A CHILD’S RIGHT TO PLAY
A Policy Brief for South Africa


May 2017

Commissioned by A Chance to Play Southern Africa
with funding from child aid agency terre des hommes Germany

researched and written by Patricia Martin of Advocacy Aid
a chance to play southern africa

THE CHILD’S RIGHT TO PLAY: A POLICY BRIEF FOR SOUTH AFRICA
May 2017

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Child rights organisation terre des hommes Deutschland Germany was founded in 1967 by dedicated members of the public to help children seriously injured during the Vietnam War. Currently terre des hommes supports more than 400 projects in over 30 countries across the world. The organisation has no political, religious or corporate affiliation; its objective is a “terre des hommes”, an “Earth of Humanity”.

In cooperation with local partner organisations terre des hommes assists street children, abandoned and working children, supports boys and girls who have become victims of war and violence, provides access to better educational opportunities and assists families in developing sustainable livelihoods. terre des hommes funds projects for children whose families are affected by HIV and AIDS, supports the cause of maintaining biological and cultural diversity and of protecting the rights of minority groups. Together with its partners, terre des hommes also advocates for fairer policies towards developing countries.

In Southern Africa terre des hommes and its local partners have been promoting children’s right to play by creating play opportunities, offering trainings for caregivers and educators and putting the topic on the agenda of relevant duty-bearers.

A Chance to Play Southern Africa (ACTPSA) was established in October 2011 by partners involved in implementing the A Chance to Play Programme which aimed at protecting children from trafficking and other possible social ills in the run up to World Cup 2010. Fifteen organisations from six countries in Southern Africa were supported by international child rights organisation terre des hommes Germany, and the VW Group Works council. The A Chance to Play Southern Africa model was adopted for the World Cup in Brazil in 2014.

A Chance to Play Southern Africa advocates for the RIGHT OF ALL CHILDREN TO PLAY.

Put simply, A Chance to Play Southern Africa fights for the right of every child to have access to safe, age appropriate play areas and activities. Through free, child-directed play, children don’t only develop physically; they develop critical social skills like communicating, sharing and negotiating as well as developing perseverance, self-confidence, problem solving skills and creative thinking.

A Chance to Play Southern Africa’s MISSION is to promote the right to play as an essential part of the child’s holistic development and wellbeing through advocacy, capacity building and mobilisation of resources in collaboration with stakeholders at all levels of society.

Its’ VISION is to create a society where children enjoy play as an integral part of their holistic development and wellbeing.

A Chance to Play Southern Africa’s core focus is on
(a) The child’s right to play and the education of stakeholders about the importance of both organized and child-directed play
(b) Play forums made up of community members and linked to Ward Councils that work towards the establishment of enough safe and appropriate play areas for children of all ages and abilities within their own community
(c) The training of play facilitators

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The Child's Right to Play: A Policy Brief for South Africa

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Convention on the Rights of the Child

ARTICLE 31
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

African Charter on the Rights and Welfare of the Child

ARTICLE 12
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.
WHY IS PLAY AN IMPORTANT POLICY MATTER?

The policy imperative for protecting and promoting the right of all children to play is not a matter of "child's play"; it is not a trivial matter to be taken lightly.

Play is both a right as well as essential for the optimal development of children in their early and later years, and as such, is a key ingredient for unlocking human capital and contributing to national development objectives.

Because play is a right, recognised and protected by international instruments such as the United Nation's Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), and because it has broader public benefits, the Government of South Africa is obliged to take all necessary policy and related measures to recognise, respect, and promote the right of all children to play.

UNDERSTANDING THE RIGHT TO PLAY: ITS DEFINITION, SCOPE AND DIVERSITY

Play is recognised as a right by both the United Nation's Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Articles 31 of the CRC and 12 of the ACRWC stipulate that all children (from birth to eighteen years of age) have “the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.”

The right to play is thus recognised and protected as one of a suite of rights which "are 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.”

Whilst play is fundamentally linked to the other rights to leisure and free participation in cultural life and the arts, this policy brief will primarily focus on the right to play specifically.

WHAT IS PLAY?

The right to play is defined in the United Nations Committee on the Rights of the Child’s General Comment Number 17 (2013) on the Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts (Art. 31) as:

Any behaviour, activity or process initiated, controlled and structured by children themselves; it takes place whenever and wherever opportunities arise. Caregivers may contribute to the creation of environments in which play takes place, but play itself is non-compulsory, driven by intrinsic motivation and undertaken for its own sake, rather than as a means to an end. Play involves the exercise of autonomy, physical, mental or emotional activity, and has the potential to take infinite forms, either in groups or alone. These forms will change and be adapted throughout the course of childhood. The key characteristics of play are fun, uncertainty, challenge, flexibility and non-productivity. Together, these factors contribute to the enjoyment it produces and the consequent incentives to continue to play. While play is often considered non-essential, the Committee reaffirms that it is a fundamental and vital dimension of the pleasure of childhood, as well as an essential component of physical, social, cognitive, emotional and spiritual development.

