

Nowadays, tourism is a rapidly developing sector of the world market. Travelling is an essential part of life, however, a peaceful holiday can turn into a nightmare for an inexperienced tourist if he or she does not know his or her rights. According to the World Tourism Organization (WTO), tourism is considered to be the world's biggest industry. It is also widely considered to be one of the most quickly growing industries in the world. In Russia in particular there is a large number of tourists traveling abroad. That is why legal support for tourists is more relevant than ever, since they often, due to their own illiteracy, meet face to face with various complicated situations.

The basic law regulating tourist activity in the Russian Federation is the Federal law No. 132 "On the basis of tourist activity in the Russian Federation", adopted in 1996 [1]. It regulates the situation in the tourism market, establishes the rights and obligations of the parties in this area. In addition, the law defines the existing principles of state policy aimed at market participants, regulates relations arising in the exercise of civil rights by Russians to freedom of movement, rest and other rights while traveling in Russia or outside the country. The same applies to representatives of foreign countries and stateless persons.

In the first chapter, general provisions are defined and key concepts are formulated. The second chapter is entirely devoted to state regulation of this activity. Separately spelled out the rights and obligations of the tourist. The Law "On the basis of tourist activity" notes that a tourist has the right to personal security, freedom of movement, access to communication facilities, as well as a number of fundamental points. They should provide a comfortable and safe rest. At the same time, there is a need to observe the laws and rules of the country to which the tourist comes to rest, to respect her customs, social structure and traditions, etc.

Of course, much depends on the traveler and his legal responsibility, but there are cases when the travel agency violates the rights of a tourist. For example, when signing a contract for the provision of travel services, the client does not pay enough attention to the content of the document and subsequently pays ten nights instead of nine. Many methods of deception are completely legally concluded right in the contract. If you carefully read the terms and conditions, you may be surprised that your rights and the rights of travel companies are not equal.

There are problems with insurance: formally, it is provided, but when something serious happens to a tourist, it turns out to be invalid. Again, if the agency claims that after signing the contract and paying for services all possible problems are resolved by the tourist independently, it is necessary to remember the RF Government Decree No. 452 "On Approval of the Rules for the Provision of Services for the Sale of Tourist Product", which is valid from July 18, 2007 [2]. Fortunately, there is a specialized legal organization focused on the protection of the rights of the tourist - the consumer protection society.

However, not all problems can be solved in this way. In Russia, there was a scandal with the bankruptcy of the famous operator "Natalie Tours". On July 4, 2018, the agency canceled all of its tours until September 30, 2018. About 10 thousand clients of a legal entity have suffered, and there is still no talk of a full refund. In order not to get into a similar situation, tourists are advised to contact the registry of tour operators [3], in order to be confident in the quality of the services provided. Although until September 3, "Natalie Tours" was still officially in the register, the amendments to the Federal Law on the Basics of Tourism Activities came into force, giving Rosturizm the right to exclude tour operators from the register by their decision. Thus, the travel agency finally ceased to exist, but most of the tourists did not receive acceptable monetary compensation.

When operators who have existed for 20 years or more (for example, "Lanta-Tour") go bankrupt, it is difficult to avoid a similar fate. Up to 9,000 people suffered only from the bankruptcy of "Lanta-Tour" and about 2500 were caught unawares by this phenomenon, while they were on vacation.

Situations when travel companies take money and hide, happen in Russia quite often. But here, unlike in the UK, this is often not the result of fraud, but the result of business failure. Last summer, due to changes in market conditions, several travel companies were forced to suspend work there at once. However, all the tourists who purchased tours from these travel agencies, but could not go anywhere, returned the money without undue red tape and proceedings in court. The British tourist market in recent years has learned to cope with such crisis situations due to the fact that most travel agencies that organize trips, including flights, are required to be part of the ATOL (Air Travel Organizing License) system, managed by the state organization Civil Aviation Authority (CAA). ATOL certificate protects the tourist. The most important thing: he guarantees the refund to the tourist for the paid tour, and also protects against the likelihood of being "abandoned" abroad in the event of the tour operator's bankruptcy.

