

Planning for Human Rights & Tourism

Industry case study.



Steve Noakes,
Director, Pacific Asia Tourism
Director, Ecolodges Indonesia



Content:

- 1) What are 'Human Rights'?
- 2) Principles for Business & Human Rights
- 3) Indonesia & Human Rights
- 4) Tourism & Human Rights
- 5) Why & how would Ecolodges Indonesia be involved?



1) What are 'Human Rights'?



Cycle tours near Ruteng on the western end of Flores Island, Indonesia.

Colonialism – WW2 (1939 – 1945) – UN - Decolonisation – Cold War - Globalisation



After WW2, the international community vowed that never again should such atrocities happen on a global scale.



CHARTER *of* THE UNITED NATIONS

AND STATUTE *of* THE
INTERNATIONAL COURT
OF JUSTICE

Destruction in the Japanese city of Hiroshima after the atomic bomb.

Preamble to the UN Charter

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Universal Declaration of Human Rights (UDHR)

- ✓ Proclaimed by the United Nations General Assembly in Paris - 10 December 1948
- ✓ UDHR complements the UN Charter
- ✓ Foundation of international human rights law



UNIVERSAL
DECLARATION
OF
HUMAN
RIGHTS



Universal Declaration of Human Rights (UDHR)

- ✓ General Assembly resolution 217 A
- ✓ A common standard of achievements for all peoples and all nations.
- ✓ It sets out, for the first time, fundamental human rights to be universally protected.
- ✓ Provides a 'roadmap' to guarantee the rights of every individual everywhere.



UNITED NATIONS

Universal Declaration of Human Rights (UDHR)

Article 1: **All human beings** are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2: **Everyone** is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Universal Declaration of Human Rights (UDHR)

Article 13:

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



Implications for tourism?

Universal Declaration of Human Rights (UDHR)

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



Workers pack shoes at a Nike factory in Tangerang in West Java Province, Indonesia in 2007.

Photographer: Crack Palinggi/Landov

‘Nike Inc., the world’s largest sporting-goods maker, is putting its contract manufacturers on notice: adhere to new labor and sustainability standards or risk losing Nike’s business.’

www.bloomberg.com/news/articles/2012-05-03/nike-raises-factory-labor-and-sustainability-standards

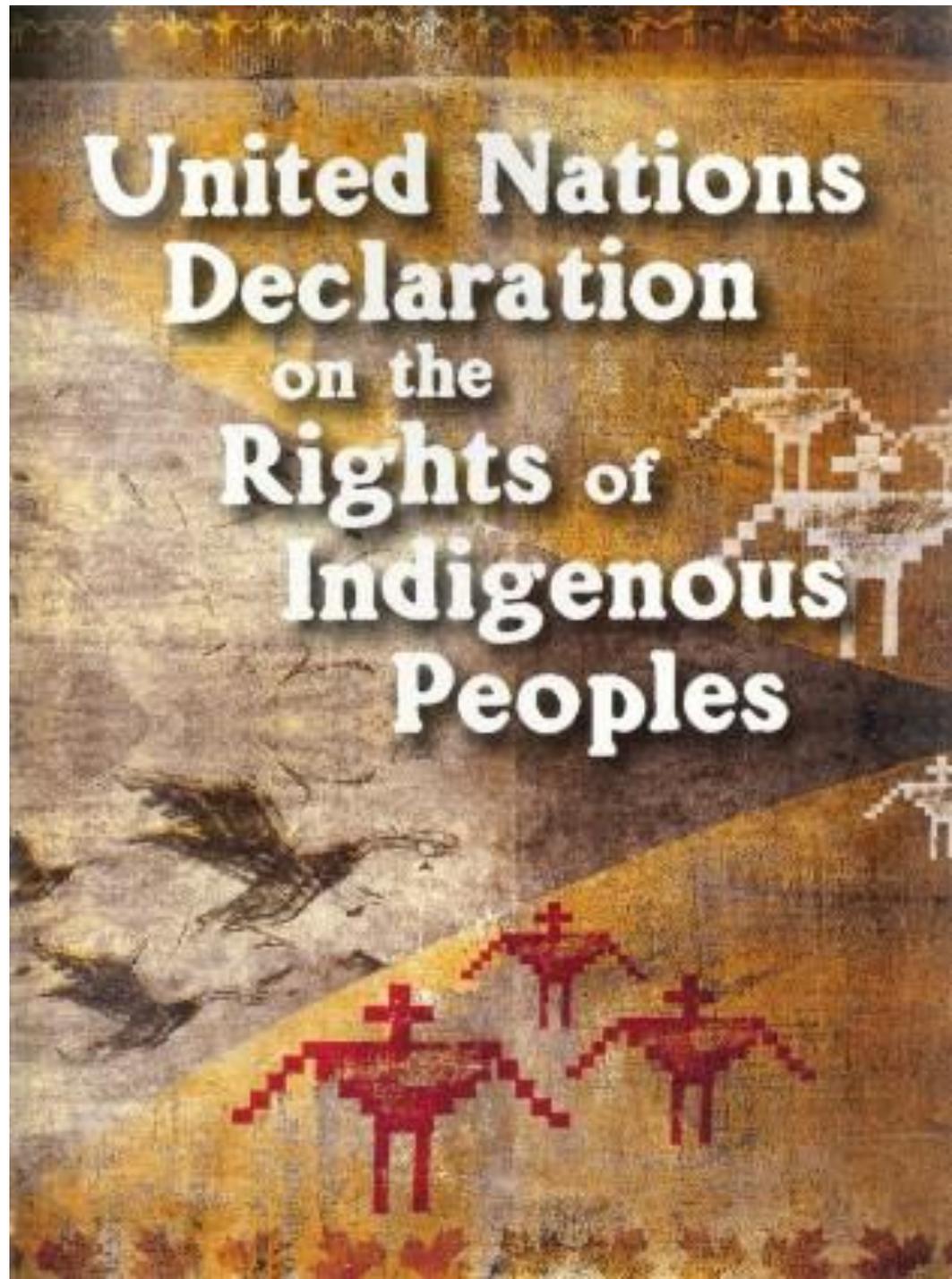
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Adopted by the UN General Assembly
on 13 Sep 2007



