

Mapping child protection systems in the EU (27)

Spain

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Contractor: Instituto Universitario de Estudios sobre Migraciones

Authors: Reyes Castillo & María José Castaño

Reviewer: Adam Dubin

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

The changes in Spanish society in the last two decades, the weaknesses detected in the application of the 1996 Act, and the need to harmonize certain criteria between the various Autonomous Communities, made it necessary to introduce changes in the Law on the Legal Protection of Children and in other laws. The requests of the Committee on the Rights of the Child to Spain to guarantee the rights of the child in a homogeneous manner throughout the territory and to reinforce the best interests of the child as a guiding principle of legislation also played a key role of this reform on the amendments introduced in **2015 by Organic Law 26/15 which amends the protection system for children and adolescents to reform of the protection system for children and adolescents**. That reform referred mainly to the adjustment to the new needs presented by children and adolescents in Spain, the social changes and the rights recognized to children in the Constitution and in the international instruments ratified by Spain, as well as the approval of the Organic Law on the comprehensive protection of children and adolescents against violence (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)¹, which meant a great advance in the matter, when addressing issues such as the situation of foreign children, those who are victims of violence and the regulation of certain rights and duties, adapting to the international commitments made. The institutions in charge of the child and adolescent protection system were also reviewed in depth.

In this context, **the multiplicity of regulations, the different degrees of updating of the same, and the mainstream approach of the subject of childhood make it complicated** to show a general overview of the regulatory situation of childhood and the development of competencies in the different Autonomous Communities. The Central Government enabled the establishment of common criteria and minimum standards in terms of services, quality, and accessibility and promotes law enforcement together with the Autonomous Communities according to the third additional disposition of the Law 26/2015². The Autonomous Communities are obligated to regulate and apply measures introduced by the Law 26/2015. But there is not yet a uniform implementation of the Law 26/2015 in the various Autonomous Communities.³ In practice, the latest reforms adopted have not yet been implemented.

¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia) Official State Gazette, 4 June 2021.

² Spain, Head of State (*Jefatura del Estado*), Organic Law 26/2015 which amends the system of protection for children and adolescents (Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia), 28 July 2015.

³ UNICEF (2017), Reception care as a life opportunity (el acogimiento como oportunidad de vida), Madrid, UNICEF España.

Regarding Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence⁴, the law aims to guarantee the fundamental rights of children and adolescents to their physical, mental, psychological and moral integrity against any form of violence, ensuring the free development of their personality. Thus, it is a law that guarantees the indispensable minimum standards in child protection, which acts as an umbrella for the autonomous communities to deploy their measures within the scope of their competences in this area. In this sense, many autonomous communities are in the process of updating their legislation on the rights of children and adolescents, complementing all the measures carried out by the region itself with those of the state law.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		<p>According to the Spanish Constitution (<i>Constitución Española</i>, CE in its Spanish acronym), a child is any person under 18 years of age (Art. 12 of the CE).</p> <p>The public authorities, in accordance with the Spanish Constitution, shall ensure the comprehensive protection of children, who are equal before the law irrespective of their parentage. Parents must provide assistance of all kinds to their children while they are children and, in other cases, established by law. Children also enjoy the protection provided for in international agreements that reflect their rights (Article 39 of the CE)⁵.</p>
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?	X		<p>Organic Law on the Legal Protection of Children⁶, in the current version, given by Organic Law 8/2015, of</p>

⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*), [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*), Official State Gazette, 4 June 2021.

⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1978) [The Spanish Constitution](#) (*Constitución Española*), Official State Gazette, 29 December 1978.

⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 17 January 1996.

		<p>22 July⁷, and Law 26/2015, of 28 July⁸, on the Modification of the Child and Adolescent Protection System, established a state legal framework, in accordance with the status of children as subjects of rights and with the recognition of a progressive capacity to exercise them.</p> <p>It should also be noted that, in accordance with the territorial and administrative structure of the Spanish State, the Autonomous Communities, endowed with legislative power, have extensively developed individual legislation on the protection and promotion of the rights of children.</p>
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⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Organic Law 8/2015, of 22 July, on the modification of the child and adolescent protection system](#) (*Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*) Official State Gazette, 22 July 2015.

⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Law 26/2015, of 28 July, on the modification of the child and adolescent protection system](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*) Official State Gazette, 28 July 2015.

			<p>The <i>Organic Law on the comprehensive protection of children and adolescents against violence</i>⁹ was approved on 20 May 2021 and entered into force on 25 June of the same year. It is a comprehensive, pioneering law that addresses all forms of violence, all phases of action and all actors, and finally marks a clear commitment to end violence against children in Spain.</p>
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1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
The Spanish Constitution (Constitución Española)	29 December 1978	The Spanish Constitution (Constitución Española) , CE in its Spanish acronym) lists the guiding principles of social and economic policy and establishes the obligation of the Public Authorities to ensure the social, economic and legal protection of the family and, within this, with a singular character, that of children. In compliance with the constitutional mandate, the State legislator, within the framework of its competencies, has regulated the public and private legal institutions on which the protection of children is based. For their part, the different Autonomous Communities have assumed competencies in the field of social welfare.
Civil Code (Código Civil) ¹⁰	24 July 1889	The Civil Code (Código Civil) is the origin of the current legislation on children. In its original draft of 1889, it regulated institutions such as marriage, filiation, parental authority or the adoption of children, which were modified by subsequent laws.
Law 21/1987 of 11 November 1987 amending certain articles of the Civil Code and of the Civil Procedure Law in matters of adoption (Ley 21/1987, de 11 de noviembre, por la que se modifican determinados artículos del Código	11 November 1987	This law updates some institutions, such as the concept of abandonment, which it replaces with the institution of helplessness (<i>desamparo</i>), thus speeding up child protection procedures, as it allows for protection procedures for children, by allowing the automatic assumption of guardianship by the competent public body in cases of serious lack of protection.

⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*), [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence \(Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia\)](#) Official State Gazette, 4 June 2021.

¹⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1889) [Royal Decree of 24 July 1889 publishing the Civil Code \(Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil\)](#) Official State Gazette, 24 July 1889.

Civil y de la Ley de Enjuiciamiento Civil en materia de adopción)¹¹

Adoption is configured as an instrument of family integration for those who need it most and prioritizes the benefit of the adoptee those who need it most prioritize the benefit of the adoptee and the adoptee, with the necessary balance, over any other legitimate interest.

It regulates foster care, which, although it can be formalized at the administrative level, will be subject from its beginning to the supervision of the Public Prosecutor's Office and judicial control.

In this regard, the Public Entities competent in the territory are entrusted with protecting children, the automatic guardianship of abandoned children, and their guardianship. In this process, public or private collaborating institutions are crucial. Institutions or private collaborators are entrusted, almost exclusively, with the adoption proposals and, in any case, with the guardianship of children in foster care.

Institutions or private collaborators, which are entrusted, almost exclusively, with the adoption proposals and, in any case, with the adoption proposals and, in any case, the guardianship of children in foster care. Private entities are subject to the control of the Administration and the establishment of specific requirements for their qualification as such to guarantee their proper functioning.

Private entities are subject to the control of the Administration and the establishment of requirements for their qualification as such requirements for their qualification as such, in order to guarantee their proper functioning.

Simple adoption is eliminated and the procedure for adoption is simplified by eliminating the final notarial stage.

¹¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1987) [Law 21/1987 of 11 November 1987 amending certain articles of the Civil Code and of the Civil Procedure Act in matters of adoption](#) (*Ley 21/1987, de 11 de noviembre, por la que se modifican determinados artículos del Código Civil y de la Ley de Enjuiciamiento Civil en materia de adopción*) Official State Gazette, 11 November 1987.

		<p>The adoption procedure is simplified by eliminating the final notarial stage. This procedure, moreover, remains of a judicial nature and with the necessary intervention of the Public Prosecutor's Office.</p>
<p>Organic Law on the Legal Protection of Children 1996 (<i>Ley Orgánica de Protección Jurídica del Menor de 1996</i>)¹²</p>	<p>15 January 1996</p>	<p>This law addressed an in-depth reform of the traditional institutions for the protection of children regulated in the Civil Code and became the regulatory framework for guaranteeing children uniform protection throughout the State and a reference for the legislation that the Autonomous Communities were approving in accordance with their competence in the areas of social, social services, and public protection of children.</p> <p>Thus, it builds a broad legal framework for the protection, which binds all public authorities, institutions specifically related to children, parents and family members, and citizens in general.</p> <p>The legal system, and this law in particular, has progressively reflected a conception of children as active, participatory, and creative subjects, with the capacity to modify their own personal and social environment and to participate in the search for and satisfaction of their needs and those of others.</p> <p>However, there were important social changes that affect the situation of children and that demand an improvement in the instruments of legal protection, for the sake of effective compliance with the Constitution and international norms.</p>
<p>(Reform of the protection system)</p> <p>Organic Law 8/2015, of 22 July, on the modification of the child and adolescent protection system (<i>Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia</i>)¹³, and Law 26/2015,</p>	<p>22 July 2015</p>	<p>The objective of the 2015 reform was to adapt the instruments for the protection of children to social changes, for the sake of effective compliance with art. 39 of the Spanish Constitution and the international instruments ratified by Spain. Specifically, the preamble of Law 26/2015 points out that one of its objectives is to introduce the necessary changes in Spanish legislation that allow the continuing guarantee of uniform protection</p>

¹² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996, of January 15, 1996, on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 15 January 1996.

¹³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Organic Law 8/2015, of 22 July, on the modification of the child and adolescent protection system](#) (*Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*) Official State Gazette, 22 July 2015.

<p>of 28 July, on the modification of the child and adolescent protection system (<i>Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia</i>)¹⁴</p>		<p>throughout the territory of the State and that constitutes a reference for the Autonomous Communities in the development of their respective legislation on the matter and, in turn, to incorporate novelties introduced by some autonomous regulations. Organic Law 8/2015 introduces changes in areas considered as organic matters, by affecting the fundamental rights and public freedoms recognized in arts. 14, 15, 16, 17, and 24 of the Spanish constitution.</p> <p>To this end, a profound reform of the system of protection of children was being carried out, 20 years after the approval of Organic Law 1/1996 on the Legal Protection of Children.</p> <p>The most important amendments affect the Organic Law 1/1996, on the Legal Protection of Children, the Civil Code, the International Adoption Law, and the Civil Procedure Law 2000, but a total of 21 regulations were affected by the reform.</p> <p>In addition, the two laws of 2015 repealed any regulations that oppose or are incompatible with the provisions of the same and are issued under the exclusive competence of the State.</p>
<p>Reform in relation to the Organic Law on the Legal Protection of Children 1996 (<i>Ley Orgánica de Protección Jurídica del Menor de 1996</i>)¹⁵</p>	<p>22 July 2015</p>	<p>Introduction of Chapter III in Title I, "Duties of children", in which children are recognized as holders, not only of rights but also of duties, regulating duties in general and in the family, school, and social spheres, in particular.</p> <p>Strengthening the protection of children against crimes against sexual freedom and indemnity, trafficking in human beings, and exploitation of children, establishing the duty of any person who becomes aware of a fact that could constitute a crime of this type to bring it to the attention of the Public Prosecutor's Office. It is also established, as a requirement for access to a profession involving</p>

¹⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Law 26/2015, of 28 July, on the modification of the child and adolescent protection system](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*) Official State Gazette, 28 July 2015.

¹⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996, of January 15, 1996, on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 15 January 1996.

		<p>regular contact with children, not to ware convicted of one of these crimes.</p> <p>The Central Registry of Sex Offenders was created, which will contain the identity of those convicted of crimes against sexual freedom and indemnity, trafficking in human beings, or exploitation of children, and information on their DNA genetic profile.</p> <p>Reform of child protection institutions was carried out under the guiding principle of giving priority to stable measures over temporary ones, to family measures over residential ones, and to consensual measures over imposed ones. Among other measures, the situations of risk and neglect are defined at the state level, the constitution of foster care was simplified so that the intervention of a judge will not be mandatory, and the obligation of the Administration to prepare former foster children for independent living was established.</p>
<p>Reform in relation to the Civil Code (<i>Código Civil</i>)¹⁶</p>	<p>22 July 2015</p>	<p>The rules on filiation actions such as the claim of non-marital filiation and contestation of marital paternity are modified in order to adapt the regulation of Articles 133.1 and 136.1 to various rulings that declared them unconstitutional.</p> <p>The competence of the Public Entity to establish by reasoned resolution the regime of visits and communications with respect to children under guardianship or custody, as well as its temporary suspension, was clarified, and the Public Prosecutor's Office in informed of the arrangement.</p> <p>The reform of the legal institutions for the protection of children contained in the reform of Organic Law 1/1996 was completed, modifying the precepts that regulate abandonment, provisional and voluntary guardianship, and foster care.</p> <p>In the area of adoption, among other measures, the capacity of adopters was regulated in greater detail and a definition of suitability to adopt was incorporated; the figure of guardianship for the purpose of adoption and open adoption was created, which allows the adoptee to maintain a relationship with his/her family of origin through visits or</p>

¹⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1889) [Royal Decree of 24 July 1889 publishing the Civil Code](#) (*Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil*) Official State Gazette, 24 July 1889.

		communications, which must be agreed upon by the judge, and the right of access to the origins of adopted persons was strengthened.
Reform in relation to the Law 54/2007, of December 28, 2007, on International Adoption (<i>Ley 54/2007, de 28 de diciembre, de Adopción internacional</i>) ¹⁷	22 July 2015	<p>The concept of international adoption was defined to include cases of international adoptions without international displacement of children.</p> <p>The competencies between the State Administration and the Autonomous Community Administrations are delimited.</p> <p>The provisions to guarantee international adoptions are reinforced by stating that they may only be carried out through the intermediation of accredited agencies and in the cases of countries that are signatories of the Hague Convention.</p> <p>The obligations of adopters, both in the pre-adoptive and post-adoptive phases, are more clearly detailed.</p> <p>Important changes are introduced in the rules of private international law.</p>
Reform in relation to the Law 1/2000 on Civil Proceedings (<i>Ley 1/2000 de Enjuiciamiento Civil</i>) ¹⁸	22 July 2015	Improvements are introduced in the existing procedures, aimed at making them more effective, such as the introduction of provisions to promote the accumulation when there are several proceedings challenging administrative resolutions on the protection of children in progress that affect the same children; the prohibition of the provisional execution of the sentences issued in the proceedings challenging administrative resolutions on the protection of children; or the establishment of the same procedure for challenging all administrative resolutions, regardless of their content or the persons affected.
Reform in relation to the Law for the Protection of Large Families	22 July 2015	The Law for the Protection of Large Families was amended to ensure that large families retain the title as long as at least one of the children meets the requirements and the established age (twenty-one years old or twenty-six years old if he/she is studying).

¹⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2007) [Law 54/2007, of December 28, 2007, on International Adoption](#) (*Ley 54/2007, de 28 de diciembre, de Adopción internacional*) Official State Gazette, 28 December 2007.

¹⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2000) [Law 1/2000, of January 7, 2000, on Civil Proceedings](#) (*Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil*) Official State Gazette, 7 January 2000.

(Ley de Protección de Familias Numerosas) ¹⁹		
Reform in relation to the Law 43/2006 to improve growth and employment (<i>Ley 43/2006 para la mejora del crecimiento y del empleo</i>) ²⁰ Reform in relation to the Law 39/2006 on Dependency (<i>Ley 39/2006 de Dependencia</i>) ²¹	22 July 2015	Certain bonuses are introduced in Law 43/2006 for the improvement of growth and employment for employers who hire indefinitely or on temporary basis victims of human trafficking. Law 39/2006 on Dependency is amended to declare the economic benefits established under this law to be intouchables.
Reform in relation to General Social Security Law (<i>Ley General de la Seguridad Social</i>) ²²	22 July 2015	The General Social Security Law was amended to prevent access to death and survivors' benefits to those convicted of committing an intentional crime of homicide when the victim is the subject causing the benefit and to increase the orphan's pension of the children of the murdered person, who will be able to receive the absolute orphan's pension.
Order which updates the Protocol of police action with children (<i>Instrucción nº 1/2017 de la Secretaria de Estado de Seguridad, por la que se actualiza el "Protocolo de actuación policial con menores"</i>) ²³ .	2017	It deals with all issues that are related to children and ranges from detention, search, deadlines, habeas corpus, to the reading of rights to children, forms of handcuffing and age inquiries. The most relevant provision referred to: Action with child offenders; Criminal offenses Action with children in the

¹⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2003) [Law 40/2003, of November 18, 2003, on the Protection of Large Families](#) (*Ley 40/2003, de 18 de noviembre, de Protección a las Familias Numerosas*) Official State Gazette, 18 November 2003.

²⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2006) [Law 43/2006, of December 29, 2006, for the improvement of growth and employment](#) (*Ley 43/2006, de 29 de diciembre, para la mejora del crecimiento y del empleo*) Official State Gazette, 29 December 2006.

²¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2006) [Law 39/2006, of December 14, 2006, on the Promotion of Personal Autonomy and Care for Dependent Persons](#) (*Ley 39/2006, de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia*) Official State Gazette, 14 December 2006.

²² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Royal Legislative Decree 8/2015 of October 30, 2015, approving the revised text of the General Social Security Law](#) (*Ley 39/2006, de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia*) Official State Gazette, 30 October 2015.

