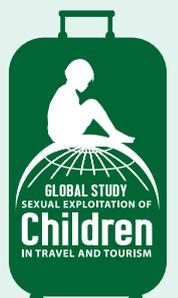


EFFECTIVE WAYS OF WORKING WITH THE PRIVATE SECTOR

Background Paper and Guidance for Civil Society Organizations



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Background Paper and Guidance for Civil Society Organizations

The background paper for civil society organizations was developed by ECPAT International and was written by consultant, Catherine Beaulieu. It includes experiences on working with the private sector from ECPAT members and The Code. The background paper is accompanied by a guidance on effective ways to engage the private sector, which was reviewed and finalized by the Down to Zero Alliance (DtZ), based on the first draft. It includes experiences from the other alliance partners, for which Margreet Houdijk carried out additional interviews. Information was also obtained from dialogues between partners and at regional learning events organized by the DtZ. To access the guidance as a separate document, see [here](#). The Guidance for Civil Society Organizations was produced by the members of the Private Sector DtZ working group consisting of:

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We are grateful for all the contributions from ECPAT members, including CHS Alternativo (Peru), Fundación Renacer (Colombia), ECPAT Foundation (Thailand), EQUATIONS/ECPAT India, ECPAT Indonesia, TESIS (Nicaragua), ICC- The International Children's Center (Turkey) and Paniamor (Costa Rica) and all DtZ partners.

March, 2019

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Websites:

www.ecpat.org
www.thecode.org
www.protectingchildrenintourism.org
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ECPAT International acknowledges funding support from the Ministry of Foreign Affairs of the Netherlands through Defence for Children-ECPAT Netherlands.

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INTRODUCTION

This paper was prepared by the Down to Zero Alliance (DtZ) with the objective of clarifying and strengthening ECPAT and DtZ's position on working with the travel and tourism industry and providing guidance for other civil society organizations working on child protection for how to engage with the private sector and establish long-lasting partnerships.

To this end, a review of ECPAT practices was conducted, with a focus on NGOs participating in the DtZ project¹. Questionnaires were sent via email in English and Spanish, and a desk review was completed. Inputs were also received from The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) and ECPAT members outside the DtZ project.

DtZ Alliance, is an inter-agency partnership that includes Terre des Hommes Netherlands, Plan Netherlands, Defence for Children-ECPAT Netherlands (which partners with ECPAT International and The Code), Free a Girl and ICCO and is supported by the Dutch Ministry of Foreign Affairs. The Alliance focuses on addressing the issue of sexual exploitation of children (SEC) in 11 countries in Asia and Latin America. The background paper was shared with the DtZ project partners for their inputs and review.

This paper is not meant to be exhaustive or representative of all activities conducted by the ECPAT network and DtZ project partners therefore it should not be interpreted as excluding other areas of cooperation with the private sector, for example those falling outside the travel and tourism industry. The terms 'partnerships' and 'collaborations' are used interchangeably and refer to mutually beneficial working relationships between non-profit and corporate entities.

This paper is divided into five sections. Part 1 provides background on the Global Study on Sexual Exploitation of Children in Travel and Tourism (SECTT) that was the first global research undertaken on this topic in cooperation with 67 partners with the view of forming policies sufficiently informed by evidence². Part 2 reviews the main international commitments which underpin the corporate responsibility to uphold children's rights. Part 3 discusses ECPAT International's rationale for engaging into private sector partnerships, as well as the mutual objectives pursued in these collaborations. Part 4 highlights key considerations that should inform the development of new partnerships, and Part 5 presents practical examples drawn from ECPAT members and The Code.

The guidance for civil society organizations finalized in cooperation with the DtZ Alliance partners, is included at the end of this documents (pg 23). It can be used to orient the development of approaches and strategies to work with the private sector.

1 The following DtZ groups provided information: CHS Alternativo (Peru), Fundación Renacer (Colombia), ECPAT Foundation (Thailand), ECPAT India, ECPAT Indonesia, TESIS (Nicaragua), ICC- The International Children's Center (Turkey) and Paniamor (Costa Rica).
2 The Global Study has been made possible with the financial support from the Ministry of Foreign Affairs of the Netherlands through Defence for Children-ECPAT Netherlands.

PART 1

BACKGROUND: THE GLOBAL STUDY ON SECTT

Since 2016, ECPAT has been leading the Global Study on Sexual Exploitation of Children in Travel and Tourism (the Global Study), a collaboration of 67 partners from the private sector, academia, civil society, law enforcement agencies, UN and human rights entities. The Global Study highlighted the issue of corporate responsibility and children's rights and addressed the role of the travel and tourism industry in the protection of children from sexual exploitation.

The Global Study³ provided several recommendations for private sector companies. These are listed below:

Travel, tourism and transportation companies (spanning both the public and private sectors)

- Sign the UNWTO Code of Ethics⁴
- Ensure compliance with *Human Rights and Business Principles and Children's Rights and Business Principles*
- Sign the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* or- at a minimum- adopt and enforce explicit corporate policies against SECTT and prioritize training on SECTT prevention and response for travel and tourism professionals
- Ensure that small and medium size firms and the informal travel and tourism sector are aware of the issue and adhere to a code of conduct to prevent SECTT
- Build the awareness and understanding of other sectors, such as businesses with travelling staff and the extractive industries

- Ensure that organizations that receive volunteers have adequate child protection systems in place to guarantee the safety of children, including international police clearances, reporting mechanisms and a code of conduct. Similarly, develop codes of conduct for national and international employees and volunteers in contact with children and ensure police clearances.
- Raise awareness about sexual exploitation of children among travellers and tourists
- Cooperate with, and report to, law enforcement

Information and Communication Technology (ICT) industry

- Engage and mobilize industry leaders to develop technology-based solutions to combat SECTT such as blocking payment for SECTT-related offences and developing new techniques to 'follow the money' and undermine the business model of SECTT offenders and their intermediaries
- Collaborate with other ICT companies and law enforcement agencies to disrupt financial gains for offenders, criminal networks and intermediaries and to develop analytical tools and new investigative techniques to enable law enforcement to identify perpetrators and rescue victims
- Ensure compliance with *Human Rights and Business Principles and Children's Rights and Business Principles*
- Adopt and enforce explicit corporate policies against SECTT

3 The Global Study report is available at: www.protectingchildrenintourism.org

4 The General Assembly of the UNWTO has since approved the transformation of the Code of Ethics for Tourism into an international convention. See section 3.4.

Companies whose staff members travel for business

- Undertake travel with child safe travel and tourism businesses, preferably members of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* or - at a minimum - with business that have adopted and enforced explicit corporate policies against SECTT and prioritize training on SECTT prevention and response for travel and tourism professionals
- Ensure compliance with *Human Rights and Business Principles and Children's Rights and Business Principles*
- Adopt and implement a code of conduct for travelling employees
- Ensure police clearances if staff are going to be in contact with children during their business travel

Many Global Study partners are currently working to implement the recommendations, with firm commitments already made by governments, civil society and the private sector in several countries. The implementation of the Global Study recommendations is critical for achieving the four Sustainable Development Goal (SDG) targets that call for an end to child sexual exploitation, namely, targets 5.2⁵, 5.3⁶, 8.7⁷, and 16.2⁸. The recommendations also link to SDG targets 8.9 and 12b, which call for sustainable tourism development⁹.

In June 2018, the International Summit on Child Protection in Travel and Tourism took place in Bogotá, Colombia, to address the protection of children from sexual exploitation.¹⁰ This major event was hosted by the Government of Colombia and brought together worldwide leaders representing governments, international and regional multilateral organizations, the private sector, law enforcement agencies, child rights experts and non-governmental organizations to bring international attention to SECTT and provide an opportunity to exchange good practices and experiences. One of the working sessions during the Summit was convened by DtZ Alliance partners and discussed partnerships between civil society organizations and the private sector for the protection of children in travel and tourism. The Summit issued a Call for Action reaffirming the need for multi-stakeholder actions to ensure protection of children in travel and tourism and to end impunity of offenders¹¹.

Against this background, ECPAT wishes to delineate its experience and strategy for engaging and working with the private sector, to better contribute to 2030 Sustainable Development Agenda and fulfil the recommendations of the Global Study and its follow-up Summit, in line with its mission to protect all children from sexual exploitation.

5 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

6 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

8 End abuse, exploitation, trafficking and all forms of violence against and torture of children [by 2030].

9 The SDGs were adopted in 2015 and are a global commitment to end all forms of child sexual exploitation.

10 The organization of the Summit was led by the Colombian Ministry of Commerce, Industry and Tourism in cooperation with the Tourism Authority of the Capital District of Bogotá (IDT), the Colombian Ministry of Foreign Affairs, the Colombian Child Protection Authority (ICBF) and ECPAT Colombia – Fundación Renacer. Among the co-organizers of the Summit were the High Level Task Force on Child Protection in Travel and Tourism, the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the World Travel and Tourism Council (WTTC) and ECPAT International. The Summit was organized with the participation of the World Tourism Organization (UNWTO).

11 The Declaration and Call for Action from the Summit are available at: www.protectingchildrenintourism.org

PART 2

CSR AND CHILDREN'S RIGHTS

While there is no consensus around its definition, the term Corporate Social Responsibility (CSR) generally refers to a company taking responsibility for its social and environmental impact. In the past, CSR was mostly understood as a company's self-regulation tool, to be implemented internally based on their own needs and goals. Since the 1960s, pressure has been mounting on corporate entities to be more transparent and accountable and to publicly report on their activities. The scope of CSR has also expanded, with human rights compliance now increasingly forming part of a company's social responsibility¹². International instruments now formally recognize and define the private sector's responsibility towards human rights. This alignment of human rights with CSR has opened new horizons for Civil Society Organizations and as a result, partnerships between businesses and rights-based organizations are now more common. These collaborations have gradually evolved from charitable donations or financial contributions, to integrating CSR into business operations in the form of joint, strategic activities to pursue mutual goals.

2.1 United Nations Principles and Relevance for CSOs such as ECPAT

The *United Nations Guiding Principles on Business and Human Rights* (UNGPs) were endorsed by the UN Human Rights Council in 2011. They are currently the only global standard on the respective roles of states and businesses regarding business and human rights. The UNGPs establish a framework for preventing and addressing the risk of adverse effects of business on

human rights, based on 3 pillars: (1) The governments' duty to protect against human rights abuse; (2) the corporate responsibility to respect human rights; and (3) access to remedy for victims of business-related abuses. The UNGPs also introduce the notion of human rights due diligence as a way for business to avoid adverse impacts¹³. This entails assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed. Co-organized by ECPAT International and the International Tourism Partnership, the session on 'human rights due diligence in practice in the tourism sector', was the first time the sector has gathered to discuss solutions to these shared challenges before a United Nations audience at the 2018 UN Forum on Business and Human Rights in Geneva¹⁴.

The *Children's Rights and Business Principles* (CRBPs) is a set of ten principles launched in 2012 as the outcome of consultations led by UNICEF, the UN Global Compact and Save the Children. The CRBPs build from the UNGPs to articulate CSR around the 'respect' and 'support' of children's rights: on the one hand businesses should avoid infringement on children's rights; and on the other they should advance those rights through voluntary action. This can be done "through core business operations, products and services, strategic social investments and philanthropy, advocacy and public policy engagement, and working in partnership and other collective action". The CRBPs are reproduced below.

12 For example, the European Commission considers integrating human rights concerns into a business strategy and operations as one way of becoming socially responsible. See European Commission, *Corporate Social Responsibility* (2018), accessed 29 June 2018, http://ec.europa.eu/growth/industry/corporate-social-responsibility_en.

13 UNGP 17.

14 The report from the session is available at: www.protectingchildrenintourism.org/resource/2018-un-forum-on-business-and-human-rights-report

United Nations Child Rights and Business Principles

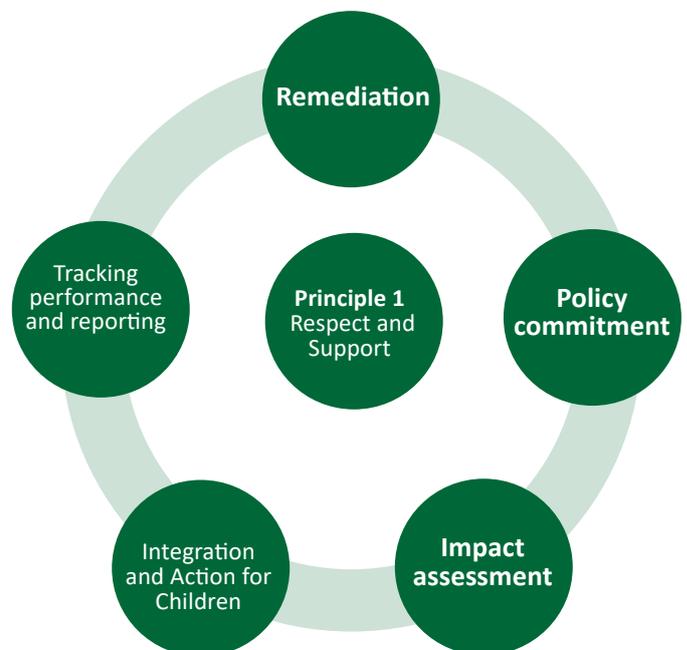
All business should:

1. Meet their responsibility to respect children's rights and commit to supporting the human rights of children.
2. Contribute to the elimination of child labour, including in all business activities and business relationships.
3. Provide decent work for young workers, parents and caregivers.
4. Ensure the protection and safety of children in all business activities and facilities.
5. Ensure that products and services are safe and seek to support children's rights through them.
6. Use marketing and advertising that respect and support children's rights.
7. Respect and support children's rights in relation to the environment and to land acquisition and use.
8. Respect and support children's rights in security arrangements.
9. Help protect children affected by emergencies.
10. Reinforce community and government efforts to protect and fulfil children's rights.

