

16 Putting Tourism to Rights

A Call for a Human Rights Approach in Tourism

FACTS



Tourism's image is mainly positive. It is considered to create jobs, to bring in foreign exchange, to help alleviate poverty and to contribute to world peace and a cosmopolitan consciousness. Developing countries in particular, many of which are indebted and faced with high unemployment, promote tourism as a panacea, and thus offer cheap labour and pristine landscapes.

However, while generating income, tourism often undermines the rights of people in the tourist destinations. This includes the fundamental rights of those who hardly participate in tourism and receive no benefits from it, but whose lives are affected by its impacts. In the name of tourism, people are discriminated against, their freedom of expression is curtailed and their participation in decision-making processes is obstructed. The families of farmers and fishermen are dispossessed, indigenous communities are displaced and children sexually exploited. Last but not least, global tourism accelerates climate change, thus globalising its impact on human rights. Climate change also affects people in parts of the world where hardly any tourism happens.

"All human beings are born free and equal in dignity and rights..."

Human rights are the subjective rights that all human beings are endowed with at birth. They enable people to live their lives in freedom, equality and dignity.

In addition to the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), several other declarations and conventions have been developed under the United Nations.

Many of them are of direct relevance to the tourism sector, e.g. the UN Convention on the Rights of the Child, the Convention on the Elimination of All

Forms of Discrimination against Women, the core labour standards of the International Labour Organization (ILO), the Convention on Biological Diversity, and others.

More than 60 years after the Universal Declaration of Human Rights, it is high time to acknowledge that human rights must be a fundamental basis of sustainable tourism development.

No Human Right to Tourism

Even though tourism business representatives and the UN World Tourism Organization (UNWTO) would like to see it differently, there is no "right to tourism" to be derived from the human rights to leisure and freedom of movement.

Leisure does not by default imply travel and tourism, and the right to freedom of movement does not encompass the right to enter another country. At the same time, tourism development and the current forms of tourism often endanger and violate human rights.

Claiming a "right to tourism" and placing it at the same level as fundamental human rights is in stark contradiction to a credible human rights approach.

Rights for People, Rules for Businesses

According to international law, it is the obligation of states to respect, protect and fulfil the rights and freedoms to which all humans are entitled. This also applies in the context of tourism.

The preamble of the Universal Declaration of Human Rights also calls on every individual and every organ of society (which includes the private sector) to promote respect for human rights and to support their imple-

mentation. For companies, respecting human rights means above all "do no harm".

In his draft for a UN Framework on Business and Human Rights, John Ruggie, Special Representative of the UN Secretary-General on Human Rights and Transnational Corporations, outlines the state duty to protect people against human rights abuses; the corporate responsibility to respect human rights; and the need for more effective access to remedies.

Companies need strategies in order to ensure that their business activities support human rights instead of violating them. As part of their due diligence, they are requested to apply this human rights approach all along their supply chain.



Recommendations for a Human Rights Approach in Tourism

We urge everybody involved in tourism to act in line with their responsibilities under the international human rights framework. All actors have to play their part in fully respecting, protecting and fulfilling the human rights of people in tourist destinations, and of the employees working in the tourism sector. This explicitly includes mitigating action to ward off the threat of climate change. This is a call for action addressed to governments, the tourism industry and civil society:

United Nations (UN Human Rights Council, UN World Tourism Organization)

- The UN Human Rights Council should take up tourism as a sector related issue and should, in view of its global relevance, examine the possibility of appointing an independent expert.

- The UN World Tourism Organization (UNWTO) should develop “do no harm” guidelines for their members and for the tourism industry. UNWTO should offer “due diligence” guidance, imparting information and training on the responsibilities of companies to respect human rights, in line with the UN Framework on Business and Human Rights.

- The UNWTO is urged to continue to develop the Global Code of Ethics in Tourism and to support members in its implementation. In particular, the UNWTO must ensure that the grievance mechanism (set out in Article 10) is transparent and functioning.

- The UNWTO must improve civil society participation in its structures and procedures and take the perspectives of people affected by tourism in the destinations seriously.

European Union

- The European Union must introduce accountability and reporting obligations for companies in order to close the gap in the regulation of tourism enterprises regarding human rights and corporate responsibility.

- The European Union must facilitate access to EU courts for people outside the EU who are affected by human rights violations related to tourism.

Governments in Tourist Sending and Receiving Countries

- In order to ensure that human rights in the development and management of tourism are upheld in a systematic manner, governments must clarify who is in charge of human rights issues in tourism and ensure coherence. This should involve consultation with civil society.

- Coherent human rights based policies must overcome the conflict of interest between business promotion on the one hand and the evaluation of bi- and multilateral economic relations including trade, investment and services with regard to their impacts on human rights on the other.

- Governments must create awareness of the human rights related obligations of companies active abroad, and support them in fulfilling these obligations.

- Governments in tourist sending countries must ensure that the victims of human rights violations committed by companies abroad are enabled to take legal action in those countries where the respective companies are based.