²³ Spain, Ministry of the Interior (*Ministerio del Interior*), [Order nº 1/2017 of the Secretary of State for Security, which updates the "Protocol of police action with children"](#) (*Instrucción nº 1/2017 de la Secretaria dde Estado de Seguridad, por la que se actualiza el "Protocolo de actuación policial con menores"*), 2017.

		administrative field; Action with children under fourteen years of age in the criminal field.
Reform in relation to Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i> , LOPIVI in its Spanish acronym) ²⁴	4 June 2021	<p>The objective of the LOPIVI was to adjust the Spanish regulatory system to the model of comprehensive protection with a human rights approach, focusing its response to violence on criminal sanctions for the aggressor and on social benefits for the care and reparation of victims.</p> <p>The LOPIVI also prioritized the prevention of all forms of violence in all areas of children's lives, through comprehensive and coordinated measures and actions for which families, public authorities, civil society, and the business sector must take responsibility.</p> <p>To this end, the law introduces mechanisms to prevent violence and to develop the issues regulated therein at the different state, autonomous community, and local administrative levels. Likewise, the autonomous laws on childhood must take into account and develop the substance of this law, guaranteeing international standards.</p>
Approval of an Organic Law 2/2022 on improving the protection of orphans victims of gender-based violence .	21 March 2022	<p>It meant the amendment of articles 216.3 and article 224 of the General Law on Social Security to extend the scope of the orphan's pension and to include the direct victims of gender violence. It seek to solve the uncertainty about the procedure applicable to the liquidation of the community of property (<i>liquidación de la sociedad de gananciales</i>) in the cases of women victims of violence. It guaranteed the formal jurisdiction over the procedures of liquidation of the communities of property regime for the courts of violence against women when requested by the heirs who died due to crimes of gender-based violence. The previous situation was harming the orphans since it was delaying that they can access to the liquidation of the matrimonial regime of their mothers needed the agreement of the murderers with the provoking negative consequences because of the delay or blocking of the granted procedure.</p>

²⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

1.3. Policy framework

Question	YES	NO	Comments
<p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?</p> <p>If <u>yes</u>, does it require an integrated approach to child protection?</p>	X		<p>National framework</p> <p><u>National Strategy to Prevent and Combat Poverty and Social Exclusion 2019-2023</u>²⁵. The Strategy tackled basic issues such as: the protection of children and the protection of families, especially those that are the neediest or the most vulnerable.</p> <p><u>2022 Operational Plan for the Development of the National Strategy 2019-2023 (Plan Operativo 2022 de Desarrollo de la Estrategia Nacional 2019-2023)</u></p> <p>The <u>Strategy for the Eradication of Violence against Children and Adolescents (Estrategia de Erradicación de la Violencia sobre la Infancia y la Adolescencia)</u>²⁶ is mandated by <u>Organic Law on the comprehensive protection of children and adolescents against violence (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)</u>²⁷ and aims to strengthen the prevention of all forms of violence, improve detection and early intervention from a comprehensive and multidisciplinary approach; to ensure the fulfilment and exercise of the human rights of children to a life free of violence.</p> <p>On the other hand, on 15 November 2022, the Council of Ministers approved the Strategy for the eradication of violence against children²⁸. The Strategy covers the period 2023-2030 and contains five strategic areas, for each of which an objective is established, a series of lines of action, as well as the</p>

²⁵ Spain, minister of social rights and 2030 agenda [National Strategy to prevent and Combat Poverty and Social Exclusion 2019-2023](#), reports, studies and research 2020 second vice-presidency of the government.

²⁶ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Strategy for the Eradication of Violence against Children and Adolescents \(Estrategia de Erradicación de la Violencia sobre la Infancia y la Adolescencia\)](#) press release, 21 November 2022

²⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence \(Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia\)](#) Official State Gazette, 4 June 2021.

²⁸ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Strategy for the eradication of violence against children and adolescents \(Estrategia de erradicación de la violencia sobre la infancia y la adolescencia\)](#) press release, 15 November 2022.

		<p>most important measures with their respective results to evaluate the impact.</p> <p><u>National Strategic Plan for the Reduction of Childhood Obesity (2022 - 2030)</u> (<i>Plan Estratégico Nacional para la Reducción de la Obesidad Infantil (2022 - 2030)</i>)²⁹ approved on 10 June 2022 and coordinated by the High Commissioner against Child Poverty together with the Gasol Foundation (<i>Fundación Gasol</i>). The plan was the roadmap for building a healthier Spain in which growing up healthy is a right for children and adolescents. It refers to child poverty as one of the factors that increase the likelihood of being overweight. Data showed that the prevalence of excess weight was concentrated to a greater extent among Roma, migrant and disabled children. These particularly vulnerable groups were priorities for the Plan's actions.</p> <p><u>Zero Child Poverty Country Alliance</u> (<i>Alianza País Pobreza Cero Infantil</i>) was an initiative promoted by the High Commissioner for the Fight against Child Poverty (<i>Alto Comisionado contra la Pobreza Infantil del Gobierno de España</i>) since 2021, whose objective was to promote policies and social alliances that allow progress towards the eradication child poverty. It counts with more than 150 partner's members.</p> <p><u>Children with Rights. National State Action Plan for the Implementation of the European Child Guarantee (2022-2030)</u> (<i>Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)</i>)³⁰ approved by the Spanish government on 6 July 2022. The plan was an implementation tool for the European Child Guarantee³¹ and was structured in three axes:</p>
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²⁹ Spain, High Commissioner against Child Poverty (*Alto Comisionado contra la Pobreza Infantil*) (2022), [National Strategic Plan for the Reduction of Childhood Obesity \(2022 - 2030\)](#) (*Plan Estratégico Nacional Para La Reducción de La Obesidad Infantil (2022 - 2030)*), Madrid, Alto Comisionado contra la Pobreza Infantil.

³⁰ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [Children with Rights. National State Action Plan for the Implementation of the European Child Guarantee \(2022-2030\)](#) (*Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)*), press release, 6 July 2022.

³¹ Spain, High Commissioner against Child Poverty (*Alto Comisionado contra la Pobreza Infantil*) (2022), [Children with Rights. State Action Plan for the Implementation of the European Child Guarantee \(2022-2030\), the main tool with which Spain will be able to implement the European Child Guarantee \(GIE\)](#), (*Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)*), la herramienta principal con la que España podrá en marcha la Garantía Infantil Europea (GIE)), Madrid, Alto Comisionado contra la Pobreza Infantil.

		<p>combating child poverty and strengthening the social protection of children and adolescents; universalization of social rights through access to quality, accessible and inclusive essential services; and the promotion of territorial equity, protective, equal, inclusive and participatory environments. In addition, the plan contained 25 objectives and more than 80 concrete measures. It enumerated three services that must be free of charge: early childhood education and care; education and extracurricular activities; and at least one free of charge healthy meal at school. In addition, three other services must be affordable: healthy nutrition, sanitation and adequate housing. It included actions such as the expansion of oral health within the portfolio of the National Health System; the configuration of an early care system that guarantees that no child will wait more than 45 days to receive such care; and the increase in the schooling rate from 0 to 3 years. This plan was drawn up with the participation of the ministries responsible for the matter, each autonomous communities and Ceuta and Melilla, the local authorities and a large number of non-for-profit organizations, universities, experts, children and adolescents. The child protection system aimed to end macro residential centres and that there will be no children under 10 years of age in residential centres by 2031. To this end, a recruitment and training platform will be created to increase the number of foster families.</p> <p><u>Mental Health Strategy of the National Health System (2022-2026)</u> (<i>Estrategia de Salud Mental del Sistema Nacional de Salud (2022-2026)</i>)³² approved by the Institutional Committee of the Mental Health Strategy of the National Health System on December 2, 2021. It has counted with the participation of scientific societies and patients, and its primary key points are: (1) to improve the autonomy of patients, focusing on their recovery; and (2) to intervene in the prevention, detection, and care of people with suicidal behaviours; as well as to support families and fight against stigma.</p> <p>Regional's framework</p>
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³² Spain, Ministry of Health (*Ministerio de Sanidad*) (2022), [Mental Health Strategy of the National Health System \(2022-2026\)](#) (*Estrategia de Salud Mental del Sistema Nacional de Salud (2022-2026)*) press release 31 March 2022.

		<p><u>Valencia Strategy for Children and Adolescents 2022 - 2026</u> (<i>Estrategia Valenciana de infancia y adolescencia 2022 – 2026</i>)³³ approved by the Vice-presidency and Department of Equality and Inclusive Policies of the Generalitat Valenciana (<i>Vicepresidencia y Conselleria de Igualdad y Políticas Inclusivas de la Generalitat Valenciana</i>) through the Directorate General for Children and Adolescents (<i>Dirección General de Infancia y Adolescencia</i>) and with the participation of citizens.</p> <p><u>II Plan for Childhood and Adolescence (Andalusia 2016-2020)</u> (<i>II Plan de Infancia y Adolescencia (Andalucía 2016-2020)</i>)³⁴ approved by the Governing Council of the Government of Andalusia (<i>Consejo de Gobierno de la Junta de Andalucía</i>) which is still in force and whose objective is the inclusion of the perspective of childhood and Positive Parenting in public policies and measures to ensure the rights of children are strengthened.</p> <p><u>Comprehensive Care Plan for Families, Children, and Adolescents in Extremadura (2017-2020)</u> (<i>Plan Integral de Atención a Familias, Infancia y Adolescencia en Extremadura (2017-2020)</i>)³⁵ approved by the Directorate General of Social Policies and Childhood and Family of the Regional Ministry of Health and Social Policies (<i>Dirección General de Políticas Sociales e Infancia y Familia de las Consejería de Sanidad y Políticas Sociales</i>) in 2016 with both preventive and protective measures to provide assets to all families, children and adolescents in Extremadura.</p> <p><u>IV Plan for Children and Adolescents with a human rights-based approach (2018-2021)</u> (<i>IV plan de infancia y adolescencia con enfoque basado en</i></p>
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³³ Spain, Vice-presidency and Department of Equality and Inclusive Policies of the Generalitat Valenciana (*Vicepresidencia y Conselleria de Igualdad y Políticas Inclusivas de la Generalitat Valenciana*) (2022) [Valencian Strategy for Children and Adolescents 2022 - 2026](#) (*Estrategia Valenciana de infancia y adolescencia 2022 – 2026*) press release, 1 February 2022.

³⁴ Spain, Governing Council of the Government of Andalusia (*Consejo de Gobierno de la Junta de Andalucía*) (2016) [II Plan for Childhood and Adolescence](#) (Andalusia 2016-2020) (*II Plan de Infancia y Adolescencia (Andalucía 2016-2020)*) press release, 7 June 2016.

³⁵ Spain, Directorate General of Social Policies and Childhood and Family of the Regional Ministry of Health and Social Policies (*Dirección General de Políticas Sociales e Infancia y Familia de las Consejería de Sanidad y Políticas Sociales*) (2016) [Comprehensive Care Plan for Families, Children, and Adolescents in Extremadura \(2017-2020\)](#) (*Plan Integral de Atención a Familias, Infancia y Adolescencia en Extremadura (2017-2020)*) press release, 2016.

		<p><i>derechos humanos (2018-2021)</i>³⁶ approved by the Government of La Rioja (<i>Gobierno de La Rioja</i>) on July 10, 2017. It consists of two fundamental strategic lines: promoting the comprehensive development of children and actions toward the childcare system.</p> <p><u>II Comprehensive Plan to support families, children, and adolescents in the community of Navarra 2017-2023</u> (<i>II Plan integral de apoyo a la familia, la infancia y la adolescencia en la comunidad de Navarra 2017-2023</i>)³⁷ approved by the Government of Navarra (<i>Gobierno de Navarra</i>) on February 14, 2018, and whose objective was to respond to the emerging realities and problems that neither the current Child Protection System nor the current family policies are able to address.</p> <p><u>Canary Islands Strategy for Childhood, Adolescence, and Family 2019-2023</u> (<i>Estrategia Canaria de Infancia, Adolescencia y Familia 2019-2023</i>)³⁸ was approved by the Directorate General for Child and Family Protection of the Canary Islands Government (<i>Dirección General de Protección a la Infancia y la Familia del Gobierno de Canarias</i>) on December 18, 2018. Its objective was to favour a positive exercise of parenthood in a way that guarantees the protection of the rights of children and adolescents.</p> <p>Basque Strategy against Violence against Children and Adolescents 2022-2025 (<i>Estrategia Vasca contra la Violencia hacia la infancia y la adolescencia 2022-2025</i>)³⁹, specific lines of action aimed at the application of Law 8/2021 which are of special relevance in the care of children and adolescents who are victims of</p>
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³⁶ Spain, Government of La Rioja (*Gobierno de La Rioja*) (2017) [IV Plan for Children and Adolescents with a human rights-based approach \(2018-2021\)](#) (*IV plan de infancia y adolescencia con enfoque basado en derechos humanos (2018-2021)*) press release, 10 July 2017.

³⁷ Spain, Government of Navarra (*Gobierno de Navarra*) (2018) [II Comprehensive Plan to support families, children, and adolescents in the community of Navarra 2017-2023](#) (*II Plan integral de apoyo a la familia, la infancia y la adolescencia en la comunidad de Navarra 2017-2023*) press release, 14 February 2018.

³⁸ Spain, Directorate General for Child and Family Protection of the Canary Islands Government (*Dirección General de Protección a la Infancia y la Familia del Gobierno de Canarias*) (2018) [Canary Islands Strategy for Childhood, Adolescence, and Family 2019-2023](#) (*Estrategia Canaria de Infancia, Adolescencia y Familia 2019-2023*) press release, 18 December 2018.

³⁹ Spain, Basque Regional Government (*Gobierno Vasco*), [Basque Strategy against Violence against Children and Adolescents 2022-2025](#) (*Estrategia Vasca contra la Violencia hacia la infancia y la adolescencia 2022-2025*), Departamento de Igualdad, Justicia y Políticas Sociales.

		<p>violence in general, and sexual violence in particular.</p> <p>Plan for the Improvement of the Child and Adolescent Care System in Catalonia, presented on 2 February 2023 (<i>Plan de Mejora del sistema de Atención de la Infancia y Adolescencia en Cataluña</i>)⁴⁰</p> <p>The Plan of Care for Children and Adolescents of Castilla-La Mancha 2023-2026 (<i>Plan de Atención a la Infancia y la Adolescencia de Castilla-La Mancha 2023-2026</i>)⁴¹ articulates the set of public policies in the region aimed at guaranteeing the right of children and adolescents to their full development and wellbeing and at supporting families as guarantors of child protection and wellbeing.</p>
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	X	<p>Plan for the extension of the oral health services within the National Health System Plan (<i>Plan para la ampliación de la cartera común de servicios de salud bucodental en el Sistema Nacional de Salud</i>)⁴² approved by Ministry of Health (<i>Ministerio de Sanidad</i>) on 15 June 2022. One of the objectives was to increase the services provided by public health system, with a preventive approach and prioritizing the following groups: children and adolescents, pregnant women, people with disabilities and people with cancer, specifically those people diagnosed with oncological processes in the cervical-facial body area.</p> <p>Establishment of the organization and minimum teaching standards for the Early Childhood Education stage approved by the Royal decree 95/2022, of 1 February, which establishes the ordination and the</p>

⁴⁰ Spain, Catalonia Regional Government (*Generalitat de Catalunya*), [Plan for the Improvement of the Child and Adolescent Care System in Catalonia](#), (Plan de Mejora del sistema de Atención de la Infancia y Adolescencia en Cataluña), Departament de Drets Socials. Secretaria d'Infància, Adolescència i Joventut. Direcció General d'Atenció a la Infància i l'Adolescència. Institut Català de l'Acolliment i de l'Adopció, 2 February 2023.

⁴¹ Spain, Castilla La Mancha Regional Government (*Gobierno de Castilla La Mancha*), [Plan of Care for Children and Adolescents of Castilla-La Mancha 2023-2026](#) (*Plan de Atención a la Infancia y la Adolescencia de Castilla-La Mancha 2023-2026*), Consejería de Bienestar Social.

⁴² Spain, Ministry of Health (*Ministerio de Sanidad*) (2022) [Plan for the extension of the oral health services within the National Health System Plan](#) (*Plan para la ampliación de la cartera común de servicios de salud bucodental en el Sistema Nacional de Salud*), press release, 15 June 2022.

		<p>minimum educations of the Infantile Education (<i>Real Decreto 95/2022, de 1 de febrero, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Infantil</i>) on 1 February 2022⁴³. For the first time, it provided a regulation regarding the first cycle of the education program for the children between 0 to 3 years of age. It seeks to reduce the early school leaving and the risk of poverty and exclusion; to improve the educational outcomes and it will become an equity factor. In addition, it guarantees the harmonization between the educational system cycles throughout the whole Spanish territory. Previously, classrooms from 0-3 were governed by different regional rules. The regulation established for the first-time minimum requirements and maximum ratios per classroom that all Spanish nursery schools, public and private, to be in place in the 2023-2024 academic year onwards.</p> <p>The Annual Employment Policy Plan for 2022 (<i>Plan Anual de Política de Empleo para 2022</i>) was approved on 26 April 2022 and including the Youth Guarantee Plus Plan 2021-2027 (<i>Plan de Garantía Juvenil Plus 2021-2027</i>)⁴⁴. The first professional experience will be provided so that young people can access decent employment in accordance with their level of training through employment and training programs; it included a commitment that within a maximum period of four months, young people will receive an offer of training or employment that had a special follow-up mechanism to ensure that the plan's objectives are met; it will make it possible to combat discrimination against LGBTBI people and will launch a pilot labour insertion programme for them.</p>
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⁴³ Spain, Ministry of Education and Vocational Training (Ministerio de Educación y Formación Profesional), [Royal decree 95/2022, of 1 February, by which establishes the ordination and the minimum educations of the Infantile Education](#) (*Real Decreto 95/2022, de 1 de febrero, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Infantil*), 1 February 2022.

