

United Nations

CRC/C/ESP/3-4



# Convention on the Rights of the Child

Distr. General  
20 November 2009  
English  
Original: Spanish

---

Committee on the rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties due in 2008

**Spain** \* \*\*

[30 May 2008]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* The annexes may be consulted at the secretariat.

## Introduction

With the present report on measures adopted by the Spanish State, for the period 2002-2006, complies with the undertaking assumed in the instrument of ratification of the Convention (*Boletín Oficial del Estado*, 31 December 1990), in accordance with the provisions of article 44 of the Convention.

This report takes into account both the indications set out in the aforementioned article 44 of the Convention and those that have been provided by the Committee on the Rights of the Child in the official documents it has adopted in that regard. In particular, the instructions contained in documents CRC/C/15/Add. 185 of 13 June 2002; CRC/C/58/Rev. 1 of 29 November 2005; and CRC/C/44/2 of 15 January 2007 have been followed. The guidelines and indications contained in those documents have provided guidance as regards to final form and contents of the report.

With regard to form, the report is divided into different sections as indicated in chapter II of document CRC/C/58/Rev. 1, each section addressing the points presented in said document as most relevant.

With respect to contents, it was felt appropriate in each section to show clearly and from the outset the course that has been followed in the Spanish State in order to make more effective the rights of children recognized by the Convention. In this regard, in keeping with the idea of “follow-up” referred to by the Committee, the report proceeds in accordance with the indication provided by the Committee that Spain endeavour to address the Committee’s concluding observations in each area, as indicated in document CRC/C/15/Add. 185. Accordingly, it emerges clearly that these have always been the driving force for a more effective protection of the rights of children through the adoption of specific measures aimed at providing a satisfactory response. It has likewise been deemed important, always bearing in mind the Committee’s recommendation in document CRC/C/44/2 not to repeat information already provided in previous reports, to make some relevant connections with the information contained in the second periodic report of Spain (CRC/C/70/Add.9) in order to achieve two important results: firstly, to highlight some of the achievements already secured with regard to effective protection of the rights of children in Spain during periods prior to the reporting period, thus shedding light on the current situation; and, secondly, to give a clearer picture of the course of developments, addressing significant changes as compared with the previous situation.

In keeping with the idea of “monitoring” referred to by the Committee, the report describes the specific measures taken by the Spanish State with regard to the matters under consideration. In this regard, in order to make the report more informative, it was decided first to present the measures adopted by the central Government and then, in keeping with the decentralization that characterizes the management of many issues in the functioning of the Spanish State, to present the most relevant measures that have been adopted in each area by the various Autonomous Communities. It was considered appropriate in this presentation also to address together the resources made available for the implementation of various measures and, as appropriate, any circumstances which may have affected their satisfactory implementation, i.e. the points referred to by the Committee as “allocation of budgetary and other resources” and “factors and difficulties.”

Here, two comments are in order with a view to a proper understanding of the contents of the report.

Firstly, it should be noted that, in some cases, the information provided regarding the activities pursued by some Autonomous Communities does not give a full account of all activities actually undertaken. This may be due to two different reasons: first, because the

Autonomous Communities in any event pursue many of the measures adopted in the legislative, political or judicial domains by the central Government but it is not desirable to duplicate the information given; and second, because the information supplied by the Autonomous Communities has in some cases been generic, although it is understood that the present report should give specific information in keeping with the subjects addressed in order to give the fullest and most coherent picture possible, thus adequately portraying the situation of children in Spain and the different measures adopted to make their rights more effective.

Secondly, it should be noted that the present report also gives an account of resources earmarked for the application of measures to give effect to the rights of children, bearing in mind that the information provided should give a complete idea of the extent to which resources are allocated by the central and regional governments, taking an overall view and also, as appropriate, a view of specific measures adopted. However, that clarity and concreteness also implies that data cannot be given for all of the different measures mentioned in the report, since some of the resources are applied in conjunction with other types of measures, or with budgetary criteria that are not shared by other public authorities, or it may simply happen that there is no information about specific resources designated for the implementation of the specific measure under discussion.

Finally, with regard to the “statistical data” referred to by the Committee, each section or topic addressed in the present report concludes with relevant statistical data and indicators. Here again, the report follows the guideline laid down by the Committee in the annex to document CRC/C/58/Rev.1, indicating the most important points to be borne in mind in regard to each section of the report. And in order to achieve greater clarity in the information provided, tables and figures are included to concisely convey a picture of different trends and to compare relevant data disaggregated according to the criteria considered most relevant in each case.

The preparation of this report represented a significant collective effort by various public and private institutions and social groups, coordinated by the Monitoring Centre for Children of Spain which, as indicated on its website, is a working group of the Ministry of Labour and Social Affairs whose purpose is to build a centralized and shared information system with an understanding of the welfare and quality of life of the child population and public policies affecting children, how such policies are developed and introduced, and the impact they have on the child population. In this regard, the present report is part of a continuum of efforts carried out over time seeking to obtain information about measures being applied in Spain that directly or indirectly affect children’s rights and how they correlate with the real situation of children in Spain. Accordingly, an important input in the preparation of this report, again within the framework of the Monitoring Centre for Children, has been the development of a National Strategic Plan for Children and Adolescents, adopted in 2006, which has taken shape as an instrument well suited to the design, development, follow-up and assessment of measures pursued for the promotion and defence of children’s rights. The Plan is led by the Government, through the Ministry of Labour and Social Affairs and inputs for its preparation have come from all public and private institutions active in the promotion and defence of children’s rights, such as the Autonomous Communities, the Spanish Federation of Municipalities and Provinces (FEMP), and civil society associations. Accordingly, the preparation of this report has relied, directly or indirectly, on the necessary and active participation of the central and regional Governments; public institutions such as universities and their research centres and institutes; different public agencies especially concerned with protection of children and their rights, such as the offices of children’s ombudsmen; civil society, through non-governmental organizations working for children and their rights; and children themselves, primarily through participation by pre-adolescent schoolchildren, through surveys, workshops and discussion groups. The report directly or indirectly reflects the necessary work that has been done, in various ways, by each and all of these participants.

Finally, for a complete understanding of the contents of this report, it should be noted that, in its final drafting, an effort has also been made to comply with the Committee's indication in document CRC/C/44/2 to the effect that periodic reports should be concise, analytical and focused on issues fundamental to the implementation of the Convention on the Rights of the Child. Accordingly, the report strives to unify the information provided, using only information necessary to give an account of the measures adopted by different agencies of the Spanish State in various areas with a view to ensuring proper implementation of the Convention, and thus of the real situation of children in Spain. It is clear that this effort has considerably reduced the extent of this report by comparison with the second periodic report of Spain, although it has not been possible to reduce it further, in order to ensure clarity in the basic information conveyed, considered essential for the purpose sought.

## Contents

|                                                                                                                                                                                               | <i>Paragraphs</i> | <i>Page</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
| I. General measures of implementation (arts. 4, 42 and 44, para. 6).....                                                                                                                      | 1-193             | 8           |
| A. Reservations to the Convention (General Guidelines [CRC/C/58/Rev.1], para. 10) .....                                                                                                       | 1                 | 8           |
| B. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (General Guidelines, para. 11) .....                 | 2-14              | 8           |
| C. Human and financial resources allocated to programmes for children (General Guidelines, para. 12) .....                                                                                    | 15-36             | 11          |
| D. Domestic legislation conducive to the realization of the rights of the child as enshrined in the Convention (General Guidelines, para. 13) .....                                           | 37-72             | 17          |
| E. Remedies available in cases of violation of rights recognized in the Convention (General Guidelines, para. 14) .....                                                                       | 73-79             | 24          |
| F. Existing mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention (General Guidelines, para. 14) ..... | 80-129            | 25          |
| G. Independent national human rights institution for the promotion and protection of children's rights (General Guidelines, para. 15) .....                                                   | 130-131           | 31          |
| H. Measures taken to make the principles and provisions of the Convention widely known (General Guidelines, para. 16) .....                                                                   | 132-174           | 31          |
| I. Measures undertaken to make reports on the implementation of the Convention widely available to the public at large (General Guidelines, para. 17) .....                                   | 175-176           | 39          |
| J. Cooperation with civil society organizations (General Guidelines, para. 18) .....                                                                                                          | 177-193           | 40          |
| II. Definition of the child (article 1 of the Convention) (General Guidelines, para. 19) .....                                                                                                | 194-209           | 43          |
| III. General principles (articles 2, 3, 6 and 12 of the Convention) (General Guidelines, paras. 20 to 23) .....                                                                               | 210-321           | 46          |
| A. Non-discrimination (article 2 of the Convention) .....                                                                                                                                     | 211-270           | 46          |
| B. Best interests of the child (article 3 of the Convention) .....                                                                                                                            | 271-277           | 57          |
| C. The right to life, survival and development (article 6 of the Convention) .....                                                                                                            | 278-306           | 58          |
| D. Respect for the views of the child (article 12 of the Convention) .....                                                                                                                    | 307-321           | 63          |
| IV. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a)) (General Guidelines, paras. 24 to 26) .....                                                                                      | 322-401           | 67          |
| A. Name and nationality (article 7 of the Convention) .....                                                                                                                                   | 322-324           | 67          |
| B. Preservation of identity (article 8 of the Convention) .....                                                                                                                               | 325-335           | 67          |
| C. Freedom of expression (article 13 of the Convention) .....                                                                                                                                 | 336-344           | 69          |
| D. Freedom of thought, conscience and religion (article 14 of the Convention) .....                                                                                                           | 345-349           | 70          |

|       |                                                                                                                                                                                                                |         |     |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----|
| E.    | Freedom of association and peaceful assembly (article 15 of the Convention) .....                                                                                                                              | 350-351 | 71  |
| F.    | Protection of privacy (article 16 of the Convention) .....                                                                                                                                                     | 352     | 72  |
| G.    | Access to appropriate information (article 17 of the Convention) .....                                                                                                                                         | 353-387 | 72  |
| H.    | The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (article 37 (a) of the Convention) .....                                  | 388-401 | 79  |
| V.    | Family environment and alternative care (arts. 5, 9-11, 18, paras. 1 and 2; 19-21, 25, 27, para. 4 and 39) (General Guidelines, paras. 27 to 29) .....                                                         | 402-563 | 81  |
| A.    | Parental guidance and responsibilities (article 5, paragraphs 1 and 2 of article 18 of the Convention) .....                                                                                                   | 402-444 | 81  |
| B.    | Separation from parents (article 9 of the Convention) .....                                                                                                                                                    | 445-467 | 89  |
| C.    | Family Reunification (article 10 of the Convention) .....                                                                                                                                                      | 468-472 | 92  |
| D.    | Recovery of maintenance for the child (article 27, paragraph 4 of the Convention) .....                                                                                                                        | 473-478 | 93  |
| E.    | Children deprived of family environment (article 20 of the Convention) .....                                                                                                                                   | 479-508 | 94  |
| F.    | Adoption (article 21 of the Convention) .....                                                                                                                                                                  | 509-526 | 101 |
| G.    | Illicit transfer and non-return (article 11 of the Convention) .....                                                                                                                                           | 527-531 | 104 |
| H.    | Abuse and neglect, including physical and psychological recovery and social reintegration, and the periodic review of placement (articles 19, 25 and 39 of the Convention) .....                               | 532-563 | 105 |
| VI.   | Basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, and 27, paras. 1-3) (General Guidelines, paras. 30 to 32) .....                                                                                    | 564-619 | 112 |
| A.    | Survival and development, and children with disabilities (paragraph 2 of article 6 and article 23 of the Convention) .....                                                                                     | 564-567 | 112 |
| B.    | Health and health services, social security and childcare services and facilities, standard of living (articles 24, 26, paragraph 3 of article 18 and paragraphs 1 to 3 of article 27 of the Convention) ..... | 568-619 | 112 |
| VII.  | Education, leisure and cultural activities (arts. 28, 29 and 31) (General Guidelines, paras. 33 to 36) .....                                                                                                   | 620-718 | 124 |
| A.    | Education, including vocational training and guidance (article 28 of the Convention) .....                                                                                                                     | 620-684 | 124 |
| B.    | Aims of education, with reference also to quality of education (article 29 of the Convention) .....                                                                                                            | 685-704 | 138 |
| C.    | Rest, leisure, recreation and cultural and artistic activities (article 31 of the Convention) .....                                                                                                            | 705-718 | 143 |
| VIII. | Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40) .....                                                                                                                             | 719-821 | 145 |
| A.    | Children in situations of emergency (articles 22, 38 and 39 of the Convention) .....                                                                                                                           | 719-732 | 145 |
| B.    | Children in conflict with the law (articles 37, 39 and 40 of the Convention) .....                                                                                                                             | 733-783 | 148 |

|     |                                                                                               |         |     |
|-----|-----------------------------------------------------------------------------------------------|---------|-----|
| C.  | Children in situations of exploitation (articles 30, 32 to 36 and 39 of the Convention) ..... | 784-819 | 158 |
| D.  | Children belonging to a minority or an indigenous group (article 30 of the Convention) .....  | 820     | 165 |
| E.  | Children living or working on the street .....                                                | 821     | 165 |
| IX. | Optional Protocols to the Convention on the Rights of the Child .....                         | 822     | 165 |
| X.  | Annexes .....                                                                                 | 823     | 166 |

## Annexes

- I. Additional information
- II. Statistical annex
- III. National strategic plan for children and adolescents
- IV. Action plan against sexual exploitation of children and adolescents (2006-2009)

## **I. General measures of implementation (arts. 4, 42 and 44, para. 6)**

### **A. Reservations to the Convention (General Guidelines [CRC/C/58/Rev.1], para. 10)**

1. In accordance with its second periodic report (CRC/C/70/Add.9), Spain, which did not enter any reservations to the Convention, still maintains the same position expressed in the declarations contained in the instrument of ratification (*Boletín Oficial del Estado*, 31 December 1990).

### **B. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (General Guidelines, para. 11)**

2. Following the recommendation made by the Committee (CRC/C/15/Add.185, para. 16) on the lack of an overall strategy for children based on the principles and provisions of the Convention, it should be noted that a National Strategic Plan for Children and Adolescents, 2006-2009 has been developed.

3. The harmonization of Spanish law and the corresponding policy building upon it with the principles and provisions of the Convention was to a substantial extent achieved with the approval of the legislation referred to in the previous report (notably Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act). In any case, in the reporting period, Spain has continued approving new rules, agencies and specific institutions and developing specific policies to achieve proper respect for and protection of the rights of children according to the principles and rights recognized in Convention - as will be discussed in sections D, F and G of this chapter I. In this regard, the approval of a plan and launching of the recent National Strategic Plan for Children and Adolescents, 2006-2009 deserves special reference.

4. In May 2002, the Heads of State and Government and representatives of States participating in the United Nations General Assembly Special Session on Children, where Spain played a major role occupying the presidency of the European Union, adopted a Declaration and world Plan of Action in the outcome document "A World Fit for Children", which expresses the commitment of Governments to implement national action plans for children designed to foster protection and to safeguard the rights of children and ensure their welfare.

5. In December, 2003 the report "*Bases for developing a comprehensive strategy for children and adolescents at risk and in social difficulty*" was prepared, serving as the basis for the development of the aforementioned National Strategic Plan for Children and Adolescents 2006-2009, in keeping with the aim of the endeavour, which was to lay the groundwork for developing a comprehensive strategy focused on children at risk and in social difficulty.

6. The National Strategic Plan for Children and Adolescents, 2006-2009 expressly acknowledges the recommendations made by the Committee on the Rights of the Child on the second report of Spain, the World Summit for Children of 1990 and the Declaration and world Plan of Action in the document "A World Fit for Children" of 2002.



7. Moreover, we note that the preparation of the Plan responds to a project that was mentioned in the second periodic report of Spain (CRC/C/70/Add.9). Paragraph 290 of that report described the repeated statements made by the Platform of Children's Organizations, in various meetings with the Administration, on the need to create an overall framework and national strategy defining a policy and a comprehensive plan for children, taking the view that it was through such a comprehensive policy that adequate implementation of the Convention could be ensured.

8. And finally, it should be noted that the implementation of the Plan fulfils the commitment made in the Third National Action Plan for Social Inclusion, 2005 - 2006, approved by the Council of Ministers on 8 September 2005.

9. The National Strategic Plan for Children and Adolescents was developed in the framework of the Monitoring Centre for Children, which has (while consolidating this body as a useful and effective in developing proposals and coordinating policies for children) ensured involvement by all institutions, public and private, engaged in activities aimed at promoting and upholding the rights of the child. The development and adoption of the Plan is an initiative of the Government, through the Ministry of Labour and Social Affairs, and its drafting has included participation by the Autonomous Communities, the Spanish Federation of Municipalities and Provinces (FEMP) and civil society.

10. The working group created for the drafting of this document was coordinated by the Department for Families and Children of the aforementioned Ministry, and consisted of 23 institutions, of which 11 represent Autonomous Communities, six the general State Administration and six civil society. Input and suggestions were received from all members of the Monitoring Centre, as well as from others which are not members, e.g. from the University, the Ombudsman, Ombudsmen for Children, various forums held by children's social organizations, and from children themselves with participation by pre-teen students through surveys, workshops and discussion groups.

11. Thus, on 16 June 2006, by an agreement of Council of Ministers, the National Strategic Plan for Children and Adolescents 2006-2009 was approved. This plan, the first of its kind in Spain, was adopted with the aim of promoting a culture of cooperation between public and private institutions engaged in the promotion and protection of children and adolescents, in response to new challenges arising in regard to their welfare.

12. The Plan is based on the normative principles of the Convention, namely: the best interests of the child, non-discrimination - which, in turn means a gender perspective and promoting social equality by pursuing equal opportunities and social inclusion - protecting the life and full development of the potential of all children and making children's participation effective so that they take on a proactive role in their environment.

13. Finally, we should note the main strategic goals of the Plan, beyond the fact that the plan itself lays down concrete targets that would need to be met in order to satisfy each of the strategic goals. These strategic goals are as follows:

- a) Establishing a permanent and shared information system with the aim of improving knowledge of the situation of children in Spain;
- b) Improving policies for children through coordination and cooperation between public administrations and other agencies and stakeholders at the national level and in international cooperation;
- c) Advancing the promotion of policies to support families in exercising their responsibilities of child-rearing and promotion of the personal development and potential capacities of children, and helping to reconcile work and family life;

- d) Raising awareness about the rights, needs and interests of children and adolescents by mobilizing all players involved in different scenarios of socialization and community social networks;
- e) Promoting the rights and protection of children s regards the media and new technologies;
- f) Strengthening social services and intervention for children and adolescents who are at risk, unprotected, disabled and/or at risk of social exclusion, establishing shared quality standards and best practices capable of evaluation;
- g) Increasing activity with groups of children and adolescents establishing mechanisms of prevention and rehabilitation in situations of social conflict;
- h) Ensuring a quality education for all that is characterized by the teaching of values, valuing diversity, advancing equality from a gender perspective, enhancing multiculturalism, fostering respect for minorities, offsetting inequalities and ensuring, through continuous care, the maximum development of potential from early childhood through adolescence;
- i) Encouraging the development of interventions for prevention, promotion and health protection aimed at children and adolescents, prevention of accidents and other root causes of disabilities, including aspects of affective-sexual education and education for responsible consumption and paying special attention to diagnosis and treatment of deficiencies and mental health of children and adolescents;
- j) Promoting a physical, environmental, social, cultural and political setting that fosters proper development of the capacities of children and adolescents by promoting the right to play, leisure and recreation, creating appropriate, safe nearby spaces, and promoting responsible consumption in both urban and rural areas;
- k) Ensuring the exercise of effective participation by children and adolescents as full citizens in order to further their social integration and participation in decision-making processes on all matters affecting them.

14. The Strategic Plan is to be understood as the common ground and complement of activities arising within the purview of each institution. Its design is intended to embody a comprehensive and cross-cutting perspective envisaging children and adolescents at different stages of development in their usual living environment, paying attention to the opportunities this society offers them and offsetting possible inequities. Therefore this Plan interacts with the other State, regional and local plans, sharing them with them specific aspects of this population and others related to improving their quality of life in territorial and material terms. Thus, the Plan focuses primarily on building a culture of cooperation between public and private institutions involved in promoting and defending the rights of children and adolescents conducive to better use of existing resources and earlier, more effective detection of those needs that may be inadequately covered. This involves the development of actions or measures that have the following characteristics: a) Cross-cutting actions complementary to those already planned and pursued in their respective territories by institutions entrusted by law with the development of children's and adolescents' rights; b) Measures developed jointly by all public institutions and civil society organizations involved in the realization of the rights of children and adolescents; and c) Measures aimed at preventing or overcoming territorial inequalities in the promotion and defence of fundamental rights of children and adolescents.

### C. Human and financial resources allocated to programmes for children (General Guidelines, para. 12)

15. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 17 and 18) on the allocation of resources towards the full realization of children's rights - to the maximum of resources that are available for the effective realization of economic, social and cultural rights, particularly of children belonging to the most vulnerable groups of society - establishing a balanced distribution of resources at the central, regional and local levels, and the same level of social policies and services to the most marginalized groups of society in the Autonomous Communities, so as to guarantee all children equal access to the same level of services regardless of where they live, we should give an account of the more significant results achieved in estimates obtained of the budget allocated for child and adolescent policies.

16. In this regard it is noteworthy that, as shown in Table 1, the total budget for policies concerning children and adolescents by the central Government increased by 33.9 per cent between 2002 and 2006, and 15.5 per cent between 2006 and 2007. Credit allocated by Autonomous Authorities grew by 68.7 per cent between 2002 and 2006 and by 8.8 per cent between 2006 and 2007. And overall, the budget allocated by both administrations for children and adolescents increased by 63.0 per cent between 2002 and 2006 and by 9.7 per cent between 2006 and 2007.

Table 1

#### Budget allocated to child and adolescent policies\*, 2002, 2006 and 2007

(Thousands of current euros)

| <i>Areas</i>              | <i>2002</i> | <i>2006</i> | <i>2007</i> |
|---------------------------|-------------|-------------|-------------|
| <b>Central government</b> |             |             |             |
| Social welfare**          | 148 129     | 212 646     | 240 270     |
| Social security           | 2 505 956   | 2 954 947   | 3 228 370   |
| Juvenile offenders        | 21 845      | 26 706      | 29 234      |
| Education                 | 419 261     | 1 314 349   | 1 693 532   |
| Disability                | 1 579       | 2 259       | 2 538       |
| Youth                     | 5 659       | 8 095       | 9 095       |
| Culture and sports        | 12 120      | 33 229      | 42 441      |
| Health                    | 319 796     | 23 122      | 24 500      |
| International cooperation | 21 871      | 34 049      | 54 773      |
| New technologies          | 12 364      | 31 763      | 33 376      |
| Media. RTVE               | 1 670       | 7 122       | 8 506       |
| Social welfare**          | 1 096 680   | 1 892 763   | 2 051 550   |

| <i>Areas</i>                        | <i>2002</i>       | <i>2006</i>       | <i>2007</i>       |
|-------------------------------------|-------------------|-------------------|-------------------|
| <b>Autonomous communities</b>       |                   |                   |                   |
| Juvenile offenders                  | 161 091           | 295 375           | 318 747           |
| Education                           | 15 174 319        | 25 555 167        | 27 821 830        |
| Disability                          | 26 645            | 47 067            | 51 462            |
| Youth                               | 32 648            | 56 284            | 60 991            |
| Culture and sports                  | 51 585            | 99 209            | 107 806           |
| Health                              | 890 323           | 1 467 370         | 1 596 556         |
| International cooperation           | 6 965             | 11 672            | 12 694            |
| New technologies                    | 50 262            | 83 857            | 91 001            |
| <b>Total central government</b>     | <b>3 470 249</b>  | <b>4 648 288</b>  | <b>5 366 635</b>  |
| <b>Variation (percentage)</b>       |                   | <b>33.9</b>       | <b>15.5</b>       |
| <b>Total Autonomous Communities</b> | <b>17 490 518</b> | <b>29 508 765</b> | <b>32 112 636</b> |
| <b>Variation</b>                    |                   | <b>68.7</b>       | <b>8.8</b>        |
| <b>Total</b>                        | <b>20 960 767</b> | <b>34 157 053</b> | <b>37 479 271</b> |
| <b>Variation (percentage)</b>       |                   | <b>63.0</b>       | <b>9.7</b>        |

\* Data of central and autonomous governments not consolidated.

\*\* Includes social welfare/social services, children and family, equality, immigration and emigration.

17. Moreover, considering the total budget (Central Administration and Autonomous Administrations) for all policies, in 2002, 2006, and 2007 (Table 2) we note that its growth between 2002 and 2006 was 40.3 per cent, considerably lower than the provision for children in the same period by both administrations, which increased by 63.0 per cent, and that the growth of the total budget between 2006 and 2007 was 8.2 per cent, while that allocated to policies for children and adolescents was 9.7 per cent.

Table 2

**Budget allocated to child and adolescent policies and total budget\*, 2002, 2006 and 2007**

(Thousands of current euros)

|                                                           | <i>2002</i>       | <i>2006</i>       | <i>2007</i>       |
|-----------------------------------------------------------|-------------------|-------------------|-------------------|
| <b>Budget earmarked for child and adolescent policies</b> |                   |                   |                   |
| Central government (thousands of euros)                   | 3 470 249         | 4 648 288         | 5 366 635         |
| Variation (percentage)                                    |                   | 33.9              | 15.5              |
| Autonomous governments (thousands of euros)               | 17 490 518        | 29 508 765        | 32 112 636        |
| Variation (percentage)                                    |                   | 68.7              | 8.8               |
| <b>Total (thousands of Euros)</b>                         | <b>20 960 767</b> | <b>34 157 053</b> | <b>37 479 271</b> |
| <b>Variation (percentage)</b>                             |                   | <b>63.0</b>       | <b>9.7</b>        |

|                                             | 2002               | 2006               | 2007               |
|---------------------------------------------|--------------------|--------------------|--------------------|
| <b>Total budget</b>                         |                    |                    |                    |
| Central government (thousands of euros)     | 144 104 165        | 174 976 026        | 188 417 353        |
| Variation (percentage)                      |                    | 21,4               | 7,7                |
| Autonomous governments (thousands of euros) | 92 485 048         | 157 010 855        | 170 778 465        |
| Variation (percentage)                      |                    | 69,8               | 8,8                |
| <b>Total (thousands of euros)</b>           | <b>236 589 213</b> | <b>331 986 881</b> | <b>359 195 818</b> |
| <b>Variation (percentage)</b>               |                    | <b>40,3</b>        | <b>8,2</b>         |

\* Data of central and autonomous governments not consolidated.

18. Finally, if we analyze the trend of the total budget (Central Administration and Autonomous Administrations) for children and adolescents, by scope of policy action (Table 3), the data highlights are as follows: The provision for Social Security and Health, although in absolute terms it represents a very substantial portion of total spending, was the portion that showed the least growth between 2002 and 2006 (17.9 per cent and 23.2 per cent respectively). By contrast, the budget for media (RTVE) and Culture and Sports, although among the lowest in absolute terms, showed the strongest growth during the same period (326.4 per cent and 107.9 per cent, respectively). Likewise, investment in new technologies also experienced a significant increase of 84.6 per cent. Growth in other areas of activity ranged from 58.5 per cent (International Cooperation) to 76.1 per cent (Juvenile Offenders). Specifically, the increases were 74.8 per cent in Disability, 72.3 per cent in Education, 69.1 per cent in Social Welfare, and 68.1 per cent in Youth. In regard to the behaviour of the total budget between 2006 and 2007 (Table 3), there was a certain homogeneity of areas, with the most marked increases appearing in International Cooperation (47.6 per cent) and to a lesser degree in Media (19.4 per cent) and Culture and Sports (13.4 per cent).

Table 3

**Trend of total budget allocated to child and adolescent policies (central and autonomous governments), by area\***

| Areas              | Total budget<br>(Thousands of current euros) |            |            | Variation<br>(Percentage) |           |
|--------------------|----------------------------------------------|------------|------------|---------------------------|-----------|
|                    | 2002                                         | 2006       | 2007       | 2002-2006                 | 2006-2007 |
| Social welfare **  | 1 244 809                                    | 2 105 410  | 2 291 820  | 69.1                      | 8.9       |
| Social security    | 2 505 956                                    | 2 954 947  | 3 228 370  | 17.9                      | 9.3       |
| Juvenile offenders | 182 936                                      | 322 081    | 347 981    | 76.1                      | 8.0       |
| Education          | 15 593 580                                   | 26 869 515 | 29 515 362 | 72.3                      | 9.8       |
| Disability         | 28 224                                       | 49 326     | 54 000     | 74.8                      | 9.5       |
| Youth              | 38 306                                       | 64 380     | 70 086     | 68.1                      | 8.9       |
| Culture and sports | 63 705                                       | 132 438    | 150 247    | 107.9                     | 13.4      |
| Health             | 1 210 119                                    | 1 490 493  | 1 621 056  | 23.2                      | 8.8       |

| <i>Areas</i>              | <i>Total budget<br/>(Thousands of current euros)</i> |                   |                   | <i>Variation<br/>(Percentage)</i> |                  |
|---------------------------|------------------------------------------------------|-------------------|-------------------|-----------------------------------|------------------|
|                           | <i>2002</i>                                          | <i>2006</i>       | <i>2007</i>       | <i>2002-2006</i>                  | <i>2006-2007</i> |
| International cooperation | 28 836                                               | 45 721            | 67 467            | 58.6                              | 47.6             |
| New technologies          | 62 626                                               | 115 620           | 124 376           | 84.6                              | 7.6              |
| Media, RTVE               | 1 670                                                | 7 122             | 8 506             | 326.4                             | 19.4             |
| <b>Total</b>              | <b>20 960 767</b>                                    | <b>34 157 053</b> | <b>37 479 271</b> | <b>63.0</b>                       | <b>9.7</b>       |

\* Data of central and autonomous governments not consolidated.

\*\* Includes social welfare/social services, children and family, equality, immigration and emigration.

19. Another important point to be stressed in this section is the major budgetary effort the Spanish State has been making for years in the field of international cooperation, bearing in mind the obligation under article 4 of the Convention to act also within the framework of international cooperation in order also to achieve the effectiveness of recognized economic, social and cultural rights. It is in pursuance of that aim that we should view the provisions of Act No. 23/1998 of 7 July on International Cooperation for Development, which states that the Spanish policy of international development cooperation shall focus in particular, inter alia, on the defending the most vulnerable population groups, such as children (article 7c).

20. Thus, the Directorate General for Planning and Evaluation of Development Policies of the Ministry of Foreign Affairs has developed a number of programmes for the protection of children in different regions of the world between 2002 and 2006, with a total budget allocated by the Spanish State during the 5 years 2002 to 2006 of 118 191 880 euros. Of this total, 58 per cent was spent by the 17 Autonomous Communities, 38 per cent was spent by central Government agencies and the remaining 4 per cent by others (NGOs, etc.). By geographic regions, over half of the budget has gone to America (30 per cent to South America, 20 per cent to Central America and 5 per cent to North America); 26 per cent has gone to Africa (mostly the sub-Saharan region); 13 per cent has gone to Asia and the rest to Europe. And by areas of expenditure, the greatest assistance went to education and infrastructure (29 per cent of the total in each sector), followed by Health (18 per cent) and Civil Society (12 per cent).

21. The Spanish International Cooperation Agency (AECI), recently reorganized (2007) and called the Spanish Agency for International Development Cooperation (Agencia Española de Cooperación Internacional para el Desarrollo - AECID) was established in November 1988 as the management organ of Spain's policy of international cooperation for development. AECID is an autonomous body operating under the Ministry of Foreign Affairs and Cooperation through the State Secretariat for International Cooperation (SECI). The Agency is responsible for the design, implementation and management of projects and programmes of cooperation for development, either directly, using its own resources, or through cooperation with other national and international entities and NGOs. To carry out this work AECID has a very broad structure, consisting of Technical Cooperation Offices, Cultural Centres and Training Centres located in the countries where the agency conducts its major cooperation projects.

22. Priority areas for Spanish horizontal, sectoral and geographical cooperation have been established in the Master Plan 2005-2008. The growth in Spain's Official Development Assistance (ODA) in recent years has been noteworthy ([www.maec.es](http://www.maec.es)): The website of the Ministry of Foreign Affairs and Cooperation displays the amount and

content of Annual Plans of International Cooperation since 2003 as well as contributions to multilateral or bilateral programmes. The plans reflect the Government's commitment, with the effort of all governmental authorities, to double ODA in 2008 and thus reach the goal of 0.7 per cent of Gross National Product in the near future.

23. With the central goal of achieving the Millennium Development Goals, Spanish Cooperation has focused aid on poverty reduction and, in addressing the needs of the most vulnerable groups, programmes and projects for children are very numerous. Noteworthy among these are the following: the IPEC programme "Elimination of Child Labour in Latin America", in cooperation with the International Labour Organization (ILO), the programme "Promotion of Youth Employment in Latin America" (PREJAL). AECID has also funded projects in Central America aimed at children and adolescents through 4-year agreements with Save the Children and the Spanish Red Cross. Thus, with Save the Children, the agreement on Strengthening the capacities of government and civil society for the comprehensive protection of children and adolescents with special emphasis on smuggling and trafficking of children and adolescents; for Ecuador, El Salvador, Guatemala, Honduras and Nicaragua, working with the Spanish Red Cross, the agreement on the Prevention of youth violence in urban and suburban areas with special attention to the phenomenon of youth gangs in Central American countries. A more detailed description appears in Chapter 1 of Annex I.

24. It should be emphasized in this regard that Spain has made international cooperation through multilateral institutions one of the pillars of its foreign policy. As an example we note the following programmes in cooperation with the United Nations Children's Fund (UNICEF): "Programme for the Survival of Newborns and Children in Angola", Project "Study on Violence against Children", "Programme for underprivileged children in Morocco", "Regional programme to combat poverty in Brakna (Mauritania)", Programme "Rights of indigenous children in Latin America", "Large scale support for children orphaned and made vulnerable by AIDS in Angola and Namibia." (Chapter 1 of Annex I provides details of these programmes.) Moreover, in 2007, Spain made a total contribution to UNICEF of 80 million dollars, placing it in eighth place as a donor, and in 2008 it will move forward in this strong support for UNICEF. At the Executive Board meeting in January 2007, Spain announced the following contributions: 18 million euros as a regular contribution to UNICEF, 20 million euros to the Thematic Fund Basic Education and Gender Equality, 10 million euros for the Fund for the Promotion of Policies and Partnerships for the rights of children, 10 million euros for the Fund for Protection from violence, exploitation and child abuse, 10 million euros for the UNICEF Humanitarian Aid Fund, and 6 million euros for multilateral and bilateral programmes in Niger, the Democratic Republic of the Congo, Senegal, Angola, Palestinian Territories, El Salvador and Honduras, among others. Taken together, these contributions - to UNICEF alone - total over 108 million dollars, with which Spain has significantly increased its financial contribution, paying particular attention to priority areas such as human rights, gender equality, education and combating violence.

25. For its part, the General Secretariat of International Social Relations of the Ministry of Labour and Social Affairs has participated in the development of some technical assistance programmes, including: the Programme to develop the plan of cooperation for improving the operational capacity of the National Children's Board (Patronato Nacional de la Infancia) under the newly adopted institutional reform in Costa Rica, lasting for two weeks in the year 2006; the Child citizenship programme at the local level/gender, children and abuse in Chile, lasting one week in 2006; and the Programme of preparation and selection of applicants for adoption and post-adoption follow-up in Ecuador, lasting two months in 2002.

26. Furthermore, as indicated in the document “Report on the review of the action plan a world fit for children 2002-2006”, in the area of international cooperation we must note that the consensus adoption of the Master Plan for Spanish Cooperation 2005-2008 both in Parliament and in the various consultative bodies that shape the participation of all sectors of Spanish society supports the conclusion that the current policy of development cooperation is, in effect, a State policy in the broadest sense. As stated in that document, there is a firm commitment to pursue the sustained increase in ODA in absolute and relative terms until we reach 0.5 per cent of Gross National Product (GNP) at the end of the current legislative term. Moreover, the Spanish Government has made clear through its President its commitment to achieving the goal of allocating 0.7 per cent of GNP by 2012. Figure 1 shows the progress made to date in regard to the quantitative increase in ODA.

Figure 1

**Trend of Spanish official development assistance net disbursements (2002-2005) and financial commitments of Spanish cooperation (2008 and 2012)**

|                                   | 2002        | 2003        | 2004        | 2005        | 2006        | 2008       | 2012       |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|------------|------------|
| Total net ODA (millions of euros) | 1 817.11    | 1 735.96    | 1 985.01    | 2 428.36    | 3 234.96    | -          | -          |
| GDP (millions of euros)           | 715 667.00  | 765 310.00  | 819 575.00  | 889 836.00  | 959 259.21  | -          | -          |
| <b>Percentage ODA/GDP</b>         | <b>0.25</b> | <b>0.23</b> | <b>0.24</b> | <b>0.27</b> | <b>0.34</b> | <b>0.5</b> | <b>0.7</b> |

Source: To 2005, data from various PACI studies; 2006: forecasts from PACI 2006.

27. All priorities, both sectoral and horizontal strategies of the Master Plan, lead directly or indirectly to improving the capacities of children. Directly, they do so through the promotion of equitable access to education, adequate food, health, housing, access to water and sanitation (coverage of basic needs, a main sectoral priority of Master Plan) and the guarantee of their rights (express recognition is given to children as the top-priority vulnerable group and promotion of effective recognition of children as subjects of rights). Indirectly, all other sectoral priorities foster the expansion of their future opportunities through long-term improvement of institutional and social, economic, environmental and cultural environments, gender equity and peace and security. It should be borne in mind that in fulfilment of the commitment of Spanish cooperation in social development (having signed the agreements of the Summit on that topic in Copenhagen in 1995), Spanish ODA has gradually realized the commitment of allocating at least 20 per cent of aid to basic social sectors (as shown in Figure 2), having exceeded that commitment today.

Figure 2

**Fulfilling the 20/20 Commitment: Share of assistance to basic social services in distributable gross bilateral ODA (2002-2006)**

|                                                       | 2002         | 2003         | 2004         | 2005         | 2006         |
|-------------------------------------------------------|--------------|--------------|--------------|--------------|--------------|
| Basic social sectors (millions of euros)              | 162.83       | 161.81       | 157.95       | 193.99       | 259.72       |
| Distributable gross bilateral ODA (millions of euros) | 890.10       | 847.46       | 908.17       | 911.23       | 1 219.41     |
| <b>Percentage BSS/distributable ODA</b>               | <b>18.29</b> | <b>19.09</b> | <b>17.39</b> | <b>21.29</b> | <b>21.30</b> |

Source: To 2005, data from various PACI studies; 2006: forecasts from PACI 2006.



28. In another area, it is interesting to note participation at annual summits of Ibero-American States, where ministers and senior officials in charge of child and adolescent affairs of the Ibero-American countries also meet to work on the rights of children.

29. Chapter 2 of Annex I contains information on these summits and conferences of ministers and senior officials.

30. Finally, it should be noted that at the regional and municipal levels efforts are also made to contribute to international cooperation with a view to the proper exercise of the rights of children.

31. For example, The Community of Madrid, pursues international cooperation based on the principles of the Convention on the Rights of the Child, the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and fostering of development cooperation programmes in countries of origin; notable in this regard was the holding of the First Congress of Child Protection (Foster Care Programmes), by the Autonomous Community of Madrid in June 2005 or the support provided, by opening appropriate channels with the Spanish International Cooperation Agency and institutions concerned, to protective services for children in countries of origin of foreign unaccompanied minors.

32. In Asturias in 2006, the First Municipal Conference for the Rights of Children was held in the framework of international training courses attended by researchers from the Innocenti Research Centre in Florence and child policy experts from Chile, Italy and Spain.

33. In Castile and Leon, the Department for Families and Children has a cooperation agreement with the Foundation of the University of Salamanca and the Social Services Department for technical training of child rights personnel. This yearly training is held in different countries; in 2005 it took place in Peru and in 2006 in the Dominican Republic, with 48 000 euros being allocated for the event that year.

34. In Murcia there is a programme of grants for development of cooperation projects in other countries, some of which are aimed at preventing child labour insofar as possible.

35. In the Basque Country, there is participation by Ararteko (Ombudsman of the Basque Country) in training programmes in Latin America on child protection and juvenile justice.

36. Chapter 3 of Annex I gives various examples of cooperation by the Autonomous Communities

#### **D. Domestic legislation conducive to the realization of the rights of the child as enshrined in the Convention (General Guidelines, para. 13)**

37. Following the recommendations made by the Committee (in the Committee's concluding observations on the second periodic report submitted by Spain, paras. 11 to 13) regarding, on the one hand, the need to follow the recommendation of the Committee in its concluding observations on the initial report on legislation (para. 18) and, further, "that future progress in the field of child legislation will have to lie in the area of real guarantees of the exercise of the rights enunciated in the legal instruments, including more explicit recognition of the Convention as a part of positive law and more widespread citation of the Convention in legal procedures", it should be noted, first, that significant legislative developments have occurred, at both the State and regional levels, in order to comply with the effective exercise of the rights of children according to the principles and rights recognized in the Convention, e.g. with regard to Spanish constitutional law and Organic Law No. 1/1996 of 15 January on the legal protection of minors and partially amending the

Civil Code and the Civil Proceedings Act. In this regard, this section will present the main rules adopted in Spain during the reporting period regarding the protection of children and the exercise of their rights, although they will be referred to again in connection with rights specifically regulated by different enactments. And secondly, it is also noteworthy that the Convention is expressly positive law, binding in regard to legislation and in regard to measures taken by institutions created for promoting and protecting children's rights, as well as increasingly in judicial decisions (this latter point to be dealt with in the next section).

38. Thus, at the State level in regard to education, the first important enactment in this period was Organic Law No. 10/2002 of 23 December on Quality in Education, whose statement of purpose stated, in regard to the key objective of the Law, "Achieving quality education for all is the essential purpose of this Law, an aim rooted in the humanistic values of our European cultural tradition. Further, it is, at present, an indispensable instrument for greater attainment of individual freedom, self-realization, achievement of higher levels of social and economic progress and, in short, reconciling individual welfare and social welfare." In any case, the Law was repealed by the current Organic Law on Education, as have been the royal decrees that elaborated upon it: RD 828/2003 of 27 June, laying down the basic educational aspects of Early Childhood Education; RD 829/2003 of 27 June, laying down the common teaching subjects of Early Childhood Education; RD 830/2003 of 27 June, laying down the common teaching subjects of Primary Education; RD 114/2004 of 23 January establishing the curriculum of the Early Childhood Education; RD 115/2004 of 23 January, establishing the curriculum of primary education; and RD 116/2004 of 23 January setting out regulations and establishing the curriculum for compulsory secondary education.

39. Thus, the main current law in this area is Organic Law No. 2/2006 of 3 May on Education, which seeks to implement the recommendations made by the Committee (CRC/C/15/Add.185, paras. 43 and 44). As stated in its second article, it aims to guide the Spanish education system towards aims that are fully consonant with those set out in article 29 of the Convention, namely: "a) the development of the students' personality and abilities, b) development of respect for human rights and fundamental freedoms, with equal rights and opportunities between men and women and with equal treatment and non-discrimination towards persons with disabilities, c) education in the practice of tolerance and freedom within principles of democratic coexistence, as well as prevention of conflicts and peaceful conflict resolution, d) education in individual responsibility and merit and personal effort, e) education for peace, respect for human rights, life in society, social cohesion, cooperation and solidarity among peoples and the acquisition of values fostering respect for living beings and the environment, particularly the value of forest spaces and sustainable development, f) nurturing students' capacity to pursue their own learning, trusting in their aptitudes and knowledge and developing creativity, personal initiative and entrepreneurial spirit, g) education on and recognition of the linguistic and cultural diversity of Spain and multi-culturalism as an element that enriches society, h) the acquisition of intellectual habits and work habits, scientific, technical, humanistic, historical and artistic knowledge, as well as the development of wholesome habits, physical exercise and sport, i) training in the practice of professional activities, j) training in communication in the official language and, as appropriate, the co-official language, and one or more foreign languages, k) preparation for the exercise of citizenship and active participation in economic, social and cultural life, with a critical and responsible attitude and the ability to adapt to changing situations in the knowledge society."

40. Also in the area of education, we should note the approval of Act No. 27/2005 of 30 November to promote education and a culture of peace, which contemplates education as one of the strategies to introduce elements promoting a culture of peace, thus also giving effect to the recommendation made by the Committee (CRC/C/15/Add.185,

para. 44). Also pursuant to paragraph a.2 of the Programme of Action on a Culture of Peace adopted by the United Nations General Assembly in 1999, it provides, as stated in its statement of purpose, “a series of measures for education and research with the aim of establishing a culture of peace and nonviolence in our society.”

41. In regard to criminal law, we should note the protection of children and their rights in the general legislation, namely in Organic Law No. 15/2003 of November 25, amending Organic Law No. 10/1995 of November 23, the Criminal Code. Among the various reforms being introduced to the Criminal Code, mention should be made of those relating to matters of domestic violence, removal of children for their protection, the crime of corruption of minors, specifically that of child pornography, crimes of breach of obligations arising from court decisions such as proceedings on paternity and maintenance, as well as offenses that threaten the physical and psychological integrity of children.

42. Specifically with regard to legislation on minors, Organic Law No. 8/2006 of 4 December, amending Organic Law No. 5/2000 of 12 January governing the criminal liability of minors, seeks to give a more adequate response to rising juvenile crime and deepening social concern resulting therefrom. As explained in its statement of purpose, the law takes into account that “the best interests of the child, which will continue to enjoy priority under the Law, is perfectly compatible with the objective of seeking greater proportionality between the penal response and the seriousness of the offense committed, as the system continues to leave to the court the ultimate evaluation and weighting of both principles in a flexible manner and with a view to the optimal individualization of the response.” Royal Decree No. 1774/2004 of 30 July, approving the Regulation of Organic Law No. 5/2000 of 12 January governing the criminal liability of minors, which responds to the recommendation made by the Committee (CRC/C/15/Add.185, para. 54), regulates the reorganization of proceedings involving criminal liability of minors, addresses the persons to be involved in such proceedings and their training to work in the same, deals with the operation of places where children are held while serving the penalties, and refers to the role of technical teams involved, the Judicial Police, interim and definitive measures and the disciplinary regime of these centres.

43. Along these lines, reference should also be made to the legislation to combat child abduction and violence in the home, a feature which also gives effect to some extent to the recommendations made by the Committee (CRC/C/15/Add 185, paras. 36, 37).

44. Thus, with respect to the former, Organic Law No. 9/2002 of 10 December, amending Organic Law No. 10/1995 of 23 November, the Criminal Code and the Civil Code, on Child Abduction regulates the protection of children abducted by one of their parents, ancestors and relatives to the second degree of consanguinity, establishing a way of responding to abduction other than through the generic offense of disobedience, providing for an aggravated degree of the penalty in criminal terms and providing for injunctive measures in the civil sphere.

45. And regarding the latter, Organic Law No. 1/2004 of 28 December on Comprehensive Protection Measures against Gender Violence is a specialized statute on gender violence, with emphasis on the inequality of women, and in this regard is important as it suggests courses of action against gender violence, recognizing discrimination, inequality and imbalance in power relations between men and women, and introduces an improvement regarding the types of violence, such as physical and psychological, establishing a course of action that is comprehensive. The rights of children are not the principal subject of this statute, but it nevertheless constitutes an effective means for their defence, both in specific areas, such as through the educational system in training based on equality between men and women or in suspension of parental rights as a protective measure in cases of gender violence, and in the general content of the statute, since, as its

statement of purpose reminds us, “Situations of violence against women also affect children who are within their family environment, direct or indirect victims of this violence. The Law also provides for their protection not only to safeguard the rights of the children but also to give effect to protective measures adopted in respect of women...”

46. In the same vein there is also Act No. 27/2003 of 31 July, regulating orders of protection for victims of domestic violence, which governs the procedure to be followed in cases of domestic violence, approached from the perspective of gender violence, and refers specifically to children in protective measures, to prevent confrontation with the offender and to provide for their protection should this occur. Also of interest is Organic Law No. 11/2003 of 29 September, on specific measures relating to public safety, domestic violence and social integration of foreigners, because it includes measures extending the range of subjects of domestic violence; provides that when crimes of domestic violence are committed habitually the sentencing judge or court may order deprivation of parental rights, guardianship, wardship or foster care; and amends the Criminal Code of 1995 with the offense genital mutilation, an area where further work has been done, an important step being taken with the adoption of Organic Law No. 3/2005 of 8 July, amending Organic Law No. 6/1985 of 1 July, empowering the judiciary to prosecute the practice of female genital mutilation extra-territorially, which adequately addresses the seriousness of the crime and will be referred to in Chapter VI of this report.

47. In regard to foreign children, we must note Royal Decree No. 2393/2004 of 30 December, which approves the Regulations of Organic Law No. 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration. Title VIII of this decree deals with foreign minors, and article 92 - also responding the recommendations of the Committee (CRC/C/15/Add.185, paras. 27, 45 and 46) - deals with those who are unaccompanied, regulating the procedure to be followed when they lack a permit to stay, measures of deportation or expulsion, depending on the case, the system of safeguards, the authorities who should intervene, and the procedure for that purpose. And Act No. 36/2002 of 8 October amending the Civil Code in matters of nationality, whose main aim, as set out in its statement of purpose, is “Facilitating the conservation and transmission of Spanish nationality, which is certainly an effective way to fulfil this mandate”, introduces in article 20” the possibility that people whose father or mother was originally Spanish and born in Spain may opt for Spanish nationality without age limit.”

48. In regard to families, a noteworthy measure is Act No. 15/2005 of 8 July, amending the Civil Code and the Civil Proceedings Act in regard to separation and divorce. It governs the exercise of parental authority and the care and custody of minor or disabled children, seeking to attain their full realization through the exercise of responsibility by both parents, which does not end with the marriage, and provides for voluntary mediation as an alternative remedy also to ensure protection the best interests of the child.

49. Organic Law No. 40/2003 of 18 November on the protection of large families aims to effectively protect the family and its members in the case of large families. Giving effect in some measure to the recommendation made by the Committee (CRC/C/15/Add.185, para. 18), it makes real the concept of material equality as set out in article 9.2 of the Spanish Constitution in regard to access to economic, social and cultural rights, so that there is no disadvantage due to the number of family members. Further, it makes changes in regard to nationality and residence requirements; as indicated in its statement of purpose, it preserves “the right to have large-family status for nationals of Member States of the European Union and the European Economic Space provided that at least one ascendant relative is engaged in work in Spain, even if residing in another Member State, and extends this right to foreign nationals resident in Spain on equal footing with Spanish nationals, provided all the family members who give rise to the legal entitlement are resident in Spain.” There is also Act No. 42/2003 of 21 November amending the Civil Code and the

Civil Proceedings Act regarding family relationships of grandchildren with grandparents, which addresses the family bond that exists between grandparents and grandchildren as a relationship opportunity that affords stability for children in cases of family disputes, such as family breakdowns. Relationships between grandparents and grandchildren are thus envisaged as a possible alternative to placement in foster care institutions when there are situations of family conflict, with a view to safeguarding the children's physical and emotional stability.

50. Also, further to Organic Law No. 3/2007 for the effective equality of women and men, there has been an extensive revision and improvement of measures to reconcile work and family life (maternity and paternity leave, adjusting working hours, etc.) that allow working parents to devote more attention to the care of their children.

51. Also noteworthy in the civil arena is Act No. 41/2003 of 18 November on protection of assets of disabled persons, amending the Civil Code, the Civil Proceedings Act and the tax legislation for this purpose. This law regulates the protection to persons with disabilities in regard to their assets, i.e. property, in regard to its preservation, management and use; in that respect, it also affects parents and guardians.

52. Also of note is the recent approval of Act No. 54/2007 of 28 December on Intercountry adoption, which seeks to frame rules for systematic, coherent and up-to-date regulation of the phenomenon of intercountry adoption.

53. Finally, in regard to health, it may be of interest to note the approval of Royal Decree No. 500/2004 of 1 April, amending RD 72/1998 of 23 January, approving the technical-sanitary regulation of preparations for infant formulas and follow-on formulas in order to prevent ingestion by infants of unacceptable amounts of pesticides or pesticide metabolites.

54. In regard to the Autonomous Communities, there has been a continuity in the development of standards in order to achieve more effective promotion and protection of the rights and principles established by the Convention, thereby also giving effect to the recommendations made by the Committee (CRC/C/15/Add.185, paras. 15, 16, 25 and 26). In any case, these are also referred to in other parts of the report, which give an account of aspects concerning the specific rights of children, and in paragraphs F and G of this chapter, which refer respectively to the rules concerning the establishment of comprehensive plans for children and to the creation of institutions and services in the Autonomous Communities for the promotion and protection of the rights of children. This section will endeavour to identify the other basic rules that have been adopted in the Autonomous Communities for the protection of children and their rights.

55. These rules are described below and will be addressed in greater detail in Chapter 3 of Annex I.

56. In Andalusia, the following legislation is noteworthy: Decree No. 25/2007 of 6 February, providing for promotion, risk-prevention and safety measures in the use of the Internet and information and communication technologies (ICTs) by underage persons; Decree No. 53/2007 of 20 February, providing the criteria and procedure for admission of students in public and private schools, with the exception of universities; Decree No. 19/2007 of 23 January, adopting measures to promote a culture of peace and improved coexistence in education centres supported by public funds; Decree No. 48/2006 of 1 March, to extend and adapt measures to support families in Andalusia; Decree No. 137/2002 of 30 April concerning Andalusia family support and decrees dealing with revision and adaptation of the measures taken (i.e. 18/2003 of 4 February, 7/2004 of 20 January, and 66/2005 of 8 March); Also notable is Decree No. 246/2005 of 8 November, regulating the right of minors to receive health care in a manner suited to the needs of their age and development and establishing the Council on Health of Minors; Decree No. 3/2004 of 7 January, which establishes a system of information on child abuse in Andalusia;

Act No. 12/2003 of 24 November, amending Act No. 4/1997 of 9 July, on prevention and assistance with respect to drugs, as amended by Act No. 1/2001 of 3 May 2001; Decree No. 355/2003 of 16 December on residential placement of minors; Decree No. 362/2003 of 22 December, approving the Comprehensive Plan for Child Care in Andalusia (2003-2007); Decree No. 282/2002 of 12 November on foster care and adoption; and Decree No. 42/2002 of 12 February on child neglect, guardianship and wardship.

57. Important measures in Aragon are the recent adoption of Act No. 3/2007 of 21 March, on Aragon Youth, Decree No. 188/2005, of 26 September, which approves the regulation of administrative procedures prior to national and intercountry adoption of children, and Decree No. 67/2003 of 8 April approving the operational rules of the Aragon Council on Adoption.

58. Asturias has approved Decree No. 10/2006 of 24 January establishing the Monitoring Centre for Children and Adolescents.

59. The Canary Islands recently adopted Act No. 7/2007, of 13 April on Youth of the Canary Islands. Also important are Act No. 3/2005 of 23 June amending Act No. 15/2003 on family mediation, Decree No. 48/2003 of 30 April approving regulations concerning penalty procedures in the area of care of minors, and Act No. 36/2002 of 8 April approving the Regulations on organization and operation of centres for detention of minors ordered by the Juvenile Courts in the area of the Autonomous Community of Canary Islands.

60. In Cantabria, there are: Act No. 2/2007 of 27 March on Rights and Social Services, Decree No. 58/2002 of 30 May setting out procedures on child protection and adoption and governing the Register for Protection of Children and Adolescents, and Decree No. 23/2007 of 1 March, on the rights of the mother, father and newborn in regard to childbirth health services.

61. In Castile-La Mancha, the approval of Act No. 1/2005 of 7 April on the Youth Councils of Castile-La Mancha is worth noting.

62. In Castile-Leon it is important to note Act No. 14/2002 of 25 July on Advocacy, Care and Protection for Children in Castile-Leon, and Act No. 11/2002 of 10 July, on the Youth of Castile-Leon.

63. In Catalonia, there is Decree No. 129/2006 of 9 May on the Monitoring Centre for the Rights of the Child, of the Government of Catalonia (Generalitat de Catalunya), as set by Act No. 8/1995 of 27 July, on Care and Protection Children and Adolescents, amending Act No. 37/1991 of 30 December on measures of protection of abandoned children and adoption. Also noteworthy is the enactment of Act No. 8/2002 of 27 May, amending Act No. 37/1991 of 30 December, on measures for the protection of abandoned children and adoption, and affording special care to adolescents with high social risk behaviours, Act No. 18/2003 of 4 July, on support for families, Decree No. 154/2003 of 10 June on the Interdepartmental Coordinating Commission for actions of the Generalitat Administration aimed at children and adolescents with disabilities or at risk of disabilities, Decree No. 185/2003 of 1 August, setting up the Commission of the Second Coordination Plan of interdepartmental measures aimed at young people supervised by the Administration of the Generalitat upon reaching adulthood, Decree No. 102/2005 of 31 May creating the Interdepartmental Commission for the comprehensive plan for the Roma population and the Advisory Council to the Roma People, and Decree No. 75/2006 of 11 April pursuant to Act No. 8/1995 of 27 July, on care and protection of children and adolescents in relation to penalties.

64. In Extremadura we note the approval of Decree No. 5/2003 of 14 January, laying down the procedure for assessing applications for adoption and foster care and selection of adoptive and foster parents; and Decree No. 139/2002 of 8 October governing the

organization and operation of juvenile placement centres under the responsibility of the Social Welfare Council.

65. In Galicia it is important to note the adoption of Act No. 2/2006 of 14 June, on Galician civil law, Decree No. 124/2006 of 20 July partly repealing Decree No. 427/2001 of 11 December 2001 approving the text of the internal regulations of rehabilitation centres for children and young people subject to custodial measures; Decree No. 329/2005 of 28 July regulating juvenile facilities and care centres for children; and Decree No. 406/2003 of 29 October amending Decree No. 42/2000 of 7 January, recasting the legislation in force regarding the family, children and adolescents.

66. In the Balearic Islands, relevant enactments are Act No. 17/2006 of 13 November on comprehensive care and rights of children and adolescents in the Balearic Islands; Act No. 10/2006 of 26 July, comprehensive law on youth; Act No. 4/2005 of 29 April on drug dependence and other addictions in the Balearic Islands; Decree No. 40/2006 of 21 April, which governs procedures for foster care, adoption and determination of suitability; Decree No. 32/2006 of 31 March governing the Balearic Youth Institute; Decree No. 129/2005 of 16 December, governing the free time activities children and youth; and Decree No. 45/2002 of 22 March governing the accreditation and qualification of supporting institutions dealing with juvenile offenders.

67. In Madrid, it is of interest to note Decree No. 62/2003 of 8 May on accreditation, operation and oversight of supporting organizations for intercountry adoption; Decree No. 179/2003 of 24 July, approving the regulation of Local Councils for the Care of Children and Adolescents, and 180/2003 of 24 July, approving the regulation of Area Councils for Care of Children and Adolescents, and Decree No. 43/2005 of 12 May of the Governing Council, modifying the Regional Immigration Forum of the Community of Madrid.

68. In Murcia, we note the adoption of Act No. 13/2002 of 4 December, on the creation of the Institute for Youth of the Region of Murcia, and Decree No. 95/2004 of 24 September creating and regulating regional advisory councils with regard to social services sectors.

69. Navarre has approved Regional Act No. 15/2005 of 5 December on advancement, care and protection of children and adolescents, Regional Decree No. 109/2005 of 22 August, which creates and regulates the Network of Youth Information Services of the Autonomous Community of Navarre, Regional Decree No. 107/2005 of 22 August, regulating outdoor activities of young people in the region of Navarre and Regional Decree No. 168/2002 of 22 July, governing the accreditation of supporting organizations in regard to intercountry adoption.

70. In the Basque Country we note Act No. 3/2005 of 18 February on care and protection of children and adolescents, and Decree No. 263/2003 governing the accreditation and operation of supporting organizations in regard to intercountry adoption.

71. In La Rioja, we note Act No. 1/2006 of 28 February, on the Protection of Children in La Rioja, Decree No. 30/2007 of 25 May, which approves regulation of the composition of the Committee on Adoption, Foster Care and Guardianship of La Rioja, Decree No. 31/2007 of 25 May, which approves the regulations on administrative intervention in respect of adoption, Decree No. 32/2007 of 25 May approving the regulations establishing the Child Protection Register and Decree No. 108/2007 of 27 July, approving the regulations on action by the public authorities of La Rioja in the protection and care of minors.

72. In Valencia, it is interesting to note here the adoption of Decree No. 74/2005 of 8 April of the Regional Council (Consell de la Generalitat), establishing the Monitoring Centre of the Community of Valencia for social and labour youth matters of the systems of

protection and re-education of youth, and Decree No. 52/2004 of April 2 establishing the Forum of the Community of Valencia to combat gender violence and violence against dependents in the family setting.

