AN OVERVIEW

ecpat

CODES OF CONDUCT ON CHILD PROTECTION FOR THE TRAVEL AND TOURISM INDUSTRY IN THE AMERICAS

#TourismFreeFromExploitation

ODES OF

CODES OF CONDUCT ON CHILD PROTECTION FOR THE TRAVEL AND TOURISM INDUSTRY IN THE AMERICAS

This document was developed by ECPAT International together with the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA) to support governments, the private sector and civil society organisations (CSOs) in their engagement to protect children from all forms of sexual exploitation in the context of travel and tourism.

It is a direct response to requests from the region to have an overview on national codes of conduct and the international code, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) in the Americas.

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Websites:

www.ecpat.org www.thecode.org www.protectingchidlrenintourism.org www.downtozeroplatform.com www.facebook.com/GrupodeAccionRegionaldelasAmericas

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1. Background

The Global Study on Sexual Exploitation of Children in Travel and Tourism (SECTT) was the first ever consolidated effort to understand the global nature and scope of this critical issue.¹ This series of studies is the most comprehensive picture to date of this crime and includes input from 67 partners around the world, as well as contributions from experts and children themselves. It yielded detailed accounts of the situation in every region of the world and an ever-expanding list of countries.

The Global Study brought this gross violation of children's rights into the light and set out recommendations that require concerted action from international and regional intergovernmental bodies, national governments, non-governmental organisations (NGOs), and importantly, the private sector- including the travel, tourism and transportation sectors, the ICT industry and companies whose staff members travel for business.

The Global Study emphasises that companies active in sectors that play a role in preventing SECTT are in a unique position: they can have a direct impact on protecting children from this crime. They cannot be passive bystanders but should instead be actively involved in the protection of children's rights. The study specifically recommended that governments:

- Adopt mandatory policies to protect children in new public or private tourism developments, including the obligation to conduct thorough human rights impact assessments
- Establish government-regulated child protection standards for the tourism industry
- Ensure that the presence of volunteers in institutions or activities where children are present is closely regulated through, for example, international police clearances and codes of conduct.

In addition, it offered several recommendations for the travel and tourism industry industry as well as the ICT industry and companies whose staff members travel for business.² The study recommended that travel, tourism and transportation companies, spanning both the public and private sectors:

- Sign the United Nations World Tourism Organization (UNWTO) Code of Ethics
- Sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code)³ or- at a minimum - adopt and enforce explicit corporate policies against SECTT and prioritise training on SECTT prevention and response for travel and tourism professionals
- Seek to ensure that small and medium-sized firms and the informal travel and tourism sector are aware of the issue and adhere to a code of conduct to prevent SECTT
- Raise awareness about SECTT among travellers and tourists
- Cooperate with, and report to, law enforcement

¹ ECPAT International and Defence for Children/ECPAT Netherlands (2016). Offenders on the Move.

² ECPAT International. (2016). Recommendations from the Global Study on Sexual Exploitation of Children in Travel and Tourism.

³ The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code).

Since the publication of the Global Study, a number of key events have taken place. In June 2018, ECPAT International together with several partners, organised the first International Summit on Child Protection in Travel and Tourism that was hosted by the Colombian Government in Bogotá to to capitalise on progress made.⁴

The Bogotá Summit Manifesto was published by the Government of Colombia and the Governments of Brazil, Guatemala, Honduras, Mexico, Nicaragua, Paraguay and Uruguay⁵, outlining the need to cooperate with and involve the private sector in child protection efforts.⁶

On 11 September 2019, during the 23rd UNWTO General Assembly, the United Nations World Tourism Organization (UNWTO) adopted the Framework Convention on Tourism Ethics. This important development, which is part of the organisation's efforts to make global tourism more ethical, resulted from UNWTO's conversion of the Global Code of Ethics into an instrument, which is binding for signatory governments. The adoption of the new Convention is consistent with the first recommendation of the Global Study, which was "for the UNWTO to advocate for the conversion of the Code of Ethics for Tourism into an international convention and its ratification by states" and marks a milestone at a time when children are increasingly vulnerable to sexual exploitation in the context of growing travel and tourism.

The Convention refers to a range of stakeholders in tourism development, including public and private institutions such as national and local governments, tourism enterprises, tourism associations and other juridical persons having stakes in tourism development such as NGOs. In addition, it includes individuals who are involved in tourism, including employees and professionals, tourists and excursionists, as well as local populations and host communities.⁷ It adds a new layer of government oversight and reinforces the existing accountability mechanisms by requiring states to take a more proactive role in the protection of children in travel and tourism. Specifically, states parties are required to: 1

Formulate policies that are consistent with the principles of the Convention.

Encourage tourism enterprises and bodies to reflect those principles in their contractual instrument; and

3

Periodically submit a report to the World Committee on Tourism Ethics concerning the compliance with these obligations.



These new requirements create opportunities for engagement on the part of government, civil society and the private sector and strengthen child protection mechanisms in the context of travel and tourism.

The Convention opened for signatures by states on 16th October 2019.⁸ As of November 2020, the Convention has not yet entered into force, as it has not yet been ratified by ten countries. On 2 October 2020, the Republic of Indones became the first signatory of the Framework Convention on Tourism Ethics.

⁴ The International Summit on Child Protection in Travel and Tourism (2018). Declaration and Call for Action for the Protection of Children in Travel and Tourism.

⁵ The International Summit on Child Protection in Travel and Tourism (2018). Manifesto for the Protection of Children in Travel and Tourism.

⁶ The International Summit on Child Protection in Travel and Tourism (2018). Report.

⁷ Convention On Tourism Ethics -FAQ.

⁸ UNWTO. (2019). Convention on Tourism Ethics. A/RES/722(XXIII) adopted during 23rd General Assembly, September 2019.

2. Objectives and scope

ECPAT International has been tracking progress in the implementation of the Global Study recommendations and the commitments made during the first International Summit on Child Protection in Travel and Tourism. To this end, it performed a review and analysis of existing national codes of

conduct to protect children in travel and tourism among 15 National Tourism Administrations that are currently part of GARA, namely from: (1) Argentina, (2) Bolivia, (3) Brazil, (4) Chile, (5) Colombia, (6) Costa Rica, (7) Ecuador, (8) El Salvador, (9) Guatemala, (10) Honduras, (11) Mexico, (12) Nicaragua, (13) Paraguay, (14) Perú and (15) Uruguay⁹ and their relation to the Code of Conduct for the Protection of Children From Sexual Exploitation in Travel and Tourism (The Code).¹⁰



⁹ Note that Guyana recently joined GARA and has started to develop its own code.

¹⁰ The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code).

3. Methodology

ECPAT International prepared questionnaires and sent them to respondents from the participating Tourism Administrations through GARA. These questionnaires were designed to provide an overview, of the development and functioning of national codes in each of the GARA countries.¹¹

The questionnaires were divided into the following sections:

The information analysed and presented in this report is based on the responses provided by 12 of the 15 GARA countries. Thus, the National Tourism Administrations participating in the report correspond to the following countries: (1) Argentina, (2) Brazil, (3) Chile, (4) Costa Rica, (5) Ecuador, (6) Guatemala, (7) Honduras, (8) Mexico, (9) Nicaragua, (10) Peru, (11) El Salvador and (12) Uruguay. The contributions made by the members of the ECPAT network, in their role as Local Code Representatives (LCRs) of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) were also incorporated in order to complement the report with information also from Bolivia, Colombia and Paraguay.



11 Please see Annex 1 for the full template questionnaire.

4. What are codes of conduct and why are they important?

In this report, "codes of conduct" refer to both voluntary and binding codes of practice that influence, shape, control or set standards for behavior on the part of all actors in the travel and tourism sector. The report includes an analysis of both national codes of conduct for the protection of children in travel and tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) and explains their functioning at both international and national levels.

The purpose of an industry code is to ensure widespread compliance with an agreed upon set of objectives that benefit a wide range of stakeholders which may include workers, employers, consumers and communities including children. These objectives usually revolve around wanting to do the "right thing", having a competitive edge, enhancing consumer confidence by signalling to consumers that the organisation's product, service or activity meets certain standards and mitigating the potential risks of offenders using travel and tourism infrastructure for criminal purposes. Some codes across other industries have become so entrenched in culture that consumers may not even recognise them as such. For example, the care tags on clothing are part of a familiar standard adopted voluntarily by the garment industry.

Codes of conduct may go by several names, including codes of practice, voluntary initiatives, guidelines and non-regulatory agreements. No matter what they are called, they share a number of features. These are listed in the following section, with examples drawn from child protection codes for the travel and tourism industry.¹²

4.1 Features of codes of conduct

FORM - codes of conduct may consist of several documents, including a general statement of principles and obligations, as well as technical agreements pertaining to specific operational aspects such as reporting requirements.

BEHAVIOR AND STANDARDS - codes of conduct are designed to influence, shape, dictate, control or benchmark behaviour towards one or more standard(s). Codes of conduct for the protection of children aim to standardise behaviour so that all individuals working for or with the travel and tourism industry know how to identify and report instances or suspicions of child sexual exploitation.

BINDING OR VOLUNTARY - Codes of conduct can be either "non-binding", meaning that they are self-imposed, and not obligatory or "legally binding" for signatories. Sometimes, adherence to a code is a requirement for companies that want to obtain a license to operate. Those that fail to comply may face consequences such as administrative sanctions. This is the case for Peru and other countries (see section 5.3 for more detail).

Even when codes are voluntary and do not have legislatively required commitments, companies still operate within a legal environment that includes consumer, competition, health and safety, labour and environmental legislation and regulations, and criminal, contract and tort/personal injuries law.

12 Government of Canada. (2010). Voluntary Codes Guide – What is a Voluntary Code.

Sometimes codes of conduct supplement existing legislation. As an illustration, most countries have adopted national laws that criminalise the abuse and exploitation of children; codes of conduct for the travel and tourism sector can supplement this legislation by involving key stakeholders in the detection and reporting of related crimes.

In some cases, failure to adhere to the terms of voluntary codes of conduct may have legal implications, including regulatory or civil liability. For example, companies found in breach of a code of conduct may be fined or have their license revoked. Codes of conduct may also be raised in prosecution or litigation, for example, an individual or organisation may use it to prove or refute due diligence or establish reasonable care or negligence.

ONE OR MORE INDIVIDUALS AND/OR

ORGANISATIONS - agree to them or are bound by them. A code of conduct can apply to a single company, several companies or organisations, an entire sector or many sectors. For example, The Code welcomes membership from all companies in the travel and tourism industry including companies with employees who travel. Local Code Representatives (LCRs) are typically ECPAT members that possess strong expertise in child protection and experience working with the private sector. They support the travel and tourism industry, as well as their respective governments in the implementation of The Code at national and local levels.

NATIONAL, REGIONAL OR

INTERNATIONAL - a code can vary in scope. In some instances, it can be local and target a defined geographical area. In Argentina,, the tourism secretary of the resort town of Ushuaia has adhered to the national code and also adopted a local code based on the same requirements. In Brazil, the state of Rio Grande do Norte launched its own code in 2001 to address an increase in tourism activity and reported cases of sexual exploitation of children in the area.

