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CHILDREN'S RIGHT TO PLAY

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Chapter Objectives

This chapter will help you to:

- Position play as a right for all children.
- Consider children's agency and recognise how adults can support or limit children's enactment of their rights.
- Recognise that diverse childhoods mean some children can enact their rights more easily than others.

Play as a Right

In 1989 the Convention on the Rights of the Child (CRC) was ratified by the United Nations (UN) General Assembly. This meant that the rights of children were recognised in international law; the signatory countries agreed to implement the Convention and take part in monitoring systems that evaluate their progress in implementation. Broadly speaking, the UNCRC addresses children's interests across 'the three Ps', covering children's rights to provision, protection and participation (see Theobald 2019 for a great review of the UNCRC 30 years on from its inception). There are 54 articles in total within the UNCRC. This chapter

explores Article 31, which is summarised as 'Every child has the right to relax, play and take part in a wide range of cultural and artistic activities' (UNCRC, 2017). In this chapter we explore some of the issues and tensions that can arise in ECEC practice and policy around recognition of children's right to play.

In full, Article 31 states the following:

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. (UNCRC, 2010)

This article places a duty on governments to ensure that children have the opportunity to play and take part in a range of cultural, recreational and artistic activities. The article does not instruct governments about how to do this. David (2006) highlighted concerns that the obligations to uphold Article 31 were not being addressed by governments and this led to the publication of General Comment No. 17 (UNCRC, 2013). This elaborates on the right of every child to play, as well as identifying groups at risk of not achieving this right, including girls, children living in poverty, children with disabilities and children from indigenous or minority communities (UNCRC, 2013, pp. 15–16). The General Comment defines play as behaviour '*initiated, controlled and structured by children*, as non-compulsory, driven by intrinsic motivation, not a means to an end', and emphasised that it has key characteristics of fun, uncertainty, challenge, flexibility and non-productivity (UNCRC, 2013, pp. 5–6, my italics).

Governments may respond to this duty differently. For example, traditionally Nordic countries have embraced rights-based perspectives as core to policy, curriculum and pedagogy. In those countries, young children are increasingly recognised as active participants in their communities, especially in early childhood programs. Children's play choices in their early years are respected and playful environments are available across ECEC provision for children up to at least the age of 6 (Einarsdottir et al., 2015).

In New Zealand, one of the five strands of the Te Whāriki curriculum (see chapter 18) is *Exploration*, which includes the domain 'exploration through play'. This strand brings together children's play and children's learning through provision for active playful exploration of the environment. In Wales, children's rights are embedded in policy (Lewis et al., 2017) and young children are recognised as learning best through playful engagement with their surroundings (see Chapter 11). Taking a play-based approach to curriculum design for young children might be understood as these countries enshrining a child's right to play within their early childhood education curricula, however we may find a tension here. Recognition that children learn through play, and making use of this characteristic to enhance children's educational outcomes, is not the same as recognition that children have a right to play – for its own sake, irrespective of specific outcomes (see also Chapters 1 and 12). Remember how General Comment 17 defined play: *initiated, controlled and structured by children*, non-compulsory, driven by intrinsic motivation, *not a means to an end*. Where play-based activities form part of the curriculum, these are often adult-led and outcome-focused, and can be perceived by children as 'work' rather than play (Goodhall and Atkinson, 2017). We might understand this tension as sitting at the nexus between two

categories of rights in the ‘three Ps’: *provision* and *participation*, and the tension centres around the role of the adult in ensuring children’s rights can be realised.

Let’s think again about the right to play. This might be understood as a *provision* right; that is, adults need to provide for, or facilitate, children’s play so that children can enact this right. Alternatively, the right to play might be understood as a *participation* right; that is play can be understood as the way in which children participate in their communities. This tension may not feel important; you might suggest that if children have access to play then that’s enough, surely? However, when we consider what aspects of children’s play are permitted, and provided for, in different settings then we can realise this tension further. For example, play with loose parts, such as rocks, tree trunks, sticks and stones is appealing to most young children (see Chapter 9). Climbing trees is also often appealing and yet such play can be considered as too risky by some adults, and as a result this activity may not be supported. In this situation, the opportunity for children to *initiate, control and structure* their play, as intended in the UNCRC Article 31, is restricted by adults. Indeed, when we consider the opportunities that young children have to engage in play, we can recognise that in almost all situations, these opportunities are structured by adult choices (see Chapter 12).