**E. Remedies available in cases of violation of rights recognized in the Convention (General Guidelines, para. 14)**

73. In response to the recommendations made by the Committee (CRC/C/15/Add.185, paras. 13 and 14) on generalizing reliance on the Convention in court proceedings and on applying legislation using a rights-based approach and in accordance with the Convention,

74. The second periodic report of Spain (CRC/C/70/Add.9, paras. 267 and following) already noted the different channels through which action could be pursued in Spain in regard to violation of the rights of children, thus seeking to restore these rights to their full effectiveness. In this regard it is important in this report to highlight the increasing importance gradually gained in the practice of Spanish courts of applying the Convention on the Rights of the Child, either directly or through the interpretation of regional or national legislation. However, it should in any case be borne in mind that Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act - referred in the second periodic report of Spain (paras. 172 and following) - builds upon the Convention within the domestic sphere, so that in many cases the implementation of the rights recognized in the Convention may take place through the direct application of these rights as recognized by law.

75. As noted in the second report (paras. 252, 253 and 255), in accordance with the Spanish Constitution, any duly ratified treaty, after its official publication, is part of domestic law. All the rights provided for in the second chapter of Title I of the Constitution, in their application to children, must have the Convention as their interpretive paradigm for implementation by law in Spain. Moreover, the rights set out in the Convention are rights that are part of Spanish domestic law.

76. In the following paragraphs reference is made to some decisions expressly acknowledging the legally binding nature of the Convention by the highest courts of the Spanish legal system: the Constitutional Court, the Supreme Court and High Courts of the Autonomous Communities. A more detailed description of them is found in Chapter 4 of Annex I.

77. As regards the Constitutional Court, the following decisions are noteworthy: No. 273/2005 of 27 October, No. 124/2002 of 20 May, No. 221/2002 of 25 November, No. 152/2005 of 6 June, No. 17/2006 of 30 January, No. 75/2005 of 4 April, No. 71/2004 of 19 April, No. 243/2004 of 16 December, No. 30/2005 of 14 February, No. 153/2005 of 6 June.

78. Secondly, as regards the case law of the Supreme Court, the implementation of the Convention as part of Spain's legal system may be seen in the following decisions: No. 670/2004 of 12 July, No. 653/2004 of 12 July, No. 903/2005 of 21 November, No. 601/2004 of 25 June, No. 631/2004 of 28 June, No. 384/2005 of 23 May.

79. Finally, it should be noted that the Convention has been applied in proceedings of the High Courts of Justice of the Autonomous Communities in the following decisions: Decision No. 1194/2006 the Social Chamber of the High Court of Castile-La Mancha; Decision No. 96/2002 of 13 February of the High Court of de Castile-La Mancha; Decision No. 424/2006 of 19 May the High Court of the Region of Murcia; Decision No. 790/2005 of 5 October the High Court of the Community of Madrid; Decision



No. 1419/2003 of 17 November the High Court of Catalonia; and Decision of 14 September 2004 of the High Court of Andalusia.

**F. Existing mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention (General Guidelines, para. 14)**

80. Recommendations were made by the Committee (CRC/C/15/Add.185, paras. 15, 16, a, b, and c, 19 and 20) on reinforcing the importance of effective coordination among national, regional and local authorities in implementing policies for the advancement and protection of children, and regarding the lack of a comprehensive policy for children, as well as on the need to adopt inter-sectoral policies for children and to improve coordination in order to ensure consistent action at national and regional levels. Further recommendations pertained to improving the mechanisms of data collection and analysis and their effective use in formulating and evaluating policies and programmes for implementation and monitoring of the Convention. Note should be taken of the creation of different institutions in the national and regional contexts in order to achieve the goals of strengthening effective coordination between different government agencies, such as the launching of the National Strategic Plan for Children and Adolescents, 2006-2009, to which reference has already been made in section B, and in this regard (in line with objectives 2.1 and 2.2 of the Plan) a process has been pursued of developing comprehensive plans for children in all the Autonomous Communities, as well as evaluating those in place, and developing local plans for children and adolescents.

81. In this regard, noteworthy work is being done by the Monitoring Centre for Children in Spain. The Centre is a Working Group within the Ministry of Labour and Social Affairs, whose main objectives are to ascertain the quality of life of the child population and the changes taking place in our country; to track social policies that affect children; to make recommendations regarding public policies affecting children and adolescents; to encourage research on and awareness of children and adolescents; and to publish studies and make regular reports to help ensure better enforcement of the rights of children and adolescents and knowledge of their needs. Its main functions are to act as a permanent body for collection and analysis of information available from different national and international sources on children; to make recommendations and proposals to improve indicators and information systems; to participate in and maintain relations with similar international institutions; to receive information on measures and activities implemented by public authorities in this area; to assess the impact on society of policies and measures that affect children and young people; to provide a forum for exchanges and communication between public bodies and society; to propose initiatives to monitor the coverage of children in the media; to propose studies and technical reports assessing the situation of children in Spain; to track information on social policies affecting children; and to disseminate information on various issues pertaining to children and adolescents.

82. Various institutions with similar aims have also been established in the Autonomous Communities. They complement institutions or services that some Autonomous Communities already had, an account of which was given in paragraph 328 of the second periodic report of Spain (CRC/C/70/Add.9).

83. Thus, in Andalusia, Decree No. 75/2001 of 13 March governing the Monitoring Centre for Children in Andalusia, creates and regulates the Centre, an advisory organ empowered to make proposals, under the authority of the Department for Children and Families of the Junta de Andalusia.

84. In the Principality of Asturias, Decree No. 10/2006 of 24 January on the Monitoring Centre for Children and Adolescents of the Principality of Asturias establishes that

institution “as a coordinating and advisory body, empowered to make proposals, under the authority of the Asturias Institute of Social Services for Children, Families and Youth.”

85. Cantabria adopted Decree No. 50/2003 of 8 May establishing the Regional Council for Children and Adolescents. However, the Council was never set up and on 7 March 2007 Act No. 2/2007 of 27 March on Social Rights and Services repealed it.

86. Castile-La Mancha has adopted Act No. 1/2005 of 7 April, governing the Youth Council of Castile-La Mancha, which, as stated in article I of the Law, is an entity under public law based on private membership, with legal personality and full legal capacity to carry out the purposes entrusted to it and is the highest representative body of youth associations which are registered in the Register of Youth Associations and Service Providers for Youth of Castile-La Mancha.

87. Castile-Leon has adopted Act No. 3/2006 of 25 May establishing the Youth Institute of Castile-Leon.

88. Catalonia has adopted Decree No. 10/2002, January 8 approving the Charter of the National Youth Council of Catalonia (amended by Decree No. 428/2004 of 16 November), and Decree No. 129/2006 of 9 May on the Monitoring Centre for Children’s Rights.

89. In the Balearic Islands, there is Decree No. 56/2005 of 20 May governing the organization and operation of the Interdepartmental Commission for the Development of Youth Policy, whose first article states that “The Interdepartmental Commission for the Development of Youth Policy operates under the competent advisory youth authority, as a specific organ for coordination, exercising advisory functions and making proposals in the sphere of programming and implementing policies for youth pursued by the Government of the Balearic Islands.” There is also Decree No. 32/2006 of 31 March, governing the Balearic Youth Institute.

90. In La Rioja, the Standing Government Committee for Youth (Comisión Delegada del Gobierno para la Juventud) was established by Decree No. 85/2003 of 18 July, whose preamble states, “In order to facilitate the necessary coordination of youth policy, framed within government action, it is considered appropriate to make use of that statutory power in order to create the Standing Government Committee for Youth, thereby ensuring effective management of government work through the constitution of specialized organs within it that help to decentralize government operations in certain strategic areas, without losing collegiality in decision-making.” Also noteworthy is the approval of Act No. 7/2005 of 30 June 2005 on the Youth of La Rioja, whose preamble notes that the Law “seeks to establish a framework of public action on youth, which calls for defining concepts, identifying resources, delineating areas of action, establishing mechanisms of institutional coordination and cooperation, and creating administrative machinery to advance the development of a youth policy for La Rioja that is recognizable, differentiated, participatory and, in particular, receptive to the specific interests of young people” (meaning youth aged 14 to 30). Similarly, the La Rioja Youth Institute was created in 2006, in keeping with the provisions of the aforementioned Law on the Youth of La Rioja, through Decree No. 38/2006 of 16 June, which approves the charter of the Institute, its organizational structure being laid out in Decree No. 42/2006 of 30 June.

91. In Madrid, the Department for Family Affairs of the Advisory Council for Family and Social Affairs has created the Guidance Unit for Family Issues (Unidad de Orientación a la Familia ante Momentos Difíciles) in order to provide support to families. This Unit also aims to serve as a monitoring centre for detection of needs and problems of families in Madrid.

92. The Youth Institute of the Region of Murcia was established by Act No. 13/2002 of 4 December on the Creation of the Youth Institute of the Region of Murcia; further,

Decree No. 95/2004 24 September creating and regulating regional sectoral advisory councils for social services establishes the requirement that there be sectoral councils relating to children.

93. In Valencia, we note in this connection Decree No. 74/2005 of 8 April of the *Consell de la Generalitat*, establishing the Monitoring Centre of the Community of Valencia for social and employment response to children and youth under the Systems of Protection and Rehabilitation of Children. This entity, as provided in article one, is “an advisory body and forum for dialogue, research, promotion and evaluation of measures of employability and social inclusion aimed at children and youth who are or have been subject to protective measures of guardianship or foster care by the Government or to legal action under the current law on criminal liability of minors.”

94. It should also be noted that, together with the National Strategic Plan for Children and Adolescents 2006-2009, in the field of data collection and analysis to formulate and evaluate policies and programmes for implementation and monitoring of the Convention, a Statistical Bulletin on Measures for Child Protection has been implemented in order to arrive at a better description of the protection of children in Spain, paying special attention to the most vulnerable groups (foreign children or adolescents, those that are abused, etc.).

95. There is also a Statistical Bulletin of measures imposed on young offenders, which will be referred to in the appropriate section of this report. On the Statistical Bulletin on measures of child protection, it should be stressed that the Basic Statistics for the Protection of Children is an information system that systematically and regularly collects secondary data on measures of child protection applied in the Autonomous Communities and the autonomous cities of Ceuta and Melilla. It collects, through information provided by these administrations, information on the development of measures for child protection (legal guardianship, institutional placement, foster and administrative placement and domestic and intercountry adoptions) that are taking place in each of the Autonomous Communities from 1996 through 2006. Both bulletins can be consulted at the website of the Ministry of Labour and Social Affairs.

96. In preparing their statistics, the Autonomous Communities also develop their own systems for collecting and analyzing data. A noteworthy example is the development of the Register of Children Served by the System of Child Protection, and the implementation of the RMEN statistical application in regard to children served in protective residential placement by the Community of Madrid. Similarly, in Catalonia, a management software application relating to minors, SINI@, in its most advanced stage, will yield more detailed data about children at risk.

97. Finally, it is important to note that in addition to implementing the Plan, there are coordination endeavours being pursued between the central Government and the various Autonomous Communities in relation to various specific aspects that affect children such as, for example, the work that is currently being undertaken within the Working Group on Child Abuse of the Monitoring Centre for Children on developing an institutional protocol for cases of child abuse and child sexual abuse with a view to harmonizing the different approaches adopted in the different Autonomous Communities in these cases.

98. In this regard, we must in any case mention the work of the Monitoring Centre for Children, which is a collegial institution ideally suited to forge appropriate partnerships and commitments throughout the national territory with a view to enhancing the welfare and quality of life of children, since the Centre marshals the participation of all of the entities of the Autonomous Communities that have jurisdiction in such matters, the Ministerial Departments of Education and Science, Health and Consumer Affairs, Justice, Interior, Foreign Affairs and Cooperation and Economy and Finance, and other institutions under the Ministry of Labour and Social Affairs, the Spanish Federation of Municipalities and Provinces and public interest organizations, represented by the Spanish Committee for

UNICEF, the Spanish Red Cross and constituent associations of the Platform of Children's Organizations (POI).

99. Also of note is the existence of various mechanisms of coordination and deliberation, including: the Sectoral Conference on Social Affairs, between the Ministry of Labour and Social Affairs - whose minister presides - and the governing organs of the Autonomous Communities, the Inter-regional Commission of General Directors of Children and Family Affairs, and the Technical Committees of the Autonomous Communities.

100. Furthermore, during the reporting period, we note the implementation by various regional administrations of the following comprehensive plans for children:

101. In Andalusia, the Comprehensive Plan for Child Care in Andalusia 2003-2007, approved by Decree No. 362/2003 of 22 December, for which 162 000 000 euros have been allocated.

102. In the Principality of Asturias, the Comprehensive Plan for Children, Families and Adolescents 2004-2007, which replaces the previous Comprehensive Plan for Children, Family and Youth 200-2003, and for which a budget of 116 555 088 euros has been allocated.

103. In the Canary Islands, the Comprehensive Plan for Children in the Canary Islands 1999-2008.

104. In Cantabria, the 2001-2004 Action Plan for Children and Adolescents and the 2007-2009 Action Plan for Children and Adolescents in Social Difficulties.

105. In Castile-La Mancha, the 2007-2011 Comprehensive Plan for Family Support, which follows from the 1999-2003 Comprehensive Plan for Children, and for which 660 million euros has been allocated.

106. In Castile-Leon, the 2004-2007 Regional Sectoral Plan of Care and Protection of Children, which replaces the previous plan, which covered the period 2000/2003. The relevant enactments are Decree No. 276/2000 of 21 December and No. 57/2005 of 14 July, and the resources planned are 184 500 000 euros.

107. In Catalonia, there was the Comprehensive Plan for Children of Catalonia in 2002.

108. Galicia carried out its First Comprehensive Plan of Support for Children, and the new Strategic Plan of Galicia for Children and Adolescents 2007-2010 took effect in 2007.

109. In the Balearic Islands, Act No. 17/2006 of 13 November on comprehensive care and rights of children and adolescents in the Balearic Islands provides in article 14 that the government will, in the first year of each legislative term, approve a comprehensive plan of care for children and adolescents, applicable for a period of not less than three years, and to be revised periodically.

110. In Madrid, there was the Second Plan of Care for Children and Adolescents in the Community of Madrid 2002-2006.

111. In Navarre, there was the Plan of Care for Children and Adolescents in Social Difficulties in the Community of Navarre 2002-2006.

112. In La Rioja, there was the Second Comprehensive Plan for Children in La Rioja 2006-2009.

113. In Valencia, there was the First Comprehensive Plan for Families and Children 2002-2005.

114. And it should be noted that the Autonomous Communities carry out a variety of activities in cooperation with local institutions.

115. For example, in the Principality of Asturias since 2004, the Asturias Institute for Children has been holding annual conferences to further children's rights at the municipal level and to develop comprehensive municipal plans for children. Since 2005 conferences on children and families have been held in rural areas. And in 2006 six Forums on Children were held in rural areas, with participation by professionals from various fields and children.

116. Castile-Leon has developed a procedure for intervention by local authorities in situations of unprotected children.

117. In Madrid, the focus is on the Local Councils for Care of Children and Adolescents, and the analysis and research on children taking place within them, as provided in Act No. 18/1999 of 29 April, governing Councils for Care of Children and Adolescents in the Community of Madrid and Decree No. 179/2003 and No. 180/2003, governing Local and Area Councils. Accordingly, grants are provided to local entities for the development of programmes aimed at promoting children's social participation; annual funding events are organized for NGOs, highlighting actions aimed at improving the quality of life of children; cooperation is pursued with municipalities and associations of municipalities in rural areas to promote leisure and culture (theatre, music, dance and film) among children and adolescents; grants are provided to support the establishment and maintenance of associations, councils, forums and clubs for children and youth of the Autonomous Community of Madrid and awareness campaigns are conducted to combat the negative social image attaching to rural society and its surroundings.

118. In La Rioja, Act No. 7/2005 of 30 June 2005 on the Youth of La Rioja provides for the creation of Local Youth Offices, which, as noted in its preamble, seek to "provide young people at the municipal level with public information facilities specifically addressed to youth, a defined area of political responsibility, and appropriate channels for individual and group participation."

119. In any case, with regard to development of local plans for children and adolescents properly speaking, we note the activity of the Local Network for Children and Adolescents, which encourages the creation and updating of Plans for Children in all municipalities of the Network through lectures and supporting dissemination through a website.

120. In that vein, at the local level, one of the most important programmes funded by the Ministry of Labour and Social Affairs is the Child Friendly Cities Programme, which is an initiative of the UNICEF Spanish Committee and also has the support of the University Institute on Needs and Rights of Children and Adolescents (Instituto Universitario de Necesidades y Derechos de la Infancia y la Adolescencia - IUNDIA) of the Autonomous University of Madrid, the Local Network for the Rights of Children and Adolescents and the Spanish Federation of Municipalities and Provinces (FEMP). The aims of the programme include: giving impetus at the municipal level to policies that promote the rights of children, i.e. the implementation of the Convention on the Rights of the Child; publication of indicators and best practices for the Convention in the municipal context; recognition Friendly Cities; establishing stable channels for children's participation in the municipality; building and maintaining the website [www.ciudadesamigas.org](http://www.ciudadesamigas.org); support for the creation of Children's Councils and plans; and mobilizing stakeholders at the municipal level in support of children's rights. The basic instrument for the development of this programme has been the organization of three Children's Rights and Municipal Policies Competitions (2001, 2002 and 2005) and a Child-Friendly City Recognition Award.

121. In the framework of the Child-Friendly Cities programme, from 2001 to the time of drafting this report, various activities very relevant to locally disseminating children's rights have been conducted. The Child-Friendly Cities initiative, since its inception in

2001, has progressed with regard to comprehensive actions aimed at children; the 30 recognized municipalities account for 10 per cent of the total population of Spain. Measurement tools (municipal indicators of implementation of the Convention) and studies of child participation (*Best Practice Guide on Children's Councils and Plans*) have been developed, there is a web page that serves as a good tool for technical experts on local children's issues, with more than 180,000 hits per year, and a monthly newsletter that compiles initiatives for children and reaches more than 2,800 people, thus becoming a valuable tool for the implementation of the Convention at the municipal level. A noteworthy output under this programme was the publication of "*Municipal indicators of implementation of the rights of the child - a tool for reporting on the situation of children in Spanish municipalities in 2005.*"

122. Note should be taken in this regard of the study of Spanish Committee for UNICEF, "*Best Practice Guide on Children's Councils and Plans at the Municipal Level in Spain - First Progress Report - 2004*", which is a description of strategic actions for children at the municipal level in Spain. Although the number of municipalities with approved plans and children's councils is still low, we must consider that many Spanish municipalities which pursue strategic actions aimed at children do so by taking part in the plans of other Government authorities at a higher level, such as associations of municipalities (mancomunidades), regional councils (diputaciones provinciales) or Autonomous Communities.

123. Furthermore, important work has been done by the National Institute of Youth in the launching and funding of different activities directly related to the Autonomous Communities and municipalities involved.

124. A first initiative worth noting is the Leisure Networks Project "Another way to Move" promoting leisure activities for young people, developed through a cooperation agreement with municipalities of various Autonomous Communities - in 2002 with those of Madrid, Andalusia, Murcia, Castile-Leon and Aragon and in 2003 with those of Murcia, Andalusia and Madrid. Resources devoted to this endeavour have been 30 000 euros each year. The activities are pursued on the basis of a cooperation agreement between INJUVE and the municipalities involved.

125. Second, there is the Cyber-space Youth Project, which promotes the culture of new technologies as a framework for the revitalization of cultural and media activities. The project includes participation by municipalities of various Autonomous Communities: in 2002, those of Navarre, Murcia, Andalusia, Madrid and the autonomous cities of Ceuta and Melilla; in 2003 those of Madrid, Castile-Leon, Murcia, Aragon, Valencia, Andalusia and the Canary Islands; and in 2004 those of the Balearic Islands, Castile-Leon, Valencia and Andalusia. Resources devoted to this activity have been 30 000 euros each year. The activities are pursued on the basis of a cooperation agreement between INJUVE and the municipalities involved.

126. Third, on the basis of Royal Decree No. 2614/96 of 20 December governing the functions of the Institute for Youth, there are yearly inter-cultural encounters. In the years 2002, 2003 and 2004 these involved participation by 1 700 young people from all the Autonomous Communities; in 2005, 840 young people; and in 2006, 968 young people. Resources devoted to these encounters were 310 000 euros during the years 2002, 2003, 2004 and 2005 and 115 000 euros in 2006. Also in 2006 there was a project on sexual/emotional education targeting immigrants (especially younger ones), for which 50 000 euros were allocated.

127. Fourth, on the basis of the cooperation agreement between INJUVE and the Secretariat of Gypsy Affairs, a yearly Social Promotion of Gypsy Youth event takes place. Resources for this activity have amounted to 110 000 euros during the years 2002, 2003,

2004 and 2005, and in 2006, based on the INJUVE cooperation agreement signed with the Gypsy Secretariat Foundation, 100 000 euros were devoted to social promotion of Roma youth.

128. Fifth, based on the relevant Ministerial Order, the programme “Young Researchers”, aimed at young people aged 15 to 19 years, is held yearly. Consisting of a competition and a conference, it has involved youth from all the Autonomous Communities: in 2002, 750 young people; in 2003, 498 young people; in 2004, 445 young people; in 2005, 109 young people; and in 2006, 162 young people. The Programme is implemented jointly by INJUVE and the Directorate General of Universities, in cooperation with the National Scientific Research Council. Resources devoted to this activity have been 50 000 euros in the years 2002, 2003, 2004 and 2005, and 115 000 euros in 2006.

129. Finally, we should note the implementation of projects developed with the Autonomous Communities and the Spanish Federation of Municipalities and Provinces in the Autonomous Communities and at local levels through various partnership agreements with the aim of achieving social integration, promoting alternatives for leisure and recreation, promoting education on wholesome habits and lifestyles, and preventing risks due to exclusion among rural and urban youth.

#### **G. Independent national human rights institution for the promotion and protection of children’s rights (General Guidelines, para. 15)**

130. As indicated in the second periodic report of Spain (CRC/C/70/Add.9), paragraph 330, the independent bodies for the protection and promotion of child rights to which children and adolescents may present their complaints, either personally or through their legal representatives, include the Deputy Ombudsman for Minors of Andalusia; the Justice Department of Aragon; the Diputado del Común serving as High Commissioner of the Parliament of the Canary Islands for the defence of fundamental rights and public freedoms, who deals with matters pertaining to minors; the Children’s Ombudsman serving as High Commissioner of the Madrid Assembly; the *Adjunto al Sindic de Greuges* as regional ombudsman for children in Catalonia; the *Valedor do Pobo* of Galicia, who, for the rights of children and adolescents, delegates these powers to one of his deputies, or *Vicevaledores*; the Office for the Protection of the Rights of the Child of the Balearic Islands Government; and a section for children’s rights within the Office of the Ombudsman/*Ararteko* of the Basque Country.

131. To these institutions should be added, for the reporting period and particularly since 2005, the creation, implementation and development in Castile-La Mancha of an Office for Minors within the Office of the Ombudsman, in accordance with Act No. 16/2001 of 20 December, governing the Ombudsman of Castile-La Mancha.

#### **H. Measures taken to make the principles and provisions of the Convention widely known (General Guidelines, para. 16)**

132. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 21 and 22) on the importance of disseminating the Convention also among children, professionals working with and for children, and the general public, in accordance with the provisions of the National Strategic Plan for Children and Adolescents 2006-2009, various awareness campaigns have taken place on the rights of children and adolescents, aimed at the general population and the various professional groups working with children and adolescents.

133. Moreover, the plan itself has been given general dissemination by both the central government and the Autonomous Communities, e.g. the significant effort exerted by the Department of Family and Children of the Ministry of Labour and Social Affairs and the Platform of Organizations for Children to distribute the plan among children themselves, with the publication in November 2007 of the “*Adapted version for boys and girls!*” of the Plan. Currently, this version is posted on the web pages of the Platform and of the Monitoring Centre for Children; at the latter site, in any case, the full Plan document is available and translated into the 4 official languages of our country and English.

134. As regards the Autonomous Communities we may note, for example, that in the Principality of Asturias, the Plan has been published on the website of the Monitoring Centre for Children; in Catalonia, the Support Office for the Monitoring Centre for the Rights of Children and Adolescents in Catalonia has disseminated the plan to professionals and organizations of the Network of Social Services and Child Protection; and in Castile and Leon the Plan has been sent to the departments for families and children of all organizations and departments involved in the care and protection to children, as members of the Regional Council and Provincial Councils for the Care and Protection of Childhood, as well as to all child protection professionals.

135. As regards concrete actions for the dissemination of the Convention, these include: incorporating concepts relevant to the Convention in the curricula of initial training courses for professions most directly related to the different areas of child welfare; pursuing actions to convey the text of the Convention to all schools, favouring versions adapted to children in all the national languages, and raising awareness among families themselves; creation of web pages on the rights, needs and interests of children targeting childhood professionals, parents and children; and making use of the celebration of Universal Children’s Day to disseminate the Convention, in activities that also include participation by children.

136. The Ministry of Labour and Social Affairs also cooperates each year with the Platform of Children’s Organizations in the activities planned to commemorate the Universal Day of Children’s Rights, among which is the promotion of child participation. In 2006 workshops were organized with children from different children’s organizations, under the slogan “A plan to fit our size”, whose aim has been to publicize the National Strategic Plan for Children and Adolescents, to analyze its goals and measures as compared with perceptions of the same, and, finally, to make suggestions about how children and adolescents can participate in monitoring and evaluating the Plan, in order to make child participation real and effective.

137. Moreover, under the aegis of the Ministry of Labour and Social Affairs, and as part of the assistance programme it conducts for NGOs under the General Programme, subsidies were granted between 2002 and 2006 for programmes fostering awareness of the United Nations Convention on the Rights of the Child. The total grants for awareness-raising on the Convention on the Rights of the Child were: 246 000 euros in 2002; 255 500 euros in 2003; 284 500 euros in 2004; 268 000 euros in 2005; and 277 910 euros in 2006.

138. Also noteworthy is the effort made to conduct opinion polls to ascertain social perceptions about the rights of children. Thus, the Centre for Sociological Research - a body under the Ministry of the Presidency - in agreement with the Ministry of Labour and Social Affairs, which provided the funding, conducted survey (2578) on “Opinions and Attitudes regarding the family” in 2004. Survey (2621) on “Attitudes and opinions regarding children” was conducted in 2005 and funded by the Ombudsman for Children of the Community of Madrid.



139. In 2003, with funding from the Ministry of Education and Science and the Ministry of Labour and Social Affairs, the Spanish League for Education created the website “RAYUELA” (“Hopscotch”) ([www.rayuela.org/en/default.htm](http://www.rayuela.org/en/default.htm)), with the purpose of providing publicity, awareness, information and training on rights of children for children as well as adults. This is an educational tool, aimed at children aged 6 to 11 so that children can internalize their rights, working together with teachers, families or other people around them (associations, public services, etc.). It is an interactive experience that provides coverage for children’s participation, both in everyday practice and in national and international initiatives for the rights of children. The core value of “Hopscotch” is to be a communication channel that contributes to the social visibility of children.

140. It is also important to note that among the recent developments advanced by Organic Law No. 2/2006 of 3 May on Education, is, as stated in its preamble, the objective of “giving the concern for citizenship education a very prominent place among all educational activities and introducing new contents pertaining to that form of education, which, under a different nomenclature, will be provided in keeping with the nature of the contents and ages of the students, some courses to be taught in primary education, compulsory secondary school and baccalaureate programmes. Its purpose is to give all students a setting for thinking about, examining and studying the fundamental features and functioning of a democratic regime, and the principles and rights enshrined in the Spanish Constitution and treaties and declarations on universal human rights, as well as the common values that are the bedrock of democratic citizenship in a global context.” Thus, in legislation pursuant to this law, Royal Decree No. 1513/2006 of 7 December, and No. 1631/2006 of 29 December it is provided (specifically in the first decree) that “Education for Citizenship and Human Rights” should seek to ensure that students develop the skills to understand, accept and appreciate the main rights and obligations arising from the Convention.

141. And in line with the aims laid down, the Organic Law on Education governs the training of teachers and the adequacy of textbooks and teaching materials with respect to fundamental rights. Along these lines, the Ministry of Education and Science commissioned the completion of two outreach projects relating to the Convention on the Rights of the Child. Firstly, a CD and a brochure by the “League of People’s Education and Culture”, containing a summary of the Convention as well as writings by children regarding their rights. And secondly, an explanatory brochure by the NGO “Save the Children”: the reissue of their proposal on “The rights of children and youth.” These materials were distributed to schools and organizations concerned. The Ministry of Education and Science contributed to this publication with its advice and an economic contribution.

142. For their part, the various Autonomous Communities and local authorities have undertaken their own initiatives for the dissemination of knowledge about the Convention, building on past activities prior to 2002 (as was the translation and distribution of the Convention in the bilingual Autonomous Communities: Balearic Islands, Catalonia, Galicia, the Basque Country and Valencia). These activities were discussed in the second periodic report of Spain (CRC/C/70/Add.9), paragraphs 393 and following.

143. In the field of local government, we must highlight the work being done by the Local Network for Children and Adolescents, which each year carries out various action, awareness-raising and training campaigns regarding the rights of children, addressed to the citizenry and to entities and institutions related to children. There is a requirement that on International Children’s Day all member municipalities to conduct a celebration or other event relating to children’s rights. A given right or topic is selected as the focus of the event and flyers are distributed to all schools. The resources allocated for these events are quite varied.

144. In Andalusia, a number of annual activities of this kind have been conducted under the aegis of the Department for Children and Families. In 2002, the first Children's Forum was held, with a budget of 35 162 euros; in 2003, the second Children's Forum and a Children's Week, with a budget of 29 169 euros; in 2004, an event was held at the Parliament of Andalusia, with a budget of 39 870 euros; and in the years 2005 and 2006 Children's Day was commemorated, with allocations of 51 862 euros and 30 135 euros respectively. Further, in connection with the commemoration of this Day in 2005, the Ombudsman for Children in Andalusia developed specific material on the rights of children enshrined in the Convention, which was then sent on to schools for implementation of educational activities. In 2003, this institution opened its own website with the aim of disseminating its image among the people of Andalusia and making known the actions it pursues in its role of advancing and guaranteeing the rights of minors.

145. In the Principality of Asturias, in the period under review, 20 awareness campaigns on child rights have been conducted, targeting the general population and various professional groups, at a cost of 80 000 euros. In 2006 a Course on the Rights of Children was held, in cooperation with the University of Oviedo, aimed at university audiences, at a cost of 12 000 euros. Also in the year 2006, the website of the Monitoring Centre for Children of the Principality of Asturias was launched, aiming to raise awareness of the rights, needs and interests of children. Moreover, in an initiative similar to that of "Children of the Community of Madrid Awards" the First José Lorca Prize for promoting and defending the rights of children was organized in 2007.

146. In the Balearic Islands, the Office for the Defence of Child Rights has during the reporting period concluded a framework agreement with the Balearic Islands Committee of UNICEF, an important feature of which is the awareness-raising campaign about the Convention among students in the Balearic Islands, through a version of the Convention adapted for young people. Also noteworthy is the cooperation by the Office for the Defence of Child Rights in postgraduate courses at the University of the Balearic Islands: "Diploma in Family Law" and "Diploma in Child Abuse Intervention." Also, the General Directorate of the Office has established a website aimed at adults and minors in the Balearic Islands, [www.oddm.caib.es](http://www.oddm.caib.es), as a window of communication and information to the outside, where documents are available on various topics, always related to the rights of children, which also serve to foster awareness of and respect for the rights of minors. Finally, we should note the work undertaken by the same office, in cooperation with the Balearic Paediatric Society, on the celebration of Universal Children's Day since 2003.

147. In the Canary Islands, Island Forums and Regional Forums for Children have been held annually with the aim of promoting children's rights, at a cost of 1 188.96 euros in 2003; 31 844.58 euros in 2004; 34 439.59 euros in 2005; and 14 549.41 euros in 2006.

148. In the Autonomous Community of Castile-La Mancha, an agreement was arrived at to enable students to visit the headquarters of the Ombudsman. In this regard, between 2005 and 2006, 33 schools and 700 students have been informed about the Convention, and visits were likewise made to schools and institutes to make the Convention known. During the last International Children's Day, a reading of the articles of the Convention by children was arranged. Also, the Office of the Ombudsman of this Community has opened a website with a specific area for minors, incorporating specific content for children about their rights and enabling them to participate by filing complaints directly or by conducting inquiries on issues of interest, such as knowledge of their rights.

149. Likewise, the Department of Family Affairs of the Community of Castile-La Mancha has funded the design of the website [www.lineadeinfanciayadolescenciactm.es](http://www.lineadeinfanciayadolescenciactm.es). And there is now a cooperation agreement between the Department and Save the Children for campaigns and actions to foster awareness of the Convention among families, with a resource allocation of 495 248 euros.

150. Castile and León, in cooperation with the Platform of Children's Organizations, has carried out the Programme for Dissemination of Children's Rights in Castile and León. The programme is aimed at primary and secondary school children and non-university teachers as well as NGOs working in the field of children, and the children with whom they work. It encourages awareness of children's rights in educational and civil society settings. The frame of reference consists of the rights set out in the Convention itself and in Act No. 25/2002 of 25 July on Advocacy, Care and Protection for Children in Castile and León. This programme included the implementation of an e-mail address where children, mainly those aged 12 to 16, can express their doubts, opinions, etc. on the rights and obligations of children, and where children aged 8 to 11 can do so through postal correspondence; in both cases, the children receive responses from qualified persons.

151. Also in Castile and Leon we note the increased institutional prominence of holding the annual International Day of Children's Rights. The event has taken place since 2003, as provided for in Act No. 14/2002 of 25 July on Advocacy, Care and Protection for Children in Castile and Leon, Decree No. 54/2003 of 30 April creating the Castile and Leon Children's Awards, and Decree No. 19/2007 of 1 March. The celebration includes awarding of Children's Awards in the Community of Castile and Leon, for which 16 680 euros were allocated in 2005 and 25 800 euros in 2006. Moreover, during the years 2005 and 2006, under Order No. EDU/52/2005 of 26 January, in order to promote coexistence in centres of Castile and León, schools have developed plans for coexistence, which set out activities (events, meetings, visits, etc.) that can create awareness among all school community members regarding children's rights.

152. In Catalonia, the Universal Day of Families is marked yearly and participation by families in the celebration of Universal Children's Day is encouraged, including dissemination of materials relating to the Convention.

153. The Autonomous Community of Madrid conducts publication and dissemination of the text of the Convention on the Rights of the Child, adapted and explained for children, as well as informational brochures on the rights of children and various projects related to children's rights in the context of children's week in the Community of Madrid. In that vein, the Community of Madrid has continued to convene annually, since its inception in 2000, the "Children of the Community of Madrid Awards", dedicated "to the promotion, development, dissemination and protection of the rights of children and adolescents", in order to publicly recognize the efforts of those media, entities or individuals that have distinguished themselves most in disseminating the Convention on the Rights of the Child, and in observing and upholding those rights. In addition, the Community of Madrid, with the cooperation of the Pryconsa Foundation, conducts the project "Art and Rights" with the aim of "highlighting the Convention on the Rights of the Child and bringing its contents to the attention of all teachers and students of the Autonomous Community of Madrid through reflection, dialogue and art. This task is carried out through teaching guides and through artistic workshops designed by prestigious contemporary artists, to be conducted in the classroom, focusing on the most relevant concepts with educational proposals", which may be seen on the website of the Community of Madrid. Moreover, in this regard, the Community of Madrid has also created and developed the website "Educamadrid" as a reference point for centres and resources relating to education and the children's magazine Micromadrid "as a virtual resource that the Community of Madrid makes available to all children aged 6 to 12 in order to foster awareness, encourage participation and promote their rights, as part of its commitment to the personal and social development of children; Micromadrid has a circulation of 600,000 copies a year and is distributed through primary schools in Madrid. Similarly, the Community of Madrid has funded the UNICEF website aimed at children, as well as parents and teachers.

154. The Community of Madrid has also given impetus to the values education programme “Everyone has to grow”, which distributes an Educational Guide and the magazine “*The Rights of Children*” to primary educational establishments. And finally, in regard to proper training for professionals working in relation to the rights of children, we should note the development of various training agreements in which various professionals of the Madrid Institute for Children and Families offer postgraduate or Master’s courses with the following institutions: Autonomous University of Madrid (Faculty of Psychology), Universidad Complutense de Madrid (Faculty of Education), Universidad Complutense de Madrid (Faculty of Medicine) and Fundación Universitaria San Pablo CEU.

155. In the Basque Country, through the regional Ombudsman, the Ararteko, several interesting initiatives have been developed for achieving the dissemination of the contents of the Convention, namely: translation of the Convention into the Basque language, Euskera; publishing and dissemination of the Convention; publishing and dissemination (especially directed at teachers) of training materials on child rights; publishing and dissemination of annual school calendars and posters on child rights; organization of school contests; and the creation of a web page specifically for minors within the general website of the *Ararteko*.

156. The Community of Valencia also celebrates Children’s Day annually by conducting various commemorative events such as roundtables, workshops, meetings, recreational events, etc., always with the participation of NGOs, families and children.

157. Finally, it should be recalled that NGOs of course also plan and carry out their own activities to raise awareness about children’s rights and to make known the contents of the Convention.

158. For example, UNICEF organizes annual exhibitions and many commemorative mobilization activities around 20 November. It also organizes and participates in numerous seminars and workshops aimed at students, technical specialists and political leaders with regard to children, as well as joint courses conducted with the General Council of the Judiciary. It has also developed an adapted version of the Convention in the co-official languages, as part of the programme “Enrédate” (“Get Involved”). And in the area of permanent structures, UNICEF has established and set in operation a documentation centre on children’s rights and international cooperation at the headquarters of the Spanish Committee for UNICEF, and has created the following websites: [www.unicef.es](http://www.unicef.es) (general website of the organization, aimed at general public and partners), [www.enredate.org](http://www.enredate.org) (education for development, children and teachers), [www.ciudadesamigas.org](http://www.ciudadesamigas.org) (CAI, technical personnel for children at the municipal level) [www.nohayexcusas.org](http://www.nohayexcusas.org) (child sexual exploitation in tourism, for general public, tourism professionals) and [www.ozonalia.org](http://www.ozonalia.org) (responsible consumption, for children and general public).

159. For its part, the NGO Save the Children has launched the Centre for Research and Documentation on the Rights of Children and Adolescents (CIDDIA), whose purpose is acquiring, processing and disseminating information - national and international - on children and adolescents. To that end it will set up a data base of documentation, with a dynamic content, which will contribute to knowledge and thinking about children and support research and action programmes to implement the Convention; at the same time it will provide a framework for developing a network of professional researchers and scholars, aiming to facilitate the exchange of information and proposals. The aim is, ultimately, to build a knowledge centre about the national and international scene in relation to children and adolescents - with particular attention to the situation of children

and adolescents in developing countries - which can facilitate and improve the involvement of professionals in this area with a holistic approach, as recommended by the Convention. The primary audience will be professionals working in the field of children and adolescents in social organizations, public or private entities, research centres, universities and the media.

160. Also noteworthy are the awareness campaigns conducted by the ANAR (Ayuda a Niños y Adolescentes en Riesgo – Help to Children and Adolescents at Risk) Foundation regarding the violation of rights of children and adolescents, according to the data yielded by the Annual Reports on the ANAR hotline.

161. Finally, with regard to statistical data, as indicated in paragraph 3 of Annex to the general guidelines (CRC/C/58/Rev.1), on training about the Convention provided to professionals working with or for children, including, among others, judicial personnel - judges and magistrates - law enforcement officers, teachers, health personnel and social workers, we should begin by recalling that the need for adequate training of the various professionals working with children has been reflected in concrete actions by both the Second Action Plan to Combat the Sexual Exploitation of Children and Adolescents and the National Strategic Plan for Children and Adolescents, which includes among its types of actions those aimed at “promoting training, retraining, interaction and exchange of knowledge and experience among professionals who have responsibility for child welfare.” In any case, where multi-faceted trends are involved, it is necessary to provide for platforms of contact and coordination enabling exchanges of views and mutual learning, this work being done by the Monitoring Centre for Children, through its activities of research, training and exchange of experiences.

162. As regards training in the area of children and families, such activities are being pursued in the framework of the respective competent institutions at the level of the central Government. These have been ongoing since 1986 within various ministerial departments, taking advantage of accumulated experience and seeking to provide answers to the issues that have emerged over the years.

163. In this regard, the training activity of the Department for Families and Children was mainly addressed to technical personnel and professionals who pursue their work within the framework of general social services and social services specializing in children’s issues in various Autonomous Communities. These activities are conducted according to three main methodological formats. Firstly there are contact courses in the various Autonomous Communities, attended on average by 30 professionals per course, lasting 20 hours and dealing with specific topics related to professional practice and new knowledge. These courses encourage exchange of knowledge and seek to prompt reflection about proper professional practice leading to improved results. Secondly, distance learning, introduced ten years ago, is used to make training more accessible to professionals who have more difficulty in attending contact courses, making it possible to provide re-training to all interested professionals, geographical hindrances notwithstanding. This teaching format allows for a considerably larger number of students, and the number of hours devoted to each of them is also much greater than in contact courses, so that they have a special impact on the practice of those who take such courses.

164. Other training activities should also be mentioned in this context, such as workshops, conferences, meetings, seminars, forums, participation in masters or postgraduate courses, etc. - activities that are not strictly training activities but are linked to the processes of awareness-raising, knowledge updating, exchanges and reflection on topics related to children, and are aimed at diverse audiences, some of which may be highly specialized in specific issues relating to children while others may be professionals different from personnel involved in social intervention, childhood organizations and other groups.

165. Thus, it is noteworthy that, taking these three types of activity as a whole, during the period 2002 to 2007 the following have taken place: in 2002, 46 contact courses, three e-learning courses, and 11 falling under the category of other activities, with 2106 beneficiaries and an estimated budget of 396 039.05 euros; in 2003, 38 contact courses, three e-learning courses and nine falling under other activities, with 1 646 beneficiaries and an estimated budget of 428 410.72 euros; in 2004, which was also the International Year of the Family and had a larger budget than usual, there were 41 contact courses, three e-learning courses and 23 under other activities, with 3 221 beneficiaries and an estimated budget of 1 055 623.30 euros; in 2005, there were 58 contact courses, four e-learning courses and 12 under other activities, with 2 602 beneficiaries and an estimated budget of 825 215.93 euros; in the year 2006, there were 54 contact courses, five e-learning courses and 13 under other activities, with 2 410 beneficiaries and an estimated budget of 975 730.48 euros; and in 2007, there were 41 contact courses, ten e-learning courses and 14 under other activities, with 1 925 beneficiaries and an estimated budget of 419 747.89 euros.

166. In any case, it should be noted that each professional area has its own continuing education system and is aware of the need to work continuously to update its contents to address the new challenges of child protection in Spain.

167. For example, in the Courses on Quality in Tourism, Tourism Marketing and Tourism Management in relation to Cultural Heritage, elements have been introduced relating to the contents of the Global Code of Ethics for Tourism addressed to all Latin American countries, organized and financed jointly by the AECI and the SGT and delivered on an annual basis at the Training Centres of AECI in Cartagena de Indias (Colombia), Santa Cruz de la Sierra (Bolivia) and Antigua (Guatemala).

168. At the judicial level, training activity is focused on training courses on the subject at the Legal Studies Centre for the Administration of Justice (Ministry of Justice) and the General Council of the Judiciary, with the participation of the office of the State prosecutor. These courses offer comprehensive training in all disciplines of interest to State attorneys, prosecutors, forensic physicians and court clerks.

169. In the medical domain, we must highlight the work of the Society of Social Paediatrics by the publication of the periodic report on “Health, Children, Youth and Society”, which is now in its fourth year, and by conducting topical seminars or scientific congresses on a regular basis.

170. In the sphere of education, besides the already noted need, according to Organic Law No. 2/2006 of 3 May on Education, for continuing training of teachers and adaptation of textbooks and teaching materials to foster observance of fundamental rights, the website [www.formacion.cnice.mec.es](http://www.formacion.cnice.mec.es) is directed primarily to educators at all educational levels, with the aim of achieving continuing training of teachers, seeking to take a further step in the process of teaching/learning through the integration of information and communication technologies (ICT) into education.

171. Regarding regional authorities and the inclusion of educational material relating to the Convention in university curricula, there are noteworthy developments in Catalonia (which is actively involved in curriculum design), Madrid and the Balearic Islands (which have agreements for participation by professionals teaching certain subjects in some graduate courses), and Asturias (which held a course on Children’s Rights addressed to university audiences).

172. Moreover, in the police, it is the Training Division of the Directorate General of Police which is responsible for specialist training for its officers; courses taught refer specifically to minors, whether as offenders or victims, and the laws and regulations concerning these matters; staff of the Ministry of Labour and Social Affairs and specialists on children's affairs from the Autonomous Communities assist in this work.

173. There are also specific training courses by the Civil Guard in the area of educational training (courses that provide access to different levels of the Civil Guard Corps), within the General Plan for Lifelong Learning (designed to update the skills of staff) and in the area of refresher training (which includes specialization courses leading to specialist posts, noteworthy among which is the course for Minors and Women's Teams—whose participants must be accredited Judicial Police— which was attended by 404 participants divided into 30 sessions during the period 2002 to 2006).

174. Finally, regarding training activities aimed at professionals in the National Police Corps and specialized units that work with children, distance learning courses are currently being designed in order to bring this knowledge to the largest possible number of officers of the National Police. During the period 2002 – 2006 the following courses have been taught: in 2002, a course on working with children and families, with 20 participants; in 2003, a course on police treatment of juveniles, with 25 participants; in 2004, three courses on police treatment of juveniles, with 101 participants; in 2005, a refresher course on minors and three courses on police treatment of juveniles, with 35 and 97 participants respectively; and in 2006, six refresher courses on minors and four courses on police treatment of juveniles, with 181 and 118 participants respectively.

#### **I. Measures undertaken to make reports on the implementation of the Convention widely available to the public at large (General Guidelines, para. 17)**

175. For national dissemination of the text on the implementation of the Convention in Spain, the usual channels have been used, i.e. publications, training activities, the Monitoring Centre for Children, conferences and workshops; information systems based on new technologies, notably the internet, have also been used. A noteworthy feature is the web page of the Monitoring Centre for Children and extensive websites both of public authorities and of NGOs.

176. It may be noted that in the Principality of Asturias, Spain's reports and the comments made on them by the Committee on the Rights of the Child are posted on the website of the Monitoring Centre for Children of the Principality of Asturias ([www.graficosweb.com/observatorio/](http://www.graficosweb.com/observatorio/)). In Castile and Leon, the reports of Spain regarding the implementation of the Convention, and the observations and recommendations of the Committee on the Rights of the Child, have been given both to all professionals of the Child Protection System and to representatives of all entities and departments involved in the care and protection of children, at annual meetings, as members of the Provincial Committees on Protection of Children of 2002 and 2003 and, since 2004, at meetings held biannually, as members of the Regional Council and Provincial Councils on Care and Protection of Children. In Catalonia, the reports have been disseminated to professionals of centres, social services, care teams for children and adolescents and entities that work with children and adolescents. In the Autonomous Community of Madrid, together with the dissemination of the text of the Convention on the Rights of the Child, with appropriate adaptations for a child audience, studies and reports prepared at the institutional level on the Convention's implementation have also been disseminated.

**J. Cooperation with civil society organizations (General Guidelines, para. 18)**

177. Here it should be noted, first, that within the 2006-2009 National Strategic Plan for Children and Adolescents common strategies are being pursued through local entities and associations to improve the quality of life of children, especially in rural areas, focusing on social, cultural, environmental, civil protection and other contexts.

178. But, in addition to implementation of the National Strategic Plan for Children and Adolescents, there are coordination activities between the central Government and various civil society organizations in relation to different specific aspects that affect children.

179. In particular, the Ministry of Labour and Social Affairs provides grants to NGOs for social volunteer and cooperation programmes under the tax allocation of individual income tax.

180. In the area of families and children, the priority programmes that may seek to qualify for funding under this plan are:

- a) Programmes to support families which include dependent members;
- b) Programmes designed to facilitate compatibility between family life and working life;
- c) Programmes to promote children's quality of life;
- d) Programmes for residential facilities for children in difficulty and/or social conflict and pilot programmes to implement alternatives to institutional placement;
- e) Programmes to expand foster care of children and to promote adoption of children with special needs;
- f) Programmes to prevent and respond to child abuse and exploitation;
- g) intervention programmes with families who are in situations of special difficulty;
- h) Programmes of family counselling and/or mediation and family meeting points.

181. In the period 2002-2006 a total of 50 836 099.69 euros has been provided for the implementation of 573 programmes to be carried out by some 100 entities.

182. There is another subsidy plan under the general regime whose appropriations are determined annually in the General State Budget and which also funds activities aimed at families and children to be undertaken by NGOs.

183. Eligible activities are:

- a) Families:
  - i) Activities for maintenance and operation of entities whose main purpose is the care of families;
  - ii) Dissemination and promotion activities for associations of a family nature;
  - iii) Activities to raise awareness and to promote best practices and innovative experiences in the support of families;
- b) Children



- i) Activities for maintenance and operation of entities whose main purpose is the care of children;
- ii) Activities to promote children's associations and experiences of child participation;
- iii) Awareness-raising on the Convention on the Rights of the Child;
- iv) Activities for the international exchange of information to help people and families, to search for missing children and to help sexually exploited children;
- v) Activities to support associations that foster personal autonomy and social/employment adjustment of adolescents who have been under a protective measure.

184. In the period 2002-2006 a total of 17 263 154.00 euros has been provided for the implementation of 194 programmes to be carried out by some 40 entities.

185. In October 2007, a framework agreement was signed between the Ministry of Labour and Social Affairs and the State Council for Social Action NGOs to develop cooperation programmes and social volunteer work. The percentage of individual income tax devoted to grants was increased from 0.52 per cent to 0.7 per cent and programmes focusing on ecology and environmental protection in relation to quality of life have also been included.

186. Of special importance is the Platform of Organizations for Children (POI), a coalition of non-profit entities that is diverse, socially responsible, democratic and independent from the political and religious point of view. It was formed in 1997, with the aim of pooling the efforts of organizations devoted to working for the welfare of children and creating a forum for coordination between associations to promote initiatives for children and adolescents. The mission of this alliance, which at present has a membership of 40 organizations working in the field of children and adolescents, is protecting, promoting and defending the rights of children according to the principles and provisions of the Convention on the Rights the Child. Among its objectives are, to quote some of them: to awaken society to a knowledge of and respect for the rights of children; to develop dialogue, cooperation and participation among all public and private agencies concerned with the welfare of children and the implementation of their rights; to promote general and sectoral policies that advance the welfare of children and especially those children facing individual or social risks; to promote participation and associations among children (website : [www.plataformadeinfancia.org](http://www.plataformadeinfancia.org)).

187. Another development to be noted in this section is the activity of the Institute for Youth (INJUVE), through grants to youth organizations and associations or youth service providers; such grants are earmarked, among other purposes, for different kinds of programmes: programmes that support youth activities fostering responsibility and prevention of health risk, substance abuse, teenage pregnancies, eating disorders, etc.; programmes to develop values of tolerance and eradicate racism, xenophobia and youth violence; and programmes to develop a new culture of recreation.

188. Participation in these programmes was as follows: In 2002, 52 non-profit State-level NGOs which conducted 121 programmes; in 2003, 54 non-profit State-level NGOs which conducted 133 programmes; in 2004, 56 non-profit State-level NGOs which conducted 136 programmes; in 2005, 62 non-profit State-level NGOs which conducted 148 programmes; in 2006, 64 non-profit State-level NGOs which conducted 147 programmes. The resources devoted to these programmes were: in 2002, 635 028 euros; in 2003, 775 028 euros; in 2004, 755 028 euros; in 2005, 812 328 euros; and in 2006, 891 171 euros.

189. Since 2002, the Ministry of Labour and Social Affairs, with the Spanish Committee for UNICEF, has conducted various awareness-raising and professional training activities in tourism enterprises. As a result of these actions a campaign was launched in 2004 against commercial sexual exploitation of children and adolescents in travel and tourism, called “No Excuses”, which involved as active partners: the General Secretariat of Tourism of the Ministry of Industry and Commerce; the General Directorate of Police and Interpol; ACIM-ECPAT Spain, as part of the Federation of Societies for the Prevention of Child Abuse; the World Tourism Organization; and tourism enterprises. The Sol Meliá Corporation has been the first to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

190. In 2004 a Framework Agreement signed between the Spanish State and UNICEF established the relationship between the parties. A Joint Commission coordinates joint funds, projects and other activities. In 2005, a cooperation agreement was also signed with the Spanish Committee for UNICEF, aimed, inter alia, to identify issues relating to children in Spain requiring the implementation of concrete projects, joint development of indicators that allow for continuously monitoring the implementation of the Convention on the Rights of the Child and the implementation of awareness-raising and dissemination campaigns on child rights and on specific issues in this area.

191. Similarly, it should be noted that the Ministry of Labour and Social Affairs has supported the campaign known as “Correct but don’t hit” that has been conducted from December 2005 to the present, which is intended for parents, health, education and social work professionals, media and institutions with responsibility for children and families; and the awareness and prevention programme against child sexual abuse has focused on the training of professionals working in this field. These activities have been conducted jointly by the Ministry of Labour and Social Affairs and Save the Children and actions have been accompanied by substantial outreach through the media (television, magazines, newspapers, national radio, local and international). Both programmes are referred to in this report (see chap. IV, sect. H, and chap. VIII, sect. C below). Also noteworthy, pursuant to this cooperation, is the organization by Save the Children, with support from the Ministry of Labour and Social Affairs and AECID, of the Congress on Trafficking in Children, attended by 200 professionals from different fields involved in addressing this problem.

192. Finally, we must also bear in mind in this section the activities that the authorities of the Autonomous Communities are pursuing with different NGOs. We have already mentioned some in previous paragraphs, but the ongoing relationship between them means that it is always useful to highlight another, e.g. the children’s story competition sponsored by the Department of Family Affairs of Castile-La Mancha through Save the Children; the first illustrated story contest took place in 2004 and the second in 2005. Similarly, in Murcia, there was the recent publication of the Law on Cooperation Programmes for NGOs located in the Region of Murcia.

193. In this regard the Monitoring Centre for Children of Asturias has formed an NGO Forum coordinated by the Platform of Children’s Organizations of the Principality of Asturias (POIPA), aimed at having children’s organizations examine their contributions to the promotion and defence of the rights of children and adolescents in the region and engage in follow-up of the Comprehensive Plan for Children, Families and Youth.

## II. Definition of the child (article 1 of the Convention) (General Guidelines, para. 19)

194. Following the recommendation made by the Committee (CRC/C/15/Add.185, paras. 23 and 24) on the harmonization of different minimum ages for civil matters in the Autonomous Communities, it should be noted that in Spain there are general civil laws contained in the Civil Code, formulated in consonance with the special and regional laws existing in the different provinces and Autonomous Communities (in Vizcaya and Alava, Catalonia, Balearic Islands, Galicia, Aragon and Navarre). This does not imply that there is not widespread acceptance of the age of 18 years to determine the transition to adulthood, with the attendant legal consequences.

195. In this regard, the second periodic report of Spain (CRC/C/70/Add.9, para. 422) already set out the different laws in various Autonomous Communities taking the age of 18 as a reference point.

196. Also noteworthy during the reporting period are the following:

a) Act No. 14/2002 of 25 July on Advocacy, Care and Protection for Children in Castile and Leon, which provides in article 1 that for purposes of this law, childhood means “the period of life between birth and the age of adulthood fixed by law, and a minor is any person who has not reached the age of adulthood”;

b) Act No. 3/2005 of 18 February on Care and Protection of Children and Adolescents of the Basque Country, provides in article 2 that for the purposes of that law, and provisions pursuant to it, “minors are understood to be persons of an age below that set for adulthood in the Civil Code”;

c) Act No. 1/2006 of 28 February on the Protection of Children in La Rioja, which, in its second article, states that for the purpose of this law a minor is one “who has not attained eighteen years of age, unless he has attained adulthood earlier by virtue of his personal law”;

d) Regional Act No. 15/2005 of 5 December on advocacy, care and protection of children and adolescents, which in its second article, paragraphs 1 and 4, provides that “For purposes of this Regional Act, a minor shall be understood to be one who is below the age of adulthood established in the Civil Code provided he has not been emancipated or reached adulthood pursuant to provisions of law applicable to him.”

197. However, regarding the recommendation of the Committee (CRC/C/15/Add.185, paras. 23, 24) concerning modification of the laws in order to raise the minimum marriageable age, which is age 14 with the authorization of a judge, it should be noted that this matter has not been addressed by the legislature, so that the same possibility remains.

198. It should also be noted that, according to the information given in the second periodic report of Spain (CRC/C/70/Add.9), the major State-level general enactments (Constitution and Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil proceedings Act) are consonant with the definition of “child” as provided in article 1 of the Convention, setting out in their respective articles 12 and 1 that “Spanish people reach adulthood at age eighteen” and that “This Law and its implementing provisions are applicable to persons under eighteen who are on Spanish territory, unless they have reached adulthood earlier under the law applicable to them.”

199. It was also noted in the second periodic report that the general age of majority was accompanied by the establishment of other age requirements for the holding and/or exercise of various rights. A good summary of the situation was provided in paragraphs 424 and

following of the report. However, it should be noted that changes have occurred during the reporting period in the laws governing education, performance of military service and criminal liability of minors.

200. Thus, in education, there was the passage of Organic Law No. 10/2002 of 23 December on Quality in Education (LOCE), whose article 9 defined basic education as compulsory primary and secondary school, which would begin at age six and last up to age sixteen, while retaining the right to remain in the regular school system up to age eighteen under conditions specified by law. This would be complemented by early childhood education from age 0 to 3 and preschool education from age 3 to 6. However, the LOCE was repealed by the present Organic Law No. 2/2006 of 3 May on Education (LOE), although in this respect it continues to provide (in articles 3.3 and 4.2) that basic education consists of compulsory primary and secondary school, beginning at age 6 and lasting until age 16, while retaining the right to remain in the regular system up to age eighteen under conditions specified by law, and voluntary early childhood education now extending, as provided for in article 12.1, from birth to age six.

201. As regards performing military service or alternative service, it is important to note that compulsory service was suspended as from 31 December 2001. This is stated in article I of Royal Decree No. 247/2001 of 9 March advancing the suspension of military service in respect of the date of 31 December 2002, which had initially been set by additional provision thirteen of Act No. 17/1999 of 18 May concerning the Regime of Armed Forces Personnel.

202. And in the field of criminal law, Act No. 5/2000 of 12 January governing the criminal liability of minors (as amended by Organic Law No. 8/2006 of 4 December), provides in article 1.1 that the law “shall apply to hold liable persons over fourteen and under eighteen years of age for committing acts defined as crimes or offenses in the Criminal Code or special penal laws”, and thus, as provided in article 3, “the provisions of juvenile protection measures under the Civil Code and other existing laws shall apply to persons under age 14.”

203. Also noteworthy in the criminal domain is the legislature’s effort to afford better protection to children from certain particularly heinous crimes. Thus, the Criminal Code, as amended by Organic Law No. 11/1999 of 30 April amending Title VIII of Book II of the Criminal Code, approved by Act No. 10/1995 of 23 November in article 180.3, establishes the circumstances that constitute aggravated sexual assault: “When the victim is particularly vulnerable because of her/his age, illness or condition, and in any case where the victim is under age thirteen.” Article 181.2 defines non-consensual sexual abuse as “acts performed on persons under age 13, persons deprived of consciousness, or where an abuser takes advantage of a mental disorder.” Under the fourth paragraph, penalties will be increased by half in the event that the victim is especially vulnerable by reason of age or in any case where the victim is under age 13.

204. In this regard it is interesting that the Supreme Court, in Case No. 411/2006 of 18 April, addressed the age that marks the boundary of a child’s inability to consent to sexual relations. In its third legal foundation, the Court expressly states: “It is in principle beyond cavil that consent implied in the exercise of the passive subject’s sexual freedom is of exonerating value. Although the law does not spell out the conditions under which consent is effective, doctrine and case law have derived these from the notion of the passive subject’s freedom. At what point consent becomes effective because it emanates from a free decision is a policy issue to be resolved according to the social norms that apply in that regard. With respect to persons under age 13, notwithstanding doctrinal positions which maintain that a rebuttable presumption should be established allowing a retrospective examination of the minor’s capacity to express herself in the sexual domain, what is clear is that article 181.2 of the Criminal Code establishes a conclusive presumption about the

absence of consent in the cases referred to because the circumstances contemplated are incompatible with the understanding and free will that are required (...), which implies that said minors are incapable of self-determination in regard to exercising their sexual freedom, denying them all possibility of deciding about their emerging sexual dimension, with the argument regarding inviolability as the legal value being protected thereby resuming its full force. This age limit must refer to physical age. Equating it to mental age would be objectionable, as it would undermine the principle of legal certainty. Consequently, since we are dealing with a passive subject who is presumed to be incapable of expressing valid consent (art.181.2), it is irrelevant whether the minor gave her consent to sexual relations, or indeed whether she was the one who took the initiative, as argued in the appeal.”

