



2012  
Child Rights Award  
Canadian Coalition  
for the  
Rights of the Child

## The Mammalian Protocol for Collaborating with Children

Performance company Mammalian Diving Reflex has developed a rights-based approach to artistic collaborations with children, using the *United Nations Convention on the Rights of the Child*, *The Implementation Handbook for the Convention on the Rights of the Child*, *The Universal Declaration on Human Rights*, *The International Covenant on Civil and Political Rights* and *The Declaration of the Child's Right to Play*. Using the *United Nations Convention on the Rights of the Child* as primary framework, in particular, Articles 5, 12, 13, 15, 19, 29, 30, 31, 32 and 36, the company has developed specific protocols for dealing with common situations when collaborating with children and the institutions in which children are most commonly engaged including the family, schools, community and cultural centers and arts organizations.

Mammalian Diving Reflex - 2014

**The Mammalian Protocol for Collaborating with Children**, version June 2014

For further information about this protocol:

Darren O'Donnell  
Artistic and Research Director  
+1 416 531 4635 x 7204  
darren@mammalian.ca

To engage Mammalian Diving Reflex as child/youth/participation consultants:

Jenna Winter  
Managing Producer  
1 416 531 4635 x 7204  
jenna@mammalian.ca

To collaborate artistically with Mammalian Diving Reflex:

Eva Verity  
Artistic Producer  
1 416 531 4635 x 7204  
eva@mammalian.ca

**Mammalian Diving Reflex**

@ Gladstone Hotel, room 204  
1214 Queen St. West  
Toronto, ON M6J 1J6  
Canada

**Ideal entertainment for the end of the world**

<b><u>Acknowledgements</u></b>	<b>4</b>
<b><u>Dedication</u></b>	<b>5</b>
<b><u>Introduction</u></b>	<b>6</b>
<b><u>The UN Convention on the Rights of the Child</u></b>	<b>8</b>
<b><u>The Mammalian Protocol on Collaborating with Children</u></b>	<b>9</b>
<b><u>Executive Summary</u></b>	<b>10</b>
<b><u>Article 5: Parental Guidance and the Child’s Evolving Capacities</u></b>	<b>13</b>
<b><u>Article 12: Respect for the Views of the Child</u></b>	<b>14</b>
<b><u>Article 13: Child’s Right to Freedom of Expression</u></b>	<b>15</b>
<b><u>Article 15: Child’s Right to Freedom of Association and Peaceful Assembly</u></b>	<b>19</b>
<b><u>Article 19: Child’s Right to Protection from all Forms of Violence</u></b>	<b>22</b>
<b><u>Article 29: The Aims of Education</u></b>	<b>24</b>
<b><u>Article 30: Children of Minorities or Indigenous People</u></b>	<b>26</b>
<b><u>Article 31: Child’s Right to Leisure Play and Culture</u></b>	<b>28</b>
<b><u>Article 32: Child Labour</u></b>	<b>30</b>
<b><u>Article 36: Child’s Right to Protection from Other Forms of Exploitation</u></b>	<b>30</b>
<b><u>Conclusion</u></b>	<b>32</b>
<b><u>Appendix One: The Full Text of the UN Convention on the Rights of the Child</u></b>	<b>34</b>
<b><u>Appendix Two: The Full Text of the Declaration of the Child’s Right to Play</u></b>	<b>49</b>
<b><u>Works Cited</u></b>	<b>52</b>
<b><u>Mammalian Diving Reflex Biography</u></b>	<b>54</b>

## Acknowledgements

Mammalian Diving Reflex wishes to acknowledge all the children, teachers, principals and other institutions who have collaborated with us over the years: Austin's Pecan Springs Elementary School and school facilitator Starla Simmons; Birmingham's Birmingham Repertory Theatre; Bologna's Scuola Elementary School and teacher Giovanna Del Vitto; Brussels' Ecole Aurore, View Winden and Lutgardisschool and teachers Karlien Tiebout, Win Van de Brulle and Isabelle Warzee; Cork's St. Vincent's Primary School and principal Marie Ni Eiki and teacher Lesley-Ann, Derry, Ireland's Oakgrove Integrated Primary School and principal Ann Murray; Dublin's St. Joseph's Primary School and Ms. White's and Mr. O'hici's; Launceston, Tasmania's Mowbray Heights Primary and teachers Marcella Glachan, Karen Higgins, Judy Harris, Chris Cullen, Kathy Robson and Julia Rodwell; Lahore's Punjabi Lok Mela and Shafiq Butt; London's community of Canning Town and Newham; Los Angeles' Burbank Middle School; Manhattan's Dr. Sun Yat Sen School and teachers Ms. Moulinos and Ms. Hodges; Melbourne's Footscray Arts Centre; Montreal's Westmount Park School and teachers Ms. Hope, Mr Noah and Ms. Jody Wilson; Mumbai's Aarambh and Shobha Murthi; Newcastle-upon-Tyne's Walkergate Primary School; Norwich's Catton Grove Primary School and teachers Agnes Pattison and Dan McKeown and City Academy Norwich and teacher Duncan Joseph; Prague's ZS Brana jazyku and teachers Alena Čížinská, Hana Novotná and Sylva Bartakovičová; Toronto's Parkdale Public School and principal James Smyth and teachers Amanda Biber, Carolyn Wallace, Sandra De Angelis, Sandra Hamilton and the entire staff, Fairbank Middle School, Dovercourt Primary School and R.H. McGregor; Perth, Australia's Roseworth Primary School; Portland's Glenfair Elementary School and Ms. Rosineau; Regina's Davin's School and teacher Kelly Maupin and principal Loraine O'Donnell; Surrey, Canada's Bridgeview Elementary, Principal Judy Gram and teachers Jeanne Atwal, Elizabeth Hinman, Ms. MacKenzie and Ms. Ens and Principal Andrew Shook and teacher Omar Obdollal; Terni's Scuole elementari Manzolini and teacher Marcella Grandoni; and Victoria's George Jay Elementary School and Mrs. Belanger.

## Dedication

*The Mammalian Protocol for Collaborating with Children* is dedicated to a few key individuals.

First up are all the children we've worked with: you guys are great, your participation has rocked the company's foundation and provided us with a reason – beyond art – to exist and we will be eternally grateful.

Secondly, we dedicate this to Ernie Boulton, the principal who first gave us the green light to work with his students at Parkdale Public School in Toronto, staring at us across his desk and demanding: "What's in it for them?"

Thirdly, we dedicate it to the students at a school in Europe, which, after a week of working with us, dropped out of the project because it was "too complicated" for the kids. The crew of resilient 10-year-olds responded with a confident: "Um, actually, we're not dropping the project...we *like* it." The significant thing about this group of kids is that they are not particularly extraordinary, and it's our belief that they acted like any children who had unilaterally and without consultation been denied participation in a project they deemed worthy—and we love them for that.

Finally, we dedicate this protocol to the teacher who tried to yank the plug on our project, acknowledging that what we are proposing is daunting and there is no shame in being afraid; children are often afraid.

## Introduction

Performance company Mammalian Diving Reflex has developed a rights-based approach to artistic collaborations with children, using the *United Nations Convention on the Rights of the Child* (The Convention), *The Implementation Handbook for the Convention on the Rights of the Child* (The Handbook) *The Universal Declaration on Human Rights*, *The International Covenant on Civil and Political Rights* and *The Declaration of the Child's Right to Play* as primary resources upon which we base our methodology. Using the *United Nations Convention on the Rights of the Child* as framework, in particular, Articles 5, 12, 13, 15, 19, 29, 30, 31, 32 and 36, the company has developed specific protocols for dealing with common situations when collaborating with children and the institutions in which children are most commonly engaged, including the family, schools, community, cultural centers and arts organizations.

