



UNWTO

Organización Mundial del Turismo

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

ALICIA GOMEZ
LEGAL COUNSEL

Committee on the development of an International Code for the Protection of Tourists

MANDATE:

- Develop minimum standards in emergency situations and consumer rights of tourists in the post COVID-19 scenario (International Code for the Protection of Tourists)
- Soft law instrument of a non-legally binding nature

COMPOSITION:

- MEMBERS:

98 **Full and Associate** Members, including **31 African states**

5 **Non- UNWTO** Members (Belgium, Denmark, Ireland, Latvia, Luxemburg)

- CONSULTATIVE GROUP OF SPECIALIZED EXPERTS

- OBSERVERS:

International Organizations – Commonwealth, EU Commission, HCCH, ICAO, ISO, UNCTAD, World Committee on Tourism Ethics

Private Stakeholders – Allianz, ECTAA, EGFATT, Expedia Group, HOTREC, IATA, IFTTA, IH&RA, ILA, ISTO

Mechanism to receive the consolidated input of the **Affiliate Membership**

Timeline of the Code

2010 - 2017

Working Group on the **Draft UNWTO Convention on the Protection of Tourists and on the Rights and Obligations of Tourism Service Providers**

11th – 16th September 2017

22nd session of the UNWTO General Assembly – endorsed the Draft UNWTO Convention on the Protection of Tourists and on the Rights and Obligations of Tourism Service Providers

15th – 17th September 2020

112th session of the UNWTO Executive Council – Committee Terms of Reference approved by Decision 4(CXII)

30th October 2020

First meeting of the Committee (private)

17th March 2021

Fifth meeting of the Committee (public)

8th June 2021

Seventh meeting of the Committee (public) (adjourned)

12th July 2021

Eighth meeting of the Committee (public)

26th August 2021

Ninth meeting of the Committee (public) (adjourned)

9th September 2021

Ninth meeting of the Committee (public) (resumed)

Potential adoption of the remaining Chapters

Date TBC

Progress Report to be presented to the **24th session of the General Assembly for adoption**

Structure and Content of the Code

- 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 the adherence and implementation of the International Code for the Protection of Tourists

Achievements

Chapters One and Two

CHAPTER ONE: DEFINITIONS AND CLARIFICATIONS

- Adopted by the Committee on a provisional basis
- Being developed on an on-going basis, subject to the inclusion of any additional definitions, as necessary.

CHAPTER TWO: ASSISTANCE TO INTERNATIONAL TOURISTS IN EMERGENCY SITUATIONS

- Development of minimum international standards for the protection of tourists in emergency situations
- Four central themes – Prevention, Information, Assistance, Repatriation
- Adopted by the Committee as Chapter Two of the Code at its fifth meeting
- Published as ad interim guidance subject to the approval of the 24th General Assembly of UNWTO

Achievements

Chapter Three

Tourist Protection in Contracts (I)

CHAPTER THREE – PART I: CONTRACTUAL ISSUES RELATING TO EMERGENCY SITUATIONS

- Focus on the contractual protection and consumer rights of tourists in emergency situations
- Four main topics: Prevention, Termination of the contract, Vouchers as alternative to monetary reimbursement and Government financial support to Tourist Service Providers
- Adopted by the Committee at its Seventh meeting

Progress

Chapter Three

Tourist Protection in Contracts (II)

CHAPTER THREE – PART II: MINIMUM STANDARDS ON TOURISTS PROTECTION

- Development and harmonization of minimum international standards for the protection of tourists as consumers
- Focus on the contractual protection and consumer rights of tourists in non-emergency situations
- Seven sections: Pre-contractual and Contractual Information, Termination, Failure of performance, Protection in case of insolvency, Right of access to justice
- Final discussions ongoing, to be adopted by the Committee

CHAPTER THREE – PART III: PRINCIPLES ON TOURISTS’ PROTECTION IN DIGITAL TOURISM SERVICES”

- Set of principles for the protection of tourists with respect to the new digital tourism services, with a view to ensuring a safe approach and use of online tourism platforms and prevention of any abuse thereof.
- Nine Principles
- Final discussion ongoing, to be adopted by the Committee

Progress

CHAPTER FOUR: INTERNATIONAL SETTLEMENT OF TRAVEL AND TOURISM DISPUTES VIA ALTERNATIVE MEANS OF DISPUTE RESOLUTION

- Focus on alternative means for the resolution of travel and tourism disputes at the international level
- Aims to provide tourists with flexible and efficient mechanisms to resolve such disputes in an expeditious and fair manner
- Final discussion ongoing, to be adopted by the Committee

CHAPTER FIVE: ADHERENCE AND IMPLEMENTATION OF THE INTERNATIONAL CODE FOR THE PROTECTION OF TOURISTS

- Focus on modalities for the adherence to the Code, for monitoring its implementation and enforcement, and proposals regarding UNWTO's role regarding the Code
- Aims to provide clarity to parties regarding the nature of the Code and its relationship with national laws and international agreements, and to review the role of UNWTO and proposed technical Committee for the monitoring of implementation and adherence to the Code.
- Final discussion ongoing, to be adopted by the Committee

An aerial photograph of a tropical island, likely in the South Pacific, showing a mix of dark green forest, sandy beaches, and clear turquoise water. The sky is filled with soft, white clouds. The image is used as a background for a presentation slide.

Alicia Gomez
Legal Counsel

agomez@unwto.org