205. The amendments to the Criminal Code made by Organic Law No. 15/2003 of 25 November, amending Organic Law No. 10/1995 of 23 November, the Criminal Code, have resulted in heavier penalties for indecent exposure and sexual incitement when committed against a minor, as well as those for prostitution and for corruption of minors. Thus, article 189.1 states that “A sentence of imprisonment of one to four years shall be incurred by:

a) Anyone who uses minors or incompetents for exhibitionist or pornographic performances, public or private, or to make any manner of pornographic material, whatever its medium, or who finances any of these activities.

b) Anyone who produces, sells, distributes, exhibits or facilitates the production, sale, distribution or display of any pornographic material in whose production minors or incompetents have been used, or who possesses the same for such purposes, even if the material is of foreign origin or is unknown;” and paragraph 3 of the article provides that “the acts referred to in paragraph 1 of this article shall be punishable by a term of imprisonment of four to eight years when they are committed under any of the following circumstances: a. When children under age 13 are used.”

206. As regards annual statistical data disaggregated by relevant categories to reflect the situation of children (the full report of all the statistical data reflecting the situation of children in Spain within the parameters of the Convention and in relation to this reporting period appears as an annex to this report) regarding the number and proportion of children under 18 living in the territory, the following should be noted:

207. Overall, between 2002 and 2006 the population of minors increased by 400,000, reaching the figure of 7,748,563 people in 2006 (7,342,571 in 2002; 7,451,175 in 2003; 7,504,473 in 2004; and 7,646,054 in 2005), thereby breaking a decade of significant decline, since from 1991 to 2001 the child population declined by more than two million. However, despite this moderate growth, the percentage of children in the total Spanish population has declined in recent years, since it accounted for 17.6 per cent of total population in 2002, 17.4 per cent in 2003 and 2004, and 17.3 per cent in 2005 and 2006. It is also noteworthy that in Spain as a whole and in all the Autonomous Communities without exception, the population of minors comprises more males than females - more boys are born than girls- while the number of women in the total population is greater than men because of their higher life expectancy. (A population table appears in the statistical annex.)

208. Turning to the Autonomous Communities, it should be noted that in 2006, at one extreme, Ceuta and Melilla have the youngest population structure, with 24 per cent or more of the total population comprised of minors; while, at the other extreme, the Principality of Asturias, Galicia, Castile and Leon, the Basque Country and Cantabria have less than 15 per cent, and other regions - Aragon, Balearic Islands, Canary Islands, Castile-La Mancha, Catalonia, Valencia, Extremadura, Madrid, Murcia, Navarra and Rioja - fall more within the range of the average for Spain (the Autonomous Community of

Madrid is the one whose percentage of population aged 0-17 is identical to the Spanish average [7.3 per cent])

209. Secondly, if one considers the relative weight of the population aged 0-17 in each Autonomous Community compared to the total Spanish population aged 0-17, one finds that the Autonomous Community with the highest proportion of child population is Andalusia (representing 20.52 per cent of the total child population of Spain), followed by Catalonia (15.71 per cent), the Autonomous Community of Madrid (13.41 per cent) and Valencia (10.86 per cent). The communities with the lowest proportion of population aged 0-17 years are Ceuta and Melilla (0.24 per cent and 0.23 per cent respectively), followed by La Rioja (0.64 per cent), Cantabria (1.09 per cent), Navarra (1.33 per cent) and Asturias (1.7 per cent), while the remaining communities represent between 2 and 5 per cent each (descriptive tables in statistical annex).

### **III. General principles (articles 2, 3, 6 and 12 of the Convention) (General Guidelines, paras. 20 to 23)**

210. Further to the recommendations made by the Committee (CRC/C/15/Add.185, paras. 25 and 26) on the full incorporation of the general principles of the Convention in national legislation and in administrative and judicial decisions, as well as in policies and programmes relating to children both nationally and locally, it should be noted that this incorporation can only be an ongoing process of continuous adjustment and subsequent improvement. In this regard, in the following paragraphs will provide an account of what steps have been taken during the reporting period.

#### **A. Non-discrimination (article 2 of the Convention)**

211. First, it should be noted that Spain is a social and democratic state under the rule of law, where equality is recognized (articles 1.1, 9.2 and 14 of the Spanish Constitution) as a higher value of its domestic legal order and as a principle in its formal and material dimensions, and as a right which precludes any discrimination that implies an unlawful detriment against any individual or social group; this implies that children too are protected against discrimination. In this regard, the second periodic report of Spain (CRC/C/70/Add.9) described legislative and other measures at the national and regional levels taken to enable the effective pursuit of the principle of non-discrimination.

212. In any case, it should be emphasized again that the important Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and Civil Proceedings Act provides in article 3 that “ All children shall enjoy the rights under the Constitution and international treaties to which Spain is party, including the United Nations Convention on the Rights of the Child, and other rights guaranteed by law, without discrimination on grounds of birth, nationality, race, sex, disability or illness, religion, language, culture, opinion, or any other personal, family or social circumstance.” And in keeping with this mandate, the legislative enactments specifically aimed at children during the reporting period, to which reference has already been made (chap. I, sect. D above), are formulated with proper respect for the principle of the best interests of the child, whether or not that principle is expressly recognized in the particular rule in question.

213. Thus, simply by way of example, article 4 of Comprehensive Act No. 17/2006 of 13 November on the care and rights of children and adolescents in the Balearic Islands, provides that “In the exercise of responsibility for promoting and protecting the rights of minors, public and private actions shall comply with the following guiding principles: ...

c) The principle of equality shall be implemented, eliminating any discrimination based on birth, sex, race, religion, national, ethnic or social origin, language, opinion, physical, mental or sensory disability, or social or economic status of minors or their families, or any other discriminatory grounds. d) Personal, congenital or intervening circumstances affecting the lives and development of any minor shall be evaluated and compensatory mechanisms necessary to ensure equal opportunity shall be pursued, especially among children and adolescents, with respect for differences. e) Preventive actions will be strengthened, together with early detection of circumstances that may involve situations of exploitation, helplessness, maladjustment, marginalization, neglect, active or passive maltreatment of any kind, social disadvantage or the violation of any recognized rights of minors.”

214. One must understand, firstly, that non-discrimination in regard to children in the effective exercise of their rights is a principle observed in Spain, for whose breach there are legal mechanisms to punish persons or entities that violate it and to restore the children to the full enjoyment of their rights. This may be seen, for example, in Constitutional Court Decision No. 154/2006 of 22 May 2006 (i.e. towards the end of the reporting period). This decision, in a case of discrimination on grounds of birth, grants the relief sought, recognizing in its sixth legal foundation that “Among the prohibited grounds of discrimination, as has been said, is that of birth. Affiliation under an extramarital union requires equality of rights with a marital union, as both provide for the establishment of an identical legal relationship between parent and child.” And, secondly, the existence of children who are at special social risk and therefore exposed to a discriminatory situation will also be discussed in Chapter VIII of this report. Here we should focus first on some general measures that seek to address the situation of these children at risk in a discriminatory situation; second, on the specific recommendations made by the Committee in document CRC/C/15/Add.185, referring to especially vulnerable groups; and third, on another group of children who are particularly vulnerable, although not mentioned in these recommendations, namely children with disabilities.

215. The Ministry of Labour and Social Affairs itself, in cooperation with the Autonomous Communities, organizes annually the Education Plan for Children and Families, referred to earlier, which is an instrument of technical cooperation that aims to meet the retraining and continuing education needs of the Public System of Social Services, which provides services mainly to the Autonomous Communities and local governments.

216. To follow up the recommendations made by the Committee (CRC/C/15/Add.185, paras. 27, 28) on the full implementation of the principle of non-discrimination in the case of Roma children, children of migrant workers, particularly when they are undocumented, and unaccompanied foreign children, especially with regard to access to adequate health and education services:

217. As regards Roma children, it should be noted that there are initiatives being pursued in different areas which seek social inclusion of this minority on an equal footing. For example, at the State level and on the subject of education, the Education Programme for the Gypsy People, of the Education Commission of the Development Programme of the Gypsy People publishes teaching materials and provides initial training and continuing education of teachers and intercultural mediation. In cooperation with civil society associations, annual agreements are formed providing for cooperation in social programmes between the Institute for Youth and the General Secretariat for Gypsy Affairs, with a commitment of 110 000 euros in each of the years covered by this report (from 2002 to 2006).

218. In the Autonomous Communities and on the question of health, Castile and Leon has approved the Agreement on promotion of health in cooperation with the Secretariat for Gypsy Affairs, aimed at pursuing efforts to promote health among the Roma, with 60 000 euros allocated for the triennium 2006-2008. And from a more global perspective,

Catalonia approved Decree No. 102/2005, May 31 on Creation of the Interdepartmental Commission of the comprehensive plan of the Gypsy People and the Advisory Council of the Gypsy People, making progress towards achieving the goal of full social inclusion of this group.

219. As regards the children of migrant workers, it should be noted that at the State level in 2001 there entered into force the Comprehensive Plan for Family Support 2001-2004, which, in Strategic Line 8, Support for families in special situations, includes the objective of promoting social inclusion by providing access to the labour market in order to encourage labour market entry for the long-term unemployed with family dependents, low socioeconomic status or belonging to families in special situations (single parents, immigrants, victims of violence, etc.).

220. The Strategic Plan for Citizenship and Integration 2007-2010 under Goal 3, Education, aims at adapting the education system to student diversity, by appropriately managing that diversity and fostering acquisition of intercultural knowledge and skills. One of the key elements to achieve this goal is the implementation of actions focused on the adequacy of training, initial and continuing, in teacher education so that teachers' skills and knowledge meet the changes arising in society and a student body characterized by diversity; it is likewise considered important to promote activities aimed at preserving the language and culture of immigrant students.

221. Along these lines, the Ministry of Education and Science, under its Portuguese language and culture programmes, provides for the maintenance of linguistic and cultural roots of the children of Portuguese workers and immigrants. Its Centre for Educational Research and Documentation has, during the period 2002-2006, conducted the following actions in regard to intercultural education and service to immigrant students in Spain: the publication *Care of immigrant students in the education system of Spain*, in 2005 (with the overall objective of providing an overview of the measures implemented in Spain to attend to immigrant students, and collecting research on intercultural issues done in Spain); the Resource Centre for Cultural Diversity in Education, whose website ([www.mec.es/creade](http://www.mec.es/creade)) aims to provide information, resources, materials, advice and training to teachers, schools and professional teams in the social and educational context for the management of diversity with an intercultural approach; and the Cultural Cooperation Agreement between the Government of Spain and the Government of the Kingdom of Morocco (1980) to facilitate the teaching of the Arabic language and Moroccan culture (LACM) to Moroccan students enrolled in primary and secondary schools.

222. Among the Autonomous Communities, one can point to several initiatives, such as those taken in Aragon, through the "Programme for Prevention and Risk for Adolescents and Families of Foreign Origin"; in Castile and Leon, the launching of the "Plan of Care for Foreign and Minority Students" of 2004, or in Andalusia, the development of a manual on good practices in the care of immigrant children in Andalusia, as well as a professionally staffed foster care programme for immigrant children conducted through a cooperation agreement with the financial institution "La Caixa"; or, in the Autonomous Community of Madrid, many different initiatives for social inclusion of immigrants, again favouring the children of migrant workers, including: the adoption of Decree No. 43/2005 of 12 May of the Governing Council, amending the Regional Immigration Law of the Community of Madrid, which since its inception has been developing its work and has assumed responsibility for functions all directed to the ultimate aim of adequately organizing immigration, establishing mechanisms of social integration for immigrants and facilitating their channels of participation.

223. As regards unaccompanied foreign minors, especially their access to adequate health and education, the work done by the central Government, Autonomous Communities and NGOs, also in cooperation with public authorities, is far-ranging and has already been



mentioned in Chapter I of this report. However, it should be noted here that other actions have also been conducted or are currently under way.

224. In this regard, reference is made first to the development and placing in operation of the Strategic Plan for Citizenship and Integration 2007-2010, prepared by the Directorate General for Immigrant Integration of the Secretariat of State for Immigration and Emigration. The plan “addresses all citizens, both native and immigrant, because integration concerns all members of society, and embodies the idea that integration policies must be addressed holistically or comprehensively, aiming at timely action. The plan also includes a presentation of activities conducted by public administrations in relation to unaccompanied foreign minors. Thus, for the reporting period, we must firstly note the continued implementation of the General Programme of Regulation and Coordination of Aliens and Immigration (GRECO) 2001-2004, under which, in the period from 2002 to 2004, health care measures were carried out with particular attention to certain groups such as children and women, as well as education for health and disease prevention, with specific educational measures for immigrant students with a view to their integration in educational and into Spanish society and to improving existing mechanisms for the protection of unaccompanied foreign minors.

225. Moreover, it is noteworthy that under the new Regulations of Act No. 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, approved by Royal Decree No. 2393/2004 of 30 December, a number of improvements have been introduced in the situation of unaccompanied minors, such as the establishment of a guarantee that the repatriation of minors is only granted if the conditions are present for the child’s effective reunification or for adequate supervision by the child protection services in the country of origin. There has been clarification of a basic rule that emerges from the Organic Law No. 4/2000, namely that residence by a child cared for by the public administrations is considered regular for all purposes, regardless of the timely processing of the child’s residence permit (the fact that the child does not have a residence permit does not preclude access to those activities or programmes of education or training which, in the view of the competent child protection agency, are in the child’s best interests and, conversely, the fact of having a residence permit is no obstacle to repatriation, when it can be done with the safeguards outlined above). Moreover, child protection agencies are empowered to recommend the granting of a residence permit to those persons under their responsibility who have reached adulthood without having obtained such a permit, provided they have participated appropriately in the educational activities programmed by these agencies.

226. In this connection, there has been approval the Protocol on Unaccompanied Alien Minors (under an agreement reached at the plenary meeting of the Monitoring Centre for Children in 2005). This measure elaborates upon the actions referred to in article 92 of Royal Decree No. 2393/2004, the agencies responsible for taking action as from the time an unaccompanied foreign minor is located, verification that the child is underage, placement of the minor with a protection centre, identifying the minor and locating his relatives in the country of origin, as well as proceeding to his social integration in the event that the child remains at the centre (State police forces, Ministry of the State Prosecutor, Government Delegation, Ministry of Foreign Affairs, Autonomous Communities, etc.).

227. In order to organize and coordinate all these operations emanating from different agencies, a working group was formed in the Monitoring Centre for Children that is called “Intervention with unaccompanied foreign minors in Spain and their social integration”, coordinated by the Directorate General of Integration of Immigrants of the Secretary of State for Emigration and Immigration, Ministry of Labour and Social Affairs. Currently there are two priorities: improving the functioning of the registration of unaccompanied foreign minors conducted by the Directorate General of Police in order to gain better knowledge of the identity of these children; and promoting social integration and

employment for those remaining in the Centres when family reunification has been ruled out.

228. Also of note is the creation, in the General State Budget for 2005, of a Support Fund for the Reception and Integration of Immigrants and their Further Education, in order to promote and improve public policies in these areas and thereby strengthen social cohesion. This fund has a budget of 120 million euros for the year 2005 and for 2006 has grown by 52 per cent to 182.4 million euros, of which 50 per cent is earmarked for Further Education and 40 per cent of municipal councils (for the year 2007, the budget will reach 200 million euros, representing an increase of almost 10 per cent). The Fund has enabled the definition and establishment of a framework for cooperation between the General State Administration and the Autonomous Communities. Cooperation between the Ministry of Labour and Social Affairs, through the State Secretariat for Immigration and Emigration, and the Autonomous Communities, has taken shape through Action Plans agreed with each of them and reflected in the corresponding cooperation agreement.

229. The situations contained in the Action Plans of each Autonomous Community fall under ten lines of action, seven of which are sectoral (reception, education, employment, social services, housing, health and participation) and three of which are cross-cutting (equal treatment, gender perspective and awareness-raising). Suggested measures are put forward under each of these, with each Autonomous Community tailoring priority actions to its specific features in regard to territory, immigrant population characteristics and needs. In 2006, two new lines of action were added, referring to Children and Youth and Co-development. With respect to budgets for the 2005 Action Plans, the contribution of the Ministry of Labour and Social Affairs to the Education area amounted to 48 million euros; with respect to the 2006 Action Plans, the Ministry's contribution to the Education area amounted to 91.2 million euros and its contribution to the Children and Youth area amounted to almost 1.6 million euros.

230. In 2007, with the entry into force of the aforementioned Strategic Plan for Citizenship and Integration 2007-2010, goals have been defined for minors in the areas of Education and Children and Youth. These goals are: ensuring access by immigrant students to compulsory education under equal conditions; ensuring quality of compulsory education regardless of the status or origin of the student; adapting the education system to student diversity in order to adequately manage student diversity and foster acquisition of intercultural knowledge and skills; transforming school into a space for communication, coexistence and integration with the environment; facilitating access by immigrant students to education beyond the compulsory levels; enhancing access by immigrants to adult education; improving procedures for approval of equivalent academic credentials; promoting standardized access by immigrant children and youth to childhood and youth programmes; promoting social care and intervention for immigrant children and youth in particularly vulnerable situations; and supporting social participation of immigrant children and youth.

231. Also noteworthy is the work done by the Foreign Citizens' Service (SACE) of the Ministry of Interior, which is composed of groups specializing in immigration matters that develop and enhance coordinated action to allow a global response to matters relating to foreign citizens, particularly the most vulnerable, in dealing with any type of discrimination, illegal practices and/or abuse and exploitation, with the aim of affording them maximum care, protection and information. Also worth noting is the work of the Prosecutor General, Ministry of Justice, whose doctrine on foreign minors is contained in Circular No. 3/2001 on Immigration; Circular No. 2/2006, July 27, paragraph IV; Instruction No. 2/2001 on the interpretation of article 35 of the Law on Aliens; and Instruction No. 6/2004 of 26 November on the legal treatment of unaccompanied foreign minors.

232. In the context of cooperation between the central and local governments, it is noteworthy that for two consecutive years, 2005 and 2006, invitations to apply for grants have been issued to municipalities, associations of municipalities and counties to develop innovative programmes for the integration of immigrants. Through this framework, grants were awarded to 154 municipalities and associations for a total of 6 396 720 euros.

233. And with regard to the Autonomous Communities, activities of very diverse nature and scope may be noted:

234. In Andalusia, the Monitoring Centre for Children in Andalusia, through a cooperation agreement with the Andalusia School of Public Health, is responsible for implementing the project called Training of Educators of Immigrant Minors and Children of Immigrants (within the “Interreg III Morocco - Spain”, Community Initiative, adopted by the European Union to be implemented during the years 2004 and 2005), which aims to meet the needs of professionals assisting this group. Also, the Centre has funded the publication “Best Practices in the care of immigrant children in Andalusia”, issued in 2006, with the two main objectives of collecting and disseminating best-practice experience in serving immigrant children and children of immigrants Andalusia.

235. Also noteworthy is the work of the Directorate General for Children and Families, which has made adjustments in some of its residential placement resources in the system of protection in order to accommodate unaccompanied foreign minors and, through bilateral cooperation with working teams of the two countries involved, has developed the Assisted Family Reunification Programme, aimed at achieving family reunification with full safeguards and based on a plan for individual social integration, facilitating integration and employment in the country of origin, facilitating social integration and employment in our country through recruitment at the place of origin, providing adequate training for integration into the labour market, supporting families and preventing child immigration situations. The Directorate General for Children and Families has also initiated the courses “Legal analysis of the situation of unaccompanied children in the system of protection” and “Approach to Moroccan language and culture for child services professionals.”

236. In Aragon, a noteworthy development is the launching of the “Programme of Care for Families and Children of Foreign Origin.”

237. In Asturias, a residential placement programme for unaccompanied foreign minors has been established.

238. In the Canary Islands, during all the years covered by this report, funding agreements have been signed with the island councils for the care of unaccompanied foreign minors and their distribution.

239. In 2004, Cantabria closed the only shelter for unaccompanied foreign minors in that Autonomous Community because it did not meet the minimum requirements for that group. Since that time, three new special centres (47 places) have opened and a Framework of Action for Residential Facilities for Unaccompanied Foreign Adolescents has been developed, which defines the necessary resources to provide for the proper care of unaccompanied foreign minors who are in the territory of Cantabria, helping with their integration.

240. Castile-La Mancha has opened interculturally-oriented residential resources (literacy programmes, educators familiar with the language of the children, etc.) in cooperation with the Ministry of Labour and Social Affairs for the reception of foreign children from the Canary Islands. The Ombudsman participated in the development of a Manual of Good Practices regarding unaccompanied foreign (promoted by Save the Children), and a document on the right “to be heard” of unaccompanied foreign minors in procedures that affect them.

241. In Castile and Leon, spaces for unaccompanied foreign minors have been created in community residential centres, and it is significant that during the Twenty-first Conference of Ombudsmen, held in October 2006 in Leon, the State and Community Ombudsmen issued a statement on the responsibilities of public authorities regarding unaccompanied minors, in order to ensure that their rights are guaranteed.

242. In Catalonia, a specific programme of cooperation between Catalonia and North Africa is being developed in order to promote actions to prevent the migration of unaccompanied migrant children at the point of origin, with the first specific actions being taken in Tangier. Work is also proceeding on monitoring and implementation of a Protocol for intervention with unaccompanied foreign minors, developed through the work of the Foreign Minors Unit of the Directorate General of Care for Children and Adolescents.

243. In the Autonomous City of Melilla, unaccompanied foreign minors are protected by the Autonomous City of Melilla and serviced by the protection system of the city.

244. In Madrid, residential placement work is done with socio-educational care appropriate to the needs and requirements of foreign adolescents coming to the Community without accompanying family members. Programmes, projects, measures and resources have been set in place to address family orientation, intercultural mediation, social integration and personal autonomy as well as sporting activities that facilitate the integration of foreign children. There are immigrant care programmes to deal with social exclusion, given the difficulties of adaptation and integration. One can also point to the invitation to apply for grants for the immigrant population through projects by non-profit institutions, to provide services and/or intervention with youth formerly under protection but about to be emancipated upon reaching adulthood; residential placement for adolescents between ages 16 and 18 with a view to autonomy and social and employment integration as the main lines of intervention.

245. In the Basque country, a special report on unaccompanied foreign minors has been prepared, with continuous monitoring of the report and its recommendations.

246. Valencia has promoted the implementation of programmes supporting services and housing resources (shelters and emancipation centres) for foreign children. An inter-agency coordination protocol for unaccompanied foreign minors has been developed. There has been a "Study on technical aspects enabling determination of age of unidentified foreign minors" (Ministry of Labour and Social Affairs, Ministry of Social Welfare of the Autonomous Community of Valencia, CEDAT Foundation and University of Valencia). And a Protocol for Interagency Coordination regarding Unaccompanied Foreign Minors in the Community of Valencia has been developed.

247. Finally, note should be taken of the work of NGOs, such as the attention given Spanish Red Cross in 2006 to a total of 147 unaccompanied migrant children in its intervention programme for unaccompanied foreign minors, called CRoNO. These 147 children, thus far, are living in Madrid, Lanzarote and Guipúzcoa; 79 per cent are from Morocco, 12 per cent of sub-Saharan Africa, 6 per cent from Eastern Europe and 3 per cent from Latin America. The CRoNO Project is an initiative of the Spanish Red Cross, initially planned for a period of 3 years (2006-2009) and aims at full integration in Spain of unaccompanied immigrant children, through practices of social inclusion and education with immigrant adolescents and youth who are socially at risk. CRoNO, for the three years of its implementation, aims to address on an individual basis 360 immigrant children aged between 12 and 18. Through a comprehensive action strategy based on social support and personalized education, children learn Castilian, engage in recreation and leisure activities, and practice social skills such as conflict resolution, communication and critical thinking; the children also have access to educational backstopping, assistance in finding employment and access to new technologies.

248. Following the recommendation made by the Committee (CRC/C/15/Add.185, para. 29) on measures and programmes to implement the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001, and taking into account general comment No. 1 on the aims of education, it should be noted that some of the initiatives taken in this regard are covered in other sections of this report (chap. III, sect. A; chap. IV; chap. VII, sect. B; and chap. VIII). In any case, some specific measures may be noted here.

249. Thus, in the crucial area of education, it is noteworthy that the two general laws on the educational system in Spain that have been approved recognize, albeit without explicit reference, as basic principles of education the aims of education identified in article 29.1 of the Convention and also in paragraphs 129-132 regarding the “human rights education for children and youth” of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001. In this regard, we should note the provisions of Organic Law No. 10/2002 of 23 December on Quality in Education and Organic Law No. 2/2006 of 3 May on Education, which established as principles of education the early transmission and implementation of values that favour personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, as well as principles to help overcome any kind of discrimination; and, as the objective of that education: “Education in a spirit of respect for fundamental rights and freedoms, equal rights and opportunities between men and women and equal treatment ...”.

250. In the implementation of the current law, we must also highlight the effort represented by the new subject, “Education for citizenship”, to be taught in some courses in primary schools, compulsory secondary schools and baccalaureate programmes. Its purpose is to give all students a setting for reflection, analysis and study of the fundamental characteristics and functioning of a democratic regime, the principles and rights enshrined in the Spanish Constitution and universal human rights treaties and declarations, as well as the underlying values of democratic citizenship in a global context. ...

251. Moreover, in the same area of education, we should also note the adoption of Act No. 27/2005 of 30 November to promote education for peace and culture of peace, which will expressly include in its statement of purposes the essential link between education and effectively combating violence and intolerance.

252. In the same vein is Order No. ECI/3516/2006 of 14 November, laying down the regulatory basis and inviting applications for grants in respect of projects or activities to promote education and culture for peace, for the pursuit of which an allocation of 755 000 euros was approved in 2006. Also noteworthy in this area is the support by the Ministry of Education and Science of MUSE, a programme for the support of the arts (music, theatre, dance, arts, etc.) in schools with a view to advancing the social and cultural integration of disadvantaged children, preventing violence and racism, and promoting tolerance and inter-cultural contacts, for which 216 000 euros were allocated in the period from 2002 to 2007.

253. In sports, a significant development is the recent approval of Act No. 19/2007 of 11 July against violence, racism, xenophobia and intolerance in sport, which, as indicated by its title and expressly acknowledged in its article I, aims at “formulating a set of measures aimed at the eradication of violence, racism, xenophobia and intolerance in sport”, although it should also be noted that the Spain’s policy of preventing violence in sports contemplates three types of measures: organizational, preventive and enforcement. Among the organizational measures special mention should be made of the National Commission against Violence in Spectator Sports and the Monitoring Centre on Violence, Racism and Intolerance in the Sports. Moreover, a Protocol for Action against Racism, Xenophobia and Intolerance in Soccer was signed in 2005.

254. In every year of the reporting period, the Institute for Youth has granted subsidies to youth associations or organizations and youth service entities aimed, among other priorities, at supporting programmes to foster values of tolerance and activities to eradicate racism, xenophobia and youth violence.

255. In regard to the Autonomous Communities, we may note, by way of example, the adoption of the resolutions of the General Directorate of Educational Planning and Management of Castile and Leon, which since 2003-2004, have enabled educational centres to mark significant dates highlighted by the Autonomous Community, the State or the international community as reminders of important events that have brought significant progress for mankind and society, and to encourage education in values (International Children's Rights Day, International Day of Persons with Disabilities, Human Rights Day, the School Day of Non-violence and Peace, International Day Against Racism, etc.).

256. Finally, as previously mentioned, it is important in this section to note the emergence and growth of social awareness about the situation of particular vulnerability and social exclusion affecting children with disabilities and the relevant political and legal measures adequately to address their needs, giving effect to their rights. In this regard, significant progress has been made with legislative action and adoption of measures in the reporting period with a view to recognizing and enforcing the rights of persons with disabilities, including, of course, minors. This has included Organic Law No. 51/2003 of December 2 on equal opportunities, non-discrimination and universal accessibility for disabled people, the First National Accessibility Plan 2004-2012, and, more recently, Act No. 39/2006 of 14 December on fostering personal autonomy and on the care of dependent persons, whose beneficiaries are minors and which establishes a special regime for the protection of children under age 3 its thirteenth additional provision. This law develops the System of Autonomy and Care for Dependents, and it is interesting to note that even before its entry into force substantial budgetary contributions had already been made to implement social programmes for these people and their families, with 200 million euros earmarked for the purpose in 2006, amounting to four times the amount allocated in 2005 (50 million euros); and in 2007 an additional 220 million euros will be made available to the System by the Government.

257. For protection and social integration of children with disabilities specific activities have been conducted along very different lines. For example, the Public Social Security System provides a financial allowance to families with disabled children, under or over age 18, or dependent minors in foster care, in order to cover a situation of need or an excess of expenditure (The budget includes a non-contributory allowance per dependent child, an allowance per dependent disabled child, a childbirth allowance, and a multiple-birth benefit for non-contributory dependent-child family benefits. In the year 2004 the budget was 864 399 109 euros; in 2005, 900 322 591 euros; and in 2006, 938 617 970 euros).

258. Also to be noted is the launching of programmes managed by NGOs to promote autonomy and social integration of persons with disabilities and support to families who have dependents with disabilities, with funding obtained from the 0.56 per cent income tax on individuals. The sums earmarked for this purpose were 815 902.65 euros in 2004, 827 599.35 euros in 2005, 874 416.35 euros in 2006, and 874 416.35 euros for 2007.

259. The current Organic Law on Education, in Title II, also provides for appropriate educational treatment of students in special circumstances, including physical, mental or sensory disability, establishing equity and equality among the principles which inform the law, so that consideration of disability remains present throughout the law's provisions.

260. The General Directorate for Coordination of Sectoral Policies on Disability, through grants from the General Regime of Grants of the Ministry of Labour and Social Affairs, also funds normal activities of NGOs whose programme includes initiatives to defend and promote equality among children, with special attention to the disabled. The amounts earmarked for this purpose were 193 408.50 in 2004, 199 211.00 euros in 2005, 199 211.00 euros in 2006, and 199 211.00 euros for 2007. Activities are also conducted to encourage the development of child and youth pages accessible to disabled children, for each of which an agreement has been concluded with the Royal Council on Disability (Real Patronato sobre Discapacidad), an autonomous body under the Ministry of Labour and Social Affairs, with the organization Friends of Down Syndrome, with a commitment of 42 000 euros in 2005, and with the Down Syndrome Foundation of Girona and the ASTRID-21 region, with a commitment of 21 000 euros in 2006.

261. The Ministry of Labour and Social Affairs, through the Secretary of State for Social Services, Families and Disability, also sponsored a conference, held on 28 November 2006 and organized by the Society for Social Paediatrics, on Children and Disability, with the aim of framing an approach to knowledge of children and disability from different perspectives and of making proposals to improve care and prevention.

262. In 2004, the Ministry of Health and Consumer Affairs, with a budget of 30 000 euros, began operating a programme for prevention of iodine deficiency disorders in pregnancy and, in cooperation with the Spanish Society of Endocrinology and Nutrition, conducted an information campaign for prevention of iodine deficiency disorders, as well as the publication of a guide for the prevention of birth defects in 2006.

263. For its part, the Inter-Territorial Council of the National Health System approved, in December 2003, the Programme to prevent newborn deficiencies caused by moderate iodine deficiency, a programme implemented in all of the Autonomous Communities since then. Also noteworthy during the period 2002 to 2006 referred to in this report are the healthy-child monitoring programmes for prevention of pregnancy deficiencies being conducted by different communities, which include early detection of deficiencies in the first two years of life, and neonatal metabolic screening, which reaches 95 per cent coverage for hypothyroidism and phenylketonuria.

264. Among the initiatives of the Autonomous Communities the following may also be noted:

265. In Andalusia, children with disabilities was the theme chosen in 2005 to serve as the cross-cutting subject of the Annual Report of the Children's Ombudsman of Andalusia, as well as the reference topic in its various chapters. Thus, in the chapter devoted to issues relevant to Andalusia's children, a far-ranging discussion was offered on the need to find approaches to inter-agency coordination, in order to overcome the tendency of various government departments to focus on disability as an exclusively educational problem or one of social work and health care and not, as it actually is, as a multidisciplinary problem.

266. In Asturias, programmes have been put in place to foster disabled young people's autonomy and inclusion in the labour force, as well as specialized programmes and resources for prevention and early detection of deficiencies in pregnancy, prevention and care for children with disabilities, prevention and care of spina bifida, and the eradication of iodine deficiency disorders and their treatment. There are likewise resources and programmes in education that relate to special aid to children suffering from mental or psychological disorders, and measures to ensure that all educational programmes are accessible to children with special educational needs and various forms disability and that such needs are met.

267. In the Autonomous Community of Castile and Leon, under the aegis of the Department for Families and Children, outreach activities are conducted through continuous updating and dissemination of the child and maternal health guide *Health from the beginning*; dissemination of other informational materials, such as the publication *What should I know to help my child to be born healthy? - Answers to 20 key questions*; epidemiological records and advice on congenital malformations, through an agreement with the Spanish Association for the Registration of Congenital Malformations; a 2007 survey on the level of iodine during pregnancy by primary care providers in cooperation with Public Health; early intervention programmes for children with disabilities or who are at risk, including family support activities, through local resources and through provincial teams operating under the Base Centres for Care of persons with disabilities. Also, to serve rural areas, there are teams funded through cooperation agreements with local and private non-profit entities. For this purpose, funding in 2006 was 449 489 euros and there is also support from local corporations and the resources of Social Services with regard to infrastructure and personnel. Finally, on 23 March 2007, the “Plan of Care for Students with Special Educational Needs” was approved.

268. In Catalonia, it is important to note Decree No. 154/2003 of 10 June on the Inter-departmental Coordinating Commission for Government actions aimed at children and adolescents with disabilities or at risk of disabilities.

269. In the Balearic Islands, the Directorate General of the Office for the Defence of the Rights of the Child, has been providing support for fathers and mothers with autistic children through the Association of Parents of Autistic Children. The same office has also collaborated with the University of the Balearic Islands to conduct a study on early intervention in the Balearic Islands, since early attention to children with developmental disorders or who are at risk, and their families and context, becomes essential to minimize the consequences of these situations. The guide “Early Intervention - A Guide for Families” has been published in order to guide families and professionals, from a common perspective, to address the process of adaptation and acceptance of the diagnosis of a developmental disorder in children 0 to 6 years old.

270. In the Autonomous Community of Madrid, in order to facilitate the emancipation and inclusion of disabled young people in the world of work, the programme “Social and employment integration for youth with social difficulties” aims at teenagers aged 16 and 17, who, due to various serious social difficulties, are excluded from standard training resources and consequently from the labour market. The Community also takes action to provide for residential placement of protected children and adolescents from 0 to 18 years of age with physical, intellectual or sensory disabilities who, because they need very individualized and specialized care, cannot reside in other centres of the network. Also of interest are Order Nos. 1309/2005 of June 28, and 36/2006 of 23 January of the Council for Family and Social Affairs regulating the conditions for issuance of invitations to apply for grants by private non-profit entities. The former is for the development of respite programmes aimed at families with children with disabilities. The second is to support early intervention centres and services for children with disabilities or developmental abnormality. Also noteworthy is the financial support afforded, via grants, to social-initiative organizations that provide treatments to children with disabilities between ages 6 and 18, and the launching of respite programmes targeting families with young children with disabilities. This Community has also implemented a programme on maternal and child health and prevention of disability in newborns, has included the intake of folic acid in the pregnancy action protocol in order to prevent the occurrence of spina bifida, and has put into operation the first Plan of Family Support 2005-2008, which includes 189 support measures including those aimed at children with behavioural disorders and the neediest families; the Family Support Programme for Children with Disabilities; establishment of early intervention centres, or a project for residential placement for disabled children with



139 places. In education there are places reserved for special needs education, Early Intervention Teams, guidance counsellors, and a focus on diversity (with development of compensatory education activities, social support and care for students with specific support needs for the highly gifted).

## **B. Best interests of the child (article 3 of the Convention)**

271. The incorporation of the best interests of the child as a fundamental principle to govern all actions that directly affect children is not only guaranteed by the incorporation of the Convention into domestic law but, as noted in the second periodic report of Spain (CRC/C/70/Add.9), Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and Civil proceedings Act, provides in article 2, that “in the implementation of this Law the best interests of the child shall take precedence over any other competing interest”, and in article 11.2 that “the supremacy of the interests of the child” will be one of the guiding principles for action by public authorities.

272. In line with this mandate, the different legislative enactments specifically geared to children in the reporting period, to which reference has already been made in Section D of Chapter I, are consonant with the proper respect for the principle of the best interests of the child whether or not expressly recognized in the particular measure in question.

273. Thus, simply by way of example, one can see how the principle is mentioned in an act of an Autonomous Community at the beginning of the reporting period and in an act at the State level at the end of the period. Firstly, Act No. 8/2002 of 27 May amending Act No. 37/1991 of 30 December, on measures for the protection of abandoned children and adoption, and regulating special care for adolescents with high social risk behaviours of Catalonia provides in article 44.c, as a principle of action, “Any intervention that affects adolescents with high social risk behaviours should respect rights recognized by law, with the best interests of the child taking precedence over any other competing interest.” Secondly, Organic Law No. 8/2006 of 4 December amending the Organic Law No. 5/2000, January 12, governing the criminal liability of minors, alludes to this principle, making an interesting observation about its compatibility with other constitutionally protected values, recognizing in its statement of purpose that “the best interests of the child, which will continue to enjoy priority under the Law, is perfectly compatible with the objective of seeking greater proportionality between the penal response and the seriousness of the offense committed, as the system continues to leave to the court the ultimate evaluation and weighting of both principles in a flexible manner for an optimal individualization of the response. Otherwise, we would be led to taking the frivolous view that the best interests of the child are not only higher interests but sole and exclusive interests in regard to the other constitutional values protected by all penal or correctional measures.”

274. It is also important to note that the principle of the best interests of the child has been applied in the legal reasoning of judges and courts in resolving issues that directly affected children. It bears notice that the Constitutional Court itself in its Ruling No. 124/2002 of 20 May expressly recognized the legally binding nature of this recognition of the best interests of the child in both the Convention and in Organic Law No. 1/1996. And our laws on children define the best interests of the child as guiding and inspiring all proceedings of public authorities relating to children, both administrative and judicial (statement of purpose, sections 2, 11.2 of Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil proceedings Act, arts. 172.4, 173.3 and 4, and 173 bis CC; arts. 1826 and 1827 LEC).

275. The Constitutional Court itself cited the doctrine contained in that decision in framing its own legal reasoning in Case 221/2002, 25 November, setting out in its second legal basis, “The best interests of the child, which, as noted in STC 124/2002, of 20 May,

FJ 6, is a guiding principle of action by public authorities in this area (art. 3.1 of the United Nations Convention on the Rights of the Child of 20 November 1989, ratified by Spain on 30 November 1990, and arts. 2 and 11.2 of Organic Law No. 1/1996 of 15 January on the legal protection of minors), precludes denying standing to parties appearing as de facto guardians of the minor, who had previously been entrusted with the minor pursuant to a provisional family placement, and who now challenge before this Court decisions of public authorities which may be detrimental to the fundamental rights of the child under their care.”

276. The Court again relies on the principle of best interests of the child, this time with specific reference to Decision No. 221/2002, in Case 71/2004 of 19 April, which, in its eighth legal basis, notes that, “Unlike what occurred in the oft-cited STC 221/2002, in the case at bar we have the fact that one of the parties to the dispute over the family status of the minor is the child’s natural mother. This point introduces an extremely important element in this case, not only from a factual perspective but also - and this is what now matters - from a legal standpoint, because it introduces into the discussion, together with the aforementioned basic principle that is to prevail in acts by public authorities involving minors, namely prevalence of the best interests of the child, another principle, which is that of preference for the natural or original or biological family for the development of the life of the minor, a principle which is specifically recognized in articles 11.2 of Organic Law No. 1/1996 on legal protection of minors, and in art. 172.4 of the Civil Code”. The Court therefore concluded that “it can hardly be considered contrary to the moral integrity of the minor to order the performance of another previous decision seeking the reunification of a daughter with her biological mother; so that, in our own terms, ‘the best interest of the child has at all times been taken into account, weighing it with the interest of her biological mother, which, although of lesser rank is not negligible (and this is the meaning of the case law of European Court of Human Rights in art ...)’ “. The use of the principle of the best interests of the child may be seen in other decisions during the reporting period, such as STC 75/2005 of 4 of April, or STC 17/2006 of 30 January, or STC 118/2006 of 24 April.

277. Similarly, other courts have on many different occasions cited the best interest of the child to support their legal reasoning in decisions to justify a legal solution to problems presented, sometimes making it the decisive factor. To mention only some of the decisions during the reporting period, there are those of the Supreme Court (which, as stated in article 123 of the Spanish Constitution “is the highest jurisdictional organ in all respects, except only as to provisions concerning constitutional guarantees”), which include STS No. 384/2005 (Civil Division, Section 1) of 23 May or STS No. 903/2005 (Civil Division, Section 1) of 24 November.

### **C. The right to life, survival and development (article 6 of the Convention)**

278. Although section B of Chapter VI of this report covers some of the most important measures regarding the health of children, this section will refer to measures and social realities which directly affect the right to life, survival and development of children.

279. In this regard, it should be noted that Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and Civil proceedings act provides in article 11.2.d that “The prevention of all situations that could damage their child’s personal development” shall be one of the guiding principles of action by public authorities. That mandate must be understood to mean not only that legislation (both national and regional) must always be respectful of the life and development of children, but also that the political and administrative activity that takes place through projects, programmes and policies affecting children should be mainly aimed at the full development of their different personalities.

280. In this context we should focus in the first instance on measures taken in regard to prevention to ensure children's life and health, as stated in paragraph 23 of the General Guidelines (CRC/C/58/Rev. 1). In principle, it should be noted that jurisdiction over health issues in Spain is transferred to the Autonomous Communities, so that these are the authorities responsible for action on the health of Spanish children, but this does not exclude important initiatives also being taken at the national level. As noted in paragraphs 1118 and 1119 of the second periodic report of Spain (CRC/C/70/Add.9), one must take into account that according to Act No. 14/1986 of 25 April, the General Law on Health, citizens in Spain enjoy access to health services on equal footing, without any manner of discrimination. Health policy is aimed at overcoming the existing territorial disparities, fostering community involvement in health care, and provides for the development of a structure (National Health System) to ensure the development of health policies in an integrated and coordinated manner (arts. 46 and 56). There is thus universal coverage and public funding for realizing the right to health protection, and, in keeping with the organization of the State, it takes on different features, respecting the uniqueness of each of the Autonomous Communities.

281. Some of those measures employed by State institutions will be referred to in Chapter VI of this report, but we can also point out some important actions in this direction, such as those from the Inter-Territorial Council of the National Health System, the body responsible for inter-territorial decisions on health, which, in April 2003, adopted the Neonatal screening programme for the prevention of hearing loss, and in December of that year, the Enhanced programme strategies on promotion of breastfeeding, both programmes being implemented by all regional governments since then.

282. During the reporting period, the Department for Families and Children of the Ministry of Labour and Social Affairs awarded grants to NGOs for programmes promoting quality of life of children. Part of the programme of invitations to NGOs to submit grant applications conducted by the Ministry and funded by the income tax on individuals, the grants were 3 749 765.24 euros in 2002, 3 714 750.00 euros in 2003, 3 825 206.00 euros in 2004, 3 361 414.00 euros in 2005 and 3 551 303.00 euros in 2006.

283. In December 2006, the Directorate General of Social Inclusion of the Ministry of Labour and Social Affairs commissioned the University of Alcalá, with an allocation of 42 000 euros, to conduct a "Study on poverty in Spain: an investigation based on data from the Survey of Living Conditions for 2004", which devotes a chapter to youth poverty.

284. In this context we also note the research advanced and conducted by the FOESSA/Caritas Spain Foundation, published in the collection of studies *Family, children and social deprivation*; Study on situations of poverty in childhood, which conducts rigorous research on child poverty and notes the fact that we find high levels of vulnerability and poverty when we consider specific population groups such as children. This publication offers an analysis of the general context of poverty and inequality in Spain from 1990 until early in this decade, in relation to the three dimensions of child poverty (income poverty, analysis of living conditions, and the poverty dynamics of this group), and an appraisal of major research findings and a series of recommendations in regard to social policy.

285. The Institute for Youth of the Ministry of Labour and Social Affairs has sponsored the following projects: In 2002, the project "Prevention of nutritional disorders in young people" with the conduct of a campaign on "Prevention" and a guide, earmarking 12 000 euros; in 2003, the project "Prevention of nutritional disorders in young people", with the completion of the game/internet competition called "Saludactiva.com" ("ActiveHealth.com") allocating 12 000 euros; in 2004, the project "Prevention of nutritional disorders in young people." The internet the game/contest "Saludactiva.com" was continued, with the cooperation of NGOs and private entities, and an allocation of 60 000 euros; in 2005, the Project "Saludactiva.con" in a new edition of the game involving

educational centres, youth associations and private entities, and an allocation of 100 000 euros; and in 2006, the continuation of the project “Saludactiva.com” with a commitment of 125 000 euros. Also, under the Youth Council of Spain, a Study on Health and Youth was conducted during 2002 with a budget of 30 000 euros.

286. The Traffic Department, Ministry of Interior, has launched the “Family-School” Highway Education Programme for children aged 3 to 6, to be implemented in all schools and kindergartens, which aims to promote road safety for young children and educate parents about the importance of their work as road safety teachers, as they bear the most direct responsibility for the safety of their children (the approximate budget has been for 195 000 euros in 2002, 210 000 euros in 2003, 210 000 euros in 2004, 195 000 euros in 2005 and 189 000 euros in 2006). In addition, we must note the introduction of the Highway Education Programme aimed at students of all ages with special educational needs and/or disabilities, which is to be implemented at standardized centres, special schools, vocational schools and associations of persons with disabilities. It aims to develop, insofar as possible, skills (social, sensory, physical, etc.) of persons with disabilities in order to maximize their autonomy and independence, enhance personal, social, educational and employment adjustment, adapting the programmes, goals and material resources of highway education, seeking to foster personal integration and to maximize road safety for disabled people, covering aspects ranging from pedestrian behaviour to public-transport users and/or drivers (the approximate budget has been 120 000 euros in 2002, 170 000 euros in 2003, 170 000 euros in 2004, 170 000 euros in 2005 and 170 000 euros in 2006).

287. Also worth noting is the formation by the Ministry of Health and Consumer Affairs of a “Lead working group for the prevention of traffic accidents”, with the aim of promoting health education and harmonization of basic contents of teaching and dissemination materials concerning harmful habits, child restraints, and safety during pregnancy; and the promotion of road safety education in schools. It has prepared, in cooperation with the Ministry of Education and Science, the “Teaching Notebook on Road Safety in Compulsory Education”, which has been submitted to the various education directorates. The Ministry of Education and Science published, in 2004, the guide called “Teaching Notebook on Road Safety and Health” to facilitate high school teachers’ classroom intervention in road safety education, which addresses, among other risk factors, everything related to drug use, drinking and driving.

288. In the Autonomous Communities, the following measures are noteworthy:

289. Andalusia has implemented the following programmes: Programme for promoting physical activity and balanced nutrition in rehabilitative care centres (CASES); the programme “Little Smiles” (“Sonrisitas”) to promote oral health among children aged 1 to 3 in the rehabilitative care centres (a Guide has also been prepared to promote a balanced diet in children from zero to three years of age; eight editions, one for each province, of the course “Oral health, nutrition and health habits in the CASES”); School milk programmes in rehabilitative care centres; and the programme “Ecoalimentación” (“Environmental Nutrition”) for CASES to incorporate environmentally-conscious menus into CASES and also to develop an environmentally-conscious cookbook and a Guide to healthy menus.

290. In Asturias, campaigns are conducted to promote breastfeeding and there are resources and programmes for the prevention of eating disorders in childhood, with programmes specifically designed for the prevention of childhood obesity; and programmes for responsible consumption aimed specifically at children and adolescents. Extensive specialized educational materials on children’s consumption is prepared and distributed, and a school competition on the theme is held annually.

291. Cantabria has launched an Intervention Programme for adolescents with behaviours associated with consumption of addictive substances, targeting adolescents between 12 and 18 in situations of drug use or substance abuse and for families seeking guidance and/or treatment. It has developed a Regional Care Strategy for normal childbirth and a Plan for the promotion of breastfeeding 2005-2007, with the aim of educating the general population about protection and promotion of breastfeeding, supporting its introduction in public hospitals with maternity wards and maintaining it in primary care centres. In addition, an Early intervention service for all children under age 3 has been included in the List of Services of the public health system, ensuring provision of this service to all children who need it, and the Government of Cantabria has decided to advance the implementation schedule of the Dependency Law, so that all children under 3 years will receive the benefits of this Law as of 2007 regardless of their level.

292. In Castile-La Mancha, the following programmes have been developed: child health, which takes place in health facilities; prevention of eating disorders, with the NAOS strategy for prevention of childhood obesity; health and youth (CIFOS); “learning health in the community” and the “Alcazul” youth activities programme. It is also interesting to note that the Ombudsman of this Community has pointed out to the health authority the desirability of filling vacancies in paediatrics in order to avoid children being treated by primary care physicians rather than by specialists.

293. Castile and Leon has carried out the following programmes: Early detection of congenital diseases, i.e. administration of screening tests for phenylketonuria, hypothyroidism and cystic fibrosis (between the third and fifth days of life) to more than 99 per cent of newborns in Castile and Leon (about 20,000 newborns per year); Detection and comprehensive care for congenital hearing loss or deafness; Oral health in school - dissemination of advice on health education and practice of mouthwash with fluoride, in cooperation with schools in the Autonomous Community, involving 91 per cent of schools, encompassing 82 per cent of students between 6 and 12 years of age. In 2004-2005, in cooperation with the Office of Health, vaccination campaigns were conducted against meningococcal-C meningitis in primary and secondary schools, information brochures were distributed in the campaign for treatment and prevention pediculosis under the motto “Don’t let them bite you”, and Protocols of action for health emergencies were published. In 2005-2006, in cooperation with the Office of the Economy and Employment, a school project contest on Occupational Risk Prevention was circulated to schools other than universities; the educational campaign “Safety first!” was launched in order to teach principles of prevention in an innovative and appealing way. And in 2006-2007, under the aegis of the Kovacs Foundation and the College of Physicians, a campaign was disseminated for prevention of back injuries, aimed at schoolchildren aged 6 to 8 and focused on the publication of the “Back Comic Strip” which can be downloaded on the Education Portal.

294. We must also note the programme to promote breastfeeding, which includes many informative and scientific activities designed to raise awareness about the many benefits of this form of nutrition, with 219 000 euros allocated for the period 2003-2006, and calls for projects on health promotion in schools, designed to foster healthy habits, regular physical activity, healthy nutrition, injury prevention, emotional-sexual education and prevention of unwanted pregnancies. In the period 2003-2006, more than 200 school projects in health promotion went forward with financial support from these initiatives.

295. Also worth noting is the creation, by Decree No. 27/2006 of 27 April, of the Regional Commission and the Territorial Commissions to promote health in schools. And, as from 2001-2002 schools in Castile and Leon have been conducting the programme known as "Take breakfast to heart" (*Los desayunos del corazón*) through the Ministry of Education in order to raise awareness among primary school students, parents and educators of the importance of breakfast in daily performance and as healthy habit. In 2002-2003, in cooperation with the IEDAR (Research Institute on Sugars) the educational programme "Learn to eat, learn to cook" was conducted with the aim of encouraging students to acquire healthy habits with respect to food, through the basics of nutrition and cooking. There was also publication, in 2005-2006, of the *Food Guide for school cafeterias of Castile and Leon*. In October 2005, the "Programme of monitoring and external advice on school menus" was set in motion. In 2005-2006 in cooperation with AEPNAA (Spanish association of food and latex allergies) there was the publication of the Teachers' Guide *Food allergy - Latex Allergy*. A "Consumption at School" programme has also been developed, with grants to schools and activities taking place in 629 schools, with more than 100,000 elementary and secondary students.

296. In Catalonia, the Department of Health has published the Guide to healthy eating for school-age children, and the Department of the Economy and Finance conducts talks for mothers and fathers on how to teach sound eating habits.

297. In the Autonomous Community of Madrid a variety of activities have been conducted: early detection of endocrine metabolic diseases; an early detection plan of universal screening for hearing loss in newborns; courses to coordinate interdisciplinary actions and early treatment protocols for children at highest risk; programmes to promote sexual health of adolescents and youth at high social risk; health promotion and prevention activities targeting particularly vulnerable groups (immigrants treated in emergency shelter facilities); preparation and distribution of information booklets for parents about intervention and prevention programmes on child and adolescent health. There have also been media campaigns, brochures and posters for prevention of health problems (anthropozoonosis, pediculosis, childhood accidents, anorexia and bulimia, etc.); campaigns to promote healthy habits (bodily and oral hygiene campaigns, etc.); media, brochures and posters to promote healthy nutrition and school breakfast; and advocacy and support for breastfeeding; a programme on natural diet as an alternative to doping; and a series of talks by specialists in nutrition and dietetics at secondary education institutions.

298. Within the Comprehensive Food Plan, under the Sub-Directorate General for Food, the Monitoring Centre for Food has been organized as a support tool that will identify the main risk factors in food security. The Food and Nutrition Plan reflects priority action strategies in order to ensure safe, healthy quality food in the Autonomous Community of Madrid. There is a Health Care Plan on Youth Sexuality in the Community of Madrid, a Programme for promotion of condom use among the young population of the Community of Madrid (campaign, sex information hotline, website); training workshops and sexual-emotional counselling; brochures promoting the use of automobile child restraints; publication and distribution of the white paper on child safety. In 2003, the 112 emergency hotline developed an information campaign and an art contest for children about safety conditions and about use of the 112 number by children. Public Health of the Community of Madrid carried out campaigns on prevention and health promotion through the online magazine *Micromadrid*. The Directorate General of Public Health and Food has published a brochure with recommendations regarding body piercing and tattooing.

299. In Murcia, measures have been put in place for treatment of children/adolescents who suffer any kind of addiction, so that children addicted to some type of toxic substance receive care from child protection through two legal approaches. For those in situations of vulnerability, the approach is to assume guardianship and provide them with outpatient or

residential treatment at detoxification treatment centres for minors under the system of child protection. For those who are under the protection of their family but lack financial resources to be sent to rehabilitation and treatment, the administration assumes guardianship of the minor at the request of the parents and the minor is enrolled in the corresponding programme.

300. And secondly, one should take note of the data on social realities that directly concern the right to life, survival and development of children, as stated in paragraph 5 of the annex to the general guidelines (CRC/C/58/Rev.1).

301. Thus, if we consider the various causes of death of children, we observe that they vary significantly according to age group. In younger children, the major causes are those that originate in vital dysfunctions or diseases, while among older children those that originate outside the child gradually become the most prominent. (Descriptive data in statistical annex.)

302. In the specification of causes of death set out in paragraph 5 of the annex to the general guidelines (CRC/C/58/Rev.1), it should be noted first that Spain does not apply extrajudicial, summary or arbitrary executions and that the death penalty is specifically prohibited by law (article 15 of the Spanish Constitution provides that “The death penalty is abolished, except as may be provided by military criminal law in times of war” a possibility that was eliminated by Organic Law No. 11/1995 of 27 November, to abolish the death penalty in wartime).

303. As regards deaths from infectious and parasitic diseases, there has been a decline since 2004 in cases among children under age 19, which in any case represents only a small fraction of total cases, with meningococcal disease and septicaemia being the infectious diseases causing the most deaths, and the age group with the most deaths from infectious diseases being children under age 4. Cases of poliomyelitis and malaria are included within the category of other infectious diseases, as their incidence is very small: from 2002 to 2005 there were no deaths of children under age 19 due to poliomyelitis and only two deaths due to malaria (more detailed description in statistical annex).

304. With regard to deaths from traffic or other accidents, it should be noted that the vast majority of deaths and serious injuries from traffic accidents occur on the roads, the figures being substantially lower in urban areas (in contrast, for minor injury victims, the number is higher for accidents occurring in urban areas). Males and older youths (i.e. those old enough to drive a moped or car) always have the highest number of victims (see descriptive data on mortality from traffic accidents in the statistical annex).

305. As regards deaths due to crime or other forms of violence, it appears that the number of murder victims under age 18 decreased from 2002 to 2006, the age group below 13 having the most victims. For cases of intentional homicide, the rate has been steadier, with minors aged 16-17 being hardest hit. However, these figures represent only a very small fraction of the total victims for these types of crimes, since 1.8 per cent of total intentional homicides reported in 2006 pertained to minors and 1.5 per cent of total murders pertained to minors. As regards victims of violence in the family, there is a decrease in both cases of intentional homicide and murder from 2005 to 2006, the age group hardest hit among those under 18 being the age group 0 to 13 (see descriptive data on crime victims in statistical annex).

306. Finally, in regard to deaths by suicide, it appears that the rates for this cause of death in children under age 15 are low, accounting for 0.21 per cent of cases, increasing in higher age groups, but always far short of the adult rates; here again, there is a gender difference, with the number of male victims always being higher for all age groups, as may be seen in the corresponding statistical annex.

## **D. Respect for the views of the child (article 12 of the Convention)**

307. It should be recalled, as was outlined in paragraphs 650 and following of the second periodic report of Spain (CRC/C/70/Add.9), that the fundamental Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act recognizes in its statement of purpose that post-constitutional legislation has extended “to minor persons the status of holders of rights. Thus, the concept that the minor should ‘be heard when displaying sufficient maturity’ has gradually been shifting throughout the legal system to cover all matters that affect children. This concept introduces the dimension of growth and development in the direct exercise of children’s rights.” Article 7 recognizes children’s right of participation, association and assembly. Article 9 establishes the right to be heard. And article 11.1 provides that “Public authorities shall take particular care in the regulation and supervision of those spaces, centres and services customarily used by children, with regard to participation by minors and other conditions contributing to the protection of their rights.” Article 11.2 lays down as a guiding principle of government that actions of public authorities shall “promote participation and social solidarity”. All of this indicates that not only legislation (national and regional) but also political and administrative activity are consistently respectful of the opinion of the child and children’s participation in the taking of all decisions affecting them.

308. In this vein it should be noted, first, that during the reporting period the development of respect for the views of children continues to appear, as evidenced in the express recognition of the Constitutional Court - as already mentioned in Section E of Chapter I of this report. In the second legal basis of its decision in Case 221/2002, of 25 November, the Court refers to Case 124/2002 of 20 May and indicates that the guiding principle of the best interests of the child laid down by the Convention is also satisfied through participation in the corresponding judicial procedure by the current guardians of the minor, who formerly were her foster family. In its fifth legal basis, the Court cites, together with article 9 of the aforementioned organic law on the protection of children, article 12 of the Convention, to argue that there has been a violation of effective judicial protection by the child’s not being able to exercise her rights under these articles, which recognize the right of every minor to be heard in all judicial proceedings in which she is directly involved and which lead to a decision affecting her personal, family or social situation. The Constitutional Court subsequently made holdings to the same effect in legal basis seven of Case 71/2004 of 19 April, legal basis three of Case 75/2005 of 4 April, legal basis three of Case 152/2005 of 6 June, and legal basis five of Decision No. 17/2006 of 30 January.

309. With regard to measures taken by the various public authorities to promote children’s participation in decisions making affecting them, mention could be made of many of the activities identified in Chapter I of this report, such as those conducted in various communities on International Children’s Day; however, reference should be made here to some activities other than those identified, designed directly to foster and channel the participation of children in various areas. For example, the Ministry of Labour and Social Affairs, between 2002 and 2006, as part of the annual campaign of grants to NGOs for programmes to promote children’s associations and experiences of child participation, allocated 102 000 euros for this purpose in 2002, 75 000 euros in 2003, 95 000 euros in 2004, and 48 000 euros in both 2005 and 2006. Other similar activities could be cited, such as those carried out by UNICEF, which has worked in development at the municipal level of arrangements for child participation and the subsequent creation of Children’s Councils.

310. Initiatives by the Youth Council of Spain, formed by the youth councils of the Autonomous Communities and youth organizations at State level, included, first, the issue in 2003 (with an allocation of 2 748.30 euros) and reissue in 2004 (with an allocation of



1 021.29 euros) of the publication *Trust with a voice: Six years of work on child participation in youth organizations*. This publication discusses the participation of children in our country from the perspective of organizations of children and adolescents. Second, in 2003, there was the Training course for trainers in child participation, coordinated by the Platform of Children's Organizations (POI), for which 7 322 euros

which were allocated. Also, in 2005, the Youth Council, in cooperation with the Institute for Youth, put into operation the student participation campaign "Teamwork gets you farther", with an allocation of 113 446.36 euros, which aims generally to foster student participation in education as a means to promote democratic learning, with a view especially to the Central School Council elections to be held in November 2007.