ADAPTABILITY - codes of conduct are flexible instruments that can be refined and improved over time. As an example, the UNWTO Global Code of Ethics for Tourism was adopted in 1999 by the General Assembly of the World Tourism Organization and acknowledged by the United Nations two years later. This encouraged UNWTO to promote follow-up of its provisions.¹³ In 2011, the UNWTO formulated the Global Code of Ethics for Tourism, for the signature of private enterprises worldwide. In signing the commitment, companies pledge to uphold, promote and implement the values of responsible and sustainable tourism development championed by the UNWTO Code. They further committed to report on their implementation of the Code's principles in their corporate governance to the World Committee on Tourism Ethics. Four years later in 2015, the World Committee on Tourism Ethics submitted a proposal to the UNTWO General Assembly to convert the Global Code of Ethics for Tourism into an international convention to reinforce its effectiveness. The Framework Convention on Tourism Ethics was adopted by the UNWTO General Assembly in 2019.14

¹³ UNWTO. (1999). Global Code of Ethics for Tourism. A/RES/56/212 adopted on 21 December 2001.

¹⁴ UNWTO. (2019). Convention on Tourism Ethics. A/RES/722(XXIII) adopted during 23rd General Assembly, September 2019.

4.2 Benefits of codes of conduct

The adoption of codes of conduct for the protection of children in travel and tourism can have a positive impact on a variety of stakeholders including governments, the private sector, local communities, children and the public at large. Below are examples of such benefits.

BENEFITS OF CHILD PROTECTION CODES OF CONDUCT FOR THE TRAVEL AND TOURISM INDUSTRY		
For the Public, Employees, Clients and Children	For Companies	For Government
Discourage behaviors or activities that harm children and promote protective behaviour.	Contribute to a positive image of social responsibility, quality and security.	Further public policy objectives through non-regulatory or regulatory means.
Stimulate public participation and engagement in the development and implementation of child protection codes.	Mitigate the risk of being associated with criminal activity.	Complement or expand traditional regulatory regimes.
Facilitate informed interactions between code signatories and the public about important but delicate matters that, in turn,	Increase competitiveness and employee retention.	Assist in establishing the appropriate legal standard of care for an activity.
can advance public confidence to report and help safeguard the public interest and rights of all children.	Help position the company's image and good reputation as well as that of its community and government.	Go beyond the minimum standards set in law.
Provide a safer environment for children through stronger prevention and protection mechanisms against sexual	Stimulate more efficient, effective operations that minimise negative social, environmental and economic	Set and adjust standards more quickly and affordably than laws and regulations.
exploitation.	impacts. Help expand best management practices within an industry and provide feedback on consumer	Help meet international legal standards (e.g. UNWTO convention, Lanzarote convention).
	preferences and other market intelligence.	Develop responsible and sustainable destinations that attract quality tourism
	Complement or comply with existing laws, thereby improving relations with government agencies and regulatory bodies.	that respects local communities.

The next section discusses key features of the national codes that were reviewed for this report, as well as the international code (The Code), highlighting their strengths and suggesting areas for improvement.

5. Overview and discussion of national codes in GARA countries

5.1 Geographical reach and perspectives

In the Americas¹⁵, substantial progress has been achieved in the adoption of national codes of conduct to better protect children from sexual exploitation particulary in travel and tourism. Ten of the 12 National Tourism Administrations that responded to the questionnaire declared having a national code of conduct that specifically addresses the sexual exploitation of children and adolescents in travel and tourism. Colombia, Bolivia and Paraguay also implement the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) and/or national codes for child protection in travel and tourism, that were included in this analysis. Others, as in the case of Ecuador, are currently working together with ECPAT International to develop and implement a code of conduct along with its protocols of a voluntary nature for establishments that provide tourism services. While some countries already have many years of implementation, others like Brazil are at their early stages; and Guyana has just started the process.

Country	National Code	LCR	National code in development
1. Argentina	✓	No (but there is an ECPAT member CASACID)	
2. Bolivia	\checkmark	✓	
3. Brazil	✓	✓	
4. Chile	\checkmark	No (but there are ECPAT members ONG Raices y Paicabi)	
5. Colombia	~	\checkmark	
6. Costa Rica	✓	✓	
7. Ecuador	No	✓	✓
8. El Salvador	No	No	
9. Guatemala	\checkmark	No (but there is ECPAT Guatemala)	
10. Guyana	No	No	\checkmark
11. Honduras	✓	No	
12. Mexico	✓	✓	
13. Nicaragua	√	No (but there are ECPAT members TESIS and Casa Alianza)	
14. Paraguay	No	✓	
15. Peru	~	✓	
16. Uruguay	\checkmark	No (but there is an ECPAT member Asociacion Civil Gurises Unidos)	

^{15 &}quot;The Americas" refer in this analysis to the selected countries from Latin and Central Americas.

5.2 Scope of reviewed national codes of conduct

5.2.1 Defining the issue

It is fundamental that a code of conduct provides a clear definition of the issue it purports to address. The following definition of the crime of sexual exploitation of children in travel and tourism (SECTT) was agreed upon by the partners of the Global Study¹⁶ and in the declaration from the International Summit on Child Protection in Travel and Tourism¹⁷:

SECTT, are acts of sexual exploitation of children embedded in the context of travel, tourism or both. SECTT encompasses a broad spectrum of exploitation, including in prostitution, for the production of online child abuse material and in the sale and trafficking of children in all its forms.

Voluntourism, orphanage tourism and mega sporting events are all examples where offenders can easily access and exploit children. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) requires that all its member companies adhere to a policy that prohibits orphanage voluntourism in their operations, and requires additional actions for any other voluntourism products offered.¹⁸ Children can also be exploited by offenders who travel to organise early and forced marriages, as well as in the context of the worst forms of child labour.¹⁹

All of the national codes in America reviewed as part of this report provide a clear definition of the issue they are tackling. However, none of them specifically address voluntourism.²⁰ Some countries, such as **Argentina** and **Mexico**, also include child labour under the scope of their national code. However, this does not mean that child labour is excluded from other national codes. For example, the **Peruvian** code specifically lists crimes related to the sexual exploitation of children and requires the reporting of any type of suspected criminal activity taking place in the context of travel and tourism, which could include a wide range of offences committed against children.²¹

In terms of participation and membership, The Code is open to a wide variety of stakeholders, "whether [a] company is a tour operator, hotel, travel agency, airline, cruise ship or a company that travels for business."²² All of the reviewed national codes follow this inclusive approach, and most spell out the full list of stakeholders falling under their scope. No code specifically excludes any type of company; to the contrary all respondents have highlighted their comprehensive scope.

For example:

- The **Colombian code** is mandatory for all tourism service providers who to operate legally must be registered in the National Registry of Tourism (RNT in Spanish). For this purpose, they must adhere to and implement actions stipulated within the code and evidence them in line with the guidelines of the Technical Sectoral Standards for Sustainable Tourism (NTS- TS 001-007). Compliance with these standards is mandatory for the renewal of the RNT, which is annual. Therefore, it is inferred that all tourism service providers with active RNT number are signatories to this National Code of Conduct.
- The **Costa Rican code** covers accommodation, travel agencies, marine tour operators, vehicle rental companies, restaurants, sectoral organisations, theme parks and transport companies, among others²³.
- The respondent from **Guatemala** indicated that state recreational centres and resorts, the association of taxi drivers and the Guatemala Airline Association, AGLA, adhered to the national code among others.

¹⁶ For the full list of the partners of the Global Study, see here (pages 6-7) and here.

¹⁷ The International Summit on Child Protection in Travel and Tourism (2018). Declaration and Call for Action for the Protection of Children in Travel and Tourism.

¹⁸ The Code. (n.d.). Policy on voluntourism and orphanage tourism.

¹⁹ International Labour Organization (ILO). (1999). C182 - Worst Forms of Child Labour Convention. Geneva: ILO.

²⁰ Guatemala reported that they are currently working on a strategy to address this issue.

²¹ Whilst child labour takes many different forms, a priority is to eliminate without delay the worst forms of child labour as defined by the ILO Convention No. 182: "these include all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances".

²² The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code).

²³ Instituto Costarricense de Turismo, Código de conducta para la protección de niñas, niños y adolescentes contra la explotación sexual comercial asociada a viajes y turismo.

- In Nicaragua²⁴ the code covers, among others, accommodation providers, food and beverage services, entertainment and night clubs, domestic and international tourism, transportation services, tour guides, vehicle rental companies, all companies related to cultural recreation, sports, ecotourism and those determined by INTUR.
- The code of conduct in **Mexico** can be adopted by any branch or type of tourist activity and any micro, small, medium or large company can implement it.
- **Peru** defines who qualifies as a tourism service provider in an annex to its General Law on Tourism.²⁵ It includes accommodation providers, travel and tourism agencies, travel and tourism operators, tour guides, restaurants, event organisers, travel counsellors, transportation services, health and thermal tourism providers adventure tourism services, ecotourism and casinos.
- In the case of **Chile**, in 2019, a pilot project was carried out to review an initiative created by several tourism service providers who were first trained on child protection. On 2020, by the Resolution No. 263 of the National Tourism Service and the approval of the Subsecreteriat of Tourism, SERNATUR, the code of conduct was approved. It requires all tourism service providers to incorporate measures to prevent the sexual exploitation of children.

As the Bogota Manifesto for the protection of children in travel and tourism outlines:

While it is important to include large companies, efforts must be done to include small and medium-sized enterprises and establishments, as well as the various branches that conform the tourism industry - such as land, air and maritime transport, the food and beverage sector, travel agencies and recreational facilities, among others. This will lead to an enhanced cross sector and multi-stakeholder action across the entire industry supply chain, strengthening the protection of children against sexual exploitation.²⁶

In developing their codes, countries should therefore ensure that their scope is broad enough to include all of the above.

5.2.2 Membership

In terms of reach, not all countries were able to report data on the number of their national codes signatories. The table below summarises data provided by respondents and is organised in chronological order.

	COUNTRY	NUMBER OF SIGNATORIES ²⁷	YEAR ADOPTED
1.	Costa Rica	445 companies	2003
2.	Honduras	230 companies	2005
3.	Argentina	76 public organisations, and private companies	2009
4.	Colombia	All providers of tourist services with the RNT	2009
5.	Nicaragua	6,342 companies	2010
6.	Mexico	2000 + companies	2015 (updated)
7.	Uruguay	2,500 companies	2013
8.	Chile	16 companies	2020 (June)
9.	Peru	7295 tourism service providers	2020 (August)
10.	Brazil	Unknown	2019
11.	Guatemala	1019 companies 1779 individuals	2019
12.	Ecuador	N/A	Not yet adopted
13.	Paraguay	Unknown	N/A

²⁴ The President of the Republic of Nicaragua (2004), General Tourism Law No. 495. The code applies to companies providing tourist services, specified in the article 57. The code as such was not created under any particular law, but was approved by a resolution under the provisions of Law 495, in its article 71.

²⁵ The President of the Republic of Perú (2009), General Tourism Law No 29408. The law, in its article 27 refers to any natural or legal persons that participates in tourism or is a provider of tourist services, including restaurants and others.

