



CORPORATE SOCIAL RESPONSIBILITY: STRENGTHENING ACCOUNTABILITY IN THE FIGHT AGAINST SEXUAL EXPLOITATION OF CHILDREN



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PREFACE

ECPAT International's "Agenda for Action" Journals aim to benefit from the collective and comparative analysis of the 2nd Edition Monitoring Reports on the status of action against commercial sexual exploitation of children and other relevant secondary research data. As such, lessons learnt and good practice are highlighted along with a critical assessment of gaps and continuing challenges in efforts to eliminate this serious human rights violation of children.

This latest journal is taking a specific look at the issue of Corporate Social Responsibility (CSR). The European Commission defines Corporate Social Responsibility as "a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis". The absence of a universally agreed definition of CSR is partly due to its evolving nature and diverse interpretation into company policies and practices. However, the goal of CSR is generally accepted as the responsibility of a company's actions and the encouragement of a positive impact through its activities on the environment, employees, customers, communities, and any other relevant stakeholders. In relation to child protection and child rights concerns, the more common approach of CSR has been philanthropy through financial grants and donations given to local children's organisations or projects to support children's play grounds, schools or orphanages. The first article of this Journal captures some of the key debates surrounding CSR and the links to commercial sexual exploitation (CSEC): should it be voluntary or obligatory and to what extent can corporations be actually held accountable through CSR for child protection issues?

The second article illustrates how businesses can move beyond possible tokenism within their CSR mandates with good practice examples in the travel and tourism sector, expanding ICT industries and financial businesses. Successful social change and development can emerge from the private sector which can counteract some of the negative externalities of globalisation and liberalisation and the occasional cynicism that can surround the growth of CSR. To prove this point, the final article of this journal gives an in-depth evaluation of a voluntary, self regulatory code of conduct that is currently gaining credibility within the tourism and travel industry.

It is hoped that this fourth Journal in the current series will present useful ideas on how the CSR model can be improved. The calls for corporate transparency are growing as the need for a new global justice movement to challenge the contradictions of globalisation gains traction. ECPAT is at the forefront of this social change and it is the pioneering companies that are meaningfully participating in these initiatives that are proving that the sometimes missing component in corporate social responsibility – *accountability* – can indeed be addressed.

Commercial Sexual Exploitation of Children, CSR and a Move towards Accountability

By Leah McGee¹

Introduction

The Institute for Human Rights and Business has recognized the need to focus on children in relation to corporate social responsibility (CSR) as an urgent matter listing it as a top-ten priority for 2012 (IHRB, 2012). But what does CSR have to do with children's rights? How does CSR serve the needs of children and how does it fail them? And perhaps more importantly what needs to change so that children's rights becomes a priority for non-state actors, not just for human rights organizations, but rather for private sector actors?

We live in a global era. Powerful transnational companies (TNCs) have emerged over the last thirty years; their impacts both positive and negative being felt in all reaches of the globe. TNCs are governed, by both varying local national laws and their own voluntary corporate social responsibility (CSR) policies. All TNCs inevitably impact the societies within which they produce, operate and sell their goods and services. These impacts can have lasting positive and negative effects. All international human rights have the potential to be impacted by the private sector (Ruggie, 2008). Since TNCs have the potential to affect and

thereby possibly violate each of our human rights, societies and businesses together must recognize the need to respect and protect such rights, especially for those individuals considered the most vulnerable (Ruggie, 2008). With the exponential growth of private actors in an international setting, the impact of such actors is affecting the enjoyment of children's rights at an equally swift pace (Alston & Tobin, 2005). As unintentional as it may be, TNCs contribute to the violation of children's rights around the world. These violations may also contribute to the commercial sexual exploitation of children (CSEC).

This paper aims to explore the interface between CSEC and the private sector through the use of CSR policies. It will highlight some of the many positive impacts the private sector has made in the effort to stop sexual exploitation of children as well as note the gaps and discrepancies which exist in the child rights and business sector relationship. Many of these gaps are a direct result of the voluntary nature of CSR and the subsequent lack of accountability companies are facing. Stronger levels of accountability are necessary, but from whom? This paper concludes by addressing four areas of accountability which are necessary for decreasing the negative impact of businesses on the issue of the CSEC.

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The areas of accountability include accountability to: national legal mechanisms, international protocols and conventions, strengthened voluntary codes and internal standards.

The Interface Between CSEC and the Private Sector

Much of the focus of CSR policies towards children has been oriented toward the prevention and elimination of child labour. Yet, given the vastness of the private sector, their involvement in facilitating CSEC is inescapable (Hecht, 2008). The most obvious and studied cross-sections of business and CSEC land within four industries: travel and tourism, new technologies, media, and financial institutions (Hecht, 2008). While companies' actions and non-actions which can facilitate CSEC are believed to not only be limited to these industries, they have been the most researched on the subject matter. Yet, it must be acknowledged that further research is necessary to fully understand the relationship of CSEC to other private sector industries.

The travel and tourism industry may not directly contribute to the sexual exploitation of children, but rather creates an infrastructure to support CSEC activities (such as child sex tourism) and thus must recognise both its impact on and duty regarding children's rights. The use of new technologies has provided a new level of anonymity among those who exploit children and yet also has proven to be a dominant advocacy, awareness and protection tool (Hecht, 2008). Media, as one of the most powerful tools in mass communication has the ability to impact CSEC greatly, both through positive means (such as promoting advocacy and awareness programming) and negative (through the perpetuation of exploitive material via inappropriate portrayals of children) (Hecht, 2008). The financial institutions are linked to CSEC through the services they provide including the use of credit cards, bank drafts and other monetary transactions (Hecht, 2008). Similar to the tourism

industry, while not directly participating in the violation of children's rights the impact of the services they provide can create an infrastructure which allows exploitation to exist.

Despite the negative connection to CSEC, the aforementioned industries have shown a willingness to support advocacy and prevention programs through the implementation of their CSR policies. Many companies within the travel and tourism industry have become members of codes which provide standards the organizations agree to abide by. Most notably, more than 1,000 travel and tourism companies (from more than 40 countries) have signed compliance contracts to join the Code of Conduct for the Protection of Children from Sexual Commercial Exploitation in Travel and Tourism (The Code, 2012). In the media industry, MTV recognized its unique impact on its youth audience and has made it a priority to present empowering programming with the launch of awareness and prevention campaigns specifically targeted at children's rights issues (UNICEF, 2011).

Assisting law enforcement worldwide, Microsoft has designed the Child Exploitation Tracking System analysis tool, allowing officers to better investigate sex offenders in the online environment (ECPAT International, 2011a). The financial industry has established the Financial Coalition against Child Pornography (FCACP) in the US, with the goal of blocking the flow of funds which are used by illegal child exploitation enterprises thereby contributing to the elimination of profitability of CSEC (ECPAT International, 2011b).

Despite the many positive outcomes of CSR policies and the protection of children from commercial sexual exploitation there are many gaps within the current CSR structure which prohibit it from being universally successful. It must be noted that child protection is the primary responsibility of the parent and the state (International Council on Human Rights Policy, 2002). Additionally the state has the responsibility to regulate any institution that impacts children (International Council on Human Rights Policy, 2002). Yet, due to weak legal child protection systems and a push

for deregulation of private actors, CSR has become the current solution to address private actor social issues.

