

# Accessible tourism in the light of international law and the challenges of the Brazilian reality

*O turismo acessível à luz do Direito Internacional e os desafios da realidade brasileira*

Danilo Garnica Simini <sup>1</sup>  <https://orcid.org/0000-0001-9613-4107>

Alice Assad Wassall <sup>2</sup>  <https://orcid.org/0000-0001-8854-5483>

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**Abstract:** The rights of people with disabilities are a concern of international law through international organizations' treaties and recommendations. Among the concerns is accessible tourism, as it is an activity related to the full development of human beings. Thus, the present work presented the main international norms and recommendations related to the theme, having highlighted the work of the World Tourism Organization and the UN Committee on the Rights of Persons with Disabilities. He also discussed the existing challenges in the Brazilian reality related to the implementation of accessible tourism, since Brazil, in addition to being signatories to the treaties, received recommendations on the subject. In order to achieve these objectives, a bibliographic review was made about the United Nations Convention on the Rights of Persons with Disabilities, as well as the role of the World Tourism Organization on the subject. In addition, considerations were also made about accessibility in Brazilian tourism, using specialized publications as a parameter. It was concluded that, despite positive initiatives, there are many challenges, since the tourism sector in Brazil involves several services and activities provided by the public and private sectors. In any case, the Brazilian State must act so that international standards and recommendations are observed.

**Keywords:** Accessible tourism; World Tourism Organization; Brazil.

**Resumo:** Os direitos das pessoas com deficiência são uma preocupação do Direito Internacional através de tratados e recomendações das Organizações Internacionais. Dentre as preocupações encontra-se o turismo acessível, pois trata-se de atividade relacionada ao pleno desenvolvimento do ser humano. Assim, o presente trabalho apresentou as principais normas e recomendações internacionais relacionados ao tema, tendo destacado a atuação da Organização Mundial do Turismo e do Comitê da ONU

<sup>1</sup> Universidade de Ribeirão Preto (UNAERP) – E-mail: [danielosimini@gmail.com](mailto:danielosimini@gmail.com)

<sup>2</sup> Universidade Anhembi Morumbi – E-mail: [alicewassall@outlook.com](mailto:alicewassall@outlook.com).

sobre os Direitos das Pessoas com Deficiência. Também discutiu os desafios existentes na realidade brasileira relacionados à implementação do turismo acessível, já que o Brasil além de ser signatário do tratado recebeu recomendações a respeito do tema. A fim de atingir tais objetivos, foi feita revisão bibliográfica acerca da Convenção das Nações Unidas Sobre os Direitos das Pessoas com Deficiência, bem como do papel da Organização Mundial do Turismo sobre a temática. Ademais, também foram feitas considerações acerca da acessibilidade no turismo brasileiro, tendo como parâmetro publicações especializadas. Concluiu-se que, apesar de iniciativas positivas, existem muitos desafios, pois o setor de turismo no Brasil envolve diversos serviços e atividades prestados pelos setores público e privado. De qualquer forma, o Estado brasileiro deve atuar para que as normas e recomendações internacionais sejam observadas.

**Palavras-chave:** Turismo acessível; Organização Mundial do Turismo; Brasil.

## **1. Introduction**

According to data from the World Health Organization for 2011 released by the United Nations website (2020), it is estimated that 1 billion people, that is, one in every seven people in the world, live with some kind of disability and 80% of them live in developing countries like Brazil. Whether in the national territory or in the world, the lack of statistics on this portion of the population contributes to its invisibility and lack of targeted public policies.

International Law has contributed to making people with disabilities more visible through the creation of human rights treaties and through the work of International Organizations. In September 2015, the member countries of the United Nations decided on the so-called “Sustainable Development Goals”, goals to be met by the year 2030. Of the 17 goals defined, SDG 10 is fully dedicated to reducing inequalities and of the 10 goals established in this objective, one directly mentions the promotion of the inclusion of people with disabilities: By 2030, empower and promote the social, economic, and political inclusion of all, regardless of age, gender, disability, race, ethnicity, origin, religion, economic or other status.

This means that countries, civil society, and the private sector must reaffirm the need to empower vulnerable groups, such as people with disabilities. The signatories of the 2030 Agenda have committed to providing inclusive education for people with disabilities, ensuring equal access to all levels of education, achieving full employment, promoting access to safe transport systems, and providing universal access. to public and inclusive spaces.

People with disabilities should also have access to tourism, an important sector of the economy and fundamental for the development of human beings, as it opens up the possibility of contact with other realities, peoples and cultures. However, accessible tourism has been little studied, especially the role of International Law in the protection and effectiveness of access to tourism by people with disabilities. The challenges of accessible tourism in Brazil also deserve greater attention, as the country is included in the international legal order as part of human rights treaties and International Organizations working on the subject.

This article aims to contribute to studies on the subject. The objective is to present how International Law addresses the issue of accessible tourism through human rights treaties and International Organizations, as well as what are the challenges in the Brazilian reality. The idea is to discuss whether and how international regulations on the matter have been absorbed by Brazilian agents involved in the tourism sector. This is a matter of relevance for two reasons, namely, the issue is related to the full inclusion of people with disabilities and non-compliance with international standards and recommendations can lead to international accountability of the Brazilian State.