As is evident from the preceding definition, play is recognised as a right in and of itself, as well as a gateway right.

Play is a right and of developmental importance. It is therefore an important policy matter.
physically to their full potential (discussed in more detail under the next heading), the right to education, and the rights to emotional and physical health and well-being.\(^2\)

**PLAY IS EXPERIENCED DIFFERENTLY IN DIVERSE CONTEXTS**

How children play, and how play is understood by parents, caregivers and children differs, depending on the environment, social, economic and cultural circumstances of the child, as well as the age of the child. Thus, whilst the right to play is universal, "important variations occur in children’s play as a function of economic, social and cultural structures of communities".\(^3\)

For example, in urban societies, play is associated with activities in spaces such as playgrounds, sports grounds, play parks and early childhood development centres reserved specifically for children outside of the home where space and equipment is provided to facilitate the activity, often under the supervision of an adult. In traditional agrarian societies, however, work and play are integrated, with play taking place through imitation of chores, with the support of families and communities.\(^4\)

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**THE DEVELOPMENTAL IMPORTANCE OF PLAY**

Play is an end in itself, but is also a very important means to an end. *Play is an instrument of learning and development;* children develop and learn through play. From birth, play is a key ingredient, especially in the early years, for building the social, emotional, cognitive, language and physical foundations, skills, competencies and capacities necessary for children to develop to their full potential, and to do well academically and socially.\(^5\)

**IN THE WOMB AND AFTER BIRTH**

Babies begin to play in the womb and their instinct to play continues after birth. They mimic their parents’ and caregivers’ facial expressions, movements and vocal sounds. This play supports babies’ development of non-verbal social skills, a sense of identity, confidence, interpersonal understandings and friendships. The value and benefit derived from play in these earliest years is highly dependent on parental involvement. Research shows that parents play an important role in ‘scaffolding’ early play and encouraging turn-taking.\(^6\)

**FROM AFTER BIRTH TO AGE SIX**

Young children develop physical, social and cognitive skills through play. Pretend play fosters the development of skills related to perspective-taking, role rehearsal, self-regulation, turn-taking, joint planning and negotiation. Active play, especially where guided and supported by adults, lays a number of key cognitive and intellectual foundations. It "introduces children to ideas about language and literacy, mathematics and the physical world as well as helping them to develop thinking skills."\(^7\) Play is, especially in these early years, for these reasons, widely recognised as an instrument of learning and development.\(^8\)

**DURING ADOLESCENCE**

Play is also important in children’s later years. However, their needs and wants “evolve from settings that afford play opportunities to places offering opportunities to socialize, be with peers or be alone. They will also explore progressively more opportunities involving risk-taking and challenge. These experiences are developmentally necessary for adolescents, and contribute to their discovery of identity and belonging.”\(^9\)

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\(^{2}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).


\(^{5}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).


\(^{9}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
GOVERNMENT’S AND PARENTS’ RESPONSIBILITIES TO REALISE THE RIGHT TO PLAY

Because play is a right and it is important to the development of young children, and hence to the development of the country as a whole, governments have a duty to ensure that the right to play is realised, respected, protected, and promoted.10

As in the case of all other rights, parents have the primary responsibility for the upbringing and development of the child (and hence the primary responsibility for securing children’s play).

However, as in the case of all other rights, the Government of South Africa has an obligation to provide appropriate and necessary material, educational and other forms of assistance to parents to enable and empower them to fulfil their responsibilities and to develop institutions, facilities and services for the development and care of children and realisation of their full set of rights, including the right to play.11

THE PROBLEM

States are failing to take the right seriously, and are failing to fulfil their responsibilities to realise the right to play.12

Governments are failing to fulfil their obligations in relation to the right to play, either “by omission (neglecting to protect and invest in the creation of spaces and opportunities to play) or commission (the imposition of excessive constraints on children’s lives)”. As a result, “many children all over the world are unable to fully realise their right to play.”13

Out of concern for the neglect of the right to play, the Committee on the Rights of the Child developed General Comment No.17 (2013) (GC 17). GC17 serves to promote awareness of the right to play, as well as support governments, parents and others working with children, and private sector entities to know, understand and fulfil their respective duties, and ensure that the right to play has “universal application … [and that] every child … is able to enjoy these rights regardless of where he or she lives, his or her cultural background or his or her parental status.”14

WHAT ARE GOVERNMENT’S RESPONSIBILITIES IN RELATION TO A RIGHT TO PLAY


More specifically, it is duty-bound to:

a) Respect the right: This means it must “refrain from interfering directly or indirectly, in the enjoyment of the right”

b) Protect the right: This means it must “take steps to prevent third parties from interfering with the right”

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10 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
11 Articles 18 (1) and (2) of the UNCRC and articles 20 (1) and (2) of the ACRWC.
12 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
14 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
c) Fulfil the right: This means it must take all “necessary legislative, administrative, judicial, budgetary, promotional and other measures” to make available all “necessary services, provision and opportunities” necessary for full enjoyment of the right by all children.15

These duties must be fulfilled so as to:

a) Ensure a safe physical environment that is conducive to play
b) Ensure that the necessary space and equipment are available so that all children enjoy an equal opportunity to participate in age-appropriate play
c) Ensure that the available opportunities are accessible to all children, regardless of their difference, by addressing all barriers to play, with specific attention paid to groups of children at a higher risk of exclusion from opportunities to play because of their circumstances.16

POLICY, PROGRAMMING AND BUDGETARY REQUIREMENTS
- GENERAL COMMENT 17

General Comment 17 provides detailed guidance on the nature of policy, programming and budgeting steps required to be taken by different levels of government to fulfil its duties to respect, protect and promote the right to play.