This protocol is a summary of the child's rights relevant to our collaborations with children and the institutions in which they are engaged, both in terms of our desires and expectations with respect to how the children are to be treated while collaborating with us but, also, with respect to the underlying artistic themes of the projects. All of our collaborations with children have, at one level or another, the theme of the full recognition of children as rights-holders who are "not only entitled to receive protection but also have the right to participate in all matters affecting them, a right which can be considered as the symbol for their recognition as rights holders. This implies, in the long term, changes in political, social, institutional and cultural structures;"<sup>1</sup> in effect, "a new social contract."<sup>2</sup>

Mammalian Diving Reflex's artistic projects with children attempt to be utopian moments that offer the possibility of seeing children differently and accepting their presence, energy and disruptive potential as important reminders that, perhaps, we are all taking things a little too seriously, moving a little too fast, and expecting too much of each other. We are concerned that the social norms and codes of professionalism that exclude or prove challenging to children – something as simple as the expectation of complete silence while watching a theatre performance, or the prohibition against exuberant play while in most public spaces – are norms and codes which are too restrictive even for adults. Taking, as an example, the expectation of complete silence during a theatre performance we find that the codes of behaviour demanded of the audience are historical and cultural constructions and, at other times and in other places, the role of the audience was very different with an acceptance and expectation of boisterous participation.<sup>3</sup> Facilitating the presence of children in a much wider range of activities

---

<sup>1</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>2</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>3</sup> Clarke Mackey's book *Random Acts of Culture* (2010) details the evolution of the role of the audience over the past several hundred years, linking the loss of public spaces filled with vibrant social connections with a concomitant change in the role of audience from one of active participant to one of passive spectator, from co-producer of cultural events to consumer. Cracks have begun to appear in the edifice with the rise of social

and accepting this presence on their terms, without the vigilant controlling of their impulses that we currently accept as the norm, is seen as a possible avenue for establishing a new sort of generosity in the public sphere, not only between adults and children, but between adults themselves. For example, when we present our project *Eat the Street*, which features a jury of children food critics travelling to a number of restaurants over the course of a few weeks and offering their opinion of the food, we have noticed that the pressure on the servers to deal with a large group of children is accepted by the adults, who handle the compromised service with good-humoured equanimity, in contrast to the high levels of professionalism expected and the irritation that occurs when it is an adults-only environment. The Handbook also observes “Children are capable of playing a unique role in bridging differences that have historically separated groups of people.”<sup>4</sup> It is this generosity and acceptance of our beautifully flawed humanity that we feel the presence of children can provide for everyone, but to do this we need, as the Committee on the Rights of the Child has observed, a “new social contract” with “long term changes in political, social, institutional and cultural structures.”<sup>5</sup>

Mammalian Diving Reflex’s tagline is “ideal entertainment for the end of world,” by which we mean “this” world, rife as it is with inequity, violence, war, environmental devastation and greed, with the hope for a world that is fair and generous. Our modest strategy toward actualizing this future is the simple gesture of including children as rights-holders, and, in addition to providing them responsible protection and guidance, according them a set of rights and freedoms in all matters affecting them.

Mammalian Diving Reflex, while dedicated to a thorough application of the Convention, understands that life is more complicated than international treaties and that occasionally – even often – there are circumstances where a pure application of the Convention may, in effect, compromise the child’s rights or the rights of a majority of the children. We feel a thorough understanding of the aspects of the Convention related to our collaborations is important as a foundation upon which to foster discussion and facilitate communication, and that negotiations are expected to be constant with compromise and the understanding of each others’ - often complicated - position being key.

This protocol will always be a work in progress, with constant updates and revisions. Please contact Mammalian Diving Reflex for the most current version.

---

and participatory technologies, but there are still many areas where participation is discouraged, particularly from children.

<sup>4</sup> Committee on the Rights of the Child, General Comment No. 1, 2001:

<sup>5</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

## The UN Convention on the Rights of the Child

*The United Nations Convention on the Rights of the Child* is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. The Convention generally defines a child as any human being under the age of eighteen, unless an earlier age of majority is recognized by a country's law.

Nations that ratify this convention are bound to it by international law. Compliance is monitored by the United Nations Committee on the Rights of the Child, which is composed of members from countries around the world. Once a year, the Committee submits a report to the Third Committee of the United Nations General Assembly, which also hears a statement from the CRC Chair, and the Assembly adopts a Resolution on the Rights of the Child.

Governments of countries that have ratified the Convention are periodically required to report to, and appear before, the United Nations Committee on the Rights of the Child to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country. Their reports and the committee's written views and concerns are available on the Committee's website.

The United Nations General Assembly adopted the Convention and opened it for signature on 20 November 1989. It came into force on 2 September 1990, after the required number of nations ratified it. As of November 2009, 194 countries have ratified it, including every member of the United Nations except Somalia and the United States of America. Somalia's cabinet ministers have announced plans to ratify the treaty.

Mammalian Diving Reflex has identified a number of articles as having a particularly strong relevance to our collaborations with children and the institutions in which they are engaged and that engage them: Article 5, Parental Guidance and the Child's Evolving Capacities; Article 12, Respect for the Views of the Child; Article 13, Child's Right to Freedom of Expression; Article 15, Child's Right to Freedom of Association and Peaceful Assembly; Article 19, Child's Right to Protection from All Forms of Violence; Article 29, The Aims of Education; Article 30, Children of Minorities and Indigenous People and Article 31, Child's Right to Leisure, Play and Culture; Article 32, Child Labour and Article 36, Child's Right to Protection From Other Forms of Exploitation.



## The Mammalian Protocol

Each relevant article of *The United Nations Convention on the Rights of the Child* and its relevance to Mammalian Diving Reflex is briefly introduced in an executive summary. The full protocol with the entirety of each relevant article of the Convention is then presented, followed by a detailed explanation of what Mammalian Diving Reflex considers to be the important aspects for our purposes and its practical implications and applications.

## The Mammalian Protocol for Collaborating with Children

### Executive Summary

#### **Article 5: Parental Guidance and the Child's Evolving Capacities**

Committee on the Rights of the Child (The Committee) has noted that “with regards to parenthood, the emphasis should not be on authority but on responsibility.”<sup>6</sup> The implications of this for Mammalian are that we are vigilant about not commanding the children nor telling them what to do and what not to do. Our responsibility to the children is to protect them from any potential harm but, within the parameters of our projects, we do not assume any authority to dictate their behaviour except insofar as their behaviour may cause them or others harm or infringe on the rights of others.

#### **Article 12: Respect for the Views of the Child**

Mammalian Diving Reflex is in agreement with the Committee’s statement that “A shift away from traditional beliefs that regard early childhood mainly as a period for the socialization of the immature human being towards mature adult status is required.” Mammalian welcomes the full participation of children to hold whatever views they like, insofar as it does not infringe on the rights of any other person – child or otherwise. Therefore, we do not view our role or the function of the project to be one of correcting the children toward higher levels of “maturity,” or to teach them any sort of etiquette or modes of social behaviour that are considered more “correct” for a given circumstance. We share our opinions on these matters with them, but we do not impose particular behaviours or prohibit others.

#### **Article 13: The Child’s Right to Freedom of Expression**

Some of our projects bring children into contact with members of the public, where the young people’s method of expressing their views may have an adverse effect on other people’s – or for that matter, our - enjoyment of an event. To the extent it is possible we refrain from telling them how to behave, but rather, we inform them how their behaviour is making us feel and allow them the opportunity to take responsibility for their actions.

#### **Article 15 Child’s Right to Freedom of Association and Peaceful Assembly**

Article 15 is of particular interest to arts organizations like Mammalian Diving Reflex, who create works that bring children and adults together to participate in events and consider the right to protection to be the highest priority. The implications of this for us are that, while guidance is expected in the exercising of the rights in general and in the exercising of the right to freedom of thought, conscience and religion, it is considered less relevant in the case of the right to expression, association and peaceful assembly; therefore the child’s right to these is more important than the parent’s desire to guide them in a

---

<sup>6</sup> Burkina Faso CRC/C/SR.136, paras. 51 and 53.

particular direction.

### **Article 19: Child’s Protection from All Forms of Violence**

While Mammalian Diving Reflex acknowledges the gravity of physical violence suffered by children, it is the more common occurrence of mental violence that we are sensitive to in our projects. Mammalian Diving Reflex does not utilize any forms of humiliation and considers the other various infringements on the rights of the child, particularly when occurring in a very public way in front of peers, to be a form of humiliation, and therefore an infringement of Article 19. Yelling at the children in front of their peers, or yelling at them to “be quiet,” or “shut up,” are also considered acts of violence in that they are direct infringements of Article 13: Child’s Right to Freedom of Expression.

