

Human Rights and Citizenship Rights for Leisure, Sport, Tourism and Culture

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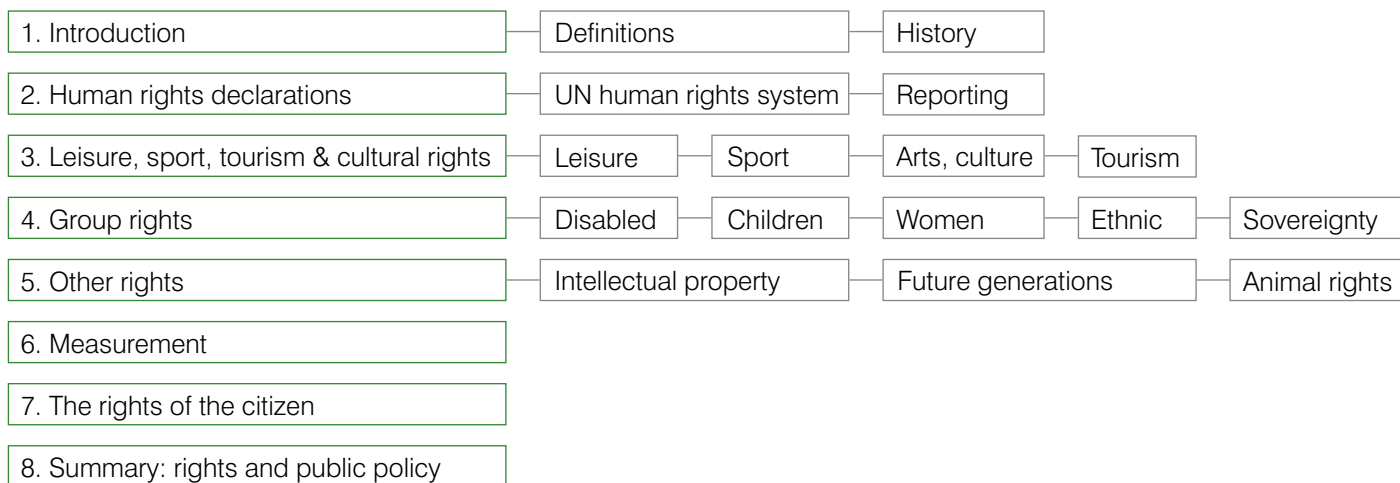
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KNOWLEDGE FOR LIFE





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Abbreviations

UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
SERF index	Social and Economic Rights Fulfilment index
UNCESCR	UN Committee on Economic, Social and Cultural Rights

Preface

This resource is based on Chapter 4 of the textbook: *Leisure, Sport and Tourism, Politics, Policy and Planning* (Veal, 2017). Compared with the book chapter, it includes some additional reference sources and some case studies. Its production as a stand-alone on-line document was prompted by the publication in 2020 of the revised version of the World Leisure Organization's *Charter for Leisure*, with which I was heavily involved as a member of the World Leisure Academy (www.worldleisure.org/charter). My involvement with the review and revision of the charter resulted from a presentation I gave to the World Leisure Congress in Durban, South Africa, in 2016, based on a paper published the year before (Veal, 2015). There was a flurry of interest in human rights in leisure studies at around this time, with two journals publishing special editions on the topic (McGrath, Young and Adams, 2017; Caudwell and McGee, 2018). The WLO website page devoted to the revised *Charter for Leisure* now provides supporting materials, including a bibliography and materials for governments and for teaching. It is hoped that this publication will be a useful contribution to this body of material and contribute to the growing recognition of the human rights dimension of leisure.

As with the textbook from which the document was derived, sources of relevant literature are not presented extensively within the main body of the text but are listed by topic in the 'Resources' section.

Details of *Leisure, Sport and Tourism, Politics, Policy and Planning* can be found at <https://www.cabi.org/bookshop/book/9781780648040/>

AJV

Sydney, Australia

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1. INTRODUCTION

Introduction

It could be argued, philosophically, that one of the reasons why governments should be involved in leisure, sport, culture and tourism is that people have a *right* to enjoy leisure, to participation in sport and the arts and to travel for pleasure, and it is the job of governments to protect and promote the rights of its citizens. If these activities are seen as human rights it might be thought that this would provide powerful support for government involvement to ensure adequate levels of provision and minimization of constraints. However, public policy-making is generally a very pragmatic matter, influenced by 'practical politics', power relationships, availability of resources and technical considerations. But this does not mean that principles and values, such as the upholding of human rights, are irrelevant.¹ The pages that follow examine the complex and contested nature of human rights and their implications for public policy, particularly government policies for leisure, sport, culture and tourism.

Definitions

A *right* is a 'justifiable claim, on legal or moral grounds, to have or obtain something, or to act in a certain way' (*Shorter Oxford English Dictionary*). Thus a right is seen as something which must be claimed by an individual or group and, in turn, be recognized by others as legitimate. *Human rights* are those rights to which *all* human beings are deemed to be entitled on the basis of their humanity alone (Donnelly, 1989, p. 12). Statements of human rights are statements of belief or commitment; they are therefore political and moral in nature. While the concept has a long history, it was in the 20th century that a range of human rights came to be widely recognized, particularly by governments, through various national and international legal instruments.

History

An early exemplification of the idea that people might have rights in the area of leisure can be seen in sixteenth century England when Queen Elizabeth I, while herself a Protestant, disapproved of attempts by extreme Protestants, later known as Puritans, using their influence on city councils and the Parliament, to restrict public leisure activity according to the puritan moral code. In 1585 the Queen:

... quashed a Puritan Bill aimed at banning all sports and entertainments on Sundays. The Queen felt that her people *had a right* to spend their only day of rest enjoying themselves as they pleased, without interference from killjoys. ... The Puritan authorities in several cities, especially London, held the theatre in special odium, and made strenuous efforts to suppress play-going, as it drew people away from the churches. The Queen sympathised with the theatre-goers .. When, in 1575, she discovered that the renowned Coventry cycle of mystery plays had been banned by the Puritan authorities in that city, she ordered them to be restored. The Puritans in London then began complaining that theatre-goers in the City helped spread the plague that was endemic each summer. In 1583, the Corporation of London closed the theatres on the Surrey shore, but Elizabeth retaliated by forming her own company of players, who became known as The Queen's Men. The civic authorities backed down, but in 1597 they eventually persuaded the Council to agree to close down the theatres on the grounds that they were hotbeds of subversive propaganda against the government. When Elizabeth heard, she was furious, and the Council hastily rescinded the order. There were no further threats to the theatre in her reign. (Weir, 1999, pp. 56-57, emphasis added)

These 16th-century events can be interpreted as involving a conflict between the supporters of the idea of people's leisure *rights* as opposed to the morally-based views and interests of particular groups. At the time, however, such rights were at the discretion of the monarch and had to be reasserted by Elizabeth's successor. In 1618, James I issued what became known as the *Book of Sports*, which permitted the playing of specified sports on Sundays, after attendance at church. In the reign of James' son, Charles I, the Puritans resumed their efforts to suppress such activities and he reissued the declaration in 1633. However, in 1640 the Puritan-dominated Parliament ordered the *Book of Sports* to be publicly burned (Dulles, 1965, pp.10-12) and in 1642 closed all theatres (Armitage, 1977, p.70).

The 18th century produced one of the most famous declarations of human rights in the 1776 American Declaration of Independence, which stated: 'We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness'. While leisure is only one means by which people might 'pursue happiness', this can be seen as a formal recognition of leisure as a human right.

In 19th-century Europe, clashes between industry and labour over campaigns for shorter working hours (first for the working day to be limited to 10 hours, then 8 hours) arose in response to the inordinately long working hours demanded by factory owners. While concerns for health, self-improvement and family life, rather than leisure *per se*, were often advanced as justification for reductions in working hours, eventually, as Gary Cross (1990, p. 83) notes: '...workers no longer felt the need to justify their leisure on family or moral grounds. The American slogan "Eight Hours for What we Will"

expressed this attitude clearly. Leisure was a right that required no rationale'. Cross further notes (p.77) that 'short-hour activists' often linked their demands to the rights of 'free born Englishmen' and to the proposition that 'all citizens had an equal right to personal liberty'. In a pamphlet entitled *The Right to be Lazy*, originally published in France in 1848, Paul Lafargue, son-in-law of Karl Marx, stated:

If ... the working class were to rise up in its terrible strength, not to demand the Rights of Man, which are but the rights of capitalist exploitation, not to demand the Right to Work, which is but the right to misery, but to forge a brazen law forbidding any man to work more than three hours a day, the earth, the old earth, trembling with joy would feel a new universe leaping within her. (Lafargue, 1958/1848, p.114)

Fifty years ago, French leisure sociologist Joffre Dumazedier stated:

In the Renaissance the individual achieved the right to choose his own God or his own ideal without risking being burnt at the stake. With the coming of democratic society in the eighteenth century, the individual achieved civil rights, i.e., protection from arbitrary will of political power (habeas corpus). The trade-union movement was a struggle against the arbitrary will of owners and management. The worker ultimately achieved the right to organize. All these rights have been achieved over the last four centuries. This conquest has reached a point of no return. In the new society the fact of leisure corresponds to a new social right for the individual, i.e., the right to have for his own use an increasing part of free time, leisure time. (Dumazedier, 1971, p.203)

2. HUMAN RIGHTS DECLARATIONS

The United Nations human rights system

The contemporary successor to the ideals of the American Declaration of Independence is the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948 (see Box 1). Leisure time and cultural participation received explicit recognition in Articles 24 and 27 of the UDHR; tourism was addressed with the specific reference to holidays with pay and with the right to travel being recognized in Article 13. The UDHR is a statement of principle, but two conventions adopted in 1966 gave legal backing to these principles; they are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1996a, 1996b). When ratifying these conventions, member states agree to implement them, to report periodically on progress, with the report evaluated by the appropriate UN committee. Sanctions for poor performance are, however, weak: offenders are 'named and shamed' and advised to improve their performance.