Therefore, initially, the international norms and recommendations on the matter within the scope of the United Nations Organization will be presented, as well as the recommendations made to the Brazilian State. Subsequently, the recommendations made by the World Tourism Organization will be presented. Finally, the Brazilian reality regarding accessible tourism will be presented, in addition to positive initiatives and considerations on the challenges related to the implementation of accessible tourism.

## **2. United Nations convention on the rights of persons with disabilities and recommendations made to the Brazilian state regarding accessible tourism.**

In the 1970s, the UN General Assembly issued two resolutions on people with disabilities, specifically the Declaration on the Rights of Persons with Mental Disabilities (1971) and the Declaration on the Rights of Persons with Disabilities (1975). Subsequently, 1987 was declared the International Year of Persons with Disabilities. The positive repercussion led experts gathered in Sweden to suggest the elaboration of a Convention regarding the rights of people with disabilities. The idea was not accepted at that time, but the UN prepared other documents, such as the “Uniform Standards on Equal

Opportunities for Persons with Disabilities” of 1993 and the Salamanca Declaration of 1994, explain Vittorati and Hernandez (2014).

In September 2001, Mexico presented a proposal for implementing the Convention during the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance. The proposal encountered resistance from developed countries, and representative organizations began to propagate the idea, in order to seek support for its implementation at the UN. In December 2001, UN Resolution No. 56/168 created a Committee dedicated to drafting the convention. The Committee held eight sessions between 2002 and 2006 to draft the text of the treaty, and the process had the participation of civil society, with Brazil playing a fundamental role in this process (Vittorati & Hernandez, 2014).

The performance of the leaders of the movement in Brazil, as well as the Brazilian delegation under the 'supervision' of these leaders, was therefore decisive for the approval of a text closer to the reality and needs of people with disabilities around the world. In addition, this participation at an international level has opened up a new space for the fight for human rights for people with disabilities, which is now effectively and formally waged beyond Brazil's borders. With the approval of the Convention and its entry into force in the country, the struggle to implement its norms has a new path and tool for political pressure: transnational activism. The constant search for consensus during the elaboration of the Convention put representatives of the movement of people with disabilities all over the world in direct contact, enabling the exchange of information, principles, and values, contact with other realities and cultures, opening the way for training of transnational networks fighting for the same goals around the world. (Vittorati & Hernandez, 2014, p. 252).

According to the Convention, persons with disabilities are those who have “long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on equal terms with other people”. (UNITED NATIONS, 2007). The edition of the UN Convention ratifies a paradigm shift in disability, namely the adoption of a social model based on human rights, leaving aside the so-called medical model.

This one interpreted the disability as a defect to be treated or cured and the other one understands the person with disability as a holder of rights. Thus, one must demand “that society treats those who are different in order to ensure material equality, eliminating barriers to their full inclusion.” (Ramos, 2017, p. 237). Furthermore, it can be said that the UN Convention understands disability as an evolving concept (Mazzuoli,

2018). The change in the model of disability, as observed by Blanes Sala (2011), is closely linked to the evolution of the concept of disability present in the International Classifications of the World Health Organization (WHO).

The social model of disability based on human rights proposes a fairer and more adequate conceptualization of people with disabilities, recognizing them as holders of inherent rights and human dignity, demanding an active role from the State, society, and people with disabilities themselves. deficiency. The State is responsible for the necessary regulation, for the promotion and awareness of the needs of people with disabilities recognized as rights, and, together with society, it must act in the cultural change towards full inclusion, welcoming everyone. Persons with disabilities, in turn, must assume the leading role in their lives as subjects of human rights. (Lopes, 2009, p. 167).

Another important aspect introduced by the UN Convention was the use of the expression person with disability. In Brazilian legislation, explain Vittorati and Hernandez (2014), the expressions “exceptional”, “people with disabilities” and “disabled” were used, the latter being used by the Federal Constitution of 1988 before the ratification of the UN Convention. The expression “persons with disabilities” at the time of the promulgation of the Federal Constitution of 1988 was considered innovative for inserting the person as a central element, but it carries an impropriety, since the disability is part of the individual, that is, disability does not behave, assert Vittorati and Hernandez (2014, p. 253).

Although it seems of little importance, the change in the expression used to name individuals who have some type of disability directly influences the way they are seen and treated by society. Pejorative terms carry an axiological charge that perpetuates attitudes of exclusion and even intolerance against people with disabilities, in addition to motivating inappropriate public policies, based on attitudes of mere assistance and charity.

The United Nations Convention on the Rights of Persons with Disabilities presents the following general principles: a) respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and the independence of persons; b) non-discrimination; c) full and effective participation and inclusion in society; d) respect for difference and acceptance of people with disabilities as part of human diversity and humanity; e) equality of opportunities; f) accessibility; g) equality between men and women; h) respect for the development of the capacities of children with disabilities and for the right of children with disabilities to preserve their identity.

According to Article 4, the ratification of the Convention by any State means that it must ensure and promote the full exercise of the rights provided for therein without any type of discrimination and, in these circumstances, the States undertake: a) to adopt legislative, administrative and any other measures necessary for the realization of the rights recognized in the Convention; b) adopt all necessary measures, including legislative ones, to modify or repeal laws, regulations, customs and practices in force, which constitute discrimination against persons with disabilities; c) take into account, in all programs and policies, the protection and promotion of the human rights of persons with disabilities, as well as take all appropriate measures to eliminate discrimination based on disability, by any person, organization or company private, among others.