While not binding, the CRBPs represent significant progress in articulating the private sector's responsibility towards children's rights. They provide guidance as to what the private sector can and should do to uphold these rights and leave ample room to demand specific action against all forms of SEC. As ECPAT is the only international organization focusing entirely on this issue, it must ensure that SEC remain high on corporate agendas and that it does not get diluted into broader human rights initiatives. The CRBPs are a powerful tool in that regard, as they can help advocate for and implement multiple, targeted actions against all forms of SEC. These principles can also help ECPAT assess a company's child rights compliance and support businesses implementing them. The following, are examples of how some of the CRBPs are relevant to ECPAT's work.

Principle 1 – respect and support – is composed of five elements (see graph below): it demands that businesses make a *policy commitment* to child rights. This commitment is the foundation of any partnership involving ECPAT. There must exist a mutual understanding that children are rights holders and that all children up to the age of 18 have the right to live free from sexual abuse and exploitation. ECPAT will thus favour partnerships with businesses which integrate – or are at minimum willing to integrate – children's rights into statements of business principles, codes of conduct or other commitments or policies. ECPAT encourages policies that specifically reference the Convention on the Rights of the Child (CRC), the CRC definition of a child, the CRBPs which include definitions of sexual exploitation of children including in the context of travel and tourism.

Policies should translate into concrete action: they should set clear expectations on the part of a company and its employees; extend to the entire value chain; and be subject to monitoring and evaluation. Importantly they should be adopted at the highest corporate level and be widely and publically disseminated. In terms of policy development, ECPAT looks favourably upon participatory processes whereby employees are involved. This can create a sense of ownership and pride among management and staff. Again, ECPAT will not engage with businesses unwilling to consider making a policy commitment to children's rights.



Because both business activity and sexual exploitation of children are in constant evolution, the impact of business on children is likely to change over time. Businesses should foresee the impacts they might have on children when growing, merging with other entities, expanding into new geographical areas or launching new products, for example. For this reason, ECPAT encourages businesses to not only produce one initial impact assessment, but to also plan for such assessments to be conducted systematically and to reflect changing circumstances and environments.

ECPAT monitors country's progress in meeting their international commitments to protect children and encourages businesses to establish systems to collect data, to monitor progress and performance in relation to children's rights; and to set up remediation mechanisms to address rights violations.

Principle 2 demands that companies fight child labour. This means that all businesses should work towards ending sexual exploitation of children in the context of travel and tourism, because the exploitation of children through prostitution is recognized in ILO Convention 182 as one of the "*worst forms of child labour*". In addition, SDG Target 8.7 requires states to "*take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour*" [...]

Principle 4 demands that companies ensure their facilities are not used to harm children. This is highly pertinent to the work of ECPAT because travel and tourism facilities are misused by offenders to sexually exploit children. In the same way, ICTs are misused to groom and harm children, to produce and view child sexual abuse material and to make payments supporting criminal activity. ECPAT emphasizes, that the private sector is not the cause of the problem, but part of the solution and has a key role in preventing sexual exploitation of children.

Principle 6 stresses the importance of respecting and supporting children's rights in marketing and advertising. The terminology around child rights and sexual exploitation is in constant evolution. Businesses featuring children in their advertising or marketing, or dealing with the issue of child sexual exploitation should ensure the images and language they use do not further harm or stigmatize victims. For example, even though international instruments use the term 'child sex tourism', the expression 'sexual exploitation of children in travel and tourism' should be preferred

because it highlights the exploitative nature of this activity, and emphasizes that is not another form of tourism. It also implies that SECTT may take place outside of tourism, for example during business travel. Another example is the term 'child pornography' which is now considered inaccurate and even harmful. As the instigator of the Luxembourg Guidelines and of many campaigns against SECTT, ECPAT can provide guidance to private sector in this regard, to ensure that all actors speak the same language of child rights, one that clearly defines SECTT in a respectful way.

Principle 9 is relevant to child protection from sexual exploitation in the context of humanitarian settings. Companies operating in conflict-affected areas should pay increased attention to children's vulnerability to sexual exploitation and address the issue at corporate level. In recent years, there have been many allegations of child sexual abuse and exploitation by UN peacekeeping staff and partners. As a response, Secretary General António Guterres committed to a 'zero tolerance' policy for sexual exploitation and abuse. His initiatives to prevent and respond to the issue include appointing a Victims' Rights Advocate and establishing a Circle of Leadership consisting of Heads of State or Government who have agreed to hold perpetrators to account¹⁵.

Principle 10 is an important reminder that businesses can and should reinforce community and government efforts to fulfil children's rights, preferably through long-term initiatives. While governments are the primary duty-bearers in the implementation of children's rights, they cannot carry the task alone. Businesses can play a significant role complementing government efforts to better protect children. They can train their employees to become more alert to SECTT and report suspected cases; contribute to programs supporting the recovery and reintegration of SEC victims and survivors; support their going back to school or vocational training; offer employment to victims and survivors; provide much needed funding to government programs, etc.

This section illustrates, the HRBP and CRBPs present an unprecedented opportunity for CSOs to leverage the power and resources of the private sector to achieve results for children. The next section looks at the incentives of both ECPAT and the private sector for joining forces against SECTT, and common ground for potential partnerships.

15 UN News, "Combating 'scourge' of sexual abuse allegations remains 'key' UN priority, as 54 new allegations emerge", 1 May 2018, accessed 29 June 2018 from <https://news.un.org/en/story/2018/05/1008712>

PART 3

MOTIVATION AND OBJECTIVES: ESTABLISHING COMMON GROUND

3.1 ECPAT incentives

As a network comprising 109 member organizations in 96 countries, ECPAT International has a long and rich history of working with the private sector, particularly the travel and tourism industry. In fact, ECPAT started as a campaign against the sexual exploitation of children in travel and tourism in Southeast Asia in the early 1990s. Since then, the world has changed, sexual exploitation of children has become increasingly complex and prevalent, and the travel and tourism industry is now one of the fastest growing worldwide. ECPAT continues to seek new ways of engaging with the private sector because offenders persist in misusing travel and tourism infrastructure for sexually exploiting children. Criminals use airlines, buses, railway, taxis and other private transportation companies, either to travel themselves or to transport victims. Hotels, motels and other accommodations are used for committing crimes against children. Threats are compounded by ICTs, for example when offenders share information about where to find potential victims at destination (hotels, bars, and other tourism and hospitality venues) and to store and exchange abuse material.

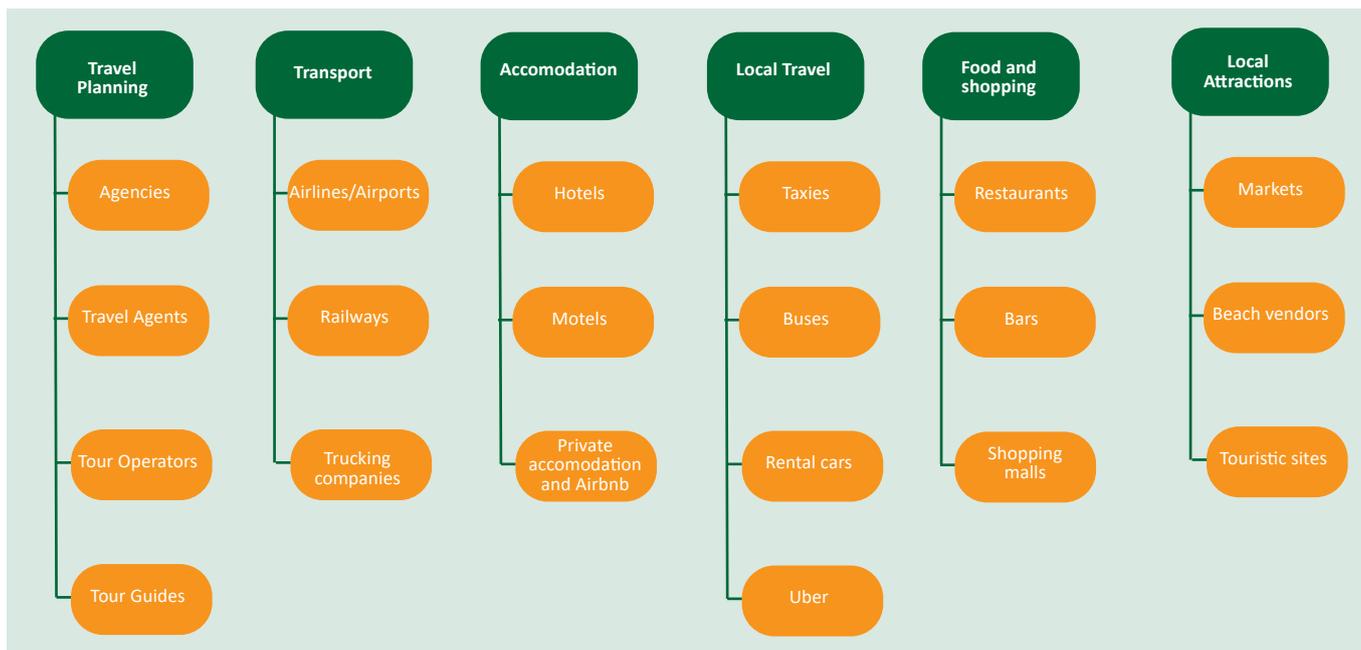
ECPAT believes that the private sector has a critical role to play, as part of a multi-stakeholder alliance to end SECTT. For these reasons, ECPAT will continue forging collaborations with the travel and tourism industry, to attain the following objectives:

1. To raise awareness about SECTT. Child sexual exploitation is still taboo in many countries, and the crime is often misunderstood and socially tolerated. ECPAT has solid expertise on the subject and a strong evidence base it can share

with potential partners. Awareness raising is often a starting point for collaborating with the private sector and opening the dialogue. More at: www.ecpat.org/resources and www.protectingchildrenintourism.org.

2. To engage private sector actors in the prevention, identification and elimination of SECTT throughout the value chain. While the travel and tourism industry is not the cause of SECTT, its infrastructure is misused for that purpose. The private sector can play a critical role in addressing SECTT when businesses take a clear stance against SECTT and when employees are trained to identify and report suspected cases. Efforts should span across the entire value chain, meaning that any entity receiving money derived from travel and tourism should participate. The value chain represents the total of what an online platform spends, while using different services and products during their travel or stay. Expenditures will be incurred for travel, hotels, private accommodation, dining, local transportation, entertainment etc., and in that way this industry is directly generating or resulting in revenues for airlines, railways, transport services (buses, taxis, cabs, etc.), hotels and restaurants, various food outlets, entertainment places like cinemas, parks, etc.¹⁶ Each component of the value chain can play a role against SECTT. Note that both formal and informal sectors should be included in the fight against SECTT, even though different approaches may be warranted. This should include also online platforms such as TripAdvisor, booking.com, Facebook and Google that can play a crucial role in protecting children from the sexual exploitation in travel and tourism.

16 Market Width, *Economic Value of Travel and Tourism Industry* (2016), accessed 29 June 2018 from http://www.market-width.com/Economic_Value_of_Travel_and_Tourism_Industry.htm



3. To advocate for and implement better industry standards. ECPAT believes that sectoral policies, standards and practices can have a significant impact on the conditions under which sexual exploitation of children occurs. In this regard, the promotion and implementation of The Code¹⁷ is one very important step towards changing practices and norms and effecting far-reaching change (see Section 5, below). ECPAT believes that protecting children is an inherent responsibility of travel and tourism. ECPAT works together with the industry to convince them to adopt broad changes that contribute to fulfilling children’s rights.

4. To leverage resources to pursue its mission. The private sector possesses resources and can make substantial contributions to CSO’s such as ECPAT by providing financial resources. Beyond monetary contributions, businesses also have a vast network they can leverage, for e.g. linkages with government, industry groups and associations, as well as large customer bases. These can become ECPAT partners and reinforce existing alliances.

