

Intergovernmental Group of Experts on Consumer Protection Law and Policy
8th Session, 1 – 2 July 2023, Geneva, Switzerland and online

Roundtable on:
Protecting consumers as tourists
Monday, 1 July 2023 (11:30 - 13:00)
Palais des Nations, Room XIX (Third Floor)

The United Nations Guidelines for Consumer Protection¹ recognize consumers' legitimate needs to access essential goods and services and promote sustainable consumption, among others. Likewise, the guidelines contain recommendations on areas of essential concern for the health and well-being of consumers, also addressing the specificities of tourism².

Guideline 78 on "Tourism" states the need to ensure that consumer protection policies are adequate to address the marketing and provision of tourism-related goods and services. It also calls on Member States to address the cross-border challenges raised by tourism activity and to cooperate with other Member States and relevant stakeholders in the tourism travel sector.

Many countries worldwide have enacted national policies and laws that protect consumers in general, which also have relevance to tourists as consumers. However, the impact of such consumer protection is limited by dynamics and complexities specific to the tourism sector.

These relate to, among other things, the rapid growth of tourism consumption, lack of information, technological change and digitalization of tourism services, unsustainable tourism practices, and tourists' vulnerability as consumers. However, consumer protection does not just protect tourists themselves but is beneficial to all stakeholders in the sector, for example, by increasing destination safety and competitiveness.

The tourism consumer protection issue became prominent during the COVID-19 crisis. The pandemic-induced travel restrictions, lockdowns, and health concerns have resulted in numerous cancellations and disruptions in travel plans, leaving consumers frustrated and often grappling with difficulties in securing refunds or rescheduling trips. The pandemic's uncertainty has brought challenges for both travelers

¹ A/RES/70/186.

² UNGCP N. 69: "In advancing consumer interests, particularly in developing countries, Member States should, where appropriate, give priority to areas of essential concern for the health of the consumer, such as food, water, pharmaceuticals, energy and public utilities, and also address the specificities of tourism. Policies should be adopted or maintained for product quality control, adequate and secure distribution facilities, standardized international labelling and information, and education and research programmes in these areas.

and tourism businesses, further compounded by escalating prices following the disruptions caused by the ongoing global health crisis.

This experience has revealed significant failings in the current legal and regulatory frameworks for assistance to international tourists in difficulty. It has also highlighted the fragmentation of consumer protection standards at the international level and the existing disparities regarding the consumer rights of tourists from country to country.

International recommendations for tourists as consumers

Over the last four years, the tourism sector has faced various challenges that have significantly impacted on the industry. The pandemic's uncertainty also led to escalating prices in the tourism sector following the disruptions caused by the ongoing global health crisis.

Based on lessons learned during the pandemic, UN Tourism, a specialized United Nations Agency fast-forwarded the International Code for the Protection of Tourists (ICPT), a landmark instrument for the protection of tourists at the international level, establishing a comprehensive set of principles and recommendations for the protection of tourists as consumers in the post COVID-19 era³.

By developing and harmonizing minimum standards for the protection of tourists at the international level, the ICPT is designed to offer tourists greater protection as consumers and help make people feel safer and more confident in international travel, through a clearer, transparent, and harmonized framework and a better and more balanced allocation of responsibility among all actors involved.

For the first time, the ICPT recognizes that legal security is a shared responsibility and cannot be borne exclusively by consumers/tourists. Instead, governments, stakeholders in the tourism and travel sector and tourists themselves all have a part to play in protecting tourists' rights as consumers, having due regard to the specific needs of disadvantaged and more vulnerable tourists (tourists with reduced mobility, disability, specific access requirements, minors, and seniors) who may meet difficulties when travelling abroad.

The ICPT also recognizes the necessary interconnection among the existing legal and regulatory frameworks applicable to tourism and the need to harmonize some minimum rules at the international level to protect the consumer rights of tourists adequately.