The State has the obligation to check any norm or act of domestic law to see if it complies with the CRPD and, if it does not, it has the obligation to modify or repeal those non-compliant norms or acts in favor of the primacy of the CRPD. It means that the State must take the necessary and appropriate measures to adapt the internal rules according to the CRPD, whatever the origin or nature of the measures, to aim at the full effectiveness of the CRPD and in order to proceed with its implementation. Consequently, the conventional norm assigns an obligation of the State as a whole, on a non-exhaustive basis, the political and administrative authorities, including the courts, are obliged to fulfill the conventional obligations, to the extent of their competences. Or rather, it implies that everyone contributes to the State's international responsibility to prevent and take into account conventional norms. (SOUSA, 2013, p. 202).

The UN Convention constitutes a catalog of civil, political, economic, social and cultural rights. Among the rights are the right to life, the right to equality before the law, the right of access to justice, the right to freedom of movement, the right to a nationality, the right to privacy, the right to freedom of expression, the right to education, the right to health, right to habilitation and rehabilitation, right to work and employment. The participation of people with disabilities in cultural life, in turn, is also a concern of the UN Convention:

Art. 30.1. States Parties recognize the right of persons with disabilities to participate in cultural life on an equal basis with others and shall take all appropriate measures to enable persons with disabilities to:

- a) Have access to cultural goods in accessible formats;
- b) Have access to television programs, cinema, theater and other cultural activities, in accessible formats; and
- c) To have access to places that offer services or cultural events, such as theatres, museums, cinemas, libraries and tourist services, as well as, as much as possible, to have access to monuments and places of national cultural importance. (United Nations, 2007)

In this context, in order to guarantee the right to participation in the cultural life of persons with disabilities, States should take various measures to ensure access to venues for sporting, recreational and tourist events and that persons with disabilities have access to services provided by persons or entities involved in the organization of recreational, tourist, sports and leisure activities.

The international monitoring of the Convention is the responsibility of the so-called Committee on the Rights of Persons with Disabilities, composed of eighteen experts elected by the States Parties for a term of four years, reelection being allowed only once. Pursuant to Articles 35 and 36 of the Convention, the States Parties must submit an initial report to the Committee, within two years after the entry into force of the treaty, informing the measures adopted to comply with the obligations arising from the Convention and notifying the progress achieved. Thereafter, States must submit reports at least every four years or when the Committee so requests.

The Committee upon receipt of reports and may request additional information. At the end of this stage, the Committee makes the relevant suggestions and recommendations to the State. The reports are made available to the Convention States and they must facilitate access to the reports and recommendations made by the Committee to the public in their countries, including for the purpose of suggestions.

Brazil forwarded its initial report (the only one so far) to the Committee in May 2012 (Brasil, 2012). In the report with more than seventy pages, the Brazilian State dealt with accessibility in terms of tourism in just one paragraph, having stated that since the edition of the “National Tourism Plan 2007-2010” it has prioritized social inclusion and stated that people with disabilities are incorporated into tourism through tourist activities that promote equal opportunities, equity, solidarity and the exercise of citizenship. Furthermore, the Brazilian State informed the Committee that the Ministry of Tourism had adopted measures to support and encourage the participation of persons with disabilities in tourist activities, such as the publication of the guide “Tourism and Accessibility”.

Also highlighted the “Accessible City Project is Human Rights” developed by the federal government in 2010 with the participation of the municipalities of Campinas, Fortaleza, Goiânia, Joinville, Rio de Janeiro and Uberlândia, cities with accessibility

measures and which have established partnerships with the Department of Human Rights of the Presidency of the Republic in order to strengthen and expand accessibility policies.

In September 2015, the UN Committee presented several recommendations to the Brazilian State on the most varied themes arising from the Convention. With regard to tourism, he recommended that Brazil make it fully accessible. In addition, it determined that Brazil should present the next report by September 1, 2022, which should point out the measures adopted to comply with the recommendations made (United Nations, 2015).

Shortly before the presentation of the recommendations to the Brazilian State, Law 13.146/2015 (Brazilian Law for the Inclusion of Persons with Disabilities) was enacted. Article 42 provides that persons with disabilities have the right to culture, sport, tourism and leisure on an equal basis with other people, being guaranteed access to cultural goods in an accessible format, television programs, cinema, theater and other cultural and sports activities in an accessible format, as well as monuments and places of cultural importance and spaces that offer services or cultural and sports events. Furthermore, hotels, inns, and the like, according to Article 45, must be built in accordance with the principles of universal design, in addition to guaranteeing accessibility for people with disabilities.

As can be seen, the United Nations, through the Committee of the Convention on the Rights of Persons with Disabilities, has been concerned with the accessibility of persons with disabilities to tourism, and has even made recommendations to the Brazilian State. This, in turn, enacted a specific law aimed at protecting the rights of people with disabilities, containing devices related to accessible tourism. Another important international source on tourism and accessibility is the World Tourism Organization.

### **3. Accessibility from the perspective of The World Tourism Organization**

The World Tourism Organization is the result of the transformation of the International Union of Official Tourism Organizations (UIOOT). The Statute of the World Tourism Organization was approved during the Extraordinary General Assembly of the UIOOT held in Mexico City in September 1970 and entered into force in January 1975. The World Tourism Organization has as its objective the promotion and development of tourism with aimed at promoting “economic expansion, international understanding, peace, prosperity, as well as for universal respect for and observance of fundamental human rights and freedoms, without distinction as to race, sex, language or religion.” (World Tourism Organization, 1970). As explained by Alberto Pereira dos

Santos, Danielle Brant and Rosa Maria Brant (2017, p. 334, our translation), the organization became, as of 2003, a specialized agency of the UN “whose mission is to promote sustainable, responsible and universally accessible as a promoter of inclusive development.” Thus, as can be seen, the promotion of tourism associated with respect for human rights has been a concern of the Organization since its creation in the 1970s.

