

KUONI EST. 1906

ASSESSING
HUMAN RIGHTS
IMPACTS

India Project Report
February 2014





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1. INTRODUCTION

1.1 BACKGROUND TO KUONI'S COMMITMENT TO CORPORATE RESPONSIBILITY

Kuoni has been striving for over ten years now to enhance the positive impact of tourism on people and the environment and simultaneously minimize its negative ramifications. Kuoni and its staff are convinced that the company can make a major contribution to ensuring sustainable tourism development with the scope it has available and the resources at its disposal.

As many other companies around the world have also found, the process of integrating Corporate Responsibility (CR) into Kuoni's overall business operations has not always been straightforward.

The whole CR debate has also moved on substantially in recent years. Rather than embarking on isolated individual projects and initiatives, current CR thinking advocates the increasing integration of such activities into the core business of companies.

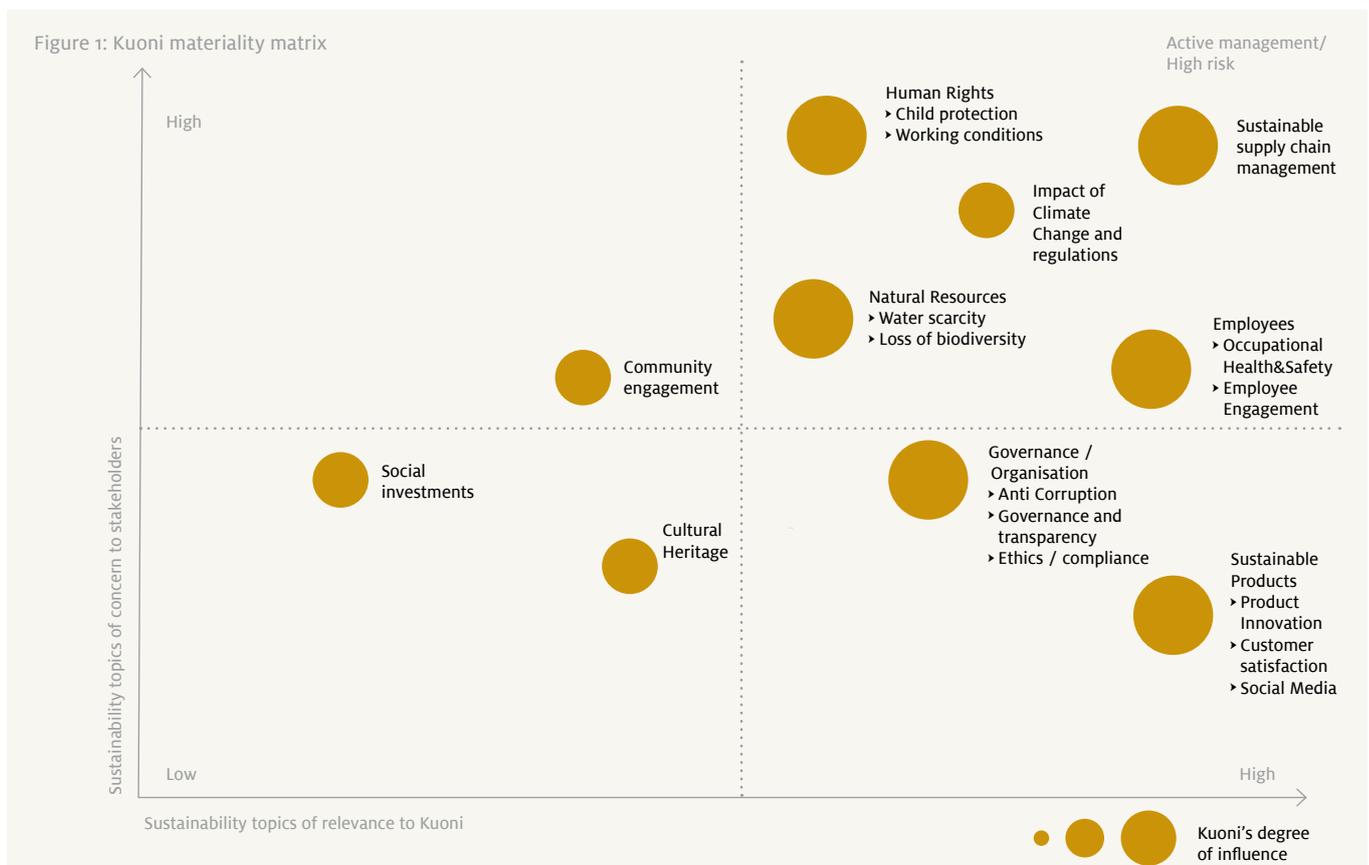
Kuoni, it can safely be claimed, has extensively integrated its Corporate Responsibility activities into its overall business strategy over the last ten years. You will find a comprehensive overview of this strategic

integration - which has included establishing its own Corporate Responsibility unit, adopting stakeholder management, devising and implementing groupwide CR policies and defining and pursuing key focus issues - on the Kuoni Group website (www.kuoni.com/corp-responsibility).

On the basis of the overall Kuoni Group CR strategy for 2012-2014, the CR risk assessment and the subsequent definition of the Kuoni Materiality Matrix (see Figure 1: Kuoni materiality matrix), the focus issues for Corporate Responsibility within the Kuoni Group are:

1. its employees
2. sustainable supply chain management
3. sustainable products
4. human and labour rights
5. natural resources and climate change and
6. governance and organization.

For each of these focus issues, a road map has been developed and specific goals have been defined. These can also be viewed on the Kuoni Group website.



1.2 BACKGROUND TO THIS REPORT

In June 2011, the UN Guiding Principles for Business and Human Rights⁽¹⁾ were unanimously endorsed by the UN Human Rights Council. These principles provide the global benchmark for governments and business to address the human rights impacts of economic activity, and promote transparency, accountability and access to remedy. The principles outline the central elements of the Corporate Responsibility to respect human rights, and the due diligence activities which companies need to undertake in order to fulfil it. (see Figure 2: Elements of the corporate responsibility to respect human rights)



Figure 2: Elements of the corporate responsibility to respect human rights (2)

Kuoni has committed itself to respecting human rights in its Statement of Commitment on Human Rights¹ (Quicksearch 14401)*, which was developed through consultations with internal and external stakeholders. The statement has been endorsed by the Kuoni Group Executive Board and was published in March 2012. As a next step towards fulfilling this commitment, Kuoni conducted a pilot human rights impact assessment

(HRIA) in Kenya the same year. This was the first comprehensive and stand-alone assessment of the human rights risks and impacts arising from Kuoni’s operations and business relationships at one particular destination, and the first- ever published human rights impact assessment to be published in the tourism industry. The findings of this assessment and the follow-up measures defined were also summarized in a report which was published on Kuoni’s website in November 2012 (Quicksearch 14402)*.

The pilot project in Kenya paved the way for a second human rights impact assessment which was conducted by Kuoni in India in October 2013. The choice of India, where Kuoni operates through its fully-owned company Kuoni Destination Management (KDM) India, was based on Kuoni’s global human rights risk assessment, which assesses all destinations by the criteria of:

- The country’s human rights risk level according to publicly-available human rights indices⁽³⁾
- Kuoni customer volume
- Kuoni’s leverage at the destination (own ground agents vs. external partners).

From the high-risk countries identified, India was chosen for this project mainly because of its comparatively high customer volume and because KDM India already has an established local CR function. It was therefore considered appropriate to take India as the location in which to conduct a second HRIA and refine the pilot assessment methodology. The same reporting format was used as for the HRIA in Kenya, with some text passages taken from the Kenya report and adapted to the Indian context.

1.3 OBJECTIVES OF THE PROJECT

The objectives of the project were threefold:

- To provide Kuoni with a more precise understanding of the human rights context of its operations and business relationships in India, and of the actual or potential human rights impacts (positive and negative) that these may cause, contribute to or be linked to, as well as of the existing measures being taken to address them; and to identify possible mitigating measures, means of enhancing access to remedy and opportunities to strengthen the positive impacts on human rights in India.

(1) http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

(2) twentyfifty, based on the UN Guiding Principles for Business and Human Rights.

(3) Corruption Perceptions Index 2012 (Transparency International); Human Development Index 2012 (United Nations Development Programme); Human & Labour Rights indices (maplecroft)

* Enter the code in the search box at www.kuoni.com and you will be taken directly to the relevant content.

- ▶ To trial the newly-developed Kuoni HRIA Toolkit for assessing human rights impacts in India in order to make the necessary modifications to the method to be applied by other destination management specialists within the framework of Kuoni's human rights due diligence process.
- ▶ To foster partnerships with key local stakeholders including employees, suppliers, NGOs and other businesses and organizations.

This report will be used for:

- ▶ internal awareness-raising and informing about the further development of Kuoni's human rights due diligence;
- ▶ sharing the learning more widely with stakeholders in the tourism industry, society and beyond in order to inform about future human rights-related practices in the tourism sector.

Kuoni encourages all interested stakeholders to submit feedback and comments on this report to cr@kuoni.com.

1.4 PROJECT LEADERSHIP, PARTNERS⁽⁴⁾ AND OVERSIGHT

The project was led by the Kuoni Corporate Responsibility team based in Zurich, in collaboration with the newly-trained and -appointed Human Rights Focal Point of Kuoni Destination Management (KDM) India, based in Delhi. Together they acted as the core assessment team during the project. KDM India manages the two key operating brands of Sita and Distant Frontiers. Although both brands have been included in the scope of this project, KDM India is hereinafter referred to as "Sita".

The core assessment team was responsible for:

- ▶ designing the project process and adapting the impact assessment methodology (the Kuoni HRIA Toolkit) to the Indian context
- ▶ desk research and consultations with advisory stakeholders
- ▶ conducting the on-site assessment in India: gathering data from various stake- and right- holders of relevance within and around Kuoni's (internal and external) value chain
- ▶ facilitating the identification of findings, conclusions and mitigating actions with project partners and stakeholders at the national and international levels (action plan)
- ▶ drafting this report.

Sita's specific role in the project was to:

- ▶ lead the process within India and manage the logistics of the on-site assessment
- ▶ select and reach out to business and NGO partners in India to be involved in the project
- ▶ provide information during the assessment process
- ▶ identify and implement mitigation actions.

Sita's senior management were genuinely involved throughout the project. A local human rights focal point was appointed and trained at Sita, led the process in India and continuously engaged with various members of senior management. The management at Sita participated actively in the development of the action plan defined in this report. This situation bodes well for the effective implementation of the actions defined.

Throughout the process, the core assessment team was supported by independent individual advisors (an international stakeholder advisory group⁽⁵⁾), who:

- ▶ advised on the identification of the stakeholders to engage with before and during the on-site assessment in India
- ▶ provided the project team with early insights into the human rights impacts of tourism in India related to their particular field of expertise
- ▶ utilized their networks with civil society to seek meaningful and appropriate consultations with rights-holders and/or their representatives
- ▶ gave feedback on the design of the impact assessment process, the methodology and the drafting of the final report.

Most of these individual advisors had already been involved in the pilot impact assessment conducted in Kenya in 2012 and were keen to provide their valuable expertise for Kuoni's second impact assessment project. Their input was sought throughout the process in a series of individual discussions. As approaches to human rights impact assessments are still in their infancy, Kuoni was pleased to benefit from their insights and their oversight of the process. Statements on the process from five advisors, *arbeitskreis tourismus & entwicklung (akte)*, Equality in Tourism, *Uravu Eco Links*, UNICEF, and the Swiss Centre for Expertise in Human Rights, can be found in Section 6.

(4) A brief description of the Kuoni units involved can be found in Appendix 1.

(5) The organizations forming part of the international stakeholder advisory group will be found in Appendix 4.