<table>
<thead>
<tr>
<th>GOVERNMENT’S OBLIGATIONS</th>
<th>POLICY, PROGRAMME AND BUDGETS REQUIRED</th>
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<tbody>
<tr>
<td>RESPECT THE RIGHT17</td>
<td>Government policies, programmes and budgets must:</td>
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<tr>
<td></td>
<td>1. Provide parent support programmes to enable them to know the importance and value of the right to play, practical guidance on how parents can play with their children to ensure development, and how an environment can be created to enable play from birth as well as guided exposure to cultural, artistic and recreational activities throughout the child’s life.</td>
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<td></td>
<td>2. Raise awareness and challenge harmful attitudes. Public communications, media and advocacy initiatives must be developed to raise the public’s awareness of the right and the significance of play, recreation, rest, leisure and participation in cultural and artistic activities in advancing their development and well-being.</td>
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</table>

In addition, parenting support and awareness-raising initiatives must target negative attitudes and practices which inhibit the right to play.

| PROTECT THE RIGHT          | Government policies, programmes and budgets must ensure that no third party can restrict or interfere with the right to play. This requires: |
|                           | 1. Legislation to guarantee access for every child, without discrimination on any ground, to all recreational, cultural and artistic environments, including public and private spaces, parks, playgrounds, sporting venues, museums, cinemas, services and events.18 |
|                           | 2. Legislative regulation of non-state actors to ensure that civil society and the corporate sector comply with the duties created by the United Nation’s Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child Including: |
|                           | a. Employment protection for children so that they have enough time for play and recreation. |
|                           | b. Safety and accessibility standards for all play and recreational facilities, toys and games equipment. |
|                           | c. Obligations to make provision for rural and urban play opportunities in development proposals. |
|                           | d. Protection from material which may be harmful to children’s well-being. |

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15 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
16 Committee on the Rights of the Child. (2013). 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 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31). Paragraphs 56 (a) and (b).
18 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31). Paragraph 57 (a).
## GOVERNMENT’S OBLIGATIONS

<table>
<thead>
<tr>
<th>Policy, Programme and Budgets Required</th>
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<tbody>
<tr>
<td>e. Regulations prohibiting the production of realistic war games and toys for children.</td>
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<tr>
<td>3. Protection of children through policies, procedures, ethics and codes of conduct for all professionals working with children in the field of play, sport and recreation.</td>
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<td>4. Online safety through management of electronic media and platforms for the protection of children</td>
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<td>5. Post-conflict safety through measures to restore and protect rights in post-conflict societies.</td>
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<tr>
<td>6. Marketing and media management to curtail harmful and exploitative advertising and commercialization of toys.</td>
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<td>7. Complaint mechanisms should be established that are accessible and can be used by children to report transgressions of their right to play.</td>
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## FULFIL THE RIGHT

Government policies, programmes and budgets at all levels of government, and within all relevant departments, must be developed, adopted, implemented and monitored in collaboration with children to fulfil the right to play.

Specific measures that must be taken include\(^9\):

1. Legislation that specifically addresses and protects the right to play, especially for marginalised children such as children in rural and other under-serviced areas and children with disabilities.
2. Develop a monitoring and evaluation framework with appropriate indicators and collect population-based data, disaggregated by age, sex, ethnicity and disability to understand the rate of access to the right to play by all children, including marginalised groups of children. Routinely collected data should be used for planning and monitoring purposes.
3. Cross-departmental collaboration and collaboration across different levels of government to secure the right to play.
4. Budget reviews to ensure that adequate budgets are allocated to secure the services and support necessary for realising the right to play, including for marginalised groups. Specific and adequate budgets should be allocated to secure the right for children with disabilities.
5. Universal design of all play facilities and services to secure access for children with disabilities.
6. Local municipalities must engage in planning and budgeting so as to make available sufficient, safe and appropriate play environments, parks, facilities and services which are accessible to, and used by all children.
7. Schools should play a key role in:
   (a) Providing adequate, safe and appropriate indoor and outdoor space for play and recreation for all children
   (b) Structuring the school day and curriculum to allow sufficient play and recreation time
   (c) Ensuring play pedagogy by making sure learning environments, especially for young children, are active and participatory and offer playful activities and forms of engagement.
8. The training and capacity-building of all professionals working with children on the right to play, its value and importance and the duties and responsibilities of all role players to fulfil the right.