Since most members of the United Nations are signatories to these declarations, it might reasonably be assumed that national governments would recognize leisure, sport, culture and travel as rights and accept a responsibility to uphold those rights. However, as Donnelly (1989, p.42) states, 'The sad fact is that in the contemporary world virtually all internationally recognized human rights are regularly and systematically violated'.

Article 24 is one of a group of four articles in the Universal Declaration which deal with 'economic, social and cultural' (ESC) rights, which include: social security; the right to work under acceptable conditions, such as equal pay for equal work and 'just and favourable remuneration'; a decent standard of living, including 'food, clothing, housing and medical care and necessary social services'; and the right to 'security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood'. In considering this group of declared rights in contrast to the more familiar political and civil rights, David Harvey comments as follows.

What is striking about these articles ... is the degree to which hardly any attention has been paid over the last fifty years to their implementation or application and how almost all countries that were signatories to the Universal Declaration are in gross violation of these articles. Strict enforcement of such rights would entail massive and in some senses revolutionary transformations in the political-economy of capitalism. Neoliberalism could easily be cast, for example, as a gross violation of human rights. (Harvey, 2000, pp. 89-90)

This conclusion is perhaps ironic given the origins of the idea of human rights in Western liberal philosophy, as mentioned above.

Box 1. UN statements on human rights and leisure

1948: The Universal Declaration of Human Rights(UDHR)

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 27: Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

1966: International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 7: ... the 'right of everyone to the enjoyment of just and favourable conditions of work', includes the right to: 'Rest, leisure, reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays'.

Article 15: ... the 'right of everyone ... to take part in cultural life'.

1979: Convention on the Elimination of All Forms of Discrimination against Women

Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women ... the same opportunities to participate actively in sports and physical education. ...

Article 13: [And]the right to participate in recreational activities, sports and all aspects of cultural life.

1989: Convention on the Rights of the Child

Article 31: States Parties recognize 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 ... and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

1989: Convention Concerning Indigenous and Tribal Peoples in Independent Countries

Article 2: Governments shall have the responsibility for developing ... co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity. ... [including] ... measures for ... promoting 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.

1999: Declaration on the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities

Article 2: Persons belonging to national or ethnic, religious and linguistic minorities ... have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. ... [And] to participate effectively in cultural, religious, social, economic and public life.

2006: Convention on the Rights of Persons with Disabilities [Revised version of original 1975 declaration]

Article 30 (summary): States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities enjoy access to:

- cultural materials in accessible formats;
- television programmes, films, theatre and other cultural activities, in accessible formats;
- places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, ... monuments and sites of national cultural importance.
- opportunities to participate, to the fullest extent possible, in mainstream sporting activities;
- opportunity to ... participate in disability-specific sporting and recreational activities and appropriate instruction, training and resources;
- sporting, recreational and tourism venues.

(https://treaties.un.org/Pages/CTCs.aspx?clang=_en)

Rights can be divided into *positive* rights, which are enshrined in national law, and *moral* rights, which are not so enshrined. Cranston uses the example of Article 13 of the UDHR, relating to freedom of travel, which was consistently violated by the United States and the then Soviet Union during the Cold War and by South Africa during the *apartheid* era, to make the distinction. 'Clearly, therefore, the right to leave any country, which the United Nations Declaration says "everyone" has, is not a positive right. The intention of the sponsors of that declaration was to specify something that everyone *ought* to have. In other words the rights they named were moral rights' (Cranston, 1973, p. 6).

The declarations on leisure and culture could similarly be termed *moral* rights, since they do not specify the *amount* of leisure time which is considered acceptable, or what constitutes *reasonable* limitation of working hours, or the *amount* of paid holidays or public holidays. Only some of these matters are codified in the laws of some countries and the details vary from country to country. Indeed, some critics have suggested that such declarations are not in fact universal in application, but relate primarily to developed countries with the resources to implement them, although this view is open to challenge (see examples in Veal, 2015).

More detailed declarations exist in relation to leisure in general and to different aspects of leisure, including sport, the arts and travel, and these are discussed in Section 5 below.

Reporting to the UN

As noted above, United Nations member countries which have ratified the ICESCR are required to submit periodic progress reports to the UN Committee on Economic, Social and Cultural Rights (UNCESCR). Such national reports are required every six years, following a schedule laid down by the UNCESCR, and are published on-line.ⁱⁱ They cover Articles 1-15 of the ICESCR.ⁱⁱⁱ As indicated in Box 1, Article 15 refers to the right to take part in cultural life. The section of the national report devoted to Article 15 should therefore contain information on the progress of the country in promoting the right to cultural participation over the previous six years. When a report is submitted, the UNCESCR responds with a 'List of Issues', to which the reporting country responds, before the UNCESCR produces its 'Concluding Observations'.

A UN guidance document (UNCESCR, 2009) outlines seven categories of information to be supplied in national reports. Most are legal and administrative *inputs*, the seventh category being the only one which refers to *outcomes*.

- national framework laws, policies and strategies;
- mechanisms in place to monitor progress in implementing the latter;
- mechanisms to ensure conformity with international treaty obligations;
- relevant enabling laws;
- procedures for victims of rights violations to obtain redress;
- 'structural and other obstacles' impeding the full realization of covenant rights; and
- statistical data on the enjoyment of each right, 'disaggregated by age, gender, ethnic origin, urban/rural population etc., on an annual comparative basis over the past five years' (pp. 3-4).

These national reports are therefore a potentially valuable resource for researchers interested in sport/cultural/tourism policy and for rights activists interested in the rights being reported.

3. LEISURE, SPORT, TOURISM AND CULTURAL RIGHTS

Leisure

The *Charter for Leisure* (Box 2), drawn up by the World Leisure Organization (WLO) in 1970 and most recently revised in 2020, declares leisure to be a right, and exhorts governments and other institutions to make provision to facilitate leisure activity.

Human rights have been neglected by leisure practitioners and by the field of leisure studies.

A recent article presents an analysis of this neglect (Veal, 2015) and its main points can be summarized as follows:

- Human rights have been neglected in the academic field of leisure studies: more than in the related areas of study of sport, arts/culture and tourism (discussed below). In Britain/Europe this may have been due to the strong influence of sociology and the heritage of Marx and Weber, neither of whom embraced the modern idea of human rights. In North America, the neglect may have been due to the influence of psychology in leisure studies and the USA suspicion of international rights treaties (and the possibility that they might come into conflict with the USA Bill of Rights).
- The wording of UDHR Article 24 on the 'right to rest and leisure, reasonable limitation of working hours and periodic holidays with pay' suggests that this may have been intended to apply to people in paid employment, not everyone. In that case, the more suitable basis for leisure-related rights may be Article 27, on cultural rights, which include the arts, popular culture and sport.
- Human rights can be seen as relevant to a number of the traditional concerns of leisure practitioners and leisure scholars, including:
 - The issue of leisure time availability, currently viewed as a problem of work-life balance in developed economies and of worker exploitation in developing countries.
 - The extent to which leisure activity is freely chosen or manipulated by market forces.
 - The extent to which leisure-related disadvantage, based on gender, race, class or ability status, can be seen as an infringement of human rights.
 - Globalization and the central role played by the production and consumption of leisure goods (e.g., electronics, clothes, sports equipment) and services (e.g., entertainment).
 - The idea of the right to leisure and its potential role in the search by leisure policymakers and providers for status and legitimacy.

Box 2. World Leisure Organization: Charter for Leisure

Introduction

The right to leisure time and to participate in the cultural life of the community are, like other rights included in the Universal Declaration of Human Rights and endorsed by governments around the world, indispensable to every human being. However, they are routinely denied to millions: many are required to work excessive hours in poor conditions injurious to their health; while others see working hours increasing rather than falling and developments in information technology enabling work-related responsibilities to intrude into non-work time. Access to space, facilities and services and to natural and cultural heritage are also essential to ensure the exercise of the right to leisure participation. Against this background, the World Leisure Organization's Charter for Leisure is a statement of leisure-related rights and the benefits that flow from their recognition and implementation.

The historical, social, legal and political context of the charter is outlined in the separate statement of 'Context for the Charter for Leisure'.

Articles

1. Everyone, whether adult or child, has the right to adequate time for rest and for the pursuit of leisure activity.
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.
3. Article 1 also applies to those engaged in unpaid labour, for example domestic care-givers.
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'.
 - 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.
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.
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.

Approved by the World Leisure Board of Directors, July 2020. Original version adopted by the International Recreation Association in 1970; revised by its successor, the World Leisure and Recreation Association in 1979, and by the World Leisure Organization (WLO) in 2000 – see: www.worldleisure.org/charter

Sport

Various bodies have declared the practice of sport to be a right (see Box 3), including the International Olympic Committee, UNESCO and the Council of Europe. As with the WLO charter, these declarations envisage a significant role for governments in coordinating, planning and promoting sport as well as providing funds and facilities. The *European Sport for All Charter* has received the formal endorsement of the member governments of the Council of Europe and individual member countries have generally adopted Sport for All policies which the Council of Europe monitors through a permanent committee. The idea of the *general right* to participate in sport has been given less attention in the scholarly literature than with infringement of other rights, to do with race, ethnicity and gender and age discrimination.

However, if denial of access to sporting opportunity for particular social groups is considered an infringement of human rights, this implies the acceptance of a general right for everyone to participate.

A number of specific rights issues have arisen in sport, often involving not the right to sport participation per se but the way sport practices can infringe other rights. Examples are:

- *The right not to be discriminated against on grounds of race/ethnicity*: Historically, the system of Apartheid in South Africa, which resulted in the majority non-white population being denied the right to participate in sport on an equal basis, particularly at the representative level, prompted international boycotts of South Africa's sporting teams in the 1970s and 1980s, which played some part in bringing an end to the Apartheid system (Booth, 2003).
- *The right of children to be protected from abuse*. Children training for and competing in sporting contests can be vulnerable to physical, sexual and psychological abuse, thus being denied a range of human rights laid out in the 1989 Convention on the Rights of the Child (Brackenridge, 2014; David, 2005).
- *The right of access to housing and to freedom of speech*. Hosting of major sporting events, such as the Olympic Games, can result in loss of housing for disadvantaged groups to make way for sporting and transport infrastructure and curtailment of freedom of speech and assembly in host communities, typically in the name of urgency and security (e.g., Adams and Piekarz, 2015; Lenskyj, 2008; Timms, 2012).
- *The right of access to television broadcasts of major sporting events*. This is explored in Case study 1.