NOTE ON THE LEGAL HUMAN RIGHTS PROTECTION IN INDIA:

Following relevant human rights standards and ILO Conventions have been ratified by India:

- CCPR - International Covenant on Civil and Political Rights
- CESCR - International Covenant on Economic, Social and Cultural Rights
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- CERD - International Convention on the Elimination of All Forms of Racial Discrimination
- CRC - Convention on the Rights of the Child
- CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- CRPD - Convention on the Rights of Persons with Disabilities
- Co29 - Forced Labour Convention, 1930 (No. 29)
- C100 - Equal Remuneration Convention, 1951 (No. 100)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

- C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118) (for non-nationals)
- C141 - Rural Workers' Organisations Convention, 1975 (No. 141)
- C142 - Human Resources Development Convention, 1975 (No. 142) (concerning Vocational Guidance and Vocational Training in the Development of Human Resources)

Following fundamental ILO Conventions have not been ratified by India:

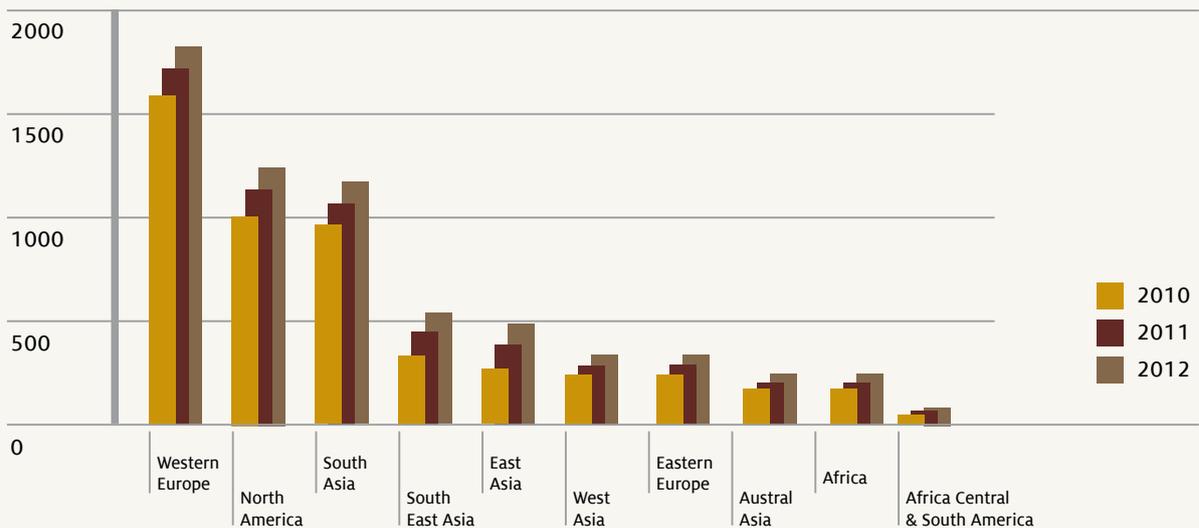
- Co87 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Co98 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- C138 - Minimum Age Convention, 1973 (No. 138)
- C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
- C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
- C183 - Maternity Protection Convention, 2000 (No. 183)

NOTE ON THE TOURISM INDUSTRY IN INDIA, 2012*:

Number of Foreign Tourist Arrivals in India: 6.58 million Foreign Tourist Arrivals
From Top 10 Markets (Numbers in million and Percentage share):

*source: "India Tourism Statistics 2012",
Government of India, Ministry of Tourism"

I) U.S.A. 1.040 (15.81%)	VI) Germany 0.255 (3.87%)
II) UK 0.788 (11.98%)	VII) France 0.241 (3.66%)
III) Bangladesh 0.487 (7.41%)	VIII) Japan 0.220 (3.34%)
VI) Sri Lanka 0.297 (4.51%)	IX) Australia 0.202 (3.07%)
V) Canada 0.256 (3.89%)	X) Malaysia 0.196 (2.98%)



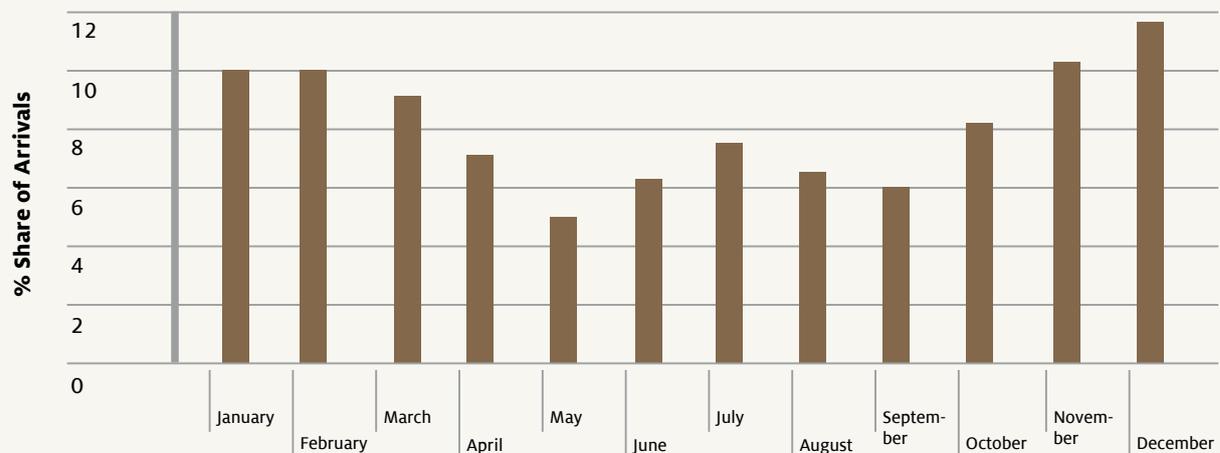
Approved Hotels as on 31 December 2012:

- I) Number of Hotels: 1376
- II) Number of Rooms: 76567

Travel Trade as on 31 December 2012

- I) Number of Approved Inbound Tour Operators 437
- II) Number of Approved Travel Agents 290
- III) Number of Approved Tourist Transport Operators 128
- IV) Number of Approved Domestic Tour Operators 71
- V) Number of Approved Adventure Tour Operators 26

Month-wise Percentage share of Foreign Tourist Arrivals in India, 2012





2. THE IMPACT ASSESSMENT PROCESS

2.1 PROCESS PHASES AND OUTPUTS

The human rights impact assessment process consisted of six phases:



The following table gives an overview of the tasks implemented in the various phases of the assessment process, the timeline and the key outputs of each phase.

Project phases	Goals and tasks	Key outputs
I. Set-up (July 2013)	Goal: Clarify the scope and plan the assessment Tasks: <ul style="list-style-type: none"> › Draft assessment plan › Contact Sita › Select assessment team › Engage with individual advisors › Train local human rights focal point 	<ul style="list-style-type: none"> › Assessment plan › Assessment team selected › Stakeholder briefing document outlining the assessment process › Summary of initial feedback given by individual advisors
II. Preparation (August and September 2013)	Goal: Gather background information and prepare the on-site assessment Tasks: <ul style="list-style-type: none"> › Conduct background research › Brief the country team › Map and engage local stakeholders › Map Sita's value chain › Plan logistics and on-site assessment schedule › Define assessment methods and adapt to local context 	<ul style="list-style-type: none"> › Overview of major human rights issues in tourism in India › Value chain mapping: overview of local business activities and relationships › Local stakeholders selected for engagement › Confirmed schedule for on-site assessment › Assessment questionnaires for different stakeholder groups adapted to local context
III. On-site assessment (October 2013)	Goal: Collect evidence on the ground of actual and potential human rights impacts along and around the value chain and take measures to address them Tasks: <ul style="list-style-type: none"> › Meet with management and employees at Sita › Meet with management and employees at hotel partners and other service providers › Meet with local NGOs and community representatives in Delhi, Jaipur and Kerala 	<ul style="list-style-type: none"> › Notes from meetings, focus groups and workshops › Preliminary findings and list of potential measures from management de-briefing workshop
IV. Analysis & documentation (November and December 2013)	Goal: Review, structure and analyze the findings of the on-site assessment Tasks: <ul style="list-style-type: none"> › Review and code the data › Fill remaining gaps › Draft assessment summary › Review findings with management at Sita and with individual advisors 	<ul style="list-style-type: none"> › Draft impact assessment report providing a systematic overview of the major human rights impacts of Sita in India › Executive briefing for internal use › Summary of feedback from individual advisors on draft report
V. Follow-up (November 2013 to January 2014)	Goal: Define mitigation actions Tasks: <ul style="list-style-type: none"> › Develop mitigation action plan › Finalize report 	<ul style="list-style-type: none"> › Agreed action plan with prevention, improvement and mitigation measures › Final impact assessment report

<p>VI. Implementation, review and scaling-up (starting 2014)</p>	<p>Goal: Continuously monitor and communicate about implementation Tasks: ▶ Disseminate report and share results appropriately ▶ Implement and monitor mitigation actions ▶ Review and further develop human rights impact assessment toolkit for other destinations/business units</p>	<ul style="list-style-type: none"> ▶ Improved human rights due diligence at Kuoni through continuous improvement ▶ Communication on progress and challenges
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The assessment is not intended to be a one-off exercise, and it does not end with the publication of this report. The implementation of the mitigation actions will start in 2014. Kuoni will monitor this implementation and inform its stakeholders about the progress made.

2.2 PROCESS DESIGN AND THE UN GUIDING PRINCIPLES

As in the pilot human rights impact assessment conducted in Kenya, the process of the project in India is aligned to the UN Guiding Principles on Business and Human Rights ⁽⁵⁾.

Using the lessons learned from the pilot assessment in Kenya, the scope of Sita’s value chain to be assessed in India was extended. Whereas in Kenya the value chain assessment was largely focused on accommodation suppliers and driver guides, other major business partners such as transportation companies, security guards, outsourced housekeeping and souvenir shops were added for the assessment in India (see Section 2.3.3 on the scope).

The human rights outlined in the International Bill of Human Rights formed the basis for the assessment. A special focus was put on labour, women’s and children’s rights, which were the priority areas defined by Kuoni and its stakeholders for the HRIA in India. It is important to note here that the assessment was not intended to give a legal judgement or to formally document cases of human rights violations relating to tourism in India.

2.3 ASSESSMENT METHODOLOGY

The assessment team used qualitative research methods that were applied sensitively to the local context. These methods were sufficiently standardized to permit the coverage of all major human rights issues and a comparison of findings. The main methods employed were: document analysis, semi-structured interviews and focus group workshops.

2.3.1 THE KUONI HRIA TOOLKIT

Based on the experience from Kenya and with support from management consultants twentyfifty Ltd., a practical Kuoni HRIA Toolkit has been developed. The lessons learnt from the pilot project in Kenya were integrated into the methodology and the following major elements were introduced for the HRIA in India:

- ▶ A human rights focal point was appointed and trained at Sita.
- ▶ The process was led internally, with external stakeholders involved on several occasions to bring in specific expertise (e.g. on children’s and women’s rights).
- ▶ The focus was placed on a broader spectrum of entities in Kuoni’s value chain in India: the consultations extended to hotels, transportation services, souvenir shops etc.
- ▶ Children were consulted as stakeholders on the full range of human rights issues.
- ▶ The HRIA methodology was analyzed and adapted from a gender perspective to ensure that women’s voices were adequately heard and represented and that specific impacts on women were identified throughout the assessment.

2.3.2 BACKGROUND RESEARCH

During the preparation phase for the project, the following briefings were drafted:

- ▶ Legal context in India: framework for human rights protection
- ▶ Issue mapping on human rights in tourism in India, including the identification of potentially affected stakeholders for each issue
- ▶ Overview of existing Kuoni/Sita policies, practices and partnerships linked to the protection of human rights.

(5) And in particular with the Principle number 18: see Appendix 2.

These reports built on existing knowledge and information from a variety of credible sources including government, UN institutions, academia and civil society organizations. Together with the consultation with selected experts, they formed the basis for a common understanding of possible areas of risk, the selection of potentially affected groups and the adaptations of the questionnaires for the on-site assessment.

2.3.3 DEFINING THE SCOPE

With the aim of defining the exact scope of this project, a thorough mapping of Kuoni's value chain in India was conducted. This analysis was then combined with the issues mapped through the desk research and the consultations with the individual stakeholder advisors to produce the scope for the HRIA in India illustrated in figure 3 below. The geographical scope of the assessment was defined on the basis of customer volumes and the issue areas identified in the initial research. The areas chosen (Kerala, Rajasthan and Delhi) combine both beach and cultural heritage tourism and are representative of Kuoni's destination management activities in India. ⁽⁷⁾

2.3.4 IDENTIFYING STAKEHOLDERS AND POTENTIALLY AFFECTED GROUPS

In India, Kuoni/Sita offer attractive and carefully-

planned tours for leisure groups, conferences & meetings, cruises, incentives, charters and individual travellers, including trekking, spa (Ayurveda), adventure, golfing and beach holidays as well as cultural trips. The groups of stakeholders identified in the geographical areas selected can be found in Figure 4: Stakeholder map. These groups of stakeholders were selected because they are impacted either directly (e.g. Sita employees) or indirectly (e.g. workers at partner hotels, outsourced services etc.) by Kuoni/Sita's activities in India, or because they might provide further insight into actual or potential impacts (e.g. NGOs). The stakeholder groups in dark red were prioritized for direct engagement in the assessment process: academia, the UN bodies, clients, NGOs, the community, Sita management and employees, accommodation providers, transportation companies, souvenir shops, trade unions & associations, government/statutory bodies and children. From each group a number of stakeholders have been prioritized based on the risk and opportunities identified through the desk research and the consultations with individual stakeholder advisors, as well as on as on the value chain mapping, meetings for the country visit were arranged with selected stakeholders (see the on-site assessment schedule and list of stakeholders interviewed in Appendices 3 and 4). The contacts with organizations and individuals from civil society were made on the basis of recommendations from the individual advisors and existing Kuoni/Sita contacts. All stakeholders were informed about the purpose and content of the



(7) It was decided to include only Sita in the scope for this assessment due to its potential impact on the destination (cf. risk assessment). Kuoni's other business activities in India, Kuoni India (Outbound) and VFS (visa facilitation services), will have to be approached with another methodology due to the different nature of their businesses.

assessment, most of them prior to the country visit, either via email or personally by Kuoni/Sita or by local intermediaries (e.g. NGOs, international organizations

etc.). During the assessment a total of 184 stakeholders were consulted, 105 individually or in small groups and 79 through workshops.

