**HRC report of the Special Rapporteur on the sale and sexual exploitation of children**

**SAVE THE CHILDREN SPAIN**

**i. Context, awareness and attitudes underpinning the sale and sexual exploitation of children**

SURROGACY

Surrogate motherhood is an increasing phenomenon. According to the Spanish Ministry of Foreign Affairs, 979 babies were born by surrogacy from 2010 to 2016 in Spain. Even though there are altruistic ways of going through this kind of pregnancy, it is common the remunerated practice of surrogacy by which women obtain an amount of money in exchange of the gestation of a baby.

In accordance with Article 35 of the Convention on the Rights of the Child, the sale of children is not permitted. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, considers ‘sale of children’ as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. This definition fits the problem we are analysing because the object of the contract in surrogacy is the baby.

Surrogate motherhood is forbidden in Spain. Nevertheless, this prohibition does not mean the end of the practice, as many people travel to other countries (e.g. Ukraine) in order to obtain a child. Once the baby is born, they come back to Spain and try to register the newborn as their son or daughter; it is in this moment when a huge amount of legal problems arises. In several occasions, Spain has denied the inscription of the baby because the court does not accept a foreign certification that contravenes Spanish law. However, the European Court of Human Rights has determined in some cases that the best interest of the child must prevail, and therefore the children need to be registered. In conclusion, the actual system lacks of legal certainty and does not assure children’s wellbeing at a national or international level.

CHILD TRAFFICKING

In Spain, victims of child trafficking are being object of exploitation for numerous purposes, including forced marriage, begging, forced labour and sex.

Furthermore, when women who are victims of sexual exploitation have babies, these children scape from the Government´s control, and can end up under the exploiter’s control.

In addition, since 2015 the amount of children who have disappeared from tutelage centres has reached 5.084. In many occasions, the absence of proper security measures to fight child trafficking networks causes these disappearances. Spanish Law[[1]](#footnote-1) determines that after 6 months from a disappearance, the Spanish system for child protection ends the guardianship over these children. If the Government is not concerned about this problem, does not look for these children and ceases in his responsibilities, who is going to take care of them? It is known that many of these children end up in child trafficking networks, and even so, we continue without an effective mechanism that identifies victims of child trafficking, and the centres of children lack staff trained in detecting these victims. The conditions in which children on the move are kept in centres are such that their risk of falling victim to trafficking rise (overcrowded centres, mixing of adults and children, etc.)

Concerning good practices, in 2015 and 2017, 139 professionals received training on Trafficking in Human Beings, thanks to online courses run by the Ministry of Health, Social Services and Equality. Nevertheless, this is not sufficient.

**ii. Risk factors, root causes and demand for the sexual exploitation of children**

Child trafficking causes:

1. Absence of a Law that fights against child trafficking, which includes all the profiles of victims and types of exploitation that children can suffer. This would guarantee the protection of every single victim and the creation of specialised means in every Spanish territory. Moreover, the Law about violence against children (which has not been approved yet) is needed, as that document should recognise child trafficking as a specific form of violence against children.
2. Absence of a unified register that coordinates the systems for child protection of the different territories. This would permit having record of each boy and girl and prevent from losing track of children.
3. Governments should facilitate the move of children between territories (proximity to family members, specific needs, higher possibilities of social inclusion, etc.). This would avoid the rise of unaccompanied children on the move who can potentially be exposed to exploitation networks.

**v. New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation:**

The current system does not protect children from child trafficking. For its whole territory, Spain only has 16 specialized shelter vacancies for girls that are victims of child trafficking, and no available vacancies for boys.

**vi. Data and monitoring**

In 2017, 10.111 people in Spain were identified in risk of suffering human trade and 577 were identified as victims. Only 15 of these people were girls, which reveals a big data collection problem, as it is well known that the amount of children involved in trafficking is much higher. It is difficult to find the girls who are being sexually exploited, as they are isolated, constantly supervised and threatened.

The Spanish official data does not detect every victim of exploitation. In addition, the victims’ identification is particularly deficient when talking about children. To mention some examples: in 2017, only four children were identified as victims of labour exploitation, problem that is known to have a greater scale; it is also estimated that in Spain, for each girl which is identified as a sexual exploitation victim, there are other twenty girls victims who have not been located.

