

Please cite the Published Version

Byrne, Seamus (2024) The Right to Leisure for Children with Disabilities: Towards Greater Awareness and Implementation. *International Journal of the Sociology of Leisure*, 7 (4). pp. 369-390. ISSN 2520-8683

DOI: <https://doi.org/10.1007/s41978-024-00171-3>

Publisher: Springer

Version: Published Version

Downloaded from: <https://e-space.mmu.ac.uk/636662/>

Usage rights:  [Creative Commons: Attribution 4.0](https://creativecommons.org/licenses/by/4.0/)

Additional Information: This is an open access article that was first published in *International Journal of the Sociology of Leisure*, by Springer.

Enquiries:

If you have questions about this document, contact openresearch@mmu.ac.uk. Please include the URL of the record in e-space. If you believe that your, or a third party's rights have been compromised through this document please see our Take Down policy (available from <https://www.mmu.ac.uk/library/using-the-library/policies-and-guidelines>)



The Right to Leisure for Children with Disabilities: Towards Greater Awareness and Implementation

Seamus Byrne¹

Received: 3 June 2024 / Accepted: 22 October 2024 / Published online: 13 November 2024
© The Author(s) 2024

Keywords Right to leisure · Children · Disability · Committee on the rights of the child

1 Introduction

Despite the outward international human rights protections which objectively ring-fence the right to leisure for children with disabilities, this article will argue that the actual and practical enjoyment of that right has been ineffective in practice. It will be contended that greater awareness and implementation of the right to leisure pursuant to Article 31(1) of the UN Convention on the Rights of the Child (hereafter ‘CRC’), and what that means for children and young people with disabilities, is required to revive the potentially transformative capacity that it can (and could) exert in the context of disabled children’s lives. In doing so, it adopts the CRC, previously classified as the “fulcrum” of children’s rights (Freeman, 2007, 15) as the principal legal backdrop against which to assess the extent to which the right to leisure for children with disabilities is upheld.

As Veal and Sivan (2022, 205) remind us, irrespective of the textual inclusion of the right to leisure within the international rights-based order, “leisure rights are all but ignored”. From a children’s rights perspective, the right to leisure is located within Article 31(1) CRC, which also protects the rights to rest, play, recreational activities, and the child’s right to participate freely in cultural life and the arts. However, widely accepted across the academic literature is the fact that Article 31 CRC, has by comparison to other CRC rights, been subject to significantly less scholarly attention (Lansdown, 2022; Davey & Lundy, 2011). And whilst the right to play within Article 31(1) CRC has been subject to recent – and welcome – academic attention (Lott, 2023), it is important to recollect that Article 31 CRC represents much more than the right to play alone, and contains additional legal guarantees, of which the right to leisure is one. Recognition of

✉ Seamus Byrne
S.Byrne@mmu.ac.uk

¹ Reader in Law, Manchester Law School, Manchester Metropolitan University, Manchester, UK

this reality is necessary to avoid Article 31 CRC inadvertently collapsing into a unitary human right revolving around the right to play alone. Indeed, writing in the context of the domestic implementation of Article 31 CRC within the UK, Chambers et al. (2024, 1), note that the right has become “operationalized more around play than leisure.”

In building on existing interdisciplinary scholarship which has rightfully recentred our collective academic gaze on the significance of the right to leisure (Richards & Carbonetti, 2013; Veal, 2015, 2021a, 2021b; Veal & Sivan, 2022), this article engages in a socio-legal analysis of the extant literature from children’s rights law, the sociology of leisure, and disability studies, in order to better comprehend what the right to leisure entails for children with disabilities, and how it can be better implemented. Combining insights from these disciplines allows for a deeper interrogation of the wider social, legal, and structural issues which affect the implementation of the right to leisure in the first instance (Harris, 1983), thereby contributing to its ultimate realisation for children with disabilities.

Structurally, this article will be divided into three additional sections. Section one will firstly contextualise the sociological genesis of the right to leisure and highlight the negligible impact which both disability on the one hand, and the rights of disabled children on the other, has exerted on its development. By engaging further with the overlap of disability and leisure, it will highlight the importance which leisure assumes in the context of disabled children’s lives, thereby underpinning the need for greater awareness around its implementation. Section two proceeds to map out, and unpack, the constituent legal components which comprise the human right to leisure for children with disabilities. It will first, unpack the human right to leisure before setting out what the right entails from a children’s rights perspective. This is necessary to understand the specific children’s rights obligations which fall to states when giving effect to the right to leisure. It further possesses an important accountability function, for to prevent against the right occupying a nebulous position within children’s rights law, it must be foregrounded much more visibly within legal and policy discourses. By drawing on children’s rights law, disability rights law, and wider sociological understandings of what the right to leisure encapsulates, it will be contended that although much work remains to be done to refine and operationalise the right to leisure for children with disabilities, without such concerted endeavours moving forward, the future viability of the right will be enormously impaired.

Lastly, section three will argue for greater treaty-monitoring engagement with the right to leisure to ensure that it becomes more centrally accounted for within children’s rights law and policy. By examining the General Comments (GCs) of the UN Committee on the Rights of the Child (CRC Committee), the treaty-monitoring body of the CRC, it will be argued that much more substantial engagement is necessary by the CRC Committee to set out the obligations and duties flowing from Article 31 CRC to give effect to the right to leisure for children with disabilities.

2 Section One: Sociological Understandings of Leisure

In order to fully understand the importance of the human right to leisure for children with disabilities, it is firstly necessary to engage with some of the fundamental precepts of the sociology of leisure, which had been instrumental in developing our collective understanding of what leisure entails in the first instance. While a full-scale review of the discipline is beyond the purview of this article (for more, see Dumazedier, 1967; Rojeck, 2005; Blackshaw, 2010), it is necessary to engage with some of the overarching tenets of the sociology of leisure to understand what it means – or could mean—for children with disabilities. While the 1950's and 1960's are considered by some as the heyday for the discipline (Roberts, 2011, 2019), initial theoretical and academic conceptualisations of leisure largely centred upon the leisure-work axis, as both a means to respond to, or accommodate, what Dumazeider (1974, 9) labelled as “the time made free by the reduction of factory time”. Indeed, as Rapoport and Rapoport (1974, 221) previously reminded us “theorizing about leisure has been linked with theorizing about work,” and early conceptualisations of what leisure encapsulated tended to revolve around activities which existed extraneous to the working environment.

It is perhaps the definition of leisure, and the scholarly endeavours to demarcate its contours, which has yielded much of the contestation within this field (Borsay, 2006; Veal, 2019). From a definitional standpoint, Dumazeider (1967, 14) famously stated that leisure was “activity—apart from obligations of work, family, and society—to which the individual turns at will, for either (1) relaxation, (2) diversion, or (3) broadening his knowledge and his spontaneous social participation, the free exercise of his creative capacity”. In later work, he famously distinguished between four types of leisure (Dumazeider, 1974). The first of these was that leisure was “not a definite category of social behaviour” (ibid, 68), but rather a “style of behaviour” (ibid) whereby “[a]ny activity may become leisure” (ibid). The second definition of leisure situated “leisure in relation to work only” (ibid, 69). The third definition of leisure excluded household and family responsibilities, whilst the fourth definition of leisure perhaps encapsulated the inherently subjective and personalised dimension to leisure, namely, “time whose content is oriented towards self-fulfilment as an ultimate end” (ibid, 71). However, as Dumazeider (1974) acknowledged, such free time only transpired after the individual had completed their “occupational, family, socio-spiritual, and socio-political obligations, in accordance with current social norms” (ibid). Indeed, it is perhaps in Dumazeider's (1974) subsequent delineation of the characteristics of leisure that offer a deeper understanding of what it in fact entails. He stated that leisure results from “free choice” (ibid, 73), possesses a “[d]isinterested character” (ibid, 74) in that it ultimately serves no wider utilitarian or functional purpose, is underpinned by its subjectively hedonistic character, and is inherently personal in its nature. However, this change in definitional tone between Dumazeider's work has not elided academic scrutiny. Veal's (2019) comprehensive analysis of this transition suggests that whilst it was not unquestionably accepted by the leisure studies community, his new definition no longer defined leisure “in a comprehensive, inclusive sense”

(ibid, 194), Rather, Veal (2019) argues that it effectively narrowed and circumscribed leisure to “just those activities which are oriented towards self-fulfilment as an ultimate end” (ibid). More recently, in his articulation of what is meant by leisure, Stebbins (2017, 11) asserted that it amounted to “uncoerced, contextually framed activity, pursued in free time”.

