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**International Code for the
Protection of Tourists**

Presentation

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UN Tourism

International Code for the Protection of Tourists

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Background

- Exponential growth of tourism at global level (expected 3.3% annual growth until 2030)
- Outstanding internationalization of tourism activities (1.8 billion tourists are expected to cross the borders in 2030)
- Digital transformation in the travel and tourism industry
- More and more extraordinary events (war, terrorism, pandemics, natural disasters, etc.) that disrupt tourism.
- Towards a sustainable tourism (environmental and social dimensions, including tourism consumer protection).

Vulnerability of tourists' consumers

Tourists are often considered vulnerable consumers due to a variety of factors:

1. Consumers acting outside their usual environment:

- Unfamiliarity with Local Prices: Tourists are often susceptible to overcharging.
- Language Barriers: Can impede communication and comprehension of product details and contractual terms.
- Cultural Differences: Misunderstanding cultural norms can lead to misinterpretations and exploitation.

2. Limited Time / temporary nature of their stay

3. Lack of direct access to information and recourse

4. **Health and Safety Risks:**

- Exposure to Scams and Fraud: Tourists are prime targets for scams, including fake tickets, counterfeit goods, and misleading advertisements.
- Health Hazards: Unfamiliarity with local health standards and services can expose tourists to health risks and inadequate medical facilities.

5. **Financial Vulnerability**

- Currency Exchange: Tourists may be unfamiliar with the local currency, leading to mistakes in transactions or exploitation through poor exchange rates.
- Payment Methods: Limited access to secure payment methods and reliance on cash can increase the risk of theft and fraud.

6. **Legal and Regulatory Challenges**

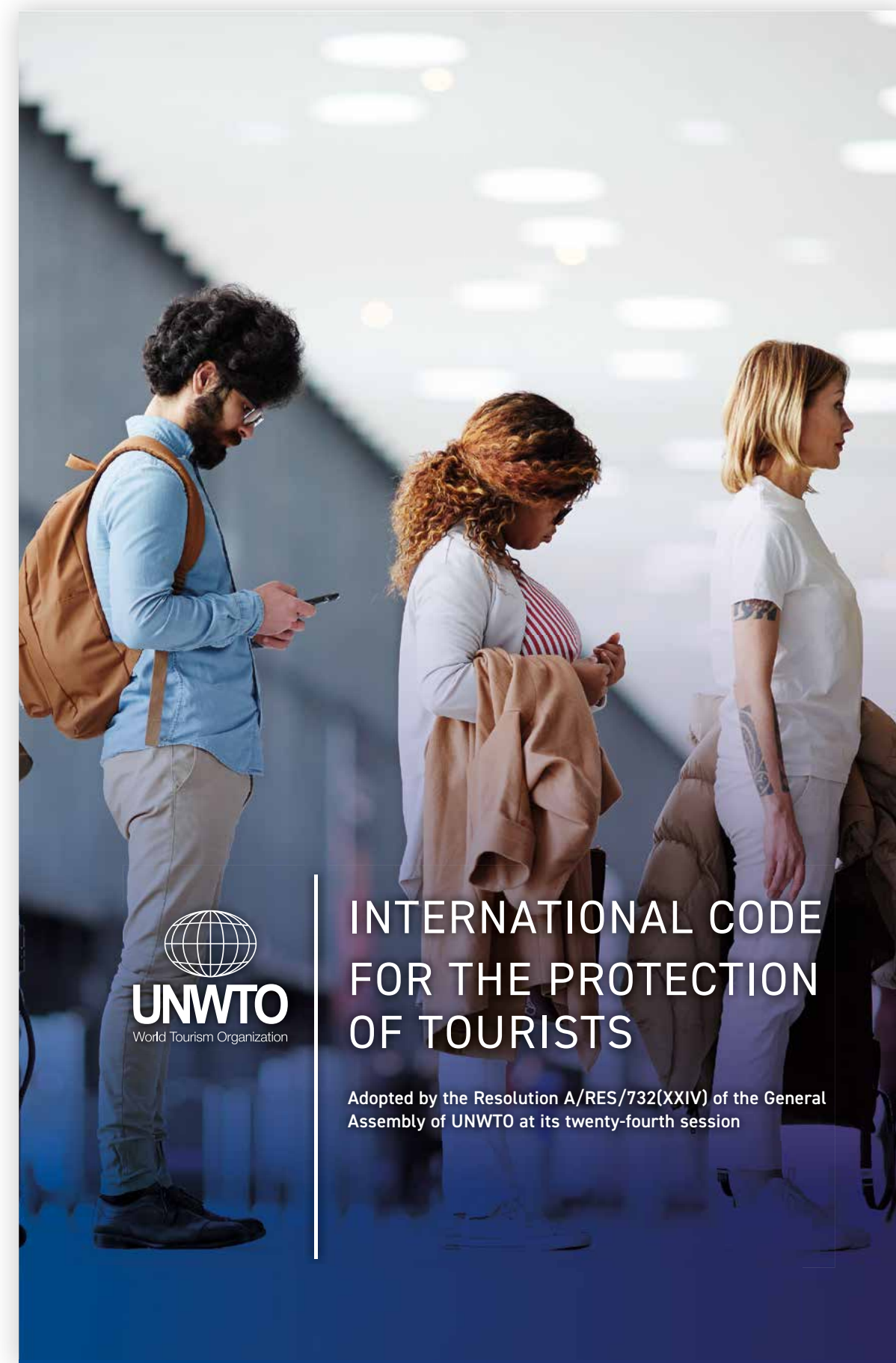
- Different Legal Systems: Tourists are often unaware of local consumer protection laws and may find it difficult to navigate foreign legal systems.
- Lack of Consumer Protection: There is a lack of uniformity at the international level in relation to consumer protection rights of tourists.

