

ACCESSIBLE TOURISM AND COMPLIANCE

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Abstract

The concept of Accessible Tourism recognises that tourism is for everyone and, therefore, everyone should be able to enjoy tourism products and services. This concept not only translates into benefits for tourists, as it provides an improvement in the quality of life of the local population, who benefits from the creation of improved accessibility conditions. Promoting accessibility is a fundamental condition for the full exercise of citizenship rights enshrined in the Portuguese Constitution. Although there is growing awareness of the need to make spaces more accessible, translated into compliance with European guidelines and legal standards, there are still numerous gaps and examples of exclusion. The measures which are necessary to guarantee the enforcement of rights can be operationalised based on examples of good practices. In this sense, this paper analyses good practices of inclusion implemented in the Autonomous Region of Madeira. Even though these measures promote inclusion, it is still verified that they are insufficient to respond to the needs of citizens with disabilities, limitations or incapacity. Even so, it should be noted that Madeira has been increasingly strengthening its offer as an accessible destination, in order to boost demand for the region as an inclusive destination.

Keywords: Accessible Tourism, Compliance, Inclusion.

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1. INTRODUCTION

As leisure is a right of all citizens, guaranteed by the Constitution, tourism should be available to all, without any group of the population being excluded. However, currently, tourism is not yet an activity accessible to all citizens, especially to people with some limitation of motor, visual, hearing or intellectual nature (Santana & Lima, 2018; Araújo, 2011). There are few destinations that meet the demands and peculiarities of tourists with specific accessibility needs (Santana & Lima, 2018).

According to a study conducted by Rede Europeia para o Turismo Acessível (European Network for Accessible Tourism) (2015), less than 10% of tourism providers in Europe offer accessible tourism services, even though the demand for such services tends to increase due to the ageing population.

Compliance with decree-laws which oblige the adaptation of public spaces has significantly contributed to the accessibility of people with disabilities. Accessible tourism not only translates into benefits for tourists, but also improves the quality of life of the local community, which benefits from the creation of better accessibility conditions (Devile, 2009).

2. THE CONCEPT OF ACCESSIBLE TOURISM

The concept of accessible tourism recognises that tourism is for everyone and therefore everyone should be able to enjoy the tourism supply. In this sense, infrastructures used by tourists should be free of any architectural barriers. Measures such as facilitating access at a passage point, improving signage and using portable equipment can make all the difference for people with some kind of disability (Devile, 2009).

Research on the relationship between tourism and disability has received increasing attention over the last two decades (Buhalis & Darcy, 2011). This recent phenomenon was first examined in detail in the literature on leisure restrictions (Smith, 1987). Since then, a number of individual studies on the demand, supply and organisation of travel for people with disabilities emerged. More recently, this topic has begun to mature with a conceptualisation that sought to make sense of the individual studies and provide a general framework for understanding the phenomena (Eleni et al., 2015).

Accessible tourism aims, therefore, to enable people with some specific needs to perform their leisure activities independently and with equality and dignity, through the supply of appropriate tourism products or services (Buhalis & Darcy, 2011).

Sibirino and Figueiredo (2015) point out that people with disabilities or reduced mobility are entitled to access to any place, including for the practice of leisure and tourism, in accordance with Resolution No. 48/96, of 20/12/93, on the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (Santana & Lima, 2018).

The National Strategic Tourism Plan (2007) points out that it is essential to develop an accessible tourism supply that gives everyone the opportunity to make use of Portugal's distinctive supply (PENT, 2007).

In this context, communication plays an extremely important role. It is crucial that information on accessible services reaches potential markets of people with disabilities, in order to minimise their perception of the risk of using such services (Devile, 2009; Mayordomo-Martínez et al., 2019).

3. TARGET AUDIENCE

According to the European Union Labour Force Survey, the population between 15 and 64 years old in Europe with some kind of disability represents 14% of the world population, which translates into about 45 million potential customers for the accessible tourism market (Mayordomo-Martínez et al., 2019).