Box 3. Declarations regarding sporting rights

1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 15: Recognizes ... the 'right of everyone ... to take part in cultural life' (which includes 'sport and games') (UN Committee on Economic, Social and Cultural Rights, 2009, p.4).

The Olympic Charter

Article 1: The practice of sport is a human right. Every individual must have the possibility of practising sport in accordance with his or her needs (International Olympic Committee, 2010:11).

1976/1992 European Sports Charter (Council of Europe)

Article 1. Governments, with a view to the promotion of sport as an important factor in human development, shall take the steps necessary to apply the provisions of this Charter ... in order to enable every individual to participate in sport:

1. to ensure that all young people should have the opportunity to receive physical education instruction and the opportunity to acquire basic sports skills,
2. to ensure that everyone should have the opportunity to take part in sport and physical recreation in a safe and healthy environment, and, in co-operation with the appropriate sports organisations,
3. to ensure that everyone with the interest and ability should have the opportunity to improve their standard of performance in sport and reach levels of personal achievement and/or publicly recognised levels of excellence,

+ additional 12 Articles.

1978/2014 UNESCO International Charter of Physical Education, Physical Activity and Sport

Article 1 The practice of ... sport* is a fundamental right for all.

Article 2 Sport can yield a wide range of benefits to individuals, communities and society.

Article 3 All stakeholders must participate in creating a strategic vision, identifying policy options and priorities.

Article 4 Sport programmes must inspire lifelong participation.

Article 5 All stakeholders must ensure that their activities are economically/socially/environmentally sustainable.

Article 6 Research, evidence and evaluation are indispensable components for the development of sport.

Article 7 Teaching, coaching and administration of sport should be performed by qualified personnel.

Article 8 Adequate and safe spaces, facilities and equipment are essential to quality sport.

Article 9 Safety and the management of risk are necessary conditions of quality provision.

Article 10 Protection and promotion of the integrity and ethical values of sport must be a constant concern for all.

Article 11 Sport can play a distinctive role in the realization of development, peace post-conflict and post-disaster objectives.

Article 12 International co-operation is a prerequisite for enhancing the power and scope of sport.

* In each case, 'sport' refers to 'physical education, physical activity and sport.'

2014/2004 Brighton plus Helsinki 2014: Declaration on Women and Sport

Equal opportunity to participate and be involved in sport and physical activity, whether for the purpose of leisure and recreation, health promotion or high performance, is the right of every woman, whatever her race, colour, language, religion, creed, sexual orientation or identity, age, marital status, ability/ disability, political belief or affiliation, national or social origin.

Sources: The Olympic Charter is the constitution of the International Olympic Committee, published in various forms since the early 1900s: the 1996 version is the first in which the statement on human rights appeared. See: www.olympic.org/olympic-charters?tab=the-charter-through-time. Council of Europe (1992): <https://rm.coe.int/16804c9d9bb/>; UNESCO (2015) <https://unesdoc.unesco.org/ark:/48223/ptf0000235409>; original version promulgated, 1978, revised in 2014. Brighton plus Helsinki Declaration: International Working Group on Women and Sport (2014)

Case study 1: TV sport spectatorship for all

The Sport for All policy, discussed above, refers to active participation in sport, but Roche (2000, pp. 176-177) and Rowe (2006) raise the issue of 'TV sport spectatorship for all'. Major sports can be seen as significant parts of a society's culture, so access to free-to-air television broadcasts can be seen as one of the means by which individuals might exercise the right to freely engage in the 'cultural life of the community'. While the real-time nature of both sport and general news events are important to traditional broadcast television, sport has the advantage of offering exclusive broadcast rights in exchange for typically substantial fees paid to sport governing bodies. In a free market, it might often be the case that maximum fees would be obtained from subscription or pay-per-view television channels, or pay-TV. This would, however, exclude those members of the community who cannot afford to pay. In such a situation, the audiences for culturally significant events would be significantly reduced, thus diminishing their 'public good' qualities.^{iv} A number of countries have therefore legislated to permit an appropriate government minister to interfere with the market process by designating a list of significant sporting events which must be made available to for live-broadcast by free-to-air television broadcasters to broadcast live. Lists generally include international events and key annual domestic events, for example the FA Cup and the Grand National in England (Ofcom, nd) and the Australian Football League Grand Final and the Melbourne Cup in Australia. Complete seasons of some leagues may also be covered (e.g., Australian Government, 2017).

Arts and culture

The *arts* are explicitly recognized in Article 27 of the UDHR in the reference to the right to 'participation in the cultural life of the community' and to 'enjoy the arts'. The UN Committee on Economic, Social and Cultural Rights (UNCECR) sees culture as encompassing:

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. (UNCECR, 2009, p. 4)

Furthermore, the committee asserts that securing the right to cultural participation 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. (UNCECR, 2009, pp. 4-5)

The committee therefore affirms the broad scope of culture, but this breadth also highlights the fact that the term is used in two senses:

- The *minority culture* sense refers to the rights of minority groups to practice their unique cultures in the context of the existence of mainstream national or regional majority cultures and/or of globalization. Securing *minority cultural rights* involves ensuring measures are taken, and a range of leisure and non-leisure resources are available, for minority cultures to flourish in the context of cultural diversity.
- The *general culture* sense refers to the right of the totality of members of a society to engage with culture generally. Securing *general cultural rights* involves overcoming class, educational, ethnic, economic and general supply constraints to engagement in cultural activity whether related to majority or minority cultural traditions. This in turn involves consideration of just what constitutes the 'cultural life' and the range of 'cultural goods, institutions and activities' in which the general right to participate is to be ensured.

The *minority culture* conception links so closely with wider UN preoccupations with self-determination and development that, in UN and related discussions of culture (e.g. Shaheed, 2013; Hansen, 2002), it is often given emphasis at the expense of the *general culture* conception. In regard to *general culture*: since it includes popular culture, a statement of rights to participate hardly seems necessary, since popular culture is, by definition, enjoyed by the mass of the population. Insofar as 'culture' and 'the arts' include high culture then, as Harvey suggests, most countries could be said to violate access rights on a wide scale, since such participation and enjoyment is generally highly skewed in favour of the better off groups in society. Most governments would point to programmes of subsidy and free services, such as public broadcasting, but the result is typically that the skewed pattern of participation remains. As happens in the case of sport, there may be a case for governments to promote more, or more effective, school-based activity in the hope of encouraging life-long participation. However, the imbalance in participation is rarely spoken of in terms of violation of human rights.

Independent international declarations on cultural rights, paralleling those produced for leisure or sport do not exist. However, Donald Horne, in *The Public Culture* (1986, pp. 232-237), produced a 'declaration of cultural rights', consisting of rights to access to the human cultural heritage and new art and rights to community art participation, but this does not appear to have been adopted more widely. Bill Ivey (2008, p. xvii) refers to a 2000 proposal to establish a Cultural Bill of Rights in the USA, but this did not proceed. In Britain, in 2004, the Visual Arts and Galleries Association, inspired

by Article 27 of the UDHR, launched a Right to Art campaign, which argued that, as a signatory to the UDHR, the 'British government has a responsibility to make this aspiration [cultural participation for all] a reality; that 'current policies preach the principle of universal access to visual art, but this is not being achieved in practice' (Hewison and Holden, 2004, p. 3). In Australia, a 1990s culture policy statement contained a preamble from an advisory panel of experts recommending that the Australian government should commit itself to a 'Charter of Cultural Rights' but this was ignored in the main body of the document (Commonwealth of Australia, 1994). A successor document refers to the 'right to shape our cultural identity' (Australian Government, 2013, p. 6) in the context of multi-cultural society, thus referring to the country's multiplicity of minority cultures rather than the general culture, as discussed above. However, it does endorse children's right to an 'arts education' (p. 77).

Tourism and travel

In the area of *tourism* the right to holidays with pay and the right to freedom of travel, for any purpose, are enshrined in the UDHR and reiterated in a number of subsequent declarations, as indicated in Box 4. Of particular note is the *Global Code of Ethics for Tourism* promulgated by the World Tourism Organization in 1998, which extends the idea of rights in this area to: 'the discovery and enjoyment of the planet's resources'; conditions of work in the tourism industry; and the right of destination/host communities not to be unjustly exploited by tourism.

Box 4. Declarations on rights to travel, holidays and tourism

1948: The Universal Declaration of Human Rights

Article 13: Everyone has the right to leave any country, including his own, and to return to his country.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

1998: Global Code of Ethics for Tourism

We, members of the World Tourism Organization (WTO) representatives of the world tourism industry, delegates of States, territories, enterprises, institutions and bodies that are gathered for the General Assembly at Santiago, Chile on this first day of October 1999, ... affirm the right to tourism and the freedom of tourist movements

Article 7: Right to tourism

1. The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way.
2. The universal right to tourism must be regarded as the corollary of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, guaranteed by Article 24 of the UDHR and Article 7d of the ICESCR.
3. Social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travel and holidays, should be developed with the support of the public authorities.
4. Family, youth, student and senior tourism and tourism for people with disabilities, should be encouraged and facilitated.

Article 8: Liberty of tourist movements

1. Tourists and visitors should benefit, in compliance with international law and national legislation, from the liberty to move within their countries and from one State to another, in accordance with Article 13 of the Universal Declaration of Human Rights; they should have access to places of transit and stay and to tourism and cultural sites without being subject to excessive formalities or discrimination.

Article 9: Rights of the workers and entrepreneurs in the tourism industry

1. The fundamental rights of ... workers in the tourism industry ... should be guaranteed ... with particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industry and the flexibility often required of them by the nature of their work.
2. Workers in the tourism industry ... have the right and the duty to acquire appropriate initial and continuous training; they should be given adequate social protection; job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector. ...
3. Multinational enterprises of the tourism industry should not exploit the dominant positions they sometimes occupy; they should avoid becoming the vehicles of cultural and social models artificially imposed on the host communities; in exchange for their freedom to invest and trade which should be fully recognized, they should involve themselves in local development, avoiding, by the excessive repatriation of their profits or their induced imports, a reduction of their contribution to the economies in which they are established.

