



Private Sector Roles and Responsibilities to End Sexual Exploitation of Children



CHILD AND YOUTH VERSION

ECPAT International is a global network of organisations and individuals working together to eliminate child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.

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This document is based on the thematic paper of the World Congress III against Sexual Exploitation of Children and Adolescents. The original paper, *Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children*, written by Mark E. Hecht, contains many references, examples and studies that are not included here. Readers are encouraged to consult the original thematic paper for more detailed information at: <http://www.ecpat.net/WorldCongressIII/index.php>. This document was prepared by Alana Kapell.

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Glossary of key terms and concepts

Private Sector

The Private Sector includes companies that are not owned by the government. (Government owned companies are known as the 'public sector'). The Private Sector includes all different kinds of businesses such as credit card companies, Internet providers, travel agents, hotels, banks, media, manufacturing and more.

Corporate Social Responsibility (CSR)

CSR is when a company takes responsibility for its decisions and activities and the impact they have on people and the environment.

Exploitation

Exploitation is taking advantage of someone and/or using someone selfishly. For example: making a child work to pay off their parent's debt or making them do dangerous or illegal work in order to make someone else better off.

Sexual Exploitation of Children

The sexual exploitation of children is abusing and/or taking advantage of a child for personal gains, by involving them in sex work or sexual activity (including sexual images on the Internet), which is illegal or inappropriate.

Commercial Sexual Exploitation of Children

Commercial sexual exploitation of children happens when a child is used sexually by an adult and the adult pays to do this with money, gifts or favours. A gift could be food or clothes. A favour could be a promise of good grades, shelter or protection. Commercial sexual exploitation is different from sexual abuse of a child because it involves some kind of payment.

Child Pornography

Child pornography includes images, sound recordings or written words of children being sexually abused. The images, sound

recordings and words are used by adults for sexual purposes. Most child pornography is in the form of photographs or films of children's private parts, adults doing sexual things to a child, or children doing sexual things to each other.

United Nations

The United Nations - also called the UN - was created after the Second World War to provide a place for all the countries of the world to deal with issues that affect them all. It has a key role in trying to maintain international peace and security. The UN is based in New York and Geneva, but also has offices in other countries.

ECPAT International

ECPAT International is a global network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes. Their website provides many useful details about the sexual exploitation of children including publications, research, definitions, and more. Visit www.ecpat.net for more information.

Policy

Policy can be both formal and informal. Formal policy involves laws, legislation and most government decision making processes. Informal policy can include rules (like rules in the home or school) and ways of working.

Poverty

Poverty is not having enough resources (such as money or land) to get the basic things needed to live (such as food, clothes and housing).

Voluntary

Voluntary means to do something by choice, or not being forced to do something.

Introduction

This paper provides a summary of the topics covered in the thematic paper on child sexual exploitation, *Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children*, written by Mark Erik Hecht.

This document was written to help children and adolescents understand the role corporations, businesses and the private sector play in ending the sexual exploitation of children. Prepared for the Third World Congress against the Sexual Exploitation of Children and Adolescents in November 2008, in Brazil, the paper explores the following key topics:

- What is the commercial sexual exploitation of children?
- What is the private sector?
- What is corporate social responsibility (CSR)?
- What standards exist and how are they being used?
- What are the challenges and successes?
- What kinds of businesses and companies need to be looked at?

The First World Congress took place in 1996 in Stockholm Sweden and the Second World Congress took place in 2001 in Yokohama, Japan. World Congresses are important events that draw international attention to the serious issue of the sexual exploitation of children and adolescents and they also help governments and the rest of society in becoming more responsible in addressing the issue.

Each year, things change, new information is made available and more is learnt about the sexual exploitation of children. More is learnt about the challenges, what efforts are

working and what needs to be improved. One area that has changed a lot since the First World Congress in 1996 is the role businesses and companies play in ending the sexual exploitation of children.

There are examples of good work being done by companies and businesses, but there are also challenges and efforts that need to be improved and strengthened. This paper will explore some of these successes and challenges, as well as the companies and businesses that have an extra responsibility to help end the sexual exploitation of children and adolescents.

Defining the Commercial Sexual Exploitation of Children

No common definition of the commercial sexual exploitation of children exists. However, discussions during the First World Congress in 1996 came up with a definition that is mostly accepted by groups trying to end the commercial sexual exploitation of children.

Official Definition

The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.

Child Friendly Definition

The commercial sexual exploitation of children happens when a child is used sexually by an adult and the adult pays to do this with money, gifts or favours. A gift could be food or clothes. A favour could be a promise of good grades, shelter or protection. The child is treated like a sexual object or something that can be bought or sold. Commercial sexual exploitation is seen as a form of violence against children, forced labour and is also a form of slavery.

The number of victims of commercial sexual exploitation in the world is not known. A few reasons for this include:

- People cannot agree on a definition for commercial sexual exploitation.

- Sometimes victims do not know they are being exploited (for example: children may not realise pictures are being taken of them).
- Many cases are never reported.

There are three main forms of the commercial sexual exploitation of children:

1. Prostitution

Prostitution is the exchange of money, gifts or favours for sex. Children may be sexually abused in exchange for food, clothes, shelter, protection or good grades at school. These payments may be made to the child or to someone who has control over the child.

2. Pornography

Child pornography includes images, sound recordings or written words of children being sexually abused. The images, sound recordings and words are used by adults for sexual purposes. Most child pornography is in the form of photographs or films of children's private parts, adults doing sexual things to a child, or children doing sexual things to each other.

3. Trafficking for Sexual Purposes

Trafficking is the movement of people from one place to another for the purpose of exploitation. Trafficking of children for sexual purposes means children are moved from one place to another (short or long distances) so that adults can sexually abuse and exploit them. A child or their family may be tricked, pressured, or forced to move.

These three are the most common forms of commercial sexual exploitation but others exist, including:

4. Child-Sex Tourism

People who travel to different locations or countries to sexually abuse children.

