

Research Article

A Code of Conduct for Tourists Visiting Qatar for the World Cup 2022

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Abstract

This Code of Conduct for Tourist who are visiting Qatar for the World Cup 2022 covers the fundamental rights and duties that must be observed and implemented such as the right to movement, travel and safety and obtaining the different services relevant to the World Cup matches of 2022. In drafting the Code of Conduct references have been made to a number of prohibitions that the tourist must avoid such as sexual exploitation, human trafficking, sex tourism and sexual harassment. In addition to the prohibition against alcohol consumption or other illegal substances as well as gambling and the infringement of intellectual property rights. The drafting of the Code of Conduct is mainly based on three elements, the first is the statement of the rule of law that governs the relevant relationship, the second is a commentary to interpret and explain such rule of law and the third is various references to the sources that was relied on in stating the rule of law.

Keywords: Code of Conduct; Right to tourism; Rules of stadiums; Sex tourism; Sports law; World Cup 2022

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مقالة بحثية

مدونة لسلوك السائحين الذين سوف يزورون قطر للاحتفال بكأس العالم 2022

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ملخص

تتناول مدونة سلوك السائحين الذين سوف يزورون قطر للاحتفال بكأس العالم 2022 الحقوق والواجبات الأساسية التي يتعين مراعاتها وإعمالها، ومن ذلك: حق السائح في التنقل، والسفر، والسلامة، والحصول على الخدمات المختلفة المرتبطة بمباريات كأس العالم 2022. وفي صياغة مدونة السلوك روعي الإشارة إلى المحظورات التي يتعين على السائح تجنبها؛ ومن ذلك: الاستغلال الجنسي والإتجار بالبشر، والسياحة الجنسية، والتحرش الجنسي. ومن ذلك أيضًا؛ استهلاك الكحوليات والمواد الأخرى الممنوعة، والمقامرة، والاستخدام غير المشروع لحقوق الملكية الفكرية. وتقوم صياغة مدونة السلوك هذه على ثلاثية؛ أولها: وضع القاعدة القانونية التي تحكم العلاقة المعروضة، وثانيها: تفسير هذه القاعدة والتعليق على أهم مضامينها. وثالثها: إشارات متنوعة للمصادر التي اعتمدت عليها القاعدة القانونية.

الكلمات المفتاحية: مدونة سلوك، الحق في السياحة، قواعد الملاعب، السياحة الجنسية،

قانون الرياضة، كأس العالم 2022

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Rules Overview

Rule One: A tourist shall have the right to tourism.

Rule Two: A tourist shall have the right to travel.

Rule Three: A tourist shall have the right to choose a service provider.

Rule Four: A tourist must avoid being involved in unlawful acts of sexual exploitation, sex trafficking, sex tourism, or sexual harassment.

Rule Five: A tourist must be treated without discrimination by an airline.

Rule Six: A tourist is entitled to the right to safety through his/ her air journey.

Rule Seven: A tourist shall be entitled to full services of a travel agency.

Rule Eight: A tourist is entitled to be warned about hazardous risks.

Rule Nine: A tourist shall abide by the hotel rules.

Rule Ten: A tourist as a spectator shall have the right to access the stadium.

Rule Eleven: A tourist is prohibited from consuming alcohol in stadiums or outside the specified areas.

Rule Twelve: A tourist shall not be involved in sports betting or sports gambling.

Rule Thirteen: A tourist is prohibited from streaming or broadcasting a match in any way or form directed for commercial use.

Rule Fourteen: A tourist may be criminally or civilly liable in a specialized court of law.

Introduction

The right to tourism is a corollary of the right to rest and enjoy leisure time, in accordance with International Human Rights Law(s). Article 24 of the Universal Declaration of Human Rights provides that, "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." Implementing this principle, Article 7 of the International Covenant on Economic, Social, and Cultural Rights states that parties to the Covenant shall recognize, "The right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: ... (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."

The right to tourism, as such, encompasses the right to travel to other countries. A tourist must observe and respect the traditions and laws of the country they are visiting. "How does a tourist reconcile the right to tourism with the limitations imposed by the host country?" is the question raised in this proposal. This Code of Conduct provides answers to this reconciliation process through designing rules, norms and standards of ethics for tourists that will recognize a bill of rights for tourists and acknowledge a set of prohibitions that they must avoid.