However, common to all the definitions is the concept of choice, and the subjective individuated preferences about how to spend one’s free time. However, as Aitchison (2003) observes, one of the significant features of the existent body of work engaging with the definitional nuances of leisure has been the marginal position which those with disabilities featured within such discourses. In noting the dominant leisure-work axis which came to underpin such early theorisations of the concept, she rightly argues that given that “the majority of disabled people is not engaged in full-time paid employment, defining leisure in relation to work is only useful to the minority” (ibid, 693). Furthermore, to the extent that the sociology of leisure has been critiqued on the basis of its insufficient engagement with disability, so too has it been reviewed in terms of its inadequate treatment of its overlay with children and young people. Mukherjee (2020, 221) argues that:

leisure sociology has for the most part ignored school-age children while defining and theorizing leisure and as a result adult-centric biases of leisure theory have for long been left unacknowledged and unchallenged.

By further engaging with wider developments within the sociology of childhood and childhood studies itself, both of which acknowledge children’s agency, their citizenship, and their active participation in, and contribution to, the social world around them, Mukherjee distils the existent research within the sociology of leisure and offers three interconnected typologies of children’s leisure, comprising structured leisure, family leisure, and casual leisure. Mukherjee (2020, 228) defines structured leisure as “paid-for leisure classes that children partake in, and which are spatially and temporally demarcated in children’s weekly schedules.” However, within the classification, it is further observed that such leisure activities possess the capacity to entrench inequalities since not all children retain an equivalent level of access to such pursuits. The second genre alluded to by Mukherjee (2020, 230) revolves around family leisure and “involves children alongside siblings, parents, and other members of the family”, while the final classification of casual leisure encapsulates “those unstructured, ludic, and solitary leisure activities which do not correspond to either organized activities or collective family leisure experiences but are nonetheless extremely important components of children’s everyday leisure” (Mukherjee, 2020; 231). Such a distillation opens up the wider discursive parameters in which children and young people’s leisure rights, and the socio-spatial context in which they exercise them, can be better understood. And although Mukherjee (2020) does not explicitly refer to children with disabilities, the extent to which those children can, and do, exercise their leisure rights within the aforementioned classificatory boundaries emerges as an important and necessary strand of interrogation.

2.1 Disability and Leisure

The overlap of disability and leisure has yielded significant scholarly and practical insights into the very real challenges – and opportunities—for children with disabilities in claiming their leisure rights (Patterson & Pegg, 2009). This retains not only sociological significance in its interrogation of the disability and leisure nexus, but also contributes to wider legal discourses surrounding how better to advance the leisure rights of children with disabilities. One critical area, however, where this assumes ongoing importance is the extent to which the widespread ascendancy – and acceptance – of the social model of disability has contributed to the enhancement of the leisure rights of children with disabilities (Evans et al., 2017). Through its rejection of an individuated, medicalised, and impairment-driven approach to disability, which emphasises bodily culpability, commonly referred to as the medical model of disability (Barnes, 2020), the social model recognises that “it is society that disables people through imposing restrictions and barriers and through attitudes which exclude disabled people from full participation in society” (Fitzgerald & Long, 2017; 130). In offering “a revolutionary rejection of the claim that disability is an individual medical problem” (Calder-Dawe et al., 2020; 133), the social model affirms not only the “socially created disadvantage and marginalisation” which those with disabilities experience (Lawson & Beckett, 2021; 348), but opens up the theoretical and practical parameters in which to examine the extent to those with disabilities, including children, can claim and exercise their leisure rights.

However, despite the dominance of the international human rights-based order, Gilor et al., (2017; 229) note that “equal opportunity for leisure has not been fairly implemented among people with disabilities”. Kupan (2017; 599) further observes that the rise of neoliberalism, amongst other factors, has highlighted the “constraining structural, discursive and affective forces that inhibit the opportunities available to disabled people to pursue meaningful leisure experiences”. In drawing our gaze to the acute reality faced by many disabled people, including children, “who must carefully think and plan how they access leisure” (ibid, 609), on account of having to navigate leisure spaces which often “purposefully inhibit or repel certain bodies from entering these environments” (ibid), Kupan vividly underscores the very real difficulties faced by disabled people in accessing leisure facilities in the first instance, itself a fundamental pre-requisite for them to exercise their human right to leisure. Indeed, research by Penfold et al (2024) into the experiences of disabled people’s experiences of English football fandom reveals that whilst disabled people often do enjoy moments of inclusion and enjoyment, their experiences “are nonetheless contoured by ableism and forms of structural and psycho-emotional disablism that exclude, marginalise and discriminate” (ibid, 2). Through a netnographic examination of open-access online fan forums, in addition to semi-structured interviews with 33 disabled fans, Penfold et al (2024) highlighted numerous exclusionary practices and barriers which affected their experiences of fandom. These ranged from the need for disabled fans to engage in careful planning in order to ensure that access to football stadia was appropriate, to navigating onsite structural and accessibility barriers including inappropriate seating and toilet facilities, to name but a few. Though not explicitly framed within the context of the right to leisure, Penfold et al

(2024) nonetheless underscore the manifold issues faced by disabled people – which includes children – in accessing facilities, and spaces of subjective enjoyment which clearly engage their leisure rights, and leisure time.

Furthermore, research with disabled children and young people has shone an important spotlight on the significance of leisure in the context of their own lives. Fitzgerald and Kirk's (2009) research involving 10 young disabled people underscores the importance and centrality of the family sphere as a space which profoundly influences "the construction and constitution of embodied identities" (ibid, 485). Condie's (2021) analysis of disabled people's leisure experiences affirmed that "just like individuals without disabilities, leisure for disabled people is a personal and social experience" (ibid, 373). For Condie's research participants, "their decisions to do particular leisure activities were also based around leisure assisting them to experience a personal sensation, feeling or want beyond their disability, in addition to the feelings that they can deal with different things in their own lives" (ibid). In a similar manner, Burns et al's (2009) examination of the experience of disabled people in accessing outdoor spaces found that "disabled people access the countryside not for narrowly defined rehabilitative curative reasons but for more holistic, restorative motives and also for sheer pleasure" (ibid, 409). However, Solish et al (2010) concluded that children with disabilities typically participated "in significantly fewer social activities with peers and more social activities with parents and other adults" (ibid, 235), and for those that did participate, they often experienced less meaningful and social inclusion, despite their physical participation in such activities. Therefore, considering the diminished levels of participation which typify children with disabilities within leisure-related activities (Woodgate et al., 2020), in addition to the heightened solitary and passive nature of that participation (Buttimer & Tierney, 2005), it remains imperative to not only engage with the barriers to such participation, but to gain a better understanding of how to implement the right to leisure for children with disabilities in the first instance. However, as the succeeding section will demonstrate, the marginal treatment of children with disabilities within leisure studies has also been matched by the underdevelopment of the right to leisure for children with disabilities within wider international and children's rights law.