(World Tourism Organization, at: <https://www.unwto.org/global-code-of-ethics-for-tourism>)

The right to holidays with pay illustrates the moral rights/positive rights distinction discussed above. Even among the most highly developed economies, holiday entitlements vary substantially – workers in the United States and Japan, for example, enjoy only about half the entitlements of workers in Europe. But the idea that American and Japanese workers' human rights are therefore being violated is not generally discussed. The study of tourism has been less public-sector-orientated than the study of leisure, so the idea of the holiday as a right, which might parallel the idea of leisure as a right, has not been a significant feature of debates in the tourism literature. An exception among tourism researchers was Krippendorff, who stated:

What our society offers routine-weary people is tourism, a variety of holidays outside the everyday world, extolling them as escape-aids, problem-solvers, suppliers of strength, energy, new lifeblood and happiness. The get-away offer should be accessible to everyone. After the 'right to holidays', the 'right to holiday travel' has now become a socio-political issue: tourism for all social classes. (Krippendorf, 1987, p.17)

He did not, however, indicate where or with whom these matters have become a 'socio-political issue'.

Considerable attention has been given to the extent to which the exercise of the right to travel by tourists from developed countries infringes the rights of residents in developing countries which are tourism hosts. Infringements range from environmental impacts to labour exploitation and sexual abuse. A considerable literature has now developed in this area, as indicated in the Resources section.

An exception to the treatment of tourism as a commercial enterprise is the idea of 'social tourism', which refers to the practice of social security organizations enabling people in various disadvantaged situations to take a holiday away from home (McCabe, *et al.*, 2012). This practice, less common than it once was, can be seen as extending the right to a holiday to those who would otherwise be denied. It merits a passing mention in the *Global Code of Ethics for Tourism*, but only as something which 'should be developed'.

4. GROUP RIGHTS

Campaigns for equal or special rights have been mounted by or on behalf of numerous social groups with varying degrees of success, and a number having been the subject of UN declarations, as shown in Box 1.

The nineteenth century campaigns for reduced working hours initially related to children and women and such campaigns continue today in relation to certain developing countries, particularly where exploitation of child labour continues. Others who have sought to assert their rights include the aged, people with disabilities and ethnic minorities and indigenous people. Leisure rights of people with disabilities, children, women and ethnic minorities and indigenous peoples are briefly discussed in turn below.

People with disabilities

The rights of *people with disabilities* were the subject of a 1975 UN declaration codified into the 2006 *Convention on the Rights of Persons with Disabilities* (see Box 1). However, the latter makes no specific reference to *leisure*, just to the right of persons with disabilities to 'enjoy a decent life' and to have their needs taken into account in social planning. In many countries these rights have been enshrined in legislation but, as Darcy (1999) points out, declarations of rights, and even legislation, do not always ensure suitable provision; this requires a change in the mind-set of the community and decision-makers. A study demonstrating this issue is summarized in Case study 2.

Case study 2: Persons with disabilities and access to culture

A study of the implementation of Australia's 1992 Disability Discrimination Act (DDA) by Darcy and Taylor (2009), provided an insight into the workings of a legal framework for the implementation of human rights in regard to cultural participation by people with disabilities. The DDA is the means by which the Australian Government seeks to meet its obligations under the 2006 UN Convention on the Rights of Persons with Disabilities and its earlier manifestations. The Act established that the already existing Australian Human Rights and Equal Opportunity Commission (HREOC) would oversee its implementation. This involved the establishment of a complaints procedure and appointment of a Disability Discrimination Commissioner as part of the HREOC. Complaints regarding discrimination experienced by people with disabilities can be lodged with the HREOC which, for non-trivial complaints, seeks to conciliate between the complainant and the alleged offending organization. If agreement cannot be reached, complainants may take their case to the Federal Court for a legal ruling. Darcy and Taylor examined reports on 420 complaint cases and 80 HREOC hearings and Federal Court cases over a ten year period. They identified a number of recurrent themes to do with access to the buildings and public transport and the usability of telecommunications.

New and substantially renovated buildings, including such leisure facilities as cinemas/theatres, swimming pools, and public meeting rooms, should be accessible to all, reflecting the principles of *universal design*. This involves the idea that a design feature which makes a facility accessible to persons with disabilities will generally also be accessible to everybody else. Yet Darcy and Taylor note cases of a new convention centre in which wheelchair users could not use the main entrance and a new cinema with no lift/elevator access to upper floors. Other cases were noted in which: people with guide dogs were refused entry to premises; there was inadequate information on accessibility of hotels/motels for people with disabilities making accommodation bookings; new public busses were being purchased without wheelchair access; and airlines were providing inadequate support to travellers with disabilities. The study demonstrated that, even with a full legal framework in a wealthy country, ensuring actual compliance requires constant monitoring and holding of organizations to account.

Children

The 1989 *Convention on the Rights of the Child* is among the most widely endorsed of UN treaties. It asserts that governments should 'encourage the provision of appropriate and equal opportunities' for children, but the term 'appropriate' is undefined. It is arguable that these rights are being widely violated, with exploitation and abuse of children in institutions intended for their care, having been the subject of high profile inquiries in a number of countries in recent years. Child labour, often in appalling conditions, is also often reported. These practices often involve the denial of opportunity for play and exercise, as well as education and human affection.

Women

Campaigns for the rights of women are part of the platform of feminist movements (discussed in Chapter 2 of Veal, 2017). The 1979 *Convention on the Elimination of all Forms of Discrimination Against Women* contains references to 'recreational activities, sports and all aspects of cultural life', but there is no discussion of the right to leisure time. In the feminist leisure studies literature there is limited discussion of the idea of rights. It is notable that Article 24 of the UDHR, which is concerned with hours of work and holidays with pay, is entirely addressed to those in paid employment and, in reality, those in *full-time* paid employment. Thus there is an implicit bias towards men since, certainly in 1948 when the Universal Declaration was drawn up, only a minority of women were in full-time paid employment. The idea that people not in paid employment might also have leisure rights is thus ignored. It is curious that this has not been taken up in discussion of women's rights to leisure. As with the Australian example discussed in Case study 2, gender-based discrimination can also be the subject of human rights complaints, as indicated in Case study 3.

Case study 3. Gender equity in access to sport facilities

In 1996, the director of a gymnastics club in the City of Coquitlam in the Canadian province of British Columbia brought a complaint to the British Columbia Human Rights Commission (BCHRC), that the city council was discriminating against women and girls in its allocation of funds for sport and recreation. This, it was claimed, was contrary to the BC Human Rights Code which made it illegal to deny access to public services or facilities to any person or class of persons because of their 'race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation'. The complaint was resolved by mediation between the city and the complainant, facilitated by the BCHRC. As a result, the city council conducted research which established the extent to which sport and recreation funds were being inequitably distributed and instituted a special program to address the issue. This involved: establishment of a Gender Equity Committee; appointment of a Gender Equity Commissioner; and implementing a plan to achieve a 50% reduction in gender inequities in the funding and management of sport and recreation facilities and programmes within five years, with a corresponding increase in the participation of young girls in sport in the city. The case did not establish legal precedents for other municipalities in the province (because it did not involve a Tribunal decision), but it did establish that gender inequity in sport was an issue which the BCHRC considered worthy of its attention. (Sport Law Strategy Group, 2000)

Ethnic minorities and indigenous peoples

The rights of ethnic minorities and indigenous peoples have been the subject of recent UN declarations. Here, as well as issues of discrimination and access to mainstream activities, there is an emphasis on cultural pluralism, with the declarations asserting the rights of minority groups to practice their own culture. This has implications for planning and provision (as discussed in Chapter 7 of Veal, 2017).

National sovereignty

Declarations of rights are often international in nature. Individual nations sign agreements or treaties which commit them to uphold the declarations – so they become, in effect, international law. In some cases there are enforcement mechanisms, or at least monitoring systems, for example the International Court of Human Rights in The Hague. In signing treaties and accepting the jurisdiction of such entities, nations surrender a part of their sovereignty, which can be seen as a loss of freedom. This loss of sovereignty provides political ammunition for those opposed to the treaties in the first place.

5. OTHER RIGHTS

The UDHR and ICESCR are concerned with intellectual property rights, or copyright, which involve scientific and industrial matters, but also creative/cultural matters which relate to leisure. Also discussed here are ideas about rights which have developed in recent years and have implications for leisure and tourism, including the idea of the rights of future generations and the rights of animals.

Intellectual property

In addition to the leisure time and cultural rights discussed above, Article 15 of the ICESCR requires governments to recognize the right of everyone to 'benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production' of which they are the author. These rights are enshrined in national and international intellectual property or copyright laws. As Ivey (2008, p. 12) puts it: 'copyright is a government-protected right – a monopoly of sorts – that allows artists to produce copies of their creative work while preventing others from making copies without their permission'. International regulation of this field began with the 1886 Berne Convention for the Protection of Literary and Artistic Works. This pre-dates the UDHR, no doubt because the rights and interests involved are not just of individuals but also of corporations. Numerous additional conventions have since been established, particularly to reflect changes in technology (World Intellectual Property Organization, 2016). The field has experienced rapid growth in recent decades as a result of technological change, particularly related to the internet, mobile communication devices and related software and the corporate environment. The advent of photo-copying and then digitization and associated communication media has caused significant disruption to cultural industries such as publishing, music and drama.

Future generations

Sustainable development, has become a significant theme in tourism following the publication in 1987 of the report of the World Commission on Environment and Development (WCED), *Our Common Future* (the Brundtland Report). Sustainable development was defined in the report as: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1990: 43). Thus the principle was established that development should respect the rights of *future generations*. It is not proposed to explore this issue in detail here: suffice to say that it introduces a whole new dimension to the discussion of rights and imposes potentially highly significant constraints on development.

