General Comment 17: A call for action for Article 31 ‘the forgotten article’ of the UNCRC

PlayBoard

PlayBoard is the lead organisation for the development and promotion of children and young people’s play in Northern Ireland. Since its establishment in 1985, PlayBoard has been responsible for the development and delivery of a wide range of innovative services aimed at promoting, developing and strengthening play opportunities within local communities.

In addition to service delivery, PlayBoard as a membership organisation has campaigned, lobbied, raised awareness and developed cross-sectoral partnerships aimed at putting play firmly on the agenda of policy makers and resource providers.

PlayBoard’s vision is:

“A Society where the Right to Play is realised”

PlayBoard’s mission is:

“Driving the Play Agenda”

As a rights based organisation, PlayBoard strongly believes that all children and young people not only have the right to play, but have an intrinsic need to play. Play supports children and young people’s holistic development; enhances their quality of life and gives them freedom of choice - with the chance to challenge themselves, take risks and enjoy the freedom which the play experience can give them.
Acknowledgements

PlayBoard wish to extend our gratitude to our co-host, partners, speakers and delegates who made this seminar ‘A Richer Understanding of Article 31 of the United Nations Convention on the Rights of the Child (UNCRC)’ possible. We appreciate your time, input, opinions and suggestions on how to progress play in Northern Ireland.

How to cite this report
Any citation of this report should use the following reference:

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Executive Summary

On the 1st February 2013 the United Nations Committee for the Rights of the Child (UNCRC) adopted General Comment 17 on article 31 (see UN, 2013). Article 31 secures the right of the child to rest, leisure, play, recreational activities, cultural life and the arts but has long been considered “the forgotten article” of the UNCRC. For advocates of play, the general comment represents a milestone towards the realisation of the full implementation of article 31.

In celebration of the publication of General Comment 17 this seminar, ‘A Richer Understanding of Article 31 of the United Nations Convention on the Rights of the Child (UNCRC)’ offered delegates space to stimulate thinking and encourage dialogue on appropriate actions to progress play in Northern Ireland.

Following a number of distinguished speakers – Jacqueline O’Loughlin, Junior Ministers Jennifer McCann (MLA) and Jonathan Bell (MLA), Patricia Lewsley-Mooney and Harry Shier - round-table discussions were held to tease out the key issues impacting on the full implementation of article 31. The points and actions identified are thematically grouped to reflect the overall discussions and may not necessarily reflect the views of all participating delegates.

Key messages delegates told us:

General Comment 17 is an important milestone for play advocates.

- The general comment puts the spotlight on article 31.
- It is a unique opportunity to re-engage key stakeholders regarding the benefits and value of the right of the child to play.
- The ultimate goal should be to mainstream article 31.

But barriers have to be overcome:

- Policies are often screened out with little or no consideration of children and young people.
- Society generally knows little about the right of the child to play.

The general comment represents an opportune moment to re-visit both the Play and Leisure Policy (2009) and the Play and Implementation Plan (2011) – the implementation plan was perceived by delegates to have largely failed because of:

- Lack of leadership – the inability of one single department to lead on Play and Leisure.
- Lack of ownership and accountability for the subsequent implementation plan.
- A full understanding of article 31 would have implicated many departments to implement the Play and Leisure Implementation Plan.
A statutory duty for play in Northern Ireland may be a strategic way to fully implement article 31 for all children — indeed a statutory duty largely mirrors the recommendation contained in General Comment 17,

"The Committee strongly encourages States to consider introducing legislation to ensure the rights under article 31 for every child, together with a timetable for implementation..." (UN, 2013, para. 58a).

Partnerships, dissemination, awareness raising, training and up-skilling of professionals, on the obligations of the general comment, are all key components to help encourage the full implementation of article 31 — and will require:

- All professionals coming together and building upon an agenda to inform all sectors of society.
- Policy-makers in all departments obtaining specific children’s rights training particularly given the reality of transient government departments.
- Training on article 31 – directed specifically on the child’s right to play — to be delivered to all duty bearers and children.
- Developing tools to educate the key delivery agents.
- For example PlayBoard, an organisation that could with funding provide training on article 31.

Buy-in from politicians, policy-makers and departments is crucial to disseminating the general comment and encouraging fully implementation of article 31 — regretfully, some key implementers of play in Northern Ireland were not represented at the seminar. To progress article 31 delegates believed:

- Direction has to come from the top.
- Politicians, policy-makers and departments need a working knowledge of article 31 and to work collaboratively within and across departments.
- MLA’s rather than civil servants should be targeted.

There is an urgent need to deconstruct myths about play and to recognise the benefits of playing for children and young people. The myths are compounded by:

- Lack of recognition of the value of unstructured play.
- Key stakeholders having a limited understanding of the developmental benefits of play.
- Lack of recognition of the benefits of play to the community.
- The negative connotations of play, a prime example being the Belfast Policing and Community Safety Partnership (PCSP) ‘Playing Out or Playing Up?’ campaign.

Ensuring participation of children and young people is the lynchpin to realising the obligations of the general comment. The Lundy (2007) model of participation – space, voice, audience and influence – is used to contextualise some to the perceptions of the delegates. Some of the comments of the delegates are included in parentheses.

- SPACE Children must be given the opportunity to express a view (Policy-makers need to gain the
views of children and young people)

- **VOICE** Children must be facilitated in expressing their view (Children and young people need to be on board throughout this process)
- **AUDIENCE** The view must be listened to (It is not good enough to fail to talk to or listen to children and young people)
- **INFLUENCE** The view must be acted upon, as appropriate (No significant suggestions were forthcoming from the delegates so clearly ACTION is NEEDED)

Building an evidence base will substantiate the arguments for enabling and facilitating play – the general comment says research is,

‘...needed into the daily lives of children... the barriers they encounter in enjoying the rights under article 31...and the action needed to achieve greater realization of those rights...’ (UN, 2013, para. 58b).