3.2 Private Sector Incentives

- There are many reasons for the private sector to protect children. ECPAT has made a convincing business case for children’s rights, demonstrating that sexual exploitation of children poses a risk to business and that adopting a sustainable business model is a strategic investment. ECPAT argues that by implementing CSR approaches focused on children’s rights, companies are in a better position to:
- **Protect their economic interest, reputation and show good will.** Travellers and tourists have numerous options when planning their journey. Travel websites such as TripAdvisor host reviews accessible to millions worldwide and negative reviews can be damaging to business. Travellers and tourists assume, that they will not be confronted with situations of the sexual exploitation of children in the places they visit and they may blame travel and tourism companies if this happens. Non-reported cases of sexual exploitation of children (often portrayed in the media as ‘child sex tourism’), when a child becomes a victim are presented in news reports and other media; this type of negative publicity can harm business when destinations are known as ‘sex tourism’ hubs¹⁸. The private sector should be encouraged to report suspicious cases of sexual exploitation of children to law enforcement and relevant organizations that can provide help

17 See Section 5 for more information.

18 For conceptual clarity on terminology, refer to “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Abuse” available at: www.luxembourgguidelines.org

and support to children and their families, and to share with the media positive stories, when sexual exploitation of a child was prevented thanks to their interventions.

- Ensure compliance with national and international laws.** Protecting children can help guard a business against potential legal repercussions. Most countries have laws against child sexual exploitation including SECTT and employees could be arrested and prosecuted for facilitating or ignoring sexual crimes against children committed through their facilities. Criminal law may sanction owners of venues where child sexual exploitation takes place; or target persons who organize touristic activities which involve the sexual exploitation of children. Businesses have much to lose from being involved or associated with lawsuits.
- Broaden their customer base.** There is an increasing demand for sustainable travel and tourism. Consumers are more and more discerning, and competition is intense. Businesses are aware that consumers prefer socially responsible companies. Many tourists and travellers are now aware of SECTT and consider child protection as a contributor to sustainable tourism. Research shows that many travellers and tourists will choose not to go to a destination that has the reputation of being tainted by sexual exploitation of children. Sustainable tourism can generate substantial profit and improve business relationships with external stakeholders including customers and children.
- Help attract and retain employees.** Many employees prefer responsible brands, and the feeling of contributing to a valuable cause can generate pride and loyalty towards a company. This can help offset the continual high turnover in the travel and tourism industry.
- Businesses may have a corporate philanthropy agenda, whereby they donate funds to a CSO, or sponsor it. The benefits are often short-lived, and not always sustainable. ECPAT does not consider such relationships as partnerships or collaborations. There is much more potential for long-term, concrete change when businesses work together with civil society, government and children on joint initiatives such as awareness raising, educational/empowerment programmes; or when they provide employment or training to survivors, or support NGOs in the rehabilitation and reintegration of survivors, into their families, communities, schools, into the job market etc.

With international law now clearly stating the role of businesses in advancing children’s right, ECPAT will continue tapping into this potential to secure long-lasting changes for children.

3.3 Finding common ground

While the private sector is profit driven, non-profit’s primary focus is on qualitative change. Both parties may not have the same perception of SECTT or place the same importance on ending it. However, as the previous section has shown both sides have clear incentives for engaging with one another, and much to gain from doing so. Most importantly, there is a moral imperative to protect children, along with the children’s rights and a direct legal imperative, but also there is a business case to be made for the private sector. So, how might their interests and areas of focus can be reconciled? The diagram below shows how these may be harmonized towards common goals.

| ECPAT | Common Grounds | Private Sector |
|---|--|---|
| Protecting children from SECTT and leaving no space for offenders to harm children | Working together towards <i>sustainable tourism</i> in line with the 2030 Agenda | Creating value through increased innovation and competitiveness |
| Advocating for and supporting implementation of international and domestic law, policies and norms/ standards | Creating a <i>safer environment</i> for all stakeholders | Managing safety and security risks. as well as economic risks and ensuring compliance |
| Extending all possible resources to stop SECTT | <i>Pooling resources</i> to tackle the issue more efficiently | Fulfilling a philanthropy/CSR agenda |

3.4 Understanding the role of government and law enforcement

While CSR is an essential tool in the implementation of children’s rights, it does suffer from internal limitations. For example, it has been criticized for allowing businesses to gain legitimacy and project a positive image by doing very little. Other critics state that the publicity around CSR creates an illusion that companies are doing much more than they

really are; and that CSR is merely a public relations tool. Be that as it may, assessing the real impact of CSR is a real challenge, a difficulty compounded by its voluntary nature. While intergovernmental consultations on the subject are underway¹⁹, there is currently no internationally binding instrument requiring the private sector to uphold human rights, as there exist for states. Standards do exist throughout domestic laws, but there are important variations and enforcement is not always consistent.

For the above reasons, CSR approaches are more likely to succeed when implemented within comprehensive frameworks, such as child protection systems or protective environments involving other stakeholders. Government has a critical role to play, as highlighted by the UNGPs and CRBPs. These instruments assert that private sector initiatives are not expected to replace the government's initiatives, and vice versa. Rather, they should complement one another. This applies to all human rights instruments and importantly to the 1989 *United Nations Convention on the Rights of the Child* (CRC), which is the first international instrument defining the rights of children. The CRC is almost universally recognized, having been ratified by 195 countries. Supplemented by two optional protocols addressing child sexual exploitation, the CRC designates states as the primary duty bearers when it comes to upholding children's rights. It does not mention the private sector. However, regional legal instruments addressing the sexual exploitation of children, such as the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (also known as the Lanzarote Convention) and 2011 EU directive address the criminal liability of legal persons, such as private companies. Moreover, with the recently adopted CRBPs, the private sector is now expected to *support* government efforts to protect and fulfil children's rights and consider social investment in cooperation with civil society and government. This marks a new era for child rights advocacy.

ECPAT has a long history of working in multi-stakeholder collaboration, including against SECTT. One of the cornerstones of its work is advocating with governments for **stronger international child protection standards**. A major step towards better protection of children from sexual exploitation particularly in the context of travel and tourism, was taken with the decision to transform the Code of Ethics into the World Tourism Organization (UNWTO) convention. The very first recommendation of the Global Study called for the UNWTO *"to advocate*

for the conversion of the Code of Ethics for Tourism into an international convention". This happened in September 2017, when the General Assembly of the UNWTO approved the English version of the UNWTO Framework Convention on Tourism Ethics. The adoption of the UNWTO Framework Convention on Tourism Ethics is expected at the UNWTO General Assembly in September 2019. Under the Convention, SECTT constitutes a negation of tourism and should be combated with the cooperation of all States concerned and punished by both the traveller's country of origin and destination.

ECPAT has also successfully advocated with regional entities and governments to **adopt and enforce national legal frameworks against SECTT**. This includes advocacy and cooperation with regional entities: the Council of Europe- 2007 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse that is widely considered to be the most advanced, comprehensive international legal instrument of its kind; with GARA, a group of Latin American Ministries of Tourism that committed to a regional Plan of Action against SECTT; the ASEAN Inter-Parliamentary Assembly (AIPA) that passed a resolution on strengthening legal frameworks to protect children from SECTT and developed a checklist on key legal interventions to protect children from SECTT; the South Asia Initiative to End Violence Against Children, SAIEVAC (an apex body of The South Asian Association for Regional Cooperation – SAARC) that has featured SECTT in their Regional Strategy Development; as well as with the Organization of American States (OAS) that developed a regional strategy to address sexual exploitation and established the ANNAObserve website offering a platform for the exchange of good practices in the region and African Union that promotes children's rights and measures intended to protect children from sexual exploitation.

Legal compliance can create a strong incentive for the private sector to take action against SECTT. This is the case in Colombia, where national legislation around SECTT paved the ground for ECPAT member Fundación Renacer to work with private sector. The law requires the travel and tourism industry to adopt a code of conduct, to train personnel and establish child protection policies. Another example of advocacy leading to stronger laws against SECTT comes from the Philippines, where a series of municipal ordinances implemented in tourist destinations such as Bohol and Boracay require hotels to deny entrance to adult guests who are accompanied by minors when they

19 On 26 June 2014, the UN Human Rights Council adopted Resolution A/HRC/RES/26/9, 'Elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to Human Rights'. To comply with the mandate contained in the Resolution, an open-ended intergovernmental working group (OEIGWG or IGWG) was established.

are not their parent or guardian. This reportedly led to increased reporting. The new laws also require companies and organizations to adopt and implement child-protection policies, conduct child protection training for staff, display awareness raising material and report SECTT incidences arising on their premises²⁰.

There are divided opinions around the effectiveness of **soft law** (or instruments that are not enforceable by an external body, such as industry codes of conduct) on corporate entities. Some believe that while soft law may create some pressure on corporations to comply, not much will change unless **hard law** is imposed and enforced, and corporations are required to act as opposed to being 'encouraged' to do so. This can be achieved by implementing specific measures within business, or by having a statutory duty to report on social responsibility to an external organization. Even then, while some countries have passed laws requiring companies to report on CSR, there isn't necessarily enough evidence that more reporting produces better results for children. The chosen approach will depend on the context. Overall however, ECPAT's position is that laws requiring the private sector to adopt and implement strong child protection policies, are one step in the right direction.

Government is a valued partner in the fight against SECTT. By working closely with ministries and departments in countries around the world, ECPAT has been able to generate commitment to fight SECTT, to support the development of multi-stakeholder plans of actions, to convince decision-makers of the importance of establishing a legal framework around SECTT and to pay more attention to victims. ECPAT will continue to work with and advocate with governments for better child protection standards across all industries and for more involvement on the part of the travel and tourism industry. ECPAT will also continue lending its support and offer technical assistance to governments and regional bodies in developing agendas incorporating child protection from sexual exploitation in travel and tourism.

Another important actor in the fight against SECTT is **law enforcement**. The best laws and policies will prove useless without a strong, non-corrupt law enforcement with adequate training on child protection, dedicated units and sufficient resources. In many countries, ECPAT maintains strong ties with law enforcement. Its groups work with police forces both at the local level and with international law enforcement associations and taskforces. ECPAT has formed ties with tourist police units, child protection units, trafficking units; it has also played an instrumental role setting up internet and phone hotlines for reporting suspected cases of SECTT.

ECPAT encourages the private sector to form partnerships with law enforcement and to establish clear reporting channels when confronted with suspected cases of SECTT. ECPAT can support such partnerships, for example by sharing its contacts or by helping to establish and monitor hotlines.

20 ECPAT Philippines (2016), "Tourism establishments in this Bohol town should be child-safe, ordinance says", online: <http://www.ecpatphilippines.org/news/4-updates/73-tourism-establishments-in-this-bohol-town-should-be-child-safe-ordinance-says>.

PART 4

KEY CONSIDERATIONS FOR ENGAGING WITH THE PRIVATE SECTOR

As previously highlighted, partnerships should be founded on common grounds if they are to be long-lasting and yield results. At minimum, a potential business partner should commit to protecting children’s rights and be willing to adopt a corporate, ethical policy articulating that commitment and including a clear repudiation and zero tolerance for child sexual exploitation. This is a prerequisite to any collaboration between ECPAT and the private sector. This ensures a commonality of purpose; demonstrates the sincerity of the engagement; paves the road for a long collaboration; and is a first step in ensuring that the partner and its employees uphold children’s rights. Policies also inform staff that ending child sexual exploitation is important to the company. This is not to say that such a commitment is easily obtained. To the contrary, it can come about after years of advocacy or never materialize. Hence the importance of having a clear strategy when approaching a potential partner—and of being persistent.

Apart from this foundational commitment, what elements should ECPAT consider when establishing a private sector partnership? This section discusses three additional reflection items; the collaboration spectrum; the importance of risk assessments and formal agreements; and consistency with ECPAT’s Strategic Directions.

4.1 Every partnership is unique

As discussed above, the travel and tourism industry is composed of **many entities forming its value chain**²¹, including hotel brands, individual and franchised properties, airlines, private transportation companies, tour operators, as well as bars, restaurants and other facilities. Informal actors falling outside government control are also included. Some partnerships may involve a small number of stakeholders and revolve around one defined activity, whereas others may span over several

years and across countries. ECPAT will not necessarily play the same role in every scenario, and its level of engagement will vary based on different factors.

‘Working and engaging with’ the private sector can translate into a wide range of activities from advocacy, dialogue and cooperation to official partnerships. The chosen strategy will largely depend on what ECPAT believes the private sector is able to achieve in relation to child rights. Austin (2010)²² developed a model of cross-sectoral alliances along a continuum ranging from *philanthropic to transactional to integrative*, depending on the partners’ level of engagement. Under this model, engagement will be measured against the magnitude of resources, the scope of activities, the importance to the mission, the interaction level, managerial complexity and social value. At the philanthropic stage, the interaction between parties will be minimal, but will gradually increase at the transactional stage to eventually reach the integrative stage where partners merge their missions and activities.

Characteristics of each partner differ, therefore partnerships are unique and likely to evolve over time. As Austin writes: *“effective collaboration ultimately involves jointly tailoring a garment that fits the unique characteristics and needs of the partners”*.²³

Wherever a partnership sits on the collaboration spectrum, **challenges are expected along the way**. Experience demonstrates that companies often push back during the initial stages of engagement. No matter how convincing ECPAT’s arguments may be, companies may not always understand how their activities are linked to SECTT; they may

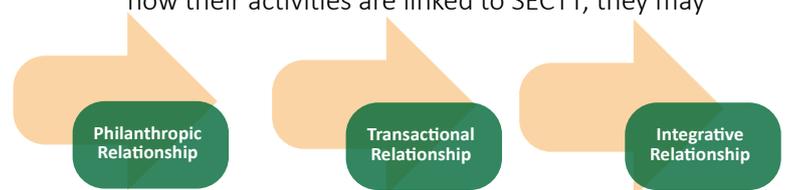


Figure 1 Austin’s Collaboration Spectrum

21 See Section 3.1, above.

22 James E. Austin, *Collaboration Challenge: How Nonprofits and Businesses Success through Strategic Alliances* (Hoboken NJ: Jossey-Bass, 2010).

