



RECOMMENDATIONS FOR THE ASSISTANCE TO INTERNATIONAL TOURISTS IN EMERGENCY SITUATIONS:



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INTRODUCTION

I. INTRODUCTION

The closure of borders with little or no notice during the COVID-19 crisis left millions of tourists¹ stranded abroad for periods which in some instances surpassed a month. This situation, combined with the confusion surrounding the attribution of responsibilities to assist tourists in situations of force majeure, left international tourists in a situation of neglect, aggravated by their vulnerability. International tourists, away from their homes, and out of their ‘comfort zones’, were faced with dealing with the pandemic and the confinement with little knowledge of the language, culture or laws of the country that they were stranded in.

The unprecedented situation created by the COVID-19 pandemic is not the only recent disruptive situation in which the lack of an international framework regarding the assistance to tourists in emergency situations² has created confusion and a loss of the necessary confidence to travel abroad. These emergency situations, such as the one created by the COVID-19 pandemic, are unforeseeable, unavoidable

and due to external events beyond the control of the parties³, which may lead to the impossibility of the performance of the contract by the tourism service provider⁴.

Pursuant to the programmatic priority for 2020-2021 to facilitate safe, secure and seamless travel, the Secretariat has prepared a set of recommendations based upon Article 6 of the “UNWTO Global Code of Ethics for Tourism” and Article 9 of the “UNWTO Framework Convention in Tourism Ethics”, as well as on the draft “UNWTO Convention on the Protection of Tourists and on the Rights and Obligations of Tourism Service Providers”, especially its Annex I (“Assistance in emergency situations”). They are addressed to Member States and are intended to support governments and the private sector in their efforts for international tourism recovery in the framework of the COVID-19 pandemic, while guaranteeing an appropriate degree of protection of international tourists in the event of an emergency situation caused by such unavoidable and extraordinary circumstances⁵. However,

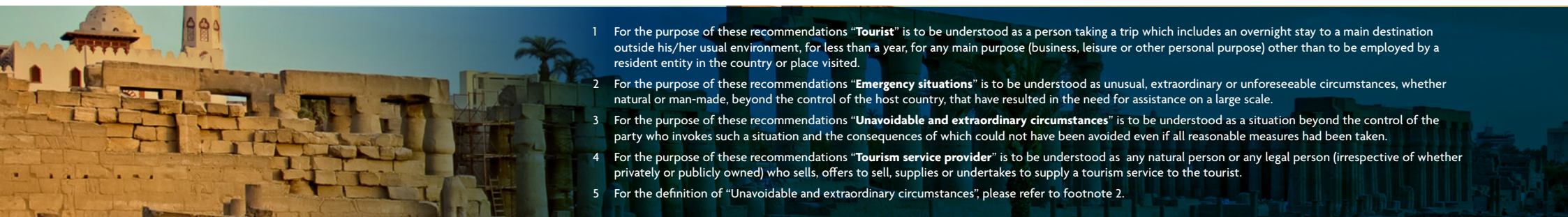
1 For the purpose of these recommendations “**Tourist**” is to be understood as a person taking a trip which includes an overnight stay to a main destination outside his/her usual environment, for less than a year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited.

2 For the purpose of these recommendations “**Emergency situations**” is to be understood as unusual, extraordinary or unforeseeable circumstances, whether natural or man-made, beyond the control of the host country, that have resulted in the need for assistance on a large scale.

3 For the purpose of these recommendations “**Unavoidable and extraordinary circumstances**” is to be understood as a situation beyond the control of the party who invokes such a situation and the consequences of which could not have been avoided even if all reasonable measures had been taken.

4 For the purpose of these recommendations “**Tourism service provider**” is to be understood as any natural person or any legal person (irrespective of whether privately or publicly owned) who sells, offers to sell, supplies or undertakes to supply a tourism service to the tourist.

5 For the definition of “Unavoidable and extraordinary circumstances”, please refer to footnote 2.



they are neither exhaustive nor are they intended to be definitive. They will be subject to review and approval by UNWTO Governing Bodies.

The Framework Convention on Tourism Ethics was adopted by the General Assembly at its 23rd session held in St. Petersburg, Russian Federation (2019), through Resolution A/RES/722(XXIII) and has not yet entered into force. It has been built around the Global Code of Ethics for Tourism⁶, a comprehensive set of nine principles addressed to stakeholders in tourism development with the objective of maximizing the benefits of tourism in promoting sustainable development and poverty alleviation as well as understanding among nations. Under their sixth principle, both the Convention and the GCET set out obligations for States in relation to travel advisory information in emergency situations and repatriation mechanisms.

