FREQUENTLY ASKED QUESTIONS
INTERNATIONAL CODE FOR THE PROTECTION OF TOURISTS

Adopted by the Resolution A/RES/732(XXIV) of the General Assembly of UNWTO at its twenty-fourth session
What is the International Code for the Protection of Tourists (‘ICPT’)?

The ICPT is a comprehensive set of principles and recommendations on tourists’ protection in emergency situations, including but not limited to pandemics, and consumer rights of tourists aiming at restoring consumers’ confidence in travel and providing sufficient guarantees to international tourists in the post COVID-19 scenario.

Why was the ICPT created? Why now?

The COVID-19 crisis has revealed the absence of an international legal framework to assist tourists in emergency situations and the lack of uniformity at the international level regarding tourism consumer protection rights.

During the crisis, the closure of borders with little or no notice left hundreds of thousands of tourists stranded abroad, millions of flights were cancelled and the situation soon deteriorated. The lack of clarity regarding one another’s obligations, duties and responsibilities of assistance in emergency situations created great uncertainty around tourists’ rights, impacting negatively on the confidence of tourists in international travel.

Moreover, the introduction of measures such as vouchers and the boom of new digital tourism services without a clear, transparent, and harmonized framework, along with the sharp increase of litigation in travel and tourism disputes, present additional challenges for restoring consumers’ confidence.

In order to restore consumers’ confidence and help the recovery of the tourism sector, the ICPT intends to provide all tourism stakeholders, both in the public and the private sector, with practical guidance on how to assist tourists affected by emergencies, including but not limited to health emergencies, and help develop and harmonize consumer protection standards through a more clear, transparent and efficient framework.

How will the ICPT improve tourists’ protection in the post COVID-19 scenario?

By developing and harmonizing minimum standards for assistance and consumer protection at the international level, the ICPT will provide greater legal protection to tourists as consumers and help make people feel safer and more confident in international travel.

With a more clear, transparent and harmonized framework for the protection of tourists in the post COVID-19 context, the ICPT intends to address the loopholes of the current legal framework and clarify the rights and responsibilities of all actors, including tourists themselves, with a view to improving the contractual relationships between providers and recipients of the various tourism services.

For example, the ICPT provides recommended standards for a more balanced allocation of responsibilities among tourism service providers, establishes a set of minimum requirements for vouchers in order to make them an attractive and reliable alternative to monetary reimbursement for tourists and supports States with a number of principles and recommendations for the alternative (‘ADR’) and online (‘ODR’) resolution of travel and tourism disputes at the international level in a fair, efficient and expeditious manner.
What are the benefits for a State to adhere to the ICPT?

The ICPT represents a fundamental frame of reference to improve and strengthen the level of protection of tourists in emergency situations and consumer rights of tourists at the international level.

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 by providing them with practical guidance on how to assist tourists in emergency situations and help develop and harmonize consumer protection standards.

At the same time, it will provide greater legal protection to tourists as consumers and facilitate the creation of safe, competitive and sustainable destinations to promote the recovery of tourism within a more clear, transparent and reliable legal and regulatory framework.

As a flexible instrument of a non-legally binding nature, States remain entirely free to take any measures they consider appropriate for the application of the principles and recommendations of the ICPT and to adapt it to the different conditions and characteristics of their country depending on the specific needs, wants and demands of the tourism sector and in accordance with their institutional framework.

Who is covered by the ICPT?

The ICPT is addressed to governments, public and private tourism stakeholders and tourists themselves.
Is the ICPT legally binding?

No, the ICPT is a soft-law instrument of a non-legally binding nature.

The ICPT provides a set of non-binding principles and recommendations intended to provide guidance to Governments as to proposed policy, legislation and regulatory practice at the national level. Additionally, the ICPT may provide practical guidance for all those, in the public and private sector, who have obligations, responsibilities, duties and rights regarding the matters dealt with in the ICPT.

What is meant by “minimum international standards”?

The ICPT provides a set of principles and recommendations which States, regardless of their domestic policies, legislation and practice, should respect at the minimum when dealing with the protection of tourists in emergency situations and consumer rights of tourists.

States remain entirely free to adopt higher standards of tourists’ protection within their countries. In no case, the application of the principles and recommendations of the ICPT will affect national policies, legislation and practice which ensure more favourable conditions than those provided for in the ICPT.

Does the ICPT give rise to legally binding obligations for States and, if so, which are these obligations?

No, the ICPT will not create legally binding obligations for States.

The principles and recommendations of the ICPT may be applied by States on a voluntary basis fully or partially and in accordance with applicable national laws and regulations.

Nevertheless, States adhering to the ICPT will be required to report to the Secretary General of UNWTO on the status of application of the ICPT and, subsequently, on the measures taken to give effect to the ICPT within their country.
What is the procedure following the adoption of the ICPT by the General Assembly?

Following the adoption of the ICPT by the General Assembly of the UNWTO, States are required to formally adhere to the ICPT and to express their willingness to apply its principles and recommendations within their country through a formal notification to the Secretary-General of the UNWTO.

