

# **Holding governments to account for leisure rights: A collaborative research agenda**

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## **Abstract**

Leisure is recognised as a human right in the Universal Declaration of Human Rights and in the World Leisure Organisation's recently revised *Charter for Leisure*. However, it has been neglected in the UN's mechanisms for monitoring and evaluation nation states' compliance with human rights obligations under the terms of the relevant international treaties. Until very recently, leisure rights have also been neglected by the leisure research community. This paper documents the extent of this neglect and seeks to make a contribution to remedying it. This takes the form of an outline of a conceptual framework for assessing nation states' performance in upholding leisure rights.

**Key words:** leisure rights, human rights, Charter for Leisure.

## **Introduction**

Leisure is a human right. This was established by the Universal Declaration of Human Rights (UDHR), which was adopted by the General Assembly of the newly formed United Nations in 1948. The principle of leisure rights has been further developed in the World Leisure Organisation's *Charter for Leisure*, which has recently been revised (WLO, 2021; Sivan & Veal, 2021). Articles in the *World Leisure Journal* have also drawn attention to the phenomenon of leisure rights (Veal, 2015, 2021), as have contributions in other academic journals (McGrath, Young & Adams, 2017; Caudwell & McGee, 2018; Veal, 2022).

It is widely accepted that states should be held to account for their performance in upholding, or failing to uphold, a number of widely recognised human rights, including freedom of speech and just treatment before the law. This is pursued by a number of high profile NGOs, such as Amnesty International and Human Rights Watch. However, less well-known are the procedures that the UN and its agencies administer to hold member states to account in regard to all the rights set out in the Universal Declaration and its associated treaties. While all these rights are nominally included in this process, in practice leisure rights are all but ignored. While it is understandable that some rights will be viewed as meriting greater and more urgent attention than others, the UN has made it clear that the rights set out in the UDHR are intended to be 'universal, indivisible and interdependent and interrelated' (World Conference on Human Rights, 1993, I.5). Governmental agencies in the leisure sector might have been expected to bring pressure to bear on the UN system to take leisure rights more seriously, but being held to account is not something for which governments tend to volunteer on a day-to-day basis. NGOs can play a role and the WLO's *Charter for Leisure* can be seen as an example of this. However, if leisure rights are to be more substantially integrated into the UN human rights system, work must be undertaken to connect leisure more fully into relevant UN procedures. The necessary work is in part a research task, so leisure researchers can make a significant contribution. This paper develops this idea in regard to leisure rights and presents a research agenda which, if implemented, could play a part in raising the status of leisure as a human right at national and international levels.

It might be observed that this approach departs from the expected critical/objective stance of the social researcher, to which two responses might be offered. First, while the research envisaged adopts a supportive stance in regard to human rights, this does not preclude also adopting a critical stance. The inclusion of bibliographical material in the *Charter for Leisure* page of the WLO website and the invitation to engage in research and debate is an indication that this is part of the leisure rights milieu. Second, normative stances of various kinds are common in social research, including leisure studies. Such research can be referred to as *standpoint research* (Humberstone, 2004; Hartsock, 1999), *transformative research* (Mertens, 2009, p.13) or *emancipatory research* (Antonio, 1989). Regarding the latter, Hemingway (1996, 36–37) argues that ‘the task of a critical theory of leisure is ... emancipating leisure’, while it has been observed that:

Human rights has become the most common language of emancipation. When organized power is criticized for harming those whom it ought to benefit, appeals to human rights tend to be used, rather than the language of Marxism, critical theory, modernization theory, dependency theory, as well as other decidedly moral languages, such as the language of justice or a plain language of rights and duties as opposed to ‘human rights’ (Risse, 2009, p.14).

The paper is divided into four main sections. First, the context of the UN human rights system and the place of leisure in it are outlined. Second the general neglect of leisure in the operation of the UN system and related academic discourses is summarised. Third, the available guidelines on assessment of governments’ human rights performance, from official and academic sources, are reviewed. A concluding section considers the UN process of assessing states’ account of their performance in relation to human rights and offers a framework to facilitate of leisure rights and their relationship with the UN system is outlined

### **The UDHR and the UN human rights system**

The UDHR comprises 30 articles, including 19 concerned with civil and political (CP) rights, six with economic, social and cultural (ESC) rights and five which are general (see Figure 1, part A). Two articles deal with leisure: Article 24 is concerned with the right to rest, leisure and holidays with pay, while Article 27 is concerned with the right to freely participate in the cultural life of the community and the right to enjoyment of the arts.<sup>1</sup>

### **INSERT Figure 1**

The UDHR is a statement of principle with no formal legal standing, but it is supported by two covenants which reiterate the CP and ESC rights and are treaties in international law. These are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (See Figure 1B). The UDHR, and the two related covenants are collectively referred to as the International Bill of Human Rights (UN, 1996).