### **Article 29: The Aims of Education**

Mammalian Diving Reflex’s intention is not to improve or impart particular skills (we are not interested in increasing the child’s chances of becoming a hairstylist, for example) nor to teach prescribed ways of evaluating or analyzing their experiences (we are not interested in determining particular ways for critically evaluating a theatre show, for example). Instead, our projects with children are primarily dedicated to demonstrating what the Committee refers to as “a new social contract;”<sup>7</sup> new ways of collaborating with children in the production of life itself, ways that include the child as a rights-holder, which we accomplish primarily by attempting to design an environment where all other of the child’s rights as outlined in the Convention are utterly respected.

### **Article 30: Children of Minorities or Indigenous People**

With respect to this article, Mammalian Diving Reflex will allow the child to communicate in any language they choose and, while our linguistic capacities are limited, we enjoy the challenge of working with populations who do not speak our language and appreciate the high amount of communication that is actually possible. While we understand the pedagogical imperative of the schools and other institutions to help children to speak the dominant language, Mammalian Diving Reflex’s preference is for the child to be comfortable and enjoy their short-term collaboration with us, rather than a strict adherence to policies of appropriate use of particular languages.

### **Article 31: Child’s Right to Leisure, Play and Culture**

Mammalian recognizes that the right to play is related to the right to freedom of expression and is essential to the artistic process particularly in the performing arts, and that play and playfulness are central to our artistic practice. Therefore we do not restrict or impede the child’s desire to play in any setting whatsoever insofar as they do not threaten health and safety or infringe on the rights of other children or other people. In the event their play disrupts our activities, we respond by informing the children of our feelings and allowing them the opportunity to take responsibility for their actions. We do not command the children to stop playing or control any manifestations of physical

<sup>7</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

exuberance.

**Note on health and safety is relevant:**

Invoking notions of health and safety is a common strategy for controlling and invading the privacy of populations in the case of both adults and children. This is particularly relevant to the child's right to express themselves through play, with declarations of danger used to curtail simple disruption. While the health and safety of all of our collaborators – be they children or adults – is a priority taking precedence above all other, we regard the invocation of health and safety as very serious and consider their arbitrary and opportunistic use, designed to simply control the children for behaviour deemed disruptive, to be a violation of the children's rights of expression and their right to play.

**Article 32: Child Labour & Article 36: Protection From Other Forms of Exploitation**

Mammalian Diving Reflex views these two articles with interest because we consider the children artistic collaborators and are wary of exploitation, even if that exploitation is fun, yet interferes with their education, for example.

Though we are a performing arts organization, Mammalian Diving Reflex is dedicated to creating work that does not necessarily develop or exploit particular talents but, instead, involves children *as they are*, attempting to present to the world their exuberance in an unrehearsed and unmitigated way. We are cautious about “showcasing” the children, preferring, rather, to create a “performance” out of the children's “everyday” presence in the world, specifically in venues where they are generally not included, considered or particularly welcome, demonstrating that their inclusion is actually beneficial to all.

## The Mammalian Protocol for Collaborating with Children

### Article 5: Parental Guidance and the Child's Evolving Capacities

***States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.***

The Handbook points out that "The Convention regards the child as the active subject of rights, emphasizing the exercise "by the child" of his or her rights,"<sup>8</sup> and that the Committee on the Rights of the Child (The Committee) has noted that "the rights and prerogatives of the parents may not undermine the rights of the child as recognized by the Convention, especially the right of the child to express his or her own views and that his or her views be given due weight"<sup>9</sup> and that "with regards to parenthood, the emphasis should not be on authority but on responsibility."<sup>10</sup>

The implications of this are that we are vigilant about not commanding the children and telling them what to do and what not to do. Our responsibility to the children is to protect them from any potential harm but, within the parameters of our projects, we do not assume any authority to dictate their behaviour except insofar as their behaviour may cause them or others harm or infringe on the rights of others.

A very common scenario is the impulse to dictate and control behaviour based on the social disturbances the children may be causing people external to the projects. We do not consider this to constitute "harm to others" and take the position that if the children are disturbing someone, we either let that person deal with it themselves or we express to the child that their behaving is making *us* uncomfortable. We do not presume to speak for the member of the public but, rather, we take responsibility for our own feelings on the matter and allow the child to, then, take responsibility for the discomfort their actions are causing us and correct their behaviour accordingly.

**We do not take a position of authority over the child and ask all participating institutions to do the same.**

<sup>8</sup> Handbook, page 75.

<sup>9</sup> Committee on the Rights of the Child, General Comment No. 8, 2006, CRC/C/GC/8, paras. 41 and 43.

<sup>10</sup> Burkina Faso CRC/C/SR.136, paras. 51 and 53.

## Article 12: Respect for the Views of the Child

**1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.**

**2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.**

This right is in accordance with the Universal Declaration of Human Rights, which states “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”<sup>11</sup> And the International Covenant on Civil and Political Rights states: “Everyone shall have the right to hold opinions without interference.”<sup>12</sup>

Mammalian Diving Reflex is in agreement with the Committee’s statement that: “A shift away from traditional beliefs that regard early childhood mainly as a period for the socialization of the immature human being towards mature adult status is required. The Convention requires that children, including the very youngest children, be respected as persons in their own right. Young children should be recognized as active members of families, communities and societies, with their own concerns, interests and points of view.”<sup>13</sup>

The children, no matter how young and to what extent their views or actions may be interpreted as “immature,” are respected as persons in their own right and are not corrected. We may offer an opinion on their behaviour, but we are vigilant about making it clear that our opinion is simply our opinion.

The implications of these ideas for Mammalian are that we welcome the full participation of children to hold whatever views they like, insofar as it does not infringe on the rights of any other person – child or otherwise. Therefore, we do not view our role or the function of the project to be one of correcting the children toward higher levels of “maturity,” or to teach them any sort of etiquette or modes of social behaviour that are considered more “correct” for a given circumstance. We share our opinions on these matters with them, but we do not impose particular behaviours or prohibit others.

---

<sup>11</sup> The Universal Declaration of Human Rights, Article 19.

<sup>12</sup> The Universal Declaration of Human Rights, Article 19.1.

<sup>13</sup> Committee on the Rights of the Child, General Comment No. 7, 2005, CRC/C/GC/7/Rev.1, para. 5.

## Article 13: The Child's Right to Freedom of Expression

**1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.**

**2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:**

**(a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals.**

Following directly on the child's right to respect for their views is the child's right to be free to express these views, a right which is accorded everyone in both the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*.

Some of our projects bring the children in contact with members of the public, where the young people's method of expressing their views may have an adverse effect on other people's – or for that matter, our - enjoyment of an event. To the extent it is possible, we make every effort to facilitate communication between the offended adult and the offending child so that the child is aware of the effects of his or her actions, but we try not to restrict those actions, having learned from experience that when a child is informed that their behaviour is causing distress, they are generally able to take responsibility and more-or-less monitor themselves. We apply the same principle to our interactions with the child and refrain from telling them how to behave, but rather, we inform them how their behaviour is making us feel and allow them the opportunity to take responsibility. Therefore we regard "shushing" or commanding the children to do or stop doing something to be an infringement of Articles 12 and 13.

We understand this may sound like an over-zealous application of the Convention but feel that it is reflective of the previously referenced "new social contract," which "implies, in the long term, changes in political, social, institutional and cultural structures,"<sup>14</sup> which, it should be pointed out, are bound to feel strange, particularly in a traditional institutional setting like a school. However, the Committee is very clear that "there are no boundaries on the obligation of States Parties to assure the child the right to express views freely. In particular, this emphasizes that there is no area of traditional parental or adult authority – the home or school for example – in which children's views have no place."<sup>15</sup> Therefore we consider the child's right to express their point of view to be something we allow in whatever form that may take.

<sup>14</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>15</sup> Handbook; pg 154.

The following are Mammalian Diving Reflex's policies on:

- Technology
- Play
- Bullying
- Parental Guidance
- Swearing
- School Uniforms
- Health and Safety

### **Technology**

The use of technology can sometimes be challenging during our projects, when the children are more captivated by their iPods or the texts they are sending and receiving than what we are offering them. However, we feel the onus is on us to provide activities more interesting than the games on their phones and, if we do not, that this is our failure, not theirs. The Committee emphasizes that media “offers children the possibility of expressing themselves.”<sup>16</sup> In the report of its General Discussion on “The child and the media”, the Committee promoted children’s participatory rights in relation to the media. “The Internet and modern information and communications technology, including mobile phones, provide children with new opportunities to seek and impart information regardless of frontiers or adult restrictions.”<sup>17</sup>

In the event the child’s activities disrupt our activities, we respond by informing the children of our feelings and allow them the opportunity to take responsibility for their actions. We do not command them to put away any electronic technology, and we do not confiscate it.