In many ways, CSR is failing the needs of those at risk of CSEC. CSR is often vague, is created out of varying motivations, and may be at the mercy of market demands. The bridge between CSR and human rights is one not often traversed by TNCs. These gaps highlight and contribute to the larger issues at hand; CSR is a voluntary unregulated concept and thus lacks the necessary accountability measures to ensure the respect, protection and promotion of the rights of children.

What is CSR and Why Can it Help?

The European Commission defines CSR as “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis” (The European Commission cited in Pratrapp, 2011). The absence of a universally agreed definition of CSR is explained by The Institute for Crisis Study and Alternative Development Strategy as it notes that no shared meaning of CSR as yet exists due to its evolving nature and diverse interpretation into company policies and practices (ICSADS, 2011). The goal of CSR is generally accepted as the responsibility of a company’s actions and encouragement of a positive impact through its activities on the environment, employees, customers, communities, and any other relevant stakeholders. Moreover, CSR extends above and beyond legally binding jurisprudence to create positive contributions towards the societies business affects (Taylor, 2012). Vague definitions allow for varied implementation and leave the company to determine and decide to what extent it is impacting the societies in which it operates. As a result, children are often not considered within their sphere of impact and thus are not included in the CSR policy. Many companies fail to see children as stakeholders or as rights bearers and thus do not extend their CSR policies to include children (Save the Children Sweden, 2007).

The motives behind a company’s decision to implement a CSR policy are often unclear. CSR policies of TNCs may be driven philanthropically, strategically, internally, morally, altruistically, financially or to maintain survival and avoid activist threat (Tepelus, 2009; Bazillieri & Vauday, 2011). With varied motivations there are certain to be varied goals and application measures, which begs the question; how are children’s rights accounted for within these varied CSR policies? Some of the companies who have created CSR policies motivated out of risk aversion have traditionally established a risk management approach to child’s rights issues, creating a primary focus of eliminating child labour within their supply chain (Confino, 2012). Yet, the root causes of child’s rights issues that can lead to exploitation and are influenced by the company’s operation are rarely addressed through their CSR policy (Confino, 2012).

According to the Business and Human Rights Resource Center, there are only 296 companies with human rights policy statements (Business and Human Rights Resource Center, 2012). Most of the literature regarding CSR is not addressed in terms of human rights, with even less in terms of child’s rights (Alston & Tobin, 2005). It is often assumed that human rights are sufficiently covered by domestic regulations to which the TNC is bound thereby explaining why human rights are not accounted for within the CSR policy (Alston & Tobin, 2005). These omissions lead to CSR policies and standards that are varied and unfocused in their ability to act on issues of children’s rights (Alston & Tobin, 2005). Even though many businesses publically recognize that ‘children are our future,’ children’s voices and experiences remain marginalized among CSR policies (Confino, 2012).

The ultimate goal of a business is to create a profit. Thus, even organizations with established CSR policies and code memberships which promote the right’s of the child and work to prevent child exploitation are still at the mercy of the market drivers which may contradict those very policies (Doane & Holder, 2007). The voluntary nature of CSR necessitates its submission to the ups and downs of the market. It is with these ups and downs that priorities

are reassessed and focuses are shifted, often resulting in CSR practices that relate to cost cutting and less on issues concerning social and human rights (Tepelus, 2009).

Many of the issues noted above stem out of the root issues of the voluntary nature of CSR and its corresponding lack of accountability. TNCs sprung out of globalization and our consumer demand for international goods and services. Globalization rests upon the foundation of decentralization and deregulation at a national level and a corresponding lack of re-regulation at an international level. TNCs are obligated to adhere to the legal restraints within each country of operation, yet few checks on their international practices exist (Richter & Satow, 2001). Companies have relied on their voluntary CSR policies to serve as proof that greater regulation is not needed. The voluntary approach of CSR adoption and application has resulted in decreased regulation and increased the ambiguity of expectations and purposes of CSR. Employing voluntary CSR has allowed companies the luxury of latitude on interpretation (both in definitions and applications) without the requirement of transparency or accountability systems.

Moving Forward Responsibly

From Volunteerism to Responsibility

Ultimately these gaps highlight the need for greater accountability among TNCs in regards to their CSR policies. Without such accountability there is no consistent monitoring or reporting. Companies are able to operate without transparency, thus making it difficult for countries to even identify if the company is violating an established law. Without sufficient accountability mechanisms, even a company which supports the rights of the child (directly or through code membership) may simultaneously be operating in violation of those rights (Sahovic, 2010).

Recognizing the voluntary status of CSR as an issue, one may

surmise that the next step should be a strong call for regulation. Yet, many governments, intergovernmental organizations, NGOs, and TNCs believe (although with different reasoning) that regulation is not necessarily the solution, at least not immediately.

Critics have noted that voluntary CSR is a means of substituting “hard laws” (established criminal law) for “soft laws” (of self-regulation) (Bazillieri & Vauday, 2011). Yet businesses have contended that voluntary CSR displays an extensive commitment to responsible social behaviours and thus the introduction of mandatory regulation would destroy this spirit of corporate good will (Christian Aid, 2004). The primary basis of the voluntary approach is established upon the belief that business’ responsibility toward society (not including employees and direct consumers) is a social pressure rather than a legal one (Martin-Ortega, 2008). Additionally, business leaders have cited that regulation impacts profits negatively (Christian Aid, 2004). The most obvious drawback to the voluntary approach is that companies who operate without regard for public opinion, public image or lack governmental pressures will not feel a need to adopt a CSR policy and thus will continue to operate freely without concern for the societies they impact (Martin-Ortega, 2008).

Companies who voluntarily adopt human rights CSR policies will collectively influence the industry norm, therefore other companies will also have to adopt such policies to maintain self-imposed industry standards and maintain a positive consumer image. The voluntary adoption of such policies paves the way for jurisprudence and enforcement (Dickerson, 2002). TNCs behaviours reinforce norms and the norms in turn reinforce the behaviour of TNCs. Voluntary consent to such norms will ease tensions and opposition when legally binding regulations are presented in the future (ICHRP, 2002). Additionally, human rights norms among businesses are evolving to recognize the collectivity of their impact within society and of the collectivity of individual rights as group rights. With this new understanding comes an acknowledgement that the vulnerable are significant as a collective group (Dickerson, 2002).

Therefore out of a somewhat organic process of voluntary CSR businesses will hopefully come a better respect for the rights of the vulnerable, which includes the rights of the child. Once such norms are established the manifestation of CSR becomes increasingly open to regulation and enforcement (Dickerson, 2002).

Thus volunteerism can be seen as a necessary step in creating an enforceable CSR system that incorporates the interests of the rights of the child. Both the establishment of jurisprudence and the act of voluntary acceptance carry significant and reinforcing roles in managing business behaviour (Taylor, 2011). The future of CSR and its relation to human rights depends on a progressive and open-minded self-interest from TNCs with clear and enforceable legal accountability to prohibit violations (Business and Human Rights, 2008). Additionally, voluntary adoption of international codes can serve as an initial step to the development of normative CSR standards which can later yield a defined legal framework (Martin-Ortega, 2008).