This Code of Conduct relies on the "Global Code of Ethics for Tourism" that was adopted in 1999 by the United Nations World Tourism Organization (UNWTO). The Code, which is widely accepted, provides for ten main principles including: (1) Tourism's contribution to mutual understanding and respect between [local] peoples and societies, (2) Tourism as a vehicle for individual and collective fulfillment, (3) Tourism, a factor of sustainable development, (4) Tourism, a user of the cultural heritage of mankind and contributor to its enhancement, (5) Tourism, a beneficial activity for host countries and communities, (6) Obligations of stakeholders in tourism development, (7) Right to tourism, (8) Liberty of tourist movements, (9) Right of the workers and entrepreneurs in the tourism industry, and (10) Implementation of the principles of the Global Code of Ethics for Tourism.

The Global Code of Ethics for Tourism emphasizes, "The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religions, philosophical

and moral beliefs, are both the foundation and the consequence of responsible tourism..." (Article (1.1)). The Code further states that, "Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices, and customs" (Article (1.2)).

In drafting the Code of Conduct, other international legal instruments shall also be consulted, including the binding Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000. Article 10 thereto states that "State Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution, and punishment of those responsible for acts involving ... child sex tourism."

The proposed Code of Conduct will address the tourist as a spectator of the World Cup 2022 that will take place in Qatar. Hence, in drafting the Code of Conduct, the FIFA Code of Ethics - adopted in 2012 and entered into force on 12 August 2018 - will also provide basis for its various principles. According to the FIFA Code of Ethics, "persons bound by this Code shall respect the integrity of others involved. They shall ensure that the personal rights of every individual whom they contact and who is affected by their actions is protected, respected and safeguarded." The FIFA Code of Ethics prohibitions against sexual harassment, alcohol consumption, violence in stadiums, unauthorized marketing activities, unethical business practices or acts that may constitute violation of intellectual property rights, shall be included in the Code of Conduct.

The proposed Code of Conduct for tourists visiting Qatar for the World Cup 2022 will draw from the experiences of the five previous world cups: Russia (2018), Brazil (2014), South Africa (2010), Germany (2006), and South Korea and Japan (2002).

The proposed Code of Conduct, while focusing on the behavior of the tourist will also address the different parties who are involved in the tourism industry, including the travel agencies, the airlines, and hotels. While there are binding rules that apply to these three entities, the Code of Conduct will provide a number of ethical rules that may have an impact on the application of the law.

Finally, the proposed Code of Conduct will take into consideration the Law of Qatar No. 6 of 2012 regarding organization of tourism. The Law in Article 13 explicitly states, "The Licensee [of tourism activities] may not commit any acts in hotel or tourist establishments which are in contradiction with the law, public order or good morals, or affect the tranquility of the society or the stability of the country." The license of such a licensee may be cancelled - as stated in Article 17, if the licensee, "violates the law or public order and good morals or commits an act that causes harm to the reputation of the state or its security."

Consequently, while the Code of Conduct will rely on international standards, the Code will also pay attention to the local laws of Qatar, reconciling best practices with domestic rules and regulations. The Code of Conduct for Tourists visiting Qatar during the World Cup 2022 is an extension of an earlier Code of Conduct which was drafted, titled "Drafting the Doha Code of Conduct for the World Cup 2022: Principles and Guidelines for Ethics in Sports". The proposed Code of Conduct once finalized will be presented to the State of Qatar to be implemented during the World Cup 2022.

Rule one: A tourist shall have the right to tourism.

Commentary:

As stated above, the right to tourism is a corollary of the right to rest and enjoy leisure time, in accordance with International Human Rights Law. Article 24 of the Universal Declaration of Human Rights provides that, "everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." Article 7 of the International Covenant on Economic, Social and Cultural Rights also implements this principle.

Sources:

1. Tourism is the generic term to cover both demand and supply that has been adopted in various forms and used throughout the World. *Tourism is defined as the activities of persons identified as visitors. A visitor is someone who is making a visit to a main destination outside his/her usual environment for less than a year for any main purpose [including] holidays, leisure and recreation, business, health, education or other purpose....This scope is much wider than the traditional perception of tourists, which included only those traveling for leisure.*¹
2. The Law No 13 of the year 2000 on Organization of Foreign Capital Investment in the Economic Activity provided in Article 2 that "... Investors may invest in all sectors if national economy provided that they shall have Qatari partner(s) (whose share in the capital shall not be less than 51%... Nevertheless, foreign investors may, upon minister's decision, increase their share in project-capital from 49% up to 100% in the fields of agriculture, industry, health, education, tourism, development and exploitation of natural resources, energy or mining provided that such projects match with Development plan of the State (Qatar) and due preference shall be given to projects that would achieve the optimal utilization of domestic raw materials, export industries, or projects that would present a new product or in which modern technology is used, in addition to projects that seek to locate worldwide leading industry or develop and qualify national cadre." The Law No 1 for the year 2019 regulating capital investment of non-Qataris in economic activity permits an investor, who is not Qatari to invest in all economic sectors with 100 percent capital (Article 2). A related law is the Law No. 17 of 2013 regulating exhibitions activities.
3. Tourism, "is considered as a major source of foreign exchange, being important to Arab countries' economy for balance-of-trade purposes and the development of infrastructure (e.g. in Jordan, tourism is considered as the main source of foreign exchange earnings after the remittances from overseas Jordanian workers). Tourism also is a crucial generator of employment to many of these countries (e.g. according to the Egyptian Tourism Authority, 10% of the Egyptian population is dependent on tourism for earning their living, of which a significant proportion is of semi-skilled and unskilled employees; further, in Bahrain, 17-18% of jobs are in tourism, either directly or indirectly; similarly, in Oman, hotels are required by law to have 50% of its employees from local national employees). Tourism also helps in reducing the heavy dependence on other sources of economy (e.g. Gulf countries are good examples here, these countries have started to recognize the importance of tourism to decrease their reliance on oil revenues in the long term, e.g. Dubai in UAE, Oman, Qatar and Bahrain), although, some other countries with big oil reserves are slow towards tourism development, that is due to their lack of the need to diversify their economies (as Abu Dhabi in UAE, Kuwait and Saudi Arabia) (WTO 2003)."²
4. "The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all of the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way," furthermore, "the universal right to tourism must be regarded as the corollary of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, guaranteed by Article 24 of the Universal Declaration of Human Rights and Article 7.d of the International Covenant on Economic, Social and Cultural Rights," additionally, "social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travel and holidays, should be developed with the support of the public authorities," finally, "family, youth, student and senior tourism and tourism for people with disabilities, should be encouraged and facilitated"³.

1 The World Tourism Organization statistics Guidelines, 2010.

2 See: Mairna Hussein Mustafa, 'Tourism and Globalization', [2010], 1 International Journal of Business and Social Science, 41, [2010].

3 Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001 Article 7.

Rule two: A tourist shall have the right to travel.

Commentary:

A tourist should have access to all tourist establishments including all tourism and cultural sites.

Sources:

1. "Tourists and visitors should benefit, in compliance with international law and national legislation, they should have the liberty to move within their countries and from one State to another, in accordance with Article 13 of the Universal Declaration of Human Rights; they should have access to places of transit and stay and to tourism and cultural sites without being subject to excessive formalities or discrimination;" "tourists and visitors should have access to all available forms of communication, internal or external; they should benefit from prompt and easy access to local administrative, legal and health services; they should be free to contact the consular representatives of their countries of origin in compliance with the diplomatic conventions in force;" "tourists and visitors should benefit from the same rights as the citizens of the country they visit, concerning the confidentiality of the personal data and information concerning them, especially when these are stored electronically;" "administrative procedures relating to border crossings whether they fall within the competence of States or result from international agreements, such as visas or health and customs formalities, should be adapted, so far as possible, so as to facilitate the maximum freedom of travel and widespread access to international tourism; agreements between groups of countries to harmonize and simplify these procedures should be encouraged; specific taxes and levies penalizing the tourism industry and undermining its competitiveness should be gradually phased out or corrected;" "so far as the economic situation of the countries from which they come permits, travelers should have access to allowances⁰ of convertible currencies needed for their travels¹".
2. The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without due process of law under the Fifth Amendment. If that 'liberty' is to be regulated, it must be pursuant to the law-making functions of the Congress...freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country ...may be as close to the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values²..."
3. The Universal Declaration of Human Rights provides in Article 13 that: (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.
4. The International Covenant on Civil and Political Rights in Article 12 states that: (1) Everyone lawfully within the territory of a State shall, within that territory, have the liberty of movement and freedom to choose his residence, (2) Everyone shall be free to leave any country, including his own, (3) The above-mentioned rights shall not be subject to any restrictions except those provided by law, which are necessary to protect national security, public order, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized by the present Covenant, (4) No one shall be arbitrarily deprived of the right to enter his own country.

Rule Three: A tourist shall have the right to choose a service provider.

Commentary:

While a tourist has a right to choose a travel agency, airline, or hotel, it is encouraged that a tourist makes a choice upon the extent to which these entities adopt a policy based upon corporate social responsibility.

Sources:

1. Article 5 of the UNWTO Global Code of Ethics for Tourism is titled, "Tourism, a beneficial activity for host

1 Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001 Article 8.

2 *Kent v. Dulles*, [1958] 357 U.S. 116.

countries and communities," The Article states that, (1) "Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the creation of direct and indirect jobs resulting from them, (2) Tourism policies should be applied in such a way as to help to raise the standards of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric, where skills are equal, priority should be given to local manpower, (3) Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities, (4) Tourism professionals, particularly investors, governed by regulations laid down by the public authorities, should carry out studies of the impact of their development projects on the environment and natural surroundings; they should also deliver, with the greatest transparency and objectivity, information on their future programs and their foreseeable repercussions and foster dialogue on their contents with the populations concerned."