Disseminating best play/playwork practice is crucial to getting the play agenda right – persuading stakeholders to think differently will be important.

- For individual children and young people – leisure opportunities can sometimes be prohibitively expensive (e.g. bus/transport and fees).
- New play parks are not always necessary to progress the realisation of the child’s right to play.
- Play is not always about destinations, it is about building an environment for playfulness.
- Public campaigns use of negative imagery of children is unacceptable.
**Introduction**

On the 1st February 2013 the United Nations Committee for the Rights of the Child (UNCRC) adopted General Comment 17 on article 31 (see UN, 2013). Article 31 secures the right of the child to rest, leisure, play, recreational activities, cultural life and the arts but has long been considered “the forgotten article” of the UNCRC. UN general comments are official documents of the United Nations and those in relation to the *Convention on the Rights of the Child* are directed to the Governments of those countries which have ratified the Convention. The purpose of a general comment is to widen and deepen understanding of a particular aspect of the Convention, and to reflect the changing conditions under which children grow up.

PlayBoard, the lead play organisation in Northern Ireland, co-hosted the seminar with the Northern Ireland Commissioner for Children and Young People and in partnership with the Office of the First Minister and Deputy First Minister, the International Play Association and the Centre for Children’s Rights at Queen’s University Belfast. This report provides an overview of the seminar proceedings, which took place at the Mount Conference Centre, Belfast on the 17th April 2013.

Delegates attending the seminar included policy and decision makers for national and local governments; key stakeholder organisations and individuals with influence and responsibility for delivering culture, leisure and play services; and practitioners working with children of all ages.

The core value of partnership underpins all of the work of PlayBoard. This seminar was aimed at both promoting and celebrating the new general comment on article 31 and reflects our belief that sectors, organisations and individuals should work together to find appropriate solutions. This seminar was designed to offer a space to stimulate thinking and to encourage dialogue on appropriate actions to progress play in Northern Ireland.

*Whilst this report gives an overview of the proceedings and subsequent debate, we emphasise that the points and actions identified have been thematically grouped to reflect the overall discussions and may not necessarily reflect the views of all participating delegates.*

**General Comment 17 - a milestone for the UNCRC’s ‘forgotten article’**

The UNCRC took the decision to adopt a general comment on article 31 because of particular concerns it had about the difficulties faced by particular categories of
children in relation to enjoyment and conditions of equality of the rights defined in article 31. General Comment 17 was developed

'...to address these concerns, raise the profile, awareness and understanding among States as to the centrality of Article 31 rights in the life and development of every child and to elaborate measures to ensure their implementation’ (UN, 2013, para. 5).

A line-up of distinguished speakers celebrated the launch of General Comment 17 in Northern Ireland

Jacqueline O’Loughlin, Chief Executive of PlayBoard opened proceedings with a passionate address highlighting the importance of the general comment for article 31 and how it makes “explicit what was already implicit – it clearly defines for Governments their responsibilities aligned with article 31, in doing so it defines and unpicks all the different elements of Article 31” (see Appendix 1). Jacqueline also expressed her abhorrence at the Belfast Policing and Community Safety Partnership campaign, ‘Where is your child’, which was on-going at the time and was an issue re-visited by delegates during the round-table discussions.

Jacqueline was followed on the podium by the two Junior Ministers with responsibility for children and young people. Junior Minister Jonathon Bell (MLA) and Junior Minister Jennifer McCann (MLA) both spoke about the importance of play to children’s lives and the Executive’s commitment to play.

“Play is a fundamental right and an essential part of childhood. It promotes resilience, physical activity, self-confidence, social cognitive skills and is crucial to the development of brain structure” (Junior Minister Jonathan Bell)

“Ensuring that our Children and Young People’s rights are promoted and observed is a priority for the Executive. We must ensure our children live happy, safe and fulfilling lives and we are fully committed to the implementation of the UNCRC” (Junior Minister Jennifer McCann)
In her address, the Northern Ireland Commissioner for Children and Young People, Patricia Lewsley-Mooney strongly highlighted the urgent need for government and local councils to allow children and young people to have a say in what sort of play and leisure they want (see Appendix 2).

Lastly, in his address Harry Shier, an academic contributor on children’s participation and play, stressed the need to: empower children; support parents; and enable duty bearers to meet their duties. He also drew attention to a possible screening framework which could provide an overview of progress on the implementation of article 31 (see Appendix 3, pg. 35 slide 2).

Figure 1: Input from Harry Shier

The round-table discussions

Following a brief question and answer session, the round-table discussions explored the following questions:

- What does the general comment on article 31 mean for children in Northern Ireland?
- To what extent are the rights enshrined in article 31 already realised by children in Northern Ireland and across the UK?
- What steps could be taken to better embed article 31 into policy and practice?
- How do we use this general comment to advocate for children and young people’s rights to make article 31 a reality in Northern Ireland?

As noted at the outset, this seminar and the round-table discussions in particular, were designed to offer a space to stimulate thinking and encourage dialogue on appropriate actions to progress play in Northern Ireland. Each of the four delegate tables explored one of the above questions, notes were taken and the views of the
delegates are reported in this overview of the discussions. Again we emphasise that the points and actions identified here, have been thematically grouped to reflect the overall discussions and may not necessarily reflect the views of all participating delegates.

**General Comment 17 is an important milestone for play advocates**

To determine the importance of the general comment for article 31, delegates contextualised the actual power of the UNCRC. The UNCRC is voluntarily signed up to and in legal terms, article 31 is a recommendation that sets out a standard rather than any legally binding document (see Lundy, Kilkel, Byrne and Yang, 2012 for a detailed explanation). Despite having no legal obligation to transpose article 31 into law, the UNCRC has influenced legal decisions in the past. For example, the European Convention on Human Rights has used the UNCRC as a tool of interpretation and enforcement.