²⁶ GARA, the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (2018), The Bogota Manifesto for the protection of children in travel and tourism.

²⁷ As of June 2020.

5.3 Voluntary or binding?

On their own, voluntary approaches are necessary, but may be insufficient to mitigate the potential impacts that non-compliance can have on victims of sexual exploitation of children in travel and tourism. The implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) and national codes, although successful in some countries, is still a challenge in others as their voluntary and nonenforceable nature can result in a lack of commitment, as well as misuse by companies that seek to project a socially responsible image – and enjoy the benefits to their brand – without actually fulfilling the criteria. This risk is similar to greenwashing, a practice of making unsubstantiated or misleading claims about the environmental benefits of a product, service, technology or company practice to appear more environmentally friendly than it really is.

In the case of The Code, the risk was higher when companies were able to be signatories only. At that time, with over 1,000 signatory companies, it was challenging to keep track of implementation. A few years ago, the structure was changed and companies are only recognised as members after payment and demonstration of their intention to implement the six criteria, and recognised as Top Members once they have comprehensively fulfilled all of the six criteria. In this process, they are closely supported by ECPAT members, through Local Code Representatives (LCRs). Currently, there are about 350 members in over 50 countries. LCRs and The Code Secretariat hosted by ECPAT International in Bangkok monitor the fulfillment of the criteria based on annual reports. Compliance with the six criteria of The Code, including annual reporting is mandatory, with the potential sanction of suspended membership in the event of noncompliance. However, full control is difficult, therefore, The Code relies on the reports of the interested parties themselves (including contributions from LCRs) as a method of self-evaluation, being in no case a certification or audit mechanism.

In the Americas, the surveyed countries have adopted both voluntary and mandatory national codes of conduct. Voluntary codes may be completely optional, meaning that it is up to companies to decide if they want to join. Such codes may contain incentives for companies to adhere, such as seals of recognition or other type of governmental endorsement which may enhance their brands. On the other end of the spectrum, mandatory codes can impose penalties on non-compliant companies with sanctions going as far as withholding a license of operation or closing a business altogether. The table below provides an overview of countries with voluntary national codes and those that have taken a stricter approach.

	VOLUNTARY CODES
Argentina	While the code is not compulsory at a national level, the city of Buenos Aires has adopted an ordinance on local tourism requiring companies in the city to join the Global Code of Ethics for Tourism and the national code of conduct.
Brazil	Currently, the code is voluntary, but government may make it binding in future. ²⁸ Signatory companies receive a seal of recognition from the Ministry of Tourism, which can be used in their promotional materials and facilities. ²⁹ As is the case in many other countries, the seal is valid for a period of two years, after which companies wishing to renew it must show proof of compliance with the code.
Chile	Adherence to the code in Chile is voluntary and open to all tourism service providers interested in implementing its requirements. To become a member of the national code, the company must: sign the Letter of Adherence; unequivocally declare that the establishment has a zero tolerance policy against the sexual exploitation of children; implement an internal protocol to prevent, identify and act in case any suspicious situation of SECTT is observed; participate in training; introduce clauses in contracts with other tourism service providers and one year after joining the code of conduct all companies must submit a report that reflects the degree of compliance with the commitments adopted.

²⁸ Based on answers received in questionnaire.

²⁹ The respondents expressed that while the recently adopted national code is not binding, it may become so in the future as politics evolve and it becomes possible to require companies to intensify their commitment to child protection.

	VOLUNTARY CODES
Costa Rica	While signing the national code is a voluntary gesture, companies wishing to obtain a Certification of Sustainable Tourism from the Costa Rican Institute of Tourism must sign it. As part of the process, companies must enter into a contract with the Costa Rica Institute of Tourism (ICT) outlining all the commitments required by the code.
	The commitments include:
	1 - A document of commitment from the company management
	2 - Zero tolerance policy towards SECTT
	3 - Training of 100% of stakeholderssta
	4 - Signature of the Contract
	5 - Annual Compliance Report
Guatemala	The code is a voluntary instrument. It does not sanction the failure to comply with its provisions. It does, however, mention the relevant law against sexual violence and trafficking in persons (Decree 9-2009) which addresses sexual exploitation in travel and tourism, and does mention the applicable penalties and fines. Crimes that are committed by legal entities, may lead to the suspension of commercial activities.
Honduras	The code is voluntary and there are no sanctions for failure to comply with its requirements.
Mexico	The SECTUR grants an Official Recognition to the establishments that adopt the Code of Conduct, once they are accredited online and once they evidence the implementation of the six criteria of the code.

	MANDATORY CODES
Colombia	Pursuant to law 1336 and resolution 3840 adopted in 2009, all tourism service providers must adopt and fulfill the requirements of the national code in order to obtain a license to operate ³⁰ .
Nicaragua	Since 2012, tourism companies must sign the code in order to obtain a license to operate and register with the Nicaraguan Institute of Tourism (INTUR). Also, the <i>General Law</i> <i>on Tourism</i> punishes anyone who promotes, contributes, or coordinates activities of a sexual nature that are punishable by law (such as corruption, prostitution, the procuring of sexual services and human trafficking). The same law provides for administrative sanctions including the revocation of a license by INTUR, the closure of a business and fines.
Peru	All legal representatives of tourism service providers must sign a declaration of adherence to the national code. Those who fail to comply with the code may have their license revoked and their employees may be subject to penal sanctions ³¹ .
Uruguay	The code is mandatory and tourism service providers must adopt a company code of conduct.

There is a strong case to be made for tying adherence to a code of conduct to business incentives for signatories. These may include seals of recognition or other forms of endorsement that are linked to a company's compliance – as opposed to signature only. Equally, it is recommended that in places where a code has already been implemented, governments consider making its adherence a compulsory condition for companies to obtain their license to operate, as is currently the case in Colombia, Nicaragua and Uruguay.

³⁰ Congress of the Republic of Colombia (2009), Law 1336, complementing the law 679 (2001) on fight against sexual exploitation of children.

³¹ For example, in Peru, a Declaration of Compulsory Subscription of the Code of Conduct Against Sexual Exploitation of Children in Travel and Tourism was approved. Ministerial Resolution No. 430-2018-MINCETUR (2018) and its Annex II.

5.4 How are national codes developed and implemented?

5.4.1 National legal frameworks as a basis for developing codes of conduct

While international instruments such as the Convention on the Rights of the Child establish child protection standards that governments must adopt to protect children from sexual exploitation, implementation varies at a country level. Furthermore, there is no specific international obligation for the private sector to develop codes of conduct for child protection. For that reason, it is crucial that governments work together with the private sector and involve them as much as possible as allies in the protection of children.

The existence of clear laws that at the very minimum, define the sexual exploitation of children including provisions on SECTT, while also attributing responsibility for fighting it, are key elements of child protection legal systems.³² Such laws can provide solid ground for the development and adoption of codes of conduct and can also support their application. In addition, criminal legislation plays a central role in deterring and punishing the sexual exploitation of children in travel and tourism. These laws focus on sanctioning offenders, while codes of conduct are more focused on prevention Nevertheless, there are many ways in which national laws interact with national codes of conduct. For example:

- National legislation, resolutions or decrees may establish groups or committees in charge of designing measures to fight child sexual exploitation in travel and tourism and designate responsible actors;
- Awareness raising activities and materials that refer to specific criminal laws and applicable sentences can help deter offenders;

- Laws that punish legal entities for their association with sexual exploitation of children can encourage companies to take preventive measures in order to mitigate risk;
- Legislation forcing tourism service providers to adopt codes of conduct are not the norm, but can be instrumental in securing concrete private sector measures against SECTT.

In their responses to our questionnaire, participating countries have provided several examples of linkages between their codes of conduct and national legal frameworks. In Argentina, Nicaragua and **Paraguay,** there is no specific law which establishes the implementation of national codes the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code), although in Nicaragua, signing the national code is a mandatory requirement for the acquisition or renewal of the license for tourism companies to be able to operate in the country. In other countries, the national codes were established by a resolution, and/or were developed under a plan of action. For example, the Brazilian code was established by a ministerial order and a national plan to fight sexual violence against children. The Honduran code was a product of the implementation of a national work plan to prevent SECTT, and a dedicated committee was created by decree. In **Mexico**, the law against trafficking requires the Secretary of Tourism to establish programs and policies against sexual exploitation of children in travel and tourism and design and implement training and campaigns to prevent this crime.

In **Colombia**, a ministerial resolution was passed in 2009 forcing tourism service providers to adopt a code of conduct. In **Uruguay**, this obligation was established by Decree 398/013.³³ In **Peru**, the code was approved under the framework of Law No 30802, which regulates the entry of children and adolescents in hotels and other accommodations.³⁴ This is very different from **Costa Rica**, where the code was developed as a national strategy by tourism associations and the Paniamor foundation, before becoming a state program. There was never a law requiring tourism service providers to adopt a code; rather the code emerged from solid partnerships

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34 Ministry of Foreign Trade and Tourism, Law No. 30802 establishes conditions for the entry of children to lodging establishments in order to guarantee their protection. It was published in 2018 and ordered that the Ministry of Foreign Trade and Tourism (MINCETUR) approve a Code of Conduct against sexual exploitation of children for travel and tourism service providers. Subsequently, it was approved through the Resolution 430-2018 and made obligatory

³² For example, Congress of the Republic of Peru, Law No. 30963 (2019) that modifies the Peruvian Penal Code provides and sanctions the specific crime of sexual exploitation of children in travel and tourism (SECTT). Specifically: (article 153-H), benefiting from SECTT and promoting and facilitating SECTT (article 181-A) which state as one of their aggravating factors that the author is a promoter, member or representative of a social, tutelary or business organisation, which takes advantage of this condition and carries out activities to perpetrate these crimes, which may include tourism service providers.

³³ The Ministry of Tourism and Sports, Uruguay (2013), Decreto 398/013, establishing the obligation for tourism service providers to collaborate on the prevention of sexual exploitation of children in tourism activities.

established between the travel and tourism industry government and civil society organisations.

While the code in Guatemala is voluntary, it is rooted in the Law against Sexual Violence, Exploitation and Trafficking in Persons and makes reference to the penalties applicable to companies associated with child sexual exploitation.

In **Chile.** the Quality Norms that were developed together with trade associations and various actors, among them NGO Raíces (around 30 organisations) require that all who wish to obtain Tourism Quality Seals³⁵ must implement a policy and train staff in the protection measures and/or policies that the provider has adopted to avoid "the exploitation of human beings, in any of its forms, especially sexual, and in particular when it affects children, including the proper handling of situations of this nature, when they arise in the exercise of their duties". Those who apply for the Tourism Quality Seals are trained in SECTT prevention and have the option of adhering to the national Code of Conduct for the prevention of sexual exploitation of children in the context of travel and tourism, approved on June 16 2020.

5.4.2 Development and responsibility for implementation

A high level of commitment from the government and the private sector, supported by civil society organisations, has been vital in achieving positive outcomes. The Bogota Manifesto recognises the importance of collaboration among various stakeholders, stating:

> "Efforts must be joined among governments, international organisations, unions, tourism service providers and other key actors in the sector to offset the sexual exploitation of children in travel and tourism".

