifted from the Ministry of Children and Youth Services to the Ministry of Education – and with that shift comes Ontario educational curricula for early learning and the full-day kindergarten program. While these curricula are explicitly play-based, these frameworks focus on play as a means to a developmental end. Play is primarily valued when perceived as productive, or serving an educational or developmental purpose.

This has to do with justifying what might look from the outside as the frivolity or triviality of play to the more valued and dominant academic approaches. But, following Foucault, justifying play in the service of learning and development has a dangerous edge, one of instrumentalizing and operationalizing play.

What is play for? What does play do? These questions preoccupy us in early childhood studies. What the perspectives shared by the STM 2013 youth participants illuminate is that play has some very positive purposes. On the other hand, it might be very useful to consider the possibility that play might not always have to *do* something. Children’s play at times can just be, and be about being. I see this as a space for play and identity converging.

We know that play is for a lot things – learning, development, socialization, meaning-making – but I also think it important to consider, and to ensure, that there is space (or spaces) for children where play isn’t for anything.

As adults who work with alongside and for children, it’s vital that we resist pressures to make play always be about learning. Those pressures run counter to rights-based or rights-integrative approaches. At our

gathering, Gerison Lansdown described the development of General Comment 17, and a point was raised then that if play was always for something – where is the joy?

General Comment 17 (2013) is a beautiful document that outlines play as “any activity initiated, controlled, and structured by children themselves” with the key characteristics of “fun, uncertainty, challenge, flexibility, and non-productivity” – the kind of positive, constructive and perhaps unknown and unscrutinized danger alluded to by Professor McGillivray in this report. It is here, in those spaces where play is not for any purpose at all, that play ties closely with aspects of our identity – our ways of being (rather than doing) in the world. I think that becoming ourselves is a dangerous act – and can be more dangerous for certain young people than others – especially in the face of enormous pressures to conform to particular norms of behaviour, or being, or ways of imagining childhood or what it means to be a child.

We imagine childhood as a playful time – but what does that mean? Where does that idea come from? And in the face of what we know more and more about the lived experiences of children in a global context, how can that idea of a playful time be reconciled with the realities of children’s work, children’s labour, the responsibilities and “adult” experiences embodied by children? I worry that if play is always structured by educators and other adults, always subordinated to learning and development, and only valued if serving a purpose – that vital and amazing experimentation with ways of being, of working out through unstructured uncertain play of who children might want to be and how they might want to be, with themselves and others – these beautiful experimental unstable risky dangerous spaces might get paved over.

That is definitely not the tone that emerged from the comments made by the youth at STM 2013. They really seemed to clearly see the relationships between play and creative expression and discovering who they are and can be, and how to be in the world.

This final quote from the STM report sums it up beautifully:

“The right to play is the right to be yourself” (STM, p 13).

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GERISON LANSDOWN
CHAIR, CHILD TO CHILD

Understanding Identity in a Rights-Based Framework

Play, recreation and artistic expression is recognized in Article 31 of the Convention on the Rights of the Child as a fundamental right, but it is too rarely understood as such by governments, communities, parents and, therefore, inevitably, by children themselves. Yet play and the arts are the very essence of childhood – not only for the joy, delight and discovery they afford, but for the role they perform in children’s cognitive, physical, social, psychological and emotional development. A central dimension of play and the arts is their role in enabling children to explore, discover and shape their identity. In the Shakers and Movers report, it is possible to trace four themes arising in respect of identity.

Play and Arts as an Expression of Children’s Sense of Identity

The young people articulated very eloquently that play was fundamental to the way they express themselves – through drama, games, play acting, fantasy and imagination. They create and explore as a means of discovery of who they are and, indeed, who they are in relation to other people. The significance of this dimension of play was highlighted by their response to the question of the impact of having favourite things removed from them, which they described in terms of loss of identity. It is through play and artistic expression that they are able to perceive their own uniqueness. Thus, denial of these rights serves to deny them a sense of self. During their meeting, they engaged in a role play where they were each asked to draw an apple which was then criticized by the teacher, as their images did not conform to her perception of an apple. The young people insisted on the legitimacy of their own portrayals. They asserted their right to construct their own identity, their own conception of who they were and how they were entitled to express and articulate that.

The rights embodied in Article 31 allow children to forge relationships, discover who they are, understand themselves in relationship to others, learn rules and boundaries, learn and evolve moral codes, and evolve as human beings. And that sense of uniqueness that emerges is fundamental to human dignity, to optimum development, to freedom of expression, to participation, and to privacy. There are three other themes relating to Article 31 and identity which are implicit in the children’s report, rather than expressly articulated by the children. However, these issues arose very clearly in the work undertaken in producing the General Comment on Article 31 for the Committee on the Rights of the Child.¹⁵

Play as the Medium through which Children Acquire and Transform the Identity of their Culture, Family, Traditions, Values

The role of play and the arts as a means through which children inherit and transmit values and culture was implicit rather than explicit in the Shakers and Movers report. Young people are living and experiencing this process rather than observing and analyzing it. However, it is a theme that can be

¹⁵ CRC General Comment No.17 on the right of the child to rest, play, leisure, recreational activities, cultural life and the arts, CRC/C/GC/17, April 2013

discerned throughout their responses. Children's engagement in a community's cultural life builds their sense of belonging. Through this they inherit a culture and its traditions, which informs the building of their identity. Within most families, there are stories, songs, pictures, humour, and games which are shared, and contribute to the child's understanding of who they are. And in the wider community, there will be common cultural traditions that bind children to other families and generations, and provide them with sense of having roots. These are often expressed at festivals, celebrations and through religious ceremonies.

However, children do not simply absorb a static inheritance. They also, and in turn, transform, adapt, and create new expressions of that culture. They might use the same forms – games of tag, war games, ball games, skipping songs and so on, but in so doing they will forge a new identity carved out of the old and the new. Recent topical events, famous characters, sporting events, migration, or conflict might all influence the focus and orientation of adapted play and arts. Immigrant children seeking to engage in a new and different host culture, while still connected and loyal to their family traditions, find themselves forging complex merged identities which seek to reconcile elements of both worlds they inhabit. Similar challenges are faced by children brokering a pathway between Indigenous and mainstream cultures. Children growing up in contexts of civil war will absorb their lived experiences of conflict into pre-existing cultural games and play activities. Notably, after the Second World War in England, boys' play was dominated by war games in which the construction of Germans as 'baddies', and identification with being both British and on the winning side that had defeated evil, were integral to the sense of identity with which those children grew up.

Most notably, in recent years, children are at the forefront of using digital platforms and virtual worlds through which they are creating new identities, new means of communicating and new forms of language. Online and physical worlds are seamless to young people who can create multiple identities through forms of social media – and are able to mediate the construction of those identities in ways that were not possible to earlier generations. They also engage in these platforms in ways which create identities which are separate from and exclude adults. In this way they are creating their own unique worlds, through which they express their emerging identities.

Restoration of Identity through Therapeutic Play and Artistic Expression

Opportunities for play, recreation and cultural activity can perform a significant therapeutic and rehabilitative role, helping children recover a sense of normality and joy after experiencing loss, dislocation and trauma. Refugee children, and those who have experienced, for example, bereavement, violence, abuse or exploitation can be helped, through play, music, poetry, or drama, to overcome emotional pain, and regain control over their lives, restore a sense of identity, make meaning of what has happened to them, and experience fun and enjoyment. Participation in cultural or artistic endeavours, 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.

The role of constructing alternative identities as a means through which to explore emotional pain is well illustrated by work done with children with HIV/AIDS or TB who were long-stay patients in Durban

hospital in South Africa.¹⁶ The children were presented with a pile of socks, buttons and ribbons. They each chose a sock, which, on their hand, became a puppet. They then gave the puppet a face with the buttons and ribbons and gave it a name. Through the voice of the puppet, they were then able to talk about and explore painful experiences and vulnerabilities that might have felt too raw to expose in themselves. One child described how his friend, the puppet, felt lonely and cried at night so he had to comfort him. In other words, the creation of a separate identity through the puppet gave them licence to open up and share pain, and therefore access help and support. Indeed one of the messages from *Shaking the Movers* is that many of the young people observed that they don't always have people to talk to that they trust or that they don't feel as though people actually care to hear what they have to say. Instead, they turn to their passion of art or music to express what they can't always say. Research with Indigenous children in Bolivia demonstrates that children who are required at an early age to adopt adult responsibilities can fairly easily assume the mantle of adult identity, but will revert to childhood identity through the role of play as soon as the opportunity arises.¹⁷

Children are also using social media through which to escape into alternative identities. It offers a space where, for example, gay or lesbian young people can feel safe to express their sexual identity, which may not be possible for them in the physical environment. This is a relatively little researched field to date. Similarly, little is known about whether or how children with disabilities, as they approach puberty, use alternative online identities as a means of avoiding the stigma or exclusion they often experience from other children. Conversely, the Internet may provide opportunities to connect and establish friendships with others who have similar impairments and to strengthen self-esteem in acknowledging who they are.

The Impact of Cultural Constructions of Identity on the Nature of Children's Play

Cultural assumptions and values have a powerful impact on children's sense of identity and the consequent nature of and opportunities for play. This is most powerfully evidenced in the gender norms which influence the different play experiences of boys and girls. A range of factors serve to define the nature of girls' play – domestic and child care responsibilities, protective concerns on the part of parents, lack of appropriate facilities, and cultural assumptions imposing limitations on the expectations and behaviour of girls, and their consequent assumptions about their own role in society and identity as girls. In many parts of the world, play is seen as less important for girls. Girls playing, swimming, or engaged in sporting activities are a relatively rare sight in most developing countries. In a study undertaken with adolescent girls in Kenya for the development of the General Comment on Article 31 for the Committee on the Rights of the Child, it was evident that the concept of play was non-existent in their lives. They were expected to be at school, doing homework, caring for siblings or undertaking domestic chores. They perceived boys to have significantly more freedom for play, recreation and sport than was afforded to them, and although they clearly yearned for comparable freedoms, they had absorbed a strong sense that this was out of the realm of possibility simply because they were girls.