The States of the World Tourism Organization are divided into three categories, namely, full members, associate members and affiliated members. Associate member status is accessible to all sovereign States and those countries that are effective members of the UIOOT, on the date of adoption of the UNWTO Statutes, and have the right to become full members, without the need to vote, by means of a formal declaration by which they adopt the Statutes of the Organization and accept the obligations inherent to membership. Furthermore, other countries may become effective members with the approval of the General Assembly through 2/3 of the effective and present members.

The category of associate members is reserved for territories or groups of territories that do not assume responsibility for their international relations (Article 6 of the WTO Statute). On the other hand, the status of affiliated members is reserved for international, intergovernmental and non-governmental organizations concerned with tourism issues, as well as commercial and association organizations whose purposes are related to the objectives of the World Tourism Organization (Article 7 of the UNWTO Statute ).

The World Tourism Organization has as organs the General Assembly, the Executive Council and the Secretariat. The General Assembly is the highest body of the entity, it is composed of representatives of the effective members and must meet every two years or when circumstances so require. The body is competent to examine any matter and formulate recommendations on any matter within the competence of the World Tourism Organization. The Executive Board, in turn, is made up of effective members elected by the General Assembly, whose mandate is four years and must meet at least twice a year. Finally, the Secretariat is composed of the General Secretary appointed by the General Assembly, following the recommendation of the Executive Board, through two-thirds of the votes of the effective members present. The Secretary General's main attribution is to execute the directives of the General Assembly and the Executive Council of the UNWTO.

Regarding funding, Rui Aurélio de Lacerda Badaró (2003) explains that the organization is funded through annual contributions from Member States, associate members and affiliates. In addition, the organization also has direct resources from the UN for the creation of projects in collaboration with UNESCO.

Therefore, UNWTO has been working towards the development of tourism worldwide, through various commitments and actions agreed between it and the member states. It is important to emphasize that this organization is related to two other important world organizations, namely: Unesco, aiming at a balanced tourism in harmony with the policies of preservation of the historical and cultural heritage at world level; and as a specialized agency of the United Nations, it is charged with promoting responsible, sustainable and accessible tourism for all. (Fontes, 2016, p. 33)

The creation of the World Tourism Organization is closely linked with the emergence of the so-called International Tourism Law, “an area of International Law that consists of the formulation of principles and rules that regulate the relations of the subjects of international law in the sphere of tourism” (Surayyo , 2020, p. 11, our translation). Among the rules formulated within the scope of International Tourism Law, those relating to accessibility for people with disabilities stand out, including being one of the focuses of the World Tourism Organization.

In 1980, the Manila Declaration on World Tourism was published, and the right to tourism “implies society with the duty to provide its citizens with the best practical, effective and non-discriminatory access to this type of activity.” (World Tourism Organization, 1980). Thus, at the beginning of the 1980s, the UNWTO emphasizes the importance of non-discrimination in terms of tourism.

In 1999, the so-called “World Code of Ethics for Tourism” was created within the framework of the UNWTO, emphasizing the importance of tourism development combined with respect for human rights, particularly the rights of vulnerable groups, such as people with disabilities. In addition, the document states that, when recognizing the right to tourism, family tourism, tourism for the elderly and people with disabilities will be encouraged (World Tourism Organization, 1980).

One of the objectives of the Code was to summarize various documents, codes and declarations (Declaration of Manila, Declaration of Tourism Rights, Tourism Code) of the same nature or with a similar objective, adopted by UNWTO over the years. The objective was also: a) to have a document that was improved by new considerations arising from the evolution of society; b) establish a single frame of reference for world tourism agents on the verge of a new century and a new millennium.

On several occasions, the Code expressly mentions the right of all people to practice tourism. Furthermore, Articles 2 and 7 make explicit reference to the rights of persons with disabilities and the need for all stakeholders to facilitate their travel and tourist movements. The full text of the Global Code of Ethics for Tourism appears in Annex 2, where the articles mentioned can be found. These articles highlight the equality of all people, the need to promote the rights of people with any type of disability and the elimination of obstacles that limit the practice of tourism, described as one of the best possible expressions of sustainable growth. (World Tourism Organization, 2015, p. 8, our translation)

In 2013, the organization's General Assembly issued resolution A/RES/637(XX) with the “Recommendations on Accessible Tourism for All”, updating the recommendations made in 2005. The UNWTO document emphasizes that tourism is a of activities used by countries to encourage their development, but the lack of accessibility by people with disabilities is a problem of various dimensions, as it involves access to information, means of transport, participation in cultural and sports events, among others.

According to the UNWTO, the creation of the United Nations Convention on the Rights of Persons with Disabilities led to a greater emphasis on the obligations of the tourism sector in order to guarantee accessibility for people with disabilities. In this context, states the UNWTO Resolution, the UN Convention States must guide the public and private sectors in order to make tourism accessible. Accessible tourism does not only mean ensuring access for people with disabilities, but also involves creating enabling environments (World Tourism Organization, 2013).