5. Early Marriages

When a girl is forced to marry someone against her will while she is still a child.

Defining the Private Sector

The Private Sector includes companies that are not owned by the government. (Government owned companies are known as the ‘public sector’). The Private Sector includes all different kinds of businesses such as credit card companies, Internet providers, travel agents, hotels, banks, media, manufacturing and more.

Words that you will often come across when looking at the “Private Sector” include:

- Transnational corporations
- Multinational corporations
- Businesses
- Companies
- Corporations

This paper looks at all of these groups, whether a company works in only one country or in many different countries and any business whose main purpose is to make money through the buying and selling of products or services.

There are, however, specific types of businesses and companies that have an extra responsibility to help end the sexual exploitation of children because their services/products are or can be used in some way to support the exploitation of children. For example:

Travel and Tourism: Including airlines, hotels and tour operators

Media: Including television, magazines, news, fashion and music

Technology: Including websites, chat rooms, computer programs, video equipment and online games

Financial Institutions: Including banks and credit card companies

Organised Crime

In some ways ‘organised crime’ is part of the private sector. Organised crime involves illegal activities and is usually linked to gangs and other illegal groups. Organised crime is often very involved in commercial sexual exploitation, as well as other activities such as the illegal buying and selling of drugs and weapons. It is also responsible for things like trafficking, brothels and pornography. It is clear that the rights of all children are being threatened by this “alternative” private sector.

It is obviously hard to work with organised crime groups to end commercial sexual exploitation because they knowingly support it and make money from it. However, other companies and businesses can help. For example, hotels, security companies, and transportation services (airlines, bus companies, and more) can play very important roles in identifying suspicious situations and reporting them to the police.

Businesses not directly involved in the Commercial Sexual Exploitation of Children

This paper looks at many types of businesses such as airlines, hotels, media, Internet providers, banks and credit card companies that have a direct responsibility to help end the sexual exploitation of children. However, there are many other companies and businesses that also have a role to play in reducing the risks related to exploitation and raising awareness about these issues. For example:

- Any company could choose to hire young people who are in difficult circumstances. If they provide them with good salaries and good working conditions it will help to prevent commercial sexual exploitation and reduce the number of children at risk.
- Many companies could also develop job training opportunities for young people, especially for young people at risk of commercial sexual exploitation.

- Organisations could provide mentoring programmes or ensure funding and scholarship opportunities for the education of young people.
- Any company can set up programmes for employees to educate them about the commercial sexual exploitation of children.
- Organisations that employ adults to work with children could promise to screen workers to ensure that there has been no history of inappropriate behaviour. Screening programmes are really important for businesses such as summer camps, boarding schools and daycare facilities.

There are many ways in which all private sector companies can help to end the commercial sexual exploitation of children – more ideas are provided later in this paper.

Defining Corporate Social Responsibility (CSR)

The idea of corporate social responsibility (CSR) has been around for a long time and has changed over the years.

Not everyone can agree on what CSR actually means or looks like today. Different groups define it differently. This is one of the challenges that we face when trying to make progress in this area.

Corporate Social Responsibility

CSR is when a company takes responsibility for its decisions and activities, and the impact they have on people and the environment.

CSR is about how a company does its work and also how it helps people and the environment. CSR is not only about companies making financial donations to charities or good causes, but more importantly, how companies and their operations can make a positive rather than a negative impact on the world.

A company's actions and policies should:

- Help people and support the well being of society
- Follow local and international laws and guidelines for behaviour
- Apply to all levels of the company,

including its partners and other relationships

CSR may include efforts to address climate change, working conditions and human rights issues.



Quick Facts:

- In Brazil over 1300 companies are members of Instituto Ethos, a network of businesses dedicated to CSR.
- India has a history of socially responsible businesses, specifically family owned firms such as Tata.

Around the world, different groups, companies and organisations are developing 'codes and standards' to improve how companies work and the impact they have on people and the environment. Many of these codes and standards are explored in detail later in this paper.



Quick Fact:

- In February 2002, the French Parliament passed a law requiring all French corporations to file an annual report on their social and environmental activities. Despite this, there are still very few governments in the world that have gone to such lengths to monitor CSR.

Tools and Resources

There are many different ways to ensure companies and businesses are doing their part to prevent and end the commercial sexual exploitation of children.

Corporate social responsibility is one way, but there are also many international resources and laws that can be used.

This section will provide an overview of these tools, but first, there are some details that need to be understood.

Definitions

Treaties and Conventions

The words 'treaty' and 'convention' mean the same thing. They are legal agreements between governments. They highlight the promises governments have made on an issue (for example: trafficking, child labour, child rights). There are many different treaties

and conventions, dealing with many different issues.

Ratification

When a government 'ratifies' a treaty or convention, they are saying that they agree with it and it becomes legally binding for that country. By ratifying a treaty/convention, a government is saying that they commit to do the things outlined in the treaty/convention.

Signing

'Signing' is the first step before 'ratification'. If a government 'signs' a treaty or convention they are saying that they agree with it, but it is not yet a legal obligation.

Reservation

Sometimes a government does not agree with all of the promises or details included within a treaty or convention. If this is the case, they may develop a 'reservation' to outline the areas they do not agree with.

Codes and Standards

Codes and standards often outline what is good behaviour and what behaviour should be avoided. They may deal with a single issue (such as tourism) or they may apply to many different groups (such as all businesses and corporations).

Groups and Organisations

Different groups and organisations can be involved in writing or creating the many conventions, declarations, codes and standards that exist today.

Here is an overview of just a few of them:

United Nations

The United Nations, also known as the UN, was created after the Second World War to provide a forum for all the countries of the world to deal with issues that affect them all. It has a key role in trying to maintain international peace and security. The UN is based in New York and Geneva, but also has offices in other countries.

International Labour Organization (ILO)

The ILO was founded in 1919 to advance social justice and enhance living conditions throughout the world. In 1946 it became the first specialised agency related to the United Nations. Child labour is a key focus of the work of the ILO.