Vulnerability of tourists' consumers in the digital age

Evolving conceptualization of consumer vulnerability:

- Traditional approach: specific consumer groups are regarded as inherently vulnerable owing to certain characteristics, such as their age, physical condition or education level.
- Emerging approach: in the digital age, vulnerability may be experienced not only by some consumers, but increasingly by the vast majority of, if not all, consumers.
- Tourists as “hyper vulnerable consumers” (online tourism environment)

International Code for the Protection of Tourists



Why did UN Tourism create an international code for protecting tourists as consumers?

The COVID-19 crisis highlighted the importance of trust in travel:

- Absence of an international legal framework to assist international tourists in emergency situations.
- Lack of international uniformity on consumer protection rights for tourists.
- Unbalanced sharing of responsibilities for the protection of tourists as consumer.

The United Nations Guidelines for Consumer Protection (UNGCP):

Guideline 78 on “Tourism”:

- Member States should ensure that their consumer protection policies are adequate to address the marketing and provision of goods and services related to tourism, including, but not limited to, travel, traveller accommodation and timeshares.
- Member States should, in particular, address the cross-border challenges raised by such activity, including enforcement cooperation and information-sharing with other Member States, and should also cooperate with the relevant stakeholders in the tourism-travel sector.

The International Code for the Protection of Tourists:

- Fundamental frame of reference for tourism recovery in the post-COVID-19 era.
- Comprehensive set of principles and recommendations for the protection of tourists in emergency situations and of tourists' rights as consumers in the post-COVID-19 scenario, elaborated by 103 countries.
- Harmonization of minimum standards for the protection of tourists at the international level.
- Addressed to governments, the public and private sector and tourists themselves.

Adoption of the ICPT:

Adopted by consensus by the General Assembly at its 24th session through resolution 732 (XXIV):

“The General Assembly,

Approves the International Code for the Protection of Tourists;

Calls upon Member States of UNWTO and the United Nations to adhere to the Code,

and invites them to submit a written notification to the Secretary-General of UNWTO in respect of their intention to adhere to thereto and, subsequently, of any specific activities in this respect”.

Legal nature

- Soft law instrument of a non-legally binding nature
- Principles and Recommendations addressed to Member States and private stakeholders
- Practical guidance to Governments as to proposed policy, legislation and regulatory practice at the national level
- Adhering States commit to integrate the ICPT in their national legislations and policies, ensuring enforceability at the national level and to report to the Secretary-General on measures taken to implement the Code.

Structure and content of the ICPT

- I. Definitions and Clarifications
- II. Assistance to Tourists in Emergency Situations
- III. Tourists Protection in Contracts
- IV. International Settlement of Travel and Tourism Disputes via Alternative means of Dispute Resolution
- V. Mechanisms for Adherence to and Application of the Recommendations of the International Code for the Protection of Tourists

Protecting tourists as consumers

CHAPTER THREE - PART I: minimum standards on tourist protection:

- Focuses on contractual protection and consumer rights of tourists in non-emergency situations.
- Core issues: Pre-contractual and contractual information, Termination of the contract before the start of the service, Non-performance or improper performance, Protection in case of insolvency of the provider and Right of access to justice.

CHAPTER FOUR: international dispute resolution and tourism through alternative means of settlement

- Focuses on alternative means for the resolution of international travel and tourism disputes.
- Aims to provide tourists with flexible and efficient mechanisms to resolve such disputes in a quick and fair manner (ADR/ODR procedures).

Protection of tourists in digital tourism services

CHAPTER THREE - PART III: principles on the protection of tourists in digital tourism services

- A set of principles for the protection of tourists in relation to new digital tourism services, with a view to ensuring a fairer, more reliable, transparent and accountable environment for online tourism, a safe use of online tourism platforms and the prevention of any abuse of these platforms.