Defines the minimum
standards necessary

for the survival, dignity
and well-being of indigenous
peoples of the world.



2) Principles for Business & Human Rights





www.unglobalcompact.org

- ✓ **A global corporate sustainability initiative.**
- ✓ **Voluntary - based on CEO commitments to implement universal sustainability principles and to take steps to support UN goals.**
- **Has played a central role in catalysing business engagement on human rights**
(Transforming Business, Changing the World, DNV GL 2015)
- ✓ **Requires participating companies to produce an annual report on their work to embed the Ten Principles into their strategies and operations, as well as efforts to support societal priorities.**

The UN Global Compact's **Ten Principles** are derived from:



- ✓ the Universal Declaration of Human Rights,
- ✓ the International Labour Organization's Declaration on Fundamental Principles and Rights at Work,
- ✓ the Rio Declaration on Environment and Development,
- ✓ the United Nations Convention Against Corruption.

One of the principal architects of the United Nations Global Compact



Professor John Ruggie,
Berthold Beitz Professor in Human Rights and International
Affairs at Harvard's Kennedy School of Government – also
Affiliated Professor in International Legal Studies at Harvard Law
School.

More at:

www.unglobalcompact.org.au/2016/02/12/key-trends-business-human-rights-2016/

The ten principles.



Human Rights

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Labour

Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4: the elimination of all forms of forced and compulsory labour;

Principle 5: the effective abolition of child labour; and

Principle 6: the elimination of discrimination in respect of employment and occupation.

Environment

Principle 7: Businesses should support a precautionary approach to environmental challenges;

Principle 8: undertake initiatives to promote greater environmental responsibility;

Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

3) Indonesia & Human Rights



Map source: www.wowshack.com/6-eye-opening-maps-of-indonesia-you-probably-havent-seen-before/

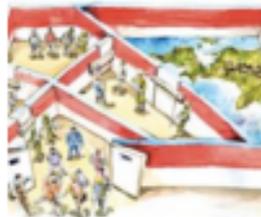


Indonesia



President Joko Widodo took office in 2014 with high public hopes that he would address the human rights failures of his predecessors. Widodo made commitments on religious freedom, but religious minorities face harassment, intimidation, and violence by Islamist militants. Islamic bylaws violate the rights of women, LGBT people, and religious minorities. Widodo announced that Papua would be open to foreign journalists, though military and civilian bureaucracies keep placing conditions on reporting. Large numbers of political prisoners convicted for peaceful expression have yet to be released, including in Papua and the Moluccas. Widodo shocked many by implementing the death penalty on a widespread basis against convicted drug traffickers. ■

Indonesia



NOVEMBER 10, 2015

Something to Hide?

Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua



FEBRUARY 28, 2013

In Religion's Name

Abuses against Religious Minorities in Indonesia

The 107-page report documents the government's persecution of members of religious minorities, including Christians, Hindus, and Buddhists.



JULY 15, 2013

The Dark Side of Green Growth

Human Rights Impacts of Weak Governance in Indonesia's Forestry Sector



JUNE 23, 2013

Barely Surviving

Detention, Abuse, and Neglect of Migrant Children in Indonesia

This 86-page report details Indonesia's poor treatment of migrant children, including violence, and poverty in Somalia, Afghanistan, Pakistan, and Bangladesh.



MARCH 21, 2016

Living in Hell

Abuses against People with Psychosocial Disabilities in Indonesia



INDONESIA 2015/2016

Security forces faced allegations of human rights violations, including the use of unnecessary or excessive force. Arbitrary arrests of peaceful protesters, especially in Papua, occurred throughout the year. The government restricted activities marking the 50th anniversary of the serious human rights violations of 1965-1966. Harassment, intimidation and attacks against religious minorities occurred throughout the country. A new Acehese Islamic Criminal Code came into force in October, expanding the use of corporal punishment to include consensual sexual relations. There were 14 executions.

Police and security forces

Impunity

Death penalty

Freedom of expression

Cruel, inhuman or degrading punishment

Freedom of religion and belief

4. Tourism & Human Rights



Balinese dressed in traditional clothing walk on a beach past tourists during a Melasti ceremony prayer.

Tourism affects many aspects of *human rights*, such as:

- ✓ the right to information and participation in decision-making processes,
- ✓ to protection against discrimination,
- ✓ to housing, food, water, health and education,
- ✓ to work with dignity,
- ✓ to join trade unions,
- ✓ to protection against forced labour and
- ✓ to privacy.

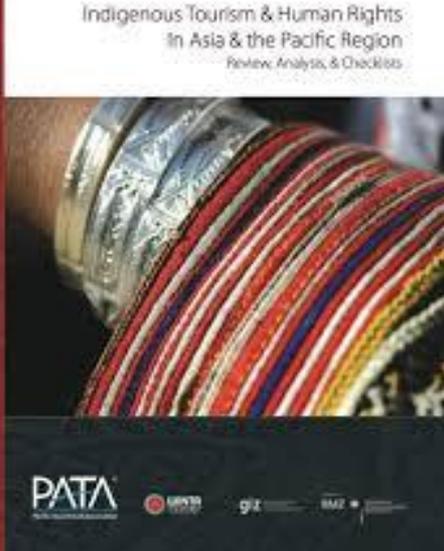
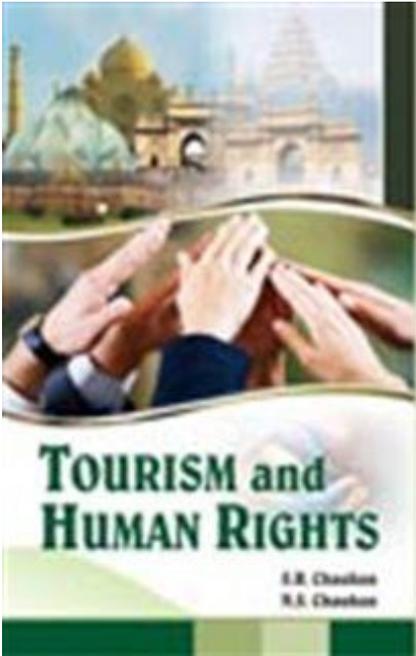
Moreover, the human rights of potentially high-risk groups must be protected, especially migrant workers, children, women, indigenous people and people with disabilities.