However, gendered restrictions on play are not an exclusive issue for developing countries. A recent study in Belfast found that the only public spaces for play across a number of communities were football grounds which were totally dominated by boys. No facilities whatever were provided for girls. The lack of

¹⁶ Phila Impilo, <http://www.open.edu/openlearnworks/mod/oucontent/view.php?id=53626>

¹⁷ Punch S, , Youth Transitions and inter-dependent adult child relations in Southern Bolivia, *Journal of Rural Studies*, 2002, Vol 18 (2)

investment or priority given to their interests or needs sends a powerful message to girls that their gender, and therefore their identity, is less valued and less worthy of recognition. Furthermore, the type of toys and play opportunities provided for children – for example, the domination of pink products and domestic activities for girls, contrasted with the marketing of science and technology games exclusively for boys, all reinforce traditional sex roles in society and can serve to entrap boys and girls into narrow definitions of potential identity. These patterns of marketing toys and games, underpinned by wider cultural norms and expectations, construct male identities in terms of preparation for successful performance in a wide range of work and other settings in modern society. In contrast, girls' games reinforce a more passive, often sexualized identity, directed towards the private sphere of the home and future roles as wives and mothers. Furthermore, girls have considerably lower participation rates in physical activities and organized games as a consequence of societal constructions of gender identities, leading to either self-imposed exclusion or lack of appropriate provision.

Together, these factors have a powerful impact on how girls and boys construct their identities. They can serve to deny equality of opportunity. But they also serve to actively discriminate against girls, entrapping them into assumptions of lower expectation, lower self-esteem, and failing to allow them to evolve their capacities and achieve optimum development.

ANNE MCGILLIVRAY, LL.M.
FACULTY OF LAW, RETIRED, UNIVERSITY OF MANITOBA

Play: A Right Under Threat

The Shorter Oxford dictionary defines “play” in five columns of tiny print covering almost three pages. It is one of the longer definitions in the dictionary. It is a word with many applications. Originating in the Old English “plegan” meaning to dance or to leap for joy, it is one of those few words actively in use across centuries to have retained its original meaning. The Shorter Oxford cites the poet Milton — “And young and old came forth to play On a sunshine Holyday” — a sentiment reflected in a child’s comment made almost four centuries later. *Play is friendship, playing with children, dancing.*

If young and old play, and if play can be gambling or sports or a way to pass the time as the Shorter Oxford suggests, why has play been made a right specific to the child? This posed no problem for the children gathered at STMVII.¹⁸ They equate play with another basic right, the right to freedom and expression. *It’s human to express yourself and without being judged and the right to be yourself and form who you are. It is the opportunity to play, explore and be a kid and it is also something that kids do.*¹⁹ It is about imagination and socialization — *imagining stories, songs, arts, plays ... express yourself through how you socialize and emotions — connecting your life with being social or being artistic, expressing yourself with different things or people.*²⁰ It is *getting to explore your surroundings and getting to know*

¹⁸ Shaking the Movers VII: Standing up for Children’s Right to Play (STMVII)

¹⁹ Ibid., 13

²⁰ Ibid, 14

yourself, doing things you enjoy and not being forced to do something you don't want to do. Play brings people together, everyone expressing themselves together through arts and sports, dancing and imagining, being alone and being together.

Play, according to these children, forms the person you will become by freely expressing who you are. Play prepares you for maturity but it is your own maturity that you practice through free play. From stories and from play, children make their childhoods and themselves. The right to play, a right central to childhood, is now under threat from national and multinational corporations whose products and advertising and whose enormous knowledge of childhood derived from the psy sciences, empirical research and information provided by children themselves through corporate-owned media, are directly aimed at children.

Prior to the late nineteenth century, historians viewed children's play as natural, universal and trivial. For much of history, children's play remained undisturbed and undescribed. It belonged to the private spaces of childhood in which the forms of play are transmitted from child to child. That play is a fragile thing is exemplified in playthings made by Australian Aborigine children. Two tiny-rolled-clay breasts joined with a string around a girl's neck suckle a tiny rolled-clay doll (Haagen, 1992). Other dolls are cloth-wrapped shells. Bows and arrows are made of twigs and miniature dugouts are formed from dried mud.²¹ That play or at least "the objects of play" is also enduring is exemplified in a dried-clay horse from Roman-occupied Egypt, sized 2000 years ago for a small fist. (I found this in a London antiquarian shop.) Children's play has for millennia been moderated by adults. A 2800-year old Etruscan bronze doll, pierced so that a little girl could stitch and attach its clothes, was made to encourage useful learning. (I left this in an antiquarian shop.) As play is the right of the child, the central question is how much adult moderation or intervention or control supports the right and how much moderation or intervention and of what sort is inimical to the right. In my recent work, I explore this question through the lens of the corporatization of childhood.²² In this work, I investigate myth as expressed in literature for children as central to children's formation of the childhoods and the understanding of law. In the corporate pursuit of brand loyalty and increasing profits, corporations have achieved a near-total occupation of the secret, mythical spaces of childhood.

Childhood is of course and invention, a conception, but children — their developmental fragility, their separate orientation to the world, their lack of political power and social voice — are very rare. Eighteenth-century fashions in portraiture brought children and child's play to the centre of artistic representation. These portraits mark both the beginnings of modern ideas about childhood and the Enlightenment vision of the importance of the individual and his rights. The supposed freedom of elite children represented the freedom from the stifling control of family and state. Enlightenment philosophers John Locke and Jean-Jacques Rousseau made play visible in their treaties on childhood education.²³ The New Child exemplified the Enlightenment ideal of the free, affective, rights-bearing adult Self. The New Childhood, singled the start of a profound change in how we see and govern childhood.²⁴

²¹ C. Haagen, *Bush Toys: Aboriginal Children at Play* (Canberra AU: Aboriginal Studies Press, 1992).

²² A. McGillivray, "The Child's Mind as a Blank Book ///

²³ Locke /// Rousseau /// Aries, Stone, Steward, McGillivray

²⁴ McGillivray, *Governing ///*

MONICA EILEEN PATTERSON, PH.D.
THE INSTITUTE OF INTERDISCIPLINARY STUDIES, CARLETON UNIVERSITY

Addressing Inequalities and Children's Right to Play

What counts as play? What form can children's artistic expression take? What challenges do children face when it comes to engaging in these two activities, enshrined as universal rights in the Convention on the Rights of the Child?

An exploration of these issues demands attending to issues of inequality, not only amongst the children with whom we are concerned, but in the very frameworks of understanding that we as researchers, practitioners, and child advocates employ.

Listening to children and youth themselves is an optimal place to start. The reflections which follow are drawn from and inspired by the ideas of the children and youth participants in the seventh Shaking the Movers conference, who reported on their own experiences of play and artistic expression, and the barriers that they have encountered as well.

In this paper I identify four main areas of consideration in thinking about how to address inequalities affecting children's right to play and to artistic expression, learning from the important insights that were gathered in this report.

The Epistemology of Inequality

To begin, it is worth taking a step back to consider the **epistemological questions** of how we recognize and know about inequality in the first place. When I refer to epistemologies, I refer to the limits in our knowledge. These include considerations of how certain approaches, methods, preconceptions, and assumptions allow us to see certain things and not others. These questions are of particular importance in regard to difference, a theme that runs throughout my essay.

Inequality often produces a great deal of suffering for those who find themselves on the bottom of various hierarchies. But can we actually know the pain and suffering of others if we haven't experienced it? Many scholars have taken up this question, including Elaine Scarry, Veena Das, Susan Sontag, and Ludwig Wittgenstein. In different ways, they explore the limitations of conveying the experience of suffering to others. Differences of culture, class, gender, sexuality, and ability (among other factors) often act as barriers to understanding experiences that are not shared.

A diverse group, the children and youth who provided much of the content for the *Shaking the Movers VII: Standing up for Children's Right to Play* report provide some crucial insights for understanding how we can actually access and understand inequality.

But, as they experienced during their two-day workshop, even raising questions about inequality posed ethical, epistemological, and practical challenges. Some of the participants felt a tension between their desire to create a space for inequalities to be addressed and their commitment to ensuring that everyone felt comfortable and respected. Privilege often blinds those who have it to experiences outside of their realities. In addition to suffering, inequality often produces stigma, and as a result of not wanting to "put

anyone on the spot,” the issue was not explored in depth within the larger group setting. On the one hand, this avoidance was driven by a desire to be sensitive to difference, but on the other, it may have reproduced certain silences and invisibilities. I offer this as an example of some of the epistemological limits of actually engaging with inequality, because of the very circumstances of its production.

What do we know, and how do we know it?

In the social sciences, there has been a recent shift in research involving children, signaled by a change in the very language used to describe such work and the methodologies employed. Rather than doing research *on* children, many researchers now approach their work as doing research *with* children. This shift emerges from the social constructivist turn which recognizes childhood as something created through social and cultural practice, and as something that children themselves are engaged in constructing. Social constructivism also recognizes children as social actors with their own perspectives. As such, they are increasingly regarded as having valuable insights into their own lives, and worthy of being approached more as research partners or co-producers of knowledge rather than merely as passive objects to be observed or experimented upon.

The main goal of the Shaking the Movers conferences is “to hear the voices of young people” and to create a space for children and youth to organize and express themselves directly. The young participants are prime examples of how children are taking up the issue of the meaning and circumstances of childhood themselves. But adults must also do their part to recognize the agency of children and the value of the knowledge that they possess. This collection of essays, from academics, advocates, and practitioners concerned with children – and the annual Child Rights Academic Network Conference (CRAN) centred on the report coming out of the annual children’s conference – constitutes a serious engagement with the knowledge of children. Unfortunately, this model for placing children’s agency at the center of academic analysis and advocacy is not yet the norm, as the notion of children as passive subjects is still deeply embedded in the mass consciousness and in academe. There is still a lot of work to be done in terms of the general consensus building around this issue.