And furthermore:

"efforts involving the private sector must be developed and strengthened, involving them in the design and implementation of policies that prevent the sexual exploitation of children". Among the reviewed countries, national codes of conduct are for the most part developed directly by the National Tourism Administrations, or Ministries of Tourism sometimes in partnership with other ministries, NGOs and/or the private sector.

The new Brazilian code was developed by the Ministry of Tourism (National Secretary for Tourism Development and Competitivity) and the Ministry of Women, Family and Human Rights (Secretary for Children and Adolescent Rights). These ministries are responsible for the dissemination of the code and for developing training. While there has not been involvement from other actors up until now, the ordinance which establishes the code³⁶ provides for the creation of alliances between government and civil society organisations to support implementation.

In **Guatemala**, the code was developed under the MENACESNNA, which is a multistakeholder national working group on SECTT comprised of several entities including government, civil society and the private sector, namely; the Secretariat against Sexual Violence, Exploitation and Trafficking in persons (SVET), the Guatemalan Tourism Institute (INGUAT), the Office of the Attorney General for Human Rights (PDH), the Guatemala Chamber of Tourism (CAMTUR), UNICEF Guatemala, ECPAT Guatemala, the Tourism Security Division (DISETUR), the Hoteliers' Foundation of Guatemala (FUNGUAT), the Guatemalan Convention Bureau and the Association of Small Hoteliers of Guatemala (APEHGUA). The MENACESNNA is responsible for coordinating all government efforts to fight the sexual exploitation of children, with the support of the Guatemala Tourism Institute.

In Argentina, the Ministry of Tourism and Sport has been responsible for implementing and promoting the code since 2008 when it was the Secretariat for Tourism. It signed The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) with the Secretariat of The Code and ECPAT International, to promote this tool in the travel and tourism sector. It was the first time that a state tourism body had taken the initiative to promote The Code worldwide. The Ministry of Tourism and Sport is responsible for its implementation through its responsible tourism and children program. The Department of Ministry of Tourism and Sport coordinates an implementation committee comprised of UNICEF, CASACIND/ECPAT Argentina, and the Women's Association of Tourism Business Executives (AFEET). The Ministry has also formed a technical team made up of the National Secretariat for Children, Adolescents and the Family (SENAF), the Ministry of Labor, Employment and Social Security, the Ministry

³⁵ Quality Norms in Tourism, Chile: NCh2948:2013, Camping o recinto de campamento; NCh3009-2012, Centro de Naturaleza o Lodge; NCh2980-2012, Apart hoteles; NCh2912-2012, Hoteles; NCh3285:2013, Hoteles Boutique; NCh2964:2013, Cabañas; NCh3027:2013, Departamentos turísticos o ejecutivos; NCh3067:2013, Tour Operadores y NCh3068:2013, Agencias de viajes.

³⁶ Ministry of Tourism, Brazil, Interministerial Ordinance No. 272 (2019).

of Justice and Human Rights, and the Executive Committee for the Fight against Trafficking and Exploitation and for the Protection and Assistance to Victims.

In **Honduras**, the code commenced in 2005. It emerged from the implementation of an annual work plan to prevent the sexual exploitation of children and adolescents in travel and tourism. The parties involved were UNICEF, the Honduran Institute of Tourism and the National Chamber of Tourism (CANATURH). Various public and private institutions and NGOs support the implementation of the code – for example, the Interinstitutional Commission against the Sexual Exploitation and Trafficking in Persons of Honduras (CICESCT) which consists of 35 institutions working against this issue.

In Mexico, the national code was launched in 2012 and relaunched in 2015. It was developed by the Ministry of Tourism (SECTUR) with support from other governmental entities, civil society and private companies, to encourage the tourism sector to voluntarily protect children and adolescents from sexual and labour exploitation. The program is operated by the Gender Equality Unit of the Ministry of Tourism which is in charge of promotion and followup. The Secretary of Tourism (SECTUR) trains advisors to support companies in their implementation of the six criteria of the national code. Representatives from various civil society organisations such as Infantia Foundation, Casa de las Mercedes, Pozo de Vida, United contra el Trata have been trained for this purpose.

In **Costa Rica**, the Costa Rican Association of Tourism Operators (ACOT) and the Costa Rican Association of Tourism Professionals (ACOPROT), in partnership with the Paniamor Foundation, adopted the national code of conduct as a national strategy in 2003.³⁷ The Costa Rican Institute of Tourism (ICT) has been implementing the program since 2010. It has since become a Costa Rican state program that is implemented in partnership with the Paniamor Foundation and the National Chamber of Tourism (CANATUR). Other strategic partners include public and private universities, local governments, as well as tourism chambers and associations.

In **Nicaragua**, the national code was developed in 2010 by the Government of Reconciliation and National Unity, under a State policy to protect Nicaraguan children from all forms of child labour, sexual exploitation, trafficking in persons and criminal acts. The Institute of Tourism carried out a pilot project with the private sector and the tourism chambers, with the support of various collaborators. Since 2012, all tourism companies applying for a license of operation must be code signatories. The Direction of Tourism Development manages subscriptions.

In **Peru**, the code became mandatory in 2018, when a law was enacted to control the access of children and adolescents to hotels and other accommodations. This law made signature of the national code mandatory. The new legal framework was discussed with the private and public sectors. The Directorate General of Tourism Development Policies enforces compulsory subscription in the metropolitan Lima area and promotes the dissemination of codes of conduct against sexual exploitation of children. In the regions it is the Directorates of Foreign Trade and Tourism, through the Tourism Directorates who are responsible for the subscription and dissemination of the codes of conduct. The code is implemented by the Ministry of Foreign Trade and Tourism and regional governments.

In **Uruguay,** development began in 1996 following the first Congress on ESCNNA that was held in Stockholm and the subsequent approval of the World Code of Ethics for Tourism in 1999. All actions were carried out in consultation with the private sector. Since 2004, the National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (CONAPEES) has been involved. Since 2007, the Ministry of Tourism has developed a campaign to encourage tour operators to make a commitment not to promote the sexual exploitation of children and adolescents.

5.4.3 Budget and resources

The implementation of a national code requires coordination and collaboration among different stakeholders including governmental agencies, the private sector and civil society in addition to sufficient human and financial resources. When asked about the existence of a budget to support their national codes, the vast majority of countries responded that they do not have one.³⁸ And, many were not able to say exactly what human resources were available to support activities related to their code. Only two countries, Costa Rica and Uruguay, reported a fixed budget allocated to the code, while others mentioned that support in kind was provided by various government officials.

³⁷ International Labour Organization (ILO). (2010). Code of conduct: The contribution of the tourism industry in the fight against the commercial sexual exploitation of children (Costa Rica).

³⁸ When there is no specific budget, resources are part of the total budget of the Unit / Ministry, etc., for all prevention activities.

COUNTRY	IS THERE A BUDGET FOR IMPLEMENTATION? WHAT RESOURCES ARE ALLOCATED?
COSTA RICA	The Institute of Tourism (ICT) has an annual budget of 35,600,000 colones (approximately \$62,500 USD). Most of these funds are disbursed on a monthly basis to the Paniamor Foundation to support its technical secretariat function; the balance goes to fund in-country travel, workshops and awareness raising, yearly events and the printing and binding of materials, among others. At a central level, there are two designated collaborators within the ICT; and at regional level there are seven designated managers in addition to one manager from the Paniamor Foundation.
PERU	In 2019, approximately \$58,000 USD was assigned for the prevention of the sexual exploitation of children, contributing to the National Policy against Trafficking in Persons (TiP). The budget allocated in 2018 was approximately \$36,000 USD.
URUGUAY	There is a budget of \$18,000 USD per year, which includes support for the campaign "Uruguay País de Buen Trato" and the development of awareness raising materials. There are three dedicated officials who work together with other ministry staff.
COLOMBIA	The Ministry of Commerce, Industry and Tourism, in compliance with the provisions of Law 1336 of 2009 and backed by Law 1101 of 2006 in its article 10 states that: "The Fund will also aim to finance the implementation of prevention policies and campaigns to eradicate any forms of tourism associated with the sexual exploitation of children. It will be coordinated by the Ministry of Commerce, Industry and Tourism together with the Colombian Institute of Family Welfare. A percentage of the resources of the Tourism Promotion Fund will be defined annually by the Board of Directors, and the total amount of fines imposed on tourism service providers in execution of Law 679 of 2001, will be used for this purpose. The government will regulate the matter accordingly". The institution allocates resources annually for the implementation of prevention campaigns and strategies to end the sexual exploitation of children in the context of travel and tourism.
HONDURAS	The Institute of Tourism allocates funds to discussions about prevention and to support international and national campaigns. Funds are also allocated to allow staff to attend training or participate in relevant events. The National Chamber of Tourism (CANATURH) has assigned one specialist to the code. Within the Honduran Institute of Tourism, there are staff who work directly on coordination. There are also specialists who contribute from the Planning and Marketing Management units.
MEXICO	There is an allocated budget to promote equality between women and men of which a part is exercised to promote the National Code of Conduct for child protection in the travel and tourism sector, the annual budget is approximately of \$28,000 USD.
NICARAGUA	At a central level, the Directorate of Tourism Development through the Department of National Registry and Quality Management, has three people assigned at a central level to the implementation of the code. At the territory level, there are 17 departmental delegations and five sub-delegations in charge of supporting the subscriptions to the code. An estimated budget for the annual costs of the registration and renewal of licenses, as part of the national code of conduct is \$25,000 USD.
ARGENTINA	There is no specific budget. The project is coordinated by a specialist that works as part of a technical team at the Tourism Promotion Secretariat of the Ministry of Tourism and Sports; the Ministry provides technical support.
BRAZIL	There is no budget. Respondents noted that there are too few public servants within the Ministry of Tourism who are available to promote the code. They mentioned the existence of partnerships with civil society as well as other actors to help disseminate the code at national level. One challenge that was noted is that Brazil has 26 states, each with its own Tourism Secretariat and the federal government will have to work with each.

5.5 Coexistence of national codes with The Code

After the first World Congress Against Commercial Sexual Exploitation of Children in 1996, ECPAT Sweden developed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) in partnership with the United Nations World Tourism Organization (UNWTO) and several Swedish tour operators. This initiative then spread worldwide through partnerships with the ECPAT network, UNWTO, and UNICEF. Today, The Code is a multi-stakeholder initiative, with a high level of leadership coming from the travel and tourism industry, and civil society organisations. It is hosted by ECPAT International in Bangkok and since November 2019, is a programme of ECPAT International. Expansion and impact in many countries is driven by partnerships with local NGOs, which are called Local Code Representatives (LCRs). Among the studied countries and members of GARA, eight countries have an LCR: Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Paraguay and Peru. An LCR operates in the Dominican Republic, even though the country is not yet part of GARA. In other countries, there are ECPAT members that cooperate with government and the private sector, although may not yet have an official role as an LCR, as for example in Argentina, Chile, Nicaragua and Uruguay.³⁹

The Code has six requirements, as seen below.⁴⁰

2 Train employees

exploitation of children

The Code, or highlighted the importance of having support from The Code, as an international leader on the issue. The fees associated with membership of The Code were mentioned and contrasted with the fact that adherence to national codes is usually free and therefore this was considered an obstacle to joining. One country noted The Code may be better suited for larger companies who have the capacity to join; whereas the national code would be more appropriate for small and medium-sized companies.⁴¹

For example, the respondent from **Mexico** mentioned that LCR ECPAT Mexico maintains a good relationship with government, allowing them to promote both instruments based on the needs of each company. Establishments may join both the national code and the international code: and when a company is already a member of The Code, this can facilitate their implementation of the national code. Similar models are used in other countries that are members of GARA, where LCRs operate.