⁴⁴ Spain, Ministry of Labour and Social Economy (*Ministerio de Trabajo y Economía Social*) (2022) [Resolution of April 26, 2022, of the Secretary of State for Employment and Social Economy, by which the Agreement of the Council of Ministers of April 19, 2022, approving the Annual Plan of Employment Policy for 2022 is published, as established in article 11.2 of the consolidated text of the Employment Law, approved by Royal Legislative Decree 3/2015, of 23 October, 4 May 2022](#) (*Resolución de 26 de abril de 2022, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 19 de abril de 2022, por el que se aprueba el Plan Anual de Política de Empleo para 2022, según lo establecido en el artículo 11.2 del texto refundido de la Ley de Empleo, aprobado por el Real Decreto Legislativo 3/2015, de 23 de octubre, 4 May 2022*), Official State Gazette, 26 April 2022.

		<p>Furthermore, on 30 September 2022, it was approved the "Model for the management of migratory contingencies for unaccompanied children and adolescents"⁴⁵ as a model for dealing with emergency situations in migratory crises, based on co-responsibility, cooperation and inter-territorial solidarity, which allows for the referral and integration of children and adolescents between different Regions.</p>
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	X	<p>The High Commissioner against Child Poverty (<i>Alto Comisionado contra la Pobreza Infantil</i>) signed the Digital Pact for the Protection of Persons (<i>Pacto Digital para la Protección de las Personas</i>) of the Spanish Data Protection Agency (<i>Agencia Española de Protección de Datos</i>) on January 2022. This agreement promoted the responsibility and ethics of companies in terms of privacy and data protection, in business models and sustainability policies⁴⁶. By adhering to the DIGITAL Pact, the entities voluntarily undertake to implement the principles and recommendations contained therein, as well as to disseminate among their working staff and users to request the urgent removal of sexual and violent content on the internet, as well as other resources and tools to help raise awareness about the value of privacy and the importance of processing personal data #CanalPrioritario⁴⁷. If you are aware of the publication of photographs, videos or audios of sexual or violent content on the Internet without the consent of the affected persons, request their withdrawal in the Agency's priority channel.</p> <p>Digital skills programme for children and adolescents at risk of digital exclusion (<i>Programa de competencias digitales básicas para niños, niñas y adolescentes en riesgo de exclusión digital</i>) launched by the Council of Ministers (<i>Consejo de Ministros</i>) and the High Commissioner against Child Poverty (<i>Alto Comisionado contra la Pobreza Infantil</i>) was</p>

⁴⁵ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) [Model for the management of migratory contingencies for unaccompanied children and adolescents](#) (*Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada*).

⁴⁶ Spain, "[The AEPD and the High Commissioner against Child Poverty join forces in the commitment to comply with the 2030 Agenda and the SDGs](#)" (*La AEPD y el Alto Comisionado contra la Pobreza Infantil se alían en el compromiso para cumplir con la Agenda 2030 y los ODS*), press release, 18 January 2022.

⁴⁷ Spain, official website of the AEPD: "[CanalPrioritario](#)"

		<p>approved on 29 November 2022. This program aims to train children and adolescents from 10 to 17 years of age in basic digital skills during non-school hours. With a budget of 222 million Euros, the program aimed to close the digital social divide from childhood within the framework of the "National Digital Skills Plan" (<i>Plan Nacional de Competencias Digitales</i>).</p> <p>According to the agreement of the Sectorial Conference on Childhood and Adolescence of 17 October 2022, the "Proposal for the territorial distribution of funds for training in digital skills for children and adolescents in situations of vulnerability, for the regions and Cities likely to be beneficiaries within the framework of the "Digital Skills for Children (CODI)" programme of the Recovery, Transformation and Resilience Plan" was approved⁴⁸.</p> <p>The CODI programme has been developed by the High Commissioner against Child Poverty and the Ministry of Social Rights and Agenda 2030. CODI is part of the 'Component 19. National Digital Skills Plan' of the Recovery, Transformation and Resilience Plan⁴⁹.</p> <p>The Strategy for the Eradication of Violence against Children⁵⁰. The Strategy covers the period 2023-2030 in Strategic Area one regarding the knowledge of the reality of violence against children, among other measures, it includes promoting ongoing research</p>
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⁴⁸ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [Sectorial Conference on Childhood and Adolescence of 17 October 2022, the "Proposal for the territorial distribution of funds for training in digital skills for children and adolescents in situations of vulnerability, for the regions and Cities likely to be beneficiaries within the framework of the "Digital Skills for Children \(CODI\)" programme of the Recovery, Transformation and Resilience Plan](#) (*Conferencia Sectorial sobre Infancia y Adolescencia del 17 de octubre de 2022, se aprobó la "Propuesta de distribución territorial de fondos para la formación en competencias digitales para niños, niñas y adolescentes en situación de vulnerabilidad, para las regiones y Ciudades susceptibles de ser beneficiarias en el marco del programa "Competencias Digitales para la Infancia (CODI)" del Plan de Recuperación, Transformación y Resiliencia*), 19 October 2022.

⁴⁹ Spain, [Spanish Government \(Gobierno de España\), Component 19. National Digital Skills Plan' of the Recovery, Transformation and Resilience Plan](#) (*Plan Nacional de Capacidades Digitales (digital skills)*), 16 June 2021.

⁵⁰ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Strategy for the eradication of violence against children and adolescents](#) (*Estrategia de erradicación de la violencia sobre la infancia y la adolescencia*) press release, 15 November 2022.

		<p>into the precise nature of the risks to which children and adolescents are exposed via the internet. The strategic area four, among other measures, the promotion of specific helpline services on the safe and responsible use of the Internet.</p> <p>by agreement of the Council of Ministers dated May 9, 2023, the State Strategy for the Rights of Children and Adolescents 2023-2030⁵¹ was approved, whose area 8 aims to guarantee the Effectiveness of the Rights of Children and Adolescents in relation to the Digital Environment.</p>
<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform?</p> <p>If <u>yes</u>, are appropriate child protection and safety measures in place?</p>	X	<p>The Childhood Observatory (<i>Observatorio de la Infancia</i>) is the body in charge of highlighting the importance of children's participation in public life. The Childhood Observatory was created by Agreement of the Council of Ministers on March 12, 1999, in accordance with the provisions of Law 40/2015, on the Legal Regime of the Public Sector⁵². The website makes specific reference to the participation of children and adolescents⁵³. This section includes initiatives such as the Child-Friendly Cities Program (<i>Programa Ciudades Amigas de la Infancia</i>) led by UNICEF whose objective is to encourage the opinion of children and adolescents to be considered at the local, regional, and state level⁵⁴; or the strategy Children's opinions (<i>La Infancia Opina</i>)⁵⁵ of the Plataforma de Infancia</p>

⁵¹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [the State Strategy for the Rights of Children and Adolescents 2023-2030](#) (*Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030*), 9 May 2023.

⁵² Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (1999) [Agreement of the Council of Ministers creating the Childhood Observatory in Spain](#) (*Acuerdo del Consejo de Ministros por el que se crea el Observatorio de la Infancia de España*), press release, 12 March 1999.

⁵³ Spain, official website of the [Childhood Observatory](#) (*Observatorio de la Infancia*): "Inicio"; "Participación de niños, niñas y adolescentes".

⁵⁴ Spain, [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*), the official website of the Child-Friendly Cities Program.

⁵⁵ Spain, official website of the [Plataforma de Infancia España](#): "Participación infantil"; "[La infancia opina](#)".

		<p>España, whose objective is to collect and systematize the opinions, proposals and demands of children, as a result of the child participation processes, such as the EPIC group, which is the child participation team of the Infante Platform (Plataforma de Infancia), made up of boys and girls⁵⁶.</p> <p>At the state level, the State Council for the Participation of Children and Adolescents (<i>Consejo Estatal de Participación de la Infancia y de la Adolescencia</i>)⁵⁷ was created as a permanent and stable body for consultation, representation, and participation of all children and adolescents on December 9, 2021. Attached to the Ministry of Social Rights and Agenda 2030, the Council has an Assembly that meets at least twice a year made up of 34 boys and girls between 8 and 17 years of age, representatives of local or autonomous councils, including boys and girls from groups in vulnerable situations and those who are part of organizations that participate at the state level.</p> <p>By agreement of the Council of Ministers dated May 9, 2023, the State Strategy for the Rights of Children and Adolescents 2023-2030⁵⁸ was approved, whose area 6 aims to deepen the active citizenship of children as part of a democratic society.</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how

⁵⁶ Spain, official website of the [Plataforma de Infancia España](#): “Participación infantil”; “[grupo de participación de niñas y niños](#)”

⁵⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Order DSA/1009/2021, of September 22, creating the State Council for the Participation of Children and Adolescents](#) (*Orden DSA/1009/2021, de 22 de septiembre, por la que se crea el Consejo Estatal de Participación de la Infancia y de la Adolescencia*) Official State Gazette, 27 September 2021.

⁵⁸ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [the State Strategy for the Rights of Children and Adolescents 2023-2030](#) (*Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030*), 9 May 2023.

children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>Strategy for the eradication of violence against children and adolescents (<i>Estrategia de erradicación de la violencia sobre la infancia y la adolescencia</i>)⁵⁹ aimed to strengthen the prevention of all forms of violence, improve detection and intervene early from a comprehensive and multidisciplinary approach; to ensure the fulfilment and exercise of the human rights of children to a life free of violence.</p> <p>The strategy adopted by mandate of the Law for the Integral Protection of Children and Adolescents (LOPIVI) was and which, agreed upon by the Sectorial Conference on Children and Adolescents (<i>Conferencia Sectorial de Infancia y Adolescencia</i>) - created by Article 7 of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)⁶⁰- covers the period 2023-2030 and consists of five strategic areas, for each of which an objective is established, a series of strategic lines, as well as the most critical measures with their respective results to evaluate impact.</p>	<p>Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom (<i>Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual</i>)⁶⁶ aimed to promote the prevention of sexual violence and guarantee the rights of all victims. It applied to women and children who were victims of sexual violence in Spain, regardless of their nationality and administrative status; or abroad if they hold a Spanish nationality. In the case of the foreign victims of sexual violence in an irregular situation when reporting this type of situations, the administrative disciplinary proceedings will not be open, or the ones opened will be suspended, as well as their expulsion or return. In addition, they may apply for a residence and work permit based on exceptional circumstances from when a protection order was issued in their favour or, failing that, a report from the Public Prosecutor's Office indicating the existence of indications of gender-based or sexual violence. Those authorizations shall not be resolved until the conclusion of the criminal proceedings. In the meantime, a provisional residence and work permit will be granted in favour of the foreign woman and, where appropriate, provisional residence authorizations in favour of</p>

⁵⁹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Strategy for the eradication of violence against children and adolescents](#) (*Estrategia de erradicación de la violencia sobre la infancia y la adolescencia*) press release, 15 November 2022.

⁶⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

⁶⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom](#) (*Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual*) Official State Gazette, 6 September 2022.

Some of the objectives of the strategy are: (1) Design and implement the Unified Registry of Social Services on Violence against Children (*Registro Unificado de Servicios Sociales sobre Violencia contra la Infancia*, RUSSVI in its Spanish acronym) and the Central Registry of Information on Violence against Children and Adolescents (*Registro Central de Información sobre Violencia contra la Infancia y Adolescencia*); (2) Have periodic macro surveys on the prevalence of violence against children and adolescents at state and/or autonomous community level; (3) Increase by 60% the number of personnel with regular contact with children who have specialized training on issues of violence against children. To this end, the training cycles for professionals with regular contact with children (professionals in the socio-educational and health fields, judicial operators, or Security Forces and Corps, among others) will include content on prevention, detection, and intervention in cases of violence against children. (4) Children and adolescents can access free, comprehensive, and specialized care services. (5) Establishment of effective coordination and cooperation channels between administrations and institutions to avoid institutional and administrative violence that dysfunctional collaboration between the two generates for children.

[Action Plan for the Implementation of the 2030 Agenda: Towards a Spanish Strategy for Sustainable Development](#) (*Plan de Acción para la Implementación de la Agenda 2030: Hacia una Estrategia Española de Desarrollo Sostenible*)⁶¹ approved by the Council of Ministers on June 26, 2018. The Plan is configured as an effort of the entire Spanish society as it includes the commitments and progress of the Autonomous Communities and Local Entities and the rest of the

her child or disabled children, or residence and work if they are over sixteen years old, provided that they are in Spain at the time of the complaint. It served to establish the basis for the implementation in Spain of the Children's House – the model Barnahus.

[Order No. 4/2019 establishing a new protocol for the police assessment of the level of risk of gender-based violence \(Organic Law 1/2004\), the management of victim safety and monitoring of cases through the system of comprehensive monitoring of cases of gender-based violence \(Viogén System\)](#) (*Instrucción número 4/2019, de la Secretaria de Estado de Seguridad, por la que se establece un nuevo protocolo para la valoración policial del nivel de riesgo de violencia de género (Ley Orgánica 1/2004), la gestión de la seguridad de las víctimas y seguimiento de los casos a través del sistema de seguimiento integral de los casos de violencia de género (Sistema Viogén)*)⁶⁷. It established a new protocol for the police assessment of the level of risk of gender-based violence and the management of victim safety and monitoring of cases through the system of comprehensive monitoring of cases of gender-based violence (Viogén System) puts into [operation the new](#) instruments for risk assessment of victims through the Risk Assessment (*Formularios Valoración del Riesgo*, VPR, in its Spanish acronym) and Police Assessment of Risk Evolution forms (*Valoración Policial de la Evolución del Riesgo*, VPER, in its Spanish acronym), to emphasize the prevention of victims of gender-based violence who ends death. It also envisages a new protocol in cases of children in a situation of special vulnerability.

⁶¹ Spain, Council of Ministers, Government of Spain (*Consejo de Ministros, Gobierno de España*) (2018) [Action Plan for the Implementation of the 2030 Agenda: Towards a Spanish Strategy for Sustainable Development](#) (*Plan de Acción para la Implementación de la Agenda 2030: Hacia una Estrategia Española de Desarrollo Sostenible*), press release, 26 June 2018.

⁶⁷ Spain, Ministry of the Interior (*Ministerio del Interior*), [Instruction No. 4/2019, by the Secretary of State for Security, establishing a new protocol for the police assessment of the level of risk of gender-based violence \(Organic Law 1/2004\), the management of victim safety and monitoring of cases through the system of comprehensive monitoring of cases of gender-based violence \(Viogén System\)](#) (*Instrucción número 4/2019, de la Secretaria de Estado de Seguridad, por la que se establece un nuevo protocolo para la valoración policial del nivel de riesgo de violencia de género (Ley Orgánica 1/2004), la gestión de la seguridad de las víctimas y seguimiento de los casos a través del sistema de seguimiento integral de los casos de violencia de género (Sistema Viogén)*), 2019.

actors, civil society, companies, and universities. The Plan includes a first set of priority areas of action, which include: the prevention and fight against poverty, inequality, and social exclusion; equal opportunities; a new Spanish urban agenda; circular economy; climate change and energy transition law; scientific and technical research; social economy strategy; open government plan; Spanish cooperation.

State Pact against Gender Violence (*Pacto de Estado contra la Violencia de Género*)⁶² ratified on 27 December 2017 by the different Parliamentary Groups, the Autonomous Communities, and the Local Entities represented in the Spanish Federation of Municipalities and Provinces - involves the union of a large number of institutions, organizations, and experts in the formulation of measures for the eradication of violence against women. The Pact incorporates all types of violence against women contained in the 2011 Istanbul Convention: forced marriages, female genital mutilation, trafficking of women and girls for the purpose of exploitation, and sexual assault.

Adopting this Pact was essential in protecting children from violence, influences all spheres of society, and was structured in 11 work axes. Many of the 213 measures agreed upon by Congress against gender violence target children. Thus, for example, the sons and daughters of a woman victim of trafficking will be recognized as victims and benefit from protection alongside their mother. In addition, children will have the opportunity to address the issue of gender-based violence and its different forms in class and develop skills in gender

Organic Law on the comprehensive protection of children and adolescents against violence (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*, LOPIVI in its Spanish acronym)⁶⁸. The purpose of the law is to guarantee the fundamental rights of children and adolescents to their physical, psychological, psychological and moral integrity against any form of violence, ensuring the free development of their personality and establishing comprehensive protection measures, including awareness, prevention, early detection, protection and reparation of harm in all areas in which their lives develop.

Organic Law 5/2018, of December 28, on the reform of Organic Law 6/1985, of July 1, 1985, on the Judiciary, on urgent measures in application of the State Pact on gender-based violence (*Ley Orgánica 5/2018, de 28 de diciembre, de reforma de la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, sobre medidas urgentes en aplicación del Pacto de Estado en materia de violencia de género*)⁶⁹ includes measures aimed at deepening the training of members of the judicial and prosecutorial careers. Specifically, measure 159 calls for broader specialized training in these matters both for the courts specialized in gender violence, as well as for family and juvenile judges. Measure 160 contains a mandate to increase judicial training in "anti-discrimination law, including the gender perspective and mainstreaming, in the competitive examinations for judgeships, Judicial School and annual continuing education provided by the General Council of the Judiciary, making this subject mandatory and

⁶² Spain, Ministry of the Presidency, Relations with the Courts and Equality (*Ministerio de Presidencia, Relaciones con las Cortes e Igualdad*) (2019) [Consolidated document of measures of the State Pact on gender violence. Congress + Senate](#) (*Documento refundido de medidas del Pacto de Estado en materia de violencia de género. Congreso + Senado*), press release, 13 May 2019.

