

Leisure and Human Rights: the World Leisure Organisation Charter for Leisure: Past, Present and Future

Atara Sivan and A.J. Veal

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Introduction

Leisure is a human right: it says so in the United Nations Universal Declaration of Human Rights (UDHR). The declaration was promulgated in 1948 when the world was still emerging from the horrors of a war which had seen the denial of human rights on an industrial scale (Glendon, 2002). It was therefore remarkable that the drafters of the UDHR included, among its 30 articles, the right to rest, leisure and holidays with pay (Article 14) and the right to freely participate in the cultural life of the community (Article 27). The World Leisure Organisation was established as the International Recreation Association in 1952 and is one of some 2500 organisations with consultative status with UNESCO. It therefore stands as a modest contribution to the new 'world order' of the post-World War II era. The first edition of its *Charter for Leisure*, drawing its inspiration from the UDHR, was published in 1970 and was revised in 1970, 1979 and most recently in 2020.

What was the reason for the most recent revision of the *Charter for Leisure*? The process was started by an article published in the *World Leisure Journal* in 2015, in which it was observed that academic leisure studies and leisure practice had generally neglected human rights (Veal, 2015). It was argued that this was due, in Europe/UK, to the dominance of sociology which had itself neglected human rights (see Turner, 1993) and, in North America, to American exceptionalism, which viewed some international human rights as posing a threat to rights and freedoms enshrined in the USA Constitution.ⁱ The article called for an increase in *rights awareness* among leisure researchers and for an enhanced role for the Charter. At the 2016 World Leisure Congress in Durban, South Africa, a presentation based on this paper and a workshop on the subject of the charter (Veal, 2016) resulted in the Board of the World Leisure Organization (WLO) requesting the World Leisure Academy (WLA) to establish a task-force to undertake a reviewⁱⁱ.

The aim of this paper is to position the WLO Charter in the global human rights system and to examine the potential role of the revised Charter and human rights in leisure policy and research. It is divided into five main sections: the UN human rights system; revising the Charter; summary of the revised Charter; supporting materials; and conclusions.

The UN human rights system

The UDHR is a declaration which all member countries of the UN formally endorse in principle. However, it contains no formal commitments or sanctions under international law. This is achieved by two covenants published in 1966: the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and*

Cultural Rights (ICESCR), the latter including the leisure-related rights. States that sign and ratify these covenants formally commit themselves to ensuring the achievement of the stated rights. This involves reporting periodically to the UN Human Rights Council on progress in achieving them and the submitted country reports being subject to evaluation.

Under the terms of the ICESCR, member states which ratify the covenant undertake to recognise:

- in Article 7(d), the right to: ‘the enjoyment of just and favourable conditions of work’, including the right to: ‘Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays’; and
- in Article 15, the right of everyone to: ‘take part in cultural life’.

Article 7(d) refers to the right of people in paid employment to ‘rest, leisure and reasonable limitation of working hours’. Its focus is therefore on the amount of paid working time for employed workers to secure a living wage (the latter right being set out in Article 7a). The implementation of this right is therefore also overseen by the International Labour Organisation (ILO), which was established in 1919 and became part of the UN system in the 1940s.

Article 15 is concerned with leisure, or cultural, participation, which the UN has defined as:

... 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. (UN Committee on Economic, Social and Cultural Rights, 2009, p. 4)

This involves ensuring access to:

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. (UN Committee on Economic, Social and Cultural Rights, 2009, pp. 4–5)

While these broad-ranging statements clearly include leisure activities and facilities, the UN, in its dealings with culture, has, perhaps understandably concentrated on the non-leisure aspects of *cultural identity* (e.g., see Shaheed, 2013).

While there has been some questioning of the status of economic, social and cultural (ESC) rights, for example by Cranston (1983), the UN has insisted that all the rights set out in the UDHR and the supporting covenants come as a ‘package’: they are ‘universal, indivisible and interdependent and interrelated’ (World Conference on Human Rights, 1993, p. I.5).