Accountability to National Legal Systems

Although TNCs should obey the laws of the countries within which they work (with the state still the regulatory authority) corporations have no other legal obligation to society. If a TNC acts as such, they ignore the impact their presence has on the societies within which they operate. Yet, the establishment of CSR policies (and the normative trend of CSR within companies), serves as proof that companies do recognize that they have an impact and therefore a corresponding moral obligation to the societies they impact or have the ability to impact.

While researching companies and human rights interactions, UNICEF was unable to identify any companies encompassing the rights of the child into the core of their business (Confino, 2012). Even with the recognition of the possibility of impacting children, companies only included the vulnerable (those in the

margins of society) in the margins of their business policies. This occurrence was possibly derived out of the lack of accountability for companies. Because of the vast and variant nature of TNCs and CSR policies, accountability must be manifested through a multifaceted approach. Accountability is necessary at a national level, through hard laws and enforcement; at international level, to uphold international standards and protocols; and through voluntary codes, creating requirements and appropriate checks on member behaviours; and through internal accountability systems, to transparently uphold national and international laws and policies and incorporate the rights of the child into the core of their business practices.

The company is held responsible to the state and the state has the duty to protect all its citizens, including children, from human rights abuses from third parties, including companies (Ruggie, 2008). Furthermore, whilst the UN Convention of the Rights of the Child was established on the principle that parents hold the primary responsibility to child protection, states ought to assist the parents and legally must ensure the child is protected in the private sphere (International Council on Human Rights Policy, 2002). Additionally, the duty of protection extends countries to regulate institutions that impact children (International Council on Human Rights Policy, 2002). Therefore, governments must promote laws which hold companies accountable to children's rights, including labour laws, transparency laws and laws which support the implementation of codes (Doane & Holder, 2007). Currently jurisprudence is inconsistent both among and within countries (Martin-Ortega, 2008). These inconsistencies make it difficult for courts to successfully navigate (often with little guidance) the specific responsibilities of their states and companies (Martin-Ortega, 2008). Clear and enforceable laws must be established to protect children from sexual exploitation. These laws must be extended to companies which may require a greater level of transparency and accountability to the societies of which they impact.

Accountability to International Standards and Protocols

Companies ought to be held accountable to the international standards and protocols that their countries have signed on to. The United Nations has acknowledged both the significant roles TNCs can play in the fulfilment of human rights and their contributions (through both actions and non-actions) to the violations of human rights (Sahovic, 2010). International standards of accountability are necessary to ensure children's rights are properly protected in addition to (and perhaps complementary to) the voluntary CSR initiatives corporations choose to carry out (Christian Aid, 2004). At a transnational level many human rights are simply not addressed as it is assumed they are attended at a national level (Alston & Tobin, 2005). Most of the international legal instruments which address companies are soft law, which results in a lack of proper implementation and enforcement mechanisms (Martin-Ortega, 2008).

Nationally governments and authorities have the opportunity to create incentives and programs of acknowledgement which highlight leaders of socially responsible practices (Tepelus, 2008). Such programs may aid in motivating organizations to hold themselves accountable, especially in areas where hard, enforceable laws are not present.

Accountability to Strengthened Voluntary Codes

Codes have the potential to provide an excellent platform for accountability. Companies voluntarily join codes and often must first meet a set of minimum standards to do so. By putting greater pressure on companies to join codes and on codes to require greater monitoring and evaluations of ongoing conduct from member companies a system of accountability is created. Yet, it is important to note that codes should not be seen as mechanism to replace national law, rather they should be used to both complement and reinforce the local law (Broomhill, 2007). In order for codes to serve as a means of accountability they must be

revised to penalize members who fall outside of 100% compliance (Doane & Holder, 2007). The legitimacy and influence of codes are questionable unless they present real financial and/or legal risk to members who fail to comply with code standards (Doane & Holder, 2007). Without real risk TNCs may join codes yet continue to support and provide frameworks for the exploitation of children.

Internal Accountability

Ultimately in order for an industry norm shift to occur regarding TNCs and CSEC, individual companies must look in the mirror, examine their own reflection and create standard practices to respect and protect children's rights; an internal accountability mechanism must be established. First and foremost, TNCs have a legal obligation to adhere to all national regulations. Historically this has at times been overridden or overlooked due to weak national legal enforcement systems, economic pressures, social pressures, rapid economic development and/or a lack of sufficient transparency from the company for sufficient legal assessment and enforcement (UNICEF 2012a). Internally companies must hold themselves accountable to all national legal policies, an action which requires both transparency and honesty.

Additionally, incorporating child protection policies into the heart of their business and CSR policies TNCs will further internalise accountability in the fight against child exploitation. To incorporate such policies, an organization should analyze their impact on child right's issues. There are numerous international instruments, conventions and standards of which to refer to in creating child protection policies in a business environment. Together, UNICEF, the Global Compact and Save the Children have created 10 Principles to assist businesses to incorporate child rights in the core of their business strategies (UNICEF, 2012b). The Principles aim to offer a comprehensive framework for businesses based on the Convention on the Rights of the Child, the Guiding Principles on Business and Human Rights and key International Labour Organization (ILO) conventions (UNICEF, 2012c). It provides a

simple framework for companies to create a policy commitment, act out due diligence and create remediation strategies all of which are necessary components to create a sustainable and implementable accountability system. Furthermore, by joining voluntary codes companies are outwardly stating that they are holding themselves accountable to a higher standard in the struggle against exploitation of children.

Corporations have a responsibility to respect human rights, including the rights of those most vulnerable (Ruggie, 2008). Since rights have both positive and negative obligations the new norm (of TNCs adhering and adopting CSR policies relating to human and child rights) calls for companies to not just avoid rights violations, but rather to affirm the rights and use corrective actions as necessary (Dickerson, 2002). UNICEF and Save the Children have noted that “respect for children’s rights is a minimum of business” (UNICEF & Save the Children, 2012).

Conclusion

With the state of current CSR policies, children are among the victims of corporate activities that go unchecked (Richter & Satow, 2001). Yet, if companies wish to be successful in the future they must include and respect the youth (Confino, 2012).

A voluntary CSR system creating a normative shift and thereby paving the way for future regulations within CSR is a necessary step to combat the commercial sexual exploitation of children. Additionally, a greater level of accountability must be formed through national laws, international instruments and regulated voluntary codes. Companies must also turn internally and place children at the core of their business and CSR policies. Through an increase in voluntary adoption of children’s rights within a business framework, companies are paving the way for greater regulation and a higher level of accountability in the future.

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Corporate Social Responsibility and the Protection of Children from Sexual Exploitation: Good practice examples

Francois Xavier Souchet¹

Introduction

In today's world, states are interconnected and interdependent to an extent never before imagined. Globalisation has resulted in a significant power shift towards non-state actors such as multinational corporations and international organisations. As a result, over the past few years there has been a shift in international law from holding accountable only States for violations of children's rights to the recognition of the private sector's capacity to hinder children's rights, due to the economically powerful position and the transnational nature private companies may have, as well their responsibility to respect, protect and fulfill children's rights (Hecht, 2008). Nevertheless, international mechanisms, standards and procedures aiming at holding accountable business enterprises for children's rights violations still need to be further established.