Benefits for the Member States

- **Minimum international standards:** By developing and harmonizing minimum international standards, the ICPT will give greater legal certainty and clarity to States regarding their obligations, duties, responsibilities and rights
- **Practical guidance:** Member States may use the principles and recommendations of the ICPT as a point of reference for enhancing, improving or supplementing their national laws and regulations
- **Flexible instrument:** States remain entirely free to take any measures they consider appropriate for the application of the ICPT and to adapt it to the different conditions and characteristics of their country

Next steps:

- **Voluntary adherence:** Member States of both UN Tourism and the United Nations will be called upon to adhere to the Code on a voluntary basis, and submit a written notification to the Secretary General
- **Monitoring and reporting:** States adhering to the ICPT will report to the Secretary General on the status of application of the Code in their country in order to develop and share knowledge, best practices and lessons learnt
- **Evaluation and interpretation:** A technical Committee subsidiary to the Executive Council will be established to assist the Secretary-General to promote and monitor the application of the ICPT

Countries having adhered to the ICPT (24)

Argentina, Brazil, Cambodia, Chile (partial), Costa Rica, Cuba, Ecuador, Guatemala, Guinea-Bissau, Haiti, Honduras, Indonesia, Lebanon (partial), Lithuania (partial), Maldives, Moldova, Myanmar (partial), Paraguay, Portugal, Senegal, Thailand (partial), United Arab Emirates, Uruguay and Venezuela

Territories having adhered to the ICPT:

Cuidad de Córdoba (Argentina), Estados de Quintana Roo, Baja California, Querétaro y Guerrero (México)

Sustainable Tourism

- UN Tourism defines **sustainable tourism** as “*tourism that takes full account of current and future economic, social and environmental impacts to meet the needs of visitors, the industry, the environment and host communities*”.
- The principles of sustainability refer to the **environmental, economic and sociocultural aspects of tourism development** and an appropriate balance must be established between these three dimensions in order to ensure the long-term sustainability of the system.
- As the leading international organisation in the field of tourism, UN Tourism plays a central and decisive role in the promotion and development of sustainable tourism, recognising the importance of taking into account the economic, social and environmental impacts of tourism at the global level.

UN Tourism and Sustainable Development of Tourism

UN Tourism has been - and continues to be - at the forefront of supporting its Member States, its Affiliate Members and, ultimately, the entire sector by promoting sustainable tourism development, underpinning policies and practices that make optimal use of environmental resources, that respect the socio-cultural authenticity of host communities and that provide economic benefits for all.

- *Overall, UN Tourism's contributions to the promotion and development of sustainable tourism are innumerable: here some few examples*

Some UN Tourism examples of sustainable tourism practices

- **Economic dimension:**

Circular economy and Tourism (**Global Tourism Plastic Initiative**)

- **Environmental dimension:**

Greenwashing in tourism and tourism certification systems (example of best practices: Euskadi Code of Ethics and Tourism-quality Certification System)

- **Socio-cultural dimension:**

Since 1999, the UN Tourism **Global Code of Ethics for Tourism** offers principles to guide key-players in the responsible and sustainable development of tourism, promoting it as a driver of international cohesion and development, and fostering its resilience and sustainability.

Framework Convention on Tourism Ethics and its Optional Protocol :

As a fundamental frame of reference for responsible and sustainable tourism, the FCTE is a comprehensive set of principles designed to guide key-players in tourism development. Addressed to governments, the travel industry, communities and tourists themselves, it recognizes tourists rights and responsibilities and helps maximise the sector's benefits while minimising its potentially negative impact on the environment, cultural heritage and societies across the globe.

- *First international convention of Un Tourism (A/RES/722(XXIII) in 2019)*
- *Transposition of the nine core principles of the GCTE transposed into a legally binding instrument*
- *Ratified by four Member States (Albania, Lebanon, Nigeria and Seychelles)*

Proposal for the creation of an Intergovernmental Committee for the development of an International Safe Tourism Code (Uzbekistan).

- In February 2024, UNGA adopted a resolution, sponsored by Uzbekistan, which proclaims “**2027 the International Year of Sustainable and Resilient Tourism**”, calling upon UN Tourism to collaborate with governments, UN agencies, and international organizations in implementing this thematic year.
- At its last 121st session, the Executive Council of UN Tourism approved the proposal of Uzbekistan the creation of an **Intergovernmental Committee tasked with developing an International Safe Tourism Code** that includes standards designed to ensure global safe tourism practices.
- This Intergovernmental Committee will consider and deliberate on its scope and content of the International Safe Tourism Code, including some of tourists’ consumers most pressing needs in relation to sustainable tourism practices (e.g., greenwashing, overtourism, protection and preservation of cultural heritage and others).

II International Seminar on Sustainable Tourism Law

- Celebration of the second edition of the International Seminar on Tourism Law dedicated to “Sustainable Tourism Law”, taking place in Córdoba, Argentina, in November 2024.
- Under the topic of “Tourism as a driver of sustainable development”, its main objective will be to discuss and address some of the main issues relating to Sustainable Tourism Law in its threefold economic, environmental and social dimensions.
- Roundtable on “How to protect tourists as consumers”

Thank you !
Any questions?

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