311. The legislation of the Autonomous Communities also continues to expressly recognize the child's right to be heard and to participate in decisions affecting him, as may be seen, for example, in Law 3/2005 of 18 February on care and protection children and adolescents in the Basque Country, which provides in its article 4 that its "basic guiding principle" is "the best interests of children and adolescents and the protection of their rights in order to ensure their development", going on to recognize that "For the determination of this interest, attention shall be given in the first instance to the needs and rights of the minor person, his opinions and wishes expressed with sufficient judgment shall be taken into account, and his individuality in the family and social setting shall be given consideration."

312. Among the activities in the Autonomous Communities, it can be observed, for example that Asturias has developed and published a study on factors that promote or inhibit children's participation in different contexts; a project has been developed to make effective children's participation in residential centres for minors in Asturias; an annual exhibition is held highlighting experiences of child and adolescent participation; and a publication has been issued presenting experiences of children's participation in Asturias. An annual international study conference is held concerning the rights of the child which has enjoyed the participation of the Centro Innocenti of Florence, the Municipality of Modena, experts from Nicaragua, and others.

313. In the Balearic Islands in 2003, the Office for the Defence of the Rights of the Child held a child participation project called the Children's Council of the Balearic Islands, with local and district entities and primary schools cooperating with that Council on a voluntary basis. Children aged 10 to 12 participated, together with professionals from the educational and socio-cultural domains. The outcomes of the overall process were specific requests for change in local realities affecting children on which the Office for the Defence of the Rights of the Child could play its role as mediator by bringing them before the appropriate authorities.

314. In Catalonia, the Monitoring Centre for Children has promoted opportunities for child participation. In regard to children at risk, it is performing a review of procedures for implementation of protective measures, ensuring that children are aware of and involved in the process. It is encouraging the active participation of children and adolescents in residential centres and has continued with the children's 24-hour hotline telephone service. Jointly with the Monitoring Centre for Youth, it has pursued an updated study of the world of adolescents based on their own perceptions.

315. Similarly, the Autonomous Community of Madrid has set up committees for children's participation in Local Councils. Follow-up work is proceeding with regard to the spokesperson committee of the Madrid Institute for Children and Families, which is made up of children aged 6 to 17 years admitted to the various Protection Centres of Madrid and which gathers the opinions expressed by children of Residential Councils and the spokesperson committee. A telephone hotline has been put in service for children of Madrid. The Micromadrid virtual resource has been put into service and made available to

all children from 6 to 12 years of age to build awareness, encourage participation and promote their rights. Fora have been created for dialogue among the educational community, associations and NGOs, including technical coordination meetings with representatives of the Madrid municipal authorities for exchange of experiences in child participation. A guide has been developed for use by the Commissions on Child and Adolescent Participation and a book has been published with the title *Social participation of children: some experiences of the Community of Madrid*.

316. In October 2006 a study was published, conducted at primary and/or secondary schools of the Autonomous Community of Madrid and sponsored by the Fundación Hogar del Empleado, which seeks to gather the opinions of primary and secondary school students about the quality of education. Child participation is also encouraged through the Child Advisory Council and through the awards panel of the Children's Prizes of the Community of Madrid. These prizes give recognition to various ways of promoting participation, such as open house days with expressions of opinion by children at the Assembly of the Community of Madrid and the Euroscola contest for students aged 13 to 18, with contest winners participating in the Euroscola programme at the European Parliament in Strasbourg.

317. In the Basque country, the MENAS report was published, with interviews and life stories of 38 unaccompanied youngsters - 33 boys and five girls— with an opportunity to express their “voice” through school essay competitions.

318. Moreover, it is important to note the work of the foundation ANAR (Help for Children and Adolescents at Risk), which has in operation a 24-hour confidential nationwide telephone line for children, to which children can turn to express themselves freely and safely and feel that they are being heard and respected, not judged. Considering these characteristics of ANAR telephone counselling service, annual and specific reports (regional or on any particular issue) produced by the ANAR Foundation are prepared based on the voices of children and adolescents who make use of the ANAR service, and the studies are a good reflection of their needs, demands and interests.

319. One must also look to the facts of social reality that directly affect respect for the views of children, as stated in paragraphs 6 and 7 of Annex to the general guidelines (CRC/C/58/Rev. 1).

320. With regard to data on the number of organizations or associations of children and youth that exist and the number of members they represent, it should be noted that children's associations remained stable during the reporting period, even taking the previous decade as a baseline for comparison (see data in statistical annex). In any case, an important point is the consistently larger percentage of male than female members, although there has recently been a trend towards equality and a larger percentage of girls in certain types of associations, e.g. cultural, student, charitable, social aid, musical, professional, human rights advocacy, civic, pacifist and feminist. Secondly, there is a much larger membership in sports clubs than those of any other kind, and this is where the greatest difference appears between boys and girls, the former outnumbering the latter. This can be seen in the table on membership in associations or organizations of the population aged 15 to 29, in the statistical annex.

321. The current Organic Law No. 2/2006 of 3 May on Education, provides in article 1.J that the Spanish education system also draws on the principle of “Participation of the educational community in the organization, governance and operation of schools”; in article 118.3, the general principle that “The education authorities will, within their purview, promote the effective exercise of participation by students, teachers, families, and administrative personnel and services in the schools”; in article 119.4, that “It is incumbent on the education authorities to encourage student participation in the operation of schools

through delegates by group and by year, as well as representatives on the school boards”; and, in the first final provision, that “The following additional paragraph is added to article 8 of Organic Law No. 8/1985 of 3 July, regulating the Right to Education: ‘In order to stimulate the effective exercise of participation by students in schools and to facilitate their right of assembly, educational establishments shall, in preparing their organizational and operational rules, lay down conditions under which students may exercise this right. Pursuant to the terms laid down by educational authorities, collective decisions taken by

students, as from the third year of compulsory secondary school, with regard to class attendance shall not be considered instances of misconduct and shall not be subject to discipline, when they are the result of exercising the right of assembly and are notified beforehand to the school administration’.”

#### **IV. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a)) (General Guidelines, paras. 24 to 26)**

##### **A. Name and nationality (article 7 of the Convention)**

322. With regard to the rights to name and nationality, to complement the legislative account on this matter already given in paragraphs 709 and following of the second periodic report of Spain (CRC/C/70/Add.9), reference should be made to Royal Decree No. 170/2007 of 9 February, amending the Civil Register Regulations approved by Decree of 14 November 1958, which, in its statement of purpose, already reviews legislative changes that have occurred in recent years.

323. Specifically, it states: “In particular, the purpose of this regulatory amendment is to ensure proper coordination of the Civil Register Regulations with Organic Law No. 1/2004 of 28 December on Comprehensive Protection Measures against Gender Violence, whose twentieth additional provision amended the second paragraph of article 58 of the Civil Registration Act in regard to changes of surname, and with Act No. 15/2005 of 8 July amending the Civil Code and Civil Proceedings Act in regard to separation and divorce.” To that end, the reform aims to “provide the necessary regulatory elaboration of the previous legal provision, making it operational. In accordance with the purpose of the Act, the current reform aims to simplify the approval procedure for change of surname in the cases indicated, reconciling streamlining with the urgency of the protection sought by the victim - all of the foregoing being without prejudice to the fact that in cases of deceit or fraud the authorization for a change of surname may be revoked or cancelled through appropriate channels and proceedings.”

324. Regarding the provision of information about the number and percentage of children who are registered after birth and regarding the time when such registration takes place, as stated in paragraph 5 of annex to the general guidelines (CRC/C/58/Rev.1), it should be noted that, as already mentioned in paragraph 717 of the second periodic report of Spain (CRC/C/70/Add.9), the institution of the Spanish Civil Registry is fully accepted by society, so that it can be said that due registration after birth occurs in all cases.

##### **B. Preservation of identity (article 8 of the Convention)**

325. One aspect of the right of children to preserve their identity is directly connected with the institution of adoption, since, in such cases, one’s ability to investigate one’s own origins is directly affected. In this regard, in 2006, the Universidad Complutense de

Madrid, commissioned by the Ministry of Labour and Social Affairs, conducted a study entitled “The right of adopted children to know their origins in Spain and under comparative law.” Within this study, an essential consideration presented is not only recognizing the right of adoptees to “find their roots”, but also facilitating more appropriate avenues for that right to be pursued, given its personal and family implications. The study presents the situation in various countries regarding the search for origins and recognizes the foundations of that right of adoptees in Spain. The study draws its conclusions by

reference to some of the research conducted by various institutions in different countries, also using data from surveys conducted in the Autonomous Communities. Among proposed amendments to Organic Law No. 1/96, the study proposes including the right of the child to an identity by guaranteeing the exercise of the right to know one’s origins in keeping with the minor’s age and discernment.

326. The Intercountry adoption Act (Act No. 54/2007 of 28 December), stated in its statement of purpose: “The right of adoptees to know their biological origins is recognized. Legislators are aware of the vital importance of this matter to the free development of the personality of adoptees and has combined this right with the necessary safeguards to protect the privacy of those concerned. Thus, two fundamental limitations are established: first, legitimation is limited to the person of the adoptee after reaching the age of majority, or earlier if represented by his parents; and second, counselling and intervention as required by the public authorities responsible for facilitating access to relevant information.”

327. The Act, in article 12, recognizes that right in intercountry adoption and, by the change made in article 180 of the Civil Code through the fourth final provision of the Act, the same right is also recognized in domestic adoption.

328. Initiatives along the same lines have been taken in the various Autonomous Communities.

329. Thus, in Andalusia in 2002, the Junta de Andalucía created, and has since continued to operate without interruption, a Post-adoption Public Service whose functions include mediation in parent searches.

330. Aragon provides for the establishment, under the Post-adoption Plan, of a Mediation Service for parent searches managed by the Autonomous Community, as well as a parent search registry.

331. In Asturias, there is a designated professional in charge of parent search procedures. In Castile-La Mancha, Decree No. 45/2005 of 19 April governing the adoption of minors recognizes the right to search for one’s parents and the commitment and support of the competent authority.

332. In Castile and León, Decree No. 37/2005 of 12 May governing administrative procedures and other complementary actions in relation to the adoption of children governs the professional activities of counselling and mediation in the exercise of the right of adoptees in the Community to know their origins.

333. In Catalonia, within the Directorate General of Care for Children and Adolescents, a Legal Service has been staffed with a designated professional who facilitates the right of inquiry.

334. Madrid has sought to train parents in intercountry adoption also to be aware of children’s right and need to know that they are adopted and to know their origin. In the case of national adoption, when data concerning the biological parents are not unknown, they can be accessed through the Civil Registry or competent public institutions; advice is available in this regard from the adoption and foster care services.

335. It should be noted that the Spanish Red Cross has managed numerous parent search cases: 153 in 2003; 320 in 2004; 187 in 2005, and 190 in 2006, (of which 114 were initiated outside of Spain –most in countries of Europe and America - and, of the 64 initiated in Spain, most are directed to countries in Europe, followed by Africa and America).

### **C. Freedom of expression (article 13 of the Convention)**

336. As noted in paragraphs 756 and following of the second periodic report of Spain (CRC/C/70/Add.9), the major State-wide general legislation, essentially Organic Law No. 1/1996 of 15 January on legal protection of minors, partially amending the Civil Code and Civil proceedings Act, article 8, recognizes the right of children to freedom of expression. In particular, it is interesting to note that the content of this right extends to the publication and dissemination of their views, publication and production of means of distribution, and access to aid from public authorities for that purpose. Thus it is understood that the actions taken at the State and regional level referred to in section D of Chapter III of this report (and thus, many of those noted in Chapter I, like those held annually in commemoration International Children's Day) also serve to facilitate and promote children's exercise of their freedom of expression, so that what is stated here should be seen in conjunction with what is stated in those paragraphs.

337. In any case, we should note the effort being made to enable children to use new technologies appropriately (beyond the protection of children during such use, an issue that will be referred to in Section G of Chapter IV of this report). Such new technologies are currently among the main ways to bring about free expression among children; their use by children therefore constitutes a necessary way of fully satisfying the contents of articles 13 of the Convention and 8 of Organic Law No. 1/1996.

338. Thus, the Ministry of Education and Science has regulated children's learning about and access to computers and new technologies in various academic curricula, in particular by the following decrees:

339. Royal Decree No. 1630/2006, of 29 December, establishing the minimum educational requirements for the second level of preschool education, which mandates the education authorities to promote early introduction of experiences in information technology and communication in the second level of preschool education.

340. Royal Decree No. 1513/2006 of 7 December, establishing the minimum educational requirements for primary education, which provides that students in primary education shall be introduced to the use of information and communications technologies for learning and to the application of critical thinking to the messages they receive and produce.

341. Royal Decree No. 1631/2006 of 29 December, establishing the minimum educational requirements for compulsory secondary education, which provides that the area of "informatics" in compulsory secondary education shall develop skills that will serve the student to access information wherever he may be, using a variety of devices and becoming capable of selecting relevant information related to his prior knowledge and of generating more complex bodies of knowledge.

342. The website [www.formacion.cnice.mec.es/](http://www.formacion.cnice.mec.es/) has been brought on line, directed primarily at teachers in all educational levels, with the aim of providing continuing training to educators in order to take a further stride in the process of teaching/learning through the integration of Information and Communication Technologies (ICT) in education. At the same time, the Centre for Educational Research and Documentation (CIDE) promotes and sponsors several groups of teacher-researchers focused on exploring, creating and evaluating new environments for teaching/learning, e.g. through the Agreement between

the Ministry of Education and Science, the Ministry of Industry and the public entity RED.ES for the launch of the Internet in the Classroom programme, earmarking 18 992 000 euros for this purpose over the period 2005-08, and the programme MENTOR, Distance Education System via the Internet, with vocational programming, promoted by the Ministry of Education and Science with 120 440 euros earmarked for each course in the period 2002 to 2007.

343. Also noteworthy here are activities to encourage the development of child and youth pages accessible to disabled children, involving the conclusion of agreements with the Royal Council on Disability (an autonomous body under the Ministry of Labour and Social Affairs) with the Friends of Down Syndrome in 2005, with a commitment of 42 000 euros, and the Down Syndrome Foundation of Girona and its region ASTRID-21, in 2006, with a commitment of 21 000 euros. In regard to the Autonomous Communities, one can likewise point to initiatives such as those taken in Catalonia by the Department of Social Action and Citizenship, the OMNIA programme for access to new technologies in civic centres and centres for children and youth, and the signing of an agreement with Caixa for using computer terminals.

344. During the reporting period, the Institute for Youth has conducted various studies and projects directly related to the issue, including: in 2002, quarterly opinion and situation surveys of young people on “Using mobile phones and the internet”, with a budget of 24 047 euros, and Monograph No. 57, “Youth and mobile phone use”, the Journal of Youth Studies, with a budget of 6 000 euros. In 2003, there were the studies “Youth and Advertising: the underlying values in advertising aimed at young people”, and “Youth and family relations” - with budgets of 30 006 euros and 12 000 euros respectively; and Monograph No. 61, “Youth Information - New policies, new media, digital networks”, by the Journal of Youth Studies, with a budget of 6 000 euros. In 2005, there was the study “Youth and new forms of entertainment and communication on the internet”, with a budget of 36 000 euros, and Monograph No. 68, “Youth and Media”, in the Journal of Youth Studies, with a budget of 6 000 euros. In 2006, there were the studies “Perception by young people of their image in the media” and “Communication and the language of youth through ICT (information and communication technologies)”, with a budget of 12 000 euros each.

#### **D. Freedom of thought, conscience and religion (article 14 of the Convention)**

345. As noted in the second periodic report of Spain (CRC/C/70/Add.9), one must understand that freedom of thought, conscience and religion of children enjoy recognition and protection under the main State-wide general laws, including the Constitution and Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act. The Constitution recognizes the right for all individuals in its article 16.1 and the Organic Law recognizes it in regard to children in article 6.

346. In any case, in the reporting period, it is important to refer to the way in which freedom of thought, conscience and religion is respected in an area as important as education under the two Organic Laws adopted in that regard. Thus, Organic Law No. 10/2002 of 23 December on Quality of Education expressly provides in article 2.2.b that students have a basic right to enjoy “respect for their freedom of conscience, religious and moral convictions, in accordance with the Constitution”; and in the first paragraph of the second additional provision on the subject-area of Society, Culture and Religion, provides that “the subject-area of Society, Culture and Religion will include two options: one of a denominational character, according to the denomination chosen by the parents or,

where appropriate, by the students, including those for whose teaching the State has signed agreements; and another of a non-denominational character. Both options must be offered by educational centres, and students must choose one of them.”

347. The current Organic Law No. 2/2006 of 3 May on Education provides, in article 84.3, that in admitting students to public and subsidized private schools “In no case shall there be discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance; In the second additional provision on the teaching of religion, the following view continues to be maintained: “1. The teaching of the Catholic religion shall conform to the provisions of the Agreement on Educational and Cultural Affairs signed between the Holy See and the Spanish State. To this end and in accordance with the provisions of that agreement, the Catholic religion shall be included as a subject-area at appropriate educational levels; it shall be mandatory for schools to offer the course and voluntary for students to take it. 2. The teaching of other religions shall comply with the provisions of the Cooperation Agreements concluded by the Spanish State with the Federation of Evangelical Religious Entities of Spain, the Federation of Jewish Communities of Spain, the Islamic Commission of Spain and, as appropriate, with the provisions of such other future agreements as may be signed with other religious denominations. And the first final provision provides: ‘3. Article 6 of Organic Law No. 8/1985 of 3 July governing the Right to Education, shall read as follows: ... 3. Students shall have the following basic rights ... e) respect for their freedom of conscience, religious and moral convictions, in accordance with the Constitution’. “

348. Thus, the royal decrees governing educational content respect student’s voluntary choice to receive religious training or not to receive it; in no event may such decision lead to discriminatory treatment against the student. In this regard, the first additional provision of Royal Decree No. 1513/2006 of 7 December establishing the minimum educational requirements of primary education, which governs the teaching of religion, states in paragraph two that “The education authorities shall ensure that at the beginning of the term parents or guardians of students can express their will to receive or not receive religious teaching.” Paragraph 3 provides that “Schools shall take organizational measures for students whose parents or guardians have not opted for religious teaching to receive due educational attention, so that the choice of one option or the other will not involve any discrimination.”

349. To the same effect, the single additional provision of Royal Decree No. 1630/2006 of 29 December, establishing minimum educational requirements for the second level of nursery school education, expressly recognizes in its third paragraph that “The education authorities shall ensure that religious education respects the rights of all students and their families and that receiving or not receiving such instruction does not result in discrimination.” Similarly, the second additional provision of Royal Decree No. 1631/2006 of 29 December establishing the minimum educational requirements for compulsory secondary education, in its second paragraph, opens up the possibility that the decision may also be taken by older students, stating that “The educational authorities shall ensure that at the start of the term, older students and parents or guardians of minor students can express their desire to receive or not to receive religious instruction.”

## **E. Freedom of association and peaceful assembly (article 15 of the Convention)**

350. In this section also we should note, as was done in the second periodic report of Spain (CRC/C/70/Add.9), the concordance between the right recognized by the Convention, in this case freedom of association and of peaceful assembly, and its regulation in the Spanish legal system, starting with the recognition and protection of the right of association in the Constitution - article 22 - and, as a guiding principle of social and

economic policies, the principle that public authorities should promote “conditions for free and effective participation of youth in political, social, economic and cultural development” - article 48 - and in Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act, the express recognition, in article 7, of the right of children to participation, association and assembly.

351. Regarding actions taken to make the exercise of this right effective, we must refer to what is stated in Section C of Chapter IV of this report, where these actions are connected with actions taken regarding the right to freedom of expression, and especially to Section D of Chapter III, where the content of this right is connected with the principle of respect for the opinions of the child. There too, in keeping with paragraph 6 of the annex to the General Guidelines (CRC/C/58/Rev.1), statistics are offered on the number of organizations or associations of children and youth and the number of members they represent.

#### **F. Protection of privacy (article 16 of the Convention)**

352. In determining how the right to privacy has been received in the Spanish legal order, crucial importance attaches to article 18 of the Constitution, which expressly “guarantees the right to honour, personal and family privacy and one’s own image”, and article 4 of Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act, which recognizes the right to honour, personal and family privacy and one’s image, stating in its first paragraph that “this right includes also the inviolability of the family home and correspondence and confidentiality of communications”; an important limitation is also established in the third paragraph, which considers any use of the image or name of the child in the media which may undermine his honour or reputation or which may be contrary to his best interests, even with the consent of the minor or his legal representatives, to be an improper infringement of the right to honour, personal and family privacy and personal image of the child.”

#### **G. Access to appropriate information (article 17 of the Convention)**

353. The Spanish Constitution recognizes in article 20.1.d the right “to freely communicate or receive truthful information by any medium”, but the specific application of this right to minors is adequately framed, in general terms, in article 5 of the Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act, which establishes as of its first paragraph that this is a right “to seek, receive and use information appropriate to their development.” This means, as seen in the wording of other paragraphs of article 5 and the various rules implementing this right - also referred to in paragraphs 802 and following of the second periodic report of Spain (CRC/C/70/Add.9) - that information to be provided to minors should be conducive to the development of their personality, and that measures should be taken to protect the child from information or advertising messages that may impair the child’s development, for the effective implementation of which it is necessary that public authorities comply with the relevant obligations that this right entails.

354. In that regard, in the reporting period, we note the initiatives taken by the central government regarding the parameters of the information to be provided to children through new technologies in order to promote the development of the child’s personality: firstly, the inclusion in Organic Law No. 2/2006 of 3 May on Education, as educational content, both in respect of article 19.2 on primary education and in article 24.7 on compulsory secondary education, that “Notwithstanding any specific treatment in some areas at the



stage (...) the audiovisual media, information and communication technologies and education on values are to be pursued in all areas.”

355. For their part, public and private television broadcasters signed in March 2005, a self-regulatory code on television content and children, which provides, among other actions, for certain margins of enhanced protection for the juvenile audience. And in this regard the IT services of the Ministry of the Presidency have designed and operate the [www.tvinfancia.es](http://www.tvinfancia.es) website for citizen support concerning knowledge of the television code of conduct on content and cooperation in the filing and processing of complaints about television. There is welcome unanimity among political parties in calling for greater effectiveness in implementing the self-regulatory code, given the lapses in compliance that are occurring on the part of some television networks, and unanimity among the major parents' associations in calling for greater effectiveness in their implementation. It has been pointed out that many instances of non-compliance are the result of the very foundations of some programmes (sensationalist tabloids that are very aggressive in their coverage of people's private lives) and it has been suggested that, in order to demonstrate a desire to comply with the agreements, the aforementioned programmes should be removed from children's viewing times and replaced by programming addressed to a child audience.

356. There are also the many actions taken in this area, as the realization of a cooperation agreement signed between the State Secretariat for Communication of the Ministry of Presidency and the Universidad Rey Juan Carlos (under the Agreement to promote self-regulation on television content for children of 9 December 2004, signed between the Ministry of the Presidency, Ministry of Industry, Tourism and Trade (MITYC) and television networks), to monitor television programming during the specially protected viewing time, as defined in the Code of Self-Regulation of Television Content for Children.

357. A specific cooperation agreement is signed annually between the Spanish Public Broadcasting Entity (RTVE) and the Institute for Women, with a budget of 484 636 euros, with the aim of conducting an analysis of programming in relation to the image and presence of women in the media. Its educational outputs include: *The gender difference in the analysis of video games*; *Research based on practice - multimedia teaching guide for the analysis of video games*; *Children, television and gender. Guidelines for development of non-sexist content in children's television programmes*; and *Sexism on television - Tips for responsible use of television content*. In 2004, the Institute for Women, with the Centre for Educational Research and Documentation, Ministry of Education and Science, published the book *The gender difference in the analysis of video games*, which presents the results of research completed that same year on the use of video games and perceptions about them, analyzing factors of gender difference, including videographic analysis of best-selling games and proposals for education about their use and a teaching guide for the analysis of video games.

358. Moreover, the Ministry of Education and Science, as one of its resources, has launched the website [www.cnice.mec.es/padres/educar\\_valores/](http://www.cnice.mec.es/padres/educar_valores/) which contains a complete educational guide on peace, environment, equal opportunity and consumer issues. Also, the Ministry of Education and Science has concluded an agreement with the Ministry of Industry and the public entity RED.ES for the launch of an internet-in-the classroom programme, and another agreement with Spanish Radio and Television for the production of the educational programme “The Knowledge Adventure”, with a budget of 1 412 380 euros for each year in the period 2002 to 2007, which takes place with various groups of educational researchers focusing on exploring, creating and evaluating new environments for Teaching/Learning, promoted and sponsored by the Centre for Educational Research and Documentation. One production, for example, in cooperation with the Institute for Women, has been the series “Women of Today”, which, once broadcast, has become a collection of documentaries released in DVD format for distribution in schools, with 14 documentaries thus far completed that reflect the themes of

“Women and Sport”, “Women and Culture”, “Rural Women”, “Women and Immigration”, “Women and Science”, “Teens”, “As we grow older”, “Women with disabilities”, “Surviving Violence”, “United Nations Conference on Women”, “Health”, “Reconciliation”, “Urban development” and “Non-sexist toys”.

359. Other important initiatives have been launched by the Ministry of Labour and Social Affairs, including activities and publications that have derived from an active cooperation over the last three years with the Official Spanish Institute of Radio Television, aimed at generating patterns of education directed to parents and educators, in addition to children and adolescents, to teach them to select TV programmes appropriate to their level of maturity, and to enable them to acquire values conducive to sound personal development. A concise study has also been published of technical quality criteria required in the production of programmes for children and youth, called “Children’s TV Programming: Content Guidelines and Priorities.” Specifically, in 2004, the brochure “Learn to watch TV” was produced and distributed. Also in 2004, in cooperation with the Universidad Carlos III of Madrid, the study “Children and young people before the screens” was conducted. Based on analysis of research conducted on the matter in Spain until early 2004, it examines the television content most widely viewed by Spanish children in a particular representative week, offering a diagnosis of the situation and findings leading to suggestions to realize the potential socializing and educational capacity of this medium.

360. The Monitoring Centre for Children, and in particular the working group on “Children, Adolescents and the Media” have also been pursuing activities and publications for that purpose, such as writing and publishing, along with UNICEF and Platform of Children’s Organizations, a pamphlet entitled “Television rights. Know the Code of Self-Regulation on television content and children.”

361. As regards measures to protect minors from advertising or informational messages that may impair the development of their individual personalities, the Ministry of Labour and Social Affairs has undertaken noteworthy initiatives for identifying and monitoring audio/video and internet contents as part of the development of the first Plan of Action against Commercial Sexual Exploitation of Children and Adolescents 2002 - 2003 and the second National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents, 2006 - 2009, to which reference will be made especially in Chapter VIII of this Report. These two action plans have been drafted and approved by the Monitoring Centre for Children. In this regard, the plenary meeting of the Monitoring Centre for Children adopted in 2002 the constitution of the Working Group on “Children and adolescents and the media”, to study the influence of television and new technologies on children and adolescents, and subsequently to foster active participation in defending the rights of children and adolescents in this area. This group has been working continuously to date.

362. In the same vein, the Ministry signed cooperation agreements, within the Monitoring Centre for Children, with two universities: one with the Polytechnic University of Madrid to develop a “Guide to Internet Use and Abuse” and another with the Universidad Carlos III for the preparation of a study on “Status of the media and new information technologies in Spain in regard to Children and Adolescents”; measures have been aimed at professionals in the field of children, parents and youth under age 18.

363. Also to be noted, inter alia, is the inclusion of activities undertaken by the Ministry of Science and Technology on promoting safe use of the Internet, which include monitoring the 276/1999CE Decision of the European Parliament and Council adopting the “Internet Action Plan, and the Law on Information Society and Electronic Commerce Services”, which, according to Directive 2000/31/EC of the European Parliament and Council of 8 June 2000, provides for the adoption measures restricting the provision of internet services when required to protect youth and children and imposes on intermediary service providers

a duty to cooperate to carry out such measures. Act No. 34/2002 of 11 July on Information Society and Electronic Commerce Services, article 8.d, provides, as a restriction on the provision of services, that where an information society service undermines the protection of children and young people, the entities responsible their protection may take the measures necessary for the service to be interrupted; it further provides in article 18 that codes of conduct shall give special consideration to protection of minors and human dignity, and that specific codes on those matters may be developed if necessary.

364. It is also interesting to note that the National Institute for Consumer Associations is funding through grants a comprehensive monitoring of advertisements and advertising on the internet. In 2003 the Campaign to Promote Safe Browsing on the Internet was launched; the public company RED.ES, which set itself the goal to provide web surfers safe browsing tips, links, and offer content for children recommended and endorsed by different entities belonging to this area and provide access to sections for reporting to the National Police and Civil Guard.

365. Moreover, through the Telecommunications Market Commission, the Ministry of Science and Technology participates in IQUA, the Internet Quality Agency, one of whose aims is to implement a quality certification system whereby any natural or legal person who carries on business on the Internet can seek certification. Consumers' and Users' Associations, with support and assistance from the National Consumer Institute, are also doing important work in applying the children's advertising code signed by the Spanish Association of Toy Manufacturers and various consumer associations to monitor children's advertising.

366. Under strategic line 5 of the 2001-2004 Comprehensive Strategic Plan for Family Support provision has also been made for the improvement of child protection through identification and monitoring of audiovisual content and the Internet, the labelling of all digital content (and through labelling of content producers themselves will have to rate the content of their products), and the setting up of content filters, in pursuance of the recommendations made by the European Union concerning protection of users from illegal and inappropriate content on the internet.

367. Especially relevant in the area of child protection in the use or consumption of video games was the development of a self-regulation code adopted by the Spanish Association of Distributors and Publishers of Entertainment Software (ADESE), which recently acceded to the Code of Conduct for the European interactive software industry concerning age classification, labelling and advertising to promote interactive software products developed by the European Interactive Software Industry Federation (ISFE) resulting from the resolution of the Council of Ministers, under the Spanish EU Presidency, on 1 March 2002, on the protection of consumers, especially young people, through the labelling of certain video and computer games, by age group. This Code represents a major stride in giving effect to paragraph 19 of the Plan of Action contained in the document "A World Fit for Children" of May 2002, which specifically states: "Encourage measures to protect children from violent or harmful websites, computer programmes and games that negatively influence the psychological development of children, taking into account the responsibilities of the family, parents, legal guardians and caregivers."

368. Indeed, our country has adopted the new European self-regulatory code for video games PEGI (Pan European Game Information), which elaborates on and replaces the self-regulatory system established by the Spanish Association of Distributors and Publishers of Entertainment Software (ADESE), establishes age classifications for video games (age 3 or more, age 7 or more, age 12 or more, age 16 or more and age 18 or more) and prescribes descriptive content icons that specify the classification of video games by category and age.

369. The Ministry of Science and Technology, through its Directorate General for Development of the Information Society, cooperates with the European Commission

through the Advisory Committee on the Internet Action Plan for 2003-2004 (which extended the prior 1999-2002 period). The aim is to promote safer internet use, especially in everything that concerns the protection of children, one line of action being the labelling of digital content on the internet. By monitoring the Plan, the Directorate General provides institutional support for projects that involve filtering and awareness-raising and that request such support as plan participants, e.g. the “CapitanNet” initiative (a portal for parents, educators and children sponsored by the Committee Spanish of UNICEF), the launch of the “Safe Internet” campaign (from the Fundació Catalana per la Recerca and including both awareness campaigns and filtering software at the European level), and the “National Web Safety Campaign” (for safe internet surfing in a more general sense, not limited to children, sponsored by the internet users association Asociación de Internautas).

370. Also important in this connection is participation in the “Safer Internet” Action Plan of the European Commission, which provides, as one of the main priorities, for the development of filtering software to protect minors from illegal online content. Moreover, RED.ES, the public entity under the Ministry, as well as the Ministry itself, have launched a campaign on safe web surfing to protect children on the web. They have launched two different pages, one geared to parents ([www.navegacion-segura.es](http://www.navegacion-segura.es)), containing information, tips and tools for safe internet navigation -filters- and the possibility of reporting illegal content, especially child pornography, which may be found on the web; and another designed for children ([www.chaval.es](http://www.chaval.es)), also involving the Ministry of Industry, which offers game contents especially selected for children, as well as information, advice and parental control tools.

371. Given the large increase in children under 18 who use the internet in Spain, the Ministry of Labour and Social Affairs, through programmes funded under the income tax, commissioned the Spanish Committee for UNICEF in 2007 to conduct a study entitled “Self-regulation? and More” in order to gain an in-depth understanding of the risks children may face when they surf the internet, as well as possibilities for parental controls and other protective safeguards which may reduce the risks while at the same time protecting their rights.

372. The Ministry of Industry, Tourism and Trade is undertaking various measures in this area of child protection, among which is the announcement, as part of the Avanza Plan, of a programme of grants, with a total budget of 8 000 000 euros, aimed at non-profit and community groups whose aim is to fund projects and dissemination activities and to foster citizen involvement in the information society, including some related to children and adolescents, such as analysis and assessment of systems for helping children and adolescents, awareness and training of personnel, professionals and/or volunteers, new content and services in relation to children and adolescents (services for prevention, help, education and guidance through new information technologies), and outreach programmes on safe internet use. Moreover, in April 2007, the Ministry introduced the Orange Guide for families on the uses and applications of mobile phones, internet and television, which will be a very useful tool in the field of protection of minors. And, in cooperation with non-profit entities, the Ministry, pursuing the goal of child protection, has also supported the creation of the portal [www.protegeles.com](http://www.protegeles.com), promoted by the ACPI Association, a member of the European network of INHOPE hotlines.

373. Finally, it is also important to note here that direct avenues have been opened to prosecute crimes that directly affect children. These include specific improvements in methods of reporting, e.g. the fact that the Civil Guard now has a free hotline service telephone number, 062, as well as the website [www.gdt.guardiacivil.es](http://www.gdt.guardiacivil.es), which includes specific features for reporting, a page for children, for missing persons, etc. This police body also undertakes specific activities to improve detection of the problem, relying on the integrated statistical system for reports of sexual exploitation of children and detection of

new methods (*modus operandi*) being used by exploiters to make contact with minors. These methods are published in specific criminological bulletins and are distributed to all units in order to improve the detection system.

374. As regards the Autonomous Communities, we may also mention in this section the activities of various regional administrations.

375. Thus, Andalusia approved Decree No. 25/2007 of 6 February, which establishes measures for promotion, risk prevention and safety in the use of the internet and information and communication technologies (ICT) by minors. Act No. 1/2004 of 7 December created the Audiovisual Council of Andalusia, whose function is to safeguard the rights of minors as to the content of programming and advertising broadcasts. On 20 March 2006, an agreement was signed between the Department of Children and Families and Radio-Television Andalusia to broadcast, as part of children's programming on Canal Sur, Canal 2 Andalusia and Andalusia TV, a 13-episode series of the animated cartoon "Andaluna and Samir, rights to adventure", whose aim is to bring to the child/youth population a knowledge of the Convention on the Rights of the Child and promote values such as equality, solidarity, peace, integration and tolerance.

376. In Jaén on 16 and 17 November 2006, the seminar "Children and Media" took place. It was part of the Fifth Andalusia Forum on Children, and led to a set of ten action-oriented rules for the media in order to provide comprehensive protection for children. The book for journalists *Freedom of the press and child protection* was published in order to promote sound practices in communicating news involving minors. And in the 2004 Annual Report of the Children's Ombudsman of Andalusia a topic deserving special interest was "Minors and new technologies", focusing on the relationship between minors and new technologies.

377. In Asturias, the Government of the Principality is promoting, through the CTIC Foundation, the project "Internet and the family" in order to ensure the safe use of the internet by the youngest children, understanding its use as a responsibility of all the family and of those who share the task of education with parents and grandparents: teachers. In 2006, a study was prepared on safe use of new ICTs among children of the Principality of Asturias, and an Urgent Manual on television and children was published.

378. In the Balearic Islands, the main activities on the subject have been pursued through the Office for the Defence of the Rights of the Child, which has led an awareness-raising campaign for the local media about the treatment of news involving child victims of sexual abuse, including development of a guide on safe and responsible use of the internet by children, aimed at families and distributed to schools in the region. An agreement has been signed with the Balearic Islands Public Radio and Television Entity IB3 to advise on children's rights in programming. A cooperation agreement was also signed with the foundation Empresa Illes Balears, Illes Balears University, to carry out and keep updated the project entitled "Safe Network Illes Balears, Internet Safety for Children", whose aims are, firstly, to promote awareness of the possibilities of the internet, especially among children; responsible and respectful use of the internet among children; participation of those responsible for education and development of children - parents, teachers, etc.- in promoting responsible internet use; and granting the Seal of Xarxa Segura IB to all entities and individuals of the Balearic Islands who have a web page and are interested in promoting responsible internet use by children. Thus, web pages that have the seal are certified as appropriate pages to be visited by any minor of the Balearic Islands.

379. In Castile-La Mancha, a bill is pending that seeks to create an Audiovisual Council, which should exercise oversight over programming, as effectively as possible.

380. In Catalonia, the Department of Social Action and Citizenship conducts the OMNIA programme of access to new technologies in civic centres and centres for children and youth and has an agreement with Caixa for using computer terminals; filters have been installed on the networks of residential user firewalls; best-practice campaigns have also been conducted through the entities that comprise the Monitoring Centre for Children, primarily with the Audiovisual Council of Catalonia; and, in coordination with the Department of Education, training workshops are held on computer and internet basics.

381. In Madrid, there have been activities aimed at training families in the use of television and its potential effects, both beneficial and harmful, on children and young people; encouraging the regional media, especially the publicly owned ones, to broadcast appropriate programming for the family in the time slot most watched by children; awareness-raising measures through the media about the value of the family, especially in matters of family responsibility, work-life balance, zero tolerance of family violence, family conflict resolution and shared enjoyment of leisure time; measures to monitor the media in order to address the images they broadcast about children and adolescents, avoiding all forms of discrimination and alarmist images; creation, among the prizes sponsored by “Children of the Community of Madrid”, of the “Medio Media” Prize, awarded annually to the best socio-cultural production that has advanced, advocated or promoted the rights of children and adolescents.

382. Measures have also been adopted within the First Plan of Family Support, 2005-2008, related to child safety and new technologies, distribution of tagging systems in the family context; control of digital content on web pages in order to protect children against content that is illegal or harmful to their development; information on the use of new technologies to prevent psycho-social disorders resulting from abuse of new technologies; a special issue of Micromadrid for parents with tips and advice on internet management; funding, advice and advocacy for “cyberfamilies” and “schoolbullying” web pages, etc.; conclusion by the Madrid Institute for Children and Families of an agreement with RED.ES of the Ministry of Industry for support of mutual links between the websites [www.chavales](http://www.chavales) and [www.micromadrid.es](http://www.micromadrid.es); forums for study, discussion and exchange of experiences with families in regard to the impact of media and new technologies on young people through workshops and initiatives such as the “Family School.”

383. Murcia has promoted outreach activities and cooperation with the State security corps, either providing information or bringing situations detected to their attention, in order to protect children and adolescents from violent or harmful websites.

384. In Navarre, there have been up to 60 workshops aimed at parents, on “Family, TV and other screens.”

385. The Basque Country developed a specific workshop, among all the Ombudsmen and in the framework of the Ombudsmen’s Coordinating Conference, on mechanisms for monitoring content of television programmes during times with a large child audience, and parental control through appropriate and consistent information on television programmes; preparations have also begun for development of a forthcoming report on imparting values to children with special attention to new technologies.

386. As noted, the importance of new technologies is crucial in the effective exercise of the right of children to access appropriate information. In fact, statistics show - as seen in the statistical annex- “that the medium with the greatest presence among the young is the internet, where the population aged 14 to 19 represents 15 per cent of total users; so that 68 per cent of respondents in a specific study on internet use by the Association for Media Research connect daily on more than one occasion, and the percentages of those who log on

almost every day or several times per week is also substantial (in the latter case, in the age group under 13). See the statistical annex for general data on media audiences among young people aged 14 to 19 and frequency of internet use by age.

387. We must also refer, as indicated in paragraph 9 of the annex to the general guidelines (CRC/C/58/Rev.1), to statistics on the number of libraries that are accessible to children. In this regard, it is interesting to disaggregate the data taking into account the difference between public and private libraries and also distinguishing between Autonomous Communities. Thus, as shown in the table included in the statistical annex on libraries, as spaces for reading and borrowing books are most numerous in overall numbers in Andalusia and Catalonia, and most of the Autonomous Communities have a network of libraries in which most of them are public.

## **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (article 37 (a) of the Convention)**

388. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 30 and 31) on the abolition of article 154 of the Civil Code regarding the possibility that parents can “reasonably and moderately correct children”, this article has been amended by removing this possibility in the Law on intercountry adoption. The second paragraph of Section IV of the statement of purpose of the Law on Adoption (Act No. 54/2007 of 28 December) expressly states: “The evident link that exists between adoption and protection of minors provides an opportunity to amend articles 154, 172, 180 and 268 of the Civil Code. In addition to improving the drafting of these articles, a response is thus provided to the Committee on the Rights of the Child, which has expressed its concern at the possibility that the power to inflict moderate punishment that parents and guardians have thus far enjoyed may contravene article 19 of the Convention on the Rights of the Child of 20 November 1989. “ Thus, in section two of the first final provision, article 154 of the Civil Code is amended by deleting the provision to the effect that parents could “reasonably and moderately correct their children”, providing instead that parental authority must always be exercised for the benefit of children, according to their personality, “and with respect for their physical and psychological integrity”.

389. Also to be considered in this context is the progress being made in social awareness about the fact that ways of applying discipline in the upbringing of children should avoid violence and, therefore, corporal punishment - although it is true that such punishment has not been completely eliminated from the range of measures that parents consider they may resort to, provided it is done with moderation. In any case, this deepening social awareness has long been pursued by numerous organizations defending the rights of children, such as Save the Children or the Child Protection Agency of Madrid, and various actions have been undertaken to promote alternative forms of discipline in the family, such as the launching of “schools for parents.”

390. For example, among the subsidies granted by the Ministry of Labour and Social Affairs for social and cooperation programmes funded by the income tax, programmes for children and family are among the priority programmes eligible receive aid through the NGOs that are operating them. Consequently, NGOs can apply for aid to implement programmes that are aimed at preventing and addressing child abuse and exploitation. One such case is the grant by the Ministry of Labour and Social Affairs for “Correct, don’t hit”, a programme that aims to raise awareness among social partners who work with children and parents responsible for their upbringing about the importance of eliminating all forms of violence in close relationships, starting with the elimination of physical and psychological punishment as a form of discipline. It is also aimed at generating public

debate on the subject, including social and political stakeholders responsible for developing the necessary measures to enforce the legal and social eradication of the legitimacy of corporal punishment as a standard of education. In pursuing this campaign, a range of materials have been widely disseminated in ministries of Education, Health, Social Welfare, Social Services, various public hospitals and midwifery associations, social centres and women's centres of all Autonomous Communities, providing training and reflection on the topic.

391. Courses have also been conducted in the academic arena, for example, at the European University of Madrid, Universidad Complutense de Madrid, the Teacher Training College, the Universidad de Comillas and the University of Lleida, aimed at students of Psychology, Education, Teaching and volunteers in children's projects.

392. We must also refer to the action taken in the Autonomous Communities.

393. In Castile and Leon, there is the Cooperation Agreement for the Management of Social Services with the entity ASECAL, in the years 2005 and 2006, for the implementation of the "Programme for the treatment of abused children", which has also developed a Protocol for action in cases of violent behaviour within the family, in 2006. Also in operation during the period from 2002 to 2006 is the programme "Educate in the family" and awareness-raising programme "Children well treated" - publication of the booklet in 2002 and distribution in the period 2002-2006. In cooperation with the REA Association, the following programmes have been implemented: awareness programme in schools and in the family against child abuse, awareness programme against bullying and awareness programme in the health sector against abuse of children and adolescents.

394. The Autonomous Community of Madrid has created Parents' Schools to foster positive attitudes by parents to take an active part in the holistic education of their children and facilitate the fulfilment of family obligations. Similarly, the "Family School" has been created, which includes workshops conducted not only for parents but for all family members, aiming to provide guidelines to facilitate living together in the family and enabling the family to play its educational role in especially problematic areas. It includes therapeutic family support and mediation with children and their families, and therapeutic support and mediation for intra-family conflict with adolescents.

395. Catalonia is pursuing a variety of programmes of training and education in values, under the Department of Social Action and Citizenship, e.g. "Learn to be you. Family time", with an annual average of 10 meetings directed to parent-teacher associations, foundations and groups of families.

396. In the Basque Country, through the institution of the regional Ombudsman, the Ararteko, there is follow-up to the report on "Care for children and adolescents in situations of vulnerability" with specific actions on some situations, for example, care for children battered women.

397. Finally, the ANAR Foundation is conducting the programme Educate to Grow, which consists of a Parents' School which takes place at public and private schools in order to create opportunities for involvement and provide guidance to parents about guidelines for raising children. During the reporting period (2002-2006) there were 6,156 beneficiaries of the programme. The foundation also published a Parents' Guide, responding to concerns and conflicts of fathers and mothers and offering guidance on different topics, such as aggressiveness, nutrition, values, etc.

398. In view of the content of article 37 a) of the Convention, and as indicated in paragraph 10 of the annex to the general guidelines (CRC/C/58/Rev.1), we must explain, first, that in Spain there is neither capital punishment nor life imprisonment, and article 15 of the Constitution expressly provides that "Everyone has the right to life and physical and



moral integrity; no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment". There are no reports of children being victims of torture.

399. Secondly, attention must be given to crimes in which children are victims of other cruel, inhuman or degrading treatment. We include here, firstly, assaults against the person, such as battery, violations of sexual freedom and integrity, such as sexual assault and sexual abuse, and violations of children's freedom, such as torture or wrongful imprisonment; secondly, we note the special importance of the family setting in the perpetration of these cruel, inhuman or degrading acts and point out that the incidence of female genital mutilation among the Spanish population is virtually nil. That practice was referred to in section D of chapter I of this report and will be referred to again in Chapter VI. Finally, reference is made to the occurrence of cruel treatment when inflicted by other children at school.

400. Thus, in the first place, we present a statistical table distinguishing between the aforementioned types of crimes of which children are victims, also shown by age group, which points to the high number of cases of sexual abuse of children under age 13 as a source of special concern.

Table 4

**Crime victims by type of crime and age group in Spain, 2006**

| Age          | Persons      |              | Sexual freedom and integrity  |                                 |                           |                   |                              | Freedom    |            |                     |          |           |
|--------------|--------------|--------------|-------------------------------|---------------------------------|---------------------------|-------------------|------------------------------|------------|------------|---------------------|----------|-----------|
|              | Battery      | Other        | Sexual abuse with penetration | Sexual assault with penetration | Sexual assault with Other | Illegal detention | Habitual abuse in the family | Abduction  | Torture    | Degrading treatment |          |           |
| Under 13     | 273          | 938          | 715                           | 49                              | 236                       | 95                | 632                          | 70         | 166        | 15                  | 0        | 24        |
| 13-15        | 385          | 700          | 388                           | 47                              | 261                       | 163               | 426                          | 66         | 114        | 8                   | 0        | 30        |
| 16-17        | 658          | 1 031        | 220                           | 24                              | 195                       | 135               | 236                          | 95         | 165        | 8                   | 0        | 13        |
| <b>Total</b> | <b>1 316</b> | <b>2 669</b> | <b>1 323</b>                  | <b>120</b>                      | <b>692</b>                | <b>393</b>        | <b>1 294</b>                 | <b>231</b> | <b>445</b> | <b>31</b>           | <b>0</b> | <b>67</b> |

Source: Prepared by CIIMU based on the statistical yearbook of the Ministry of the Interior

401. With respect to victims of violence in the family environment, according to the Statistical Yearbook of the Ministry of Interior, it should be noted that in any case the most frequent offenses are abuse, both sporadic and habitual. It must also be stressed that, if one examines gender distribution, the offenses affect girls much more than boys, especially during adolescence (ages 16-17), pointing to gender violence increasing with age. This may be observed in the table on victims of violence in the family environment of the corresponding statistical annex.

## V. Family environment and alternative care (arts. 5, 9-11, 18, paras. 1 and 2; 19-21, 25, 27, para. 4 and 39) (General Guidelines, paras. 27 to 29)

### A. Parental guidance and responsibilities (article 5, paragraphs 1 and 2 of article 18 of the Convention)

402. The second periodic report of Spain (CRC/C/70/Add.9, paras. 826 and following) identified the set of national and regional legal rules responding to the need to facilitate provision of guidance by various governmental institutions to parents in the performance of

their responsibilities, in keeping with articles 5 and 18.1 and 2 of the Convention. This report follows the same approach, appreciating the close unity that must exist between ensuring that parents can lead and guide their children properly and ensuring that parents can meet their parental responsibilities. In fact, the same article 5 of the Convention begins by stating that “States Parties shall respect the responsibilities, rights and duties of parents ...”.

403. In this regard, there is the recent Act No. 35/2007 of 15 November establishing an individual income tax deduction for birth or adoption and a one-time economic benefit from Social Security for birth or adoption, which governs the universal provision of a payment of 2 500 euros for the birth or adoption of a child, once the child is registered with the Civil Registry, subject to a requirement of residency in Spain for at least two years prior to the birth or adoption and subject to the birth or adoption having taken place after 1 July 2007.

404. Royal Decree No. 613/2007 of 11 May establishing and regulating the State Council and Centre for Families establishes those bodies and thus gives effect to the provisions of Act No. 40/2003 of 18 November on the protection of large families, which provided for the creation of the Family Monitoring Centre. As noted in the statement of purpose of the Royal Decree, these bodies “should serve as a conduit to specifically channel participation and cooperation with community associations concerned with the family, taking into account the range of family situations, models and issues existing in a democratic and advanced society such as Spanish society in the early twenty-first century, striving to incorporate within it that diversity of perceptions and approaches.” And in this regard, the Ministry of Labour and Social Affairs has intensified cooperation with the family association movement in all its diversity (grants, agreements, conferences), with support to groups of single parents, same-sex parents, families with dependents, large families, etc.

405. Act No. 42/2003 of 21 November amending the Civil Code and the Civil Proceedings Act with regard to family relationships of grandchildren with grandparents focuses on the system of relationships between grandparents and grandchildren, both in event of a family breakdown and in the case of simple dereliction of duties by the parents, attributing to the grandparents the relevant function in the event that parents neglect their parental obligations.

406. Organic Law No. 3/2007 of 22 March on effective equality of women and men provides in its statement of purpose: “The law provides special attention to correcting inequality in the specific area of labour relations. Through a series of provisions, it recognizes the right to reconcile personal, family and working life, and encourages greater shared responsibility between women and men in the assumption of family duties, principles underlying the entire enactment which find here their most significant expression.” It therefore provides, as the “most innovative measure for promoting the reconciliation of personal, family and working life, the paternity leave of thirteen days, which may be extended in case of multiple births by two days for each child from the second. This is an individual and exclusive right of the father, applying to biological parenthood and in cases of adoption or foster care. The law also introduces improvements to the current maternity leave, extending it for two weeks in cases of children with disabilities, said extension being available to either parent. These same improvements are also introduced for self-employed workers and other special schemes under Social Security.” Naturally, it also incorporates other interesting measures, such as a leave accruing by reason of risk during pregnancy and lactation, under article 58, or rules concerning the maternity allowance in the eighteenth additional provision.

407. And Act No. 46/2002 of 18 December partially amending the individual income tax seeks to assist others during the first three years of motherhood by introducing an important aid to families with effect from 1 January 2003. An individual income tax deduction is granted in the amount of 1 200 euros annually per child under age three, with a view to offsetting the social and labour costs resulting from maternity. The measure also seeks to provide families with assistance for child care - as well as care for older relatives or the disabled - when they need the services of early childhood education centres or need to hire caregivers. It also provides for an increase in the minimum family and personal deduction, i.e. the portion of income which the taxpayer generally earmarks for his personal needs and those of his dependents, with special attention to large families.

408. Moreover, among the subsidies granted by the Ministry of Labour and Social Affairs for social cooperation and volunteer programmes under the individual income tax allocation scheme, programmes for children and family are among the priority programmes eligible to receive aid from the NGOs that operate the programmes. In particular, NGOs can apply for aid under the tax allocation scheme to support programmes for families with dependent members, programmes aimed at greater work-family compatibility, programmes of intervention for families in special difficulty, and programmes of family counselling and/or mediation.

409. The current Law amending the individual income tax also contemplates increases in the amounts of basic allowance for descendants, especially from the third. There is a significant difference between the amount per child under the personal income tax in 2006 and in 2007. For the first child, the amount rises from 1 400 euros to 1 800 euros, for the second it rises from 1 500 euros to 2 000 euros, for the third it rises from 2 200 euros to 3 600 euros, for the fourth from 2 300 euros to 4 100 euros, and for children under age 3 from 1 200 euros to 2 200 euros.

410. In any event, regarding the concrete steps taken to effectively ensure that parents can fulfil their responsibilities and thus provide proper supervision and guidance to their children, considerable efforts have been made both nationally and regionally.

411. Thus, at the State level, it may be noted first that the First National Plan for Social Inclusion, 2001-2003, already established the goal of improving social security economic benefits per dependent child. And an especially noteworthy development is the adoption and entry into force in late 2001 of the 2001-2004 Comprehensive Plan Family Support for whose development the Ministry of Labour and Social Affairs, under its programme of aid funded by the general budget, earmarked 270 000 euros in 2002, 248 000 euros in 2003 and 229 000 euros in 2004. Among the measures taken under the Plan was the signing by the Ministry of Labour and Social Affairs of 17 cooperation agreements with Autonomous Communities to subsidize a total of 922 projects (110 new and the rest continuations of projects launched in previous years) aimed at early childhood care, and nearly 400 projects to support families in special situations (disadvantaged families, single parents, violence, conflict or family breakdown), reflecting an annual contribution of about 40 million euros.

412. As regards the Plan itself, the following important steps fall within Strategic Line 1 (fiscal and income policy): aid to mothers in the first three years of motherhood; special aid to large families; tax relief favouring employment for families with children; tax relief for families caring for children and older dependents. Within Strategic Line 2 (Improving Social Security benefits for dependent children) there are the following: raising the maximum annual income limit per child established for entitlement to economic benefits in the form of periodic payments per dependent child; updating of the amounts of periodic cash benefits per dependent child; increasing the amount of the one-time cash benefit upon the birth of a child; extending the right to family benefits for the birth of third child and subsequent children and for multiple births to cases of adoption and pre-adoptive or permanent foster care.

413. Within Strategic Line 3 (Reconciling family and working life), there has been regulatory development of the Law on reconciliation of family and working life of working people; an expansion of Social Security assistance to help unemployed women to be recruited after their maternity leave; reimbursement of 100 per cent of the employer contribution to Social Security for common contingencies for one year in cases of suspension of employment contracts due to maternity when the woman is reinstated to the post; developing a "Code of good practice" on reconciling family and working life in the corporate setting, in cooperation with social partners; and increased services for early childhood care in cooperation with the Autonomous Communities and local authorities, in order to extend the networks of services that facilitate reconciliation and gradually increase supply of public slots for children under age 3 until demand is met.

414. And under Strategic Line 8 - Support for families in special situations - there is an increase in pensions for widows and orphans, the development of family education programmes and care for disadvantaged and at-risk families, including both social and educational activities as social intervention for families living in disadvantaged areas and neighbourhoods, and the development of programmes to support single parents (single parent with children under 18 years) living in social difficulties, including actions aimed at ensuring that these families have the necessary support to address their particular problems.

415. In Strategic Line 10 (new law to protect large families), an objective was that of developing a new Law on Protection of Large Families. In 2003 Act No. 40/2003 of 18 November on protection of large families was adopted, with the implementing regulations adopted by Royal Decree No. 1621/2005 of 30 December, which prescribes specific protective action for families with three or more children, common or not (in education, transport, social security, taxation, housing, social and cultural services, etc.). The estimated cost resulting from the implementation of specific government benefits expressly included in the law is 42.93 million euros per year and the number of potential beneficiaries of the measures is estimated at 614 000 households.

416. In that connection, it is interesting to note the initiatives taken to achieve reconciliation between work and family life. In this regard, it should be noted, first, that the public social security system includes several forms of parental leave that foster reconciliation between work and family life, such as maternity leave, reduced working hours for breastfeeding, reduced working hours for child care, and leave for care of a child under three years of age. Along with the above measures, it should be noted that the Ministry of Labour and Social Affairs has developed programmes jointly with the Autonomous Communities to promote reconciliation between work and family life through care during early childhood (0-3 years), with appropriations for the development of the relevant agreements and programmes of 21 793 830 euros in 2002, 27 960 856 euros in 2003, 27 886 271 euros in 2004, 28 793 830 euros in 2005, 28 793 830 euros in 2006 and 29 793 810 euros in 2007, with the Autonomous Communities and the autonomous cities of Ceuta and Melilla assuming responsibility in the financing of each project in an amount not less than 50 per cent of the total cost, including the contribution that may be made by the local government.

417. In 2005, there was the issuance of Order No. TAS/3441/2005 of 2 November on grants to municipalities, associations of municipalities and counties to develop innovative programmes for the integration of immigrants. One of the main priorities envisaged, under which applications could be made to develop innovative programmes, was that of reconciling work and family life.

418. In 2006 the so-called Plan Concilia came into operation. The plan affects more than 500,000 public employees of the general State administration and includes improvements to leave schemes - the new paternity leave being the highlight - reduced working hours, leaves of absence, flexible schedules, etc.

419. In 2007 came the adoption of Organic Law No. 3/2007 of 22 March for the effective equality of women introducing reforms in work-life balance that pertain to leave provisions and family benefits, especially a new paternity leave, improved maternity leave (extension of its duration if the child has a disability, more flexible requirements for a subsidy, etc.), the new leave for risk during breastfeeding, and new possibilities of flexible hours, both as regards reduced working hours and as regards leaves of absence, increasing legal protection and guarantees for workers in these situations. Several initiatives are also under way to foster family-responsible and flexible enterprises, with a view to establishing measures favouring the family dimension for workers and managers (flex time, telecommuting, social assistance, leave more tailored to needs for care and childcare and other family members, etc.). National Certificates and Awards are granted to companies that distinguish themselves by their good practices in these areas.

420. The Ministry of Labour and Social Affairs annually prepares a directory of social services for families, to disseminate information about benefits and services in family protection, care of children and other relatives and work-life balance that are available to citizens under the general State administration.

421. A salient achievement during all the years of the reporting period were the support programmes for families in special situations, which are conducted through programme agreements with Autonomous Communities. These programmes also seek to prevent those special situations from deteriorating into situations of social exclusion and family breakdown. Credits allocated for these programmes have been 12 702 030 euros in 2002, 13 540 933 euros in 2003, 13 845 961 euros in 2004, 13 702 030 euros in 2005, 13 702 030 euros in 2006, and 13 702 030 euros in 2007 (with the Autonomous Communities and the autonomous cities of Ceuta and Melilla assuming responsibility in the financing of each project in an amount not less than 50 per cent of the total cost, including the contributions that may come from the local government). In the present context, a noteworthy programme is the programme for family education and aid to disadvantaged, at-risk and single-parent families, which seeks to bring about individualized intervention of a comprehensive character with nuclear families that are facing social difficulty or risk, contemplating both socio-educational measures and assistance in entering the labour market.

422. Along the same lines, we can cite the action of the Diocesan Caritas, through its care programme for children and women, with special attention to cases of single parent families, contributing to a comprehensive approach to child and family, pursuing prevention and intervening in cases of social exclusion, in light of surrounding circumstances.

423. We must also note the activities of the Youth Institute (INJUVE) in this area. Thus, among other activities, it conducted a study in 2002 about “Inter-generational relations between parents and children” (for which 11 900 euros were allocated), and quarterly surveys on situations and opinions of young people about “Young people’s perception of violence” and “Family relations: Views on equality between men and women” (earmarking 24 047 euros); in 2003, two studies followed, one on “Youth cultures (urban tribes)” and one on “Violent behaviour of adolescents with their peer group” (12 000 euros were allocated for each). In 2004, the Journal of Youth Studies (*Revista de Estudios de Juventud*) devoted Monograph No. 77 to “Couples and ways of living together” (allocating 6 000 euros). In 2005, in cooperation with the Centre for Sociological Research, quarterly opinion surveys were done of young people on “Values and Attitudes” (with an allocation of 27 500 euros), and the publication *Youth in Spain Report, 2004* (allocating 18 000 euros); and in 2006 two studies, one on “Adolescents and their surroundings” and one on “Young people, school failure and social integration” (12 000 euros allocated for each), and the Journal of Youth Studies devoted Monograph No. 73 to “Adolescents and gender behaviour” (allocating 6 000 euros).