The emergence of corporate social responsibility (CSR) has created opportunities for child rights NGOs and private companies to develop partnerships aimed at preventing children's rights violations. The goal of CSR is generally accepted as the responsibility of a company's actions and the encouragement of a positive impact through its activities on the environment, employees, customers, communities – including children.

However, the more common approach of CSR has been philanthropy through financial grants and donations given to local organisations or projects in impoverished communities. NGOs providing direct services to children are often targeted for this type of approach. However, in November 2008, actors from the private sector participated for the first time in a World Congress against the Commercial Sexual Exploitation of Children (ECPAT International, 2009). They engaged in a meaningful way in the debates and discussions together with representatives from UN agencies, governments and civil society organizations and promoted initiatives they had developed to prevent and combat children's rights violations. They also contributed to the development of a set of guidelines and action-oriented recommendations, including the development of CSR policies, for actors from the private sector to take action against the sexual exploitation of children. Those guidelines and recommendations are enshrined within *The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008)*.²

Several private companies have adopted self-regulatory approaches (e.g. adoption and implementation of Codes of Conduct) complementing their CSR policies in order to strengthen the marketability of their business, services or products or to show

¹ inputs for this article were also provided by Patchareeboon Sakulpitakphon and Anjan Bose of the ECPAT International Secretariat.

² The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, 2008. Accessible at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

their real commitment and passion for protecting the rights of the child and human rights.

However, CSR is far from being established globally and the commitment of the private businesses to contribute to the protection of children's rights varies from country to country and business to business, depending on the economic, social and political status and situation in a particular context. There are situations where the businesses do not follow any of the above and might be outside of state regulation, because they are too strong and influential to be controlled. In certain countries, the state might be weak in comparison to the businesses and not in a position to exercise any control on them. Some businesses work globally across countries but may be governed and guided by local rules and policies. This also has bearing on companies who provide services related to the Internet and might cross jurisdictions and thereby either run under a mixed regime (consider the search services offered by Google corp. worldwide and the censorship placed for services in countries like China and Iran etc. and also in countries where there is no restriction on flow of information). It is important to consider those aspects when a business develops its own ethical guidelines and principles as they may not necessarily be guided by core values of children's rights or they may have a different understanding on how they impact users, particularly children. In light of these discrepancies, it is very important to highlight that children's right as enshrined in the CRC should not be something that can be traded but the starting point of the discussions. The profitability, acceptability and the sustainability of a business depends on various factors, but least often revolves around children's rights. It is the responsibility of the states (and the businesses) that children are placed in the centre and that services are tailored around them. This should also entail significant engagement of the business sector with children and child protection agencies to create such services.

This paper will highlight examples of good practices and will make recommendations in relation to how business enterprises can substantially contribute to the realisation of children's rights to be protected against all forms of commercial sexual exploitation. The analysis will start by examining the travel and tourism sector which has taken the lead in developing efficient self-regulatory initiatives to combat CSEC, then we will examine the new technologies sector which is very critical due to the growth in the use of Information and Communication technologies by children and by abusers. The article will also highlight the contribution of the financial sector as well as the support provided by social change oriented business enterprises.

The travel and tourism sector's contribution to prevent and combat the commercial sexual exploitation of children

Business enterprises from travel and tourism (airlines, travel agencies, tour operators, hotels, bars, restaurants as well as bus, train, taxi and other local transport companies, etc.) are part of an industry which can facilitate the commercial sexual exploitation of children. Even though they were not legally requested to take action to prevent and combat the sexual exploitation of children, several companies, acting upon their moral obligations to protect children from sexual exploitation, have developed innovative self-regulatory measures and methods.

For example, since 2000, Air France has significantly contributed to the development of several campaigns against the sexual exploitation of children in travel and tourism in collaboration with ECPAT France (ECPAT International, 2011a). By showing in-flight videos, distributing leaflets about the sexual exploitation of children by tourists and travelers and training its staff on the issue, Air France has raised awareness among its clients of the issue and

has shown a strong commitment to protect children's rights.

A key initiative developed by the travel and tourism industry to protect children from commercial sexual exploitation of children is *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. Originally created in 1998 by ECPAT Sweden, The Code of Conduct is now an independent organization called "the Code"³ currently funded by the Swiss Government and Code members and supported by the UN World Tourism Organization and UNICEF. The Code is an industry-driven, multi-stakeholder initiative which seeks to increase protection of children from sex tourism and is regarded as the most efficient industry/corporate social responsibility tool to combat child sex tourism. Tourism private sector businesses and organisations that adopt and sign the Code of Conduct [and becoming members] commit themselves to implement the following six criteria:⁴

- 1) To establish an ethical corporate policy regarding sexual exploitation of children;
- 2) To train the personnel in the country of origin and in destinations;
- 3) To introduce clauses in contracts with suppliers, stating a common repudiating of sexual exploitation of children;
- 4) To provide information to travellers by means of catalogues, brochures, in-flight videos, ticket slips, home pages, etc.;
- 5) To provide information to local "key persons" at tourism destinations; and
- 6) To report annually.

ECPAT International is a permanent member of the Code of Conduct's Board of Directors and works together with tourism

companies also on the Board of Directors to promote The Code, approve new members, monitor standards and oversee its operations. Many ECPAT member groups are 'Local Code Representatives [LCR]' that work with the companies at the ground level to implement the six criteria.

The strength of The Code is that it aims to institutionalize child protection within its member companies. The Code's six criteria are practical and easily adopted into the daily operations of companies with the support of LCR. Through the implementation of the six criteria of The Code, the company sees benefits through the empowerment of staff to act with strong support from customers. For example, in 2001 ACCOR Asia began to work with ECPAT and joined The Code (ECPAT International, 2011b). Due to success in implementing The Code and working with ECPAT, the ACCOR headquarter signed The Code for its entire company. Currently, ACCOR implements The Code in 36 countries and together with ECPAT have trained over 70,000 employees on commercial sexual exploitation of children and how to report cases. States and various Ministries of Tourism can also support The Code by encouraging companies to adopt it or use The Code as a 'child protection' standard/award for the travel and tourism industry.

To date, over 1,000 companies have signed The Code in over 41 countries around the world. The Code is recognised by the UN World Tourism Organization and the Organization for Security and Cooperation in Europe as the primary international tool for the prevention and combating of child-sex tourism by the travel and tourism private sector (The Code, 2010). The Code received the following international awards:

2003: *The British Airways Tourism for Tomorrow Award*

³ The Code, website: www.thecode.org

⁴ The Code, Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Accessible at: www.thecode.org

2008: *Ashoka Changemakers' Ending Global Slavery Award*

2010: *WTTC 'Tourism for Tomorrow' Award, The 'Ethical Corporation' Award, The 'BIRD Express Travel Award', 'PATA Gold Award', Travel and Leisure Magazine's 'Human Rights Leadership Award*

Challenges noted for The Code are: to strengthen the 'monitoring and evaluation' system and to strengthen the institutionalization of children's rights within the tourism private sector. The Code, in trying to improve its monitoring and evaluation system, will focus on supporting member companies to report on their actions in implementing the six criteria of The Code through the introduction of new support services to make the process easier. For example, currently companies filed their report by using a report template available in Word document but the new approach will include a shorter form available online in multiple languages. The other key challenge is improving the industry's understanding of children's rights and to integrate a greater child right's approach in The Code. While The Code has always been built on rights-based approach, the training needs to focus on increasing the understanding and accountability towards children's rights. However, trainings are usually designed to be within a limited time frame and most companies want to focus on the practical side: how to identify potential child victims, how to talk to guests and how to report. The Code currently has plans to conduct an assessment of its training curriculum and standards and will provide new on-line trainings services with the children's rights focus.