Animal rights

Another type of right which has been increasingly recognized and has had implications for leisure and tourism is animal rights. In the Colosseum in ancient Rome animals were slaughtered by the thousand for public entertainment. Part of the history of leisure in many countries has been the gradual outlawing of leisure activities involving cruelty to animals, including bear-baiting, cock-fighting and many forms of hunting, although they continue in many parts of the world. Bull-fighting in Spain, which continues today, can be seen as a violation of animal rights for leisure and tourism purposes. The banning of these forms of activity can, of course, be seen as an infringement of the rights of those humans who wish to participate, and such arguments are used by participants when the activity is threatened. The resolution of the conflict of interest between defenders of the right, for example to hunt, and the defenders of the rights of the animal to live, or at least to be killed humanely, becomes a matter of politics, a matter of which group has more political power. Less extreme examples include performing animals in circuses, unsuitable caging of animals in zoos, and often illegal capture of wild and endangered species for the pet trade.

6. HUMAN RIGHTS AND MEASUREMENT

The idea of measuring the relative economic performance of countries is well-established through the work of organizations such as the Organisation for Economic Cooperation and Development (OECD) and, in relation to human welfare more widely, by the United Nations (nd). Similar cross-national exercises have been conducted focussed specifically on human rights. Much of the comparative activity is involved in recording violations of human rights, such as the number of political prisoners held in countries, but indicators of progress in achieving positive rights, for example access to education, can also be recorded. The section on 'Reporting to the UN' above, notes that guidance is offered on what should be included in the periodic reports which member states submit to the UN indicating their progress in achieving or upholding the rights in the ICCPR and ICESCR. Among the requirements are statistical data on the enjoyment of each right, 'disaggregated by age, gender, ethnic origin, urban/rural population etc., on an annual comparative basis over the past five years' (UNCESCR, 2009, pp.3-4). Advice on measurement 'indicators' are available from the Office of the High Commissioner on Human Rights (OHCHR, 2012) and from independent sources, such as the Social and Economic Rights Fulfilment (SERF) index (Fukuda-Parr *et al.*, 2015). However, both sources tend to concentrate on the 'six core social and economic rights': the right to: food; education; health; housing; work; and social security. Therefore, guidance is not provided on working hours or travel and cultural rights. It is therefore perhaps not surprising to find that indicators for these rights are not generally provided in country reports to the UN.^v There is scope, therefore, for researchers to devise appropriate indicators which might, in future, be taken up by member states. An example of how this might be approached is discussed in Case study 4.

Case study 4: Measuring the right to leisure time

The UDHR right to 'rest and leisure, including reasonable limitation of working hours and periodic holidays with pay' is essentially a time-based right related to employment. In the United Nations system, this can be seen as relating to the working hours of paid employees. The International Labour Organization collates data on working hours in paid employment, but this is only an indirect measure of leisure time, given that non-paid-working time also includes unpaid (mostly domestic) work time and sleep and personal maintenance time (eating, bathing etc.). This more complex information is typically collected by means of special time use surveys. However, not all countries conduct such surveys and even those that do tend to do so only sporadically – although there is an attempt to coordinate regular surveys among EU member states in the form of the Harmonised European Time Use Survey project (Eurostat, nd). However, Fisher and Robinson (2009), of the London-based Centre for Time Use Research, have collated data from time-use surveys in 17 countries which can be used for illustrative purposes.

If countries were to use this survey information to report on the progress/performance in regard to the right to leisure time, how might it be evaluated? It should be noted that the ICESCR states that, in regard to economic, social and cultural rights, a ratifying government is required 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: Article 2). Unlike most civil and political rights, therefore, resources – for example income – should be taken into account. For the 17 countries covered by the Fisher and Robinson study, therefore, Figure 1 shows the level of leisure time related to Gross Domestic Product (GDP) per capita. It can be seen that there is a general tendency for leisure time to increase with GDP/head but, for any income range, there is a considerable range of leisure time – for example, at a GDP/head level of about \$35,000, Finnish adults enjoy about 13 hours more free time per week than Japanese adults. It could be argued that to progress the right to free time, countries located below the regression line in Figure 1, should seek to move closer to the line. Of course, countries in this situation might argue that the differences in the amount of leisure time between countries reflect cultural preferences, but it would be reasonable to enquire as to the evidence for this assertion. However, even in the case of the example of Japan, there is evidence to suggest that there is a view among some Japanese that an increase in leisure time would be beneficial (Harada, 1994).

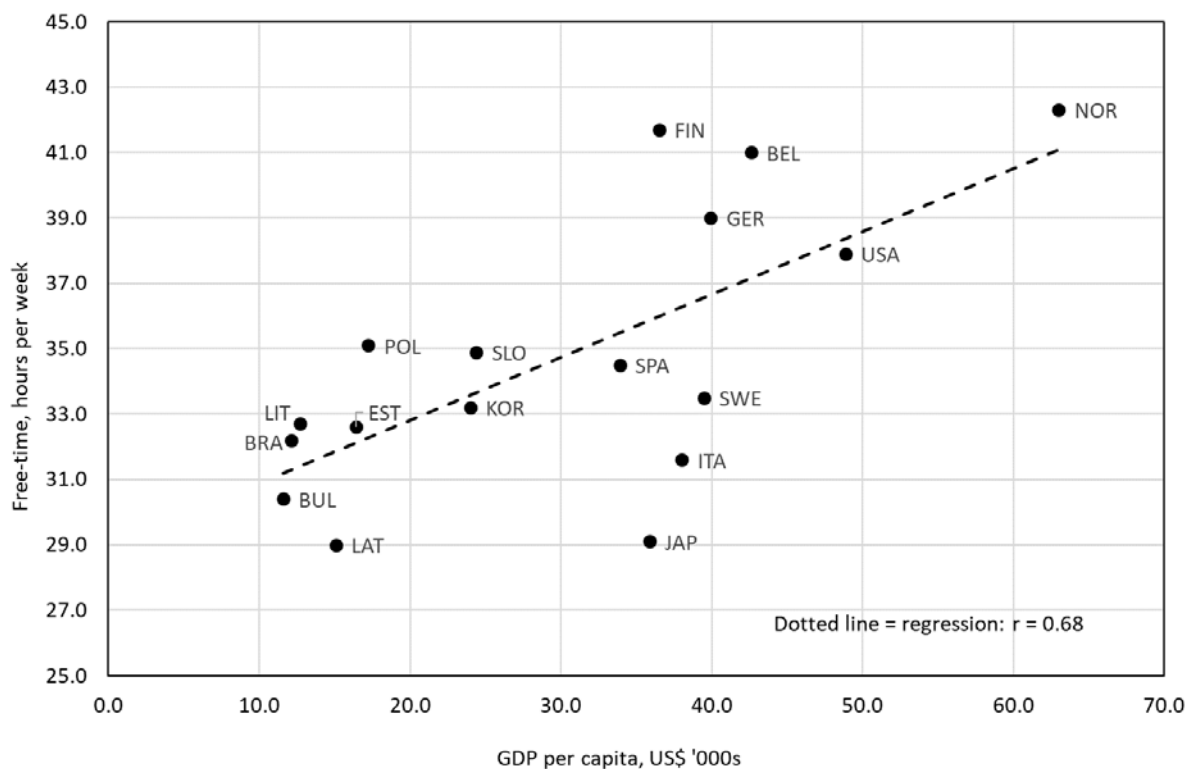


Figure 1 Free time per adult per week by GDP per capita, 17 countries

Source: Author's graphic using data from Fisher and Robinson (2009)

7. THE RIGHTS OF THE CITIZEN

Human rights, as discussed above, are intended to be universal, that is global, in nature which perhaps makes the link with leisure and tourism provision somewhat tenuous for most people. The idea of rights arising from *citizenship* is arguably more tangible, since citizenship applies to a particular country with a responsible government. Citizenship has been defined as: ‘... a bundle of entitlements and obligations which constitute individuals as fully fledged members of a socio-political community, providing them with access to scarce resources’ (Turner, 1994, p. xv).

The idea of citizenship has a long history stretching back at least to the ancient Greek and Roman city-states, but its modern form has developed over the last 300 years. In work originally published in the 1950s and 1960s, T. H. Marshall divided the rights of the citizen into three groups: civil, political and social (Marshall, 1994).

- *Civil*, or legal, rights concern the ‘liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts and the right to justice’.
- *Political* rights concern the right to take part in the democratic process of electing governments.
- *Social* rights include the right to ‘a modicum of economic welfare and security .. the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in that society’ (Marshall, 1994, p. 9).

The last of these categories, social rights, is the most controversial because of its link with the welfare state. Critics from the radical left have attacked the idea, arguing that the claim that equality of social rights can overcome or ameliorate class-based inequality is unfounded (Hindess, 1993). The idea of citizenship has traditionally been defended by those on the right of the political spectrum, since it appears to accommodate the principles of the free individual and a compassionate market system (Saunders, 1994). However, the twentieth century rise of ‘social rights’ in the form of the welfare state has been the focus of criticism from the political New Right, which has wished to see a ‘rolling back’ of the welfare state.

Citizenship implies not only rights but also duties or obligations. In earlier eras, obligations were often numerous – for example duties owed to the local church or to the lord of the manor or, less formally, to neighbours. As the rights of citizenship became formalized, so did the obligations. In the civil/legal area citizens are expected to observe the law and, for example, to pay taxes, serve on juries and, if called upon, to bear arms to defend the state. In the political arena, citizens are expected to take part in the democratic process by voting, a duty enforced by law in 22 countries. In the social area, the right to education is matched by the legal obligation of parents to ensure that their children attend school. The right to certain forms of retirement pension is linked with the expectation of having worked for a living. Unemployment benefit is matched by an expectation that the unemployed will actively search for paid work and undertake required training. However, as Roche (1992, p. 159) argues, there is also an expectation of a ‘right to work’ and high levels of unemployment undermine this social contract.

The concept of economic, social and cultural rights is implicit in the concept of *standards* of provision (as discussed in Veal, 2017, Chapter 7). This principle, applied in areas such as education, housing and public health as well as in leisure services, suggests that people have a right to expect a certain minimum standard of public services regardless of where they live in a country, and that government should ensure that right, although this is not an uncontested view.

