International assessment of the right to leisure time

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Abstract

Time for 'rest and leisure' is one of the human rights established by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESR). Countries which ratify the ICESR are expected to account for their performance in achieving the human rights set out in the covenant in periodic reports to the United Nations. This should include statistical indicators as appropriate. Country reports have, to date, tended to ignore the right to leisure time. This paper seeks to remedy this situation by offering a methodology for assessing national levels of performance, taking account of national resources in the form of Gross Domestic Product per capita. A worked example of the application of the methodology is offered for 23 countries for which leisure time information is available.

Key words: human rights, leisure time, performance assessment

Introduction

The World Leisure Organisation's *Charter for Leisure* states that 'Everyone, whether adult or child, has the right to adequate time for rest and for the pursuit of leisure activity' (WLO, 2020). This statement draws on the Universal Declaration of Human Rights (UDHR) promulgated by the United Nations in 1948. It also draws on one of the legal instruments which provides a framework for the implementation of the UDHR, namely the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966a)¹. Of the 197 member states of the UN, 172 have ratified the ICESCR, which means that they are formally committed to uphold the rights set out in the covenant, including the right to adequate leisure time².

The right to leisure time does not have the political or academic profile of most of the other rights set out in the UDHR, so it has been relatively neglected as a policy issue. The aim of this paper is to make a contribution to rectifying this situation. The following five sections of the paper therefore address: the current availability of leisure time cross-nationally, in the context of other uses of time; the historical development of the quantity of leisure time; the obligations, undertakings and accountability of governments in regard to ESC rights and the ICESCR in particular; the process of assessing the right to leisure time; and a worked example of an assessment process in action.

¹ The corresponding instrument for *civil and political* rights is the International Covenant on Civil and Political Rights (ICCPR) (United Nations, 1966b).

² In 2020, of the 25 states which had not ratified the ICESCR, 17 had a population of less than 1 million, constituting mainly small island states. Of the remaining eight: six had neither signed or ratified to the covenant: Bhutan (population 2 million); Malaysia (32m); Saudi Arabia (34m); Singapore (6m); South Sudan (11m); United Arab Emirates (10m); while two had signed but not ratified it: Cuba (11m); USA (329m).

How much leisure time?

How much leisure time do twentieth century individuals have at their disposal? This can be answered from time-use surveys which gather data on people's overall use of time. Figure 1 shows such data from 23 countries for which time-use survey data are available on a comparable basis via Fisher and Robinson (2011). They are averaged across all men and women aged 18–64, and across full-time and part-time workers, as well as those not in the labour force.

It shows that, of the 168 hours in a week, the average allocation to leisure ranges from 44 hours in Norway to 30 hours in Japan. Thus, the country with the most leisure time has 50% more than the country with the least. If time-use surveys were more widespread it is possible that even greater disparities would be found.

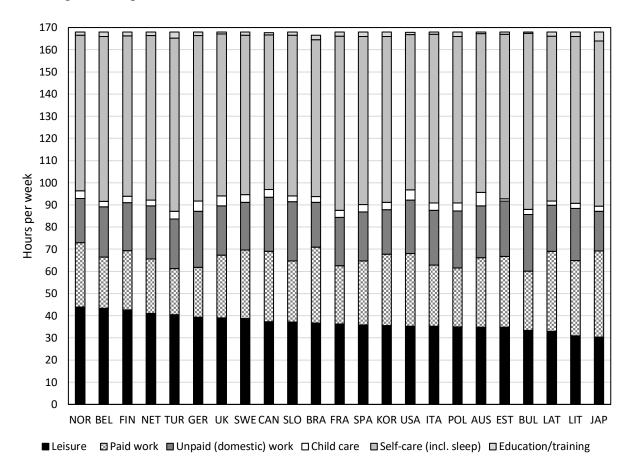


Figure 1 Weekly time use, selected countries, persons aged 18–64

Source: Author's graphic using data from Fisher & Robinson (2011) (see Appendix A1 for further details).