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\(^9\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).Paragraph 58 (a) – (h).
BARRIERS TO THE RIGHT TO PLAY, ESPECIALLY FOR VULNERABLE GROUPS OF CHILDREN

Children across the world, including those in South Africa, face a number of common barriers to equally enjoy the opportunity and right to play. Special measures must be taken by governments to address these barriers through the country’s policies, laws, programmes and budgets at national, provincial and local levels.

BARRIERS TO PLAY INCLUDE THE FOLLOWING:

POOR UNDERSTANDING AND RECOGNITION OF THE IMPORTANCE AND VALUE OF THE RIGHT TO PLAY FOR CHILDREN OF ALL AGES

Among all responsible role players there is ignorance that children indeed have a right to play and what steps and measures are required to realise the right for all children, especially the most vulnerable and marginalised.

Many adults, including parents, educators and policy makers see play as a “frivolous or unproductive activity” and certain forms of play, such as competitive game sports are valued more highly than other forms of play that are equally important for the child’s development.\(^\text{20}\)

UNSAFE AND HAZARDOUS ENVIRONMENTS

Children need safe and age-appropriate spaces to play freely. As noted in GC17, “the majority of the world’s children face physical hazards such as polluted water; open sewer systems; overcrowded cities; uncontrolled traffic; poor street lighting and congested streets; inadequate public transport; lack of safe local play areas, green spaces and cultural facilities; informal urban slum settlements in hazardous, violent or toxic environments.”

The safety and suitability of the environment is aggravated for many children by high levels of crime and violence, community unrest, child trafficking and the high levels of violence against children, especially girls.

RESISTANCE TO CHILDREN’S USE OF PUBLIC SPACES

The increasing privatisation, commercialisation and regulation of public spaces contribute to increased restrictions on children’s freedom to play in these areas.

LACK OF ACCESS TO NATURE

Increasing levels of urbanisation mean that children are no longer able to access and play freely in natural environments.\(^\text{21}\)

PRESSURE FOR EDUCATIONAL ACHIEVEMENT

In recent years there has been growing pressure on educators and children to improve the quality of teaching and learning that takes place in early learning centres and schools. This has seen a shift in emphasis in early childhood development settings through to the secondary school years on the provision of formal learning and time spent in the classroom and not the playground.\(^\text{22}\)

OVERLY-STRUCTURED AND PROGRAMMED SCHEDULES

Parents, caregivers, early childhood development, educational and care institutions increasingly regulate children’s activities and programmes. This results in overly-structured programmes. Examples of adult-decided activities include “compulsory sports, rehabilitation activities for children with disabilities, extracurricular activities that parents feel will benefit their children in some way or domestic chores, especially for girls.” This leaves little time for self-directed activities which is a catalyst for creativity and wellbeing.\(^\text{23}\)

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\(^{20}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).

\(^{21}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).

\(^{22}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).

\(^{23}\) Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
GROWING ROLE OF ELECTRONIC MEDIA
The electronic media is increasingly the modern-day platform for play for many children. Lack of access to electronic facilities and services such as computers and the internet inhibits the full exercise of this right, especially among older children.24

SURPLUS SAFETY
“Excessive concern with certain types of safety is leading to the reduction of children’s freedom to play.”25 Parental concerns with traffic, public violence, stranger danger and other modern-day dangers, often lead to their restricting children’s play.26 The root cause of the problem, and its associated solution, is however not in parental restrictions, but the inadequacy of public policies and programmes to create a safe environment.

There are a number of groups of children in South Africa whose circumstances place their right to play at a higher risk.

CHILDREN LIVING IN POVERTY
As recognised in the Government of South Africa’s most recent reports on the United Nation’s Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, the provision of safe and appropriate play spaces is severely curtailed for children living in the poorest communities as a result of inadequate allocation of resources, especially at local government level.27 Children living in poor communities are exposed more frequently to unsafe and unhygienic play environments.

CHILDREN WITH DISABILITIES
The right of children with disabilities to play is at a greater risk because of prejudicial attitudes and practices by parents and early childhood development practitioners, a lack of knowledge by parents and practitioners on how to realise their right to play, the lack of available appropriate spaces and facilities to accommodate their needs, a lack of resources to publicly provide adequate facilities for children of all ages with disabilities, and poverty which prevents their access to services provided for a fee.28

GIRL CHILDREN
Safety issues and onerous domestic responsibilities inhibit the right of girls to play.29

CHILDREN LIVING IN INSTITUTIONS
Many children spend time in institutions such as residential homes and schools, hospitals, detention centres and refugee centres where the physical space and institutional culture often do not allow for adequate, safe and appropriate opportunities and space to play.30

24 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
26 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
29 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
30 Committee on the Rights of the Child. (2013). General Comment No.17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).
WHAT POLICY, LEGISLATIVE, PROGRAMMATIC AND BUDGETARY STEPS HAS THE GOVERNMENT TAKE TO FULFIL ITS RESPONSIBILITIES?