23 James E. Austin, *Collaboration Challenge: How Nonprofits and Businesses Success through Strategic Alliances* (Hoboken NJ: Jossey-Bass, 2010), 173

fear being associated with the issue or giving the impression that they are complicit to the crime. This misinterpretation is common among companies – and even governments. Overcoming resistance can be energy-consuming. ECPAT will continue to address and debunk myths around SECTT to convince more actors to take a stance. ECPAT’s position is that while the travel and tourism industry is not the cause of SECTT, it can be used as a vehicle by perpetrators. When the private sector recognizes its role in the protection of children and commits to upholding children’s rights, it can generate powerful spokespeople on the issue and reap many benefits from a business standpoint.

A related obstacle is that SECTT is a taboo subject that not everyone is willing to address, because it is not always culturally acceptable to discuss it. ECPAT can overcome this obstacle by focusing its discourse on child protection, the vulnerability of children, on their human right to live free from all forms of violence and on a country’s international and/or national commitments to uphold that rights. It is important to take time to understand a private sector interlocutor; the context in which they operate; to attempt to see things from their perspective and to adapt language accordingly.

It is also important to keep in mind that **not all partnerships will produce positive results**. In fact, partnerships are in constant evolution and involve a learning process. Different perceptions, or understandings of SECTT can affect the outcome. For example, the DtZ Project found that *“despite growing commitment of the private sector in Brazil in combating commercial sexual exploitation of children, the private sector might play a negative role in combating stigmatization of child victims, especially children above 15”*²⁴. In Brazil, as in many countries, adolescents are often wrongly perceived old enough to make their own decisions and are not considered victims even when involved in sexual exploitation. As a result, sexual exploitation is tolerated, and adolescents end up excluded from campaigns and other protective efforts. This can send a wrong message and stands against the basic principles of the CRC, which protects all children up to the age of 18. A child can never consent to being sexually exploited.

In terms of approach, **ECPAT has traditionally positioned itself at the engagement side of the spectrum** rather than opting for more confrontational tactics. Its preferred method of engagement has been to convince companies of the benefits of protecting children, rather than ‘naming and shaming’ them in the hope that they would react. This method has yielded the best results. This is not to say that a slightly more confrontational method should never be used, and there is no “right or wrong” way of gaining support from the private sector. There is a divide between so-called “engagers”, who engage in a dialogue to convince corporations to adopt voluntary codes of conduct and “confronters” who believe corporations only act in their own financial interests and therefore require a more confrontational approach (Winston, 2002). Again, the chosen approach will very much depend on the potential partner and the objectives being pursued.

4.2 Risk Assessments and Formal Agreements

As previously mentioned, CSR is often the subject of criticism. Questions are frequently raised about the motivation of private sector companies who pursue social goals; businesses have been called out for trying to boost their image and for seeking legitimacy. And, much has been written about ‘greenwashing’, whereby a company’s objective is merely to deflect criticism, or to gain a political or marketing advantage. ECPAT must be aware of these criticisms, so it can guard itself against negative repercussions; if a partnership were to fail, it could seriously harm its reputation, credibility and legitimacy.

ECPAT should engage into a dialogue about how to incorporate due diligence into its own processes. A risk assessment process should be developed and systematically applied to understand the risks and benefits of engaging with potential private sector partners. This could include, for example, a review of a company’s CSR reports and practices; past and current collaborations with other non-profit entities; and current policies and practices. Such assessments would help establish whether a partnership is compatible with ECPAT’s missions and objectives, and whether it poses risks to its reputation and otherwise.

24 Down to Zero Alliance, “Annual Report 2017”, p. 13, accessed 29 June 2018, available at: www.terredeshommes.nl/en/publications/annual-report-down-zero-programme

Formalizing a partnership is another way to help ECPAT protect itself. A standard contract, memorandum of understanding, and/or code of conduct could be drafted and signed by each new ECPAT private sector partner, outlining a common understanding and the terms of the collaboration. This practice is already in place within the network. For example, CHS Alternativo (Peru) encourages the signing of an informed consent and strategy acceptance document by every new company they set out to work with²⁵.

Entering into a formal agreement with a private sector partner can help protect ECPAT's interests; makes a company's commitment visible to the world; and can also provide clarity as to how to respond to negative situations or to an eventual relationship breakdown.

4.3 Consistency with Strategic Directions

ECPAT International's Strategic Framework 2018-2021 calls for more engagement with the private sector and makes clear statements about the important role that the private sector should play against SEC and the need for collaborative work. The Change Goals, which were introduced in the Strategic Framework 2015-2018, continue to drive and guide ECPAT's work, through a learning process over the three-year period 2018-2021. When entering into new private sector partnerships, ECPAT should therefore consider whether there are opportunities to place victims and survivors at the centre; opportunities for advocacy and campaigning; and potential for knowledge and evidence generation.

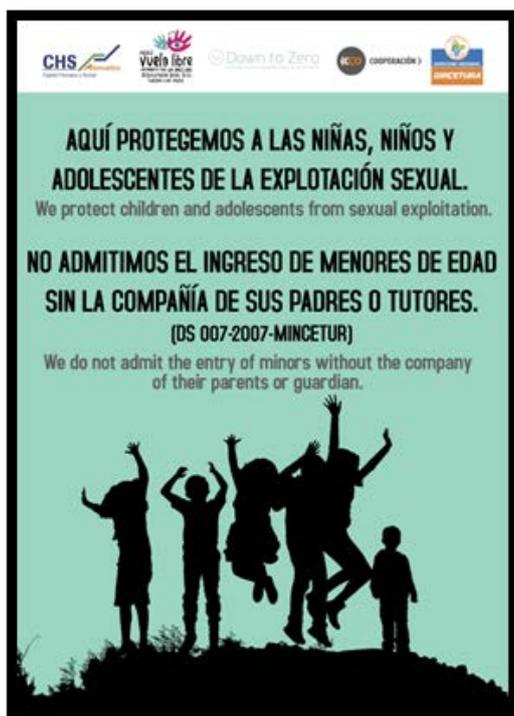
25 CHS Alternativo reports having signed agreements with the following institutions and associations linked to the tourism sector and contributing to the fight against SECTT: Ministry of Women and Vulnerable Populations; Ministry of Justice and Human Rights; Public Ministry; General Directorate of the National Employment Service; Ministry of Foreign Trade and Tourism; Ombudsman's Office; Pontifical Catholic University of Peru; Cayetano Heredia University; Municipality of Miraflores; Regional Directorate of Foreign Trade and Tourism (Puno); Association of Executives of Tourist Companies of Peru; International Federation of Executive Associations of Tourist Empires; National Chamber of Tourism; Society Hotels of Peru; International Organization for Migration – IOM.

PART 5

THE ECPAT EXPERIENCE

This section provides an overview of the work conducted by selected ECPAT members with the private sector against SECTT in the following areas: (1) awareness raising and education; (2) advocacy and implementation of better industry standards; (3) working with business groups and associations; (4) multi-stakeholder initiatives and role of governments; (5) informal sector initiatives; (6) supporting and listening to victims.

5.1 Awareness Raising and Education about SECTT



As an advocacy-based organization, ECPAT leverages cutting-edge research and solid technical expertise to sensitize the private sector and convince companies and individuals to take action. Over the years ECPAT has successfully engaged with the private sector in several awareness raising campaigns against SECTT. For example, there are 16 European countries and six

non-European countries participating in ECPAT’s Don’t Look Away! EU-project, developed in 2010. In the Netherlands, Don’t Look Away! was launched at the initiative of the Ministry of Security and Justice, the Royal Military Constabulary, the National Police, the ANVR (Dutch Association of Travel Agencies), TUI Benelux, ECPAT, Meldpunt Kinderporno, Terre des Hommes, Plan Nederland and Free a Girl.



Campaigns have also been launched with airlines such as Air France and Air Canada, showing in-flight videos to the public informing them about the risks of engaging in SEC at destination. In Indonesia, a campaign took place in the Jakarta airport to sensitize travellers to SECTT. In Peru, stickers were produced for lodging establishments to display their stance against SECTT and to refuse children who are not accompanied by their parents or guardians. ECPAT also develops informational materials, such as flyers, to inform travellers about SECTT and ways to report suspected cases. In addition, work has been conducted with mass media, to address reporting that sometimes validates or normalizes SECTT due to a poor understanding of SECTT and using inadequate terminology.

5.2 Advancing new industry standards and building capacity

In addition to its many awareness raising activities, ECPAT has worked to promote new industry standards. The most recognized example of industry standards is that of *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (The Code). The Code was launched in 1998 by ECPAT Sweden in partnership with the United Nations World Tourism Organization (UNWTO) and several Swedish tour operators. It is a multi-stakeholder, industry-driven initiative recognized as an industry standard and DtZ project partners promote its adoption. One of its distinguishing features and competitive advantage is that The Code is an international brand. It offers a practical framework for companies who wish to act to end SECTT. When a travel or tourism company joins The Code, they commit to taking six essential steps to help protect children, also called the six criteria of The Code. These are to:

- 1 Establish a policy and procedures** against the sexual exploitation of children
- 2 Train employees** in children's rights, the prevention of sexual exploitation and how to report suspected cases
- 3 Include a clause in contracts** through the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children
- 4 Provide information to travellers** on children's rights, the prevention of sexual exploitation of children and how to report suspected cases
- 5 Support, collaborate & engage stakeholders** in the prevention of sexual exploitation of children
- 6 Report annually** on implementation of the six criteria

The Code currently has over 300 members and is implemented in over 140 countries. Since 2013, over half a million staff have been trained worldwide. The Code has succeeded particularly because of the sense of ownership by member companies. The Kuoni Group, a leading service provider to the global travel industry and governments, and Code member since 2006 advises:

“Think systemically: involve your customers, your staff, your supply chain, local governments, both at the source and destination countries, and learn from NGOs and local experts wherever exploitation is taking place. Reach out by working with local law

enforcement to stop stigmatising the victims of this crime and by providing said victims with the means to empower themselves through education and gainful employment. This requires collaboration with NGOs that reach out to children in the most desperate need and accompany them with the proper tools on a new path.”

According to The Code, monitoring has proven a challenge, because of the voluntary nature of self-reporting and evaluation. When businesses don't report, there is no way of assessing impact. The Code addressed this issue by establishing a new membership-based structure including online self-reporting. This increased the number of reports submitted by member companies. However further qualitative assessments need to be developed.

The Code provides a practical set of tools to curb SECTT and as such can bring about critical changes in the lives of children. However, it is not the only tool available to the private sector. For example, in the United States, companies that do not sign The Code often use its model to elaborate their own training, policies and initiatives to protect children, with the help of ECPAT USA.²⁶

ECPAT continues to advocate for the inclusion of child protection into CSR and for the notion of sustainable tourism to be defined as including children's rights. In this regard ECPAT successfully advocated for inclusion of the topic of child protection in the preamble of the final declaration at the 2017 Global Conference on Jobs & Inclusive Growth: Partnerships for Sustainable Tourism organized by the UNWTO, the

26 ECPAT-USA (2017), “No Vacancy for Child Sex Traffickers Impact Report”, accessed 29 June 2018, https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/59c9b6bfb07869cc5d792b8c/1506391761747/NoVacancy_Report.pdf

Government of Jamaica, the World Bank Group and the Inter-American Development Bank, that set a new collaborative framework for tourism towards the 2030 Agenda for Sustainable Development.

ECPAT also supports a range of capacity building activities with the travel and tourism industry, without them being signatories to The Code. For example:

- **Helping companies develop policies** about SEC and SECTT as part of a CSR strategy or plan
- **Developing and delivering training for employees;** either as a stand-alone, targeted activity or as part of broader training programmes; whether in-person, or via e-learning.
- **Developing and delivering training for business partners/suppliers** on ways to prevent and report SECTT
- **Supporting companies conducting Human Rights Impact Assessments,** by contributing information on children's rights. Kuoni Global Travel Services has conducted such assessments in consultation with NGOs, UN and academic institutions, and put special focus on children's rights²⁷.

5.3 Working with business groups and associations

ECPAT members around the world have successfully reached large numbers of private sector stakeholders through business groups such as tourism associations, chambers of commerce, transportation associations, etc. For example, MAIS-ECPAT in the Dominican Republic has been working with the regional tourism association ASOLESTE and Plan DR on awareness raising, campaigns and promoting good business practices including The Code. Other regional tourism associations in the country have followed ASOLESTE. A similar approach is implemented in Colombia, where ECPAT member Fundación Renacer collaborates with the hotel associations ASOTELCA and COTELCO. Through these collaborations, both small and large hotels have been reached and many have adopted The Code. Once a policy is adopted at higher levels, it can reach many members. A positive development came from the International Summit on Child Protection in Travel and Tourism – a commitment was expressed that China Chamber of Tourism will encourage all members to sign declarations in accordance with international and Chinese laws to protect children and to raise awareness about this issue among their customers.