3 Section Two: The Human Right to Leisure

From its earliest textual espousal in Article 24 of the Universal Declaration of Human Rights (UDHR) which guaranteed to everyone "the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay", the right to leisure has since come to permeate numerous international human rights treaties and outwardly establish a firm footing within the legal fabric of international human rights law. For instance, the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrines the right to "[r]est, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays" (ICESCR, Article 7(d)), whilst from a children's rights perspective the CRC enshrines "the right of the child to rest and leisure" (CRC, Article 31(1)). Additionally, from a disability rights standpoint, the UN Convention on the Rights

of Persons with Disabilities 2007 ('UNCRPD) guarantees the right to leisure within Article 30 UNCRPD. Further to this, Article 30(5) (d) mandates contracting states to take appropriate measures to ensure that “children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system”, while Article 30(5)(e) further places an obligation on states to ensure that those with disabilities “have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities”. Indeed, at the soft-law level, a space which has been broadly defined as encompassing “hortatory, rather than legally binding, obligations” (Guzman & Meyer, 2010; 172), the right to leisure finds further articulation. For example, the World Leisure Organisation (WLO) Charter for Leisure 2020 recognises that the “denial of time for beneficial leisure activity can have serious consequences for the well-being of individuals and societies” (WLO Charter, Article 5). Therefore, from an objective standpoint, and in concert with what Dumazedier (1971; 203) famously avowed when he stated that “the fact of leisure corresponds to a new social right for the individual”, it would appear that the right to leisure, including access to, and participation in, leisure and leisure related activities, would appear to be resolutely anchored within international human rights law.

However, on deeper inspection, the extent to which the right to leisure has been translated into an accessible reality, especially for children with disabilities, has been less assured in practice. Veal (2021a, 2021b, 141) suggests that the right to leisure, by comparison, has not attained an equivalent “political or academic profile” as other rights within the UDHR, and has “been relatively neglected as a policy issue” (ibid). In a similar manner, Richards and Carbonetti (2013) argue that the right has been subject to a legal critique which can be distilled into two parts. The first of these represents the reductionist school of thought; the core central contention of which views the right to leisure as being part of the broader suite of human rights within the international legal order which comprise economic, social, and cultural (ESC) rights, and as such require “positive and impractical action by states” (ibid, 332) to realise them. Within this school, the prevailing legal charge levelled against these rights was that the resources required to fulfil them, ultimately rendered them aspirational in character, and therefore legally unenforceable (Vierdag, 1978; Tinta, 2007). This can be contrasted with traditional civil and political rights, such as the right to liberty for example, where it was long believed merely required non-intensive abstentionist state policies, to fulfil their realisation. However, as argued elsewhere, the distinction between both sets of rights, given that they both require resources to achieve their realisation, cannot “withstand sustained or rigorous academic scrutiny” (Byrne & Lee Ludvigsen, 2024; 348). The second school of thought alluded to by Richards and Carbonetti (2013) revolves around the ‘essentialist’ critique. In its most reductive iteration, this maintains that certain rights, including the right to leisure, while virtuous, are not inherently equal to other rights “in their contribution to dignity” (ibid, 334). However, in exposing the legal and ideological fault lines underpinning such schools of thought, Richards and Carbonetti (2013) highlight the wider indivisible benefits which the right to leisure generate. These include both its inseparability with well-being, and emphasising how the positive impacts of leisure have:

been demonstrated upon cognitive and behavioural capacity linked to general psychological coping mechanisms, including constructive recovery from negative life events, free expression and creative capacity, providing the necessary environment for human development and self-actualisation, happiness, overall life satisfaction. (ibid, 334)

However, despite the accepted benefits which attach to the exercise of the right to leisure, which, from a children's perspective include the development of the child's health, peer relationships, their individual strengths and competencies, and the overall improvement in their quality of life (Dahan-Oliel et al., 2012), the ability of disabled children to exercise their right to leisure has remained largely unfulfilled and elusive in practice. Indeed, Gilor et al, (2022, 492) starkly remind us that the "leisure activities available to children with disabilities are more limited than those available to children without disabilities."

Latest statistics by UNICEF (2021) suggest that globally around 240 million children have a disability, with their lives typically "marked by deep exclusion and deprivation" (ibid, 152). In a similar vein, the UN (2018) have been unequivocal in their detailed assessment of the diminished health, educational, and employment opportunities faced by people with disabilities, including children, in addition to their elevated exposure to poverty, discrimination, and social exclusion. As outlined by the UN Special Rapporteur on the Rights of Persons with Disabilities (2018), children with disabilities are up to six times more likely to suffer violence and abuse (ibid, para 30), less likely to transition from paediatric to appropriate adult care (ibid, para 37), and are more susceptible to invasive and questionable medical practices such as limb-lengthening and aggressive behavioural alteration regimes (ibid, para 41). Indeed, writing at the turn of the twentieth century, and in noting the historical societal denial which children with disabilities endured in having their basic human rights such as health, education, family life, and opportunities to play realised, Lansdown astutely observed that children with disabilities ultimately "experience a form of social exclusion which represents a fundamental denial of their basic rights" (Lansdown, 1998; 222). Sabatello (2013; 466) noted that globally, children with disabilities "fare worse than their non-disabled peers with respect to every stipulated right" set out in the CRC, while more recently, Freeman (2020, 95) argued that children with disabilities are "worse off than their non-disabled peers." In the context of the child's right to leisure, this is especially pronounced. Powrie et al., (2015, 993) highlight that children with disabilities "spend less time participating in leisure, undertake fewer 'formal' leisure activities, and have a lower intensity of participation than their typically developing peers." Additionally, Stumbo et al (2011), have noted that while access to leisure facilities is an important medium for promoting equality and human dignity for those with disabilities which includes children, they equally observe that those who provide leisure facilities "will need to capture the unique and additional needs of individuals with disabilities" (ibid, 98). Such an observation remains significant as various stakeholders, both public and private, are often involved in the delivery of children's services, and therefore the extent to which children with disabilities have their right to leisure upheld becomes an important legal consideration. Therefore, an understanding of what the right entails

for children with disabilities, and how the right can be operationalised effectively becomes an important practical and human rights necessity.

Therefore, the forgoing analysis demonstrates that both the right to leisure, and the rights of disabled children, independently of each other, have not had unproblematic experiences in terms of their realisation as human rights. When taken together, they clearly demonstrate that much work remains to be done to foreground the right to leisure for children with disabilities within legal and policy discourses, and to better understand the contours of the right itself, the obligations it imposes on contracting states, including those within the state such as the private sector who are routinely involved in the delivery of children's services. Therefore, it is necessary to map out of the right and what that means for children with disabilities moving forward.

3.1 The Child's Right to Leisure

From a children's rights perspective, the CRC sets out several significant provisions of direct relevance to the right to leisure for children with disabilities. In addition to Article 31(1) which explicitly refers to right to leisure, Article 23 CRC contains a freestanding provision dedicated to protecting the rights of children with disabilities, which by extension includes the right to leisure, and specifically to ensuring that they "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" (CRC, Article 21(1)). Additionally, Article 2 CRC which enshrines the non-discrimination clause further lists disability as a protected characteristic. Indeed, de Beco (2020, 596) recalls how that the CRC was the first international human rights treaty to expressly provide legal protection for disability, "not only by referring explicitly to disability amongst the grounds listed in its non-discrimination clause but also by including a separate article on disabled children". More widely, all rights within the CRC must be realised and delivered as against the conventions' four guiding principles, namely, non-discrimination (Article 2 CRC), the best interests principle (Article 3 CRC), the right to life, survival and development (Article 6 CRC), and the right of the child to participate in matters affecting them (Article 12 CRC). These principles assume an important function in holding contracting states answerable for their agreed human rights commitments, including the right to leisure. As Doek (2005, 38) states, they "have a well-established and widely accepted position in the reporting on and monitoring of the CRC". As such, from a children's rights standpoint, state compliance with, and fulfilment of, their human rights obligations in vindicating the right to leisure, must be assessed against the manner in which that delivery complies with the CRC's four guiding principles (Peleg, 2019).