Overall, most national codes spell out detailed requirements that complement or sometimes extend beyond The Code. In **Costa Rica** the national code is based on the international Code. The only difference is the fees and that unlike The Code, the national code doesn't offer online training accessible to all staff throughout the year, which is important in light of the high turnover in the travel and tourism industry.

In Paraguay, the Ministry of Tourism (SENATUR) recommends implementation of The Code. The association Luna Nueva (ECPAT Paraguay) supervises

Establish a policy and procedures Provide information to travellers against the sexual exploitation of children on children's rights, the preventions of sexual exploitation of children and how to report suspected cases in childrens rights, the preventions of sexual exploitation and how to report suspected cases Support, collaborated & engage stakeholders in the prevention of sexual exploitation of children Include a clause in contracts through the value chain stating a common **Report annually** repudiation and zero tolerence policy of sexual on implementation of the six criteria

> the application of each of the six criteria of The Code by member companies, and ensures the follow-up and monitoring in cooperation with the secretariat of The Code. In **Guatemala**, the criteria are aligned with those of The Code, with the exception of the obligation to report annually which is absent in the national code. In Argentina, the national code is based on The Code, and its six criteria. In **Honduras**, the situation is similar

All respondents were aware of the existence of The Code and had some knowledge of what it involved Some expressed interest in coordinating activities with

The Code has inspired the development of national codes across the Americas. In fact, most of the reviewed national codes contain criteria that align with those of The Code.

For the full list of ECPAT members see here. 39

Read more about the six criteria of The Code here. 40

⁴¹ The Code yearly membership fee is from 50 euros to 2000 euros depending on a company's annual revenue.

with further difference being that the national code does not spell out a specific obligation to collaborate and engage with stakeholders.

In **Mexico**, the national code has six criteria which are modelled on The Code's. The implementation of the criteria can be evidenced online through a website where travel and tourism business need to submit evidence for each⁴². These criteria are:

- 1. Adoption of a governing document establishing a company's commitment to the Code.
- 2. Raising awareness/training of tourism service providers to strengthen prevention.
- 3. Development of an action protocol to adequately manage risks.
- 4. Networks for collaboration to channel reporting of suspicious cases.
- 5. Informing clients and involve the value chain.
- 6. Reporting annually to SECTUR

In **Peru**, the requirements are similar to those of The Code; however, they are more detailed. As is the case in Brazil and Colombia, the Peruvian code specifically requests accommodation providers to deny access to children and adolescents who are not accompanied by their parents or guardians. And, similar to Brazil and Colombia it also requires them to report any situation linked to sexual exploitation of children which arises in the course of their activities; and to display informational materials.⁴³

Colombia's model code has 12 criteria, double The Code criteria, and provides a useful example for countries wishing to develop their own. The Colombia code enumerates concrete examples of measures that companies can take to further their commitment to protect children and adolescents from sexual exploitation in travel and tourism. The table below compares The Code with Colombia's national code.

Note that while The Code contains positive obligations (i.e. companies must do X, companies must do Y), the Colombian version outlines what companies must refrain from doing. The following table compares The Code to the Colombia Code.⁴⁴

THE CODE	COLOMBIA'S NATIONAL CODE OF CONDUCT
1. Establish a policy and procedures against the sexual exploitation of children	Tourism service providers must adopt a code based on set criteria.
	Companies must protect domestic or foreign children and adolescents from any form of sexual exploitation and violence caused by domestic or foreign tourists (7).

⁴² The Gender Equality Unit reviews and validates the evidence of the implementation of the six criteria by the companies until the first five criteria are met to grant the Official Recognition. This means that the governing document of the company is signed by the highest management and is known to the staff, that at least 80% of the company's personnel is trained in prevention efforts, that an action protocol is generated in each establishment and that the workers are trained, so that they know how to react if faced with suspicious situations, that establishments communicate with institutions and civil society organisations to request support, that the commitment is evident to clients through the dissemination or display of promotional materials (designed by SECTUR) and that commitments from suppliers in the value chain have been integrated into the management system.

⁴³ One of the duties of tourism service providers is to immediately report not only any situation related to SECTT, but also any other criminal offense. This is in line with Law 28868 that empowers the MINCETUR to typify infractions through the regulations on the provision of tourist services and qualification of lodging establishments. The law also establishes the corresponding sanctions (approved by Supreme Decree 007-2007- MINCETUR, published in 2007 and modified by Supreme Decrees 001-2013, 004-2015 and 006-2018-MINCETUR), including an administrative sanction of cancellation of the authorisation to run tourist activities for those who promote, allow or not denounce cases related to the SECTT, and in the case of lodging establishments, also if companies allow to check-in children who are not accompanied by their parents or guardians.

⁴⁴ This is provided as an illustration only; the author acknowledges that Colombia's criteria may fit within one or more of the ECPAT Code's criteria.

THE CODE	COLOMBIA'S NATIONAL CODE OF CONDUCT
2. Train employees in children's rights, the prevention of sexual exploitation and how to report suspected cases	Companies must train all related staff, as well as providers who by the nature of their activities have contact with tourists, on the prevention of commercial sexual exploitation of children and adolescents (10).
	Companies must report facts and suspicions to the Ministry of Trade, Industry and Tourism and other competent authorities They must also ensure that there are channels within the company to report such facts to the competent authorities (Criteria 8).
3. Include a clause in contracts through the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children	Companies must design and disseminate within the company and with its suppliers of goods and services, a policy in which the provider establishes measures to prevent and counteract all forms of sexual exploitation of children and adolescents in travel and tourism (9).
4. Provide information to travellers on children's rights, the prevention of sexual exploitation of children and how to report suspected cases.	Companies must refrain from offering sexual exploitation of children in tourism promotion programs and plans, directly or indirectly (1);
how to report suspected cases	Companies must refrain from giving information to tourists, directly or through an intermediary about places that coordinate SEC or where sexual exploitation of children happens (2).
	Refrain from driving tourists, directly or through third parties to establishments or places where commercial sexual exploitation of children is carried out, as well as driving them to sites where tourists are hosted, including at sea, for the purpose of commercial sexual exploitation of children and adolescents (3).
	Refrain from providing vehicles on tourist routes for sexual exploitation or abuse of children and adolescents (4).
	Display in the public and visible place of the establishment or establishments of commerce this Code of Conduct and the other commitments that the provider wishes to make in order to protect children and adolescents (12).
 Support, collaborate and engage stakeholders in the prevention of sexual exploitation of children 	Take measures to prevent staff from being linked to any degree with a company that is offering tourism services that allow sexual activity with children and adolescents (6).
	Inform users about the legal consequences in Colombia of the sexual exploitation and abuse of children and adolescents (11).
	Prevent children and adolescents from entering hotels or places of accommodation and lodging, bars, similar businesses and other establishments where tourist services are provided, for the purpose of sexual exploitation or abuse (5).
6. Report annually on implementation of the six criteria	As mentioned above, for the renewal of the RNT number, all tourism service providers must present evidence of the actions implemented in the area of prevention of the sexual exploitation of children. ⁴⁵

⁴⁵ Confecámaras, Colombia. Registro Nacional de Turismo (RNT).

5.6 Reporting

At a international level, member companies are required to develop their internal reporting procedures specific for each country in which they operate, in accordance with the first criteria of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code). Reporting can be done directly to law enforcement or through other available mechanisms.⁴⁶ The Code members are supported in the process by Local Code Representatives (LCRs) or The Code Secretariat in Bangkok.

Several member countries of GARA have incorporated procedures detailing when and how suspicions or cases of SECTT should be brought to the attention of law enforcement. This is the case of Costa Rica, which has developed the following six-step procedure for the travel and tourism companies to be followed when an employee faces a suspicious situation.⁴⁷



- 1. Request identification documents of the customer and write down the details.
- 2. Record the vehicle characteristics and license plate number.

- **3.** Inquire about the customer and their relationship with the child.
- 4. If the suspicion continues, do not provide any further service to the customer.
- 5. Report the situation to 911 to request immediate intervention and above all, to seek the protection of the minor. This can stop crimes from being committed and allows the case to be referred to the National Children's Board (PANI). The suspicious situation may also be reported to the Judicial Investigation Department (OIJ), either through their confidential phone line or WhatsApp. The relevant authority (usually the police) has the obligation to address the situation and prevent the crime from being committed in addition to protecting the child. The police cannot argue lack of resources, time, knowledge, etc. to address the situation. 911 has a link to the PANI office, which can advise on how to proceed with the minor.
- 6. A "reporting bulletin" must be filed with the Public Prosecutor's Office (Fiscalía), OIJ, PANI and Migration, either in person or via e-mail.

Guatemala has also developed an inter-institutional reporting procedure for hotels, taking the form of a 32-page document consisting of the following eight steps:



⁴⁶ Read more about the reporting mechanisms <u>here</u>.

⁴⁷ Fundación Paniamor and The Costa Rican Tourism Foundation Institute (2019), Guidelines for Tourism Companies about how to react in case of witnessing suspicious situations of commercial sexual exploitation of children, available in Spanish.

- 1. Hotel reception observes indicators of a possible case of sexual exploitation of children
- 2. Hotel reception communicates with hotel security manager
- 3. Hotel receptionist uses sexual exploitation of children alert strategies
- 4. Hotel security officer immediately calls tourist police
- 5. Chief of DISETUR (Tourism Security Division) notifies the Public Ministry (MP) and the Attorney General's Office (PGN) with copy to SVET and the ERI alert (Immediate Response Team) is activated
- 6. SVET coordinates with the Public Ministry and the Attorney General to attend the alleged crime scene
- 7. DISETUR (Tourism Security Division) and PROATUR (Tourist Assistance Program) report to the scene (Hotel) within a maximum period of 1/2 hour. Public Ministry and Attorney General must appear within a maximum period of two hours from the notification of DISETUR.
- 8. In case of flagrancy, the DISETUR proceeds with the immediate capture of the suspect, in coordination with the hotel management.
- 9. In parallel, the PGN proceeds with the rescue and the participating units protect the victim to provide comprehensive care and rehabilitation.⁴⁸

In **Mexico**, the national code of conduct contains an action protocol for suspected cases of child sexual or labour exploitation. The national code demands that collaborative networks are established with local institutions that focus on the prevention, investigation and prosecution of such crimes, as well as with victim protection institutions and others responsible for the protection of children's rights. It offers a map that lists the institutions that provide such help and support in the country.