Revising the Charter for Leisure

In revising the Charter, it was recognised that the ‘case for leisure’ was made in the UDHR/ICESCR in a particular form, namely as the declaration of leisure as a human right, with associated expectations and accountabilities. The prime aim of the revised charter was therefore seen as reinforcing this status and the relationship with the international human rights system. It was believed that, while the Charter should elaborate on the rights as spelled out in the UDHR/ICESCR, it should not do so to the extent that the core rights become unrecognisable.

The question arose as to whether the Charter should include a formal definition of ‘leisure’. The UDHR and ICESCR rely on a ‘common sense’ understanding of leisure as non-paid-work time and participation in cultural activity. Culture, a similarly complex term, has been defined by the UN in later documents, as noted above. While the WLO offers a definition of leisure on its website (www.worldleisure.org/about-us/), the issue of defining leisure is controversial. This arises particularly in regard to the extent to which it involves such matters as: actual or perceived freedom (Neulinger, 1974, p.15; Blackshaw, 2010, p.x; Carr, 2017; Stebbins, 2020, p.14); functionality (Dumazedier, 1967, pp.16-17); Aristotelian notions of value or merit (Van Moorst, 2002; Dumazedier, 1974, pp.67-75; Veal, 2019; Rojek, 2010, p.189; Kalimtzis, 2017) or a multi-faceted conceptualisation (Kaplan, 1960, p.22). In some cases, definitions have been based on meanings sought by consultation with members of the public (e.g., Dumazedier, 1967, p.16; Shaw, 1985), which raises issues of how this might vary from community to community. Given these complexities, the revised version of the Charter adopts the simple time and activity/facility framework implicit in the UDHR and ICESCR, although this does not preclude the possibility of an extended debate on more complex definitions of leisure in future.

As indicated above, the Charter review was undertaken by members of a special taskforce consisting of WLA scholars and key people in the field of leisure. Comments were also solicited from numerous organizations dealing with leisure, culture, tourism, sport and physical education as well as from the public around the globe. While some comments received were general (e.g., regarding the adopted definition of leisure as time and participation), others represented specific views deriving from a variety of socio-cultural contexts. All comments were attended to with the aim to arrive at a functional document which aligns with the provisions of UDHR and ICESCR while maintaining its inclusive and global nature. Further details of the revision process and individual and organisational contributors can be found on the WLO website at: www.worldleisure.org/charter.

The revised Charter for Leisure

The revised *Charter for Leisure* comprises seven articles. These are set out in *italics* below, with comments added.

1. *Everyone, whether adult or child, has the right to adequate time for rest and for the pursuit of leisure activity.*

The relevant UDHR/ICESCR articles, in effect, confine this right to those in employment. Articles 1 and 3 therefore widen this to include everyone, including children (aged up to 18 years in the UN system) and to those engaged in unpaid labour.

2. *For those engaged in remunerated work, Article 1 requires recognition of the right to reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. Securing these rights generally requires national/provincial legislation.*

This highlights the work-related nature of this right, confining it, at international level, to the area which is also the responsibility of the ILO. While the early focus in the study of leisure was on the work-leisure relationship, this has faded in recent years, even as concerns about work-life balance have increased, suggesting the need for a re-focus (Veal, 2020).

3. *Article 1 also applies to those engaged in unpaid labour, for example domestic care-givers.*

This is an extension of the UDHR/ICESCR concept. While Articles 1-3 focus on time and the individual, Article 4 focusses on culture, activity and community.

4. *Everyone has the right to freely participate in the cultural life of the community.*
 - (a) *Culture is viewed by the UN Committee on Economic, Social and Cultural Rights as including: 'music and song, ceremonies, sport and games, natural and man-made environments' 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'. These activities depend on the provision of: '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'.ⁱⁱⁱ*
 - (b) *Participation in social and cultural activities includes engagement as: an active participant; a learner; a spectator or audience member; or an unpaid volunteer.*
5. *Leisure is also a medium through which other rights and related benefits set out in the Universal Declaration of Human Rights and associated covenants can be exercised, including: the physical, mental, emotional and social development of the child through play; support for family life; personal expression and development; sustaining of cultural life of the community; and promotion of physical and mental health and well-being through sport, physical activity and cultural engagement. Conversely, denial of time for beneficial leisure activity can have serious consequences for the well-being of individuals and societies.*

The statement on the *context* of the Charter, discussed below, emphasises that it exists in the context of numerous other UN and other treaties related to the inter-related rights of sections of the community such as women, ethnic minorities, children and people with disabilities and those related to specific activities such as sport, the arts and tourism. All these are referenced in Article 5.