424. During the reporting period, the Autonomous Communities have also conducted numerous initiatives to help parents successfully fulfil their duties and give proper supervision and guidance to their children.

425. Thus, Andalusia has a manual for intervention under its treatment programme for families with children; in 2003 an experimental programme was set up for technical training/supervision of specialists of family therapy teams. Since then, there has been momentum and expansion of family treatment teams, which work to mitigate risk factors; and since 2002 there has been a plan of assistance to families in regard to rehabilitative care centres, increasing the number of rehabilitative care centres from the 556 existing in 2002 to 944 in 2006. Five per cent of total places available in these centres are reserved for disabled children whose families file requests.

426. In Aragon, there are several programmes to support families, such as the Short-term intervention programme for families in crisis with adolescents, or, since 2004, the Programme of emergency foster homes.

427. In Asturias, during the reporting period, 11 Technical Support Intervention Teams for families in special situations have been established, while in 2002 there were only seven teams. In this connection, a study has been conducted aimed at developing a programme of social intervention with families in the Principality of Asturias. The Departments of Social Welfare, Education and Health, and Health Services of Asturias have produced Guides for detection and intervention in situations of child neglect.

428. A Sectoral Plan for Early-childhood Schools and Family Support of the Autonomous Community of the Canary Islands has been in operation throughout the period 2002 to 2006. It operates by funding programmes for the maintenance of places in municipal nursery schools and funding municipalities to arrange for places in private nursery schools. Funding goes to 6 non-profit entities for the maintenance of nursery schools for children from 0 to 3 years old, in municipalities or districts in need of this resource, in order to facilitate reconciliation of work and family life. Grants are also given to prevention programmes for children and families in pre-risk and at-risk situations and to support programmes for disadvantaged families through risk programmes, i.e. families in which there is violence, and to support programmes for single parents.

429. Cantabria has produced a Manual of action in situations of child neglect which has led to a decentralization of the system of protective services for children and implementation of a Family Intervention Programme.

430. In Castile-La Mancha, there are family support programmes in cooperation with the municipal councils; a programme of family counselling and mediation; a programme of care for families at risk; and daytime care centres for families and adolescents.

431. In Castile and León, pursuant to Decree No. 276/2000 of 21 December, approving the Regional Sectoral Plan of Child Protection and No. 57/2005 of 14 July, approving the Regional Sectoral Plan of Child Protection, training courses are held every year for support teams for families with children in vulnerable situations under the local corporations of Castile and Leon. We should also note the existence of family counselling and support programmes for the pursuit of guidance activities and respite projects, which are carried out through cooperation agreements between Social Services and non-profit entities. To that end, Social Services extends yearly grant opportunities to local governments. There is an annual budget item dedicated to NGOs for programmes of prevention, family support day care centres for young children, and in this way direct grants have been awarded to Caritas and Red Cross for all years of the reporting period. It is also interesting to note the

approval of Act No. 1/2006 of April 6 on family mediation of Castile and Leon, which governs family mediation as an extrajudicial procedure, in response to a recommendation made in 2001 by the Attorney General to this Autonomous Community on the development of rules governing family mediation as a mechanism for resolving conflicts.

432. In Catalonia, there has been significant legislative activity on this subject with the approval of the following laws: 6/2002 of 25 April on measures to reconcile work and family life of administration staff; 18/2003 of 4 July on family support; and 8/2006 of 5 July on measures to reconcile family life and work of staff serving the administration. There have also been other interesting initiatives, including: the creation of the Family Mediation Centre of Catalonia, 2001-2002; development, from 2004 to 2006 as a pilot programme, of the “Panel of Families”, which is an instrument for ongoing analysis and planning of family policies through review of family and child situations; furtherance of counselling opportunities through the programme “Family Time”; and the deployment of child and adolescent care teams to pursue support for families in special situations. These teams, formerly comprising psychologists, teachers and social workers, now include a social educator.

433. Within its Directorate General for the Family of the Ministry for Family and Social Affairs, Madrid has created the Unit for Family Counselling in Difficult Situations, which will also serve as a monitoring centre for the needs and problems of families in Madrid. There is also the adoption of the First Family Support Plan, 2005-2008, which includes 189 support measures, including those geared to children with behavioural problems and families in need. On the legislative front, the Ministry of Family and Social Affairs has approved five orders issuing invitations to apply for grants for programmes and family support (270/2005, 815/2006, 916/2005, 14/2006, 2309/2006). Also noteworthy is the development and dissemination of studies and research on various issues affecting the family, better to understand its social and economic reality; the development of Parents’ Schools; support for non-profit institutions to carry out family support services, programmes and actions; projects included in the annual agreement with the Ministry of Labour and Social Affairs to support families in special situations; a comprehensive intervention programme for minors socially at risk; publication of short stories and narratives about the importance of family and family values, different family models, immigrant families, etc.; the annual story competition “Family Tales” (“La Familia Cuenta”) on the importance of the role the family plays for its members and the society alike; the programme “Por Igual” (“Equally”) (talks, conferences, seminars, awareness-raising campaigns on the need for equitable sharing of household tasks, which makes possible the reconciliation of work and personal life, aimed at pre-school and primary education, teachers, parents, and the Personal Autonomy Classroom for secondary students).

434. Also important in this regard are the measures promoted by the Fourth Plan for Equal Opportunities for Women and Men in the Community of Madrid (2002-2005) to facilitate reconciliation of work and family life so that both parents can adequately meet their parental responsibilities; aid for schooling of children under age 3 and financial aid for childbirth or adoption; agreements with municipal councils for the establishment of nursery schools and subsequent cooperation; contacts, meetings and seminars with enterprises and social actors to raise awareness regarding work-life reconciliation; incentives (special recognitions and awards) to firms to undertake actions that allow the reconciliation of family and work responsibilities of staff; development of the “Good practice guide for flexible and responsible companies”, etc.

435. In Navarre, different types of economic aids are provided to help working parents, such as aid for working mothers; aids for the granting of leave; a subsidy for child-care centres at work; aid to families with multiple births; aid to families with four or more children; and aid to families for a third child and subsequent children. Navarre has also

implemented a “Specialized family intervention” programme, Casa Amigas and other work-life balance projects, and has published a guide entitled *Child protection: the role of the family. Child protection: the role of the school*.

436. In Valencia, there are two important specialized services in this area: family and child care and family counselling and mediation; in addition, orders are approved annually issuing and regulating invitations to submit applications for aid for programmes and services specializing in intervention and care for families, children and adoptions; there is also a cooperation agreement with the Valencia municipal government to carry out specialized family interventions through techniques of psycho-social counselling, family mediation and family therapy.

437. Finally, we should note that all these measures taken in order for parents to fulfil their duties satisfactorily and thus provide proper guidance and supervision to their children, are reflected in some relevant statistics.

438. Thus, according to the instructions of paragraph 11 a) of the annex to the General Guidelines (CRC/C/58/Rev.1), one might point out first, in general terms, that public spending to provide adequate assistance to parents and legal guardians in the performance of their responsibilities in regard to child rearing remained stable over the period 2000-2004, with monetary spending accounting for 0.3 per cent of GDP over the period, except in 2004, when it accounted for 0.4 per cent of GDP. This implies a budgetary effort below the average for Europe, which spends 1.6 per cent of GDP on benefits for families and children except in 2001, when it was 1.5 per cent. It is closer to the European average for spending on family and child benefits, which accounts for 0.2 per cent of GDP each year during the period 2000 to 2004, the average spent by the 15 countries of the European Union being 0.6 per cent.

439. As regards periodic benefits for dependent children, the number of disadvantaged families or families in economic difficulty who have requested this type of service has decreased, in line with the higher average income level of Spanish families. Benefits for dependent children have decreased from 794,095 in 2000 to 694,075 in 2004, as has the coverage rate, which stands at 9.2 per cent of the population. This trend is largely in keeping with the improving socioeconomic status of families in Spain, since these benefits are linked to not exceeding a specific income ceiling. But it also should be noted that in the years 2005 and 2006 spending on policies for children and adolescents increased both at the central Government level, with a 6.4 per cent increase from year to year and, at the level of the Autonomous Communities, with an increase of 10.6 per cent. Also, in the period 2000 to 2004, the average amount of benefits for dependent children experienced a steady increase, going from 1 053 euros per year in 2002 to 1 191 euros in 2004. In this connection, one can observe some significant developments regarding these changes in the statistical annex tables that explain the data.

440. Also during this period, in 2000, two new family benefits were introduced: for the birth of a third or subsequent child, and for multiple births. More recently, in 2007, the new universal benefit for birth or adoption was introduced (2 500 euros), increased by 1 000 for large families, single parents or disabled mothers.

441. Moreover, the benefit rates for children under 3 and children under 18 with disabilities have substantially improved (see corresponding chart in the statistical annex).

442. And, in keeping with paragraph 11.b) of the annex to the General Guidelines (CRC/C/58/Rev.1), note should be taken of the low enrolment rate for children under age three, although there are significant differences according to the child’s age and Autonomous Community, and there are also data that point to improvement.



443. Thus, according to data from the Ministry of Education and Science, the net enrolment rate in primary education in the 2001-2002 school year was 10.7 per cent; in 2003-2004 it had increased to 12.9 per cent and in the 2006-2007 school year reportedly reached 17.3 per cent, although, according to research by the University of Vic commissioned in 2005 by the Ministry of Labour and Social Affairs, the data obtained directly from the Autonomous Communities would entail a substantial State-wide increase with respect to the official data released by the Ministry of Education and Science, with the rate rising from that 12.9 per cent to 20.7 per cent. In research conducted by the same team for 2006, the total number of places registered for the 2005-2006 school year attained a coverage rate of 27.1 per cent of children under age 3 (see chart on enrolment in primary education, by Autonomous Communities, in the statistical annex tables).

444. It is important to note that at this stage, unlike what happens at other stages of education, the supply of education in private schools (55.6 per cent in 2005-2006) exceeds the supply in public schools (44.2 per cent) (see table on care centres for children under age three, by type, in the statistical annex).

## **B. Separation from parents (article 9 of the Convention)**

445. The second periodic report of Spain (CRC/C/70/Add.9, paras. 847 and following), provided a detailed discussion of legal regulations affecting cases in which children had to be separated from their parents in order to protect their best interests.

446. In this report, we note in this regard the following legislative initiatives in the Autonomous Communities:

447. Andalusia has adopted Decree No. 42/2002 of 12 February on child neglect, guardianship and wardship, whose first article provides that its purpose “is to regulate the conduct of the administration of the government of Andalusia in proceedings concerning abandonment, guardianship and wardship of minors”; Decree No. 282/2002 of 12 November on Foster Care and Adoption, which provides in its first article that “The purpose of this Decree is to regulate the conduct of the administration of the government of Andalusia in proceedings concerning foster care and adoption of minors”; and Decree No. 355/2003 of 16 December on residential placement of minors, whose first article states that “The purpose of this Decree is to regulate the conduct of the administration of the Government of Andalusia in proceedings concerning residential placement of minors, in the framework of the activity of the administration and to establish the regulatory foundations for the system of organization and operation of child protection centres.”

448. Aragon has adopted Decree No. 67/2003 of 8 April approving the regulations of the Adoption Council of Aragon. As indicated in article 5 of the Annex, the Council is competent to: 1. Approve the formalization of placements carried out with the consent of the parents or guardians of the minor; 2. Propose referral of the placement to a judicial authority, in compliance with the requirements of the Civil Proceedings Act, where there is opposition or lack of consent by parents or guardians; 3. Formulate the proposal prior to the adoption proceeding; 4. Examine steps taken in furtherance of the appointment of a guardian.

449. In Extremadura, as already mentioned in Section D of Chapter I of this report, Decree No. 139/2002 of 8 October governing the organization and operation of Juvenile Placement Centres under the responsibility of the Social Welfare Council, as its preamble indicates, seeks “to establish guidelines on socio-educational intervention and to unify reporting and recording systems to be applied and issued pursuant to the same”. Decree No. 5/2003 of 14 January laying down the procedure for assessing applications for adoption and selection of adoptive and foster parents provides in article one that its purpose

is “to establish appropriate procedural channels for assessing applications for adoption and foster care in the Autonomous Community of Extremadura, and for the selection of adoptive and foster parents.”

450. In La Rioja, there has been approval of the various decrees implementing Act No. 1/2006 of 28 February on the Protection of Children in La Rioja; Decree No. 30/2007 of May 25 approving the Rules for the constitution of the Committee on Adoption, Foster Care and Guardianship; Decree No. 31/2007 of 25 May governing the regulations on administrative intervention in matters of adoption; Decree No. 32/2007 of 25 May adopting the Regulations establishing the Child Protection Register; and finally, Decree No. 108/2007 of 27 July approving the Regulations on action by La Rioja public authorities in the protection and care of minors.

451. It is also interesting to observe that the Constitutional Court itself has noted the essential character of the principle of the best interest of the child in dealing with cases of neglect, marital legal separation, loss of parental rights, foster care and adoption, among which there is an obvious connection, as well as the need for the child’s participation, in keeping with articles 9.2 and 12 of the Convention, so that the child may be heard in the relevant proceeding (it being understood that, otherwise, there would be violations of the right to be heard under article 9 of Organic Law No. 1/1996 of 15 January on the legal protection of minors as well as the right to effective judicial review guaranteed by article 24.1 of the Spanish Constitution). The Constitutional Court has issued the following decisions to that effect, described in greater detail in Chapter 5 of Annex I: Decision No. 187/1996 of 25 November; Decision No. 114/1997 of 16 June; Decision No. 4/2001 of 15 January; Decision No. 124/2002 of 20 May; Decision No. 221/2002, 25 November; Decision No. 71/2004 of 19 April; Decision No. 75/2005 of 4 April; Decision No. 152/2005 of 6 June; Decision No. 384/2005 of 23 May; Decision No. 17/2006 of 30 January.

452. It is also important to address cases of separation of children from one parent when there is a divorce or separation between the parents. In this regard, it is of interest that the 2001-2004 Comprehensive Plan of Family Support establishes within Strategic Line 6 (Review of family law) measures to ensure the right of grandparents to visit grandchildren in case of divorce or separation; to address repeated failure to comply with visitation of the children in cases of separation or divorce; to examine and, where appropriate, modify the exercise of parental authority in case of separation or divorce; and within Strategic Line 7 (family counselling and/or mediation services), to promote programmes in all the Autonomous Communities that include: family counselling to help resolve conflicts that arise between family members (between spouses, parents and children, etc.), family mediation for the peaceful resolution of conflicts arising in the course of marital breakdown, the establishment and regulation of family meeting points to carry out the system of visitation of children after separation of the couple, when it cannot be carried out independently; to deal with repeated failure to comply with visitation of the children in cases of separation or divorce (changes in the Criminal Code and the Civil Code): Organic Law No. 15/2003 of 25 November amending Organic Law No. 10/95 of 23 November, the Criminal Code. And under these last two lines of action we should note the adoption of Law 15/2005 of 8 July, amending the Civil Code and the Civil proceedings act with regard to separation and divorce, which creates more flexible procedures, allows direct application for divorce, eliminates the requirement for grounds, and expressly allows joint custody.

453. Among the support programmes for families in special situations is the programme of family counselling and/or mediation and family meeting points, aiming to prevent and address the problems generated by family frictions, situations involving a risk of family breakdown, or situations in which the couple have decided to separate, giving priority in all cases to the best interests of the child. Also addressed are issues arising in relation to

compliance with visitation of the children established in connection with cases of separation or divorce of the parents, or following upon judicial decisions, or at the direction of Social Services, or on the initiative of those affected.

454. The Ministry of Labour and Social Affairs maintains a fluid and close relationship with all public and private actors involved in family meeting points and has organized various activities and conferences, such as those held with the General Council of the Judiciary in 2000 and 2001 or with of family meeting points associations in 2006 and 2007.

455. In the Autonomous Communities, with broad technical and financial cooperation with the central Government, importance has been given in this regard to expanding and regulating family meeting points, in addition to organizing some related measures.

456. Thus, in Andalusia, rules of procedure have been developed for the Family Meeting Point programmes and family and inter-generational mediation programmes that have been implemented in all provinces of Andalusia. Similarly, under Decree No. 454/1996 of 1 October on Supporting institutions working towards family integration, subsidies have been granted annually to private enterprise in the implementation of other programmes for families in especially difficult circumstances.

457. In Asturias, between 2002 and 2006, two programmes for family meeting points and two family counselling and mediation programmes have been developed.

458. A significant development in the Canary Islands is the adoption of Act No. 15/2003 of 8 April on family mediation, whose second article states that "Family mediation is a voluntary out-of-court procedure in which a duly accredited third party, known as a family mediator, informs, guides and assists families in conflict, with no decision-making power of his own, in order to facilitate the process of dialogue and the search for agreements that are fair, lasting and stable and in order to avoid resort to adversarial court proceedings, or to bring an end to those already under way, or to narrow their scope.

459. Cantabria has established programmes for family meeting points and for family counselling and mediation, managed by the Government of Cantabria, and three family meeting points have been created for cases of separation and divorce.

460. In Castile-La Mancha, despite lack of regulations regarding family meeting points, training conferences have taken place for family meeting points and the Directorate General of Family Affairs has spurred a family meeting points programme in all the provincial capitals.

461. In Castile and Leon, the Attorney General in 2006 alerted the Department of Family and Equal Opportunity in relation to the need to draft legislation regulating meeting points in line with what was being done in other Autonomous Communities; that legislation is now contained in the Law on measures to support families of 7 March 2007. In any case, in 2002 and 2003 assistance was provided to the entity Association for Child Protection to address the matter of meeting points. A goal pursued in 2004 was to complete service by meeting points in municipalities of more than 20,000 residents (there were 13,362 interventions, encompassing 10 municipalities with 622 families and 869 children). In 2005, service was provided in municipalities with over 20,000 inhabitants (18,297 interventions took place, in response to 727 families and 1,072 children). And in 2006, service was extended to 13 municipalities with over 20,000 inhabitants (there were 19,416 interventions, in response to 957 families and 1394 children).

462. In Catalonia, Resolution 911/VI of the Catalan Parliament urged the Government to establish meeting points. By a Government Agreement of 14 June 2005, a Meeting Point Service was established, managed by the Department for Social Action and Citizenship. The Meeting Points Programme has been launched, and the year 2006 ended with 15 meeting points in Catalonia.

463. Madrid has a Network of family meeting points under the Community of Madrid; an annual subsidy to local entities for development of programmes aimed at encouraging family mediation, family meeting points, prevention of family violence and social participation by children. There have also been conferences on family meeting points in 2003 and 2006, with professionals from different centres and entities. Also important, from the standpoint of actions aimed at family mediation, is Act No. 1/2007 of 21 February on Family Mediation, adopted to facilitate agreements in family disputes and regulate the role of the family mediator; and the creation of special family centres to inform, counsel, train, prevent and mediate in family disputes and facilitate the reaching of agreements, and family counselling and/or mediation by grants to institutions for development of family counselling and/or mediation projects.

464. In Navarre, family meeting points have also been put into operation.

465. Valencia has developed a cooperation agreement with the City of Valencia and others, starting family meeting points, allowing a neutral place where, first, parents or other relatives or close friends can arrange visitation when there difficulty involved and, second, where family visits can take place if the child is placed with another family.

466. The ombudsman of the Basque country, the *Ararteko*, has on his own initiative pursued activities for family meeting points. Meetings and cooperation have taken place with associations of users of family meeting points, as well as contacts with the different agencies having responsibilities in this area, in particular the Department of Housing and Social Affairs of the Basque Government, with a view to bringing about a revision of the present situation and promptly supplying means to extend to the system of family meeting points in Euskadi some common operational criteria in keeping with the best interest of children, ensuring adequate, professional, efficient and widespread decentralized service that provides mothers and fathers with equal and objective treatment, ensuring a space of the utmost neutrality for minors. Accordingly, it is anticipated that in the course of 2007 the regulation of this matter will have been resolved and the present system of meeting points will comply with the new parameters described above, which can then take on the status of regulations.

467. Moreover, it should be noted that although paragraph 12 of the annex to the general guidelines (CRC/C/58/Rev.1) falls under the rubric of “Children without parental care”, the relevant data that are there requested pertain to fostering and adoption; thus, some data in that connection will be provided in sections E and F of this chapter.

### **C. Family Reunification (article 10 of the Convention)**

468. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 34, 35) that applications for asylum made for the purposes of family reunification should be dealt with in a positive, humane and expeditious manner, with a special focus on family reunification of recognized refugees, particularly regarding the issuance of visas and travel documents required by the Ministry of Foreign Affairs, it should be noted that the Spanish State, through the right to apply for asylum, grants protection or refuge to people who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, who are outside the country of their nationality. This means that they will not be returned or expelled, in keeping with article 33 of the Convention on the Status of Refugees signed at Geneva on 28/07/1951. Refugee status is recognized in Act No. 5/84 of March 26 regulating the right of asylum and refugee status, amended by Act No. 9/1994 of 19 May and its implementing regulations. In any case, as is clear from the statistics to be referred to below, there are few foreign children who make use of the right of asylum. It may be inferred that this is

primarily due to the guarantees provided by existing laws in Spain with regard to the rights and freedoms of immigrants and their social integration, as described in other sections on the legal protection of children, both Spanish and foreign, who are in Spanish territory.

469. In Madrid, support has been provided to non-profit institutions to extend services and social intervention for families in especially difficult circumstances, for family reunification, provision of counselling and/or mediation, and support and monitoring of integration processes.

470. Regarding the data referred to in paragraph 13 of the annex to the general guidelines (CRC/C/58/Rev.1), it should be noted first that, according to figures from the Office of Asylum and Refugees, in 2006 there were 5,297 applications for asylum, of which 786 were for people younger than age 18. These were mostly accompanied minors, but also included unaccompanied minors, although there is no disaggregation of the data. By area of origin, the area with most asylum applications by minors is America, with 558, followed by Africa, Asia, and Central and Eastern Europe, with 117, 57 and 54, respectively. By country, Colombia clearly stands out, with 521 applications, followed more distantly by countries such as the Democratic Republic of Congo with 29, Russia with 26, Armenia with 20 and Equatorial Guinea with 16.

471. In any case, we must note the increase of foreign unaccompanied minors, since, according to the latest data available from the Ministry of Labour and Social Affairs, between 2001 and 2004 a total of 9,117 unaccompanied immigrant children arrived in Spain, mostly from Morocco, Algeria and Romania, while in 2001 the number was 4,057, representing an increase of 125 per cent. The regions with the highest number of unaccompanied minors in 2002 were Catalonia, Andalusia and Valencia, with 1,341, 1,251 and 1,070 respectively; by area of origin, the leading area by a wide margin is Africa with 5,307, of whom 4,738 are Moroccan (75 per cent). The second-ranking area of origin is Europe, with 702, followed by America, with 131 and finally Asia, with 43.

472. Moreover, it should be noted that, according to data from the Directorate General for Immigrant Integration, as of 30 June 2007 there were 519 approvals of the return of unaccompanied minors to their countries of origin, of which only 24 were carried out, as may be seen in the corresponding table in the annex.

#### **D. Recovery of maintenance for the child (paragraph 4 of article 27 of the Convention)**

473. We must stress the importance that is given to payment of maintenance for children in the reporting period. It emerges in various enactments adopted in this period, the latest of which the Royal Decree No. 1618/2007 of 7 December on the organization and operation of the guarantee fund for maintenance payments, whose statement of purpose provides that: "In our society today a social problem has been identified arising from inobservance of established maintenance payments for minor children in cases of divorce, separation, annulment, or in paternity suits and suits concerning child support."

474. This legislation comes at the end of a series of enactments in which reference should be made first to Organic Law No. 15/2003 of November 25, amending Organic Law No. 10/95 of November 23, the Criminal Code, in which, in order to curb and prevent evasion of financial or family obligations, amendments are made to the Pena Code which increase or establish penalties for those who fail to fulfil such obligations. In particular, there is an increased penalty for one who fails to pay maintenance for a spouse and children established in a judicially approved agreement or court judgment for cases of divorce, separation, annulment, or in paternity suits and suits concerning child support.

475. Then, Organic Law No. 1/2004 of 28 December on comprehensive protection measures against gender violence, provided in its nineteenth additional provision that “The State shall guarantee the payment of maintenance that is due and unpaid for minor sons and daughters in a judicially approved agreement or court order, through specific legislation which will implement the system of coverage in those cases and which will, in any case, take into account the circumstances of victims of gender violence.”

476. Thereafter, Act No. 15/2005 of 8 July amending the Civil Code and the Civil proceedings act relating to separation and divorce, provided in its single additional provision that “The State shall guarantee the payment of maintenance that is due and unpaid for minor sons and daughters in a judicially approved agreement or court order, through specific legislation which will implement the system of coverage in those cases.”

477. In light of these legal provisions, as is expressly acknowledged in the statement of purpose of Royal Decree No. 1618/2007 of 7 December on the organization and operation of the guarantee fund for maintenance payments, “ Act No. 42/2006 of 28 December on the General State Budget for 2007, in its fifty-third additional provision, created a fund initially endowed with ten million euros, which was designed, through a system of advances on account, to guarantee the payment of recognized maintenance for minor children in judicially approved agreements or court orders, in cases of legal separation, divorce, annulment, or in paternity suits and suits concerning child support. Subsequently, Organic Law No. 3/2007 of 22 March on effective equality of women and men, in its eleventh transitional provision, expressly authorized the Government to regulate the Guarantee Fund for maintenance payments for the year 2007.”

478. Consequently, the aforementioned Royal Decree creates the Guarantee Fund, as its statement of purpose goes on to say, “to guarantee that minor children will receive certain sums, defined as advances, that will enable the family unit to which they belong to meet their needs in light of the obligor’s default on maintenance payments. The amount of economic resources available to that family unit is, of course, the central criterion for determining whether or not the circumstances of economic need justify the granting of advances by the Fund. The beneficiaries of advances from the Fund shall be underage children in possession of a judicially recognized right to maintenance that is unpaid. Also qualifying as beneficiaries are disabled children when the same circumstances of economic necessity in the household to which they belong are present. In light of the failure to judicially execute the recognized right to maintenance, the State must, first and foremost, ensure the best interests of the child, paying from public funds the minimum sums necessary for the child’s family unit to satisfy the child’s needs. At the same time, in keeping with principles of proper use and protection of public resources, the State shall be subrogated to the rights of the minor in respect of the obligor for the payment of maintenance and shall hold the obligor accountable for the total of sums disbursed as advances.”

## **E. Children deprived of family environment (article 20 of the Convention)**

479. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 32, 33), on the recommendation of a unification of procedures for child protection in the different Autonomous Communities according to common minimum standards compatible with the best interests of the child, especially as regards children living in adoptive families, it is worth noting the considerable effort made not only by the central Government but also by the Autonomous Communities in taking legislative measures and

actions to constitute a system of foster care and adoption of minors that protects the best interest of these children and is conducted with sufficient coordination between different agencies. These criteria can be observed in the different actions undertaken, to which reference will be made in this section and the next.

480. However, in light of the foregoing, there has been a common interest in intercountry adoption, leading to the issuance of Royal Decree No. 521/2005 of 13 May establishing the Advisory Council on Intercountry Adoption, which expressly provides in its statement of purpose that “Intercountry adoption in Spain has acquired a social dimension and importance that attracts increasing attention and support both from the competent public administrations and from private institutions committed to the welfare of children.” For this reason, (thanks to the work done in this regard by a Spanish Senate Committee on Intercountry Adoption), this Decree creates and regulates the Advisory Council on Intercountry Adoption, constituted as “an organ of participation and cooperation with all concerned sectors of society (associations of adoptive parents, adopted children’s associations, entities involved in intercountry adoption and other social, educational and scientific institutions in the field of child protection)”, acting as a forum to discuss issues, make proposals, exchange information, and the like.

481. It is also interesting to note here how action by the Supreme Court and Constitutional Court also serves to bring about a unification of views. Thus, among the recommendations made by the Committee (CRC/C/15/Add.185, para. 32), was the following: “The Committee notes with concern that there are different procedures for child protection in the 17 Autonomous Communities and that they are not always compatible with the best interest of the child, especially with regard to children placed in foster families.” And in Constitutional Court Decision No. 221/2002 of 25 November, a concern for observance of the practical application of the principle of the best interests of the child can be clearly discerned, as can the intent, in keeping with that principle, to forge a unity of doctrine regarding the protection of children.

482. In this regard, the high court holds in its legal basis No. 2, that “The application of that doctrine in this case has meant that, in view of the circumstance of the case, we must view as well founded the de facto guardians’ appeal from a judgment which they consider harmful to the fundamental rights of the child in their care. The best interests of the child, as recalled by the Constitutional Court in Decision No. 124/2002, of 20 May, FJ6, is a guiding principle of action by public authorities in this area (article 3.1 of the United Nations Convention on the Rights of the Child of 20 November 1989, ratified by Spain on 30 November 1990, and arts. 2 and 11.2 of Organic Law No. 1/1996 of 15 January on the legal protection of minors) and precludes the denial of standing to parties who, as de facto guardians of the child and who had previously been foster parents under a temporary foster care arrangement, challenge before this Court decisions of public authorities that may be harmful to the fundamental rights of the child in their care, for, although those interests are being upheld by the public prosecutor, it does not follow that the defence of such rights cannot be exercised as well by those who have a child in their care as a result of having been awarded custody.”

483. In regard to the different legal treatment under Spanish law of natural or adoptive parent-child relationships and relationships arising from permanent placement, the Supreme Court upheld the appeal for unification of doctrine against the Ruling of the Chamber of Social Cases of the High Court of Cantabria, 359/2003 of 13 March. In its legal basis No. 2 of decision STS (Social Chamber) of 3 November 2004, the court issued the following considerations:

484. “Parental bonds, as previously stated, only occur naturally or through adoption and, consequently, permanent placement is not at present a situation covered by the orphan’s benefit - independently of other aids, such as that provided by the Autonomous Community of Madrid”; “Whatever may be the merits of this regulation, which is subject to criticism on

grounds of being *de lege ferenda*, it is clear that, from the constitutional perspective of equality, there is no reason to censure the unequal treatment of natural or adopted children and children in permanent placement. ... This Chamber is not of the view that the principle of equality has been violated by the fact that the appellant's death gave rise to an orphan's benefit for her biological son but not for the child in permanent placement. This flows from the fact that the nature, formation and effects of the two situations are different and the rules of the Civil Code governing them are also different.”; and “The present legal regulations, although they may be subject to criticism from a doctrinal standpoint, also do not appear contrary to the principle of social protection of family or children governed by article 39 of the Constitution, in terms of the limited protection afforded by article 53 of the Constitution.”

485. Moreover, we must note that in Spain there is an obvious concern to protect children deprived of a family environment, as demonstrated not only by the concern expressed in second periodic report of Spain (CRC/C/70/Add. 9, paras. 950 and following) regarding regulation under the Civil Code, but also by the regulation framed under Part II of Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act, which expressly refers to “action in situations of social vulnerability of children and child protection institutions.”

486. In the reporting period, with regard to placement, we should first note the 2003 report: “Current status of foster care of children in Spain”, referring to non-preadoptive placement. The report was developed through a cooperation agreement between the General Directorate of Social Action, Children and Families, the Ministry of Labour and Social Affairs and the University of Oviedo. Secondly, it is also noteworthy that among the subsidies granted by the Ministry of Labour and Social Affairs for programmes of volunteer service and social cooperation funded by allocation from the individual income tax, grants were awarded to NGOs throughout the reporting period to support programmes on family placement and promotion of adoption of children with special needs, with a total of 1 824 968.00 euros to finance the development of 23 programmes. And thirdly, it is noteworthy that the Fourth National Plan for Social Inclusion, 2006-2008, establishes the objective of promoting measures for improving practices in adoption and foster care of children.

487. In the Autonomous Communities significant work has been done on promote care for children deprived of family environment. The following is a brief summary of some of the actions undertaken by the Autonomous Communities:

488. In Andalusia, with regard to placement, legislation has been enacted: Decree No. 282/2002 of 12 November on adoption and foster care and Order of 11 February 2004 governing financial benefits to foster families. Various activities have been conducted, such as mediation programmes for simple foster care, permanent foster care and emergency foster care with another family; the drafting of the protocol to be followed in the programme of placements, both for simple and for permanent emergency placements; promotion of placement through the programme of economic remuneration of families; the development of a professionalized programme of family placement for immigrant minors; the travelling exhibition “Another way of living in a family”; the family placement programme “You too can live in a family”, which took place in 2005 and 2006; the Foster Family Days of Andalusia, held in Mollina (Malaga) with the aim of involving new families and sharing foster care experiences.

489. In keeping with the Order of 9 November 2005 governing cooperation between the CIBS and cooperating entities in the residential placement of minors, we should also point out the existence of residential placement programmes for children with severe behavioural



disorders related to psycho-social and educational conditions, and residential placement programmes for children for the treatment of serious behavioural disorders associated with psychiatric conditions.

490. Furthermore, regarding legislation on guardianship of minors, there is the Order of 22 December 2003 and the Order of 20 July 2005 amending the previous order, which governs subsidies to cooperating entities for the funding of programmes and resources for comprehensive social inclusion of young people placed under guardianship by the Junta de Andalucía.

491. In Aragon, the Association of Foster Families of Aragon, created in 1998, continues to operate and is now integrated into the State Association for Foster Care for Children; protocols for foster care are being developed.

492. In Asturias, there is a programme of emergency foster care and campaigns have been conducted to promote this form of foster care; there are also specialized residential placement programmes for the care of children with behavioural problems.

493. Cantabria has a foster care programme which has conducted several campaigns of awareness-raising and training of foster families as well as a residential placement programme, which has diversified care resources for children and adolescents protected by the Government of Cantabria, creating specialized centres for care of adolescents with behavioural problems, for unaccompanied foreign minors and for compliance with judicial decisions.

494. In the Balearic Islands, the General Directorate of the Office for the Defence of Children's Rights, in cooperation with the Department of Diagnostic and Research Methods in Education, University of Barcelona, has developed the course "The intervention process in the foster care setting", and in cooperation with the University of Oviedo, the course "Best practices and quality assessment in residential placement", both addressed to technical specialists and professionals who work with children under measures of protection and the families concerned.

495. In the Canary Islands, there is a process of financing facilities and placement programmes for single parents and their children; awareness-raising campaigns on professionalized foster care; in 2005, a study on seeking alternative family settings for special-needs children under long-term residential placement; and in 2006, a design and adaptation of programmes for foster families, a study on alternatives to residential placement, a study to define predictors of success in cases of foster care, and research on several aspects of guardianship.

496. In Castile-La Mancha, the following legislation has been adopted: Order of 18 December 2003 governing the Foster Care Programme for Children in the Community of Castile-La Mancha and Order of 27 December 2005 governing the foundations of the Foster Care Programme for Minors and applications for grants thereunder. Several initiatives have been pursued, such as a publicity campaign in 2005 to make the foster care programme known across the region; establishment of financial aids for foster families in the years 2002 – 2006; establishment of the emergency fostering model and the professionalized fostering model; maintenance, during the years from 2002 to 2006, of an agreement with NGOs to support family placement; the opening of residential resources for children with behavioural disorders who are under guardianship with a view to their social integration; consolidation of the Programme for Personal Autonomy of Castile-La Mancha; and participation in the Mentor Project 15 - 2002 to 2004 - whose aim is to enhance the quality of work being done with children currently or formerly under guardianship or with children at risk.

497. In Castile and Leon, the following legislation has been adopted: Decree No. 131/2003 of 13 November governing action for the protection of children at risk or neglected children and procedures for the adoption and implementation of measures and actions to carry out the decree; Decree No. 54/2005 of 7 July, which regulates the system of organization and functioning of special centres for residential placement of minors under measures of protection; Decree No. 37/2006 of 25 May governing family placement of children at risk or neglected children. Other interesting initiatives have been pursued, such as periodic evaluation of foster care programmes, studies on the quality of service, preparation of a manual for the Family Intervention Programme for children in situations of vulnerability, and development of procedures for action by local corporations in situations of child neglect. Working papers have been prepared aimed at uniformity in interventions and at attaining standards of quality. In keeping with Act No. 14/2002 on the care and protection of children in Castile and Leon, the programmes “Umbrella and Personal and Social Welfare” and “Policy Support for Youth Empowerment” have been implemented in all centres for adolescents in the Community, and the network for placement of children under guardianship has been strengthened.

498. In Catalonia, Act No. 8/2002 of 27 May amending Act No. 37/1991 of 30 December on measures of protection for unprotected children and on adoption, and governing specific care for adolescents with high social risk behaviours, establishes a new system for children facing social risk and neglect, and for their placement. The law establishes urgent action units; creates new specific measures with respect to the undocumented adolescent population that rejects protection measures under Act No. 37/1991, and creates centres where the measures are to be carried out; and also provides for the possibility of making constructive adjustments in centres for adolescent boys and girls in order to encourage effective and full implementation of educational programmes. Decree No. 185/2003 of 1 August establishes the Commission for the Second Interdepartmental Plan coordinating action aimed at young people under the guardianship of the Government to upon reaching adulthood. Under this decree, 45 grants were made in 2002, 70 in 2003, 147 in 2004, 156 in 2005 and 193 in 2006. According to Act No. 13/2006 of 27 July on economic social benefits, benefits are provided to young people formerly under guardianship and provision is made for benefits for children protected by the Government.

499. Furthermore, there is continuing coordination with the Catalan Institute for Foster Care and Adoption (Institut Català de l’Acolliment i l’adopció) to consider concrete proposals for children under guardianship with special needs. Specific agreements have been made with cooperating institutions for family integration with a view to special placement arrangements. Agreements with other entities have been enhanced. A diagnostic programme on foster families has been pursued. There has been active involvement in the development and implementation of the “Manual of Best Practice in Residential Placement.” Various protocols have been developed for care, regulation and the like. The modality of professional foster care is under study and the Law on Children as well as the time required for different processes are under review.

500. In Madrid, there are various projects, including: the Framework Project of Foster Care with Alternative Families; the “Hugs Wanted” Project of foster care for children with special needs; the “Family Umbrella” project for emergency placement or fixed-time placement; The basic territorial placement project for children aged 0 to 6; the basic territorial placement project for children and teens aged 4 to 18 within a given territory, which operates as a locally integrated resource; or the residential placement project for children with a prognosis of prolonged residential placement, i.e. children who despite having poor prospects of returning to their families continue to have good bonds with them.

501. Along these lines, a range of activities are being conducted, such as residential alternatives for adolescents with family integration difficulties; educationally supervised residences for adolescents who do not adjust to the conventional residential system; housing and supervision in boarding facilities or shared rooms which provide teens and youth, mostly those nearing the legal age, who do not adjust to living in traditional residential arrangements with resources more suited to their plans for leading an independent life; coordination of studies and research in the Network of Centres; monitoring, assessment and support to the Network of Centres and development of a manual of procedures for dealing with situations of vulnerability; unifying procedures for reception, notification, investigation and assessment of situations of vulnerability or social risk with all municipal social services of the Autonomous Community; establishment under the Council for care of children and adolescents of the Autonomous Community of a committee on care of children at social risk and children with disabilities; family foster care on weekends and holidays for minors in residential placement; support for family foster care with extended families; research on difficulties arising in family placement; campaigns to promote family placement; and annual aid programmes for foster families taking the type and difficulty of the placement as a reference point.

502. In Murcia, there are mechanisms of protection and assistance for children without caregivers, with a network of resources to care for children in situations of vulnerability. The base system is a programme of diagnostic assessment of situations of vulnerability, through which the Government assumes guardianship and offers different options depending on the child's best interests. This system also provides for the administration to take over the care of children when parents, acting as guardians, are facing circumstances that prevent them from taking proper care of their children and also if the judicial system so decides. To care for this type of minor, the Autonomous Community of Murcia offers the following programmes: institutional care, foster care, special foster care, adoption, centres for personal and occupational advancement, and social/employment integration programmes. This Autonomous Community has a network of non-profit associations geared to carrying out programmes of foster care during specific periods, receiving children whose country of origin is in a state of war or in a post-war situation, and displaced children, facilitating access by these NGOs to subsidies of the Autonomous Community to strengthen their structure and care programmes.

503. In Navarre, programmes to support foster families are also conducted.

504. In the Basque Country, through the regional Ombudsman, the *Ararteko*, meetings are held and cooperation takes place with associations of foster families.

505. In Valencia, family foster care is governed by Decree No. 93/2001 of 22 May approving regulations governing legal protection of minors in the Community of Valencia. Specific technical teams are formed for intervention, follow-up and support of simple and permanent foster arrangements with educator families (other families). There are also ordinances governing the "emergency and diagnostic family placement" as well as annually-approved ordinances governing individualized economic benefits for foster care of children, simple or permanent, with extended or kindred family, with an educator family or with an educator/emergency-diagnostic family. Support programmes are organized for promotion of family foster care and support contracts for the implementation of technical interventions in placement of children with educator families.

506. Also noteworthy are initiatives to implement the *Manual for individual intervention with resident children*, published in 2001, the development and implementation of protocols in Valencia for "Training of educators families" and "Assessment of applicants for family placement", accompanied by technical work aimed at training of foster care

units, training of professionals in training and assessment of educator families; increased economic aid packages for educator families; a competition for spots, posters and brochures to promote the use of educator families and the Charter on child placement services in educator families.

507. Regarding the statistical data referred to in paragraph 12, sub-paragraphs a, b, c, d, and e of the annex to the general guidelines (CRC/C/58/Rev.1), there has been a gradual increase in both the number of discharges from guardianship and of administrative family placement, while this trend has not occurred with respect to residential placement, which even show a slight decrease, although some Autonomous Communities have experienced growth in this regard. We thus see a continuation of the trend in most Communities to strengthen foster care policies and culture as the primary protective measure.

508. The gradual decline taking place in the child population in residential placement parallels the reduction in the number of places available in some Communities, with priority given to alternative measures that are thought to facilitate long-term work in a family context. With regard to administrative foster care, it should be noted that, besides the increase in cases in recent years, there is a significant gender balance between boys and girls; with respect to age, there is a larger number of discharges in the 6-15 age group; the nationality of minors in administrative foster care is mostly Spanish; and with regard to the type of foster family, the extended family prevails over the unrelated family. In any case, the statistical annex provides explanatory tables regarding the trends in these types of protective measures, using the years 2000 and 2005 as reference points.

Table 5

**Total measures of protection adopted; Spain and autonomous communities, 2000 and 2005**

| <i>Autonomous community</i> | <i>2000</i>     |                                        |                                  |                              | <i>2005</i>     |                                        |                                  |                              |
|-----------------------------|-----------------|----------------------------------------|----------------------------------|------------------------------|-----------------|----------------------------------------|----------------------------------|------------------------------|
|                             | <i>Wardship</i> | <i>Administrative Family placement</i> | <i>Judicial Family placement</i> | <i>Residential placement</i> | <i>Wardship</i> | <i>Administrative Family placement</i> | <i>Judicial Family placement</i> | <i>Residential placement</i> |
| Andalucía                   | 4 921           | 1 521                                  | 2 684                            | 2 792                        | 6 210           | 2 226                                  | ND                               | 2 348                        |
| Aragón                      | 324             | 97                                     | 220                              | 424                          | 292             | 156                                    | ND                               | 213                          |
| Asturias                    | 410             | 311                                    | 648                              | 394                          | 633             | 408                                    | 307                              | 355                          |
| Balearic islands            | 654             | 550                                    | 78                               | 136                          | 585             | 576                                    | (1)8                             | 391                          |
| Canary islands              | 1 226           | 1 208                                  | 326                              | 1 182                        | 1 465           | 995                                    | ND                               | 1 405                        |
| Cantabria                   | 100             | 64                                     | 66                               | 259                          | 152             | 94                                     | 71                               | 135                          |
| Castile-Mancha              | 529             | 222                                    | 255                              | 398                          | 668             | 327                                    | 218                              | 490                          |
| Castile-León                | 668             | 332                                    | 397                              | 629                          | 745             | 308                                    | 244                              | 489                          |
| Catalonia                   | 5 085           | 2 345                                  | n.a.                             | 1 883                        | 5 551           | 3 397                                  | ND                               | 2 101                        |
| Valencia                    | 1 998           | 1 995                                  | 852                              | 1 645                        | 2 892           | 3 411                                  | ND                               | 2 320                        |
| Extremadura                 | 457             | 250                                    | 55                               | 461                          | 347             | 318                                    | 55                               | 340                          |
| Galicia                     | 1 416           | 1 252                                  | 1 091                            | 1 373                        | 1 433           | 1 154                                  | 410                              | 932                          |
| Madrid                      | 4 063           | 667                                    | 145                              | 1 866                        | 3 187           | 1 068                                  | ND                               | 1 825                        |

| Autonomous community | 2000          |                                 |                           |                       | 2005          |                                 |                           |                       |
|----------------------|---------------|---------------------------------|---------------------------|-----------------------|---------------|---------------------------------|---------------------------|-----------------------|
|                      | Wardship      | Administrative Family placement | Judicial Family placement | Residential placement | Wardship      | Administrative Family placement | Judicial Family placement | Residential placement |
| Murcia               | 1 141         | 292                             | 737                       | 38                    | 1 680         | 748                             | 1 044                     | 147                   |
| Navarre              | 0             | 80                              | 131                       | 122                   | 85            | 126                             | ND                        | 162                   |
| Pais Vasco           | 582           | 91                              | 159                       | 273                   | 873           | 335                             | 361                       | 785                   |
| La Rioja             | 89            | 64                              | 73                        | 122                   | 97            | 77                              | 33                        | 91                    |
| Ceuta                |               |                                 |                           |                       |               |                                 |                           |                       |
| Melilla              | 802           | 113                             | 55                        | 1 250                 | 335           | 169                             | 71                        | (2)88                 |
| <b>Total</b>         | <b>24 466</b> | <b>11 454</b>                   | <b>7 972</b>              | <b>15 207</b>         | <b>27 230</b> | <b>15 893</b>                   | <b>2 822</b>              | <b>14 529</b>         |

Source: Prepared by CIIMU based on Statistical Bulletin of Child Protection Measures, Ministry of Labour and Social Affairs, with data provided by autonomous communities (IMOP)

## F. Adoption (article 21 of the Convention)

509. Regarding adoption, it should be stressed that the change introduced by Act No. 13/2005 of 1 July amending the Civil Code concerning the right to marry provides for marriage between persons of the same sex with full legal equality and includes the possibility of joint adoption. Also of interest is the importance which intercountry adoption has acquired in Spain during the reporting period.

510. Thus, in the legislative field, there is firstly Royal Decree No. 521/2005 of 13 May establishing the Advisory Council on Intercountry Adoption, to which reference has been made above, and another important enactment, the Law on Intercountry Adoption, which lays down in article 3 as “principles informing intercountry adoption” that “Intercountry child adoption shall respect the principles underlying the Convention on the Rights of the Child of 20 November 1989 and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993” and states in article 2.1 that “This Law establishes the legal framework and instruments essential to ensure that all intercountry adoptions take place with a view to the best interests of the child “.

511. In any case, we must recall that although the responsibility for intercountry adoption has been transferred to the Autonomous Communities, as it is they who can initiate adoption proceedings, it is since 1992 the Ministry of Labour and Social Affairs (the central authority concerning communications under The Hague Convention) that must take action as the central organ of information in relations and procedures that occur between the Autonomous Communities and countries of origin of children. In this regard, flexible cooperation has continued to prevail between the Department for Families and Children and the regional governments with regard to intercountry adoption, which proceeds mainly at three levels: meetings among specialists; meetings at the Director General level; and sectoral conferences which bring together ministers and regional councillors, who have the ability to make binding decisions.

512. It is also interesting to note the three main ways in which coordination is taking place between countries and exchange of information on procedures and exchange of experiences on intercountry adoption: through embassies and consulates; through visits to countries of origin by members of the Administration; and, most importantly, as has been occurring since 1999 with Latin American countries, through training of the participating Spanish administration staff, who travel to the countries, technical experts and officials of

the Administration on issues of child protection and family (residential and family placement, domestic and intercountry adoption), through courses organized by the Spanish Agency for International Cooperation, held annually in one of the agency's three training centres in Colombia, Bolivia and Guatemala, which constitute good practice in sharing experiences on issues of child protection and contribute to better and more fluid relationships and arrangements between Spain as the adoptive country and the countries of Latin America as countries of origin of adoptees.

513. Also in regard to adoption, we should note, first, that a new form of action has been initiated with a view to improving the post-adoption process through the organization of seminars and the allocation of funds through grants to NGOs under the individual income tax. Secondly, the website of the Ministry of Labour and Social Affairs is providing relevant information on intercountry adoption, such as a list of government agencies responsible for adoption in each of the Autonomous Communities of Spain; a list with contact details of collaborating institutions in Spain in the field of intercountry adoption, with references to their accreditation in both the country of origin and Spain; the possibility to query the status of adoptions being processed in China; and complete information requirements, procedures and relevant bodies for the adoption of a child of foreign origin. Information on adoption is given for a total of 36 countries, showing for each the legal requirements, the type of adoption, the procedure for adoption and the agency responsible for handling the adoption; and intercountry adoption statistics for Spain by continent and country of origin (with data for the period 1997-2004).

514. In any event, since 2002 the Interministerial Group on Intercountry adoption has continued to operate. Created in 1992, it consists of the following ministries involved in intercountry adoption procedures: Labour and Social Affairs; Foreign Affairs, which handles visas for the entry of minors to Spain; Interior, which ensures that children entering Spanish territory have proper documentation; Justice, which is the highest authority regarding the last stage of the adoption process, the registration of a child in the Civil Registry; and the General Commissariat for Immigration and Documentation, which conducts the issuance of documentation for foreign adoptees and, where appropriate, the application for Spanish nationality.

515. In the Autonomous Communities there has been not only a concern for the proper development of the institution of adoption, but also a strong interest in intercountry adoption.

516. In Andalusia, the regional Government, under Decree No. 282/2002 of 12 November on Foster Care and Adoption, has an adoption programme for children with special needs and takes special measures to expedite such adoptions, such as priority procedures and a campaign to educate families. It cooperates with special programmes for countries of intercountry adoption, as is the case of China through the Pasaje Verde ("Green Passage") programme. And it has a website for information on general procedures and country-specific procedures, a manual to educate adoption applicants, an information and training programme for applicants, and a guide for adoptive parents, "Going ahead with adoption." It develops protocols with cooperating entities in intercountry adoption and with parents' associations; it cooperates in research on intercountry adoption in Spain, in inter-regional commissions and in specific working groups. Andalusia is also a member of the Intercountry Adoption Advisory Board, takes part in its working groups and pursues family involvement through associations of adoptive families and coordination with cooperating entities for intercountry adoption. It also participates in international conferences, official visits to countries of origin (Bulgaria, China, Ethiopia, Nepal) and receives delegations from countries of origin (China, Ukraine).

517. Aragon, under the Family Education Plan, active since June 2006, has introduced a specific item on adoption of children with special needs, and recently implemented a new plan for information, assessment, and preparation for adoption, and a post-adoption plan, following appropriate consultations with other Autonomous Communities in order to unify approaches and programmes to the extent possible.

518. Asturias has been developing, since the year 2003, the programme “Hugs Wanted” aimed at the adoption of special-needs children, including a media campaign on radio and television for the preparation of adoptive parents. In 2005 the University of Seville was commissioned to develop programmes and protocols on intercountry adoption.

519. In Castile-La Mancha there has been significant progress with the adoption of Decree No. 44/2005 of 19 April 2005 on accreditation, operation and supervision of implementing entities of intercountry adoption; Decree No. 45/2005 of 19 April 2005 governing the adoption of minors; and Order of 27 December 2005 governing the foundations for adoption of minors and applications for grants thereunder. Thus, in practice, economic aid is provided for adoption procedures and for the adoption of minors with special needs. A post-adoption service has been established. And the region participates in the inter-regional commission on intercountry adoption and in the Advisory Council on Intercountry Adoption.

520. Relevant developments in Castile and Leon are: Decree No. 131/2003 of 13 November governing action for the protection of children at risk or neglected children and procedures for the adoption and implementation of measures and actions to carry out the decree; and Decree No. 37/2005 of 12 May governing administrative procedures and other complementary actions in regard to the adoption of minors, which seeks, through established procedures, to provide placement for all minors in Castile and Leon who have been declared eligible for adoption, with particular emphasis on cases of children with special difficulties, providing support and help in that regard. Note should be taken in this regard of the programme AVANZA, which seeks to streamline procedures, and the existence of a service with standardized and updated information for all intercountry adoption applicants, both in person and through a specialized website, coordinated in all cases with the information services of the Ministry of Labour and Social Affairs and international social services. There is also participation in meetings of the Advisory Council on Intercountry Adoption and in various inter-regional technical commissions created by the Ministry of Labour and Social Affairs to coordinate all activities under way regarding intercountry adoptions at the State level, cooperating in the preparation of protocols and proposals subsequently submitted for approval to the Inter-regional Commission of Directors General on Youth Affairs. All agreements, once approved, were carried out in full.

521. In Madrid, there has been the approval of Decree No. 62/2003 of 8 May on accreditation, operation and oversight of supporting organizations for intercountry adoption (previously referred to in Chapter I, Section D of this report), which provides in its first article that “regulation of activities of supporting organizations in intercountry adoption which provide services within the territory of the Community of Madrid include the services conducted within that territory and those taking place in the country of origin of adopted children.” Similarly, there has been a revision of information systems for applicants for adoption through implementation of improvements and new procedural technologies, as well as the main processes of support for the servicing and processing of applications and development of the programme of post-adoption support (which has two services capable of providing service yearly to a thousand families in various modalities and whose aim is to help adoptive families residing in the Autonomous Community of Madrid to deal with possible difficulties arising after the arrival of the child). There has been growth of the programme of special placements and adoptions known as “Hugs Wanted” for children with personal characteristics that make their placement or adoption

“more difficult”: age, ethnicity, personal history, psychological, physical or mental disability, grouping of siblings. In the case of intercountry adoptions, specific eligibility characteristics have been identified in order for applicants to be aware of the reality of an adoption of this nature. Also involved are the Advisory Council on Intercountry Adoption and the specific group of the Council on Care for Children and Adolescents of Madrid created for this purpose.

522. Navarre has adopted Regional Decree No. 168/2002 of 22 July governing the accreditation of supporting organizations in respect of intercountry adoption, which, as stated in article I, aims at “laying down the requirements for accreditation, operation, obligations and oversight of organizations supporting intercountry adoption which have their registered office in the territory of the Community of Navarre.

523. A decree approved in the Basque country, Decree No. 263/2003 governing the accreditation and operation of supporting organizations in regard to intercountry adoption, previously mentioned in Chapter I, Section D of this report, seeks to replace and update provisions regarding organizations supporting intercountry adoption governed by Decree No. 302/1996 of 24 December. To that end, the new decree, as stated in its preamble, “includes substantive changes or, as necessary, deletions of those aspects whose implementation has proven problematic or which the passage of time has rendered obsolete, inapt or inadequate and introduces new measures which add an element of greater flexibility and support both for adopted children and for adoptive families.”

524. Regarding the statistical data referred to in paragraph 12.f) of the annex to the general guidelines (CRC/C/58/Rev.1), we note that, for adoptions as a whole, there has been a significant and growing increase in intercountry adoptions, due to a larger number of adoptions and a stagnation and even decline in domestic adoptions; thus, in the year 2005, intercountry adoptions accounted for 88.7 per cent, as compared with 11.3 per cent for domestic adoptions. In any event, this downward trend in domestic adoptions has exceptions in some Autonomous Communities, such as Catalonia, Valencia, Madrid and the Basque Country.

525. Interestingly, as regards domestic adoptions, with respect to the gender of adopted children, according to data provided by some Autonomous Communities, in 2004, 48 per cent of adoptions authorized were for girls and 52 per cent for boys. With regard to age groups, 78 per cent fell between ages 0 and 6 years, followed by the age group 6 to 16, with 20 per cent, the smallest group being adolescents aged 16 to 18, accounting for only 2 per cent.

526. With regard to intercountry adoptions, it is noteworthy that the main area of origin, in 2005, is still Asia (which accounts for 52.6 per cent of adoptions), followed by Eastern Europe, America and, in last place, Africa. By country, China is leading with 50.7 per cent of cases, followed by Russia, with 23.7 per cent, Ukraine (7.2 per cent), Colombia (4.4 per cent), Ethiopia (4.2 per cent), Bolivia (1.6 per cent) and Peru (1.2 per cent). The tables of the statistical annex present national data by Autonomous Community and international data by area and by country.

## **G. Los traslados ilícitos y la retención ilícita (artículo 11 de la Convención)**

527. With regard to illicit transfer and non-return of children, the 2001-2004 Comprehensive Plan for Family Support provided for a specific measure, namely, within Strategic Line 6 (Review of family law), to establish abduction of children as a crime. In that regard, Organic Act No. 9/2002 of 10 December amending the Act No. 10/1995 of 23 November on the Criminal Code and the Civil Code regarding Child Abduction, defines



the abduction of a child by one of the child's parents as a crime. Under the new provisions, relatives who are accomplices of the abducting father or mother may be punished; inciting a minor to leave the parent who has custody is punishable by a sentence of two years.

528. In this regard, we also note the support received from actions undertaken by the Autonomous Communities. Murcia, for example, has developed measures of protection to counter illegal practices of adoption or placement in foster homes that do not meet the standard of the child's best interests. Child Protection Services maintains mechanisms for analysis and decision-making in cases of children, whether nationals or originating in other countries, who are placed in families through channels other than those covered by present legislation. In cases of international abduction of children by the father or mother, the actions of the Child Protection Services proceed in cooperation with the judicial system and the authorities of the Ministry of Justice. Thus, reports have been prepared, cases of sexual abuse have been evaluated, home visits have been conducted, information has been provided to law enforcement authorities, etc.

529. Regarding the statistical data referred to in paragraph 14 of the annex to the general guidelines (CRC/C/58/Rev.1), we note, first, that there has been a significant decline in the number of abducted children in the reporting period, from 73 cases in 2002 to 33 cases in 2006, the under-13 age group being the group with the most abduction victims, as seen in the statistical annex.

530. It should be mentioned that the number of abductions occurring within the family is not very significant; however, it is within the family that the largest number of child abductions occurs, mainly among children under age 13, as may be seen in the statistical annex.

531. With regard to reports of missing children, as noted in the Save the Children 2003 report, most cases are due to children running away from home for a few hours or days. These cases are concentrated in the age group 15 and 16, with 1,068 and 1,037, respectively (more details in the statistical annex).

## **H. Abuse and neglect, including physical and psychological recovery and social reintegration, and the periodic review of placement (articles 19, 25 and 39 of the Convention)**

532. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 36, 37) on the need to improve measures at different levels that allow for more effective protection of children from all kinds of mistreatment and abuse, including sexual abuse, and on the implementation of a statistical system to keep track of cases of physical and mental violence and neglect against children, we should note the broad range of activities being pursued in the legislative arena and, above all, in the specific area of developing and implementing programmes, plans and activities to make the protection of children more effective, at both the State and regional levels.

533. Thus, to protect children against potential abuse in the family setting, a considerable number of concrete measures have been adopted in the reporting period.

534. On the legislative front, we note the aforementioned Act No. 27/2003 of 31 July on orders of protection for victims of domestic violence, which refers to minors covered by protective measures, avoidance of confrontation with the perpetrator, and the protection minors are to receive should it occur. Organic Law No. 11/2003 of 29 September on specific measures relating to public safety, domestic violence and social integration of foreigners governs penalties for domestic violence when the judge or court deems it appropriate, in the interests of a minor or incompetent, for the benefit of children who have

suffered domestic violence, with special disqualification from the exercise of parental authority, guardianship, wardship, or foster care for a period of six months to three years; and in cases of habitual domestic violence the same penalty applies for a period of one to five years. The measure referred to in Chapter I of this report, Act No. 1/2004 of 28 December on comprehensive protection measures against gender violence, is also an effective instrument for the protection of minors, both in specific areas such as the educational system, education based on gender equality, or suspension of parental authority in cases of gender violence as a measure of protection, and in its general contents, since, as the preamble of the law states, "Situations of violence against women also affect children who are within their family environment, direct or indirect victims of this violence." And Organic Law No. 15/2003 of November 25, amending Organic Law No. 10/1995 of 23 November on the Criminal Code, indicates in its preamble, as one of the most significant reforms to the general part of the Criminal Code, that it is "technically improved to serve more effectively for the prevention and suppression of crimes and, in particular the fight against domestic violence, establishing the possible suspension of visitation, communication with and home stay by children, and communication by means of information and communications technologies."

535. Another important programme established within the family support programmes for special situations is the Support programme for families affected by violence. It is directed primarily to families in which a problem of violence has been identified, but it may also address situations of a preventive character involving households determined to be at risk.