Thinking about how children’s play is managed, shaped and controlled by adults allows us to recognise some of the tensions for ECEC providers that sit within children’s right to play. In another everyday example, let’s think about ‘tidy up time’. Clearing up play materials is generally not part of children’s natural engagement in play, and some play theorists advocate that children should be able to return to their play spaces over time, in order for their play to develop. It is common practice in many UK-based play spaces associated with ECEC provision that play equipment is set up by adults and needs to be tidied up often, even as regularly as each half-day session. This sits in contrast to ECEC providers who leave some play materials for children to revisit day after day, offering and introducing new items for play in response to children’s interests. Settings adopting the latter approach can look messy and disorganised but, arguably, allow for children to *initiate, control and structure* their play to a much greater extent than settings where play spaces are routinely and regularly ‘tidied up’.

Within this book, the child is viewed as a competent and capable individual, and a rights-holder. Children’s rights, like human rights, are *inalienable*, this means that they cannot be taken away. Article 31 means that play is not a reward that needs to be earned by children enacting certain behaviours or completing certain tasks; the right to play cannot be removed as a reprimand or punishment. And yet, it is not uncommon in early learning contexts for adults to position play in just that way, often in order to meet the demands of the context or curriculum.

Reflection Point

Consider the following sentences:

- When you have finished this (task), you can go and play.
- When we are all sitting nicely then we can go to play.
- You have been so well behaved today that we will have some extra playtime.

In early learning contexts there can be an emphasis on core task completion, development of specific skills, and alignment to certain expectations of behaviour and systems of reward. These are in place for good reason – they support children to align themselves with the expectations for engagement and behaviour that exist within the setting, often established with the intention that such alignment eases transition to more formal school environments. However, the unintended consequences are that children's freely chosen, self-initiated play can be marginalised and time spent on it limited. The British Psychological Society (BPS) became so concerned about this issue that it published a position paper in 2019, defending the right of children to play, reporting the erosion of children's playtime at school in the last 20 years and highlighting the use of playtime as a reward, or loss of playtime as a punishment. The BPS state that

children are often more capable of playing than adults give them credit for and find time and space for play wherever and whenever conditions allow. However, children will struggle to play when their basic needs are not met or where the environments they live in are so constraining that they are unable to play. Schools can provide children with the access to time, space and permission for playing, which is an essential part of their everyday lives. This is particularly important for children who have their play restricted by factors such as poverty, domestic or environmental circumstances. (2019, p. 3)

The United Nations recognises the early years as a 'critical period for realizing children's rights' (2006, p. 3). Young children are rights holders, and yet their rights are often overlooked due to perceptions of immaturity. That adults are generally expected to act in the best interests of the child means that adult concerns often over-shadow decisions about provision and therefore shape children's enactment of their rights. As Theobald (2019) explains, children's rights are intertwined with adult knowledge and personal position. Pedagogical approaches do not always attend to children's views and opportunities for participation, especially in the case of young children (Rekers and Waters, in press). ECEC practitioners and teachers may unintentionally reduce children's participation, contribution and agency. Yet, early childhood organisations and programs catering for children, aged birth to 8 years, at local, state and global levels can become more active in addressing young children's rights and recognising the important shaping force of how adults engage with young children.

Reflection Point

How is play managed in an ECEC setting with which you are familiar? What are the choices made by adults about children's play and what choices are in the domain of the child? To what extent do children have the opportunity to *initiate, control and structure* their play?

Think about a time when young children were rewarded with play for doing something the adult wishes them to do. Why did this happen? In the example you are thinking about, do you think this was OK? Why/why not? How does this reflect on children's right to play? Are there tensions that you can identify for the adults managing the provision?

Children's Agency

In this section, we explore the notion of agency and specifically address children's agency within the inherent power relationships that exist between children and adults, exploring what it means for children to enact their right to play.