2. The United Nations Global Compact on corporate social responsibility provides for the following ten principles: (1) Businesses should support and respect the protection of internationally proclaimed human rights; (2) Make sure that they are not complicit in human rights abuses; (3) Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining; (4) The elimination of all forms of forced and compulsory labor; (5) The effective abolition of child labor; (6) The elimination of discrimination in respect of empowerment and occupation; (7) Businesses should support a precautionary approach to environmental challenges; (8) Undertake initiatives to promote greater environmental responsibility; (9) Encourage the development and diffusion of environmentally friendly technologies; and finally (10) Businesses should work against corruption in all its forms, including extortion and bribery.
3. In 2008 the Special Representative of the UN on the issue of human rights and transnational corporations and other business enterprises, John Ruggie proposed a framework on business and human rights based upon three pillars: (1) The State duty to protect against human rights abuses by third parties, including businesses. (2) The corporate responsibility to respect human rights. (3) Access by victims to effective remedies. In 2011 the Special Representative issued "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework."

For instance, Qatar Airways supports "Educate A Child "which is a global program aimed at reducing the number of children worldwide who are denied their fundamental right to education.

Rule Four: A tourist must avoid being involved in unlawful acts such as sexual exploitation, sex trafficking, sex tourism, or sexual harassment.

Commentary:

Tourists must avoid involvement in any act of sexual exploitation, sex trafficking, sex tourism, and sexual harassment, in all cases and especially when these acts affect women and children.

Sources:

1. Article 19 (1) of the Convention on the Rights of the Child states, "parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."
2. Article 16(1) of the Convention on the Rights of Persons with Disabilities (CRPD) states, "Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect

persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects."

3. Article 298 of Law No. 11 of 2004 Issuing the Penal Code of the Qatari Law, states, that, "whoever performs adultery or sodomy as a profession or for a living shall be punished with imprisonment for a term up to ten years. The same penalty shall be imposed on any person who exploits another person's immorality and prostitution."
4. "The press, and particularly the specialized travel press and the other media, including modern means of electronic communication, should issue honest and balanced information on events and situations that could influence the flow of tourists; they should also provide accurate and reliable information to the consumers of tourism services; the new communication and electronic commerce technologies should also be developed and used for this purpose; as is the case for the media, they should not in any way promote sex tourism."¹ "The Tourism Child-Protection Code of Conduct is the only voluntary set of business principles travel and tour companies can implement to prevent child sex tourism and trafficking of children. The Code is a joint venture between the tourism private sector and ECPAT, formerly End Child Prostitution and Trafficking. Companies that endorse The Code are supported by ECPAT-USA to: "(1) Establish a policy and procedures against sexual exploitation of children, (2) Train employees in children's rights, the prevention of sexual exploitation and how to report suspected cases, (3) Include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children, (4) Provide information to travelers on children's rights, the prevention of sexual exploitation of children and how to report suspected cases, (5) Support, collaborate and engage stakeholders in the prevention of sexual exploitation of children, and (6) Report annually on their implementation of Code related activities²."
5. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines trafficking in persons as, " the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." (Article 3 (a)). The Law of Qatar No. 15 of 2011 on Combating Human Trafficking complies with the international definition of trafficking in persons and expands on the forms of human trafficking to include " exploitation in acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, begging, forced labour or the forced rendering of services, slavery or practices similar to slavery, servitude or the removal of human organs, tissues or body parts"

Rule Five: A tourist must be treated without discrimination by an airline.

Commentary:

Regardless of race, color, religion, creed, sex, age, social status, family origin, physical or mental disability, the hosting airlines must treat all passengers with equal respect and without discrimination.

Sources:

1. Sky West Airline's Code of Conduct: "We respect each individual's human rights and will not discriminate on the basis of race, color, religion, creed, sex, age, social status, family origin, physical or mental disability, or sexual orientation, nor will we commit other violations of human rights. Such discrimination will not be tolerated. We will be resolute in upholding human rights in everything we do

1 Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001 Article 6.

2 The Tourism Child Protection Code of Conduct at: <https://www.ecpatusa.org/code>

and will not tolerate such discrimination in others. Ignorance and inaction do not constitute excuses for discrimination."