536. In this vein, it should be noted that the Ministry of Labour and Social Affairs finances pilot programmes for risk prevention and treatment of families within which abuse occurs through programme agreements with Autonomous Communities, aiming to improve the quality of the system of protection for children in social difficulties, especially in situations of child abuse. To pursue this programme, the Autonomous Communities and autonomous cities of Ceuta and Melilla, except the Basque Country and Navarra due to their tax system, assume co-responsibility in the funding for each project in an amount not less than 50 per cent of the total cost, including the contribution that may be made by the corresponding local corporation. Appropriations from the Ministry planned for these programmes from 2002 through 2007 amount to a total of 5 494 500 euros.

537. Also, within this line of cooperation with the aforementioned Autonomous Communities, are programmes of social support for families in special situations, including counselling and/or mediation programmes, which include some types of services dealing with situations of family conflict, such as the family meeting points service for the encouragement of visitation of children by the non-custodial parent.

538. In the period from 2004 to 2007 there has been a considerable expansion in the network of social services for families in crisis, both through agreements between the Ministry of Labour and Social Affairs and Autonomous Communities and through grants to NGOs. In this regard, NGOs can apply for support under the allocation of personal income tax to conduct programmes for the prevention and treatment of child abuse and exploitation. Grants for this purpose amounted to a total of 519 573.19 euros in 2002, 520 036 in 2003, 583 413 euros in 2004, 649 342 euros in 2005 and 679 942 euros in 2006.

539. This topic is also relevant to the work of the Monitoring Centre for Children, through the working group on child abuse. Progress has been made to provide a proposal for the unification of general criteria regarding the concept of child abuse and intervention against child abuse, and model reporting forms for notification of detected cases, which, as mentioned, facilitate provision of care and help to maintain epidemiological monitoring systems. Thus, in October 2001, a multidisciplinary team of professionals - trained social workers, psychologists, teachers, doctors and university graduates in nursing - completed

work on a report-manual, "Child abuse. Detection, notification and recording of cases", which is intended as a guide or reference to the Autonomous Communities in seeking convergence in their protocols for detection and action against child abuse situations, facilitating the noting and reporting of suspected cases in schools, in police work, in health, etc. The Monitoring Centre for Children has also developed a Child Abuse Module that is incorporated into the User Information System of Social Services, which is the basic software tool for managing general social services.

540. In 2006 the Ministry of Labour and Social Affairs launched a Campaign for Prevention of Child Abuse, using different advertising media (buses, subways, telephone booths, airports, train stations, etc.), reaching a wide audience. It has also produced a brochure, available on the thematic website of the Monitoring centre for Children, which defines child abuse, invites all to report it, and provides information about places to go for help. It is slated to continue this year.

541. In November, 2006, a study was concluded by the Ministry in cooperation with the Autonomous University of Madrid, which began in 2004 and is entitled "Maintenance, updating and operation of the National Register of Child Abuse (RUMI) in Spain", which reports on the degree of implementation in the Autonomous Communities of the uniform system of reporting of cases of child abuse, establishing guidelines to encourage proper implementation and development of this registry.

542. In parallel with this study a computer tool has been developed to support the databases of records of child abuse cases and the Autonomous Communities and thus to have basic nationwide data for compilation in the Child Protection Measures Bulletin. Efforts are being made to speed up this project because it is considered very important that this system of detection of abuse and the establishment of a register at the State and regional level become a reality throughout the country.

543. Also, under the Monitoring Centre for Children, a reference module has been prepared for the development of a protocol to deal with cases of child abuse, which was adopted by the plenary of the Monitoring Centre in 2007. It aims to create a basic tool to ensure inter-agency coordination for intervention in abuse cases once detected and reported. It is an instrument complementary to sectoral protocols in each professional field, which seeks to ensure minimum standards in the care of abused children. It also seeks to ensure minimum standards in care of child victims of abuse regardless of gender, race, social status or territorial location, while improving care to reduce primary and secondary victimization. The implementation of this protocol calls for the formation of regional and local care networks to ensure that cases are addressed and followed up, the enhancement of telephone hotlines for children, the adoption and use of the detection and reporting forms mentioned above, the creation of appropriate locales to attend to children, and annual reports that will facilitate understanding of this problem.

544. In this area the action taken by the governments of all the Autonomous Communities has been significant. Described below is what has been accomplished by some:

545. Andalusia approved Decree No. 3/2004 of 7 January establishing the information system on child abuse in Andalusia; the Order of 11 February 2004 providing for the publication of the full text of the Procedures of Coordination and Assistance to Child Victims of Abuse in Andalusia; and the Order of 23 June 2006 approving the models for child abuse detection and notification forms.

546. Specific activities have also been aimed at children and adolescents in particularly vulnerable situations and development of pilot programmes against child abuse, co-financed by the Ministry of Labour and Social Affairs. Also, in 2003, the Child Protection Agency began operating a toll-free telephone service to provide advice and directly receive complaints from children, and to elicit an urgent response from government

agencies to situations of risk or abuse that are brought to their attention. There has been a study and analysis in 2006 of risk factors for accompanied immigrant children in Andalusia. Courses have been held on “Child abuse: detection, reporting and intervention”, “Conflict resolution and social skills with minors” and “Techniques and tools for family intervention.” The Third Forum for Children of Andalusia, on 18 November 2004, focused on the theme “Relations of coexistence and violence among children and adolescents”, organized by the Monitoring Centre for Children in Andalusia at the request of the Council of Youth Affairs of Andalusia.

547. Interestingly, in the 2005 Annual Report of the Ombudsman for Children of Andalusia, particular attention is focused on the topic “Family conflicts: when the children are the abusers”, drawing attention to a new and unsettling reality that is beginning to emerge in our society, that of parent abuse, i.e. children who single out their parents as scapegoats for their physical and psychological violence.

548. In Aragon, through the respective cooperation agreements between the Aragon Institute of Social Services and the Association for Community Development in Areas of Aragon, a pilot programme has been developed for prevention of domestic violence situations: the Pilot Programme for Prevention of Situations of Risk and for Treatment of Abusive Families, and the Programme of Family and Group Intervention in Situations of Domestic Violence. Similarly, the Aragon Institute of Social Services has worked on the dissemination of Child Abuse Research, Best Practices and Proposals for Improvement in the Field of Health. A guide has appeared entitled “Child Abuse, proposals for action to detect signs of abuse during leisure time.” There have been courses for professionals on prevention and detection of child abuse; courses for teaching and research centres; courses for students at the University of Zaragoza doing postgraduate work on Social Education; courses for leisure time monitors; awareness-raising meetings in the health context; and, in January 2006, a conference on prevention and detection of situations of child vulnerability and abuse.

549. The Principality of Asturias has developed programmes of social intervention with adolescents at risk, a training programme in relation to children at risk and good professional practices; an intervention programme with at-risk children; and participates in the Programme for the development of pilot projects for child abuse prevention and intervention. Likewise, Asturias has developed a manual and a guide for action in cases of child abuse to be applied in social services, another Guide for the detection and reporting of child abuse in the health sector and another Guide for school settings.

550. In the Balearic Islands various initiatives have developed from the Office of the Children’s Ombudsman, such as cooperation in the programme to help child victims of psychological abuse and sexual abuse, which involves gathering the most relevant information about claims for psychological care for children who have suffered any form of abuse, providing service to a segment of the population at risk, arranging initial placement for the victim in order to ensure prompt attention, providing proper counselling to child victims, affording information and supporting the initial petitions submitted, as well as advising and/or attending to professionals and families who detect a risk or suspicion of child abuse.

551. In the Canary Islands a manual and reporting form for the detection and reporting of child abuse risk were developed and implemented in 2003 and 2005, and in 2004, workshops were held for the detection and reporting of situations of risk and child abuse.

552. Cantabria developed a training plan for the implementation of a new manual for action in situations of vulnerable children, aimed at all professionals working in the child protection system (community and specialized social services).

553. In Castile-La Mancha, in cooperation with the Ministry of Labour and Social Affairs, a research project was launched on child abuse factors that influence the development and maintenance of antisocial behaviour, and, with the University of Castile-La Mancha, a research project on bullying among children in the home.

554. Castile and Leon has developed a Protocol on action in cases of violent behaviour within the family for 2006, a working protocol for instances of violent behaviour arising within the family, offering a possibility of intervention when the problem begins to take shape, with the aim of curbing it before it reaches the courts (prevention) and, at the same time, facilitating a specific intervention in cases where the problem manifests itself and has taken on judicial proportions, seeking intervention from the reform system. Programmes have also been developed for “the treatment of abused children and preparation for independent living and support the programme of social intervention in high risk areas”; the programme “Building My Future”- risk intervention with adolescents; the programme “Educating in the Family”, and programmes of child abuse awareness. Also, a communication plan has been developed with the educational system, health, law enforcement, State security forces and social services on the detection and reporting of child abuse; a unified system of recording of cases, detection and notification child abuse has been in place since 2002. Since 2003, professionals of the Official College of Psychologists of Castile and Leon with specific training and the Directorate General for Women’s Affairs, have been providing psychological support to children, direct counselling to women victims of gender violence and children in their care, with the aim of offering emotional support and promoting personal autonomy.

555. In Catalonia, pilot projects have been developed, on an annual basis, on child abuse, included in the corresponding agreement with the Ministry of Labour and Social Affairs, specifically a programme to develop information systems for preventing, detecting and addressing abuse in the region and a draft uniform child abuse registry. Awareness-raising campaigns on child abuse have also continued, directly and through support and subsidies to the Catalan Association for Abused Children.

556. In Madrid, pilot projects have been developed, on an annual basis, on child abuse, included in the corresponding agreement with the Ministry of Labour and Social Affairs. In this regard, the following are noteworthy: the pilot programme for work with disadvantaged families at the Virgen de África Centre; the children’s telephone hotline; the child sexual abuse intervention centre; the project on detection and support for abused adolescents; detection of child abuse, care for minor victims of abuse and analysis and monitoring of child abuse situations from the perspective of primary hospital care and mental health and social services and in the educational sphere; technical support for programmes of child abuse prevention; the centre for emergency residential placement; the creation of the coordinating unit for care of victims of family violence, to coordinate measures of domestic violence prevention; the preparation and dissemination of studies and research on the causes and consequences of family violence in all its forms, and on the effectiveness of preventive measures; urgent and specialized intervention for abused child victims of sexual abuse and victims of offenses committed by other minors; training of professionals (caregivers, social workers, educators, justice professionals, mediators and psychologists) for detection and prevention of family violence in victim counselling centres; and analysis of data on minors in vulnerable situations due to child abuse and sexual abuse.

557. In Melilla, the Ministry of Social Welfare and Health carries out measures to protect children from all forms of abuse. The various social actors involved detect possible instances of abuse and fill out the “child risk and abuse reporting form” using the Unified Child Abuse Registration System. A protocol concerning abuse for the Autonomous City of Melilla was signed in 2005.

558. In Murcia, there have been various measures to protect children from all forms of abuse, neglect, sexual and labour exploitation, including paedophilia, pornography, trafficking, kidnappings and violence. Preventive programmes are being pursued to this end whose aims include giving children and youth social skills and knowledge that enable them to be critical in such situations; especially important in this regard are programmes of socio-educational intervention for families with minors at risk, through informational and training activities geared to developing the potential of family members, facilitating integration into their environment; and prevention, detection and diagnostic assessment of child victims and sexual abuse perpetrators. Also being implemented is a system of recording of cases of child abuse for the region of Murcia, which is slated to be introduced in four settings: education, health, security services, and social and community services.

559. Valencia has approved Decree No. 52/2004, of April 2 establishing the Law of Valencia against Gender Violence and on dependents in the family setting. The Government is aware, as stated in the preamble to the law, of “the need to continue to promote all measures that contribute to the eradication of gender violence and violence against dependents in the family setting, in all of its many manifestations.” This Autonomous Community too has introduced the reporting forms for situations of vulnerability in the health, educational and police contexts. Three manuals have been prepared and disseminated which organize the protocol for intervention in the health, education and police contexts and in detention, and provide for addressing situations of vulnerability or child abuse. For example, with regard to continuing education, the manual refers to “the role of the health sector in detecting and addressing situations of child vulnerability and abuse”, with action taken through training of trainers and courses by the Valencia School of Health and through workshops on “Public health coordination regarding child vulnerability” conducted by the Council for Social Welfare. The manual provides for a continuing education course on “The role of the educational setting in detecting and addressing situations of child neglect and abuse.” There is participation in the training plan by educational training centres, and the manual provides for a continuing education course on “The role of the police in detecting and addressing situations of child neglect and abuse” conducted by the Valencia Institute of Public Safety for local and regional police officers.

560. In the Basque country, the regional Ombudsman has prepared a report on “Care of Children and Adolescents in a position of vulnerability”.

561. Regarding the statistical data referred to in paragraph 15 of annex to the general guidelines (CRC/C/58/Rev.1), we must point to the difficulty of obtaining data on child abuse at both the national and regional levels, in view of the lack of systematic studies and of adequately approved records. The information provided comes mainly from the Statistical Yearbooks of the Department of State and Security of the Ministry of Interior, which, while providing basic information about the problem, is not as detailed as would be desired. In any case, according to the data being used, it appears that during the reporting period there has been a significant increase in the number of victims of family violence, rising from 4,506 cases in 2002 (and even from 2.8 in 2000) to 6,444 in 2006. Factoring in gender, one finds that girls are the victims of domestic violence to a much greater extent than boys, for all years, as may be seen in the following table.

Table 6  
Trend of child victims of violence in the family setting, Spain, 2000-2006

| Sex          | 2000         | 2002         | 2003         | 2004         | 2005         | 2006         |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Girls        | 1 566        | 2 569        | 2 569        | 3 649        | 4 077        | 4 129        |
| Boys         | 1 307        | 1 937        | 1 937        | 2 346        | 2 361        | 2 315        |
| <b>Total</b> | <b>2 873</b> | <b>4 506</b> | <b>4 506</b> | <b>5 995</b> | <b>6 438</b> | <b>6 644</b> |

Source: Prepared by CIIMU based on data from statistical yearbooks 2000-2006 of the State Secretariat for State and Security, Ministry of the Interior.

562. Regarding the age criterion, it appears that the age group that has the largest number of victims of abuse in the family is clearly that of those under thirteen. Thus, of the 6 438 child victims of such violence in 2005, 2 960 were under 13, 1 915 between 15 and 17, and 1 563 between 13 and 15 years old. Similarly, of the 6 444 victims in 2006, 2 894 were under 13, 2 020 between 15 and 17 and 1 530 between 13 and 15.

563. Regarding the type of crime, according to 2006 data, it appears that the type of crime with the highest number of child victims is the offense "against persons", which has the greatest impact on girls aged 16 and 17 and boys under age 13, although always in numbers below those for girls. We must also note the large number of girls who are victims of offenses against freedom and sexual integrity in the family setting, who account for 86.7 per cent of the total, bearing in mind that within the category of abuse, this is the main type of offense, followed by indecent exposure and sexual assault. (It may be noted that despite a slight decline in the number of victims of sexual assault, sexual assault with penetration accounts for nearly 30 per cent of these offenses and the number of cases of indecent exposure and sexual abuse has increased.)

Table 7  
Child victims of violence in the family by type of crime, by sex and by age group, Spain, 2006

| Type of crime                | Girls      |            |              |              | Boys       |            |            |              |
|------------------------------|------------|------------|--------------|--------------|------------|------------|------------|--------------|
|                              | Under 13   | 13 to 15   | 16 to 17     | Total        | Under 13   | 13 to 15   | 16 to 17   | Total        |
| Person                       | 523        | 511        | 941          | 1 975        | 486        | 253        | 206        | 945          |
| Freedom                      | 128        | 102        | 203          | 433          | 96         | 58         | 42         | 196          |
| Sexual freedom and integrity | 235        | 139        | 82           | 456          | 54         | 12         | 4          | 70           |
| Family relations             | 102        | 8          | 3            | 113          | 82         | 9          | 1          | 92           |
| Remainder                    | 2          | 0          | 1            | 3            | 0          | 0          | 2          | 2            |
| <b>Total</b>                 | <b>990</b> | <b>760</b> | <b>1 230</b> | <b>2 980</b> | <b>718</b> | <b>332</b> | <b>255</b> | <b>1 305</b> |

Source: Prepared by CIIMU based on data from statistical yearbook 2000-2006, Ministry of the Interior, 2006

## **VI. Basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, and 27, paras. 1-3) (General Guidelines, paras. 30 to 32)**

### **A. Survival and development, and children with disabilities (paragraph 2 of article 6 and article 23 of the Convention)**

564. Chapter III, sections C and A of this report have addressed basic issues relating to the major topics of survival and development of children on the one hand, and children with disabilities, on the other.

565. Regarding the first issue, it seems that is the best place to address survival and development, as, in fact, that section is entitled “The right to life, survival and development” and refers to article 6 as a whole, whereas here we are dealing only with the subject of “survival and development”, in connection with second paragraph of that article 6. Therefore, in keeping with the aim of simplifying the report and avoiding duplication of information presented, we refer to what was stated there; we likewise point out that other relevant information will also be provided below in this Chapter VI.

566. Regarding the second topic, “Children with disabilities”, as noted in Section A of Chapter III of this report, it should be noted that it was in that context of a discussion of the principle of non-discrimination that it was most appropriate to present the corresponding policy and legal measures adopted during the period 2002-2006 in order adequately to respond to the needs of children with disabilities, giving effect to their rights, in response to the increasingly widespread acceptance in political, legal and social consciousness of the special vulnerability and social exclusion affecting children with disabilities. As noted in the statement of purpose of Organic Law No. 51/2003 of December 2 on equal opportunity, non-discrimination and universal accessibility for persons with disabilities, “People with disabilities constitute a diverse segment of the population, but they all have in common the fact that, in varying degrees, they require additional safeguards in order to live with full enjoyment of their rights or to participate on equal footing with other citizens in economic, social and cultural development.” Therefore, in this connection we refer to what is stated in section A of Chapter III.

567. However, it should be noted here (although it is also directly related to the considerations offered regarding education in Chapter VII of this report), in accordance with paragraph 16, sections c and d, of the annex to the general guidelines (CRC/C/58/Rev.1), that the students enrolled in special education (students of both special schools and special education classrooms) show a slight increase nationwide between 2004-2005 and 2005-2006, in both public and private schools. However, in some Autonomous Communities (in the Principality of Asturias, Balearic Islands, Canary Islands, Castile and Leon, Castile-La Mancha, Murcia and Valencia) there is a small decrease, as may be seen in the table on students enrolled in special education, by type of school, found in the statistical annex.

### **B. Health and health services, social security and childcare services and facilities, standard of living (articles 24, 26, paragraph 3 of article 18 and paragraphs 1 to 3 of article 27 of the Convention)**

568. Central to these sections are measures that have been taken in the field of health services in order to ensure, in the most efficient way possible, that children can have a healthy life. It should be borne in mind in that regard that social security and services and facilities for children are part of those measures and that a standard of living adequate to



ensure the child's physical, mental, spiritual, moral and social development is the direct result expected from the implementation of appropriate measures. Accordingly, it may be appropriate to address these different perspectives together, being mindful of the necessary complementarity between what is stated here and what was stated in Chapter III of this report. In keeping with what was stated, *inter alia*, in the second periodic report of Spain (CRC/C/70/Add.9, paras. 1156 and 1157), all children in Spain are entitled to the health benefits provided under social security, which has universal and free coverage, just as all have the right to make use of the public system of social services.

569. In any case, we do note here the measures taken to respond to the recommendations made by the Committee (CRC/C/15/Add.185, paras. 38 to 41). With respect to the recommendation made of Committee (*ibid.*, paras. 38 and 39 a) on taking action to prevent the consumption of synthetic drugs, alcohol and tobacco among young people, thereby also implementing the National Plan on Drugs 2002 - 2008, we note, first, at the State level, in order to prevent health problems caused by consumption of drugs and narcotics, the Draft Law of health measures for the protection health and prevention of consumption of alcoholic beverages by minors, adopted on 20 February 2007, which was in harmony with the recommendations, principles and measures pursued by the World Health Organization and the various authorities of the European Union. Its purpose is to advance training and educational activities to prevent the harm associated with consumption of alcoholic beverages; to foster training of health professionals in detecting and treating pathologies and addictions resulting from the consumption of alcoholic beverages by youth under age 18; and to establish basic limitations on the sale, administration and consumption of alcoholic beverages and on advertising, promotion and sponsorship by the same, in order to protect the physical and mental health of those under age 18.

570. Along the same lines, one must stress the adoption of Act No. 28/2005 of 26 December on health measures against smoking and regulating the sale, supply, consumption and advertising of tobacco products, which, as set out in its statement of purpose, "prohibits selling or providing to individuals under age 18 tobacco products and any other like product that induces them to smoke. The sale of tobacco by persons under age 18 is also prohibited. In any event, sale and supply are prohibited in certain places, such as centres and offices of public agencies and publicly supported entities, health centres or social service centres and their branch offices, educational centres, cultural centres, sports centres and facilities, centres for care and leisure for minors, and any other place, centre or establishment where its consumption is prohibited."

571. Another noteworthy activity is the publication in February 2007 by the Ministry of Health and Consumer Affairs of the "Report on Alcohol", a study by the Clinical Committee of the Government Delegation for the National Plan on Drugs, which comprehensively analyzes the various aspects related to alcohol consumption in Spain over the last decade, paying special attention to adolescents (youth aged 12 to 18). Likewise, every year during the reporting period, grants have been provided through the Youth Institute to youth organizations and associations or youth service providers aimed, among other priorities, at programmes which foster responsible activities among youth and prevention of risks to health, addictions, teen pregnancies, eating disorders, etc.

572. Information campaigns have also been conducted to prevent the use of tobacco, alcohol and other drugs, such as the campaign "Risks to children caused by air polluted by tobacco smoke", new institutional campaigns aimed at reducing the problems associated with youth alcohol consumption, and prevention and information campaigns aimed against consumption of and addiction to cannabis and cocaine, in 2005 and 2006; or the campaign "Alcohol takes its toll, if you drink don't drive", in 2004. In addition, in April 2007, an information campaign was conducted to raise awareness among adults of the harmful effects of tobacco smoke on the health of children and promote smoke-free areas under the slogan "Choose smoke-free areas. For heaven's sake", with a budget of 2 000 000 euros.

573. We should also note the launching, pursuant to instructions Nos. 24 and 25/2005 of 30 November of the Ministry of State Security, of police responses to consumption and retail trafficking in drugs in areas of leisure and entertainment in educational centres and their environs, respectively. Pursuant to Instruction 3/2007 of 21 February, the Ministry of State Security approved on 22 February the Master Plan for Coexistence and Improving School Safety as part of the Government's commitment to strengthening police cooperation with educational authorities, to promote stable mechanisms for cooperation with the educational community (managers, teachers and associations of parents of students), conducting activities, talks and conferences specifically aimed at students and at improving policing in the vicinity of schools.

574. Also with regard to this issue, it should be noted that the National Centre of Information and Communication (CNICE) has launched, since the year 2004-05, an on-line course to facilitate teacher training for the programme to prevent drug dependency, under the title "Building Health"; the programme has been under way in several Autonomous Communities and cities; it comprises an approach to health promotion that focuses on key psychological and social factors that contribute to drug use and antisocial behaviour among adolescents; it is the result of an expansion and adaptation of one of the best-designed and evaluated programmes in the English-speaking world, "Life Skills Training", developed at Cornell University (New York) by J. G. Botvin.

575. In another noteworthy action in 2003, the Ministry of Labour and Social Affairs-Directorate-General for Social Action, Minors and Family, and the Ministry of Interior-Government Delegation of the National Drug Plan, provided grants to non-profit entities to carry out programmes of prevention, education and training. The following initiatives have been conducted: prevention programme for parents at risk, "Valer" (seminars, distribution of training materials); training courses addressed to parents (courses and distribution of materials); training courses aimed at professionals to train them in family intervention; workshops aimed at parents; publication of the Guide "Talk to them", aimed at developing communication skills of parents to prevent the consumption of alcohol among children; creation of an interactive website to support the family in preventing drug use; publishing and distribution of material targeted at alcoholics and family members; information and counselling services by telephone; agreement with the Spanish Federation of Municipalities for the development of various preventive activities, such as the holding in La Rioja in 2003 of a Seminar on Prevention in the Family with the Introduction of the Manual on "Family Intervention in the Prevention of Drug Addiction", conducted through an agreement with the Official College of Psychologists; agreement with the Official Gazette to distribute the Guide "More information, less risk", which contains a section aimed at parents. It is estimated that these programmes have benefited approximately 10,000 parents, 4,000 family associations and 60 drug addiction professionals.

576. The Autonomous Communities have also taken concrete steps in this area, such as the following:

577. Andalusia adopted Act No. 12/2003 of 24 November for the reform of Act No. 4/1997 of 9 July on prevention and assistance in regard to drugs, as amended by Act No. 1/2001 of 3 May. Together with European Network on Youth and Tobacco (ENYPAT) and coordinated by the Monitoring Centre in for Children in Andalusia, it holds a contest entitled "Quit and Win" aimed at boys and girls of the European Union, with a view to preventing smoking among non-smokers and helping smokers to quit. (Some of the conclusions reached by the Monitoring Centre after holding the contest for three years were that in 2004, 45.4 per cent of young smokers aged 15 to 17 asserted that they were no longer smoking after taking part in the programme, and 68 per cent of participating smokers in 2004 asserted that they would like to receive medical help, mainly in order to quit smoking.)

578. In Asturias, annual school campaigns are held aimed at preventing drug use among adolescents.

579. In Castile and Leon, Act No. 3/2007 of March 7, amending Act No. No. 3/1994 of 29 March, on prevention, care and social integration of drug addicts of Castile and Leon, governs the protection of children under 18 against the advertising, sale and supply of alcohol (thus responding to a request made to that effect by the Attorney General of this Autonomous Community in 2005). The region also cooperated in the dissemination, through the Education Portal, of the Queen Sofia Anti-drug Prizes for 2006, organized by the Foundation for the care of drug dependency of the Spanish Red Cross, in the year 2006-2007.

580. In Catalonia, there has been training tailored to the educational teams of schools on prevention of consumption of toxic substances, prevention of unwanted pregnancies, and the like.

581. The Autonomous Community of Madrid passed Act No. 5/2002 of 27 June on drug abuse and other addictive disorders, which, although of a general character, also addresses the special protection of minors. There is also a regional plan for prevention and control of smoking in the Community of Madrid, with campaign activities and proposed smoke-free schools. The Autonomous Community has developed a programme of social education and intervention in an open environment to identify and involve children with problems of drug dependence; a programme to prevent initiation to drug use by schoolchildren aged 3 to 9; a school programme to prevent drug dependency through the use of cinema to provide secondary instruction; a programme called "prevent to live" addressed at the whole educational community; a variety of extracurricular activities in cooperation with youth associations (Ulysses programme; Hercules programme; play is the alternative; youth, leisure and health; alcohol consumption prevention workshop); various programmes providing leisure and recreation as alternatives to drug use; a Discus-thrower Programme for health promotion, aimed at empowering young people in the process of solving their problems with diversified opportunities for leisure and free time to serve as wholesome options to the consumption of harmful substances and to help them form healthy habits; and a programme named "Talk to them", to prevent the consumption of alcohol and drugs.

582. Murcia has taken action against the use of children or adolescents in activities related to narcotics production or trafficking. We should note steps taken to assess the protection received from the family in the event that the children need to be declared neglected and separated from their environment; to provide the family with resources so that it can afford daytime activities for the child; to inform the prosecutor and the court when a child is in danger in his current environment, and to cooperate with the system of justice and law enforcement authorities in providing information.

583. In the Autonomous City of Melilla the Department of Health and Consumer Affairs conducts activities aimed at promoting healthy lifestyles, such as prevention of use of narcotics, tobacco and alcohol.

584. Also noteworthy is the work of the High Courts of Justice in the implementation of rules prohibiting alcohol sales to minors, as seen, for example, in the following decisions: Decision of the High Court of Justice of Catalonia (Administrative Disputes Chamber) 838/2005 of 4 July; Decisions of the High Court of Justice of Madrid (Administrative Disputes Chamber) 1230/2002 of 14 November and 1191/2002 of 7 November; Decision of the High Court of Justice of Castile-La Mancha (Administrative Disputes Chamber) 268/2002 of 20 April.

585. Moreover, in response to the statement in paragraph 19 a) of the annex to the general guidelines (CRC/C/58/Rev.1) regarding the number of adolescents affected by problems of drug abuse and alcohol, it should be noted that consumption of psychoactive substances forms part of the health problems of adolescents and youth. Data from the

National Survey on Drug Use among Secondary Students (ESTUDES), conducted in 2004 show that the mean age at onset of psychoactive substance use among students in secondary school ranges from 13.2 to 13.7 years in the case of tobacco and alcohol, respectively, to over 15 for ecstasy, amphetamines, speed, hallucinogens and cocaine. It is the legalized substances, alcohol and tobacco, that enjoy the most acceptance and consumption, especially as children grow older; and among the illegal substances the most prevalent is cannabis and, to a substantially lesser extent, cocaine.

586. Consistent with this, the perceived risk which adolescents associate with substance use is lower with regard to more socially accepted forms of conduct, such as drinking alcohol (on weekends or daily) or smoking hashish (occasionally or habitually). In general, however, there is a greater association of low risk with forms of consumption considered sporadic as regards all types of substances, except heroin, which is at present the one that is least socially accepted and most feared. And if one looks at gender, one finds that women express a stronger perception of risk than men regarding most forms of conduct associated with consumption of psychoactive substances, especially as regards drinking alcohol (on weekends or daily), smoking hashish habitually, or smoking daily. In this regard, information is provided in the figures and tables on this subject contained in the statistical annex.

587. In any case, despite the steps and initiatives undertaken, the data provided in the recent 2007 annual report of the European Monitoring Centre for Drugs and Drug Addiction, "The drug problem in Europe", are disturbing with respect to cocaine and cannabis use by young Spanish people. The report states that "It is worrisome that in both countries [Spain and the United Kingdom] cocaine use among young people is relatively high (4-6 per cent in adolescents aged 15 to 16). In Spain, the analysis suggests that the recent increase is due to consumption in the age group between 15 and 24. With regard to cannabis use, the data are also not encouraging, since Spain also has one of the highest rates of prevalence for cannabis in the last year among the young-adult population, contemplating the age groups 15 to 34 and 15 to 24.

588. Moreover, regarding the use of ecstasy, after widespread increases in consumption during the 1990s, for the ages between 15 and 34, in recent years there has been some stabilization or even moderate decreases in countries with high prevalence, such as Spain and the United Kingdom.

589. As already indicated in the recommendations made by the Committee (CRC/C/15/Add.185, paras. 38 and 39 b and c) on measures to be taken to deal with the health problems of adolescents, addressing, in particular, early pregnancy, sexually transmitted diseases and improving mental health services and counselling, as set out in paragraph 32 of the General Guidelines (CRC/C/58/Rev. 1), regarding efforts to combat diseases such as HIV/AIDS and measures taken to promote and protect the rights of youth in the context of adolescent health (and although on all these issues, in general, some of the measures outlined in Chapter III of this Report regarding children with disabilities are relevant), we should note the approval and launching of various initiatives, programmes and projects that directly address issues relating to these areas, with particular attention to the need for health education, although specific actions should also be mentioned pertaining to unwanted pregnancies, combating HIV/AIDS and mental health treatment.

590. Therefore, with respect to initiatives, projects and programmes, in addition to what is mentioned above in Chapter III of this Report, it should be noted that the Ministry of Health and Consumer Affairs has developed the "Draft Project for Mental Health Promotion for Adolescents and Parents of Adolescents; the Study on Health Behaviour in School-Aged Children" (HBSC), an international report compiled from the 2001/2002 survey, which can be found at [www.msc.com/professional/preProSalud/promocion/adolescentes/pdf/adoles\\_2001\\_2002.pdf](http://www.msc.com/professional/preProSalud/promocion/adolescentes/pdf/adoles_2001_2002.pdf); the publication and dissemination in Spain of

10,000 copies of the child safety white paper prepared by the European Child Safety Alliance, whose distribution has been carried out through the Spanish Society of Paediatrics and Spanish Society of Paediatric Surgery; the production and publication of the *Report on the major psycho-social problems of children in Spain* in 2006, conducted by the Spanish Society of Social Paediatrics; the drafting of the guide to “Healthy nutrition and prevention of eating disorders” in the framework of the Cooperation Agreement to promote health education in school signed between the Ministries of Interior, Education and Culture and of Health and Consumer Affairs.

591. Specifically with regard to children with disabilities, the Royal Board on Disability - Ministry of Labour and Social Affairs, have also undertaken, among other activities outlined above, the following activities: in 2003, the awarding of the 2002 Queen Sofia Prize for Prevention of Impairments; work on the prevention of childhood accidents and domestic risks, at the Meeting of experts on prevention of impairments and the Thirteenth Interdisciplinary Meeting on Populations at High Risk of Impairment. In 2004, an agreement was concluded with the Spanish Association for the Recording and Study of Congenital Malformations to provide information to users on the prevention of birth defects through the Telephone Information Service for Pregnant Women (SITE). In 2005, a Special Course was held on Screening and Diagnosis of Autism Spectrum Disorders; the First Training Course on genetic mental retardation; the conference “Risks to reproduction and pregnancy of occupational exposures”; the Ninth Meeting of Neonatal Screening Centres; the Second Interdisciplinary Conference on Fragile X Syndrome; a Study on the Detection and Diagnosis of Autistic Spectrum Disorders; a Study on the Detection and Diagnosis of Fragile X Syndrome Disorders; and cooperation agreements with the Spanish Association for the Recording and Study of Congenital Malformations, the Spanish Association of Human Genetics and the Spanish Committee on Audiophonology. In 2006, courses were held on the prevention of impairments at the Official Nursing College of Teruel; with the Autism Federation of Castile and Leon (FACYL) an awareness campaign was conducted in the Community of Castile and Leon on early detection of Autistic Spectrum Disorders; there was the Third Regional Conference on Fragile X Syndrome; with the Spanish Association Neonatal Screening (AECNE), the conference presenting AECNE was held; the Eleventh Regional Early Care Conference, “ Early Care and Family”, was held; there was the Fifteenth Interdisciplinary Meeting Early Childhood Intervention; agreements were made with the Spanish Association for the Recording and Study of Congenital Malformations, with Autism Federation of Castile and Leon, with the “Charles III” Royal Board-Health Institute, with the Spanish Committee on Audiophonology , with the Fragile X Federation and the Mental Retardation Genetic Research Group, the Spanish Association on Neonatal Screening, Diagnostic and with the Organization for Diagnosis and Early Care.

592. In any case, in accordance with the statement in paragraph 19 b) of annex to the general guidelines (CRC/C/58/Rev.1) regarding the number of programmes and services that aim to prevent and treat problems of adolescent health, it should be noted that although there are no systematic statistical data on health services specifically for adolescents, one can point to some basic data available for understanding the health coverage that exists to solve the health problems of children. In this regard, data from the National Health System of the Ministry of Health and Consumer Affairs show that in Spain, in 2003, the number of doctors working in health centres was 29 428, a rate of 0.7 per 1 000 inhabitants, with 82.2 per cent being family physicians and 17.8 per cent paediatricians. The number of doctors working in public hospitals was 54 298, a rate of 1.3 per 1 000 inhabitants, and 4.6 per cent paediatricians. In any case, regarding primary care activity in the National Health System, one can note an increase in the number of visits to family doctors and paediatricians in the period between 1994 and 2003, from 212.8 million to 309, 6 million. Consultations per inhabitant per year grew from 5.4 to 7.4, with visits to family doctors

going from 89.3 per cent to 86.8 per cent, but visits to paediatricians rising from 10.7 per cent to 13.2 per cent. Further, in 2005, the number of hospitals was 779, with a rate of 1.8 per 100 000 inhabitants, with 38.6 per cent being public, and the number of health centres was of 2 702, with a rate of 6.3 per 100 000 inhabitants, 100 per cent being public.

593. Regarding measures taken in keeping with the need to act in education with a view to ensuring adequate health for children, it can be observed, first, that the Ministry of Health and Consumer Affairs, in the framework of an agreement on partnership to promote health education in schools signed between the Ministries of Interior, Education and Culture and Health and Consumer Affairs, addressed healthy nutrition and the prevention of eating disorders. In this regard, the Ministry of Health and Consumer Affairs has since 2005 been pursuing the strategy for Nutrition, Physical Activity and Obesity Prevention (NAOS); in March 2005, the Code of Self-Regulation of Advertising of Food to Children, Obesity Prevention and Health (PAOS) was approved; information campaigns on prevention of childhood obesity were conducted in 2005 and 2006, as well as a guide for parents to promote health education in school; and a guide addressed to all those involved in the education of children and adolescents on physical activity and health in children and adolescents.

594. Meanwhile, the Ministry of Education and Science has been signing various Cooperative Memorandums of Understanding to promote health education in school, since the early 1990s, along with the Ministry of Health and Consumer Affairs, the one signed in July 2005 being currently in force. Fostering healthy habits among schoolchildren has always been a priority goal. The actions undertaken have been designed to influence attitudes and behaviours among youth and adolescents, to promote healthy lifestyles and to create currents of opinion that can cope with situations that have negative implications for adolescents and youth: alcohol abuse, smoking, drug addiction in general, and nutritional disorders.

595. Thus, the Ministry of Education and Science recognizes as a purpose of education to develop healthy habits, physical exercise and sports, and in this regard, has approved the School Pilot Programme of Exercise for Health and Countering Obesity (PERSEO), which aims to enhance school educational activities in regard to food and nutrition and their impact on health, while stressing the importance of practicing regular physical activity and sport. Activities are directed to teachers, primary school students aged 6-10, and their families, management teams, parent-teacher associations, health personnel, and school cafeterias/canteens in 64 schools in six Autonomous Communities and the autonomous cities of Ceuta and Melilla. The programme is developed under the cooperation agreement signed between the Ministries of Education and Science and Health and Consumer Affairs, and an initial pilot phase was developed during 2006-2007 and will be expanded in phases.

596. The Ministry awards annual National Awards for Research and Educational Innovation, which have as their focus, inter alia, "... education in human values and rights, especially health education". And the Centre for Educational Research and Documentation of the Ministry of Education and Science, in coordination with the Directorate General of Public Health and Consumer Affairs, Ministry of Health and Consumer Affairs, has itself intervened in the four years between 2002 to 2006 as a national focal point in the expansion phase of the European Network of Health Promoting Schools (ENHPS), together with officials of the education and health sectors of the Autonomous Communities concerned, with the primary aim of achieving a healthy lifestyle for the entire educational community, through environments conducive to nurturing health. This project directed at health-promoting schools emerged as an innovative initiative in the early 1990s, promoted jointly by the European Union Commission, the Council of Europe and the Regional Office for

Europe of the World Health Organization (WHO). It seeks to analyze the possibilities for the 145 schools that are attached to it to establish a healthy and safe physical and psycho-social environment. Among the projects presented for the incorporation in the ENHPS centres, various health topics are addressed, primarily those stressing healthy nutrition, sexual and emotional education, and drug prevention; the issue of drug prevention is specifically addressed in 45 per cent of them. One should also keep in mind that article 2 of Organic Law No. 2/2006 of 3 May on Education, which sets forth the purposes of education, proposes the pursuit of healthy habits, exercise and sport (paragraph h), which are also reflected in the principles and objectives of each stage.

597. In this regard we should also note the necessary work being done by the Autonomous Communities, such as the following: In Asturias, active participation in the Network of Health Promoting Schools. In Castile-La Mancha, the development of a Programme for prevention and health education in schools; Programme of information, training and social/health youth guidance (CIFOS). In Castile and Leon, dissemination of editions II and III of the Teacher Action Award (Premio Acción Magistral) (classes of 2005-2006 and 2006-2007), an initiative of the Foundation for Help Against Drug Addiction, the Spanish Commission for Cooperation with UNESCO and BBVA, which aims to reward initiatives in early childhood and primary education in order to transmit values and prevent social risk behaviours; outreach to community centres about the annual fair which International Health Fair holds on the premises of IFEMA (Madrid), which develop courses and workshops related to health for secondary school students. In Catalonia, the 2005 nutrition education programme, "Enjoy the meal, get moving and be healthy"; and implementation, in coordination with the Department of Education, of education workshops on health. Madrid also supports initiatives to promote health by school students and children.

598. It is interesting to note, also in response to paragraph 17 c) of annex to the general guidelines (CRC/C/58/Rev.1), that in Spain there is a dual focus on health problems related to weight. There is a greater problem of overweight among those under fifteen, while percentages of those who are underweight are high from age fifteen on, especially among females. Thus, the data regarding body mass index in 2006 indicate that in the population aged 2 to 17, 18.5 per cent are overweight and 9.1 per cent are obese, the figure being slightly higher for males (9.39 per cent versus 8.86 per cent). And if we look at different ages, we can see that in 2003 children under 9 had high percentages for overweight and obesity, especially among the age group of 5 to 9, as revealed by analysis of the body mass index. It was highly significant that after age 14 over 70 per cent of boys and girls are of normal weight or underweight, and for girls in the age group 15 to 19 years, 86 per cent are of normal weight or underweight. (Figures provided in statistical annex on child body mass index).

599. Some data can be supplemented with eating habits as the data on the consumption pattern for that same year 2003 indicate that 44.5 per cent of Spanish children aged 1 to 15 eat sweets daily, and there is over-consumption of sausages, with a large percentage consuming them daily or three times per week (figures for food consumption patterns of children from 1 to 15 years of age in the statistical annex).

600. It should be noted at this point, in regard to breastfeeding - although measures taken to promote breastfeeding have been referred to in section C of Chapter III of this report - that, according to data for 2001, the proportion of children totally or partially nursed with breast milk was 78.6 per cent at 6 weeks, 65.5 per cent at 3 months and 44.9 per cent at 6 months (slightly higher percentages than those of 1997, i.e. 75.9 per cent, 58.4 per cent and 35.2 per cent respectively), although, again, these figures vary in the different Autonomous Communities, as shown in the table in the statistical annex on rates of breastfeeding.

601. With regard to specific actions directed at the issue of unwanted pregnancies, it may be noted that the Ministry of Health and Consumer Affairs brought into operation in 2006 an institutional campaign to promote sexual health and prevent sexually transmitted diseases and unwanted pregnancies among adolescents and youth, under the slogan, "If you have unprotected sex, do you know who is acting?"; there was likewise an information campaign on "Sexual health and young people" with a budget of 2 million euros. The following publications were completed: *Winning with youth health. Recommendations on Sexual and Reproductive Health, Alcohol and Mental Health* and *Promoting Healthy Adjustment in our Teens*. Also, the Ministry began on 7 May 2007 the re-introduction of a campaign to promote sexual health among adolescents and youth based on the use of condoms as the most effective means to prevent sexually transmitted diseases and unwanted pregnancies. Moreover, in the period 2002-2006 notable programmes include those on sexual and reproductive health and the prevention of unwanted adolescent pregnancies, which are being applied in the various Autonomous Communities (in keeping with the approval of the Basic Common Programme of Maternal and Child Health for the whole country - prepared on 4 June 1990 by the Inter-Territorial Council of the National Health System (CISNS) and the consequent development which has since taken place in programmes promoting health of Spanish children and adolescents in all of the Autonomous Communities).

602. On this issue, in response to paragraph 19 a) of the annex to the general guidelines (CRC/C/58/Rev.1), regarding the number of adolescents affected by early pregnancy, it should be noted that, in general, there has been a steady increase in the age at which women have children, with the percentage of births to women aged 15 to 29 declining. And if one looks at the data concerning voluntary terminations of pregnancies for different age groups, one finds that although there has been an increase in the overall rate in recent years, it is precisely among the youngest that one observes a more significant increase, which is indicative of the number of unwanted pregnancies. This may be noted in the corresponding figures of the statistical annex.

603. As regards concrete actions in the fight against HIV and AIDS, it should be noted that the Ministry of Health and Consumer Affairs has signed a cooperation agreement with the Youth Council of Spain in order to enhance the participation of young people in the design and development of HIV prevention activities, and for which the following budget has been allocated: 271 000 euros in 2002, 300 000 euros in 2003, 300 000 euros in 2004, 214 000 euros in 2005 and 385 351.26 euros in 2006. And under the 2001-2005 Multi-sectoral Mobilization Plan, approved by the National Coordinating and Monitoring Commission for AIDS Prevention Programmes, we should note also the invitation for grant applications from the Ministry to non-profit institutions of all kinds working to finance programmes for prevention and control of AIDS. Among the priorities are intervention strategies for the prevention of HIV/AIDS in groups and populations most vulnerable to infection, including young people. The budget allocation for projects relating to young people has been 42 000 euros in 2002, 45 600 euros in 2003, 66 000 euros in 2004 and 197 630 euros in 2005.

604. Among the documents that have been published by the Secretariat of the National Plan on AIDS containing recommendations for clinical practice, with input from scientific societies, different institutions and different groups of experts are: the Recommendations from SPNS/GESIDA/SEGO/AEP for monitoring HIV infection in relation to reproduction, pregnancy and prevention of vertical transmission, in 2006; and a Handbook on pregnancy aimed at HIV positive women, of 2005-2006. It should be noted that the Secretariat of the National AIDS Plan also transfers money to the Autonomous Communities to enable them to develop preventive activities in areas designated as priorities by the National



Commission for Coordination and Monitoring of Programmes for AIDS Prevention. Among the priority areas are prevention among young people in the context of health promotion, with a total budget allocation for all preventive activities of 4 808 100 euros in 2002, 4 808 099 euros in 2003, 4 808 100 euros in 2004, 4 808 100 euros in 2005, and 4 808 100 euros in 2006.

605. Also of interest in this area are the activities pursued by the Youth Council of Spain, within the annual programme of HIV/AIDS prevention among adolescents and young people, such as preventive materials; training trainers; teaching guides for mediators; videoforum pack; theatre campaign, etc., and for which there is a budget of 285 462.45 euros in the year 2003, 446 662.92 euros in 2004, 218 183.57 euros in 2005 and 300 000 euros in 2006.

606. Also to be taken into account is the implementation of specific activities by the Autonomous Communities, such as the following: In Asturias, the annual holding of school campaigns to prevent HIV/AIDS and other sexually transmitted diseases; in Castile and Leon, the launching of the young people's telephone information and counselling service on sexuality, prevention of sexually transmitted diseases and AIDS, established in 2004 to respond to weekend and night-time calls, serving approximately 2 000 users per year; cooperation with the Department of Health in the annual distribution to secondary schools of educational flyers and posters marking World AIDS Day. In Catalonia, there is participation, in coordination with the Department of Health, in campaigns on childhood accidents, sexual health and HIV/AIDS. In the Autonomous Community of Madrid, there is an action plan against HIV/AIDS in that Autonomous Community. In the autonomous city of Melilla the campaign against HIV/AIDS is conducted by the Directorate General for Health and Consumer Affairs. Murcia, during the years 2000, 2001 and 2002 developed a Pilot Programme for the Prevention, Detection and Care of Prenatal and Postnatal Abuse in the population at risk of HIV, since there were newborns with HIV who had to be placed under wardship, which pointed up the problem and the importance of taking measures for prevention and treatment. (The programme was later transferred to the Department of Public Health of the Ministry of Health and is being implemented through Spanish Red Cross).

607. As regards the number/percentage of children infected by HIV/AIDS, in light of to what is stated in paragraph 18 a) of the annex to the general guidelines (CRC/C/58/Rev.1), we note that in recent years there has been a marked downward trend of reported cases. The incidence of this disease in children under age 19 is very small, representing only 0.85 per cent of total cases reported in 2006. For this age group, AIDS cases have been declining, reaching 9 cases in 2004, at which time the incidence stabilized (cases for 2005 and 2006 have not changed from that year), as may be seen in the table on cases of AIDS in the statistical annex.

608. With regard to particular actions taken to improve mental health services and counselling, we should note the work done by the Autonomous Communities

609. Asturias has a network of child mental health services distributed across the territory. Catalonia has continued its cooperation agreement with the Health Department to expand coverage of Child and Youth Mental Health Centres and to offer a specific intensive programme for residential facilities for children and adolescents. In Castile and Leon, Child/Youth Mental Health Teams or programmes have been contracted in all the health areas to provide psychiatric care to the population under 18, a child/youth psychiatric in-patient unit has been inaugurated at the Valladolid Clinical Hospital to provide care to children under 18 living in the community who suffer psychiatric disorders that require a hospital admission; and there is a specific Programme on Mental Illness and Mental Retardation, conducted by psychiatrists of the network who have a consulting activity with the Social Services Centres for the Disabled, serving children who reside in these Centres. The Autonomous Community of Madrid has developed "specific centres for

children with mental health and behavioural disorders” which take in children and adolescents whose special needs require specialized professional care and can be handled through standard service, extending specialized resources for children with disabilities and therapeutic treatment centres for children with mental health problems or behavioural disorders. In the Basque Country, specific endeavours pertaining to child mental health are addressed in the report on “Community care of mental illness.”

610. In response to paragraph 19 a) of the annex to the general guidelines (CRC/C/58/Rev.1) regarding the number of adolescents affected by mental health problems, it should be noted that data on hospital discharges with mental disorders as the main diagnosis show that among children treated in hospitals for mental disorders, the most frequent are neurotic disorders, personality disorders and other non-psychotic mental disorders (89.34 per cent for the age group 1 to 4 years and 78.88 per cent for the group 5 to 14 years of age, in 2005), as shown in the statistical annex.

611. As regards the recommendations made by the Committee (CRC/C/15/Add.185, paras. 40, 41) on measures to be taken to address the practice of female genital mutilation, and as requested also along the same lines in the General Guidelines (CRC/C/58/Rev.1, para. 32), it should be noted, first, as indicated in section H of Chapter IV of this report, that the incidence of female genital mutilation in the Spanish population is virtually nil. But that does not obviate the necessity to act with the utmost firmness against this practice that violates the most basic rights of girls and their very human dignity.

612. In this regard, Organic Law No. 11/2003 of 29 September prescribing specific measures relating to public safety, domestic violence and social integration of foreigners, amending the Criminal Code of 1995 with the criminalization of female genital mutilation or excision, expressly provides in its statement of purpose that “the genital mutilation of women and girls is a practice that must be combated with the utmost firmness, and may not be justified by ostensibly religious or cultural reasons. ... The present reform amends article 149 of the Criminal Code, expressly referring in its new section 2 to genital mutilation in any of its forms as a form of conduct which falls within the scope of bodily injury under said article, punishable by imprisonment for six to 12 years. Further, it provides that if the victim was a minor or an incompetent, the further penalty of special deprivation of parental authority shall apply if the judge finds it to be in the best interest of the child.”

613. And with the approval of Organic Law No. 3/2005 of 8 July amending Organic Law No. 6/1985 of 1 July on the judiciary for the extraterritorial prosecution of the practice of female genital mutilation, another important step is taken in pursuing action to adequately address the seriousness of the crime being committed, since, as recognized in the statement of purpose of this Law, “The mutilation of the genitalia of girls and young women should be considered inhuman and degrading treatment included, along with torture, under the prohibition of article 3 of European Convention on Human Rights. ... This Law pursues that purpose by making possible the extraterritorial prosecution of the practice of female genital mutilation when the offense takes place abroad, as occurs in most cases, taking advantage of travel or visits to countries of origin by those who are in our country...”

614. In this regard as well, one should keep in mind the actions taken by the Autonomous Communities, such as the following: Cantabria has published and distributed the information brochure “Speaking of childhood ... female genital mutilation” aimed at professionals from social services, health and education, associations and organizations working with the immigrant population, and women’s associations. In Murcia, it must be stressed that among the social skills and knowledge that will enable minors to be critical of those situations that can be considered as abuse, neglect, sexual and labour exploitation

(against which the aforementioned preventive programmes have been established, geared inter alia to giving children and youth these skills and knowledge) are included measures against harmful traditional practices such as forced or early marriage or female genital mutilation.

615. At the same time, in response to the indications in paragraphs 17, 18 and 19 of the annex to the general guidelines (CRC/C/58/Rev.1), there are some other statistical data on specific aspects which affect the scope of health and health services. Thus, as indicated in paragraph 17 a) of the annex to the general guidelines (CRC/C/58/Rev.1), we should note that infant mortality (deaths under age 1 per 1,000 live births) has been holding steady in recent years, showing a slightly lower rate for 2005 (3.78) compared to 2004 (3.99). Taking into account differences by gender, the trend of the infant mortality rate always shows lower values for women than for men: 3.5 in 2004 and 3.31 in 2005 for women versus 4.4 in 2004 and 4.23 in 2005 for males. Considering available data from different Autonomous Communities, the values for 2005 range from 8.45 in Ceuta to 2.44 in the Community of Navarre, a geographical spread of mortality rates which is similar to some previous years but also shows differences by comparison with 2004, as may be seen in the tables of the statistical annex.

616. Moreover, in light of what is stated in paragraph 17 d) of the annex to the general guidelines (CRC/C/58/Rev.1) regarding the impact on children's health of the situation of households in which they live, it should be noted that, according to data from the Survey of Living Conditions for 2005, 9 per cent of households cannot maintain the dwelling at a suitable temperature and 2.5 per cent cannot afford meat, chicken or fish at least every other day, as shown in the table in the statistical annex, which covers different types of families and adds descriptors relating to the possibility of rest for one week a year of vacation or the ability to meet unforeseen expenses.

617. As regards the particulars mentioned in paragraph 17 e) of annex to the general guidelines (CRC/C/58/Rev.1), it can be seen that data for 2003 and 2004 showed that vaccination coverage among children in Spain is currently very wide, ranging in 2004 from 94 per cent for the Haemophilus influenzae booster to 96.9 per cent for Poliomyelitis, but also showing that there was a slight decrease in coverage between 2003 and 2004, from of 98.5 per cent to 96.9 per cent in the case of Poliomyelitis, and from 98.2 per cent to 96.6 per cent for Diphtheria/Pertussis/Tetanus, as reflected in the statistical annex.

618. In response to what was indicated in paragraph 17, sections f), g) and h) of annex to the general guidelines (CRC/C/58/Rev.1), it can be seen that the various obstetric activity indicators show that in Spain for 2003 vaginal deliveries were 30.62 per 1,000 women of childbearing age, compared to deliveries via caesarean section, which were 9.66 per 1,000, although in general the number of caesarean sections has risen slightly for each 100 births delivered vaginally between 2003 and 2004 (31.55 and 32.12 respectively). The number of maternal deaths in childbirth has fallen from 0.46 maternal deaths per 10,000 births in 2003 to 0.26 per 10,000 in 2004. The number of infants weighing less than 2,500 grams per 100 newborns has remained stable over the same period (6.95), and of all births in Spain during 2004, 74.1 per cent have occurred in public facilities (66.96 per cent in the National Health System) and only 25.99 per cent have occurred in private hospitals (18.77 per cent at for-profit facilities).

619. Finally, it should be noted that, if one looks specifically at the periodic review of conditions of placement, the eighth and last final provision of Organic Law No. 1/1996 of 15 January on the legal protection of minors, partially amending the Civil Code and the Civil Proceedings Act amended article 174.2 of the Civil Code to provide as follows: "To that end [i.e. for the fulfilment by the Prosecutor of his task in exercising oversight over placement, foster care or wardship of minors as referred to in that section of the Civil Code] public entities shall give him immediate notice of new admissions of minors and shall provide copies of the administrative resolutions and writings pertaining to the

establishment, modification and cessation of placement, foster care or wardship arrangements. Similarly, they shall notify him of any development of interest regarding the circumstances of the child. The Prosecutor shall, at least every six months, examine the situation of the child and shall petition the court for such measures of protection as he may deem necessary.” A course of action is thus defined that has been followed by the various administrations at the national and regional level.

## **VII. Education, leisure and cultural activities (arts. 28, 29 and 31) (General Guidelines, paras. 33 to 36)**

### **A. Education, including vocational training and guidance (article 28 of the Convention)**

620. Following the recommendation made by the Committee (CRC/C/15/Add.185, paras. 42 b, and 44) on the need to ensure regular attendance at school and reduce truancy and school-leaving, with special attention to Roma children, children of migrant families and children of economically disadvantaged areas, we should first explain what coverage the current education system affords to children; then, indicate some of the measures taken to prevent truancy and school-leaving; and, finally, indicate what measures have been adopted to prevent the exclusion of children belonging to the groups mentioned.

621. Firstly, then, we must recall, as pointed out in the second periodic report (CRC/C/70/Add.9, paras. 1202 and following) - although mentioned there in reference to Organic Law No. 8/1985 of 3 July on the right to education and Organic Law No. 1/1990 of 3 October generally governing the education system - that in Spain all children have a right to education, basic education being compulsory and free.

622. Thus, it is expressly stated in the two State-level laws that have governed education during reporting period, Organic Law No. 10/2002 of 23 December on quality in education (LOCE) and Organic Law No. 2/2006 of 3 May on education (LOE), which supersedes the previous Law and the Royal Decrees pursuant thereto, as set out in articles 9 and 4, respectively, that basic education - including primary education and compulsory secondary education- is compulsory and free, covering children from 6 to 16 years of age, although students are entitled to remain enrolled in normal basic education up to age 18 under the conditions set out in the respective laws.

623. However, the educational system also provides for children under age six in what is known as early education and includes two levels, one from birth to age three (called early childhood education under the LOCE), which is voluntary for parents, - although there is an obligation upon the public authorities to promote a gradual increase in the supply of public school seats and to coordinate policies with a view to ensuring educational response for this level- and another level that goes from age three to age six (known under the LOCE as pre-school education) which is voluntary and free, for which public educational authorities shall provide a sufficient number of seats at public schools and coordinate with private schools.

624. After the completion of compulsory education, the educational system provides for a formative period extending in principle up to age 18. This education may correspond to a baccalaureate, to mid-level vocational training, to mid-level visual arts or design, or to mid-level sports training. According to the statement of purpose of the LOE, “The baccalaureate comprises two levels and proceeds according to two modalities, organized flexibly through different tracks which shall be the result of free choice by the students regarding core courses and electives.”; “Vocational training encompasses a set of

instructional programmes at the middle and upper level whose purpose is to prepare students for the qualified exercise of various occupations, access to employment and active participation in social, cultural and economic life. The Law introduces greater flexibility in such access, as well as in relations between the different sub-systems of vocational education”; and “The Law regulates artistic and vocational teaching, which bring together training in music and dance at the middle level, as well as visual arts and design at the middle and higher levels. ... The Law also regulates the teaching of languages, providing that this shall be organized by official language schools and shall comply with the levels recommended by the Council of Europe, as well as sports curricula, which are regulated in an educational statute for the first time.”

625. Thus, in regard to the obligations of public administrations, we should note the increase that has taken place in planned expenditure (shared with the increase in post-compulsory secondary education) for the expansion and improvement of the Spanish Educational System within the framework of the European objectives for 2010, rising from an allocation of 84 621 000 euros in 2006 to one of 169 243 000 euros in 2007; the conclusion of agreements by the Ministry of Education and Science with the autonomous cities of Ceuta and Melilla on the expansion and improvement of conditions of the first level of early education, for which 396 200 euros were allocated in 2006 and 792 400 euros in 2007; the establishment by that Ministry, pursuant to the obligation to promote free education in the second level of childhood education, of transfers to families and non-profit institutions of 1 191 310 euros in 2004, 2 107 140 euros in 2005, 2 585 580 euros in 2006 and 3 060 660 euros in 2007; the distribution to Autonomous Communities of funding to give effect to free early childhood education at the second level, with an allocation of 175 000 000 euros in 2006 and 285 995 000 euros in 2007; and, on the initiative of the same Ministry, with a view to facilitating the possibility for the whole population to attain a level of post-compulsory secondary education or the equivalent, there has been an annual invitation to apply for grants for the Programme of Initial Vocational Qualification or Social Guarantee (with the allocation of 7 540 610 euros from 2005 to 2007) and another under the rubric of Employment Training (with the allocation 288 000 euros each year from 2005 to 2007); and there has been participation in activities of training and information regarding vocational training and initial vocational qualification programmes (with an allocation of 1 000 000 euros).

626. The Autonomous Communities too have taken relevant action. In Andalusia there is a Plan of family support centres for rehabilitative care, with a notable increase in the number of rehabilitative care centres during the reporting period, from the 556 which existed in 2002 to 944 in 2006. There are also visits to the centres by specialized professionals to ensure that they meet the minimum material and functional requirements for conventional centres. Their schedule of service has also been extended, from 7:30 am to 5 pm, and, for the play area, from 5 pm to 8 pm, with allocations for this purpose of 92 642 918 euros in 2002, 118 387 332 euros in 2003, 141 227 916 euros in 2004, 152 270 533 euros in 2005 and 161 727 744 euros in 2006.

627. Asturias has a public Children’s Classroom Network designed for children aged 0 to 3 years whose centres meet the minimum quality requirements, and there are free public preschool education centres for children aged 3-6.

628. In Castile-La Mancha, 3 265 places were created in care centres for children, covering 37 per cent of children in the region, and there is 100 per cent enrolment of children from 3 to 6 years, with free in textbooks, school bus services and dining.