Our focus here is on the ICESCR, in which the UDHR leisure rights set out in the Universal Declaration are restated in articles 7 and 15(1a). The administration of the ICESCR is

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<sup>1</sup> Article 13 is concerned with the right to freedom of movement, and therefore with tourism, which is a form of leisure. However, since it is covered by the WLO’s ‘sister’ organisation, the UN World Tourism Organization (UNWTO), is overseen by the UN committee system responsible for CP rights and has its own tourism-related research literature, it is not discussed here. However, the concept of ‘social tourism’, or holidays for deprived groups, might be considered relevant (see McCabe & Diekmann, 2015).

overseen by the UN Committee on Economic, Social and Cultural Rights (UNCESCR – the Committee hereafter), and the process is summarised in Figure 2. It can be seen that the 171 states which have ratified the ICESCR are required to submit periodic progress reports to the Committee providing an account of their efforts in regard to respecting, protecting and fulfilling the rights set out in the covenant. Comparative analysis of the content of these reports and the extent to which they give a full and accurate account of the actual situation in the reporting states, particularly in regard to leisure rights, provide opportunities for research. There are also opportunities for NGOs, such as the WLO, to intervene in the process (Clapham, 2000). States which have not ratified the ICESCR<sup>2</sup> do not submit reports to the Committee, so the reason for this omission and their actual situation regarding leisure rights can also be seen as a potential subject of research.

## **INSERT Figure 2**

### **The neglect of leisure**

Leisure faces a double disadvantage in the UN human rights system. First it is classified as among the ESC rights and these, in practice, have a lower status than CP rights. As Chapman (1996, p. 2) has expressed it: ‘Despite a rhetorical commitment to the indivisibility and interdependence of human rights, the international community, including the international human rights movement, has consistently treated civil and political rights as more significant, while consistently neglecting economic, social, and cultural rights’. Second, there is a status distinction even among ESC rights. Priority is given to the six ‘core’ ESC rights, namely, the rights to: food; education; health; housing; work; and social security. It is, of course, understandable that certain rights are more pressing and therefore received more attention than others, considering the varying social and economic conditions around the world. However, given that, as noted above, the rights set out in the UDHR are intended to be ‘universal, indivisible and interdependent and interrelated’, none should be entirely overlooked. Arguably, this is what has happened in regard to the right to leisure time and to participation in the cultural life of the community. Key publications illustrate this situation.

- The Committee’s guidelines on the required content of states’ progress reports provide general guidance relevant to all ICESCR rights and specific guidance for each individual right (UNCESCR, 2009a). The right to time arises in Article 7, which is concerned with conditions of work. The guidelines discuss a range of working conditions, such as wages and gender equity, but not hours of work or holidays.
- A report from the Office of the High Commissioner for Human Rights (OHCHR, 2012) provides guidance on *human rights indicators*, presenting detailed examples of indicators for 14 separate human rights, including seven ESC rights, but neither leisure time or cultural rights are included.
- An academic group, Fukuda-Parr et al. (2015) promotes the use of human rights indicators in their Social and Economic Rights Fulfilment (SERF) index. This provides specifications for six rights indicators which then form a single composite index, but the right to leisure time and cultural participation are not included.

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<sup>2</sup> In 2020, 25 member states of the UN had *not* ratified the ICESCR. Of these: 17 had a population of less than one million, constituting mainly small island states; six had neither signed or ratified the covenant (Bhutan, Malaysia, Saudi Arabia, Singapore, South Sudan, United Arab Emirates), while two had signed but not ratified it (Cuba, USA), that is, it had not been endorsed by their legislative assemblies (<https://indicators.ohchr.org/>).

- The *Research Handbook on Economic, Social and Cultural Rights as Human Rights* (Dugard et al., 2020) includes individual chapters on seven ESC rights but leisure time and cultural participation are not among them. A chapter on ‘The right to work and rights at work’ (Gomes, 2020) does include a section on ‘Paid leave and flexible working arrangements’ but discusses only maternity, paternity and parental leave, not annual or public holidays.

Given this general state of neglect, a role potential for researchers is to highlight this situation and, possibly, suggest ways in which it might be remedied. Two recent cross-national studies offer one approach. The first, based on countries which have access to time-use survey data, found that leisure time as a human right ‘has been overlooked, both in the UN’s official guidelines ... and in the reports submitted [to the UN] by member countries’ (Veal, 2021, p.148). The second study was concerned with participation in sport, which is part of the ‘cultural life of the community’. Based on a review of EU member states’ progress reports, it is concluded that ‘sport participation has not generally featured in the formal reporting system which monitors nation states’ performance in regard to realisation of ESC rights’ (Veal, 2022, p.16). The two studies address the issue of measurement and assessment and propose a model in which the amount of leisure time and the level of sport participation in the community might be compared and states evaluated in relation to the national level of Gross Domestic Product per capita.<sup>3</sup>

The two studies confirm the general neglect of leisure rights but also identify the need for measuring and assessing states’ performance in upholding such rights. There is a case for locating such research issues in a wider research agenda for leisure rights.

### **A research agenda**

A research agenda for leisure and human rights was proposed in an earlier paper in the *World Leisure Journal* (Veal, 2015, p.267). It contained the following five items:

- examination of ‘the leisure-related content of member states’ periodic reports to the UN on progress with ICESCR implementation’;
- exploration of ‘the extent to which leisure rights are mentioned in national constitutions’;
- ‘investigation of adjudicated leisure-related cases of discrimination under national or regional (e.g., EU) anti-discrimination legislation’;
- investigation of ‘ways in which leisure might be incorporated into human rights measurement and indexing frameworks’ (e.g., Fukuda-Parr et al., 2015; Office of the High Commissioner for Human Rights, 2012);
- ‘child exploitation and abuse in leisure contexts’.