⁶⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

⁶⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2018) [Organic Law 5/2018, of December 28, on the reform of Organic Law 6/1985, of July 1, 1985, on the Judiciary, on urgent measures in application of the State Pact on gender-based violence](#) (*Ley Orgánica 5/2018, de 28 de diciembre, de reforma de la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, sobre medidas urgentes en aplicación del Pacto de Estado en materia de violencia de género*) Official State Gazette, 28 December 2018.

equality, affective and sexual education, and how to prevent and identify this form of gender-based violence against women.

The challenge, at that time, was to continue to comply with the agreements adopted within the framework of the Pact against Gender Violence since only a few of the regulatory instruments that allow its development was approved.

Concerning **children who have been victims of trafficking in Human Beings**, since 2018 there was an annex to the [Actions for the detection and care of victims of trafficking in human beings \(THB\) under age. Annex to the Framework Protocol for the Protection of THB Victims](#) (*Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de edad. Anexo al Protocolo marco de protección de víctimas de TSH*). It is applicable to all persons under the age of 18 who show signs of being victims of trafficking in Human Beings, whether they are direct victims, and/or if they were indirect since they may have been used to guarantee the exploitation of an adult person. Likewise, it is nationwide applicable without prejudice to the regional and local protocols that may exist in the development of the National [Framework Protocol for the protection of victims of trafficking in human beings](#)⁶³, as well as complementary to other sectorial and professionals existing protocols⁶⁴.

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valuable.” It also requires a legal reform to introduce specific tests on gender violence as a requirement to compete for specialized judicial bodies.

[Royal Decree-Law 9/2018, of August 3, on urgent measures for the development of the State Pact against gender violence](#) (*Real Decreto-ley 9/2018, de 3 de agosto, de medidas urgentes para el desarrollo del Pacto de Estado contra la violencia de género*)⁷⁰ returned the City Councils the competencies on gender violence; eliminated the requirement of the joint decision in parental authority for psychological care and assistance, when either parent is accused in criminal proceedings for attempting against the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the other parent or the sons and daughters of both; to improve the participation of the victim in the criminal proceedings, with the urgent appointment of court-appointed lawyers and attorneys; and allows the recognition of the rights of the victims by accrediting the report of the Public Prosecutor's Office, social services, specialized services or shelter services for victims of gender violence.

[Law 4/2015, of April 27, on the Statute of the victim of crime](#) (*Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito*)⁷¹ intended to be the general catalogue of rights, procedural and extra-procedural, of all victims of crime, notwithstanding the references to special regulations on victims with special needs or with special vulnerability. The Law seeks to make children who find themselves in an environment of

⁶³ [Spain, Ministry of the Interior \(Ministerio del Interior\), \(2012\) Framework Protocol for the protection of victims of trafficking in human beings, Madrid.](#)

⁶⁴ Spain, Official Website of the Ministry of the Equality ([Ministerio de igualdad](#)), [Strategic plans for national action \(Planes estratégicos de actuación nacional\)](#).

⁷⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2018) [Royal Decree-Law 9/2018, of August 3, on urgent measures for the development of the State Pact against gender violence](#) (*Real Decreto-ley 9/2018, de 3 de agosto, de medidas urgentes para el desarrollo del Pacto de Estado contra la violencia de género*) Official State Gazette, 4 August 2018.

⁷¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Law 4/2015, of April 27, on the Statute of the victim of crime](#) (*Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito*) Official State Gazette, 28 April 2015.

system⁶⁵, which provides for various measures to be developed by the Ministries of Social Rights and Agenda 2030 and the Interior.

gender violence or domestic violence, visible as victims, in order to guarantee them access to assistance and support services, as well as the adoption of protection measures. In the case of children, the best interests of the child will act as a guide for any measure and decision taken in relation to a child victim of a crime during criminal proceedings.

Victims' Assistance Offices are defined by [Royal Decree 1109/2015 as implementing the Victims' Statute Law](#) (*Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito*)⁷²- a specialized unit and a public service whose purpose is to provide assistance and/or coordinated attention to respond to victims of crimes in the legal, psychological, and social fields, as well as to promote the relevant restorative justice measures. Consequently, they offer comprehensive assistance to victims. Victims are referred to these offices upon request. However, in the case of children and those who were victims of particularly serious crimes such as human trafficking, a referral is mandatory.

Access to the Offices is free, confidential, and not subject to prior reporting. They have wide-ranging responsibilities due to their comprehensive support role. Thus, they must provide information, advice, and support on victims' rights, including access to national compensation systems for damages arising from crimes. They must also accompany and prepare the victim during the procedure, which in the case of children will involve the adoption of protective measures that must consider their personal situation, immediate needs, age, gender, disability, and level of maturity, and fully respect their physical, mental and moral integrity.

⁶⁵ Spain, [Action Plan against the sexual exploitation of children and adolescents of the child protection system](#) (*Plan de acción contra la explotación sexual de niñas, niños y adolescentes del sistema de protección a la infancia*)

⁷² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Royal Decree 1109/2015 as implementing the Victims' Statute Law](#) (*Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito*) Official State Gazette, 11 December 2015.

1.4.2. Children with disabilities

Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities

Policy developments	Legislative developments
<p><u>Spanish Disability Strategy 2022-2030</u> (<i>Estrategia Española sobre Discapacidad 2022-2030</i>) was approved by the Council of Ministers on May 3, 2022⁷³. The measure will make it possible to enforce the rights of people with disabilities and their families. The plan is the responsibility of the government, autonomous communities, local councils, and even the private sector. The new features of the strategy include an intersectional approach and a gender perspective, as well as the impact on rural areas, small municipalities, and the countryside, and attention to people with great needs.</p> <p><u>Spanish Strategy on Autism Spectrum Disorders</u> (<i>Estrategia Española en Trastornos del Espectro del Autismo</i>) was approved by the government in 2015⁷⁴. This Strategy -the first in Spain on people with Autism Spectrum Disorders- contemplates lines of action in health, culture, employment, and education, and in all stages of life, from childhood to adulthood. This document constitutes the reference framework in the definition of state, autonomic, and local policies and actions and establishes the elaboration of an Action Plan that has not yet been approved.</p>	<p>NATIONAL LEVEL</p> <p><u>Regulation for the establishment and the glory, declaration, and evaluation of the degree of disability</u> entered into force. New procedure for recognition, declaration, and assessment of the degree of disability in 2022. It updated the degree criteria for its evaluation and determination. It envisaged the issue of a standard disability card to be valid throughout the national territory.</p> <p><u>Organic Law on the comprehensive protection of children and adolescents against violence</u> (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)⁷⁵. The purpose of the law is to guarantee the fundamental rights of children and adolescents to their physical, psychological, psychological and moral integrity against any form of violence, ensuring the free development of their personality and establishing comprehensive protection measures, including awareness, prevention, early detection, protection and reparation of harm in all areas in which their lives develop.</p> <p>It defines violence as any action, omission, or negligent treatment that deprives children of their rights and welfare, that threatens or interferes with their orderly physical, psychological, or social development, regardless of its form and means of commission, including that carried out through</p>

⁷³ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Spanish Disability Strategy 2022-2030](#) (*Estrategia Española sobre Discapacidad 2022-2030*) press release, 3 May 2022.

⁷⁴ Spain, Ministry of Health, Social Services and Equality (*Ministerio de Sanidad, Servicios Sociales e Igualdad*) (2015) [Spanish Strategy on Autism Spectrum Disorders](#) (*Estrategia Española en Trastornos del Espectro del Autismo*) press release, 2015.

⁷⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

information and communication technologies, especially digital violence.

In its preamble, this law recognizes that children and adolescents with disabilities are particularly sensitive and vulnerable to this type of violence, being exposed in an aggravated manner to its effects and having greater difficulties in accessing, on equal opportunities, the exercise of their rights. One of its aims is to guarantee the eradication and protection against any type of discrimination and the overcoming of stereotypes of a sexist, racist, homophobic, biphobic, or transphobic nature, or for reasons of aesthetics, disability, illness, aporophobia or social exclusion, or for any other personal, family, social or cultural circumstance or condition. The regulation establishes among its general criteria the incorporation of a cross-cutting approach to disability in the design and implementation of any measure related to violence against children and adolescents. Title I on the rights of children and adolescents in the face of violence provides that this law guarantees all children and adolescents who are victims of violence the rights recognized therein and that the needs of children with disabilities or who are in a situation of special vulnerability will be taken into consideration.

Article 11 of the LOPIVI, which recognizes the right to comprehensive care, establishes in its fifth paragraph that the competent health and educational administrations and social services will guarantee universal and comprehensive early care from birth to six years of age for any child with developmental alterations or disorders or at risk of suffering them within the scope of the law, as well as support for child development.

The regulation provides for different actions on prevention, early detection, and intervention when violence is motivated by disability within the family, educational, health, sports, or protection centres. The text foresees the creation of a Central Registry of information on violence against children and adolescents in which different data related to the victims will be collected, among these data, it must be considered if the person has a disability.

[Organic Law 3/2020 on Education](#) (*Ley Orgánica 3/2020 de Educación*)⁷⁶ modifies paragraphs 2, 3, 4, and 5 of article 74 related to special education: (1) The identification and assessment of the educational needs of these students shall be carried out, as early as possible, by specialized professionals and under the terms determined by the Educational Administrations. In this process, the parents or legal guardians of the students shall be heard and informed. The educational Administrations shall regulate the procedures that allow for the resolution of any discrepancies that may arise, always considering the best interests of the child and the will of the families that show their preference for the most inclusive system. (2) At the end of each school year, the degree of attainment of the objectives established for each individual student shall be evaluated. Such evaluation shall allow for the provision of appropriate guidance and the modification of the educational attention provided, as well as the schooling regime, which shall tend to achieve the continuity, progression, or permanence of the student in the most inclusive regime.

The fourth additional provision of the law establishes that the Government, in collaboration with the educational administrations, will develop a plan so that, within ten years, in accordance with Article 24.2.e) of the United Nations Convention on the Rights of Persons with Disabilities and in compliance with the fourth Sustainable Development Goal of the 2030 Agenda, regular schools will have the necessary resources to be able to attend students with disabilities in the best conditions. Educational administrations will continue to provide the necessary support to special education centres so that, in addition to providing schooling for students who require highly specialized attention, they can act as reference and support centres for regular centres.

[Organic Law 2/2020 amending the Criminal Code to eradicate forced or non-consensual sterilization of persons with disabilities who are judicially incapacitated](#) (*Ley Orgánica 2/2020, de 16 de*

⁷⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2020) [Organic Law 3/2020, of December 29, amending Organic Law 2/2006, of May 3, 2006, on Education](#) (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación*) Official State Gazette, 30 December 2020.

diciembre, de modificación del Código Penal para la erradicación de la esterilización forzada o no consentida de personas con discapacidad incapacitadas judicialmente)⁷⁷ deletes the second paragraph of Article 156 of Organic Law 10/1995, of November 23, 1995, of the Criminal Code, which allowed the forced or non-consensual sterilization of persons with disabilities or judicially incapacitated persons.

[Law 15/2022, on equal treatment and non-discrimination](#) (*Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación*)⁷⁸ establishes in Article 13.3 on education establishes that the educational administrations shall pay due attention to students who may be in a disadvantaged situation due to disability, among other reasons, paying special attention to the situation of girls and adolescents.

[Organic Law 10/2022 on the comprehensive guarantee of sexual freedom](#) (*Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual*)⁷⁹ included accessibility and the gender perspective and intersectionality as prisms to ensure that all judicial actions, protection and support measures and services for victims are adapted to their diverse needs and respect and strengthen their autonomy, with special attention to underage victims and victims with disabilities.

⁷⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2020) [Organic Law 2/2020, of December 16, 2020, amending the Criminal Code to eradicate forced or non-consensual sterilization of persons with disabilities who are judicially incapacitated](#) (*Ley Orgánica 2/2020, de 16 de diciembre, de modificación del Código Penal para la erradicación de la esterilización forzada o no consentida de personas con discapacidad incapacitadas judicialmente*) Official State Gazette, 17 December 2020.

⁷⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 15/2022, of July 12, 2022, on equal treatment and non-discrimination](#) (*Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación*) Official State Gazette, 13 July 2022.

⁷⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom](#) (*Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual*) Official State Gazette, 7 September 2022.

[Law 39/2022 on Sport](#) (*Ley 39/2022, de 30 de diciembre, del Deporte*)⁸⁰ was committed to inclusion and expressly recognizes the right to physical activity and sport as an essential activity, eliminating inequalities based on gender, sex, or disability. The law also guaranteed the participation of athletes with disabilities in international competitions and enshrines the equality of this group.

[Royal Decree 888/2022, of October 18, establishing the procedure for the recognition, declaration, and qualification of the degree of disability](#) (*Real Decreto 888/2022, de 18 de octubre, por el que se establece el procedimiento para el reconocimiento, declaración y calificación del grado de discapacidad*)⁸¹ established an emergency procedure for humanitarian causes or special social needs such as victims of war zones, special social needs or health and life expectancy as is the case of people with ALS, among others. Women victims of gender violence were included. Children with disabilities will exercise their rights under equal conditions, without discrimination on grounds of age or disability, receiving assistance and adapted support.

[Royal Decree 471/2021 establishing the income and family wealth thresholds and the amounts of scholarships and study aids for the 2021-2022 academic year, and partially amending Royal Decree 1721/2007, of December 21, establishing the system of personalized scholarships and study aids](#) (*Real Decreto 471/2021, de 29 de junio, por el que se establecen los umbrales de renta y patrimonio familiar y las cuantías de las becas y ayudas al estudio para el curso 2021-2022, y se modifica parcialmente el Real Decreto 1721/2007, de 21 de diciembre, por el que se establece el régimen de las becas y ayudas al estudio*)

⁸⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 39/2022, of December 30, 2002, on Sport](#) (*Ley 39/2022, de 30 de diciembre, del Deporte*) Official State Gazette, 31 December 2022.

⁸¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Royal Decree 888/2022, of October 18, establishing the procedure for the recognition, declaration, and qualification of the degree of disability](#) (*Real Decreto 888/2022, de 18 de octubre, por el que se establece el procedimiento para el reconocimiento, declaración y calificación del grado de discapacidad*) Official State Gazette, 20 October 2022.

	<p><i>personalizadas</i>)⁸² established study aids and subsidies for students with specific educational support needs.</p> <p>Organic Law 5/2018, of December 28, of reform of the Judiciary, on urgent measures in application of the State Pact on gender violence⁸³ in relation to women with disabilities victims of gender-based violence, the need for statistical information with the possibility of differentiating women with disabilities victims, including the differentiation of children with disabilities as victims of gender-based violence.</p> <p>Royal Decree 9/2018, on urgent measures for the development of the State Pact against gender-based violence⁸⁴, introduced a modification of the amount of aid to women with disabilities victims of gender-based violence, which will be equivalent to twelve months of unemployment benefit. To access the aid the woman must have an officially recognized disability of 33% or more.</p> <p>REGIONAL LEVEL</p> <p>Law 1/2022, of February 10, Master of Educational Freedom of Choice of the Community of Madrid (Ley 1/2022, de 10 de febrero, Maestra de Libertad de Elección Educativa de la Comunidad de Madrid)⁸⁵</p>
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⁸² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Royal Decree 471/2021, of June 29, establishing the income and family wealth thresholds and the amounts of scholarships and study aids for the 2021-2022 academic year, and partially amending Royal Decree 1721/2007, of December 21, establishing the system of personalized scholarships and study aids](#) (*Real Decreto 471/2021, de 29 de junio, por el que se establecen los umbrales de renta y patrimonio familiar y las cuantías de las becas y ayudas al estudio para el curso 2021-2022, y se modifica parcialmente el Real Decreto 1721/2007, de 21 de diciembre, por el que se establece el régimen de las becas y ayudas al estudio personalizadas*) Official State Gazette, 30 June 2021.

⁸³ Spain, Head of State (*Jefatura del Estado*), [Organic Law 5/2018, of December 28, on the reform of Organic Law 6/1985, of July 1, on urgent measures under the State Pact on gender-based violence](#) (*Ley Orgánica 5/2018, de 28 de diciembre, de reforma de la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, sobre medidas urgentes en aplicación del Pacto de Estado en materia de violencia de género*), 28 December 2018.

⁸⁴ Spain, Head of State (*Jefatura del Estado*), [Royal Decree-law 9/2018, of August 3, on urgent measures for the development of the State Pact against gender violence](#) (*Real Decreto ley 9/2018, de 3 de agosto, de medidas urgentes para el desarrollo del Pacto de Estado contra la violencia de género*), 3 August 2018

⁸⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 1/2022, of February 10, Master of Educational Freedom of Choice of the Community of Madrid](#) (*Ley 1/2022, de 10 de febrero, Maestra de Libertad de Elección Educativa de la Comunidad de Madrid*) Official State Gazette, 27 April 2022.

defines the attention to students with special educational needs as the set of measures and support aimed at students identified as such, in order to favour their personal and social development, and their learning potential, and to facilitate the acquisition of the competences and the achievement of the objectives of each of the teachings defined in the Organic Law 2/2006, of May 3, with the purpose of advancing in their development and in the transition to adult life. And, as the most inclusive education modality: schooling in ordinary educational centres, in special education units in ordinary centres, in special education centres, or in the combined modality, considering the situation of each student and the best interest of the child, in order to achieve the maximum possible development of the student's abilities and his or her inclusion in society.

[Law 1/2022, of March 8, on education in the Balearic Islands](#) (*Ley 1/2022, de 8 de marzo, de educación de las Illes Balears*)⁸⁶ in its explanatory memorandum states that education must guarantee the effective fulfilment of the rights of children, young people, and other persons with functional diversity, in accordance with the provisions of the International Convention on the Rights of Persons with Disabilities, especially with regard to access to inclusive education.