The Resolution understands the term person with a disability as any individual prevented from full and effective participation on equal terms with other people in travel, accommodation and tourism services due to the existence of barriers. The definition encompasses people with long-term physical, mental, intellectual or sensory impairments, as well as people with temporary disabilities can be included in this group, emphasizes the Resolution.

The World Tourism Organization presents a series of recommendations divided into the following axes: a) management of tourist destinations; b) information and publicity regarding tourism; c) urban and architectural environments; d) modes of transport and stations; e) accommodation, food services and events; f) cultural activities (museums, theaters, cinemas and others); g) other tourist activities and events. These

recommendations aim to ensure accessibility for people with disabilities in terms of tourism in urban and rural areas.

Regarding the first axis, the World Tourism Organization recommends the adoption of strategies related to accessible tourism by the managing entities of tourist destinations. In this context, he explains that the concept of an accessible tourist destination is related to the availability of accessible facilities, infrastructure and transport aimed at creating a stimulating and easily accessible environment (World Tourism Organization, 2013).

With regard to the second axis, the World Tourism Organization recommends the adoption of a series of measures, such as: a) the inclusion of information on accessible services and facilities in tourism promotional material, which should indicate, if possible, how contact the establishments through accessible means; b) the provision by tourist destinations of lists of all support services for people with disabilities; c) the inclusion in the booking systems of information on the level of accessibility of the facilities and the systems themselves must be accessible for persons with disabilities; d) consumer protection entities must receive and resolve all complaints related to the lack of accessibility of advertised services and facilities.

The third axis is related to accessibility in urban and architectural environments. The World Tourism Organization makes recommendations regarding parking areas, communications, signage, horizontal and vertical displacement, sanitary facilities and prices. The recommended measures include the existence of an area reserved for people with disabilities in parking lots with ample spaces between spaces, organization of telephones and other public communication systems that allow use by people with disabilities, adoption of tickets and tickets with language accessible, accessible services and facilities must bear easy-to-understand symbols, elevators must have sufficient space for wheelchairs, provision of accessible public restrooms, and the additional costs required to provide accessible services and facilities will not mean an increase in rates for customers with deficiency.

The fourth axis presents recommendations regarding means of transport and stations. According to the World Tourism Organization, passenger transport vehicles (private vehicles, buses, taxis, trains, etc.) must provide safe and adequate transportation for people with disabilities and the information must be in an accessible format. Persons with disabilities must have easy access to transport services and stations, which must be

equipped with ramps or lifts. In addition, wheelchairs must be stored during the trip in a suitable place and delivered intact upon arrival at the destination.

Recommendations were also made under the fifth axis regarding accommodation, food services and events. Hotels must have a reasonable number of fully accessible rooms, rooms must be equipped with an adequate alarm for deaf people, an adequate number of bars and restaurants must have accessible facilities, and the facilities in buildings used for holding congresses and events must be equipped with special seats, areas reserved for wheelchair users, as well as special headphones.

The World Tourism Organization has also made recommendations related to cultural activities. In the context of the fifth thematic axis, it was asserted that the entities responsible for carrying out cultural activities in tourist destinations must adopt the relevant measures to guarantee that people with disabilities have access to material and cultural activities in accessible formats and can participate, develop and utilize your creative, artistic and intellectual potential. The measures must be adopted in theaters, cinemas, museums and other buildings of tourist interest.

Finally, the World Tourism Organization recommended the adoption of measures aimed at ensuring the participation of people with disabilities in recreational and sports activities. Measures include, for example, making the beaches of tourist destinations accessible through access ramps, adapted changing rooms and offering chairs and crutches for people to bathe in the sea with the help of a professional team. In addition, sports facilities must be equipped to accommodate tourists with physical disabilities and provide information through sound and visual systems, as well as through other communication services for blind and deaf people.

Brazil is part of the World Tourism Organization and therefore must also follow its recommendations in terms of accessibility. However, accessible tourism in Brazil presents challenges in its implementation and enforcement, despite some positive experiences, as will be shown below.

#### **4. Methodology and results**

##### *4.1. Methodology*

In order to exemplify the scenario of accessibility in tourism and confirm or refute the defined hypotheses, two qualitative exploratory researches were carried out with secondary data: i) survey of secondary data from the news category on the *Hôtelier News* portal to verify accessibility adaptations implemented by means of accommodation; ii)

**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

collection of secondary data from the news category on the Hôtelier News portal to verify national destinations that carried out accessibility actions.

The tourism sector has three major specialized news channels, namely Panrotas, Mercado & Eventos and Hôtelier News. Once the relevance of verifying the practice of accessibility in accommodation facilities was identified, the Hôtelier News channel was defined as a data source, as its editorial area is specialized in accommodation facilities. The choice for this same channel to collect data on accessible national destinations was made for convenience. Although the editorial focuses on accommodation, in a brief comparison of the availability of information with the keyword “accessibility”, it was found that of the three news channels in the tourism sector, Hôtelier News provided the largest number of articles on accessibility in destinations.