One of the lessons that this particular workshop seems to have conveyed most powerfully is that **knowledge comes in many forms**. This includes embodied knowledge, and as noted in the final report, “This year we heard the voices of young people in a unique way; through their dancing, singing, artwork, discussions, and presentations” (p. 9). CRAN members were able to experience the power of children’s embodied knowledge and expression in the opening reception of the academic conference with a live performance by the Dandelion Dance Company. This diverse group of young women conveyed, through their dance, their expressions, and in answering our questions after their performance, the power of embodied knowledge and how it influences many aspects of life beyond just its physical and immediate manifestations in any given moment. The youth performers described some of the benefits they had experienced including creating new friendships, honing leadership and communication skills, building confidence, discovering outlets for self-expression, exploring their creativity, developing deeper sensitivity to others’ experiences, and, not least, having fun!

In sharing their experiences of involvement in the group with us, dance company members also made evident the importance of learning through group dialogue. Such group knowledge is attained through collaborative processes that actually surpass and transcend the knowledge and understanding that any individual could have attained in isolation.

But the challenges produced by inequalities are real, and it is often an ongoing struggle to avoid producing shame, ignorance, insensitivity, invisibility, and silencing when encountering difference.

The tension between sensitivity and recognition presents a paradox. While sensitivity is very important, the awareness of the need for sensitivity on issues of inequality can also produce further silences. It can reproduce inequalities and invisibilities around certain issues and perspectives.

That is a real challenge and dilemma, for the children themselves as they experienced it, and for us in our varied roles as advocates, as researchers, and as culture workers in various capacities. So how can we best attend to this problem?

We can start by acknowledging that **children are truly the experts on themselves**.

The Shaking the Movers conference and its young participants offer an instructive example of the knowledge that can be produced when children take the opportunity to engage with one another, and when they are listened to by adults. Inverting the traditional power dynamic by thus centering the voices of children in debates about their welfare is crucial if we are to benefit from their valuable knowledge and insights.

The Marginalization and Subalternity of Children and their Forms of Artistic Expression

The second issue to consider in terms of addressing inequality is the issue of **marginality**, or **subalternity**.

To marginalize is to relegate to an unimportant or powerless position within a society or group (Merriam-Webster.com), and a subaltern is a subordinate. Historically and cross-culturally, children are often the most marginalized members of their societies.

Consider for a moment how children's artistic expressions are typically treated. They are often given cheap, low quality, and rapidly degradable materials and paper to work with, and their art is often displayed haphazardly with masking tape, if it makes it onto the wall. To be sure, this has to do with their incredibly high levels of artistic production, but it nevertheless speaks to the ways in which children's expressions can be marginalized and disregarded.

But there are alternatives to this practice. For instance, at the Children's Art Gallery in Oslo, Norway, children's art has been collected, curated, and displayed using the technologies of exhibition that have been honed through centuries in museums. There one can view children's paintings encased in beautiful, baroque frames, with spotlights shining down on them. Sculptures created by children sit atop pedestals and within glass vitrines. Much of the art has been installed at lower heights than usual, so children can see their peers' works at their own eye level. This is an experience that children don't typically have going to museums that aren't specifically designed for them.

I was amazed at how the kinds of re-framings employed by the curators at the Oslo Children's Art Gallery made me take this art more seriously. A lot of the works in their collection give the master Impressionists and Surrealists in particular a run for their money. As an avid, lifelong art gallery and museum visitor, the

Children's Art Gallery in Oslo is, hands-down, my favorite gallery I have ever visited – not as a children's art gallery, but as an art gallery. If you have a chance to visit, it is well worth the time.

Inequality and Intersectionality

The third issue I would like to raise is the importance of acknowledging the complex **intersectionality** of inequality. Coined by Kimberlé Crenshaw, this term describes the ways in which multiple forms of oppression (such as racism, sexism, homophobia, transphobia, ableism, xenophobia, classism, etc.) are embedded within and inextricable from one another.

We are all familiar with some of the main forms of oppression that we've been grappling with for quite a long time around social identity categories such as race, class, gender, and sexual orientation. These are well-known social factors that are central to our identities and are also some of the main vectors along which discrimination is meted out on individual, personal levels, but also on macro structural/systemic levels.

But the children and youth that we had the chance to hear from in the Shaking the Movers report highlight the power of other, less considered aspects of identity that also powerfully shape their life experiences. These young people draw our attention to things like physical and mental ability, weight, appearance, and also degree of sexual activity, athleticism, shyness, and popularity. These attributes constitute major factors in how young people's worth is determined within their own peer groups but also by the adults in their lives, and in society at large. These important aspects of identity identified by the Shaking the Movers children demand that we think in new and more rigorous ways about inequality, intersectionality, and identity and thus contribute to larger debates on inequality and oppression.

One of the biggest barriers to children's play and artistic expression that the Shaking the Movers youth identified is money. Several of them shared that their families couldn't afford classes or the materials used to produce art.

The powerful impact of class may also be seen in regard to sports, in ways that often have further implications in one's life. For instance, golf is a sport of access, and often serves as a barrier to opportunity for those who cannot afford the significant costs of equipment, practicing, and playing it. It is a sport which businessmen (and it is usually men), play as part of their professional life and it affords a select group of people in certain working sectors opportunities for networking, deal-making, and advancement. In this example, participating in certain kinds of sports actually has significant social, political, and economic implications in one's future.

As children's rights advocates celebrate Article 31, it is important that they continue to ask what sports are available to whom, and with what consequences in the future?

Embedded Assumptions

Finally, I'd like to invite us to think about some of the **embedded assumptions, values, and judgments** in reference to thinking about children's play and artistic expression.

As someone who works in Southern Africa, I am aware that there is a great deal of dialogue and critique of the Convention on the Rights of the Child itself as both reflecting and reinforcing inequalities on the global scale.

Thinking about what childhood is and can be varies considerably depending on where you are looking. For example, childcare in many parts of Africa often involves children taking care of other children. For many observers from the global north, seeing an African child caring for his or her younger sibling immediately triggers a reading which frames these practices in terms of child labor. But when these same observers consider a mother asking her daughter to babysit a younger sibling in a North American suburb, such interaction is typically interpreted as play rather than labor. These are the kind of value judgments and assumptions which are deeply embedded in our understandings of the world. They serve as an ordering shorthand that helps us to make sense of a complex and diverse world, but they are often founded on ignorance and prejudice (particularly when considering African cultures, which have been relentlessly portrayed in negative and stereotypical ways). As scholars, practitioners, and advocates, we need to stay vigilant in our attempts to acknowledge and address embedded assumptions in our thinking, analysis, and practice, and learn more about the ways in which they reproduce deep inequalities on the global scale. It was an awareness of these inequalities and misunderstandings that led to the creation of the African Charter on the Rights and Welfare of the Child. Adopted in 1990 by the Organization of African Unity, the Charter addressed the fact that African participants were hugely underrepresented in the CRC process, but also that there are particular cultural, social, and economic circumstances specific to the African context that were not well understood or reflected in the CRC. One of the greatest contributions of the African Charter was its emphasis on children's responsibilities alongside their rights.

Conclusion

In closing, addressing inequalities in children's right to play and artistic self-expression is a challenging task. It is also one that demands constant engagement and critical thinking, goals that can only be met if the knowledge of children and young people is placed at the center of analysis and advocacy efforts. In the words of one of the youth care students who facilitated the weekend events, "children and youth, regardless of where they are from, or their background, are capable of grand ideas... They are eager to show us their voice, and are wanting change." But this change can only happen with the cooperation of adults, who must first recognize and learn from the knowledge young people possess.

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JULIA RIDDELL, PH.D. CANDIDATE
DEPARTMENT OF PSYCHOLOGY, YORK UNIVERSITY

Response to Question 4 on "Educated Imaginations"

The question: taking into account what Shaking the Movers participants had to say, from your perspective, how can 'imagination' and the capacity for imaginative thinking nurtured through experiences of play and artistic expression become a relevant aspect of your research and practice with young people?

1. The power of play in natural spaces
 - One of my passions is children's experiences in the natural environment and how they develop a connection with the natural world
 - I am concerned that current parenting practices, particularly fear that children will get dirty or injured, fear of strangers, and increasing suburbanization and loss of natural spaces are preventing children from having experiences in wild spaces such as forests, river, lakes, etc.
 - I want to echo the sentiment that youth are the experts on the risks in their lives; we need to listen to them and not project our own fears
 - "Stimulating, adventurous and challenging play environments allow children to test themselves and develop their abilities" (STM VII, p. 28): this made me think of the work of Dr. Lisa Wood from the University of Western Australia, who I just saw spoke...she talked about children's perceptions of their play equipment, where the brightly coloured playground equipment at their schools and community parks were not engaging for them. They were given the opportunity to play at a natural park, climb on rocks, play in the stream and build things out of fallen wood. Dr. Wood reflected on how engaging this experience was
 - There is a huge value in experiential education. I worked at a wilderness therapy program for youth struggling with substance use, mental health and family problem and saw the power of

- nature to help build these youths' sense of self, teach them about natural boundaries and help them re-remember what it feels like to be in the moment
- Play is one of the ways in which we connect to others and to the natural environment
 - I am interested in understanding how early play-based experiences in natural settings help children to develop a connection to the natural environment that may fuel environmental protection and activism
2. School was identified as one of the greatest barriers on the right to play.
 - One of the barriers to artistic expression mentioned by a 15 year old girl was "How teachers mark based on marking scheme" (p. 21)
 - I think this is hugely important to understand, given that we as adults have created the structure of the school system and we have the power to change it
 - This led me to consider, how can we change this from a barrier to a facilitator of play and creativity for youth? That is, how do we uphold the right to play, artistic expression and the use of creativity and imagination in our educational environments?
 - At Lutherwood, the youth are in a section 23 classroom which provides individualized programming for youth who are working towards high school credits. These teachers and youth use their creativity in almost everything they do, from making art to expressing math facts to writing songs to delivering their English homework. I see youth who used to struggle immensely at school finding ways to express their knowledge and understanding. I also see them re-imagining their identity as a student
 - "There is no right or wrong when it comes to art, everything is right" (p. 23) – this goes against the system of grading that we have in place in our education system in Canada. To make space for true artistic expression and imaginative thinking, I think we need to re-consider the ways in which we evaluate and assign grades to students
 3. So much of this relates to our values as a culture. In our capitalistic economic system, we value activities which are productive and related to financial gain. Even education is often viewed as important to ensure students are able to find jobs and contribute to society financially.
 - Much less often is education focused on youth becoming their best self and developing a holistic sense of wellness. Play and artistic expression are not productive, which threatens their existence in many spaces, including schools. Not only are they not productive, they are threatening to the rigid structures of our current system
 - When youth (and adults) play, create, and imagine, they may imagine ways to improve our world and threaten the way things are. It was one of the quotes from the youth that led me to this thought. They said, "We as youth understand the right to play and all have the ambition to make a difference in our community" (p. 29). I thought it was fascinating that this individual linked play to community activism and this association resonated with me. We need imagination to make the world a better place, to think of creative solutions to world problems
 - In future research I would love to explore this connection between play and community activism, to find out more about how this potential connection might work
 4. Play helps facilitate wellness and healing