More widely, children with disabilities further possess rights under the UNCRPD. In addition to the right to leisure as alluded to earlier, contracting states are mandated to adhere to the Conventions 'General Principles' as outlined in Article 3 UNCRPD when fulfilling their human rights obligations (Arduin, 2018). This includes ensuring that the principles of dignity, participation, inclusion, non-discrimination, equality of opportunity, gender equality, accessibility, and respect for the evolving

capacities of children with disabilities and their identities are fulfilled when decision pertaining to children's leisure rights are considered and decided. Furthermore, Article 4 1(a) stipulates that states must "adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention" which, by extension, includes the right to leisure. However, it is the enhanced participatory and consultative role which those with disabilities are conferred with which demarcates the UNCRPD from other international treaties. In remedying the historical neglect which those with disabilities historically endured (Quinn, 2009), the UNCRPD has been interpreted to ensure that states consult and engage "with organizations of persons with disabilities when conducting preparatory studies and analysis for formulating policy" (UN CRPD Committee, 2018, para 58). This represents an important procedural step in ensuring that children with disabilities, their carers or legal guardians, and their representative organisations, are actively consulted by states in the development of laws, policies, and regulations governing the right to leisure, and how it can be operationalised for children with disabilities. This also ensures that future governmental enactments are evidence-based, valid, and respond to the rights, needs, and interests of children with disabilities as regards their right to leisure. It also ensures that issues pertaining to any urban/rural divisions within a given domestic context, the quality and availability of existent leisure services, and any barriers that children with a disability may face in accessing them can be accounted for, and remediated within such laws and policies.

It is however the UN Committee on the Rights of the Child (CRC Committee), as the treaty-monitoring body of the CRC, who have provided important definitional clarity in terms of what is meant by the child's right to leisure. Defining it as, *inter alia*, "time and space without obligations, entertainment or stimulus, which they can choose to fill as actively or inactively as they wish" (CRC Committee, 2017' para 13), and further noting it as a time within which play and recreation can take place, the CRC Committee further state that leisure is tantamount to "free or unobligated time that does not involve formal education, work, home responsibilities, performance of other life-sustaining functions or engaging in activity directed from outside the individual. In other words, it is largely discretionary time to be used as the child chooses" (ibid, para 14(b)). Drilling down deeper into the lexical depths of the CRC Committee's definition, two overarching and significant observations can be made. The first of these is the crucial acknowledgment of the fact that leisure is not equivalent to play, nor vice versa. Indeed, whilst there may be a natural, conceptual, and indeed, practical overlap between both rights, it is imperative to recollect that they both constitute entirely distinct legal entitlements, and as such, demand an individualised and separate assessment of their realisation. Play in this regard has been hitherto defined by the CRC Committee as "any behaviour, activity or process initiated, controlled and structured by children themselves; it takes place whenever and wherever opportunities arise" (CRC Committee, 2017, para 14(c)), and further that it is "non-compulsory, driven by intrinsic motivation and undertaken for its own sake, rather than as a means to an end" (ibid).

However, situated rights across the academic literature on the right to play for children with disabilities is the fact that the enduring and purported health, physiological, cognitive, and wider developmental benefits which play undeniably yields

have become disproportionately elevated as the primary justificatory basis for granting the right, such that the right itself has become heavily instrumentalised (Sutton-Smith, 2009; Hodge & Runswick-Cole, 2013). This reality was aptly surmised by Goodley et al. (2016, 778) who posited that such is the extent of the play as development narrative, that for children who may fall outside what is considered 'acceptable play', especially for children with disabilities, "it raises a redflag for 'atypical development', difference, disorder and monstrosity." Similarly, Chambers et al. (2024, 2), in noting the inextricable overlap between the rights to play and leisure observe that they both "have become instrumentalised as a way of supporting children's health and education rather than as activities in and of themselves." Indeed, the instrumentalisation of the right to leisure can better be understood from an ableist paradigmatic framework. At its core, this gives effect to the "unconscious and systemic belief in the universal appeal of the species-typical human being" (Goodley & Runswick-Cole, 2021), which for disabled children results in their specific demarcation on account of their actual or perceived disability (Goodley, 2014; Hodge & Runswick-Cole, 2013). Hodge and Runswick-Cole (2013) argue that for disabled children, access to leisure has emerged as an additional area wherein the accepted wider developmental benefits associated with it have been elevated to such a vantage point, that "access to leisure opportunities is framed as opportunities for rehabilitation, helping disabled children to meet developmental milestones" (ibid, 313). Bound up "with visual processes of diagnosis and classification, where the body is read – and produced – as either normal or abnormal" (Calder -Dawe, 2020; 136), the instrumentlisation of the right to leisure for children with disabilities, possesses the capacity to further constrict both access to, and enjoyment of, the right in a manner which is incompatible with the very genesis of what leisure encapsulates. Therefore, against this backdrop, it remains imperative that the future development, articulation, and operational refinement of the right to leisure remains cautious against the dangers of aligning or conditioning the enjoyment or realisation of the right against the wider consequential and developmental benefits it may yield. As the CRC Committee have warned us, "[n]arrowly focusing all of a child's leisure time into programmed or competitive activities can be damaging to his or her physical, emotional, cognitive and social well-being" (CRC Committee, 2013, para 42).

This in turn leads us to consider the second aspect of the CRC Committee's definition of leisure, which revolves around personal choice. Indeed, permeating the CRC Committee's articulation of leisure is their affirmation of the right of the child herself to choose how to spend her leisure time. Choice, therefore, must become viewed as a critical vehicle through which the right to leisure is exercised. In other words, children and young people must not only be made aware of their right to leisure, but further supported to determine how they chose to spend their leisure time. From a children's rights perspective, the concept of choice and the right to participate in matters affecting them, which includes children with disabilities, is enshrined within Article 12 CRC (Lundy, 2007). However, as far back as 1997, the CRC Committee in its Day of General Discussion on the rights of children with disabilities noted the difficulty that children with disabilities often face – by adults—in realising such a right, observing that "where the child was disabled, there tended to be an even greater inability to accept its competence" (CRC Committee, 1997; para 334).

However, in their more recent elaboration of how states comply with Article 12 CRC, the CRC Committee has stated that age alone does prohibit the exercise of the right and that children with disabilities, “should be equipped with, and enabled to use, any mode of communication necessary to facilitate the expression of their views” (CRC Committee, 2009; para 21). Given further, as Lansdown (2014, 101) reminds us that it is the rights which fall under Article 31 CRC, which included the right to leisure where “children with disabilities experience the most acute sense of social exclusion and marginalization”, the need to ensure that children are actively involved in decisions regarding their leisure becomes a critical concern. Indeed, in their examination of the perceived facilitators and barriers for participation in leisure activities for children with disabilities, Steinhardt et al., (2021, 127), noted that consideration of the child’s choices and preferences “was seen as a main facilitator by parents and professionals” as regards the involvement of children with disabilities in leisure related activities. It was further noted that giving effect to children’s choice also prevented conflict and heightened the children’s eagerness to participate in the activities in question (ibid). Chambers et al. (2024) further argue that much scope exists to fully understand the leisure related experiences of children and young people during school holidays, and further argue for the involvement of children within future research endeavours in ascertaining how they spend their time during school holidays. Though not framed specifically from the context of the rights of children with disabilities, such observations nonetheless underscore the need for children’s voices, including those with disabilities, to be heard in advancing out understanding regarding the child’s right to leisure.

Additionally, in the context of children with physical disabilities, Powrie et al. and’s (2015, 1004) systematic review of what leisure meant for those children revealed that the four key overarching thematic responses were ‘fun’, ‘freedom’, ‘fulfilment’ and ‘friendship’. Fun was considered “essential to the experience” (ibid) of leisure; freedom revolved around “freedom of choice and freedom from constraints” (ibid, 1005) in that the children and young people could choose what leisure pursuits to engage in; fulfilment centred on the innate meaningfulness which was generated in pursuing leisure activities which the children and young people “discovered, developed, and displayed their potential” (ibid, 1006), while friendship encapsulated the “belonging and social connectedness” (ibid) which participation in leisure activities generated. Such responses further underline the unique subjective and personal benefits which access to, and participation in, leisure related activities bring children, and the wider interpersonal benefits it yields. Therefore, allowing children and active, ongoing, and genuine say in matters concerning their right to leisure, and how they wish to spend their leisure time, is a critical component of that right.