Sustainability

Another critical concern for consumers has been the rise of overtourism to popular destinations. The surge in global travel has led to overcrowded attractions, strained infrastructure, and a negative impact on local communities and ecosystems. Travelers increasingly contend with long queues, limited access to landmarks, and a diminished overall experience. As a result, there has been a growing call for

³ The World Tourism Organization (UN Tourism) is a specialized agency of the United Nations and the leading public international organization in the field of tourism, with a membership encompassing 166 countries and territories and more than 500 Affiliate Members representing the private sector, educational institutions, tourism associations and local tourism authorities.

sustainable tourism practices and exploring alternative, less-trodden destinations to alleviate the strain on popular tourist hotspots. In response to the challenges posed by over-tourism, a well-rounded consumer policy could be formulated to encourage sustainable tourism practices, including community engagement, consumer information and education and sustainable practices by tourism-related businesses.

Digital economy: data protection and dispute resolution

Consumer data privacy has gained prominence in the tourism sector with the increasing reliance on digital platforms for travel bookings and arrangements. Instances of data breaches and unauthorized use of customer data have raised questions about the adequacy of privacy measures in place within the industry. Building trust through enhanced cybersecurity measures and transparent data handling practices has become crucial for tourism businesses seeking to maintain a positive relationship with their customers. Consumer dispute resolution and redress in the sector often include cross-border disputes involving different jurisdictions and legal frameworks, communication barriers due to language differences, varied regulatory environments across countries, and limited consumer awareness about their rights and available resolution mechanisms. Timeliness of resolution, accessibility of redress mechanisms, and technology-related challenges, such as online booking disputes and cybersecurity concerns, further contribute to the difficulties consumers and tourism businesses face. Additionally, resource constraints hinder the establishment of effective dispute-resolution mechanisms, especially for small businesses. Addressing these challenges requires collaborative efforts to develop standardized processes, enhance consumer education, and promote industry-wide best practices for a fair and efficient resolution of disputes in the dynamic tourism landscape.

Addressing these challenges will be imperative for the tourism sector to rebuild and adapt to consumers' evolving needs and expectations in the years to come.

International events

Big events like the Olympic Games have a significant impact on consumers and tourists in various ways. The impact can be considerable, on rights related to mobility, accommodation, information, and economic factors. The high demand for services like accommodation, food, and transportation can increase prices and quality of goods and services, affecting both tourists and local consumers. Consumers and tourists have the right to clear, transparent information on pricing and should be protected from hidden charges or unclear pricing structures for tickets, accommodations, and services. Tourists and consumers should be aware of their legal rights in the host country, including rights related to contracts, purchases, and disputes. Awareness and access to legal recourse are essential in the event of any violations.

This round table will reflect on the challenges and possibilities to address consumers' rights in the tourism sector.

To facilitate this interactive discussion, the secretariat proposes the following questions:

- (a) What are tourists' most pressing needs regarding sustainable tourism practices, and how can these needs be better measured and tracked?

(b) How can policy and regulatory frameworks governing the tourism sector and its transition towards sustainable practices be better aligned with tourists' legitimate needs for environmental protection and ethical practices?

(c) How can UN Trade and Development (UNCTAD) support developing countries in addressing tourists' needs in connection with the transition towards sustainable tourism practices?

WORK PROGRAMME

11:30 - 11:35 **Opening remarks by the UN Trade and Development (UNCTAD) secretariat**

11:35 - 12:20 **Speakers**

- Ms. Sarah Lacoche, Director General, Directorate General for Competition, Consumer Protection and Fraud Repression, France
- Mr. Irakli Lekvinadze, Chairperson, Georgian Competition and Consumer Agency, Georgia
- Mr. Alvaro Fuentes, Director and Chief Executive, Competition Commission, Uruguay
- Ms. Alicia Gomez, Legal Counsel, UN Tourism
- Mr. Shirish Deshpande, Chairman, Mumbai Grahak Panchayat- MGP, India

12:20 - 13:00 **Interactive debate**

Delegates wishing to speak during the session are invited to inform the UN Trade and Development (UNCTAD) secretariat accordingly, by contacting Ms. Ana Cipriano (ana.cipriano@un.org).