**viii. The way forward**

Save the Children Spain demands a Law that fights against child trafficking. In order to guarantee children’s protection, this law should include all the different victim profiles and every single type of exploitation. Spanish authorities should intensify their efforts to identify victims (training professionals, redo the protocol that stablishes whether non-accompanied children are minors or adults, etc.) and prevent trafficking in children (raising public awareness, training educational staff and child welfare professionals, etc.)

Every territory should have specialised resources for children who are victims of child trafficking and exploitation, and there should be a unified register to coordinate the different systems for child protection, as mentioned above. The movement between territories should be promoted to ensure the best interest of the child.

We need to create awareness because our society is not sufficiently informed and conscious of this problem.

**CASE STUDY FROM SAVE THE CHILDREN BANGLADESH**

**Protection of children of sex workers and trafficked children from sexual exploitation: lessons learnt from Bangladesh**

**Background:**

Sex workers in Bangladesh are deprived of their basic rights and face abuse and violence in their daily life. The children living inside the brothels are the worst sufferers. They are exposed to early sexuality, subject to physical, psychological abuse and maltreatment. Sex workers and their children face stigma and discrimination in the community. Children of sex workers usually do not have access to health and education; they are vulnerable to abuse and exploitation. Daughters of sex workers are at risk of getting involved in sex work from very early stage of life, as they lack educational and employment opportunities.

Save the Children worked on the protection of the children (especially girls) of sex workers in Daulatdia brothel in Rajbari district, and implemented Safe Home since 1997. Safe Home started by providing residential care support to daughters of sex workers, but over the years the objective has been evolved to identify community based care solutions for those children. Community based initiatives were facilitated through *Aparajito* project since 2012.Among other interventions,this project also contributed to rescuing girls who were trafficked to the brothel to force into sex work. From July 2015 till now, Save the Children is implementing an integrated program combining protection, education and health interventions in three brothels of Rajbari and Faridpur districts. Karmojibi Kallyan Sangastha (KKS), Mukti Mohila Samity (MMS) Shapla Mohila Sangstha (SMS) are the implementing partners.

**Major interventions:**

***Basic and psychosocial support:***  Major interventions of Safe Home included providing accommodation, food, medical and basic care support; arranging psychosocial counselling; preparing personal education plan etc.

***Capacity building of children:*** Extra-curricular activities like art, dance, drama, and cricket were very helpful to build self-confidence and capacity of girls living in Safe Home. Girls engaged in those activities throughout the year, which resulted in their participation in school level, sub-district and district level contests. Moreover, they were also able to participate in activities organized through Child Clubs where other children living in brothel as well as children from the mainstream community were also present. This included attending trainings on child rights and protection issues, life skills development, participating in drama for raising awareness on child protection, taking part in Child Club election to elect child representatives etc.

***Family and community reintegration:*** Following the recommendations of the evaluation of Safe Home in 2008, the project has changed its approaches. The study recommended that girls living in Safe Home could be placed in family or wider community through developing other alternative care options. Most of the girls had been reintegrated into wider community by providing education and job placement support. During the process, they lived outside Safe Home (in small group homes and dormitories), but received intensive follow-up support in order to make the transition smooth. Reintegration of the girls with families/communities was done following individual assessment and developing a case management plan for each girl; providing family counselling to mothers and other family members; home visits to ensure a safe and smooth transitioning into families and communities; identifying job placements and livelihoods.

***Linking girls with vocational training and job placement:*** Girls were linked with vocational training courses in different training institutes and centres supported by Save the Children or government. Vocational training was identified as the key solution for making them self-reliant in order to make the community integration smooth. They completed courses related to electrical and electronics, computer, industrial sewing etc., which prepared them for jobs.

Psychosocial expert was hired for providing counselling for girls (receiving vocational training or attending job placement) to assist them to cope with the emotional stress during the transitional period from supervised living arrangement to independent life. The majority of them have successfully moved into self-dependent life from a supervised living arrangement. Girls attended group counselling sessions on assertiveness, problem solving skills, coping with stress etc.

***Sensitization of mothers/family members:*** Meetings were organized for mothers and caergivers to educate them about child rights, child protection, parenting skills so that they are able to take care of the children after family reintegration. Through these meetings, mothers became more sensitized about the well-being of girls and became actively involved with the process through which girls from Safe Home transitioned to self-reliant lives.

**Providing basic services:** In addition to child protection interventions, the project increased availability of and access to comprehensive services for children living in the brothel, which included health and education. The project also established relationship with various service providers for referral services as and when required.

***Strengthening community based child protection system:*** One of the major interventions was to establish a community based child protection system to ensure a protective environment for the children living in the brothels. This was done by establishing and strengthening Community Based Child Protection Committees (CBCPC). CBCPCs monitored child rights situation and created awareness throughout the brothel and adjacent community on protection issues of the targeted children, which is being continued in the present phase of the project.

***Advocacy initiatives:*** Advocacy workshops were organized regularly at district level where government officials, service providers (e.g. health, education, social welfare) and representatives of law enforcement agencies were present. The workshops advocated for ensuring the rights of children whose mothers are involved in sex work. The workshops aimed to make the community people and service providers involved with the process of reintegration of children of sex workers into wider communities.

Workshops were also organized at the local level with participation of government officials, local elites and representatives of School Management Committees (SMCs), and CBCPCs. The workshops contributed to strengthening the child protection system in and around Daulatdia brothel to ensure children’s access to basic services and to reduce stigma and discrimination faced by them.

***Protecting trafficked children from entering into sex work:*** There were efforts to stop entry of children in the sex work who were trafficked to the brothel from different parts of the country. Government mandated Anti-Trafficking Committees were activated to rescue girls with support from law enforcement agencies and CBCPC members. The majority of

them were reintegrated with their families.

**Major achievements:**

* The interventions protected daughters of sex workers from sexual abuse and exploitation, and contributed to their empowerment to build a better future for themselves and their families, as some of them are renting homes in the community and bringing their mothers outside brothel.
* A total of 135 girls received support from Safe Home since the beginning. Among them, 80 girls have been reintegrated with families/communities through education and marriage, 43 girls have been reintegrated through higher education and job, and 3 girls are in direct care services of Safe Home and studying in school (will be reintegrated by 2020).
* Girls living in the Safe Home were better able to protect themselves from abuse and exploitation. Their self-confidence and abilities to meet the challenges of life are much improved and they have access to education, health and protection services. The were able to participate in wider society and have greater choice over their own profession and alternative livelihoods than their mothers.
* The girls who lived in Safe Home also gained recognition for their achievements in various .competitions. In December 2012, Safe Home cricket team participated in the inter school cricket tournament at sub-district level on behalf of Daulatdia Model High School and became champion. Girls also received awards in national level essay competition organized by the Ministry of Education. These were significant achievements for children who faced social marginalization and discrimination due to the profession of their mothers; the success helped them in developing a new identity and increased their self-esteem also.
* Sex workers were sensitized on the importance of education of their children, and are empowered to claim rights. There were attitudinal changes of mothers in engaging their daughters in sex work, as they realized that a different life was possible. Through community discussion and awareness raising about discrimination, children of sex workers experienced increased acceptance within mainstream society. Advocacy with community based groups and local administration helped in creating a protective environment for children.
* Rescuing trafficked girls from entering into sex trade has been a major achievement of the project.

**Lessons learnt:**

* Providing long term educational support and linking girls with alternative livelihood options helped the daughters of sex workers to be self-reliant and get back into family and wider community. Long-term support to continue education followed by linkage with employment opportunities proved to be critical in reintegration of girls living in Safe Home. Motivation of mothers about alternative livelihood options for their daughters helped in bringing the change.
* Sex workers were sensitized on the importance of education of their children, and were empowered to claim rights. Advocacy with community based groups and local administration helped in creating a protective environment, and there have been attitudinal changes regarding the rights of children of sex workers in general. Community sensitization activities contributed to the successful reintegration of the children in the mainstream society.
* Rigorous psychosocial support is required while children shift into family and community lives from an institutional setting. Having a proper case management system of children living in institutions is important for getting them back into family and community.
* Coordination, linkage and capacity building of the government agencies can create a strong ownership of the government and other like-minded organizations regarding Safe Home and other community based alternative care options for children of sex workers. Support is required from the government, service providers and community people for social inclusion of children living in brothels.
* Working with the government mandated Anti-Trafficking Committees is critical in protecting trafficked girls from being forced into sex work.
* A holistic approach including children, mothers/caregivers, community members, local administration etc. is helpful in protecting vulnerable children from sexual exploitation.
1. Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia: Article 172 [↑](#footnote-ref-1)