Delegates noted that if children and young people are being prevented from gathering in groups to play, this could be litigated against under European Law. Delegates rehearsed some of the implications of the UNCRC, article 31 and the recent general comment for children and young people in Northern Ireland – see Table 1.

<table>
<thead>
<tr>
<th><strong>Table 1: The implications of the UNCRC, article 31 and the general comment for children and young people’s right to play in Northern Ireland</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The UNCRC is not legally binding but there is a moral obligation to implement article 31, particularly when the message is coming directly from children.</td>
</tr>
<tr>
<td>This general comment puts the spotlight on article 31 and provides ammunition to revisit and advocate for the child’s right to play.</td>
</tr>
<tr>
<td>The general comment represents a strong opportunity to re-engage policy makers, communities, parents, children and young people with the benefits and value of the right to play.</td>
</tr>
<tr>
<td>The ultimate aim should be to mainstream article 31 into all sectors of Northern Ireland’s society.</td>
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</tbody>
</table>

In practice the significance of the UNCRC for children and young people was highlighted by the requirement of the UK Government State Party Report to submit an NGO Report in November 2013. Should the UNCRC find that article 31 has been breached the subsequent UNCRC Concluding Observations Report will highlight any shortcomings and report back to the Northern Ireland Assembly. Table 2 outlines
some of the perceived barriers that exist in Northern Ireland and are hindering the full implementation of article 31.

### Table 2: Some barriers identified as hindering the full implementation of article 31 in Northern Ireland

<table>
<thead>
<tr>
<th>Barriers</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>In Northern Ireland policies are often screened out without a complete understanding of the implications for children's lives, including the right to play.</td>
<td></td>
</tr>
<tr>
<td>Northern Irish Society needs to know more about the right of the child to play, play issues and interaction with children.</td>
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<tr>
<td>Even people not working with or for children need to understand the implications of article 31.</td>
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</table>

**The general comment represents an opportune moment to re-visit the Play and Leisure Policy (2009) and the Play and Leisure Implementation Plan (2011)**

One of the successes to date in Northern Ireland’s journey to progressing the child’s right to play has been the publication by OFMDFM of the Play and Leisure Policy (2009). The subsequent Play and Leisure Implementation Plan (2011) was perceived by delegates as somewhat diluted and largely failed to implement the original Play and Leisure Policy. Table 3 highlights some of the reasons why delegates believed the implementation plan had largely failed.

### Table 3: Identified shortcoming of the Play and Leisure Implementation Plan (2011)

<table>
<thead>
<tr>
<th>Shortcomings</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of leadership: the inability of one single department to lead on Play and Leisure.</td>
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</tr>
<tr>
<td>The end result was a lack of ownership and accountability for the implementation plan coupled with little or no awareness of the full implications of article 31.</td>
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</tr>
<tr>
<td>A full understanding of article 31 would implicate the actions of many departments. For example, DCAL with responsibility for arts and leisure; DHSSPS - physical and mental health, resilience; DoE – community planning; DE – youth service; OFMDFM – children’s strategy.</td>
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</tbody>
</table>

Despite the above shortcomings, delegates felt the publication of the general comment represented an ideal time to review the Play and Leisure Implementation Plan (2011), particularly in light of the review of government spending, which is due in October 2013.
A statutory duty for play in Northern Ireland may be a strategic way to fully implement article 31 for all children.

Delegates viewed the general comment as an avenue to build and advocate for the full implementation of article 31 but felt that UNCRC legislation alone was not enough. Rather, delegates indicated a statutory duty may be the strategic route to enable the obligations of the general comment and the full implementation of article 31, for all children in Northern Ireland. A statutory duty largely mirrors the recommendation contained in General Comment 17.

*The Committee strongly encourages States to consider introducing legislation to ensure the rights under article 31 for every child, together with a timetable for implementation* (UN, 2013, para. 58a)

A statutory duty was understood by delegates to be an interpretive tool for legislation that would enable aspirational and progressive delivery of practice. In practice, a statutory duty would require departments and councils to address play issues and to provide a screening process (e.g. like Section 75). The framework referred to by Harry Shier in his address, was suggested by delegate as a possible useful screening tool.

Buy-in from politicians, policy-makers and departments is crucial to disseminating the general comment and encouraging full implementation of article 31

Delegates identified politicians, policy-makers and departments as key players in encouraging the full implementation of article 31 but their buy-in was a necessary precursor.

Figure 2: Role of politicians, policy-makers and departments

Figure 2 depicts the extensive groundwork that still has to be put in place to enable politicians, policy-makers and departments to realise the call for action contained in the general comment. The general comment is adamant that State parties have a role to play in dissemination but will require leadership and unequivocal buy-in from policy-makers and decision-makers.
Indeed, there was a sentiment among delegates that when the obligations of the general comment are realised and embedded into our society, all government departments will be implicated. However delegates accepted implementing policy is not straightforward, for example there are issues around developing plans and policies with service providers and local government. Furthermore, even if departments agree, the delivery model needs to include the key stakeholders.

Delegates noted disappointment at the poor attendance by many departments and councils who are some of the key players responsible for encouraging the full implementation of article 31. Table 4 depicts the sense of disappointment particularly regarding the non-representation from the Department of Education and the poor representation from the Local Councils.

<table>
<thead>
<tr>
<th>Table 4: Some key implementers of play in Northern Ireland were not represented at the seminar</th>
</tr>
</thead>
<tbody>
<tr>
<td>All relevant departments should have been represented at the seminar.</td>
</tr>
<tr>
<td>Absentee departments need to be informed about the seminar and how the general comment will impact on them and their requirement to implement it.</td>
</tr>
<tr>
<td>No representation from the Department of Education (DE) was considered disappointing. DE has a key role in facilitating children and young people’s right to play.</td>
</tr>
<tr>
<td>Representation from the 26 district councils was small given the key role that councils play in delivering play and leisure.</td>
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</tbody>
</table>

**Schools, councils and parents are critical enablers and facilitators of play**

Delegates felt that in addition to the dissemination role of politicians, policy-makers and departments, there was a critical implementation role for schools, councils and parents. Indeed, throughout the general comment there is a call for action specifically pointing to schools, which appears in numerous contexts throughout the document.

