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CODE OF CONDUCT

FOR

SAFE & HONOURABLE
TOURISM

ADOPTED ON 1st JULY 2010
AND AS MODIFIED FROM TIME TO TIME



UNODC
United Nations Office on Drugs and Crime

PATA[®]
Pacific Asia Travel Association



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SAFE AND HONOURABLE TOURISM: -

To leverage the burgeoning global travel and trade and in keeping with the Indian tourism industry's objective of positioning India as a global tourism brand, the Ministry of Tourism has strategically outlined in its policy the central principle of, '*Atithi Devo Bhava*' (Guest is God). In stating this, is evident the commitment of Indian tourism to ensure that every tourist in India is physically invigorated, mentally rejuvenated, culturally enriched and spiritually elevated.

To meet this objective and at the core of the National tourism policy of 2002 is outlined the seven pillars of tourism, *Swagat* (Welcome), *Soochana* (Information), *Suvidha* (Facilitation), *Suraksha* (Safety), *Sahyog* (Cooperation), *Samrachanam* (Infrastructure Development) and *Safai* (cleanliness).

'**Safe and Honourable Tourism**' aims to strengthen the critical pillar of '*Suraksha*' (Safety) and ensure that Indian tourism follows international standards of safe tourism practices, applicable for both tourists and local residents i.e local people and communities who may be impacted by tourism in some way. Its central objective is to ensure that tourism activities are undertaken, integrating the need to protect the dignity, safety and the right to freedom from exploitation of all tourists and local residents involved in or impacted by tourism. In today's scenario, following safety guidelines is not just about adhering to the provisions of the seven pillars but also implies good business. As the demand from travellers for safe and secure tourism services increases, this code will assist signatories to build capacities among their services chains and personnel so as to be able to respond to this demand.

SPECIFIC OBJECTIVES -

This code is a guideline of conduct to enable the Indian travel and tourism industry to:

1. Encourage tourism activities to be undertaken with respect for basic rights like dignity, safety and freedom from exploitation of both tourists and local residents i.e people and communities who may be impacted by tourism in some way.
2. Aid the prevention of prostitution, sex tourism and forms of sexual exploitations like assaults and molestations in tourism to safeguard the safety of persons, in particular women and children.
3. To enhance prevention of activities like forced or involuntary drug use, manipulated and incorrect information, cultural and social intolerance which could increase vulnerability to crime.

APPLICABILITY:

This code of conduct shall be applicable to all the owners, suppliers, contractors, employees of the travel and tour sector including hotels, restaurants, lodges, guest houses, tour agents, entertainment establishments etc. In addition, it shall be applicable to service providers like event management organizations, entertainment providers, transport operators like taxis, buses, tour guides and other services or agencies associated with the tourism sector. This is not a legally binding instrument but a set of guidelines for the tourism industry. In addition to these guidelines, included in this code are key messages that signatories are encouraged to use.

GUIDELINES FOR THE TOURISM INDUSTRY -

1. Information & training of personnel:

- Management will take up measures to build awareness and train staff on the guidelines of this code and appropriate legal provisions to enhance vigilance and to ensure that personnel act in a manner that promotes the safety of tourists, local residents and their own staff.
- All hotels and tour operators shall train and maintain two persons as focal points to ensure that all safety norms and guidelines of this code are adhered to. The officers shall provide correct information to tourists, like information on Child Help lines- 1098, Women Help lines- 1091, local police helpline 100 and also act as a liaison officer with agencies such as the local police station, immigration authorities, civil society partners working in this area, child and women welfare committees etc.
- In case of an incidence of exploitation, personnel shall be sensitized to report correct information to the appropriate authority's act in cooperation with law enforcement agencies, other agencies providing care and support and take necessary action to protect the interests of the individual whose rights are violated.
- Organizations will promote awareness on the code among service providers affiliated to their business such as vendors, contractors, taxi drivers, tour guides, event management companies etc.
- In case of misconduct by a staff member or personnel of a service provider, signatories of the code will commit themselves to act in an unbiased manner, reporting the incidence to appropriate authorities and protecting the interests of the individual whose rights are violated.
- Identified victims shall not be treated as criminals. They should be identified as persons in need of care, protection and should be provided with legal, medical, psycho-social and any other assistance without delay.