[Law 2/2022, of March 10, on Youth in the Basque Country](#) (*Ley 2/2022, de 10 de marzo, de Juventud País Vasco*)⁸⁷ provides for lines of intervention to promote the capabilities, initiative, autonomy, and emancipation of young people, expressly mentioning disability.

[Decree-Law 3/2022, of March 29, on access to data from local authorities and the Department of Education for the application of measures aimed at the detection and balanced distribution of students with specific educational needs. Catalonia](#) (*Decreto Ley 3/2022, de 29 de marzo, de acceso a datos de los entes locales y del*

⁸⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 1/2022, of March 8, on education in the Balearic Islands](#) (*Ley 1/2022, de 8 de marzo, de educación de las Illes Balears*) Official State Gazette, 8 June 2022.

⁸⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 2/2022, of March 10, on Youth in the Basque Country](#) (*Ley 2/2022, de 10 de marzo, de Juventud País Vasco*) Official State Gazette, 31 May 2022.

	<p><i>Departamento de Educación para la aplicación de medidas destinadas a la detección y distribución equilibrada del alumnado con necesidades educativas específica. Cataluña</i>)⁸⁸. The objective of the rule is to enable the exchange of data between the Department of Education and the local authorities, through the bodies of participation in the programming of the educational offer and in the admission process, as well as the units for the detection and balanced distribution of students with specific educational needs.</p>
<p>1.4.3. Children in the context of migration Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p><u>Model for the management of migratory contingencies for unaccompanied children and adolescents</u> (<i>Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada</i>) approved in 2022. It was a technical proposal on the migration contingency management model for unaccompanied migrant children and adolescents. It was linked a 2021 working document "Stable Strategy for the Care of Unaccompanied Migrant Children" (<i>Estrategia Estable de atención a la Infancia migrante no acompañada.</i>) Both documents pointed out the need for a contingency model to address emergency situations in migration crises, based on co-responsibility, cooperation and interterritorial solidarity, which allows the referral and integration of children, girls and adolescents between different Autonomous Communities in an agile way, that is stable over time and that avoids that the "border" Autonomous Communities have to make a</p>	<p><u>Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom</u> (<i>Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual</i>)⁹¹ aimed to promote the prevention of sexual violence and guarantee the rights of all victims. It applied to women and children who were victims of sexual violence in Spain, regardless of their nationality and administrative status; or abroad if they hold a Spanish nationality. In the case of the foreign victims of sexual violence in an irregular situation when reporting this type of situations, the administrative disciplinary proceedings will not be open, or the ones opened will be suspended, as well as their expulsion or return. In addition, they may apply for a residence and work permit based on exceptional circumstances from when a protection order was issued in their favour or, failing that, a report from the Public Prosecutor's Office indicating the existence of indications of gender-</p>

⁸⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Decree-Law 3/2022, of March 29, on access to data from local authorities and the Department of Education for the application of measures aimed at the detection and balanced distribution of students with specific educational needs. Catalonia](#) (*Decreto Ley 3/2022, de 29 de marzo, de acceso a datos de los entes locales y del Departamento de Educación para la aplicación de medidas destinadas a la detección y distribución equilibrada del alumnado con necesidades educativas específica. Cataluña*) Official State Gazette, 29 April 2022.

⁹¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom](#) (*Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual*) Official State Gazette, 6 September 2022.

disproportionate effort to comply with their obligations to the rights of unaccompanied migrant children and adolescents.

On September 30, 2022, the **Response Plan for Children and Adolescents in the face of migration crises⁸⁹** was approved. In such situations, it establishes an action protocol that includes:

Declaration of migratory contingency: To request the declaration of the activation of a Response Plan, a supporting report is required. The fundamental criterion to take into account will be the overcrowding of the protection system.

Since it is a migration crisis or contingency, said overcrowding must have been caused by the entry of unaccompanied migrant children and adolescents into the Protection System.

The Statement of Activation of the Response Plan will be presented and must be approved by the Sectorial Conference on Childhood and adolescence.

The number of migrant children that need to be referred is determined (as well as the coverage of places that the destination regions will make available in order to be able to comply with the planned transfers in the shortest possible time.

based or sexual violence. Those authorizations shall not be resolved until the conclusion of the criminal proceedings. In the meantime, a provisional residence and work permit will be granted in favour of the foreign woman and, where appropriate, provisional residence authorizations in favour of her child or disabled children, or residence and work if they are over sixteen years old, provided that they are in Spain at the time of the complaint. It served to establish the basis for the implementation in Spain of the Children's House – the model Barnahus.

In relation to 'means of living' requested of foreign children in order to access particular residence permits, more flexible criteria were introduced. It refers to the minimum required income requested under Article 53 c) and d) of [Royal Decree 557/2011⁹²](#), for those who want to get a family reunification residence permit for a family member⁹³. The criteria were modified to be more in line with the best interests of the child, in order to promote the reunification of children with their parents or representatives, regardless of the financial resources of the parents. The amounts required were reduced. It concluded that several criteria should be taken into consideration, such as: the best interests of the child; the circumstances of every case and, in particular, the foreigner's relationship with the child, their age, their physical and emotional development, and the situation of

⁸⁹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) [Model for the management of migratory contingencies for unaccompanied children and adolescents](#) (*Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada*), 30 September 2022.

⁹² Spain, Ministry of the Presidency (*Ministerio de la Presidencia*), [Royal Decree 557/2011 of April 20, which approves the Regulations of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration, following their reform by Organic Law 2/2009](#) (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), 20 April 2011.

⁹³ Spain, Secretary of State for Migrations, Ministry of Inclusion, Social Security and Migrations (*Secretaría de Estado de Migraciones, Ministerio de Inclusión, Seguridad Social y Migraciones*), [Orders DGM 4/2020 on easing the requirement of sufficient means in the processing of residence permits by family reunification](#) (*Instrucciones DGM 4/2020 sobre la flexibilización del requisito de medios suficientes en la tramitación de autorizaciones de residencia por reagrupación familiar*), 8 June 2020.

The measure responded to the situation handled by the Supreme Court, Contentious-Administrative Chamber Section Five, [Judgment No. 110/2019](#) (*Tribunal Supremo Sala de lo Contencioso-Administrativo, Sección Quinta Sentencia núm. 110/2019*)⁹³ which agreed to establish, as an interpretative criterion, that the financial means for the renewal of the non-profit residence permit of unaccompanied foreign children who turn 18 and apply for an initial authorization or its renewal cannot come from public allowances or benefits.

Afterwards, the transfer of the children will be carried out accompanied by the appropriate personnel and through the collaboration of the Forces and State Security Bodies and taking into account the individual situation of each minor (age, opinion, situation of vulnerability...),

Finally, an evaluation and follow-up of the Response Plan will be carried out on an annual basis to identify learning in order to improve the model. In it, all the key actors will participate and, where possible, the participation of the children themselves.

As already mentioned in other points, by agreement of the Council of Ministers dated May 9, 2023, **the State Strategy for the Rights of Children and Adolescents 2023-2030**⁹⁰ was approved, whose **area 7 aims to Build a common protection framework for migrant children**

By 2023, another 35 million euros are budgeted for the detention of unaccompanied migrant children.

REGIONAL

Every Autonomopus Community develops each particular protocol and agreement for the care of

the child (i.e. person with disability); a favourable interpretation for family life will always be made; and also the number of family unit members.

[Organic Law on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*, LOPIVI in its Spanish acronym)⁹⁴ that. Created by its Article 7 **the Sectorial Conference on Children and Adolescents** (*Conferencia Sectorial de Infancia y Adolescencia*) as a body for cooperation between public administrations in the field of child and adolescent protection as a body for cooperation between public administrations in the field of child and adolescent protection.

[Decree 903/2021, of October 19, which modifies the Regulation of Organic Law 4/2000, on rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009, approved by Royal Decree 557/2011, of April 20](#) (*Decreto 903/2021, de 19 de octubre, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril*)⁹⁵. It aimed to eliminate the obstacles that prevent the documentation of the unaccompanied foreign child supervised by a public entity and design their own residence regime for these in the moment in which they reach the age of majority, different from the non-lucrative residence regime, which is foreseen for other purposes away from the situation of these young people.

⁹⁰ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [the State Strategy for the Rights of Children and Adolescents 2023-2030](#) (*Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030*), 9 May 2023.

⁹⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

⁹⁵ Spain, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*), [Decree 903/2021, of October 19, which modifies the Regulation of Organic Law 4/2000, on rights and freedoms of foreigners in Spain and their social integration, after its reform by Organic Law 2/2009, approved by Royal Decree 557/2011, of April 20](#) (*Decreto 903/2021, de 19 de octubre, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril*), 19 October 2021.

the foreign children, such as: Spain, Counseling of Social Policies, Families, Equality and Birth (*Consejería de Políticas Sociales, Familias, Igualdad y Natalidad*), [Framework Agreement for Residential Care of unaccompanied foreign Children attended by the Directorate-General for Children, Families and Birth](#) (*Acuerdo Marco de Acogimiento Residencial de menores extranjeros no acompañados atendidos con cargo a la Dirección General de Infancia, Familias y Natalidad*), Madrid, 11 December 2019.

Article 196 of the Regulation is amended in order to reduce from 9 to 3 months the period to prove the impossibility of return. Thus, the competent Aliens Office will not wait for nine months to start its actions regarding the documentation of unaccompanied foreign children, but these will begin once ninety days have elapsed. This system is intended to ensure the identification and documentation ab initio of the person without preventing, in the event that repatriation can be carried out, that it is carried out.

[Real Decreto 903/2021: Aprobada la reforma del reglamento de extranjería que favorece la integración de menores y jóvenes extutelados](#) · [Noticias Jurídicas \(juridicas.com\)](#)

In accordance with article 41.1.j) of this norm, it will not be necessary to obtain a work permit for the exercise of activities by foreign children of working age supervised by the entity for the protection of children for those activities that, at the proposal of the aforementioned entity, while they remain in that situation, promote their social integration.

[Organic Law 26/15 which amends the system of protection for children and adolescents](#))⁹⁶. **Article 11.4** as a protective measure for children under the protection entities in every Autonomous Community **the need to establish Independent Life Preparation Programs** (previously **Article 22bis** of [Law 1/1996 on the Legal Protection of Children](#)).⁹⁷ recognized it but previously it was voluntarily promoted by each Autonomous Community and in 2015 the law recognized the need for it and all Autonomous Communities should envisage the implementation of these types of programs. It will be applicable for those children in residential care (*acogimiento residencial*) or in a particularly vulnerable situation, starting two years before reaching the age of 18, and whenever children may need it and with their commitment of active

⁹⁶ Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

⁹⁷ Spain, Head of State (*Jefatura del Estado*), [Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*), 16 February 1996.

	<p>participation. These programmes should encourage socio-educational monitoring, accommodation, socio-labour insertion, psychological support, and financial aid. They should require a commitment to active participation and use by young people. It is at the residential centres where children should be informed about the available resources, which they may have access to after they are over 18 years of age. Different Autonomous Communities have procedures that depend on regional authorities, regulations and policies. Consequently, it is impossible to give a single response to the question about if children, asylum seekers or not, need to leave reception facilities of the regional authorities when they reach 18 years of age. Responses will be provided according to each case based on the location, the funding, and the concrete management policy of the centre. In the case of the reception system for adult asylum seekers, they are supposed to be transferred to the asylum centres, but if there is a shortage on available places, they will be registered on an attendance list.</p> <p><u>Royal Decree 1004/2015, of 6 November, approving the Regulation regulating the procedure for the acquisition of Spanish nationality by residence.</u> In relation with their access to citizenship⁹⁸, unaccompanied foreign child (ren) under protection do have the right to it after 2 years of legal residence. There is then a situation that may provoke problems if there is an initial delay on the application of the residence permit and/or a backlog at the moment of issuing a citizenship resolution.</p>
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1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p><u>Action Plan against the sexual exploitation of children and adolescents of the child protection system</u> (<i>Plan de acción contra la</i></p>	<p>In reference to the filiation and adoption, Art. 108 of the Civil Code was amended by Law 4/2023, of February 28, for the real and effective equality of trans people and for the guarantee of the rights of LGBTBI people, with entry</p>

⁹⁸ Spain, Ministry of Justice (*Ministerio de Justicia*) (2015), [Royal Decree 1004/2015, of 6 November, approving the Regulation regulating the procedure for the acquisition of Spanish nationality by residence](#) (*Real Decreto 1004/2015, de 6 de noviembre, por el que se aprueba el Reglamento por el que se regula el procedimiento para la adquisición de la nacionalidad española por residencia*), 6 November 2015.

explotación sexual de niñas, niños y adolescentes del sistema de protección a la infancia)⁹⁹ approved in 2022 at a joint Sectoral Conference on Equality and Children and Adolescents. The objective of eradicating child sexual exploitation in a context where this is a structural violence, especially in vulnerable population -emotionally and / or economically. It was agreed between the General Administration of the State and the Autonomous Communities to implement a series of initiatives to prevent this type of violence against children and adolescents supervised or hosted by the administrations, improve care for victims of sexual exploitation, and structurally strengthen the protection system to prevent them from occurring in the future, with special attention to girls and adolescents.

Derived from the commitment of the action plan against sexual exploitation¹⁰⁰, on 30 June 2022, the **standardized protocol model for the disappearance and unauthorized absence of children and adolescents in residential care** resources of the child and adolescent protection system was approved at the regular meeting of the Child and Adolescent Sectoral Commission and **the update of the document “coverage, quality and accessibility standards in residential care”**.

Within the framework of the Recovery, Transformation and Resilience Plan, work is being done on a **State Deinstitutionalization Strategy**, which seeks to boost the

[into force on 03/02/2023](#)¹⁰². It meant the option of the adoption for the married LGBTI couples. It stated as follows: "Filiation can take place by nature and by adoption. Filiation by nature can be marital and non-marital. It is marital when the parents are married to each other. Marital and non-marital filiation, as well as adoptive filiation, have the same effects, in accordance with the provisions of this Code." (*La filiación puede tener lugar por naturaleza y por adopción. La filiación por naturaleza puede ser matrimonial y no matrimonial. Es matrimonial cuando los progenitores están casados entre sí*)..."Marital and non-marital filiation, as well as adoptive filiation, have the same effects, in accordance with the provisions of this Code") (*La filiación matrimonial y la no matrimonial, así como la adoptiva, surten los mismos efectos, conforme a las disposiciones de este Código*).

[Royal decree 220/2022, of 29 March, by which approves the Regulation by which regulates the system of reception in matter of international protection](#)¹⁰³ (*Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional*). It establishes concerted action as a way to improve the financing of the reception system with a long-term vision. The new concerted action model replaces the single model of annual grants in the International Protection reception system, and extends to humanitarian care. In addition, it provides greater stability to the entities that collaborate with the Government in the management of reception.

[Resolution of January 27, 2022, of the General Directorate of Rights of Children and Adolescents, which suspends the processing of international adoption files in China](#) (*Resolución de 27 de enero de 2022, de la*

⁹⁹ Spain, [Action Plan against the sexual exploitation of children and adolescents of the child protection system](#) (*Plan de acción contra la explotación sexual de niñas, niños y adolescentes del sistema de protección a la infancia*)

¹⁰⁰ Spain, Ministry of Inclusion, Social Security (*Ministerio de Inclusión, Seguridad Social y Migraciones*), [Action Plan against the sexual exploitation of children and adolescents of the child protection system](#) (*Plan de acción contra la explotación sexual de niñas, niños y adolescentes del sistema de protección a la infancia*),

¹⁰² Spain, Head of State (*Jefatura del Estado*), [Law 4/2023, of February 28, for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people, with entry into force on 03/02/2023](#) (*Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGBTI*), 2 March 2023.

¹⁰³ Spain, Ministry of Inclusion, Social Security (*Ministerio de Inclusión, Seguridad Social y Migraciones*), [Royal Decree 220/2022, of 29 March, by which approves the Regulation by which regulates the system of reception in matter of international protection](#) (*Real Decreto 220/2022, de 29 de marzo, por el que se aprueba el Reglamento por el que se regula el sistema de acogida en materia de protección internacional*), 29 March 2022.

<p>development of community services and the transformation of the support and care model, placing the rights and life project of each person at the center</p> <p>by agreement of the Council of Ministers dated May 9, 2023, the State Strategy for the Rights of Children and Adolescents 2023-2030¹⁰¹ was approved, the purpose of which area 6 is The Right to Live in a Family, Alternative Care and Deinstitutionalization</p>	<p><i>Dirección General de Derechos de la Infancia y de la Adolescencia, por la que se suspende la tramitación de expedientes de adopción internacional en China</i>). The reason was that the Chinese Government stop the processing of 112 applications requests already open since the COVID-19 crisis began and, therefore Spain decide to temporarily suspend the reception of new procedures.</p> <p>The articles 33 to 42 of Law 15/2015 of Voluntary Jurisdiction (<i>Ley 15/2015, de 2 julio, de la Jurisdicción Voluntaria</i>)¹⁰⁴ and the competence for its processing corresponds to the Court of First Instance (<i>Tribunal de primera instancia</i>) corresponding to the headquarters of the Public Entity entrusted with the protection of the adoptee and failing that, that of the adopter's domicile (art. 33 of Law 15/2015, of 2 July).</p>
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1.4.5. Children affected by custody disputes, including parental abduction

Policy developments	Legislative developments
	<p>The amendments to the Civil Code introduced by the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym</i>)¹⁰⁵. Those were the following:</p> <p>Article 92 of the Civil Code: The best interests of the child was reinforced in separation, annulment and divorce proceedings and precautions taken to ensure that guardianship and custody regimes are complied with.</p> <p>Article 154 of the Civil Code: It is established that the power to decide the place of residence of child sons and daughters is part of the content of the power that, as a general rule, corresponds to both parents. Therefore,</p>

¹⁰¹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [the State Strategy for the Rights of Children and Adolescents 2023-2030](#) (*Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030*), 9 May 2023.