The first of these is undertaken on a comparative basis for limited samples of states in the aforementioned studies and two aspects of leisure rights. In the discussion of Figure 2 above, two additional research topics are identified, namely:

- description, analysis and evaluation of the place of leisure in the domestic human rights system of individual states and of the extent to which this is accurately reflected in the states’ progress reports to the UN.; and

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<sup>3</sup> A paper adopting a similar approach to participation in cultural activity is currently under review.

- research on the treatment of leisure rights by national states which have *not* ratified the ICESCR.

The two example studies are cross-national in approach, but single-country studies incorporating one or more of the agenda items, are also possible, suggesting a research programme with the potential to be extended to all UN member states. A further dimension which can be added is research concentrating on particular groups, for example, children, women, ethnic groups or people with disabilities. This would bring into play other UN treaties, as listed in Figure 3A, which generally reiterate the rights already declared in the UDHR, but in more group-specific detail. They also have their own ratification and reporting systems, but these have not been explored for this paper. Similarly, additional activity-specific declarations, notably on culture and sport, may be brought into consideration (see Figure 3B).

### **INSERT Figure 3**

These suggestions can be incorporated into an extended agenda and an associated framework for research, as set out in draft form in Figure 4. The two aforementioned studies and other examples of existing studies, are indicated in the matrix. The framework indicates the possibility of some 70 types of research project. However, since the ‘individual state’ categories refer to 171 ICESCR ratifying states and 25 non-ratifying states, each of which could be the subject of one or more studies, the overall total of potential research projects is more than 5000!

### **INSERT Figure 4**

#### **How to report, measure and assess: guidelines**

The Committee has published guidelines in regard to reporting on human rights in individual states but, as noted above, they tend to lack detail in regard to leisure rights. Nevertheless, they provide frameworks and procedures which are intended to apply to all human rights. A possible role for the leisure researcher is therefore to examine how the guidelines might apply to leisure rights, directly or with adaptation. The major guidelines are discussed below. However, before a phenomenon can be studied or measured it must be defined. First, therefore we need to define leisure time and leisure activity for the purposes of leisure rights research.

#### *Definitions*

The right to *leisure time* is viewed in the UN system entirely as a residual category of time defined in relation to paid employment. Article 7(d) of the ICESCR refers to the right to: ‘Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays’. The International Labour Organisation, another agency of the UN, is responsible for specifying standards in relation to labour conditions but neither it nor the Committee pay attention to leisure time as a concept in its own right. The WLO *Charter for Leisure*, in Article 3, extends the right to rest and leisure to those engaged in unpaid (domestic, care-giving) work. While the *Charter* ‘Context’ statement indicates a recognition that the concept of leisure is potentially more complex, in the interest of alignment with UN practice, it confines itself to the simple (non-work) time and activity

dimensions, and this is followed in this paper. This does not preclude more complex conceptualisations being considered in future discussions.

In the ICESCR, leisure *activity* is encompassed in Article 15(1a) as the right ‘take part in cultural life’. Culture is defined broadly by the Committee as comprising:

ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence. (UNCESCR, 2009a, 3-4)

This is elaborated in terms of necessary ‘cultural goods and services’ required to facilitate participation, including:

libraries, museums, theatres, cinemas and sports stadiums; literature, including folklore, and the arts in all forms; the shared open spaces essential to cultural interaction, such as parks, squares, avenues and streets; nature’s gifts, such as seas, lakes, rivers, mountains, forests and nature reserves, including the flora and fauna found there. (p.4)

This conceptualisation includes a number of partially overlapping but distinct domains:

- ways of life (language, belief systems, rites and ceremonies, food, clothing, shelter, etc.);
- sport and games;
- the arts (literature, music, painting, etc.); and
- heritage: natural and human-created environments.

The ‘ways of life’ domain is very broad, being described by the Committee as ‘a broad, inclusive concept encompassing all manifestations of human existence’ (UNCESCR, 2009a, 3). In the UN human rights system, this generally refers to the right to participate in *minority cultures*, which is closely linked with wider UN preoccupations with self-determination and development, reflected in UN discussions (e.g., Shaheed, 2013) and a number of the additional treaties listed in Figure 3. Again, while not precluding future consideration of the ‘way of life’, this exercise is limited to the other three domains.

#### *Guidelines for states’ reports*

The Committee’s guidelines for states’ report content (UNCESCR, 2009b)<sup>4</sup> define six categories of information to be supplied:

1. national framework laws, policies and strategies;
2. mechanisms to monitor progress in implementing the latter;
3. mechanisms to ensure conformity with international treaty obligations;
4. relevant enabling laws;
5. identification of ‘structural and other obstacles’ impeding the full realization of covenant rights;
6. statistical data on the enjoyment of each ... right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years’ (pp. 3-4).

The first five of these categories can be seen as *input-related* and would be largely qualitative accounts. Only the sixth category refers to *outcomes* and would be largely quantitative. The

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<sup>4</sup> Articles 16 and 17 of the ICESCR refer to the reporting obligations of ratifying states.

required outcome data are required to be in three forms: *aggregate* (for the whole population), *disaggregated* (divided into socio-demographic groups) and *trend* (over time), but the nature of the statistical data required is not discussed in any detail. This leaves a gap which might be filled by researchers.

#### *Human rights indicators*

It is noted above that the report from Office of the High Commissioner for Human Rights (OHCHR, 2012) on *Human Rights Indicators* provides detailed examples of indicators for seven ESC rights but these do not include leisure rights. Nevertheless, the examples provide a template which might be applied to leisure. Each example is presented as a matrix, with *indicators* on the vertical axis and *attributes* on the horizontal axis.

