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2 Children’s Right to Play, Whoever They Are, Wherever They Are. The Play Rights of Children and Young People with Disabilities

This chapter outlines the importance of the United Nations Convention on the Rights of the Child (UNCRC), and in particular, Article 31 and General Comment No. 17, when we consider the play rights of children and young people with disabilities. First, the International Play Association (IPA) was delighted and honoured to be asked to present at the LUDI Conference on this important topic. The IPA is an international non-governmental organisation founded in 1961, which now has members in more than 50 countries worldwide. IPA’s purpose is to protect, preserve, and promote child’s right to play as a fundamental human right.¹

It is, perhaps, worth outlining upfront what Article 31 of the UNCRC says: “That every child has the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. That member governments 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”.

So, it is worth stating that the UNCRC applies to all children across the world; all children, whoever they are and wherever they are, have the right to play. This right applies equally to children with disabilities. Why then, given that very clear commitment, do so many children with disabilities find that right is denied? This chapter aims to outline how the barriers to play impact on children with disabilities and puts forward the case for change as supported by the UN General Comment on Article 31.²

2.1 The UNCRC

UNICEF³ reminds us that: “25 years ago, the world made a promise to children: that we would do everything in our power to protect and promote their rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential.

¹ For International Play Association (IPA) information and resources, please visit <http://www.ipa-world.com>.

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

³ www.unicef.org.

In spite of the overall gains, there are many children who have fallen even further behind. Old challenges have combined with new problems to deprive many children of their rights and the benefits of development”.

The UNCRC outlines all the human, social, and economic rights of all children (under 18) throughout the world. It was created in 1989, and nations across all UN member states except for the United States have ratified the Convention (Somalia is in the process of finalising ratification of the Convention). There are 54 ‘articles’ or rights in the Convention. Articles 1–42 outline the rights specific to children, and Articles 43–54 outline the obligations of State Parties and other ‘duty bearers’.

2.2 Barriers, Voice, and Play Practice

The UNCRC:

- informs and guides our professional practice, values, experience, and reflections
- provides all practitioners, leaders, and services with a common platform to working with, and for, children and young people (Hanson, 2014)
- enables us to place children and young people at the heart of everything we do (Trodd & Chivers, 2011)
- enables us to navigate professional complexities and to work towards securing what is in the best interests of children and young people – to do the right thing

Until recently (2008–February 2015), I was the Children’s Commissioner for Wales, and in that role, I became acutely aware of how important play is to children. In fact, there were two main things that children of primary school age wanted to talk to me about. The first is how important it is to feel safe, and the second is play. Very often, these two things go hand in hand. Feeling safe in school and learning through play is one example, and playing outdoors, maybe on our streets, without being worried about by disapproving adults is another.

There are a number of specific barriers that impact negatively on the ability of children with disabilities to enjoy their right to play. They include (and this is not an exhaustive list) physical barriers that prevent children using wheelchairs or walking aids from accessing play spaces; poor public transport (a particular issue in rural and semi-rural locations); poverty impacting on the ability to pay for and access some organised play and recreation opportunities; isolation within the family and within the community; and poor or limited assistive technologies, which reduce opportunities for participation by children with disabilities. One of the major barriers that exists is the attitude of professionals and others within the community towards disability. Negative stereotypes hurt and impact on children’s lives, reduce opportunities to participate, and increase emotional stress and poor mental health.

We know that play is fundamental (not optional) to children’s physical, social, mental, and emotional development. Of course, play can and should happen all the

time, and children’s innate desire to play must be encouraged and allowed to develop at the child’s direction. We also know that this extends to all children, regardless of ability, and so, children with disabilities have an absolute right to enjoy their Article 31 rights.

An area that sometimes causes confusion is where rehabilitation and therapy for children with disabilities fits with their right to play. Some of those therapeutic and rehabilitative programmes can and do have playful qualities within them. It is important to recognise, however, that these must never be seen as a substitute for play, as described in the General Comment.

Article 12 of the UNCRC also reminds us that all children have the right to have their voice heard in any matter that affects their lives. Voice is important, and in our play practice, we must place listening and acting on the concerns and issues that children raise as central to our work with, and for, them. Children with disabilities can and do share their experiences, hopes, feelings, and wishes.