...the rights under article 31 are of positive benefit to children’s educational development; inclusive education and inclusive play are mutually reinforcing and should be facilitated during the course of every day throughout early childhood education and care (preschool) as well as primary and secondary school...(UN, 2013, para. 27)

The general comment also refers to the importance of planning for play and the role of local authorities.

*Planning for play, recreation and cultural and artistic activities requires a broad and comprehensive approach involving cross-departmental collaboration and*
accountability between national, regional and municipal authorities (UN, 2013, 58(c)).

The need for collaboration referred to by the general comment is particularly evident in the assertions made by the delegates regarding the role of councils (see Table 5).

The general comment also notes the need to provide parents and caregivers with ‘guidance, support and facilitation with regard to the rights under article 31’ (UN, 2013, para.56(c)). Parents are in many respects the first enablers and facilitators of play and over time this remit can be largely taken on by schools.

Table 5 highlights some of the salient issues emerging from the discussions relating to the role of schools, councils and parents but also provides examples of how to implement the obligations contained in the general comment.

**Table 5: Role of schools, councils and parents in implementing article 31**

<table>
<thead>
<tr>
<th>Schools</th>
<th>Councils</th>
<th>Parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Schools should address and ensure that play is delivered through the curriculum.</td>
<td>• The Department of Social Development needs to work in partnership with councils and key children’s champions to recognise and promote play.</td>
<td>• Parents have a crucial role to play in ensuring the facilitation of play.</td>
</tr>
<tr>
<td>• Schools could integrate play into the education curriculum and help raise awareness of play in a sustainable way.</td>
<td>• This will require greater communication and appropriate frameworks to be put in place.</td>
<td>• Work is needed to build the confidence of parents regarding the benefits of play.</td>
</tr>
<tr>
<td>• The school estate is a community resource that should be opened up and accessible for play during the out of school hours.</td>
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</table>

As noted above, the general comment refers to the role of the school in relation to article 31, time and time again. However delegates were cognisant of the difficulties faced by schools to enable and facilitate play and accepted that it is not always straightforward. Difficulties include:

- Disparities that exist across schools and within the key stages.
- Schools need guidance on how to implement play policies into schools.
- Age appropriate play is important and schools need to be supported to have play within the school, for example outdoor play.
Partnerships, dissemination, awareness raising, training and up-skilling of professionals on the obligations of the general comment, are all key components necessary to encourage the full implementation of article 31.

Delegates felt that article 31 remained largely the forgotten article of the UNCRC however the general comment had the potential to right that wrong. Delegates highlighted how it would be enormously helpful if Northern Irish society knew more about the rights of the child to play and the play issues impacting on children and young people.

Delegates highlighted parents and communities as generally lacking awareness of article 31, and this was considered a crucial barrier to enabling the right of the child to play. Rather, if parents, carers and communities are aware of what article 31 means for their children, they are in a position to advocate for play.

In order to progress the play agenda on the ground, delegates identified partnership working; dissemination; awareness raising; training; and up-skilling of professionals as ways to help realise the call for action contained in the general comment. Table 6 depicts what has to happen to encourage the full implementation of article 31.

<table>
<thead>
<tr>
<th>Table 6: What needs to happen to help encourage the full implementation of article 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>All professionals need to come together and build upon an agenda to inform all sectors of society.</td>
</tr>
<tr>
<td>Policy makers in all departments need specific children's rights training to ensure that the 'tick-box exercise' is more robust than the current human rights and equality proofing process particularly given the reality of transient government departments.</td>
</tr>
<tr>
<td>There is a real need for training on article 31, directed specifically on the child’s right to play and could be delivered to all duty bearers and children.</td>
</tr>
<tr>
<td>Tools need to be developed to educate the key delivery agents and this is an important step forward.</td>
</tr>
<tr>
<td>PlayBoard is an organisation that could with funding provide training on article 31.</td>
</tr>
</tbody>
</table>

Delegates noted that even with limited resources, raising awareness about the benefits of play could be achieved relatively easily. This would involve challenging negative perceptions of adults towards children and young people and taking practical steps to make play safer. Examples include the Torrens reclaiming street play project (PlayBoard, 2012) and the Participation and the Practice of Rights Project (PPR) model used by the Lower Shankill Residents Voice Project, which sought to clean up broken glass, fix broken lights and put traffic calming mechanisms in place.
Urgent need to deconstruct myths about play and to recognise the benefits of playing for children and young people

Delegates noted how myths exist about play and their deconstruction should be a priority. For example an awareness raising campaign on risk aversion could seek to alleviate fears about risk and highlighting the developmental benefits for children of all ages to learn through risky behaviour. Table 7 highlights some of the comments and observations made by delegates and provides an insight into the perceptions believed to be held by many regarding play.

<table>
<thead>
<tr>
<th>Table 7: Why the value of play needs to be disseminated</th>
</tr>
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<tbody>
<tr>
<td>Lack of recognition of the value of unstructured play</td>
</tr>
<tr>
<td>Lack of understanding from policy makers, educators and parents of the developmental benefits of play for children</td>
</tr>
<tr>
<td>Lack of recognition of the benefits of play to the community (e.g. more resilient, confident children and young people)</td>
</tr>
<tr>
<td>The Belfast PCSP ‘Playing out or Playing Up?’ campaign is an example of the negative connotations of play.</td>
</tr>
</tbody>
</table>

The comments above suggest a dissemination piece around the value of play is urgently needed.