¹⁰⁴ Spain, Head of State (*Jefatura del Estado*), [Law 15/2015, of July 2, of the Voluntary Jurisdiction](#) (*Ley 15/2015, de 2 de julio, de la Jurisdicción Voluntaria*), 2 July 2015.

¹⁰⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

	<p>the consent of both or, failing that, judicial authorization is required for the transfer of the child.</p> <p>Article 158 of the Civil Code: The judge may order the precautionary suspension in the exercise of parental authority and / or exercise of custody and custody, precautionary suspension of the regime of visits and communications established in a judicial resolution or judicially approved agreement and, in general, the other provisions it deems appropriate, in order to remove the child from danger or avoid harm in his family environment or in front of third parties, with the guarantee of the hearing of the child person.</p> <p>Article 172.5 of the Civil Code: The period from which the child voluntarily left the center was extended from six to twelve months, as a cause for cessation of administrative guardianship.</p>
1.4.6. Missing children	
Policy developments	Legislative developments
<p>Since 2017, an Annual Report on Missing Persons (<i>Informe anual de Personas Desaparecidas</i>) is published (including children).</p> <p>In 2019, the National Missing Centre's website was launched: https://cndes-web.ses.mir.es/</p> <p>First Strategic Plan on Missing Persons (2022-2024)¹⁰⁶ (<i>Plan Estratégico sobre Personas Desaparecidas (2022-2024)</i>) approved in 2022. This plan aims to improve resources and capacities for the prevention and investigation of cases of disappearance in Spain by the Security Forces and Bodies as well as updating the action protocols to offer a more effective response to disappearances, as different associations of relatives of disappeared persons were requesting for many years.</p> <p>Protocol of Action of the Security Forces and Bodies in cases of missing persons¹⁰⁷ (<i>Protocolo de Actuación de las Fuerzas y Cuerpos de Seguridad ante casos de personas</i></p>	<p>Order number 2/2018, of the Secretary of State for Security (<i>Instrucción número 2/2018, de la Secretaría de Estado de Seguridad</i>), which created the National Center for the Disappeared (Centro Nacional de Desaparecidos), included as one of the functions attributed to the Center the promotion and coordination of different awareness and prevention campaigns in the field of missing persons, as well as developing, disseminating and publishing information periodically, of a general or statistical nature, on cases of missing persons.¹⁰⁸</p> <p>Order 3/2019, of March 4, of the Secretary of State for Security, on police action in the face of the disappearance of persons (<i>Instrucción 3/2019, de 4 de marzo, de la Secretaría de Estado de Seguridad, sobre la actuación policial ante la desaparición de personas</i>). It approved a series of dissemination and alert instruments that favour police action, as well as the location of missing persons. In particular, the requirements and procedure to be followed for the activation of the Alert-AMBER Alerta-AMBER and Alert-MAJOR MISSING</p>

¹⁰⁶ Ministry of Interior (2022), [First Strategic Plan on Missing Persons \(2022-2024\)](#)¹⁰⁶ (*Plan Estratégico sobre Personas Desaparecidas (2022-2024)*),

¹⁰⁷ <http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones>

¹⁰⁸ https://comaformacion.es/wp-content/uploads/2018/03/CENTRO-NACIONAL-DE-DESAPARECIDOS_1.pdf

<p><i>Desaparecidas</i>) approved in 2019. Its key objective was to try to normalize and homogenize a common police action procedure to be followed by the Security Forces and Bodies, adopting the corresponding concrete measures according to the circumstances of each disappearance, and always emphasizing and strengthening the measures of cooperation and collaboration between the different police forces, public administrations and institutions, both public and private, both nationally and internationally, without forgetting society in general.</p>	<p>Systems Alerta-MAYOR DESAPARECIDO) were established.</p>
<p>1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>National Strategy to Prevent and Combat Poverty and Social Exclusion 2019-2023¹⁰⁹. The Strategy tackled basic issues such as: the protection of children and the protection of families, especially those that are the neediest or the most vulnerable.</p> <p>Children with Rights. National State Action Plan for the Implementation of the European Child Guarantee (2022-2030) (<i>Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)</i>)¹¹⁰. In July 2022, the National State Action Plan (2022-2030) was approved. It was structured in three axes: combating child poverty and strengthening the social protection of children and adolescents; universalization of social rights; and the promotion of territorial equity, protective, equal, inclusive, and participatory environments.</p>	<p>NATIONAL LEVEL</p> <p>Draft Law for the right to housing (<i>Proyecto de Ley por el derecho a la vivienda</i>)¹¹⁴. It addressed families and cohabitation units living in highly vulnerable and segregated settlements and neighborhoods, homeless people, people with disabilities, children at risk of poverty or social exclusion, children under guardianship who cease to be.</p> <p>Resolution of March 15, 2023, of the Secretary of State for Social Rights, which publishes the certified relations of the projects of the programs "Protection of the family and attention to child poverty. Development of basic social service benefits"; of "Integral social intervention for the attention, prevention of marginalization and insertion of the gypsy people" approved with the autonomous communities and the cities of Ceuta and Melilla for the year 2022 (<i>Resolución de 15 de marzo de 2023, de la Secretaría de Estado de Derechos Sociales, por la que se publican las relaciones certificadas de los</i></p>

¹⁰⁹ Spain, Minister of social rights and 2030 agenda (2019), [National Strategy to Prevent and Combat Poverty and Social Exclusion 2019-2023](#), reports, studies and research 2020 second vice-presidency of the government.

¹¹⁰ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [Children with Rights. National State Action Plan for the Implementation of the European Child Guarantee \(2022-2030\)](#) (*Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)*), press release, 6 July 2022.

¹¹⁴ Spain, National Parliament (*congreso de los diputados*), [121/000089 Draft Law on the Right to Housing](#) (*121/000089 Proyecto de Ley por el derecho a la vivienda*), Boletín Oficial de las Cortes Generales, XIV LEGISLATURA Serie A: PROYECTOS DE LEY 24 de abril de 2023 Núm. 89-4 Pág. 1 B

The [Zero Child Poverty Country Alliance](#) (*Alianza País Pobreza Cero Infantil*) **created in 2021** was an initiative promoted by the High Commissioner for the Fight against Child Poverty (*Alto Comisionado contra la Pobreza Infantil del Gobierno de España*), whose objective was to promote policies and social alliances that allow progress towards the eradication child poverty. It counted with more than 150 partner's members.

In 2020, in order to support family and child poverty, the Spanish Government approved the distribution of a total of eighty-five million euros on funding for the autonomous communities and the autonomous cities of Ceuta and Melilla for the implementation of a [Family Protection and Child Poverty Care Programme](#) (*Programa de Protección a la Familia y atención a la pobreza infantil*)¹¹¹. It was distributed in two blocks: a first one of 45 million will be allocated to projects that contribute to improving the socio-labour situation of families with dependent children, and families suffering situations of severe material deprivation, or risk of poverty and/or exclusion. A second block will be endowed with 40 million euros to be allocated to basic social services through local corporations¹¹².

As already mentioned in other points, by agreement of the Council of Ministers dated 9 May 2023, **the State Strategy for the Rights of**

proyectos de los programas "Protección a la familia y atención a la pobreza infantil. Desarrollo de prestaciones básicas de servicios sociales"; de "Intervención social integral para la atención, prevención de la marginación e inserción del pueblo gitano" aprobados con las comunidades autónomas y las ciudades de Ceuta y de Melilla para el año 2022)¹¹⁵. *Ministry of Social Rights and Agenda 2030 Ministerio de Derechos Sociales y Agenda 2030*

[General State Budget Law 2021](#) (*Ley de Presupuestos Generales del Estado*).¹¹⁶ It included **3,000 million euros for the Minimum Living Income** (*Ingreso Mínimo Vital*). **Over half of the beneficiaries will be children and adolescents.** Through both National State Budget and the Minimum Living Income, it sought to increase by 60% the establishment of programs to combat child poverty, up to 164 million euros; to allocate 340 million euros to educational reinforcement actions, and to invest 776 million euros in Vocational Training and 401 million euros in education for children between 0 to 3 years.

This funding Call was promoted under the [Recovery, Transformation and Resilience Plan](#) (*Plan de Recuperación, Transformación y Resiliencia*), to dedicate more than 670 million euros within the Recovery, Transformation and Resilience Plan and the creation of public education places 0-3 until 2023. The Council of Ministers has authorized the distribution of two hundred million euros among the autonomous communities to create 21,000 new public places for early childhood education aimed at schooling children from 0-3 years old. This item, included in the Transformation and

¹¹¹ Spain, Presidency of the Government (*Presidencia del Gobierno*), [Distribución de los créditos del Programa de protección a la familia y atención a la pobreza infantil](#), 14 July 2020.

¹¹² Spain, [Budget Plan 2021](#) (*Plan Presupuestario 2021 Reino De España*), 15 October 2020.

¹¹⁵ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [Resolution of March 15, 2023, of the Secretary of State for Social Rights, which publishes the certified relations of the projects of the programs "Protection of the family and attention to child poverty. Development of basic social service benefits"; of "Integral social intervention for the attention, prevention of marginalization and insertion of the gypsy people" approved with the autonomous communities and the cities of Ceuta and Melilla for the year 2022](#) (*Resolución de 15 de marzo de 2023, de la Secretaría de Estado de Derechos Sociales, por la que se publican las relaciones certificadas de los proyectos de los programas "Protección a la familia y atención a la pobreza infantil. Desarrollo de prestaciones básicas de servicios sociales"; de "Intervención social integral para la atención, prevención de la marginación e inserción del pueblo gitano" aprobados con las comunidades autónomas y las ciudades de Ceuta y de Melilla para el año 2022*).

¹¹⁶ Spain, Head of State (*Jefatura del Estado*) (2021), [Law 11/2020, of December 30, on General State Budgets for the year 2021](#) (*Ley 11/2020, de 30 de diciembre, de Presupuestos Generales del Estado para el año 2021*), 1 January 2021.

Children and Adolescents 2023-2030¹¹³ was approved, whose **area 2 aims to End Poverty and Social Exclusion in Children and Adolescents.**

Resilience Recovery Plan, will be completed in 2022 and 2023 to reach a total investment of 670.1 million euros, which will allow the creation of more than 65,000 free public places.¹¹⁷

[Law 19/2021, of December 20, which proves the minimum vital income](#) (*Ley 19/2021, de 20 de diciembre, por la que se establece el ingreso mínimo vital*)¹¹⁸ approved in 2019. It included the creation of the Child Support Supplement (*Complemento de Ayuda para la Infancia*) that amounted between 50 and 100 euros per month to help children and low-income families. It should be taking into consideration that the Interprofessional Minimum Salary (*salario mínimo interprofesional*, SMI, in its Spanish acronym) was set at 32.17 euros/day or 965 euros/month, depending on if the salary is fixed by days or by months. As in effects from [Royal Decree 99/2023, of 14 February, fixing the minimum interprofessional wage for 2023](#) (*Real Decreto 99/2023, de 14 de febrero, por el que se fija el salario mínimo interprofesional para 2023*), 14 February 2023¹¹⁹.

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[II Comprehensive Plan to support families, children, and adolescents in the community of Navarra 2017-2023](#) (*II Plan integral de apoyo a la familia, la infancia y la adolescencia en la comunidad de Navarra 2017-2023*)¹²⁰ approved by the Government of Navarra (*Gobierno de Navarra*) on February 14, 2018, and whose objective is to respond to the emerging realities and problems that neither the current Child Protection System nor the current family policies are able to address.

¹¹³ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [the State Strategy for the Rights of Children and Adolescents 2023-2030](#) (*Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030*), 9 May 2023.

¹¹⁷ Spain, Spanish Government (*Gobierno de España*), [El Gobierno favorece la creación de 65.000 plazas públicas y gratuitas para escolarizar a niños de 0 a 3 años](#), press release, 16 November 2021.

¹¹⁸ Spain, Head of State (*Jefatura del Estado*), [Law 19/2021, of December 20, which establishes the minimum vital income](#) (*Ley 19/2021, de 20 de diciembre, por la que se establece el ingreso mínimo vital*), 20 December 2021¹¹⁸

¹¹⁹ Spain, Ministry of Labour and Social Economy (*Ministerio de Trabajo y Economía Social*), [Royal Decree 99/2023, of 14 February, fixing the minimum interprofessional wage for 2023](#) (*Real Decreto 99/2023, de 14 de febrero, por el que se fija el salario mínimo interprofesional para 2023*), 14 February 2023.

¹²⁰ Spain, Government of Navarra (*Gobierno de Navarra*) (2018) [II Comprehensive Plan to support families, children, and adolescents in the community of Navarra 2017-2023](#) (*II Plan integral de apoyo a la familia, la infancia y la adolescencia en la comunidad de Navarra 2017-2023*) press release, 14 February 2018.

1.4.8. Children belonging to childly ethnic groups, e.g. Roma, Sami, etc.

Policy developments	Legislative developments
<p>National Strategy for Equality, Inclusion and Participation of the Roma people 2021-2030 (<i>Estrategia Nacional para la Igualdad, la Inclusión y la Participación del Pueblo Gitano 2021-2030</i>)¹²¹ in November 2021. It set up the priority political guidelines and the roadmap to be followed in the next ten years. It seeks a substantial improvement in all the indicators that show the enormous inequality still existing in Spanish society. It is structured in 3 axes, nine strategic lines and 29 specific objectives: The first axis is social inclusion; the second one is equal opportunities and non-discrimination; the third one is participation and empowerment. Its implementation will be carried out through two Operational plans (2021-2026) and (2027 to 2030). At the end of the first operational plan, a mid-term evaluation of the Strategy will be carried out to see its impact on the Roma population and a final assessment in 2030.</p> <p>The State Plan for Access to Housing 2022-2025 (<i>Plan Estatal para el acceso a la Vivienda 2022-2025</i>)¹²² was an instrument that seeks to facilitate access to housing by the population. Among other objectives, it seeks to promote the regeneration and urban and rural renewal of degraded areas and areas where slums still prevail, deepening the social component and increasing aid. Actions related to the</p>	<p>Amendment of the Spanish Criminal Code by the Organic Law 6/2022, complementary to Law 15/2022 on integral for equal treatment and non-discrimination, (<i>Ley Orgánica 6/2022, de 12 de julio, complementaria de la Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, de modificación de la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal</i>)¹²⁵. It introduced anti-Roma (<i>antigitanismo</i>) as a specific hate crime towards the Roma population. It meant that those who directly or indirectly encourage, promote or incite hatred, hostility, discrimination or violence against a group, a part of it or against a specific person by reason of their membership, for racist, anti-Semitic, anti-roma reasons could be punished with penalties ranging from 1 to 4 years in prison. It amended the Article 22.4 of the Criminal Code in relation to the circumstances that aggravate criminal responsibility for committing a crime with discriminatory motivations and it also amended Articles 510.1 and 510.2 of the Criminal Code under which it is regulated the hate speech crime.</p> <p>Law 15/2022, of July 12, regulating equal treatment, without discrimination¹²⁶ (<i>Ley 15/2022, de 12 de julio, reguladora de la igualdad de trato, sin discriminación</i>). Its Article 13 addressed the “Right to equal treatment and non-discrimination in education” (<i>Derecho a la igualdad de trato y no discriminación en la educación</i>) included a particular reference to the need to the deepening on the knowledge and respect of other</p>

¹²¹ Spain, Council of Ministers (*Consejo de Ministros*) (2021), [National Roma Strategy for Equality, Inclusion and Participation 2021 2030](#) (*Estrategia Nacional para la Igualdad, la Inclusión y la Participación del Pueblo Gitano*), Madrid.

¹²² Spain, Ministry Of Transport, Mobility And Urban Agenda (*Ministerio De Transportes, Movilidad Y Agenda Urbana*), [Royal Decree 42/2022, of 18 January, regulating the Young Rental Bonus and the State Plan for access to housing 2022-2025](#) (*Real Decreto 42/2022, de 18 de enero, por el que se regula el Bono Alquiler Joven y el Plan Estatal para el acceso a la vivienda 2022-2025*), 18 January 2022.

¹²⁵ Spain, Head of State (*Jefatura de Estado*), [Organic Law 6/2022, of July 12, complementary to Law 15/2022, of July 12, integral for equal treatment and non-discrimination, amending Organic Law 10/1995, of November 23, of the Criminal Code](#) (*Ley Orgánica 6/2022, de 12 de julio, complementaria de la Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, de modificación de la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal*), 12 July 2022.

¹²⁶ Spain, Head of State (*Jefatura de Estado*), [Law 15/2022, comprehensive for equal treatment and non-discrimination](#) (*Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación*), 12 July 2022.

eradication of slums are covered in Program 12 titled as Programme to help eradicate degraded areas, shanty towns and substandard housing.

Creation of a [Subcommittee to study a State Pact against Anti-Roma and the Inclusion of Roma People](#) (*Subcomisión para el estudio de un Pacto de Estado contra el Antigitanismo y la Inclusión del Pueblo Gitano*) in **2021**¹²³. The proposal for the subcommittee was promoted by the Socialist Parliamentary Groups (*Grupos Parlamentarios Socialista*), Confederal of United We Can (*Confederal de Unidas Podemos*), Galicia in Common (*Galicia en Común*), and Citizens (*Ciudadanos*).