However, in acceptance of the fact that disability itself is neither a uniform nor homogenous categorisation, there will of course be circumstances, depending on the level or severity of the child’s disability where the child may not be able to directly contribute to their leisure-related decision-making process. This, nonetheless, does not negate their right to choose. Rather, it arguably augments the responsibility of those surrounding the child to ensure that all decisions pertaining to the child’s right to leisure, and leisure related activities are taken within a rights compliant, and supporting framework. In this regard, Gilor et al (2022) emphasise the multi-layered framework

which often typifies the decision-making context governing the lives of children with disabilities. In view further of the fact that multiple stakeholders are often involved in the lives of children with disabilities, ranging from the family, to educational, health, and social care providers, to the overarching role of the state and public authorities in the design, and delivery of those services, it remains imperative that the human rights of children with disabilities, including their right to leisure, are foregrounded within all decision-making processes which affect the child in question. As Gilor et al (2022) argue, “to encourage the consistent participation of children with disabilities in leisure activities requires cooperation between the microlevel, i.e., people with disabilities and their families; the meso-level, i.e., service providers and a supportive community; and the macro-level, i.e., legislators who establish policies.” This in turn requires ongoing training and awareness to ensure the rights of children with disabilities are neither sidelined nor superficially engaged with, by those tasked with making choices on their behalf. In acknowledging the oft-cited lack of awareness of CRC rights which persist among adults, and those in charge of decision-making processes regarding children, Byrne and Lundy (2019, 360) suggest that “there needs to be a programme of training and awareness that addresses these knowledge gaps”. Collins (2019) further asserts that professional training across all professional sectors of relevance to children and young people,—both pre-service and in-service—is necessary to ensure that the rights of children and young people are upheld within those decision-making structures. Indeed, Collins (2019, 342) further argues that an awareness and understanding of children’s rights, possesses a “far-reaching extra-legal significance in terms of how we understand children and young people.

Therefore, the extent to which children with disabilities are actively involved in, or supported as best they can be, in relation to decisions regarding their right to leisure presents as an immediate concern. This remains especially important given, as Aitchison (2003) reminds us that the scholarly and sociological basis underpinning leisure studies – itself intimately interwoven with the right to leisure – was initially conspicuously silent on the interface between leisure and disability. Less still was the appreciation of the overlay of leisure, disability, and children. Indeed, as Aitchison (2003, 962) fittingly concludes, the sociological and academic drive for definitional accord within the field of leisure studies itself “appears to have pre-occupied the subject field of leisure studies since its inception with definitions reflecting the overtly non-disabled origins of the subject field”. Indeed, writing elsewhere within a UK context, Aitchison (2009; 377) further argued that although the field of leisure studies has been deployed as a channel through which “the policy objectives of inclusion and social justice can be pursued”, the ongoing sidelining of disability within the field of leisure studies represents an “anomalous” omission (ibid, 378). More widely, such an omission has been matched by the minimal attention which the right to leisure has received from a children’s rights perspective. As the succeeding section will demonstrate, the CRC Committee must now engage with the right to leisure in a more consequential manner, beyond the cursory and superficial treatment which currently typifies its engagement with the right. This remains necessary to ensure the right to leisure for children with disabilities is not considered in incidental or irrelevant terms, and further that those working with children with disabilities are aware of the wider rights-based backdrop which contextualises the operation and enjoyment of the right.

4 Section Three: The CRC Committee's Engagement with the Right to Leisure

As a treaty monitoring body, the CRC Committee possess significant influence on the developmental and legal trajectory of the rights contained within the CRC. Though imperfect (O'Flaherty, 2006; Freeman, 2020), Mechlem (2009, 908) argues that such bodies "play an important role in establishing the normative content of human rights and in giving concrete meaning to individual rights and state obligations". However, an examination of the CRC Committee's engagement with the right to leisure for children with disabilities across its general comments (GCs), reveals a somewhat disjointed approach to addressing the right, and the legal obligations which flow from it. This is significant, because situated rights across the academic literature on the right of children with disabilities pursuant to Article 23 CRC, is the unanimous acceptance of the outdated, medicalised, and impairment-focused approach to disability which it preserves. And although a reflection perhaps of the period in which the CRC was enacted, such a standpoint is now clearly repugnant to current disability law and policy which, in embedding a social model of disability, recognises the wider economic, societal, cultural, physical, and attitudinal factors, as the primary disabling factors which ultimately impair those with disabilities (Lawson & Beckett, 2021). Given therefore, how the CRC retains such an anachronistic textual position as regards children with disabilities, the CRC Committee therefore assumes a heightened obligation to counteract the archaic treatment of disability rights within the CRC through the elaboration of guidance which departs from such a standpoint. This, by extension, includes how it engages with the right to leisure, which, as outlined below, has arguably remained on the periphery of the CRC Committee's children's rights gaze.

Firstly, an examination of the CRC Committee's GCs, which by their very thematic nature, delineate and amplify the obligations of states in realising the human right(s) the subject matter of the GC (Bodig, 2016), reveals the peripheral position which the right to leisure occupies. For instance, in its GC on the rights of children with disabilities in 2006, the CRC Committee failed to engage with the right to leisure in any meaningful manner. Despite suggesting that "[t]raining for recreation, leisure and play should be included for school-aged children with disabilities" (CRC Committee, 2006; para 70), the Committee was otherwise silent on how children with disabilities should be afforded their right to leisure. No reference was made to either the intrinsic importance of leisure for children with disabilities, or indeed their right to participate in choices regarding their leisure activities. Such an omission assumes increased import given the fact that children with disabilities do not constitute a homogenous group. Given that many will invariably interact with various health, education, and social care providers, the failure of the CRC Committee to either acknowledge or elaborate on such a reality, and the need for the right to leisure to be upheld within such contexts constitutes a significant anomaly. This is further underscored by the fact that in its GC on the role and responsibilities of the private sector in the delivery of children's rights, the CRC Committee again failed to refer to the right to leisure for children with disabilities (CRC Committee, 2013).

In view of the heightened, and accepted role that the private sector now assumes and occupies in the delivery of many children's services, and which impact their human rights, (Nolan, 2018), the need for a more nuanced and detailed outline of the responsibility of such providers in upholding the right to leisure for children with disabilities becomes a critical priority. For example, in England alone, as of the 31st^{of} March 2023, private companies were in control of approximately 85% of children's homes (OFSTED, 2024), which includes any establishment "if it provides care and accommodation wholly or mainly for children" (Care Standards Act, 2000; Sect. 1(2)). Such homes can include short stay facilities and special residential schools which will invariably include children with disabilities. However, the long-held acknowledgment of the susceptibility of children with disabilities to maltreatment within the care system (Hernon et al., 2014), the communication difficulties generated by their placement in settings often at great distance from their homes and families (Franklin & Goff, 2019), and the increased re-referral rate of children with disabilities to the care system (Troncoso, 2017), converge to underscore the need for more engagement with the role of the private sector in the delivery of the rights of children with disabilities, including their right to leisure.