Thus, exploratory research was prepared as follows:

<b>Research i</b>	<b>Research ii</b>
<b>Definition of the topic:</b> adaptation of accommodation facilities to Article 3 of Law No. 13,146/2015	<b>Definition of the theme:</b> national destinations that carry out accessibility actions
<b>Source definition:</b> Portal Hotelier News	<b>Source definition:</b> Portal Hotêlier News
<b>Keywords:</b> accessibility, hotels, adaptation	<b>Keywords:</b> accessibility, destinations, adaptation
<b>Categorization:</b> by year, by action, by location	<b>Categorization:</b> by year, by action, by location
<b>Time frame:</b> 2010 - 2020	<b>Time frame:</b> 2010 - 2020

After completing the exploratory research on the Hôtelier News portal, the validation of the data collected from the bibliographic review of the “Study of the Profile of Tourists - People with Disabilities” published in 2013 by the Ministry of Tourism and on the website of the NGO Turismo Adapted was carried out.

## **5. The practice of accessible tourism in Brazil - Results and discussion**

According to the last census carried out by the Brazilian Institute of Geography and Statistics (2010), Brazil has 46 million people with some difficulty in skills such as seeing, hearing, walking, climbing steps or mental/intellectual disabilities. Although these people represent about 24% of the country's population, society is not adapted for them, although the Law has existed for five years, and its 3rd article is entirely dedicated to the mandatory adequacy of urban furniture, transport and communication.

As previously presented, in 2012 Brazil forwarded its initial report to the UN Committee on the Rights of Persons with Disabilities outlining the measures adopted to comply with the obligations of the United Nations Convention on the Rights of Persons with Disabilities. In this document, with regard to actions in the tourism sector, the

“National Tourism Plan 2007-2010” was pointed out as the most relevant initiative, highlighting the launch in 2010 of the “Accessible Tourism Guide”.

The “Accessible Tourism Guide” evolved into the “Accessible Tourism Program” as part of the accessibility policy of the Ministry of Tourism (MTUR) in the period 2012-2014. Since then, MTUR has been working on the issue of accessible tourism within the scope of social tourism, in an integrated manner with other departments of the federal government. According to the Accessible Tourism Program website (Ministério do Turismo, 2020), this is a set of actions aimed at promoting social inclusion and access for people with disabilities or reduced mobility to tourist activities. The program is aimed at public and private managers, tourism professionals, enterprises, tourist destinations and tourists themselves, whose expected results range from training actions, dissemination of studies and research for structuring accessible destinations and tourist products, as well as insertion of people with disabilities in the tourism job market.

Among the actions carried out by the “Accessible Tourism Program” the following stand out: a) “Study of the tourist profile - people with disabilities” carried out in 2013; b) four volumes of the “Cartilha Turismo Acessível”, with the themes “Introduction to an inclusion trip”, “Mapping and Planning - Accessibility in tourist destinations”, “Good service in accessible tourism” with disclosure of existing subsidies for adapting establishments and; “Well to serve in adapted adventure tourism”. It is also worth mentioning the evolution of the “Accessible Tourism Guide”, available in the form of an online portal and mobile application, being fully collaborative for tourists to evaluate and consult the accessibility of tourist spots, accommodation, restaurants, parks and other attractions.

It is important to recall that in 2015 Brazil received several suggestions from the UN Committee and, in the field of tourism, recommended that the sector become fully accessible. Two years earlier, Resolution 280 of the National Civil Aviation Agency (Brasil, 2013) was published, referring to the necessary procedures in relation to the accessibility of passengers with special needs for air transport in national territory. This Resolution establishes that all air service professionals must adopt measures aimed at guaranteeing the physical and moral integrity of passengers in need of special assistance (PNAE), offering an 80% discount on the amount charged for excess baggage of essential items, in addition to the charge of up to 20% for each additional seat required by the PNAE and its companion, among others.

In consulting the portal of the three airlines operating in the national territory Gol, Azul and LATAM, it was possible to observe that the first two provide all the necessary guidelines for a PNAE to acquire their respective services, whether it be the purchase of air tickets, support and dispatch of Baggage. This was not observed on the LATAM portal, as despite having a dedicated section on the subject, it only directs its customers to the Customer Service Center via telephone.

Shortly before the presentation of the UN recommendations to the Brazilian government, Law 13.146/2015 was enacted, whose article 45 is dedicated to the adaptation of accommodation facilities for guests with disabilities, such as the construction of accessible routes and the allocation of 10% of the bedrooms to receive guests with disabilities. In addition, all establishments should comply with the requirements by January 2018. Although it is common knowledge that there are numerous hotels, inns and resorts without proper adaptation, the research carried out with secondary data on the Hôtelier News portal identified some of the actions carried out in the hotel industry in this regard.

Using the keywords accessibility, hotels and adaptation in the time frame of 2010-2010, 27 articles were found and of these 7 presented relevant information for this research, as can be seen below:

**Table 01:** Adaptation actions to Article 45 of Law 13,146/2015 in the Brazilian hotel industry

<b>Year</b>	<b>Action</b>	<b>Location</b>	<b>Result</b>
2016	Fohb and AccorHotels promote training for people with special needs	São Paulo	A total of 30 employees from hotel chains associated with FOHB were trained.
2017	Renaissance São Paulo is the 1st hotel in the city to receive the seal of accessibility from the City Hall	São Paulo	Seal of Accessibility of the CPA - Permanent Commission for Accessibility, body of the Municipal Secretariat for Persons with Disabilities.
2018	Hotel Intercity Pátio Pinda (SP) receives Accessibility Seal	Pindamonhangaba/SP	Adaptation of the hotel's complete infrastructure.
2018	Lagos de Jurema Termas Resort installed aid devices for people with physical	Iretama/PR	Installation of assistance devices for people with physical disabilities in some areas of the hotel

**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

	disabilities in some areas of the hotel		
2019	La Torre Resort trains new group of employees in Libras course	Porto Seguro/BA	Formation of a new group of 15 employees in the Basic Libras Course.
2019	Intercity Ibirapuera opens rooms adapted for people with physical disabilities	São Paulo/SP	Intercity Ibirapuera renovated 11 rooms to adapt them to guests with physical disabilities
2019	La Torre Resort opens beach structure for guests and external public	Porto Seguro/BA	Adaptation of the Beach Club to accessibility requirements, with ramps, amphibious chairs and adapted bathrooms.