Limited, but some quality contributions



Roundtable Human Rights in Tourism



TourismConcern
Industry briefing

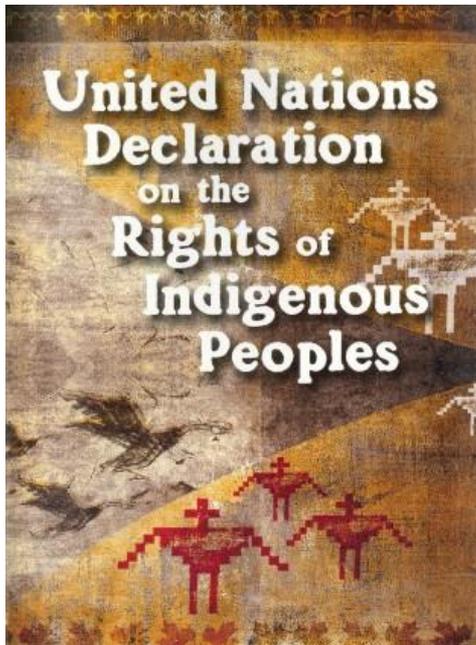
Why the tourism industry needs to take a human rights approach:
The business case

Ali Nipour

Tourism and Human Rights
Human Rights Approach to Tourism

An important frame of reference:





Indigenous Tourism Themes

Literature, Evidence

- Recognition, Respect, & Appreciation
- Differentiation, Authenticity & Enrichment
- Traditional Knowledge, Cultures and Practices
- Intergenerational Stewardship
- Language, Pride, Identity, Self Determination
- Community Health, Development & Governance
- Negotiations, Partnership Building, Co-management
- Capacity Building, Entrepreneurship & Investment
- Sharing, Mutual Learning & Identity, Societal Gain, & Poverty Alleviation



Human Rights Themes

UNDRIP/NFI/Other

- Articles 1,2,7: Autonomy, Identity, and Freedom
- Articles 3, 4, 5, 18, 20, 21: Self Governance
- Articles 3, 21, 32: Community and Economic Development
- Articles 11, 13, 14, 31: Cultural Identity and Expression
- Articles 26, 27, 29: Land and Resource Management
- NFI Focus on Women and Children
- NFI focus on Lifecycle Stage of Development



Guidelines, Checklists for Accountability

Reflecting Larrakia Declaration

Themes:

- Respect and Recognition
- Protection and Management of Culture and Territories
- Empowerment through Organization and Governance
- Consultation and Agreement
- Business Sustainability and Partnership
- Community Building and Livelihood

Case Study Evidence

Regional Research

- Context: History, National/Regional characteristics (spotlight), Tourism Development and Conditions (spotlight)
- Critical Factors: Turning/tipping points, Investment, Policy and Legislation, Economic Strategies, Natural Events, Environmental Changes, Lifecycles stages of development etc.
- Outcomes: Case Specific
- Lessons: Case Specific, General



Human rights in tourism

NGOs have long been criticising the fact that human rights are violated time and again in the name of tourism.

2011: "Putting Tourism to Rights" - compiled the observations of civil society organisations on the basis of the international human rights framework.

Major tour operators Kuoni Travel and Studiosus - developed a human rights policy.

"Roundtable Human Rights in Tourism"

Studiosus



**"The universal human rights are
the framework for socially
responsible and sustainable
tourism development"**

Peter-Mario Kubsch (Studiosus).



The Roundtable Human Rights in Tourism aims at:

1) A process of rights responsibility according to the UN Guiding Principles on Business and Human Rights (Ruggie 2011) & winning tour operators for compliance with human rights due diligence;

2) Developing an industry standard as well as a management concept for human rights responsibility according to the UN Guidelines on Business and Human Rights, recommending them for the tourism industry and making them known;

3) Implementing human rights standards into the business processes of tour operators by providing information and various materials, and advancing access to good practice with knowledge transfer;

4) Raise awareness in the public and the media: bring travellers, businesses, investors, educators, students and responsible politicians to respect human rights in tourism.



HUMAN RIGHTS IN TOURISM

An Implementation Guideline for Tour Operators

- ✓ Based in Europe
- ✓ Large tour operators
- ✓ Global destinations



Member organisations of the *Roundtable Human Rights in Tourism*



arbeitskreis tourismus & entwicklung



Deutsches Global Compact Netzwerk



Promoted/Funded by:

 Austrian Development Cooperation



Next 3 slides - examples from East Africa, South East Asia & South America

Illustrate a selection of human rights issues for which conflicts have been documented.

‘Tourism – as any other economic sector – holds the inherent risk to adversely affect all issues concerning human rights.’



Example: East Africa



Heavy burdens

Local tour operators at Mount Kilimanjaro use native porters. The porters run a high risk of permanent brain damage since the tours are conducted at brief intervals with insufficient acclimatisation periods. On top of this, tour operators pressure the porters to carry more than the legally allowed maximum load.