However, in its GC on the implementation of children's rights in early childhood in 2005, the CRC Committee did engage more substantively with the right to leisure. Here they recognised that the right is undermined by a "shortage of opportunities for young children to meet, play and interact in child-centred, secure, supportive, stimulating and stress-free environments" (CRC Committee, 2005; para 34), whilst further encouraging states to "to pay greater attention and allocate adequate resources" (ibid) which are necessary to realise the right. Although expressed generally, such comments are welcome for they recognised the barriers that children—including those with disabilities face—when accessing their right to leisure. Disappointingly, however, such engagement with the right did not influence their subsequent GCs on disability, nor their guidance to the private sector in respecting children's rights. Indeed, in the CRC Committee's most recent GC on children's rights and the environment, with a special focus on climate change (CRC Committee, 2023), limited attention was again afforded to the right to leisure for children with disabilities. Beyond stating that climate-changed induced stress on household finances will affect the right to leisure (ibid, para 60), and that the right to a clean healthy environment should be mainstreamed across all domestic laws and policies including those pertaining to leisure (ibid, para 67), engagement with the overlap of the environment and leisure for children with disabilities was negligible. Such an omission potentially severs the significance of the environment in realising the leisure rights of children with disabilities. Indeed, as situated across the literature on the overlap of the importance of the environment for disabled people's leisure is the subjective intrinsic enjoyment, and personal benefits in terms of enhancing one's well-being, that it generates (Burns et al., 2009). Indeed, as further observed by Burns et al., (2013; 1070), conceptions around the perceived risks associated with disabled people – which includes children -from engaging in outdoor leisure has "contributed to disablement by informing practices that either directly or indirectly acted to restrict opportunities for disabled people". Therefore, the need for the CRC Committee to

engage with, and directly affirm, how the environment represents an important space for children with disabilities to exercise their leisure rights—free from ableist and non-discriminatory undertones – becomes apparent. The failure to recommend the need for adequately resourced domestic leisure strategies and policies which delineate how the environment can be better utilised and protected as a space for leisure for those with disabilities, which includes the duties of the private sector who may have a stake within wider environmental related activities, represented a missed opportunity for clearly aligning environmental rights with leisure rights, and especially so for children with disabilities. Furthermore, in relation to their guidance in assisting states to uphold the right to the highest attainable standard of health (CRC Committee, 2013), the CRC Committee were notably silent on children’s leisure rights. Despite acknowledging the fact that children with disabilities may require ‘special attention’ (ibid, para 15), and that responding to the child’s evolving capacities and various health needs necessitates disaggregated data, within which disability is one such variable of analysis (ibid, para 22), the GC was otherwise muted not only on the right to leisure per se, but also on the beneficial health consequences for children with disabilities which flow from participation in leisure.

However, subsequent GCs have engaged with the right to leisure in a more visible and sustained manner. This is evident from both GC No.17 on the right to rest, leisure, play, recreational activities, cultural life and the arts (CRC Committee, 2013), and more recently in GC No. 25 on children’s rights in relation to the digital environment (CRC Committee, 2021). Dealing firstly with GC No. 17, several observations can be made. Although, as alluded to earlier, the CRC Committee provided definitional clarity as to what leisure entails from a children’s rights perspective, the GC was ostensibly weighted in advocating for the right to play, and the conditions necessary for its realisation. Importantly, however, from the perspective of the right to leisure, the CRC Committee noted that the realisation of Article 31 CRC necessitates the “[a]vailability of leisure time, free from other demands” (CRC Committee, 2013; para 32), affirmed that the overlap of leisure and nature can yield immense personal benefits (ibid, para 40), and recognised that for children with disabilities, policies and measures were needed to “remove barriers and promote accessibility to and availability of inclusive opportunities for children with disabilities to participate in all these activities” (ibid, para 50).

Although the CRC Committee advocated for increased awareness-raising within states in relation to the right to leisure (ibid, para 56 (b)), much scope existed for a more comprehensive and explicit alignment of the right to leisure for children with disabilities specifically. For instance, given the variety of stakeholders that are involved with disabled children across their entire childhood, ranging from the family to those operating within education, health, and social care services, amongst others, the ability of children to exercise and claim their leisure rights within those domains should have been foregrounded more clearly. This could have included the recommendation that such service providers make explicit provision for the leisure rights of disabled children, given that many of these children will avail of wider residential and therapeutic interventions. And as previously mentioned, the position of the private sector as a more pronounced partner within the delivery of these services further demands that appropriate oversight and monitoring mechanisms are made

available within states to ensure that the leisure rights of children with disabilities are realised and accounted for.

Furthermore, given that the language of the CRC within Article 23 enshrines the outdated medical model of disability, the failure of GC No.17 to clearly embrace the social model of disability represented a missed opportunity to drive forward transformative change regarding the provision of leisure rights for children with disabilities. Overlooked further was the reaffirmation of the need for the active involvement and co-production by children with disabilities specifically, or through their representative organisations in the design of domestic leisure strategies and policies, in keeping with their legal obligations arising under the UNCRPD. As stated by the Committee on the Rights of Persons with Disabilities (2018, para 15), this is “a mandatory step prior to the approval of laws, regulations and policies, whether mainstream or disability specific”. In the context of the right to leisure, how such policies and strategies would impact, underpin, and support a child with disabilities across their education, health, social care, and family life, amongst other areas of the child’s life, could have been considered and accounted for more explicitly.

Dealing next with GC No.25 which concerns the rights of children within the digital environment, several significant observations arise. In opening “new avenues for children with disabilities to engage in social relationships with their peers, access information and participate in public decision-making processes” (CRC, 2021; para 89), the CRC Committee clearly recognised that the digital ecosystem represents an important forum within which children’s leisure occurs (ibid, para 106). However, they further highlighted that children with disabilities face additional barriers in accessing the digital sphere at home, school, and in the community, and recommended that “children with disabilities have access to content in accessible formats and remove policies that have a discriminatory impact on such children” (ibid, para 89). Whilst noting the positive effects of increased digitalisation, the CRC Committee further cautioned against the online harms and dangers associated with the digital environment, recommended the enactment of appropriate policies to regulate children’s engagement with it, whilst, importantly, highlighting “the prejudice faced by children with disabilities that might lead to over-protection or exclusion” (ibid, para 92) from the digital environment. However, little doubt now exists that the rise of digitalisation has ushered in a new era of ‘digital leisure’ (Spracklen, 2015), whereby the rapid rise of, and dependency on, information and communication technologies (ICT’s) has unequivocally altered the boundaries in which the participation and exercise of leisure now occurs (Rojas de Francisco et al., 2016). For children with disabilities, this assumes increased import in view of their heightened susceptibility to exclusion from the digital sphere (Tsat-sou, 2020).

Whilst the CRC Committee engaged with disability and leisure separately within CG No.25, several issues nonetheless abound. Although urging the removal of discriminatory policies which may affect children with disabilities, CRC Committee could have further elaborated on what this means for children with disabilities in terms of national, local, and municipal policies, and the need to maintain wider cross-sectoral coordination in the delivery of access to digital leisure services.

Further absent was the recommendation for ring-fenced budgetary protections to ensure parity and fairness in terms of ensuring equal access to digital leisure, training for parents or caregivers who may be involved in the delivery of such leisure activities and services, and the wider need to avoid any urban/rural divide in the provision of digital leisure. Whilst the GC did recommend that children with disabilities “should be involved in the design and delivery of policies, products and services that affect the realization of their rights in the digital environment” (ibid, para 91), no wider reference was made to the UNCRPD, or indeed to the wider societal factors which disenfranchise children with disabilities to exercise their leisure rights within the digital sphere.

Thus, the foregoing analysis demonstrates that the CRC Committee’s approach to the right to leisure for children with disabilities had been somewhat inchoate and disjointed. This has ranged from outright non-engagement with the right, to situations where the CRC Committee has engaged with the right in more sustained manner. Moving forward, it is imperative that future guidance and commentary issued by the CRC Committee adequately engages with the right to leisure for children with disabilities in a manner which recognises how the right intersects with other rights within the CRC, and which clearly articulates what the role of the state and private sector operators is in ensuring that the right has meaning in the context of the lives of children with disabilities. By engaging with the right to leisure in a more sustained manner, the CRC Committee can advance valuable and transferrable guidance of significant benefit, which would raise awareness of the right, and assist in its ultimate implementation.