The [Recovery, Transformation and Resilience Plan](#) (*Plan de Recuperación, Transformación y Resiliencia*), introduced opportunities for the inclusion of groups at risk of social exclusion, such as immigrants, Roma people or any other social group at stake. **The Plan objectives** addressed vulnerable groups who suffer discrimination based on religion, ethnicity, or social class. It aims to promote Moreover, accessibility to early educational services become a priority, mainly focusing on neighbourhoods where families with low academic and income levels live, single-parent families and child groups such as the roma.

[Decree 75/2020 by the Council, amending initial Decree 5/2019, for the creation of the Valencian Council of Gypsy People](#) (*Decreto 75/2020, de 17 de julio, del Consell, de modificación del Decreto 5/2019, de 25 de*

cultures, in particular the Roma and other groups and collectives.

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[Basque Strategy with the Roma People 2022-2026](#)¹²⁷ (*Estrategia Vasca con el Pueblo Gitano 2022-2026*). It aimed to seek a broad institutional, political and social consensus. It will promote the adoption of a comprehensive Basque Law on Equal Treatment and Non-Discrimination with the main purpose of establishing a general framework of regulation counting also with a feminist approach.

First call for grants for Roma students to facilitate the continuity for post-compulsory studies for the 2022-2023 academic year¹²⁸ in Catalunya in 2022. It included a transport aid, material aid and an exceptionally extraordinary aid for the payment of registration grants be given to post-compulsory students who adequately justify the need to receive the tuition aid (studying in private universities or private institutes); Continue to carry out training for access to the University for people over 25 and 45 years of age; Previous accompaniment of Roma students who try to access post-compulsory and/or university studies, as well as subsequent follow-up once they accessed it. Identify Roma students who are achieving good academic results in compulsory secondary education; Prioritize and facilitate the access of Roma students to post-compulsory and/or university studies related to health, education and the social sphere; Guarantee a system of public or private financial aid aimed at Roma students who are studying post-compulsory and/or university studies.

[Decree 75/2020 by the Council, amending initial Decree 5/2019, for the creation of the Valencian Council of Gypsy People](#) (*Decreto 75/2020, de 17 de julio, del Consell, de modificación del Decreto 5/2019, de 25 de*

¹²³ Congress of Deputies (*Congreso de los Diputados*) (2021) [Subcommittee to study a State Pact against Anti-Roma and the Inclusion of Roma People](#), (*Subcomisión para el estudio de un Pacto de Estado contra el Antigitanismo y la Inclusión del Pueblo Gitano*), Madrid.

¹²⁷ Spain, Basque Regional Government (*Gobierno Vasco*) (2022), [Basque Strategy with the Roma People 2022-2026](#) (*Estrategia Vasca con el Pueblo Gitano 2022-2026*), Vitoria-Gasteiz, Departamento de Igualdad, Justicia y Políticas Sociales.

¹²⁸ Spain, Catalunya Regional Government (*Generalitat de Catalunya*), [Actuacions d'atenció al poble gitano](#), official website, 2022.

enero, del Consell, por el que se crea el Consejo Valenciano del Pueblo Gitano)¹²⁴.

enero, del Consell, por el que se crea el Consejo Valenciano del Pueblo Gitano)¹²⁹.

Decree 13/2019, March 18, of the Regional Council of the Roma People (*Decreto 13/2019, de 18 de marzo, del Consejo Regional del Pueblo Gitano*)¹³⁰. The Council is established as an advisory and consultative collegiate body of the autonomous community of Castilla La Mancha, which aims to promote and involve the Roma association movement in the design and development of policies to combat the poverty and social exclusion on an integral basis, aimed at promoting the equal opportunities of this population and to which the functions established in this decree correspond.

At a regional level, on 30 April 2021, the Procurator of the Common of Castile and Leon (*Común de Castilla y León*) published a **Resolution regarding school segregation**¹³¹. The Resolution contains a specific section addressing the fact that students in situations of socio-educational vulnerability belonging to the Roma community deserve special consideration. It is essential to continue working on improving the schooling of Roma students, especially in compulsory education. It pursues a quality, inclusive and demanding educational system that guarantees equal opportunities and allows and makes sure every student has the tools and requirements available to develop the maximum of their potential. It is in line with the **Program of Strategic Actions with Roma People in Castile and Leon 2021-2030** (*Programa de Actuaciones Estratégicas con la*

¹²⁴ Spain, Vice-President's Office and Ministry of Equality and Inclusive Policies (*Vicepresidencia y Conselleria de Igualdad y Políticas Inclusivas*), **Decree 75/2020, by the Council, amending Decree 5/2019, of January 25, of the Consell, creating the Valencian Council of the Gypsy People** (*Decreto 75/2020, de 17 de julio, del Consell, de modificación del Decreto 5/2019, de 25 de enero, del Consell, por el que se crea el Consejo Valenciano del Pueblo Gitano*), 17 July 2020.

¹²⁹ Spain, Vice-President's Office and Ministry of Equality and Inclusive Policies (*Vicepresidencia y Conselleria de Igualdad y Políticas Inclusivas*), **Decree 75/2020, by the Council, amending Decree 5/2019, of January 25, of the Consell, creating the Valencian Council of the Gypsy People** (*Decreto 75/2020, de 17 de julio, del Consell, de modificación del Decreto 5/2019, de 25 de enero, del Consell, por el que se crea el Consejo Valenciano del Pueblo Gitano*), 17 July 2020.

¹³⁰ Spain, Castilla La-Mancha, the Social Welfare regional government department (*Conserjería de Bienestar Social*) (2019), **Decree 13/2019, March 18, of the Regional Council of the Roma People** (*Decreto 13/2019, de 18 de marzo, del Consejo Regional del Pueblo Gitano*), 22 March 2019.

¹³¹ Spain, Council of the Presidency of the Castile and Leon Board (*Consejería de la Presidencia de la Junta de Castilla y León*) (2021) **School Segregation in Castile and Leon / Resolution** (*Segregación escolar en Castilla y León / Resolución*).

Población Gitana en Castilla y León 2021-2030)¹³² **launched in April 2021, including 73 new measures and 40 million euros of investment for the inclusion of the Roma community.** The Castile and Leon Regional Government (*Junta de Castilla y León*) was a pioneer in 2018 when the [2030 Program](#)¹³³ was launched, an initiative that addresses the difficult task of preventing and eliminating school segregation. The **2021-2030 Strategic** goal was the promotion of measures aimed at improving the quality of life of the Roma population living in poverty and a social exclusion environment. It seeks to achieve their full social and economic inclusion. This program was organized around six main spheres: social services, education, employment, housing, health, and participation and equal treatment. In each sphere, specific measures were established to achieve the main objective, such as gaining access to decent housing, achieving a certain academic level, and obtaining a quality job. All measures are intended to be performed while Roma people continue to be recognized by the bulk of their community as valid role models. **In April 2021**, the researcher and current Congress deputy Ismael Cortés

1.4.9. ¹³⁴Children involved in judicial proceedings as victims or witnesses or parties

Policy developments	Legislative developments
<p>State Pact against Gender-based Violence (<i>Pacto de Estado contra la Violencia de Género</i>)¹³⁵ and its preamble to LO 2/2022, which specifically includes measures to intensify the assistance and protection of children, who are now recognised as direct victims of gender-based violence, which</p>	<p>Organic Law 2/2022 on improving the protection of orphan’s victims of gender-based violence (<i>Ley Orgánica 2/2022, de 21 de marzo, de mejora de la protección de las personas huérfanas víctimas de la violencia de género</i>)¹³⁶. The amendment of Articles 216.3 and 224 of the General Law on Social Security extend the scope of the orphan's pension to include the</p>

¹³² Spain, Castile and Leon Regional Government, (*Junta de Castilla y León*) (2021) [Program of Strategic Actions with Roma People in Castile and Leon 2021-2030](#) (*Programa de Actuaciones Estratégicas con la Población Gitana en Castilla y León 2021-2030*),

¹³³Spain, Castile and Leon Regional Government, (*Junta de Castilla y León*) (2018) [2030 Program](#) (*Programa 2030*),

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¹³⁵ Spain, Ministry of the Presidency, Relations with the Courts and Equality (*Ministerio de Presidencia, Relaciones con las Cortes e Igualdad*) (2019) [Consolidated document of measures of the State Pact on gender violence. Congress + Senate](#) (*Documento refundido de medidas del Pacto de Estado en materia de violencia de género. Congreso + Senado*) press release, 13 May 2019.

¹³⁶¹³⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Organic Law 2/2022 on improving the protection of orphan’s victims of gender-based violence](#) (*Ley Orgánica 2/2022, de 21 de marzo, de mejora de la protección de las personas huérfanas víctimas de la violencia de género*) Official State Gazette, 22 February 2022.

implies the need to expand and improve these assistance and protection measures, such as the introduction of new benefits in cases of orphanhood; or the review of civil custody measures; or encourage reinforcement actions in the educational field and promote the specialization of family meeting points.

direct victims of gender violence. The uncertainty about the procedure applicable to the liquidation of the community of property (*liquidación de la sociedad de gananciales*) in the cases of women victims of violence. It also meant the formal jurisdiction over the procedures of liquidation of the matrimonial property regime for the courts of violence against women when requested by the heirs who died due to crimes of gender-based violence.

It assigned new powers in favour of the Court of Violence against Women (*Juzgado de Violencia sobre la Mujer*), in order to facilitate access to justice for orphans victims of this terrible violence, and to help them, as far as possible, in the reconstruction of their lives, after the loss of their mother through the amendment of the Article 87.2 of the [Organic Law of the Judiciary Power](#)¹³⁷.

[Law 3/2019, of 1 March, to improve the orphanage status of the daughters and sons of victims of gender-based violence and other forms of violence against women](#) (*Ley 3/2019, de 1 de marzo, de mejora de la situación de orfandad de las hijas e hijos de víctimas de violencia de género y otras formas de violencia contra la mujer*)¹³⁸. All children of victims of sexist violence and mothers killed by any other form of violence against women will be entitled from 3 March 2019 to an orphan's pension of around 600 euros. It made it equal to the cases of absolute orphanage (*orfandad absoluta*)¹³⁹ where that orphan pension could be increased summing up the amount corresponding to the widow pension of one of the parents.

[Organic Law 13/2015, of October 5, amending the Criminal Procedure Act to strengthen procedural safeguards and regulate technological research measures](#) (*Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación*)

¹³⁷ Spain, Head of State (*Jefatura del Estado*) [Organic Law of the Judiciary Power](#) (*Ley Orgánica del Poder Judicial*), 1 July 1985.

¹³⁸ Spain, [Law 3/2019, of 1 March, to improve the orphanage status of the daughters and sons of victims of gender-based violence and other forms of violence against women](#) (*Ley 3/2019, de 1 de marzo, de mejora de la situación de orfandad de las hijas e hijos de víctimas de violencia de género y otras formas de violencia contra la mujer*), 1 March 2019.

¹³⁹ See that the absolute orphanage (*orfandad absoluta*) refers to both parents have died or the absence of one of them, when the other is unknown or has been held responsible for gender-based violence.

	<p><i>tecnológica</i>)¹⁴⁰, and the Law 41/2015, of October 5, amending the Criminal Prosecution Act for the speeding of criminal justice and strengthening procedural safeguards (<i>Ley 41/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para la agilización de la justicia penal y el fortalecimiento de las garantías procesales</i>)¹⁴¹ to respond to the transposition process of the Directive 2016/800 on procedural safeguards for children.</p>
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1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments	Legislative developments
<p>REGIONAL LEVEL</p> <p>In February 2021, it was signed an agreement between the Ministry of Tourism, Regeneration and Justice together with the Ministry of Education and Sport (<i>Consejería de Turismo, Regeneración y Justicia junto a la Consejería de Educación y Deporte</i>) to guarantee access to education for young people included in the juvenile justice system and inmates in the Juvenile Offender Detention Centres (<i>Centros de Internamiento de Menores Infractores, CIMI</i>, in its Spanish acronym)¹⁴². It guaranteed schooling of children who meet a measure in the resources of Juvenile Justice, both in one of the 16 CIMI of the Andalusia region and in an open prison regime, especially those who are referred to an educational group. It undertook to provide the spaces, equipment, schedules and support staff necessary to develop the teaching activity</p>	<p>Law 3/2018 of 11 June amending Law 23/2014 of 20 November on mutual recognition of criminal decisions in the European Union to regulate the European Investigation Order (<i>Ley 3/2018, de 11 de junio, por la que se modifica la Ley 23/2014, de 20 de noviembre, de reconocimiento mutuo de resoluciones penales en la Unión Europea, para regular la Orden Europea de Investigación</i>)¹⁴³.</p> <p>Law 3/2018, of 11 June, amending the Laws on Mutual Recognition to regulate the European Investigation Order (<i>Ley 3/2018, de 11 de junio, por la que se modifica la LRM para regular la Orden Europea de Investigación</i>) that incorporated one element not previously included in 2015 such as: the appointment in the country where the Euroorder was issued of a lawyer to represent a claimant arrested in another State where the Euroorder supposed to be executed; that is, the right to double defence recognised under article 10 of the Directive 2016/800 on procedural safeguards for children. It</p>

¹⁴⁰Spain, Head of State (*Jefatura del Estado*), (2015), [Organic Law 13/2015, of October 5, amending the Criminal Procedure Act to strengthen procedural safeguards and regulate technological research measures](#) (*Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica*), Madrid, 6 October 2015.

¹⁴¹Spain, Head of State (*Jefatura del Estado*), (2015), [Law 41/2015, of October 5, amending the Criminal Prosecution Act for the speeding of criminal justice and strengthening procedural safeguards](#) (*Ley 41/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para la agilización de la justicia penal y el fortalecimiento de las garantías procesales*), Madrid, 6 October 2015.

¹⁴²Spain, Andalusian Government (*Junta de Andalucía*), [Justicia y Educación renuevan el convenio para garantizar la escolarización de los menores infractores](#), press release, 3 February 2021.

¹⁴³Spain, Head of State (*Jefatura del Estado*), (2018), [Law 3/2018 of 11 June amending Law 23/2014 of 20 November on mutual recognition of criminal decisions in the European Union to regulate the European Investigation Order](#) (*Ley 3/2018, de 11 de junio, por la que se modifica la Ley 23/2014, de 20 de noviembre, de reconocimiento mutuo de resoluciones penales en la Unión Europea, para regular la Orden Europea de Investigación*), 12 June 2018.

with the centre's students and computer equipment and the required connectivity in the internment centres.

Project for the implementation of the Barnahus System in Spain. The joint project of the European Union and the Council of Europe "Strengthening of justice adapted to children through effective cooperation and coordination between different Barnahus services in the regions of Spain" will be implemented by the Council of Europe in close collaboration with the Ministry of Social Rights and Agenda 2030 during the period 07/06/2022-07/05/2024. Its objective is to guarantee that all boys and girls who are victims of violence, including trafficking for the purpose of sexual exploitation and child sexual abuse, benefit from **friendly access to justice, avoid secondary victimization** and reinforced child protection services in Spain and its regions, through the implementation of the Barnahus model.

introduced Article 50: Detention and bring to the judicial authority (*Detención y puesta a disposición de la autoridad judicial*). In the case of children, from the age of fourteen, the period for the detained child to be brought to the Central Juvenile Court of the High National Court (*Audiencia Nacional*), is reduced to twenty-four hours, instead seventy-two hours.

The [Organic Law 8/2021 on comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*)¹⁴⁴ established under its **Article 60 that the criminal records that appear as cancelled will not be taken into account.** The Law establishes measures of protection, early detection, assistance, reintegration of violated rights and recovery of the victim, which find their inspiration in the comprehensive care models identified as good practices when it comes to **avoiding secondary victimization. In this sense,** The first final provision is dedicated to the **modification of the Criminal Procedure Law.** The Sections five to fourteen fully and systematically regulate the **preconstituted test**, setting the necessary requirements for its validity. In addition, the regulation of precautionary measures of a criminal and civil nature that can be adopted during criminal proceedings and that may affect children or people with disabilities in need of special protection is modified. Finally, **the twentieth final provision establishes** the specialization of the judicial bodies, the prosecutor's office and the technical teams that provide specialized assistance to the Courts and Tribunals, establishing the **specialization of both judicial bodies and their heads, for the investigation and prosecution of criminal cases for crimes committed against children.**

As far as issues affecting the Criminal Responsibility of Children, It modified the Eleventh Final Provision of LO 8/2021 LO 5/2000, of January 12, regulating the criminal responsibility of children concerning the rights of victims.

Article 17bis **establishes that people under fourteen years of age in conflict with the law** are criminally unimpeachable according to article 3 of the [Organic Law 5/2000 on the criminal responsibility of children](#) (*Ley Orgánica 5/2000, de 12 de enero, reguladora de la*

¹⁴⁴ Spain, Head of State (*Jefatura del Estado*) (2021), [Organic Law 8/2021 on comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*), 4 June 2021.

responsabilidad Criminal de los menores). This article will be included in a **monitoring plan** carried out by the competent local authorities of every autonomous community. They, in addition, are in charge of assessing their social situation and whether the violent act could constitute a crime against sexual and injured persons (art. 4 LO 5/2000)¹⁴⁵ and surveillance and security measures (art. 59 LO 5/2000).

This article will be included in a **monitoring plan** carried out by the competent local authorities of every autonomous community. They, in addition, are in charge of assessing their social situation and whether the violent act could constitute a crime against sexual freedom, indemnity, or gender violence. If so, the monitoring plan must include a training module on gender equality.