History

The current patterns of time use in industrialised economies follow a century of rapid change, led by Europe and North America, from the heights of the industrial revolution in the middle of the nineteenth century to the middle of the twentieth century (see Cross, 1989). Reducing working hours as a means to secure the right to increased leisure time was actively pursued by workers and reformers. For example, during the first half of the twentieth century, the standard working week of male full-time industrial workers fell from about 70 hours to less than 40. While this was made possible by technological change in the economy and the

resultant increase in labour productivity, it often involved intense struggle and negotiation between workers and employers and, in some cases, legislation. The situation of women was more complex: time spent in unpaid domestic work and child care fell during the twentieth century as a result of changes in home-based technology and smaller families, but in the second half of the century, paid work-time increased on average as more women entered the employed workforce, albeit often on a part-time basis. The labour market was also affected by the increased levels of participation in secondary and tertiary education, so that increasing numbers of young people in their teens and early twenties who were previously part of the full-time work force were now in full-time education, and often engaged in part-time paid work. While these changes were taking place, the trend towards reductions in the length of the full-time working week, which still accounted for three quarters of the work force, seemed to cease, and even to go into reverse (Hunnicutt, 1988; Schor, 1991; Veal, 2019). This may have been due to the shift to service-based economies, which involved less opportunity for technologically-driven gains in productivity and reductions in overall unionmembership reducing the bargaining power of workers. It may also have been exacerbated by the periodic economic crises experienced from the 1970s and into the twentieth century, which disrupted economic growth.

Leisure studies, leisure time, human rights

These trends in working hours and their consequences for leisure were central to the early development of the field of leisure studies in the 1960s and 1970s. However, from the 1980s onwards, interest in the topic flagged (see Roberts, 2019; Veal, 2019). However, scholars and commentators from other fields have recently made calls for reduction in working hours. These include feminists with proposals to ease the problem of work-life balance for all (e.g., Negrey, 2012; Shippen, 2014; Weeks, 2011); environmentalists arguing for reductions in working hours rather than ever-increasing economic production, to relieve pressure on the planet (e.g., Bregman, 2016; Hayden, 1999); and economists proposing that reduced working hours can contribute to more sustainable and equitable economic growth (e.g., New Economics Foundation, 2010; Robinson, 2006; Skidelsky & Skidelsky, 2012). Furthermore, researchers in the industrial relations and health sectors have called attention to issues of long hours of work for some and problems of fatigue (Caldwell et al., 2019; Caruso, 2006).

While work-leisure time trends may not have interested many leisure scholars in recent years, there has recently been some interest in how leisure time relates to human rights (see Caudwell & McGee, 2018; McGrath et al., 2017; Veal, 2015, 2021). Much of the interest is, however, concerned with how leisure acts as a medium through which other rights are realised or obstructed. For example: in sporting contexts there are issues relating to: exploitation and abuse of minors; gender, racial, and disability discrimination; employment rights of professional athletes; and the rights of residents affected by the hosting of major international sporting events (see Giulianotti & McArdle, 2006). In tourism, issues arise in relation to the environmental and economic and cultural rights of residents of tourism destinations (Lovelock & Lovelock, 2013). In the arts, numerous issues arise in relation to copyright (Ivey, 2008). However, our concern here is with the right to *leisure time*, which has been subject to little debate or analysis, even though it can be viewed as an aspect of public policy.

Obligations, undertakings and accountability of governments in regard to ESC rights

Governments of nations which have ratified the ICESCR accept an obligation to uphold the rights set out in the covenant. These include: 'the right of everyone to the enjoyment of just and favourable conditions of work', including: 'rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays' (Article 7). Here we concentrate on weekly working hours, noting that the issue of holiday entitlements merits discussion in its own right (see Richards, 1998). It is notable that this refers to people in paid employment. The WLO *Charter for Leisure* seeks to widen the right to leisure time to include those who have primary responsibility for unpaid domestic work. The ICESCR is inclusive when it considers the use of leisure time in Article 15. Here it calls on governments to recognize 'the right of everyone to take part in cultural life.'

In the UN system, governments are held to account for this undertaking by means of periodical progress reports which they are required to submit to the relevant UN committee, which publishes commentary on their adequacy. In the case of civil and political rights, such reports and commentaries attract media and public attention, highlighted by organisations such as Amnesty International and Human Rights Watch. Reports on some economic, social, and cultural (ESC) rights, such as poverty or education, also attract some attention but leisure time does not.