- The *indicators* reflect the list in the Committee's general reporting guidelines, noted above, but arranged in three groups: *infrastructure indicators* (international treaty ratification, legislation, institutions); *process indicators* ('public programmes for development and governance, budget allocations, specific regulatory or redress interventions'); and *outcome indicators* (statistical and other data that 'capture individual and collective attainments that reflect the state of enjoyment of human rights in a given context' (OHCHR, 2012, pp. 36-37).
- *Attributes* are a limited number of categories into which the right might be divided. For example, in the case of the right education, these attributes include primary, secondary and tertiary education (p. 93).

The matrix framework specifies a substantial number of pieces of information for each human right in the UDHR system, particularly when considering the requirement for much of it to be disaggregated by socio-demographic group and presented over a five-year period. While the OHCHR indicates that pilot tests of the model are being run in a number of countries, at the time of writing, no results appear to have been published. However, an early independent exercise conducted by the Equality and Human Rights Commission (2011) of the UK, was published in the form of the *Human Rights Measurement Framework* report. It runs to over 700 pages, presenting UK data for just five CP rights and three ESC rights. However, leisure time and cultural participation were not included.

A suggested application of the matrix framework to leisure rights is discussed below.

#### *UNESCO guidelines*

UNESCO, while part of the UN system, provides a separate source of guidance on cultural activity, output measurement and indicators. Its *Universal Declaration on Cultural Diversity* adopts a broad definition of culture, as: 'the set of distinctive spiritual, material, intellectual and emotional features of society or a social group', encompassing, in addition to art and literature, 'lifestyles, ways of living together, value systems, traditions and beliefs' (UNESCO, 2002, 4). However, in a report on *Measuring Cultural Participation*, its specification of six 'cultural domains' is more restrictive than that of the Committee, with the 'way of life' conceptualisation not included and sport, with tourism, recognised only as 'related domains':

#### Cultural domains

- A: Cultural and natural heritage
- B: Performance and celebration
- C: Visual arts and crafts

- D: Books and press
  - E: Audio-visual and interactive media
  - F: Design and creative services
- Related domains
- G: Tourism
  - H: Sports and recreation (UNESCO, 2009b, 16).

This more limited conceptualisation is also evident in UNESCO's later work on social indicators.<sup>5</sup> (UNESCO, 2019), which was a contribution to the UN's *2030 Agenda for Sustainable Development* (United Nations, 2015). It offers 22 cultural indicators in four groups: Environment and resilience; Prosperity and livelihoods; Knowledge and skills; and Inclusion and participation. Indicators in the first three groups have some relevance to leisure rights, covering environmental, economic and educational aspects of culture and cultural industries. However, the 'Inclusion and participation' group is the most relevant, with Indicator 21, *cultural participation*, particularly so. As shown in Figure 5, it comprises three 'sub-indicators', corresponding the OHCHR 'attributes'. The first indicator covers the arts and heritage domains, while the second distinguishes between participation as an audience member and as a creative practitioner and the third introduces the use of the internet. Disaggregation is mentioned, but not trend data.

### **INSERT Figure 5**

Despite UNESCO being responsible for the 2014 *International Charter of Physical Education, Physical Activity and Sport*, sport is not included among its cultural indicators. The development of such indicators seems to have fallen to the Commonwealth Secretariat (2020). A draft report presents 27 indicators, including: basic sport participation levels for the whole population and separately for children, women, and people with a disability; the extent to which health-related benchmarks are being met; and assessments related to governance, sport industry/economic issues and community impact.

In summary, while the human rights-related documentation produced by the UN's core human rights agencies provides only general guidance on how to measure and assess states' human rights performance, with little or no attention paid to leisure right, some guidance is offered by UNESCO and associated agencies in regard to cultural participation.

### **Assessing performance**

When states submit their reports to the Committee, it comments in the form of a *List of Issues*. The state then responds with a *Reply to the List of Issues* and the Committee issues its *Final Observations*.<sup>6</sup> The Committee's various comments tend not to include an overall assessment of states' performance, but typically seek additional information and offer advice on how to improve the report the next time around. Often the Committee commends the state for following previously offered advice.

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<sup>5</sup> These are related to 'sustainable development', which is an area of UN activity separate from human rights, but the two concepts are clearly connected (Portolés & Dragičević Šešić, 2017).

<sup>6</sup> These documents, including states' reports, are all available online at: [www.ohchr.org/en/treaty-bodies/cescr](http://www.ohchr.org/en/treaty-bodies/cescr) under the major heading: 'States Parties Reporting'.



This non-judgemental approach reflects the principle of *progressive realization* which applies to ESC rights. In the case of CP rights, a state, having ratified the ICCPR, is expected to move immediately to ensure that the relevant rights are enjoyed by ‘all individuals within its territory and subject to its jurisdiction’ (UN, 1966a: Art.1). By contrast, in the case of ESC rights, a state which ratifies the ICESCR is expected only to ‘take steps ... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant’ (UN, 1966b, Art. 2). In this case, therefore, it is assumed that a state’s starting point is typically short of ‘full realization’, so assessment of performance is concerned with *progress towards* this goal. It is recognised, in particular, that ‘available resources’, namely a state’s wealth, is likely to affect its ability to fully meet ESC rights. ‘Full realization’, however, is not defined.