The new technologies sector's contribution to prevent and combat the commercial sexual exploitation of children

Over the last few years many businesses have shown interests in supporting the activities of children and young people and child rights principles in general. This ranges from supporting child rights agencies with funds, sponsoring activities dealing with child protection, funding operations that provide direct care and services for children and also helping their empowerment to take advantage of all the new technological advancements. Moreover, technology companies have contributed with their expertise such as in the case of photoDNA⁵ developed by Microsoft to aid the law enforcement and other companies in detecting child abuse images. Google has also developed software to help Internet hotlines analyse images quickly in the Latin American region. Similar work has been done by Netclean⁶ a company who specializes in creating tools for detecting and filtering out child abuse images for law enforcement and ISPs. In Europe the Mobile association has created a framework for combating child abuse images that calls for true industry collaboration and commitment with clear guidelines for the operators. The GSMA have created a toolkit in collaboration with hotline operators and NGOs such as ECPAT International to facilitate setting up and running of reporting hotlines.⁷ Under the guidance of the European Union, an Industry coalition (CEO coalition)⁸ has been setup to ensure the protection of children in the online environment. This coalition has specific task groups coordinated by Industry representatives to move identified agendas forward, in consultation with child protection experts.

⁵ Microsoft, Microsoft PhotoDNA Technology to Help Law Enforcement Fight Child Pornography. Accessible at:http://blogs.technet.com/b/microsoft_on_the_issues/archive/2012/03/15/microsoft-photodna-technology-to-help-law-enforcement-fight-child-pornography.aspx

⁶ Netclean's website: http://www.netclean.com/eng/?page_id=2

⁷ GSMA, European Framework – Enabling Children and Young People to Access Content Safely. Accessible at: <http://www.gsma.com/european-framework/>

⁸ European Union's Information Society thematic portal, Self regulation: responsible stakeholders for a safer Internet. Accessible at: http://ec.europa.eu/information_society/activities/sip/self_reg/index_en.htm

However, there are many countries and regions which do not benefit from such initiatives. – for example, in some countries with developing or underdeveloped economies, the Internet services, mobile phone services may not have a separate child safe service that can be opted out if required for adults with clear documentation and credentials. They also lack reporting mechanisms and guidelines for children about safe internet use, whereas the same country spends a large amount of resources in ensuring that such services are free from other forms of cybercrime such as money laundering, pharmaceutical crimes and other forms of organized crimes. In addition, the framework that has been developed for the mobile industry in Europe has no bearing on how the operators work in Africa or some parts of Asia. This is where a more uniform approach has to be taken. Considering the fact that services are more and more global, mobile telephony services, Internet services connect individuals to others from any part of the globe and does not depend on the existence of local polices but the impact that it may have on the life of a child and their rights may be of immense consequence.

Businesses related to Internet and communication technologies have realized that there is a direct impact of their services on children. This is also because of the fact that they constitute a significant portion of their user base. In some countries children and young people provide the promise of an even more increasing population of users who will be the main customers in years to come. It is important to create an understanding and acceptance of the products and services amongst them now to instill confidence and marketability of those in years to come. The fact that these users will be the main targets of their services does encourage the businesses to stay engaged with them. It is important to orient them on the fact that even as recipients of those services in the present time, children are guaranteed by the states to enjoy their rights, to protection and the businesses

do have the accountability for ensuring such safeguards. It is important to outline those messages, by the states, by the international community to highlight such responsibilities and to help the businesses achieve such tasks.

Apart from the initiatives mentioned earlier, the industry has also contributed through research to understand how children and young people use these tools - for example the study supported by NTT docomo and implemented by GSMA (2011), has been disseminated in global advocacy forums (such as World summit on Information society and Internet Governance forum) and supported the development of various different child protection initiatives around the world. Increasingly businesses have shown keen interest to stay engaged in the child protection process, quite likely to indicate their ethical ways of conducting business but also to promote themselves as child right supporters a unique selling point of their services. Whatever may be the intention, such efforts needs to be sustained and mainstreamed through information sharing, coordination across the regions and learning from good practices. For example, the Internet services provider industry in the UK has teamed up to create the IWF (Internet Watch Foundation⁹ – a key example of an industry led effort to stop child abuse images). However, why is such model not replicated in other regions say Asia, where there is a dearth of hotlines and no willingness to fund such setups? The World Congress III against Sexual Exploitation of Children hosted in Brazil clearly provided guidance and recommendations to the private sector and earned the support of the states to implement such recommendations (ECPAT International, 2009). It is time now to see these happening in reality: Support for the creation of reporting hotlines; creating taskforces to guide technical developments with child protection considerations; increased investment in research and development for technical tools for filtering out child abuse images; and supporting child rights organizations who work directly with

⁹ Internet Watch Foundation's website: <http://www.iwf.org.uk/about-iwf/iwf-history>

children and provide care services. Nevertheless, all these will rely on a strong push coming from the international community, highlighting the public's expectations of these responsibilities and accountability of the businesses and states.

The financial sector's contribution to prevent and combat the commercial sexual exploitation of children

The Financial Coalition Against Child Pornography¹⁰ has been formed in various regions of the world to fight against child pornography and prevent the misuse of the services of the finance companies. In many of these examples the guidance and impetus came from the governing authorities which the Industry aptly responded to, realizing that there is a clear need for such actions.

The coalition brings together different financial organizations (such as credit card companies, banks, online payment channels), law enforcement and civil society together to understand the dynamics of how online services are used in the transactions of child abuse materials and ways of combating them. For effectively dealing with the problem of child pornography on-line, the private sector needs to identify and track how their services are being misused and pass the information on to law enforcement for investigating the offences. The growth of newer ICT channels such as social networks, p2p networks (where non conventional form of monetary exchange takes place) needs to be factored in to future efforts and active engagement of civil society is required to curb the production, distribution and consumption of such materials.

A good example is the initiative that has been developed in Europe, primarily due to the efforts of ECPAT Sweden (ECPAT International, 2011c) who has been actively engaged with the financial sector such as The Swedish Financial Supervisory Authority, The Swedish Finance Intelligence Unit, and banks such as Skandiabanken along with Swedish banking association and the national crime unit and others. The financial coalition¹¹ which started in 2007 currently comprises of 19 members from all relevant banks in Sweden, It has the innovative approach of involving all members of the financial industry (including employees and partners) to build understanding and implementation of policy against commercial sexual exploitation of children, and in preventing and obstruction of transactions relating to child abuse content (which is done in collaboration with law enforcement).

The contribution of social change business enterprises to prevent and combat the commercial sexual exploitation of children

Some business companies have in their core values to use part of their resources to contribute to broader social change and development. This concept goes beyond the development of CSR policies as this objective is situated at the very heart of the philosophy and values that drive the company. Such companies can also be very instrumental in contributing effectively to the realisation of children's rights to protection against CSEC.