Before considering the ICESCR process in more detail, a second source of accountability should also be noted, namely the standards set by the International Labour Organization (ILO). The ILO is now a United Nations body, but it pre-dates the UN. It was founded in 1919, as the International Labour Office, one of the outcomes of the Treaty of Versailles (see ILO, 2019) which marked the end of World War I. Its purpose was to encourage international cooperation to reduce working hours and adopt other labour standards to prevent nations undercutting one another in international trade. In its early days it was actively involved with the idea of leisure time, sponsoring a number of international conferences on the topic in the 1930s (Tano, 2010). As with the ICESCR, the aim is for individual nations to ratify the ILOs many conventions, recommendations, and standards. These various documents often refer to single industries, particularly those with international dimensions, such as shipping. One such document is Recommendation 116: Reduction of Hours of Work, 1962, which calls on member nations to 'formulate and pursue a national policy designed to promote by methods appropriate to national conditions and practice and to conditions in each industry the adoption of the principle of the progressive reduction of normal hours of work'. However, the target can hardly be said to be ambitious, being to meet the 'standard of the forty-hour week', which was set 85 years ago in the Forty-Hour Week Convention (No. 47) of 1935. However, even this modest standard does not appear to be a priority since, of the 185 ILO member states, only 15 have ratified the convention (ILO, n.d.). One of the difficulties with the legal/ administrative approach is that the legal definition of the 'standard work-week' does not indicate the hours actually worked, but the point at which a higher, overtime wage-rate is payable. Developed countries typically conduct monthly labour surveys which, while mainly designed to measure the level of unemployment, also record hours of work (OECD, 2004). Furthermore, as illustrated in Figure 1, variations in the amount of leisure time are only partially related to time devoted to paid work. This paper is therefore focussed on the ICESCR.

Country reports to the UN on progress in meeting the ICESCR goals, might be expected to reflect the state of the art in assessing performance in regard to policies related to leisure time. The process can be seen as part of the general move to evidence-based policy (Pawson, 2006), which has been widely adopted by governments (e.g., HM Treasury, 2011). Advice in regard to the assessment reporting process is offered by the UN in a guide to *human rights indicators* by the Office of the High Commissioner for Human Rights (OHCHR, 2012). In addition, the UN Committee on Economic, Social and Cultural Rights provides a guide on the required format for submitted national reports (UNCESCR, 2009a).

The *general guidance* document on human rights indicators is very much in the evidencebased policy mould, identifying three types of indicator:

- *Structural* indicators assess the extent to which the government has undertaken formal administrative actions, such as ratification of relevant treaties and enactment of relevant national legislation (e.g., anti-discrimination laws).
- *Process-related* indicators refer to on-going actions to enforce and facilitate rights (e.g., maintenance of a human rights commission dealing with complaints and compensation processes).
- *Outcomes-related* indicators refer to evidence of rights being enjoyed (e.g., reduction in poverty levels) (OHCHR, 2012, 34–38).

In regard to leisure time, the first two categories could include the establishment of a statutory agency with responsibility for overseeing labour relations, including working hrs and holidays. The third, outcomes-related, category is the focus of interest here, since it could be expected to include measures of the actual amount of leisure time enjoyed by the population.

The *guidelines on country reports* document predates the above general guidance publication, so it does not use the language of 'structural', 'process' and 'outcomes' indicators. Nevertheless, using this terminology, of the seven categories of information specified, six can be seen as structural and process-related, including: national framework laws, policies and strategies; mechanisms to monitor progress in implementing the latter; mechanisms to ensure conformity with international treaty obligations; relevant enabling laws; and 'structural and other significant obstacles' impeding the full realization of covenant rights (UNCESCR, 2009a, p. 4). The only category referring to *outcomes* is the seventh, which calls for: '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' (p. 4).

In the UN human rights assessment system, governments which have ratified the ICCPR are expected to have already implemented civil and political rights or to take immediate action to do so, ensuring that the rights apply 'to all individuals within its territory and subject to its jurisdiction' (ICCPR, Art. 1). In the case of the ICESC, however, governments are only expected 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' (ICESCR, Art. 2). In other words, it accepts that full realization of ESC rights is a process expected to take place over a period of time and to be subject to the level of resources available. Nevertheless, whatever the level of resources, there is an expectation that governments will 'take deliberate and concrete measures aimed at the full implementation of

the right of everyone to take part in cultural life' (UNCESCR, 2009b, p. 11), and a precondition for this is adequate leisure time.