On the other hand, a preliminary draft Convention on the Protection of Tourists and on the Rights and Obligations of

Tourism Service Providers was welcomed by the General Assembly at its 22nd session held in Chengdu, China (2017), through Resolution A/RES/686(XXII). Its main objectives are, firstly, to establish uniform rules to ensure and promote an appropriate degree of protection of tourists as consumers, particularly in emergency situations, by giving them primary and basic assistance and enhancing the cooperation between States in these exceptional circumstances. Secondly, to clarify the rights and obligations of tourism service providers ensuring a fair balance between the responsibility of States, private sector and tourists. Precisely, the overall objective of this draft Convention was to improve tourists' confidence in tourism service providers, States and in the tourism sector as a whole. These recommendations are based upon the work conducted by UNWTO and its member States in the drafting of the Convention.

These recommendations apply to Members States, all tourists and tourism services providers. Nevertheless, given the different

realities and regulatory frameworks of both national governments and tourism authorities to take action, it is appreciated that these recommendations are not applicable in all cases. They aim to guide policy action to mitigate the impact of the crisis and accelerate recovery through the restoration of tourists' confidence in the capacity of tourism stakeholders to protect them and assist them in emergency situations ensuring that no one is left behind.

⁶ The GCET was adopted in 1999 by the UNWTO General Assembly through resolution A/RES/406(XIII) and it was acknowledged in 2001 by the United Nations General Assembly through resolution 56/212.





PRINCIPLES



World Tourism Organization

II. PRINCIPLES

These recommendations are built on the following principles:

1. **Uniformity**- The need to find a common and global approach and harmonize the policies and practices regarding the assistance to international tourists in emergency situations so that all international tourists enjoy an appropriate degree of protection regardless of their nationality, country of origin, destination and the nationality of the service provider.
2. **Balance**- The need to find a fair and equitable balance between what is desirable and what is achievable, and also to distribute responsibilities among all tourism stakeholders, including tourists themselves, the country of origin⁷ and the country of destination of the tourist, having special regard to the position and capabilities of each of them before, during, and after an emergency situation.
3. **Cooperation**- The need to improve and strengthen international cooperation among the public and private sectors as well as among countries to assist international tourists in emergency situations.
4. **Responsibility**- The duty of public authorities to protect tourists in difficulty and to ensure that tourism professionals provide assistance to international tourists in emergency situations, including, inter alia, the provision of timely, objective and honest information in a clear, comprehensible and easily accessible manner, security and safety measures, accident prevention, health protection and food safety. The content and methods of the information must respect the privacy of individuals, minors, victims and the community. Likewise, tourists themselves have the duty to acquaint themselves with the characteristics of the countries they are

⁷ For the purpose of these recommendations “**Country of Origin**” is to be understood as the State Party of which the tourist has nationality or where at the time of the unavoidable and extraordinary circumstance or the emergency situation the tourist has his or her principal and permanent residence.

preparing to visit; they must be aware of the health and security risks inherent in any travel outside their usual environment and behave in such a way as to minimize those risks, particularly by following the health and safety protocols established by international and national authorities.

5. Accessibility- Travelers with disabilities, specific access requirements and seniors wish to travel just as any other citizen. They are often excluded from communications on public health and travel updates, decision-making and information on accessibility of basic services. Their health conditions and social isolation can expose them to serious risks. Under the concept of “Accessible Tourism for All”, the tourism sector should not impose unnecessary new obstacles and barriers in the recovery process, without jeopardizing anyone’s safety.





RECOMMENDATIONS



World Tourism Organization

III. RECOMMENDATIONS

I) PREVENTION

1. Set up permanent, professional, efficient and effective crisis management services in order to facilitate operational measures in emergency situations.
2. Establish specific programs, contingency plans and protocols for emergency situations that include coordination mechanisms with tourism service providers, diplomatic and consular authorities, and tourists.
3. Designate authorities, bodies or organizations at the national level responsible for monitoring, advising on and coordinating the application of programs, contingency plans and protocols as mentioned above, and ensuring that assistance to tourists in emergency situations is effectively provided.
4. Support the development of information, training and communication materials addressed to tourism service providers providing guidance on assistance to tourists in emergency situations, especially to those with disabilities and seniors. Provide information in accessible, easy-to-read, clear language and alternative formats (Braille, subtitles, videos, etc.), thus enabling any traveler to receive adequate instructions.
5. Foster the development and use of travel insurance schemes and guarantee systems which aim to cover the extra costs resulting from specific emergency situations, including cancellation fees.
6. Develop financial schemes to support tourism service providers established in their territory in emergency situations
7. Take appropriate measures to simplify procedure and reduce, as far as possible, the administrative burden for tourists in dealing with tourism service providers in emergency situations.