The Government of South Africa has, acting through a number of departments and at different levels of government, taken a number of steps, including the development of policies, laws and programmes which, either expressly or implicitly recognize, promote and/or protect the right to play.

A number of key measures are described in the following table.

<table>
<thead>
<tr>
<th>GOVERNMENT DEPARTMENT</th>
<th>POLICY, LAW OR PROGRAMME</th>
<th>KEY PLAY PROVISIONS</th>
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<tbody>
<tr>
<td>THE GOVERNMENT OF SOUTH AFRICA ACTING THROUGH MULTIPLE DEPARTMENTS</td>
<td>The National Plan of Action for Children in South Africa 2012 – 2017</td>
<td>The National Plan of Action for Children in South Africa 2012 – 2017 (NPAC) articulates a set of common national goals and objectives to be pursued across all government departments and at all levels of government towards realisation of the rights of children, as protected by the United Nation’s Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Constitution of the Republic of South Africa. The National Plan of Action for Children recognises the right to play and sets national goals and objectives to be met through the actions of a number of government departments to ensure it is realised. The national play-related goals for the period 2012 to 2017 are that “play is part of early childhood development programmes and school curriculum and children are aware of its importance in their lives.” The objectives are to: (a) Ensure that play is an integral part of all early childhood development programmes supporting the early learning and development of babies and young children. (b) Encourage and resource play activities for children and adolescents through the school curriculum. (c) Ensure that each community has safe and well-kept play areas for children. (d) Develop a code of safe toys. (e) Encourage community sports and leisure groups for children. Strategies for the realisation of the right to play include: (a) Promote play of indigenous games among children. (b) Maintain and develop safe play parks for children in each community. (c) Encourage town planners at local government level to ensure that safe parks for play and leisure are part of spatial development plans. (d) Facilitate parent education and capacity development programmes on the importance of play. Indicators of success include: (a) The number of safe and clean play parks for children per ward in each municipality. (b) A national code on South African toys is developed.</td>
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<tr>
<td>DEPARTMENT OF SOCIAL DEVELOPMENT</td>
<td>Children’s Act No. 38 of 2005</td>
<td>The Children’s Act recognises play as a right and requires that “all proceedings, actions or decisions in a matter concerning a child ... recognise a child’s need for development and to engage in play and other recreational activities appropriate to the child’s age.” (Section 6(2)(e)). Regulations to the Children’s Act: Norms</td>
</tr>
<tr>
<td>GOVERNMENT DEPARTMENT</td>
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</table>
|                        | and Standards for early childhood development programmes | early childhood development programmes must:  
(a) Promote children’s rights to rest, leisure and play  
(b) Respect and promote cultural diversity and appreciation  
(c) Be designed according to children’s age and capacity for development, and meet the needs of the children for whom the services are provided, including children with a disability  
(d) Be provided in a safe environment where premises and equipment are safe and clean and children are adequately supervised so that they are safe while at the centre. |

| THE DEPARTMENT OF HEALTH | The Road to Health Booklet | The Road to Health Booklet (RtHB), which is issued to every new mother upon the birth of her baby, provides key information on what should be done by parents and caregivers to ensure the optimal development of the infant.  
The Road to Health Booklet integrates play as an instrument of development. It gives practical guidance on why play is important, and how to play and communicate with infants at different ages to support their development. |

| THE DEPARTMENT OF BASIC EDUCATION | The South African National Curriculum Framework for Children from Birth to Four | The South African National Curriculum Framework (NCF) for Children from Birth to Four provides guidelines on how all responsible adults can support children to develop well and how to provide an environment where children are safe and are free to explore and investigate.  
It is targeted at parents, caregivers, practitioners, programme planners and monitoring and evaluation specialists.  
The NCF recognises play as central to the development of children, and provides guidance to adults on how to use play as an instrument of learning and development at the different stages and ages, from infancy onwards.  
It recognises and seeks to promote the fundamental principle that “babies, toddlers and young children learn when they play with things around them, what they smell and taste and sound like. They also learn by watching other children play. They learn by watching what adults do. This takes time and adults need to make sure that all children have plenty of opportunities to learn through play, also called active learning.”  
The National Early Learning and Development Standards for Children Birth to Four Years (NELDS) provides guidance on learning outcomes that should be achieved by children in their early years.  
It provides guidance to all caregivers, parents and practitioners on the milestones that should be achieved and how these may be achieved in the care of children and the development of early learning programmes.  
The NELDS recognise play as central to achieving early learning milestones. It recognises the provision of “opportunities for active play as a universal strategy to be provided by all – parents, caregivers ... - to enable positive growth and development.  
Different types of play are integrated into the strategies set out in the NELDS to achieve the desired learning standard for the different |