Ensuring the participation of children and young people is the lynchpin to realising the obligations of the general comment

One of the overriding messages of the seminar was that the inclusion of children and young people is imperative to mobilising the play agenda. Their buy-in is essential to enabling and facilitating play. For example, delegates noted how facilities would be better designed and fit for purpose if children and young people were meaningfully involved. Moreover, play policy cannot be designed without input from children and this will require a shift in mind-sets because at present policy is apparently being designed without a children’s rights lens.

However, to enable children to have a serious input into making the general comment a reality, a child-friendly version is needed, simply because the general comment is currently too high level for children and young people to interpret.

The general comment highlights how article 31 fits into the broader context of the Convention, linking with many of the general principles of the Convention (UN, 2013) and cannot be considered in isolation (Davey and Lundy, 2011). For example
article 12 deals with the child’s voice, which is so critical to achieving the meaningful participation, referred to by the Children’s Commissioner in her address.

Lundy (2007) proposed a model of children’s rights to inform approaches or methods for consulting with children. The four key elements - space, voice, audience and influence – are contained in the circle of Figure 3. Some of the comments forthcoming from the round-table discussions appeared to fit into the Lundy model and have been assigned to the space, voice and audience quadrant of the model however populating the influence quadrant with comments and opinions was not so clear-cut and suggests this is where the real action is needed.

Figure 3: Model of Participation (Lundy, 2007) adapted to article 31 using the perceptions of the seminar delegates.

The failure of the child’s voice to influence policy was supported by the delegate(s) assertion that in Northern Ireland if policies are children’s rights compliant it is ‘by accident rather than design’. If this is the case, quite a significant piece of work is required to embed children’s rights compliance into policy design, or as was suggested, all key stakeholders need to be working from the bottom-up and from the top-down and meeting in the middle.

One indication of being serious about genuine participation is to equip professionals with the skills to facilitate children and young people. Equipping professionals with these skills means participation is being taken seriously and more than lip-service is being paid. Populating the final quadrant, INFLUENCE will be the real indicator of the child’s voice is being given due weight, in a serious and genuine manner, to help children and young people themselves to shape policies impacting on their lives.
Building an evidence base will substantiate the arguments for enabling and facilitating play.

Delegates believed that the evidence exists to show that play is beneficial and works however the evidence has to be effectively disseminated to enhance service delivery. Effective diagnostic tools will help to educate and translate to all sectors of society about the benefits of play.

The development of an assessment framework could ensure that the UNCRC article 31 obligations are being met. An assessment framework could also be used as a mechanism to overcome political and legal barriers. In turn, the UNCRC obligations could be used to enforce rights. PlayBoard was cited as being an organisation that is in an ideal position to measure play outcomes and to develop a sound framework of indicators.

Disseminating best play/playwork practice is crucial to getting the play agenda right.

Finally, delegates highlighted the need to showcase positive images of children and young people, the good things that children say and do rather than highlighting anti-social behaviour. Delegates also noted that barriers around disseminating the play message exist and they need to be overcome.

<table>
<thead>
<tr>
<th>Table 8: Barriers inhibiting the child's right to play</th>
<th>For individual children and young people – leisure opportunities can sometimes be prohibitively expensive (e.g. bus/transport and fees)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>New play parks are not always necessary to make progress towards realising the right to play.</td>
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<tr>
<td></td>
<td>Play is not always about destinations, it is about building an environment for playfulness.</td>
</tr>
<tr>
<td></td>
<td>Public campaigns that use negative imagery of children are unacceptable.</td>
</tr>
</tbody>
</table>

Delegates believed good play practice has to be embedded into mind-sets to mobilise stakeholders into action. Equally important is the need to demonstrate the current best practice that is taking place in schools and the community. Again, PlayBoard was identified as having a vital role to play in disseminating best practice.
Conclusion

This seminar was about raising awareness of the decision by the UNCRC to adopt General Comment 17 on article 31. The distinguished speakers expressed their delight with the important milestone that the general comment represents for article 31, the so called ‘forgotten article’. However, it was the round-table discussions that provided the space for thinking and reflection on what the general comment could mean for children in Northern Ireland, how article 31 could be fully realised; the barriers that have to be overcome; and the enablers that need to be capitalised upon.

The full implementation of article 31 is the end goal for all of us who believe in the right of the child to play. From the discussions and debates held at this seminar it is very clear that individuals from all sectors of society have roles to play in realising the call for action that is set out in General Comment 17 an opportunity exists right now to progress play and it needs to be grasped.

Realising the obligations of article 31 will require integrated and sustained action by government, service providers, parents and society generally. Dissemination will be critical to changing the mind-sets that exist across all echelons of society. This will require strong leadership from the top down but also the participation of children in every aspect of decision-making. Indeed, it appeared to emerge from the discussions that there is a perception that children and young people have little or no influence over the decisions that shape their lives. It is far from a foregone conclusion that they lead on the crucial decisions impacting on their lives. Indeed children and young people need to be put at the centre of thinking, planning, implementing and progressing play in Northern Ireland.

In practical terms the general comment represents an opportunity to review the Play and Leisure Implementation Plan (2011) and to explore the possibility that a statutory duty might be the best way forward. The role of schools, councils and parents are enormous with huge implications for what play could look like in the future but it is guidance on what play could look like that is arguably the game-changer.
References


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Good morning every one and welcome. As you know we are here today to both celebrate and promote article 31 via the Committee on the Rights of the Child newly ratified general comment that is - General Comment 17.

Before we get started, I would like to take a moment to welcome our Junior Ministers. Junior Minister McCann and Junior Minister Bell - we are very pleased that you could join us and we look forward to your contribution to this morning’s topical discussion.

At this point I would also like to thank all of our Partners and co-sponsors Niccy, QUB, Ofmdfm and IPA. A particular thanks to Patricia and her team for helping to make today a reality.

So.... the Committee on the Rights of the Child have issued a general comment on article 31.