While this process is conducted in relation to individual states’ reports, it seems likely that some sort of cross-national comparison on the part of the Committee is involved. Certain states, perhaps with a particularly positive political commitment to human rights, and/or with higher than average available resources, are likely to set the standards which others might be expected, progressively, to approach. This is an inter-state comparison process. The ease with which this comparison can be undertaken varies across components of the assessment process. Some *infrastructure* information involves ‘yes/no’ items – for example, ratification of international treaties, or legislating a bill of rights. *Process* activities are likely to be more variable, for example, programmes of provision of social services and their funding. In the case of *outcomes* indicators, especially quantitative indicators, precise specifications are required to achieve comparison of ‘like with like’, for example when they are based on social surveys. To establish an inter-state comparable assessment process, the Committee may need to become involved with development of standardised surveys and enabling assistance for their conduct.

#### *A leisure rights application*

Considering how the OHCHR’s matrix framework (discussed above) might be developed for leisure rights, four ‘attributes’ can be identified: leisure time; sport participation; cultural participation; and access to heritage. While UNESCO introduces use of the internet as a separate domain/attribute, this is excluded in this exercise in the interests of simplicity of exposition. Figure 6 is an outline version of a matrix applied to leisure rights.

#### **INSERT Figure 6**

This template is assumed to apply to reporting by a single state.<sup>7</sup> However, as discussed above, the UN, as represented by the Committee, will look to consider states’ reports cross-nationally. The two studies already discussed offer cross-national comparison and analysis. This was possible in the study of the right to leisure time (Veal, 2021) because it used a sample of countries which had access to broadly comparable time-use studies. The study of the right to sport participation (Veal, 2022) involved states which all have access to a Europe-wide survey of sport participation. The challenge, for the Committee and the leisure research community, is to encourage and enable comparable surveys to be conducted beyond these limited groups of relatively wealthy countries.

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<sup>7</sup> While the standard model of a ‘state’ would be a sovereign member of the UN, it could also be possible to apply the template to a sub-national area with a relatively independent legislative status, for example a state or province in a federal system or a quasi-federal system such as the four countries which make up the UK,

One outcome of the review of the WLO's *Charter for Leisure* has been the establishment, under the auspices of the World Leisure Academy, of the WLO Leisure and Human Rights Special Interest Group (LHR SIG) to pursue a programme of advocacy and research in relation to leisure rights (see [www.worldleisure.org/special-interest-groups](http://www.worldleisure.org/special-interest-groups)). One planned initiative of this group is the promotion of a research project arising from the ideas presented in this paper. In particular, the proposal is to develop the matrix framework presented in outline form in Figure 6, or a development of it, and to use it to conduct studies of leisure rights in individual states. This will involve researchers from individual states from around the world.

## Conclusions

In 1948, in the shadow of the horrors of World War II, the drafters of the Universal Declaration of Human Rights saw fit to include among its 30 articles, two which declared leisure time and participation in the cultural life of the community to be human rights. In 1966, these leisure rights were enshrined in international law in the International Covenant on Economic, Social and Cultural Rights, which came into force in 1976 and has since been ratified by 171 UN member states. However, in the intervening period, with few exceptions, this fact has been all but ignored by the community of government agencies, policymakers, practitioners and researchers involved in the field of leisure. During this period, ratifying governments have been making regular reports to the UN on their performance in upholding human rights in their respective jurisdictions, but little attention has been paid in these reports to the leisure-related rights. Recently, however, an interest in leisure rights has arisen, stimulated significantly by the publication of the revised WLO *Charter for Leisure*. This paper documents the historical neglect of leisure rights and suggests a research-led pathway, which would raise the profile of leisure rights and could lead to UN member states being held to account for meeting their treaty obligations in regard to the right to leisure time and the right to participation in the cultural life of the community.