2. Public awareness and guest notification:

- Messages of intolerance to any form of exploitation must be made evident in appropriate places visible to guests/clients, employees and other visitors. Guests and clients must also be provided information through the company's website, brochures, tickets, bills, in-room/in-flight communication etc on issues related to commercial sexual exploitation such as sex tourism *including child sex tourism*, prostitution, pornography, forms of sexual assaults, molestations and key messages elaborated in this code.
- In order to enhance tolerance for social and cultural norms, signatories of this code must take action to provide information available to their best knowledge on local social and cultural beliefs and norms. Knowledge and tolerance for different social and cultural norms will allow tourists to dress, conduct themselves and respect local beliefs helping them to adjust and thereby reducing the

vulnerabilities they might face as foreigners to a particular destination.

- Signatories of the code are encouraged to assist tourists with guidance on safety tips applicable to the specific city/place like places to visit, timings for visits, right dressing and precautions against moving alone, and against accepting eatables and favors from unknown persons etc. Guests and clients shall be cautioned against solicitations from touts, non-regulated tourism operators and encouraged to consult the website of the Tourism Ministry and other authorized websites.
- Signatories will ensure that a clause is included in registration papers seeking commitment of the tourist to act in a manner that respects the dignity and rights of local residents and also to conduct themselves in a manner that shall aid the tourist's own protection against exploitation.

3. Regulated use of premises and official equipment:

- Management/owners are encouraged to prohibit usage of the organization's premises for use or abuse of illicit substances, sexual violations and of company equipment for viewing, storage, distribution, promotion or use of material which could increase vulnerability to exploitations of the nature mentioned in this code.
- Individuals under the permitted age shall not be allowed permission in to restricted areas like bars and pubs.
- Tourism service providers shall verify and maintain a record of details pertaining to tourists, personnel and service providers like address, contact details etc and also commit themselves to maintaining confidentiality.
- Internet usage that promotes, seeks any contacts for sex tourism *including child sex tourism* and other sexual services, for search of pornographic material and/or to solicit the sale and purchase of illicit substances shall be prohibited.

4. Ethical business practices and marketing:

- Management/owners shall ensure that all contracts with business partners, suppliers and franchise agreements bear a clause seeking commitment to provisions of the 'Code of conduct for Safe and Honorable Tourism' in their businesses.
- Any tourism enterprise or service provider found to act in a manner that undermines the safety of persons outlined in this code may be blacklisted.
- Sexually explicit images or concepts/images that may compromise the safety of individuals shall not be used for marketing purposes. An unambiguous company policy shall be set up to ensure that marketing and advertising does not support the promotion of sexual exploitation or promotion of sexually explicit images.
- Signatories are encouraged to patronize vendors and service providers who are committed to adhering to the provisions of this code.

5. Implementation and Monitoring:

- All signatories are required to maintain an annual report on 'Code of conduct for Safe and Honourable Tourism' and submit it to a designated authority.
- Management/owners shall report on:

- Training and capacity building initiatives carried out for personnel/ staff.
- Means adopted to raise awareness on safety among guests, personnel and service providers.

KEY MESSAGES FOR AWARENESS BUILDING AND DISSEMINATION.