The word 'agency' can be broadly described to mean: *the capacity of an individual to actively and independently choose and to affect change; free will or self-determination*. The extent to which young children are agentic (that is, the extent to which they have and enact agency) has been contested and generally, in the UK, our view of the child has changed over the last century. We recognise that children are not represented by the Victorian image of blank slates upon which to be written, passive and lacking agency. We now tend to recognise that children have a capacity to act and to make choices and that this capacity is structured by the adults and the environment around the child. Within ECEC contexts, we might think of the growing child as growing in their capacity to enact their rights, as Quennerstedt and Quennerstedt suggest:

Children as rights subjects are seen as agents in inter-dependent social networks, in which they both act on their rights and grow in capacity to understand and act on rights. The socio-political surrounding of the child and her immaturity and dependence on others together constitute her powers as a growing human rights subject. (2014, p. 129)

When we plan for children's play in care and/or education settings we can support, or limit, children's choices and their enactment of agency. As adults then, we structure children's engagement and opportunities to act, and we have to manage many demands while we do this. Adults working in ECEC have a duty to ensure the safety of children in their care, and this duty includes attending to the needs, rights and voices of all the children in their care, not just one child or one group of children. Governments and regulatory authorities place restrictions on spending, staffing and space in ECEC provision. Statutory guidance and ECEC curriculum documentation set out expectations for children's outcomes and may include the requirement to engage with specific activities and/or develop certain skills and knowledge. These outcomes are associated with the concern to ensure that young children gain literacy, numeracy and self-regulation skills in their young lives that will enable them to succeed at school and play a part in society in their futures. All of these factors are important when we consider provision for children's play. As we have seen in the discussion above, these demands upon adults can create tensions that need to be negotiated to ensure children can enact their rights.

Sometimes, adults working in education-based settings, teachers and senior leaders, may feel that there are tensions between the recognition of children's right to play, the place of the school to provide access to play, and the need to ensure that children are provided with learning experiences that support their development in specific 'core' domains, for example literacy and communication or numeracy. Schools are held accountable, through the inspection system, for children's academic outcomes. This means that a school may be judged on whether children reach certain levels of attainment in these 'core' domains. This causes a pressure to 'teach' more formally than an early years play-based curriculum may

advocate (see Chapter 11). The term 'schoolification' was adopted by the OECD (2006) to describe this downward pressure on ECEC to mirror primary school practices. The term is generally synonymous with negatively held views relating to pedagogies that are formalised and seen to be in tension with play-based approaches to children's learning. The arguments around this issue are complex, however there are approaches and choices that adults make in how they organise ECEC settings that can support or limit children's agency and their enactment of their rights.

Case Study

- A nursery class for 3–4 year olds includes three adults, one lead educator and two learning support staff, and 28 children.

Scenario A

At the start of the nursery session, the children enter and begin to play in an area of the classroom of their choice. This routine occurs every morning and allows the teacher to talk to parents and carers as they drop the children off, and the adults help settle children as needed. Sioned joined the class a month ago and is one of the youngest of the children there; she has begun to settle easily into playing in the sand and water areas as her dad drops her off each day.

The lead educator has planned for a morning literacy-focused session, which engages the children in repeating rhymes that occur in a story. She would like to work with the whole class and read the story at the start. She calls the children to come together and sit on the carpeted area of the room. The learning support staff encourage the children to leave their playful activity and sit on the carpet. Sioned does not want to and begins to get upset when she is told again to leave the sand area. The lead educator and class wait for Sioned who is told again to leave the sand area. A learning support staff member takes Sioned's hand and moves her towards the carpet to join the other children. Sioned complies and sits down; she does not pay attention to the story or join in any of the rhyming or singing that the lead educator encourages during and after the story.

Scenario B

At the start of the session children arrive and they choose where they would like to play. The lead educator in the nursery engages with each child as they come in and the learning support staff join children's play around the room. This is an established routine. Today the lead educator is going to read a story that two of the children chose the day before. She is planning to ask the class to repeat the rhymes that occur in the story and then lead some singing rhymes.

About 20 minutes after the start of the session, the lead educator invites the children to join her for a story on the carpet. Most children join her on the carpet; the learning support

staff are sitting round the edge of the carpet. Aled is playing in the home corner setting out a picnic for his favourite toy. Josh and Alexa are working on a den in the construction corner. The lead educator calls over to Aled, Josh and Alexa and asks them to join in. None move. The lead educator starts the story. After a few minutes Josh moves to stand next to a learning support staff member on the edge of the carpet and listens to the story. Aled remains in the home corner and Alexa continues building. When the lead educator invites children to join in with the rhyming and singing associated with the story most children join in, though Josh does not. Alexa joins in from the construction area. Aled is deep in fantasy play and does not join in.