Organization for Economic Co-operation and Development (OECD)

The OECD provides a setting where governments compare policy experiences, seek answers to common problems, identify good practice and coordinate domestic and international policies.

ECPAT International

ECPAT is a global network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes.

Currently, there is no one piece of international law protecting children from

commercial sexual exploitation in all its forms. Instead, there are many different conventions, treaties and declarations that make reference to child protection and sexual crimes against children. It is good to know about these different tools because they can support plans and projects to end the sexual exploitation of children.

Here is an overview of some of the most important ones:

Conventions, Declarations, Agreements, Standards and Codes

The Universal Declaration of Human Rights (1948)

This Declaration calls on every individual and every part of society to promote respect for human rights through education and teaching. This includes governments, individuals, and also the private sector. This is important when looking at the commercial sexual exploitation of children, especially when we look at corporate social responsibility and children's rights.

The UN Convention on the Rights of the Child (CRC)

The CRC is a United Nations document that sets out the human rights that all children have. By November 2008, every country except the United States of America and Somalia said that they will use the CRC as the basis for the way they treat children. The CRC is made up of different sections called 'articles.' When it comes to commercial sexual exploitation, the CRC includes promises made by governments to protect children from all forms of sexual exploitation including child prostitution, child pornography and trafficking, which are addressed in Articles 34 and 35.

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) (2002)

The OPSC is connected to the CRC and deals specifically with issues related to child prostitution, child pornography and the sale of children. The Protocol has been ratified by 43 countries and signed by 105

countries. The Protocol does not allow the sale of children, child prostitution and child pornography and is the first international tool to define these terms. The Protocol requires that these kinds of offences should be treated as criminal acts. The Protocol states that governments must work together to find and punish abusers and must also provide support to the victims.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

(also called the *Palermo Protocol*)

The *Palermo Protocol* is important because it is the first legal agreement to provide an internationally agreed definition for 'trafficking in human beings'. The Protocol identifies ways to protect and help the people who have been trafficked. The Protocol also identifies ways to prevent trafficking – especially for the most common victims – women and children.

Declaration and Agenda for Action for the First World Congress (1996)

The issue of commercial sexual exploitation became widely known to the public as a result of the First World Congress held in Stockholm in 1996. Altogether, there were more than 1300 participants from more than 130 countries who participated in the Congress in Stockholm. One of the outcomes of the Congress was the *Declaration and Agenda for Action of the First World Congress*, also known as the *Agenda for Action*.

The *Agenda for Action* calls for:

- Better coordination to end sexual exploitation
- More groups to work together and cooperate
- Actions to prevent exploitation
- More protection for children
- Support for victims
- Child participation

159 countries and many different groups and organisations agree with the *Agenda for Action* and have promised to work together to fight the commercial sexual exploitation of children.

Yokohama Global Commitment

The Yokohama Global Commitment was developed during the Second World Congress which was hosted by Japan in Yokohama. 159 countries declared their ongoing commitment to the First World Congress' *Agenda for Action*. The Second World Congress also looked at the positive developments that had occurred since 1996 and programs aimed at protecting children from commercial sexual exploitation.

Other, less commonly used resources relating to sexual exploitation include:

The Optional Protocol on the Involvement of Children in Armed Conflict† (2002)

The Riyadh Guidelines (1990)

The Standard Minimum Rules for the Administration of Juvenile Justice (1985) (also known as The Beijing Rules)

The Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW)

The ILO Convention 138, Concerning Minimum Age for Admission to Employment (1973)

The Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages (1964)

The Declaration on the Elimination of Violence against Women (1993)

There are several tools that look at the issue of the commercial sexual exploitation of children in detail. For the following examples, a little more information has been provided about their content and how they are being used:

The United Nations Global Compact

The UN Global Compact is a policy for businesses that deal with human rights, labour issues, the environment and dishonest business practices. The Compact might

be considered as a 'learning network' for business and is designed to promote 'responsible corporate citizenship'. When a business signs on to the Compact, it is expected to change its business operations.

The Compact's network includes many different groups and organisations. The Global Compact Office is responsible for the network and although governments do not directly participate in the network, they do play a role in raising money and awareness about the network.

There are ten rules/principles in the Global Compact that companies are asked to agree to. These are divided into four categories:

1. Human rights
2. Labour
3. Environment
4. Dishonest business practices

The first two categories are most important when looking at the commercial sexual exploitation of children.

The Compact states that businesses should not knowingly help other companies, organisations or individuals violate the human rights of others. Businesses should be aware of all of their activities in every country and ensure there are no human rights violations.

The Compact recognises that there are different kinds of acceptable and unacceptable jobs and working environments for different age groups around the world.

The Global Compact Office does not have the authority to monitor the businesses that have signed on to the Compact. Also, the Compact cannot ensure that businesses are following the ten principles. It can, however, label a business as 'inactive' when a business has not submitted a report to the Compact Office. If a business has been labelled as inactive, it cannot say that it is part of the Compact, nor can it use the Compact's name or logo on its business materials.

Some people feel there are problems with the Global Compact. Complaints fall into five different groups:

- 1) *Language and Terminology*
The Compact is seen to use language that is not strong enough to discourage businesses from violating human rights.
- 2) *Voluntary vs. Regulatory*
Businesses are not 'forced' to sign on to the Compact, and only 2500 businesses participate in the Compact. This is a small number when you think about how many businesses there are in the world.
- 3) *"Network Model" Characterisation*
The Compact is a 'network model' which means that businesses, the law, governments and other groups have to work together. Some people feel that the UN should not allow businesses that have a bad reputation with human rights to be part of the Compact.
- 4) *Weak (or lack of) Monitoring and Enforcement Procedures*
Some businesses who have signed on to the Compact might still be violating human rights. Some businesses may sign on to the Compact to improve their reputation but might not change the way in which they operate. This is because the Compact Office can not enforce the ten principles nor impose any sanctions against the businesses that have already been found to be violating human rights.
- 5) *Decision-Maker Accountability*
Some people feel that the people who are in charge of the Compact itself might have too much power and that their work should be reviewed by a group of people from different governments (intergovernmental board).

Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises (2003)

The *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises*, also known as 'the Norms', do not have the same status as a UN treaty but there is hope that one day the Norms will become a legal tool. Right now, governments are responsible for promoting and protecting human rights. However, the Norms recognise that companies also have a responsibility in promoting and securing the human rights found in the Universal Declaration of Human Rights.

The Norms are divided into the following ten sections:

1. Introduction
2. General promises
3. Right to equal opportunity and the right to non-discrimination
4. Right to safety and protection
5. Rights of workers
6. Respect for national independence and human rights
7. Promises to protect the consumer (customer)
8. Promises to protect the environment
9. General ways of putting these promises into action
10. Definitions

Although the Norms apply to large companies that operate in more than one country, they do not seem to cover smaller, local businesses. Only those sections that relate to the commercial sexual exploitation of children will be discussed in this paper. One section, 'the rights of workers' is directly related to the commercial sexual exploitation of children and looks at:

- Compulsory labour (when someone is forced to work)
- Children's rights
- Working conditions
- Payment
- Freedom of association
- The promise to protect children from economic exploitation
- Acceptable types of work for different age groups

- Programmes that are designed to eliminate the worst forms of child labour

The Norms is different from other international tools because it makes companies recognise and respect various legal and non-legal ways of working in different countries.

Companies also need to set up a system for workers to file complaints. The Norms explains ways of preventing human rights violations and ways of correcting bad behaviour.

The Norms are quite different from other international documents. Some of the differences have been listed below:

- The Norms tell companies which ways of working are good and which ways are not. The language is very strong - companies are not given a choice and are expected to follow the rules.
- The Norms deals not only with the company, but also with their supply chains, their boards and with other companies that they do business with.
- The Norms create a list of promises.
- Unlike the Global Compact, the Norms talks specifically about which human rights need to be addressed by companies.
- Most importantly, the Norms contain a section on how to deal with a company when they have not followed the rules and people and communities have been badly affected.

Some people feel there are problems with the Norms. Complaints fall into four different groups:

1. *Non-Voluntary and Ambiguous Language*
In other words, even though the strong language in the Norms may work with international law, it may not work with the laws of a specific country.
2. *Over-reaching Scope*
This means that some people think that the Norms try to do too much and that some of the promises have little or no effect in certain parts of the world.

3. *Inappropriate and Uncertain Obligations*
Some people think that the promises made in the Norms are sometimes inappropriate and not clear and that they do not always make sense for businesses.
4. *Under-articulated implementation, monitoring and enforcement mechanisms*
Some people think that the promises found in the Norms can not be met. Also, some people think that the promises found in the Norms have already been set out in other tools. Finally, some people think that the rules and promises made in the Norms might be confusing to companies, non-governmental organisations and other organisations and individuals.

Tripartite Declaration

The Tripartite Declaration is a voluntary tool that includes governments, employer and employee organisations (labour organisations) and companies. The Declaration has five sections:

1. General Policies
2. Employment
3. Training
4. Conditions of Work and Life
5. Industrial Relations

The Tripartite Declaration works as a guide for companies, governments and labour organisations to help improve the lives of people and communities.

The Tripartite Declaration asks more from companies than the Global Compact. For instance, the Declaration not only asks companies to stop from practicing certain bad labour practices, but it also asks companies to play a bigger part in improving local labour situations.

The Tripartite Declaration asks governments to develop policies for job training. At the same time, the Declaration asks companies to provide useful training for employees that will help the development of their country. The Declaration is important because it helps workers to improve their skills which will help them to continue to support their families. The Tripartite Declaration does not mention

the role of companies in training youth or their role in supporting government training programs.

The section on the condition of work and life looks at preventing exploitation. The section is divided into different parts:

- Payment
- Benefits and conditions of work
- Minimum age
- Safety and health

The section on minimum age is also important to our discussion on the commercial sexual exploitation of children. The Declaration expects companies to do whatever is necessary to eliminate the worst forms of child labour as quickly as possible.

As a voluntary tool, the Tripartite Declaration does not have ways to monitor or ensure that companies follow the rules. Some of the other problems associated with the Tripartite Declaration are described below in the section on Fundamental Principles.

Fundamental Principles

In 1998, the International Labour Organization adopted the Fundamental Principles.

This document is important because members of the International Labour Organization are committed to respecting, promoting and supporting four fundamental rules/principles and rights at work.

There are four principles within the Fundamental Principles:

1. Freedom of association and the right to collective bargaining (unions)
2. Ending all forms of forced or compulsory labour
3. Ending child labour
4. Ending discrimination at work

The International Labour Organization is required to help its members reach these goals. However, some people feel that there are problems with both the Tripartite Declaration and the Fundamental Principles. There are issues concerning the privacy of

the system. As the Tripartite Declaration is a voluntary instrument, one of the only ways that companies can be punished is if the public finds out about their poor record and avoids buying or using their products. The names of companies involved in the process are not revealed and so they do not risk being embarrassed in public. While the language used in the Declaration is strong, it does not have any legal power.

Also, the International Labour Organization is not able to set the conditions for workers in different countries and so companies cannot be blamed for taking advantage of the conditions in these countries. For example, the government in some countries will set a very low minimum wage for employees in order to attract big companies to set-up factories – the ILO and others in the international community may see this as unacceptable but they are mostly powerless to change anything.

The Tripartite Declaration is good in one way because it includes a role for governments, labour organisations and companies, but it is also weak for the same reason. The reason it is weak is because it is hard for these three different groups within the International Labour Organization to reach an agreement. It is because of this that the tripartite structure has problems.

Guidelines for Multinational Enterprises (1976)

Guidelines for Multinational Enterprises give companies details on how to conduct their businesses. The goal of the Guidelines is for companies to make positive contributions to society, the environment and the economy in the places in which they operate. The Guidelines also call on companies to respect the human rights of those affected by their business activities. Companies should also work together with governments to resolve problems and to develop policies and law.

The Guidelines allow for complaints against companies and also provide ways to assess situations, find solutions, and decide whether further actions are needed. One problem is

that names of businesses and the complaints against them are not shared with the public. Many other problems exist in the Guidelines for Multinational Enterprises and these include:

1. *Voluntary vs. Binding Obligations*
Just like the Global Compact and the Tripartite Declaration, companies are not required to follow the Guidelines – they are only recommendations. Companies can choose to follow some recommendations and ignore other ones that might be too challenging for them to introduce.
2. *Permissive and Vague Language*
Some people feel that the language in the Guidelines is not strong enough as they only ‘encourage’, not demand, that companies respect human rights. The same can be found in the section on child labour – here, the Guidelines ask companies to ‘contribute’ to ending child labour, but they do not get specific about what this means or how exactly companies can contribute.
3. *Weak Follow-Up Procedures*
There is no system in place to enforce the Guidelines or to make sure that companies are truly following them. Some people are also concerned with the way complaints are dealt with. Also, the Guidelines do not explain how companies can report their behaviour.

As the listed resources demonstrate, there have been quite a few developments in the international world and in the role played by businesses and companies to protect children’s rights. Although no company can be forced to follow the guidelines outlined in the various documents, they are an important tool to help view the role companies should play in the protection of children from commercial sexual exploitation and assess the possibilities that exist.

A new model must be developed that will address the existing problems discussed

throughout this section. For example, a strategy needs to be implemented that creates more control over companies and their

actions, and enforces existing and future standards and guidelines.

Travel and Tourism

In different ways, some travel and tourism businesses indirectly support the commercial sexual exploitation of children. These businesses include:

- Travel agents - abusers may use agents to book their travel
- Airlines - abusers may use airlines to travel to their destination
- Hotels - hotels may be used as the location where abuse takes place



Quick Fact:

- In 93.3% of cases, the commercial sexual exploitation of children takes place in hotels.

The transportation industry has a special role to play in efforts to fight the commercial sexual exploitation of children. This industry includes airline carriers, taxi companies and chartered buses.

Tourists who are looking for sex with children may not know where to find it, so they may talk with taxi drivers who might know. Sometimes taxi drivers arrange a meeting for the tourist.

Trucking companies have also been involved in the commercial sexual exploitation of children. In some countries, particularly in South America, children can be found waiting at petrol/gas stations or truck stops and service centres to get free transport from

one part of the country to another. These circumstances can leave the child vulnerable to commercial sexual exploitation.

Bus and railway companies have also been used by 'pimps' in North America. These 'pimps' wait at bus terminals for young people who arrive and may look lost and confused. These young people are then led into prostitution and are sexually exploited.

Many travel and tourism businesses have become involved in trying to end the commercial sexual exploitation of children. A lot of positive and important work has been done, but there are still a lot of efforts that need to be made, especially in education and training.



Quick Fact:

- The Transport Union of Burkina Faso has trained its staff, including bus drivers, to look out for child trafficking and to report any cases of child trafficking they come across.

Resources, Tools and Agreements

As seen earlier in this document, many different codes, conventions and standards have been developed to end the commercial sexual exploitation of children. There are also many different resources, codes and agreements that deal specifically with the issue of travel and tourism. For example:

Treaties and Conventions

The words 'treaty' and 'convention' mean the same thing. They are legal agreements between governments. They highlight the promises governments have made on an issue.

Global Code of Ethics

Governments that support the *Global Code of Ethics* have agreed to pass stricter laws and take more control over businesses to ensure that children are protected from harm within their countries.

The *Child Prostitution in Tourism Watch* was started in 1997, after the First World Congress. The goals of the Watch program are to prevent, identify and stop the exploitation of children in sex tourism.

Various groups around the world have developed different charters and agreements to address the issue of children in sex tourism. For example, the Universal Federation of Travel Agents' Associations developed a Child and Travel Agents' Charter that has over 100 member countries. This agreement has a section that deals with helping child victims of commercial sexual exploitation. The International Federation of Tour Operators also developed its own *Code of Operation against the Sexual Exploitation of Children* in 1998.

One very important tool is the:

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

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism - - also known as the Code - was developed by ECPAT International and is considered to be one of the most important tools for fighting child-sex tourism.

There are six important parts to the Code:

1. To create a policy that deals with child-sex tourism;
2. Training people in both the country of origin (where people are from) and the travel destination (where the people go);

3. Ensuring that every company involved agrees to fight the commercial sexual exploitation of children;
4. Ensuring that travellers are aware of the issue through distribution of catalogues and brochures, in-flight films, ticket slips and Internet home pages;
5. Informing key people at the local level; and
6. Reporting every year about who has introduced the Code and how it is working.

More than 600 companies have signed The Code in 38 countries in Europe, Asia, Africa, North America, and Central and Latin America. All of the countries who have signed the Code are asked to provide a progress report that explains how well the Code is working.

The Code is now an organisation itself. Members of the organisation include people from the tourism industry, governments, and non-governmental organisations.

These agreements are positive steps in the effort to end the commercial sexual exploitation of children, but they are still only voluntary. The language in the charters and agreements is also not as strong as it could be. For example, the agreements use words like "encouraged" and "recommended" instead of stronger words like "must" or "required". Finally, it is difficult for organisations to monitor the promises made in the agreements.



Quick Fact:

- In Australia and the Pacific the "Travel with Care" project makes students aware of commercial sexual exploitation. Child Wise Australia has also developed a training kit for travel and tourism students, educators and tour leaders. A new program, "Choose with Care", has been started and includes workshops, handbooks and video kits, and help services that are equipped to fight child-sex tourism.

Regional and National Programmes

Many smaller, local projects have had very positive results in the fight against the commercial sexual exploitation of children. Some European travel organisations have started projects to address the commercial sexual exploitation of children. One example comes from the Group of National Travel Agents and Tour Operators Association within the European Union. This group passed a 'Declaration against Child Sex Tourism' which denies membership to organisations that have been involved in sex tourism.

Also based in Europe is the Confederation of the National Associations of Hotels, Restaurants, Cafés and Similar Establishments, based in Brussels. This group voted in favour of a 'Declaration against the Sexual Exploitation of Children' in 1997.

Governments have also been important in helping businesses in the tourism industry look at the issue of the commercial sexual exploitation of children. The European Parliament, the Council, and the Economic and Social Committee and the Committee of the Regions issued a 'Communication on the Implementation of Measures to Combat Child Sex Tourism' in 1999. The main purpose of the Communication is to help communities implement measures to fight child-sex tourism. The Department for International Development and the Foreign and Commonwealth Office of Britain have also begun several projects with local travel agents and travel training companies. This department has also recommended the introduction of a tourism industry code of conduct.

Media

The term 'media' includes forms of communication that have a big impact on the way people see the world. There are now a greater number of media choices than ever before. Media includes:

- Satellite and cable TV channels
- Radio stations
- Newspapers and magazines
- The Internet
- Computer and video games

Not only does media have a big impact on the way children see the world, it also has a big impact on how adults see the world.

The media can sometimes tell stories about the commercial sexual exploitation of children in a caring and good way. These sorts of stories can increase the public's knowledge of the commercial sexual exploitation of children. Yet, the media can also sometimes support the exploitation of children in the way

they cover stories about children and child abuse.

There are several businesses that play a role in shaping the way people look at the world. These businesses include:

- Journalism
- Photography
- Television
- Acting
- Modelling
- Advertising

Journalism

The way the media represents children has a big impact on people and their attitudes towards children and childhood – this affects the way adults behave towards children.

Many people feel that the media must report fairly, honestly and accurately on the experience of childhood. However, sometimes

journalists report on a story and they have the wrong details and information about children.

Sometimes journalists do not have a good understanding of what is needed when conducting stories on children. For example, photojournalists working with an international non-governmental organisation took pictures of crying children at a refugee camp. They later found out that the children were weeping because they thought that the photographers were soldiers who were holding weapons and trying to kill them.

Media has had a huge impact on youth with regards to sexuality. Since 120 million children do not attend school around the world, it is important for children to be taught sex education outside of school. Some of the ways they can become educated is through comic books, magazines and music. Media industries also have a huge role to play in promoting youth empowerment.

More needs to be done, but some groups have started projects that will assist journalists to become active in the fight to end the commercial sexual exploitation of children.

It is important to recognise the role that media industries can play in promoting youth empowerment. Confidence and identity-building activities are important for helping youth to feel good about themselves and to help them realise their full potential. For example, journalists in South Africa generally show children as being 'innocent', 'angels', 'troublemakers', 'rowdy' and 'delinquents'. However, many children in South Africa have made it clear that they do not want to be seen as victims of war, famine, or abuse. They would rather be heard and seen with a sense of pride and dignity and display an independent perspective of the world.

Photography

The biggest connection between photography and the commercial sexual exploitation of children is in the modelling industry.

Many people have been talking about how various photography companies could protect



Out of Focus is an initiative that was started in 1994 by Drik, an agency located in Dhaka, Bangladesh. Drik trains children from poor working class families to become photojournalists. The children have control over which images will best represent their community. The photographs taken by these children, most of who cannot read or write, present a unique and powerful perspective that is missing in the professional journal articles. The children and their photographs have been recognized in exhibitions, television, radios and films. As well, some of the photographs have been nominated for awards.



A UN Special Rapporteur has acknowledged:
"The use of teenage girls, some as young as 13, modelling adult fashions may create the impression that thin pre-pubescent bodies are the most sexually desirable"

children. Guidelines on how children should be photographed have been developed and include:

- Making sure children are not shown in a sexual way
- Protecting children while at a photo shoot
- Educating parents

There are other protective actions that could be taken to ensure the protection of children from the commercial sexual exploitation in the photography industry. For example, photo processing shops (places where film gets developed) can help by reporting any film or pictures of child sexual abuse.



Quick Fact:

- Black's Photography in Canada has a policy to contact the police if employees find any film or pictures that contain child sexual abuse.

However, protecting children from harm in this industry is often undermined by protecting the privacy of the alleged abuser. Recently, these concerns have been explored during a high-profile case in the U.S. where an employee at a photo-developing shop was fired for violating the store's customer confidentiality policy in reporting photos depicting child abuse.

Film and Television

There are many concerns about the way children are represented in film and television.

There are examples of movies that show the sexual exploitation of children and concern for the effects this may have on the child actors.

There are programmes and guidelines being developed to help child actor's deal with sensitive material. There are also a number of projects that makes sure television and film director's work appropriately with child actors.

There are examples of how the television and film industry has helped to increase awareness of commercial sexual exploitation of children:



Quick Fact:

- Child Wise Australia has made television commercials that show stories of children who have been harmed by the commercial sexual exploitation of children.
- Air France began a video campaign, informing passengers about the strict laws in France and other places that punish people who exploit children.

Acting and Modelling

Although some child actors have become adults and told negative stories of their involvement in exploitative scenes as children, not all actors agree that this is an important issue.

A recent Hollywood film included a scene where a female adult takes a bath with a 10 year-old boy. The child actor in question went on record as stating:

"If you knew how they film movies and how the [Alliance of Canadian Cinema, Television and Radio Artists] and [Screen Actors Guild] protect children actors, then you would not be asking me this question. The only people stirring up the bath water in that scene were the media!"

There have also been reports on how children, or child-like adults, are used as sexual objects in the modelling industry. For example, in the Russian Federation and other countries of the Commonwealth of Independent States, modelling is a well-paid job that lures many young girls, which at times can lead to commercial sexual exploitation.

It has been argued that acting and modelling agencies must be more sensitive to the implications of using and representing children in their productions. There are many ways in which the industry can better protect children from the harm of commercial sexual exploitation while promoting public awareness of underlying issues.

Advertising

There is some concern about the way the fashion industry uses children and shows them in sexual poses. Many of the concerns are also found in acting, television, modelling and film – but there are some specific issues related to advertising.

Recently, public attention focussed on Calvin Klein underwear advertisements that featured children in sexually suggestive positions. In 1995, a similar jeans campaign involving teenage models was pulled following public pressure. Other companies, such as Abercrombie & Fitch (A&F) use a sexual marketing campaign that is aimed at young people. The company has published a 280-page catalogue with naked young models in sexually suggestive poses. This plastic wrapped catalogue, which explains its adult

content, is only distributed to those who are 18 years or older.

There have, however, been a number of positive developments using advertising. For example, many advertising companies recognise the value of preventing commercial sexual exploitation and will offer advertising services free of charge. However, few firms have actually developed programmes or projects, or approached non-profit organisations in their communities to offer their support.



Quick Fact:

ECPAT New Zealand has partnered with a major advertising agency - that has offices around the world - to develop advertisements to be aired on New Zealand television. The advertisements are aimed at educating the public about the commercial sexual exploitation of children.

New Technologies

The Internet has grown very fast in the past ten years – much faster than any other project aimed at ending the commercial sexual exploitation of children. This increase in project focus is attributed to the fact that the Internet offers abusers instant information and images of sexually exploited children. The Internet has provided new and harmful ways to violate the rights of children, including:

- Commercial sexual exploitation
- Forms of bullying and teasing (including cyber-bullying)
- Access to inappropriate and dangerous materials
- Images of violence
- Access to ideas and pictures that show 'self harm' or harm to others

The most common way that children's rights are violated is through the sharing of pornographic images involving young people – in other words, sharing pictures of sexually exploited children. Also, sex abusers will often put pictures of children onto the Internet where they can be seen by the public, including the child's friends and family.

Filtering and Content Rating Systems

There are new forms of technology that can find and stop harmful material from being shared on the Internet. These are called

filtering and content rating systems. However, there is no international standard for these new technologies. In other words, different countries and different companies have different ways of doing it.

Offenders have found easy ways to get around filter and content rating systems by misspelling words on purpose or using 'online slang'.

Walled Gardens

One of the best ways to protect children from harmful websites and online information is through 'walled gardens.' Walled gardens are collections of websites that have been pre-screened and pre-approved as being safe for children.

Screening is done by 'real life' people, not a computer program, and ensures the safety of children using these sites. However, the popularity of new social networking websites such as Facebook and MySpace are making 'walled gardens' less popular for children to use.

Internet Service Providers

Internet Service Providers give people access to the Internet and help people set-up

websites. Some people believe that Internet Service Providers should be responsible for the information people put on the Internet. However, these companies claim it would be too difficult to monitor content because there is so much information that is shared through their networks.



Quick Fact:

Recently, ECPAT International signed contracts with ten major Internet Service Providers from Taiwan to protect children from harmful content on the Internet. The companies are obligated to create a child protection team, as well as to include a child safety section on their website.

Chat Rooms and Social Networking Sites

Abusers often use online chat rooms and social networking sites to find children. Some abusers play online games so that they can meet young people with the same interests. Conversations start online and then often, children share pictures with the potential abuser. After pictures are shared, the abuser will then suggest they meet in person. Sometimes an abuser will send a child a prepaid mobile phone and then track the child's whereabouts using a satellite tracking system.

Social networking websites such as Facebook and My Space and video websites such as YouTube are also used by abusers to find children.

Children need to be more aware of online risks and try not to share their personal information with strangers. As this issue is so new to the fight against the commercial sexual exploitation of children, very few solutions or projects to protect children have been explored.

Software Support

Police and other people working to end the commercial sexual exploitation of children need help with their work. Some computer companies are helping by developing computer programs and software that track

down and identify harmful material on the Internet. If the programs find images of sexual abuse they can identify the location of the exploitation by looking at the buildings, environment and other clues.

Global Response

One of the major obstacles to overcome in combating the commercial sexual exploitation of children online is the international dimension of the problem. However, there have been some positive steps in the international scene. For example, the G8 countries – the United States, Russia, Japan, Germany, France, Italy, Canada and Britain - have cooperated through initiatives such as the Virtual Global Summits and various Interpol activities that include 187 member countries. These international gatherings have set out a number of guiding principles and suggestions on how the Internet can best be controlled, and have examined the responsibilities of Internet companies in the private sector.

The Internet and Mobile Phones

New challenges and opportunities for technology are being discovered everyday, and are guiding the future of the Internet. As the Internet is growing very quickly, the private sector must provide support and help to protect children from the commercial sexual exploitation of children.

New technologies, such as the ability to use the Internet on mobile phones, is of concern in the fight to protect children from online abusers. This advancement in technology makes it almost impossible to track users and therefore impossible to track any abuser that may be sharing harmful images or videos.

Mobile phones are also causing problems for children who are being bullied. Recently, text bullying has become a major form of bullying, but children are often afraid to ask for help or report anything because they do not want their phone to be taken away. There are websites that are available for children to get help and advice on how to deal with these problems.

Financial Institutions

Whether an abuser is paying for a plane ticket or buying images on the Internet, they will have to use some form of payment. For this reason, banks and credit card companies are also indirectly involved, and therefore responsible for ending the sexual exploitation of children.

Thus far, most financial institutions have decided not to participate in meetings and discussions that look for ways to end the commercial sexual exploitation of children. They have also been mostly silent about steps to ban their products (like credit cards) from being used for activities related to the

commercial sexual exploitation of children.

However, in 2006, several financial institutions partnered together and launched the *Financial Coalition against Child Pornography (FCACP)*. The FCACP includes banks, credit card companies, Internet Service Providers, and represents nearly 90% of the payment companies in the United States. They track down abusers that are using their services and then shut down the service. Canada and some European Union states are looking at this model to see if it can work in other countries.