5 Conclusion

In conclusion, this article has assessed the right to leisure for children with disabilities from a children’s rights perspective pursuant to Article 31(1) CRC. By drawing on the sociological genesis of leisure rights in the first instance, coupled with an examination of how the right finds expression within international and children’s human rights law, this article has demonstrated how much work remains to be done to counteract the historical—and indeed ongoing – neglect which the right to leisure has endured for children with disabilities, both sociologically and legally. In arguing for a cohesive approach to addressing and understanding the right to leisure for children with disabilities by the CRC Committee, and how it can be fulfilled, it contends that the right can, and should be bestowed with the awareness it requires to ultimately assist in its implementation. In an unequivocal, yet devastating assessment, Freeman (2020, 95) stated that “[t]he CRC has failed to make an impression on the lives of children with disabilities”. That this is true in the context of the right to leisure for these children and young people is beyond doubt. Therefore, greater awareness of, and systematic engagement with, the legal obligations which flow from the right to leisure, by all stakeholders, is now necessary to revive the promise and potential which it can exert for children with disabilities.

Declarations

Conflict of Interest The author is one of the General Editors of this Special Issue and this manuscript was peer reviewed in line with the editorial policies of the journal. The author/general editor was therefore excluded from the peer review process.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Aitchison, C. (2003). From leisure and disability to disability leisure: Developing data, definitions and discourses. *Disability & Society*, 18(7), 955–969.
- Aitchison, C. (2009). Exclusive discourses: Leisure studies and disability. *Leisure Studies*, 28(4), 375–386.
- Arduin, S. (2018). 'General principles'. In I. Bantekas, M. A. Stein, & D. Anastasiou (Eds.), *The UN convention on the rights of persons with disabilities: A commentary*. Oxford Commentaries on International Law. Oxford University Press.
- Barnes, C. (2020). Understanding the social model of disability: Past, present and future. In *Routledge handbook of disability studies* (2nd ed.). Routledge.
- Blackshaw, T. (2010). *Leisure*. Routledge.
- Bodig, M. (2016). Tracing the roles of soft law in human rights. In S. Lagoutte, T. Gammeltoft-Hansen, & J. Cerone (Eds.), *Soft law, doctrinal development, and the general comments of the UN committee on economic, social and cultural rights* (pp. 69–88). Oxford University Press.
- Borsary, P. (2006). *A history of leisure: The British experience since 1500*. Bloomsbury Publishing.
- Burns, N., Paterson, K., & Watson, N. (2009). An inclusive outdoors? Disabled people's experiences of countryside leisure services. *Leisure Studies*, 28(4), 403–417.
- Burns, N., Watson, N., & Paterson, K. (2013). Risky bodies in risky spaces: Disabled people's pursuit of outdoor leisure. *Disability & Society*, 28(8), 1059–1073.
- Buttimer, J., & Tierney, E. (2005). Patterns of leisure participation among adolescents with a mild intellectual disability. *Journal of Intellectual Disabilities*, 9(1), 25–42.
- Byrne, S., & Lee Ludvigsen, J. A. (2024). Further towards the right to 'safe leisure': A case study of the council of Europe's 2016 Saint-Denis convention. *Annals of Leisure Research*, 27(3), 343–360.
- Byrne, B., & Lundy, L. (2019). Children's rights-based childhood policy: A six-P framework. *The International Journal of Human Rights*, 23(3), 357–373.
- Calder-Dawe, O., Witten, K., & Carroll, P. (2020). Being the body in question: Young people's accounts of everyday ableism, visibility and disability. *Disability & Society*, 35(1), 132–155.
- Chambers, S., Smillie, S., & Watson, N. (2024). Rethinking children's right to leisure during school holidays. *Annals of Leisure Research*, 27(3), 399–416.
- Collins, T. M. (2019). The general measures of implementation: Opportunities for progress with children's rights. *The International Journal of Human Rights*, 23(3), 338–356.
- Condie, G. A. (2021). Exploring the personal and social aspects of individuals with physical disabilities' leisure experiences: Experiencing leisure but as an individual person. *Leisure Studies*, 40(3), 363–377.
- Dahan-Oliel, N., Shikako-Thomas, K., & Majnemer, A. (2012). Quality of life and leisure participation in children with neurodevelopmental disabilities: A thematic analysis of the literature. *Quality of Life Research*, 21, 427–439.

- Davey, C., & Lundy, L. (2011). Towards greater recognition of the right to play: An analysis of article 31 of the UNCRC. *Children & Society*, 25(1), 3–14.
- De Beco, G. (2020). Intersectionality and disability in international human rights law. *The International Journal of Human Rights*, 24(5), 593–614.
- Doek, J.E., (2005) The CRC General Principles, in *18 Candles The Convention on the Rights of the Child Reaches Majority*, Institut international des droits de l'enfant (IDE) Sion, Switzerland.
- Dumazedier, J. (1967). *Toward a society of leisure*. Free Press.
- Dumazedier, J. (1971). Leisure and post-industrial societies. In M. Kaplan & P. Bosserman (Eds.), *Technology, human values, and leisure* (pp. 191–220). Abingdon Press.
- Dumazedier, J. (1974). *Sociology of leisure*. Elsevier.
- Evans, T., Bellon, M., & Matthews, B. (2017). Leisure as a human right: An exploration of people with disabilities' perceptions of leisure, arts and recreation participation through Australian Community Access Services. *Annals of Leisure Research*, 20(3), 331–348.
- Fitzgerald, H., & Long, J. (2017). Integration or special provision?: Positioning disabled people in sport and leisure. In *Sport, leisure and social justice* (pp. 126–138). Routledge.
- Fitzgerald, H., & Kirk, D. (2009). Identity work: Young disabled people, family and sport. *Leisure Studies*, 28(4), 469–488.
- Franklin, A., & Goff, S. (2019). Listening and facilitating all forms of communication: Disabled children and young people in residential care in England. *Child Care in Practice*, 25(1), 99–111.
- Freeman, M. (2020). *A Magna Carta for children?: Rethinking children's rights*. Cambridge University Press.
- Gilor, O., Klibanski, H., & Kfir, D. (2017). Setting policies regarding leisure activities for youths with disabilities: Who will accept this mission? *World Leisure Journal*, 59(3), 227–239.
- Gilor, O., Klibanski, H., & Kfir, D. (2022). Implementation and organisation of leisure activities for children with disabilities: Coping with difficulties. *International Journal of Disability, Development and Education*, 69(2), 491–509.
- Goodley, D., Runswick-Cole, K., & Liddiard, K. (2016). The dishuman child. *Discourse Studies in the cultural politics of education*, 37(5), 770–784.
- Goodley, D., & Runswick-Cole, K. (2021). What does disability bring to sociology?. *Human Figurations*, 9(1).
- Goodley, D. (2014). *Dis/ability studies: Theorising disablism and ableism*. Routledge.
- Guzman, A. T., & Meyer, T. L. (2010). International soft law. *Journal of Legal Analysis*, 2(1), 171–225.
- Harris, D. R. (1983). The development of socio-legal studies in the United Kingdom. *Legal Studies*, 3(3), 315–333.
- Hernon, J., Brandon, M., Cossar, J., & Shakespeare, T. (2014). Recognising and responding to the maltreatment of disabled children: A children's rights approach. *Social Work and Social Sciences Review*, 17(3), 61–77.
- Hodge, N., & Runswick-Cole, K. (2013). 'They never pass me the ball': Exposing ableism through the leisure experiences of disabled children, young people and their families. *Children's Geographies*, 11(3), 311–325.
- Kuppan, V. (2017). Spasticus Auticus: Thinking About Disability, Culture and Leisure Beyond the "Walkie Talkies". *The Palgrave handbook of leisure theory*, 595–616.
- Lansdown, G. (1998). The rights of disabled children. *International Journal of Children's Rights*, 6, 221.
- Lansdown, G. (2022). Article 31: The Rights to Rest, Play, Recreation, and Cultural and Artistic Activities. In Z. Vaghri, J. Zermatten, G. Lansdown, & R. Ruggiero (Eds.), *Monitoring state compliance with the un convention on the rights of the child*. Springer Nature.
- Lansdown, G. (2014). Children with disabilities. In M. Sabatello, & M. Schulze (Eds.), *Human rights and disability advocacy*. University of Pennsylvania Press.
- Lawson, A., & Beckett, A. E. (2021). The social and human rights models of disability: Towards a complementarity thesis. *The International Journal of Human Rights*, 25(2), 348–379.
- Lott, N. (2023). *The right of the child to play: From conception to implementation*. Routledge.
- Lundy, L. (2007). 'Voice' is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942.
- Mechlem, K. (2009). Treaty bodies and the interpretation of human rights. *Vand. J. Transnat'l L.*, 42, 905.
- Mukherjee, U. (2020). Towards a critical sociology of children's leisure. *International Journal of the Sociology of Leisure*, 3(3), 219–239.
- Nolan, A. (2018). Privatization and economic and social rights. *Hum. Rts. q.*, 40, 815.