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<tr>
<th>GOVERNMENT DEPARTMENT</th>
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<td>age groups.</td>
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<td>For example, the NELDS recommends that to achieve outcome 1: that babies and young children learn to think critically, solve problems and form concepts:</td>
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<td>(a) For babies birth to 18 months, all caregivers and practitioners should play games in which the child copies what the adult is doing and where the adult copies the child to encourage their mimicry.</td>
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<td>(b) For children 18 to 36 months, the NELDS recommends that children be included in imitative play through their involvement in household chores, such as baking; that hide and seek games be played; that children be given a range of toys and safe household objects to play with; and that caregivers respond positively when children ask to play.</td>
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<tr>
<td><strong>The Draft School Sport Policy</strong>(^{33})</td>
<td>The Department of Basic Education has developed a draft School Sport Policy (there is no indication on the DBE’s data base of policies that this has been formally adopted yet). The purpose of the policy is to regulate the delivery of school sport for all learners, irrespective of their abilities.</td>
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<td>The strategies include increasing access to facilities and school sport programmes and building the sporting institutions and resources within schools.</td>
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<td>The policy requires every public school to have a structured programme for recreational and educational sport. Each school must further identify games and activities that promote play, recreation and mass participation in sport and prioritise the development of programmes for their delivery.</td>
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<td>The Departments of Basic Education and Sports and Recreation are required, in terms of the policy, to mobilise resources to provide sports infrastructure at schools.</td>
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<td><strong>Regulations relating to minimum uniform norms and standards for public school infrastructure</strong> (^{34})</td>
<td>The school infrastructure norms and standards provide minimum infrastructure requirements that all public schools must comply with.</td>
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<td>The regulations require that all schools must have areas where physical education, sporting and recreation activities can be practised. (^{35})</td>
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<td><strong>THE DEPARTMENT OF SPORT AND RECREATION</strong></td>
<td><strong>The White Paper on Sports and Recreation (2012) and the National Sports and Recreation Plan (2012)</strong>(^{36})</td>
<td>The White Paper and national sports and recreation plan locate overall responsibility for the development of policy, the provision and monitoring of sport and recreation within the Department of Sport and Recreation South Africa (DSRSA).</td>
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<td>The theme of the white paper is “Getting the nation to play.”</td>
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<td>The plan seeks to operationalise the objectives of the White Paper, which is to increase participation in sports and recreation, especially by the youth, rural communities and people with disabilities.</td>
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<td>Whilst the White Paper and the Plan speak of sport and recreation, the focus of both is primarily on sport, and more specifically the racial transformation of sport using school sport as a key vehicle for</td>
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\(^{34}\) Department of Basic Education. (2013). Regulations relating to minimum uniform norms and standards for public school infrastructure. Government Gazette Number 37081. 29 November 2013.  
\(^{35}\) Department of Basic Education. (2013). Regulations relating to minimum uniform norms and standards for public school infrastructure. Government Gazette Number 37081. 29 November 2013, Regulation 15(1).  
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<tr>
<th>DEPARTMENT OF ARTS AND CULTURE</th>
<th>POLICY, LAW OR PROGRAMME</th>
<th>KEY PLAY PROVISIONS</th>
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<td>Book and toy libraries programme</td>
<td>The Department of Arts and Culture (or as it is known in the North West province, the Department of Sports, Arts and Culture) provide book and toy libraries. The Department of Arts and Culture is responsible for establishing community libraries. In the North West province, all of the community libraries have children’s book collections. In addition, toy libraries have been introduced in community libraries to support early learning development. Generally, the responsibility for the provision of libraries, books and toys rests with the province but some municipalities provide staff for them. In the North West Province, toy library services are available in one of two forms: Toys may be borrowed and some of the libraries offer play sessions. Several librarians have been trained in story-telling and the use of toys. Toys may be borrowed by parents and early childhood development practitioners. Practitioners who borrow toys are trained in their use by the librarians. They have a partnership with local early childhood development centres/toy library forums. The latter arrangement does not appear to be facilitated by the DSD.</td>
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| Recreational services programme | The North West province’s Department of Sport, Arts and Culture provides a recreational services programme for early childhood centres. Local Recreational Coordinators (LORECS) visit créches and train early childhood development practitioners on a play programme of exercise / physical activities and advise them how to integrate this into their existing programme. |