- A positive psyche – mental health – is about wellness, not the absence of disorder... creativity, imagination and play are part of wellness
- Consider the importance of recreation at Pine River and in wilderness therapy
- Play is therapeutic. As the youth said in their answer to the question “why is the right to play important?”, it builds self-confidence, increases quality of life and develops people/social skills. Deficits in self-esteem/self-confidence and social skills form the core of many issues I see in youth with mental health needs, and play is one of the main solutions
- Positive activity scheduling for clients with depression, music therapy and art therapy, gym: all of these help clients use their imaginations, connect with themselves and each other. I think that by developing their imaginations, they are learning to envision their ideal lives, which is the first step in working towards making positive changes in their lives
- Consider the power of dance to imagine and re-imagine ourselves and to experiment with new ways of being in our bodies
- “The right to play is the right to be yourself” (p. 13)
- “The right to play is being able to express yourself without being judged” (p. 13)
- For future research, I would like to know more about how experiences of play in the natural environment shape child development
- One cannot separate rights and responsibilities. By taking time for recreation and play, we give others permission to do so as well
- If adults placed more importance on play and creative pursuits and made time to engage in these activities themselves, would it be easier for them to see the value of these activities for children?
- Consider the importance of rights-based education: “We need to educate each other and have more knowledge of what our rights are, this was the first time I heard about my rights” (p. 12)
- Consider the following barriers to artistic expression, mentioned by some of the STM youth (p. 20):
 - “How you will be judged by others” (14 year old female)
 - “People, money, haters” (17 year old male)
 - “Negative people” (18 year old male)

To me, these speak to the importance of creating a positive culture of play and artistic expression in schools and in our communities where all individuals feel safe to express themselves.

MÓNICA RUIZ-CASARES, PH.D.

DEPARTMENT OF PSYCHIATRY, SCHOOL OF SOCIAL WORK & THE CENTRE FOR RESEARCH ON CHILDREN AND FAMILIES, MCGILL UNIVERSITY

Standing up for Children's Right to Play: Reflections on Shaking the Movers VII and Article 31 of the United Nations Convention on the Rights of the Child

Through Shaking the Movers VII, a diverse group of young people had an opportunity to reflect on the 'right to play', something that some of them admitted they had never heard of – "I just thought it was something that kids do" (p. 13). Similarly, childhood researchers need to deepen their reflection and skillset to capitalize on young people's imaginative thinking as nurtured through art and play. Researchers can play an important role in facilitating artistic expression, personal reflection, and overcoming judgment. Attuning to inequality provides a good first step to achieve that end.

Indeed, some groups of children are more likely to be limited in their opportunities to enjoy the rights provided for in Article 31. As researchers, we need to: (a) identify potential barriers in collaboration with local partners; (b) be proactive in facilitating children's participation (e.g., recruiting girls, working children, minority children, or children in institutions such as residential homes, hospitals, or detention centres); and (c) consider the methodological and ethical consequences of involving/excluding children from research. During a visit to a centre for unaccompanied child migrants stationed in the border of two Central American countries, my research team learned that children were not allowed to step out of the five-room building out of fear that they might run away. Not only was space at a premium for the over two-dozen boys and girls of all ages who spent days (or weeks!) waiting for their deportation but recreational activities inside the centre were limited, with one TV monitor and no books, games or toys. Despite the lack of conclusive evidence, researchers have shown the potential benefits of sports and play for child physical, social and emotional well-being, as well as for nurturing imaginative thinking and creativity (Alexander, Frohlich, & Fusco, 2014; Lubans, Plotnikoff, & Lubans, 2012; Milteer et al., 2012; Richards et al., 2015). Translating them into practice for all children is still a work in progress.

Documenting these realities from the perspective of adults and children so that they can be brought to the attention of decision-makers is the first step towards making a change. Particularly when working with young children, visual methods can be an effective tool to generate rich information while engaging children in play, recreation and cultural and artistic life (Clark, 1999, 2011; Clark-Ibáñez, 2004; Whiting, 2009). Both the researcher taking or selecting photos to facilitate conversation, and children themselves taking photos with the researcher(s) or with other children or alone, allow for creative expression and valuable insights for adults (Morrow, 2001; Ruiz-Casares, Rousseau, Morlu, & Browne, 2013). Visual methods have proven to ease rapport and balance power relations between adult researchers and children, build trust, and surface non-normative frameworks (Clark-Ibáñez, 2004; Pyle, 2013; Zartler & Richter, 2014). For example, a collaborative, child-focused visual methodology that we developed for use with young children in the Republic of Liberia facilitated active and thoughtful participation among young children. By using photographs in a group setting in the manner described (Ruiz-Casares et al., 2013), normative knowledge on issues such as smoking triggered unanimous reactions among participants whereas topics such as violence, food, and other survival-related life experiences yielded ambivalent understandings of risk and protection. This methodology, which I later used in other contexts (e.g., Lao

People's Democratic Republic), adapts nicely to different socio-economic and cultural settings and has the potential to generate personal reflection and group dialogue, including contradictory positions which must be welcomed by the facilitators. In order to surface surprising/unexpected understandings of risk and protection, it is important that the same photos are used in an iterative way to represent risk and protection and that researchers/facilitators adopt an open mind.

Power dynamics need to be negotiated within groups when children work in teams to accomplish a goal (e.g., 1 camera for several children at once). Researchers need to be aware that who holds the camera determines what reality is captured and what story is told. Age, level of ability (including familiarity with the equipment at hand) and other factors may influence how decisions are made within the group and who manages the camera. In general, it is easier to acquire the necessary skills in little time than, for instance, to learn how to express oneself through writing if the person is illiterate. Having said that, some children are insecure both in holding/operating the equipment and in sharing the result of their work out of fear of judgment. Participants in Shaking the Movers VII expressed this eloquently: "Being graded poorly on self-expression takes away from their passion" (p. 14) and "how you will be judged by others" is a barrier to artistic expression (p. 20). Researchers need to reassure children that there is no right/wrong and model a non-judgmental attitude and behavior from the first interaction. As described by participants in Shaking the Movers VII, accessibility and cost can also act as barriers that researchers need to consider.

Finally, involving children in analysis and interpretation of images raises important questions about representation. In one photo-voice study we conducted in Montreal (Ruiz-Casares & Thompson, 2014), some children voiced their wish to be acknowledged by name, thus confronting the confidentiality/anonymity agreement made with their parents and the university's Institutional Review Board that approved the study. Returning to participants to reconfirm findings is also important because photographs are polysemic (i.e., capable of generating multiple meanings in the viewing process). In so doing, researchers are advised to focus on the intended meaning of images for the participant(s) rather than on building interpretive meaning with them, and to surface internal and external narratives by developing broad categories from the photographs and comparing photographs with their accompanying interview narratives.

This brief piece has advocated for the use of visual methods to bridge the rights to play and participation (Articles 31 and 12 of the Convention of the Rights of the Child, respectively). Despite the ethical and legal challenges that accompany the use of visual methods (Wiles et al., 2008), their potential for active engagement of young people and the flexibility of these methods make them a valuable tool to capitalize on young people's imaginative thinking and artistic expression.

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KELLY STONE, EXECUTIVE DIRECTOR
THE CANADIAN ASSOCIATION OF FAMILY RESOURCE PROGRAMS (FRP CANADA)

Response to Shaking the Movers 2013: UNCRC Article 31

My perspectives on Article 31 stem from years of domestic and international work on behalf of children, living in challenging circumstances. In the Americas, international institutions such as the Inter American Children's Institute (IIN), NGOs and state governments continue to collaborate towards finding very practical on-the-ground ways to implement the UNCRC on a priority basis. The growing up struggles lived by Canada's Aboriginal children resonated rather strongly with those of South American Indigenous populations, offering lessons to contemplate on both sides. So many Canadian experiences (both good and bad) have been and can be shared across the Americas.

For young children, play is a way to understand and experiment with self-interpretation of the world. It is essential to development. As social beings we need space to interpret and test the order and structure of social norms for ourselves. Later, we use this to develop and interpret social relationships with others. Working with children and their families living in conditions of risk make it apparent that children who have experienced trauma and neglect do not interpret the world in the same manner as others: they miss social cues, are wary and their sense of self may not be developed at an age-appropriate level.

Whether working with children in Canada, in the southern hemisphere or elsewhere, governments, NGOs and communities all tend to reach for the same tools. In particular, the South and Central America experience is very similar around play and artistic expression, recognizing that free play for the very young and lightly structured play for somewhat older children, though art, music and theater, can be hugely beneficial with respect to overcoming trauma and building resilience.

- These tools are recognized as offering:
 - Positive outlets for aggression and anger; and,
 - A means to share a difficult personal story especially when the child does not have enough language, or when using language is too painful.

Presented with creative opportunities, even the most fearful or reticent young person may be encouraged to gradually express feelings. And, if the outlet is unstructured, especially at the outset, they are empowered to share, express or present in their own way.

The Right to Play and to Artistic Expression may be enshrined under the UNCRC, but as adult caregivers and healers, this is our go-to place because it encourages belonging, friendship, trust, and cooperative work with others. It can be as simple as learning that it is OK to take pride in one's own ability to make something fun or beautiful, as it is to have pride in one's family, history and culture. While it may center a child, it can also give links to the world outside the self by way of identity.