Another successful example comes from the Zimbabwe National Council for the Welfare of Children Achievements (ZNCWC), the ECPAT member in that country. The group successfully engaged the transport industry, especially long-distance truck drivers, through their umbrella body, the National Employment Council for the Transport Operating Industry (NECTOI). The NECTOI is a statutory body overseeing employers and employees in the transport industry. ZNCWC worked with NECTOI to produce research on child sexual exploitation; based on the findings, it designed a program involving truck drivers and was able to reach trucking companies through the umbrella organization.

Trainings were conducted with NECTOI site agents and truck drivers to help them identify children in sexual exploitation and refer them to support services, and to sensitize truck drivers about SEC crimes. NECTOI Site agents are now responsible for identifying children in SECTT especially in the transport industry and referring them to the department of Social Welfare. According to ZNCWC: *“using a multi stakeholder approach was also a good way of engaging the private sector so that they do not feel as if they are being targeted alone in efforts to address sexual exploitation of children. This also helps as you will be able to make use of existing local public infrastructure such as the truck stops which then reduces costs and ensures sustainability.”*

Another example hails from the USA, where 40% of all hotel properties now have access to training from ECPAT-USA. ECPAT-USA has been helping hotel brands develop and implement training that is then made available to properties in their portfolios. This strategy was most successful in that country, where a recent evaluation confirmed that training made available to hotels via their different brands had a significant impact on awareness and reporting.

A positive example of collaboration with the private sector in countries where sexual exploitation is still a taboo topic comes from The International Children's Center (ICC), ECPAT member in Turkey. ICC reported that the initial contacts with private sector stakeholders revealed two crucial facts: that the actors in the industry feared that while addressing the problem of SECTT they would be negatively associated with sexual violence, and since they had no experience of applying a rights-based approach to their work, they found it hard to address the issue.

In similar socio-cultural and political contexts, sexual exploitation can be addressed under the broader context of child rights and child safe tourism. Initially,

27 See for e.g. Kuoni (2014), “Assessing Human Rights Impacts. India Project Report”, accessed 29 June 2018, http://cr.kuoni.com/docs/kuoni_hria_india_2014_website_0.pdf and Kuoni (2012) Assessing Human Rights Impacts. Kenya Pilot Project Report, online: http://cr.kuoni.com/docs/assessing_human_rights_impacts_0_0.pdf

a small number of hotels can be approached; these hotels can then act as industry leaders incentivising other companies. CSOs need to analyse potential conflictual areas within the industry through the direct interaction with companies.

5.4 Multi-stakeholder initiatives and role of governments

A successful example of a multi-stakeholder initiative is given by the collaboration between the NGO Fundación Paniamor, the private sector and the Costa Rican government. As a result of this strategic alliance, a national Code of Conduct was created in 2003 by the Costa Rican Association of Tourism Professionals (ACORPOT), the Costa Rican Association of Tour Operators (ACOT) and Fundación Paniamor, with the financial support of the Netherlands, of Save the Children Sweden and of the sustainable tourism programmes managed by Fundecooperación and Paniamor.

During the following years, the management of the programme was gradually assumed by the government and in 2010, a convention was signed between the Ministry of Tourism (Instituto Costarricense de Turismo, ICT) and the Chamber of Tourism (CANATUR) with the objective of converting the project into a national initiative led by the institution which has the legal mandate to operate in the tourism sector in the country. Thus, the process was led by the private sector and today the Code of Conduct is managed by the Costa Rican Chamber of Tourism, with funds and administrative support provided by the Ministry of Tourism, and technical support provided by Paniamor which coordinates the technical secretariat thanks to its expertise in the field.

The model of the national Code was inspired by The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Today, it represents an alternative model where a national code of conduct is fully institutionalized and constitutes a priority for the Ministry, however its adoption is voluntary. The Code is also completely embedded in the sustainability framework which is at the core of the Costa Rican concept of tourism development.

It is important to note that the business groups and associations have a fundamental role in the creation of the Code which is perceived as a product of the tourism industry. This makes sure its application is not seen as an imposition by the government, but rather as a self-regulation initiative and ensures ownership as well as commitment. Hence, this experience provides a clear example of how each stakeholder can collaborate assuming different role towards the achievement of the objective.

While the adoption of the national Code of Conduct is voluntary in Costa Rica, it is mandatory for tourism service providers to adhere to the national Code in Colombia, and it is a requirement for a company registration and renewal.

Fundación Renacer, ECPAT member in Colombia, started to approach tourism companies in Cartagena in 2008, but had to face reluctance and resistance since the companies feared being associated with this crime. Things changed with the introduction of the law 1329 in 2009 which categorizes the sexual exploitation of children as a crime. The law 1336 was introduced in 2009 and makes the adoption of the Code of Conduct against SECTT compulsory; it also envisages the closure of companies that facilitate the sexual exploitation of children.

The requirements of the law span from an obligation for the private sector to provide information regarding places where the sexual exploitation of children may be facilitated, to reporting cases of exploitation and abuse as well as training all employees on how to spot the signs of exploitation and how to report suspected cases.

The necessity for the companies to comply with the law provided a background for Renacer's work and the NGO leveraged on this opportunity to intensify the training efforts for the private sector as well as for the law enforcement agencies. The strategy of presenting Fundación Renacer as an institution that could help meeting the legal requirements proved effective and contributed to strengthening the collaboration between the NGO and the private sector.

Moreover, Renacer underlines how the requirements established by the law are aligned with the criteria of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. The Code's criteria not only help in implementing measures towards the compliance with the Colombian law, but also have the added value of ensuring the international public recognition of the companies' commitment to child protection.

The strategy adopted by Renacer offers another model of successful multi-stakeholder initiative since it revolves around the creation of 'protective environments' (entornos protectores) which comprise seven sectors: the institutions, the private sector, the informal sector, the community, the family, the education system, and the media.

5.5 Working with the informal sector

SECTT is a broad issue, and involves not only the travel and tourism industry but also those informal actors such as beach and street vendors, independent taxis/

Uber drivers, etc. The Global Study recommends the involvement of the informal sector and many ECPAT groups have already taken action in this regard. The International Summit in Bogotá further emphasized the importance of involving the “informal/unorganized/non-licensed”²⁸ sector in the protection of children in travel in tourism. Actors in this sector are typically close to both communities and tourists and have first-hand knowledge about what happens on the ground. As a result, they can and have to be more alert, report and take action in collaboration with local CSOs. Many ECPAT members maintain good relationships in these communities and have found allies within them.

For example, as part of the DtZ project, ECPAT member EQUATIONS in India has been working with unorganized sectors in travel and tourism with a focus on guides, transporters, cybercafés and street vendors. The group has trained 120 tourism service providers from these sections of unorganized sector in the town of Khajuraho, in the state of Madhya Pradesh²⁹. They have also worked with a local tourist guide association to start a child protection campaign and created champion badges and stickers with a zero tolerance message.

Other DtZ partners such as CHS Capital Alternativo in Peru and Fundación Renacer in Colombia have also reported working with the informal sector.

5.6 Supporting and listening to victims

ECPAT is committed to child participation, and places children at the centre of all its initiatives. ECPAT prioritizes consulting with victims and survivors and bringing their perspectives and recommendations into knowledge generation and advocacy. ECPAT believes that national policies and programmes against SEC are strengthened through the voice and engagement of victims and survivors of child sexual exploitation. Consultations with victims and survivors provide pathways for them to be mobilized and empowered and for their voices to be amplified through a sustained movement, supported by collaboration, networking and sharing of information.

Child participation and empowerment can take place within private sector collaborations. For example, in Nicaragua a dialogue was established between child and adolescent community leaders and a large hotel,

the Barceló³⁰. This allowed for a better understanding of the risks facing children and adolescents and the work of youth community leaders against SEC. Another area of collaboration with the private sector consists of providing employment opportunities for child victims and survivors. For example, an Indian footwear company located in West Bengal offered employment in their factory to girls from a government shelter home. It was reported that ECPAT member Sanlaap achieved this outcome as part of the DtZ project.

In Peru, CHS Alternativo began working with the private sector in 2010, promoting social responsibility among tourism companies, but also promoting the inclusion and reintegration of survivors of trafficking in persons and SECTT. Currently, CHS Alternativo has entered into agreements with ten companies that are hiring or have provided space for victims.

5.7 Emerging areas of work

While important work has been conducted to date, much remains to be done to fulfil the SDGs and the Global Study recommendations. Work with ICT companies will continue to have critical importance. Based on the review conducted, collaborations are currently being explored and formed in some DtZ countries, including working on online elements relevant to SECTT crime³¹.

Voluntourism is another issue calling for urgent action and specifically referenced in the Global Study. The Code introduced a voluntourism policy to ensure that its members are not involved in orphanage voluntourism as part of its mandate to protect children from exploitation in travel and tourism. Organizations that employ adults to work with children also have a role to play and can establish screening procedures for workers, to ensure that there has been no history of inappropriate behaviour. Screening programmes are important for businesses such as summer camps, boarding schools and day-care facilities, as well as for organizations recruiting volunteers to work alongside children.

As private sector partnerships continue to grow and evolve, and ECPAT continues to advocate for the implementation of the CRBPs, new areas of work will be defined. One challenge for ECPAT is to continue finding innovative and ground-breaking solutions to end SECTT in partnership with private sector, to ensure

28 Different countries refer to these actors in different manners, according to national/local legislation and differences in self-identification.

29 As of June 2018.

30 The Barcelo hotel chain is a Code signatory.

31 For example, ECPAT Indonesia conducted training on the prevention of child sexual exploitation online in collaboration with Google Indonesia. This involved various organizations working on child protection issues, as well as the Community Based Integrated Child Protection (PATBM) community coordinated by the Ministry of Women Empowerment and Child Protection (KPPPA).

that the issue continues to receive the attention it deserves, and to maintain its status as the only international organization working exclusively on protecting children from sexual abuse and exploitation.

An example of innovative solutions comes from the DtZ Alliance and its work on developing the best practices of collaborations between CSO's with the travel and tourism industry. Combatting SECTT is one of the main pillars of the DtZ Alliance. The Alliance believes that a systemic approach is needed wherein all the key actors have a vital role to play.

An effective and sustainable response to SECTT, requires a comprehensive approach consisting of measures to prevent sexual exploitation from happening, adequate services for victims, and laws and law enforcement that can restore justice to victims. The DtZ Alliance is therefore addressing private sector actors, government institutions and communities to take action in a coordinated manner. The Alliance also believes that empowerment of vulnerable children and victims, should be a key element of the approach. For more information on the DtZ Alliance and Programme, see: www.downtozeroplatform.com.

CONCLUSION

As this report has shown, there are multiple opportunities to engage with the private sector to deliver results for children. This engagement is often seen in the form of preventive efforts to end SECTT but has the potential of becoming so much more. While the ECPAT network is diverse and member organizations all have their own profile and experience, concerted action and network

cohesiveness are desirable. The table below provides an overview of key elements that should be present in every private sector partnership engaging ECPAT. It is suggested that each partnership be individually assessed against the following table, bearing in mind that each partnership will be unique and that its development may be comprised of many small steps.

| FOUNDATIONS FOR ECPAT ENGAGEMENT WITH THE PRIVATE SECTOR | |
|---|--|
| Mutual commitment to respect and support children's rights | <p>The work conducted by ECPAT and its private sector partners should aim to contribute to the mission of ECPAT and its Strategic Framework.</p> <p>A potential business partner should be willing to take a step forward in embracing children's rights and commit to making a change in their practices.</p> <p>At minimum this would include a policy of zero tolerance towards all forms of SEC, coupled with clear procedures, extending to employees, business partners and suppliers.</p> |
| Through cross-sectoral collaborations | <p>To include the government as the primary duty bearer, civil society organizations, faith-based organizations and the private sector.</p> <p>Participatory approach to address prevention, rehabilitation and reinsertion, legal framework. Children should be involved and their opinions taken into account.</p> |
| To achieve concrete, long term results | <p>Ideally, a partner would be willing to engage on the long term: philanthropy/one off actions are not the preferred method of engagement.</p> <p>Monitoring and evaluation, transparency and accountability are key. Without monitoring and evaluation there is no way to know if a partnership has met its objectives.</p> |
| Risks and due diligence | <p>ECPAT will conduct its own risk assessment prior to establishing any partnerships.</p> |