### **Play**

The Handbook makes the point that “of particular importance to children’s freedom of expression is the right to engage in play,”<sup>18</sup> which is also supported by Article 31, Child’s Right to Leisure, Play and Culture. For us, this means that the child’s impulse to play should be respected irrespective of the perceived appropriateness of this activity or any disruption it may cause.

In the event the child’s play disrupts our activities, we respond by informing the children of our feelings and allow them the opportunity to take responsibility for their actions. We do not command the children to stop playing or control any manifestations of physical exuberance.

### **Bullying**

The right to freedom of expression, however, is accompanied by the restrictions that are necessary “for respect of the rights or reputations of others.”<sup>19</sup> While this restriction is something that the Convention states “shall only be such that as are provided by law,”

---

<sup>16</sup> Handbook, pg 179.

<sup>17</sup> Handbook, pg 179.

<sup>18</sup> Handbook, pg 180.

<sup>19</sup> The Convention, Article 13, paragraph 3.



the Committee recognizes the damaging role of bullying.<sup>20</sup> Therefore, we feel the right to expression is restricted in the case of bullying, notwithstanding the fact that the prohibition against bullying is not a restriction that is provided by law.

### Parental Guidance

The Handbook points out that a question that came up during the drafting of the Convention and in the various State's responses upon ratification is the role of parents<sup>21</sup> and, by extension teachers, chaperones and other supervising adults, in the child's right of expression. Article 5, Parental Guidance and the Child's Evolving Capacities states that parents and others have the "responsibilities, rights and duties to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of (their) rights."<sup>22</sup> This role for parents is repeated in article 14 (Child's Right to Freedom of Thought, Conscience and Religion) but not in articles 13 (The Child's Right to Freedom of Expression) or 15 (The Child's Right to Freedom of Association and Peaceful Assembly).<sup>23</sup> The implications of this for us are that, while guidance is expected in the exercising of the rights in general and in the exercising of the right to freedom of thought, conscience and religion, it is considered less relevant in the case of the right to expression, association and peaceful assembly, and therefore the child's right to these is more important than the parent's or other guardian's desire to guide them in a particular direction.

### Swearing

We respect the right of the institution to impose sanctions on the act of swearing, while at the same time doubting the efficacy of these prohibitions, believing that to forbid is to make attractive. We regard swearing as a minor infraction of social codes with a double standard that favours adults. Most thoroughly successful adults indulged in swearing as a child, and many still do as adults, with no repercussions for their moral code: they were and remain good people. Mammalian Diving Reflex regards swears, in and of themselves, silly words that only gain power as something said that is not supposed to be said and view them as symptomatic of many of the strange contradictions hovering around our social being.

When working with young people on our own terms, we choose to tailor our language according to the limits set by the children and, if they swear, to the extent that we might use the same word, we do. However we do not swear in the presence of the child, unless they swear in the presence of us and we do so only insofar as we would swear in the presence of an adult—that is, we don't go out of our way to swear but we don't pretend to be angels, if the young people have set a less than angelic standard.

### School Uniform

The intention of The Mammalian Protocol is not to intervene in a given institution's treatment of children but to note that when the institution and Mammalian Diving Reflex share responsibility for the child, we prefer the children to be treated according to the

<sup>20</sup> Committee on the Rights of the Child, Report on the twenty-eighth session, September 2001, CRC/C/111, paras. 6.

<sup>21</sup> Handbook, pg 181.

<sup>22</sup> The Convention, Article 5.

<sup>23</sup> Handbook, pg 181.

terms established in the Convention. Therefore, for example, we do not request that a given institution change its approach to the children when the children are in their sole care or on their property, but when we are not at the given institution, we do not oblige the children to dress in any particular way, for example, allowing them to choose their attire, particularly when we are participating in a public event such as an award ceremony where we consider the comfort of the child to be a priority over etiquette.

We note that there are extenuating circumstances where the obligation to wear a school uniform, for example, is designed to reduce pressure on the economically deprived child and we are open to negotiating these situations on a case-by-case basis.

### **Health and Safety**

Invoking notions of health and safety is a common strategy for controlling and invading the privacy of populations in the case of both adults and children. This is particularly relevant to the child's right to express themselves through play, with declarations of danger used to curtail simple disruption. While the health and safety of all of our collaborators – be they children or adults – is a priority taking precedence above all other, we regard the invocation of health and safety as very serious and consider their arbitrary and opportunistic use, designed to simply control the children for behaviour deemed disruptive, to be a violation of the children's rights of expression and their right to play (Article 31, below).

## Article 15: Child’s Right to Freedom of Association and Peaceful Assembly

- 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.**
- 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.**

Article 15 is clear that children have the right to associate with whomever they want and that “no restrictions may be placed upon this right, except those in conformity with the law and...in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

Considering the widespread concern regarding the protection of children and, in particular, the possible exposure to sexual exploitation, The Handbook observes the child has this freedom of association with other individuals as long as the “individual does not threaten the child’s other rights, including to protection.”<sup>24</sup>

Article 15 is of particular interest to arts organizations like Mammalian Diving Reflex who create works that bring children and adults together to participate in events and consider the right to protection to be the highest priority. We recognize, however, that the rights outlined in Article 19, the Child’s right to protection from all forms of violence, do consider it important to acknowledge the difficult fact that the vast majority of incidents of abuse are perpetrated not by strangers or other individuals such as artists who have a minimal and occasional contact with the child but *by family members or other person related to the child* who, according to The Canadian Incidence Study of Reported Child Abuse and Neglect, constitute the vast majority (93%) of perpetrators.<sup>25</sup> American, British and Australian studies present similar findings.<sup>26</sup>

<sup>24</sup> Handbook, 198.

<sup>25</sup> N. Trocmé and D. Wolfe, *Child Maltreatment in Canada: Canadian Incidence Study of Reported Child Abuse and Neglect, Selected Results* (Ottawa: Minister of Public Works and Government Services Canada; Health Canada, 2001), pg 19.

<sup>26</sup> Lamont, A. *Who Abuses Children?* Commonwealth of Australia. 2011; Grubin, D. *Sex offending against children: Understanding the risk* Policing and Reducing Crime Unit Research, Development and Statistics Directorate Home Office, UK. 1998; Gaudiosi, J.A. *Child Maltreatment, 2007*. US Department of Health and Human Services, 2007.

The following are Mammalian Diving Reflex's Policies on:

- Background Checks
- Board Participation
- Friendship
- Online/Facebook
- Thought vs Expression

### **Background Checks**

While difficult to acknowledge, it is crucial to point out the terrible fact that it is when we say goodbye and send the child home at the conclusion of each day's collaborative activities that we should be concerned about the child's safety and not so much during their participation with our projects, where the child is more likely to be safe.

In some cases, policy exists that requires arts organizations working with vulnerable persons including children to submit employees and volunteers to a criminal background check. Mammalian Diving Reflex's staff complies with this request and have had our records checked in Canada, but notes that restricting the child's association only to those individuals who have submitted to this check is an infringement on the child's right to freedom of association and, considering the facts outlined above, does nothing to address the site and situation of the vast majority of abuses.

### **Board Participation**

Mammalian Diving Reflex takes a particularly keen interest in the Handbook's flagging of the fact that full implementation of Article 15 faces an impediment when considering laws concerning the child's right to act as directors or trustees of public associations.<sup>27</sup>

Though not entitled by law to vote, we include a number of teenagers on our board of directors whose opinions we consider before making any decisions. The handbook also notes that some States require children to garner the agreement of their parents before joining associations, but that "the Convention provides no support for arbitrary limitations on the child's right to freedom of association."<sup>28</sup>

### **Friendship**

In terms of the child's association with peers, we respect their right to freedom of association and will not separate students who want to spend time or sit next to each other. In the event their association is leading to behaviour that is disrupting our activities we, again, respond by informing the child of our feelings and allow them the opportunity to take responsibility for their actions. We acknowledge that peer pressure to participate in activities that are disruptive can overwhelm some children and lead to undesired participation, so we make efforts to recognize this and encourage peers to work in different pairs or groups while offering a variety of participatory options to address this.