Approximately 120 million citizens of the European Union are, to a greater or lesser extent, affected by a disability. This number is expected to increase gradually due to an ageing population (Accessible Portugal).

Only in Portugal, a small country with about 10 million inhabitants, there are around 2.5 million elderly people, 1 million people with disabilities, 550 thousand children under 5 years old and thousands of other people with temporary or permanent limitations (Accessible Portugal). More specifically, there are in Portugal 1 792 719 people with disabilities, whether visual, motor, mental or hearing. This means that 17% of the Portuguese population faces some kind of difficulty in their daily activities, namely walking, climbing stairs, speaking/hearing, memorising, or eating. According to the results of the 2021 Census (not yet released), 61% of this population are female and 39% are male (Fricón, 2021).

Based on these data, it is important that the accessible tourism supply not only includes people with some kind of disability, but also all citizens with temporary disabilities or reduced mobility, as a result of an accident or illness, as well as pregnant women, families with small children, the elderly and overweight people (Devile et al., 2011; Devile, 2012; Santana & Lima, 2018).

Tourists with accessibility needs seek inclusion and new experiences that are only possible through accessible and quality facilities and services (Smith et al., 2013).

People with disabilities participate less in various forms of social participation (Barnes, Mercer, & Shakespeare, 2010), not because of a lack of desire to participate, but because of discriminatory practices that do not enable their inclusion (Darcy & Taylor, 2009).

4. ACCESSIBLE TOURISM AND UNIVERSAL DESIGN

Buhalis & Darcy (2011) define accessible tourism as "a form of tourism that involves collaborative processes among stakeholders that enables people with accessibility requirements, including mobility, vision, hearing and cognitive access dimensions, to function independently and with equity and dignity through the delivery of universally designed tourism products, services and environments." (Darcy & Dickson, 2009, p. 34).

This definition adopts a comprehensive approach, which recognises that the development of inclusive destinations and accessible experiences also benefit other segments of the population (Buhalis & Darcy, 2011).

Buhalis & Darcy (2011) suggest that in order to develop future accessible tourism destinations, strategic planning by destination managers should be done from a universal design perspective.

Universal design is defined by the UN Convention as the design of products, programmes and environments to be used by everyone without the need for adaptation or specialised design. This concept aims to simplify the lives of all people of all ages, sizes and abilities. The universal design approach goes beyond traditional design, which tends to focus on the "average" user. This concept integrates the accessibility requirements of the population, so that more people can enjoy products and services without the need for adaptations (Mace, 1985). Applying the principles of universal design can help increase destinations' target markets, make experiences more accessible, reduce seasonality and support destinations' competitiveness, while contributing to social inclusion (Buhalis, 2000).

5. ACCESSIBILITY AS A COMPETITIVE FACTOR OF THE TOURISM DESTINATION

The supply of accessible tourism services is a competitive advantage of destinations. This differentiation is made on the basis of social inclusion. Besides strengthening its competitive position, the association of a destination with accessibility improves its image

(Devile et al., 2011). As a competitive advantage, accessible tourism presents itself as a differentiator of a destination with respect to its competitors (Smith et al., 2013).

This segment of the population has many advantages for accessible destinations. Among them, the availability of time, the long period of stay at the destination, the spending above the average and the strong tendency to loyalty when satisfied with the product or service, mainly because of the current difficulty of finding adequate supply (Smith et al., 2013).

Motivated to leave home in search of new experiences, and increasingly independent, the accessible tourist changes consumption patterns. However, attracting this specific audience requires careful planning and constant adaptation to accessibility tourism trends (Santana & Lima, 2011; Smith et al., 2013).

6. THE ECONOMIC POTENTIAL OF ACCESSIBLE TOURISM

More than 80% of tourists with reduced mobility travel with family and/or friends (Buhalis et al., 2005), which gives rise to a multiplier effect and consequently creates a significant market. However, this economic potential of accessible tourism is still relatively unknown and therefore ignored by tourism service providers (Devile et al., 2011).