EFFECTIVE WAYS TO ENGAGE THE PRIVATE SECTOR

GUIDANCE FOR CIVIL SOCIETY ORGANISATIONS WORKING ON CHILD PROTECTION

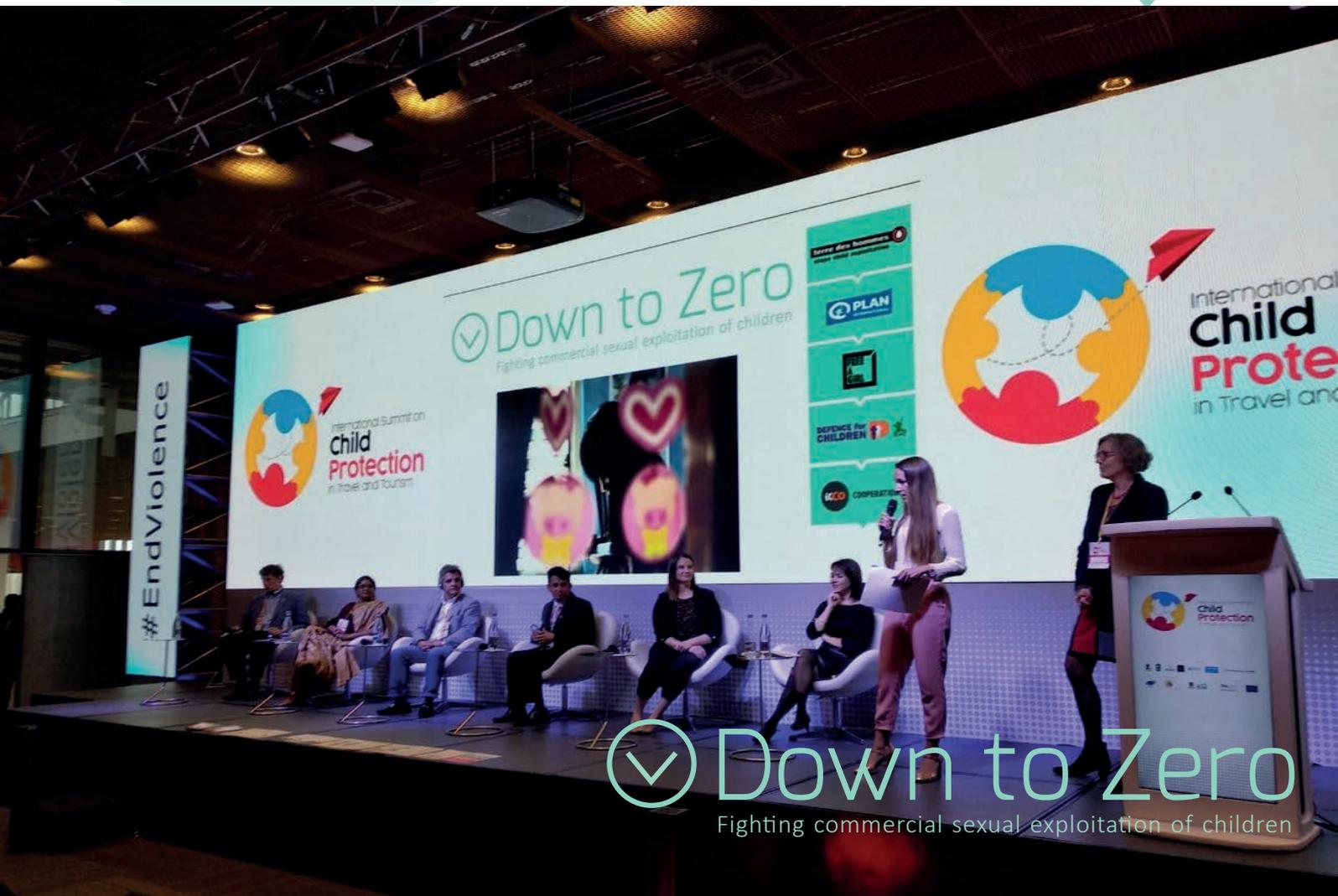
terre des hommes 
stops child exploitation

 PLAN
INTERNATIONAL

 FREE
A
GIRL
FIGHT CHILD PROSTITUTION

DEFENCE for CHILDREN   ecpat

 iCCO COOPERATION >



FEBRUARY, 2019

Author: DtZ Private Sector Working group
www.downtozeroplatform.com

Disclaimer: This document reflects guidelines agreed upon by the Down to Zero Alliance.

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List of Abbreviations

| | |
|-------|--|
| CHS | Capital Humano y Social Alternativo |
| CSEC | Commercial Sexual Exploitation of Children |
| CSO | Civil Society Organization |
| CSR | Corporate Social Responsibility |
| DtZ | Down to Zero |
| ECPAT | End Child Prostitution and Trafficking |
| ICCO | Interkerkelijk Coördinatie Commissie Ontwikkelingshulp |
| NGO | Non-Governmental Organisation |
| SCCC | Surabaya Children Crisis Centre |
| SEC | Sexual Exploitation of Children |
| SECTT | Sexual Exploitation of Children in Travel and Tourism |
| TIJ | Thailand Institute of Justice |
| YEP | Yayasan Embun Pelangi |

Editorial

This guidance was developed by the Down to Zero Alliance (DtZ) to support Civil Society Organisations (CSOs) in their engagement with the private sector on Child Protection.¹ It is a direct response to questions from partners who wanted to learn more about this. The guidance is mainly based on the practical experiences of Down to Zero partners, cross-referenced with some literature listed at the end.

A first draft was developed by ECPAT International together with the consultant, Catherine Beaulieu, based on their experiences. The present version also includes experiences from the other alliance partners, for which Margreet Houdijk carried out additional interviews. Additional information was obtained from dialogues between partners, at regional learning events organised annually by the Alliance. These events are part of the “learning agenda” of the Alliance, a series of events that are meant to further the understanding of all parties on key elements of the programme strategy, and ultimately to increase the collective impact of the programme. This guidance was produced by the members of the Private Sector working group consisting of:

| | |
|-----------------|--|
| Soledad Ardaya | ICCO-Cooperation |
| Aude Diepenhors | Plan International Netherlands |
| Judith Flick | Terre des Hommes |
| Willeke Kempes | ICCO-Cooperation |
| Gabriela Kühn | ECPAT International |
| Theo Noten | Defence for Children – ECPAT Netherlands |

We are grateful for the contributions of all our partners to this guidance.

The guidance describes key elements identified by partners working on Child Protection as essential steps towards fruitful collaboration with the private sector. The steps are clustered into four groups and put in a sequence that follows the engagement process from the selection and initiation of a partnership until the process of sustaining and/or replicating it. Several recommendations are listed for each step, and for some, examples are given to illustrate a recommendation.

The order of the steps is not rigid: Different CSOs might start at different points, the most appropriate order might differ between CSOs, and not all steps might be necessary for each partnership. It should also be noted that there is no “one size fits all” solution when it comes to working with the private sector. Each partnership is different, because the private sector actors and the CSOs differ and they work in different contexts. For some CSOs, work with the private sector is at the heart of their mission, for others it might be a one-off occurrence. Some CSOs might have a lot of resources at their disposal, while others are smaller with limited funds. CSOs are advised to select the elements in this guidance, based on their needs and contexts. The examples should also not be read as the best practice amongst many, but rather as a further explanation of a recommendation.

Finally, given that this area of our work is evolving all the time, the Alliance wishes to underline that this is work in progress and that it intends to update and review the guidance in due course. CSOs that have worked with the guidance are encouraged to provide input and feedback to the Private Sector working group members mentioned above.

¹ Down to Zero project partners are all united in their mission and vision regarding the sexual exploitation of children, and committed to implementing the Convention on the Rights of the Child and the Children’s Rights and Business Principles. When talking about the sexual exploitation of children, they refer to the Luxembourg Terminology Guidelines, an initiative of 18 international partners to harmonise terminology and definitions related to child protection.

Introduction

DOWN TO ZERO

The Down to Zero Alliance is a collaboration between Terre des Hommes Netherlands (lead), Defence for Children-ECPAT, Free a Girl, ICCO- Cooperation, Plan International Netherlands and the Dutch Ministry of Foreign Affairs, with the ambition to end Commercial Sexual Exploitation of Children (CSEC) through more than 20 local partners in Asia (India, Bangladesh, Indonesia, Philippines and Thailand) and Latin America (Brazil, Dominican Republic, Bolivia, Colombia, Nicaragua and Perú).

Down to Zero applies a multi-stakeholders approach with four main actors:

- Children who have been sexually exploited or are at risk of becoming so
- Families and communities in the selected geographic areas
- Governments, police forces and justice departments in the selected countries
- Businesses active in these countries (travel and tourism, ICT, transport and extractive industries).

OBJECTIVES OF DOWN TO ZERO

- Children who are vulnerable to sexual exploitation are able to stand up for themselves and their rights. They can protect themselves because they are able to identify and report potentially exploitative situations. They are educated, engaged in campaigns to raise awareness of the issue, and involved in decision-making in their communities.
- The environments that children grow up in are safer, offering better protection to potential victims and preventing children from being (re)victimised.
- Governments, judiciary systems and law enforcement organisations have adapted their policies, plans and protocols to better fight the commercial sexual exploitation of children.
- Both market leaders and smaller companies in business operations such as the tourism, information and communication technologies, transport and extractives industries, are actively involved in the protection of children against commercial sexual exploitation.

To achieve its objectives, Down to Zero implements the following intervention strategies:

- Enabling children and young people to protect themselves and stand up for their rights; reinforcing local child protection systems or setting up new ones where they don't exist; ensuring that children know that these services exist and are accessible; informing children about their rights, and the risks of commercial sexual exploitation; and empowering children by giving them the tools they need to bring about changes in their environment and for other children.
- Supporting communities and strengthening them to better protect their children, through educational campaigns, discussions with key figures in the community, and the establishment of local child protection systems; educating the general public on the consequences of commercial sexual exploitation of children; speaking to families about the issue, and challenging the taboos and shame; offering assistance with extricating children from exploitative situations, and arranging appropriate shelter and care for victims.
- Lobbying local authorities, building capacity and championing the prosecution of perpetrators, so that local governments, police forces and judiciary systems are moved to improve their policies, laws and regulations; supporting Dutch embassies in actively maintaining conversations with these authorities, so that the issue continues to receive the attention it needs; guiding and advising local governments to improve local rules so that new plans can be implemented and, where necessary, assistance with budgeting is being provided.
- Establishing or strengthening cooperation from the business sector for child protection; lobbying private sector actors to develop codes of conduct in collaboration with relevant organisations; working together with a number of industries, such as the tourism sector, by developing a code of conduct that local and international tourism companies must implement to offer children the protection they are entitled to; assisting companies with providing job opportunities and education for families.

This guidance is mainly in support of the last set of intervention strategies. However, the work with the private sector seldom takes place in isolation. As can be seen in the examples included, many CSOs work with a number of actors on joint responses, and believe that multi-stakeholder collaboration leads to a stronger and more sustainable response.²

THE CODE³

The Code, short for “The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”, is a good example of a multi-stakeholder initiative, developed and implemented across many countries, and partly supported by the DtZ programme through its partnership with ECPAT.

The Code aims to address SECTT by creating a highly aware and well-trained travel and tourism industry that can recognise and prevent potential abuse and exploitation, and also by building zero tolerance environments where travellers and tourists understand that these crimes are unacceptable and offenders will be prosecuted.

When a travel or tourism company joins The Code, they commit to taking six essential steps to help protect children, which we call the six criteria of The Code. These are:

1. Establish a policy and procedures against SEC.
2. Train employees in children’s rights, the prevention of SEC and how to report suspected cases.
3. Include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of SEC.
4. Provide information to travellers on children’s rights, the prevention of SEC and how to report suspected cases.
5. Support, collaborate and engage stakeholders in the prevention of SEC.
6. Report annually on implementation of The Code.

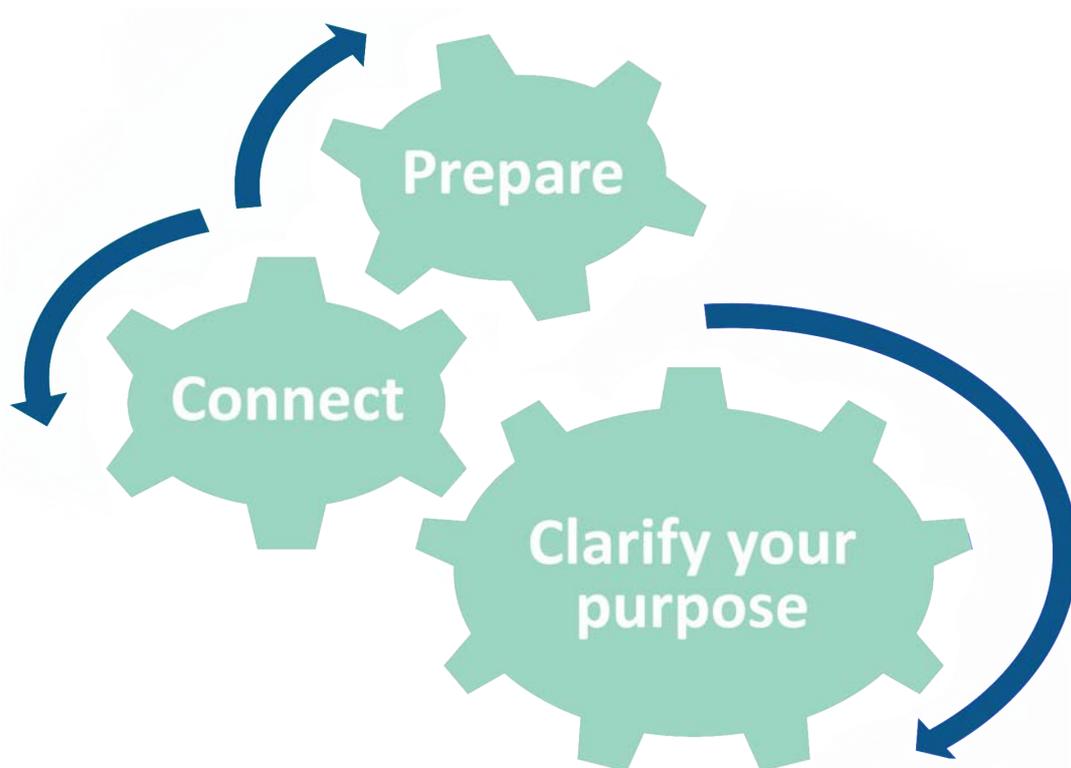
More than 300 tourism companies worldwide have become a member of The Code so far. By becoming a member of the Code, companies gain full access to its suite of corporate social responsibility tools and services that can help them protect communities from sexual exploitation of children. The Code’s local partner network provides support, guidance, best practice examples, and online tools to make the implementation as easy and effective as possible.

