REFLECTIONS ON SOCIAL TOURISM AND HUMAN RIGHTS

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What is a right?
The concept of rights

- Different concepts:
  
  - Sometimes “right” is used in its strict sense of the right holder being entitled to something with a correlative duty in another.
  
  - Sometimes “right” is used to indicate an immunity from having a legal status altered.
  
  - Sometimes it refers to a power to create a legal relationship.
  
  - Sometimes it indicates a privilege to do something

Although all of these terms have been identified as rights, each invokes different protections. (Shestack, 1998:203)
3 generations of rights

1. inalienable rights to life, liberty and the pursuit of happiness: the American Declaration of Independence & Rights of Man and of the Citizen (French revolution)

2. Welfare rights: Universal Declaration of Human Rights (social, economic and cultural rights)

3. Rights on solidarity and environmental issues including rights to social development, healthy environment and the right to participation in cultural heritage
Different levels of rights

- Universal level: applying to all humanity such as autonomy and liberty therefore requiring protection via international law and agencies.

- National level: dependent on the priorities of governments and states, such as those relating to some minimum material provision, e.g. a right to welfare
  - Is tourism a welfare right???
What is Social tourism?

- the relationships and phenomena in the field of tourism resulting from participation in travel by economically weak or otherwise disadvantaged elements in society’ (Hunzicker, 1951: 1).

- Inclusion
Tourism and Rights

Human Rights Declaration 1948

- **Article 13**
  
  *Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country.*

- **Article 24**
  
  *Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.*
Article 4:

The right to access to holidays and to freedom of travel and tourism, a natural consequence of the right to work, is recognized as an aspect of the fulfilment of the human being by the Universal Declaration of Human Rights as well as by the legislation of many States. It entails for society the duty of providing for its citizens the best practical, effective and non-discriminatory access to this type of activity. Such an effort must be in harmony with the priorities, institutions and traditions of each individual country.
One exception

- Article 140 stipulates ‘Equal access for everybody, during the whole life, to culture, to sportive activities, to holidays and to leisure constitutes a national objective. It allows to guarantee the effective exercise of citizenship.’

  France, Law n° 98-657 of 29 July 1998 ‘d'orientation relative à la lutte contre les exclusions’

- Others are the Code of ethics, European Union etc.…
The problems

- The concept of a tourism right has been increasingly eroded by the ascendancy of what they call ‘market fundamentalism’, or the increasing spread of neo-liberalist capitalism systems across the international economic and political world (Bianchi and Stephenson, 2014:35)
- Systems of social tourism have shifted from an emphasis on social rights and citizenship to one of sustaining the tourism economy and market, thus making the ideal of ‘tourism for all’, little more than a dream (Diekmann and McCabe 2011)
- Obstacles for people
But benefits of tourism are undeniable

- Mental and physical health
- Social integration
- Intergenerational socialisation and family bonding leading to a stronger and more cohesive society
- Wellbeing
- Quality of life
- Etc.....

**HUMAN ASPECTS**
In conclusion

- Tourism might not be considered a human right for various reasons, and there is no legal basis to support such a right.
- However, the social, economic and cultural conditions form the basis for rights, of which tourism is increasingly an important facet, contributing to wellbeing and quality of life, thus moral incumbency is placed on government to protect such rights.
- It is in this sense that tourism should be considered a social right.