6. *These rights should therefore be observed and supported by all of society's institutions, including commercial organisations, education institutions, professional bodies and non-government organisations. Governments at national, regional/provincial and local levels have particular responsibilities reflecting commitments under United Nations treaties and, in some cases, provisions in national constitutions and legislation.*

While the UN treaties refer to the responsibilities of national governments, the ways in which governments operate and relate to non-government sectors varies, but their responsibility is to ensure, by a variety of means, that rights are recognised and implemented within their countries.

7. *Recognising that governments at all levels are not the only providers of facilities and services for leisure and that they face many challenges and competing demands for resources, they nevertheless have particular responsibilities to:*
 - (a) *ensure availability and protection of land for open space for recreation in residential areas;*
 - (b) *ensure preservation of, and public access to, natural and culture heritage;*
 - (c) *ensure the provision of suitable space and facilities for children's play;*
 - (d) *support provision of health-enhancing amenities, such as facilities for sport and exercise;*
 - (e) *support cultural institutions and activities;*
 - (f) *ensure that all members of the community, regardless of age, gender, sexual orientation, ethnicity, religion, ability or income, have access to beneficial leisure facilities and services;*
 - (g) *support suitable training of a technical and professional work force for the leisure/sport/cultural service industries;*
 - (h) *support research on the benefits and costs of leisure activity and on the provision of leisure facilities and services;*
 - (i) *include recognition of leisure-related rights in relevant national/provincial legislation and regulations, including those concerned with regulation of mass communications and digital media;*
 - (j) *recognise, in national, regional and urban policies and plans, the contribution which leisure-related provisions can make to personal, social, cultural and economic development;*
 - (k) *support other human rights which facilitate the participation in the cultural life of the community, including the right to food, clothing, housing and medical care and*

necessary social services and security, as set out in Article 25 of the Universal Declaration of Human Rights.

Supporting materials

In addition to the Charter itself, the WLO website hosts a range of supporting materials. This leisure rights 'portal' has been established in embryo form, representing an on-going leisure rights 'project' (www.worldleisure.org/charter). Included are:

- *Welcome and feedback invitation.*
- *Context statement*, which outlines the history of the *Charter for Leisure* and lists related UN and other treaties and charters.
- *Bibliographical resources* – which will be added to from time to time.
- *Teaching materials* – for high-schools and higher education, with invitation to contribute additional material.
- *Government advice* for use at local, regional or national level.
- *A summary of the review process.*

Conclusions

The revised *Charter for Leisure* is seen not as the end of a process, but as a beginning. For too long leisure academics, professionals and politicians have neglected the considerable asset bequeathed to the field over 70 years ago when the drafters of the Universal Declaration of Human Rights included leisure as a human right. The revised Charter and the modest supporting materials on the WLO website can be seen as the beginning of a process of making full use of this asset. This will be achieved by members of the WLO, and all those with an interest in the role of leisure in society, contributing to the promotion of the idea of leisure rights and to research, debate and education to support them.

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Notes

ⁱ Of the 197 UN member states, 25 have *not* ratified the 1966 International Covenant for Economic, Social and Cultural Rights. Of these, 17 have a population of less than 1 million. Of the remaining eight: six have 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 have signed but not ratified it: Cuba (11m); USA (329m). In the case of the 1989 Convention on the Rights of the Child, the USA is the *only* non-ratifying nation, although it has signed it. Source: United Nations, Office of the High Commissioner of Human Rights (2020).

ⁱⁱ Details of members of the WLA Taskforce and other contributors to the revision process can be found at: www.worldleisure.org/charter-revision-process/.

ⁱⁱⁱ UN Committee on Economic, Social and Cultural Rights (2009, pp. 4-5)