² ECPAT INTERNATIONAL BACKGROUND PAPER: WORKING WITH THE PRIVATE SECTOR
<http://www.protectingchildrenintourism.org>

³ The operations of The Code are delivered in cooperation between Code members, the LCRs (Local Code Representatives) and the Secretariat. The LCRs are the in-country focal points for The Code and provide support to members in each country. 90% of members come from countries where there is an LCR, which demonstrates how important their role is for private sector engagement.
<http://www.thecode.org>

1. Initiation of a new partnership

INITIATE



1.1 PREPARE

- o Define your reason for collaborating with the private sector, and how this will help your organisation to achieve its objectives. Identify opportunities. What kind of partnership is appropriate for your particular context?

When Terre des Hommes intensified and diversified its approaches to the private sector in 2016, it realised that an organisation-wide policy was needed that would guide its decisions about private sector engagement. Up to that point, only the Funding Department had contacts with Corporate Foundations, and only for funding purposes. It was when the Lobby and Expertise Unit reached out to companies to discuss the results of its research about Child Labour in mica mining, that the organisation realised that these two approaches might give rise to a (perceived) conflict of interest. They realised that a corporate strategy was required to guide decisions across different departments about appropriate engagement with different private sectors.

After internal and external consultations, Terre des Hommes formulated its “Private Sector Policy”⁴, which provided a general framework for all activities with the private sector, in line with its mission. A key aspect of the policy is an up-front clarification of the purpose of the (potential) partnership and its consequences for other activities of Terre des Hommes. E.g., if the purpose was to convince and support a company in implementing child protection measures across its business chain, it was deemed improper to accept funding from the same company. The policy made it mandatory to check each engagement against specified criteria, and required that all companies would sign a Code of Conduct when entering a collaboration with Terre des Hommes. It also established that Terre des Hommes is open to dialogue with all companies, except for those involved in the production of tobacco, alcohol or weapons.

⁴ Terre des Hommes. Private Sector Position paper (2017)

- o Conduct an assessment of possible private partners to understand who is doing what, and what their interest in child protection might be.

In Perú, the ICCO partner Capital Humano y Social (CHS) Alternativo obtained information by mapping the formal and informal sector actors, which led to the identification of a different strategy for each. They advised the informal sector to develop an ethical framework to prevent SEC, and informed the formal sector about the legal framework and the potential consequences of non-compliance with the law. They took as a reference Law 30802, which establishes conditions for the entry of minors into lodging establishments. One of the most important success factors for their engagement with the private sector was the involvement of public servants, who were training in the application of the law. Through this multi-stakeholder approach, the private sector was approached by CSOs as well as civil servants. This also created a direct relationship between all three actors, which could be activated immediately when a case of child abuse was detected by one of the parties.

- o Research on the company's background: does the company need to have a full Corporate Social Responsibility (CSR) plan in place? What CSR activities have they conducted so far? Do they respect human rights and do they follow due diligence requirements? How do they implement these in their daily operations? Are other private sector entities working against SEC?
- o Understand who is the right person to talk to in the company. You might have to side track, so talk first to people who appear to be in favour of your case and then to those in decision-making positions.

In Bolivia, the ICCO partner 'Fundación Munasim Kullakita', realised that once they had identified a potential private sector partner, they had to assess the stakeholders within a company, before engaging them. They first identified the main allies for their partnership and subsequently other important characteristics, such as their decision making power, their commitment to child protection and their possible role in the implementation.

- o Identify potential private sector allies and establish contacts with federations and associations that can involve their members.
- o Prepare your discourse and try to use as many facts as possible about SEC: use all available research, statistics, reference to international legal instruments and information. A strong evidence base can help convince private companies to commit themselves to protect children in need of care. Present your discourse in such a way that the interests of the company can be included and linked to the topic of child protection.

The Terre des Hommes partner Surabaya Children Crisis Centre (SCCC) in Surabaya, Indonesia, focuses mainly on case conviction. They apply multiple approaches to SEC reporting and case management, in order to increase their chances of success. For example, they encouraged local community members to report cases of SEC, because in their experience, community reports carry more weight in persuading local authorities to follow through. Involving media to publish news about perpetrators, is another approach that helped to move the process forward. Based on these experiences, another Terre des Hommes partner, Yayasan Embun Pelangi (YEP), has decided to put more effort into the involvement of communities, including children and young people. Apart from training them to prevent CSEC from happening, they will involve them for advocacy towards the local government for policy development on SEC issues.

- o Shape your message according to the local context, especially in countries where talking about sexual exploitation is considered taboo, or where companies have a perception that tackling SEC would lead to negative associations regarding their business and might damage their image. Consider discussing child protection and child friendly tourism, and explain the reference and linkages with sexual exploitation.
- o Think about who else you might bring in. Consider the role of government to ensure a multi-stakeholder approach. Make sure the government acknowledges the problem. Stay connected to the government throughout the process for sustainability.

In Thailand, the Terre des Hommes partner 'ThaiHotline', raised awareness among officials at the Department of Children and Youth, about the negative impact of online child sexual abuse. They subsequently advocated for the necessity of officials under Child Protection Act, especially social workers in shelters, to attend and pass a training course on online child sexual abuse. This online child sexual abuse training is now prerequisite to extending the licences of officials under the Child Protection Act. Eighty officers have been trained since April 2018. In mid-August, the Department of Children and Youth also approved funds for ThaiHotline, to produce guidance on online child sexual abuse for officials who work in the field to enforce the Child Protection Act. The engagement and support from the government strengthened their position towards the private sector.

- o Know your national legal framework inside out: what are your country's laws against exploitation of children? Are they specific on sexual exploitation? Do these laws apply to corporate entities? Are there laws making CSR reporting mandatory? Are country monitoring reports available?, if so, who is responsible for preparing them, and in which framework?

ECPAT Foundation in Thailand worked in collaboration with the Thailand Institute of Justice (TIJ) to conduct a study on the online sexual exploitation of children. A report was released in October 2018, that revealed the prevalence of violence against children in the form of online sexual exploitation throughout Thailand. As they map out the current existing national landscape of laws and policies, they will compare them to the UN Model Strategies on Violence Against Children as well as the WeProtect Model to propose changes that will improve the national child protection infrastructure as well as other child protection mechanisms.

1.2 CONNECT

All parties need to have a sincere commitment towards the protection of children and ending SEC, knowing that it is bad for business if you do not ensure that the children are well protected in the area you operate in. Below are a few steps that can help to build commitment:

- o Get to know your partners, focus on building good interpersonal relations. Bear in mind that SEC is a complex topic and your audience may not understand it, or may feel uncomfortable with it.

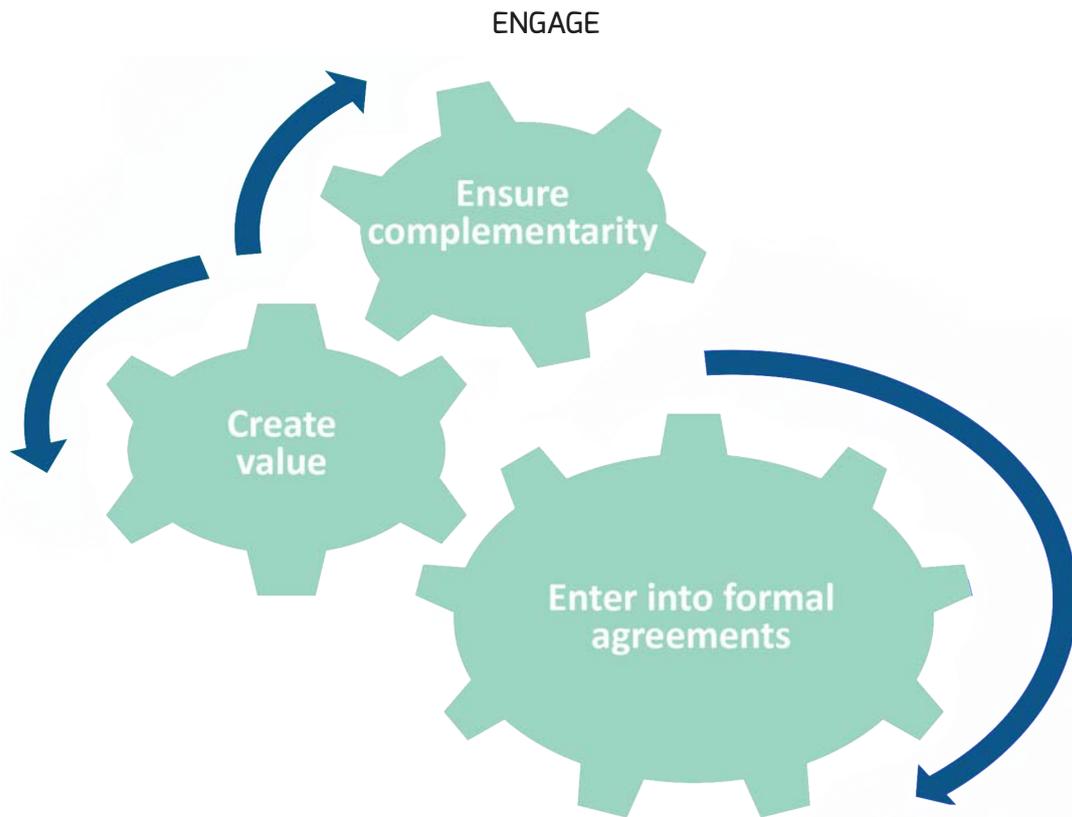
ECPAT Indonesia always starts its advocacy engagement with the private sector by holding meetings with owners, general managers, and key decision makers to establish contact, to build trust and to lay the foundations for a mutual understanding of values and strategies.

- o You will need to convince your potential partners that they have a responsibility to take action, and that doing so will generate tangible benefits for them. Present win-win situations.
- o Demonstrate how SEC in the context of travel and tourism and the extractive industry is presented, and what the consequences are for the industry in terms of reputation, decrease in occupation rate, association with crime, decrease in security and long-term economic losses.
- o Collect practical, inspiring examples from other companies.

1.3 CLARIFY YOUR PURPOSE

- Establish what you are trying to achieve through the potential partnership, including clear objectives and measurable goals.
- Define your role and position in the partnership, in line with the objectives of the partnership.
- Prepare a common purpose statement and discuss the levels of engagement that are necessary. Make sure that needs, resources, and responsibilities are clearly stated and allocated on each side.

2. Engaging the private sector



2.1 ENSURE COMPLEMENTARITY; AVOID CONFLICT WITH THE CORPORATE MISSION, STRATEGY AND VALUES

- Make sure you and your potential partner understand each others' business and activities.
- Learn about the mission, strategies and values of your partner.
- Find areas of alignment: what are the areas of current and potential overlap? What are practical tools to engage in child protection?

Fundación Renacer/ECPAT Colombia developed a protective environment for children in relation to SEC in the context of travel and tourism, through dialogue between different actors, in several steps.

The implementation began by approaching different actors individually to raise awareness: these included public authorities, private companies' associations, hotel association, communities, families and children. A second step was to create awareness by approaching groups of people in schools and parents' associations, and among leaders of the communities where the victims come from.

The third step was to facilitate a dialogue between the different actors, with the purpose of establishing joint measures to protect children. These measures were part of an action plan linked to a social mobilization strategy. The action plan was designed jointly so that the partners felt ownership of the fight against SEC.

2.2 CREATE VALUE

- o Think about and discuss the resources that can be mobilised and combined to generate benefits for each partner. What are the benefits for each, and what is the value for society? Benefits and value, do not have to be financial, for example, having a good feeling about taking action and making a difference.
- o Keep in mind that actions related to child protection and sustainable tourism should be perceived by companies as an investment and not as an expense. Make sure you have concrete answers to the questions: “how much will this cost? How much will this generate?”
- o Be ready to discuss sustainable and responsible tourism, and why this should include child protection and community development. In many countries, social responsibility is perceived as being limited to supporting social causes and a company’s environmental impact, and does not fully address social impact. You will need to advocate for child protection being included in a company’s core activities which in turn generates value for a business.