629. In Castile and Leon, from the 2001/2002 school year to the 2006/2007 school year there has been a net increase of 116 new units for early childhood education; there has likewise been an increase in the number of schools providing night-school baccalaureate programmes, in keeping with the Order of 5 June 2002 of the Department of Education and Culture organizing baccalaureate curricula for night schools.

630. The Canary Islands have developed the Sectoral Plan for Infant Education and Family Support of the Autonomous Community of the Canary Islands, with funding for the construction of municipal nursery schools in order to increase the supply of care services for children 0 to 3 years old, in the amount of 160 287.09 euros in 2003, 286 363.92 euros in 2004, 571 779.01 euros in 2005 and 173 2424.63 euros in 2006. It should be borne in mind that to access funding provided by the Action Plan, municipal nursery schools in the Canary Islands must meet basic requirements, which set standards of quality as to service and personnel, in addition to child and classroom ratios required by law.

631. Catalonia has an original and interesting experience in the movement of the “esplais” educational associations, as a model of self-organization characterized by providing for education in the context of meetings between people of different ages during their leisure time, and in which play takes on great importance as an educational tool.

632. Madrid has adopted Order No. 1848/2005 of 4 April of the Department of Education, which establishes the procedure for admission of students to schools supported with public funds in the second level of Infant education, elementary education, secondary education and special education and the Circular of the General Directorate of Educational Centres of 5 July 2006 regulating the operation of early childhood education and preschool establishments of the Community of Madrid. New early childhood education centres have been opened; new early childhood schools and “children’s houses” have been built under the 2005-2008 Educational Infrastructure Plan; activities have been carried out in coordination with the Infant Education Service of the Directorate General of Educational Centres to manage actions for launching them. Infant education from age 3 to age 6 is free in the public and publicly supported schools of the region; aid has been granted for schooling at private schools for children in early childhood education - 0 to 3 years of age - ; the number of publicly supported schools has increased; the number of places for children under age three with public funding has increased; and a study has been conducted on the types of care services for infants outside formal education, as well as monitoring and oversight of the same.

633. Under this structure, with respect to data on literacy rates of children and adults, referred to in paragraph 20 a) of the annex to the general guidelines (CRC/C/58/Rev.1), it should be noted that almost all of the adult Spanish population under 65 is literate. Although women’s literacy rate is slightly lower, in the last five years it has never been less than 98 per cent of the population. The only communities with literacy rates for women lower than those of men by more than 5 per cent are Ceuta and Melilla (which due to their limited sample size must be viewed with caution), as shown in the data table by Autonomous Communities set out in the statistical annex.

634. And regarding data on enrolment and attendance in primary schools, secondary schools and vocational schools, which is referred to in paragraph 20 b) of annex to the general guidelines (CRC/C/58/Rev.1 ), it should be noted that the enrolment rate at 3 years of age has exceeded 90 per cent in the last five school years. Despite the modest decline in the three most recent years, this is a steady trend and it should be recalled that there has been a dramatic increase in recent decades, since during 1991-1992 the rate for Spain was only 38.6 per cent. Schooling is already complete during the period of compulsory attendance from age 6 to age 15, and enrolment remains high for ages immediately following those ages. The most recent data point to stable enrolment and even a slight increase in some of the educational stages from the 2004/2005 school year to the 2005/2006 school year, e.g. in early childhood education, primary education or special education. This may be seen in the statistical annex.

635. Secondly, it should also be noted that most students who continue their education after compulsory secondary education go on to the baccalaureate (56.2 per cent); 39.8 per cent go on to vocational training; while the remaining 4 per cent are in Social Guarantee Programmes.

636. With regard to measures to combat truancy and school-leaving, the Ministry of Education and Science has led the programme for the reduction of pockets of temporary school-leaving (with an allocation of 11 200 000 euros in 2007). But, also on the initiative of the Ministry and in order to prevent early school-leaving, open up prospects of further training and qualifications and facilitate access to working life, vocational qualification programmes have been launched for students over sixteen who have not graduated from compulsory secondary schooling. In this regard, we have developed programmes for social integration and employment, through agreements with regional Governments, and initial vocational qualification programmes and Social Guarantee Programmes, through transfers to local corporations.

637. In regard to the Autonomous Communities, one can also point to concrete initiatives. In Andalusia, there is the publication of a comprehensive plan against truancy. In Aragon, a programme of prevention of truancy and, in conjunction with the City of Zaragoza and the Delegation for Education, development of "Truancy commissions." In Castile-La Mancha, there is the assignment of social workers and educators to prevent school failure and promote success, and the Ombudsman has made proposals for improvements by linking the educational setting with the family and social setting. In Asturias too, there is a programme for prevention of school failure. In Castile and Leon, a programme of quality enhancement was put in place in 2002/2003, with the publication "Experiences of Quality", and the introduction of good management practices in schools and educational services of Castile and Leon. In this regard, six centres received awards in the 2002/2003 school year and three in the 2003/2004 school year. As part of priority plans of action for the 2002/2003 school year, Line B constituted plans for improvement focused on encouraging regular attendance by students through improved processes of attendance control and communication with families, by using applications of the Integrated Educational Information Management System; thirteen centres received funding and computer equipment. In Madrid, there is a plan to deal with school failure, as well as publication of the results of endeavours pursuing compensatory education at public schools in Madrid (monitoring of the operation and degree of compliance with programme objectives of compensator education, on problems that may arise, and activities which should therefore be undertaken by schools, teachers and school administrators). Also noteworthy is the invitation for applications with regard to an annual grant from the Department of Immigration in regard to service to the immigrant population and a programme of Open Classrooms directed to populations with high risk, truancy and ethnic minorities.

638. With regard to the data on retention rates and percentage of dropout for primary and secondary schools and vocational training centres, referred to in paragraph 20 c) of Annex to the general guidelines (CRC/C/58/Rev.1), we note that women maintain indices of post-compulsory schooling higher than those of men, a trend that has continued recent years, the difference between them being greater at age 17 than at age 16, when compulsory schooling ends. The data on net schooling rates disaggregated by sex and by Autonomous Community are shown in the statistical annex.

639. However, it is also disturbing that in the 2003-2004 school year about 30 per cent of students did not graduate from compulsory secondary education - especially considering that this is a trend that has increased in recent years. Looking at different regions, one is struck by the very low levels of graduation in Ceuta and Melilla, always about 50 per cent, with no major changes in recent years, and the increase in the number of students who do

not graduate from compulsory secondary education in Andalusia and the Community of Valencia; although, by contrast, we should also point to the increase in graduates in Galicia and the high graduation figures for Navarre and the Basque Country, which are in many cases over 80 per cent.

640. As regards measures taken to prevent the exclusion of children belonging to the groups mentioned, we note some concrete steps, bearing in mind that these are complementary to those already outlined in section A of Chapter III of this report, namely general measures regarding the situations of children at risk of discrimination and belonging to particularly vulnerable groups such as Roma children, children of migrant workers - particularly when they are illegal- , unaccompanied foreign children and children with disabilities.

641. It is also relevant to recall in this connection that the current Law on Education establishes in its first article, as principles: “a) Quality of education for all students, regardless of their conditions and circumstances; b) Equity, ensuring equal opportunities, inclusive education and non-discrimination and acting as an element to offset personal, cultural, economic and social inequalities, with particular attention to those arising from disability; c) Transmission and implementation of values that favour personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, and that help to overcome any kind of discrimination; ... e) The flexibility to tailor education to the diversity of skills, interests, expectations and needs of students, as well as changes in the student body and society.” Similarly, article 2.1 b) provides that the Spanish educational system is geared to achieving the purpose of “education in a spirit of respect for fundamental rights and freedoms, equal rights and opportunities between men and women and equal treatment and non-discrimination of persons with disabilities.” Finally, article 3.8 that provides, “The teachings referred to in paragraph 2 shall be adapted to students with needs for special educational support. This adaptation will ensure access, retention and progression of these students in the educational system.”

642. It is also relevant to note here some other activities that directly affect the education of children; especially significant are those measures taken regarding to children with special educational needs.

643. Thus, the Ministry of Education and Science, with a view to meeting the goal of adapting education to students with needs for special educational support, thus ensuring access, retention and progression of these students in the system, pursues the regularization of organizational and curriculum measures in response to diversity that enable schools, in the exercise of their autonomy, to achieve a more flexible organization of their teaching. Among these measures are curriculum adaptations, integration of subjects in fields, flexible groupings, splitting of groups, offering of optional subjects, programmes of reinforcement and programmes of personalized treatment for students needing specific educational help, attending also to students with special learning difficulties by including programmes of curriculum diversification from the third year of this stage.

644. In that connection, we also note the conclusion of agreements for cooperation between the Ministry of Education and Science and the autonomous cities of Ceuta and Melilla for the development of various programmes of mutual interest focusing on compensatory education activities and training of disadvantaged youth and adults (with an allocation of 7 350 760 euros in the period 2002 to 2007); the competition for awards to teaching centres which carry out programmes to compensate for inequalities (with an allocation of 1 592 037 euros in the period 2001 to 2007); the competition for awards to teaching centres which carry out quality programmes addressed to students with special educational needs (with an allocation of 151 900 euros for the period 2006 to 2007); the conclusion of agreements between the Ministry and different confederations as well as the



Spanish National Organization of the Blind relating to educational care of students with special educational needs arising from visual impairment (with the allocation of 132 000 euros in the period 2002 to 2007), the Spanish Confederation of Families of the Deaf - FIAPAS - and the State Confederation of the Deaf - CNSE; educational care for students with special educational needs arising from hearing impairment (with an allocation of 113 388 euros for MEC/FIAPAS and 534 850 euros for MEC/CNSE in the period 2002 to 2007), with the CNSE of Spanish Sign Language Interpreters and deaf advisors (with an allocation of 331 427 euros in the period 2002 to 2007).

645. To foster equal rights and opportunities and promote equality between men and women, priority attention in applying the Law on Education - without prejudice to international agreements signed by Spain - will be given to centres which pursue a co-educational approach at all stages of education.

646. During the period 2002-2006, the Centre for Educational Research and Documentation (CIDE) of the Ministry has taken the following actions regarding education for gender equality and prevention of violence against women: The promotion of research on Women in Education (“Women in Education” Collection) and other educational materials in order to acquire and share data on the presence of women in education, highlighting performances that illustrate women’s freedom and providing information on the many women who, throughout history and today, have made interesting contributions to pedagogy. In this regard, there have been 10 research projects between 2002 and 2006 and there are another 7 in place at present. The establishment (together with the Institute for Women, Education Departments and agencies responsible for equality) of the Exchange Network, as a project to exchange experiences between regions, recognizing differences of interests, knowledge and motivation of boys and girls, men and women in education; the creation of the “IRENE: peace begins at home” awards, intended to highlight educational experiences, guidelines for action, and supporting and curricular materials, educational proposals and all innovative endeavours that help to prevent and eradicate violent behaviour and promote equality and the culture of peace, striving to develop strategies for tolerance and equality between men and women.

647. Also noteworthy is the offering of scholarships and study grants, aimed at university education, free childhood education, students with specific educational support needs, purchase of books and materials, languages, ICT training and mobility of students. For this purpose the following amounts were allocated in the reporting period: 505 394 090 euros in 2002, 560 767 920 euros in 2003, 631 363 980 euros in 2004, 718 382 130 euros in 2005, 784 654 290 euros in 2006, and 1 011 884 160 euros in 2007.

648. The Ministry of Labour and Social Affairs, together with the Royal Board on Disability and the “San Juan Bautista” Deaf-mute Association of Leon, concluded an agreement in 2005 for a theatre workshop for children and a 2006 literacy workshop for deaf people. Other activities worthy of note are the launching by the Ministry of Culture, implemented by the Association for Health Education, of the “Reading and Health Programme: Patient Library Network” - a project which received a grant of 4 000 euros in 2007 and which is to launch the Patient Library Network of the Community of Madrid and organize national inter-hospital workshops between March 2007 and February 2008. Similarly, the Youth Council of Spain launched the publication “Expectations of diversity: concepts and dynamics”, which updates a guide for working in one’s spare time on diversity of sexual orientation - with a print run of 3 000 copies and an allocation of 7 000 euros in 2003 and 2 144.64 euros in 2005.

649. On this point as well, very significant action has been taken by the Autonomous Communities.

650. In the Principality of Asturias, there are Early Childhood Care Units sufficient to cover the entire geography of the Autonomous Community. Also, among measures taken

to prevent the exclusion of children in the education system, we should note the conclusion of a cooperation agreement between the Department of Education and Science of Asturias and the public entity Red.es for the implementation of the programme “Internet in the Classroom. During the reporting period there has been an increase in the endowment for scholarships and study grants, giving priority to the provision of compensatory aid to for lower-income families or families with heavier family burdens; in hospitals, there is a programme of school support and encouragement for leisure and free time activities for hospitalized children; and in 2006 a book was published for hospitalized children explaining their rights.

651. Castile-La Mancha has a scholarship programme with support for school meals and transport, and protocols between the Education Guidance Service and social workers for community service. It should also be noted that the Ombudsman submitted proposals to the Departments of Education and Welfare, and the City Council involving coordination of actions in cases of children with hyperactivity and social risk, which were accepted by all authorities. Also of interest are the findings from the report on “Intercultural Teaching in Early Childhood Education”, which alluded to the need to amend the curriculum of teacher training schools.

652. The Autonomous Community of Castile and Leon has issued a yearly notice of availability of aid which has increased the maximum limit and the groups to which the limit does not apply - large families in which some member has suffered gender violence, terrorist violence or has a disability equal to or greater than 33 per cent - which has thus achieved a coverage rate of 85 per cent of the families of Castile and Leon, as well as very high individual aid grants: 105.18 euros for primary students and 135.23 euros for compulsory secondary students (with an allocation of 27 226 872.58 euros). There has been an annual resolution and announcement of grants to non-profit entities to seek their cooperation with the Ministry of Education in compensatory education and inter-cultural activities during the school years within this reporting period (with the allocation of 152 164 euros in 2002, 180 000 euros in 2003, 180 000 euros in 2004, 200 000 euros in 2005 and 200 000 euros in 2006).

653. Among the many individual activities that have been conducted, the following may be noted: a gender-neutral day of meetings aimed at promoting incorporation of young women into professional studies in which they are under-represented (with 43 475.58 euros being allocated in the year 2002, 58 000 euros in 2003, 48 690.61 euros in 2005 and 35 597.50 euros in 2006); a gender-neutral professionals campaign of information and awareness-raising aimed at educational and entrepreneurial domains, and society in general, in which women are under-represented and have a high degree of job placement (with the allocation of 263 170.95 euros in 2006; participation in the Expojoven youth fair, including, inter alia, academic and professional guidance workshops on equal footing, women and new technologies, prevention of violence, communications media and equal opportunities (with an allocation of 30 034.78 euros in 2002 and 29 626.65 euros in 2003); production of the play “Women Count”, in order to sensitize and educate young people about equality (with an allocation of 13 578.08 euros in 2005); a dissemination campaign on professional training aimed at professional families with a distinctly sexist tendency, in order to change the tendency; constitution of a working group to develop guidance materials aimed at equality; publication of materials on professional guidance for equality and on holding of non-sexist educational events; dissemination of the children’s graphic art contest “A picture for Equality”, for the integration of children with disabilities (2003-2004 school year), an initiative of the Platform of Children’s Organizations and the Ministry of Labour and Social Affairs; Distribution to schools in the Autonomous Community of the CD-ROM “Keys to co-education”, an information issuance on co-education for teachers of primary and secondary schools, prepared by the Secretariat for Women of the Federation of Education Workers’ Committees and the technical team of

FOREM; cooperation with the Directorate General for Women in activities that enhance equal opportunities between women and men, in particular part by participating in the jury evaluating submissions for the Equal Opportunity Awards (2001-2002 and 2002-2003); cooperation with the regional association of adoptive families in the awareness campaign for students and teachers regarding the arrival in Spain of children adopted from different countries, and their normalization in family, school and society (2004-2005); cooperation with Save the Children to disseminate the programme “Miles of Solidarity”, which tries to teach youngsters the value of solidarity towards the most disadvantaged children because of injustice, hunger, war, exploitation ... (2005-2006 and 2006-2007 school years); Cooperation with National Radio of Spain and the foundation “Grow up Playing” with Toys “R” Us, in disseminating the Third Solidarity Story Contest - linked to the campaign “A Toy, a Hope”- aiming to sensitize children about the values of solidarity and cooperation (2006-2007); cooperation with the Directorate General for Women’s Affairs in the planning and dissemination of the educational programme “On gender equality: schoolchildren in parliament”, where schoolchildren work and debate on gender equality and express their conclusions at a parliamentary session in Castile and León (2005-2006); and cooperation with the Directorate General of Women’s Affairs in the dissemination of the campaign “For non-sexist toys” (2005-2006).

654. Catalonia has established coordination with the Department of Education and the Directorate General of Care for Children and Adolescents, to review the adequacy of general programmes and the needs of the most disadvantaged children, and coordinate with psycho-pedagogical guidance and orientation teams to ensure the most appropriate places for children of education centres.

655. The Autonomous Community of Madrid has planned and developed an “early intervention service” for children between birth and the start of compulsory schooling who have special needs, temporary or permanent, caused by deficiencies or abnormalities in development, activities under the Second Plan of Action for Persons with Disabilities 2005-2008, aimed at children and adolescents; day care centres exist to meet training needs in social habits and educational reinforcement; external compensation to supplement school activities; open classrooms available on an afternoon schedule in neighbourhoods with social and cultural gaps (library, sports, music, dance, etc.); support is provided to develop projects in non-profit institutions to carry out activities relating to new technologies and access to knowledge of the Castilian language for immigrant children and adults; aid is available for textbooks, meal vouchers and help with schooling of children under age 3; there are agreements with sports organizations and subsidized plans for sports and cultural activities for the integration of immigrants and the disabled, with a child sports programme aimed at this population; a study is also being conducted on current sports and an action plan is being developed to increase participation; and support is being provided for children in long-term hospitalization, done by non-profit associations and entities, hospital classrooms, and educational care for sick children who are home-bound.

656. According to these activities, it should be understood that enrolment of students with special educational needs deserves particular attention. In this regard, we note, first, that students with special educational needs account for 2.2 per cent of total Spanish students, showing a slight decline in recent years. Cantabria and Ceuta are the only communities with a percentage of students with special educational needs of 4 per cent or more, while in the Canary Islands, Catalonia, Galicia and the Basque Country have less than 2 per cent. Moreover, in all the Autonomous Communities there is a larger percentage of males with special educational needs than females, as shown in the corresponding table in the annex.

657. 83 per cent of pupils with special educational needs are enrolled as integrated students, so that only 17 per cent are in special education. This is noted in the statistical annex tables of students enrolled in education, differentiated by Autonomous Community.

658. Finally, it should be noted that the majority of students with special educational needs study at mainstream schools, although that proportion is lower among private schools.

659. Following the recommendation made by the Committee (CRC/C/15/Add.185, paras. 42 c) and 44 b) on the adoption of measures to prevent bullying and other forms of violence in schools taking into account the recommendations adopted by the Committee at its day of general debate on violence against children in the family and in schools, it should be noted, first, that the concern in all quarters about this phenomenon has led to the adoption of specific measures aimed at ultimately eliminating it and in the near term alleviating its impact. Thus, Organic Law No. 2/2006 of 3 May on Education, in its first article, paragraph k), established as a principle “Education for conflict prevention and peaceful resolution of conflicts, and nonviolence in all areas of personal, family and social life.” Article 2.1 c) expressly states that the Spanish educational system is geared to achieving the aim of “Education in the exercise of tolerance and freedom within the democratic principles of coexistence, as well as conflict prevention and peaceful resolution of conflicts”.

660. Accordingly, regarding the prevention of school violence and Education for Coexistence, during the period 2002-2006 referred to in this Report, the Centre for Educational Research and Documentation (CIDE), Ministry of Education and Science, has pursued a line of research and promotion of research and innovations on the improvement of coexistence and preventing violence in schools. The primary aim of the study is coexistence, its diagnosis and improvement of strategies for use with students, for implementation in schools, or for incorporation into educational activity.

661. Recently, however, work has begun that is specifically aimed at prevention of and intervention against school violence. In addition, during 2006, a diagnostic assessment was conducted of the state of affairs and actions of all the Autonomous Communities, which consists of three parts: first, it starts from the observation that violence is generally present in various countries thus multiplying viewpoints and conceptual models; the second general purpose is to conduct a systematic and updated review of violence in the educational field in national and international contexts and take stock of the state of affairs; and the third, to present an analysis of actions undertaken by the Autonomous Communities to prevent violence and build coexistence.

662. It is likewise noteworthy that in the Basic Agreement between the Ministry of Education and Science and the Trade Unions on social and labour conditions of teachers, of 20 October 2005, paragraph 2 sets out the Ministerial Department’s commitment to enhance, inter alia, activities related to coexistence and conflict resolution strategies, as reflected in the Action Plan for the promotion and improvement of school life, which includes the following commitments for action by the Ministry of Education and Science and signatory organizations in their respective areas of competence.

663. The establishment of the State Monitoring Centre for School Coexistence and Conflict Prevention, created by Royal Decree No. 275/2007 of 23 February; the Ministry’s proposal to the Sectoral Conference on Education to revise the rules relating to school life, as well as exchange and dissemination of decisions and actions that the various education authorities are taking in this regard. The proposal of the Ministry in the context of the Sectoral Conference on Education for joint action programmes in centres and areas that by reason of their specific features need more human and material resources to carry out their educational activity in support of educational action and strengthening the action of the Guidance Departments. Incorporating into initial teacher training programmes courses designed to promote coexistence in schools. The signing of cooperation agreements with the Autonomous Communities to bring one hundred schools under the programmes to control attendance and provide information to families; the launching of a website on

coexistence, [convivencia.mec.es](http://convivencia.mec.es), with implementation of actions to facilitate exchange of experiences, implementation of an annual call for grant applications and awards for projects promoting coexistence in cooperation with the Autonomous Communities, and annually holding an international Congress on coexistence in schools; development, by the Ministry, in cooperation with the signatory organizations, of strategies, guidelines and materials for the development of coexistence arrangements in all Schools, as well as developing good practice guides and support materials for the Centres. The organization, working together with the Autonomous Communities, of training of trainers on issues of coexistence and other training deemed necessary. The first phase of the course began on 19 January 2007, with teachers selected by each Autonomous Community and by Unions and Associations signatories to the Plan of Coexistence. The Autonomous Communities are also encouraging the involvement of parent-teacher associations and student associations in school life through the participation of students and families in activities that are proposed for this purpose - starting on 9 March 2007, with the first phase of training for parents of the Spanish Confederation of Parents' Associations (CEAPA) and the National Catholic Confederation Parents and Parents of Students (CONCAPA).

664. Among those activities identified, it should be explained that the State Monitoring Centre for School Coexistence and Conflict Prevention is created by Royal Decree No. 275/2007 of 23 February, to promote freedom, responsibility and democratic citizenship. It is an organ of the General State Administration, whose mission is to collect all information held by public and private institutions involved in improving school climate, with a view to assessing the trend of social life in schools, developing studies which define indicators of quality in that regard and proposing strategies, activities and measures to prevent and correct situations contrary to a healthy school climate. It is also a consultative organ, which has representatives of the Ministries of the Interior, Justice, the Secretariat of State for Social Services, Family and Disability, Institute for Youth, other public institutions such as Ombudsmen and the Federation of Municipalities and Provinces, as well as the Autonomous Communities, teachers' unions, school owners and entrepreneurs, and confederations of parents and students, and also prominent personalities and experts in school life.

665. Also noteworthy is the holding of specialized congresses, such as "Life in the classroom; Problems and Solutions" held in Madrid from 15 to 17 April 2005; "Disruption in the classroom: problems and solutions", held in Madrid from 24 to 26 March 2006; and "From social-emotional education to education in values", held in Madrid from 23 to 25 March 2007- as well as specialized awards, such as those created by Order No. ECI/1864/2006 of 26 May, a national prize for promotion of harmonious life in school, and which sets out specific regulatory bases for convening the national competition on Good Practices of Coexistence for the year 2006. Prizes were awarded in three categories: public institutions for early childhood education, elementary education and special education centres, public secondary education, and baccalaureate or vocational secondary school, or subsidized private centres offering any non-university curriculum indicated in the last two categories. Also, ORDER NO. ECI/1726/2007 of 31 May announces the National Competition on Coexistence Good Practice for 2007.

666. It is also noteworthy that the website [convivencia.mec.es](http://convivencia.mec.es), described above, provides links to education portals relating to school life through the page [convivencia.mec.es/portals/](http://convivencia.mec.es/portals/), such as the European portal Visionary, part of a European cooperation project focusing on the prevention of bullying and violence in schools, the portals of sixteen public and private partnerships, the Ministries of Labour and Social Affairs, Education and Science, and institutions of the Autonomous Communities of Andalusia, Aragon, Asturias, Balearic Islands, Cantabria, Castile-La Mancha, Castile and Leon, Catalonia, Galicia, Madrid, La Rioja, Navarre, the Basque Country and Valencia.

667. In 2007 the Ombudsman published the report *School violence: Bullying among peers in compulsory secondary education 1999-2006*, a new study and update of the 2000 report. In this regard, it should be noted that although in recent times there have been various studies on the actual incidence of bullying, providing data that are not always consistent with each other, one of the most valued is the report of the Ombudsman, which also offers the advantage of permitting comparison of the two editions of the report. The main outcome of the comparison is the decline that has occurred in the number of victims of school violence, and there has been a concomitant decrease in the perception of being subjected to some form of abuse by peers. Data indicative of that trend may be seen in the following table, where one can also see that the percentages of victims of abuse vary substantially depending on the frequency of the act, with those suffering from repeated acts being substantially fewer.

Table 8

**Comparison of incidence of abuse based on percentage of victims of each type of abuse in 1999 and 2006**

|                                  | <i>Happens sometimes</i> |             | <i>Happens often</i> |             | <i>Total</i> |             |
|----------------------------------|--------------------------|-------------|----------------------|-------------|--------------|-------------|
|                                  | <i>1999</i>              | <i>2006</i> | <i>1999</i>          | <i>2006</i> | <i>1999</i>  | <i>2006</i> |
| They ignore me                   | 14.2                     | 9.5         | 0.9                  | 1           | 15.1         | 10.5        |
| They don't let me participate    | 9                        | 7           | 1.9                  | 1.6         | 10.9         | 8.6         |
| They insult me                   | 34.4                     | 23.2        | 4.7                  | 3.9         | 39.1         | 27.1        |
| They give me offensive nicknames | 30.4                     | 21.4        | 7.2                  | 5.2         | 37.7         | 26.7        |
| They talk badly about me         | 31.8                     | 27.3        | 3.8                  | 4.2         | 35.6         | 31.6        |
| They hide things from me         | 20.2                     | 14.2        | 1.8                  | 1.8         | 22           | 16          |
| They break my things             | 4.2                      | 3           | 0.3                  | 0.5         | 4.5          | 3.5         |
| They steal my things             | 6.5                      | 5.1         | 0.8                  | 1.2         | 7.3          | 6.3         |
| They hit me                      | 4.1                      | 3.3         | 0.7                  | 0.5         | 4.8          | 3.9         |
| They threaten me by scaring me   | 8.6                      | 5.4         | 1.2                  | 1           | 9.8          | 6.4         |
| They use threats to force me     | 0.8                      | 0.5         | 0.1                  | 0.2         | 0.8          | 0.6         |
| They threaten me with weapons    | 0.6                      | 0.4         | 0.1                  | 0.1         | 0.7          | 0.5         |
| They sexually assault me         | 1.7                      | 0.6         | 0.3                  | 0.3         | 2            | 0.9         |

*Source:* Ombudsman (2006): *School violence: Bullying in compulsory secondary education, 1999-2006*  
Shaded cells indicate statistically significant differences ( $p < 0.001$ )

668. The Institute for Women, has developed the following teaching materials: “Dealing with conflicts at school without violence”, “Preventing Violence against Women: Building Equality”, “Educational guidance and prevention of violence: the gender difference in conflict resolution”, and “Taking girls seriously.” And it has developed the following projects: Project “Relate”, which has continued without interruption since 1999, is an initiative of the Institute and conducted in cooperation with agencies responsible for equality of the Autonomous Communities and other entities, and aims to encourage primary teachers to promote reflection on violence in schools and support actions to eliminate it, paying particular attention to acts perpetrated against women; and the project “Exchange”, launched in 2005, which aims at merging the major educational activities pursued by entities working for equality and the departments of education.

669. In the Autonomous Communities, besides the information portals on the subject that have been launched by different regional institutions mentioned above, there are the following specific activities:

670. In Andalusia, there is the recent approval of Decree No. 19/2007 of 23 January adopting measures to promote the culture of peace and improved coexistence in education centres supported by public funds. It seeks to achieve these basic objectives of promoting the culture of peace and achieving coexistence in schools by taking action against school violence. As stated in its preamble, it is necessary to introduce in schools a culture that facilitates the efficient handling of school conflicts, so that they do not result in a deterioration of school climate.

671. In Aragon, the Aragon Institute of Social Services has published Guide in four volumes, "Counting you in" and "Coexistence in Educational Centres."

672. In Asturias, as part of continuing education for teachers, topics are being addressed relating to strategies for improved coexistence at educational centres, resolution of conflicts through mediation and prevention of violence and school bullying. Throughout the 2005-2006 school year, an awareness campaign was conducted against school bullying, "Zero Bullying", in all secondary schools and in those primary schools that voluntarily requested it. A counselling guide was developed to address bullying in the context of education for coexistence, issued in 2006; the Departments of Social Welfare and Education of the Principality have created the Monitoring Centre for Coexistence among peers with the aim of taking joint action with other institutions and social stakeholders to encourage harmonious life in the schools.

673. In the Balearic Islands, the Office of the Children's Ombudsman has signed a partnership agreement with the Monitoring Centre for School Coexistence (of which it is a member, as well as being a member of its Committee of Experts) covering the schools of the Balearic Islands in regard to training, research and studies to improve the development of educational activity in schools in the Autonomous Community of the Balearic Islands. The phenomenon of bullying also arises in the context of leisure time activities, where directors and monitors have different degrees of authority and responsibility, and different opportunities for intervening, if they have the necessary training. The Children's Ombudsman and the Department of Youth, within their respective purviews, found a relative vacuum in regard to information and training on situations of violence or abuse among juveniles during the leisure activities, situations which may be overlooked or for which professionals may be present. Accordingly, courses, workshops, monographs, seminars and other activities designed to train directors and monitors of child and youth leisure activities have taken account of training in matters relating to bullying.

674. Finally, it should also be noted that the Children's Ombudsman has worked with the Department of Education and Culture and the Prosecutor's Office of the High Court of Justice of the Balearic Islands on the first and second conferences on school-age children, conflicts and opportunities, where a variety of topics have been addressed relating to challenges and opportunities facing today's young people: life in school, school and immigration, etc.

675. Castile-La Mancha has adopted the "Protocol for action in situations of bullying in non-university public schools of Castile-La Mancha", a proposal from the Department of Education, Regional Administration, published in the Official Journal of 31 January 2006.

676. In Castile and Leon, pursuant to Decree No. 8/2006 of 16 February establishing the Monitoring Centre for School Coexistence in Castile and Leon Schools and Instruction of 24 November 2005, the Department for Coordination, Inspection and Educational Programmes, for processing and communication of information obtained from the implementation of coexistence plans, has created the Monitoring Centre for the School Coexistence of Castile and Leon, with the participation of different sectors of the

educational community (unions, parents' associations, students' associations, and divisions of the education department), institutions (government delegation, Family- Management of Social Services, Health- Health Care and Health Management of the Department of Health and the Regional Commissioner for Drugs), the Federation of Municipalities and Provinces, School Board of Castile and Leon, media and experts. A data collection system has been developed to collect quarterly data on behavioural disturbances in the schools (instructions and computer application within the Education Portal) and a periodic review of the coexistence situation in schools is conducted by the technical committee and by the plenary.

677. Castile and Leon has also developed the following projects: "Classrooms of Equality" and "Workshops for school children in rural areas", which are intended to raise awareness among students in 5th and 6th grade, and also children aged 15 to 17 in the "Classrooms of Equality" regarding equality of opportunity between women and men, promoting comprehensive development of girls and boys keyed to equality, identifying social and cultural stereotypes, identifying existing discriminatory attitudes, promoting equal treatment between women and men. Both projects are managed by education experts and school equality officers, and use a dynamic format involving play. The Classrooms of Equality project is conducted during summer courses for English and Computer Science organized by the Department of Education and received an allocation of 77 522.00 euros in 2005 and 79 054.08 euros in 2006. The Project "Workshops for school children in rural areas" was held in various municipalities in rural areas and was allocated 83 000.00 euros in 2005.

678. Also noteworthy is the project "Schools in parliament", aimed at achieving awareness regarding equal opportunities and gender violence, focused on students in the 3rd and 4th years of compulsory secondary education. The students and the teacher develop a project and write conclusions around four themes: gender violence, equality between women and men, youth participation in decision-making at the institutional level, and the Convention on the Rights of the Child. It is conducted with the cooperation of the parliament of Castile and Leon, the Department of Education and UNICEF, with an allocation of 28 990.87 euros in 2005 and 51 370.10 euros in 2006.

679. As regards school coexistence training activities for students and associations of parents, in Castile and Leon the following courses and activities have been developed: training courses for 100 per cent of inspectors and advisors of school programmes; provincial courses for non-teaching staff on school life; First Regional Meeting (Salamanca) on coexistence and conflict prevention; development of a provincial network on school life (with two inspectors and a consultant per province); introduction of the post of coordinator of coexistence in 76 schools, leading to coverage of 100 per cent; training courses for the 76 coordinators of coexistence; distribution of support materials to schools and provincial coexistence teams; the institutional campaign "It Hurts" against bullying at schools and in the media; discussion forums on the Education Portal aimed at coexistence coordinators regarding behavioural disturbances at schools; Action Plan of the Inspectorate for Education on oversight of school coexistence plans. All of the foregoing is in accordance with the following policy reference: Order No. EDU/52/2005, 26 January, promoting coexistence in educational centres of Castile and Leon, Resolution of 31 January 2005, Directorate General Coordination, Inspection and Education Programmes, comprehensive training measures and educational endeavours for inspection for promotion of harmonious school life; Resolution of 31 January 2005, Directorate General of Planning and Education, which develops certain aspects of Order No. EDU/52/2005 of 26 January on



the promotion of coexistence in schools of Castile and Leon; resolution of 31 January, General Directorate of Vocational Education and Educational Innovation on the planning of training activities that contribute to promoting and improving the school climate and the prevention and resolution of conflict in schools of Castile and Leon; and Order No. EDU/1106/2006 of 3 July amending Order No. EDU/52/2005 of 26 January.

680. Madrid conducts conflict resolution workshops and activities designed to promote balanced and constructive relations. Measures are taken and training is encouraged in early childhood, primary and secondary education to develop learning of conflict resolution, prevention of family violence, valuing gender equality and equal opportunity. Educational programmes and materials have been implemented to promote values in the educational and family setting, aimed at encouraging comprehensive personal development with equality, respect, dialogue, warmth and shared responsibility. Specific projects have been developed on awareness-raising and inter-cultural awareness at educational centres for the training of students, teachers and parents; associations with a view to reducing school violence and peer bullying in the classroom. The e-magazine Micromadrid is used to explore conflict resolution and violence prevention (35 per cent of users habitually use Micromadrid in cross-cutting educational tasks). And funding is being provided to the website [www.acosoescolar.com](http://www.acosoescolar.com), which provides information from various sources on school violence and bullying.

681. In the Basque Country, the regional ombudsman, the Ararteko, has published a special report on coexistence and conflict in schools.

682. Finally, with regard to specifying, as indicated in paragraph 36 of the general guidelines (CRC/C/58/Rev.1), the nature and extent of cooperation with local and national organizations for the implementation of this part of the Convention, we must refer to what is already stated in sections F and J of Chapter I of this report. In any case, we may point here to some specific activity on the matter pursued by some of the major NGOs working in Spain. Accordingly, UNICEF, which has developed educational materials with the approach to education for development according to UNICEF, has provided teacher training courses, has organized the Campaign “Letters for Girls”, (“Letras para las niñas”) to encourage early childhood schooling through the programme “Get involved” (“Enrédate”) and has developed a programme for home-care educational assistance in the Autonomous Community of Cantabria.

683. Spanish Caritas, which does significant work in the area of education, making no distinction between the urban and rural areas, is even more intensely involved in the latter, in view of the difficulties that it may entail. In the reporting period, the pioneering project “Preescolar na Casa” (“Preschool at Home”) has continued in Spain and with an international character. It has been published and awarded by the Ministry of Labour and Social Affairs for bringing together in the rural setting education, responsibility and educational potential of families working in a network, responding to the realities of areas that are socially and educationally especially disadvantaged. In addition, about 40 Spanish Caritas diocesan chapters conduct projects of complementarity and subsidiarity in the educational domain, with measures relating to access and effective inclusion of children, both within compulsory education and early childhood education (including many of their own schools) or other subsidized schools, school support, school outings, and family involvement in education, support and achievement of children, and also in regard to the educational system itself and its practitioners, focusing on social reality, providing them with training or cooperating in support for materials and contents of the school curriculum.

684. The foundation ANAR (Help for Children and Adolescents at Risk), in 2006 launched a “Bullying session”, as part of the programme “Educating for growth” aimed at students and teachers, introducing the concept of bullying, those involved (perpetrators, victims, bystanders) and key aspects for working towards the prevention of bullying. The beneficiary population this year has been 1999 children and adolescents and 242 teachers.

## **B. Aims of education, with reference also to quality of education (article 29 of the Convention)**

685. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 42 d, and 44 c and d), on the need to ensure that the educational process promotes a culture of peace and tolerance, and to take steps to avoid the negative effects of terrorism on the physical and psychological welfare of children, taking into account general comment No. 1 on the aims of education in drafting the Law on the quality of teaching, we should be note, first, what is already stated in Section A of Chapter III of this Report, reporting on what was accomplished in accordance with the recommendation made by the Committee in paragraph 29 of document CRC/C/15/Add.185. However, we note here also some other specific measures taken.

686. The General Directorate of Books of the Ministry of Culture manages the Plan to Promote Reading, with a budget of 40 000 000 euros, with many activities, according to the following series of actions: 1. Introduction to Reading Promotion Plan 2005-2008; 2. Analysis tools, Study: reading and book buying habits in 2006, Spanish public Library statistics, Census of activities to promote reading, Bookstore Monitoring centre, Overview of the 52 State Public Libraries, Spanish Public Libraries Congress, Second Meeting of Libraries and municipalities; 3. Activities: Promoting the reading habit in educational establishments (Literary Meetings in Secondary Education, Spanish Writers at the University, Programme “Why read the classics?”), Enhancing the Public Library (Construction, refurbishment and equipping of the State public libraries, State public library automation, special bibliographic endowment plan, creation of a virtual historical press library, compilation and directory of digital resources, generator of websites for public libraries, cooperative system of bibliographic selection for public libraries, cooperative cataloguing of public library collections (REBECA), public library catalogue consultation service via internet; subsidies for publication of books intended for public libraries; subsidies for cultural periodicals intended for public libraries; commemorating of Library Day), communication activities (Communication campaign on television to promote reading, Public Library communication campaigns, preparation and dissemination of promotional material for the Plan to Promote Reading in cooperation with the FGEE, workshops on Conferences “Media and the Promotion of Reading”), Reading Encouragement (Ninth “María Moliner” Campaign for Reading”, the “Libros a la Calle” book poster campaign, yearly children’s book fairs, reader counselling service, aid for book promotion and dissemination of Spanish literature, support for bookstores as centres to promote reading, Reading Encouragement Prize, activities to promote reading by the Casa de América, participation in child and youth book fairs, participation in a European platform for books and reading, First National Congress on Reading of Cáceres), and activities to foster awareness and cooperation with other private institutions in promoting the Plan to Promote Reading, cooperation with the Directorate General of Penitentiaries of the Ministry of the Interior, activities to promote reading among immigrants, and cooperation with the Ministry of Education and Science).

687. The Ministry of Education and Science has developed various programmes of cooperation with the Autonomous Communities, such as the aforementioned programme “Actions for the promotion of reading and improvement of school libraries.”

688. The Plan for enhancement, guidance and support (“Plan de Programas de Refuerzo, Orientación y Apoyo” - PROA) has three strategic objectives: quality education for all, enrichment of the learning environment, and involvement of the local community. This plan focuses directly on service to students and intervention with families and the

environment; it is 50 per cent co-financed by the Autonomous Communities. During 2004-2005 it served 143 schools, with an allocation of 356 500 euros; in 2005-2006, 610 schools, with 24 450 000 euros; in 2006-2007, 2 330 schools with 44 206 000 euros, and for 2007-2008, 2 513 schools with 97 154 712 euros.

689. The “Cluster of schools” programme aims to establish channels of cooperation to allow the formation of clusters or networks of schools from different Autonomous Communities and Cities, in order to develop a common project to be carried out through teamwork by all participating centres. Proposals for joint projects will drive exchanges between schools, helping students and teachers to acquire and improve skills, not only in the subject of area with which the project is concerned, but also as regards their ability to work as a team, to deal with problems, to generate good practices and to extend solutions and approaches that yield good results, using, inter alia, information and communication technologies. Through this programme of territorial cooperation, students and teachers will be able to exchange experience, increase their knowledge, cooperate in curriculum development, discover distinct elements of cultural and social diversity of the different Autonomous Communities, and learn to value the choices of others.

690. Two new programmes of cooperation with the Autonomous Communities have recently been added, the “programme to improve school success” and “programme to combat early school leaving”, which have been allocated 25 000 000 euros and 11 200 000 euros respectively for 2007.

691. The “programme to improve school success” is aimed at enabling a larger number of students to meet the educational goals set at different stages of their schooling, using the possibilities offered by the Law on Education. In this connection the Ministry proposes several types of actions that can be financed under this programme, including: strengthening basic skills for students who need it in order to finish primary school, allowing them to make good use of secondary school; remedial help make up outstanding subjects among students promoted in compulsory primary and secondary school without having passed in all subjects; reinforcement during primary education when learning difficulties are first noticed; support for activities in areas and subjects in primary and secondary school that have lower success rates, and actions aimed at enhancing variety in compulsory secondary schooling (curriculum diversification, electives in fourth year of compulsory secondary school, etc.).

692. The “programme to combat early school leaving” aims to reduce one of the main problems of the educational system: students who drop out of school without having obtained their compulsory secondary school diploma, or having obtained only that diploma. The programmes proposed by the Autonomous Communities should start by identifying pockets of school leaving and make proposals for action specifically targeted at their reduction. This includes both measures aimed at retaining students in the system and “second chance” programmes for those who want to return to education after having left.

693. Along these lines, the Ministry of Education and Science, in accordance with the provisions of the Organic Law of Education, attaches importance to the teaching of other languages. The following lines of action have been followed: promoting the introduction of a foreign language as from the early childhood level; introduction of a second foreign language in the third level of primary and compulsory secondary education; access to the public Language Schools for those over 14 to study languages other than those they are studying in school; work in all areas of audiovisual communication, information technologies and communication and education in values; as well as promotion by the Ministry of: The Programme of Support for Teaching and Learning of Foreign Languages (PALE) (with an allocation of 14 139 488 euros in 2006-2007 and 15 763 800 euros and in 2007-2008), language immersion programmes for students in grades 5 and 6 of primary and grade 1 of compulsory secondary school (with allocation of dedicated resources:

18 836 120 euros for 2002 to 2007); the Portuguese Language and Culture Programme: Spanish students learn Portuguese as a second foreign language in primary school; the Moroccan Arabic Language and Culture Programme (CIDE), of the European Comenius Programmes, European Portfolio of Languages and European Seal of Approval (with an allocation of 412 860 euros from 2002 to 2007), and the Bilingual Programme under Ministry of Education and Culture - British Council agreement.

694. As regards specific activities to be undertaken by the Ministry of Education which have the direct aim of enhancing quality of education, the following can be noted: its responsibility to promote access to quality education in the City of Melilla, with the participation of the local authority, mainly from the Department of Education, Youth and Women's Affairs, through cooperation agreements and joint actions; the creation of the website [www.cnice.mec.es/ninos/](http://www.cnice.mec.es/ninos/) which offers many early education and primary education resources; creation of the informational materials on CD-ROM, "Spanish is Easy", prepared by the National Centre for Information and Communication (CNICE); implementation - jointly with Red.es, the Ministry of Industry and some regional governments, and with an allocation of 453 000 000 euros in 2005-2008 - of the "Internet in the Classroom" programme (2005-2008), which aims to ensure the effective use of computer equipment, eliminate barriers to the use of ICT, enhance communication of families with schools, and carry out specific actions directed at the use of ICT by students with special educational needs.

695. Moreover, we should refer to the specific activities are also taking place in the Autonomous Communities, such as the following:

696. Andalusia, through its Monitoring Centre for Children, has funded the 2006 publication "Early Childhood Inter-cultural Education", which is the result of the collective thinking and work of a team of professionals who cooperated with the Monitoring Centre during 2005-2006 and seeks to provide a guide to support those who work on the training of educational professionals, supporting the work of teams of teachers to develop materials in the context of the school and classroom.

697. In Castile and Leon, the Order of 27 June 2002 of the Department of Education and Culture amending the Order of 19 May 2002 of the Department of Education and Culture on implementing the "EFQM Excellence Model adapted to schools" and on development of improvement plans in publicly funded non-university schools and educational services of Castile and Leon during the 2002/2003 school year, establishes the procedure for selecting educational service centres that have distinguished themselves for the quality of their improvement plans developed during 2001-2002. There is also the maintenance, with continued provision of online educational materials, of an Education Portal with distinct areas, currently with one for the educational community, one for children, one for students and one for secondary students.

698. It is also noteworthy that during the reporting period, 2002-2006, to reinforce the specific teaching of languages in various public institutions of this Autonomous Community, the staff of such institutions has been increased by adding teachers entrusted with teaching other subjects in specific languages; of particular interest are those deriving from the agreement between the Ministry of Education and Science and the British Council (which provides for an integrated curriculum according to that agreement) and by the introduction of bilingual centres, especially in English (offering educational projects that reinforce and extend certain aspects of the curriculum). In this regard, we can point to a general expansion of learning of English as from age three in all schools; the expansion of the network of public centres offering a second foreign language in the third level of primary education; the establishment and expansion of a network of bilingual centres; summer immersion courses in English and summer courses in information technologies,

which have been offered continuously since 2002; and school exchanges between students in the general school system of Castile and Leon and schools in the United States and Canada, also continuously since 2002.

699. In the Autonomous Community of Madrid, there is the development of an Education in Diversity Programme; the Youth Programme, which targets young people from the standpoint of education, integration and advancement; training programmes for technical specialists and trainers through Forodeporte; a 2005-2008 agreement has been concluded to improve the quality of the education system of the Community of Madrid; a social agreement to improve quality and employment in the education sector of the Community of Madrid; a Global Plan for technological development of information and communications of the Community of Madrid: the Educamadrid Educational Portal, which will facilitate collaborative work and the internet presence of schools, teachers, students and families through membership in virtual communities; the launching of bilingual public schools; the completion of a "Survey of educational transition-training" to track education and employment pathways followed, from 2001 until 2005, by the youth of Madrid; training activities targeted at various social partners in education for participation (educators, agents active in free time activities, teachers, etc.); and it is interesting that the School Board of the Community of Madrid develops and publishes, at least on a biennial basis, a report on the status of education in the region.

700. It is interesting to note as well other factors that speak to the quality of education: the data on the average number of students per teacher, with an indication of any significant disparity between regions or between rural and urban areas, such as data on the percentage of children in the formal education system, and data on the percentage of those attending preschool centres, referred to paragraph 20, paragraphs d), e) and f), respectively, of the annex to the general guidelines (CRC/C/58/Rev.1).

701. In this regard, with regard to the first type of data, it should be noted that the average number of students per teacher in 2005-2006 was 11.7, a ratio that continues a slightly downward trend in recent years. Secondary schools, where compulsory secondary education, baccalaureate programmes and/or training programmes are offered, are those which show the lowest ratio of students per teacher (with the exception of special education schools, whose ratios are different and lowest). Schools which offer primary through secondary post-compulsory education are the ones with the highest ratios. As regards type of school, private schools of all kinds have a higher average number of students per teacher than public schools.

Table 9

**Average number of students per teacher, per type of facility. General education, non-university, Spain, 2002-2003 to 2005-2006 school year**

|                | <i>Total</i> | <i>Infant</i> | <i>Primary</i> | <i>Compulsory<br/>Primary and secondary and<br/>compulsory<br/>secondary</i> | <i>Compulsory<br/>or bacc. &amp;<br/>F.P.</i> | <i>Primary,<br/>Compulsory<br/>Secondary &amp; Special<br/>bacc/F.P..<br/>education</i> |      |     |
|----------------|--------------|---------------|----------------|------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------|------|-----|
| All schools    | 2005/06      | 11.7          | 10             | 12.6                                                                         | 13.4                                          | 9.6                                                                                     | 15.4 | 4   |
|                | 2004/05      | 11.8          | 10.3           | 12.6                                                                         | 13.5                                          | 9.8                                                                                     | 15.6 | 4.1 |
|                | 2003/04      | 12            | 10.3           | 12.9                                                                         | 13.8                                          | 10                                                                                      | 16   | 4.1 |
|                | 2002/03      | 12.2          | 10.5           | 13                                                                           | 14                                            | 10.2                                                                                    | 16.3 | 4.2 |
| Public schools | 2005/06      | 10.8          | 9.7            | 12.5                                                                         | 10                                            | 9.5                                                                                     | 7.4  | 3.5 |
|                | 2004/05      | 10.9          | 9.9            | 12.6                                                                         | 10.6                                          | 9.7                                                                                     | 7.5  | 3.6 |
|                | 2003/04      | 11.1          | 9.8            | 12.8                                                                         | 11.3                                          | 9.9                                                                                     | 9.9  | 3.7 |

|                 | 2002/03 | 11.2         | 9.9           | 12.9           | 12                                                   | 10.1                                  | 9.8                                                           | 3.9              |
|-----------------|---------|--------------|---------------|----------------|------------------------------------------------------|---------------------------------------|---------------------------------------------------------------|------------------|
|                 |         | <i>Total</i> | <i>Infant</i> | <i>Primary</i> | <i>Primary and secondary compulsory or secondary</i> | <i>Compulsory or bacc. &amp; F.P.</i> | <i>Primary, Compulsory Secondary &amp; Special bacc/F.P..</i> | <i>education</i> |
| Private schools | 2005/06 | 14.2         | 10.3          | 14.2           | 14.7                                                 | 11.1                                  | 15.5                                                          | 4.5              |
|                 | 2004/05 | 14.3         | 10.6          | 14.5           | 14.6                                                 | 11.2                                  | 15.6                                                          | 4.7              |
|                 | 2003/04 | 14.7         | 10.9          | 15.2           | 15.3                                                 | 11.5                                  | 16                                                            | 4.5              |
|                 | 2002/03 | 15           | 11.1          | 15.4           | 15.5                                                 | 11.7                                  | 16.3                                                          | 4.6              |

Source: Prepared by CIIMU from education figures for Spain. MEC Statistics and Indicators.

702. As regards data on the percentage of children in the formal education system, it should be noted that over 50 per cent of students in primary and secondary education participate in extracurricular activities, with a greater percentage of primary students, that the most common activities are sports, which are the only activities that involve between 73 per cent and 62 per cent of students, that language learning is attended by nearly a third of students, music and computers by about a quarter of elementary students and dance by just over 10 per cent. It must be noted that the educational level of parents is not very relevant to participation in extracurricular activities where sports and dance are concerned, but is relevant for foreign languages, music and computers, where student participation is higher the higher the educational level of parents. The following table reflects the distinctions between primary and secondary education and these different types of extracurricular activities.

Table 10

**Percentage of students taking extracurricular activities by type of activity and stage of education, Spain, primary 2003, secondary 2000**

|                  | <i>Sports</i> | <i>Languages</i> | <i>Music</i> | <i>Computers</i> | <i>Ballet/Dance</i> |
|------------------|---------------|------------------|--------------|------------------|---------------------|
| Primary (2003)   | 73            | 29               | 23           | 25               | 11                  |
| Secondary (2000) | 62            | 28               | 18           | 16               | 6                   |

Source: Prepared by CIIMU based on data from State system of education indicators, 2006

703. As regards data on the percentage of children attending early childhood education, we find that schooling rates for the age group 0-2 years are increasing year after year, although they still not reach 50 per cent of the population; and that differences between regions are important because while in the Basque Country, Catalonia, Aragon and Madrid the enrolment rate of children under 3 years is above 25 per cent, in Andalusia, Canary Islands, Castile-La Mancha, Extremadura, La Rioja and Ceuta it is less than 5 per cent of the population, as can be seen in the rates for non-compulsory schooling by Autonomous Communities in the statistical annex.

704. However, other data that are also very important in regard to the quality of education are data on education funding. And in this regard, it should be noted that between 1995 and 2003, Spain increased education spending per student by 1 848.8 dollars, reaching 5 623.3 dollars, though still far short of the European average, which stood at 6 952.3 dollars per student. In any case, the table relating to expenditure on education and its relation to GDP in the statistical annex shows a decrease in education spending in Spain in relation to GDP, both overall and in public spending and spending by families. The Ministry of Education and Science puts the total expenditure on education at 5.3 per cent of

GDP in 2006, while in 1996 it was 5.78 per cent. Public spending has risen from 4.63 per cent of GDP in 1996 to 4.47 per cent in 2006, although it is noteworthy that there has been a reversal of the downward trend in 2002 and, following it, a gradual increase every year through 2006. Finally, spending by families has also declined by nearly a half point in the last ten years.

### **C. Rest, leisure, recreation and cultural and artistic activities (article 31 of the Convention)**

705. With regard to these aspects in particular it may be noted, first, that within the activities promoted by the Ministry of Education and Science, according to the aims of education referred to the Organic Law on Education, second article, first paragraph, in particular in sub-paragraphs e, f, g, h, k, a programme has been developed for the recovery and educational use of abandoned villages; a programme for Nature Classrooms; Literary Routes; Scientific Routes; Itinerant Schools; promotion of activities by federations, confederations and associations of students; organization of grants addressed to private non-profit entities that are legally constituted and based in Spain which conduct activities of socio-educational compensation complementary to those conducted by pre-university schools; the development of an educational extension plan for physical education and sports at non-university schools whose aim is to develop the physical abilities of youth, enable them to acquire basic physical and sports skills and promote the practice of sports; for the proper conduct of this activity, 15 agreements have been signed between the Higher Sports Council, Autonomous Communities, Autonomous Cities and Municipalities, and Joint Committees have been established for monitoring).

706. There is in addition the Programme of Support for Paralympic Sport (ADOP), signed in June 2005, which also involved the Ministry of Labour and Social Affairs, in order to standardize the practice of sports and help to eliminate the barriers for persons with disabilities, with an initial budget of 7.5 million euros, which has increased to 9.3 million with the addition of new corporate sponsors, having allocated 7 500 000 euros in 2005 and 9 300 000 euros in 2006. In this regard, one also needs to mention the grant to sports federations of the disabled and the Paralympic Committee, with an allocation of 5 850 480 euros from 2005 to 2007, and, finally, the National Programme of Promotion and Aid to School Sports (PROADE) which aims to achieve an improvement in the number of member practitioners, and above all, an increase in the number of participants related to sport-health, funded by the Higher Sports Council, national sports federations, Autonomous Communities and private companies, giving special emphasis to aspects of attention to diversity, pursuing throughout an inclusive programme. In the face of any of the difficulties that a student may face, sports should be one of the leading ways of integrating the immigrant and disabled student.

707. There are other specific activities pursued both by the central Government and by the Autonomous Communities.

708. The Ministry of Labour and Social Affairs supports initiatives taken by NGOs to implement programmes to promote children's quality of life primarily through education, culture and leisure. In the period 2002-2006 a total of 18 202 438.24 euros have been awarded for the realization of some 197 programmes.

709. The Ministry of Labour and Social Affairs offers financial support through various grants for the development of leisure and free time activities for children and youth. Many entities apply, at the State level, through the implementation of various programmes, notably the following: First, grants for programmes of social cooperation and volunteer

activities funded by the individual income tax; this programme has, among its priority programmes for youth and family, programmes to promote quality of life for children and, among programmes for youth, activities that foster coexistence among youth through education in values, activities to help promote social participation by youth and development of leisure and free time activities, as well as actions to foster the acquisition of a wholesome lifestyle and environmental education. Grants are also awarded by the Institute for Youth, whose priority is conducting programmes aimed at supporting youth associations and their social involvement. Finally, grants are available under the general regime in the areas of families and children, which promote support to entities whose priority aim is providing care to those groups, as well as the pursuit of activities to foster associations and awareness-raising about the Convention on the Rights of the Child.

710. Also in this connection it should be noted that the General Office for Promotion of Books, Reading and Spanish Literature of the Ministry of Culture has developed the Maria Moliner campaign for the advancement of reading in Municipalities of less than 50,000 inhabitants, focusing especially on children and young people, with an allocation of 700 000 euros.

711. Similarly, by way of example, activities of the Autonomous Communities in this area are:

712. Aragon has developed Training Programmes for Free Time Schools, Directors and Monitors of Child Abuse Detection and Prevention Camps.

713. Asturias is implementing quality and safety standards in playgrounds and courses are held annually for free time counsellors and monitors.

714. In the Balearic Islands, the Office of the Children's Ombudsman took the view that the theoretical and practical training of instructors and directors of leisure activities is fundamental for dealing with minors in the domain of leisure time; accordingly the programmes of training include various topics which may help to work with minors in this area. Thus, to obtain the diploma of leisure time monitor candidates study relations with children and adolescents, pedagogy, educational methodology, the educational setting, techniques and resources, health and sanitation, social problems, and the framework for action; and, for directors, areas of training include educational psychology, socio-political aspects, philosophy and foresight, organization and achievement.

715. In Castile-La Mancha, the Ombudsman, in view of the lack of maintenance or deficient upkeep of playground equipment in parks and gardens, has called for a rule defining minimum safety standards, as is done in Andalusia and Galicia.

716. In Castile and Leon Order No. EDU/959/2004, approved on 17 June, prescribes the Training programme for promoting participation by associations of parents and students in the educational system of Castile and Leon, and thus meetings of the Independent Federation of Students received yearly funding of 15 000 euros in 2005 and 2006; an educational project for the Museums has taken place every year during the reporting period; the educational project of the programme of itinerant exhibitions of contemporary art "Constellation Art", with an allocation of 154 800.00 euros for the period 2002-2006; cooperation with the Department of Environment in developing educational materials for the campaign "School visits to natural areas" (v(e)2 n) and the comic strip "Keep at it" about waste separation, during the 2004-2005 school year; Cooperation with ASPAEL and the Ministries of Environment, Education, Culture and Sport in the implementation of EDUFOREs programme, developed experimentally at the Palencia and Soria centres during the 2004-2005 school year to foster knowledge, appreciation and care of forests; cooperation with the Embassy of Greece in Madrid in the dissemination of International Children's Painting Competition on "Water: seas, lakes, rivers, springs, environment"; in the same school year, 2004-2005, coordination of the participation of schools of Castile and



Leon in the “Third National Congress on Environment for Children”, held in September 2005, in the margins of the First Iberian Spain-Portugal Forum; cooperation with ADEMA in the dissemination and development of the programme “The fascinating kingdom of mushrooms”, during 2005-2006 and 2006-2007, with the aim of teaching youngsters about wild mushrooms and their conservation; cooperation with TRAGAMOVIL foundation dedicated to promoting recycling of mobile phones, by the campaign of the same name, to sensitize and educate teens on this major environmental challenge, during the year 2006-2007; and other cultural and recreational activities, which have taken place every year during the reporting period, including the Travelling Schools, Active Classrooms, Nature Classrooms and Literary Routes (these in the years 2004, 2005 and 2006).

717. Catalonia has given impetus to preventive projects focused on day care centres including education and leisure time activities, especially for children of disadvantaged families; grants have been provided to programmes for leisure education monitors through the Federations of Free Time Schools.

718. Madrid has provided support for projects developed by non-profit entities to promote leisure activities under the criteria of multiculturalism, equity, quality and shared responsibility of those involved; new impetus has been given to the Municipal Playrooms (Ludotecas Municipales) of Madrid, to conferences for exchanges of experience, the creation of the playroom of the Directorate General for Youth; the development of programmes of leisure and free time: “Coexistence is living”, “Welcome Schools”, Youth Programme and the programme Educating in Diversity (directed to educational centres during non-teaching periods); and there is the annual holding of the “Juvenalia” youth fair.