- Governments must take action, both nationally and internationally, to ensure that the tourism industry reduces its CO₂ emissions and contributes to miti-

gating the impacts of climate change. Poor countries need support to bear the costs for mitigation and adaptation to climate change.

- Governments must ensure that they do not support tourism development that puts people’s rights or natural resources at risk.

- Financing or guarantees for public or private tourism projects must not be committed unless comprehensive and independent environmental, social and human rights impact assessments have been done. Governments must ensure that these are fully transparent.

- Governments in the destinations must protect their population against human rights violations by third parties, including the tourism industry.

- Governments should publicise investment agreements with companies, including the incentives granted. This may be done either as information for the general public and/or under the control of parliamentary bodies and independent courts.

- Governments in the destinations undertake a wider dissemination of UNWTO’s Global Code of Ethics for Tourism, so that individuals and communities who are affected by tourism can make use of the grievance mechanism.

Tour Operators

- Tour operators must incorporate the principle of human rights due diligence into their business policies. This includes: having a human rights policy; assessing the impacts of their business practices on human rights; monitoring and reporting on practices and progress.

- Tour operators must also take responsibility for human rights violations occurring along their supply chain. They should make use of social and environmental impact assessments and labour audits when concluding contracts with hoteliers and other service providers. The implementation of the ILO core labour standards must be ensured.



- Tour operators should utilise existing codes of practice to help mitigate tourism’s negative impacts and maximise benefits to local communities.

- Tour operators should train staff on their ethical policies in order to ensure the implementation of their business philosophy in their operations. They should communicate their business philosophy to the public in a credible manner.

- Tour operators must acknowledge their responsibility with regard to climate change. They must cooperate with governments and other stakeholders in destinations in order to take meaningful steps to mitigate the impact of climate change on people and the environment.

Hotel and Tourism Associations, Investors and Service Providers in the Destinations

- National and international hotel and tourism associations should create incentives and sanctions for their members to fulfil and continue to develop human rights standards. Membership should be subject to the observation of human rights standards.

- Investments must not contribute to human rights violations (“do no harm”). Investors must conduct independent social and environmental impact assessments, including the impacts of their projects on human rights.

■ Investors must ensure that the construction of resorts and other tourist facilities does not lead to forced evictions or displacement of people without orderly procedures in accordance with the rule of law and adequate compensation. Investments must not be made if there are ongoing legal disputes over land ownership or access to resources.

Non-governmental organisations

■ NGOs should monitor and demand respect for human rights and their implementation, particularly when states fail to do so.

■ NGOs, development organisations and their partners should put tourism onto their agendas with regard to its impacts on land, natural resources and human

rights. It should be included in their lobbying work and development projects, as well as in needs assessments in disaster areas.

Tourists

■ Human rights are every individual's rights, but they also imply duties: Tourists should inform themselves in a comprehensive manner before going on a holiday. They should exercise "due diligence" in their travel decisions, keeping in mind their responsibility to respect human rights.

■ Tourists should give preference to tour operators and service providers who are committed to human rights and have a credible CSR (Corporate Social Responsibility) strategy.



This paper summarises demands and recommendations published in the report "Putting Tourism to Rights – A challenge to human rights abuses in the tourism industry" (published by Tourism Concern) and the study "Alles was Recht ist – Menschenrechte und Tourismus" (published by EED – Tourism Watch in cooperation with the Working Group on Tourism and Development – akte).



Tourism Concern is an independent, non-industry based, UK charity. It aims to change the way that tourism is traded and developed through collaborative work with industry, government, development and human rights NGOs. www.tourismconcern.org.uk



Tourism Watch is a working desk in the Church Development Service (EED) of the German Protestant Churches. EED and ecumenical partners are committed to sustainable, socially responsible and environmentally sound tourism. www.eed.de



Arbeitskreis Tourismus und Entwicklung (akte – Working Group on Tourism and Development) is a non-profit organisation concerned with the social, cultural, economic and ecological impacts of tourism on development. It aims to raise public awareness, advocates fair trade in tourism in a critical dialogue with the travel industry, and encourages travellers to be informed consumers. www.akte.ch

This paper is endorsed by the Ecumenical Coalition On Tourism (ECOT) and the Tourism European Network (TEN).



The Ecumenical Coalition On Tourism was founded in 1982 in response to the profound impact of tourism on third world communities. ECOT works in collaboration with ecumenical, church, faiths-based, and civil society groups around collective efforts to promote socially, ecologically and ethically responsible tourism. It believes that tourism must be based on justice and sustainability for host communities.

The Tourism European Network is a network of non-governmental organisations working on tourism, human rights and development. TEN looks at tourism in the context of globalisation. The member organisations denounce and combat unfair practices in tourism.

Members of TEN are: Akte – Working Group on Tourism and Development (CH), EED – Tourism Watch (G), Karavaan (B), Informatie Verre Reizen (NL), Naturefriends International (A), Schyst Resande (S), Studienkreis – Institute for Tourism and Development (G), Stichting Retour Foundation (NL), Tourism Concern (UK)



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