ECPAT has developed the following business case for children’s rights, demonstrating that sexual exploitation of children poses a risk to business and that adopting a sustainable business model is a strategic investment⁵. ECPAT argues that by implementing CSR approaches focused on children’s rights, companies are in a better position to:

1. Protect their economic interest and reputation, and to show goodwill.

Negative publicity can harm business. The private sector should be encouraged to report suspicion of cases of sexual exploitation of children to law enforcement agencies, and relevant organizations that can provide help and support to children and their families, and to share positive stories with the media, such as when sexual exploitation of a child was prevented thanks to their interventions.

2. Ensure compliance with national and international laws.

Protecting children can help guard a business against potential legal repercussions. Businesses have much to lose from being involved or associated with lawsuits.

3. Broaden their customer base.

There is an increasing demand for sustainable travel and tourism. Research shows that many tourists will choose not to go to a destination that has the reputation of being tainted by SEC. Sustainable tourism can generate substantial profit and improve business relationships with external stakeholders including customers and children.

4. Help attract and retain employees.

Many employees prefer responsible brands, and the feeling of contributing to a valuable cause can generate pride and loyalty towards a company.

Based on this protocol, each organization can adapt these steps to its own context.

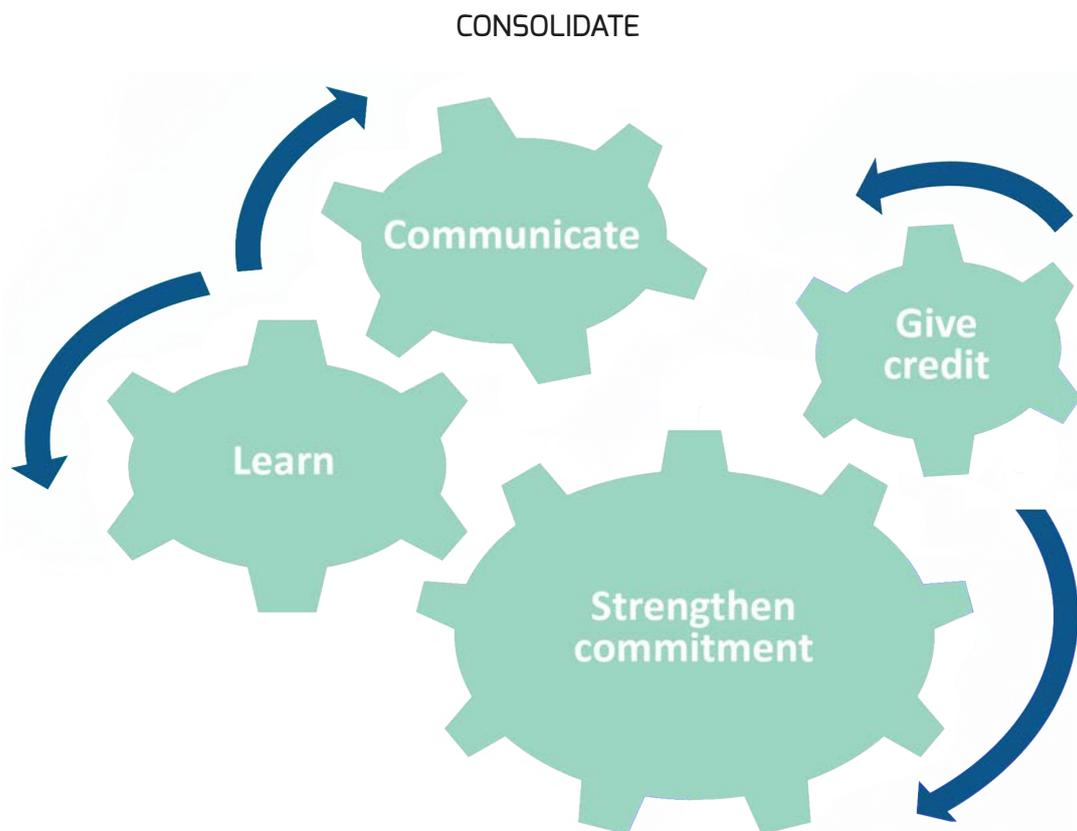
2.3 CONSIDER A FORMAL AGREEMENT

- o There are many ways to formalise an agreement: a Contract signed by all parties, a Memorandum of Understanding, a Letter of Support from the company or statement of joint mission, etc. This can help with communicating about your partnership, and managing goals and expectations.

The Code is one of the mechanisms to formalise agreements with private sector organizations, with the support of Local Code Representatives.

⁵ ECPAT international Background paper: working with the private sector (2018)

3. Consolidation of the partnership



3.1 COMMUNICATE

- o Good communication between partners is a solid foundation for any partnership, and is always based on trust.
- o Keep a record of agreements, progress and learning for the sake of reference, but also for the purpose of learning.

In Peru, ICCO partner Capital Humano Social (CHS), created a guide: “Prevention of SEC in Travel and Tourism”. The guide is distributed amongst tourism operators as well as regional and local governments. They also produced a YouTube video, “Mi amigo Mike”, and disseminated awareness materials and stickers for hotels to show their position on Sexual Exploitation of Children.

- o Communicate to the world about your collaboration and progress.
- o Share positive stories, such as when sexual exploitation of a child was prevented, with the media.

3.2 CONTINUOUS LEARNING

- o Learning enables improvement: make sure to assess learning routinely, and to incorporate learning into all collaborations.
- o Focus on what you can actually do together, do it and refine the actions based upon real experience.

In the Philippines, the Terre des Hommes partner the Bidlisiw Foundation, was looking for ways to engage the private sector to create job opportunities that would be a real alternative to commercial sex. At first they engaged companies directly to provide job opportunities. When they realised that their clients (children and family members) had difficulties sustaining their jobs, they put in place systems and procedures, as well as regular coordination to sustain the initiative. This finally led to the formalization of the engagement. Through consultative dialogues with company owners, Bidlisiw learned more about the aspirations and limitations of their private sector partners. Together, they assessed gaps in procedures and took measures for improvement, such as the appointment of a focal person for economic reintegration. This also strengthened their mutual commitment and led to a division of roles and responsibilities that suited both partners. In future, Bidlisiw will focus on skills acquisition that addresses the need of the company to ensure that referrals will be accepted for employment. Bidlisiw will also institutionalise its system on skills training, on job training, and on job placement.

- o Joint evaluation of your successes and failures will help you progress in your partnership.

3.3 COMMITMENT TO THE PARTNERSHIP

- o The involvement and commitment of owners and management of the company is crucial. Find out what the organisational commitment is to the partnership. Are the decision-makers involved?

ECPAT Indonesia identified a need to create value for the private sector. They discovered that companies did not see how a commitment to child protection could bring benefits to their business. To create value, ECPAT Indonesia conducted brainstorming sessions whereby they drafted protection policies and linked these to performance indicators of the companies.

- o If you are working with a division or department in a company, or working on a specific product within a company, find out if the results of the partnership can be replicated, for example to other products or parts of a company.
- o Try to find out if this partnership is a one-off or if there are prospects for long-term engagement. Are there any plans for more investment into the partnership in future?

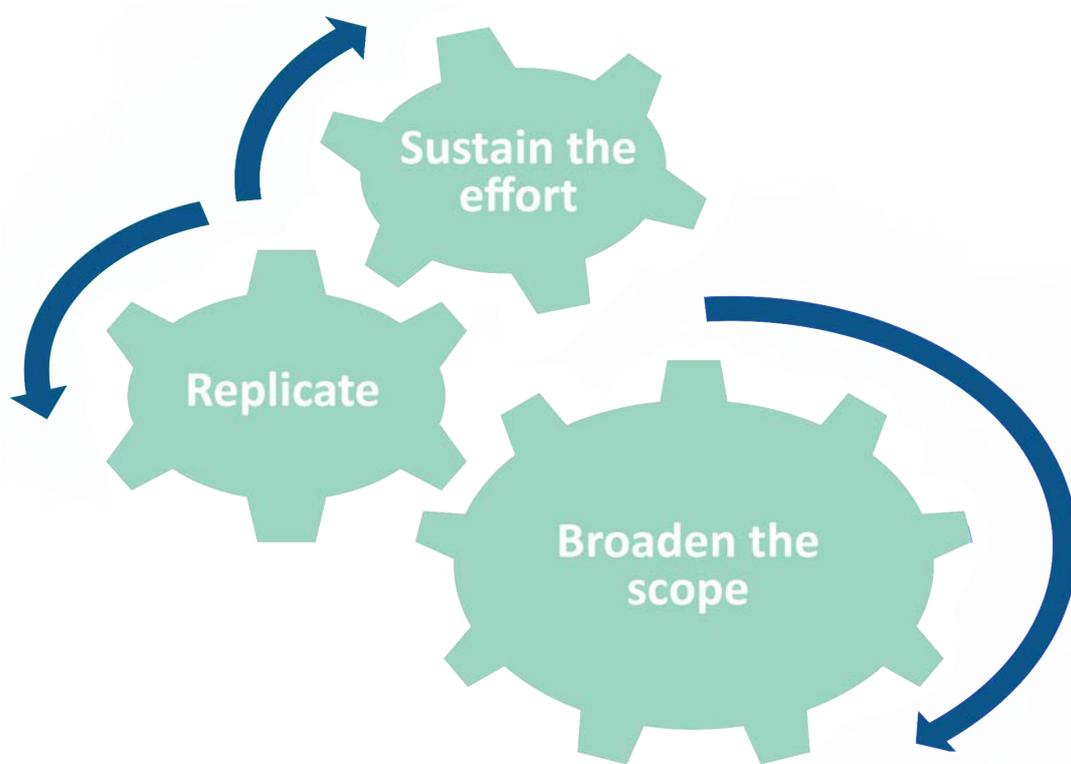
3.4 GIVE CREDIT WHERE IT IS DUE

- o Make the company realise that they matter, and have a crucial role to play in improving the protection and wellbeing of children.
- o Companies will probably enjoy the public recognition and pride that comes with being associated with a good cause.
- o Communicate Success: communicating the accomplishments created by partnerships, can increase the visibility of projects and partnerships, inspire others to get involved, and help partnerships learn from each other.

Many CSOs are active in promoting their partners and The Code members on social media. This is an easy and free way of bringing attention to SEC, and bringing positive public recognition to companies that will encourage their continued support and engagement. Companies can also share this messaging with their many online followers.

4. Sustain and replicate success and learning

SUSTAIN AND REPLICATE



4.1 SUSTAIN THE EFFORT

- Explore possibilities for expanding the impact of and learning from the partnership to the core business of the corporate partner. How could this become part of their standard policies and practices?
- Discuss the possibility of shifting the leadership of the partnership to the business partner or appropriate public institutions, to create ownership and sustain commitment. Consider what this means for your own role in the partnership.

When the ICCO and ECPAT partner, RENACER in Colombia worked on the creation of protective environments, it was crucial to involve the Municipality and the National Tourism Association (COTELCO) in their partnership to broaden the ownership of the strategy. Once these two entities committed to the common cause (protection of children), the implementation of 'The Code' became a joint purpose for everyone involved in the partnership.

RENACER's role then shifted to monitoring progress. They instituted monitoring criteria for the hotels that had acquired "the Code" to hold them accountable to their commitments. This made the processes auditable and generated constant reinforcement and feedback loops. Inspection visits are now carried out at all the private sector actors involved.

- Explore possibilities for financial sustainability of the partnership through funds of the business partner or additional (external) sources.

4.2 REPLICATE

- Explore possibilities for involvement of other branch members, associates or companies in the same sector. These could be members of existing networks, or companies working in the same geographic areas. What would be the advantages and disadvantages of involving them for the business and for Child Protection?
- Discuss roles and responsibilities of partners in replicating or scaling the partnership. Should this be initiated and funded by the CSO or company? What role should the CSO play in informing the new partnership(s)?
- Develop communication tools about the successes and challenges of this partnership. Document learning for new members that can help them replicate the successes.

4.3 BROADEN THE SCOPE

- Some partnerships include other types of stakeholders from the start, such as the local police force, the municipality, schools, etc. If the partnership has so far been limited to your CSO and a business partner, consider involving other stakeholders. A good starting point is a stakeholder analysis.

Fundación Munasim Kullakita, a partner of ICCO in Bolivia, believes that the work that has been carried out with the community has been essential for the prevention of SEC, and the rehabilitation of children and adolescents who are victims of SEC or children who are at risk. "When we speak of community, we refer to a multi-actor/multi-stakeholder partnership in which the municipality, the police, the formal private sector, informal commerce, associations of producers and trade unionists, local councils, small and medium enterprises, religious institutions, educational units, foundations, NGOs, health centres, and markets are involved. You cannot perform in isolation; work in a network is essential since the synergies allow results of greater impact and sustainability to be achieved."

- Agree, which stakeholders should be invited to join the partnership, for what purpose, and how. Agree who is best placed to invite them in.
- Consider formalising the partnership with all stakeholders. Who should be the chair or leader of the consortium?

Resources

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