## **VIII. Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)**

### **A. Children in situations of emergency (articles 22, 38 and 39 of the Convention)**

719. Following the recommendations made by the Committee (CRC/C/15/Add.185, paras. 45 and 46), we should point to the development of different measures that have a common goal to adequately protect foreign minors in Spain, through effective recognition and protection of their rights. These measures have already been set out in this report (Chapter III, sect. A, and Chapter V, sect. D), as have the relevant programmes of technical cooperation and international assistance, referred to in paragraph 39 of the General Guidelines (CRC/C/58/Rev.1), in Section C of Chapter I. In this section, since this information is not covered in Section C, we stress the cooperation that has taken shape around some specific activities pertaining to unaccompanied foreign minors.

720. In this regard we note the following: the Agreement between Romania and Spain on cooperation in the field of protection of Romanian unaccompanied minors in Spain, their repatriation and combating their exploitation, signed in Madrid on 15 December 2005. The Agreement between the Republic of Senegal and the Kingdom of Spain on cooperation in the field of prevention of immigration of unaccompanied Senegalese minors to Spain, their repatriation and combating their exploitation, signed *ad referendum* in Dakar, 5 December 2006. And recently, the elevation of the Memorandum of Understanding on assisted repatriation of unaccompanied minors between Spain and Morocco to an Agreement between the Kingdom of Morocco and the Kingdom of Spain in the field of emigration of unaccompanied Moroccan minors, their protection and repatriation, signed *ad referendum*, on 6 March 2007.

721. Of particular interest is the Special Programme for the Transfer of and Assistance to Unaccompanied Foreign Minors moved from the Canary Islands, 20 October 2006, because it also represents the united effort of the Autonomous Communities regarding international cooperation; the main objectives of the programme are: a) to address the current situation of the Canary Islands in regard to protection of unaccompanied foreign minors, through cooperation between Autonomous Communities, b) to coordinate the transfer of unaccompanied foreign minors arriving in the Canary Islands to different Autonomous Communities which assume the guardianship and custody of minors housed in their respective territories, c) collaborating with the Autonomous Communities of destination in the protection of unaccompanied foreign children through financing the costs of care, d) facilitating inter-agency cooperation in the protection of unaccompanied foreign minors, and e) establishing a protocol for facilitating cooperation between different actors involved in the programme.

722. As regards measures applied to children affected by armed conflict, including their physical and psychological recovery and social reintegration, due consideration is given to this matter in the recent report submitted by Spain under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC/C/OPAC/ESP/1) of 16 October 2006, and more specifically with regard to recovery and social reintegration child victims of armed conflict in the context of international cooperation, in paragraphs 35 and following of that report.

723. Finally, even taking into account the information in the aforementioned paragraphs of this report, it is appropriate to respond here to some of the specific recommendations of the Committee in the said paragraphs 45 and 46, using information not mentioned in previous paragraphs.

724. In this respect, we must begin with the fact that in Spain there are no illegal expulsions, in view of the fact that, when the processing of a case of repatriation of a minor is set in motion, there is strict observance of Spanish law, the rules and principles of international law, and the provisions of the Convention on the Rights of the Child.

725. The actions undertaken by all actors involved in the protective function, both from the Autonomous Communities and the autonomous cities of Ceuta and Melilla, as well as from the State law enforcement bodies, with the aim of providing immediate care and protection to unaccompanied foreign minors who are in country, are based on the strict application of the Protocol for Unaccompanied Foreign Minors, agreed upon at the plenary meeting of the Monitoring Centre for Children on 14 November 2005 and updated as Regulations of 2004 implementing Organic Law No. 4/2000. The protocol elaborates upon actions under Section 92 of Royal Decree No. 2393/2004 of 30 December, which approves the Regulations of Organic Law No. 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration.

726. Moreover, it should be noted that the implementation of protective measures is the responsibility of the institutions for protection in the Autonomous Communities and Autonomous Cities of Ceuta and Melilla. It is they who guarantee the rights of children, meeting their physical and psychological needs and promoting their integration into natural social groups. In exercising their powers, the Autonomous Communities manage the accreditation and implementation of the rights of unaccompanied children, requesting the appropriate agency that they be afforded healthcare, that they be enrolled in the educational option best suited to their profile (age, education, language, etc.), and that they be provided with leisure and recreational activities to promote their social integration.

727. In this regard, it is also interesting to note the improvement that has been taking place in recent years in regard to some congestion problems that may have arisen at the centres in Ceuta, Melilla and Canary Islands for the care and protection of these children, due to exceptional circumstances and as a result of massive inflows of these children at particular times. There has been a clear improvement of this situation in recent years and, more specifically, since the launch of the Solidarity Programme between the Canary Islands and the rest of the Autonomous Communities for the transfer of unaccompanied foreign to various sites on the peninsula.

728. It is also important to note that in recent years there have been virtually no cases of repatriation of these children to their families of origin in Morocco, although such action is contemplated in the aforementioned legislation.

729. With regard to the specific recommendation of the Committee about providing the autonomous cities of Ceuta and Melilla with the economic and human resources needed to attend to these children, we must stress that cooperation agreements have been signed during the years 2005, 2006 and 2007 between the Ministry of Labour and Social Affairs (Directorate of Integration of Immigrants), and these cities, with the contribution of 2 300 000 euros for Melilla each year during the three years, and 1 700 000 euros each year for Ceuta, also during the three years 2005, 2006 and 2007. In addition, in the year 2007, a direct subsidy of 1 000 000 euros has been granted to the two cities, to improve the care of unaccompanied migrant children.

730. It is noteworthy that the Maghreb area is among the geographical priorities of the Second Master Plan for Spanish Cooperation (2005-2008) and that the following are priority countries: Algeria, Morocco, Mauritania, Tunisia, the Saharawi Population and the Palestinian Territories. In this regard, there has been a major effort to establish mechanisms for cooperation and coordination between Spain and Morocco through the newly restructured Spanish Agency for International Development Cooperation (AECID) of the Ministry of Foreign Affairs and Cooperation. An overall strategy of support has been developed for vulnerable children in Morocco, agreed with the Ministry of Labour and Social Affairs and the Autonomous Communities of Madrid, Andalusia, Catalonia and the Canary Islands. It encompasses operations in different sectors in order to support a Moroccan public system of care, protection and training/integration of minors. This strategy aims at the same time to act on the prevention of factors that could cause the migration from Morocco (school system, family environment, lack of job opportunities, etc.), and on the construction of a public system of child protection, the institutional strengthening of relevant agencies and accompanying actions channelled through multilateral agencies, such as UNICEF, with experience in care, protection and integration of minors, and other Spanish development NGOs. During the first two years of the Strategy, 2006 and 2007, AECID alone has committed 15.5 million euros to the different lines of action under the Strategy. In 2006, agreements were signed with various organizations such as CEAR, CODESPA and Save the Children. An in-depth treatment and description of projects contemplated under the Strategy, and actions contemplated in the overall strategy for vulnerable children of Morocco, are presented in the annex.

731. The several Autonomous Communities (such as Andalusia, Asturias, Catalonia, Aragon, Balearic Islands, etc.) that have responsibilities for development cooperation, are operating in Morocco with various development NGOs, devoting a large amount of economic resources and expertise.

732. Finally, one should bear in mind that all these actions in the field of international cooperation to pursue the protection of foreign minors in Spain are embodied not only in the relevant State and regional legislation but also in international agreements in the field of protection of minors signed by Spain with Morocco, Senegal and Romania.

## **B. Children in conflict with the law (articles 37, 39 and 40 of the Convention)**

733. Following the recommendations of the Committee in paragraphs 53 and 54 (CRC/C/15/Add.185), it should be noted in regard to the administration of juvenile justice, pursuant to Organic Law No. 5/2000 of January 12 governing the criminal liability of minors, first, as noted in Section D of Chapter I of this report, that this enactment, on the one hand, has been elaborated upon by Royal Decree No. 1774/2004 of 30 July approving the Regulations of the Law, which came into force on 28 February 2005 and which regulates the conduct of proceedings to substantiate criminal liability of minors, dealing with the persons who intervene in such proceedings and their preparation to work thereon, the operation of facilities where children are held to serve sentences, referring to the specialist teams that intervene, the Judicial Police, precautionary and definitive measures, and the disciplinary system of these centres. There has likewise been an amendment of Organic Law No. 8/2006 of 4 December to give a more adequate response to rising juvenile crime and the social concern ultimately resulting therefrom; in its statement of purpose, this Law states that “the best interests of the child, which will continue to enjoy priority under the Act, is perfectly compatible with the objective of seeking greater proportionality between the penal response and the seriousness of the offense committed, as the system continues to leave to the court the ultimate evaluation and weighting of both principles in a flexible manner and with a view to the optimal individualization of the response.” Also noteworthy during the reporting period is the approval of Royal Decree No. 232/02 of 1 March governing the Registry of Judgments concerning criminal liability of minors.

734. In accordance with the general guidelines (CRC/C/58/Rev.1, para. 40), the Attorney General has participated in several training courses conducted by the Centre for Legal Studies of the Administration of Justice (Ministry of Justice) and the Supreme Judicial Council on the situation of children in social conflict in contemporary Spain. In addition, the Annual Reports of the Attorney General contain brief accounts of measures imposed on minors each year, classified by nature and by province. Similarly, the reports of Juvenile Prosecutors for the years 2005 and 2006 contain a number of observations regarding the Regulations, approved by the aforementioned Royal Decree No. 1774/04 of 3 July, in regard to technical teams, juvenile police contingents, and execution of measures.

735. Under the Ministry of Interior, the National Police has implemented the “Action Plan of Police Coordination against Violent Organized Groups of a Juvenile Character”, pursuant to Instruction No. 23/2005 of 7 December of the Ministry of State Security, in line with the adoption on 15 April 2005, by the plenary of the Congress of Deputies, of a draft law urging the Government to develop a prevention plan and, as appropriate, a law enforcement response to prevent the emergence and consolidation of violent groups. As regards the Civil Guard, in training courses for Judicial Police Specialists and EMUME (Women and Children Teams) Specialists, stress has been laid on including considerations regarding violent and/or organized groups (juvenile gangs); specific programmes and initiatives have been conducted to combat organized juvenile violence in the international European setting; there has been participation in the Second Meeting of the Monitoring Centre for Juvenile Justice in Brussels, on the theme of crime associated with juvenile gangs of Latin origin; stress has been laid on information gathering by EMUME Teams through information and awareness-raising activities in relevant specialization or further-training conferences; in keeping with the “Action Plan of Police Coordination against Violent Organized Groups of a Juvenile Character”, procedures have been established for cooperation and information-sharing with the Central Units of the Information Service, and common criteria or indicators have been arrived at to determine whether a person belongs to these groups.

736. Regarding training activities, during the period 2002-2006 the Civil Guard has conducted the following activities: With regard to training courses which open access to different ranks of the Civil Guard Corps, for the rank of Corporals and Guardsmen there have been 12 sessions for 15,338 students; for NCOs, seven sessions for 2,000 students; for Officers, two sessions for 480 students; for Superior Officers, two sessions for 178 students; in the Technical Elective class there has been one session for 63 students, and in the Superior Elective class one session for 73 students. In the area of further training, there are specialization courses leading to specialist posts under the Judicial Police (Basic course, with six sessions for 1,132 students; Superior course, with two sessions for 109 students); Specialist course for Women and Children Teams - whose contents must be approved by the Judicial Police - with 30 sessions for 404 students, and Basic briefing course with two sessions for 824 students. In the context of the General Plan of Continuing Education, aimed at updating the knowledge of personnel, the following have been conducted: a distance learning module (recently introduced) with two sessions for 331 students, at the Territorial Units of the Corps, aimed at continuing adaptation of the knowledge base to the characteristics of the Unit, complementing the training activities proper to each Unit and holding four annual workshops of one week's duration at each of the Corps Headquarters, with 25,960 students among Corporals and Guardsmen and 3,240 NCOs; and with regard to workshops held at the Specialization School for personnel assigned to territorial Units, with one week's duration, there are generally 20 sessions per year for Corporals and Guardsmen, seven for NCOs and three for Officers; attendance at one workshop was 2,260, 820 and 240 respectively.

737. In regard to organizations, it should be noted that Spanish Caritas has been involved not only in its own quality systems for specialized services in juvenile criminal liability, but has also attended all workshops offered to implement a quality management system in such services, as well as for coordination with other administrations, especially judicial, with a view to making contributions from the perspective of their own practice (Prosecutor, Juvenile Defender, etc.).

738. In this area as well, we note the measures pursued in the Autonomous Communities.

739. In Andalusia, the Ombudsman for Children developed during the year 2005 a monitoring programme of public services related to children which involved inspection visits to the various facilities that make up the child protection system of Andalusia and to juvenile detention centres that apply measures stemming from the Law on criminal liability of minors.

740. In Aragon, through the Aragon Institute of Social Services, extrajudicial restitution programmes have been developed to deal with children involved in family disputes and judicial measures, among other matters. This institution also cooperated in developing the conclusions of the document "Intercultural insights for prevention and conflict management with juvenile groups."

741. In Asturias in each year of the reporting period, the Monitoring Centre for Children and Adolescents sent to the Ministry of Labour and Social Affairs the questionnaire used to develop the statistical bulletin of measures imposed to juvenile offenders. As regards specific measures, these include a programme of mediation and restitution whose aim is to strengthen the rights and participation of juvenile crime victims. A study has also been conducted on family and school factors affecting minors to whom Organic Law No. 5/2000 on criminal liability of minors has been applied from its inception to 2006. As regards training activities organized for all professionals who deal with the juvenile justice system, it should be noted that professionals in schools and juvenile justice facilities of Asturias participate regularly in seminars and conferences, since there a training programme addressed to all staff and personnel implementing measures relating to children in situations of social conflict and covering good professional practices.

742. The Canary Islands have addressed the adaptation of the database on children of the Directorate General of Protection of Children and Families to provide data requested by the Ministry of Labour and Social Affairs for the preparation of the Statistical Bulletin of measures imposed on juvenile offenders. In 2005 several studies were conducted on the behaviour of juvenile offenders, and in 2006 there were several research projects concerning juvenile offenders, in cooperation with Universidades Canarias.

743. In Castile-La Mancha, the Directorate General for Family Affairs, in an agreement with NGOs for regular training activities, has devoted 12 courses/training days to periodic activities. The focus has been on children in situations of social conflict and good professional practices, using the most relevant training methodologies and promoting training through the internet. In this regard, we should note the seven coordination sessions with judges, prosecutors and court clerks, the coordination sessions with technical teams of the Courts, and also regular coordination between the various enforcement resources. Moreover, it should be noted that the Ombudsman has worked to advance coordination and improvement of professional competence, allowing the exchange of good practices through seminars or workshops, but referring to protection, not only reform.

744. In Castile and Leon, the Service for Care and Reintegration of Young Offenders provides annually a report to the Ministry of Labour and Social Affairs on the implementation of legal measures in the region for the development of the statistical bulletin of measures imposed on young offenders; and, secondly, the Autonomous Community also provides data for a study on the problems of youth in the province of Valladolid.

745. Under article 120.1 of Act No. 14/2002 of July 25 on advocacy, care and protection for children in Castile and Leon a mediation programme has been developed in the field of juvenile justice in the province of Valladolid, with an allocation of 32 000 euros per year. As regards the training activities organized for all professionals that deal with the juvenile justice system, it should be noted that the Department for Families and Children has pursued participation in conferences, seminars and conferences for professionals working in the field of juvenile justice and, in that regard, the Service for Care and Reintegration of Young Offenders has since 2002 and to date been conducting an annual programme of training and good practices for professionals working in relation to children in social conflict.

746. Madrid prepares annual statistics requested by the Ministry of Labour and Social Affairs for the statistical bulletin of measures imposed on young offenders, providing data on the number of measures and age and sex distribution; it provides a supplement of data on prosecutions and courts, criminal offenses, area of family residence, and previous history of child protection; it is developing a software application to facilitate comparative analysis and forecasts for the future in the Autonomous Community of Madrid. Legal aid is also provided to minors under wardship; and meetings are held with the Prosecutor and the Institute for Minors to coordinate activities in the criminal area.

747. As regards training activities organized for all professionals dealing with the juvenile justice system, mention should be made of the training being conducted for professionals working in social conflict. Training activities are conducted under the training programme of the Ministry of Labour and Social Affairs aimed at social intervention with the immigrant population (families with children), and socio-cultural and labour mediation. Training is provided by the School of Social Mediators for the integration of immigrants into society. Training sessions are offered on prevention of drug abuse directed at persons sanctioned under Act No. 5/2002 of 27 June on drug abuse and other addictive disorders, for drinking in public. Training programmes are developed for

public employees and associations that conduct their work with young offenders and teenage mothers. There is also the organization of the First International Congress on Juvenile Violence, to update scientific knowledge and compare the most significant experiences in order to guide future professional and institutional endeavours in this field.

748. In each year of the reporting period, from 2002 to 2006, Valencia fulfilled the half-yearly and annual exercises in completing the Statistical Bulletin on Measures for Child Protection, submitting it to the Ministry of Labour and Social Affairs. Different statistics and questionnaires have been developed assessing Organic Law No. 5/2000 of January 12 governing the criminal liability of minors and its regulatory enactments. There has been participation in working groups within the Monitoring Centre for Children on the regulatory development of the said Organic Law No. 5/2000. Protocols were developed on procedures for coordination of actions between the Government and its partners, for compliance with and enforcement of judicial internment and open-environment measures. And training activities are conducted for professionals who deal with the juvenile justice system, technical court personnel, prosecutors, technical teams to enforce judicial measures, and technical teams with the Department of Social Welfare.

749. In the Basque Country, it is the regional ombudsman, the *Ararteko*, who follows up the annual monitoring report on juvenile offenders.

750. Moreover, with regard to the data on the number of people under 18 who have been detained by the police due to an alleged conflict with the law, referred to in paragraph 23 a) of the annex to the general guidelines (CRC/C/58/Rev.1), we note during the reporting period a slight but progressive decline in the number of juveniles detained. In 2002 there were a total of 26,108 arrests of minors under 18, while 2005 there were 22,573; with a much higher percentage of males (87 per cent) of Spanish nationality (80 per cent) and of low educational levels. Among the main reasons for arrest in 2006, were robbery (20 per cent), robbery/burglary (*robo con fuerza en las cosas*) (19 per cent), and vehicle theft (16 per cent). Figures referring to the trend of the population of minors under detention, and the causes for detention, are shown in the statistical annex.

751. Regarding the number and percentage of people under 18 who have been convicted of a crime by a court and who have received suspended sentences or punishment other than imprisonment, as indicated in paragraph 23 c) of the annex to the general guidelines (CRC/C/58/Rev.1), it is noteworthy that the main measure imposed in 2005 was probation, followed by community service and semi-open placement, as can be seen in the tables in the statistical annex on measures relating to the number of reported juvenile justice measures and their percentages.

752. Moreover, it is significant that among the measures that juvenile judges may apply, there is a wide range of different possibilities also in addition to institutionalization (in the closed, semi-open and open modes). Thus, the new wording of article 7 of Organic Law No. 8/2006 of 4 December amending Organic Law No. 5/2000 of January 12 governing the criminal liability of children, also establishes the following measures: a) Therapeutic placement in a closed, semi-open or open setting. Schools of this nature will provide educational specialist care or specific treatment for people who suffer from mental abnormalities or disorders, a state of dependence on alcohol, toxic drugs or psychotropic substances, or changes in perception that severely impair awareness of reality; b) Outpatient treatment. Persons under this measure will attend the designated facility with the frequency required by the attending physicians and follow the guidelines established for the proper treatment of the abnormality or mental disorder, addiction to alcohol, drugs, toxic or psychotropic substances or changes of perception; c) Attendance at a day centre. Persons under this measure will reside at their usual residence and will go to a centre, fully integrated into the community, for support activities, education, training, work or leisure; d) Weekend attendance. Persons under this measure will remain at home or at a centre for up to 36 hours; e) Probation. The requirement under this measure is to monitor the activity of

the person subjected to it, his attendance at school or vocational training or place of work, as the case may be, seeking to help the person to overcome the factors which led to the offense. As appropriate, this measure may also require following rehabilitation guidelines set by the authority or officer responsible for applying it, in keeping with the programme of intervention devised to that end and approved by the juvenile court; f) Prohibition of approaching or contacting the victim, his relatives or other persons identified by the judge. This measure will prevent the person from approaching them, wherever they may be, their home, their educational institution, their workplaces and any other place frequented by them. Prohibition of approaching or contacting the victim, his relatives or other persons identified by the judge prevents the minor from making contact with them by any digital or telematic medium of communication, written, verbal or visual; g ) Living with another person, family or educational group. The person subject to this measure has to live during the time period established by the court with another person, with a family other than his own or with an educational group, appropriately selected to guide the person in his socialization process; h) Community service. The person subject to this measure, which may not be imposed without his consent, has to perform unpaid activities to be prescribed, that are of social interest or for the benefit of disadvantaged people; i) Socio-educational tasks. A person subject to this measure must, without imprisonment or probation, perform educationally specific activities designed to facilitate the development of social skills; j) Admonition. This measure consists of admonishing the person, is performed by the juvenile court, and is designed to make him understand the seriousness of the offense committed and the consequences that it had or might have had, urging the person not to commit such offenses in the future; k) Denial of permit to drive motorcycles or motor vehicles, or of the right to obtain such permits, or of administrative permits for hunting or for use of any weapons. This may be a concomitant measure applied when the crime or misdemeanour has been committed using a motorcycle or a motor vehicle, or weapon, respectively; l) Absolute disqualification. The measure of absolute disqualification comprises final deprivation of all honours, public offices and positions of the person whom it affects, even for elective offices, and the inability to obtain the same or any other honours or public employment or to be elected to public office for the duration of the measure.

753. It is interesting to note, in regard to the statement in paragraph 23 d) of annex to the general guidelines (CRC/C/58/Rev.1.) concerning the number of people under 18 who participate in special rehabilitation programmes through probation, that in the year 2005, of 30,556 measures implemented or under implementation, 373 were therapeutic placements and 750 were for outpatient treatment.

754. Regarding children deprived of liberty, we should note activities in this regard conducted by the Autonomous Communities. Thus, in Asturias, we note the Detention Centre Project of Asturias, which includes criteria and requirements for quality, assessment and follow-up.

755. In Castile-La Mancha, we note the development of unified programmes and models in the implementation of measures; the creation of the role of case officer; mechanisms for case supervision; mechanisms for supervision of centres; protocols for coordination among all resources in implementing measures. Also important is the activity of the Ombudsman, who has conducted visits to the centres focused on fulfilment of closed, semi-open, and open measures in order to make known the Ombudsman institution and subsequently develop a study. Among the conclusions reached was the need not to “mix” protection and rehabilitation measures, since the residential centres –designed to meet their purpose— better fulfil their function than the open-environment centres, which simply “rent” a dwelling space that is not equipped to carry out this function. Also, during these visits, minors have been informed of their right to complain or seek the intervention of the Commissioner.



756. Castile and Leon has carried out a restructuring and organization of subsidized schools to proceed with admission of minors once judicial measures are imposed; work has been done on preventing maladjustment and delinquency, encouraging social integration of young people; general criteria have been defined, as well as procedures for action in implementing measures and directives for the organization of work of the services that perform these functions. Third-party dispute resolution mechanisms out of court have been developed and there is a programme of mediation in the area of juvenile justice dating from 2003.

757. Madrid has introduced a quality management system in the specialized juvenile justice services of the Autonomous Community of Madrid. Quality is being enhanced in the creation of centres for execution of judicial measures; An Inspection Unit has been created which produces an annual descriptive document for each centre for implementation of judicial measures, including details of its organizational structure and intervention model and to evaluate actions and propose solutions to identified shortcomings. There has been work on programming, resource management, quality criteria and requirements, evaluation and follow-up of the placement measure imposed: closed, semi-open or open; support for social integration of minors in placement who lack a family or social setting in which to lead a constructive life during leave periods; guarantee of the right to education of minors under custodial measures; development of a vocational and job placement office to provide vocational training to children under custodial measures; and encouragement of reconciliation with the victim: programming, resource management, follow-up and evaluation.

758. And in the Basque Country, the regional Ombudsman, the Ararteko, makes visits to places of internment; follows up the Report on juvenile offenders; and holds meetings with regional juvenile justice officials.

759. In this connection, with regard to the statement in paragraph 24 b) of the annex to the general guidelines (CRC/C/58/Rev.1) concerning the number of institutions specifically for persons under age 18 of who are suspected of or known to have infringed the penal law, or are accused of doing so, it should be noted that although there is at present no count of the number of these institutions for juvenile offenders, there are data on resources, facilities and equipment. And in this regard, it should be noted that there were a total of 95 juvenile custodial facilities –60 operated by supporting organizations, with a total of 2,640 places. This represents a rate of 69.6 beds for every 100,000 children aged 14 to 21. It is Melilla, Ceuta and the Canary Islands that show the highest rates per 100,000 children. By contrast, Extremadura, Navarra, Catalonia and Murcia do not exceed 40 per 100,000. We also note that there have been 185 intervention teams for open environments, 4.9 per 100,000 children. These data may be seen in the statistical annex.

760. As indicated in paragraph 24 c) of annex to the general guidelines (CRC/C/58/Rev.1), regarding the number of people under 18 who are in these institutions, and the average length of stay, it should be noted that although there are no data on the number of minors in these institutions, one can obtain data about minors in centres specifically for juvenile offenders through the number of measures implemented or under implementation, since they indicate the yearly number of minors present and the number released.

Table 11  
**Total number of measures implemented or under implementation, Spain, 2005**

| <i>Measures implemented</i>                             | <i>Total 2005</i> | <i>Rates per 100.000</i> | <i>Rates 2004</i> |
|---------------------------------------------------------|-------------------|--------------------------|-------------------|
| Therapeutic placement                                   | 373               | 9.8                      | 12.4              |
| Outpatient treatment                                    | 750               | 19.8                     | 13.4              |
| Day care centre                                         | 335               | 8.8                      | 4.8               |
| Weekend stay                                            | 1 271             | 33.5                     | 33.3              |
| Probation                                               | 12 728            | 335.4                    | 301.4             |
| Living with another person, family or educational group | 968               | 25.5                     | 26.2              |
| Community service                                       | 6 850             | 180.5                    | 147.1             |
| Rehabilitative tasks                                    | 1 353             | 35.7                     | 34.2              |
| Custodial measures                                      | 5 928             | 156.2                    | 129.2             |
| Placement in closed environment                         | 1 713             | 45.1                     | 43.1              |
| Placement in semi-open environment                      | 4 087             | 107.7                    | 83.1              |
| Placement in open environment                           | 128               | 3.4                      | 3.0               |
| <b>Total</b>                                            | <b>30 566</b>     | <b>805.3</b>             | <b>701.9</b>      |

*Source:* Prepared by CIIMU from Bulletin of Basic Statistics on Measures Imposed on Juvenile Offenders, 2005.

761. Regarding the imposition of different penalties on children, it should be noted, first, that the approval of Organic Law No. 8/2006 of 4 December amending Organic Law No. 5/2000 of January 12, governing the criminal liability of minors introduced changes in the various types of sanctions or measures established under Organic Law No. 5/2000 of 12 January governing the criminal liability of minors. In its statement of purpose, it provides, "Firstly, we expand the number of situations in which custodial measures in a closed environment may be applied to minors, adding to those already in existence cases of commission of grave crimes and crimes committed by a group, or when the minor belongs to or acts in the service of a gang, organization or association, even if temporarily, dedicated to carrying out such activities. Further, the duration of the measures is adapted to the nature of the offenses and the ages of the juvenile offenders, and the possibility of applying the Law to those between the ages of 18 and 21 is definitively abolished. Moreover, a new measure is added, similar to the measure provided for under the Criminal Code, which consists of prohibiting the juvenile offender from approaching or communicating with the victim or with such members of his family or other persons as the court may determine."

762. To understand how these measures are applied, it is also very important to examine the case law of the Constitutional Court and the way in which the following illustrative cases, whose legal bases are discussed in Chapter 6 of Annex I, are interrelated:

a) Legal Basis No. 3 of Constitutional Court decision (STC) 153/2005 of 6 June 2005, which addresses the possible infringement of the right to speedy trial in criminal proceedings;

b) STC 30/2005 of 14 February 2005, where the Constitutional Court decides on the infringement of the presumption of innocence in an existing conviction in a criminal proceeding for juveniles;

c) STC 13/2006 of 16 January 2006, in which the Constitutional Court decides on an alleged violation of the right to a defence for having violated the defendant's right to the last word.

763. The central Government has also taken interesting initiatives in this area. The Ministry of Labour and Social Affairs cooperates with the Autonomous Communities funding programmes to implement prison alternatives and training of professionals in the Autonomous Communities involved in the implementation of programmes with young offenders, through Programme Agreements with the Autonomous Communities, with an allocation for the development of these programmes of 3 005 060 euros in 2002, 3 005 060 euros in 2003, 3 005 060 euros in 2004, 3 005 060 euros in 2005 and 3 005 060 euros in 2006. The Autonomous Communities and Autonomous Cities of Ceuta and Melilla assume responsibility for funding no less than 50 per cent of the total cost of each project, including the contribution of the local corporation. Among the grants awarded for social volunteer and cooperation programmes funded by allocations from the individual income tax, NGOs may seek such help to carry out programmes for refitting of residential facilities for minors in social difficulty and/or conflict. Grants for this purpose were 2 154 137.40 euros in 2002, 2 158 589 euros in 2003, 2 025 552 euros in 2004, 2 187 405 euros in 2005 and 2 202 636 euros in 2006.

764. We should also briefly take note of some of the actions undertaken by the different regional administrations:

765. In Andalusia, putting in place the necessary resources to implement all the prison alternatives provided for in Organic Law No. 5/2000 governing the criminal liability of minors.

766. In Aragon, support by the Immigration programme for the development of educational measures with foreign juvenile offenders.

767. In Asturias, arrangements and programmes to implement all measures contained in Organic Law No. 5/2000 governing the criminal liability of minors.

768. In the Canary Islands, the conclusion of agreements with non-profit entities and foundations to implement prison alternatives.

769. Castile-La Mancha has created and developed its own teams to implement the measures; a programme of mediation and restitution; programmes of prevention and support for the application of judicial measures; support programmes for social-employment integration; and the development in juvenile facilities of specific programmes for treatment of juvenile sex offenders.

770. Castile and Leon has implemented various agreements with entities for the application of prison alternatives ordered by juvenile courts, such as the day care centre, probation, or rehabilitative tasks; development of pilot projects in different centres to promote programmes of specific treatment for juvenile sex offenders; or guidelines for intervention with foreign juveniles to fulfil community service orders; induction into Diagrama, a programme of job placement; coordinating activities with and making referrals to NGOs and others involved with foreign children.

771. In Madrid, there has been expansion of prison alternative programmes; development of programmes implementing measures for juvenile offenders ordered by courts other than juvenile detention: outpatient treatment, day care centre, probation, weekend stay at family home, community service, rehabilitative tasks, living with other people, families and educational groups; the CEDIN day centre project specializing in caring for children facing social risk and difficulty; guidelines for intervention with foreign juvenile offenders in Madrid; intervention with foreign juvenile offenders in their countries of origin; advice to prosecutors, juvenile courts and the provincial courts on adoption of precautionary measures and on the process of implementing the measure.

772. Valencia has created specific technical teams at the municipal and county levels to implement measures prescribed pursuant to Organic Law No. 5/2000; and the Psychological Service for Sexually Abused Children and Juvenile Sex Offenders.

773. Finally, with regard to measures taken for children's physical and psychological recovery and social reintegration, there is widespread concern among the various judicial and administrative authorities about the recovery of juvenile offenders in keeping with the principle of re-education that characterizes all juvenile criminal law, as recognized, for example, in Organic Law No. 5/2000 governing the criminal liability of minors. The statement of purpose of that law, among many other enactments, lays down "firmly the principle that criminal liability of minors, by comparison with that of adults, is chiefly a matter of educational intervention that cuts across all aspects of legal regulation and implies significant differences between the meaning and procedure for sanctions in the two sectors, without prejudice to the safeguards enjoyed by every individual" and indeed expressly provides, with regard to custodial measures, that "The primary aim of the measure is to have an environment that provides adequate educational conditions for the minor to redirect those inclinations or deficiencies that have characterized his antisocial behaviour when it is necessary to that end, at least temporarily, to physically restrict the offender's liberty."

774. In this regard it is interesting to note the clear connection between the educational dimension of punitive measures for juvenile offenders and seeking recovery and social reintegration of a child in the Constitutional Court decision 243/2004 of 16 December. In this case, dealing with the constitutionality of some provisions of the Act of Parliament of the Balearic Islands 6/1995 of 21 March and action by the Autonomous Community of the Balearic Islands pursuant to judicial measures on juvenile offenders (valid until 8 December 2006), it is stressed in Legal Basis No. 4, "that in the field of juvenile justice, there is a peculiar combination of elements of sanction, and [re-]education" (STC 61/1998 of 17 March, FJ 4), going on to expressly cite articles 3.1 and 40.1 of the Convention on the rights of the Child as well as the Beijing Rules. Accordingly the Court held that the "preponderance of those aspects pertaining to the social integration and reintegration of children explains the greater extent of regional powers in the area in question. Confining ourselves here to the intervention of the Autonomous Communities in the implementation of legal measures on juvenile offenders, an aspect specifically regulated by the contested law, and thus leaving aside any considerations regarding preventive action against juvenile delinquency, we must affirm that such intervention need not necessarily be exhausted through the execution of measures prescribed by a court but may extend to all action that may be necessary and appropriate for the reintegration of the child into society, particularly through the design of programmes and actions that are distinctly designed to educate and to foster responsibility in order to support individual processes of reintegration."

775. The same understanding of the purpose of punitive measures applicable to juvenile offenders may be seen in the three National Action Plans for Social Inclusion of the Kingdom of Spain (2001-2003, 2003-2005 and 2005 - 2006) expressly referred to, together with the strengthening of programmes and system resources for protection to children in the Autonomous Communities, to support the effective implementation of Organic Law No. 5/2000 governing the criminal liability of minors, ensuring its rehabilitative and educational nature.

776. In this regard, it is interesting to note the existence of appropriate channels to ensure the best performance of that system, e.g. through the annual reports of the juvenile prosecutors, from which data can be drawn pointing to factors of success which are regularly associated with the more effective programmes of intervention with juvenile offenders, for example as to the effectiveness of the measures imposed, and cooperation

with specialized institutions, such as the constitution of the Diagrama Foundation “Psychosocial Intervention” as a partner agent with the public authorities for the implementation of educational measures covered by the system of juvenile criminal liability under existing Spanish law.

777. Pursuant to the aforementioned cooperative endeavour, we should stress, during the period 2003-2006, the full involvement of this entity in the adaptation of the regulatory procedures established under Royal Decree No. 1774/2004 of 30 July - with entry into force on 1 March 2005 - further to Organic Law No. 5/2000 governing the criminal liability of minors; the creation and development of programmes to prevent social exclusion as well as unlawful conduct; and, since one of the fundamental ways to promote social integration of these children and youth is entry into the labour market, the Diagrama Foundation Psycho-social Intervention has also developed various programmes aimed at promoting these children’s skills and knowledge to facilitate their social integration.

778. As regards measures taken by the regional administrations, one can point to the following:

779. Asturias has undertaken a study on success factors that are regularly associated with more effective intervention programmes with juvenile offenders.

780. In the Canary Islands in 2003, in pursuance of the powers devolved upon the Autonomous Communities by Organic Law No. 5/2000 governing the criminal liability of minors, has adopted the draft Canary Islands Plan for Youth Integration; it has also conducted a study on guidelines for establishing methodological tools for the process of integration of young offenders emerging from custodial measures.

781. Madrid has adopted Act No. 3/2004 of 10 December 2004 establishing the Agency of the Community of Madrid for the Rehabilitation and Reintegration of Juvenile Offenders (an agency whose organizational structure was established by Decree No. 62/2005 of 7 July), which, in its second article, defines its purpose as follows: “the autonomous organ Agency of the Community of Madrid for the Rehabilitation and Reintegration of Juvenile Offenders shall carry out measures adopted by judicial organs pursuant to the laws on criminal liability of minors.” In this regard, reference must likewise be made to analysis and study of the actions of children of different age groups, the extent of recidivist behaviour and social reintegration through activities aimed at their training and their social and employment adaptation; a study conducted on the situation of children in social conflict in the Autonomous Community of Madrid; biannual studies of the population served in centres under Agency of the Community of Madrid for the Rehabilitation and Reintegration of Juvenile Offenders; research aimed at identifying the success factors that are regularly associated with the more effective programmes of intervention with juvenile offenders in the Autonomous Community of Madrid; studies on reducing recidivism and increasing the rate of reintegration into society; as well as planning and organizing the First International Congress on Youth Violence, making it possible to update scientific knowledge and compare the most significant experiences that can guide future professionals and institutional actions in this field.

782. Murcia has created services for prevention, care and support and special judicial systems for children, taking into account the principles of restitution and fully safeguarding their rights, with specialized personnel to facilitate reintegration. The prevention services fall under the local corporations, although most of them are financed by the Ministry of Labour and Social Affairs and the Autonomous Community. These intervention programmes are referred to as follows: With children at social risk; With families in special situations; and With single parents. In addition, specialized services of the Autonomous Community conduct other preventive programmes, including: Support to families experiencing violence; family meeting points; Inter-generational mediation; Expectant women; and Family counselling. In any case, there are five teams of educators

that meet the needs of the region to address the needs of young people with judicial measures for community service and probation for the judicial system. The aim of the programme is to ensure that children under non-custodial judicial measures are attended to by specialized personnel intervening with a view to their reintegration.

783. Valencia has adopted Decree No. 74/2005 of 8 April of the Government Council establishing the Monitoring Centre of the Community of Valencia for Social and Employment Integration of Juvenile Offenders of the Systems of Protection and Rehabilitation of Minors. As set out in its statement of purpose, the centre is established as “as a collective body of an advisory nature which seeks to further all measures of employment and social integration geared to developing personal autonomy and acquisition of skills necessary to join the world of work for minors who are or have been subject to the systems of protection and rehabilitation of minors.” Also with this aim in view, the employment service for minors and youth of the systems of protection and rehabilitation of minors have been created, and the programme of personal autonomy for youth formerly under wardship has been developed.

### **C. Children in situations of exploitation (articles 30, 32 to 36 and 39 of the Convention)**

784. Following the recommendations of the Committee (CRC/C/15/Add.185, paras. 47 and 48) regarding measures to prevent and eliminate the economic exploitation of children through child labour, we must first stress the entry into force for Spain, on 2 April 2002, Convention No. 182 on the Prohibition the Worst Forms of Child Labour and Immediate Action for their Elimination of the International Labour Organization (ILO), ratified by Spain, without declarations or reservations, on 14 March 2001. There is a report of the Committee of Experts on the Application of Conventions and Recommendations in 2005 (76th Session) on Spain’s implementation of the Convention.

785. This prohibition is virtually absolute, since the only exception the law allows is participation by children in public performances described as “exceptional” and which in any case require prior official approval. There are no new data to report subsequent to the UNICEF study of the year 2000, which concluded that child labour was not a serious problem in Spain. This is also borne out by the results of the activities of the Inspector of Labour and Social Security with regard to minors, as the infringements found through inspection visits are minimal and immaterial. However, meetings with competent institutions have continued to be held in order to continue making progress and deepening knowledge of child labour in our country, through a focus on geographical locations and specific sectors of labour, with the aim of directing action by the Inspectorate General of Labour towards very specific campaigns in order to direct programmes and projects towards appropriate awareness-building and prevention.

786. In this regard, we note the activity of the Inspector of Labour and Social Security of the Ministry of Labour and Social Affairs. The following tables present the results, with the number of work sites visited and the inspection visits conducted during the period 2002-2005.

Table 12  
**Labour violations relating to children under 18.**

| Year | Workplaces visited* | Number of visits | Labour violations relating to children under 18 |                                 |                  |             |
|------|---------------------|------------------|-------------------------------------------------|---------------------------------|------------------|-------------|
|      |                     |                  | Violations found                                | Amount of Fines imposed (euros) | Workers affected | Injunctions |
| 2002 | 438 186             | 380 194          | 61                                              | 313 851.10                      | 65               | 26          |
| 2003 | 446 168             | 388 990          | 53                                              | 247 143.08                      | 85               | 9           |
| 2004 | 419 617             | 362 682          | 52                                              | 343 505.96                      | 77               | 12          |
| 2005 | 423 707             | 366 769          | 42                                              | 254 462.83                      | 58               | 13          |

  

| Year | Workplaces visited* | Number of visits | Protection of safety and health of children under 18 |                                 |                  |             |
|------|---------------------|------------------|------------------------------------------------------|---------------------------------|------------------|-------------|
|      |                     |                  | Violations found                                     | Amount of Fines imposed (euros) | Workers affected | Injunctions |
| 2002 | 438 186             | 380 194          | 58                                                   | 1 875 321.05                    | 74               | 143         |
| 2003 | 446 168             | 388 990          | 48                                                   | 1 271 558.43                    | 76               | 201         |
| 2004 | 419 617             | 362 682          | 48                                                   | 1 374 666.29                    | 110              | 169         |
| 2005 | 423 707             | 366 769          | 49                                                   | 1 776 463.23                    | 83               | 178         |

*Source:* General summary of service orders. Items 3T (labour) and 29H (safety and health). Directorate General of Labour Inspection and Social Security, Ministry of Labour and Social Affairs.

(\*) Explanatory note: The number of work sites visited includes the number of visits that appear in the next column (which represents only physical visits of inspectors to workplaces), and document checks carried out in administrative units.

787. Finally, recent data for the first quarter of 2006 from the “Labour Force Survey” of the National Institute of Statistics show that the percentage of girls who declare themselves unemployed because they are doing household work is 35.9 per cent compared with 11.2 per cent for boys. However, it should be recalled that this figure has declined since 2005, when the percentages were 36.9 per cent for girls as compared with 7.9 per cent for boys. It should also be noted that the High Courts of Justice of some Autonomous Communities have issued rulings that sanction the recruitment of workers under age 18, e.g. Case No. 172 of the Administrative Division of the High Court of Justice of Castile and Leon, 11 June 2003, which states in its second legal basis that the sanction imposed should be upheld because a worker under eighteen years of age, “in the performance of his duties, had to use a motor-scooter provided by the company and, on 2 November 1999, said minor sustained a traffic accident while performing his work with a Vespino 1201 motor-scooter belonging to the company.”

788. Regarding technical cooperation programmes and international assistance during the reporting period, referred to in paragraph 41 of the General Guidelines (CRC/C/58/Rev.1), reference is made to what is already pointed out in Section C of Chapter I of this report.

789. With regard to drug abuse, reference is made to what is already stated in this report (chapter VI, sect. B, above), describing the actions taken to prevent the consumption of synthetic drugs, alcohol and tobacco among young people, following up on recommendations made by the Committee (CRC/C/15/Add.185, paras. 38, 39).

790. As regards sexual exploitation and abuse, information directly relating to this issue has been provided, focusing especially on the family, in the present report (chap. V, sect. H, above). Spain recently submitted its initial report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/OPSC/ESP/1), which the Committee considered at its 1277th meeting, on 1 October 2007 and its 1284th meeting on 5 October 2007, and

adopted the concluding observations contained in document (CRC/C/OPSC/ESP/CO/1). However, in following up the recommendations made by the Committee (CRC/C/15/Add.185, paras. 49, 50), we should give an account here of other measures taken to prevent child sexual exploitation.

791. In this regard, the Ministry of Labour and Social Affairs has taken important initiatives in the fight against exploitation and sexual abuse of minors. Thus, it should be noted, first, that during the period 2002-2003 the First National Action Plan against Commercial Sexual Exploitation of Children and Adolescents was in effect. This plan was developed in close cooperation between different levels of Government, since in the execution of the actions contemplated involved both national and regional governmental functions, but also included the private entity ECPAT Spain which, together with the Spanish Committee of UNICEF and the Federation of Associations for the Prevention of Child Abuse (FAPMI), worked together to define the actions to be pursued and to compile the necessary information to take stock of the situation in Spain.

792. This first Plan was intended to address the problem of sexual exploitation and abuse from different perspectives, and therefore had as its main objectives: knowledge of the facts about sexual exploitation in Spain and its treatment; exchange and dissemination of information to optimize its efficiency; awareness-raising and social mobilization, and the prevention of situations of sexual exploitation of children, with special attention to risk groups; refinement and organization of mechanisms for detecting and reporting, especially those available to affected or involved minors themselves; establishment of an appropriate legislative framework to combat child sexual exploitation, both domestically and internationally; protection and intervention with victims of sexual exploitation; strengthening public and private institutions and organizations involved in the fight against sexual exploitation of children and in their protection; and business-sector involvement in awareness, prevention and combating of child exploitation.

793. This first Plan was evaluated in October 2004 by the University of Valencia, in cooperation with the Ministry of Labour and Social Affairs, as regards compliance with those objectives of the Plan. It was concluded that the implementation and development of the Plan represented a major contribution in the forging of means to combat child sexual exploitation, reflected in: an increased awareness of the issue, especially among certain professional sectors; the creation of new, targeted programmes to meet the objectives of the Plan; maintaining and supporting programmes that were being developed in keeping with the fight against commercial sexual exploitation of children and adolescents; coordination between various child-related agencies and professionals, motivated by the need to work together to carry out certain actions; response to international commitments related to the commercial sexual exploitation of children and adolescents; and changes in national legislation. All this was possible thanks to the involvement, coordination and interest of both the Government (State, Autonomous Communities and local corporations) and social organizations, which played a vital role in its development, most of them represented in the Monitoring Centre for Children.

794. Although all the actions were important to meet the objectives of the Plan, two lines of action marked milestones, both for what they represented regarding the participation of different entities and their essential coordination, and because they responded in an innovative way to a problem thus far not addressed: first, the actions related to the Programme against sexual exploitation in travel (designed by UNICEF and coordinated among various NGOs, Save the Children, ECPAT, FAPMI, Public Authorities and companies involved in the tourism industry); and, second, all the actions related to internet use, either for detection and reporting (including programmes like "Protégéles"), or for information, awareness, dissemination and filtering (such as "National Safety Campaign on



the Net” of the Internet Users Association, the “Campaign for Safe Navigation” promoted by the Ministry of Social Affairs, the programme “CapitaNnet “ sponsored by Ministry of Social Affairs and UNICEF, the “Internet Safety” programme from the Catalan Foundation for Research, or the publication *Guide to safe navigation* adapted by ECPAT and UNICEF).

795. The first Plan was carried out during 2004 and 2005, with follow-up of actions initiated previously; and on 14 December 2005, the plenary of the Monitoring Centre for Children approved the Second Plan of Action against Commercial Sexual Exploitation of Children and Adolescents, 2006-2009. This Plan is the result of the coordinated effort of the Child Abuse Working Group of the Monitoring Centre for of Children and the commitment of the institutions involved in the Centre, with the cooperation of children’s organizations.

796. This second Plan, while retaining the main objectives established in the first Plan, aims to address the social problem of sexual exploitation of children and adolescents by setting in motion a network of more comprehensive and coordinated work among the actors involved, to combat sexual exploitation of children at all levels, from the supranational to the most local. The plan is articulated around the following key objectives: knowledge of the realities of sexual exploitation of children and adolescents in Spain and organization of mechanisms of detection and reporting; awareness-raising, social mobilization, and prevention of situations sexual exploitation of children; establishment of a legislative/legal framework suited to combating child sexual exploitation, both domestically and internationally; protection and intervention with children and adolescents who suffer from exploitation and treatment of offenders; and strengthening institutions and organizations, public and private, involved in the fight against sexual exploitation of children and in their protection.

797. As part of the activities under the second Plan (and with financial support from the Ministry of Labour and Social Affairs, the Government of Catalonia and the Barcelona City Council), the Catalan Association for Abused Children developed, in 2006, a methodology design proposal for conducting a comprehensive diagnostic assessment of the status of commercial sexual exploitation of children in Spain. This design was accompanied by the development of a pilot study in the city of Barcelona in 2006 that has enabled the methodological proposals to be implemented and the diagnostic process to begin at the State level. The ultimate goal of this proposal is to help increase awareness of the incidence and characteristics of commercial sexual exploitation of children in Spain, beginning a process of preparation of diagnostic studies in different cities and Autonomous Communities of Spain, so that their results will make it possible to adjust the activities of the second Plan to the existing reality.

798. We may also note that the Autonomous Community of Murcia has been highly active, first with participation in the first Plan Against Commercial Sexual Exploitation of Children and Adolescents, through actions carried out by grants to NGOs, with projects conducted directly; or by participating in programmes developed by municipalities in the region against prostitution, including in those programmes the protocol to be applied in cases of minors; and also with the collaborative delivery of second Plan against Sexual Exploitation of Children and Adolescents, participating in actions for each of its objectives, in some cases as a lead agency and in other cases as a supporting agency.

799. In this regard, it is also interesting to note the development by Save the Children, with support from the Ministry of Labour and Social Affairs, of the Awareness and Prevention Programme on Child Sexual Abuse. The objectives set this programme have been: a) disseminate and provide information about preventing child sexual abuse, b) facilitate the training of professionals, and c) raise public awareness on the problem of

child sexual abuse. As part of this project a Government working group was formed on “Identification of child victims of abuse on the internet” in Bilbao, which included members of the International Save the Children Alliance and European, international and national bodies working on the prevention and treatment of this serious problem.

800. Moreover, it is important to refer to the measures implemented by the National Police, the Civil Guard Corps and other groups to protect children from abuse, neglect, sexual and labour exploitation, including paedophilia, pornography, trafficking and kidnappings, and violence. Thus, the Judicial Police Juveniles Groups (GRUME) of the National Police is the police agency in charge of law enforcement and follow a procedure based on the principle of minimum intervention and aimed at the protection and rehabilitation of the child in cases in which police believe that a minor or incompetent person is in a situation of potential danger or distress (running away from home, truancy, drugs, voluntary or forced begging, vagrancy, etc.), as well as when such a situation results from the fact that the minor or incompetent is a victim of domestic abuse, exploitation of begging, sexual abuse, etc.

801. The GRUME units remit information throughout the country and exchange information with the National Unit of INTERPOL. Especially noteworthy is the work they have done in disseminating information and pictures of missing children and the unified register of unaccompanied foreign minors. Currently there are 56 GRUME units scattered throughout the country and approximately 503 staff, performing their functions under the law now in force.

802. The Civil Guard, for its part, has an important role in preventing child abuse through identification and communication to social services in risk situations, promoting and participating actively in community activities aimed at prevention and playing a key role in the process of detecting child abuse cases, keeping in mind that the primary purpose of intervention is to protect the minor, even before punishing the perpetrator. There is also a Group of Specialists in Women and Children (EMUMEs) at the district, province and central level, whose aim is improving care for women and child victims of certain types of crimes. It provides comprehensive, specialized and personalized assistance from the time it becomes aware of the facts. The scope of activity of these experts covers action with both child victims and child perpetrators, thus encompassing violence within the family, offenses against sexual freedom both outside and within the family, offenses related to juvenile delinquency, criminal acts related to trafficking in human beings for sexual exploitation, and internet child pornography. There are guidelines for police intervention in the form of protocols and coordination agreements, drafted at the regional, provincial and local levels, designed to improve inter-agency response in the care of women and child victims of abuse and sexual assault, complying with the regulations of each Autonomous Community and responding to the various networks of social resources; there are guides which provide guidelines and standards that complement the more general ones, adapting them to specific features of each geographical area.

803. The EMUME units maintain constant contact, creating joint forums and activities, both with institutions at all levels (central, regional and local) and with associations related to this area of action, in order to promote preventive actions and care.

804. As regards the measures implemented by other groups, we should take note of the Technological Crime Brigade, which deals with the investigation of crimes committed via the internet, especially those concerning the dissemination of images of child sexual abuse and the activities of paedophile subjects who trade in these images of child abuse or who attempt to have sexual relations with minors. There are also Judicial Police Provincial Brigades, incorporating Drugs and Organized Crime Units, created to fight drug trafficking and illegal trafficking in human beings.

805. Regarding the number of child victims of offenses “against sexual freedom and integrity”, it should be noted, looking at the trend from 2000 to 2006, that the number of victims has risen in most of the typologies. In 2006, there were 3 651 victims. There has been a significant increase in the number of cases of corruption of minors, which has doubled, and child pornography, which has tripled. Sexual abuse has not increased but remains the most frequent crime against sexual freedom and integrity, with 1 199 victims in 2006 - followed by indecent exposure and sexual assault. However, there has been a very significant increase in the number of cases of sexual abuse with penetration. In this regard, a good overview of the aforementioned data is provided in the statistical annex (Figure 13. Child victims of crimes against sexual freedom).

806. If we consider the gender of the victims, it appears that girls are the main victims, by far, in all types of offenses. The differences are greater in sexual abuse cases, where in 2006 there were 992 female victims compared to 207 male victims, as may be seen in the statistical annex. (Figure 14. Child victims of crimes against sexual freedom, by sex).

807. In any case, to address this situation, Spain has put in place various mechanisms, organizations and institutions, which operate at State and at regional level. At the State level, this report has already mentioned the three main bodies working against sexual exploitation and abuse of minors: the Monitoring Centre for Children, created by the Ministry of Labour and Social Affairs, the EMUMEs, or Teams for Women and Children organized by the Civil Guard, and the Unit for Crimes on the Net of the National Police.

808. At the regional level, we note the data from the SIAS4 Report of the Spanish Association of Paediatrics, 2004, restated by the CIIMU, details of which follow.

809. In Andalusia, the Márgenes y Vínculos Foundation, with centres for care of child victims of sexual abuse (including treatment of child victims of commercial sexual exploitation) operates with public funding. Since September 2001, the Foundation (an NGO with extensive experience in programmes with children in difficulty and social conflict), in Granada, has been conducting programmes for evaluation and treatment of child victims of sexual violence and of children who are violent. These programmes serve eastern Andalusia (provinces of Granada, Malaga, Jaen and Almeria) and were already underway for more than eight years in the area of Campo de Gibraltar (Cádiz) from the headquarters in Algeciras. There is also the EICAS (Evaluation and Research of Sexual Abuse Cases), which belongs to the Association ADIMA (Andalusia Association for the Protection of Children and Prevention of Child Abuse), with centres for child victims of sexual abuse (including the treatment of child victims of commercial sexual exploitation), publicly financed. It began to handle cases of suspected sexual abuse in 1998 and operates on two lines of intervention: evaluation of cases of children at high risk and vulnerability, and assessment of juvenile cases unrelated to the protection system. Further, there is Valme Hospital, which has a unit for analysis of the problem of sexual abuse in Spain: criteria, diagnosis, care, types of professionals involved, measures to implement regional rules.

810. In Aragon, a salient initiative is the Pilot Programme for Prevention and Treatment of Situations of Vulnerability and Child Abuse. Since 2003, the association ADCARA in agreement with the IASS has been conducting the Sub-programme of Short-term Intervention for Families in Crisis with Adolescents. This programme is motivated by the observation of relationship difficulties between parents and adolescent children, which can generate stressful situations for some families, leading to a premature breakdown of family life. This is not a specific centre, but it is the unit to which potential cases of sexual abuse and exploitation are referred.

811. In the Balearic Islands, one can point to the sexual abuse programme of the Institute of Social Services Council of Mallorca. There is a unit for assessment and treatment of possible sequels in cases of child sexual abuse: therapy for child victims, support for non-offending parents, expert reports, monitoring and supervision.

812. In Cantabria, the care of child and adolescent victims of sexual assault is carried out by two entities: the Government of Cantabria, in cases in which the assault occurs in the family and leads to a situation of vulnerability, or through Centre for Victims of Sexual Assault (CAVAS) for cases in which the assault originates from outside the family. Moreover, the Plan of Action for Children and Adolescents in Social Difficulties provides for a study on the incidence of commercial sexual exploitation of children and adolescents, as no information is available nor is there any programme of treatment.

813. In Castile and Leon, the Association to Help Victims of Sexual Assault (ADAVE) provides assistance to victims of sexual assault, both women and children, in various localities of Castile and Leon, with direct service to victims of sexual offenses; there is a 24-hour emergency service; legal aid and psychological treatment are available to victims of sexual assault; training courses and campaigns of prevention and awareness-raising with regard to sexual assault and abuse are conducted in schools, universities, associations, community centres and in rural areas.

814. In Catalonia, the Sant Joan de Deu Hospital has a sexual assault and child abuse unit, composed of a multidisciplinary team of specialists, which provides initial health care and counselling to victims and families. There is also the Association for the Prevention and Counselling of Sexual Abuse against Minors (FADA), a centre which conducts programmes of therapeutic care for child victims of sexual abuse, with intake, evaluation and training of professionals.

815. In Madrid, we note the Centre for Intervention in Child Sexual Abuse (CIASI). This Centre specializing in child sexual abuse has operated under a contract with the Madrid Institute for Children and Families (IMMF) through a public service management contract with the entity INTRESS, since 16 November 2005. It is a specialized service for assistance to child victims of sexual abuse, children living in the Autonomous Community of Madrid and their families, and for intervention with juvenile offenders. Intervention with children has a multidisciplinary approach, psychological, social and legal, and is coordinated with other services - social, police, legal and educational.

816. In Murcia, the Programme for Psychological Diagnostic Care and Intervention for Children under the Care of the Administration of the Region of Murcia works to plan the study of the psychological conditions for minors under the care of Protection Centres and in family placement, and the methods of intervention (treatments) necessary to fully meet their needs; it addresses the consequences of child abuse, which may include cases of sexual abuse and exploitation. Plans are under way to establish the methodology of EMMA (Engaging Media for Mental Application), which provides abused children with a special environment to perceive their difficulties and enhance the possibility of fully experiencing their reality, planning their future, enjoying their surroundings, and harmonizing and balancing their personality.

817. In Valencia, the Psychological Service for Sexually Abused Children, under the auspices of the Social Welfare Council of the Government of Valencia, works in the Espill Institute of Sexology and Psychotherapy of Valencia. Further, the Group of Specialists on Applied Psychology and Research (ESPAI), Service for the Care of Child Sexual Abuse, Information & Counselling on Sexual Abuse of Children provides its services to children

themselves and to adults who want to protect them. It provides technical advice to professionals on screening and intervention in sexual abuse, with referral, if necessary, of cases surveyed for assessment, diagnosis, treatment and/or monitoring by the Psychological Care Services (SAPs) of the Department of Social Welfare.

818. The Basque Country has a Psychological Service for Perpetrators and Victims of Family Violence, the ZUTITU Team, and a programme of assistance for problems of domestic and sexual violence, which consists of 3 multidisciplinary teams (psychologist, social worker and educator), and undertakes evaluation and intervention.

819. With regard to other forms of exploitation and the sale, trafficking and kidnapping of children, relevant information has been provided in other sections of this report, in particular as to child victims of abduction, with special consideration of the family setting, in Section G of Chapter V.

#### **D. Children belonging to a minority or an indigenous group (article 30 of the Convention)**

820. In this regard, relevant information has been provided concerning foreign children and Roma children in other sections of this report, namely: Chapter I, sections C, D and F, and Chapter III, sections A and D.

#### **E. Children living or working on the street**

821. Spain does not have the problem of children living or working on the street. This is borne out by the fact that there are no reports or actions taken by the State law enforcement bodies or other police forces in this regard. If a case arises, the social welfare system for children is set in motion, immediately attending to the vulnerable child, and taking him to the appropriate protection centre of the Autonomous Community to provide him with immediate attention, due protection, and to investigate his situation or locate his family or guardian. In a few, isolated situations there have been reports of a minor practicing begging in the street; in such cases, the police have taken action to bring the minor under the appropriate protective mechanism and to detain the parents for the offense of using minors or incompetents for begging, covered by article 232 of the Criminal Code, Organic Law No. 10/1995.

### **IX. Optional Protocols to the Convention on the Rights of the Child**

822. Spain has ratified the two Optional Protocols to the Convention on the Rights of the Child; and in compliance with the mandatory articles of those protocols, has presented its two initial reports on the implementation of the two optional protocols. These have already been examined by the Committee, which has made relevant concluding observations. The Committee considered the initial report of Spain on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ESP/1) at its 1276th meeting, held on 1 October 2007 and, at its 1284th meeting, on 5 October 2007, adopted concluding observations as set out in document CRC/C/OPAC/ESP/CO/1. And, as previously noted, the Committee considered the initial report of Spain on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/OPSC/ESP/1) at its 1277th meeting, on 1 October 2007 and at its 1284th meeting, on

5 October 2007, and adopted concluding observations as set out in document (CRC/C/OPSC/ESP/CO/1). Accordingly, this report simply refers to those documents.

## **X. List of annexes**

823. To supplement the information in this third and fourth report on the implementation of the Convention on the Rights of the Child in Spain, the following annexes are attached:

- a) Additional information.
- b) Statistical annex.
- c) National strategic plan for children and adolescents.
- d) Action plan against sexual exploitation of children and adolescents (2006-2009).

-----