In South America, there are incredible examples of creative theater and music as a means to reach traumatized children, or in some cases whole populations of challenged children. Further, a natural go-to place when working with children at risk is to teach them to sing. For those coming from, or living in, difficult circumstances, singing can be therapeutic, but mostly it is just fun. The South and Central

American states encourage community-level music traditions to connect children to their cultural roots but in doing so are mostly just encouraging play. For example:

- In Argentina, government-sponsored youth orchestras have flourished in the poorest neighbourhoods where children, some who have never had an item of value before, are trusted to keep and care for their instruments
- In Columbia, community-based theater and dance see youth acting out their own stories complete with lived violence. It offers an empowering avenue for young people to illustrate their reality to community leaders and government officials
- In Ecuador, music and craftsmanship are part of the rich cultural traditions that identify specific communities:
 - From the youngest age, children learn to make and play local instruments and become highly adept at traditional crafts, and
 - Individual villages pass craft designs or specific skills across generations

In northern Chile, the tiny village of Caspana is outside the big copper mining town of Calama in the Atacama Desert region right at the intersection of the Bolivian and Argentinian borders. From here comes perhaps my favorite story about connecting children living in challenging circumstances to their culture both for healing and resilience. Caspana's children must leave the village for high school in the big town of Calama, staying at a dormitory. This is a town known for the worst of human debauchery and excess created by a near all-male transient work force. Calama is a little like some Canadian towns built around our resource sector. The village of Caspana was essentially losing its adolescents once they left for the bigger school. To stem the tide, villagers decided to pool funds to hire and train one teacher to begin to bring culture back to their young children, fostering a sense of identity that they hoped would help protect the children later.

When I visited Caspana, maybe 10 years in, the sense of culture was indeed thriving. The children had embraced their Indigenous traditions, and were creating exquisite art using materials now donated from Calama mines. Traditional practices related to desert water management, animal husbandry and growing local crops had also been woven into science, and village Elders were serving as teachers. Behind the still rough school building a small playing field and a green space (in this desert no less) had been built to encourage "fun".

And the children? Recalling that this whole effort was about introducing culture to protect children from harm, I was told that Caspana's children were winning scholarships to better Chilean schools and that some had gone on to university. Elders attributed positive change to having "sheltered children under a magic blanket of self-worth and identity" before they left their families and community. Those of us who have spent time in First Nations, Metis, Inuit, or Innu communities will recognize elements of these stories.

Play and artistic expression can help confront trauma and help build positive bridges towards gaining the trust of peers and adults. They encourage self-management of stress, self-regulation and build tools for independent decision-making, all of which promotes resilience and are vital to identity on a personal level and social inclusion on a larger scale.

Concluding Comment

Social marketing research that I sponsored in 2012 demonstrated that Canadian adults have a visceral sense of personal responsibility toward the well-being of children in their own communities. They are often shocked to learn that there are children in their neighbourhood who are not doing well. Yet, most have never been asked to step up to help, and would not know where to go to offer it.

As not-for-profits, our job is one of educating these adults and, where appropriate, inviting them in. In this case, it is about understanding the Right to and benefits from Play and Artistic Expression as part of healthy child development. And, where possible, helping communities to realize the direct immediate benefits and long term potential of helping “play” thrive.

THOMAS WALDOCK, PH.D.

CHILD AND FAMILY STUDIES. SCHOOL OF HUMAN AND SOCIAL DEVELOPMENT, NIPISSING UNIVERSITY AT

The Right to Play as a Vehicle for Addressing Inequality: Advocating for Equal Opportunities for Marginalized Children

Congratulations to all involved in the Shaking the Movers VII workshop for giving youth the opportunity and forum to discuss children’s right to play. Article 31 certainly warrants consideration as a fundamental article associated with children’s welfare, particularly since the Committee on the Rights of the Child – in General Comment 17 – has noted “the poor recognition given by States to the rights contained in Article 31”, a lack of appreciation for their “significance in the lives of children”, and the resulting “lack of investment in appropriate provisions” (United Nations, 2013). With increased awareness of Article 31, it is perhaps possible to envisage Article 31 becoming a meaningful vehicle for advocacy efforts, including those targeting inequality in the lives of marginalized children. In this regard, – and in terms of providing a normative standard upon which to base advocacy efforts – Article 31 contains two paragraphs: the first grants the right to rest, leisure, play, recreational activities, and participation in cultural life and the arts; and importantly, the second emphasizes ‘equal opportunities’.

It goes without saying that unequal access to play, recreation and cultural activities characterizes the experience of marginalized children, and these children often lose out on the associated human development and socialization benefits. This is cause for real concern, because it interrelates and overlaps with other conditions of disadvantage, – poverty, for example – thus magnifying the overall marginalization of such children. In the Shaking the Movers report, youth identify barriers and obstacles to the right to play, and are clearly sensitive to the issue of inequality of access. They reflect on poverty and associated barriers like lack of transportation (p. 14), and at one point the report’s author notes that “there were clearly other issues in their lives that interfered with their right to play but this was not a setting in which they wanted to elaborate on the barriers created by deep poverty or by dysfunction in their families, nor did the facilitators wish to push them” (p. 15).

The identification of obstacles and barriers, and concerns for children and youth denied equal access to play, also characterizes General Comment 17 on the right to play. Indeed, the very first section (Introduction) expresses concern 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” (United Nations, 2013). Section VII of the General Comment is entirely devoted to “children requiring particular attention to realize their rights under Article 31”, and singles out, for example, children living in poverty, and children living in institutional settings – those not living at home and without parents as primary caregivers. The attention devoted to obstacles, barriers, and marginalized groups of children follows from paragraph 2 of CRC Article 31, which makes the provision of equal opportunities a central obligation for State parties.

As also noted in the General Comment, Article 31 of the CRC “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” (United Nations, 2013). While the connections between Article 31 and other principles and articles of the CRC are wide-ranging, – including, for example, the principles of best interests of the child (Article 3) and child participation (Article 12) – of particular salience in terms of our focus on inequality is Article 2, the principle of non-discrimination. The General Comment specifically identifies this link, and in section V reference is again made to barriers, challenges, and particular groups of marginalized children. Also included in this section are children living in poverty and children without parents as primary caregivers.

For the purpose of illustration, I propose to focus on this latter group – children in care, whether in foster, group, or institutional care. This focus will suffice to make a point, and I believe the lessons here are instructive for other areas where marginalization is apparent (like youth justice or mental health – areas, at any rate, that often intersect in the lived experience of these children).

The General Comment emphasizes that 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 (United Nations, 2013). But in terms of the experience of marginalized children, often they will have experienced the types of challenges and barriers that inhibit the realization of such benefits, preventing positive self-actualization. On the other hand, however, it is important to recognize the potential value of play, recreation, and culture in the lives of these children. For example, the General Comment emphasizes another important linkage between CRC Articles 31 and 39, the latter of which concerns the right of recovery and reintegration for children who have experienced neglect, exploitation, abuse or other forms of violence. Play, recreation, and artistic expression can be crucially important in terms of recovery and reintegration, and in this sense respecting the right to play for these children becomes all the more important, facilitating a kind of healing process.

Play, then, has particular meaning and significance for these children. Practitioners with ‘front-line’ experience working with disadvantaged and marginalized children/youth likely have had occasion to witness the empowering and transformative effects of play and recreation first-hand. As a caregiver in the context of child welfare for many years, I certainly became keenly aware of the positive effects of play and recreation for children/youth. Whether such stories emanate from practitioners, or more significantly from the experience and ‘voice’ of children and youth themselves, they provide powerful testimony to the importance of CRC Article 31. As an adult, – whether as caregivers or in other supportive positions – there can be no more important role than engaging and participating with youth as they explore and transform their own particular sense of being, often translating this experience into a stronger sense of

pride and identity. In the most hopeful scenarios, marginalized and disadvantaged children/youth may be able to 'recover and reintegrate' (CRC Article 39) after past 'hurts', and to some extent overcome negative past experiences.

But here's the rub. Children and youth require advocacy support to confront challenges and barriers at many levels. I'll make a couple of observations here. The first relates to public awareness or consciousness about the importance of play and recreation, but also is reflected at policy and systems levels. The 'right to play' often gets less attention than other rights in the CRC, or is not viewed with the same level of seriousness – this is a big part of the challenge. Groups like Right To Play can raise consciousness about its importance, but at the same time, policies and systems have to incorporate Article 31 in ways that make a difference in the actual lives of children and youth. For example, in child welfare, the right is incorporated into legislation (in Ontario, the C.F.S.A). But the problem is that often this does not 'filter down' to 'front-line' practice, and these children and youth continue to have limited opportunities to exercise the right. In this regard, training and support for professionals working with youth – especially caregivers – is crucial to actually put the right into practice.

My second observation is related. Children and youth need supporters and advocates, especially in their day-to-day lives. This comes across so well in the Shaking the Movers report. Youth speak of 'adult allies' and advocates (p. 15), individuals appealing to community resources and officials, and adults generally 'standing up for them' (p. 23). When they do not experience this advocacy, they speak of 'negative people'. Children and youth need advocacy support embedded in their lives ('embedded advocacy'). In my view, this is one of the biggest failings of the child welfare system, the failure to provide advocacy support on a 'day-to-day' basis. All forms of advocacy are important, but advocacy support has to be present to be effective, not after-the-fact or at a distance.

What is clear is that the right to play (Article 31) provides a normative standard upon which to base advocacy for all children and youth; when it comes to marginalized children, the need for such advocacy is particularly apparent given the more pronounced challenges and barriers. It would be ironic, wouldn't it, if this right that often is not taken as seriously became one of the more important or impactful vehicles for meaningful advocacy and change.

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CHRISTIAN WHALEN, LL.B., D.E.A.
OFFICE OF THE CHILD AND YOUTH ADVOCATE, PROVINCE OF NEW BRUNSWICK

Agency and Activism in Relation to the Child's Right to Play

*A child is someone who needs to move...
Children's games aren't frivolous... uncovering a secret,
finding a hidden object, proving that there is nothing that
cannot be found – that is the whole point.²⁵*

I want to begin like my many friends here by thanking Landon Pearson and the Muttart Foundation for their very kind invitation and for bringing us all together. I have often deplored the fact that 25 years following the adoption of the UN *Convention on the Rights of the Child*, and despite Canada's leadership role in developing the UNCRC and ensuring its early ratification, Child Rights discourse in Canada is still in its infancy. The work of the Landon Pearson Centre for Children's Rights is pioneering and incredibly important to the social progress and the democratic fabric of our vast country. Developing opportunities for dialogue, for consultation and joint problem solving in a country that stretches from ocean, to ocean, to ocean is not easy, as the Muttart Foundation will have found, but it is incredibly necessary.