Reflection Point

Discuss the two scenarios above:

- In which scenario do children have more agency? Why?
- What do you think are the motivations for the lead educator's actions?
- What does this say about choice, rights and power in the two classrooms?
- What is the position of play in these settings?
- Is *play* in tension with *learning* in these scenarios?

Children's experiences of agency are largely framed by teachers' authority and the social and moral order of the school culture (see also Chapter 16). Pedagogically, the adults who work with children can listen closely to children's voices in order to strengthen opportunities in classrooms and to support children's sense of personal agency. Do read Sirkko et al. (2019) if you are interested in a nuanced exploration of agency in ECEC practice.

Canning's work on **empowerment** in play is useful; she argues that, in an adult-free play environment, children are able to experience autonomy in decision-making and a sense of empowerment in developing their social and emotional relationships.

Empowerment can be understood as an enabling process where experiences are made possible through opportunities and by establishing support networks that nurture self-belief, competence and confidence. Accordingly children who regularly encounter empowering experiences believe in their own capability and will engage with a positive attitude resulting in positive outcomes. In social play contexts, empowerment may be explained by focusing on ways in which children use their relationships with others through participation, expression of voice and their environment to influence contexts they are involved in. (Canning, 2020, p. 1)

Using the empowerment framework in child observations allows us to consider how to observe and understand children's play from a position of respect for children's right to play, as well as recognising the need for ECEC practitioners and teachers to consider how learning and development are supported through play. This approach also supports practitioners to provide empowering experiences in which children enact their right to play, in the manner intended according to the General Comment 17, *and* practitioners are able to recognise and record social and emotional learning and development (see Canning, 2020).

Play Provision outside ECEC Settings

Consideration of play provision and the child's right to play sits outside of early learning and care settings as well as within them. There are various bodies that work to support children's right to play across the UK. See the links provided below to the International Play Association and the four National Play Councils across the UK. The Play Councils take children's right to play as their foundation stone, and campaign to ensure that this right is realised through effective professional learning for adults who work with children, and effective planning for play at local, regional and national level.

'Play sufficiency' is the term used to describe an assessment of children's opportunities for play. The United Nations Committee on the Rights of the Child encourages countries to embrace the principle of play sufficiency. In 2012, Wales became the first country in the world to legislate specifically in support of children's play when the Welsh Government introduced the Play Sufficiency Duty. This duty places a responsibility on all local authorities in Wales to carry out an assessment of children's opportunities for play every three years and in between times take action to secure sufficient opportunities based on their findings. It is clear that securing sufficient play opportunities for children is not just about designated provision but is dependent on the ability of local authorities to cultivate the temporal, spatial and psychological conditions needed for children to play. See Barclay and Tawil (2013) for a great document that explains in detail what can be involved in a Play Sufficiency Assessment, don't be put off by the date – this is a thorough overview of the issues involved. Scotland introduced play sufficiency requirements in 2019 and, as this volume goes to print in 2021, there are campaigns to introduce similar in England. Look at the website for Ludicology and the strand of work related to play sufficiency and planning for play.

One of the advantages of having organisations whose mission it is to campaign for children's opportunities for, and access to, play is that children's right to play becomes an agenda item in local and national planning decisions. This means that it may be more difficult for local councils to make funding cuts to services that provide play opportunities for children. However, when funding is restricted, and in times of austerity, children's play can be diminished as less important than other priorities that are funded through the local government.

Reflection Point

- You are a local authority official and have to decide how to make 5% savings across your budget. There are three suggestions up for discussion; one involves cutting back on the maintenance of all the local playgrounds, despite some being in a poor state of repair; one involves postponing plans to make playgrounds accessible to children who have restricted mobility; and the third involves cutting back on care provision for elderly, vulnerable adults.
- You are aware of children's right to play, and also the right of individuals to access publicly owned sites, and also the rights of the ageing population to high-quality health care.
- What factors do you discuss as you debate your decision?

To conclude this chapter, the words of Maryanne Theobald (2019) remind us that the enactment of children's rights is constrained by adult positions, as we have considered above, but also by circumstance and context.

very young children, children living in poverty, children in vulnerable circumstances, or in contexts in which children and their families are marginalised, are not well positioned to enact rights. (p. 253)

This statement resonates with that made by Quennerstedt and Quennerstedt: 'the socio-political surrounding of the child and her immaturity and dependence on others together constitute her powers as a growing human rights subject' (2014, p. 129).