## References

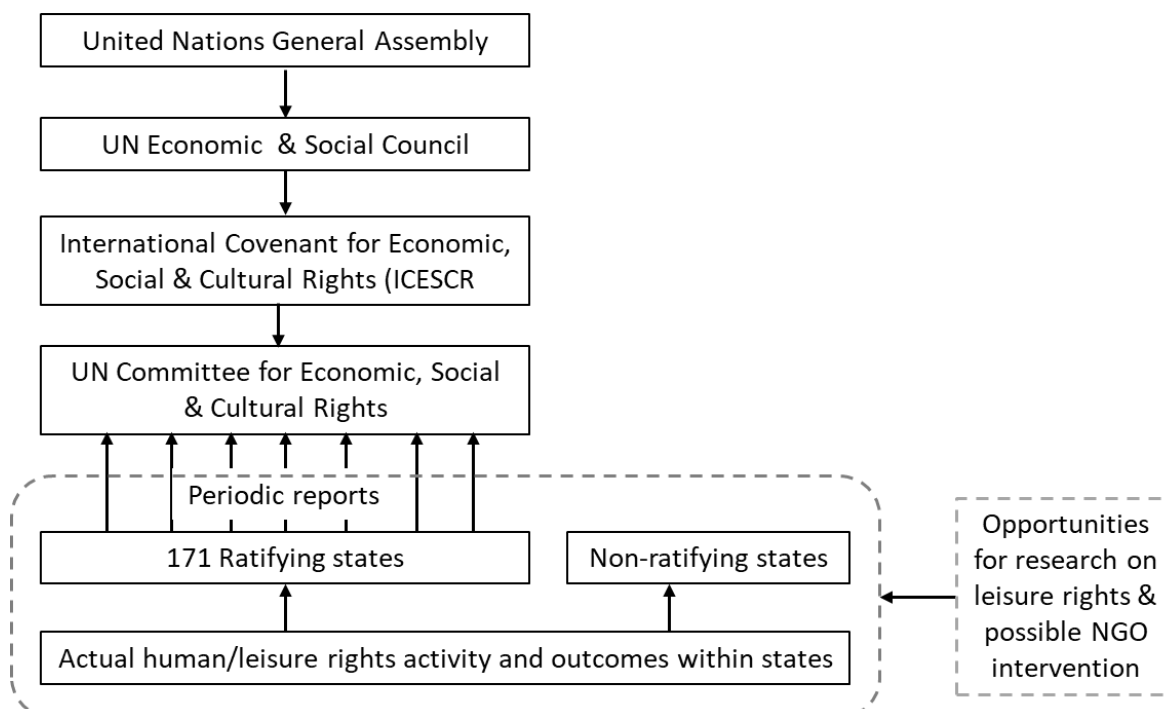
- Antonio, R.J. (1989). The normative foundations of emancipatory theory: Evolutionary versus pragmatic perspectives. *American Journal of Sociology*, 94(4), 721-748.
- Caudwell, J., & McGee, D. (2018). Editorial: From promotion to protection: Human rights and events, leisure and sport. *Leisure Studies*, 37(1), 1–10.
- Chapman, A.R. (1996). A 'violations approach' for monitoring the International Covenant on Economic, Social and Cultural Rights. *Human Rights Quarterly*, 18(1), 23-66.
- Clapham, A. (2000). UN human rights reporting procedures: An NGO perspective. In P. Alston & J. Crawford (Eds), *The future of UN human rights treaty monitoring* (pp. 175-198). Cambridge: Cambridge University Press.
- Commonwealth Secretariat (2020). *Sport and SDG indicators: Indicators to measure the contribution of sport, physical education and physical activity to the Sustainable Development Goals*. London: Commonwealth Secretariat.
- Darcy, S., & Taylor, T. (2009). Disability citizenship: An Australian human rights analysis of the cultural industries. *Leisure Studies*, 28(4), 419–441.
- Dugard, J., Porter, B., Ikawa, D., & Chenwi, L. (Eds) (2020). *Research handbook on economic, social and cultural rights as human rights*. Cheltenham, UK: Edward Elgar.

- Equality and Human Rights Commission. (2011). *Human rights measurement framework: Prototype panels, indicator set and evidence base*. Manchester: EHRC.
- Fukuda-Parr, S., Lawson-Remer, T., & Randolph, S. (2015). *Fulfilling social and economic rights*. Oxford: Oxford University Press.
- Giulianotti, R., & McArdle, D. (Eds.) (2006). *Sport, civil liberties and human rights*. London: Routledge.
- Gomes, V.B. (2020). The right to work and rights at work. In Dugard, J., Porter, B., Ikawa, D., & Chenwi, L. (Eds), *Research handbook on economic, social and cultural rights as human rights* (pp. 227-249). Cheltenham, UK: Edward Elgar.
- Hartsock, N. (1999). *The feminist standpoint revisited, and other essays*. New York: Basic Books.
- Hemingway, J. L. (1996). Emancipating leisure: The recovery of freedom in leisure. *Journal of Leisure Research*, 28(1), 27–43.
- Humberstone, B. (2004). Standpoint research: multiple versions of reality in tourism theorizing and research. In J. Phillimore & L. Goodson (Eds), *Qualitative research in tourism: Ontologies, epistemologies and methodologies* (pp. 119–136). London: Routledge.
- Landman, T. (2004). Measuring human rights: Principle, practice, and policy. *Human Rights Quarterly*, 26(4), 906–931.
- McCabe, S., & Diekmann, A. (2015). The rights to tourism: Reflections on social tourism and human rights. *Tourism Recreation Research*, 40(2), 194-204.
- McGrath, R., Young, J., & Adams, C. (2017). Leisure as a human right, special edition introduction. *Annals of Leisure Research*, 20(3), 314–316.
- Mertens, D. M. (2009). *Transformative research and evaluation*. New York: Guilford Press.
- Office of the High Commissioner for Human Rights (OHCHR). (2012). *Human rights indicators: A guide to measurement and implementation*. New York, NY: United Nations.
- Portolés, J.B., & Dragičević Šešić, M. (2017). Cultural rights and their contribution to sustainable development: Implications for cultural policy. *International Journal of Cultural Policy*, 23(2): 159-173.
- Risse, M. (2009). A right to work? A right to leisure? Labor rights as human rights. *Law and Ethics of Human Rights*, 3(1), 1-39.
- Shaheed, F. (2013). *The right to freedom of artistic expression and creativity: Report of the Special Rapporteur in the field of cultural rights, Doc. A/HRC/23/24*. New York, NY: UN General Assembly.
- Sivan, A., & Veal, A.J. (2021). Leisure and human rights: the World Leisure Organisation Charter for Leisure: Past, present and future. *World Leisure Journal*, 63(2), 133-140.
- UN Committee on Economic, Social and Cultural Rights (UNCESCR). (2009a). *General comment No. 21: Right of everyone to take part in cultural life, Document E/C.12/GC/21*. New York: United Nations.
- UN Committee on Economic, Social and Cultural Rights (UNCESCR). (2009b). *Guidelines on treaty-specific documents to be submitted by states parties under articles 16 and 17 of the ICESCR. Document E/C.12/2008/2*. New York: United Nations.
- United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. New York: UN.
- United Nations. (1996). *The International Bill of Human Rights, Fact sheet No.2 (Rev.1)*. Geneva, Switzerland: UN, at: [www.ohchr.org/documents/publications/factsheet2rev.1en.pdf](http://www.ohchr.org/documents/publications/factsheet2rev.1en.pdf).