### **Online/Facebook**

In terms of online association, Mammalian Diving Reflex utilizes online forums for

---

<sup>27</sup> Handbook, pg 198

<sup>28</sup> Handbook, pg 198

communicating and collaborating with young people, including blogs and social media such as Facebook and Twitter. Facebook has proven to be a particularly effective tool for remaining in touch and fostering ongoing collaborations with children and young people from locations we may not have the opportunity to visit regularly. Mammalian Diving Reflex takes the long-view, and is building an international network of children and young people who have collaborated with the company in order to foster further collaborations that we intend to continue as the child makes their way into adulthood, providing employment, travel and professional development opportunities. Currently there is one twenty-year-old woman who we have known since she was eleven who we have engaged as a project coordinator and sent to Europe to begin training on our projects. We will foster this sort of relationship with as many children as we can over the upcoming years, eventually engaging them as project initiators, lead artists and, ultimately, ceding the company to them when we are ready to retire. It is our artistic goal for the company to eventually be lead by an artistic directorship of individuals who we began working with when they were children. Facebook and other online social media are central to our ability to accomplish this.

### **Thought vs Expression**

As was observed in the previous article, Article 5, Parental Guidance and the Child's Evolving Capacities states that parents and others have the "responsibilities, rights and duties to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of (their) rights."<sup>29</sup> This role for parents is repeated in article 14 (Child's Right to Freedom of Thought, Conscience and Religion) but not in articles 13 (The Child's Right to Freedom of Expression) or 15 (The Child's Right to Freedom of Association and Peaceful Assembly).<sup>30</sup> The implications of this for us are that, while guidance is expected in the exercising of the rights in general and in the exercising of the right to freedom of thought, conscience and religion, it is considered less relevant in the case of the right to expression, association and peaceful assembly, therefore the child's right to these is more important than the parent's desire to guide them in a particular direction.

---

<sup>29</sup> The Convention, Article 5.

<sup>30</sup> Handbook, pg 181.

## Article 19: Child’s Protection from All Forms of Violence

**1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.**

**2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.**

The Handbook states “Article 19 requires children’s protection from “all forms of physical or mental violence” while in the care of parents or others. Thus, article 19 asserts children’s equal human right to full respect for their dignity and physical and personal integrity.”<sup>31</sup>

### **Mental Violence & Humiliation**

While Mammalian Diving Reflex acknowledges the gravity of physical violence suffered by children, it is the more common occurrence of mental violence that we are sensitive to in our projects, acknowledging that “there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishments that belittle, humiliate, denigrate, scapegoats, threatens, scares or ridicules the child.”<sup>32</sup> Mammalian Diving Reflex does not utilize any forms of humiliation and considers the other various infringements on the rights of the child, particularly when occurring in a very public way in front of peers, to be a form of humiliation and therefore an infringement of Article 19. Yelling at the children in front of their peers, yelling at them to “be quiet,” or “shut up,” are also considered acts of violence in that they are direct infringements of Article 13: Child’s Right to Freedom of Expression.

### **Representation**

We consider the child to be strictly *a representative of their self* and do not assign to the child the responsibility of representing Mammalian Diving Reflex or any institution we are working with. The child is our collaborator who has agreed to create with us, but his or her behaviour is not seen as a reflection of our abilities or aptitude. We therefore consider statements that suggest the child is “representing the school” or any other organization to be incorrect and, ultimately, coercive. While we may feel self-conscious that the child is acting in a particular way, we do not consider this to be a reflection on us and if other people consider us lacking in any way and view us or our partner

---

<sup>31</sup> Handbook, pg 249.

<sup>32</sup> Handbook, pg 290.

organizations negatively we simply accept this with equanimity and as one of the costs of facilitating the full rights of the child. To the extent that the child's behaviour is causing distress to others, including ourselves, we bring this to the attention of the child but we do not assign to the child the responsibility of representing entities other than themselves.

### **Right to Food**

The Committee on Economic, Social and Cultural Rights notes: "Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation. Nor should any form of discipline breach other rights under the Covenant, such as the right to food."<sup>33</sup> Therefore threats to deprive the children of snacks until they start behaving in a particular way are considered infringements of Article 19.

### **Access to Friends**

The Handbook states that "Corporal punishment is not the only form of school discipline to breach article 28 (Child's Right to Education); public humiliation, for instance, is not consistent with the child's human dignity,"<sup>34</sup> and the Committee has noted that other forms of cruel punishment include "punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child."<sup>35</sup> The Handbook continues, "and care should be taken not to violate other rights under the Convention. For example, punishments that stop children's access to their friends would be in breach of rights under the Convention and of article 28(2)."<sup>36</sup> Therefore we do not separate children from their friends to correct for behaviour that is disruptive. Again, we explain to the children the effects of their actions on us and allow them to take responsibility.

### **A note with respect to the UK**

In its Initial Report, the United Kingdom stated that "appropriate direction and guidance" of the child "include the administration, by the parent, of reasonable and moderate physical chastisement to a child."<sup>37</sup> However, the Committee on the Rights of the Child has stated that "there is no place for corporeal punishment" and that "the Committee is clear that parental "guidance" must not take the form of violent or humiliating discipline, as the child must be protected from "all forms of physical or mental violence while in the care of parents or others."<sup>38</sup>

<sup>33</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 11, 1999, HRI/GEN/1/Rev.8, para.41, p. 79.

<sup>34</sup> Handbook, pg 262.

<sup>35</sup> Committee on the Rights of the Child, General Comment No. 8, 2006.

<sup>36</sup> Handbook, pg 262.

<sup>37</sup> United Kingdom CRC/C/11/Add.1, para. 335.

<sup>38</sup> Handbook, pg 261.

## Article 29: The Aims of Education

**1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.**

The Handbooks observe that neither the Convention or the Committee on their comments on the Convention “details the tools of learning, such as literacy, numeracy, factual knowledge, problem-solving and so forth but addresses learning’s basic aims,” which the Committee states are “to provide the child with life skills, to strengthen the child’s capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values. The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.”<sup>39</sup>

The evidence for the effects of participation in the arts is positive. The 2010 systematic review of the learning impacts for young people authored by The EPPI-Centre (Institute of Education, University of London) entitled *Culture and Sport Evidence Programme (CASE)* clearly indicates that, while academic test scores are only minimally improved, there is significant improvement in both cognitive abilities and transferable skills, which, given the Convention’s lack of specificity around testable areas such as literacy, numeracy and factual knowledge and their emphasis on “empowering the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence,”<sup>40</sup> makes participation in arts activities particularly relevant to Article 29.

Mammalian Diving Reflex’s intention is not to improve or impart particular skills (we are not interested in increasing the child’s chances of becoming a hairstylist, for example) nor teach prescribed ways of evaluating or analyzing their experiences (we are not interested in determining particular ways for critically evaluating a theatre show, for example). Instead, our projects with children are primarily dedicated to demonstrating what the Committee refers

---

<sup>39</sup> Committee on the Rights of the Child, General Comment No. 1, 2001, CRC/GC/2001/1, para. 2).

<sup>40</sup> Committee on the Rights of the Child, General Comment No. 1, 2001, CRC/GC/2001/1, para. 2).



to as “a new social contract;”<sup>41</sup> new ways of collaborating with children in the production of life itself, ways that include the child as a rights-holder.

This educational aim, then, is directed at the children who participate in our projects, the adults involved with the institutions who engage with us, the general public who encounter our projects in the world and us, Mammalian Diving Reflex, with the expectation that all parties will benefit from the inclusion of the child, particularly considering, as the Committee states, that it is long-term changes we are looking for in “political, social, institutional and cultural structures.”<sup>42</sup> These changes will necessarily involve an adjustment in how all affected parties consider themselves and their roles with respect to the child, including the child him or herself.

This fact is so important that it bear repeating in very simple language: **Mammalian Diving Reflex’s projects with children are intended to fortify and educate *all involved*, not just the children.**

Within the realm of the child alone, there remains the aim of Article 29 outlined in the Convention, which is strictly to “empower.” The strategies toward this empowerment are “by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence,” which we accomplish by attempting to design an environment where all other of the child’s rights are utterly respected. If the child becomes adept at styling hair or critically evaluating a theatre show we regard that as a lovely bonus, but do not position skills-attainment as central to our practice.