Moreover, a mechanism for secure reporting of human trafficking cases is also disseminated through the Citizen Council, that is a civil society organisation that acts as a bridge between citizens and institutions to channel reports quickly, safely and anonymously with the support from lawyers and psychologists. While these developments are encouraging, several countries have yet to develop their own reporting procedures and can turn to the above examples for inspiration. Although there is increasing collaborative action, many victims remain unidentified due to the reluctance to report sexual exploitation of children related to travel and tourism, and the lack of well-functioning reporting mechanisms in several countries. In some countries of the Americas, efforts have been undertaken to strengthen and to promote reporting mechanisms, including through the "Don't look away!" portal⁴⁹ and through other regional campaigns.⁵⁰

Although **Peru** does not have a specific procedure for reporting cases of sexual exploitation of children in the context of travel and tourism, the Ministry of Women and Vulnerable Populations has produced a guide identifying and reporting such cases.⁵¹

In **Argentina**, reporting can be made through the 145 number which is national, free and anonymous. Specialists respond to situations of human trafficking and exploitation and can refer the reports both for further investigation or for immediate intervention.

In **Chile**, companies are informed of reporting procedures during trainings. They are also given a document (Protocol), so that they can adapt it to each company. It describes the steps that must be taken to report suspected cases. In all the material that is delivered, companies are informed that they must file a complaint with the Chilean Police or the Investigative Police.

Based on the answers received from participating National Tourism Administrations, collaboration with law enforcement represents a significant challenge. For one, reporting may lead to perceived collusion, especially when law enforcement has not been trained on the issue and lacks an understanding of children's' rights. Another issue is that data is not readily available. There are several reasons for this. First, in many countries the focus is much more on the prevention of SECTT than on its prosecution. Second, SECTT crimes are often not specifically recorded as such, making it practically impossible to track these offences. Overall, there are no systems in place that can effectively monitor cases from start to finish. It is perhaps for these reasons, with the exception of Costa **Rica** and **Mexico**, respondent countries were not able to share any case examples.

Costa Rica reports that there were five reported cases in 2018, and three in 2019. According to a 2019 annual report completed by 171 companies that participated in the program, 19 companies reported suspicious

⁴⁸ Government of Guatemala (SVET), Inter-institutional action protocol for immediate response to cases of sexual exploitation against children in travel and tourism, available in Spanish.

⁴⁹ XII Annual Meeting of the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism, Asuncion, Paraguay (2019), see here.

⁵⁰ The first International Summit on Child Protection in Travel and Tourism. (2018). Report.

⁵¹ CHS Alternativo, Perú (2019). Guide for detection and referral of child victims of sexual exploitation, available in Spanish.

situations that warranted intervention. The responden shared the following case report that was shared by a company: Foreign adult resident in the area, rented room to meet his so-called "girlfriend". However, the second time the companion was very young. A report was submitted to the Judicial Investigation Department (OIJ).

The respondent from **Mexico** shared details about a successful case which happened in Acapulco. An adult had entered a 5-star hotel with his presumed nephew, a child. The staff noticed unusual behaviour and were placed in alert mode. They went to the business centre and saw that the adult had posted that he was celebrating two years of courtship. The manager immediately reported the situation to the staff in charge of the code implementation, who alerted the authorities who then came to investiage the situation and arrest the suspect.

5.7 Training for companies and their personnel

Most countries reported that their national code program involves at least some degree of training. Some respondents provided information on the number of people reached through training, while others shared their actual training outlines. There are variations when it comes to the providers of such trainings; they are sometimes delivered by government, and sometimes in conjunction with NGOs. They may be delivered to companies directly, or to government officials who in turn support companies. Completion is often acknowledged with a seal or certificate and is sometimes a requirement for registering with the government.

Argentina provides training workshops to tourism students, public managers, tourism services providers and communities. A train-the-trainer course was offered online between 2014 and 2016 and is currently under review. The course was approved by the national implementation committee and the national code technical team. In 2018 and 2019, the National Tourism Administration supported the creation of two face-to-face courses "Training of Trainers on Responsible Tourism and Children", together with the Women's Association of Tourism Business Executives (AFEET), designed for managers, teachers and finalyear students of tourism, hotels and hospitality. There were five workshops, each one dedicated to the following topics:



At the end of the training, staff receive a certificate of completion and companies are given a sticker they can display.

In **Colombia** trainings for companies are delivered through the Ministry of Tourism. Furthermore, Fundación Renacer (ECPAT Colombia) promotes the creation of protective environments for children focused on dialogue and exchange of knowledge and experiences.⁵² The Foundation places special emphasis on raising awareness within the training process to generate intersectoral commitments, social mobilisation, legal empowerment and technical assistance to guarantee sustainability in care and prevention efforts.

In **Chile**, training is made available to companies through the National Tourism Service (SERNATUR). SERNATUR has designed a workshop consisting of four modules. This material is available to SERNATUR officials across regions in order to replicate them and have a regional scope. NGOs Raíces and the PDI also carry out training for travel and tourism companies. In 2019, 2.6% of companies received training on the topic of child sexual exploitation.

Training workshops are delivered to tourism associations, food and hospitality businesses as well as to companies wishing to apply for quality and sustainability seals. In addition, training is provided to educational institutions offering programs in tourism, hospitality and gastronomy, so that teachers can equip future tourism professionals with knowledge about sexual exploitation of children. In 2019, six workshops reached 198 individuals, compared to 11 workshops reaching 305 individuals in 2018. Staff receive a certificate upon completion of the training.

⁵² Fundación Renacer/ECPAT Colombia. (2019). Building child protective environments as a strategy to prevent commercial sexual exploitation, available in Spanish.

In **Costa Rica**, trainings take the form of seven-hour workshops. They are jointly delivered by the Costa Rica Institute of Tourism and Paniamor. Interestingly, training materials are available for any company or person requesting them, even if they are not part of the code. The program has reached on average 1,000 individuals per year since 2016 and reached 1,960 tourism companies. Each participant receives a digital certificate.

Guatemala has seen a significant increase in the number of trained individuals between 2014 and 2019: 1,912 individuals have joined the national code, 1,167 companies and 23,676 staff were reached. Participating companies receive a certification; individuals receive a certificate.

In Honduras⁵³, between 300 and 400 people are trained by the Honduran Institute of Tourism and the National Chamber of Tourism each year. A total of 1,500 individuals are trained by the la Comisión Interinstitucional Contra la Explotación Sexual Comercial y la Trata de Personas (CICESCT) annually. Companies who complete training receive a certificate and a registration number that is valid for two years.

Mexico has developed training for trainers, which takes the form of a six-hour workshop addressing the following topics:

- Trafficking in persons: concepts and forms
- Sexual and labour exploitation of children and adolescents in the travel and tourism sector
- Child labour
- Responsibility and commitments of tourism service providers to prevent sexual and/or labour exploitation of children and adolescents
- National Code of Conduct for the Protection of Children and Adolescents in the Travel and Tourism Sector
- Implementation of each of the six guidelines of the national code
- Review of guidelines for consultants
- Delivery of forms and tools.

Trained personnel must pass an online evaluation, after which they are sent a letter recognising them as SECTUR-trained advisors to support companies.

In Nicaragua, the code requires trained professionals to train their staff, but does not provide further details. In 2019, the Nicaraguan Institute of Tourism organised workshops for tourism entrepreneurs and a workshop for taxi cadets. These trainings have been at the awareness raising level, with a duration of four hours. During 2019, work was conducted together with the institute in charge of technical training in the travel and tourism industry. A SECTT Prevention Course will be taught as part tourism career programs starting in 2020. Staff receive a certificate of participation upon completion of the training.

In **Paraguay** training is delivered by Grupo Luna Nueva (ECPAT Paraguay). Each participant receives a manual with all the content of the training and a certificate from their employer. The duration of the certification is one year. The steps to report suspected cases of sexual exploitation of children are incorporated as part of the institutional reporting policies of the company, including developing an internal procedure, during the training process. Within this procedure, staff are trained to file anonymous complaints through the system of the website of the Public Ministry in Paraguay.

In **Peru**, MINCETUR provides technical assistance to regional governments and trains tourism service providers. Regional governments replicate these trainings to providers in their jurisdiction. Training lasts on average an hour and a half and includes the current regulatory framework, concepts, case studies and recommendations carried out through PowerPoint and with videos that invite participation from the audience. Participants do not receive certificates, as training is mandatory.

In **Uruguay**, approximately 500 individuals are reached annually, including students, civil society and tourism service providers; 20,000 campaign stickers are distributed; and 40,000 copies of a "Carnival Journal" are distributed with a message about SECTT. Staff only receive certificates for their participation in seminars or congresses.

Brazil is preparing several conferences regarding the code of conduct in 2020, as well as national events for tourism service providers and workshops for tourism students in universitis.

Within framework of GARA's work, the Inter-American Children's Institute (IIN-OEA) is conducting an analysis of the training activities and materials used by Member States. The IIN Program against the sexual exploitation of children has developed a website (www.annaobserva.org) that serves as a repository of resources through which training materials between the different countries of the region can be shared. There is a wealth of information and tools that have been tried and tested; that could be adapted to other national contexts and inspire further action.

There are several resources that can help governments and the private sector to develop and implement

⁵³ The respondent mentioned that support is required to provide workshops as well as a digital platform.

national codes.⁵⁴ LCRs can also provide face-to-face training upon request from governments and the private sector. All companies that are members of The Code receive access to e-learnings that are adjusted for specific roles, including managers, tour operators, hotel staff, taxi drivers, flight attendants and others. The e-learnings are available in English, Spanish, Portuguese and seven other languages. They are practical tools with real-life scenarios that can prepare the travel and tourism industry to respond and prevent the sexual exploitation of children.

5.8 Monitoring and evaluation

At the international level, member companies of The Code are required to submit annual reports to The Code. These reports are evaluated by both the Secretariat, and Local Code Representatives if they operate in a given country. This allows monitoring of progress in the implementation of all Code criteria. However, not all companies submit their reports on a regular basis, which limits monitoring and evaluation. Therefore, it is recommended that all members of The Code are mobilised to present their reports within specified deadlines. It needs to be also acknowledged that many members of The Code report through several mechanisms – for example, the Global Sustainable Tourism Council (GSTC) Destination Criteria v2.0, which includes child protection performance indicators.