Beginning in the 1970s, countries which have ratified the ICESCR have submitted country reports on ESC rights approximately every six years, following a schedule laid down by the UNCESCR. The most recent reports, those which have had the benefit of the guidance documents discussed above, were examined for 22 of the 23 countries listed in Figure 1 (the USA, not having ratified the ICESCR, does not submit reports). Each report covers the 15 articles of the ICESCR, with the section on working conditions, Article 7, being a small proportion. Following the structural and process-related emphasis of the guidelines, the reports consist almost entirely of legal and administrative matters, covering labour laws and regulations. Progress in this context consists of any changes in these arrangements that have taken place since the previous report six years earlier.

Despite the fact that, as noted above, the general guidelines for reports call for statistical data on 'the enjoyment of each right', none of the country reports examined presents any statistical data on leisure time.

In the context of an overwhelming focus on administrative matters, the low status of leisure compared with weightier matters include in the ICESCR and lack of specific guidance on the leisure-related aspects, it is perhaps not surprising that the latter is neglected in country reports. Perhaps more surprising is the fact that it is completely ignored. There is therefore a case for the leisure studies community to offer proposals on how this state of affairs might be remedied.

The process of assessing the right to leisure time

There are precedents for academics offering advice on the assessment of human rights. An example is the Social and Economic Rights Fulfilment (SERF) index developed by Fukuda-Parr et al. (2015). The SERF index, however, concentrates on the 'six core social and economic rights', which are the right to: food; education; health; housing; work; and social security.³ The same emphasis is apparent in the UN guidelines discussed above, so the detailed guidance and worked examples are presented for the core economic and social rights but not specific cultural rights. The latter are either omitted or are covered only at a very high level of generality. Thus, even though the UN has insisted that all the rights included in the UDHR are 'universal, indivisible and interdependent and interrelated' (World Conference on Human Rights, 1993, I.5), in practical and political terms, some rights are treated as more equal than others and so attract more attention and resources. This is a reflection of political priorities among member states and administrative organisations of the UN. However, a contributor and reflection of this state of affairs is that the leisure research/policy community itself has not engaged in the internal or external conversations which would be necessary to develop appropriate indicators for leisure rights. This paper is offered as a contribution to such a conversation.

Establishing a suitable assessment framework is an iterative process between the agency which has proclaimed the right — in this case the UN — and the agencies which endorse the rights proclamation and commit to having their performance in achieving the rights assessed — in this case countries which have ratified the ICESCR. To a large extent the process is comparative: higher performing countries set the standard against which all are assessed. The

³ The last of these is excluded from the published SERF index due to lack of cross-national data.

measures used, which may or may not be quantitative, must, therefore have a common basis and format so that they are comparable across participating agencies. Designing a measure for leisure time is relatively easy, particularly as time can be quantified, as shown in Figure 1. However, the gathering of data, by means of time-use surveys, can be a challenge (see Pentland et al., 1999).

A worked example

Measuring the amount of leisure time enjoyed by the residents of a country is, however, only part of the picture. As noted above, the UN accepts that assessment of ESC rights must take into account 'available resources' of a country. This can be assumed to be primarily economic resources, typically measured by per capita Gross Domestic Product (GDP). It can be expected that the lower a country's GDP per capita the lower the level of enjoyment of ESC rights it can be expected to achieve. The relationship between available leisure time for the 23 countries shown in Figure 1 and their GDP per capita is shown in Figure 2.

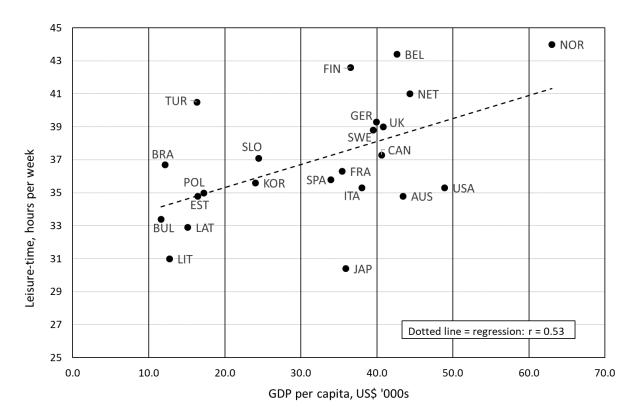


Figure 2. Relationship between leisure-time and GDP per capita, selected countries, persons aged 18-64

Source: Leisure-time: as in Figure 1. GDP per capita: Groningen Conference Board (n.d.).