Beyond the particulars of what the children will gain through their participation in our projects is a vigilant concern with how they gain what they gain with our dogged dedication to the Committee’s first General Comment on the aims of education: “... education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12(1). Education must also be provided in a way that respects the strict limits on discipline reflected. Compliance with the values recognized in article 29(1) clearly requires that schools (and by extension any institutional that collaborates with children) be child friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.”<sup>43</sup> Again, this, for us, is grounded in the strict adherence to the child’s various rights as outlined in the Convention and, concerning these rights in the context of schools or other institutions engaging with children, we are in agreement with the Committee’s statement that “Children do not lose their human rights by virtue of passing through the school gates” and, as we have outlined in our comments on Article 19, we agree with the Committee’s strict limitations on discipline and regard “punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child”<sup>44</sup> as violations of their rights to protection from violence and to education.

<sup>41</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>42</sup> Ibid.

<sup>43</sup> Committee on the Rights of the Child, General Comment No. 1, 2001, CRC/GC/2001/1, para. 8

<sup>44</sup> Committee on the Rights of the Child, General Comment No. 8, 2006

## Article 30: Children of Minorities or Indigenous People

***In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.***

The Handbook states that although a number of the earlier articles cover many of the rights concerning children of minorities or indigenous people, there is still an “overwhelming evidence of serious and continuing discrimination against minority and indigenous populations [that] justifies mention of their rights in a separate article, to make certain that States pay adequate attention to them.”<sup>45</sup>

With respect to this article, Mammalian Diving Reflex will allow the child to communicate in any language they choose and, while our linguistic capacities are limited, we enjoy the challenge of working with populations who do not speak our language and appreciate the high amount of communication that is actually possible. While we understand the pedagogical imperative of the schools and other institutions to help children to speak the dominant language, Mammalian Diving Reflex’s preference is for the child to be comfortable and enjoy their short-term collaboration with us, rather than a strict adherence to policies of appropriate use of particular languages.

Beyond the question of the child’s right to the use of a particular language and the enjoyment of a particular culture, Mammalian Diving Reflex is concerned with creating connections across social divides. Most of the cultural organizations we partner with tend to be led, staffed and their programming dominated by white people, therefore we choose to make every attempt to work with communities – including the communities of children we work with – that are not of the dominant community.

We also note that there is abundant evidence that suggests that, with respect to children’s evolving capacities, there are often different expectations when it comes to minority and racialized children, with some children being streamed away from the arts and humanities through a perception of either a lack of aptitude or interest, which researchers have found differs from the students’ own views.<sup>46</sup>

We are also very sensitive to the representation of different minority groups in popular media, particularly with respect to stereotypes, and we make efforts to showcase children from minority groups, prioritizing them in terms of interviews and photo opportunities. We believe that racism and prejudice are not individual problems, isolated within certain intolerant people but, rather, are systemic, society-wide attitudes that are reflected and manifested in even the smallest and seemingly benign choices. When selecting children to feature in interviews in print and on television, we often find that the institutions we partner with stereotype and reinforce inequitable social tendencies by choosing children who have attained a particularly strong and socially reinforced aptitude, articulateness and cultural fluency. We prefer to invite the children who are not

---

<sup>45</sup> Handbook, pg 455.

<sup>46</sup> Archer, L. and Francis, Becky. *Understanding Minority Achievement in Schools: Race, Gender, Class and ‘Success.’* Routledge, 2006.

ordinarily offered the opportunity to speak publicly and we do not concern ourselves with the quality of the child's representation of our collaboration, assuring them that we understand that talking to the media is tough, nerve-wracking work and that you only get better by doing.

## Article 31: Child's Right to Leisure, Play and Culture

- 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.**

The Handbook states that “children’s right to play is sometimes referred to as the “forgotten right”, perhaps because it appears to the adult world as a luxury rather than a necessity of life, and because children always find ways and means of playing, even in the most dire circumstances. But play is an essential part of development: children who are unable to play, for whatever reason, may lack important social and personal skills.”<sup>47</sup>

Mammalian recognizes that the right to play is related to the right to freedom of expression and is essential to the artistic process particularly in the performing arts and that play and playfulness are central to our artistic practice.

### Alarming Trends

In addition, we are in agreement with the International Association for the Child’s Right to Play’s *Declaration of the Child’s Right to Play*, noting, in particular, a number of “alarming trends,” which are relevant to our practice: “the over-emphasis on theoretical and academic studies in schools,” the “increasing commercial exploitation of children and the deterioration of cultural traditions,” and the “increasing segregation of children in the community.”<sup>48</sup> It is this final trend that our collaborations with children particularly focus on, intending to create moments where children and adults spend time together in play or playful activities.

### Primary Vocation

We are also in agreement with the Declaration’s statement that “play is instinctive, voluntary and spontaneous,”<sup>49</sup> and allow these impulses full reign in our projects insofar as they do not threaten health and safety or infringe on the rights of the child, other children or other people. We also agree that “play is a means of learning to live, not a mere passing of time”<sup>50</sup> and therefore can, in many ways, be considered the child’s primary vocation, which they enact for the good of the whole society, and we agree that play should be included as a part of all children’s environments, including “institutional settings.”<sup>51</sup>

---

<sup>47</sup> Handbook, pg 469.

<sup>48</sup> International Association for the Child’s Right to Play’s *Declaration of the Child’s Right to Play* <http://ipaworld.org/category/about-us/declaration/>, accessed May 25, 2011.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

### **Health and Safety**

Therefore we do not restrict or impede the child's desire to play in any setting whatsoever insofar as they do not threaten health and safety or infringe on the rights of other children or other people.

In the event their play disrupt our activities, we respond by informing the children of our feelings and allow them the opportunity to take responsibility for their actions. We do not command the children to stop playing or control any manifestations of physical exuberance.

### **Again, the previous note on health and safety is relevant:**

Invoking notions of health and safety is a common strategy for controlling and invading the privacy of populations in the case of both adults and children. This is particularly relevant to the child's right to express themselves through play, with declarations of danger used to curtail simple disruption. While the health and safety of all of our collaborators – be they children or adults – is a priority taking precedence above all other, we regard the invocation of health and safety as very serious and consider their arbitrary and opportunistic use, designed to simply control the children for behaviour deemed disruptive, to be a violation of the children's rights of expression and their right to play.

## Article 32: Child Labour

**1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.**

**2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:**

**(a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.**

## Article 36: Protection From Other Forms of Exploitation

**States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.**

Mammalian Diving Reflex views these two articles with interest because we consider the children artistic collaborators and are wary of exploitation, even if that exploitation is fun, yet interferes with their education, for example. The Committee states that States Parties must have regard “to the relevant provisions of other international instruments”: particularly, the International Labour Organization (ILO) Conventions and Recommendations, including in particular the Minimum Age Convention, 1973 (No.138),<sup>52</sup> which “does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority.”<sup>53</sup> Article 4 of the 1937 ILO Minimum Age (Non-Industrial Employment) Convention also states that working with children is permitted in “the interests of art, science or education,” and allow exception from minimum age provisions “in order to enable children to appear in any public entertainment as long as there are strict safeguards...for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education” and that they do not work beyond midnight.<sup>54</sup> The Workbook observes, “many children, in very different national circumstances, carry out work that is entirely consistent with their education and full physical and mental development.”<sup>55</sup>

Relevant to our artistic practice, The Handbook identifies ‘other forms of exploitation’ as including situations “where children talented in sports, games, performing arts and so

---

<sup>52</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>53</sup> International Labour Organization C138 Minimum Age Convention, 1973

<sup>54</sup> Article 4 of the 1937 ILO Minimum Age (Non-Industrial Employment) Convention, Provisions B and C.

<sup>55</sup> Workbook, pg.

forth...have these talents developed by families, the media, businesses and state authorities at the expense of their overall physical and mental development” and that “exploitation of young children in the entertainment industry, including television, film, advertising and other modern media, is also a cause for concern.<sup>56</sup> Though we are a performing arts organization, Mammalian Diving Reflex is dedicated to creating work that does not necessarily develop or exploit particular talents but, instead, involves children *as they are*, attempting to present to the world their exuberance in an unrehearsed and unmitigated way. We are cautious about “showcasing” the children, preferring, rather, to create a “performance” out of the children’s “everyday” presence in the world, specifically in venues where they are generally not included, considered or particularly welcome, demonstrating that their inclusion is actually beneficial to all.

