

COMMITTEE FOR THE DEVELOPMENT OF AN INTERNATIONAL CODE FOR THE PROTECTION OF TOURISTS

Fifth meeting – PUBLIC

Madrid, 17 March 2021

International Code for the Protection of Tourists

Chapter I

Definitions

For the purposes of this Code, and unless otherwise provided in particular provisions, the following definitions apply:¹

1. *“Tourist”* means 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. *“Excursionist”* means a person taking a trip which does not include an overnight stay to a main destination outside of his/her usual environment. For the purposes of this Code any reference to “tourist” constitutes at the same time a reference to “excursionist”.
3. *“Tourism service provider”* means any natural person or legal person (irrespective of whether privately or publicly owned) who sells, offers to sell, supplies, or undertakes to supply a tourism service, single or combined in a package travel, to the tourist.

¹ Chapter One *“Definitions”* has been adopted provisionally by the *Committee for the development of an International Code for the Protection of Tourists* at its fifth meeting held virtually on 17 March 2021. The text of Chapter One has not yet been finalized. It is being developed on an on-going basis subject to the inclusion of any additional definitions, as necessary.

4. *“Emergency situation”* means 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.
5. *“Unavoidable and extraordinary circumstances”* means 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.
6. *“Country of origin”* means 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/her principal and permanent residence.

Chapter II

Assistance to International Tourists in Emergency Situations

Section I: Principles

1. **Harmonization:** The need to establish a common global approach and harmonize the policies and practices regarding the assistance to tourists in emergency situations so that all tourists enjoy an appropriate degree of protection regardless of their nationality, country of origin, destination, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or the nationality of the tourism service provider.
2. **Balance:** The need to find a fair and equitable balance between what is desirable and what is achievable. There should be special regard to the position and capabilities of all tourism stakeholders, including tourists themselves, the country of origin, and the country of destination of the tourist in the distribution of responsibilities, before, during, and after an emergency situation, with due consideration to the vulnerability of tourists.
3. **Cooperation and coordination:** The need to improve and strengthen international cooperation and coordination among the public and private sectors as well as among countries and international organizations, both governmental and non-governmental, to assist tourists in emergency situations.
4. **Responsibility:**
 - i) The duty of public authorities and tourism service providers to provide assistance to tourists in emergency situations, including timely, objective, honest, and relevant information in a clear, comprehensible, and easily accessible manner, as well as security and safety measures, accident prevention, health protection, and food safety. The content and methods of providing information should be subject to consultation with the authorities of the host countries and shall respect the privacy of individuals and be aligned with applicable privacy regulations. Such information should be strictly proportionate to the gravity of the situation and confined to the geographical areas where the emergency situation has arisen.
 - ii) The responsibility of tourists to either acquaint themselves or to follow the information provided by the tourism service provider regarding the characteristics of the countries they are preparing to visit. Tourists shall

be aware of the health, safety 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 security protocols established by public authorities in times of crisis and by taking out adequate travel insurance.

5. **Accessibility:** The right of tourists with special needs to travel just like any other person. Some tourists with special needs may be more vulnerable in emergency situations and will likely seek additional reassurance from public authorities and tourism service providers. In emergency situations, they should not be excluded from communication regarding public health, safety measures and travel updates, decision-making, and information on the availability and accessibility of basic services. Lack of accessible communication associated with their conditions might expose them to additional risks. The tourism service providers and local authorities should consider eliminating obstacles and barriers by taking into due consideration the safety of all tourists.
6. **Clarity and certainty:** The need of tourists and tourism service providers to clearly know their rights, what is expected of them and have sufficient time to be able to comply with requirements.
7. **Risk-targeted approach:** The need to have regulatory approaches targeted at risk and to have specific and well-defined objectives that respond directly to emergency situations, respecting the principles of non-discrimination and proportionality.

Section II: Recommendations

Subsection i): Prevention

1. Establish permanent, professional, efficient, and effective crisis management services in order to facilitate operational measures in emergency situations.
2. Establish specific programmes, contingency plans and protocols for emergency situations that include coordination mechanisms with due consideration to the particular situation and needs of tourism service providers, diplomatic, consular and consumer authorities, and tourists.
3. Designate authorities or bodies at the local or national level, as appropriate, responsible for monitoring, advising on, and coordinating the application of the programmes, contingency plans and protocols mentioned in paragraph 2 above, and providing assistance to tourists in emergency situations. Establish a point of contact and information hub for tourism service providers, diplomatic, consular and consumer authorities, and tourists.
4. Support the regular development and updating 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 through alternative formats and other accessible technology, for example Braille, subtitles, videos, etc., thus enabling any tourist to receive adequate instructions and understand them properly. As much as possible, this information must be provided in multiple languages.
5. Foster the development and use of accessible, affordable, and fair travel insurance schemes or guarantee systems that aim to provide adequate coverage for tourists, including cancellation fees, the costs of treatment and quarantine, and the costs of repatriation.
6. Foster the development of financial instruments to support tourism service providers established in their territory in emergency situations.
7. Take appropriate measures to simplify procedures and reduce, as far as possible, the administrative burden for tourists in dealing with tourism service providers in emergency situations.