In a number of contributions, Fred Coalter (1988, pp. 31-2; 1998) has critically discussed the relationship between citizens’ (social) rights and leisure services. His concern is primarily with the way interest in this nexus has exerted an undue influence on the theoretical study of leisure, resulting in an over-emphasis on the role of public sector provision. The bulk of leisure services in Western countries is provided by the market, which is therefore likely to be satisfying *some* citizens’ rights in regard to leisure provision. It is therefore not necessarily the case that only publicly provided leisure services are capable of contributing to the satisfaction of social rights.

Coalter (1988), Wilson (1988, p.10) and Henry (1995, p. 52) claim, that ‘the right to leisure’ was recognized by British governments in the 1970s, notably in the White Paper on *Sport and Recreation* (Department of the Environment, 1975), which accepted the view of an earlier parliamentary inquiry that recreation should be regarded as part of the ‘general fabric of the social services’. However, a formal declaration of leisure provision as a right has never been made by the British government. Thus, even with a Labour government in power, the White Paper was not followed by an Act of Parliament and, while it endorsed the Council of Europe’s ‘Sport for All’ policy and the accompanying charter, it did not explicitly declare sport, or access to sport facilities, as a right of citizenship. It had long been the wish of the leisure management profession in Britain that a statutory obligation be placed on local government to provide leisure facilities, but such provision has remained discretionary – hardly a ringing endorsement of a right of citizenship. A similar reticence has existed in Australia, where a 1985 Labour government policy document on recreation (Brown, 1985) stopped short of declaring any right of access to leisure services. In a 1990s policy statement on culture, again from a Labour government, the recommendation of a panel of experts, that the Australian government commit itself to a ‘Charter of Cultural Rights’ was, as noted above, reproduced as a preamble to the policy document, but ignored in the main body of the document (Commonwealth of Australia, 1994).

In Britain, the philosophy of the Conservative government, which came to power in 1979 under Margaret Thatcher, was to 'roll back' the welfare state rather than extend it, so earlier talk of leisure as a social service was soon abandoned. In the early 1990s, however, under the leadership of John Major, the Conservative government enshrined the idea of citizenship in the *Citizen's Charter* (Prime Minister, 1991). The charter nevertheless involved a quite limited conceptualization of 'the citizen', as a consumer of public services. As Murdock (1994, p.247) put it, citizenship was incorporated into the: 'rhetoric of consumerism which presents consumer rights as ... synonymous with the rights of citizenship'. Furthermore, with its emphasis on delivery of public services, the charter was more of a 'political administrative initiative' than a 'full rights-orientated constitutional approach' (Doern, 1993). With its emphasis on 'choice' and 'value for money', it could also be seen as a stalking horse for privatization of those public services which failed to measure up to expectations. The opening paragraphs of the charter stated:

Choice can .. be extended within the public sector. When the public sector remains responsible for a function it can introduce competition and pressure for efficiency by contracting with the private sector for its provision. ... choice can be restored by alternative forms of provision, and creating a wider range of options wherever that is cost-effective. .. Through the Citizen's Charter the Government is now determined to drive reforms further into the core of the public services, extending the benefits of choice, competition, and commitment to service more widely. (Prime Minister, 1991, p. 4)

Local authorities' responses to the charter in a range of service areas were assessed by government through 'performance indicators' developed by the Audit Commission. As Lentell (1996) pointed out, the limited attempts of the commission to achieve this in relation to leisure services raised as many questions as they answered.

With another change of government in Britain, to 'New Labour' in 1997, this particular approach was not abandoned, but modified. Charters mushroomed under Labour: a total of 30 from different government agencies were listed on the Cabinet Office (2001) 'Service First' website. However, as with the former Conservative government's initiative, the rights enshrined in these charters were *consumer* rights: they were concerned with the efficient and fair administration of services rather than with consideration of the overall range and quantum of services to which the individual might be entitled.

With the change of government to New Labour had come the 'Third Way' in politics (see Veal, 2017, Chapter 3). As outlined by Anthony Giddens, this involved a re-examination of the relationship between rights and obligations:

Having abandoned collectivism, third way politics looks for a new relationship between the individual and the community, a redefinition of rights and obligations. One might suggest as a prime motto for the new politics, *no rights without responsibilities*. Government has a whole cluster of responsibilities for its citizens and others, including the protection of the vulnerable. Old-style social democracy, however, was inclined to treat rights as unconditional claims. With expanding individualism should come an extension of individual obligations. Unemployment benefits, for example, should carry the obligation to actively look for work, and it is up to governments to ensure that welfare systems do not discourage active search. As an ethical principle, 'no rights without responsibilities' must apply not only to welfare recipients, but to everyone. It is highly important for social democrats to stress this, because otherwise the precept can be held to apply only to the poor or to the needy – as tends to be the case with the political right. (Giddens, 1998, p. 65)

The nature of the obligations of non-welfare recipients are not, however, spelled out. It is a sign of the confusing politics of the times that, while these principles were being expounded by a Labour government in Britain, on the other side of the world, in Australia, a right-wing conservative government, under Prime Minister John Howard, was expounding a similar principle, using the term 'mutual obligation', under which unemployed people could be required to 'work for the dole' and could lose state benefits if they failed to fill a prescribed quota of job applications.

While informal leisure-related obligations exist for the citizen – for example, to support various charitable fund-raising efforts, to serve on committees or act as sports officials, to attend social functions and, in smaller communities, to 'turn out' for sporting or celebratory events – obligations in regard to state-provided services have traditionally been virtually non-existent. The nearest to an 'obligation' is the notion of 'user pays', in whole or part. This increasingly common feature of public leisure services reflects the idea that the state should not bear the full cost of leisure services, but just that proportion which produces 'social' benefits for the community, while the individual bears the cost of the 'private' benefits.

Social rights arising from the idea of citizenship may be seen as more meaningful and practical and less contentious than the idea of universal human rights but, along with the possibility of implementation, goes political dispute and uncertainty. Despite the rhetoric, it would seem that government practice implicitly reflects the view of Roberts, that leisure demands are so numerous, diverse and 'capable of indefinite extension' that servicing them 'cannot be made into a right of citizenship' (Roberts, 1978, p. 155).

8. SUMMARY: RIGHTS AND PUBLIC POLICY

Declarations of human rights and of citizens' rights, including certain rights in the area of leisure, sport, tourism and culture, while they may have a philosophical or biological basis, are clearly political in nature. Declarations of rights are not scientific statements, they are values-based and reflect political commitment. Thus international rights declarations and covenants achieve legitimacy only when they have been formally ratified by governments. Once ratified, the declarations have a status similar to an international treaty and become part of international law. Subsequent failure of governments to observe such statements may become the focus of political protest and/or legal proceedings. By contrast, attempts have been made, particularly in the leisure studies literature, to imbue statements of need with a scientific status.

The discussion in this chapter leads to the conclusion that, if they are to form the basis for public policy, statements of need must also be seen as values-based and political in nature. Thus rights and needs, in this context, are one and the same thing. It follows that public policy must inevitably be about values and politics (see Veal, 2017, Chapter 5).

QUESTIONS/EXERCISES

1. What is the difference between a 'right' as discussed in this document and a 'need', as discussed in Veal (2017, Chapter 3)?
2. In what ways are the right to (a) leisure time, (b) travel, (c) play sport and (d) engage in the cultural life of the community, sometimes infringed by governments?
3. In what ways do labour rights affect leisure, sport, tourism and culture, (a) nationally, (b) internationally?
4. Marshall outlines three types of rights of the citizen: what are they and how is each defined?
5. If individuals have 'obligations' as well as 'rights', what obligations are there in (a) leisure, (b) sport, (c) tourism, (d) culture?
6. In what way can declarations of rights be seen as potential threats to freedom?
7. Examine any one of the declarations in Boxes 1-4 and discuss the implications for public leisure, sport, tourism and cultural policy at (a) national level, (b) local level.
8. Examine the extent to which human rights legislation in your own country takes account of the sorts of leisure, sport, tourism-related and cultural rights discussed in this chapter.
9. It is sometimes claimed that international agreements, such as those entered into under the auspices of the United Nations or the European Union, threaten national sovereignty. What implications does this have for such agreements?
10. What are the implications of the human rights of people in developing countries for policymaking in the area of leisure, sport, tourism and culture in developed countries?

RESOURCES

Websites

United Nations: General: <http://indicators.ohchr.org/>; Country reports: <http://indicators.ohchr.org/>;

Tourism: UNWTO Code of Ethics: <https://www.unwto.org/global-code-of-ethics-for-tourism/>; Tourism Concern: www.tourismconcern.org.uk/

World Leisure Organization: Charter for leisure: www.worldleisure.org/charter.

Publications

- Children/play: Simpson (2005).
- Cultural rights: Shaheed (2013); Ivey (2008); Australian Government (2013).
 - Intellectual property/Copyright: Ivey (2008, pp. 12-14, 70-81); World Intellectual Property Organization (2016).
- Human rights in general: Brownlie (1992); Cranston (1973, 1983); Donnelly (2013); Ignatieff (2001); MacFarlane (1985); Nickel (2007); Turner (1993); Villiers (2001); Asian challenge: Bauer and Bell (2009).