We are reminded that when working with young children, there are structural and contextual issues (e.g. poverty, conflict, migration, health, bereavement) that mean children in differing circumstances are more or less able to enact their rights than others. As adults working with children we should be mindful to ensure that all children are supported to enact their right to play under our care, not just those who are already advantaged to do so. We need, therefore, to be aware of structural and contextual inequalities that may be experienced by our children, and work to ensure that these do not constrain their agency and participation.

Summary

- Children's right to play is enshrined in international law; this right, like all other rights, is inalienable, which means it cannot be taken away.

- Play is defined in the UNCRC General Comment 17 as 'behaviour initiated, controlled and structured by children, as non-compulsory, driven by intrinsic motivation, not a means to an end, and emphasised that it has key characteristics of fun, uncertainty, challenge, flexibility and non-productivity'.
- Children are agentic and able to enact their right to play according to structural and contextual circumstance; this means some children have reduced opportunities to enact this right and may need specific support to ensure equitable enactment of this right.
- Adults structure children's enactment of their rights and agency; this means adults working in ECEC and school contexts need to be mindful of tensions that arise in their professional work that may inadvertently limit children's agency, and need to ensure children in their care have equitable access to their rights. Observation is a powerful tool for the ECEC professional in this regard.
- Play Councils proactively support and defend children's right to play in communities across each of the four nations of the UK.

Further Reading

- Theobald, M. (2019) UN Convention on the Rights of the Child: 'Where are we at in recognising children's rights in early childhood, three decades on...?' *International Journal of Early Childhood*, 51, 251–257. <https://doi.org/10.1007/s13158-019-00258-z>. This is a summary of the progress of implementation of the UNCRC and highlights tensions within and around this. See this entire special issue for a thorough assessment of the progress in, and tensions inherent in, implementation of the UNCRC.
- Canning, N. (2019) Just 5 more minutes! Power dynamics in outdoor play. *International Journal of Play*, 8(1), 11–24. The paper considers some of the dilemmas and intricacies of power dynamics between children, adults and the environment, exploring the way in which children navigate those situations.
- Moss, P. (2007) Bringing politics into the nursery: Early childhood education as a democratic practice. *European Early Childhood Education Research Journal*, 15, 5–20. Peter Moss, a powerful thinker about ECEC, provides an impassioned call for re-consideration of ECEC practice and its democratic potential. A great read if you are interested in children's voices and adults' role in hearing them.
- International Play Association <https://ipaworld.org>. 'IPA's purpose is to protect, preserve and promote the child's right to play as a fundamental human right'.
- Play Scotland: www.playscotland.org. 'Play Scotland is the lead organisation for the development and promotion of children and young people's play in Scotland. We work strategically to make the child's right to play a reality so that all children can reach their full potential and be able to confidently inhabit an inclusive public realm, as well as help shape child friendly communities'.

Play Wales:

- English: www.playwales.org.uk/eng
- Welsh: www.chwaraecymru.org.uk/cym/cartref

'Play Wales is an independent charity funded by the Welsh Government – our area of charitable remit is Wales. We work to raise awareness of children and young people's need and right to play and to promote good practice at every level of decision making and in every place where children might play. We provide advice and guidance to support all those who have an interest in, or responsibility for providing for children's play so that one day Wales will be a place where we recognise and provide well for every child's play needs'.

Play England: www.playengland.org.uk. 'Play England's vision is for England to be a country where everybody can fully enjoy their right to play throughout their childhood and teenage years, as set out in the UN Convention on the Rights of the Child Article 31 and the Charter for Children's Play'.

Playboard NI: www.playboard.org. 'PlayBoard work to raise awareness of the importance of play and to enhance children and young people's access to quality play opportunities across Northern Ireland, and increasingly in the Republic of Ireland'.

Ludicology (The Study of Playfulness): <https://ludicology.com/>. 'Children are playful and have their youth because they must play, however their time and space for playing is too often limited by that which is seen to be more important. Playing is central to a good childhood and must be given as much attention as other priorities. Ludicology exists to promote a better understanding of children's play and the ways in which adults can improve children's opportunities for playing'.

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- Canning N. (2020) *The Significance of Children's Play and Empowerment: An Observational Tool*. TACTYC Association for Professional Development in Early Years: Occasional paper 14. Available at: <https://tactyc.org.uk/wp-content/uploads/2020/01/OCC-Paper-14-N-Canning.pdf>
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