Human Rights in Tourism: Shared Responsibility

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Abstract

Background

Since the Human Rights Committee of the United Nations adopted in 2011 the 'Guiding Principles on Business and Human Rights', according to its author also called 'Ruggie Principles' (Office for the High Commissioner on Human Rights, OHCHR 2011), different economic sectors, including tourism, deal intensively with the question of their responsibility and the implementation of their human rights due diligence.

But so far tourism is lacking in-depth research on the exact relationships between the touristic lifecycle and violations of human rights. NGOs often criticized for good reasons individual or systematic cases of human rights violations (e.g. Plüss 1999, Tourism Watch 2011, Tourism Concern 2012), but however missed to raise the question of optional and real influence of different stakeholders.

Aim and methodology

In the following text, the results of a comprehensive study of the author together with Matthias Beyer, Mascontour (Baumgartner et al., 2015), on the topic of 'human rights in tourism' for the German Society for International Cooperation (GIZ) are summarized. The paper presents firstly a systematization of human rights violations in tourism at the beginning of his undertaking: Which human rights are at what stage of tourism development violated by whom? Who are the victims? Secondly the question of possible reactions and measures for different stakeholders to avoiding Human Right violation is answered.

The study did a literature research - mainly focusing on media and NGO reports - and expert interviews to identify cases of Human Right violations in tourism within the last 10 years.

The further analysis is based on the 165 identified cases of human rights violations related to tourism which have been recorded. Out of these 165 cases, 124 were recognized as relevant for this analysis - they have sufficient evidence and a clear link between tourism development and operations and human rights. Apart from identifying which human rights were affected, every identified case is analyzed along different criteria, such as information about the case (5 criteria), tourism relevance (6 criteria) and Human Right relevance (5 criteria), to identify the most significant cases that were deeper analyzed, partly with in-depths interviews, in two cases with on-site visits.

The study faced several limitations, such as the complexity of the human rights issue itself and the difficulties to access concrete and accurate data and to interview the persons involved in delicate human rights issues or other resource persons knowledgeable about these cases. In particular it turned out as impossible to assess the positive human rights record of tourism, since the statistics published about jobs and income created by tourism do not give any reference about human rights related issues such as participation and transparency in tourism development or working conditions. Although recent discussions show positive impacts of tourism to create sustainable livelihoods for poor people, this is by far not enough to generalize the positive impact of tourism employment in tourism on economic and social human rights. Furthermore, the study did not want to justify touristic development by eventual or real positive impacts on Human Rights, as in the opinion of the authors Human Rights are a fundamental value and respecting them is rather a must then a best practice example.

Findings

The study shows that the right to adequate standard of living, including the right to housing, the right to food and the right to water and subsequently the right to decent working conditions are most often violated. Violators are often regional administrations and governments, then both the local and international tourism industry, tourists themselves are - with the exception of child abuse in tourism - comparatively rare as perpetrators.

The victims are equally employees in tourism and the local population in general. Particular attention has to be paid for partly serious consequences for vulnerable groups such as children, women or indigenous peoples.

The review of cases of human rights violations related to tourism, with the aim of a systematic analysis of human rights impact of tourism in various destinations shows large differences in various stages of the tourist lifecycle. The wide variety of examples of cases makes it difficult to generalize the findings or to claim universal results. Human rights violations, the affected groups, violations and conditions must always be considered also context specific to find concrete and workable solutions. But one finding may be generally stated: Certain contexts with certain factors seem to allow human rights violations rather than those contexts in which these factors do not or no longer exist:

It can be stated: Where undemocratic governance structures, unclear legal frameworks and non-participatory decision-making processes are to be found, almost systemic human rights violations occur. If these factors, especially in the planning and investment phase of tourism development exist, it often comes to human rights violations such as forced displacement of indigenous populations, land grabbing and considerable deterioration of the living standards of local residents. Such an environment also promotes the development of human rights violations within the tourist attractions, here one can find often violations of workers' rights and discrimination against certain groups in society.

The analysis has shown that high-risk groups such as migrant workers, children, women, indigenous groups and people with disabilities are particularly vulnerable to tourism-related human rights violations. Therefore, a number of international treaties have been completed in recent years, statements creates and agreements and other instruments for the observance of human rights and in particular for these relevant groups have been concluded. However, the study also notes that the existing lack of comprehensive data and information relating to these groups still cannot provide answers, which can be set targeted and broad-effective measures to improve the situation. The current legal situation cannot prevent further Human Rights violations in tourism.

Human rights are formulated internationally and apply universally. However, its full implementation, the detection of violations, and access to mechanisms of remedy for many people around the globe remains a difficult task. The documentation of human rights violations and the sensitization of various stakeholders is and remains a necessary component of an overall social challenge. Currently, especially non-governmental organizations, civil society organizations and the local trade unions provide opportunities for affected groups to claim their rights. These organizations play a key role in the

documentation and publication of violations. A sound and financially sponsored systematic data collection, monitoring and detailed investigations of human rights violations in the tourism industry information secured work still need to grow.

Based on the review of relevant instruments for the implementation and monitoring of human rights in tourism different actions for the different stakeholders in the tourism industry can be identified already: Each stakeholder has its roles and responsibilities to ensure the protection, respect and remedy for human rights. However, strong partnerships and multi-stakeholder approaches that are based on open dialogue and participation, are essential for a wider safeguarding. The analysis has shown that many governments need to address in particular the strengthening of the legal frameworks. At the same time, however, the private sector has to aim at bridging the gaps between policy and practice also in its self-interest.

It is the responsibility of the private sector and the public sector as well, to meet the challenges arising from the complexity and the different actors indirectly involved. The private sector can secure due diligence by developing and implementing codes of conduct for the supply chain, the public sector through the promotion of decentralized decision-making for a broad involvement of stakeholders at the local level. Recommendations for specific measures in the areas of 'legal framework', 'intervention, enforcement and implementation', 'tourism planning, management and monitoring', 'communication' and 'cross-oriented measures and further research', can transform existing guidelines such as the 'Ruggie Principles' in concrete tourism-related measures.

These few general, relatively simple, but crucial findings make it clear that all stakeholders must work with accurate information. The tourism industry has therefore to perceive their responsibility to customers, employees and the local population and to develop concrete contextual implementation measures. Effective action to protect human rights in tourism can only work if all parties are willing to invest in a trusting relationship.

The further development of existing and development of new tools to prevent Human Rights violations in tourism is a central future task for all stakeholders involved - both for the tourism industry as well as for local administrations and governments and also for donor organizations and NGOs.

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