- UN Educational, Scientific and Cultural Organisation (UNESCO). (2019). *Thematic indicators for culture in the 2030 Agenda*. Paris: UNESCO.
- Veal, A. J. (2015). Human rights, leisure and leisure studies. *World Leisure Journal*, 57(4), 249–272.
- Veal, A.J. (2021). International assessment of the right to leisure time. *World Leisure Journal*, 63(2), 141-151.
- Veal, A.J. (2022). Sport and human rights: Assessing the performance of nation states in assuring the right to sport participation. *European Journal for Sport and Society*. DOI: 10.1080/1613 8171.2022.2032920.
- World Conference on Human Rights. (1993). *Vienna Declaration*. New York, NY: United Nations.
- World Leisure Organisation. (2021). *WLO Charter for Leisure*. At: [www.worldleisure.org/charter](http://www.worldleisure.org/charter).

<p><b>Article 1:</b> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.</p> <p><b>Article 2:</b> Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as ...race, colour, sex, language, religion or other opinion, national or social origin, property, birth or other states.</p>	
<p><b>Civil and Political (CP) rights</b>  Everyone has the right to:  <b>3:</b> Life, liberty and security of the person  <b>4:</b> Freedom from slavery  <b>5:</b> Freedom from torture etc.  <b>6:</b> Recognition before the law  <b>7:</b> Equality before the law  <b>8:</b> Legal remedy re rights infringement  <b>9:</b> Freedom from arbitrary arrest, etc.  <b>10:</b> Fair hearing in court  <b>11:</b> Presumption of innocence  <b>12:</b> Privacy &amp; honour/reputation  <b>13: Freedom of movement**</b>  <b>14:</b> Seek asylum  <b>15:</b> Nationality  <b>16:</b> Marriage &amp; family  <b>17:</b> Own property  <b>18:</b> Freedom of thought, conscience &amp; religion  <b>19:</b> Freedom of opinion &amp; expression  <b>20:</b> Freedom of peaceful assembly &amp; association  <b>21:</b> Democratic participation</p>	<p><b>Economic, Social and Cultural (ESC) rights</b>  Everyone has the right to:  <b>22:</b> Social security &amp; other ESC rights  <b>23:</b> Work, equal pay and joining a trade union  <b>24: Rest, leisure &amp; holidays with pay*</b>  <b>25:</b> Adequate standard of living &amp; security  <b>26:</b> Education  <b>27: Participation in the cultural life of community and enjoyment of the arts (&amp; IP rights)*</b></p> <p><b>General</b>  <b>28:</b> Social and international rights world order  <b>29:</b> Duties towards community  <b>30:</b> All rights to be respected</p> <p>* Leisure-related articles  ** Tourism-related: see UN World Tourism Organisation</p>
<p>Source: <a href="http://www.un.org/en/about-us/universal-declaration-of-human-rights">www.un.org/en/about-us/universal-declaration-of-human-rights</a></p>	

**Figure 1. Universal Declaration of Human Rights: Summary**



**Figure 2. UN economic, social and cultural (ESC) rights accountability system**

<b>A Social group-specific treaties</b>		
<i>Date</i>	<i>Treaty</i>	<i>Rights</i>
1979	Convention on the Elimination of All Forms of Discrimination against Women	... men and women should have ‘the same opportunities to participate actively in sports and physical education’ and to ‘participate in recreational activities, sports and all aspects of cultural life’ (Articles 10 & 13).
1989	Convention on the Rights of the Child	... ‘the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts’ (Article 31)
1989	Convention Concerning Indigenous and Tribal Peoples in Independent Countries	... ‘the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions’ (Article 2).
1999	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities	... the right of these persons to ‘enjoy their own culture’ and to ‘participate effectively in cultural, religious, social, economic and public life’ (Article 2).
2002	Political Declaration and Madrid International Plan of Action on Ageing	Older persons should be able to ‘participate in the economic, political, social and cultural life of their societies’ and ‘should have the opportunity to work for as long as they wish and are able to’ (Article 12).
2005	Council of Europe Framework Convention on the Value of Cultural Heritage for Society	Parties to the Convention agree to ... ‘recognise that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights’ (Article 1).
2006	Convention on the Rights of Persons with Disabilities	The right of persons with disabilities to ‘take part on an equal basis with others in cultural life’ and to enjoy equal access to: cultural materials; television programmes, films, theatre and other cultural activities; places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services and, as far as possible, monuments and sites of national cultural importance; and, to the fullest extent possible, participation in mainstream sporting activities, disability-specific sporting and recreational activities, appropriate instruction, training and resources, and sporting, recreational and tourism venues (Article 30).
<b>B Activity-specific declarations</b>		
<i>Date</i>	<i>Declaration</i>	<i>Organisation</i>
2001	Universal Declaration on Cultural Diversity	UNESCO
2003	Convention for the Safeguarding of the Intangible Cultural Heritage	UNESCO
2004	The Olympic Charter	International Olympic Committee
2014	International Charter of Physical Education, Physical Activity & Sport	UNESCO
2014	Declaration on Women and Sport	International Working Group on Women and Sport
1992	European Sports Charter:	Council of Europe