III. RECOMMENDATIONS

II) INFORMATION

1. Provide real-time information on border procedures, available means of transport, travel restrictions, public health and safety measures, as well as other practical information for tourists, which should be available on the official websites and other social media platforms of the relevant national authorities, also offered at the main transport, hospitality and public health infrastructures, as well as through tourism, travel and transport professionals and service providers.
2. Promote the use of fully functional cross-border voluntary approved contact tracing apps, compliant with relevant personal data protection laws, to warn tourists in the event of a potential risk that may lead to an emergency situation.
3. Disseminate information on emergencies in accordance with the “Recommendations on the Use of

Georeferences, Date and Time in Travel Advice and Event Information” adopted by the UNWTO General Assembly.



III. RECOMMENDATIONS

III) ASSISTANCE

1. In emergency situations, the host country should make immediate contact with the local representative or local agency of tourism service providers, as necessary, in order to assist the tourists. Where such local representatives do not exist, contacts should be made directly with the tourism service providers.
2. The host country should ensure that the tourism service provider gives appropriate assistance without undue delay to the tourist in emergency situations, in particular by:
 - i) Providing appropriate information on security and safety, health services, local authorities and consular assistance;
 - ii) Assisting the tourist to make distance communications and helping the tourist to find alternative travel arrangements; and
 - iii) Providing and bearing the cost of necessary meals, transport to the place of accommodation and accommodation for a number of nights to be established by the host country in case it is impossible to ensure the tourist's return as contractually agreed.
3. Ensure that the accommodation service providers cooperate with the relevant authorities of the host country in emergency situations, providing whenever possible:
 - (a) Information concerning the tourist's identity, health condition and location;
 - (b) The consequences of the emergency situation on the provision of accommodation service by the provider;
 - (c) Information of how aid might be offered;



- (d) Information on state of health and well-being of the tourists; and
 - (e) Information on how tourists might be contacted and removed from difficulty, emergency or danger and repatriated.
4. The country where the contract is concluded (whether the host country or the country of origin) should ensure that tourist contracts provide insurance schemes and guarantee systems which cover the risks resulting from emergency situations, including pandemic events, both with reference to assistance and repatriation, and with reference to cancellations and reimbursements.
 5. Take the necessary measures to ensure that in case of unavoidable and extraordinary circumstances or emergency situations, the accommodation service provider displays fair and ethical behaviour and should not increase the room rates for the sole reason of the unavoidable and extraordinary circumstances or the emergency situation for the extra nights spent by the tourists.
 6. Take the necessary measures to ensure that in case of unavoidable and extraordinary circumstances or emergency situations jeopardising the performance of the contract, either by preventing the tourist from physically reaching the place where the accommodation service is to be provided, or by preventing the accommodation service provider from fulfilling its contractual obligations, the accommodation service provider does not request cancellation fees.
 7. In emergency situations, the host country shall provide, so far as possible, communication services, temporary shelters for accommodation, necessary meals and refreshments, visa, transportation and basic medicines and emergency health care.
 8. In emergency situations, the host country shall waive administrative sanctions or penalties on other countries' nationals insofar as they overstay and are unable to leave their territory due to travel restrictions. Overstays during such emergency situations should not be taken into account during the processing of future visa applications.
 9. In emergency situations, when the life, health or personal integrity of the tourist is exposed to direct danger, the host country shall carry out, so far as possible, additional necessary operational measures such as coordination of evacuation, provision of emergency and security staff, provision of health and medical services



III. RECOMMENDATIONS

IV) REPATRIATION

For both the host country and the country of origin:

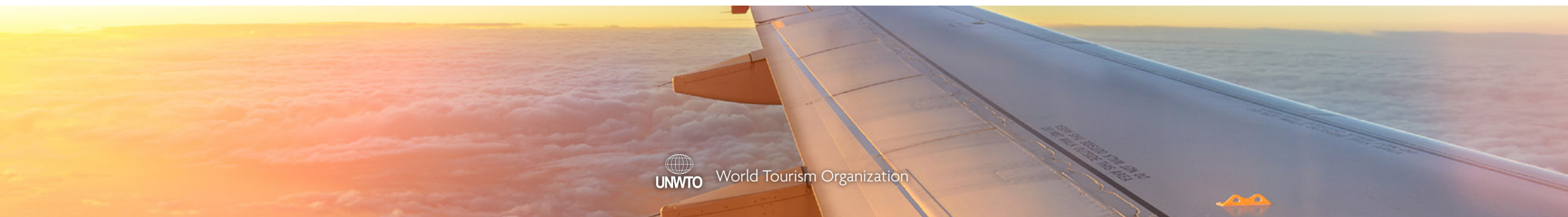
1. Transmit, as soon as practicable and feasible, to the respective diplomatic and consular authorities the following information:
 - i) General circumstances of the emergency situation;
 - ii) Affected geographical areas;
 - iii) Number and nationalities of tourists in the affected area;
 - iv) Identity and personal data of the tourist required for assistance purposes;
 - v) Health condition, location of tourists and general situation;
 - vi) Data of casualties;
 - vii) Operational measures taken, planned and to be taken; and