2. United States of America Department of Transportation Office of The General Counsel Office of Aviation Enforcement And Proceedings Washington, DC: Guidance for Airline Personnel on Non-discrimination in Air Travel states that employees must take security measures but without discriminating, "...on the basis of race, color, national origin, religion, sex or ancestry in air travel. The Department of Transportation recognises the very important and difficult job of the airlines to provide a safe and secure travel environment. At the same time, it is important that this function be carried out in a non-discriminatory manner."
3. Moslem imams traveling on board a US Airways flight from Minneapolis to Phoenix were taken off the plane and interrogated after they publicly prayed loudly before the flight, requested seatbelt extensions, tried to change seats and criticized the US government policy in Iraq. The Court held that "praying in public, commenting on current events, and even criticizing government policy is protected speech under the First Amendment" Defendant's argued that"- the attacks of September 11, 2001- perpetrated by men of 'Middle Eastern descent' who espoused a 'radical version' of Islam-justifies a massive curtailment of liberty whenever Terrorism, and in this case, the suspicion of 'Islamic Terrorism', is concerned. "The Court disagreed stating that, "unquestionably the events of 9/11 changed the calculus in the balance American society chooses to make, especially in airport settings, between liberty and security. Ultimately, the proper balance will be achieved, in large part because we have the most capable and diligent law enforcement and intelligence communities in the world. But when a law enforcement officer exercises the power of the Sovereign over its citizens, she or he has a responsibility to operate within the bounds of the Constitution and cannot raise the specter of 9/11 as an absolute exception to that responsibility¹."

Rule Six: A tourist is entitled to the right to safety throughout his/her air journey.

Commentary:

An airline is under duty to ensure the safety of its passengers and may be liable for injury or death.

Sources:

1. The Unification of Certain Rules of International Carriage by Air [The Montreal Convention of 1999), which replaced the Warsaw Convention of 1929, covers airline liability for penal injury or death on international flights. Article 17(1) thereof provides that, "the carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking is disembarking". Article 21 covers compensation in case of death or injury of passengers, stating that, "the carrier shall not be able to exclude or limit its liability." Qatar is a party to the Convention.
2. Similar rules apply to cruises.² It must be proven that the cruise was negligent. So, the mere fact that the passenger slipped on the dance floor on a spilled drink was not enough to establish liability.³

Rule Seven: A tourist shall be entitled to full services of a travel agency.

Commentary:

A travel agency is legally liable for failure to provide the promised services in accordance with the agreed-upon price. A travel agency is also under the duty to disclose to its clients' information about the airline, hotel, or other trusted establishment as a part of the service.

1 *Shqiret v. US Airways Group*, (2009)645 F. Support 2nd 765 [D. Minn 2009].

2 See e.g. Dickinson, 'The Cruise Passenger's Rights and Remedies' [2016] 41 Tulane Maritime Law Journal, 141.

3 See *Salazar v. Norwegian Cruise Line-holdings, Ltd*, [S.D Florida 2016].

Sources:

1. Travel agencies are advised to "train and inform in-office and outside sales staff on all phases of travel which they offer to the public in order to provide professional travel advice and secure the most appropriate available travel services!" -
2. Travel agencies are advised to "promote the services of other ACTA (Association of Canadian Travel Agencies) members, whenever consistent with the best interests of the client", "make every effort to ensure that accurate information is provided to enable their clients to exercise an informed judgment in making their choice of travel services", "advise clients of known health requirements/risks and refer them to a travel medicine professional when appropriate to the trip being undertaken"; "at the time of booking, advise their clients of the existence and amount of any known cancellation fee, revision fee, supplier service charge or administration charges, and inform clients of the existence of cancellation protection and/or travel/health insurance"; "disclose in advance of counseling the existence of any service charges to be assessed to the client"; "refrain from carrying on business under a name and style or in a fashion that is intended to, is likely to, or in fact does confuse the public or the industry as to the identity, association, affiliation, or qualities of that member.", as well as "refrain from disparaging the business practices of another member, transaction or service, and render any opinion with strict professional integrity and courtesy"

Rule Eight: A tourist is entitled to be warned about hazardous risks.

Commentary:

A travel agency provides travel services to its clients, and thus a travel agency has a judiciary duty towards its clients. A travel agency may also be liable for failure to disclose information about specific risks that a tourist may be exposed to, as crimes or health hazards in the country of destination. In these cases, there is a duty to warn.