**Source:** Portal Hôteliier News (2020)

The lack of commitment on the part of the private sector to comply with the necessary adaptations exposes the lack of knowledge about the market potential that they fail to explore, as will be seen later on. However, research carried out in 2015 by the Open Doors Organization (2015), a non-profit initiative based in Chicago (USA), shows that adults with a disability spent around 17 billion dollars on travel that same year. Although there are no statistics on the Brazilian reality, since the tourism control bodies in Brazil do not make this distinction, it is important to remember that the country has 46 million people with disabilities with the right to be well received in cities and establishments when are traveling, that is, it is not a privilege.

Finally, it is important to emphasize that since 2007 the “National Tourism Plan” includes accessibility as a way of strengthening and expanding tourism. In its last edition for 2018-2022, this commitment was ratified, proposing the intensification of actions for the implementation and adaptation of tourist equipment and support to destinations. In addition, there is guidance so that public resources from the Union, States or municipality are directed to this end, as well as there is guidance to encourage private initiative in the same sense.

In 2013, the “Study of the Profile of Tourists - People with Disabilities” was carried out as an integral part of the “Accessible Tourism Program” (Ministério do Turismo, 2013). This qualitative research, available for consultation on the Ministry of Tourism website, shows the perception of travelers with disabilities in relation to cities. Among the results, it was found that cities are not prepared to receive this public, and

**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

aspects vary from sidewalks with holes and irregularities to inadequate lighting, a situation that demonstrates urban hostility towards those who need special attention. The study has a propositional character and presents the necessary measures to reverse the scenario, namely: 1. improve access to equipment and tourist attractions; 2. improve the condition and maintenance of sidewalks; 3. sound the traffic lights; 4. Raise awareness among the population so that it understands and does not ignore the function of the tactile floor; 5. tourist attractions and commerce must have qualified guides/interpreters; 6. make the places more illuminated, also considering customers with low vision; 7. improve the quality of access works that must meet safety requirements; 8. Make parks accessible as a whole.

The study in question also brings the evaluation of the best and worst cities in terms of accessibility and among these, which are the most hospitable and hostile, as can be seen below:

**Table 02:** Evaluation of tourist cities from the perspective of travelers with disabilities

City	Accessibility	Welcoming perception
Recife	Excellent	Hospitable
São Paulo	Excellent	Hospitable
Curitiba	Excellent	Hostile
Rio de Janeiro	Excellent	Hostile
Socorro	Excellent	Not highlighted
Fortaleza	Median	Hostile
Belo Horizonte	Median	Not highlighted
Natal	Median	Not highlighted
Porto Alegre	Median	Not highlighted
Salvador	Median	Not highlighted
Brasília	Bad	Not highlighted
Goiânia	Bad	Not highlighted
Manaus	Bad	Not highlighted
Pantanal	Bad	Not highlighted

**Source:** Ministério do Turismo (2013)

In search of more information about the accessibility of Brazilian destinations, a new survey was carried out with secondary data on the *Hôtelier News* news portal, where it was possible to verify updates on the adequacy of tourist equipment for tourists with disabilities. It is important to highlight that in the time frame of 2010-2020 and using the keywords accessibility, destinations and adaptation, 31 articles were found, of which the repetitions of the agenda were eliminated, eight of them were identified as relevant for this research, as follows:

**Table 03:** Accessibility of tourist destinations

Year	Action	Location	Result
2013	Accessibility Route of the Historic Center of Salvador	Salvador/BA	1-) Enlargement of the sidewalk on one side of the street 2-) Construction of crossings based on cyclopean concrete covered in characteristic stone 3-) Leveling the footbridge in Largo de São Francisco 4-) Construction of an escarpment (ramp through the stairs) at Fundação Casa de Jorge Amado
2014	Accessible Tourism Program – Pernambuco Without Barriers	Pernambuco	Availability of a 30-meter-long sea access mat, six amphibious chairs, three swimming pools for children's leisure, a court for sitting volleyball, a physiotherapy and nursing tent, in addition to assisted bathing
2014	Fernando de Noronha conducts training on accessibility	Fernando de Noronha/PE	More than 30 tourist establishments, including inns, receptive companies, trained bars and restaurants
2014	Accessibility Booklet	Pernambuco	5 thousand copies made available for equipment and tourist attractions on the needs of people with disabilities.
2014	Turismo de Pernambuco holds a series of training sessions focused on accessibility	Recife e Jaboatão de Guararapes/PE	Training of 23 restaurants on serving people with disabilities
2015	Beach without Barriers	Tamandaré e Porto de Galinhas/PE	Availability of a 45-meter-long sea access mat, two amphibious chairs, a swimming pool for children's leisure, sea bathing with the help of qualified professionals, walks with adapted rafts, sea bathing and diving accompanied by qualified professionals

**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

2016	Accessible Beach Project	Fortaleza e Caucaia/CE	Enable the disabled, elderly and people with reduced mobility access to the sea. More than 5,400 services performed
2016	Accessible Beach Project	Guarujá/SP	Users are accompanied by facilitators, professionals trained by the State, for a sea bath that lasts about 30 minutes.