Additional Resources

There are three projects that have looked at the issue of commercial sexual exploitation in detail. There also a number of publications, online projects and campaigns that can be used as additional resources.

1. United Nations Secretary-General's Study on Violence against Children

In 2004, after recognising that children have the right to live free from violence, an international project was started. This project was called **the UN Secretary-General's Study on Violence against Children**. Sometimes this study is simply called 'The Study'.

This project took place over two years (2004-2006) and has helped governments, organisations, and researchers – including young people – learn and better understand:

- How different types of violence affects girls and boys around the world;
- What needs to be done to prevent all forms of violence against children;
- Good ways of helping children who have faced violence;
- What children can do to protect themselves from violence; and
- The causes of violence against children and what can be done to stop it.

The Study looked at violence and where violence can occur. The following five settings were identified as places where violence occurs:

1. Home and family
2. Schools and other educational settings
3. Institutions and prisons
4. The workplace
5. The community

There are also other resources available that contain more information on the UN Secretary-General's Study on Violence against Children. These child friendly resources are:

Our Right to be Protected from Violence

This book offers more information about the United Nations Secretary-General's Study on Violence against Children. It also lists various activities that can be used to learn about issues of violence against children, and it provides the reader with some activity ideas for taking action. Visit: www.crin.org for further information.

United Nations Secretary-General's Study on Violence against Children – Adapted for Children and Young People

A child friendly summary of the official UN Study report and recommendations is available. The summary includes a useful word bank that can help to explain some of the language the reader may come across when reading or talking about the issue of violence against children. Visit www.bookshop.rb.se for further information.

2. Protect, Respect and Remedy: A Framework for Business and Human Rights

This report was prepared by the United Nations in 2008 and looks at how businesses and companies impact on human rights. It looks at the challenges and the reasons why problems exist. It recognises that some good work has been done, for example the Global Compact, but that a lot more needs to happen to address all of the problems related to human rights.

The author of this report points out that any system set up to protect human rights will fail unless there are ways to investigate and punish abuses. He also believes that a system should be implemented where problems can be talked about and solutions found. Visit: www.business-humanrights.org for further information.

3. Stockholm Declaration, Agenda for Action and Monitoring Reports

The First World Congress against Commercial Sexual Exploitation was a very important event. It was the first time that governments admitted that sexual exploitation exists in every nation, no matter the geographic location or culture. The promises they made during the First World Congress were captured in a global *Declaration and Agenda for Action*.

Countries promised to change relevant laws, policies, programmes and practices to stop the commercial sexual exploitation of children and adolescents in all its forms, while protecting the rights of child victims and ensuring no further harm to them. Governments also committed themselves to actively involve children and adolescents in this process.

In the *Stockholm Declaration and Agenda for Action to end the commercial sexual exploitation of children*, countries promised to focus on:

- Coordination and cooperation at regional and international levels;
- Giving education and information to girls and boys, their families and society to prevent the commercial sexual exploitation of children;
- Make new laws and strengthen old ones - if they exist - to protect children;
- Help child victims and their families to recover and help them to live safely and comfortably again in their communities; and
- Participation of children, including child victims, young people, their families, peers, and others who are potential helpers of children.

To view the document, visit: http://www.csecworldcongress.org/PDF/en/Stockholm/Outcome_documents/Stockholm%20Declaration%201996_EN.pdf.

Global Monitoring Reports

ECPAT have developed Global Monitoring Reports, which are very useful summaries of what countries and regions are doing to end the sexual exploitation of children. To view the Global Monitoring Reports, visit: http://www.ecpat.net/A4A_2005/index.html.

StopX.org: the Adolescent and Young People's Online Interactive Website

This is an online, interactive website for young activists who are concerned about the sexual exploitation of children and adolescents. The website allows young activists to network, download resources, work together and showcase their work. To view the website, visit: www.stopx.org.

EICYAC

EICYAC is a group of young people from all over the world who fight against the commercial sexual exploitation of children (CSEC). Members are between 16 and 25 years old and EICYAC fights for a world in which no child is commercially sexually exploited. They make sure children and young people can be involved in this fight by linking up with youth groups and working to include those who have experienced CSEC and those at risk. Visit: <http://www.eicyac.org/index.html>.

Make-IT-Safe Campaign

The make-IT-safe campaign is a global campaign to make information technologies safe for children and young people everywhere. Their goal is to encourage the IT industry and governments to take responsibility for making online and interactive technologies safe for children and young people. The make-IT-safe campaign unites children's groups in 67 countries. To find out more about the campaign, visit: <http://www.make-it-safe.net/eng/index.asp>.

Definitions for Young People

This brochure explains some of the main words we use when talking about the sexual exploitation of children such as child prostitution, child trafficking, and child pornography, among others. To view the brochure, visit: <http://www.eicyac.org/Resources/PDF/Child%20Friendly%20Definitions%20CSEC.pdf>.

To learn more about the 2008 World Congress III against Sexual Exploitation of Children and Adolescents, visit: <http://www.iiicongressomundial.net/>.

Conclusion

This paper has looked at the many ways that companies can be held responsible and the roles they need to play to protect children from sexual exploitation.

A lot has changed over the past ten years and corporate social responsibility has been improved. Many different tools, standards and codes of conduct have been developed, but none of these seem to be working as well as they need to be – more has to be done.

The good news is that some very good work is happening without government involvement. Some companies are taking responsibility and fulfilling their role to end the commercial sexual exploitation of children. More people are learning about the issue and are looking for solutions.

This report has looked at specific businesses, which ones are helping to end the sexual exploitation of children, and which ones are doing more harm than good. The focus has been on travel and tourism, the media, new technologies, and the financial industries. However, the paper has also looked at the actions all businesses can be taking to end the sexual exploitation of children.

Every company and business has a role to play. They all need to support, create and implement projects that will keep children protected and safe from sexual exploitation.

ECPAT International is a global network of organisations and individuals working together to eliminate child prostitution, child pornography and the trafficking of children for sexual purposes. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.



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