The development of a Children's Rights Academic Network, the publication of a new Canadian Journal of Children's Rights, the hosting of conferences such as this one, the mobilization of children and empowerment of their voice through processes such as *Shaking the Movers*, these are the seeds of change that will help a culture of children's rights take root in Canada. I welcome Landon's approach of convening academics in lofty towers (none higher than Dunton Tower, methinks!) to debate, to engage and ²⁶be inspired by children's voice and youth discourse. Through the affirmation of their rights, by giving these rights meaning in the context of their own lives, Canadian children and youth participating in *Shaking the Movers* are shaking the power-brokers and decision-makers, and pundits like those of us here, out of our complacency and calling us to account. However, the *Shaking the Movers* process and this year's theme in particular of the child's right to play reminds us, like the passage from Korczak above, that children are *movers* too. They are movers in the sense that they are fearless, active and have more energy than many of us, but they are movers also in the sense of their own agency and activism, over their own lives and among their peers certainly, but increasingly — in mature and inclusive societies — within community itself.

It is extremely timely to be gathering for a conference on this theme as Canada and the City of Calgary prepare to host the next World Congress of the International Play Association (IPA) in 2017, our sesquicentenary year. The new General Comment 17 of the UN Committee on the Rights of the Child on

²⁵ Janusz Korczak, quoted in Betty Jean Lifton, *The King of Children: the Life and Death of Janusz Korczak*, American Academy of Pediatrics, 2005, 415 pages, p. 14.

Article 31²⁷ also provides a rich opportunity for dialogue and action planning in Canada about how to make a child's right to play, rest, leisure, recreation, arts and culture a lived reality here.

From the outset, I want to confess my unease in joining in this throng, since I am a bit of an interloper. Unlike most speakers here, I am not an academic, but a government lawyer. In my role as Deputy Advocate with the Office of the Child and Youth Advocate in Fredericton, however, I manage an important research function: we organize academic and professional training programs in the area of children's rights with partner institutions in New Brunswick, such as the University of Moncton, and we are constantly working to empower child and youth voices at home and to improve the monitoring and implementation of children's rights and child rights research. So I am very much in spirit with everyone in this room. The conference organizers in any event have me well figured out.

On the preliminary program I was on the first panel on Article 31 and Identity; in the final program I appear as part of panel 2, Addressing Inequality; and yet here I am at the event in panel 3, Agency and Activism; 'Jack of all trades, Master of none'! In fact as a Deputy Advocate, serving in a Legislative Office, I am accustomed to taking a horizontal view, ensuring that children's rights are evenly implemented across government departments, ministries and agencies. Like other child rights experts I prefer an intersectional and interdisciplinary approach — looking at all things in context. But nurturing and empowering children's voices, supporting their advocacy and actively promoting children rights to all audiences — i.e., agency and activism — is what the Advocate, and my colleagues and I with him, are mandated to do.

In the following brief remarks, I want to first reflect on the youth report's emphasis on freedom of expression and themes of identity, in relation to this theme of agency and activism, in relation to Article 31 rights. Secondly I want to attempt to situate this youth feedback in the context of the general state of implementation of Article 31 rights in Canada, identifying some majors gaps and challenges, reflecting back especially on yesterday's theme of equality and the need to take special measures to guarantee Article 31 rights to vulnerable and minority youth populations. Finally I want to close with some quick updates on efforts to better implement Article 31 rights in New Brunswick and on our efforts to better engage children and youth as active agents of change and rights implementation.

Shaking the Movers VII: Standing Up for Children's Right to Play

The *Shaking the Movers* youth participants were very clear about the link between identity, freedom of expression and the right to play. When asked to explain what the right to play is, many of their answers were forthright and spoke directly to this link:

"The right to play is the right to be yourself",
"When you are younger it allows you to form who you are",

²⁷ General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), 17 April 2013, UNCR/C/GC/17, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

“It’s human to express yourself”,

“The right to play is being able to express yourself without being judged”

“Freedom to imagine: imagining stories, songs, arts, plays. It starts in the head with freedom of expression; express[ing] yourself through how you socialize and emotions.”

Discussions centered upon the importance of play and its impact on the youths’ lives had a similar theme:

“The right to play means expression — it brings people together, everyone expressing themselves together”

“Getting to explore your surroundings and getting to know yourself”

“It allows kids to express themselves and discover who they are”

“Gives us identity”

“The freedom to be ourselves”²⁸

Thinking about play as a building block of autonomy and agency is perfectly intuitive, but it is the capacity for this level of agency, first over one’s self and then one’s imagination that allows us to be active, self-actuating and to make a difference in our world. Understanding the relationship between Article 31 rights and freedom of expression (Article 13), freedom of conscience (Article 14) and the core liberty interests in the child’s right to life, survival and maximum development (Article 6) is helpful in making the case for more important play-based instructional and educational approaches along with greater investments in children’s artistic, cultural, sports and recreational endeavours. Children have understood this intuitively and their testimonials demonstrate that the *Shaking the Movers* process has helped them journey considerably towards this realization. It has in fact led some to act upon these learnings by sharing the importance of rights-based education and the right to play with their peers, through their follow-on class presentations and curricular activities and through other forms of activism, including on-going participation in similar learning and community building events.

Researchers, I think, have to help demonstrate the links, by documenting the evidence between play, sports, arts, culture and recreational activities, along with rest and the child’s maximum development, particularly, the importance of Article 31 rights in the child’s emerging sense of autonomy and agency protected by Article 6 — that “Know Thyself” factor that the young movers, Socrates and ancient Greek philosophers all describe as central to our well-being and human condition.

A second theme from the youth report to which I want to return below is the link between identity and vulnerable and minority youth perspectives. This raises the theme of our earlier panel on addressing inequality. Young people spoke compellingly about discovering the diversity of their province, “hearing what the ‘right to play’ means to others”, “meeting new people that were awesome”, learning about ‘[each other’s] communities/home towns’ and “meeting youth from very different backgrounds”. When children face various vulnerabilities, their exercise of Article 31 rights may be diminished and this may also affect their developing sense of autonomy and agency placing them at greater risk. Researchers need

²⁸ All the references to youth reports are from the *Shaking the Movers* Report.

to be attuned to these impacts and help Canadians build the evidence base for or against play-based investments towards vulnerable child populations.

Implementation of Article 31 Rights in Canada

The youth report raises questions also about how younger children understand and affirm their right to play. We would hope to hear them say joyfully that “play is what we do”; that it is what comes naturally to a child. Here is the joy! But we know that even infants who fail to thrive will not engage as readily in play as others. We have a tendency to romanticize child’s play. Heraclitus affirmed that “Eternity is a child playing”; that a child at play has the rare power to suspend time. As some of the STM youth told us: play is important “so kids won’t grow up too fast”. At the same time, we should remain alert to the fragility of children’s play in an information age.

Richard Louv in his text The Last Child in the Woods recounts how he interviewed three thousand school aged children in America to get a sense of the importance of play in their lives. He was stumped by one grade 4 boy in San Diego who explained: “I like to play inside, because that’s where all the plugs are.”²⁹ The author goes on to coin the term “nature deficit disorder” to decry the lack of opportunities North American children have today to play outdoors, to test themselves against the elements and learn from engaged recreational pursuits and unstructured play in the great outdoors.

A news report in the UK from a few years back graphically demonstrates the fragilization of play as a result of parental security concerns³⁰. The story produced a map with reduced concentric circles showing a child’s limited range of mobility in the town where he was being raised, compared to his father’s childhood territory 30 years before and his grandfather’s 60 years prior. Not only had the landscape changed considerably and nature become more remote, the most dramatic change was in the restricted freedom of movement imposed by each succeeding generation, despite any compelling evidence that life in that community had become any riskier. The main challenge was that parents had become increasingly risk averse. It is in response to this protectionist parenting that some parents in North America, including Lenore Skenazy, “the World’s Worst Mom” and founder of Free-Range Kids, have begun to fight back.³¹

One STM youth expressed many of the similar concerns in summing up the learnings from the workshop: “Children need to take some risks when they play. Stimulating, adventurous and challenging play environments allow children to test themselves and develop their abilities although requiring a sensible approach, but while also enjoying the benefits of adventurous and exciting play, while not being exposed to unacceptable levels of danger.” The Committee on the rights of the Child has adopted the same view.

In the general comment on Article 31, the Committee members emphasize the importance to provide children with ample opportunity for unstructured play in nature:

²⁹ Louv, Richard The Last Child in the Woods

³⁰ A Daily-Mail article from 2007 graphically demonstrates the restrictions on movement which society has increasingly imposed on its young: <http://www.dailymail.co.uk/news/article-462091/How-children-lost-right-roam-generations.html>

³¹ Skenazy, Lenore, Free Range Kids: Giving our Children the Freedom We Had without Going Nuts with Worry, John Wiley & Sons, 2009, 256 pp.

40. 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.³²

The role of play in developing movement and kinetic literacy is taking on new significance. Physical education teachers in Canadian schools are increasingly concerned about the increasing numbers of young children who have to be taught basic movement skills. Sedentary lifestyles instill poor habits which children are developing at increasingly young ages as play moves online and indoors. This has important health risks for individual children and their families and fiscal impacts for our population as a whole.

In other parts of the world governments are scoring better in terms of child rights implementation and health outcomes for children there.³³ In Nordic countries, numeracy and literacy programs often do not begin before age seven, the kindergarten and school curriculum is entirely play-based and outdoor education programs are much more common than here in Canada. In other parts of Europe, there are networks of drop in day-care services and toy libraries where children are encouraged to take part in active play and engage in games and imaginative play, instead of screen-based play. For older children, school-based vacation camps exist where all children can engage in outdoor activities in all seasons, and provide opportunities for all children to develop life-long kinetic skills, such as swimming, skiing, skating, while levelling the playing field for families who might not otherwise afford such skills development.