Sources:

1. This rule applies as well to rental companies, provided that a breach of duty is established. Washington Court of Appeals noted, "this appeal asks: does an inner tube rental company owe a duty to warn a renter about a fallen log in a river when the log is hidden from but near the launch site, the river's current draws the tuber toward the log, the company knows of the fallen log, the company warns other tubers of the log, and the company chooses the launch site? To answer this question, interests, such as exhilarating and uninhibited outdoor recreation, retaining the natural environment and freedom to contract compete with cautious business practices, full disclosure of risks and compensation for injury. Based on the doctrine of inherent peril assumption of risk, we answer the question in the negative. We affirm the trial court's summary judgment dismissal of renter Brian Pellham's suit for personal injury against the tube rental company, Let's Go Tubing, Inc."³
2. It is common that tour operators include two clauses in their contract with their clients; namely assumption of risk and release of liability.
3. "Tourism professionals have an obligation to provide tourists with objective and honest information about their places of destination and the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature,

1 Association of Canadian Travel Agencies Code of Ethics Relations Between Acts Members And The Public at: <http://www.acta.ca/Media/Default/Membership%20Type%20Page/ACTA%20Code%20of%20Ethics.pdf>

2 Association of Canadian Travel Agencies Code of Ethics Relations Between ACTA Members And The Public at: <http://www.acta.ca/Media/Default/Membership%20Type%20Page/ACTA%20Code%20of%20Ethics.pdf>

3 *Pellham v. Let's Go Tubing, Inc.*, [2017] No. 34433-9III [Wash. Ct. App.

price and quality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part¹"

4. "Tourism professionals, insofar as it depends on them, should show concern, in co-operation with the public authorities, for the security and safety, accident prevention, health protection and food safety of those who seek their services; likewise, they should ensure the existence of suitable systems of insurance and assistance; they should accept the reporting obligations prescribed by national regulations and pay fair compensation in the event of failure to observe their contractual obligations²"

Rule Nine: A tourist shall abide by the hotel rules.

Commentary:

There are rules and regulations regarding the operation of a hotel. A hotel guest must abide by them.

Sources:

1. "Comply with applicable national and international legislation and regulatory obligations, ensure that the internal rules and the actions of its directors and managers are based on ethical criteria in line with the Company's principles and values and this Code, act decisively against any form of discrimination based on sex, race, age, nationality, disability, ideology, religion or creed, among others, ensure the implementation of appropriate mechanisms for monitoring Company principles, values and commitments, guaranteeing condemnation of any irregular conduct at all times, act with the greatest rigor and full force when faced with any situations involving corruption, fraud or bribery, make appropriate channels available to stakeholders to lodge complaints while guaranteeing confidentiality and privacy, identify and regularly assess risks affecting not only the business, but also stakeholders, and manage those risks with all due diligence, and protect personal information provided by our stakeholders³"
2. Guests shall acquaint themselves with the fire safety procedures and comply immediately with fire or other safety drills, alarms and instructions. Guests shall behave appropriately and with discretion at all times, respectful of the Hotel environment and staff, as well as of other guests. During the quiet hours from 11pm to 7am, guests shall be particularly considerate and **refrain from any conduct that could disturb others in the vicinity**. Only registered guests are permitted in the Hotel, other than for brief visits in common areas. No overnight visitors are permitted. Parties or gatherings of more than 10 people are not permitted in the Hotel. Group meetings under the authority of a leader or teacher are tolerated provided that they do not disrupt the environment for other guests. Food must be consumed only in common areas and food waste must be properly disposed of. Smoking, alcohol and recreational drugs are strictly prohibited. The facilities of the Hotel are for the enjoyment of all guests. To this end, care shall be taken to respect the infrastructure. In particular, furniture shall not be moved, and nothing may be fixed to furniture or walls. Guests are expected to keep their rooms and the common areas clean and tidy at all times. Proper care should be taken of personal valuables. The CERN Hotel is not responsible in the event of their theft, loss or damage. Lost and Found items will be kept by the Housing Service for 3 months. They can be retrieved at the Hotel Reception only. No items can be sent. Perishable items will be disposed of immediately⁴."

1 Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001 Article 6(1).

2 Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001 Article 6(2).

3 Melia Hotel Code of Conduct at :

https://www.meliahotelsinternational.com/EthicalDocs/C%C3%B3digo%20C3%A9tico%20EN/mhi_codigo_etico_a5_jul18_en.pdf

4 CERN Hotel Code of Conduct at: https://smb-dep.web.cern.ch/sites/smb-dep.web.cern.ch/files/documents/CERN_Hostel/CodeOfConductGroup.pdf

Rule Ten: A tourist as a spectator shall have the right to access the stadium.

Commentary:

Upon request, spectators are obliged to provide the authorized parties with a form of identification whether the spectator is on the premises of the stadium as well as provide a permit for the vehicle, if any.