Another form of exploitation we are careful to avoid is that which occurs during research, which many of our projects can be considered; this protocol, for example, can be thought of as the result of “research” done with children over the years. We are vigilant in gaining the consent of both the parents and children to use any photos and, if a concern is raised, we defer. However, we are also in agreement with The Handbook that “where older children are involved, the issue also relates to their civil rights under the Convention, for example to be heard, to freedom of expression and of association, and to respect for their “evolving capacities.” It is reasonable to assume that children (are) competent...to consent to participation in research”<sup>57</sup> and have the capacity to consent to photography—however we do not disregard the parents wishes on this matter, regardless of whether or not it is a violation of the child’s right.

We feel that it is important to point out that recent developments in the world of work and the locations where value is produced have put children at the centre of the work world, often in ways that are not yet acknowledged or, for that matter, fully understood. For example, the very high valuation of online products like Facebook are due to the incredible amounts of labour and time being invested in it by children and young people. Children (and adults) are attracted to Facebook because of the creative presence of their friends, not because of the sophistication of the interface. Without the content provided by the users, Facebook is meaningless. While the content has had other and will have other forms in the past and future – Friendster and Myspace, for example – It is the user-generated content that produces the value, content which is, for a large part, generated by young people and children who are not compensated for their efforts. Sites like YouTube receive millions and millions of hits for videos simply featuring laughing babies and children doing utterly normal things. This is a new frontier for the generation of value, and it’s important that children are recognized as important content and, in turn, value providers, who remain uncompensated.

Mammalian Diving Reflex notes that exploitation is exploitation regardless of whether the exploited are having a good time while being exploited. It still remains that the value of their labour is being captured and utilized by others and Mammalian Diving Reflex intends to continue to explore the theoretical and practical applications for these insights.

<sup>56</sup> Committee on the Rights of the Child, General Comment No. 7, 2006, CRC/C/GC/7/Rev.1, para. 36(e).

<sup>57</sup> Handbook, pg.

## Conclusion

Mammalian Diving Reflex's collaborations with children are not only concerned with the "preparation of the child for responsible life in a free society,"<sup>58</sup> but, more importantly, for the preparation of society for the free participation of children, the contours of which are not yet visible but will include "long term changes in political, social, institutional and cultural structures;"<sup>59</sup> in effect, "a new social contract."<sup>60</sup> We are in agreement with the handbook that, in matters of education – and we consider our work with children to be related to education – it should not be "divorced from real-life – a sure path to disaffection, failure and high drop-out rates."<sup>61</sup> Real life is the focus of our work with children, collaborating with them and the participating adults to generate unusual but real situations where we all encounter new circumstances, people, places and ideas, while all fully free to be ourselves, unrestricted by the coercive control of others, with full attention paid to the physical and mental health and safety of all and the rights of others.

In truth, the incidents that have motivated the drafting of this protocol are not only completely commonplace, but ridiculously banal: whispering during a performance, ringing a bell without permission, uttering the word "shit," laughing in public, coughing, running, etc. What all of these minor disturbances have in common is that they triggered an adult to vociferously and angrily shut it down. That such benign actions can trigger such authoritarian impulses speaks to the urgent necessity for a serious consideration of children as rights-holders. If these small actions can trigger an adult's anger, think about what many children endure when they actually do transgress, make a mistake and *really* piss an adult off. Children – and we were all children, at some point – are the universal victims of unrelenting and ever-present violations of their rights. It truly is non-stop, constant and ubiquitous. To put it bluntly, children put up with piles of crap that, not only should no one have to endure, but that few adults would tolerate even for a millisecond.

We understand that both the Convention and, in turn, this protocol are challenging documents, sometimes even at odds with common sense, but it can't be emphasized enough that the Committee is calling for a "new social contract,"<sup>62</sup> within which the child's rights will flourish. However, that day has not yet arrived, and we often find ourselves in less than utopian circumstances, having to negotiate multiple and heavily conflicting rights and responsibilities, making a literal and by-the-book application of the Convention and this protocol impossible.

Mammalian Diving Reflex is interested in introducing these ideas and providing forums for attempts at their application, but is keen to accomplish this with abundant communication, generosity and with the willing consent of all parties. Communication is the key; we want to talk about these ideas, hear where they are challenging, difficult or

---

<sup>58</sup> Article 29.1(d).

<sup>59</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.

<sup>60</sup> Ibid.

<sup>61</sup> Handbook, pg 445.

<sup>62</sup> Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, Recommendations, Preamble.



currently impossible and work together with all parties – the children, their parents, their schools, cultural institutions, the state, and the general public – to see how far we can go toward full realization of the rights of child. We do this for the child, but we also do it for those who the child will become: us.

## Appendix One: The Full Text of The United Nations Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 Entry into force 2 September 1990

Preamble.

The States Parties to the present Convention,

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Bearing in mind* that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

*Recognizing* that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

*Convinced* that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

*Recognizing that* the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

*Considering* that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

*Bearing in mind* that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the

statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

*Bearing in mind* that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

*Recalling* the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

*Recognizing* that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

*Taking due account* of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

*Recognizing* the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

#### **PART I**

✧ Article 1 For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

✧ Article 2 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.

✧ Article 3 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

✧ Article 4 States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall under- take such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

✧ Article 5 States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

✧ Article 6 1. States Parties recognize that every child has the inherent right to life.  
2. States Parties shall ensure to the maxi- mum extent possible the survival and development of the child.

✧ Article 7 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.  
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

✧ Article 8 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

✧ Article 9 1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the

whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

✧ Article 10 1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

✧ Article 11 1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

✧ Article 12 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

✧ Article 13 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or  
(b) For the protection of national security or of public order (ordre public), or of public health or morals.

✧ Article 14 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable,

legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

✧ Article 15 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

✧ Article 16 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

✧ Article 17 States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29; (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and inter-national sources; (c) Encourage the production and dissemination of children's books; (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous; (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

✧ Article 18 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

✧ Article 19 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental

violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

✧ Article 20 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

✧ Article 21 States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

✧ Article 22 1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to

protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

- ◇ Article 23 1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

- ◇ Article 24 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to



abolishing traditional practices prejudicial to the health of children. 4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

✧ Article 25 States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

✧ Article 26 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.  
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

✧ Article 27 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.  
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.  
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.  
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

✧ Article 28 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.  
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

✧ Article 29 1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

✧ Article 30 In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

✧ 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.

✧ Article 32 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

✧ Article 33 States Parties shall take all appropriate measures, including legislative,

administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

✧ Article 34 States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.

✧ Article 35 States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

✧ Article 36 States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

✧ Article 37 States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

✧ Article 38 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

✧ Article 39 States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self- respect and dignity of the child.

✧ Article 40 1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safe- guards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

✧ Article 41 Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) The law of a State party; or (b) International law in force for that State.

## **PART II**

✧ Article 42 States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

✧ Article 43 1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.<sup>1/</sup> The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

◇ Article 44 1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights (a) Within two years of the entry into force of the Convention for the State Party concerned; (b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

◇ Article 45 In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention: (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities; (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications; (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child; (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

**PART III**

- ✧ Article 46 The present Convention shall be open for signature by all States.
- ✧ Article 47 The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- ✧ Article 48 The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.
- ✧ Article 49 1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. 2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.
- ✧ Article 50 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval. 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties. 3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.
- ✧ Article 51
1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
  2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
  3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General
- ✧ Article 52 A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
- ✧ Article 53 The Secretary-General of the United Nations is designated as the

depository of the pre- sent Convention.

✧ Article 54 The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.



## Appendix Two: Full text of The International Play Associations Declaration of the Child's Right to Play

The IPA Declaration of the Child's Right to Play was produced in November 1977 at the IPA Malta Consultation held in preparation for the International Year of the Child (1979). It was revised by the IPA International Council in Vienna, September 1982, and in Barcelona, September 1989. It should be read in conjunction with Article 31 of the U.N. Convention on the Rights of the Child (adopted by the General Assembly of the U.N., November 20, 1989), which states that the child has a right to leisure, play and participation in cultural and artistic activities.