Knowing how to act in response to these several challenges and opportunities is difficult. We do not want to instrumentalize play. Play is not something we want children to do for this or that reason. Primarily, our approach to play with children should be premised upon the view that play is the best and most natural exercise by children of the nascent autonomy and sense of freedom we want to nurture in every member of the human family. A child fully engaged in play is in a place of well-being and is perhaps as free as we can ever be. At the same time, however, our increasingly protective, digitalized, individualized and sedentary culture is chipping away at the power of play in ways to which we should remain alert.

Equality and Special Measures

An important place to start in terms of public policy around the child's right to play is to take special measures to promote equal access to play. Many differently-situated children are at risk of being deprived of opportunities for play, some for economic reasons, some for social or cultural reasons.

³² UNCRC, *General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts*, November 17, 2013.

³³ *Children of the Recession: UNICEF Report Card 12*, November 2014. UNICEF's Report Card on the State of the Child in the World's most advanced economies ranks Canada 17th out of 29 countries in terms of how children here are faring. The Netherlands, Norway, Sweden, Denmark and Finland regularly rank in the top five.

Proactive public education programs and targeted attention to certain child and youth populations may help achieve equal access. Given the importance of play in a child's development as outlined above and underscored in the scientific evidence and in the UN Committee's general comment, equal access to play is no less important than equal access to health care, income security or education.

Three important categories of children and youth deserve special attention in achieving equal access to a right to play: children in institutional care, minority children — ethnic, religious, linguistic or Indigenous — and other marginalized children and youth.

In our work in the Child and Youth Advocate's Office we make regular visits to youth in custodial settings, whether in closed custody or in open custody. Their custodians have often remarked to us, and we have noted, the avid interest youth in our carceral population have for artistic pursuits. When given an opportunity for a creative outlet, youth in a custodial setting often surpass themselves and impress their minders. We have also noticed the challenges these youth face in integrating community-based opportunities for recreational sports. If the stigma of rehabilitation and reintegration is not enough to discourage active participation in such pro-social behaviours, often times there remain overt discriminatory practices preventing closed custody youth from normal opportunities for recreational sports. This kind of discrimination must be challenged and overcome. Courts can go one better and encourage pro-social strength-based asset building as alternatives to trial, or as a condition of sentence, as opposed to custody. As one criminologist famously told us: "Your Honour, couldn't you just sentence him to hockey?"³⁴

Children in alternative care settings, in foster care and particularly in group home settings may often have fewer opportunities to engage in active play, sports or artistic or cultural endeavours. Processing the trauma which brought them into care, navigating the challenges of a foreign care setting, limited resources, or staff programming approaches and culture are among the many factors which may influence reduced opportunities for play for these children. This however is not acceptable. These children have been removed from their parental homes, because the State deemed it necessary in their best interests to do so. Having done so the State has a high duty to create an alternative family setting for these children which is as positive as it can be.³⁵ Of all children in our country, children in State care should not be the most impoverished. They should in fact be the most privileged, because the State has deep pockets and children deserve this priority. All parents must do their level best for their child. Children in the government's care deserve no less.

Children in institutional care also includes children in hospital settings and in school settings. While hospital play-based facilities are important to a child's well-being and process of recovery, too few hospitals invest enough in such institutional supports. In particular we have been concerned about the serious lack of programming and facility supports in New Brunswick for children receiving mental health supports in a hospital setting. Of course schools have been investing in play-based infrastructure and

³⁴ NBCYA, *Connecting the Dots*, 2008, citing criminology and child rights professor, Susan Reid.

³⁵ UN General Assembly, *UN Guidelines for the Alternative Care of Children*, 24 February 2010, A/RES/ 64/142

programming for well over a century. At the same time there is no doubt that the level of service in this regard can also be improved. Schools are in fact the best road into universal play-friendly design for children. The engagement and participation of school authorities and schoolchildren in improving equal access to play is the surest means of making swift progress with other vulnerable youth population.

These other vulnerable populations include minority children but given the interplay between Article 30 and 31 in the convention, minority children deserve special treatment. Canada has made great strides in levelling the playing field for official language minorities in Canada. Given our demographic fabric and the constitutional protection in the *Charter of Rights and Freedoms* for official language minorities, as well as other constitutional protections afforded official language minorities, these fragile communities have been reinforced and ample means have been deployed to mobilize and protect Article 31 rights in this context. Programming materials in both official languages, sports and recreational facilities accessible to children of these minorities, television and radio programming through national and community broadcasters, public libraries, arts and cultural programming, regional, national sports and cultural competitions, language retention programs and youth engagement programs all support Article 31 rights for French Canadians and English Canadians wherever they are.

Other minorities, however, have not fared at all as well historically and are only now beginning to receive the programming supports which we have developed and seen succeed so well in the official language minority context. Indigenous children still face significantly unequal access to play infrastructure as compared to the rest of their Canadian peers, although civil society is slowly stepping forward to address these gaps. New comer youth and children in immigrant communities also sometimes face cultural barriers to integration in both structured and non-structured play and recreational pursuits. Here again special measures of protection and formal institutional supports are slow to develop other than in urban centres where immigrant communities have congregated to develop their own community support systems.

Finally, other disadvantaged or marginalized children and youth deserving special measures of protection to enforce and enjoy their Article 31 rights include disabled children, LGBTQIA+ children or youth, children in poverty, drug endangered children, young carers, or children suffering from any other form of exploitation or abuse. It is perhaps impossible to devise programs which can support all such children and youth and it is difficult to have special measures and programs to promote the right to play for each of these vulnerabilities, but this is what we must strive to do. Some programs of universal design work incredibly well across a broad spectrum of child and youth demographics. The Sistema program in New Brunswick is one such example. Imported from Venezuela, this musical education program is targeted at low-income households and provides two hours of orchestral musical programming at no cost to any child who wishes to join. Starting with 60 children in Moncton six years ago the program there now has over 300 participants and three levels of orchestra, and new centres have been launched in St-John as well as in Maliseet (Tobique) and Mi'kmaq (Rexton / Elsipogtog) regions. The program is credited with significant improvements in school readiness, attendance and achievement among the children who have

taken part.³⁶ Dandelion Dancers, the dance school in Ottawa who performed at the CRAN session, is another great example of the power of dance, movement and play in developing resilient and autonomous learners.

Having briefly commented upon the importance of play in a child's developing sense of autonomy and agency; having reviewed summarily the opportunities Canadians have to learn from other parts of the world in improving the right to play for Canadian children; and having touched upon the need to target play-friendly policies towards marginalized children and youth in order to ensure equal access to play as a fundamental right and a cornerstone of a just and tolerant society; I want to close with an illustration, based upon the New Brunswick experience, of how provincial policy makers can move forward in these matters and improve children's lives.

A Tentative Way Forward: Implementing Children's Rights in New Brunswick

Since 2011, the Office of the Child and Youth Advocate in New Brunswick has directed itself strategically towards the goal of achieving better enforcement of children's rights throughout the Province. This began with the realization that our legislative mandate required us to "ensure that the rights and interests of children and youth are protected" and to "act as an advocate for the rights and interests of children and youth generally". Unlike most other Child and youth advocates in Canada we had a mandate not for vulnerable youth in prison or in state care, we had a mandate for every child and youth in New Brunswick and our task was to defend their rights.

From April 2011 forward we committed ourselves to a new strategic plan to fulfill these aspects of our mandate and to move past the focus on vulnerable youth and the individual complaints function that had occupied most of our efforts until then. We hired new staff dedicated to education and outreach and research mandates. We worked with UNICEF Canada to train all our staff in Child Rights Based Analysis. We developed with the University of Moncton an annual summer course as a global training event on children's rights. We recast our statistical backgrounder on the State of the Child in New Brunswick into a new joint publication with the Provincial Health Council to serve as an annual Children's Rights and Well-being Framework. Each year the framework would focus upon a new aspect of children's rights.

In 2012 our first Summer Course on children's rights and our first State of the Child Report presenting the new Children's Rights and Well-being Framework in 2011 chose Article 31 and the child's right to play as their main theme and focus.³⁷ This was deliberate as we felt that talking about the child's right to play was the best and most appropriate way of introducing New Brunswickers to the fact that children had rights, and that as they are rights-holders we are in a relation of duty-bearers towards them. The introduction to the 2011 Play Matters report states:

³⁶ See Sistema NB, Making a Difference through Music, www.sistemanb.ca.

³⁷ For information regarding the International Summer Course on the Rights of the Child, now planning its 5th edition for early July 2016 on the theme of Articles 37 and 42, deprivations of liberty and the child's right to a separate systems of criminal justice see www.umoncton.ca/rightsofthechild.

Taking Children's Rights seriously requires one to start from the surprising yet essential premise that child's play is a vitally important activity; a fundamental right that helps anchor all the other rights of the child because it calls forth the child's specificity.³⁸

In its jurisprudence in relation to employment and the sanctity of the employment relationship, the Supreme Court of Canada has emphasized the importance of work to our human dignity and our sense of self-worth, it is in the words of Chief Justice Dickson "an essential component of [a person's] sense of identity, self-worth and emotional well-being."³⁹ For these reasons, unlike many other contracts, employment relationships are not lightly disturbed. Similarly, a child's play, the exercise and the process of play as well as its creative output, is equally definitional and important to the child's dignity and sense of self-worth. Adults do not have a right to play; we have a right to work and a right to rest and leisure. This is the sense we had in positing that the child's right to play calls forth the child's specificity. When children are well, properly cared for and when disadvantage is addressed, they play.

Having reoriented its mission and strategic plan to better focus on rights-based advocacy in New Brunswick, the Advocate's Office was able to convince the Provincial Government to develop a new Child Rights Impact Assessment process for cabinet level decision making in New Brunswick. The Province in 2013 became the first jurisdiction in North America to follow the UN Committee on the Rights of the Child's advice and subject all new laws, regulations and major policy proposals approved by the Council of Ministers to a rigorous Child Rights Impact Assessment. This was an opportunity to train deputy ministers and all civil servants engaged in policy-making in the rights guaranteed to children under the convention.