- ✦ Are our trekking providers actually making sure that the porters work under fair conditions, without being exposed to health and safety hazards?

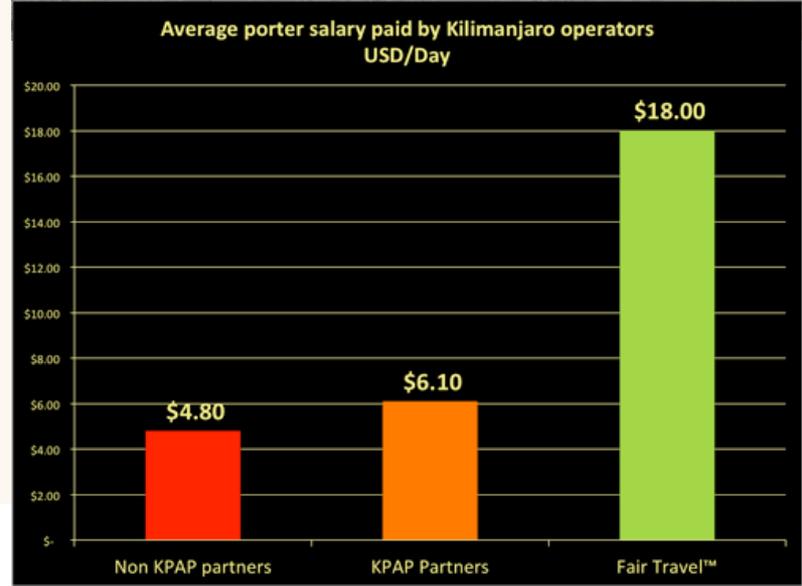
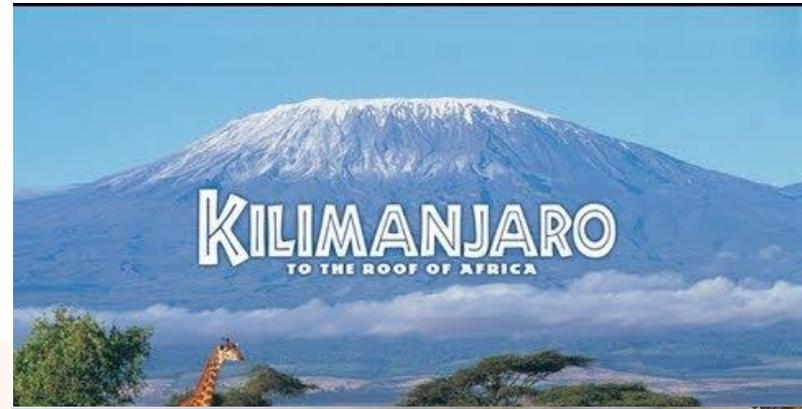
Human rights affected here include:

- **The right to health**

Universal Declaration of Human Rights, Article 25 (1):

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family."

- **The right to work with dignity**



Example: South East Asia

Without protection

“Why do you cry? Forget it!” is emblazoned on the t-shirt of the 13-year old waitress in a popular South East Asian entertainment district. In the impoverished rural area, the parents have no other choice but to send their daughter to work in the tourist centre instead of sending her to school. Since then, the girl has been slaving around the clock in the bar, at the mercy of offensive employers and tourists. Her employer frequently forces her to accompany the tourists to their hotel rooms.

- ☞ What do we do to protect children?
- ☞ Do the young staff members in our contract hotels and excursion restaurants really have access to education?

Human rights affected here include:

- **The rights of the child**

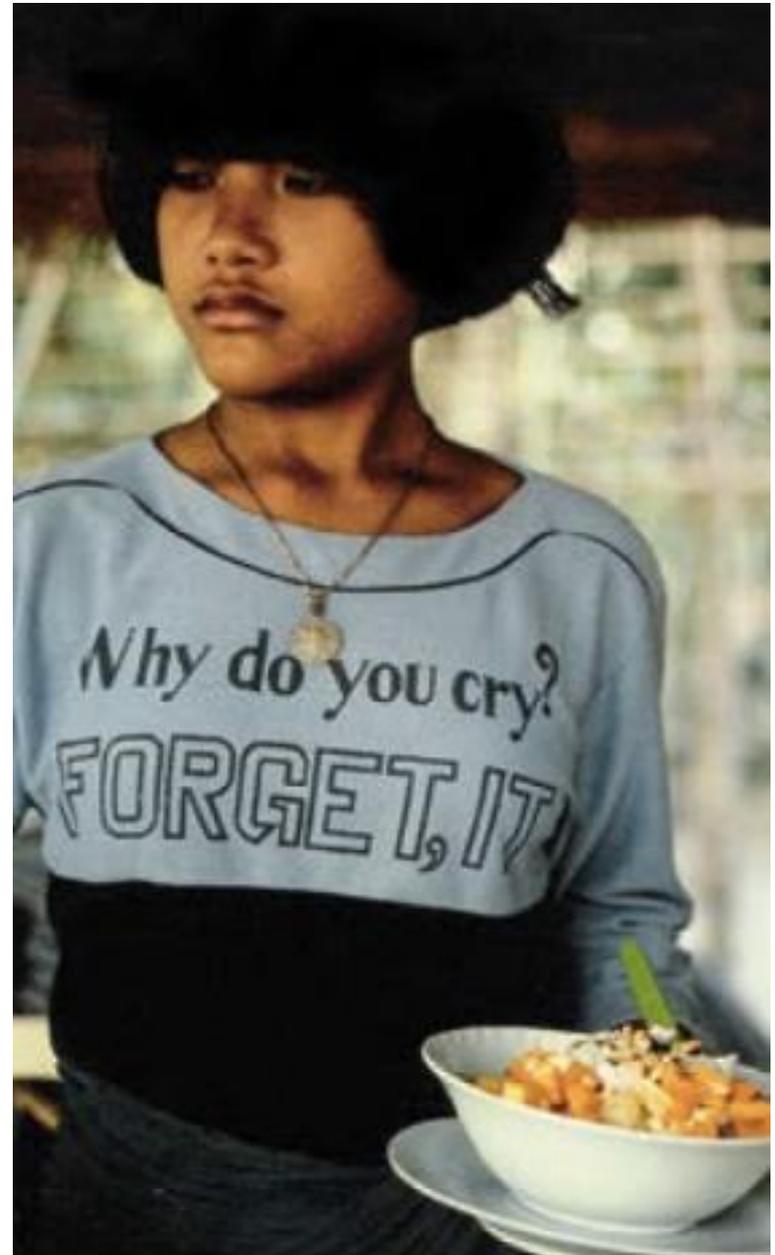
Convention on the Rights of the Child, Article 32 (1), 34:

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s [...] development. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.”

- **The right to education**

Universal Declaration of Human Rights, Article 26 (1):

“Everyone has the right to education.”



Example: South America

Ousted

To transform a South American canyon into an accessible tourist attraction, access roads and a hotel complex are built. The project development company claims to own the land, despite failing to submit the necessary documentation. The police forces the local indigenous population from the land.

- ☞ We just included the resort as an exclusive “Eco Lodge” in our programme – what should we do now?

Human rights affected here are:

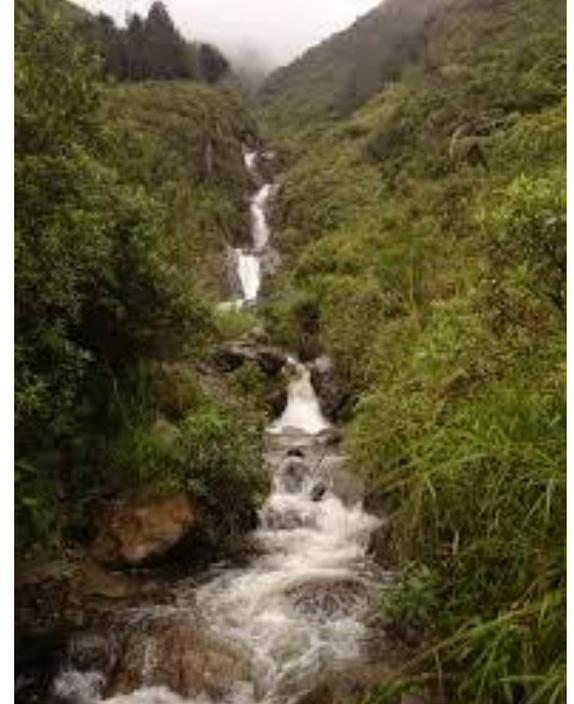
- ***The Rights of Indigenous Peoples***

*International Covenant on Civil and Political Rights, Article 1/
International Covenant on Economic, Social and Cultural Rights,
Article 1:*

“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

*United Nations Declaration on the Rights of Indigenous Peoples,
Article 10:*

“Indigenous peoples shall not be forcibly removed from their lands or territories. [...]”



