



Ministerio
de Turismo

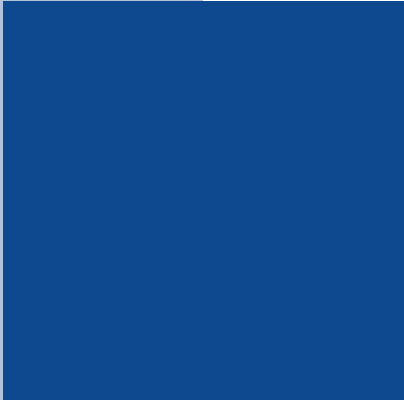


WALA XIII AIRPORT LAW CONFERENCE

**"Supporting a sustainable future for aviation:
The airport of tomorrow"**

JUNE 28 - 30, 2023

Paris, France



The International Code for the Protection of Tourists



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de Turismo



UruguayNatural

Situation of international tourists during COVID19 crisis

- Absence of a national/international legal framework to assist international tourists in emergency situations
- Lack of uniformity at the international level regarding tourism consumer protection rights
- Unequitable and unfair distribution of responsibilities
- Lack of clarity regarding one another's obligations, duties, and responsibilities
- Great uncertainty around tourists' rights, impacting negatively on the confidence of tourists in international travel
- Insufficient coordination mechanisms between public/private sector to address the new challenges faced by tourists and tourism service providers

Situation of international tourists during COVID19 crisis

- Millions of tourists stranded during crisis- different luck and treatment depending on nationality and destination
- Outbreaks in cruises, resorts and hotels
- Lack of information - what to do? Who pays for what?
- Limited access to accommodation and public health in destination during lockdown
- Travel and health insurances not covering acts of god/ pandemic

Situation of international tourists during COVID19 crisis

Millions of flights cancelled. Some tourists reimbursed, some others provided with vouchers, some others allowed to change route but at higher cost.



Situation of international tourists during COVID19 crisis

Closure of borders with little or no notice
100% destinations with partial or total travel restrictions.



TIMELINE

FROM 112TH SESSION OF THE EXECUTIVE COUNCIL

---> TO THE 24TH SESSION OF THE GENERAL ASSEMBLY:

- 11 virtual meetings
- 11 months
- 30th October 2020 - 30th September 2021

... during which the Committee has revised and discussed the five chapters of the Code and developed the final text of the International Code for the Protection of Tourists that is being presented to the General Assembly for adoption.

The ICPT Committee

MEMBERS:

- 98 Full and Associate Members
- 5 Non- UNWTO Members (Belgium, Denmark, Ireland, Latvia, Luxemburg)
- CONSULTATIVE GROUP OF SPECIALIZED EXPERTS

OBSERVERS:

- International Organizations – ACS, 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 (CABA)



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”.

The International Code for the Protection of Tourists

MAIN OBJECTIVES:

- Restoring consumers' confidence and making the travel environment more attractive
- Providing sufficient guarantees to international tourists in the post-COVID19 scenario, including regarding the assistance to tourists in emergency situations
- Creating a feeling of safety for tourists/travelers and improving the contractual relationships between providers and recipients of the various tourism services

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

Structure and Content of the ICPT

Chapter TWO: Assistance to International Tourists in Emergency situations

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
- Addressed to Member States: Host Country, Country of Origin, Third Countries

Structure and Content of the ICPT

Chapter THREE: Tourist Protection in Contracts (I)

CHAPTER THREE- PART I: MINIMUM STANDARDSON 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

Structure and Content of the ICPT

Chapter THREE: Tourist Protection in Contracts (II) & (III)

CHAPTER THREE – PART II: 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

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 there of.
- Nine Principles

Structure and Content of the ICPT

Chapter FOUR: Alternative Means of Dispute Resolution

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 (ADR/ODR procedures)
- Avoid the massive increase of litigation resulting from the crisis of the tourism sector
- Three parts – Part III deals specifically with emergency situations, bearing in mind the vulnerability of tourists in those circumstances and the massive increase of litigation resulting from emergency situations

URUGUAY



Adhered to the ICPT on NOVEMBER 2022

"Convinced that the ICPT is a very valuable tool in helping to guarantee safety and protection of tourists which is essential to maintain the reputation of a country as a tourist destination"

CÓDIGO INTERNACIONAL PARA LA PROTECCIÓN DEL TURISTA



ADHESIÓN TOTAL DEL PARAGUAY

El 21 de abril del 2022, mediante dictamen N° 46, la República del Paraguay se adhirió al Código Internacional para la Protección de los Turistas. Paraguay fue el primer país de las Américas, junto con Ecuador, en adherirse al Código



67th MEETING of the
UNWTO REGIONAL
COMMISSION
FOR THE AMERICAS

United in the Americas,
United for the Prosperity of Tourism



Other countries adhered so far

Ecuador / Guinea-Bissau / Moldova / Myanmar (partial) /
Paraguay / Portugal / Guatemala

35th Regional Comission of UNWTO for Asia and the Pacific

June 2023

Cambodia / Indonesia / Maldivas

68th Regional Comission of the UNWTO for the AMericas - June 2023

Costa Rica / Haití / Honduras

Legal nature

- Soft law instrument of a non-legally binding nature
- Principles and Recommendations addressed to Member States and private stakeholders for the protection of tourists in emergency situations and consumer rights of tourists in the Post COVID19 scenario
- Voluntary adherence
- Practical guidance to Governments as to proposed policy, legislation and regulatory practice at the national level

Benefits for Private Sector

PRIVATE SECTOR:

Tourism service providers are encouraged to commit to the Code, uphold its principles and apply its relevant recommendations by integrating them in their contractual instruments signed with tourists

DIRECT APPLICATION:

Tourism stakeholders may apply the principles and recommendations of the ICPT directly, without the need to adhere thereto and regardless of whether a State has adhered or not to the same

MORE CLEAR ALLOCATION OF RESPONSIBILITIES:

The ICPT will provide greater legal certainty 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

We encourage all State Members to adhere to the ICPT and to the private sector, to apply the principles and recommendations of the Code.

Together, we can build a safer tourism worldwide.



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THANK YOU.

Dr. Ignacio Curbelo
Director General
Ministry of Tourism of Uruguay



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