This process facilitated the development of the UNICEF Rights Respecting Schools initiative in our province. The first RRS school in Atlantic Canada was established in Fredericton and entered the program in 2013. Two more schools are now engaged in this program and it is expanding to other schools districts this fall. We hope to see this program expand rapidly as teachers are the first line of service provision to children. We have sought since 2011 to engage teachers and their professional associations in the work of child rights education and promotion.

We have also reached out to members of the legal profession. At our invitation the New Brunswick Branch of the Canadian Bar Association established the first Children's Law Section (2012) in Canada. We followed up with CBA national and established a national Children's Law Committee (2012) which has encouraged the establishment of child and youth law sections in the Ontario (2014) and Manitoba (2015) Bar Associations, with other provinces now planning to follow suit. The UNCRC subcommittee of the Children's Law Committee has applied for and received funding from the Law Foundation for the Future to develop a toolkit on the Convention on the Rights of the Child for Canadian lawyers and legal professionals. Recently, the Advocate's Office held a provincial forum for all professional associations to encourage more synergy and joint efforts between child serving professions in favour of children's rights.

³⁸ NBCYA, *Play Matters! 2011 State of the Child Report: A Children's Rights and Well-being Framework for New Brunswick*, November 2011, p. 8.

³⁹ *Reference Re Public Service Employee Relations Act (Alta.)* [1987] 1 S.C.R. 313 at p. 368

The 2012 State of the Child report *Play On! Children Helping Children* maintained the focus on Article 31 rights and proposed a targeted action plan for the implementation of Article 31 in New Brunswick.⁴⁰ The purpose of the plan was to zero in on key indicators in the Children's Rights and Well-being Framework that would improve with a better realization of Article 31 rights. The 9 point plan established 9 targets in relation to a child's right to play, to recreation, to rest and leisure and to arts and culture. This Targeted Action Plan for better implementation of Article 31 rights in New Brunswick has suffered from a lack of follow-up because the proposed targets were not framed as recommendations and not made to specific government ministries or departments. The work in relation to the realization of this plan will have to be taken up again, perhaps on the basis of a *Shaking the Movers* event out on the east coast. And yet, we have a sense that this advocacy effort has paid some dividends. We are extremely encouraged by the successful ad campaign supported by Participaction and the Province of New Brunswick which is focused on decreasing screen time and increasing playtime.⁴¹

In 2013 the Advocate's Office, jointly with the Executive Council Office planted the seeds for a more ambitious Coordinating Framework for implementing children's rights.⁴² This time the focus is in relation to Article 19 of the Convention and the Child's right to be protected from all forms of harm and violence. Having learned from the experience with Article 31, joint ownership of the process of rights implementation has been nurtured from the start. A working group with representation from civil society and from all child serving ministries and government departments has been formed since the spring of 2014. A provincial roundtable representing stakeholders and young people from all sectors has been convened three times in the last year to elaborate a Provincial Harm Prevention Strategy for children and youth. The Strategy was finalized at a final round-table session in September 2015 and will be formally launched in November 2015.

This priority focus on Article 19 is informed also by the program of the Child Rights Summer Course which in 2013 focused upon Article 19 and in 2014 on Article 12 and the child right to be heard. In between these sessions the Advocate's Office helped start the NB Youth in Care Network and attended the provincial day of Youth in Care Hearing on November 2013, which raised the bar materially in terms of child and youth participation in public policy matters impacting them, particularly in the area of child protection.⁴³ Consequently the theme of belonging and the child's right to a family will be a key priority of the provincial Harm Prevention Strategy.

Another key priority of the Strategy is to improve lives and prevent further harm to children and young people struggling with Mental Health challenges. As the only provincial demonstration site within the ACCESS Canada network, New Brunswick will have an important opportunity over the next five to ten

⁴⁰ NBCYA, *Play On! Children Helping Children: The 2012 State of the Child Report*, November 2012.

⁴¹ The "Screen Time is taking away play time. Make room for play" is an ingenious ad campaign sponsored by Participaction which has seen a number of corporate partners, such as Canadian Tire, jump on the band-wagon of promoting play time.

⁴² Office of the Child and Youth Advocate, *Children in Caring Communities: From Knowledge to Responsibility, The 2013 New Brunswick State of the Child Report*, November, 2013.

⁴³ NB Youth In Care Network, *A Long Road Home: An Account of the First Ever New Brunswick Youth In Care Hearings, Partners For Youth*, Fredericton, 2014; see also *Government of New Brunswick Response To: A Long Road Home* Fredericton, May 2014.

years to mobilize patient voice, to empower children and young people as the agents of their own path to recovery and mental fitness, in partnership with their peers, families and community supports. ACCESS is a national network of knowledge transfer funded by the Canadian Institute for Health Research and the Graham Boeckh Foundation, \$25 million over five years to improve service delivery to young Canadians 11 to 25 years of age struggling with the onset of mental illness.⁴⁴ ACCESS-NB's work will be further supported by matching contributions from the NB Health Research Foundation, the establishment of a provincial network of excellence in adolescent mental health, the recruitment of a research chair in Adolescent mental health at the Université de Moncton, with a new \$2 million endowment and the establishment of a new \$12.5 million provincial treatment centre for youth with complex needs in Campbellton, New Brunswick. The 2015 Summer Course discussed all these matters and focused upon the Child's right to Health under Article 23 and the rights of children with disabilities under Article 23 of the Convention, particularly in relation to Article 12 and the right of children and young people to express their views and have their views considered in decisions impacting their rights and interests, whether at an individual case level or at a more macro policy level.

My point here is only to demonstrate that by taking children's rights seriously and making a concerted effort to be accountable and give meaningful enforcement to our international legal obligations under the Convention on the rights of the child, policy makers, decision makers and movers and shakers of all kinds can materially improve children's lives. The critical element for success in these matters is to commit to actively listening to children and young people to empower and amplify their voices as the champions of the change that is needed.

There is an incredible amount of work that lies ahead in meaningfully implementing the child's right to play in Canada. The transformative impact of these investments however, should not be underestimated. Moving elected officials, communities and policy makers to make the right choices will not be easy, and the best way forward in this regard may in fact be to replicate and amplify the voice of Shaking the Movers children and youth. The youth feedback in relation to Article 31 rights is bang on: with equal access to play, freedom and autonomy can flourish. With this liberty comes identity, within a rich tapestry of diversity. And with this identity comes the agency children need to build a tolerant and just society. More children need to claim their right to play. As they do so adults will listen to them, as they inevitably must, and Canada will be the better for it.

⁴⁴ For information on the CIHR and Graham Boeckh Foundation TRAM grant process see: www.tramcan.ca

LISA WOLFF
UNICEF CANADA

Response to Question 4 on “Educated Imaginations”

The question: Taking into account what Shaking the Movers participants had to say, from your perspective, how can ‘imagination’ and the capacity for imaginative thinking nurtured through experiences of play and artistic expression become a relevant aspect of your research and practice with young people?

The right of children to play is a human right unique to them, one of the rights established in the Convention on the Rights of the Child that you will not find in other human rights treaties. While play in its broadest sense is to be provided for and protected through childhood, we need not give it up at age 18. Shaking the Movers was an eloquent example of supporting young people to express their right to play, including through artistic expression. It also demonstrates the interdependence of children’s human rights by respecting the right of young people to participate and express their views, in and through play.

Play has become a contested and constricted space for children. On the one hand, numerous academic and advocacy organizations and parenting advisors document and raise concerns about the increasingly restricted time and space for play – its exclusion by by-laws, rules, overzealous law enforcement, or design from our schools and our streets and its structuring by adults in many forms of recreational and extracurricular pursuits. The “bubble-” or “cotton-” wrapping of children – overprotective, risk-avoidance strategies – is an evocative metaphor for some of this. But there is also a tendency for play advocates to be judgmental about certain types of play: favouring independent and unsupervised active, outdoor play over other forms of play that young people choose including gaming, reading and so on. We must not forget that the right to “leisure” is part of Article 31 of the Convention on the right to play. I believe leisure is helpfully regarded as the self-direction by young people about how they spend time in a place and a way of their choice. Some of this may be risky. Some of it may be unpleasant. It may involve scrapes, arguments with peers, trespass. It will ideally involve learning and developing, physically, emotionally, socially and intellectually. It would be helpful to focus more on supporting young people to direct their own play and leisure within healthy and reasonable bounds.

Play and imagination need not expire at age 18. I’d like to share a few thoughts on how in my practice as a child rights policy advocate – as an adult – play and imagination are relevant to my practice.

There is no established human right to imagination, but it is inherent to being human and cultivated through play and artistic expression, as well as in other ways. I grow increasingly convinced that the capacity to imagine is core to respecting children’s rights because it is associated with the capacity to empathize. Using the Convention as a guide to the treatment of children is a very powerful tool to promote and respect their rights – it can be used to develop legal protections and provisions that support children to thrive, and to design programs, policies and services affecting them. But since the majority of adults don’t know about or actively use the Convention, what else accounts for rights-respecting attitudes, actions and relations with children? I believe that empathy is a key attribute or capacity that

supports respect for children's rights. I understand this simply as the ability to imagine what it might be like to be that child or the children affected in a situation before us, to recall or to imagine what they

could be thinking or feeling, and to act accordingly. It can also extend to being able to communicate well with children. It also involves knowing that there will be limits to our imagination and to seek understanding where we can. I think empathy is what we find in the enduring advocates for children's rights like Landon Pearson and Judy Finlay and in advocacy as seen in *Shaking the Movers*. I think this is why they are never at a loss for inspiring words when they speak about children and when they speak about their work, because it comes from a deeper place than an academic appreciation for and use of children's human rights. I think that many of the decisions and actions we come across in our work that are counter to children's rights occur because the humans making them are not using their imaginations, because empathy has been subjugated to other drivers – and because they aren't using the Convention as a tool.

There is nothing scholarly about that observation, and it may not be a scientific truth but rather a simple working theory. Play and imagination we must take with us from childhood, and practice in the service of children throughout our lives.