Tourists with reduced mobility show a high level of loyalty as, once satisfied, they tend to return to accessible destinations that provide them with barrier-free experiences (Burnett & Baker, 2001).

The ageing population in developed countries and the progressive increase in the income of people with disabilities and/or impairments will lead to a significant increase in people with reduced mobility who can afford to travel (Devile et al., 2011).

In addition, accessible tourism "can contribute to combat the seasonality of the hotel network in periods of low occupancy, boost the sectors that benefit from the increased flow of travellers, and enhance the tourism product by social inclusion, eradication of poverty and access to information" (Kiefer & Carvalho, 2013).

7. THE HOLISTIC APPROACH TO ACCESSIBLE TOURISM

There are countless barriers that make it impossible or condition the participation of people with disabilities in tourism, throughout the whole process involved in the experience, from the travel planning process to transportation to the destination, besides the barriers at the destination itself and back home (Turco et al., 1998; Mazars Turismo, 2003).

In this sense, Darcy et al. (2008) advocate a holistic approach to accessible experiences provided at destinations, which means that tourism organisations should consider more than

simply the conditions of physical access. The total tourism experience is not only about accessible transport, accommodation, and activities (Buhalis & Darcy, 2011). The availability of adequate information and human resources prepared to welcome this target audience is increasingly relevant for the differentiation and competitiveness of destinations (Devile, 2003; Devile, 2009).

Tourists with disabilities attach great importance to prior information about the place, to avoid unpleasant situations when travelling (Santana & Lima, 2018). Leaving the everyday environment and travelling can create great anxiety for this target audience (Darcy, 1998). People with disabilities have routines to deal with any difficulties and limits they are aware of. This does not apply to new environments while travelling, where they have no prior knowledge of the potential barriers to face and strategies to overcome them. A European study (GfK, 2015) suggests that around half of people with disabilities do not travel on holiday, due to a combination of lack of reliable information, lack of financial resources and bad previous experiences.

The development of accessible tourism destinations implies action, not only from local tourism stakeholders, but also from other sectors, in order to encompass the various services that make up the tourism supply (Devile et al., 2011).

It is up to the tourism officials to provide accessible and adapted physical facilities and equipment, trained staff with compatible services and environments with safety and quality. Adaptations in infrastructure and equipment are not enough if the way people with disabilities are treated is not also given attention and preparation, with awareness and appropriate training for those working in the tourism sector (World Report on Disability, 2011).

8. TOURISM AND COMPLIANCE WITH THE LAWS IN FORCE

People with disabilities face daily barriers that affect their participation in various sectors of the economy, including tourism. Accessibility is seen by this segment of the population as a prerequisite for participation (Accessible Portugal), as only with accessible spaces, services and products can people with disabilities enjoy the tourism offer of a destination.

Their participation and inclusion in the most diverse spheres of society is ensured by the Constitution of the Portuguese Republic, which recognises that all people are equal in rights, as stated in article 13, even if their differences are considered and respected. Article 26(1) of this Constitution recognises all citizens as having "the rights to personal identity, to the development of personality, to civil capacity, to citizenship, to a good name and reputation, to image, to

speech, to the privacy of private and family life and to legal protection against any form of discrimination". This article is strengthened by Article 71, which ensures the recognition of the rights and duties of people with disabilities and establishes that the State has the duty to promote a national policy of prevention, treatment, rehabilitation and integration of disabled citizens, as well as to support their families.

In order to minimise the daily barriers faced by these citizens, the Convention on the Rights of Persons with Disabilities defines obligations in terms of accessibility and requires member states of the European Union to take the necessary measures to ensure accessibility (Accessible Portugal). This Convention represents a binding instrument for Portugal and aims to promote, protect and guarantee the human rights and fundamental freedoms of people with disabilities, promoting respect for their inherent dignity and recognising their self-determination. These principles have been reinforced, especially with the ratification of the Convention on the Rights of Persons with Disabilities in 2009.