**Figure 3. Social group-specific and activity-specific human rights treaties and declarations**

Leisure research agenda topics	Scale	Leisure components				
		1.All leisure	2.Time	3.Sport	4.Culture	5.Heritage
A. Periodic state reports to UN: leisure content (ICESCR)	a. Cross-national		●	●		
	b. Individual state					
B. Periodic state reports to UN: accuracy (ICESCR)	a. Cross-national					
	b. Individual state					
C. National constitutions: leisure content	a. Cross-national	◆				
	b. Individual state					
D. National human rights systems: leisure cases	a. Cross-national					
	b. Individual state				■	
E. Measurement, indicators and assessment	a. Cross-national		●	●		
	b. Individual state					
F. Social groups and related treaties	a. Cross-national					
	b. Individual state			■	■	
G. Non-ratifying states (ICESCR)	a. Cross-national					
	b. Individual state					

Examples of studies completed: ● Veal (2021, 2022) ◆ cited in Landman (2004, p. 912) ■ Sport: A number of studies in Giulianotti & McArdle (2006) and papers in journal special issues: McGrath, et al. (2017), Caudwell & McGee (2018); Culture: Darcy & Taylor (2009)

**Figure 4. A draft leisure rights research agenda and framework**

Sub-indicators	Participating in last year: %
Cultural attendance	<ul style="list-style-type: none"> <li>• movies/cinema/film festivals;</li> <li>• theatre or dance show;</li> <li>• live musical performances;</li> <li>• historical/cultural parks or heritage sites;</li> <li>• museums, art galleries or crafts exhibitions;</li> </ul>
Practicing individual cultural activities	<ul style="list-style-type: none"> <li>• performing/studying e.g. music, dance;</li> <li>• practicing visual arts, craft activities (e.g. painting, sculpture, pottery).</li> </ul>
Using the internet for cultural purposes	<ul style="list-style-type: none"> <li>• reading online news;</li> <li>• playing/downloading games, images, film or music;</li> <li>• listening to web radio;</li> <li>• consulting wikis;</li> <li>• creating websites or blogs</li> </ul>
Wherever possible, figures to be disaggregated by sex, age group, disability, ethnicity, income, level of education and other variables.	
Source: UNESCO (2019, p. 87, summary)	

**Figure 5. UNESCO cultural indicators**

Indicator type	Attributes			
	Leisure time	Sport participation	Cultural participation	Access to heritage
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>• Ratification of ICESCR</li> <li>• Ratification of regional human rights treaties (e.g., EU)</li> <li>• National Bill of Rights in force</li> <li>• Human Rights Commission &amp; funding</li> </ul>			
	<ul style="list-style-type: none"> <li>• Ratification of ILO working hours standards</li> <li>• National working hours &amp; annual &amp; public holidays legislation</li> </ul>	<ul style="list-style-type: none"> <li>• National sport participation strategy</li> <li>• National Sports Commission &amp; funding</li> </ul>	<ul style="list-style-type: none"> <li>• Ratification of UNESCO treaties</li> <li>• National cultural plan</li> <li>• National cultural institutions &amp; funding programme</li> <li>• National Arts Council &amp; funding</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage Conservation Act</li> <li>• National environmental conservation plan</li> <li>• Environmental Protection Authority &amp; funding</li> <li>• National Parks/Monuments Agency</li> </ul>
<b>Process</b>	<ul style="list-style-type: none"> <li>• Procedures for appealing to the Human Rights Commission</li> </ul>			
	<ul style="list-style-type: none"> <li>• Monthly labour force surveys</li> <li>• Time use surveys</li> </ul>	<ul style="list-style-type: none"> <li>• Sport facilities grant programme</li> <li>• National Fitness Campaign</li> <li>• Sport grants programme</li> <li>• Sport participation surveys</li> <li>• Health surveys</li> </ul>	<ul style="list-style-type: none"> <li>• Funding of national cultural bodies</li> <li>• Cultural facilities/programmes grants programme</li> <li>• Cultural participation surveys</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental/historic heritage grants programme</li> <li>• Heritage visiting surveys</li> </ul>
<b>Outcome</b>	<ul style="list-style-type: none"> <li>• Amount of leisure time</li> <li>• Hours worked, overtime, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• % participating in sport etc.</li> <li>• % meeting health/fitness norms</li> </ul>	<ul style="list-style-type: none"> <li>• % attending cultural events</li> <li>• % visiting museums, galleries etc.</li> <li>• % engaging in creative activities</li> </ul>	<ul style="list-style-type: none"> <li>• % visiting natural areas, historic monuments</li> </ul>
<p>All indicators to be provided in aggregate and disaggregated form (by gender, age, ethnicity, etc.) and regularly since at least the previous submitted report. (e.g., annually, bi-annually).</p>				

**Figure 6. Outline indicator template for leisure rights reporting**