**What is it? Why do we need it? How will we use it?**

All of us here in the room regardless of what sector we represent understand the significance of the United Nations Convention on the rights of the child. Since its ratification by the UK state party in 1991, the UNCRC has been considered a 'touchstone' for children's rights and the arena for pursuing future debates about them (Fortin 2009).

This international treaty sets out universally accepted rights for all children; it is a benchmark against which, a nation’s treatment of its children should be measured. We, and that’s the royal ‘**we**’, have I would suggest, over the last 20 odd years used the convention to great advantage, resulting in many improvements in policies, programmes and services. As a net result - we have improved the **protection of children’s best interests**

and collectively now have a greater understanding and respect for children’s needs associated to their rights.

So the visionary aspect if the UNCRC has, and continues to influence many areas of policy development in Northern Ireland.

Children have rights – that's a given. So why do we need general comments?
The answer is three fold:

• General comments assist stakeholders to better understand the provisions of the convention.

• they provide an authoritative interpretation of the rights contained in the articles and provisions of the Convention. Their main purpose is to promote implementation of the CRC and assist States parties in fulfilling their reporting obligations.

• and further, they help to strengthening national advocacy and can be used as a framework for both accountability and pressing for legislative change.

**So why do we need a GC on art 31?**

Article 31 of the UNCRC asserts that every child and young person under the age of 18 years has the right to engage in age-appropriate play and leisure activities. However, it has become obvious that article 31 is not well understood or appreciated. Very few of the national reports to the UN Committee have included article 31 in their reports and those that have done, have largely focused on children’s physical activity and have not embraced all of the components contained within article. Consequently, Article 31 was often referred to as the “the forgotten article” of the Convention.

General Comment 17 rights that wrong by making explicit what was already implicit – it clearly defines for Governments their responsibilities aligned with article 31, in doing so it defines and unpicks all the different elements of Article 31 - that is rest, recreation, leisure, play, and participation in cultural life and the arts.

Article 31 needs to be understood, both in terms of its constituent parts but also in its relationship with the Convention in its entirety and in respect of the evolving capacity of children as they transit from childhood to adolescence to adulthood.

Art 31 imposes an obligation on states parties to guarantee that the rights it embodies are realised for every child without discrimination.

The stated objectives of the General Comment 17 are also threefold.

In essence the aim of GC 17 is to raise the profile of art 31 and to affect an increase in its implementation.
At long last we have a document that provides us with clarity, not only does it distinguish the individual rights in ART 31, it further highlights the overlapping and complementary nature of these rights. It explains their importance in the growth and development of children and their impact on children’s overall well-being. This small accessible document challenges us to think about how implementation of article 31 will, or should be addressed.

The general comment makes a number of important points including:

It also notes particular groups of children may require particular attention in order to realise their rights under article 31. Eg Children with disabilities, girl children, children in institutions, working children and children in deep poverty.

At this point I would like to highlight one particular local example which perhaps exemplifies the need for action around one of the General Comments key issues – that of negative stereotyping. Some of you may have seen the Posters, which are currently being displayed on buses and bus shelters around Belfast.

I genuinely do not believe that if you sat down and consciously tried to draw up the most negative stereotype of children, young people and indeed play you could do a better job. It is clear to see that if we are going to tackle the issues raised in the General Comment we have some way to go.

The UNCRC promotes the interconnectedness and indivisibility of all the articles of the convention, it is therefore important that anyone working on behalf off, or with, children and young people understand the importance of article 31.

Perhaps, most importantly General Comment 17 provides a detailed elaboration of the specific actions that governments need to take to ensure that all the provisions of Article 31 are fully implemented.

**So how should we use this General Comment?**

Well, I think the publication is timely, our Executive are currently in the process of drafting the NI report for inclusion in the states party final report, perhaps the a wider appreciation of the Art 31 as noted in the general comment will better assist and inform drafting.

Given that the 2008 concluding observations picked up on Article 31 failures, I would suggest that the current exercise being undertaken by OFMDFM on the development of a ‘rights based’ indicators tool should be underpinned by the existing General Comments
Our Executive undoubtedly has a role to play in ensuring UNCRC compliance and it can be argued that they have come a long way in doing so. For example we have a Play and Leisure Policy statement that was signed off in Feb 2009 and we have an implementation plan ratified by the Executive in March 2011, but despite their existence, we have observed little to no delivery on identified actions.

I’m sure that our politicians and policy makers want our children grow up in child friendly environments that provide adequate conditions and opportunities for rest, leisure, recreation, with places and spaces where children can enter freely into play - so what is the blockage? Perhaps it’s because society places a low value of the rights contained in Art 31. For example, adults attitudes towards children’s play and leisure vary; some ignore it, or dismiss it as a waste of time, some curb play and leisure pursuits viewing them as being dangerous or subversive, while others appropriate them as learning or socialisation mechanisms?

So what are we going to do? I think we need to harness the currently energy and momentum to promote the child’s right to play in NI. As Ciara Davies and Laura Lundy’s work points out - Art 31 is the lynch pin to the fulfilment and enjoyment of almost all, if not all, the other convention rights.

In the words of the Scottish children's Commissioner: The UNCRC is our foundation, GC 17 provides the design framework and building blocks for the future. This GC on Art 31, will influence the way we think about our children it will assist us to take action so that children and young people can participate in their own lives in the here and now and lead a fulfilled role in society, now and in the future. If that is so, then today I suggest we lay the corner stone for Art 31 in NI.

We want, no demand no less than full implementation of Art 31 rights for all children in Northern Ireland.

From ‘Rhetoric to Reality’ (now doesn’t that ring a bell)?

No longer, do I want to hear Article 31 being referred to as the forgotten right.

I believe it’s time to play as they say – game on!
Appendix 2

PlayBoard Event 17 April 2013
General Comment 31

Thank you for inviting me to speak on what is an important day for every child and young person in Northern Ireland.

This is a day when we recognise that the United Nations – and we hope the Government - acknowledges that play is not just a word.