Enhancing safety and security of all tourists -

- All signatories of the code are committed to act in a manner that protects the dignity and freedom against exploitation of persons especially women and children and facilitate prevention of incidences of sexual molestation, harassment of their guests and provide assistance in case of an untoward incident.
- *The Travel & Hospitality Industry may establish and implement an effective regulatory framework and take all necessary legislative, administrative, social and other measures to prevent and eliminate child sex tourism. All parties to reinforce advocacy within the tourism and hospitality industry on the harmful effects of child sex tourism and conduct awareness-raising activities in order to make both parents and children aware of the dangers of trafficking of children for sex to tourism.*
- In case of exploitation please call the Child line-1098, Women Help lines-1091 and/or contact relevant authorities like the police or travel and tour operators.
- Like in many places in the rest of the world tourists are encouraged to follow some basic and practical safety tips such as to remain with a group or meet new people in public places, not to accept items from persons whom they have befriended recently, be wary of unexpected, unknown persons coming to their hotel room, never open the door to unsolicited room service or maintenance people etc.
- Tourists are encouraged to understand local social, cultural norms and beliefs and are encouraged to conduct themselves in a manner that respects these beliefs.
- Tourists must always take the advice of more than one person when seeking information on places to visit, shopping places, local customs, beliefs and norms and remain vigilant on accepting completed documents. Tourists are encouraged to seek information from Government of India recognized information centers and visit the Ministry of Tourism's websites.
- Indecent Representation of Women (Prohibition) Act, 1986, Section 2 (c) - Indecent representation of women means the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating a woman or is likely to deprave, corrupt or injure the public morality or morals.
- Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc. is an offence under Section 367 of the Indian Penal Code.
- Assault or criminal force to woman with intent to outrage her modesty is an offence under Section 354 of the Indian Penal Code.

- Punishment for rape offences shall not be less than seven years but which may be for life or for a term which may extend to ten years as the case may be, according to Section 376 of the Indian Penal Code.

Enhancing safety of local people -

- People across the world dress, eat and live differently and follow different values and norms. Tourists are encouraged to respect the local people and must commit themselves to acting in adherence to local laws.
- Signatories to the code maintain zero tolerance to acts of sexual exploitations, including commercial sexual exploitation like prostitution, sex tourism and trafficking of persons for it.
- Many tourists believe that they are protected by anonymity and thus laws are more easily violated. Any guest, staff, partner linked to this agency found to be indulging in exploitations outlined in this code or supporting it shall be reported to an appropriate authority.
- A few alarming trends that have emerged in recent years are sexual exploitation through sex tourism, paedophilia, prostitution in pilgrim towns and other tourist destinations, cross border trafficking.¹
- According to studies conducted by the Ministry of Women and Child Development, there are 3 million commercial sex workers in India, of which an estimated 40% are children. ¹
- Human trafficking is a crime against humanity. It involves an act of recruiting, transporting, transferring, harbouring or receiving a person through use of force, coercion or other means, for the purpose of exploiting them. The consent of a victim of trafficking in persons to the intended exploitation is irrelevant irrespective of age.²
- Sexual relationship with a child amounts to rape according to the Indian Penal Code and is punishable with imprisonment of minimum 7 years which can even be extended to life imprisonment.
- Acquiring or inducing any person (irrespective of age or sex) for prostitution or causing a person to be taken for prostitution is an offence under Section 5 of Immoral Traffic Prevention Act 1956 and with a punishment of 3- 7 years.
- It is a myth that sexual intercourse with a virgin or a minor will cure STI or prevent HIV. It only spreads the disease further.
- Abetment to crime amounts to committing the crime itself.
- Victims of exploitation are not criminals. They are persons in need of care, protection, legal, medical and psychological assistance.
- Under section 7 of Immoral Traffic Prevention Act, 1956, letting out a hotel or any part thereof for prostitution is an offence for which the license of the hotel can be suspended.
- Publishing or transmitting or causing to be published or transmitted, material in any electronic form which depicts children engaged in sexually explicit act or induces children to online relationship with one or more children for and on sexually explicit act is an offence under section 67(b) of the Information Technology (Amendment) Act 2008.
- Narcotics Drugs and Psychotropic Substances (NDPS) Act- Engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-state, export inter-state, import in to India, export from India or transshipment, of narcotic drugs or psychotropic substances is an offence except for scientific and medical reasons. Punishment for the offence may imply imprisonment, fine or both.

- Handling or letting out any premises for the carrying on of any of the above mentioned activities in an offence under the NDPS act.
- According to the National Security Act, 1980, the Central Government or the state Government has the power to act against any person with a view to prevent him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers or the security of India.
- The Foreigners (Amendment) Act, 2004 - If a foreigner to the country acts in violations of the conditions of the valid visa issued to him for his entry and stay in India, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine. If he has entered in to a bond, then his bond shall be fortified.

¹ India Country report- 2008- Ministry of Women and Child Development and the United Nations Office on Drugs and Crime.

² United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime.