

Corporate Social Responsibility

Concept Note

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Overview

The private sector² is involved in the commercial sexual exploitation of children (CSEC). Whether the exploitation is the result of commission or omission on its part may be subject to debate, however, the private sector's connection to this fundamental violation of children's rights is undeniable. At a minimum, five sub-sectors within the realm of private enterprise have traditionally been associated with CSEC. The first sub-sector includes the travel and tourism industries. Businesses in this category have publicly claimed to take the lead in confronting the problem and developing innovative strategies to combat the phenomena. A second sub-sector, closely tied to the first, includes the transport industry, such as long distance hauling and trucking, local taxi cooperatives and other forms of public and private transfer. A third sub-sector includes the media industries. These groups comprise journalists, photographers, television and film producers, acting and modeling agencies and advertising firms. Although some positive initiatives have been noted, there is consensus among child advocacy organizations that not enough is being done to protect children from the harms associated with these trades. The fourth sub-sector represents the new technologies. This relatively young set of industries has received a considerable amount of attention since their involvement was first discussed at the World Congress against Commercial Sexual Exploitation in Stockholm in 1996. No doubt the Internet has assisted advocates in getting their positive message across in an effective and efficient manner, but it has equally helped those who violate the rights of children accomplish their abuse cloaked in complete anonymity. The fifth, and most recent sub-sector within the private sector, is the financial alliance. Financial partners have recently organized and begun directing their technical knowledge and expertise to combating the commercial trade of child abuse images through credit card, bank drafts and other monetary transactions.

The proposed report will examine each of the sub-sectors of the private industry noted above, identifying the individuals and groups involved and their efforts in eliminating CSEC or, in some cases, perpetuating it. Although the obstacles or concerns of each project will be reviewed, the central focus of the study will remain on "best practices" and "lessons learned"; in particular the

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² For the purpose of the report, the private sector will be primarily defined as for-profit industries. Although many of the principles are relevant for other members of the private sector, including civil society organizations and non-profit agencies (whose efforts are no doubt instrumental in protecting children from CSEC), the motivations for participation differ greatly when profit incentives are involved.

While it may be true that profit-driven corporations share an interest in, and a commitment to, children's rights, this focus is incidental rather than central to their business activities. This fact distinguishes their work from their non-profit counterparts. Further, there is a very real risk with for-profit businesses that children's rights will be subordinated to profit incentives. For example, private industries may be interested in helping youth advance their future employability; if the expense of so doing is not recouped by the corporation there may be temptation and pressure (i.e., by shareholders) to abandon such practices.

use of corporate social responsibility (CSR) tools to reduce the incidence of CSEC within the respective industries will be explored. The emphasis on positive outcomes will hopefully demonstrate that good work can indeed be accomplished through an acknowledgement of the problem coupled with a determination to make a difference in the lives of children.

Background

Following the Second World Congress against the Commercial Sexual Exploitation of Children (Yokohama, 2001), the quantity and quality of initiatives taken by the private sector to undermine CSEC has increased. In this respect, the travel and tourism industries have produced a great deal of material and a number of high profile agreements and resolutions have been made at the international level. A particularly notable initiative was the adoption by the World Tourism Organization's General Assembly of a new Global Code of Ethics for Tourism. Many travel-related agencies, at the international, regional and national levels, have also taken measures – such as the promulgation of codes of conduct, training programs for employees and campaigns for public education – all aimed at preventing CSEC.

More recently, the transport sub-sector has begun uniting – independent of the travel and tourism group – to strategize on methods to combat CSEC within their own sphere of work. Historically, the challenge with this group has been the nature of their business itself: independence of operators coupled with the anonymity of their clients. As a result of some high profile cases, the way business is conducted among transport associations has started to change. The research available in this regard will be canvassed in the report.

Achievements have also been reached by media-related businesses. Journalists have participated in meetings to draft ethical codes aimed at defining ways in which CSEC can be discussed and portrayed in effective and non-exploitative manners. The photography and film industries have also begun to discuss how they can avoid contributing to CSEC. Technological developments have been made allowing the filtering and rating of television programs to protect children from viewing harmful content and parallel initiatives have been taken to protect child actors from the psychological harm of portraying CSEC. The benefits of television and film industries for promoting public awareness have been explored, notably by non-governmental organizations (NGOs).

The unregulated nature and explosive growth of the Internet has provided child exploiters the luxury of anonymity, creating different and new forms of CSEC. Several meetings subsequent to the Second World Congress have examined, specifically, the issue of on-line exploitation. These international gatherings have set out a number of guiding principles and suggestions as to how the Internet can best be controlled and have examined the responsibilities of private sector Internet companies. Efforts have also been made in exploring ways to regulate the Internet and in reinforcing cooperation between law enforcement officials and members of the "high-tech" community. Technologies are being developed to filter and rate content so that individuals and Internet Service Providers (ISPs) can prevent harmful material from entering their spheres. Research is currently being conducted to verify the extent to which ISPs can be expected to participate in the elimination of child pornography from the Internet. As discussion continues, the world grows closer to an understanding of the limits of this private sector sub-group and the potential for new forms of technologies to help reduce its social toxins.

A significant amount of the sale and purchase of child abuse images of children is undertaken through mainstream financial transactions including the use of credit cards, bank deposits and wire transfers. Investigative mechanisms and technical resources to counteract pure economic

crimes (including financial fraud and money laundering) are already operating around the world. Gradually these systems have begun to be used to trace, intercept and foil networks that trade in commercial child abuse imagery. Some of the incipient initiatives will be examined to assess their potential for expansion and impact.

In spite of the commendable efforts outlined above, a number of significant barriers remain, preventing full implementation of the private sector's commitments and obligations. It is true that management in certain industries (i.e., hospitality) have begun to take remedial steps to eliminate CSEC, but it remains unclear as to how adequately information on these steps has been disseminated to ground-level workers. CSR tools, including codes of conduct and "best practice" guidelines, are touted as the most comprehensive and effective means of achieving these ends. However, as such codes are non-binding and too new to have adequately been tested, their ultimate feasibility is yet unknown. The report will canvass the efficacy of the CSR initiatives that have developed and evolved to combat CSEC and shall assess their progress toward meeting the common goal of ending it.

The role of international standards towards influencing CSR

There have been a number of recent developments in international law that undertake to strengthen linkages between corporate social responsibility and the protection of children's rights and these too will be reviewed in the proposed report. Much of the basis for this framework is found in the *Universal Declaration of Human Rights* (UDHR). Notably, the preamble of this declaration states, "Every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights".

The wide-reaching ambit of responsibility outlined in the UDHR encompasses individual and corporate bodies as well as States, thus suggesting that private sector industries are seized with the obligation of such protection. Furthermore, Article 30 indicates, "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein". Enumerated rights specifically include non-exploitation and access to education. Although this document is non-binding, its provisions are implemented through the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*.

The *Convention on the Rights of the Child* (CRC) offers the most comprehensive, and the most widely accepted, protections for children's rights. Articles 31 through 37 outline rights to education, leisure and development and establish prohibitions upon various forms of abuse, including economic and sexual exploitation. Another significant development has been the adoption of the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. There have also been a number of binding obligations promulgated by the International Labour Organization (ILO) which establish standards for employment conditions, including such issues relevant to children as minimum age and protections against the worst forms of child labour (i.e., ILO Convention 182).

A number of non-binding multilateral declarations have also been developed to place checks upon the work of private businesses, in particular those that are multinational in origin. Many of these declarations include in their scope States, employers, as well as employees. Perhaps most importantly, the agreements recognize not only the need for private industries to respect human rights, but that their position in society places a strong obligation to enhance and promote these rights. An example of this is seen in the ILO's *Tripartite Declaration of Principles concerning*

Multinational Enterprises and Social Policy. Protections and obligations are also found in the Organization for Economic Cooperation and Development (OECD) *Guidelines for Multinational Enterprises*. Further directives, such as the OECD's *Principles of Corporate Governance*, require businesses to recognize the context in which they operate and thus contribute to the greater benefit of society.

The United Nations has recently undertaken an important new initiative, the "Global Compact", which requests that businesses show good "global citizenship" in the nations in which they operate. The human rights section of the source document explains that businesses should support and respect the protection of internationally proclaimed human rights within their sphere of influence and ensure they are not complicit to potential violations.

Although the UN compact is voluntary, it turns the attention of such industries to human rights and represents an important development in ensuring both respect for, and promotion of, such rights. This dual objective has also been noted in other UN fora. A recent progress report by the UN High Commissioner for Human Rights (UNHCHR) listed a series of reasons why respect for human rights is important for the private sector. Points noted include, *inter alia*: Compliance with both local and international laws; satisfying consumer concerns; promoting the rule of law; building community goodwill; keeping markets open; and increasing worker productivity and retention. Several accountability mechanisms have also been identified by the UN including "Global Stakeholder Initiatives", which are designed to encompass industries such as rug-making and "Case-Specific Stakeholder Initiatives", which are created to deal with individual cases of unacceptable practices, such as resource-exploitation in an identified region.

Other international norms may be hindering global attempts to alleviate the foundations underlying CSEC, specifically in the poorest countries of the world. A threat to poverty eradication and arguably a complete elimination of CSEC may be found in Structural Adjustment Programs (SAPs). Under schemes designed by the International Monetary Fund and the World Bank, several countries in the Southern hemisphere (i.e., Asia, Latin America, Africa) have become burdened by insurmountable debt and have lost autonomy due to the resulting power imbalance. Liberalized trade and an emphasis on privatization have led to drastic cutbacks in government social expenditures, currency devaluation and loss of employment. The aims of integrating developing countries into the "world trading order" has led to an ever-increasing chasm between wealth and poverty, particularly because Southern countries are forced to adjust to the standards of the North. There has been little focus on long-term sustainability and poverty reduction. Governments are pressured to respond to creditors prior to the social conditions of their citizens. Organized criminal groups have thrived under such conditions. As poverty and inequality have repeatedly been cited as the leading causes of CSEC, SAPs may be one major block in eliminating this human rights violation.

As the above points illustrate, there have been a number of developments at the international level considering the role played by the private sector in the protection of children's rights. Although many of the resulting documents are not binding, they do offer important guidelines of options available to big business in both protecting and promoting such rights. Clearly, CSEC falls within the ambit of all of these documents and any involvement of children in the making or viewing of harmful material is prohibited by international law or by international policy guidelines. The interconnection of international standards, private sector responsibilities, and CSEC will be explored in the proposed thesis.

Methodologies to be employed

The methodologies that will be employed to investigate the themes of the proposed report will include a combination of primary and secondary research. A cursory literary review has already been conducted and very little information was located that studied the topic specifically. The two central pieces written on commercial sexual exploitation of children and the role and involvement of the private sector are a report drafted in 2000 by Ofelia Calcetas-Santos, the United Nations' Special Rapporteur on the sale of children, child prostitution and child pornography and a theme paper that the candidate wrote on behalf of ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) for the Second World Congress on Commercial Sexual Exploitation of Children in 2001. Other materials in the form of books and journal articles with a focus on corporate responsibility and/or CSEC more generally, as well as materials that examine the work of one specific industry toward combating CSEC (i.e., tourism) have been identified. Case law also exists that touches on many of the project's topics, much of which has already been collected and analyzed by the candidate as part of The Protection Project at Harvard University's John F. School of Government³.

Conference materials from the first and second world congresses against CSEC will be studied as well. The candidate participated in the Stockholm conference in 1996 and the follow-up in 2001. He also was the Project Manager for Canada's Mid-Term Review of the Second World Congress (Windsor, 2005). A great deal of literature is disseminated by NGOs and inter-governmental agencies at these meetings, the majority of which is inaccessible elsewhere.

Finally, the main "players" in the field – including members of the ECPAT network, project officers at UNICEF and the OECD, representatives from the NGO Group of the Rights of the Child – will all be contacted by the candidate to assemble information and collect data from the stake holders working within these institutions.

Draft outline

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 - ii. Businesses not directly involved in CSEC
 - iii. The "sex trade"
 - b. Corporate Social Responsibility Defined
 - i. CSR "tools"
 - ii. Historic use of CSR in child rights (i.e., child labour campaign)
3. International Standards and the Private Sector
 - a. Hard law
 - b. Soft law
4. Travel and Tourism Sub-Sector
 - a. The industries
 - b. Cross-border initiatives

³ "The Canadian Component of the Protection Project: A socio-legal analysis on commercial sexual exploitation of women and children" is a report drafted in 2000 by the candidate in his capacity of Acting Director of HRI, responsible for children's rights projects. The study was produced by HRI as part of a research initiative of the John F. Kennedy School of Government at Harvard University (Washington campus). It provides a collection and analysis of worldwide jurisprudence on issues relevant to the commercial sexual exploitation of women and children. HRI collected hundreds of cases and related documentation on the issue and its many sub-topics and representatives from the organization met with NGOs and lawyers in a number of countries to gather and share information about the project.

- c. Regional and national programs and mechanisms
5. Transport
6. The Media Sub-Sector
 - a. The “Players”
 - b. Journalism
 - c. Photography
 - d. Television / Film
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7. New Technologies Sub-Sector
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9. Lessons Learned
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10. Conclusion

Conclusion

Although much attention has been paid in recent years to the responsibility of governments and the work of child welfare agencies in efforts to eliminate CSEC, little has been said about the private sector. Yet, multinational corporations, small businesses, and even individual employers and employees play a pivotal role in this most fundamental human rights violation. The years following the Second World Congress have witnessed many private sector advancements in helping to eliminate CSEC and have seen greater commitments for future change; corporate social responsibility and its manifestations have been central to the implementation of these commitments. The proposed report will identify and analyze the achievements, the set backs, the obstacles to full and proper execution of the commitments made by the sub-sectors, and the arguments that have been advanced to justify the actions and inactions in each case.