- Leisure and human rights: Caudwell and McGee (2018); McGrath, Young and Adams (2017); Richards and Carbonetti (2013); Rojek (2005); Rose (2016); Veal (2015); World Leisure Organization (2020):
 - related to labour rights: Risse (2009);
 - therapeutic recreation: Sylvester (1992).
- Sport and human rights: Donnelly (2008); Giulianotti and McArdle (2006); Jarvie (2006); Kidd and Donnelly (2000); Taylor (1999):
 - exploitation of young athletes/children: Brackenridge (2014); Brackenridge *et al.* (2014); David (2005); Donnelly and Petherick (2014);
 - major events: Adams and Piekarz (2015); Horne (2018); Lenskyj (2008); McGillivray *et al.* (2018); Timms (2012);
 - South African sport boycotts (Booth, 2003);
 - Women: Lenskyj (1991);
 - 'TV sport for all': Roche (2000: 176); Rowe (2006); Australian Government (2017).
- Tourism and human rights: Bianchi and Stephenson (2014); Cole and Ericksson (2010); Lovelock and Lovelock (2013); George and Varghese (2007); Ray and Schmitt (2008); Tourism Concern (2009); UN World Tourism Organization (1985):
 - in relation to labour rights: Richards (1998);
 - international agreements and declarations: Edgell (1990);
 - and the poor: Hall (2007);
 - social tourism: Haulot (1981); Minnaert, Maitland and Miller (2009); McCabe (2009); McCabe, Minnaert and Diekmann (2012).
- People with disabilities, human rights and leisure: Darcy and Taylor (2009); Darcy and Dowse, (2013).
- Measurement/indices: Fukuda-Parr *et al.* (2015); HURIDOCS (nd); Landman (2004).
- Nature/heritage: Kellert (2012); Nash (1989); Ravenscroft and Gilchrist (2011).
- Rights of way: Champion and Stephenson (2014); Curry (2002); Hunter (1896/2011); McNeish and Oliver (2017).
- Citizenship: Coalter (1998); Doern (1993); Glover (2002); Houlihan (2001); Marshall (1994); Roche (1992); Saunders (1993); Turner and Hamilton (1994).
- Rights of animals: Carr and Young (2018a, 2018b); Danby, Dashper and Finkel (2019).

References

- Adams, A., and Piekarz, M. (2015) Sport events and human rights: positive promotion or negative erosion? *Journal of Policy Research in Tourism, Leisure and Events*. 7(3), 220-236.
- Armitage, J. (1970) *Man at Play: Nine Centuries of Pleasure Making*. Frederick Warne, London.
- Australian Government (2013) *Creative Australia: National Cultural Policy*. Commonwealth of Australia, Canberra, Australia.
- Australian Government (2017) *Broadcasting Services (Events) Notice (No. 1) 2010*. Australian Government, Canberra, Australia, www.legislation.gov.au/Details/F2017C00987
- Bauer, J.R., and Bell, D.A. (eds) (2009) *The East Asian Challenge for Human Rights*. Cambridge University Press, Cambridge, UK.
- Bianchi, R.V., and Stephenson, M.L. (2014) *Tourism and Citizenship: Rights, Freedoms and Responsibilities in the Global Order*. Routledge, London.
- Booth, D. (2003) Hitting apartheid for six? The politics of the South African sports boycott. *Journal of Contemporary History*, 38(3), 477-93.
- Brackenridge, C. (2014) Women and children first? Child abuse and child protection in sport. In R. Giulianotti and D. McArdle (eds), *Sport, Civil Liberties and Human Rights*. Routledge, London, pp. 30-45.
- Brackenridge, C.H., Rhind, D., and Palmer-Feigate, S. (2014) Locating and mitigating risks to children associated with major sporting events. *Journal of Policy Research in Tourism, Leisure and Events*, 7(3), 237-250.
- Brown, J. (1985) *Towards the Development of a Commonwealth Policy on Recreation*. AGPS, Canberra, Australia.
- Brownlie, I. (ed.) (1992) *Basic Documents on Human Rights*. Clarendon Press, Oxford, UK.

- Cabinet Office (2001) *Service First: The New Charter Programme*. Cabinet Office, London.
- Campion, R., and Stephenson, J. (2014) Recreation on private property: Landowner attitudes towards Allemanstrat. *Journal of Policy Research in Tourism, Leisure and Events*, 6(1), 52-65.
- Carr, N., and Young, J. (eds) (2018a) *Domestic Animals, Humans, and Leisure: Rights, Welfare, and Wellbeing*. Routledge, London.
- Carr, N., and Young, J. (eds) (2018b) *Wild Animals and Leisure: Rights and Wellbeing*. Routledge, London.
- Caudwell, J., and McGee, D. (2018) Editorial: From promotion to protection: human rights and events, leisure and sport. *Leisure Studies*, 37(1), 1-10.
- Coalter, F. (1988) *Recreational Welfare*. Avebury/Gower, Aldershot, UK.
- Coalter, F. (1998) Leisure studies, leisure policy and social citizenship: the failure of welfare or the limits of welfare? *Leisure Studies*, 17(1), 21-36.
- Cole, S., and Ericksson, J. (2010) Tourism and human rights. In S. Cole and N. Morgan (eds), *Tourism and Inequality: Problems and Prospects*. CAB International, Wallingford, UK, pp. 107-25.
- Commonwealth of Australia (1994) *Creative Nation: Commonwealth Cultural Policy*. Department of Communication and the Arts, Canberra, Australia.
- Council of Europe (1992) *European Sport for All Charter*. Council of Europe, Strasbourg, France.
- Cranston, M. (1973) *What are Human Rights?* The Bodley Head, London.
- Cranston, M. (1983) Are there any human rights? *Daedalus*, 112(4), 1-17.
- Cross, G. (1990) *A Social History of Leisure Since 1600*. Venture, State College, Pennsylvania.
- Curry, N. (2002) Access rights for outdoor recreation in New Zealand: some lessons for open country in England and Wales. *Journal of Environmental Management*, 64(4), 423-35.
- Danby, P., Dashper, K., and Finkel, R. (2019) Multispecies leisure: human-animal interactions in leisure landscapes. *Leisure Studies*, 38(3), 291-302.
- Darcy, S. (1999) Access all areas? How the leisure industry provides for people with disabilities. *Australian Leisure Management*, 15, 68-70.
- Darcy, S. and Dowse, L. (2013) In search of a level playing field – the constraints and benefits of sport participation for people with intellectual disability. *Disability and Society*, 28(3), 393-407.
- Darcy, S., and Taylor, T. (2009) Disability citizenship: an Australian human rights analysis of the cultural industries. *Leisure Studies*, 28(4), 419-441.
- David, P. (2005) *Human Rights in Youth Sport*. Routledge, London.
- Department of the Environment (1975) *Sport and Recreation, Cmnd 6200*. HMSO, London.
- Doern, G.B. (1993) The UK Citizen's Charter: origins and implementation in three agencies. *Policy and Politics*, 21(1), 17-29.
- Donnelly, J. (1989) *Universal Human Rights in Theory and Practice*. Cornell University Press, Ithaca, New York.
- Donnelly, P. (2008) Sport and human rights. *Sport in Society*, 11(4), 381-94.
- Donnelly, J. (2013) *Universal Human Rights in Theory and Practice, 3rd edn*. Cornell University Press, Ithaca, New York.
- Donnelly, P., and Petherick, L. (2006) Workers' playtime? Child labour at the extremes of the sporting spectrum. In R. Giulianotti and D. McArdle (eds), *Sport, Civil Liberties and Human Rights*, Routledge, London, pp. 9-29.
- Dulles, F. R. (1965) *A History of Recreation: America Learns to Play*. Appleton-Century-Crofts, New York.
- Dumazedier, J. (1971) Leisure and post-industrial societies. In M. Kaplan and P. Bosserman (eds), *Technology, Human Values, and Leisure*. Abingdon Press, Nashville, Tennessee, pp. 191-220.
- Edgell, D.L. (1990) *International Tourism Policy*. Van Nostrand Reinhold, New York.
- Eurostat (nd) *Harmonised European Time Use Survey Project*. European Union, Brussels, Belgium, <https://ec.europa.eu/eurostat/web/time-use-surveys>.
- Fisher, K., and Robinson, J. (2009) Average weekly time spent in 30 basic activities across 17 countries. *Social Indicators Research*, 93, 249-254.
- Fukuda-Parr, S., Lawson-Remer, T., and Randolph, S. (2015) *Fulfilling Social and Economic Rights*. Oxford University Press, Oxford, UK.
- George, B.P., and Varghese, V. (2007) Human rights in tourism: conceptualization and stakeholder perspectives.