When it comes to implementing national codes of conduct, monitoring and evaluation is also critical. Based on the answers provided, six countries require signatory companies to report on the implementation of the code to the National Tourism Authorities or one of its agencies; two have no such requirements; the rest did not respond. Based on the information provided by respondents⁵⁵:

	OPTIONAL REPORTING ON IMPLEMENTATION
ARGENTINA	Companies are asked to report however they are not required to do so. Many of the signatory companies include their actions in sustainability reports. Those that do so voluntarily, sen it to the responsible tourism program under which the code is implemented, but this information is not published even though it is used in workshops.
COLOMBIA	For the renewal of the RNT number, all tourism service providers must present evidence of their actions implemented in the area of prevention of the sexual exploitation of children.
BRAZIL	Companies are required to report on their actions to the Ministry of Tourism. The Ministry of Women, Family and Human Rights is responsible for evaluating the implementation of the code.
CHILE	One year after adhering to the national Code of Conduct, members must submit a report outlining their commitments and their level of compliance. The report be sent to the National Tourism Service (SERNATUR) and detail the activities carried out to implement the Code of Conduct, such as trainings, discussion and reporting, among others.
COSTA RICA	Signatory companies are required to present an annual report detailing the level of compliance with their commitments. In addition, they are monitored through quarterly ICT field visits by regional tourism managers and these generate reports based on a compliance sheet.
MEXICO	Companies submit an annual report on the implementation of the National Code of Conduct to the Secretary of Tourism (SECTUR) and the implementation of its six criteria. Action in this area and other issues of the Gender Equality Unit are reported to various bodies such as the Inter-Secretary Commission against Trafficking in Persons, the Ministry of Finance and Public Credit, the National Women's Institute, the child labour, the national system for the protection of children and adolescents, the GARA Regional Action Group of the Americas and the United Nations Committee on the Rights of the Child.
NICARAGUA	Companies must submit an annual report to the Nicaraguan Institute of Tourism, including the actions taking by the company to meet their commitments
PERU	Companies are obligated to submit an annual report to the Ministry of Tourism, or to the Foreign Trade and Tourism Directorates or the Foreign Trade and Tourism Management; this will be implemented starting in 2020.

⁵⁴ For reference consult the website <u>www.protectingchildrenintourism.org.</u>

⁵⁵ Guatemala and Honduras did not answer the question.

In addition to the above, there are opportunities for monitoring the implementation of codes of conduct during the membership renewal process, by making it contingent upon the fulfillment of certain conditions.

For example, in **Costa Rica** membership is valid for an initial period of two years. Companies wishing to renew must demonstrate that they have trained their staff, prolonged their contractual agreement with the Tourism Institute and demonstrated the continuity of their program. In **Mexico**, companies also receive an official recognition which is valid for two years, after which they must show how they continue to fulfill the six criteria of the code and demonstrate that they continue to raise awareness among their collaborators.

6. Checklist: Key elements for consideration

While codes of conduct can be highly diverse in terms of form, content, geographical scope and purpose, most of the successful ones share certain characteristics. Based on the review and analysis presented in the previous section, we provide the following recommendations⁵⁶:

- Ensure open, transparent development and implementation - In terms of developing codes of conduct, experience shows that whenever possible, involving both government (including law enforcement) and the private sector from the outset yields better results. In this process, it is also important to cooperate closely with civil society organisations that focus on child protection, to ensure that victims receive psychological and legal support. This enhances the credibility and effectiveness of the code and its proponents and participants; and allows both government and the private sector to assert ownership of the initiative. Ideally, the development and implementation of codes of conduct should be appropriately transparent and inclusive.
- Adopt a clear statement of objectives, expectations, obligations and ground

rules — The aims, roles and responsibilities must be clearly stated early on. This helps to prevent problems such as participant withdrawal. On the other hand, the instrument itself should be flexible enough to allow the code to be adapted to meet new circumstances and challenges. For example, while it may not be legally binding, there could be room for it to become mandatory in the future. Codes that are poorly designed can be misleading and frustrate their audience. A code of conduct should answer the following questions:

- What does the code seek to achieve?
- Who does it apply to? The code of conduct should specify that it applies to all stakeholders in the travel and tourism industry and should help protect local communities. This objective is clearly stated in the UNWTO Ethics Convention that refers to all stakeholders in tourism development, including public and private institutions such as national and local governments, tourism enterprises, tourism associations and other juridical persons having stakes in tourism development such as NGOs. On the other hand, the Convention also covers individuals involved in tourism, including employees and professionals, tourists and excursionists, as well as local populations and host communities.
- How does the code propose to achieve its objectives?

Below are some sample questions that can be asked to help draft a code and define its scope.

• Include a clear reference to the applicable legal standards in your

country – It is important to frame the national codes in a broader context of international, regional, national and local legal and policy standards that should be upheld by the destinations and the private sector, to help contribute to the United Nations Sustainable Development Goals that include preventing all forms of sexual exploitation and abuse of children, including trafficking.

⁵⁶ These are not presented in order of importance.

- Ensure explicit commitment of the leaders If the leaders of an organisation or sector promote and support the use of codes of conduct, others are more likely to follow. These leaders should be identified early in the process so that they can play a leadership role and remain visible during its development and implementation. It should be noted that codes that are not implemented can attract negative publicity and lead to loss of trust or business.
- Secure rank-and-file buy-in Although managers and CEOs have a key role in establishing a "zero tolerance" policy to any forms of sexual exploitation and abuse of children, often, it is the front-line workers (receptionists, front desk managers, tourism desk operators, airline staff etc.) who translate the code of conduct's provisions into reality. To be able to give their full commitment and support, they must understand the code and its objectives, how it will work and their role in implementing it. This requires good internal communications, training and, in some cases, fundamental changes in corporate culture.

Codes of conduct can create an "uneven playing field" to the extent nonparticipating companies can potentially enjoy a "free ride" on the positive image that a code helps create. The need for cooperation and agreement to make a voluntary code of conduct work and avoid "free" riders stands in contrast to laws that impose standards on all parties and make codes mandatory regardless of individual consent.

• Ensure there are functional reporting systems — These should operate at two separate levels: (1) systems for companies to report on their implementation of the codes; and (2) mechanisms for reporting suspicions of sexual exploitation of children.

Everyone concerned i.e. governments, the private sector, civil society and communities must be able to provide feedback on how the code is working and how others are responding to it. This can be achieved through self-reporting, internal and thirdparty monitoring, compliance verification, public reporting and similar techniques. An accountability system that is inexpensive, fair, open, accessible and consistent is often essential to a well-functioning code of conduct, and one that must be built-in from the outset.

Importantly, national codes of conduct need to clearly indicate to whom the private sector shall report suspicious cases, and governments need to make sure that these systems are operational. The incorporation of existing national reporting mechanisms in the region into the international platform "Don't **look** away!" would help enhance the visibility and accessibility of these mechanisms while encouraging travellers and tourists to report suspicious situations even when travelling abroad.⁵⁷ When developing or strengthening an existing reporting mechanism, it is key to take into consideration the reasons behind the reluctance to report suspicious cases in the context of travel and tourism.58

- Use the codes to monitor trends and formulate responses – National codes of conduct for the protection of children, and The Code can be used to collate data from the travel and tourism industry. For example, companies can report on reports they have submitted to the relevant authorities and on the suspicious situations they have identified. Businesses can also be encouraged to share success stories, for example when they successfully prevent the sexual exploitation of children with their efforts.⁵⁹ This can incentivise other companies to take preventative measures to also be recognised for their work. At the same time, it would allow governments to monitor trends and formulate evidence-based responses.
- Offer meaningful inducements to
 participate If a code of conduct makes
 good business sense and offers meaningful
 incentives, companies will want to participate.
 In the travel and tourism sector, some
 countries make adherence to a code of
 conduct mandatory in order to become
 licensed. It is a basic condition for doing
 business. In such a context, companies may be
 more enthusiastic about joining and complying
 with a code if they discover that they could
 lose business if they do not. For example,
 they might lose public credibility or customer

⁵⁷ XII Annual Meeting of the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA), <u>Report</u>.

⁵⁸ ALERT ACTORS REPORT: A protective environment for children to live free from sexual exploitation in the travel/tourism/ hospitality sector European project. (2019). <u>Research Report: Reluctance to report sexual exploitation of children related</u> to travel and tourism and <u>Comparison of European low-threshold reportingmechanisms to gather good practices and</u> <u>needs</u>.

⁵⁹ As an example, Bolivia's leading example in fighting child sexual exploitation in travel and tourism.

loyalty. Associations that publicise noncompliance and levy fines is an example of negative sanctions that can work with voluntary codes.

The Code can help companies achieve international recognition, while also supporting them to implement the requirements of national codes, where applicable. The Code and national codes can be mutually reinforcing mechanisms, with national codes having much wider coverage and The Code providing personalised training and individual support. In the Americas, Local Code Representatives (LCRs) are all represented by ECPAT members and offer significant expertise on child protection issues to both government and the private sector.

• Ensure there are enough resources to sustain implementation – The

implementation of a code of conduct also involves some financial costs; it is important to have clarity early on about who will provide what type of resources. This includes providing face-to-face and online trainings that covers content necessary for the private sector to acknowledge the problem, understand it and commit to take action and overcome reluctance to report suspicious cases to the authorities. It is also important that dedicated staff with relevant expertise on the topic are available. Financial and human resources are key elements behind the sustainability of national codes and their implementation and these should withstand changes in government, as child protection needs to remain the priority.

Make sure that codes of conduct are part of wider prevention efforts and processes that create protective environments for children – Prevention

is a set of processes and actions that are carried out with the participation of different actors who, in an organised way seek to identify, mitigate and eliminate risk factors (especially the ones related to family and community) that increase children's vulnerability to all forms of sexual exploitation, including trafficking. Prevention efforts also need to focus on strengthening protective factors and enhancing the capacity of all the actors to assume their co-responsibility in the comprehensive protection of the rights of children. Prevention processes are aimed at strengthening the commitment of all actors. In this process, the roots of violence must be recognised. Prevention needs to lead to social and cultural changes, transforming or deconstructing attitudes and practices on which the sexual exploitation of children thrives and reproduces in all settings. This process can only happen in a dialogical, reflective and inclusive methodological environment, where everybody cooperates.⁶⁰

⁶⁰ Fundación Renacer/ECPAT Colombia (2019). <u>Construyendo entornos protectores de la niñez como estrategia de prevención</u> <u>de la explotación sexual comercial</u> (p. 18).

7. Opportunities for engagement under the UNWTO Convention on Tourism Ethics

As previously mentioned, the UNWTO adopted the International Framework Convention on Tourism Ethics in September 2019. The Convention was adopted through the transformation of a nonbinding instrument, the UNWTO Code of Ethics, into one that is binding for signatories. The Convention contains provisions specific for children and their rights, in particular: The World Committee on Tourism Ethics is the independent subsidiary organ of the UNWTO General Assembly responsible for interpreting, applying and evaluating the provisions of the Global Code of Ethics for Tourism. Its role will remain the same with regard to the Code of Ethics, but in addition it will also be responsible for monitoring the implementation of the provisions of the Convention and receiving the reports from the States Parties on the implementation of the latter.

Article 5

(2) Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, persons with disabilities, ethnic minorities and indigenous peoples.

(3) The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.

The Convention gives rise to legally binding obligations for States that ratify it, and these obligations all concern the implementation of the principles and the rules contained in the Convention. Thus, States Parties shall not only formulate policies and encourage tourism enterprises and bodies to reflect the principles of the Convention in their contractual instruments, they will also have to report on their actions to the World Committee on Tourism Ethics.

Per Article. 13 of the Convention, the Committee shall fix the modalities for the submission and examination of the reports of the States Parties. The Committee shall adopt a biennial report on the implementation and interpretation of the Convention that will be transmitted by the Secretary-General of the UNWTO to the General Assembly of the UNWTO and to the Conference of States Parties to the present Convention.⁶¹

⁶¹ See here for the list of members of the current World Committee on Tourism Ethics (2017-2021).

At this point, while the Framework Convention has not yet come into force, countries can still advocate for national governments to examine the provisions of the UNWTO Framework Convention on Tourism Ethics, sign the Convention, ratify it and revise national laws to ensure that domestic legal frameworks address SECTT adequately.