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<th>LOCAL GOVERNMENT</th>
<th>THE GOVERNMENT OF SOUTH AFRICA ACTING THROUGH MULTIPLE DEPARTMENTS</th>
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<td>The Constitution of the Republic of South Africa and the Local Government Municipal Systems Act, 2000</td>
<td>Together, the Constitution of the Republic of South Africa and the Local Government Municipal Systems Act require all local governments to play a concrete role in securing the right of children to play. Obligations include the following: (a) The development and implementation of policies and procedures to ensure the health and safety of the environments in which children play. This includes community-based play and recreation areas as well as early learning centres which must all comply with local environmental and health and safety norms and standards. (b) The provision of local children’s parks, sports and recreation facilities. (c) The integration of planning and budgeting for these responsibilities within their Integrated Development Plans.</td>
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<td>right and an instrument of early childhood development, and that play-related services are an integral part of the comprehensive programme of early childhood development services that government is duty-bound to provide.</td>
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<td>The policy goal for the right to play is that by 2030, all infants and young children have access to play, recreation and cultural environments that are safe, inclusive and age and developmentally stage-appropriate.</td>
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<td>The policy requires the adoption of two strategies to achieve this goal: (a) To increase the knowledge of parents and caregivers of the right and developmental value of play; and (b) Play-sensitive planning and increased allocation of resources through town planning processes to make adequate play facilities available.</td>
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<td>The policy recognises that parents bear the primary responsibility for providing the conditions, environment and support necessary for the children to develop. However, it further recognises the duty of government to support and enable parents to fulfil their responsibilities. In addition to the duty placed on all departments, including Social Development and Health to provide information on the right to play, the policy obligates local municipalities and the Department of Human Settlements to engage in town planning and resourcing that will secure adequate and inclusive play environments for all young children.</td>
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<td>The National Integrated Early Childhood Development Policy places responsibilities on national, provincial and local government to recognise and realise the right to play. (a) It places on national government the responsibility to develop overarching early childhood development policies and programmes, and the setting of norms and standards for the universal realisation of early childhood development rights, including play. Notably, it requires the development of national policies that ensure the universal availability of early learning and care programmes through publicly funded facilities, including through an additional year of early childhood development prior to Grade R programme, that are play-based and support play, creativity, critical thinking and exploration. (b) It places on provincial government the responsibility to fund, deliver, monitor and ensure compliance with early childhood development play-based policies, laws and standards. (c) It places on local government the responsibilities to: i. Develop local policies, laws and programmes governing child care facilities providing safe and appropriate play-based early childhood development programmes. ii. Develop local spatial planning and development plans that provide adequate play and recreation facilities; and iii. Ensure that their Integrated Development Plans, local policies, programmes and budgets reflect and give effect to their responsibilities, including those related to the right to play.</td>
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<td>The policy places obligations on the following departments to realise and promote the right to play: (a) The Department of Social Development in its obligations to develop national policies and programmes governing parenting support, early learning programmes and facilities (so that they advance play as a right and instrument of development);</td>
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<td>GOVERNMENT DEPARTMENT</td>
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<td>(b) The <strong>Department of Health</strong> through the development and implementation of parenting support programmes for parents of children under the age of two years (that advance play as a right and instrument of development)</td>
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<td>(c) The <strong>Department of Basic Education</strong> in its obligation to develop appropriate early childhood development curricula and train practitioners to ensure they are equipped to secure the optimal and appropriate development of young children (through the integration of play as a right and instrument of development)</td>
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<td>(d) The <strong>Department of Higher Education and Training</strong> in its obligation to plan and implement higher education training curricula and standards for early childhood development practitioners (that integrate play as a right and instrument of development)</td>
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<td>(e) The <strong>Department of Arts and Culture</strong> in its obligation to provide book and toy libraries and promote music and arts among young children</td>
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<td>(f) The <strong>Department of Science and Technology</strong> in its obligation to support play, creativity and inductive reasoning amongst young children</td>
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<td>(g) The <strong>Department of Human Settlements</strong> in its obligation to develop national and provincial policies and laws that ensure that children, especially in informal settlements, have access to adequate play and recreation facilities</td>
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<td>(h) <strong>Department of Rural Development and Land Reform</strong> in its responsibility to develop vibrant, sustainable and equitable rural communities, through the provision of, inter alia, parenting support and the provision of social infrastructure</td>
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<td>(i) The <strong>Department of Sport and Recreation</strong> in its responsibility to provide equal sport, play and recreation facilities for all children</td>
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<td>(j) The <strong>Department of Cooperative Governance and Traditional Affairs</strong> in its responsibility to ensure that local governments fulfil their early childhood development infrastructure obligations</td>
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<td>(k) The <strong>Department of Finance</strong> in its obligation to plan, resource and monitor public expenditure to give effect to national policies, including the National Integrated Early Childhood Development Policy and responsibilities associated with play</td>
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<td>(l) <strong>Government Communication and Information Service</strong> in its duty to support implementation of prescribed early childhood development communications campaigns, including information on the right to play</td>
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<td>(m) <strong>Statistics South Africa</strong> in its obligation to develop national data collection systems that monitor access to and realisation of all early childhood development rights, including the right to play</td>
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</table>
Measured against the framework of obligations articulated in General Comment 17, it is apparent that these measures are not adequate to fulfill the Government of South Africa’s responsibilities.

There is substantial policy recognition and regulation of responsibilities to protect and promote the right to play at a national and, to some extent, a provincial level.

Gaps and challenges in the current policies, programmes and budgets must be addressed to ensure compliance with the duty to respect, protect and fulfill the right to play.