More information regarding the procedure for adherence to the ICPT and its subsequent steps may be found at: (hyperlink to web section on adherence – point two).

Adhering fully or partially to the ICPT means adopting internal legislation?

Not necessarily. States remain entirely free to propose any action which they may judge appropriate in respect of ICPT as to policy, legislation and regulatory practice.

Some States may have national laws and regulations already in line with the ICPT, while others may need to adjust their national laws and regulations in order to align with the minimum international standards set out in the ICPT.

Additionally, States may decide to apply the principles and recommendations of the ICPT at the policy-making level by enhancing, improving or supplementing institutional and regulatory measures and actions.
Why is the ICPT considered a “flexible instrument”?

The ICPT is a voluntary instrument of global application which intends to provide guidance as to policy, legislation and regulatory practice at the national level. Some States may already have very high standards of protection for tourists consumers, while others may not any specific policies, laws or regulations in this respect.

As such, the modalities for the application of the principles and recommendations of the ICPT by States adhering fully or partially to it will depend on the position and capabilities of each country and may take into account the particular qualities, size, financial resources and characteristics of different types of tourism service providers.

For example, when dealing with the contractual protection and consumer rights of tourists under tourism service contracts, States may decide to apply different types of requirements and levels of accountability between big travel&tourism companies and SMEs and family-run businesses in order not impose disproportinate burdens in relation to specific tourism services and / or lead to unfair and distortive practices in the tourism sector.

What are the monitoring and reporting mechanisms foreseen in the ICPT?

The ICPT features a set of reporting mechanisms aimed at gathering and compiling relevant information on the practice and experience of countries in implementing the recommendations of the ICPT and its effectiveness, and to develop and share knowledge, best practices and lessons learnt.

States adhering to the ICPT will firstly report to the Secretary General of UNWTO, one year after the notification of adherence, on the status of application of the ICPT (‘Initial Reports’) and, subsequently, on the specific measures taken to give effect to the ICPT within their country (‘Periodic Reports’). On the basis of the periodic reports submitted by States, relevant information on the practice, experience and potential difficulties encountered by countries in implementing the recommendations of the ICPT will be compiled by a technical Committee established to assist the Secretary-General in promoting and monitoring the application of the ICPT (‘General Report’).

The technical Committee will adopt, in an appropriate timeframe, the ‘General Report’ on the adherence and application the ICPT that will be transmitted by the Secretary-General of UNWTO to the General Assembly.
How does the ICPT relate to the private sector?

The ICPT addresses private tourism stakeholders directly and encourages them to promote the principles of the ICPT.

In particular, tourism service providers are encouraged to commit to the ICPT, uphold its principles and apply its relevant recommendations, so far as possible, by integrating them or make specific reference to them in their contractual instruments signed with tourists.

How can tourism stakeholders commit to the ICPT?

Tourism stakeholders can apply the principles and recommendations of the ICPT directly, without the need to adhere thereto and/or express any formal commitment to the same.

Notwithstanding the foregoing, at a later stage and in line with other non-binding legal instruments of the UNWTO such as the Global Code of Ethics for Tourism, the Secretariat will develop an ad hoc mechanism by which private tourism stakeholders can officially commit to the ICPT and pledge to uphold, promote and apply its principles and recommendations.

My country has not adhered to the ICPT, can I still apply its principles and recommendations as a tourism service provider?

Yes, the ICPT addresses tourism stakeholders directly regardless of whether a State has adhered or not to the ICPT.

However, in no case the application of the principles and recommendations of the ICPT by tourism service providers may be done in a manner inconsistent with national laws and regulations and/or may result in less favorable treatment for States and providers of tourism services. The application of the principles and recommendations of the ICPT may not result in any excuse not to comply with national legislation obligations.

What are the benefits for a private stakeholder to commit to the ICPT?

By developing and harmonizing minimum international standards, the ICPT aims at strengthening the level of protection of tourists and, at the same time, improving the contractual relationship between tourists and tourism service providers through a more clear, transparent and reliable legal framework.

The ICPT will provide greater legal certainty not only to States, but also to private stakeholders by clarifying their obligations, duties, responsibilities and rights for the assistance to tourists in emergency situations and consumer protection rights in general.

In particular, the ICPT provides a set of recommended standards for a more clear and balanced allocation of responsibilities among tourism service providers, with a view to ensuring accountability and, at the same time, protecting the tourist in an emergency situation.

As a flexible instrument of a non-legally binding nature, the ICPT allows private stakeholders to modulate the required actions for the application of its principles and recommendations according to their effective organizational capacities, taking into account the particular qualities, size, financial resources and characteristics of different types of tourism service providers, in order avoid the imposition of undue burdens that are disproportionate in relation to specific tourism services.
Where can I find more information about the ICPT?

For more information about the ICPT, please contact the ICPT Secretariat at icpt@unwto.org