Recommendation:

- Raise awareness about the UNWTO Convention.
- Governments should sign the Convention on behalf of their State.⁶² The Convention can be ratified by all UN Member States, whether a UNWTO member or not. Identify other key ministries, organisations and allies who may support the signature and further ratification.
- Following the signature of the Convention, countries should call for its ratification, acceptance, approval or accession.⁶³
- Once a country ratifies the Convention, seek opportunities to contribute to reporting by States Parties. While there are no alternative reports to the UNWTO Framework Convention, ECPAT International is advocating for the UNWTO to
- Introduce a chapter on child protection in the reporting mechanisms to the General Assembly. Such internal process would allow monitoring of the progress of governments and the travel and tourism industry in relation to child protection.

At national level, it is important to call upon relevant authorities to formulate policies and enact legislation to protect children, in line with the principles of the Convention; taking into consideration existing legal frameworks.

In particular, national legislation to require the involvement of the private sector, as they are in a key position to prevent the sexual exploitation of children in travel and tourism.⁶⁴ This can include requiring the travel and tourism industry to adopt a code of conduct, to train staff and formulate child protection policies.

⁶² It may be the Head of State, Head of Government or Minister for Foreign Affairs or other person in position of appropriate authority. Signature does not create a binding obligation on the states but indicates their political willingness to become bound by the treaty at a later stage following its ratification, acceptance, and approval.

⁶³ Note that states use different terminology: ratification, acceptance or approval, but they have the same legal effects – the state consent to be bound by the convention.

⁶⁴ The Convention refers to all stakeholders in tourism: public and private institutions, national and local governments, tourism enterprises, associations and other juridical persons in tourism development, including NGOs.

8. Conclusion

Although it is important to recognise that comprehensive data on prevalence of sexual exploitation of children is necessary, we don't need more statistics to remind us that every day, countless children around the world continue to be sexually exploited by offenders who misuse the travel and tourism industry and its infrastructure for criminal purposes.

The impact of this crime is devastating, not only on those children who experience long-term consequences - but also on industries, destinations and countries that may become associated with criminal activity. It is imperative that we continue thinking creatively about new ways to prevent and end this scourge once and for all; that we find inspiration in success models and launch new initiatives with goals that are never too ambitious. Multiple recommendations for action have been issued by the Global Study, and more recently by the Bogota Manifesto and other research documents published on this topic at a regional and national level.⁶⁵ These continue to highlight the importance of private sector engagement, and remind us that the travel and tourism industry is a key ally in the fight against SECTT. The private sector is in an ideal position not only to advocate for child protection and include it in corporate policies, but also to prevent horrific crimes from being committed and hence save lives.

We must continue to tap into this potential, to forge partnerships that are mutually beneficial, and turn to the promising practices brought about by the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) and successful national initiatives in countries such as several members of the Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA). The Americas region should be proud of itself; it has seen a gradual increase in the adoption of national codes and could become an example not only domestically but also for other regions across the world. It has shown the world that with relentless efforts, solid partnerships and clear objectives, destinations can prevent SECTT and attract higher quality tourism as a result. But the fight is far from over, and there is a long road ahead. We must continue to act.

Even during times where resources are limited and priorities compete, the development of codes of conduct should be considered. There are several resources available for countries wishing to develop their own codes. ECPAT International with its members and The Code stand ready to provide guidance and technical assistance to governments and the private sector. In the region, the Inter-American Children's Institute (IIN) is the Specialized Organization of the Organization of American States (OAS) on children and adolescents. As such, the Institute assists States with developing public policy, contributing to policy design and implementation from the perspective of the promotion, protection and respect for the rights of children. National codes of conduct can be fairly straightforward instruments and many examples already exist, as presented in this analysis. These can be adapted to the national context. The implementation process can be incremental, for example with smaller pilot projects being launched to test their viability at country level or with specific agreements with representatives from various agencies involved at local levels. These could focus, for example, on just a few criteria at a time, using a phase-by-phase approach; or on one defined location. Codes of conduct do not always require sweeping legislative changes, especially not at the beginning of the process. They can actually provide opportunities for government and private sector to take matters in their own hands and be proactive to better protect children and themselves, instead of relying on laws to be enforced.

All it takes is a handful of committed individuals who are determined to make a change that will have a longlasting impact.

⁶⁵ For the most current research consult the website <u>www.protectingchildrenintourism.org/resources-and-research</u> and <u>www.ecpat.org/resources</u>.

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Annex

Annex 1

COUNTRY NAME

Instructions for respondents: please review and complete the pre-filled questionnaire below with as much information and details as possible. Please make sure to read the responses already provided as they may be incomplete. Whenever possible, please include references (source of information and weblink). Thank you!

SECTION	I 1 - BACKGROUND AND SCOPE
1.1	Does the country have a national code on the protection of children against exploitation in travel and tourism, or is it in the process of developing one?
1.2	When and how was the code developed? Were other stakeholders involved in the process besides the Ministry? Was the private sector consulted?
1.3	What specific national law/resolution establishes the code?
1.4	Are there any additional local codes, specific to certain "hot-spot" localities in a given country?
1.5	What industry does the code cover, is it only travel and tourism or beyond; are small companies involved or only big companies?
1.6	What aspects of child protection does the code regulate?
	a. Does it explicitly mention preventing the sexual exploitation of children in travel and tourism?
	b. Is voluntourism included and in any way regulated for the private sector operating in the region?
	c. Does the code mention any other forms of child rights violations (for example child labour)?
1.7	Is the Code binding for the industry or it is voluntary? Are there consequences for non-compliance?
1.8	What is the process for becoming a member?

1.9 How many companies are currently signatories or parties?

SECTION 2 – RESPONSIBILITY FOR IMPLEMENTATION

- 2.1 Is there a dedicated office at the Ministry of Tourism or other ministry?
- 2.2 Is there a budget allocated to the implementation of the national code? Please provide details.
- 2.3 Is the code implemented together with other organisations and/or an NGO, if so, which one(s) ?
- 2.4 What is the capacity of the implementing office in terms of staff and resources?

SECTION 3 – REQUIREMENTS UNDER THE CODE AND FUNCTIONING

- 3.1 What are the code requirements for signatories/members? (ex. training, raising awareness, introducing a policy etc.)
- 3.2 Is training for staff required, if so, what kind of training (length, scope, online or face to face, provided by whom; is there any training kit/materials that can be shared and are they available online or only to the companies that sign the code)
- 3.3 Do staff receive certificates upon training completion?
- 3.4 Do companies receive certification once they join the national code? If so, how long is the certification valid for and what is the process for renewing it?
- 3.5 Does the code outline steps for reporting suspicious cases of child sexual exploitation? If so, to whom must they report (law enforcement, NGO, child protection authority?) and what is the procedure set out in the code?
- 3.6 If the code requires companies to report to law enforcement directly, can you comment on the level of response received so far from law enforcement?
- 3.7 Are you aware of any cases of sexual exploitation of children that were prevented thanks to the engagement of the private sector through the code? If so, could you describe them or include a link.
- 3.8 Are there any fees that companies must pay to become members of the code?

SECTION 4 - NATIONAL CODE VS. THE CODE

- 4.1 Is there a <u>Local Code Representative</u> (ECPAT member) in the country? If so, do companies sign both the national code *and* the international Code of Conduct for the Protection of Children in Travel and Tourism (The Code)?
- 4.2 What are the similarities and differences between the two codes?
- 4.3 Do the two codes (national code / The Code) complement each other? If so, how?
- 4.4 If there are both codes in the country, what is an added value of having two instruments?

SECTION 5 – MONITORING AND EVALUATION

- 5.1 Do companies report to anybody at the Ministry or other responsible body? If so, how? Are the reports publically accessible, if so, please provide a link.
- 5.2 Does the ministry or any other responsible body conduct evaluation of the implementation of the national codes?

SECTION 6 – ADDITIONAL INFORMATION

- 6.1 Is there any other relevant information that you would like to share with ECPAT International?
- 6.2 Do you have any comments or questions that you would like to share with ECPAT International?
- 6.3 Please provide your contact information below.

Annex 2

Awareness raising and training materials

ARGENTINA



Protección de los Derechos de Niñas, Niños y Adolescentes en Viajes y Turismo



Esta empresa adhiere al Código de Conducta para la Protección de los Derechos de Niñas, Niños y Adolescentes en Viajes y Turismo.

"La explotación sexual de niños, niñas y adolescentes y la trata de personas en la Argentina es un delito severamente penado. Denúncielo llamando al 145." Ley Nacional 27.046

This company adheres to the Code of Conduct for the Protection of the Rights of children and adolescents in travel and tourism.

"Sexual exploitation of children and adolescents and human trafficking in Argentina is a crime that is severely punished. Denounce it dialing 145." Federal Act. 27.046



Gladys Małeika Presidenta AFEET Sesana I. Cafaro Coord. Programa TRel SECTUR



Protección de los Derechos de Niñas, Niños y Adolescentes en Viajes y Turísmo

Curso AFEET de ronnadores en Protección de los Derechos de Niñas, Niños y Adolescentes en Viajes y Turismo

AFEE

Se certifica que la Sra. ha completado la capacitación dictada durante los días 03 -10 – 17 – 24 y 26 de septiembre de 2019.-



COSTARICA





Guatemala



Campaign materials



TRADUCCION DE LA CAMPAÑA "PROTEGIENDO NUESTO MAYOR TESORO A IDIOMAS MAYAS



Mexico







CODES OF CONDUCT ON CHILD PROTECTION FOR THE TRAVEL AND TOURISM INDUSTRY IN THE AMERICAS

800 55 33 000

atenciono con.o

MEXICO TURISMO

Star G

ctur.gol



EN ESTE ESTABLECIMIENTO NO ADMITIMOS EL INGRESO DE MENORES DE 18 AÑOS SIN COMPAÑÍA DE SUS PADRES, TUTOR O RESPONSABLE DEBIDAMENTE ACREDITADOS, CONFORME A LO DISPUESTO EN LA LEY N° 30802*

IN THIS PLACE, WE DO NOT ADMIT UNDER 18 YEARS OLD WITHOUT THEIR PARENTS, GUARDIAN OR RESPONSIBLE PERSON, PROPERLY ACCREDITED, ACCORDING TO LAW Nº 30802*

 y de more altra destanción en aporta por enconcer por altrador escandor de calebrar e a technología por esta de una servica.
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PERÚ Vintear a da Correcto

Si conoces olgún caso de explotación sexual de menores de 18 años. jno dudes en denunciarlo!



EL PERÚ PRIMERO

Mandatory poster for lodging establishment (Ministerial Resolution No. 299-2018-MINCETUR)

Mandatory poster for travel agencies (Ministerial Resolution No. 108-2020-MINCETUR)

Turismo Responsable para prevenir la ESNNA: Guía para operadores de servicios turísticos y afines disponible aquí.





LÍNEA AZUL: 100

Uruguay

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#16CountriesTakingAction

Fighting against the sexual exploitation of chidren and adolescents.









Protejamos a las niñas, niños y adolescentes de la explotación en viajes y turismo.

V