Compliance with these standards enables people with disabilities to access all areas of social participation, as Article 30 of this Convention specifically recognises cultural life as an important part of citizenship for any person. This includes recreation, leisure, arts, sports and tourism activities (Buhalis & Darcy, 2011).

Following the international guiding principles, Portugal approves the National Strategy for the Inclusion of People with Disabilities 2021-2025, through the Resolution of the Council of Ministers no. 119/2021 of 31 August²⁷. This National Strategy has as its starting point the respect for the fundamental rights, freedoms and guarantees enshrined in the Constitution of the Portuguese Republic, as well as the principles and provisions recognised in the bases of prevention, qualification, rehabilitation and participation of people with disabilities in Law no. 38/2004 of 18 August²⁸. This law enshrines principles such as singularity, citizenship, non-discrimination, autonomy, information, participation, globality, quality, primacy of public accountability, transversality, cooperation and solidarity. In the defence of the transversal inclusion of people with disabilities, the National Strategy for the Inclusion of People with Disabilities 2021-2025 has dedicated its Strategic Pillar no. 7 for "culture, sport, tourism and

²⁷ Resolution of the Council of Ministers No. 119/2021: Approves the National Strategy for the Inclusion of People with Disabilities 2021-2025. (2021). *Diário da República* no. 169, Series I of 31/08/2021. <https://files.dre.pt/1s/2021/08/16900/0000300071.pdf>

²⁸ Law 38/2004: Defines the general bases for the legal regime of prevention, qualification, rehabilitation and participation of people with disabilities. (2004). *Diário da República* no. 194, Series I-A of 18/08/2004. <https://dre.pt/dre/detalhe/lei/38-2004-480708>

leisure", with the specific aim of improving access to leisure spaces and tourist resources, as well as to cultural, recreational, leisure and sporting events.

To discuss accessible tourism, it is important to mention the Law no. 46/2006, of 28 August²⁹, which prohibits and punishes discrimination, whether direct or indirect, due to disability and determines the obligation to provide equal conditions to all those who want to enjoy the tourism supply available, ensuring the absence of any practice or form of discrimination, whether direct or indirect.

Thus, through the rights enshrined in the Constitution of the Republic, the laws which prohibit discrimination, the decree-laws which make it compulsory to adapt public spaces, the ordinances which explain the procedures, the UN Conventions and the resolutions of the Council of Ministers which recommend successive governments to apply the law, accessibility has increasingly become a reality for a greater number of people. These efforts at the regulatory level are the consequence of the growing awareness of the need to make the tourism supply more accessible to all.

As a result of this growing awareness, Portugal has been making its tourism supply increasingly accessible to all. Within the framework of the International Tourism Fair 2020, in Madrid, the World Tourism Organisation (UNWTO) and the ONCE Foundation distinguished the best "Accessible Tourism Destinations". In this first edition, Portugal was distinguished, due to the importance it has given to accessibility and its involvement in the development and implementation of tourism products and services accessible to all (UNWTO, 2020).

It is important to note that Portugal has been a member of the World Tourism Organisation (WTO) since 1976 and that it has been a specialised agency of the United Nations since 2003. This organisation promotes the implementation of the Global Code of Ethics for Tourism³⁰. Article 7 of this Code advocates a universal right to tourism as a corollary of the right to rest and leisure enshrined in Article 24 of the Universal Declaration of Human Rights, as well as in Article 7 of the International Covenant on Economic, Social and Cultural Rights, which stresses in paragraph 4 that tourism for people with disabilities should be encouraged and facilitated.