**Source:** Portal Hôtelier News (2020)

As can be seen, the State of Pernambuco, through the “Pernambuco without barriers” program, has implemented different actions in its tourist cities in the last six years. Salvador has been trying to adapt the capital's tourist equipment for seven years for all travelers with disabilities, and it is important to highlight that it is a city with different historical sites, making the challenge more complex. Fortaleza, in turn, with the project “Praia Acessível”, which has been in existence for three years, has already provided more than 5,400 services.

Finally, it is important to highlight the evaluation of Ricardo Shimosakai, owner of the NGO Turismo Adaptado, a service provider for all companies in the tourism sector that seek to adapt their services, in addition to giving lectures on the subject. In May of this year, Ricardo published a series of texts evaluating his trips to six accessible destinations, including São Paulo, Rio de Janeiro, Manaus, Salvador and Curitiba (Portal Turismo Adaptado, 2019). All with positive and positive evaluations for accessible tourism, which confirms the evolution of these destinations in welcoming and receiving tourists with disabilities.

In any case, although the role of the Ministry of Tourism in providing information on accessible tourism is recognized, its relevance in Brazil is incipient. Ricardo Albino is a journalist and uses a wheelchair and in an interview for Revista Movimenta (2017) reports that the more he travels, the more tourism professionals realize that people with disabilities are consumers. However, he still hears that it is expensive to adapt the services and that the demand does not compensate for such expenses. Ricardo Shimosakai, in turn, in a statement for the same magazine, explains that the demand from travelers with disabilities is increasing, but they are looking for more destinations abroad, because here they are not adequately served.

In this context, the “Study of the Profile of Tourists - People with Disabilities” (Ministério do Turismo, 2013) highlights the three important dimensions in providing an

ideal service for a tourist with a disability, namely: 1. Knowing the specificities of each disability (limitations and potentialities); 2. know all the rights of people with disabilities and duties towards them; 3. have personal characteristics and essential skills, such as being considerate, patient, helpful, taking initiative, being polite, kind, cordial, etc.;

Combining these three dimensions in the Brazilian tourist service chain is a challenge, because for tourists with disabilities there is almost always the feeling of being served by professionals who are not very prepared and/or sensitive. This study highlighted, for example, situations of communication failures between travel agent and operator, operator/inbound agency which, for the most part, does not have adapted transport and qualified guides for this public, and airlines.

Accessibility in terms of tourism in Brazil is certainly a challenge for two main reasons. Initially, tourism encompasses various activities and services such as transportation, accommodation, cultural and gastronomic establishments. These activities and services, in turn, involve the public and private sectors. Furthermore, tourism within the public sector involves all federative entities. Museums, for example, are important establishments for tourist destinations, some managed by the private sector and others by the public sector.

Thus, the performance of the Brazilian State can be analyzed through two aspects. If the public sector is responsible for the activity, international standards and recommendations must be observed in the formulation and implementation of public policies aimed at tourism. On the other hand, in the case of activities carried out by the private sector, the State has a supervisory role, that is, it must ensure that the same norms and recommendations are observed by private agents in the tourism sector. Incidentally, this double stance of the State is expressly provided for in Article 4 of the UN Convention on the Rights of Persons with Disabilities.

## **6. Final considerations**

Making people with disabilities visible is one of the goals of international law. The United Nations, especially since the 1970s, has edited norms regarding the rights of people with disabilities, with emphasis on the Convention on the Rights of People with Disabilities. This treaty required States to adopt various measures in order to guarantee the full exercise of the rights of persons with disabilities and determined that States should adopt measures aimed at ensuring compliance with international standards by organizations and private entities.

Among the various rights provided for in the UN Convention is the right to participate in cultural life. The participation of people with disabilities in cultural life includes access to tourism. Tourism, in addition to being an important sector of the world economy, also enables the development of human beings by allowing contact with other peoples and cultures. Therefore, the full development of people with disabilities is related to their access to tourism. The concern with accessible tourism was also present in the recommendations made to the Brazilian State by the UN Committee and in the recommendations made by the World Tourism Organization.

Brazil, as a signatory to the UN Convention and a member of International Organizations, must comply with the rules and recommendations on the subject. However, despite the existence of positive experiences in terms of accessible tourism, the Brazilian reality presents challenges. The tourism sector, as explained earlier, involves various activities and services provided by the public and private sectors. For this reason, the Brazilian State must act even more incisively, whether through direct action through public policies based on international norms and recommendations or through its supervisory function in relation to the private sector.

The Ministry of Tourism must assume its role in this matter. The initiatives pointed out in the work are still timid. The portfolio must act as an effective promoter of accessible tourism. The tourism sector, in turn, must understand the importance of including people with disabilities, as they are part of society, as well as potential consumers. In addition, the inclusion of people with disabilities in the tourism sector could be an important factor in the recovery of the sector, which was so affected by the Covid-19 pandemic. With this change in perception on the part of the tourism sector, it will be possible to include people with disabilities and to grow the activity itself.

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**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

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**Simini & Wassall. *Accessible tourism in the light of international law and the challenges of the Brazilian reality***

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