The Body Shop is a well-known business company dedicated to creating positive social change. In 2008, The Body Shop joined hands with ECPAT International to develop and implement the

¹⁰. National Center for Missing & Exploited Children, The Financial Coalition Against Child Pornography – Fact Sheet. Accessible at: http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&Pageld=3703

¹¹. The Swedish Financial Coalition against child pornography's website: www.finanskoalitionen.se

¹². ECPAT International and The Body Shop Stop Sex Trafficking of Children and Young People global campaign's website: www.ecpat.net/TBS/HTML/MakeHistory.html

three-year global campaign “Stop Sex Trafficking of Children and Young People”.¹² This unique partnership between The Body Shop and ECPAT demonstrated that a multi-national business and an international network of NGOs can work together and take powerful action towards combating child sex trafficking, understanding that despite the promises and commitments made by governments, most countries are failing to uphold children’s rights. The global ‘Stop Sex Trafficking of Children and Young People’ Campaign started in June 2009 and ended in March 2012.

The campaign’s goals were to generate funds, create awareness on the issue and produce long-term changes and in response to each of these, the campaign has been successful. During the three year period of the campaign, over US\$ 3 million has been raised through the sale of the ‘Soft Hands Kind Heart’ hand cream, the official campaign product and funds have gone directly to ECPAT groups and partners implementing a wide-range of projects against child trafficking and/or commercial sexual exploitation of children. The campaign was implemented for the large part at 2,600 The Body Shop stores in 65 countries, raising awareness of an estimated 300 million customers per year on the issue of sex trafficking of children and young people. The increased public awareness is also demonstrated in the large amount of public support of the campaign petitions: collecting over 7 million petitions total world-wide and in several countries, the campaign petitions became one of the largest, if not the largest, to be presented to various governments [examples: Sweden – largest in 30 years with 325,000; Philippines – largest in Asia with 473,489; Malta – 10% of population – 14,107 petitions].

The final campaign report (ECPAT International and The Body Shop, 2012) shows significant improvements in child protection from trafficking across the world: 20% of the countries monitored improved in their efforts; 1 in 4 governments have implemented

anti-human trafficking initiatives; the number of countries making insufficient progress has been cut in half; and the numbers of countries failing to provide adequate services and shelters to child victims has been cut by one fifth. This campaign has already inspired change on an unprecedented scale, leading to 20 countries¹³ where as the result of the campaign petition, governments have changed or committed to change their laws and national policies to better protect children from sex trafficking.

ECPAT International and The Body Shop has received special recognition from US President Bill Clinton, who described the partnership/campaign as ‘an exemplary approach to addressing a specific global challenge’. In 2010, Mr Christopher Davis, International Campaigns Director of The Body Shop, received the first UN Business Leader Award against Human Trafficking for implementing the campaign in collaboration with ECPAT International. The campaign has also been cited as a good practice example in a 2010 UN.GIFT publication on Business and Human Rights (UNGIFT, 2010). The global campaign was greatly supported by key UN Special Rapporteurs and Child Rights Advocates including: Joy Ezeilo [UN Special Rapporteur on Trafficking in Persons], Dr Najat M’jid Maalla [UN Special Rapporteur on the sale of children, child prostitution and child pornography], and Martha Santos Pais [UN Special Representatives of the Secretary General on violence against children].

While the campaign has been successful, more action is needed in order to stop sex trafficking of children and young people. The final report by ECPAT and The Body Shop, ‘*Creating Change through Partnership*,’ makes key recommendations for states to ensure a child-focus in implementation of prevention, protection and care initiatives to protect children from sex trafficking. The key recommendations for States are:

¹³ The 20 countries are: Austria, Belgium, Cambodia, Germany, Greece, India, Indonesia, Ireland, Latvia, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Romania, Sweden, Switzerland and USA.

- To implement prevention initiatives that specifically focus on the sex trafficking of children [NPA on CSEC/child trafficking and education measures for teachers, schools and children];
- To ratify the Optional Protocol and UN Trafficking Protocol and establish specific police units for children and implement child-friendly legal procedures;
- To prioritise specialised care and rehabilitation services for child victims, including boys;
- To encourage collaboration between states, NGOs, civil society and the private sector to protect children.

The 'Stop Sex Trafficking of Children and Young People' could not have achieved its significant level of success without the strong and trusted relationship between ECPAT and The Body Shop. Lessons learned from implementing this global campaign, specifically on the partnership between ECPAT and The Body Shop, included clearly agreeing on partner's strengths, communication and end goals. It was acknowledged from the very beginning that each partner had different expertise and strength to contribute and the campaign was designed to maximize these strengths. ECPAT and its network had the expertise on the issue of child sex trafficking, child rights and conducting advocacy/child rights campaign while The Body Shop had impressive experience in public relations/marketing and communication and lessons learned from numerous global campaigns on several social and human rights issues. Another lesson learned was the strong communication and relationship between ECPAT and The Body Shop. With The Body Shop head office being base in London and ECPAT being based in Bangkok, partners took care to build a strong system of communication resulting in daily communications and multiple teleconferences through the week for the whole duration of the three year campaign. ECPAT and The Body Shop agreed to communicate openly and directly, which at times resulted in debates and differing perspectives about how best to

make the campaign most 'impactful'. In the end, what kept the relationship grounded was the shared and genuine commitment and trust towards the end goal of having a successful campaign that generated long-lasting impact against the issue of child sex trafficking

Conclusion

Although globalization has clearly contributed to significant economic growth in developed and developing countries, critics charge that globalization has developed according to corporate interests, with the sole aim of maximising profit. Globalisation is dependent upon decentralisation and deregulation. However, a lack of re-regulation at the international level has resulted in diminished accountability to the human rights of the poor and the particular vulnerabilities of children.

Although corporations should obey the laws of the countries within which they work (with the state still the regulatory authority), the emergence of international standards and global codes of conduct should be used to maximise compliance to international human rights law and ensure the protection of children from all forms of exploitation.

The voluntary nature, self-regulatory monitoring and lack of authority of CSR still raises concerns about this approach as a sole mechanism to hold the private sector accountable to violations of children's rights. However, as the examples of good practice given in this paper show, there is a growing body of accountability and transparency which is being supported by a more concerned and discerning customer base. As such, the growing visibility of codes of conduct and the public demand for the protection of children's rights shows the benefits of a strong international social movement to compel change within business sector accountability.

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An Evaluation of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

Patchareeboon Sakulpitakphon

Introduction

The commercial sexual exploitation of children (CSEC) is a grave violation of children's rights and a crime that is not sufficiently prioritized by governments. CSEC is defined by ECPAT as the "sexual abuse with remuneration in cash or kind to the child or a third person or persons." Forms of CSEC includes the prostitution of children, sex trafficking of children and child pornography/child abuse images, all which treats children as sexual and commercial objects. A manifestation of CSEC and a subset of the prostitution of children is child sex tourism (CST)¹; or the sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. 'Child sex tourists' can be domestic travelers or they can be international tourists. CST often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment. Due to lack of research, data collection and different understanding of the problem, there is no accurate global data or statistics on the number of children that are victims of child sex tourism despite it being a problem that has affected several destinations around the world for the past 15 years and expanding into new emerging destinations .