Sources:

1. Stadium Code of Conduct for the FIFA Confederations Cup Russia 2017 and the 2018 FIFA World Cup Russia™ Moscow, 2016 states that, " a spectator may be granted access to a stadium if he or she presents a ticket and has successfully passed the search and screening procedures, including an inspection of the spectator's personal belongings " (Article 3.1). "During the event, when arriving at the stadium and/or an adjacent territory in a motor vehicle, show the control and regulatory authorities the passes for motor vehicles issued by the Event Organizers, and also present the motor vehicle for search and screening procedures" (Article 4.1.5) and "during the event, spectators are obliged to present access documents to authorized personnel in accordance with this Code of Conduct when entering by foot or arriving at the stadium and/or an adjacent territory in a motor vehicle" (Article 4.1.4)
2. According to Article 2.1 of the Stadium Code of Conduct, "every spectator agrees and acknowledges that he or she has read, understood and accepted and agrees to be bound by, and comply with this Code of Conduct as well as any other special instructions from the Event Organizers. If considered necessary, the Event Organizers May supplement this Code of Conduct by issuing additional instructions aimed at providing security and maintaining public order at the stadium, preventing or eliminating threats to human lives or health, and ensuring the safety of their personal belongings"

Rule Eleven: A tourist is prohibited from consuming alcohol in stadiums or outside the specified spaces.

Commentary:

While it may be permissible to drink in specified places, it is prohibited to bring alcohol into stadiums or outside permissible areas.

Sources:

1. "Whoever drinks any alcoholic beverages in a public place or opens a store or a house to trade in alcoholics shall be punished with imprisonment for a term not exceeding six months and/or a fine not exceeding three thousand Qatari Riyals (QR 3000). The same penalty shall apply to any person who is found drunk on a main road or, being intoxicated disturbs others¹."
2. "A person who has [alcohol] or an article to which this section applies in his possession—
(a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or (b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at that ground," and "1A) Subsection (1)(a) above has effect subject to section 5A(1) of this Act.) (2) A person who is drunk in a designated sports ground at any time during the period of a designated sporting event at that ground or is drunk while entering or trying to enter such a ground at any time during the period of a designated sporting event at that ground is guilty of an offense. (3) This section applies to any article capable of causing injury to a person struck by it, being— (a) a bottle, can or other portable container (including such an article when crushed or broken) which— (i) is for holding any drink, and (ii) is of a kind which, when empty, is normally discarded or returned to, or left to be recovered by, the supplier..."²

1 Law No. 11 of 2004 Issuing the Penal Code 11 / 2004, Article 271.

2 Sporting Events (Control of Alcohol etc.) Act 1985.

3. The Stadium Code of Conduct for the FIFA Confederations Cup Russia 2017 and the FIFA World Cup Russia, Article 6 enumerated a number of prohibited actions including "being in a state of intoxication that is offensive to human dignity and public morals. Consumption of alcohol is only possible according to Russian legislation in respect to age limits and other restrictions.

Rule Twelve: A tourist shall not be involved in sports betting, or sports gambling.

Commentary:

Betting, gambling, or sports gambling are prohibited, and so is internet gambling. Internet gambling is subject to regulations to ensure that it does not involve fraud and the law should impose restrictions on internet gambling companies.

Sources:

1. The US Unlawful Internet Gambling and Enforcement Act of 2006 states that, "no person engaged in a gambling business may knowingly accept, in connection with the participation of another person in unlawful gambling, (1) Credit, or the proceeds of credit extend to or on behalf of such other person (including credit extended through the use of a credit card); (2) An electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person; (3) Any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payout at or through any financial institution, or (4) The proceeds of any financial institution, as a player or financial intermediary on behalf of or for the benefit of such other person¹."
2. "Gambling means any game in which the probability of gain and loss depends on uncontrolled chance and each party agrees to give an amount of money or any other benefit to be agreed upon, in case of loss, to the winning party²."
3. "Whoever gambles shall be punished with imprisonment for a term not exceeding three months and a fine not exceeding three thousand Qatari Riyals (QR 3000), or one of these two penalties. If gambling occurs in a public place and performed openly or in any place or house made for this purpose the imprisonment can be extended to six months and/or a fine not exceeding six thousand Qatari Riyals (QR 6000)³."

Rule Thirteen: A tourist is prohibited from streaming or broadcasting a match in any way or form used for commercial use.

Commentary:

It is prohibited to stream or broadcast any and all descriptions or information related to the match results or statistics if intended or done for commercial use.