- O'Flaherty, M. (2006). The concluding observations of United Nations human rights treaty bodies. *Human Rights Law Review*, 6(1), 27–52.
- OFSTED. (2024). Guidance: An introduction to children's homes. Available at introduction to children's homes - GOV.UK. Accessed 31 Oct 2024.
- Patterson, I., & Pegg, S. (2009). Serious leisure and people with intellectual disabilities: Benefits and opportunities. *Leisure Studies*, 28(4), 387–402.
- Peleg, N., (2019) International Children's Rights Law: General Principles, in Kilkely, U., & Liefwaard, T., (eds.) *International Human Rights of Children*, Springer: Singapore.
- Penfold, C., Darby, P., & Kitchin, P. (2024). Disabled people's experiences of English football fandom: Inclusion, exclusion and discrimination. *International Review for the Sociology of Sport*, 10126902241268097.
- Powrie, B., Kolehmainen, N., Turpin, M., Ziviani, J., & Copley, J. (2015). The meaning of leisure for children and young people with physical disabilities: A systematic evidence synthesis. *Developmental Medicine & Child Neurology*, 57(11), 993–1010.
- Quinn, G. (2009). The United Nations Convention on the Rights of Persons with Disabilities: Toward a new international politics of disability. *Tex. J. on CL & CR*, 15, 33.
- Rapoport, R., & Rapoport, R. N. (1974). Four themes in the sociology of leisure. *The British Journal of Sociology*, 25(2), 215–229.
- Richards, D. L., & Carbonetti, B. C. (2013). Worth what we decide: A defense of the right to leisure. *The International Journal of Human Rights*, 17(3), 329–349.
- Roberts, K. (2011). Leisure: The importance of being inconsequential. *Leisure Studies*, 30(1), 5–20.
- Roberts, K. (2019). A future for UK leisure studies: Back to work. *International Journal of the Sociology of Leisure*, 2(3), 239–253.
- Rojas de Francisco, L., López-Sintas, J., & García-Álvarez, E. (2016). Social leisure in the digital age. *Loisir Et Société/Society and Leisure*, 39(2), 258–273.
- Rojek, C. (2005). *Leisure theory*. Springer.
- Sabatello, M. (2013). Children with disabilities: A critical appraisal. *The International Journal of Children's Rights*, 21(3), 464–487.
- Solish, A., Perry, A., & Minnes, P. (2010). Participation of children with and without disabilities in social, recreational and leisure activities. *Journal of Applied Research in Intellectual Disabilities*, 23(3), 226–236.
- Spracklen, K. (2015). *Digital leisure, the internet and popular culture: Communities and identities in a digital age*. Springer.
- Stebbins, R. A. (2017). *Leisure's legacy: Challenging the common sense view of free time*. Springer.
- Steinhardt, F., Ullenhag, A., Jahnsen, R., & Dolva, A. S. (2021). Perceived facilitators and barriers for participation in leisure activities in children with disabilities: Perspectives of children, parents and professionals. *Scandinavian Journal of Occupational Therapy*, 28(2), 121–135.
- Stumbo, N. J., Wang, Y., & Pegg, S. (2011). Issues of access: What matters to people with disabilities as they seek leisure experiences. *World Leisure Journal*, 53(2), 91–103.
- Sutton-Smith, B. (2009). *The ambiguity of play*. Cambridge, MA: Harvard University Press.
- Tinta, M. F. (2017). Justiciability of Economic, Social, and Cultural Rights in the Inter-American system of protection of human rights: Beyond traditional paradigms and notions. In *Economic, Social and Cultural Rights* (pp. 553–582). Routledge.
- Troncoso, P. (2017). Analysing repeated referrals to children's services in England. Research Report. Department of Education.
- Tsatsou, P. (2020). Digital inclusion of people with disabilities: A qualitative study of intra-disability diversity in the digital realm. *Behaviour & Information Technology*, 39(9), 995–1010.
- UN Committee on the Rights of the Child (CRC), General comment No. 12. (2009). The right of the child to be heard, CRC/C/GC/12.
- UN CRC Committee General Comment No. 15. (2013). On the right of the child to the enjoyment of the highest attainable standard of health (art. 24), CRC/C/GC/15.
- UN CRC Committee General Comment No. 16. (2013). State obligations regarding the impact of the business sector on children's rights, UN Doc CRC/C/GC/16.
- UN CRC Committee General Comment No. 17. (2013). On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), CRC/C/GC/17.
- UN CRC Committee General Comment No. 25. (2021). On children's rights in relation to the digital environment, CRC/C/GC/25.

- UN CRC Committee General Comment No. 26. (2023). On children's rights and the environment with a special focus on climate change, *CRC/C/GC/26*.
- UN CRC Committee General Comment No. 7. (2005). Implementing child rights in early childhood, *CRC/C/GC/7/Rev.1*.
- UN CRC Committee General Comment No. 9. (2006). The rights of children with disabilities, *CRC/C/GC/9*.
- UN CRC Committee. (1997). Day of general discussion on the rights of children with disabilities, *CRC/C/69*.
- UN CRPD Committee General Comment No. 7. (2018). On the Participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the convention.
- UN Special Rapporteur on the Rights of Persons with Disabilities. (2018). Rights of persons with disabilities, *A/73/161*.
- United Nations. (2018). *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities*. United Nations.
- United Nations Children's Fund. (2021). *Seen, counted, included: Using data to shed light on the well-being of children with disabilities*. UNICEF.
- Veal, A. J. (2015). Human rights, leisure and leisure studies. *World Leisure Journal*, 57(4), 249–272.
- Veal, A. J. (2019). Joffre Dumazedier and the definition of leisure. *Loisir Et Société/society and Leisure*, 42(2), 187–200.
- Veal, A. J. (2021a). A critique of serious leisure as theory. *Leisure Studies*, 40(4), 575–589.
- Veal, A. J. (2021b). International assessment of the right to leisure time. *World Leisure Journal*, 63(2), 141–151.
- Veal, A. J., & Sivan, A. (2022). Holding Governments to Account for Leisure Rights: A Collaborative Research Agenda. *World Leisure Journal*, 64(3), 205–220.
- Vierdag, E. W. (1978). The legal nature of the rights granted by the international covenant on economic, social and cultural rights. *Netherlands Yearbook of International Law*, 9, 69–105.
- Woodgate, R. L., Gonzalez, M., Demczuk, L., Snow, W. M., Barriage, S., & Kirk, S. (2020). How do peers promote social inclusion of children with disabilities? A mixed-methods systematic review. *Disability and Rehabilitation*, 42(18), 2553–2579.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.