It should not be surprising that tourism companies want to distance themselves from child sex tourism and many do, believing that as 'tourism businesses' – their priority is to provide relaxing and carefree holidays to their customers; not 'policing and monitoring' their clients. That responsibility, they believe, belongs to the government and police. However, if child sex tourism is to be adequately tackled, the involvement of tourism companies is crucial. While tourism companies are not responsible for child sex tourism, tourism professionals are in key positions to intervene by protecting children and reporting cases. For instance, hotel staff can come in contact with child sex tourist trying to bring a child to the hotel or they may be asked by the child sex tourists, where to seek potential children. Fortunately, with the mainstreaming of responsible and sustainable tourism and corporate social responsibility, there are companies that have realized the significance of their role in protecting children from child sex tourism. A practical responsible tourism and corporate social responsibility tool for the tourism industry to use against child sex tourism is The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (or The Code; www.thecode.org). The Code is an internationally recognized award-winning initiative that has over 1,000 members [tourism companies and associations] in 42 countries.

¹ For more in-depth information about child sex tourism [definition, list of CST 'destinations' and information on child sex tourists], please see: ECPAT International's 'Combating Child Sex Tourism: Questions & Answers' Booklet. 2008. Available at: http://www.ecpat.net/EI/Publications/CST/CST_FAQ_ENG.pdf

This paper is a summary of an independent evaluation of The Code commissioned by UNICEF in 2011.² Various external consultants were commissioned to undertake a thorough literature review of key documents and reports relevant to the work of The Code. Field visits to interview key target groups and stakeholders of The Code took place in Thailand, Costa Rica and The Netherlands and telephone interviews took place with other strategic partners and individuals associated with The Code. The evaluation findings and recommendations were presented at the Code Annual General Meeting in Berlin in March 2012.

Short History of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism

After the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, The Code was developed by ECPAT Sweden in collaboration with Scandinavian tourism companies and implemented for the first time in 1998. It was one of the first initiatives to define the role and obligations of tourism companies and it did so in a practical way. The Code can be considered as an instrument of self-regulation for responsible tourism with a focus on child protection. The six criteria of The Code are:

1. To establish an ethical policy regarding commercial sexual exploitation of children;
2. To train the personnel in the country of origin and travel destinations;
3. To introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children;
4. To provide information to travelers by means of catalogues, brochures, in-flight films, ticket slips, websites, etc.;
5. To provide information to local key persons at the destinations; and
6. To report annually to The Code.

Within a few years, it became a major ECPAT International network initiative promoted and implemented in both sending and destination countries and it was supported by The World Tourism Organization (UNWTO). Since 2004, The Code has received funding from UNICEF and has operated as an independent non-profit organization and is led by a multi-stakeholder Board of Directors with international representatives from the tourism industry and NGOs. The Code is also supported by a limited number of Local Code Representatives (LCR), mostly ECPAT groups or other NGOs that support The Code's implementation. The UNWTO and UNICEF remain advisory partners to The Code. By the end of 2011, there were 1000 company members (tourism business and associations) to The Code in 42 countries. Currently, The Code secretariat is based in Bangkok with funding from SECO, (Switzerland's Secretariat for Economic Affairs), membership fees and sponsors.

² UNICEF Innocenti Research Centre. 'Assessing The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism: Discussion Paper'. February 2012. Available at: <http://www.unicef-irc.org/publications/662>

Objectives and Methodology of UNICEF's Evaluation

The objective of UNICEF's assessment of The Code was to analyze the current performance of The Code and make recommendations to ensure better monitoring of the impact and performance of the member companies of The Code at national and international level. The assessment was supported specifically by the UNICEF National Committee for Japan and comes at an opportune time, complimenting other initiatives to mainstream human and children's rights within the business sector. The four specific objectives were:

- To assess the effectiveness of the six criteria of The Code and the systems developed for monitoring its implementation by individual members at the local level;
- To monitor the collective impact of The Code beyond the members, focusing at local, national and global levels;
- To propose a set of rights-based criteria for measuring the impact and effectiveness of The Code; and
- To identify strengths, weakness, gaps, strengths and lessons learned.

The methodology consisted of: a literature review, three case study missions and an analysis of The Code's implementation and reporting. The literature review was a thorough desk review of current issues relating to sexual exploitation of children in travel and tourism, including previous research on the topic, rights-based approaches and The Code's monitoring and reporting systems. The three case studies took place in Costa Rica, Thailand and the Netherlands; these were selected based on 'the regional spread, representation of both sending and receiving countries, minimum number of company signatories (twenty for destinations and two for source countries) and active partners that were interested to participate in the assessment. During the mission, data was

collected from workshops, face-to-face interviews, and surveys with 76 individuals in Costa Rica, Thailand and the Netherlands between 26 June and 28 July 2011. Participants included: government officials working in child protection, tourism company representatives and Code signatories (hotels, travel agency, tour operators), ECPAT LCR/staff, UN agencies, civil society and academia. UNICEF also utilized a draft unpublished report entitled: '*Combating the Sexual Exploitation of Children in Travel and Tourism: International and National Commitments, Actions and the Role of the Private Sector*'. The evaluation notes that the assessment of The Code is not meant to be comprehensive as it focus on three case studies out of forty-two countries implementing The Code but it is intended to give useful insight to strengthen The Code.

Effectiveness and Impact of The Code of Conduct

UNICEF's report focuses the assessment of The Code's effectiveness and impact in examining four aspects: the role of The Code in raising the profile of the issue of child sex tourism; the role of The Code in stimulating action in the travel and tourism sector; the actions of Code members at the local level and the collective impact of The Code on the problem of sexual exploitation of children in the context of travel and tourism.

The Role of The Code in Raising the Profile of the Problem of Child Sex Tourism

With over 1000 companies as members to The Code from 42 countries, including leading companies such as ACCOR, Kuoni, Carlson and Delta, it can be concluded that The Code has raised the profile of the issue of child sex tourism to the tourism industry and beyond. The Code has been highlighted as a prominent corporate social responsibility tool by the Interfaith Centre on Corporate

Responsibility, compulsory to achieve fair trade tourism in South Africa and TourCert in Europe, and honored with the multiple awards, such as British Airways Tourism for Tomorrow Award and the Ending Global Slavery Award from Ashoka Changemakers. A recent example of The Code's reputation is when Avaaz, an online advocacy organization with more than 10 million members, encouraged Hilton hotels to join The Code in their online anti-child sex tourism campaign in 2010. Among the three case studies, Costa Rica and the Netherlands also had national level success that mirrored The Code's international recognition. In Costa Rica, the government has integrated The Code into the Institute of Tourism of Costa Rica's Certificate of Sustainable Tourism and plays an active role in promoting The Code within the tourism industry. In the Netherlands, with TUI and OAD as members of The Code, it ensured that the majority of 'out-bound' tourism companies are in contact with The Code and are aware of child sex tourism.