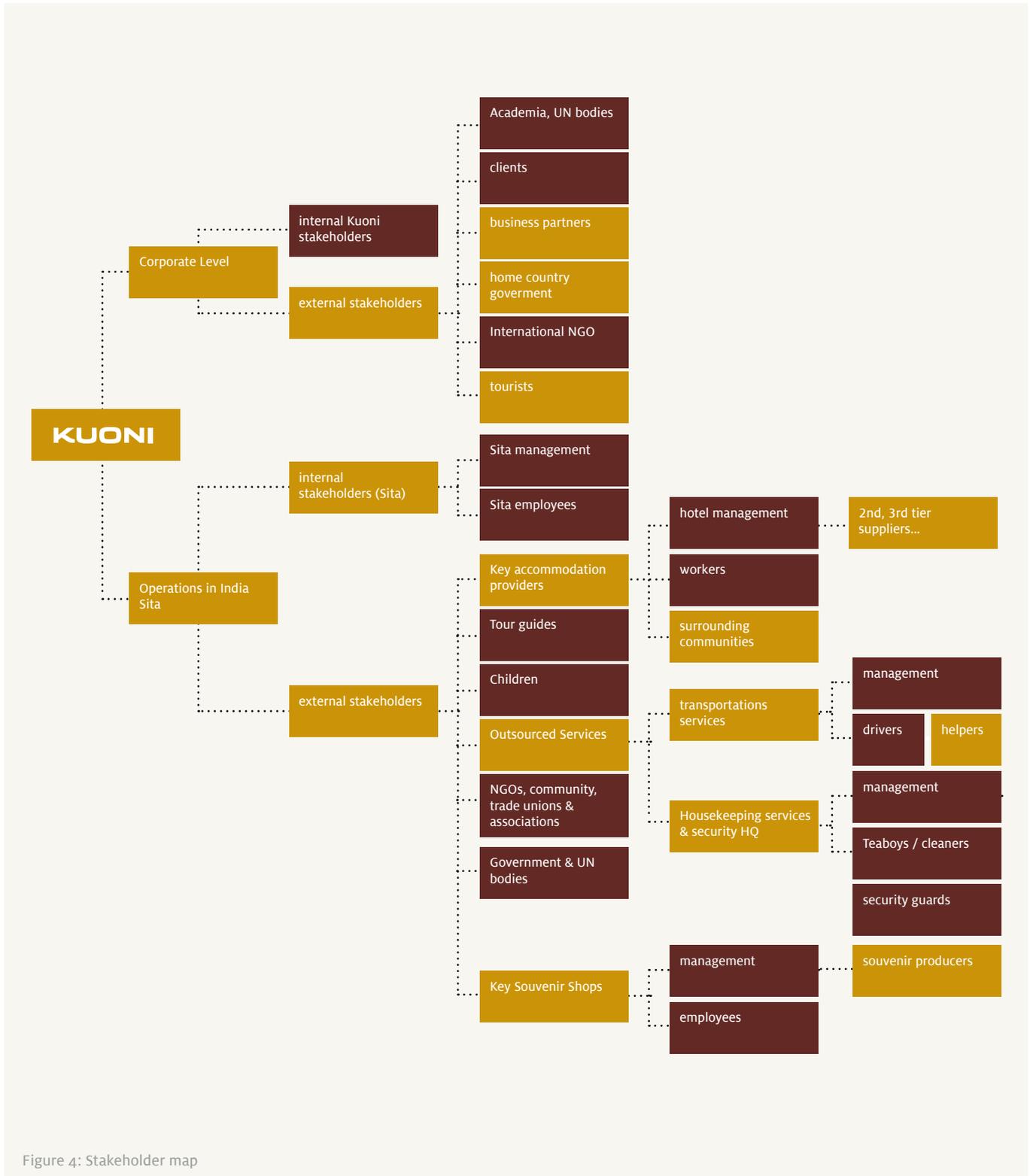


Figure 4: Stakeholder map

2.3.5 SEMI-STRUCTURED ASSESSMENT QUESTIONNAIRES

To provide a degree of standardization of the interviews and ensure adequate comparability of the results, the same set of assessment questionnaires that had been developed for the pilot assessment in Kenya in 2012 were used for the assessment in India. These questionnaires were revised based on the lessons learnt in Kenya and also to reflect the major risk areas identified in the desk research on India. In addition, the questions were adapted from a gender perspective to ensure that women's viewpoints and needs were consistently heard and included in the assessment methodology.

The questionnaires served as conversation guides for the assessors to structure the meetings, rather than as checklists. The questionnaires incorporate input from existing business and human rights instruments such as the Danish Institute for Human Rights' Compliance Assessment Quick Check, Rights and Democracy's Human Rights Impact Assessment Guide and UNICEF's Children's Rights and Business Principles Assessment Tool for companies.

Open questions were used as much as possible, to allow respondents to answer using their own thoughts and words and raise the issues that they considered

important. As in Kenya, specific questionnaires were used for the following stakeholder groups consulted: management at Sita; management at key suppliers; employees at Sita; employees at key suppliers; community representatives; and NGOs and other organizations. For the consultations with children as stakeholders a new questionnaire was developed in collaboration with UNICEF (more information on this can be found in Section 3.7).

Each questionnaire consisted of a set of key questions and follow-up questions. While the key questions were used in every interview wherever relevant, the follow-up questions were used to dig deeper into specific issues of importance to the stakeholder.

Each questionnaire (apart from the one for children) centered on the eight focus areas that can be found in the table below.

2.3.6 ON-SITE MEETINGS

In October 2013, a twelve-day on-site assessment was conducted by the assessment team (see the on-site assessment schedule in Appendix 3). The Kuoni CR team led the engagement with all the stakeholder groups identified in strict confidentiality. Sita's human rights focal point was only present at the interviews conducted with external stakeholders. The internal stakeholders were consulted in the presence of the CR

Issue Area	Includes questions on
Employee rights and protection (especially for vulnerable groups like women, migrant workers, seasonal workers, young workers, people with disabilities)	<ul style="list-style-type: none"> ▶ Recruitment and labour contracts/forced labour ▶ Child labour ▶ Determination and pay of wages ▶ Working hours ▶ Trade unions/collective bargaining ▶ Health & safety ▶ Just and favourable working conditions/non-discrimination ▶ Diversity/women empowerment ▶ Privacy ▶ Freedom of expression and religion ▶ Standard of living/transport/benefits ▶ Vulnerable groups of workers ▶ Grievances and participation
Security / Safety of personnel and tourists	<ul style="list-style-type: none"> ▶ Personal safety ▶ Security personnel ▶ Emergency procedures
Customer protection and information	<ul style="list-style-type: none"> ▶ Sustainability communication ▶ Privacy ▶ Impacts by tourists



representative only, who emphasized that anything said would be treated confidentially. The meetings were held as open conversations, picking up the issues identified as important by the interviewee. The assessors decided not to digitally record the interviews, to promote a more trusting environment. All the interviews were documented with written notes with the consent of the interviewees. Most of the interviews were conducted in English, while local intermediaries served as interpreters at meetings with local community representatives and employees at key suppliers. To ensure that gender-specific concerns would not get lost in translation, female interpreters were appointed where possible. During the country visit the following types of meetings and interactions were held:

Workshops and bilateral meetings with management and employees at Sita (Kuoni CR):

During an initial workshop and bilateral interviews

with members of the Sita management team, the assessors gave an introduction to human rights and gathered data relating to the human rights situation at Sita and along its value chain. In addition, the assessors interviewed and spoke to a number of employees in various functions on the basis of the assessment questionnaires. In a final debriefing workshop, the assessors presented their main findings to members of Sita management in Delhi, who were asked to find the root causes of the human rights issues raised through the assessment and to brainstorm and prioritize possible actions to be taken by Sita.

Meetings with management and workers at key business partners (Kuoni CR & Sita):

1. Hotels

During the on-site assessment, eight hotels were visited. These hotels were selected by Sita based on their strategic importance to the business, and to cover a

Issue Area	Includes questions on
Screening, selection, evaluation and monitoring processes for suppliers, contractors, business partners	<ul style="list-style-type: none"> ▶ Value chain management practices ▶ Forced / child labour at suppliers ▶ Labour conditions and wages at suppliers ▶ Community impacts by business partners
Women’s rights and protection	<ul style="list-style-type: none"> ▶ Measures to respect and support the rights of women ▶ Job opportunities/training for women in the tourism industry ▶ Impact on their families ▶ Past allegations/cases and how they have been handled ▶ Specific training to counter the trafficking/abuse of women ▶ Sex tourism
Children’s rights and protection	<ul style="list-style-type: none"> ▶ Measures to respect and support the rights of children ▶ Sexual exploitation of children in tourism
Community impacts and engagement	<ul style="list-style-type: none"> ▶ Community consultation/engagement ▶ Impacts of tourism on community rights and lifestyles (e.g. land, water, livelihoods, living conditions, culture) ▶ Community grievances and access to remedy
Anti-corruption	<ul style="list-style-type: none"> ▶ Policies and processes on bribery and corruption

range of maturity of sustainability practices. In most cases, the visits lasted two to three hours and consisted of:

- ▶ a tour of the front and back office (e.g. kitchen, laundry ⁽⁷⁾, staff accommodation)
- ▶ talks with management representatives (most often the general manager and/or HR) to identify how human rights issues are currently managed and detect any gaps in this regard. In one case, a meeting with a hotel chain's director was held.
- ▶ one-on-one talks with one to two employees. In most cases, it was only possible to have a brief five-to-ten-minute talk with or without management present.

The assessors stayed overnight in six of the hotels visited, which allowed for additional observations and brief conversations with staff members.

2. Houseboats

In view of the importance of the Backwaters area in Kerala, particular consideration was given to the houseboat industry on Vembanad Lake. The houseboat company visited was chosen because it is an important business partner for Sita. The assessors first met with three members of the management before boarding one of the houseboats for 24 hours. They were accompanied by an interpreter, which permitted interviews with staff, community representatives and local fishermen to be held in their native language.

3. Outsourced services

During the assessment, three transportation companies, one housekeeping service provider and one employee from a security company were interviewed. These individuals were selected because they represent

the major services contracted-out by Sita. In most cases a number of employees and the management/owners were consulted.

4. Tour guides

Three tour guides (one woman and two men) were interviewed during the HRIA in India.

5. Souvenir shops

Three souvenir shops managed by two different providers were visited.

Focus group meetings with children (UNICEF, local NGOs working with children, Kuoni, Sita):

Two workshops with children were conducted with UNICEF's NGO partners, one in Cochin and one in Rajasthan (for the names of the NGOs, see Appendix 4).

Meetings with civil society, community representatives, industry associations, academics, government & United Nations representatives (Kuoni CR & Sita):

Meetings were held with various local organizations and individuals. The perspectives of the trade unions were obtained through other stakeholders such as Tourism Concern in the UK, the International Labour Organisation and further representatives from civil society (for a full list, see Appendix 4).

Note on worker meetings

Most interviews with employees at the hotels and those working for outsourced service providers were organised spontaneously and upon request by the assessor. Only in a limited number of cases were workers chosen by management. In hotels, the assessor sought to meet with a wide range of workers from different departments (e.g. employees from the laundry, kitchen personnel, and housekeeping) and to include both women and men from different age groups. Whenever possible, interviewees were asked to prioritise the issues identified during the interview.

The interviewees were assured that they would remain anonymous. Efforts were made to put the respondent at ease and alleviate any fear that providing information could lead to negative repercussions. The assessor left her contact details with the interviewee whenever it was appropriate to do so. Where delicate topics were raised that could possibly lead to repercussions, the assessor took note and ensured that - through this report or any debriefing meetings - there would not be any negative consequences for the interviewee.

(7) Laundries were in-house in all the hotels visited.

2.3.7 DATA ANALYSIS

At the end of the on-site assessment, a debriefing workshop with 42 members of Sita management was conducted. On the basis of the preliminary findings presented, the management discussed the root causes and brainstormed potential actions. This was well received, and a momentum was created which will help drive the implementation of the action plan. After the on-site assessment, the Kuoni CR team

summarized and structured the findings from the various meetings, and these summaries were shared with Sita and other internal stakeholders. A project team meeting was also held to share, discuss and prioritize the findings by business risk and business influence. A summary of these findings and the actions suggested is provided in the following section.



3. SUMMARY OF FINDINGS AND ACTIONS DEFINED

The assessment provided an overview of the areas of actual and potential human rights impacts, and highlighted opportunities for Kuoni/Sita to improve the management of social and human rights issues. During follow-up workshops with the management at Sita and the assessment team, the findings were clustered and seven major issue areas were identified. An exercise to prioritize these seven areas based on perceived business risk versus influence of Kuoni/Sita was undertaken, and is depicted in the following figure 5.