- “I love it when it snows”, child aged 6.
- “...no way for me to join in”, child aged 9.
- “I can never go on my own... but sometimes they can’t take me and I feel sad”, boy aged 15.
- “It can be scary to play outside”, girl aged 8.
- “People have spit at me. I don’t like that”, boy aged 9.
- “I love playing with my mum”, girl aged 10.
- “Playing is so good, we need more time to play, playing anywhere is just brilliant”, boy aged 9.
- “Computers are good but outdoors is the best”, girl aged 12.
- “I’m so happy when I’m playing. It makes me feel like sunshine inside”, boy aged 6.

All of these quotes come from my meetings with children with disabilities in Wales. They are so powerful and illustrate why we must develop our play practice to meet the concerns they outline. Perhaps, we should all work to make sure that every child with a disability feels like they have sunshine within them.

2.3 Article 31 and General Comment No. 17

The UN Committee on the Rights of the Child is concerned about the poor recognition given by governments to Article 31 rights. Rising urban populations, violence in all its forms, the commercialisation of play provision, child labour, and increasing educational demands are all affecting children’s opportunities to enjoy their Article 31 rights. In general, where investment is made, it is in the provision of structured and organised activities, but equally important is the need to create time and space for children to engage in spontaneous play, recreation, and creativity, and to promote societal attitudes that support and encourage such activity.

To address these concerns, the Committee produced a General Comment, which it adopted at its 62nd session (14 January–1 February 2013). The General Comment has three core objectives:

1. To enhance understanding of the importance of Article 31 for children's wellbeing and development
2. To ensure respect for and strengthen the application of the rights under Article 31, as well as other rights in the Convention
3. To highlight the implications for the determination of obligations of governments, the roles and responsibilities of the private sector, and guidelines for all individuals working with children

Within the General Comment, the Committee outlines those children who require particular attention to realise their Article 31 rights. They include girls, children living in poverty, children from indigenous and minority communities, children in situations of conflict, humanitarian and natural disasters, children in institutions, and children with disabilities.

With regard to children with disabilities, the General Comment refers to multiple barriers, including those I highlighted earlier. They point out that children with disabilities may find themselves excluded from school, and informal and social arenas where friendships are formed and where play and recreation take place. While adults sometimes overlook its importance, the opportunity to make friends and simply play together with peers is crucial to our experience of childhood and a sense of being fully part of society. Article 23 of the Convention highlights disabled children's rights to fullest participation in the community, and IPA believes that the right to play is fundamental to realisation of that right.

The General Comment highlights the problems of isolation at home, cultural attitudes, and negative stereotypes, which are hostile to and rejecting of children with disabilities; and physical inaccessibility of many environments. Lack of assistive technologies can also impede children with disabilities access to media.

Of course, many children with disabilities live in institutions, and the General Comment says that children living in residential homes and schools, hospitals, detention centres, remand homes, and refugee centres often have limited, or are denied, opportunities for play, recreation, and participation in cultural and artistic life.

The General Comment also outlines government obligations. These include governments adopting specific measures aimed at respecting and realising every child's Article 31 rights, including support for caregivers and awareness raising to challenge widespread poor cultural attitudes. Governments are also required to protect and fulfil Article 31 rights through, for example, legislation, regulation, child protection measures, professional codes, independent complaints mechanisms, data collection, and appropriate budget and resource allocations. It points out the importance of Universal Design to promote and protect children's play, municipal

planning, improvement of school and community environments, and training and capacity building for all professionals working with or for children, or whose work impacts on children.

2.4 Conclusion

We need to build a worldwide campaign on Article 31. The publication of the General Comment provides an ideal opportunity to further raise awareness of the importance of Article 31 with state parties, government departments, civil society, and the general public across the world.

The case to make sure that children with disabilities have a right to play is surely beyond question. The link with their health, wellbeing, and development makes children's play fundamental, not optional. The responsibility to ensure this happens rests with family members, caregivers, professionals, policy makers, and governments.

If we managed to implement the vision set in the General Comment on Article 31, we would have happy children, learning through play and realising their individual potential whoever they are and wherever they live.

References

- Hanson, K. (2014). 'Killed by Charity'. Towards Interdisciplinary children's rights studies. *Childhood*, 21(4), 441-446.
- Trodd, L., & Chivers, L. (2011). *Interprofessional Working in Practice. Learning and working together for children and families*. New York, NY: Mc Graw Hill, Open University Press.