Effectiveness of The Code in Stimulating Action in the Travel and Tourism Sector

The Code has shown success in engaging the tourism industry and how they can contribute towards the fight against child sex tourism. In the Netherlands, The Code has had a clear impact on tour operator's awareness on child sex tourism. For example, Travel Counsellors, a Code member company since 2010, works with freelance agents all trained with awareness of The Code and child sex tourism, reported that their agents can speak to clients about child protection and that clients are receptive to the information. Additional progress is expected now that the National Association for Tour Operators and Travel Agents is a signatory to The Code. Similarly, in Costa Rica, the Costa Rican National Tourism Chamber now requires all tourism associations that are members to join The Code. In Thailand, while there is limited support from the Thai government of The Code, Code members, such as ACCOR Thailand continue to implement criteria, especially focusing on the training of staff. Together with ECPAT, ACCOR Asia

has trained over 6,000 staff in nine countries in the region.

Results of Action by The Code Members at Local Levels

In all three case study countries, there is agreement that The Code has a positive impact on the travel and tourism sector on raising awareness and taking action to protect children. Employers noted that Code training helped improve staff motivation and pride in their job, encouraged teamwork and increased retention. Many staff also shared information from the training with their families and friends. In some cases, some Code members go beyond the six criteria to create new partnerships with ECPAT groups or partners by raising funds to help fund initiatives to combat child sex tourism. ACCOR Asia has donation boxes for ECPAT in their hotels and Hotel Presidente in Costa Rica adds \$1 per night to the client's bill for the NGO Paniamor. ECPAT Netherlands works with schools and universities, especially tourism students with competitions to create awareness raising materials.

Impact of The Code on Sexual Exploitation of Children in Travel and Tourism

It is not possible to determine the collective impact of The Code on the problem of sexual exploitation of children as it relates to the travel and tourism industry due to the lack of agreed-upon methodology for measuring the extent of sexual exploitation of children or the proportion of this crime that takes place in the context of travel and tourism. Without this data, it is clearly not possible to evaluate the impact of The Code. Analysis based on the collected data did not result in any clear findings. In some ways there are successes as previously mentioned but there are key areas of concern related to The Code that weakens its impact: the lack of a clear theory of change linked to the six criteria and the development of measurable indicators as to how The Code is linked to preventing and eliminating child sex tourism. This

highlights the importance of more research and data collection to support The Code activities.

Strengths, Challenges and Lessons Learnt

The evaluation identified The Code's strengths, weakness, gaps and lessons learned by focusing on analysis of three themes: institutional arrangements; membership and the implementation of the six Code criteria. Focusing on institutional organization of The Code, strengths are tied to the fact that despite the very limited human and financial resources of the organization, The Code of Conduct has achieved widespread recognition. A noted challenge on the institutional level is the lack of clear division of roles and responsibility between The Code Secretariat and Local Code Representatives (LCR); to ensure that all LCRs understand their roles and how to foster strong action from the tourism companies. A valuable lesson learned is that having a strong LCR can generate progress of The Code's implementation at the local and national level. Case studies from all three countries and the UNICEF IRC research paper all highlight the importance of a strong LCR or creating a local supporter, such as National Tourism Authorities or National Chambers of Tourism that can maximize the impact of The Code and ensure its implementation.

Focusing on membership of The Code, the analysis shows the success in attracting a large number of Code signatories, ranging from large companies to small independent taxi drivers. Companies wanting to join The Code have to submit an application form to the LCR or The Code Secretariat, which is then formally approved by The Code Board of Directors. The strength is of course linked to the flexibility of The Code to be implemented with the different sub-sectors of the tourism companies. For instance, in Costa Rica, membership includes hotels, tour agencies, car rental, golf courses, motels, marinas and motels across the country. Challenges on membership relate to the lack of commitment by some companies if forced to join in order to gain

membership to the tourism association (such as the case in Costa Rica) or companies not wanting to pay The Code membership fee or that by joining The Code, a fear that it will negatively impact the business. The lesson learnt is the consideration of the LCR to assess recruiting members from high-risk areas instead of targeting 'easy' companies and clarifying membership for tourism associations especially when they are asking for an 'umbrella' membership.

Regards to the six Code criteria and its implementation by Code members, the evaluation acknowledges the strength of being 'straight forward' and basic enough for adoption by the tourism industry. However, it notes that the language of the six criteria should be reviewed to ensure clearer understanding and uniform in implementation. While the UNICEF report goes in-depth into reviewing each specific criterion and proposing a language change for each one, this summary will focus on the key points relating to the strengths, challenges and lessons learned:

- A few members had difficulty in writing a company policy against child sex tourism and have asked for a template or model;
- The training of The Code is one of its greatest strength as highlighted by stakeholders interviewed producing positive impact on staff ;
- A challenge noted is the limited progress by member companies in implementing a 'clause with suppliers' to combat child sex tourism;
- A lesson learned identified was creating awareness-raising materials templates in multiple languages for the smaller tourism business from The Code website;
- A challenge noted was the role of Code members in 'providing information to key local persons at destinations'; the implementation of this criteria is slow from all case studies;
- A challenge noted with the reporting of member's activities

is that companies have not prioritized reporting back on their activities citing lack of time, difficult and lengthy forms, lack of benefit or penalty for not reporting;

- The report notes that The Code was ahead of its time (being 13 years ahead of the recent United Nations Human Rights Council endorsing the Guiding Principles for Business and Human Rights), but that The Code should maintain its leading role by engaging new efforts and taking advantage of new opportunities for engaging national governments and other businesses.

Conclusions and Recommendations – Next Steps

The Code has achieved much in a short period of time and its membership has grown dramatically to over 1,000 companies in 42 countries. Its significant success in conducting awareness-raising nationally and globally despite the limited human and financial resources, even extending outside of the travel and tourism industry and garnering international recognition and awards. Most importantly, it has inspired tourism professionals to act towards child protection from sexual exploitation. However, in order to tackle the 'growing pains', The Code must strengthen itself by evolving into a more effective organization and tool for the private sector to combat child sex tourism.

The Code is at a turning point where it has to address issues of institutional capacity and strengthening the link between Code activities and impact against the issue of child sex tourism. Challenges must be addressed directly as the organization prepares its strategic plan for the upcoming years. The main recommendations from the UNICEF evaluation are:

- Clarify and update The Code's six criteria without moving away from its basic structure;

- Refocus destination activities to areas of highest risk and reach out to the smaller companies and the informal tourism sector;
- Develop a clear theory of change, linking activities of The Code to the intended impact in protecting children and creating related indicators to measure progress;
- Strengthen support for Local Code Representatives as the implementation of The Code is heavily tied to their resources and capacity;
- Find innovative ways of using technology to reduce training costs and broaden the reach of trainings; to identify and acknowledge 'Code Champions';
- Improve the reporting method for Code members to report their progress and identify ways to encourage companies to report through incentives or disincentives and the possibility of independent report validation process; and
- Develop a data collection system, including information such as baseline data from companies and the community.

Since the evaluation in 2011, The Code has been involved in the process of finalising the report and welcomed especially the recommendations. At the Annual General Meeting of The Code that took place in Berlin in March 2012, thorough discussion took place on how to address the challenges and the best way to proceed. Presently, a new Code General Manager has come on board and work is underway to create an advanced data-base in order to standardize and ease The Code processes such as applications, online training and simplification of reporting while ensuring transparency. Plans have also been laid for the creation of a Local Code Representative and Code member portal within the new Code website.



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