viii) Other related data as necessary.

2. Cooperate in good faith with third countries in facilitating necessary operational measures, including transit and repatriation of the tourist to the State of nationality of the tourist (if different from the country of origin).

For Host Country:

3. Take necessary measures to ensure the repatriation of tourists even if included in the contract with the tourism service provider or travel insurance.
4. Facilitate the necessary visa requirements, including for compelled stays exceeding the maximum established and cross border procedures
5. In emergency situations, the host country shall make its best efforts to operationally assist and facilitate the entry, stay and freedom of movement in its territory of any official, medical



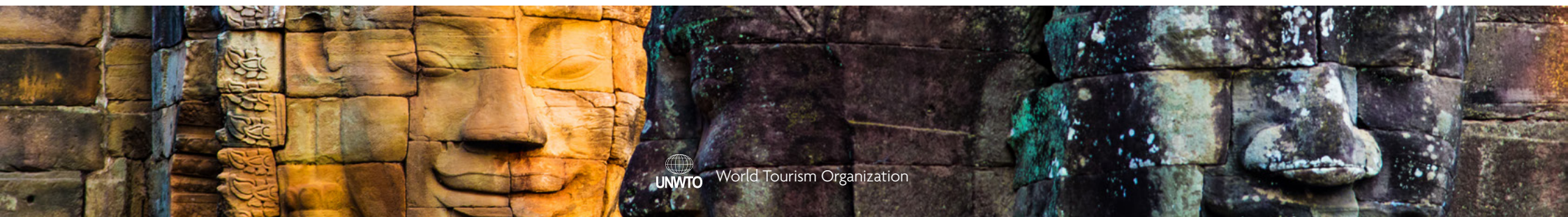
and technical staff and their equipment sent by the tourist's country of origin on a need basis, by issuing, as rapidly as possible, any prior authorization (including the granting of temporary visas and/or work permits and the facilitation of entry requirements) that may be required in order to provide the necessary assistance to tourists and subject to the application of the national laws and practices of the country in which it operates.

For Country of Origin:

6. Cooperate in facilitating necessary operational measures including repatriation of the tourist
7. Facilitate onward transit of nationals and their family members, subject to the provision of onward transit proof if necessary, as well as third country nationals holding a residence permit and their dependents who are returning to their State of nationality (if different from the country of origin).

For third Countries:

8. Provide to the host country and the country of origin, as soon as practicable, information on security and safety measures, local authorities and consular assistance, as well as on the tourist's identity, health condition and location.
9. Cooperate in good faith in facilitating the necessary operational measures, including onward transit and repatriation of tourists.
10. Make best efforts to operationally assist and facilitate the transit (and freedom of movement) within its territory of any official, medical and technical staff, and equipment sent by the tourist's country of origin.





These recommendations are issued by UNWTO Secretariat in the framework of [Decision CE/DEC/4\(CXII\)](#), adopted by the Executive Council (EC) at its one hundred twelfth session held in Tbilisi (Georgia) on 15-17 September 2020.

These recommendations provide ad interim guidance to Member States regarding the assistance to tourists in emergency situations, particularly in the context of the COVID19 pandemic. They are subject to the continuous developments of the outbreak of the coronavirus disease and to further development by UNWTO 's Intergovernmental Committee for the development of an International Code for the Protection of Tourists and UNWTO Governing Bodies.

UNWTO continues to monitor the situation closely for any changes that may affect these interim recommendations. Should any factors change, UNWTO will issue an update.

Valuable inputs in the form of review and suggestions were received by (acknowledged in alphabetical order): Diego Augusto Benitez, Full Professor of Tourism Law, UNRN, Argentina, Francesco Morandi, Full Professor of Transport and Tourism Law, University of Sassari, Italy, and Charlotte Wezi Mesikano Malonda, Managing Partner Charlotte Thomas & Company, Practitioner competition and consumer protection at COMESA level.