### WHAT IS PLAY?

CHILDREN are the foundation of the world's future.

CHILDREN have played at all times throughout history and in all cultures.

PLAY, along with the basic needs of nutrition, health, shelter and education, is vital to develop the potential of all children.

PLAY is communication and expression, combining thought and action; it gives satisfaction and a feeling of achievement.

PLAY is instinctive, voluntary, and spontaneous.

PLAY is a means of learning to live, not a mere passing of time.

### ALARMING TRENDS AFFECTING CHILDHOOD

IPA is deeply concerned by a number of alarming trends and their negative impact on children's development.

- Society's indifference to the importance of play
- Over-emphasis on theoretical and academic studies in schools.
- Increasing numbers of children living with inadequate provisions for survival and development.
- Inadequate environmental planning, which results in a lack of basic amenities, inappropriate housing forms, and poor traffic management.
- Increasing commercial exploitation of children and the deterioration of cultural traditions.
- Lack of access for third world women to basic training in childcare and development.
- Inadequate preparation of children to cope with life in a rapidly changing society.
- Increasing segregation of children in the community.
- The increasing numbers of working children, and their unacceptable working conditions.
- Constant exposure of children to war, violence, exploitation and destruction.
- Over-emphasis on unhealthy competition and "winning at all costs" in children's sports.

### PROPOSALS FOR ACTION

The following proposals are listed under the names of government departments having a measure of responsibility for children.

#### Health

Play is essential for the physical and mental health of the child.

**Establish** programmes for professionals and parents about the benefits of play from birth onwards.

**Ensure** basic conditions (nutrition, sanitation, clean water and air) which promote the healthy survival and development of all children.

**Incorporate** play into community programmes designed to maintain children's physical and mental health.

**Include** play as an integral part of all children's environments, including hospitals and other institutional settings.

### **Education**

Play is part of education.

**Provide** opportunities for initiatives, interaction, creativity and socialization through play in formal education systems.

**Include** studies of the importance of play and the means of play provision in the training of all professionals and volunteers working with and for children.

**Strengthen** play provision in primary schools to enhance learning and to maintain attendance and motivation.

**Reduce** the incompatibilities between daily life, work and education by involving schools and colleges, and by using public buildings for community play programs.

**Ensure** that working children have access to play and learning opportunities outside of the system of formal education.

### **Welfare**

Play is an essential part of family and community life.

**Ensure** that play is accepted as an integral part of social development and social care.

**Promote** measures that strengthen positive relationships between parents and children.

**Ensure** that play is part of community-based services designed to integrate children with physical, mental or emotional disabilities into the community.

**Provide** safe play environments that protect children against abduction, sexual abuse and physical violence.

### **Leisure**

Children need opportunities to play at leisure.

**Provide** time, space, materials, natural settings, and programmes with leaders where children may develop a sense of belonging, self-esteem, and enjoyment through play.

**Enable** interaction between children and people of all backgrounds and ages in leisure settings.

**Encourage** the conservation and use of traditional indigenous games.

**Stop** the commercial exploitation of children's play, and the production and sale of war toys and games of violence and destruction.

**Promote** the use of co-operative games and fair play for children in sports.

**Provide** all children, particularly those with special needs, with access to a diversity of play environments, toys and play materials through community programmes such as pre-school play groups, toy libraries and play buses.

### **Planning**

The needs of the child must have priority in the planning of human settlements.

**Ensure** that children and young people can participate in making decisions that affect

their surroundings and their access to them. When planning new, or reorganizing existing developments, recognise the child's small size and limited range of activity.

**Disseminate** existing knowledge about play facilities and play programmes to planning professionals and politicians.

**Oppose** the building of high-rise housing and provide opportunities to mitigate its detrimental effects on children and families.

**Enable** children to move easily about the community by providing safe pedestrian access through urban neighbourhoods, better traffic management, and improved public transportation.

**Increase** awareness of the high vulnerability of children living in slum settlements, tenements, and derelict neighbourhoods

**Reserve** adequate and appropriate space for play and recreation through statutory provision.

### **AFFIRMATION**

**IPA** is determined to sustain the momentum created by the International Year of the Child in 1979 to arouse world opinion for the improvement of the life of children, and;

**AFFIRMS** its belief in the United Nations' Declaration of the Rights of the Child, which in Article 7 states "The child shall have full opportunity to play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right;" and endorses its belief in Article 31 of the Convention on the Rights of the Child.

**RECOGNISES** that the population of children in developing countries is three quarters of the world's total child population, and that efforts directed at the promotion of education and literacy, and the stopping of environmental deprivation would improve the capacities of the poorest.

**AFFIRMS** its commitment to working with other national and international organisations to ensure basic conditions of survival for all children in order that they may fully develop as human beings.

**ACKNOWLEDGES** that each country is responsible for preparing its own courses of public and political action in the light of its culture, climate and social, political and economic structure;

**RECOGNISES** that the full participation of the community is essential in planning and developing programmes and services to meet the needs, wishes and aspirations of children.

**ASSURES** its co-operation with UN agencies and other international and national organizations involved with children.

**APPEALS** to all countries and organizations to take action to counteract the alarming trends which jeopardise children's healthy development and to give high priority to long term programmes designed to ensure for all time: **THE CHILD'S RIGHT TO PLAY.**

## Works Cited

- Archer, L., & Francis, B. (2006). *Understanding minority achievement in schools: Race, gender, class and 'success.'* Florence KY, USA: Routledge.
- Gaudiosi, J. A. (2007). *Child maltreatment*. US Department of Health and Human Services.
- Grubin, D. (1998). *Sex offending against children: Understanding the risk* UK: Policing and Reducing Crime Unit Research, Development and Statistics Directorate Home Office.
- Hodgkin, R., & Newell, P. (2007). *The handbook on the implementation of the united nations convention on the rights of the child*. Geneva, Switzerland: The United Nations Children's Fund (UNICEF).
- International Labour Organization. (1937). *Convention concerning the age for admission of children to non-industrial employment*. No. C060). Geneva, Switzerland: International Labour Organization.
- International Play Association. (1977). *Declaration of the Child's right to play*. International Play Association. Retrieved from <http://ipaworld.org/category/about-us/declaration/> on May 25, 2011.
- Lamont, A. (2011). *Who abuses children?* Commonwealth of Australia.
- Mackey, C. (2010). *Random acts of culture*. Toronto, Canada: Between the Lines.
- The United Nations. (1989). *The united nation convention on the rights of the child*. The United Nations.

The United Nations. (1989). *The united nations conventions on the rights of the child.*

The United Nations.

The United Nations. (1966). *The international covenant on civil and political rights.* The

United Nations.

The United Nations. (1948). *The universal declaration of human rights.* The United

Nations.

## Mammalian Diving Reflex

Founded in 1993, Mammalian Diving Reflex is a research-art atelier dedicated to investigating the social sphere, always on the lookout for contradictions to whip into aesthetically scintillating experiences, producing one-off events, theatre-based performance, videos, installation, theoretical texts and community happenings. Company collaborators range in age from 11 to over 80 years old.

Past work includes: *Nuit Market*, *Eat the Street*, *Haircuts by Children*, *The Children's Choice Awards*, *Slow Dance With Teacher*, *Ballroom Dancing*, *A Suicide-Site Guide to the City*, *Monster Makers*, *The Best Sex I've Ever Had* and *Old Women Shooting Guns*.

In addition to our artistic practice, we are evolving a consultancy and policy think-tank focused on the participation of children and young people in the cultural life and cultural economies of the city. This protocol represents our first foray into developing approaches and policies with respect to the rights and participation of children.

Mammalian Diving Reflex's work has been presented in Birmingham, Bologna, Brisbane, Brussels, Calgary, Chicago, Cork, Derry, Edmonton, Enschede, Greensboro, Guelph, Hamilton, Kitchener-Waterloo, Kuopio, Lahore, London, Los Angeles, Melbourne, Milan, Mumbai, Montreal, Newcastle, New York, Norwich, Nyon, Oslo, Ottawa, Perth, Peterborough, Portland, Prague, Oldenburg, Regina, Sāhīwal, Sydney, Tasmania, Terni, Trondheim, Vancouver and Victoria.