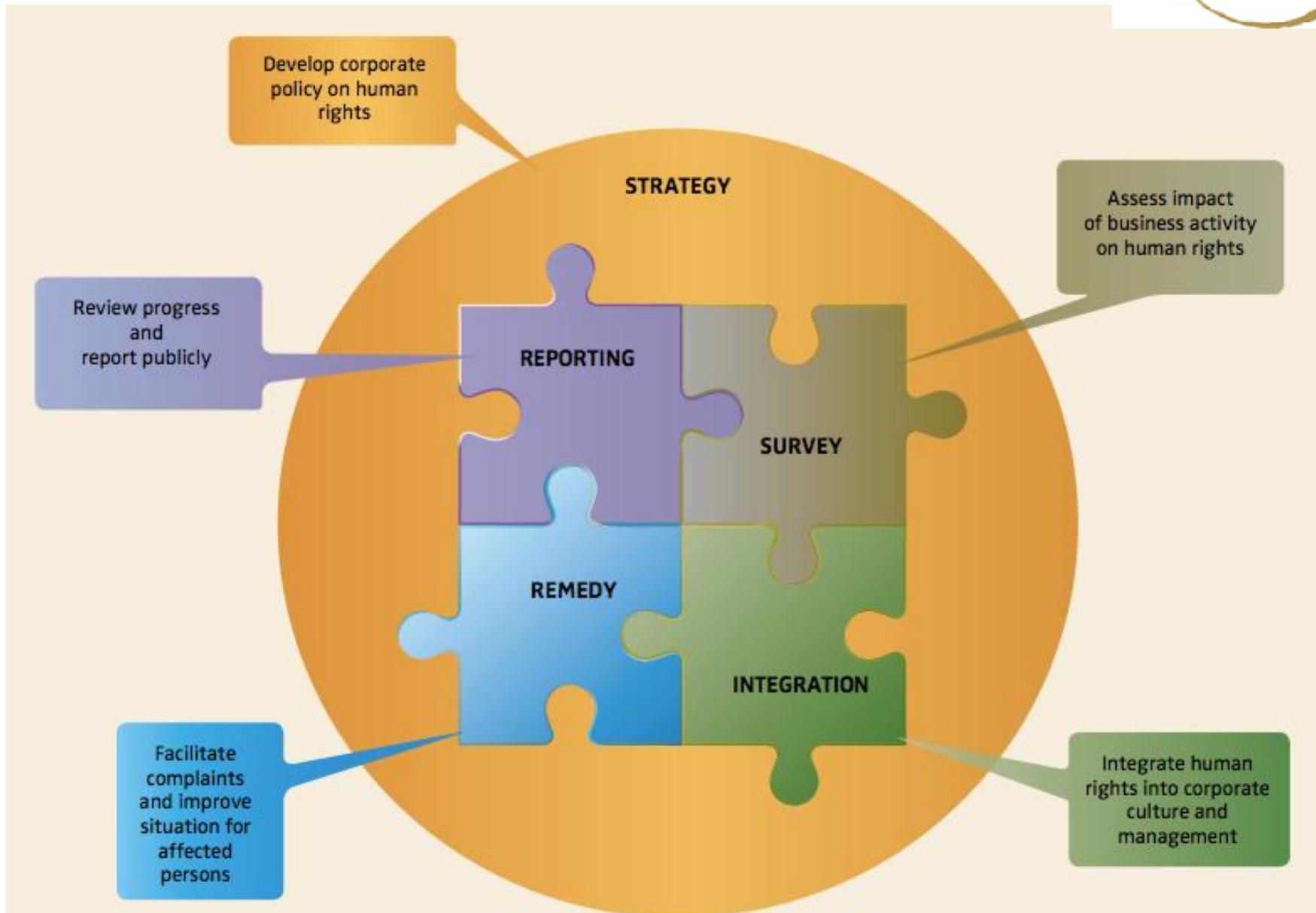
UN Guiding Principles on Business and Human Rights describe the corporate responsibility to respect human rights



! What consequences arise for me as a tour operator?