Today is a day when play is established, once more as a right and not just as a word describing something that children can do, after all the important things in their daily life are completed. But who would ever be accused of thinking like that, I hear you say!!

When the Assembly and Parliament created the job of Commissioner for Children and Young People, they were very clear on what that job was:

“To safeguard and promote the rights and best interests of children and young people.”

Part of that job is to listen to children and young people. Shortly after I became Commissioner I asked them what was among the most important things in their lives. Their answer was resounding: play and leisure!

So – the United Nations says play is important, children and young people say play is important. The United Kingdom Government, when they ratified the Convention on the Rights of the Child, also agreed that play is important.

So where do we go from here in making this a reality?

If we look at another key part of my role as Commissioner, it is to advise Government on how their laws, practices and services measure up to what is needed to meet children’s rights.

Part of that is reminding all parts of Government that under the United Nations Convention on the Rights of the Child they are: “Duty Bearers”.

That means that it is their duty to make sure that all of a child’s rights – including the right to play are fulfilled. No exceptions, no get out clause, and no
attempts to escape their duty: The state, in the shape of the Government, must make sure children enjoy their right to play.

Before I go any further, I’d like to take a moment to remind us of what the UN Convention, Article 31 says about play:

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.**

I’d like you all to consider two words from the second part of the article. Those words are ‘**respect**’ and ‘**promote**’.

Too often you will have read about the trivialisation of play; reduced to the latest must have toy for Christmas, or a newspaper commentator calling for children to get out into the fresh air.

I’d also like to draw one phrase from the General Comment on Play to your attention. It says that play will:

“...contribute to all aspects of learning”

We must also remember that it is not about adults dictating what play means.

Another key article of the Convention; **Article 12** – the right to **have a say in decisions that affect their lives.**

How many times has **Government really asked** children and young people to have a say in what sort of play and leisure they want?

How many times have **councils really asked** children and young people to have a say in what sort of play and leisure they want?

And, I’m not talking about consultation – I’m talking about **participation.**

Recently members of my youth panel and I awarded government departments and public sector organisations for their work, involving children and young people.

Each organisation that received a Participation Award paid testimony to how their organisation benefitted – and equally if not more important, how children and young people themselves, benefitted from participation. To that end almost all Government Departments have now signed a Participation Statement of Intent. This
is a commitment to involve children and young people in the decisions that affect their lives.

If Government now is beginning the journey towards meaningful participation, what is the role of our Government, our Executive and our Assembly in terms of **rest, play and leisure?**

**The General Comment** is quite specific about this. It is clear that Government **must** adopt legislation to make sure there is sufficient provision; that there must be a dedicated policy on play and a plan to make sure that this policy is implemented.

In my role as Commissioner – and in all our roles as champions for children’s rights – we must challenge our leaders to make these aspirations a **reality.**

We must also **support** children – as rights bearers – in claiming their rights, thereby supporting the duty bearers in power to meet their obligations.

**[PAUSE]**

So, what can I as Commissioner do now that the General Comment has been passed by the UN Committee on the Rights of the Child?

Following today, I will **write** to the First Minister and Deputy First Minister, as part of my duty to advise them on laws, practices and services, asking them when they will ensure there is sufficient play provision, when they will adequately fund play and ask for their commitment within the lifetime of this current Assembly.

I will also, under these same duties, **write** to the Minister for the Environment, asking him to remind all district councils of their obligations, and to make sure that in the reform of local government play is not forgotten.

I have supported the development of the Office of First Minister and Deputy First Minister’s Child Rights Indicators. They can now further develop these Child Rights Indicators by including the requirements of the General Comment.

Part of my job – and a very specific part of it - is to **promote** children’s rights. Through the work of my office – we are day and daily promoting those rights; promoting them to key stakeholders in Government, to MLAs, to children themselves, to teachers and to parents.

While parents may not be actual rights bearers themselves they have an essential role in claiming those rights on behalf of their children.

Before concluding I’d like to refer to the parts of Article 31 that is often overlooked. **The right to rest, cultural life and arts.**
Our children need the time to rest – as a mother and grandmother I can say that parents need their rest too! But, we should remember that no matter how many times we may wish our own children had an ‘off’ switch, they too need their rest from the hurly burly of modern life.

**Culture** is a word too often used in the tribal politics of Northern Ireland.

We all should remember that culture comes in more than just the two shades, often espoused.

**It comes from a child’s interests**, whether that is music, computer games, or any hobby that helps them to establish an identity for themselves.

As to arts – that doesn’t mean just the high brow paintings, or the Ulster Orchestra’s performances. It is about the art that inspires them – art that is relevant to them, and it must be art that they have a say in deciding whether they like it or not: remember Article 12, **a child has the right to have a say**.

As we consider all these rights I want to remind you of my job: to safeguard and promote the rights and best interests of children and young people. All parts of my work focus on this job.

I know that all of you here today join me in these aims.
I know that you all will join me in welcoming the General Comment on Article 31.

But most of all I know that we can all join together to make it right for children and young people, and I leave you with a quote from NICCY’s Children’s Rights Review – Chapter 7

"**Young people get blamed for anti-social behaviour, but it’s actually just boredom and lack of things to do.**”

Thank you!
For every child in Northern Ireland,

to play is a human right

Mary Sizer
Credits for Children's Rights, Queen's University Belfast
and CEISAMA, San Ramón, Nicaragua

Mini biography

Born and brought up in Ireland.
Lived and worked in England, Jamaica, Hungary, Turkey, Pakistan, Kent, promoting children's right to play and participation.
Moved to Nicaragua. Organizing local coffee workers, participating in drafting labor rights.
Temporary return to Ireland to do research for a PhD.

What do we need to do here in Northern Ireland?
It is all too easy for government and local authority officials to scan the General Comment, tick the box that says they've seen it and then file it away for future reference.