- Electronic Journal of Business Ethics and Organization Studies*, 12(2), 40-48.
- Giddens, A. (1998) *The Third Way: The Renewal of Social Democracy*. Polity Press, Cambridge, UK.
- Giulianotti, R., and McArdle, D. (eds) (2006) *Sport, Civil Liberties and Human Rights*. Routledge, London.
- Glover, T.D. (2002) Citizenship and the production of public recreation. *Journal of Leisure Research*, 34(2), 204-231.
- Hall, C.M. (ed.) (2007) *Pro-poor Tourism: Who Benefits?* Channel View, Bristol, UK.
- Hansen, S.A. (2002) The right to take part in cultural life. In A. Chapman and S. Russell (eds), *Core Obligations: Building a Framework for Economic, Social and Cultural Rights*. Intersentia, Antwerp, pp. 279–303.
- Harada, M. (1994) Towards a renaissance of leisure in Japan. *Leisure Studies*, 13(4), 277-287.
- Harvey, D. (2000) *Spaces of Hope*. Edinburgh University Press, Edinburgh.
- Haulot, A. (1981) Social tourism: current dimensions and future developments. *International Journal of Tourism Management*, 2(2), 207-212.
- Henry, I. (1995) Leisure and social stratification: the response of the state to social restructuring Britain. In K. Roberts (ed.), *Leisure and Social Stratification*. Leisure Studies Association, Eastbourne, UK, pp. 49-58.
- Hewison, R., and Holden, J. (2004) *The Right to Art: Making Aspirations Reality*. Demos, London.
- Hindess, B. (1993) Citizenship in the modern West. In B.S. Turner (ed.), *Citizenship and Social Theory*. Sage, London, pp. 19-35.
- Horne, D. (1986) *The Public Culture*. Pluto, London.
- Horne, J. (2018) Understanding the denial of abuses of human rights connected to sports mega-events. *Leisure Studies*, 37(1), 11-21.
- Houlihan, B. (2001) Citizenship, civil society and the sport and recreation professions. *Managing Leisure*, 6(1), 1-14.
- Human Rights Information and Documentation Systems International (HURIDOCs) (nd) HURIDOCs, Geneva, Switzerland, www.huridocs.org.
- Hunter, R. (1896/2011) *The Preservation of Open Spaces and of Footpaths and Other Rights of Way*. Cambridge University Press, New York.
- Ignatieff, M. (2001) *Human Rights as Politics and Idolatry*. Princeton University Press, Princeton, New Jersey.
- International Working Group on Women & Sport (IWGWS) (2014) *Brighton plus Helsinki Declaration, 2014*. IWGWS, Gaborone, Botswana.
- Ivey, B. (2008) *Arts Inc.: How Greed and Neglect Have Destroyed our Cultural Rights*. University of California Press, Berkeley, California.
- Jarvie, G. (2006) Sport, human rights and poverty. Chapter 18 of *Sport, Culture and Society: An Introduction*. Routledge, London, pp. 363-380.
- Kellert, S.R. (2012) *Birthright: People and Nature in the Modern World*. Yale University Press. New Haven, Connecticut.
- Kidd, B., and Donnelly, P. (2000) Human rights in sports. *International Review for the Sociology of Sport*, 35(2), 131-48.
- Krippendorf, J. (1987) *The Holiday Makers: Understanding the Impact of Leisure and Travel*. Heinemann, London.
- Lafargue, P. (1958/1848) The right to be lazy. In E. Larrabee and R. Meyersohn (eds), *Mass Leisure*. Free Press, Glencoe, Illinois, pp. 105-117.
- Landman, T. (2004) Measuring human rights: principle, practice, and policy. *Human Rights Quarterly*, 26(4), 906-31.
- Lenskyj, H. (1991) A new ball game? Historical and contemporary models of women's sport in Canada. *World Leisure and Recreation*, 33(3), 15-18.
- Lenskyj, H.J. (2008) *Olympic Industry Resistance*. State University of New York Press, Albany, New York.
- Lentell, B. (1996) Putting clothes on the invisible man: the Audit Commission, the Citizen's Charter and Local Authority Leisure Services. In M Collins (ed.), *Leisure in Industrial and Post-industrial Societies*, Publication No. 49. Leisure Studies Association, Eastbourne, UK, pp. 269–286.
- Lovelock, B., and Lovelock, K.M. (2013) Human rights. Chapter 4 of, *The Ethics of Tourism*. Routledge, London, pp. 63-94.
- MacFarlane, L.J. (1985) *The Theory and Practice of Human Rights*. Maurice Temple Smith, London.
- Marshall, T.H. (1994) Citizenship and social class. In B. Turner and P. Hamilton (eds), *Citizenship: Critical Concepts, Volume II*. Routledge, London, pp. 5-44.
- McCabe, S. (2009) Who needs a holiday? Evaluating social tourism. *Annals of Tourism Research* 36(4), 667–688.

- McCabe, S., and Diekmann, A. (2015) The rights to tourism: reflections on social tourism and human rights, *Tourism Recreation Research*, 40(2), 194-204.
- McCabe, S., Minnaert, L., and Diekmann, A. (2012) *Social Tourism in Europe: Theory and Practice*. Channel View, Bristol, UK.
- McGillivray, D., Edwards, M.B., Brittain, I., Bocarro, J., and Koenigstorfer, J. (2018) A conceptual model and research agenda for bidding, planning and delivering Major sport events that lever human rights, *Leisure Studies*. 38(2) 175-190.
- McGrath, R., Young, J., and Adams, C. (2017) Leisure as a human right: special edition introduction. *Annals of Leisure Research*, 20(3), 314-316.
- McNeish, W., and Oliver, S. (2017) Contracting the right to roam. In K. Spracklen, B. Lashua, E. Sharpe, and S. Swain (eds), *The Palgrave Handbook of Leisure Theory*. Palgrave Macmillan, London, pp. 289-307.
- Minnaert, L., Maitland, R., and Miller, G. (2009) Tourism and social policy: the value of social tourism. *Annals of Tourism Research*, 36(2), 316-334.
- Murdock, G. (1994) New times/hard times: Leisure, participation and the common good. *Leisure Studies*, 13(4), 239-248.
- Nash, R.F. (1989) *The Rights of Nature: A History of Environmental Ethics*. University of Wisconsin Press, Madison, Wisconsin.
- Nickel, J.W. (2007) *Making Sense of Human Rights*. Blackwell, Malden, Maryland.
- Ofcom (nd) *Code on Sports and Other Listed and Designated Events*. Ofcom (Office of Communications), London www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/code-sports-events.
- Office of the High Commissioner for Human Rights (OHCHR) (2012) *Human Rights Indicators: A Guide to Measurement and Implementation*. United Nations, New York.
- Prime Minister (1991) *The Citizen's Charter: Raising the Standard*. Cmnd 1599. HMSO, London.
- Ravenscroft, N., and Gilchrist, P. (2011) Outdoor recreation and the environment. In P. Bramham and S. Wragg (eds), *The New Politics of Leisure and Pleasure*. Palgrave Macmillan, Basingstoke, UK, pp. 45-62.
- Ray, R., and Schmitt, J. (2008) The right to vacation: an international perspective. *International Journal of Health Services*, 38(1), 21-45.
- Richards, D.L., and Carbonetti, B.C. (2013) Worth what we decide: a defense of the right to leisure. *International Journal of Human Rights*, 17(3), 329-349.
- Richards, G. (1998) Time for a holiday? Social rights and international tourism consumption. *Time and Society*, 7(1), 145-160.
- 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.
- Roberts, K. (1978) *Contemporary Society and the Growth of Leisure*. Longman, London.
- Roche, M. (1992) *Rethinking Citizenship: Welfare, Ideology and Change in Modern Society*. Polity Press, Cambridge, UK.
- Roche, M. (2000) *Mega-events and Modernity*. Routledge, London.
- Rojek, C. (2005) *Leisure Theory*. Palgrave Macmillan, Basingstoke, UK (critical discussion of the 2000 WLO Charter for Leisure, pp. 197-199).
- Rose, J.L. (2016) *Free Time*. Princeton University Press, Princeton, New Jersey.
- Rowe, D. (2006) Watching brief: Cultural citizenship and viewing rights. In R. Giulianotti and D. McArdle (eds), *Sport, Civil Liberties and Human Rights*. Routledge, London, pp. 93-110.
- Saunders, P. (1993) Citizenship in a liberal society. In B.S. Turner (ed.), *Citizenship and Social Theory*. Sage, London, pp. 57-90.
- 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*. UN General Assembly, New York.
- Simpson, B. (2005) Cities as playgrounds: active leisure for children as a human right. In J. Caudwell and P. Bramham (eds), *Sport, Active Leisure and Youth Cultures*. Leisure Studies Association, Eastbourne, UK, pp. 3-23.
- Sport Law Strategy Group (2000) *Case comment: Mediated agreement between David Morrison, the City of Coquitlam, and the Deputy Chief Commissioner, British Columbia Human Rights Commission*. Sport Law Strategy Group, Toronto, Canada, <https://sportlaw.ca/case-comment-mediated-agreement-between-david-morrison-the-city-of-coquitlam-and-the-deputy-chief-commissioner-british-columbia-human-rights-commission-1999/>
- Sylvester, C. (1992) Therapeutic recreation and the right to leisure. *Therapeutic Recreation Journal*, 26(2), 9-20.

- Taylor, T. (ed.) (1999) *How You Play the Game: The Contribution of Sport to the Protection of Human Rights, Conference Proceedings*. University of Technology Sydney, Sydney, Australia.
- Timms, J. (2012) The Olympics as a platform for protest: a case study of the London 2012 'ethical' Games and the Play Fair campaign for workers' rights. *Leisure Studies*, 31(3), 355-372.
- Tourism Concern (2009) *Putting Tourism to Rights: A Challenge to Human Rights Abuses in the Tourism Industry*. Tourism Concern, London.
- Turner, B.S. (1993) Outline of a theory of human rights. *Sociology*, 27(3), 489-512.
- Turner, B. (1994) General commentary. In B. Turner and P. Hamilton (eds), *Citizenship: Critical Concepts, Volume I*. Routledge, London, pp. xv-xxiv.
- Turner, B., and Hamilton, P. (eds) (1994) *Citizenship: Critical Concepts*. Routledge, London.
- United Nations (nd) *UN Development Programme*. UN, New York, <http://hdr.undp.org/en/content/human-development-index-hdi>.
- United Nations (1966a) *International Covenant on Civil and Political Rights (ICCPR)* UN, New York.
- United Nations (1966b) *International Covenant on Economic, Social and Cultural Rights (ICESCR)* UN, New York.
- UN Committee on Economic, Social and Cultural Rights (UNCESCR) (2009) *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. United Nations, New York.
- UN World Tourism Organization (1985) *Tourism Bill of Rights and Tourist Code*. UNWTO, Madrid.
- Veal, A.J. (2015) Human rights, leisure and leisure studies, *World Leisure Journal*, 57(4): 249-272.
- Veal, A.J. (2017) *Leisure, Sport and Tourism, Politics, Policy and Planning, 4th Edn*. CAB International, Wallingford, UK.
- Villiers, P. (2001) *Human Rights: A Practical Guide for Managers*. Kogan Page, London.
- Weir, A. (1999) *Elizabeth the Queen*. Pimlico/Random House, London.
- Wilson, J. (1988) *Politics and Leisure*. Unwin Hyman, London.
- World Commission on Environment and Development (WCED) (1990) *Our Common Future – Australian Edition (The Brundtland Report)*. Oxford University Press, Melbourne, Australia.
- World Intellectual Property Organization (2016) *Understanding Copyright and Related Rights*. WIPO, Geneva, Switzerland.
- World Leisure Organization (2020) *WLO Charter for Leisure*, www.worldleisure.org/charter.

Notes

- i This is recognized in the book from which this publication was drawn, values are also discussed in the form of political ideology (Chapter 2) and in the form of assessments of needs and related concepts (Chapter 3).
- ii See: www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx.
- iii Articles 16-31 are all administrative, with Articles 16 and 17 referring to the reporting process.
- iv See Chapter 5 of Veal (2017) for discussion of the concept of a 'public good'.
- v This observation is based on an examination of reports from EU countries (including UK) and Australia.

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