²⁹ Law No. 46/2006: Prohibits and punishes discrimination on the grounds of disability and aggravated health risk (2006). *Diário da República* No. 165, Series I of 28/08/2006. <https://files.dre.pt/1s/2006/08/16500/62106213.pdf>

³⁰ World Tourism Organisation (1999). *The World Code of Ethics for Tourism*. https://www.hoteis-portugal.pt/docs/content/CTfgpevCQzOMZX8ueNSVtddbvxAbp_Fx.pdf

Aware of the growing importance of these issues, the National Strategy for Tourism 2027 (ET27)³¹, approved by the Resolution of the Council of Ministers No. 134/2017 of 27 September 2017³², proposes accessible tourism in almost all of its intervention pillars.

Legislation created with the aim of promoting accessibility and conditions of well-being and safety for people with disabilities is vast, which significantly boosts inclusive tourism. In this context, Portugal has transposed into the internal legal system several regulations of the Council of Europe regarding mobility in transport, namely Regulation (EC) No. 1371/2007 of the European Parliament and of the Council, of 23 October (referring to rail transport), Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February (concerning road transport), Regulation (EU) No. 1177/2010, of the European Parliament and of the Council of 24 November (maritime transport) and Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 (concerning air transport). The European and, more specifically, national, regulatory effort to make tourism increasingly accessible to all is noteworthy, although access to products and services is not yet a reality for everyone with disabilities.

9. ACCESSIBILITY IN THE AUTONOMOUS REGION OF MADEIRA

Although many infrastructures in Funchal, the capital of Madeira, are properly equipped to receive people with reduced mobility, the streets and pavements keep the old stone pavements, which condition the circulation of people with special needs. Even so, there is a greater effort by the local authorities to adapt the spaces and equipment to this target audience (Visit Madeira).

Most hotels in the Autonomous Region of Madeira have lifts, access ramps and good accessibility conditions for people with reduced mobility. As for the urban public transports, they provide adapted vehicles or accesses for people with motor limitations. It should be noted that Madeira and particularly the city of Funchal have been investing in the adaptation of its transport network. Besides, a set of leisure and cultural areas in Funchal are adapted to welcome people with reduced mobility or other types of disabilities (Visit Madeira).

³¹ Turismo de Portugal I.P. (2017). Tourism Strategy 2027. <http://www.turismodeportugal.pt/SiteCollectionDocuments/estrategia/estrategia-turismo-2027.pdf>

³² Resolution of the Assembly of the Republic No. 229/2017: Recommends that the Government denounce to the Secretariat of the Espoo Convention the violation of this Convention by Spain (2017). Diário da República No. 187, Series I of 27/09/2017. <https://files.dre.pt/1s/2017/09/18700/0552205532.pdf>

In this context, Madeira has been increasingly strengthening its supply as an accessible destination, in order to boost demand for the region as an inclusive destination for all (Visit Madeira).

10. CONCLUSIONS

A destination image, when associated with accessible tourism, provides an opportunity to differentiate and attract visitors, to the detriment of other destinations that do not have these characteristics (Smith et al., 2013).

However, in the current context, much of the tourism supply is not properly prepared for the public with accessibility needs. Although the progress that has been made in terms of accessibility is remarkable, the access of people with disabilities to tourism products and services is still insufficient (Devile, 2012). For this reason, destinations that are prepared to serve this public have a competitive advantage over others (Smith et al., 2013).

The compliance with laws prohibiting discrimination and decree-laws requiring the adaptation of public spaces have contributed significantly to the accessibility of people with disabilities. Still, if today most tourist facilities or services only meet requirements imposed by law, they will soon compete to serve the needs of an audience that has economic power, time and willingness to travel (Chan, 2010; Buhalis & Darcy, 2011; FMET, 2004; DCMS, 2010). In the longer term, it is expected that other destinations that are not currently accessible will become so, either to meet legal requirements, or by recognising that this is a market with economic potential. The trend will therefore be for the supply to be increasingly prepared to meet the needs of this market segment (Smith et al., 2013).

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