Some of the key policy and programming gaps include:

a) Play is only really addressed by government at a policy level within the formal or structured early learning / school context – from the age of about two or three years when children receive support from an early learning practitioner. There is little, if any support / focus on promoting the right and the conditions necessary to exercise their rights, from birth and outside of the formal learning environment, or in children’s adolescent and teen years.

b) Play as instrument of learning gets quite a lot of policy attention, but there is very little, if any policy recognition and protection of the right to play in and of itself.

c) The right to play is often implicitly, but not expressly recognised, notably in policies dealing expressly with children, young children, and the development of children, such as the former National Integrated Plan for Early Childhood Development. Where it is expressly recognised, it is most often for younger children and in the early childhood development context.

d) The right to play for older children between the ages of 8 and 18 years, what it means, and what the associated responsibilities are, outside of the formal and structured provisioning of sports opportunities at school, is almost entirely ignored at a policy, programming and budgeting level.

e) Where the right is expressly recognised, there is little clarification or direction given to government departments on the concrete steps they should take to realise the right.

f) Parent support is lacking generally, and specifically with regard to education around the importance of play and how parents can facilitate and support the realisation of this right for their children. Where initiatives are in place, such as the play-education components in the Road to Health Booklet, these are rarely implemented, supported with training and resources, and are not monitored.

g) Few, if any initiatives have been developed to overcome attitudinal and cultural barriers to the right to play.

h) There are insufficient policies, programmes and budgets for addressing the barriers common to high-risk children, such as children with disabilities, children living in informal urban settlements, children living in poverty, and children with excessively onerous domestic responsibilities.

i) There are insufficient public interventions to make play safe, thus exposing children to the risk of play deprivation.

j) The right is inadequately recognised and promoted at a local government policy, programming and budgetary level. This is evidenced by the absence of play in many local government’s Integrated Development Plans and, where it is recognised, in the delegation by local governments of their responsibilities to secure the right to play to private entities, rather than assumption of responsibilities by local government using local government resources.

k) Implementation of existing policies is hampered by inadequate funding and human resources.

l) It is difficult to assess how well the right is protected and realised because it is not measured or monitored by government. The right to play, outside of the formal school sports framework, is not
a chance to play southern africa

reflected in the targets, indicators, information management systems, or monitoring and evaluation frameworks of the responsible government departments.

m) There is little, if any, research in South Africa assessing the adequacy of current policies, programme and budgets to inform policy development and advocacy on the right to play.

WHAT SHOULD THE GOVERNMENT AND CONCERNED ROLE PLAYERS DO TO REMEDY THE GAPS AND INADEQUACIES?

The preceding gaps and challenges point to a major overarching regulatory deficiency in relation to the right to play. It has not been systematically recognised and integrated into the national child protection system and child rights framework. That is to say, it has not been effectively and meaningfully integrated into the operational responsibilities of the various departments. Policies tend to play lip-service to the rights to play, without putting in place the necessary systemic support mechanisms necessary to systematise the support and services necessary to make the right a reality.

There is thus an overarching need for all responsible government departments to take deliberate measures to make the right to play an express and measured component of the national child rights framework in South Africa. This requires that, at all levels, from national down to local levels, government departments must recognise and give effect to the right to play through the integration of the relevant services and support into their programmes, planning cycles, budgets, training, infrastructure plans, as well as their information management, monitoring, evaluation and reporting functions and responsibilities.

Some specific steps that should be taken include the following:
(a) All relevant policies, including local government Integrated Development Plans, should be reviewed for compliance against the framework of responsibilities contained in GC17, and policies should thereafter be revised and strengthened.
(b) Policies should be developed so as to expressly recognise and address the right to play, not just as a matter of early development, but as a right in and of itself and for children of all ages.
(c) Clear guidelines should be developed for different levels of government, especially for local government, providing targets or yardsticks to be met to realise responsibilities relating to play.
(d) The services supporting the right to play must be costed and appropriate budgets allocated.
(e) Parent support and education and awareness-raising that specifically address the right to play and harmful attitudes should be developed. This could be through public media campaigns, as well as the better implementation of existing initiatives such as the Road to Health Booklets parenting components. It can also be achieved through the integration of parenting components into children’s programmes. For example, play groups for young children can serve as educational spaces for their parents.
(f) There should be a clear infrastructure plan in place to support the provision of the spaces and equipment that children of all ages need to exercise their right to play. In this regard, it is critical that existing infrastructure be identified and multi-purpose infrastructure strategies be employed to maximise the use of available resources. For example, community playgrounds can support both parents and early childhood development programmes to provide play experiences for children. This would be less expensive than each early childhood development centre having its own outdoor play equipment and there would be a greater variety of activities.
(g) A research agenda and plan for the right to play must be developed to provide the evidentiary foundations for effective policy and programme development and the allocation of adequate budgets.
(h) It is essential that the country develop express and appropriate goals, targets, and indicators for the realisation of the right to play for all children of all ages, including additionally vulnerable groups of children. These must be embedded into the information management, monitoring, evaluation and reporting frameworks and cycles of the various departments and levels of government responsible for the right to play.


10. General Comment No.17. 2013. Committee on the Rights of the Child on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).