I'm sure I left it here somewhere.

So the challenge is to prevent this from happening. But how?
The task ahead: turn what looks like another boring official document into an exciting, practical tool for transformation.

IPA did a brilliant job in getting this General Comment.
Now it's over to us to pick up the baton and run with it.
This presentation asks the question: "What do we need to do here in Northern Ireland?" and offers some thoughts to help us work towards answers.
A human rights-based approach suggests the task divides in two:
- Empowering rights-holders (children) to claim their rights;
- Enabling duty-bearers to meet their obligations.

Parents are also important stakeholders.
In this context, they are not the principal rights-holders nor are they duty-bearers, but they have responsibilities relating to both roles:
- as advocates claiming Article 31 rights on behalf of their children;
- obligated not to unduly interfere with their children’s enjoyment of these rights.

**Because children have rights**

Empowering children

**Awareness-raising:**
- Children need to know what their rights are – in this case, their Article 31 rights – and what they can do if their own or other children’s rights are not respected.

**Capacity-building:**
- Children can develop skills as advocates for their own and others’ rights: learn to investigate and analyse the problems they face, put forward proposals, and hold duty-bearers to account.

As an example of empowerment in action, over the next six months, Playboard will be supporting a team of child researchers to:
- develop a child’s-eye view of what the General Comment is about;
- investigate the problems that limit the right to play in Northern Ireland;
- produce recommendations on what duty-bearers and other stakeholders need to do;
- present their findings and recommendations at a national conference in October.

So the task divides in three:
- Empowering rights-holders (children) to claim their rights;
- Support parents as advocates and defenders of children’s rights;
- Enabling duty-bearers to meet their obligations.

In all three cases the work starts with awareness-raising, and then goes on to capacity building.

Supporting parents

**Awareness-raising:**
- Parents need to know that their children have a right to play;
- …and that local and national government, education and health authorities etc. have duties to ensure this right is respected, protected and fulfilled.

**Capacity-building:**
- Parents need to be able to access the facts and benefits of different types of play, particularly outdoor and free play.

**Like children, parents can develop skills as advocates for their own and their neighbours’ children, and all the children of their community.**

Like children, parents can learn to investigate and analyse the problems children face in realising their right to play, and to organise at community and district level in search of solutions. Parents and children together can put forward proposals, and hold duty-bearers to account.
Enabling duty-bearers to meet their obligations

Awareness-raising:
- Officials and politicians need to know what their obligations are.
- It also helps if they understand why play is important for a healthy happy community, and the long-term benefits of promoting an active, playful population.

Capacity-building:
- Duty bearers have obligations to respect, protect and fulfil children's Article 31 rights. Enabling duty bearers to meet these obligations needs to be tailored to the different roles they have, for example roles like:
  - town-planning
  - health services
  - education
  - housing
  - social services
  - community development
  - policing and security...among others.
All have a duty to respect and protect the right to play, and many have specific roles to fulfil this right as well.

The final report identified hundreds of infringements of the right to play around the world, but these could be classified under 14 headings.

1. Adults unaware of the importance of play
   - Parents' attitudes restrict play opportunities, limit and control play.
   - Communities hostile to children at play.
   - Professionals, officials and policy-makers equally unaware of the importance of play.
2. Unsafe environments
   - Physical dangers
   - Human dangers
   - Loss of play space

3. Parents’ fears
   - The culture of fear
   - Over protection of children
   - Myth of “Stranger danger”

4. National and local authorities’ play policies inadequate or non-existent
   - Failure from national policy to local planning
   - Misuse of funds, prioritising adult (male) recreation over children’s right to play
   - The underlying problem: Politicians don’t understand play

5. Inadequate spaces or facilities for play
   - Play in the local neighbourhood is no longer a safe option.
   - Playgrounds and designated play spaces are failing children.
6. Authorities', institutions' and professionals' fear of litigation

- The "compensation culture" and its effect on children's play opportunities.

7. Excessive pressure for educational achievement

- Unhealthy competition
- Excessive hours of study

8. No recognition of or provision for play in schools

- The threat to school play-time
- No more "learning through play"

9. Structured, programmed leisure time

- Too many structured activities too young
- Programmed recreation is not a substitute for play
10. Technology and the commercialisation of children's play
   - Computer games replace active social play. What is being lost?
   - Risk of addiction and desensitisation to violence.
   - Children are targets of manipulative mass-marketing.

11. Treatment of children in institutions (hospitals, orphanages, sanatoriums, residential centres)
   - Staff not aware of importance of play, lacking motivation
   - No play space or unsuitable play equipment
   - Inadequate funding and lack of resources

12. Exclusion, discrimination, segregation and marginalisation
   - Discrimination and marginalisation of girls.
   - Exclusion, marginalisation and segregation of children with disabilities.
   - Exclusion through racism and other forms of discrimination.

13. Poverty and the struggle to survive
   - The right to play is the first to be forgotten in a crisis.
14. Child labour and exploitation

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

Do these only affect poor and developing countries?

How many might be problems in Northern Ireland?

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We need a diagnostic tool (a kind of Article 31 compliance check list)

The General Comment has a section on "States Parties’ obligations" (para. 54-59) which could be the basis for a diagnostic tool or quality check list.

- Such a tool could be applied by local authorities and government agencies themselves as a form of self-assessment to help improve services, plan for change where needed, recognize and share examples of good practice etc.
- It could also be used by independent agencies like Playboard, NICCY and community groups as a way of calling duty bearers to account.
- As long as we have a child friendly version, it could be used by children themselves to claim and defend their rights.

To sum up:

A. Empower children to claim and defend their rights.
B. Support parents as advocates and defenders of children’s rights.
C. Enable duty bearers, raising their awareness and building their capacity to fulfil their obligations to children.
Thanks for listening

Nicaraguan children's campaign banner:
"Children and young people defending our right to play. For health, learning, development, happiness and a life without violence."
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