A regression line is indicated. For any income range, countries located significantly above the line can be said to be performing above the international norm: they demonstrate what is possible. Countries located significantly below the line are performing below the norm. In any assessment exercise, outliers would be of concern: in the lower income level, this would involve Lithuania; in the middle range, Japan; and in the higher range, Australia and the USA.

The initial assessment of country reports by the UNCESCR is presented in the form of a 'List of Issues', to which the country is expected to respond, either in a separate document or as part of its next periodic report. If the above 'concerns' were raised in the 'List of Issues', the country involved might respond in a variety of ways. For example, it might accept the assessment and indicate measures it is taking to remedy the situation. Alternatively, it might indicate that the data used are inappropriate in some way, and provide more appropriate data. A further possibility is that it might argue that the relatively low level of leisure time reflects the distinctive culture of the country. The latter response might be supported by other data to show that the population is not suffering in terms of related measures of well-being. This might lead to a dialogue on whether other measures should be considered along with just leisure time.

If the UNCESCR were to expect leisure time estimates to be included in country reports on the ICESCR, it would be placing a burden on individual countries to conduct time-use surveys. This could be problematical for poorer countries. This could be addressed in a number of ways. First, it should be pointed out that such surveys would only be required every six years to meet the requirements of UN reporting. Second, it could be determined that countries below a certain level of GDP per capita would not be expected to provide leisure time data — on the grounds that efforts to boost incomes should take priority. Third, the UNESCR, or another suitable UN agency, could provide practical guidance on how a basic time-use survey should be conducted, so that individual countries would be spared the cost of 'reinventing the wheel'. Fourth, a fund could be established to assist poorer countries to conduct time-use surveys. Fifth, time-use surveys could be combined with other social surveys addressing other ESC rights issues, thus spreading the cost with other sectors, such as health or education.

Summary and conclusion

This paper explores the implications of the inclusion of leisure time as a human right in the Universal Declaration of Human Rights and its associated implementation treaty, the International Covenant for Economic, Social and Cultural Rights (ICESCR). It is noted that, while countries which ratify the ICESCR are required to report periodically to the UN on progress in securing economic, social and cultural rights, leisure time has been overlooked, both in the UN's official guidelines for such reporting and in the reports submitted by member countries. Using leisure time and GDP per capita data from available surveys in 23 countries, the paper demonstrates a process for UN-member countries to report on their progress in securing leisure time as a human right for their citizens for the UN to assess their level of performance on a comparative basis.

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Appendix: Time-use data sources

The time-use data used in this paper are sourced from Fisher and Robinson's (2011) overview of 23 countries. Table A1 lists the countries and their year of time-use survey. All the surveys are more than a decade old. More up-to-date surveys are available for some, but not all, countries. Collation of national time-use surveys is undertaken in Europe by the Harmonised European Time Use Surveys (HETUS) under Eurostat (https://ec.europa.eu/eurostat/web/ time-use-surveys) and globally by the Multi-National Time Use Survey (www.mtusdat.org/ mtus/) under IPUMS (Integrated Public Use Microdata Series). However, HETUS covers only EU member states and the IPUMS source covers only 14 countries. Since the data used in the paper are for illustrative purposes, it was considered prudent to use the Fisher and Robinson (2011) source.

| Country | Date of survey & GDP | Country | Date of survey & GDP |
|-----------------|-------------------------|-------------------|-------------------------|
| Australia (AUS) | 2006 | Latvia (LAT) | 2003 |
| Belgium (BEL) | 2006 | Lithuania (LIT) | 2003 |
| Brazil (BRA) | 2001 | Netherlands (NET) | 2000 |
| Bulgaria (BUL) | 2002 | Norway (NOR) | 2001 |
| Canada (CAN) | 2005 | Poland (POL) | 2004 |
| Estonia (EST) | 2000 | Slovenia (SLO) | 2001 |
| Finland (FIN) | 2000 | Spain (SPA) | 2003 |
| France (FRA) | 1999 | Sweden (SWE) | 2001 |
| Germany (GER) | 2002 | Turkey (TUR) | 2006 |
| Japan (JAP) | 2006 | UK (UK) | 2001 |
| Korea (KOR) | 2004 | USA (USA) | 2003 |
| Italy (ITA) | 2003 | | |

Table A1. National time-use surveys