- This is not just about the rights of my customers or my employees. I am also responsible for the impact of my business activities – including my supply chain – on other persons. These include, for instance, the local population at the destination and the employees in my contract hotels or their subcontractors, such as laundries and building companies.
- It is imperative to identify potential human rights impacts from my corporate actions and decisions – for example in the creation of tour itineraries, in the selection of Destination Management Companies (DMC) and hotels, or in investments. This is a responsibility for small and large businesses alike.
- I must ensure that this risk assessment is continuously followed and put into practice by every employee in my company. Human rights due diligence must be a component of my management processes and corporate culture.
- I am in constant dialogue with the various stakeholders in my business and consider their evaluations in my decisions. When I visit my destination areas, for example, I not only speak with local people, but also with the management personnel of my business partners, but also with their employers, local people as well as local NGOs or agencies.
- If I notice adverse effects on human rights, I will take measures to improve the situation of the people affected – such as committing the contracted hotels to comply with the Labour Standards of the International Labour Organisation (ILO) and motivating my contract partners to improve the situation of their employees. I will terminate cooperation with those service providers who severely violate human rights, or continue to do so following consultations.

Guidelines addressing tour operators, assisting them in systematically implementing the UN Guiding Principles On Business and Human Rights.



Commitment on human rights in tourism

In our activities in the tourism industry, especially as tour operators, we work on a daily basis for and with people: customers, employees including subcontractors, and the local population at destinations. These people are the basis for our business success and the quality of the services we provide. We respect their human dignity and rights.

We acknowledge the Universal Declaration of Human Rights and its legal binding implementation instruments as the basis for our business activities, in particular:

- the International Covenant on Civil and Political Rights
- the International Covenant on Economic, Social and Cultural Rights, as well as
- the Labour Standards of the International Labour Organisation (ILO).

Tourism affects many aspects of human rights, such as the right to information and participation in decision-making processes, to protection against discrimination, to housing, food, water, health and education, to work with dignity, to join trade unions, to protection against forced labour and to privacy. Moreover, the human rights of potentially high-risk groups must be protected, especially migrant workers, children, women, indigenous people and people with disabilities.

We welcome the *Guiding Principles on Business and Human Rights (UNGPs)* of the United Nations Human Rights Council. On their basis, we commit to our human rights responsibility and due diligence in tourism:

1. We have a human rights-based corporate policy.
2. Within the scope of our corporate possibilities, we carefully check the impact of our business activities on human rights.
3. We integrate human rights policy into our corporate culture, into the business management and into our cooperation with subcontractors.
4. We implement an appropriate grievance mechanism and strive to provide remedy in case of human rights abuse.
5. We frequently review the progress of our measures and report publicly.

We pursue the aim to constantly improve the human rights situation at the destinations where we are active. In dialogue with our employees and external stakeholders, we consistently conduct – within the scope of our influence – the implementation of human rights due diligence and agreed goals for continuous improvement.

5. Why & how would Ecolodges Indonesia be involved?



All ELI staff & investors (staff, managers, shareholders, Board) to

- 1) understand how the tourism sector can respect human rights when carrying out business activities (corporate governance & management procedures)**
- 2) be more informed about key international declarations relating to human rights, including: UN Charter, Universal Declaration on Human Rights (UDHR), United Nations Global Compact.**
- 3) increase understanding of the role of NGOs such as Human Rights Watch and industry groups such as the Roundtable on Human Rights in Tourism.**

Recommended actions for ELI (which, if endorsed, SN happy to lead):

- a) Develop a statement: 'Commitment on human rights in tourism'**
- b) Develop basic training materials relating to the 3 points above**
- c) Include reference to its human rights commitment on website and other company promotional and corporate material**
- d) At an appropriate time communicate the policy and internal company actions to the major tour operators who are members of the Roundtable on Human Rights in Tourism (and others)**

Examples of how
Ecolodges Indonesia
might communicate its message
on tourism & human rights.

Human rights are a fundamental element of any sustainable tourism approach.



**We respect the human dignity
and rights
of all our staff.**



www.ecolodgesindonesia.com



Human rights are a fundamental element of any sustainable tourism approach.

'We constantly aim to improve the human rights situation where we operate our ecolodges & tours.'



www.ecolodgesindonesia.com