Subsection ii): Information

1. Taking into account the telecommunication facilities of each individual country, provide up-to-date available information, including but not limited to, border procedures, available means of transport to or from the destination, travel restrictions, public health, safety and security measures, as well as other practical information for tourists. Such information is to be made available on the authorities' official websites and other social media platforms. Further provide the information at the main transport, hospitality and public health infrastructures, through tourism, travel and transport professionals, consumer agencies, and service providers. As far as possible, this information should be provided in multiple languages.
2. Promote the use of fully functional cross-border voluntary approved and interoperable contact tracing apps, if it is available and in accordance with personal data protection and other applicable laws, to warn tourists in the event of a potential risk that may lead to an emergency situation.
3. Disseminate information on emergency situations 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.

Subsection iii): Assistance

The host country and the country of origin, pursuant to the principles indicated under Section I, should make their best efforts and take all the necessary measures to assist tourists in emergency situations, as follows:

For the host country:

1. Ensure through coordinated systems, procedures, or arrangements that the tourism service provider is in the position to give appropriate assistance without undue delay to the tourist in emergency situations, in particular by:
 - i) Providing available information on security and safety, health services, local authorities, and consular assistance;
 - ii) Assisting the tourist to make distance communications, if required, and helping the tourist to find alternative travel arrangements;
 - 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, without prejudice to seeking redress according to the applicable regulations; and
 - iv) Assisting the tourist to contact the consumer agencies and authorities (available) in the host country and their (international) networks to help clarify the legal situation and rights of the tourist.

2. Ensure that the accommodation service providers are appropriately equipped with the necessary information and communication channels, provided in advance, and cooperate with the relevant authorities of the host country in emergency situations, to facilitate whenever possible:
 - i) Available information concerning the identity, health condition and location of tourists;
 - ii) Information on how the emergency situation affects the provision of accommodation services by the provider;
 - iii) Available information of how aid might be provided;
 - iv) Available information on the state of health and well-being of the tourists, as relevant; and
 - v) Available information on how tourists might be contacted and removed from difficulty, emergency or danger and repatriated.

3. Ensure that in case of unavoidable and extraordinary circumstances or emergency situations, the accommodation service provider displays ethical behaviour and does not increase the room rates for the extra nights spent by the tourist.

4. Ensure that in case of unavoidable and extraordinary circumstances or emergency situations preventing the tourist from physically reaching the place where the accommodation service is to be provided or preventing the accommodation service provider from fulfilling its contractual obligations, the accommodation service provider does not request cancellation fees.
5. In emergency situations, provide, so far as possible, rescue services, communication services, temporary shelters for accommodation, necessary meals and refreshments, visa or any other appropriate permission, transportation, basic medicines and emergency health care.
6. In emergency situations, waive administrative sanctions or penalties on other countries' nationals, without compromising the host country's national security, 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.
7. In emergency situations, when the life, health or personal integrity of the tourist is exposed to direct danger, carry out, so far as is reasonably possible, additional necessary operational measures such as coordinated evacuation, provision of emergency and security staff, provision of health and medical services.

For the country where the tourist contract is concluded (whether the host country or the country of origin):

8. Promote that tourist contracts provide insurance schemes or guarantee systems which cover the risks resulting from emergency situations, including pandemic events, both with reference to assistance and repatriation, as well as treatment costs, and with reference to cancellations and reimbursements.

For the tourism service providers:

9. In emergency situations, communicate immediately with the host country authorities, which should activate a direct and specific communication channel with tourism service providers, or their local representatives or local agency, in order to coordinate the assistance to tourists, as appropriate.

Subsection iv): Repatriation

For both the host country and the country of origin:

1. Transmit or make available, 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 any 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 country of origin.

For the host country:

3. Take necessary measures to ensure the repatriation of tourists, in the same way as the citizens of the country, even if included in the tourist contract with the tourism service provider or travel insurance, without prejudice to seeking redress, according to the applicable regulation.
4. Facilitate the necessary visa requirements or any other appropriate permission, including for compelled stays exceeding the maximum established and cross border procedures.
5. In emergency situations, make best efforts to operationally assist and facilitate the necessary entry, stay and 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. Such assistance includes 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 the 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 from the host country or a third country back to the country of origin, 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.

For third countries:

8. Provide to the host country and the country of origin, as soon as practicable, information on local 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 movement) within its territory of any official, medical and technical staff, and equipment sent by the tourist's country of origin.

Chapter Two “*Assistance to International Tourists in Emergency Situations*” comprises a set of minimum international standards providing countries with guidance for the assistance to tourists in emergency situations, particularly in the context of the COVID-19 pandemic.

The text of Chapter Two has been adopted by the *Committee for the development of an International Code for the Protection of Tourists* at its fifth meeting held virtually on 17 March 2021. It is published as *ad interim* guidance subject to the approval of the General Assembly (GA) at its 24th session to be held in Marrakesh, Morocco, in October 2021.

It is based on the “*Recommendations for the assistance to international tourists in emergency situations*” issued by UNWTO Secretariat following decision 4(CXII), adopted by the Executive Council (EC) at its 112th session held in Tbilisi, Georgia, on 15-17 September 2020.

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