Sources:

1. "Prohibition of devices used to record, transmit, stream, upload, publish on the internet or otherwise distribute sound, video or photographic images, descriptions, data, match results or statistics using any method of transmission, including the internet, radio, television, transmission via a computer, mobile phone, auxiliary devices for managing data, or via any media or platforms, other digital technologies, networks for distribution, display or transmission of data and other functionality, including social

1 See, Mohamed Y. Mattar, 'Drafting a Code of Conduct for the World Cup 2022: Principles and Guidelines for Ethics in Sports' [2017] A Publication of LexisNexis, February 19-20 [2017]

2 Law No. 11 of 2004 Issuing the Penal Code 11 / 2004, Article 274.

3 Law No. 11 of 2004 Issuing the Penal Code 11 / 2004, Article 275.

networks or blog platforms, websites, applications and other similar media devices, as well as any existing or future media technologies (either those currently known or which may be invented or developed in the future) if these actions are done for commercial purposes!;"

2. Article 388 of the Qatari Law No. 11 of 2004 Issuing the Penal Code, states that, "without prejudice to any more severe penalty stipulated herein or under any other law, whoever breaches a third party's ownership of intellectual property and rights as protected by the law or an international agreement to which the State of Qatar is a signatory, shall be punished with imprisonment for a term not exceeding three years and/or a fine not exceeding twenty thousand (QR 20000) Riyals. All the materials produced in breach of any of these rights shall be confiscated."

Rule Fourteen: A tourist may be criminally or civilly liable in a specialized court of law.

Commentary:

It is suggested that jurisdictional procedures related to violations of laws and/or any disputes be handled in a temporary specialized court if the case relates to the event of the FIFA 2022 Football World Cup.

Sources:

1. During the 2010 World Cup, the hosting country, South Africa established 54 special courts dedicated to crimes related to the FIFA World Cup Event. "The Specialized courts had jurisdiction over any crime that was related to the event, and was designed to reduce the burden on the national courts, and to quicken the judicial process for foreigners²."
2. In accordance with the 2018 FIFA Regulations for the World Cup Russia, "(1) All disputes in connection with the FIFA World Cup shall be promptly settled by negotiation. (2) In compliance with the FIFA Statutes, participating member associations, players and officials may not take disputes to an ordinary court of law but to the exclusive jurisdiction of FIFA. (3) The participating member associations, players and officials acknowledge and accept that, once all internal channels have been exhausted at FIFA, their sole recourse shall be to the Court of Arbitration for Sports (CAS) in Lausanne, Switzerland, unless excluded or the decision is declared as final and binding and not subject to appeal. Any arbitration proceedings at CAS shall be governed by the CAS Code of Sports- related Arbitration."

1 Prohibited Items in the FIFA Stadium Code of Conduct, [2016] Clause 5.1.38.

2 Ghada Darwish Karbon, *Taking Lessons from the Past: A Study on Countries' Legal Frameworks While Hosting Sports Events*, 2018, p. 12.

Bibliography

List of Articles:

- Dickinson, 'The Cruise Passenger's Rights and Remedies' [2016] 41 Tulane Maritime Law Journal, 141.
- Ghada Darwish Karbon, *Taking Lessons from the Past: A Study on Countries' Legal Frameworks While Hosting Sports Events*, 2018, p. 12.
- Mairna Hussein Mustafa, 'Tourism and Globalization', [2010], 1 International Journal of Business and Social Science, 41, [2010].
- Mohamed Y. Mattar, 'Drafting a Code of Conduct for the World Cup 2022: Principles and Guidelines for Ethics in Sports' [2017] A Publication of LexisNexis, February 19-20 [2017].

List of Cases:

- *Kent v. Dulles*, [1958] 357 U.S. 116.
- *Pellham v. Let's Go Tubing, Inc.*, [2017] No. 34433-9III [Wash. Ct. App].
- *Salazar v. Norwegian Cruise Line-holdings, Ltd*, [S.D Florida 2016].
- *Shqeirot v. US Airways Group*, (2009)645 F. Support 2nd 765 [D. Minn 2009].

Other References:

- Association of Canadian Travel Agencies Code of Ethics Relations Between Acts Members And The Public, <http://www.acta.ca/Media/Default/Membership%20Type%20Page/ACTA%20Code%20of%20Ethics.pdf>.
- CERN Hotel Code of Conduct, https://smb-dep.web.cern.ch/sites/smb-dep.web.cern.ch/files/documents/CERN_Hotel/CodeOfConductGroup.pdf.
- Global Code of Ethics for Tourism A/RES/56/212 of 21 December 2001.
- Law No. 11 of 2004 Issuing the Penal Code of Qatar 11 / 2004.
- Melia Hotel Code of Conduct, https://www.meliahotelsinternational.com/EthicalDocs/C%C3%B3digo%20C3%A9tico%20EN/mhi_codigo_etico_a5_jul18_en.pdf.
- Prohibited Items in the FIFA Stadium Code of Conduct, [2016] Clause 5.1.38.
- Sporting Events (Control of Alcohol etc.) Act 1985.
- The Tourism Child Protection Code of Conduct, <https://www.ecpatusa.org/code>.
- The World Tourism Organization statistics Guidelines, 2010.