We should also consider the responsibility borne by tourist organizations in case of unsuccessful provision of services. Travel agencies can be attracted as an individual if a particular employee is to blame for the violation of your rights, as well as a legal entity if the company is guilty of the following articles:

- Art. 14.4 of the Code on Administrative Offenses of the Russian Federation, provided that the services were rendered poorly or there were violations related to technical and sanitary standards;

- Art. 14.7 of the Code on Administrative Offenses of the Russian Federation, if the contractor deceived the client, did not provide the necessary information or signed a contract that infringes the rights of the tourist.

Criminal liability to the executive is terrible only in case of failure to provide safe conditions for rest, under article 238 of the Criminal Code of the Russian Federation [4].

There are many situations in which the tourist risks falling into a disadvantageous position. In the big cities, their own way of cheating is flourishing - "hot tours" or special offers here can cost 20-30% more than usual. So, let's say, tours to exotic countries or non-standard routes are created, and some customers are thoughtlessly ready to pay any price for new and unforgettable impressions.

In the global hotel business there are statistics that often hotels sell 15% more rooms than they have in stock (exactly as many booking failures occur according to statistics). A lot of cases when a person is led to a chic number and give papers for signature. He signs them, and after a while the number is busy, and the tourist is resettled to a worse place.

In many European countries, for example, in Italy and France, tourists are approached on the street with the proposal to sign some kind of petition. The goals are usually good - protecting the environment or improving the quality of education. Or, tourists suddenly get a "winning ticket", and you have to pay for it. Such schemes are well designed and work flawlessly, so the chances of returning money (especially when signing something) are practically zero.

A lot of cases with the company "Alpha Tour". This is a very common scam in Russia, the so-called "timeshare presentation". Tourists are stopped in crowded places, invited to dubious events and fool their heads. Few people know that, under Russian law, a person who has signed such an agreement has the right to refuse it in two weeks, without explaining the reasons. But the British thus losing an average of from three to ten thousand pounds.

The law "On the basis of tourist activity in the Russian Federation" contains an important chapter on the safety of tourism, where it is written how tour operators and travel agents should ensure the safety of direct consumers, which specialized security services exist. The article on the protection of the interests of domestic tourists, who are outside the country, describes how the organizers of the tours should behave in the event of all kinds of emergency situations.

Unfortunately, despite this, there is a sad statistic: according to the Club for the protection of the rights of tourists, annually die abroad from 300 to 500 Russians. These tragic cases can be considered an inevitable consequence of any trip to other lands with frequent crossings and flights, change of diet and climate, active recreation. No one is immune from poisoning, infectious diseases, heart attacks, earthquakes and hurricanes, accidents.

There are frequent cases of changes without warning of the rules and regulations for obtaining visas for Russian citizens. This happens in connection, for example, with the arrival of the new Consul General in Italy. The Greek Consulate also changed the rules for obtaining visas without warning, explaining the difficulties created in connection with the entry into the Schengen

agreement. The American Consulate says 20% of refusals. According to the Subcommittee on human rights protection - up to 40%. It is already a big policy to see potential offenders in 40% of Russian citizens.

In fact, the United States is recognized as the most unfriendly country for foreign travelers. These are the results of a study in which tourists, as well as people on business trips, were asked to assess the degree of hospitality in the United States and 16 other countries. There are cases when tourists because of their own legal illiteracy fall into difficult situations where the representatives of the law have almost unlimited power. Subsequently, they have to pay with money or even their own lives (North Carolina).

In General, there are three categories of problems faced by tourists when visiting foreign countries:

1. The responsibility of travel agencies and components of the product purchased by the tourist from a travel agent or tour operator. This includes all issues related to transportation, transfer, accommodation and service at the hotel, excursions, additional services booked in advance and return transfer, and transportation.

2. Natural difficulties in communication with officials (border control, customs, police, etc.), service and commercial services (airport, hotel, restaurant, Museum, hospital, shop, car rental, etc.) and the local population.

3. Accidents and troubles not related to tourist products. Injuries, diseases and deterioration of health, theft and loss of property, money, passports, tickets, transport accidents, natural disasters, loss of Luggage during flights.

In conclusion, it should be noted that the safety of tourists, their well-being and the maintenance of high quality service in tourist destinations cannot be considered in isolation from other public or national interests of the host country. Developing and implementing safety standards for tourism and legal protection of tourists, the interests of those who visit and receive should be mutually harmonized.

References:

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