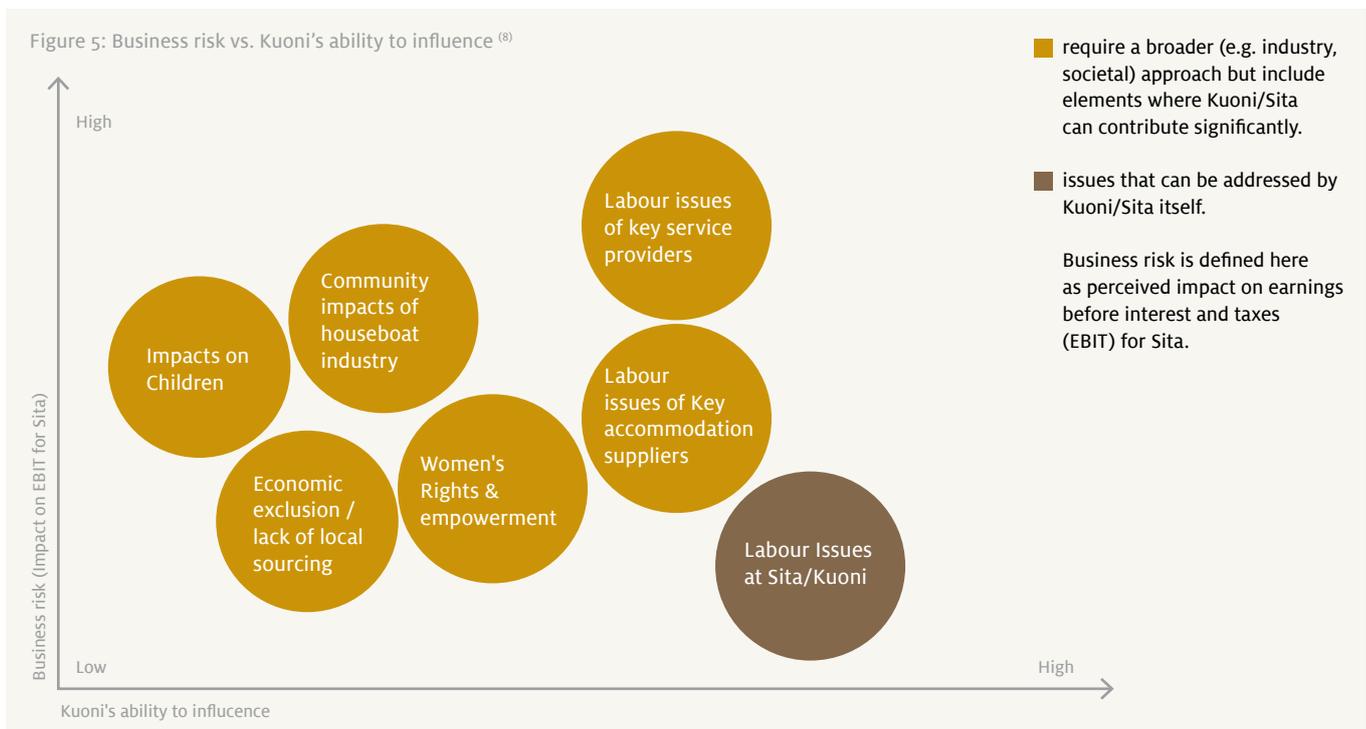
One of the challenges in undertaking impact assessments is to explore whether it is possible to distinguish Kuoni's/Sita's specific impacts from those of the tourism sector as a whole. In general, stakeholders outside Kuoni's/Sita's value chain do not differentiate between the impacts of Kuoni and those of other tourism businesses. As discussed below, the impacts on children and economic exclusion/lack of local sourcing in tourism are obvious examples of cases where a complex range of factors are involved, and therefore Kuoni's/Sita's ability to influence is not immediately obvious. However, as one of the largest and most respected destination management companies in India, Sita clearly has a certain leverage and can therefore have an impact on a broad range of issues identified in this report.

Great potential lies here in new partnerships and in the collaboration with other actors from the tourism industry: through collaborative efforts, Sita can lead by example.

So if we accept that these impacts exist, and recognize the significant business risks which arise from these issues, the question becomes: where and how can Kuoni/Sita increase their positive impacts on affected parties?

The actions identified in this report derive from a reflection on this question and include suggestions from the local stakeholders themselves. There are areas where Sita has direct influence, such as within its own workforce; and there are areas where Sita has indirect leverage - for example in the working conditions of individuals employed in outsourced services such as drivers, helpers, security guards and housekeepers.

There are further areas where Sita, as part of India's tourism industry, is having an impact on wider issues and challenges, notably the sexual exploitation of children in tourism or child labour in the informal sector along the Indian tourism value chain. Here, too, there are opportunities to build on the interest Sita shares with others in seeking improvements



(8) A direct comparison with the results from the HRIA in Kenya is not possible, due to the different scopes and settings of the two HRIsAs.

to the situation, e.g. by taking a leadership position and seeking to influence others in the industry and the government to take action. Sita's long-standing partnership with Child Rights Goa illustrates how such collaboration can be effective on the ground.

3.1 LABOUR ISSUES AT KUONI / SITA

Findings: In general, Kuoni/Sita employees are very proud to work for Sita, a company of good standing and with a long tradition in India. Sita offers income security, insurance, flexible working hours (particularly at headquarters) and training opportunities, and employees commended the good working environment and team spirit. This positive feedback confirms the results of the Kuoni employee survey of 2012, in which Sita India achieved the very high employee engagement score of 71%. Throughout the assessment the assessors noted a high awareness among employees of the Kuoni Code of Conduct and of Kuoni's anti-corruption policies. Sita's management trainee programme was particularly appreciated by the individuals interviewed because it not only trains but also provides job perspectives to young people. The assessment team had the opportunity to interview a number of long-term Sita employees who have been

working with the company for up to 28 years. During the on-site assessment, two workshops were conducted with a total of 42 members of management present (four female and 38 male representing all members of management). Eleven in-depth interviews and nine informal talks were held with employees at Sita. The following main issues of concern were raised and/or identified:

- › **Limited effectiveness of employee grievance mechanisms**, restricting access to management,

Sita's employee structure:

Total employees: 422
Full-time employees: 385 (91.2%)
Contractual employees: 28 (6.6%)
Trainees: 6 (1.4%)
Expatriates: 3 (0.7%)
Female employees: 89 (21.1%)

«Service staff is the first face of the clients - we need to take care of it.»

A member of the Sita management team

Existing mitigation measures	<ul style="list-style-type: none"> › Kuoni Code of Conduct › Kuoni Global Annual Salary Review and HR management processes › Sita management seeks to operate an open-door policy, and employees can raise grievances through their Head of Department. This is communicated to every new employee through the welcome letter and the induction. › Internal auditing at the Kuoni Group level to monitor the implementation of company policies
Business risks for Kuoni/Sita	<ul style="list-style-type: none"> › The lack of well-functioning grievance mechanisms may lower staff motivation and morale, leading to poor performance/customer service and low productivity. › Risk of losing the remarkable reputation that Sita has as an employer in India
Affected group	Sita employees
Kuoni's/Sita's influence	Kuoni and Sita have direct influence on the working conditions of their own staff.
Opportunities for engagement	<ul style="list-style-type: none"> › As an important employer and a reputable brand in India, Sita can be a first mover and lead through example.
Agreed action	<ul style="list-style-type: none"> › Review and modify the existing employee grievance mechanism at Sita in line with the effectiveness criteria described in Principle 31 of the UN Guiding Principles on Business and Human Rights, and integrate it into Sita's HR Manual. › Evaluate measures to reduce stress levels during peak season, e.g. assign one person for "emergency phone" outside working hours. › Monitor and evaluate working hours per employee at Sita. › Disseminate the HRIA India report and share the opportunities and challenges with all employees.

especially for addressing sensitive issues: some employees are reluctant to voice problems with management or to go to the management above.

- › Heavy workloads, long working hours, short-notice bookings/changes and constant reachability by cellphone in peak season leading to **high stress levels** was mentioned by some employees, particularly in local branches (work-life balance).
- › Some employees were dissatisfied with the working hours and in some cases with overtime not being compensated for peak season.
- › There was a desire for more **flexible working** arrangements at the branch offices.

Some employees were dissatisfied with **wage levels**:

- › Some young male workers were concerned in particular, as they struggle to financially support their parents living in rural areas. This was of particular concern to single sons.
- › More dissatisfaction was raised with regard to wages in the branch offices than at headquarters in Delhi.

3.2 LABOUR ISSUES AT KEY ACCOMMODATION SUPPLIERS

Findings: The tourism industry in India has been commended by many stakeholders for its contribution to job creation and skills development. The following

An example of good practice: fostering local employment

The hotel chain CGH Earth has adopted the following selection procedure to ensure that local employees are hired:

1. (semi-)skilled workers: hired from local community (through local panchayats, official bodies, churches, internal references)
2. skilled workers: hired from regional colleges
3. managers: promoted through internal training and development

«In this company, everyone's interests can be transformed into skills.»

A hotel employee

«We believe that the worst ideas come from the top, the best ideas come from the bottom.»

The director of a hotel chain

labour-related human rights risks for the tourism supply chain in India were identified throughout the assessment process by various stakeholders consulted:

- › **Good labour laws** exist, but effective government monitoring and enforcement are lacking.
- › Long **working hours**, overtime not compensated for, weekly day off not guaranteed in peak season.
- › Lack of satisfactory **worker-management engagement** and effective worker grievance mechanisms, as well as generally inadequate access to remedy.
- › **Trade unions** are strong in Kerala but less present in Jaipur and Delhi.

The assessment team noted that business and HR strategies, the level of awareness and the willingness to change varied significantly between the hotels. A total of 23 members of management and 16 employees were consulted (five interviews and eleven informal talks) at the eight hotels visited. The following findings have been identified at the hotels assessed ⁽⁹⁾:

- › **A lack of skilled manpower** in the Indian tourism industry has led to many hotels offering training development opportunities to their (future) employees.

An example of good practice: Reducing working hours in hotels through shiftwork

To tackle the issue of overtime during peak seasons, the Brunton Boatyard Hotel (CGH Earth) has introduced shift work. As the first hotel in the area to do so, it has successfully introduced a system with three straight shifts of eight hours per day, moving away from break shifts. Employees are now given achievable targets while overtime is not permitted.

As a result, staff turnover has gone down and productivity, employee satisfaction and the energy levels of employees have increased. According to the general manager of the hotel, the introduction of the new shift system is purely about planning: “Not more people are needed, but a change in mentality. The major experiences we offer are the people, so we need to keep them motivated.”

(9) For more information on labour issues on houseboats in the Backwaters: see Section 3.5



- ▶ At some hotels, labour-related concerns appeared to be less prevalent and the management was perceived to be engaged in encouraging employees to raise grievances and solve them in a genuine manner. This contributes to the **positive working environments** encountered at these hotels.
- ▶ In most of the hotels visited, **customer feedback** is collected and evaluated carefully.
- ▶ As part of their employee retention strategies, the hotels are offering **training and career progression** opportunities to their employees. This has been observed in particular at bigger hotels or hotel groups.
- ▶ Some hotels have set up **contingency funds** to support employees and their families in the event of an emergency or illness. As many people cannot rely on a system covering these risks, this is a form of support which is much appreciated.

The following labour issues were identified at the hotels visited:

- ▶ Long **working hours**, often no compensation of

overtime, no weekly day off in peak season (mentioned as a major challenge for the tourism industry).

- ▶ **Low wages** for hotel employees. The low salaries in the tourism industry also make it difficult for hotels to remain attractive employers and to compete with other sectors.
- ▶ **Contract and casual workers** often face worse working conditions than permanent employees at the hotels visited. They often have no access to pensions or other social benefits, which makes them more vulnerable. The following positions are outsourced at most hotels: gardeners, security guards, window cleaners, boat drivers, pest controllers etc.
- ▶ **Unions** are either not present or not allowed at most of the hotels visited.
- ▶ No systematic monitoring of the signature of the **Kuoni Supplier Code of Conduct** by hotel partners. In some cases there is a lack of awareness on the part of hotel management of sustainability issues and the Kuoni Supplier Code of Conduct.

Existing mitigation measures

- ▶ Accommodation providers are required to sign the Kuoni Supplier Code of Conduct.

Business risks for Kuoni/Sita

- The inquiries showed wide variations in labour satisfaction and treatment among the eight hotels. The major risks for Kuoni/Sita are:
- ▶ reputational risks
 - ▶ poor customer experience/service quality levels due to low staff morale and commitment in hotels.

Affected groups

Workers at hotels (especially those in unskilled positions)

Kuoni's/Sita's influence

- ▶ Kuoni and Sita don't own or operate these hotels. However, they can exert some influence, especially where they are a key partner.
- ▶ Large parts of the tourism supply chain are shared with other industry actors.
- ▶ The more structural issues, such as wages, require an industry-wide approach in collaboration with other players in the tourism sector, trade unions and the government.

Opportunities for engagement

- ▶ Some hotels have already taken the lead in pushing the sustainability agenda forward in the Indian tourism sector: there is potential for synergic actions with Kuoni/Sita here.
- ▶ Openness of some hotel managements to understanding their impacts and receiving advice and support to improve performance
- ▶ Kuoni's active participation in the Travelife system (an independent sustainability audit) at a global level: promote Travelife (and/or other sustainability certifications) in India (no hotel certified in India so far)
- ▶ Responsible Tourism Initiative in Kerala: opportunities for collective action
- ▶ Increasing awareness of and demand for sustainability among certain groups of customers

Agreed action

- ▶ Ensure that the Kuoni Supplier Code of Conduct is signed by all accommodation providers (train contractors, introduce monitoring system).
- ▶ Train accommodation providers in the Kuoni Supplier Code of Conduct and sustainability certifications, with a particular focus on adequate working conditions.

3.3 LABOUR ISSUES AT KEY SERVICE PROVIDERS

1. Outsourced services

As with Sita employees, the outsourced personnel interviewed were proud to be working for Sita. A great number of the housekeeping staff, the security guards and the drivers have been working with Sita through their employers for years. In general, housekeeping staff were pleased that a salary increase was regularly offered to long-term employees and that subsidized lunch was offered. For both housekeeping staff and security guards there seems to be some opportunity to grow within the organization. The drivers commended the quality of the security and monitoring system used for cars and coaches by Sita.

In bilateral meetings with four managers and ten employees of outsourced services as well as in informal chats, it was observed that employees of outsourced services are faced with specific work-related risks:

- ▶ **Their wages do not sufficiently reflect the cost of living** and are not considered enough to support a family.
- ▶ The drivers and their helpers employed by transportation companies are **highly dependent on tips**, and even with these, wages often do not allow for a decent standard of living. They have had little or no increase in salaries in the past few years. Some drivers have to hire their helpers themselves, which in turn increases the vulnerability of the latter.
- ▶ Security guards and housekeeping staff do not work directly with tourists and **therefore do not receive any tips**.
- ▶ In many cases **overtime** is neither compensated for with time off nor paid out in peak season, and annual leave is unpaid and can only be taken in low season (to visit families).
- ▶ There is **not sufficient time** to rest between duties (for drivers) or between night and day shifts (for security guards).
- ▶ Most staff live in shared rooms (e.g. 4-5 people together) or in their employer's office in **questionable conditions**.
- ▶ No **medical insurance** is provided.

«As the market leader in India, we should question if the way vendors make their money is correct, as it might negatively influence the customer experience.»

A member of the Sita management team

«The price of petrol has almost doubled from one year to the next and food has become more expensive, but the money we get has stayed the same.»

The owner of a transportation company

«We should sensitize ourselves to the drivers' working conditions and be more aware when assigning them their shifts.»

A member of the Sita management team

- ▶ Housekeeping staff, security guards and drivers are particularly vulnerable because most of them are internal **migrants**, financially still supporting their families who live in other states in India.
- ▶ Dissatisfaction with **drivers' facilities and accommodation** at hotels in remote areas.
- ▶ There are **no formal grievance handling procedures** for outsourced staff (e.g. grievances relating to hiring contracts are not dealt with on time).

2. Tour guides

Tour guides have a special status in the Indian tourism industry: they all operate by law as independent service providers (with their licences annually renewed by the government) and are relatively well organized. In general, the three tour guides interviewed in the assessment seemed to be satisfied with their salaries, especially those with many years of work experience. A majority of their assignments are planned well in advance, while the rest are more at short notice. As independent service providers, they define their shifts themselves, trying to have assignments every day in high season. When on duty on a round trip (1-3 weeks) they have long working hours, staying with the clients from the morning until after dinner.

Existing mitigation measures ▶ Kuoni is introducing the signature of the Supplier Code of Conduct for service providers in 2014 at the group level.
 ▶ The Kuoni Guidelines for Sustainable Excursions have been developed and will be implemented in 2014.

Business risks for Kuoni/Sita ▶ The inquiries showed wide variations in labour satisfaction and treatment among the outsourced service providers. The major risks for Kuoni/Sita are:
 ▶ reputational risks
 ▶ poor customer experience/service quality levels due to low staff morale and commitment, particularly regarding the drivers and helpers who spend most of the time directly with the customers (also affecting the customer’s safety & security).

Affected groups Drivers and their helpers (migrants and contract workers are particularly vulnerable groups), customers

Kuoni's/Sita's influence The more structural issues, such as wages, require an industry- wide approach in collaboration with other players in the tourism sector, trade unions and the government

Opportunities for engagement ▶ Increase awareness of human rights-related issues among certain groups of customers;
 ▶ customer feedback requesting better working conditions for drivers
 ▶ “Class by Sita” project successfully implemented for airport representatives at Sita: introduction of a new system to improve service quality and reduce overtime through a shift system (training of “customer service executives”).
 ▶ A similar project could be launched for drivers.

Agreed action ▶ Introduce signature of the Supplier Code of Conduct in contract with outsourced service providers, and monitor compliance.
 ▶ Improve working conditions of subcontracted staff:
 • Assess employment conditions of outsourced drivers, security guards and housekeeping staff and define minimal requirements.
 • Train service companies and monitor compliance.
 • Enable drivers, security guards and housekeeping staff to enhance their skills and make them aware of their rights.
 • Encourage hotel partners in remote areas to improve facilities for drivers.

3.4 WOMEN’S RIGHTS AND EMPOWERMENT

Findings: Out of the 184 stakeholders consulted throughout the assessment, 57 were female (31%) and 127 were male (61%). At Sita, the assessors reached out to 53 members of management and employees at Sita, eight women (15%) and 45 men (85%). Women were clearly underrepresented among the individuals consulted throughout the assessment, which reflects the general underrepresentation of females employed in the Indian tourism industry and the women ratio at Sita (21.1%). The women ratio differed from hotel to hotel visited: on average 16% of the employees were women, ranging from 30% to 6%. 30% of the people interviewed at hotels were female. No female workers could identified in the outsourced services because all drivers, security guards and housekeeping staff are male.

Sita’s management trainee programme was particularly mentioned by many interviewers as a way to reach

out to and promote women as future permanent staff members. Skills development in tourism allows women to break out of stereotyped roles. Sita has made a special effort of talking to the parents of future female trainees, to convince them that the job is good for a woman. Some interviewees confirmed that they have observed a change in attitudes concerning women at Sita. Some women have been able to move from back to front office in the past few years.

The following issues were identified which act as barriers to the balanced development of women in the Indian tourism industry:

- ▶ **Gendered power structures** hindering women's participation as equal partners
- ▶ Many women carrying a **double shift** through their work at home as well as the work in the labour market (e.g. due to poor childcare facilities in India)
- ▶ **Opting-out of women** at mid-level due to marriage/ pregnancy limiting the number of women in senior positions

- › Women relegated to **low-skilled and low-paying stereotypical jobs** in tourism like housekeeping, front desk, reception, catering and laundry services
 - › Companies are still struggling to improve the gender balance due to the general perception in society that women should not work in the tourism industry (**stigmatization**). Some jobs offered by Sita's business partners are not considered suitable for women (e.g. drivers, security guards and workers on houseboats).
 - › Women are considered a **liability in the hiring process** (especially for mid-management positions): in Delhi women are prohibited by law from working late unless transport is provided by the company;
- women cannot travel as much as their male colleagues; maternity leave needs to be granted in cases of pregnancy; women will leave when getting married.
 - › Women are often by-passed for **promotional opportunities** and are at risk of not being hired before getting married.
 - › Some male employees in India having a problem with **reporting to a female boss**.
 - › **Recent incidences of sexual violence** are dissuading female tourists from visiting India and threatening the Indian tourism industry.

«If you are a female tourism professional, your status on the marriage market is very bad.»

A female tourism professional

«Women remain unmarried because their parents cannot afford the wedding. That's why we support women to become financially independent.»

The director of a hotel chain

Note on the dilemma of new regulations protecting working women in Delhi:

Under a new law introduced in Delhi to protect working women from sexual violence, women are not allowed to work later than 20:00 unless transport is provided. In the case of Sita, women are not supposed to do late shifts and therefore transportation is not provided. Some male team members, however, have to work late because of the time difference with the clients. It is therefore not in their interests to hire a woman as a colleague.

This example illustrates how a law aimed at protecting women can lead to dilemmas faced by the companies. Women (especially in mid-level positions) who are willing to work late feel hindered in their career opportunities, while men feel discriminated against because they have to do all the late shifts.

Good practice examples:

Women empowerment at hotels

- › Security of women: The Imperial in Delhi is offering a self-defence course for female staff conducted by the police. Female employees who are working until later than 8pm are accompanied home by a driver and a security guard.
- › Equal opportunities: There are certain functions in a hotel which are only performed in the evening or at night. To encourage women to gain experiences in every position, female employees who are working until later than 7pm are either driven home or - if they drive themselves - followed by a security person at the Oberoi Hotel in Delhi.
- › Women's club: In some hotels visited, women's meetings are organised regularly to give female employees the opportunity to engage with each other.
- › Single female travellers: Some hotels visited are offering special rooms to women travelling alone to ensure their security. In these floors only female employees are serving the female guests and small adaptations are made to the rooms (e.g. small monitor showing movement in corridor).

Existing mitigation measures	<ul style="list-style-type: none"> › The right to non-discrimination is enshrined in the Kuoni Code of Conduct as well as in the Supplier Code of Conduct.
Business risks for Kuoni/Sita	<ul style="list-style-type: none"> › Access to a talent pool restricted to male individuals, and higher staff turnover › Limited responsiveness to female consumer base
Affected groups	<ul style="list-style-type: none"> › Women working in tourism and their children › Male employees in tourism › Women from the communities living in the backwaters are disproportionately impacted by limited privacy, lack of access to clean water for domestic use etc.
Kuoni's/Sita's influence	<ul style="list-style-type: none"> › Sita can lead by example. However, collaborative action and a change in the societal structure are needed to empower women in the Indian tourism industry
Opportunities for engagement	<ul style="list-style-type: none"> › Ongoing efforts to increase the women ratio at Sita have been showing results › Promotion of women through Sita's management trainee programme
Agreed action	<ul style="list-style-type: none"> › Conduct an internal town-hall event at Sita on women empowerment in the Indian tourism industry. › Encourage business partners to share and adopt good practice on how to improve the gender balance; Sita to put together good-practice examples identified to be shared with the hotels. › Address the issue in industry associations. › Further integrate gender aspects in the HRIA Toolkit and in the human rights risk assessment of the Kuoni Group.



3.5 COMMUNITY IMPACTS OF THE HOUSEBOAT INDUSTRY

Findings: In addition to the economic issues affecting local-community stakeholders discussed in Section 3.6 below, a range of social, cultural and environmental impacts were highlighted. This includes the following impacts arising from action (or the lack thereof) by Kuoni/Sita, suppliers or the government:

- › Many of the stakeholders consulted mentioned the importance of the tourism industry for **job creation in India**. Tourism offers jobs to individuals with no prior experience.
- › **Conservation of cultural heritage** (UNESCO, Royal

Family Trust) through tourism: palaces are restored and converted into hotels that Sita partners with.

- › **Conservation of nature:** while some of the hotels visited have very good environmental management systems in place, others have not taken specific measures to minimize their impacts.
- › **Lack of cultural sensitivity by tourists:** need for increased sensitization on cultural, social and environmental issues.

The houseboat industry in the Backwaters

In the context of the assessment conducted in India, a special focus was put on the impacts on the local community of the Backwaters houseboat industry.

Existing mitigation measures

- › Many issues covered by the Kuoni Supplier Code of Conduct
- › Kuoni Guidelines for Sustainable Excursions

Business risks for Kuoni/Sita

- › Risks to the medium-to-long-term stability and attractiveness of the destination and the product
- › Immediate risk of losing certain customer groups
- › Lack of customer safety on houseboats
- › Kuoni/Sita's reputation damaged if hotel partner involved in land grabbing

Affected groups

- › Communities living in the Backwaters and those displaced for building new resorts
- › Communities living near hotels
- › Fishermen/-women



Kuoni's/Sita's influence	As it does not own or operate hotels and houseboats, Kuoni's/Sita's direct influence on these broader impacts in its supply chain is limited. Kuoni/Sita has very limited relationships and interactions with potentially affected communities, which may hinder its ability to remain alert to potential impacts. Kuoni/Sita can, however, have a certain influence through awareness-raising etc. on the behaviour and choices of tourists travelling to/within India, as well as on the houseboat companies that Sita partners with.
Opportunities for engagement	<ul style="list-style-type: none"> › The multiple issues here present immediate business risks to Kuoni/Sita, and Kuoni/Sita could play a leadership role in bringing the parties together to look for solutions. › Opportunities to raise awareness of potential impacts with key suppliers › The Kuoni/Sita Supplier Code of Conduct and the Kuoni Guidelines for Sustainable Excursions can be used as a basis for taking action together with houseboat owners to mitigate the negative impacts on communities. › Contacts established by Kuoni/Sita with local NGOs working with communities and environmental experts in the Backwaters offer potential partnerships to implement mitigating actions.
Agreed action	<ul style="list-style-type: none"> › Sensitize tourists to their potential impacts in the Backwaters through the development of information material for visitors, and train tour guides appropriately. › Launch and implement a project with innovative business partners, NGOs, specialists and the government to develop a best practice for houseboats.

The exponential growth of houseboat tourism in Kerala is being met with concern and resentment from many local communities. It is estimated by the people consulted that of the present 1,200 houseboats, 500 are operating without a licence. They are not registered and have not taken the necessary safety and environmental measures. Sita collaborates with three houseboat companies who have a total of 40 houseboats with a licence. The main issues mentioned by the various stakeholders consulted were:

Customer and employee safety:

- › An increasing number of **accidents** with houseboats have been reported (lack of safety instructions for the customer, life vests not accessible).

The environment:

- › Discharges of untreated sewage by houseboats and the pesticides used in agriculture are leading to an alarming level of **water pollution**. Individuals from the local communities are drinking the highly polluted water from the lake and rivers due to a water shortage (women and children are particularly affected).
- › Petrol and other pollutants are being dumped directly into the waterways through leaking engines, leading to **disruption of the aquatic ecosystem** (and fish and bird species declining).
- › There is no proper **waste management** system for the houseboats. Big houseboat owners generally have better waste management systems in place and conduct appropriate training with their employees,

while smaller houseboat owners have difficulty complying with the regulations and often go for non-compliance.

Traditional livelihoods of communities threatened:

- › **Decreasing fish catches** and worsening quality (fish with kerosene taste)
- › **Declining agricultural productivity** (pollution, health problems such as skin infections)
- › **Rising food prices** and only products of minor quality left for local communities
- › **Land-related grievances:** forced evictions for the construction of hotel resorts in the Backwaters area, with sometimes inadequate compensation or access to remedy. Corruption seems to be predominant in cases of land-related grievances.
- › **Access to water** blocked for fishermen by some resorts.

Privacy:

- › Lack of privacy for local communities living next to the water in the Backwaters. Women in the Backwaters are specifically affected by this invasion of privacy.

Working & living conditions of the approximately 4,000 workers employed on houseboats:

- › no medical/accident insurance
- › long working hours: working every day and night with a break in the morning when changing shifts
- › four days leave per month to visit family.

3.6 ECONOMIC EXCLUSION / LACK OF LOCAL SOURCING

Findings: The main positive impacts of tourism in India cited by stakeholders were job creation, economic gains for the country, training opportunities and improvements in infrastructure. At the same time, the lack of opportunities to benefit from tourism was identified as a major negative impact. The most prevalent issues raised were:

- ▶ **Limited sourcing and supply-chain linkages** with local producers and service providers at some hotels (though some good examples were found: see the “good practice” box). An analysis of hotel procurement conducted by the Kerala Institute of Tourism and Travel Studies (KITTS) has shown that a majority of products are not sourced from local farmers. This leads to economic leakages and limited benefits for local communities from the tourism industry. Some hotels in Kerala are now planning to source more from the local community by collaborating with the Responsible Tourism Initiative, a programme for local production ⁽¹⁰⁾.
- ▶ **Lack of training, employment and promotion opportunities for locals** in the tourism industry

«A hotel should not be confined to the walls around it.»

A hotel manager

«Local means it comes from the community around our hotel, not just from Kerala.»

A hotel manager

Good practice example: Local food sourcing at hotel

To foster economic inclusion, CGH Earth has implemented a local food sourcing strategy, where “local” means the products have been produced within 15 miles distance from the hotels. Where specific products were not available, the hotel group has engaged with local farmers and village people, asking them to produce them. Through long-term collaborations with these farmers, the hotels support them to produce organically.

- ▶ **Economic exclusion of communities and small-scale tourism entrepreneurs** from the benefits of tourism, exacerbating poverty
- ▶ **Limited geographical diversification of tourism products**, with an over-concentration of tourism facilities in certain areas and the exhaustion of existing itineraries (e.g. houseboats in the Backwaters)

Existing mitigation measures

- ▶ Long-term partnership with European Tour Operators asking for sustainable products for individual travellers: experience in offering sustainable products
- ▶ Kuoni Guidelines for Sustainable Excursions
- ▶ Economic inclusion is addressed in the Kuoni Supplier Code of Conduct (e.g. local sourcing).

Business risks for Kuoni/Sita

- ▶ Frustration at the lack of distribution of the benefits of tourism and exclusion from the tourism economy could be a contributing factor to social and political unrest.

Affected groups

- ▶ Local communities, local farmers, small tourism entrepreneurs

Kuoni's/Sita's influence

The unequal disbursement of economic benefits from tourism cannot be addressed by Kuoni/Sita alone, and will need a long-term approach involving the broader tourism industry, local communities and government. However, it is possible for Kuoni/Sita to take some practical actions, show leadership and encourage others in the industry to engage.

Opportunities for engagement

- ▶ Sita's internal Destination Knowledge Centre (DKC) is well placed to take the lead in developing and promoting sustainable products.
- ▶ Learning opportunities from Kuoni's existing collaboration with Fair Trade Tourism (FTT) in South Africa and its experience in developing fair trade tourism products
- ▶ Sita's active participation in various industry associations and its long-term partnerships in the Indian tourism industry can be a foundation for future collaborative action

(10) More information on the Responsible Tourism Initiative of the Department of Tourism of the Government of Kerala can be found here: www.rtkerala.com.

Agreed action

- ▶ Develop and promote sustainable products (e.g. checklist for sustainable product development, development of socially and environmentally friendly products).
- ▶ Share the findings of the HRIA and the resulting improvement actions throughout the tourism industry in India, to raise awareness and encourage change.
- ▶ Organize an annual seminar on sustainable tourism in collaboration with industry associations to increase the level of understanding in the sector and to engage in government lobbying on some of the issues highlighted (e.g. promoting inclusivity and sustainable tourism planning).
- ▶ Specific measures for the Backwaters: see Section 3.5.

3.7 IMPACTS ON CHILDREN

Findings: The following opportunities and challenges were identified during two workshops conducted with a total of 47 children living in Jaipur and Cochin, and through talks with employees and management at hotels, souvenir shops, NGOs, the National Commission for Protection of Child Rights (NCPCR) and international organizations: ⁽¹¹⁾

- ▶ Fostering **cultural exchange** through tourism: the interest of tourists in local culture, food etc.; however, some children also mentioned the **lack of cultural sensitivity by tourists**.
- ▶ **Economic benefits** for the children’s communities through employment opportunities and by selling handcraft items and ornaments; but also economic exclusion because first-quality products are sold to outsiders at high prices.
- ▶ **Child labour** was not reported to be an issue at any of the suppliers visited, and seems to exist mainly in the informal economy, including small restaurants, outsourced laundries and the souvenir sales’ value chain (e.g. gemstone polishing, carpet weaving etc.). Kuoni/Sita and their suppliers may therefore be indirectly linked to child labour through their supply chains. However, there is little monitoring down the line and no incidence was reported in the consultations.
- ▶ **Government policies** focusing on tourism development rather than on poverty reduction
- ▶ **Lack of enforcement** of child protection regulations
- ▶ **Working hours** of parents in tourism affecting the children when they are left unprotected.

Commercial sexual exploitation of children in tourism (CSEC)

- ▶ CSEC is considered one of the worst forms of child labour. India is one of the few remaining countries in the world not to have ratified the Worst Forms of Child Labour Convention.
- ▶ CSEC in tourism is increasing in India and negligence on the topic of child sexual abuse is

- facilitating the perpetuation of such crimes.
- ▶ Basic awareness of sexual exploitation of children in tourism was high at the hotels visited and among the stakeholders consulted in Kerala. This is on the one hand due to the awareness-raising and training workshops conducted with the hotels by Kuoni/Sita, on the other hand the issue has been taken up by the media in Kerala.
- ▶ Unlike in Goa, where Kuoni effectively collaborates with Child Rights Goa on this issue (cf. the good practice example below), no specific NGO was identified which currently has any activities dedicated to awareness-raising, training and the protection of sexually exploited children in Kerala.
- ▶ There is a clear need for greater awareness-raising and for the sensitization of communities, local leaders, hotel workers, private-sector operators, the police, magistrates and tourists to the dangers and the illegality of CSEC in tourism, to counter its social acceptability.

A note on consultations with children:

The assessment team collaborated with UNICEF in order to include children, too, in its endeavours to assess the full range of human rights issues. The aim here was to develop an appropriate methodology to conduct focus groups with children and assess the impact of tourism on their lives. These focus groups were conducted in collaboration with local NGOs that UNICEF partners with. The specific perspective of sexually exploited children in tourism was collected through the partner NGO Child Rights Goa (cf. the good practice example below).

For all the parties involved, this was an important first step for considering children as stakeholders in the context of a human rights impact assessment conducted by a company. Based on this experience, the methodology and the questionnaire will now be revised for future assessments.

⁽¹¹⁾ Children’s rights and protection was one of eight focus areas in all the interviews (see table in Section 2.3.5)¹¹

«Tourists are using our dresses and eating our food while not adapting to our culture.»

A child in Cochin

«The government is investing in tourism development rather than focusing on poverty alleviation programmes.»

A child in Cochin

Existing mitigation measures

- › Sita signed The Code in 2012 and is committed to implementing its six criteria.
- › Kuoni has initiated awareness-raising and training on the sexual exploitation of children in tourism for hotels in Goa and Kerala.
- › Customer information on the sexual exploitation of children in tourism
- › Ongoing collaboration with Child Rights in Goa (CRG).

Business risks for Kuoni/Sita

- › Reputational risks
- › Negative reputation affects destinations and loss of 'good' customers (e.g. families)

Affected groups

- › Children living in tourist areas, street vendors, children of migrant workers, children of parents employed in the tourism industry

Kuoni's/Sita's influence

- › Child labour is largely absent from the formal tourism sector in India. However, it is prevalent in the informal sector, especially in handicraft production, small restaurants and begging. Sita's ability to influence this is therefore limited.
- › Sexual exploitation of children in tourism mainly occurs outside Kuoni's/Sita's value chain in smaller hotels, bars and clubs. This limits Kuoni's/Sita's leverage to address the problem and highlights the need for an industry-wide approach involving government and the full range of affected stakeholders.

Opportunities for engagement

- › Goodwill is felt towards Kuoni/Sita for its efforts. This could be built on further by taking the lead in engaging actors from the industry for the protection of children.
- › Opportunity to build on the series of workshops started by Kuoni/Sita with hotels in 2009 on the sexual exploitation of children in tourism.

Agreed action

- › Continue engagement to prevent the sexual exploitation of children in tourism by:
 - developing and implementing a Sita-specific action plan for the effective implementation of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
 - organizing an industry workshop in collaboration with the Ministry of Tourism
 - continuing the collaboration with Child Rights in Goa (CRG) to support affected children and raise awareness in local communities and industry
 - finding an appropriate partner for Kerala.
- › Increase the transparency and traceability of the souvenir value chain in India by conducting research on potential child labour and other issues in the souvenir production process (e.g. carpet weaving, gem polishing and mining). Track the supply chain down to the source and identify measures to render the souvenir value chain more sustainable.
- › Revise the methodology and the questionnaire for consulting children as stakeholders in human rights impact assessments (to be added to the Kuoni HRIA Toolkit).

**Good practice example:
Children's Rights in Goa (CRG)**

CRG is an advocacy organisation dedicated to improving the children's awareness of their rights and protecting them from all forms of exploitation in Goa, India. The organisation was the first in Goa to draw attention to cases of the sexual exploitation of children within the tourist sector, and has successfully lobbied for the adoption of the Goa Children's Act, legislation to protect children in India. CRG also takes abused or endangered children into shelters, where it teaches them how they can protect themselves.

Through the long-term partnership between Kuoni and CRG, many children have been protected and supported. Kuoni has also assisted CRG in establishing a Child Resource Centre which has become a refuge for children working in local markets, offering them literacy courses, counselling and livelihood training in bicycle repair, jewelry making and tailoring.



4. LESSONS LEARNED

One central aim of the project was to trial the impact assessment toolkit developed on the basis of the pilot experience in Kenya in 2012, to see if it works for the

business and can systematically be used by Kuoni at other destinations. The following lessons were drawn from this process in India:

Independent individual advisors	<ul style="list-style-type: none"> ▶ Having the individual advisors involved throughout the process contributed significantly to the quality of the assessment. They provided valuable input on major issues as well as local contacts to be consulted.
Expectation management	<ul style="list-style-type: none"> ▶ Similar to what was learned from the Kenya experience, expectation management will be crucial for this project. Many stakeholders interviewed internally as well as externally are expecting the results as well as clear actions. The effective dissemination of the results has therefore become part of the agreed action plan.
Collaboration with local facilitators	<ul style="list-style-type: none"> ▶ This was essential to gaining access and engaging in meaningful consultations, especially with respect to engaging with children as stakeholders in Cochin and in Jaipur. ▶ A similar approach was planned to engage with a group of female stakeholders. This was not possible, however, because no appropriate facilitator could be found in time and it proved more difficult than expected to gather a group of female stakeholders. For future HRIAs it would be good to identify additional ways to engage effectively with gender issues in all interviews, and to ensure that these are addressed and given the necessary attention.
Gender balance	<ul style="list-style-type: none"> ▶ The process in Kenya recognized that the types and severity of impacts are experienced differently by women and men, but that the voices of women often remain unheard. Therefore, the toolkit was revised from a gender perspective. The process aimed to identify gender-specific issues and impacts both through the questions developed and through seeking gender-balanced consultations. ▶ However, owing to the underrepresentation of females in the Indian tourism industry workforce, the assessment team was not able to reach out to an equal number of female and male stakeholders. For future HRIAs it would be good to identify additional ways to engage effectively with gender issues in all interviews, and to ensure that these are addressed and given the necessary attention.
Coding of the data	<ul style="list-style-type: none"> ▶ The tightly-packed schedule did not allow time to code the data during the on-site assessment. In future HRIAs, two hours per day and one full day before the debriefing workshop with management need to be scheduled to code and analyze the data.
Involvement of local management	<ul style="list-style-type: none"> ▶ The project approach ensured that the Sita team were involved from the outset, and that their capacity to identify and mitigate human rights impacts was built in. ▶ The involvement of local management through a kick-off and a debriefing workshop at the beginning and the end of the on-site assessment raised considerable interest and created a momentum which can be built on for Sita's future human rights due diligence. ▶ Their continued positive engagement, ownership and buy-in are critical to the implementation of the actions defined.
Building internal expertise and awareness	<ul style="list-style-type: none"> ▶ The training and involvement of the local human rights focal point at Sita enhanced the quality of the assessment and enhanced local ownership of the process. ▶ The local human rights focal point will be well placed to advance and monitor the implementation of the agreed actions and to ensure the sustainability of the process.
Local value chain mapping	<ul style="list-style-type: none"> ▶ The thorough mapping of Sita's value chain was helpful in seeing where Kuoni can have an influence, and in enhancing the process of selecting the stakeholders to be involved in the assessment.
Consultation with children as stakeholders	<ul style="list-style-type: none"> ▶ The consultations with children as stakeholders offered an interesting perspective on Kuoni's/Sita's human rights impacts in India. ▶ The methodology developed (questionnaire, consultation methods etc.) now needs to be refined based on the experience in Jaipur and Cochin.
Findings relating to scope	<ul style="list-style-type: none"> ▶ The assessment was restricted geographically to Delhi, Jaipur and Kerala. India is a vast country, however, and other areas may be faced with different human rights-related impacts.
Community impacts of the houseboat industry	<ul style="list-style-type: none"> ▶ Issues relating to the houseboat industry in the Backwaters region proved to be the most pressing for the communities in the areas assessed. ▶ These issues are complex, and need to be addressed with the involvement of many different stakeholders. But Sita can initiate positive change by taking a leadership role.



VEL COME



ऐलेस रोड, कन्या पाठशाला के पास, सामोद, जयपुर

5. WAYS FORWARD

This impact assessment in India is only a first step for Sita. Kuoni/Sita are now implementing the mitigating actions defined and communicated in this report (see Section 5.1), and will be monitoring these activities and the impacts they have on the issues identified. As is reflected in the action plan, further engagement with

stakeholders and a deeper exploration of certain aspects are needed to more fully understand and address the issues involved. Kuoni is also planning to further refine the methodology of this impact assessment process, and to roll it out at other destinations in a risk-based approach.

5.1 ACTION PLAN FOR INDIA

The mitigation and improvement actions that Kuoni/Sita has agreed upon as a follow-up to this impact assessment in India are outlined in the table below.

The implementation and monitoring of these follow-up actions will be led by the newly-trained and -appointed Human Rights Focal Point at Sita, in close collaboration with the individuals from the business units defined

for each action. In addition, the implementation of the overall action plan will be monitored by Sita's CEO locally and at group level by Kuoni's internal audit programme and by Corporate Responsibility. In addition to its continued dialogue with the external advisors and stakeholders consulted throughout the process, Kuoni will report on progress here through its website and its Annual Report.

Labour issues at Kuoni/Sita	<ul style="list-style-type: none"> › Review and modify the existing employee grievance mechanism at Sita in line with the effectiveness criteria described in Principle 31 of the UN Guiding Principles on Business and Human Rights, and integrate it into Sita's HR Manual. › Evaluate measures to reduce stress levels during peak season, e.g. assign one person for "emergency phone" outside working hours. › Monitor and evaluate working hours per employee at Sita. › Disseminate the HRIA India report and share the opportunities and challenges with all employees.
Labour issues at key accommodation suppliers	<ul style="list-style-type: none"> › Ensure that the Kuoni Supplier Code of Conduct is signed by all accommodation providers (train contractors, introduce monitoring system). › Train accommodation providers on the Kuoni Supplier Code of Conduct and sustainability certifications, with a particular focus on adequate working conditions.
Labour issues at key service providers	<ul style="list-style-type: none"> › Introduce signature of the Supplier Code of Conduct in contract with outsourced service providers, and monitor compliance. › Improve working conditions of subcontracted staff: <ul style="list-style-type: none"> • Assess employment conditions of outsourced drivers, security guards and housekeeping staff and define minimal requirements. • Train service companies and monitor compliance. • Enable drivers, security guards and housekeeping staff to enhance their skills and make them aware of their rights. • Encourage hotel partners in remote areas to improve facilities for drivers.
Women's rights and empowerment	<ul style="list-style-type: none"> › Conduct an internal town-hall event at Sita on women empowerment in the Indian tourism industry. › Encourage business partners to share and adopt good practice on how to improve the gender balance; Sita to put together good-practice examples identified to be shared with the hotels. › Address the issue in industry associations. › Further integrate gender aspects in the HRIA Toolkit and in the human rights risk assessment of the Kuoni Group.
Community impacts of the houseboat industry	<ul style="list-style-type: none"> › Sensitize tourists to their potential impacts in the Backwaters through the development of information material for visitors, and train tour guides appropriately. › Launch and implement a project with innovative business partners, NGOs, specialists and the government to develop a best practice for houseboats.

**Economic exclusion /
lack of local sourcing**

- ▶ Develop and promote sustainable products (e.g. checklist for sustainable product development, development of socially and environmentally responsible products).
- ▶ Share the findings of the HRIA and the resulting improvement actions throughout the tourism industry in India, to raise awareness and encourage change.
- ▶ Organize an annual seminar on sustainable tourism in collaboration with industry associations to increase the level of understanding in the sector and to engage in government lobbying on some of the issues highlighted (e.g. promoting inclusivity and sustainable tourism planning).
- ▶ Specific measures for the Backwaters: see Section 3.5.

Impacts on Children

- ▶ Continue engagement to prevent the sexual exploitation of children in tourism by:
 - developing and implementing a Sita-specific action plan for the effective implementation of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
 - organizing an industry workshop in collaboration with the Ministry of Tourism
 - continuing the collaboration with Child Rights in Goa (CRG) to support affected children and raise awareness in local communities and industry
 - finding an appropriate partner for Kerala.
- ▶ Increase the transparency and traceability of the souvenir value chain in India by conducting research on potential child labour and other issues in the souvenir production process (e.g. carpet weaving, gem polishing and mining). Track the supply chain down to the source and identify measures to render the souvenir value chain more sustainable.
- ▶ Revise the methodology and the questionnaire for consulting children as stakeholders in human rights impact assessments (to be added to the Kuoni HRIA Toolkit).

**5.2 INTEGRATING THE FINDINGS
INTO MANAGEMENT SYSTEMS**

This second impact assessment conducted by Kuoni has revealed interesting insights and permitted the refinement of the assessment methodology piloted in Kenya. With a specific focus on areas that have been identified as common challenges in Kenya and India (e.g. labour issues at suppliers and effective company-level grievance mechanisms), Kuoni will now explore how human rights can further be integrated into existing business processes throughout the Kuoni Group.

As part of its human rights due diligence, Kuoni will continue to manage its human rights risks and assess its human rights impacts at selected high-risk destinations. In parallel to this, Kuoni will further explore opportunities of different forms of assessments for other business units.

The issues and the priorities identified through the HRIAs in Kenya and India are also being used as a basis for defining further actions externally. As co-initiator of the round table on human rights in tourism⁽¹²⁾, Kuoni is engaging with various industry stakeholders to share its experience in ensuring human rights due diligence within the tourism sector.

Kuoni will be informing its stakeholders about new developments and further activities in this area through bilateral meetings, its website and other reporting channels. Interested stakeholders and other parties are also invited to provide feedback on this report, which will help shape Kuoni's future strategy and practice in assessing human rights impacts. Kuoni will also provide clarifications and additional information on issues raised in this report upon request. Please address your feedback and requests to cr@kuoni.com.

(12) www.menschenrechte-im-tourismus.net.

6. STATEMENTS BY EXTERNAL STAKEHOLDERS

Individuals who acted as advisors to the project were invited to provide statements thereon, which are included here.

AKTE – Working Group on Tourism and Development, Switzerland

Statement by Dr. Christine Plüss, Director

The Working Group on Tourism and Development welcomes Kuoni's Human Rights Impact Assessment (HRIA) Report on India for its open and insightful analysis of current labour- and human rights-related issues in the tourism industry. This report impressively illustrates how a tour operator exercises human rights due diligence by taking concrete measures.

We were involved in both the development of Kuoni's Statement of Commitment on Human Rights as well as the HRIA pilot project in Kenya in 2012. In India, Kuoni has now further developed its approach based on the lessons learned and on the critical feedback received from external stakeholders during the Kenyan pilot. The gender-sensitive methodology allowed to identify how women are disadvantaged in the Indian tourism industry, how the problem is being tackled through labour law and where further measures need to be taken. Particular attention was paid to the situation of children living in touristic destinations: for the first time children have also been directly consulted. While no child labour was found in Kuoni's partner organisations and their awareness on child sex tourism was relatively high, the report stipulates that more attention should be paid to the exploitation of children in the tourism value chain (e.g. outsourced services, souvenir production and sales) and that the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism should be implemented more broadly.

Not unexpected but not less alarming are the impacts of tourism on the local communities, notably in the Backwaters. Even though tourism clearly contributes to job creation and the development of infrastructure, the exponential growth of the houseboat industry as well as the boom in hotel construction has serious consequences on the environment, water quality, the livelihoods and the quality of life (e.g. privacy) of local residents. The report discloses the precarious working conditions of houseboat staff and the lack of training opportunities as well as fishermen's and farmers' limited access to the tourism industry. To mitigate these impacts, Kuoni is planning to launch a project to develop best practice for the houseboats and to address issues of local food production and delivering to the tourism industry. This points the way to a more inclusive tourism industry which respects the right to development and health of the local communities.

We were not only impressed by the cautious approach adopted by the Corporate Responsibility team at the Kuoni Group but also by the commitment shown by Sita, Kuoni's subsidiary in India. Management and employees were involved throughout the process and a local human rights focal point was appointed and trained, who is now responsible to ensure the action plan will properly be implemented and to deal with grievances. These are pioneering prerequisites for sincerely conducting a company's human rights due diligence.

Equality in Tourism, United Kingdom

Statement by Dr Tricia Barnett and Dr Lucy Ferguson, Directors

Kuoni's work on identifying the human rights impacts of their company's value chains is groundbreaking within the tourism industry, in particular in terms of the focus on gender equality. Equality in Tourism is proud to be associated with Kuoni and to have taken the first steps with the company to develop a gender focus for their Human Rights Impact Assessment process. As is clear in this thorough and open report on India as well as the earlier report on Kenya, collecting and analyzing information from a gender perspective is highly challenging. We therefore praise Kuoni's efforts to highlight the ways in which their operations affect women's rights and empowerment, as well as trying to ensure that women's voices and concerns were heard throughout the process.

We would suggest that the process could be improved by engaging more substantively with stakeholders such as women's organizations and other institutions concerned with gender equality. Also, more training on gender equality in tourism would enhance the capacity of the assessment team and local representatives to conduct the Human Rights Impact Assessment from a gender perspective. The process would also benefit from a more systematic gender analysis of the impact of Kuoni's operations. As highlighted in the report, it is critical to ensure that learning and training on gender take place throughout the business, and that gender is integrated into Kuoni's risk assessment process. Kuoni has made a very important breakthrough and we look forward to working with them to further integrate gender equality into their operations.

UNICEF, Switzerland

Statement by Bo Viktor Nylund, Senior Advisor – CSR, UNICEF Division of Private Fundraising and Partnerships

UNICEF has worked with Kuoni over the past years on integrating children's rights in company policies and processes. Similar to the Kenya assessment, Kuoni's most recent human rights impact assessment in India is setting a positive example for sustainable business practices. The assessment provides a comprehensive overview of stakeholders' perspectives on Kuoni's business impact in India and outlines clear and forward looking commitments to address these impacts.

UNICEF commends Kuoni's efforts to engage with children so as to understand their perspectives on the impact of business on their families, communities and daily lives. Recognizing children as a key stakeholder group is a priority that is outlined in the UN Guiding Principles on Business and Human Rights, Principle 17. This Principle calls on companies to assess the risk of adverse impact to all rights holders, as opposed to the risk to business, even though the two are often interrelated.

As part of recognizing children as a distinct stakeholder group, UNICEF encourages the identification of all relevant stakeholders who can speak on behalf of children, such as parents,

teachers, governments and youth organizations. Each of these stakeholder groups can help a business to more accurately understand its impact on children. Engaging with children requires careful preparation and consideration to ensure that consultations are meaningful for children, as well as useful for the company. It is important that such consultations follow ethical standards and ensure that children are not put at risk as a result of their participation.

UNICEF welcomes Kuoni's commitment to develop a methodology and questionnaire appropriate for engaging children as stakeholders. UNICEF is in the process of developing a tool for considering children as stakeholders when conducting human rights impact assessments. This tool will provide guidance for companies around why, when and how business should engage stakeholders on issues affecting children including actual or potential impacts on children's rights. It will also include specific guidance for companies that plan to consult children directly and will outline how to do so in an appropriate and ethical manner. UNICEF would welcome the opportunity to collaborate with Kuoni on its next steps to further refine its approach to child consultations using this new tool, and to continue learning from Kuoni's experiences so as to ensure that the guidance is aligned with business needs.

Swiss Centre of Expertise on Human Rights, Switzerland

Statement by Prof Dr Christine Kaufmann

The Swiss Centre of Expertise on Human Rights (SCEHR, www.skmr.ch) is an independent network of Swiss universities with business and human rights as one of its key areas of activities. We commend Kuoni on its efforts to put its Statement of Commitment on Human Rights into practice by developing a Human Rights Impact Assessment Toolkit and trial it in specific destinations. Based on our expertise we would like to offer two comments with a view to further strengthen and improve the process.

(1) Key achievements: With its second impact assessment project (after the pilot project on Kenya) Kuoni introduced several new elements in its methodology: The process was led internally and not by a consultant as in Kenya, a local human rights focal point was established at Sita, children were particularly consulted as stakeholders and the methodology was adapted with a view to being more gender sensitive. We note that several lessons learnt from the Kenya pilot project with regard to confidentiality of internal stakeholder

consultations and gender-specific concerns have now been implemented successfully.

(2) Room for improvement: While the report adopts the UN Guiding Principles' (UN GP) approach by mapping the stakeholders in great detail, its limitation of human rights risks to business risks for Kuoni/Sita does not adequately reflect the change in perspective induced by the UN GP. Business risks are an important element, yet human rights problems may require action regardless of their being a business risk just because of their severity for the people affected. Many of the challenges mentioned in the report such as the labour rights violations along the supply chain will rarely affect Kuoni's reputation and result in a business risk because - unfortunately - there is still little awareness among clients, with the exception of child labour issues.

With its Human Rights Commitment and its implementation projects, Kuoni has become a leader in the tourism and human rights debate. We hope that it will continue to play this key role by adapting its concept of human rights risk to reflect both the affected people's and the business perspective.

Uravu Eco Links, India ⁽¹³⁾

Statement by Sivaraj Thekkayil and Corinne Karlaganis, Managing Director and Project Manager

Kuoni approached us regarding community participation in tourism. The impact assessment process and the findings of this valuable report are impressive. We think it is an important signal to the tourism industry in India towards the application of human rights standards in tourism. The attention should now be shifted to their implementation.

Most of the prevailing issues regarding the responsibility of the houseboat industry towards the community were taken up by the report, ranging from safety issues, through environmental problems to labour rights. We agree that multiple issues present a business risk to Kuoni/Sita. It would be desirable if Kuoni/Sita - besides awareness-raising among their key suppliers - could play a leadership role in a broad stakeholder dialogue for best practices and their implementation. The various houseboat owners associations, trade unions and the Department of Tourism should be included

in such activities, as well as other affected groups such as the fishermen communities, the lime shell collectors and the political stakeholders at the local level (Panchayat/municipality level). In our view most people are aware that the pollution of the lake is not desirable. But there is a lack of awareness concerning the environmental costs of short-term profit maximization as a risk for long-term establishment of the tourism industry in Vembanad Lake. This also has detrimental effects on inhabitants whose livelihood depends on an intact environment.

Kuoni/Sita could take a leading role regarding the industry pressure for enforcing the regulations in the Backwater area. This is where a dialogue with the government to address the lack of infrastructure, such as for sewage treatment and waste management, is needed. Another option is to support the further development of the labeling system for houseboats, ideally as part of the Responsible Tourism (RT) initiative. Also Kuoni/Sita and other industry players could support the expansion of the RT classification system in Kumarakom to hotels all over Kerala.



(13) Uravu has long-standing experience with community involvement in Kerala and Sivaraj Thekkayil is a member of the advisory committee of the Responsible Tourism initiative in Kerala. Corinne Karlaganis has done a study on the linkages

between tourism and environment in the Kerala houseboat industry for the Swiss National Centre of Competence in Trade Regulation.

APPENDIX

I. PROFILES OF THE KUONI UNITS INVOLVED

KUONI EST. 1906

Kuoni's head office is located in Zurich, Switzerland, where Alfred Kuoni founded the company in 1906. Over the years Kuoni has developed into today's global travel services company, now employing around 12,000 people in more than 60 countries. In its European source markets the company has over 160 of its own retail outlets and tour operating offices. Its global destination travel services business has several different types of office: sales offices in the source markets (particularly in Asia for group travel business); agency offices that look after guests at the destinations; offices dedicated to buying-in and selling online-based destination services; and offices specializing in MICE business (meetings, incentives, conferences and events). Visa services provider VFS Global (external consular services) runs a worldwide business through more than 500 offices spread across every continent. Overall, counting all business activities, Kuoni has more than 700 offices in 62 countries around the world. Kuoni has been committed to the sustainable development of the tourism industry for many years, and strives to act as a good corporate citizen which takes into full account the current and future economic, social and environmental impacts of its business.

www.kuoni.com

KUONI | Destination Management

Kuoni Destination Management India, which has been in existence for 51 years now, handles incoming tourists to India, Nepal, Bhutan and Sri Lanka from all over the world. It organizes attractive and carefully-planned tours of the Indian subcontinent for leisure groups, conferences & meetings, cruises, incentives, charters and FITs. Its key markets are Europe, the UK, Russia and North America, where it enjoys growing market leadership. Its remarkable progress is the result of well-defined business principles and services backed by experience, an elaborate network and a rock-solid reputation. With its committed professionals offering personalized services, it serves close to 150,000 clients a year.

www.kuoni-dmc.com



In existence for 51 years, Sita, India's leading Destination Management Company, handles incoming tourists to India, Nepal, Bhutan and Sri Lanka from all over the world. It organizes attractive and carefully planned tours of the Indian subcontinent for groups and individuals. Its key markets are Europe, UK, Russia and North America where it enjoys growing market leadership. Its remarkable progress is the result of well-defined business principles and services backed by experience, an elaborate network and a rock solid reputation. With committed professionals offering personalized services, it serves close to 150 000 clients annually.

www.sita.in



Distant Frontiers' operations are fine-tuned to the needs of incentive tours, the discerning individual traveller and the special-interest traveller in India, Nepal, Bhutan and Sri Lanka. Acquired in 2006, Distant Frontiers has established itself as the brand of choice for the discerning traveller visiting India.

www.distantfrontiers.in

2. IMPLEMENTATION OF UN GUIDING PRINCIPLE 18

The following table gives an overview of how the requirements of UNGP 18 have been implemented in the HRIA project in India.

Requirements of UNGP 18	Implementation in the pilot project
Draw on internal and/or independent external human rights expertise	<ul style="list-style-type: none"> ▶ Methodology developed based on HRIA pilot project in Kenya and with the help of specialist business consultancy twentyfifty Ltd. ▶ Representatives from seven NGOs, academia and UN institutions accompanied the project as individual advisors. ▶ Outreach to a broad range of experts from academia, NGOs, UN bodies and local associations as part of the country research and on-site assessment. ▶ As part of the assessment process, an internal human rights focal point has been trained in India.
Involve meaningful consultation with potentially affected groups and other relevant stakeholders	<ul style="list-style-type: none"> ▶ Feedback by selected stakeholders acting as individual advisors sought on the impact assessment process. ▶ Meetings and interviews with potentially affected groups (e.g. workers, children, fishermen, community members etc.) as well as with international and local NGOs/associations during the on-site assessment.
Pay special attention to human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization	<ul style="list-style-type: none"> ▶ Stakeholder mapping developed based on human rights impacts identified in desk research (including consultation with international advisors). ▶ Specific attention given to children as potentially affected groups with a focus on a whole range of human rights issues. ▶ Focus on the situation in the Backwaters and the impact of tourism on the local communities.
Bear in mind the different risks that may be faced by women and men	<ul style="list-style-type: none"> ▶ Expertise on equality in tourism was sought prior to the assessment to ensure that the assessment methodology allows gender-specific aspects to be identified in an appropriate manner. ▶ Consultation of local experts on the topic. ▶ Female interpreter organized for Backwaters.
Consult potentially affected groups directly in a manner that takes into account language and other potential barriers to effective engagement	<ul style="list-style-type: none"> ▶ International advisors and local organizations provided essential contacts. ▶ One member of the assessment team had Hindi as her mother tongue. Where interviewees did not speak Hindi or English, an interpreter was organized. ▶ Collaboration with local children's NGOs to reduce barriers to effective engagement with children.
Include all internationally recognized human rights as a reference point	<ul style="list-style-type: none"> ▶ The assessment framework and content are based on the International Bill of Human Rights (the Universal Declaration of Human Rights and the two Covenants on civil and political and economic, social and cultural rights) as well as the ILO Core Conventions. ▶ The assessment encompassed all human rights, with a focus on the priority topics that Kuoni defined during the development of its human rights position, namely labour rights and rights of the child. ▶ Additional human rights instruments were consulted where applicable (e.g. the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], the Convention on the Rights of the Child [CRC] and the UN Declaration on Indigenous Peoples' Rights).
The assessment informs subsequent steps in the human rights due diligence process	<ul style="list-style-type: none"> ▶ Besides the assessment's results, the report outlines the mitigation and remedial actions defined by Kuoni/Sita, including a timeline (see the action plan in Section 5.1). ▶ This second HRIA conducted by Kuoni is an integral part of Kuoni's broader human rights due diligence strategy (Quick Search: 14403)*.

* Enter the code in the search box at www.kuoni.com and you will be taken directly to the relevant content.

3. ON-SITE ASSESSMENT SCHEDULE

The following table gives an overview of the meeting schedule for the on-site assessment.

Date	Meeting schedule
Sunday 29 September	Arrival of assessment team in Delhi
Monday 30 September	Meetings at Sita headquarters in Delhi Morning: > Meeting of assessment team > Kick-off workshop with local management team Afternoon: > One-on-one talks with local management
Tuesday 1 October	Meetings at Sita headquarters in Delhi Morning: > One-on-one talks with local management Afternoon: > Meeting with international organization > Meeting with management and workers at Hotel 1
Wednesday 2 October	Morning: > Supplier visits: follow a "typical product" > Meeting with tour guide & driver Afternoon: > Summary of findings
Thursday 3 October	Morning: > Meeting with management and workers at Hotel 2 Afternoon: > Meeting with international organization Travel
Friday 4 October	Morning: > Information session and one-on-one talks with management and employees at Sita Trivandrum > Meeting with government representatives Travel Afternoon: > Meeting with management and workers at Hotel 3
Saturday 5 October	Whole day and night: > Supplier visits: follow a "typical product" (Backwaters) > Meeting with management and workers at houseboats > Meeting with community member and fisherman > Meeting with tour guide
Sunday 6 October	Morning: > Meeting with management and workers at Hotel 4 Afternoon: Free

Monday 7 October	<p>Morning:</p> <ul style="list-style-type: none"> › Meeting with management and workers at Hotels 5 & 6 <p>Travel</p> <p>Afternoon:</p> <ul style="list-style-type: none"> › Information session and one-on-one talks with management and employees at Sita Cochin › Meeting with management of Transportation Company 1
Tuesday 8 October	<p>Morning:</p> <ul style="list-style-type: none"> › Meeting with management and workers at Hotel 7 › Meeting with souvenir shop <p>Afternoon:</p> <ul style="list-style-type: none"> › Meeting with NGOs › Meeting with management of hotel chain › Workshop with children in collaboration with local NGO › Supplier visits: follow a "typical product" (Jaipur)
Wednesday 9 October	<p>Morning:</p> <ul style="list-style-type: none"> › Meeting with tour guide › Meeting with souvenir shop <p>Travel</p> <p>Afternoon:</p> <ul style="list-style-type: none"> › Workshop with children in collaboration with local NGO › One-on-one talks with employees at Sita headquarters in Delhi › Meeting with international organization › Meeting with souvenir shop
Thursday 10 October	<p>Morning:</p> <ul style="list-style-type: none"> › Meeting with management of hotel chain › Meeting with management of Transportation Companies 2 & 3 <p>Afternoon:</p> <ul style="list-style-type: none"> › Meeting with management of housekeeping services › One-on-one talks with employees from outsourced companies (transportation, housekeeping and security guards) › One-on-one talks with employees at Sita headquarters in Delhi › Meeting with statutory body
Friday 11 October	<p>Morning:</p> <ul style="list-style-type: none"> › Summary of findings, debriefing with assessment team and preparation of management workshop <p>Afternoon:</p> <ul style="list-style-type: none"> › Debriefing workshop with local management team: finding root causes and brainstorming possible measures › Wrap-up with senior management

4. LIST OF STAKEHOLDERS INTERVIEWED

In addition to internal stakeholders and business partners (see Figure 3: scope value chain), representatives from the following local and international NGOs, international organizations, academic institutions, government, statutory bodies and associations were consulted before and during the impact assessment:

Labour rights:

- › International Labour Organisation (ILO)*

Children’s Rights:

- › UNICEF*
- › RAJAGIRI outREACH
- › I-India
- › Child Rights in Goa
- › National Commission for Protection of Child Rights (NCPCR)

Women empowerment:

- › Literacy India
- › Equality in Tourism*

Community impacts:

- › KABANI - the other direction
- › Clam Processing Cooperative Society (a fishermen’s association in the Backwaters)
- › Equitable Tourism Options (EQUATIONS)
- › Tourism Concern*
- › Uravu Eco Links*

General:

- › Federation of Associations of Indian Tourism and Hospitality (FAITH)
- › City & Guilds Centre for Skills Development (CSD)
- › Eco-Tourism Society of India (ESOI)
- › Working Group on Tourism and Development (AKTE)*
- › Swiss Center of Expertise on Human Rights, University of Zurich*
- › Kerala Institute of Tourism & Travel Studies (KITTS) Responsible Tourism Initiative
- › Tourism Watch*



* organizations that formed part of the international stakeholder advisory group





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