[Organic Law 13/2015, of October 5, amending the Criminal Procedure Act to strengthen procedural safeguards and regulate technological research measures](#) (*Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica*)¹⁴⁶, and the [Law 41/2015, of October 5, amending the Criminal Prosecution Act for the speeding of criminal justice and strengthening procedural safeguards](#) (*Ley 41/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para la agilización de la justicia penal y el fortalecimiento de las garantías procesales*)¹⁴⁷ to respond to the transposition process of the Directive 2016/800 on procedural safeguards for children.

1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence

¹⁴⁵ Spain, Ministry of Justice (*Ministerio de Justicia*), [Organic Law 5/2000, of 12 January, regulating the criminal responsibility of children](#) (*Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores*), 12 January 2000.

¹⁴⁶ Spain, Head of State (*Jefatura del Estado*), (2015), [Organic Law 13/2015, of October 5, amending the Criminal Procedure Act to strengthen procedural safeguards and regulate technological research measures](#) (*Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica*), Madrid, 6 October 2015.

¹⁴⁷ Spain, Head of State (*Jefatura del Estado*), (2015), [Law 41/2015, of October 5, amending the Criminal Prosecution Act for the speeding of criminal justice and strengthening procedural safeguards](#) (*Ley 41/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para la agilización de la justicia penal y el fortalecimiento de las garantías procesales*), Madrid, 6 October 2015.

Policy developments	Legislative developments
<p>Considering that these practices are under the framework of the policies and practices of Trafficking in Human Beings in Spain, the possible information corresponding to this section has already been collected under section 1.4.1 of this report.</p>	<p>Considering that these practices are under the framework of the policies and practices of Trafficking in Human Beings in Spain, the possible information corresponding to this section has already been collected under section 1.4.1 of this report.</p> <p>The article 1.2 of the Organic Law 8/2021 on comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>)¹⁴⁸ includes genital mutilation and child /forced marriages like a form of violence against children.</p>
1.4.12. Children whose parents are in prison/custody	
Policy developments	Legislative developments
<p>No relevant developments in the last six years were identified.</p>	<p>Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym</i>)¹⁴⁹. Its article 94 enter an amendement of the Civil Code to prohibit such visits. The text vetoes the establishment of visitation regimes with parents in a situation of prison either provisionally or if they have already been convicted of attacking the life, physical integrity, freedom, moral integrity or freedom and sexual indemnity of the other spouse or their children. It considered children ase direct victims of the same violence suffered by their mothers, as written by Spanish law in 2015.</p>
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments

¹⁴⁸ Spain, Head of State (*Jefatura del Estado*) (2021), [Organic Law 8/2021 on comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*), 4 June 2021

¹⁴⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

In terms of those children who drop out of compulsory education, there were no significant developments occurred in Spain in the last five years. The applicable Civil and criminal code provisions were not modified.

The Active Population Survey (*Encuesta de Población Activa*)¹⁵⁰ revealed that early school leaving in 2022 remained stable with 13.9% of people aged 18 to 24 who had not completed the second stage of Secondary Education (Intermediate Vocational Training, Basic or Baccalaureate) and did not follow any type of training. Since 2012, the early leaving rate in Spain decreased by almost 11 points, from 24.7% to 13.9%. The difference between men (16.5%) and women (11.2%) was still of a 5.3 percentage points, And the male early leaving rate improved in 2022 with a decrease of 0.2 points. A 78.7% of the population aged 20-24 reached at least the second stage of secondary school, 15.7 percentage points more than in 2012. A 50.5% of the population aged 25 to 34 has attained higher education. Women stand out with a rate of 57%, well above men, with 44.1%

As far as the working children under the legal age for work

National Action Plan against Forced Labour (*Plan de Acción Nacional contra el Trabajo Forzoso*)¹⁵¹ It focuses on the protection of victims, making it essential to classify the crime of forced labour and to adopt measures aimed at better understanding its profile, in order to protect them and improve prevention and detection policies. It refers to both adults and children, whether female or male. It is also irrelevant whether or not the person is a national of the country where the case of

In terms of those children who drop out of compulsory education, there were no significant developments occurred in Spain in the last five years. The applicable Civil and criminal code provisions were not modified.

As far as data on the drop out rate of child from school, the Active Population Survey (*Encuesta de Población Activa*) revealed that early school leaving in 2022 remained stable with 13.9% of people aged 18 to 24 who had not completed the second stage of Secondary Education (Intermediate Vocational Training, or Baccalaureate) and did not follow any type of training.

¹⁵⁰ Spain, Ministry of Education and Vocational Training (Ministerio de Educación y Formación Profesional), [La tasa de abandono educativo temprano se mantiene estable con un 13,9% en 2022](#), press release, 27 January /2023

¹⁵¹ Spain, [Resolution of 20 December 2021, of the Secretary of State for Employment and Social Economy, by which publishes the Agreement of the Council of Ministers of 10 December 2021, by which approves the National Action Plan against Forced Labour: compulsory labour relations and other forced human activities](#) (*Resolución de 20 de diciembre de 2021, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 10 de diciembre de 2021, por el que se aprueba el Plan de Acción Nacional contra el Trabajo Forzoso: relaciones laborales obligatorias y otras actividades humanas forzadas*), 20 December 2021.

<p>forced labour was detected, as well as the regular or irregular administrative status of the migrant worker. The final objective of the Plan is the eradication of forced labor inside and outside our borders, so the different actions must also encompass the fight against forced labor in supply chains, cases of subcontracting or labor intermediation.</p> <p>Strategic Plan of the Labour and Social Security Inspectorate 2021, 2022 and 2023 (<i>Plan Estratégico de la Inspección de Trabajo y Seguridad Social 2021, 2022 y 2023</i>).</p> <p>National Strategy against Organized Crime and Serious Crime 2019-2023¹⁵². In relation to the children rights' made referenct to an updateg and renewing the existing victim assistance tools; and developing further methods to complement the action in other fields, namely with regard to the problems associated with children.</p>	
<p>1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>No other relevant group was identified</p>	<p>No other relevant group was identified</p>

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that were pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

There is a **gap between national legislation and the EU standards** refers to the remuneration of parental leave as stated by the Directive 2019/1158 on Conciliation that establishes that States must guarantee parental leave of at least four months per parent, of which two of them must be paid and non-transferable. [The Draft Law for the Family in Spain](#) introduces this type of leave, but with a duration of 8 weeks until the age of 8 of the dependent child, without establishing their remuneration.

In terms of the international standars, United Nations did questioned certain pending issues, such as: the regulation of advertising on unhealthy products. Eventhough a Royal Decree Law aimed at preventing the consumption of unhealthy products by children and adolescents is currently pending approval and the measures taken to adapt the justice system to the needs and rights of children are taken, especially in the

¹⁵² Spain, [National Strategy against Organized Crime and Serious Crime 2019-2023](#).

14-18 age group where, according to LOPIVI, pre-constituted evidence is not compulsory. With regard to the prevention of child poverty, there are many pending to support families in the upbringing of their children. The measures taken to promote children's associations¹⁵³.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

In Spain, the national child protection policy and legislation is highly fragmented both on the national, regional and local levels in respective areas of child rights (e.g. education, juvenile justice, social rights etc.) or also in terms of public administration competences as child issues are defined as a regional competence. As far as the child protection system is oriented strongly towards prevention but many intervention aspects.

However, the approval of laws such as the recent organic law against violence together with the violence strategy and the strategy on the rights of children and adolescents, as well as the application of the barnahus model or other measures such as the migration crisis management model, etc. mentioned in previous points, have the objective of the harmonization of the protection system.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

In terms of achievements and progress:

A high number of policy and legal instruments were developed, such as: The approval of the Organic Law on the Comprehensive Protection of Children and Adolescents against Violence and the Establishment of the State Council for the Participation of Children and Adolescents; the approval of supplements to the Minimum Vital Income for families with children living in poverty; an Improvement of the social inclusion of unaccompanied children and adolescents through the reform of the Aliens Regulations; The Establishment of the Sectoral Conference on Children and Adolescents; the creation of the State Council for Child and Adolescent Participation; Adoption of the Strategy for the Eradication of Violence against Children and Adolescents; the approval of the Model for the Management of Migratory Contingencies for Unaccompanied Children and Adolescents; the Creation of public education places 0-3 and progress in educational equity issues through the approval of the LOMLOE, and the State Strategy for the Rights of Children and Adolescents 2023-2030.¹⁵⁴

The best interests of the child are further developed by establishing that the best interests must be determined on a case-by-case basis and also establishing the basic process and criteria for doing so.

The right of children to be heard and to participate in all matters affecting them was reinforced.

¹⁵³ United Nations (2023), [Listas de cuestiones previa a la presentación de informes \(LoIPR, España, CRC/C/ESP/QPR/7, 10 February 2023](#).

¹⁵⁴ Spain, Ministry of Social Rights and Agenda 2030 ([Ministerio de Derechos Sociales y Agenda 2030](#)), [the State Strategy for the Rights of Children and Adolescents 2023-2030 \(Estrategia Estatal de Derechos de la Infancia y la Adolescencia 2023-2030\)](#), 9 May 2023.

The protection of children from violence is another significant improvement.

The children of victims of gender-based violence are also considered victims. In addition, it is intended to prevent people with a history of sexual offences from working in contact with children.

With regard to adoption, provision is made for contact with family of origin. On the other hand, in intercountry adoption, the Central Administration strengthens its role in deciding which countries are eligible to adopt. Situations of risk and helplessness have been regulated and defined in a much more concrete way.

The poverty of parents or guardians will no longer be the only cause for determining the situation of helplessness of children. The choice of foster care over residential care as a preferential measure when a child needs protection outside their family of origin, especially the little ones.

The functioning of the centres for the protection of children with behavioural problems is clearly regulated.

For the first time, the Spanish legislation includes the obligation to carry out previous studies that analyze the impact that any regulatory modification could have on children.

The joint project of the European Union and the Council of Europe "Strengthening of justice adapted to children through effective cooperation and coordination between different Barnahus services in the regions of Spain"¹⁵⁵

In terms of persisting gaps and challenges:

The need for a high budgetary allocation for its implementation development; the lack of a comprehensive framework with acts and public policies to prevent and combat it.

While criminal and procedural regulations belong to the exclusive competence of the state, but regarding prevention and care, there are some areas that fall within regional competence, as it is the case with education or health. Considering the lack of a national state framework, this may entail territorial inequalities and differences.

There is a need to develop a Common information system to facilitate a response and effective attention to migratory contingencies requires promoting, in coordination with the rest of the competent bodies in the matter and especially with the Autonomous Communities and Cities of Ceuta and Melilla. That information system should gathered two fundamental elements: collect information on the protection of children and adolescents who are considered target populations and, on the other, the map of residential resources of each territory.

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The [Childhood Observatory](#) (*Obervatorio de la Infancia*) is the body in charge of highlighting the importance of children's participation in public life. The website makes specific reference to the participation of children

¹⁵⁵ Council of Europe, [Strengthening child-friendly justice through effective co-operation and coordination among different Barnahus-type services in the regions of Spain](#), official website.

and adolescents¹⁵⁶. This section includes initiatives such as the [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*) led by UNICEF whose objective is to encourage the opinion of children and adolescents to be considered at the local, regional, and state level¹⁵⁷; or the strategy [Children's opinions](#) (*La Infancia Opina*)¹⁵⁸ of the Plataforma de Infancia España, whose objective is to collect and systematize the opinions, proposals and demands of children, as a result of the child participation processes, such as the [EPIC group](#), which is the child participation team of the Plataforma de Infancia, made up of boys and girls¹⁵⁹.

[Model for the management of migratory contingencies for unaccompanied children and adolescents](#) (*Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada*) approved in 2022.

¹⁵⁶ Spain, official website of the [Childhood Observatory](#) (*Observatorio de la Infancia*): “Inicio”; “Participación de niños, niñas y adolescentes”.

¹⁵⁷ Spain, [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*), the official website of the Child-Friendly Cities Program.

¹⁵⁸ Spain, official website of the [Plataforma de Infancia España](#): “Participación infantil”; “[La infancia opina](#)”.

¹⁵⁹ Spain, official website of the [Plataforma de Infancia España](#): “Participación infantil”; “[grupo de participación de niñas y niños](#)”

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p>If <u>yes</u>, please provide the name in the comments box.</p>	X		<p>Ministry of Social Rights and Agenda 2030 (Ministerio de Derechos Sociales y Agenda 2030)¹⁶⁰ is responsible for proposing and executing the Government's policy on social rights and social welfare, family and its diversity, child protection, social cohesion, and care for dependent or disabled persons, adolescents, and youth, as well as animal protection.</p> <p>Specifically, the protection and promotion of families and their diversity and children is the responsibility of the Secretary of State for Social Rights (<i>Secretaria de Estado de Derechos Sociales</i>), to which the following executive bodies, with the rank of Directorate General, report: (a) the Directorate General for the Rights of Children and Adolescents (<i>Dirección General de Derechos de la Infancia y de la Adolescencia</i>); (b) the Directorate General for Family Diversity and Social Services (<i>Dirección General de Diversidad Familiar y Servicios Sociales</i>); and (c) the Directorate General for Disability Policies (<i>Dirección General de Políticas de Discapacidad</i>). The Youth Institute (<i>Instituto de la Juventud</i>) is also attached to this Secretariat as an autonomous agency.</p> <p>The General Directorate for the Rights of Children and Adolescents is responsible for the comprehensive promotion of the rights of children and adolescents and the promotion, analysis, preparation, coordination, and monitoring of plans, strategies, and</p>

¹⁶⁰ Spain, official website of the Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*): Inicio; Derechos Sociales; [Infancia y adolescencia](#)

		<p>action programs for the promotion, prevention, and protection of children and adolescents at risk, unprotected or in social conflict¹⁶¹.</p> <p>The Public Prosecutor defends the position of the child before the law. Article 3 of the Law 50/1981, of December 30, 1981, which regulates the Organic Statute of the Public Prosecutor's Office (<i>Ley 50/1981, de 30 de diciembre, por la que se regula el Estatuto Orgánico del Ministerio Fiscal</i>)¹⁶² specifies this responsibility by entrusting him with the representation and defense, in and out of court, of those who, lacking the capacity to act or legal representation, are unable to act on their own behalf, as well as promoting and forming part of the guardianship bodies whose purpose is the protection and defense of children and the underprivileged.</p> <p>The development of the different substantive and procedural laws, entrust the Prosecutor with the defense of the rights of children, in the different procedural areas, but fundamentally, in these three basic areas: (1) in the exercise of the criminal action: (1) the defense of children who are victims of the crimes typified in the criminal laws, as well as the exercise of the corresponding civil action; (2) in the exercise of the expressly protective functions regulated in the code and laws of civil prosecution, in cases of both lack of protection and family crisis, as well as in the protection of honor, image, and privacy of children; and (3) in the exercise of the functions entrusted by the organic law regulating the procedure and competence of the Courts for Children determined by the interest of child.</p>
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¹⁶¹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2020) [Royal Decree 452/2020, of March 10, developing the basic organic structure of the Ministry of Social Rights and Agenda 2030 and amending Royal Decree 139/2020, of January 28, establishing the basic organic structure of ministerial departments](#) (*Real Decreto 452/2020, de 10 de marzo, por el que se desarrolla la estructura orgánica básica del Ministerio de Derechos Sociales y Agenda 2030, y se modifica el Real Decreto 139/2020, de 28 de enero, por el que se establece la estructura orgánica básica de los departamentos ministeriales*) Official State Gazette, 12 March 2020.

¹⁶² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1982) [Law 50/1981, of December 30, 1981, which regulates the Organic Statute of the Public Prosecutor's Office](#) (*Ley 50/1981, de 30 de diciembre, por la que se regula el Estatuto Orgánico del Ministerio Fiscal*) Official State Gazette, 13 January 1982.

		<p>The Ministry of Inclusion, Social Security and Migrations is the Department in charge of the elaboration and development of the Government's policy on foreigners, immigration and emigration and inclusion policies, including migrant children through the Secretary of State for Migrations.</p> <p>The Ombudsman (<i>Defensor del Pueblo</i>) hears complaints from children or adults about incorrect or irregular actions of public administrations, institutions, and authorities in which the rights of children or adolescents are affected: article 10 of the Organic Law 3/1981, of April 6, 1981, on the Ombudsman (<i>Ley Orgánica 3/1981, de 6 de abril, del Defensor del Pueblo</i>)¹⁶³.</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	X	<p>The <u>Childhood Observatory</u> (<i>Observatorio de la Infancia</i>)¹⁶⁴ is the body has the lead in coordinating child protection policies and actions. The Observatory is a working group created by <u>Agreement of the Council of Ministers on March 12, 1999</u>, in accordance with the provisions of Law 40/2015, on the Legal Regime of the Public Sector¹⁶⁵.</p> <p>The Childhood Observatory is supported by a centralized and shared information system with the capacity to monitor and follow up on the welfare and quality of life of the child and adolescent population and on public policies affecting children and adolescents in relation to their development, implementation and effects thereof on said population.</p>

¹⁶³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1981) [Organic Law 3/1981, of April 6, 1981, on the Ombudsman](#) (*Ley Orgánica 3/1981, de 6 de abril, del Defensor del Pueblo*) Official State Gazette, 7 May 1981.

¹⁶⁴ Spain, official website of the [Childhood Observatory](#) (*Observatorio de la Infancia*).

¹⁶⁵ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (1999) [Agreement of the Council of Ministers creating the of Childhood Observatory in Spain](#) (*Acuerdo del Consejo de Ministros por el que se crea el Observatorio de la Infancia de España*), press release, 12 March 1999.

The purpose of the Childhood Observatory is to ensure collaboration and intersectoral coordination of all public and private institutions, aimed at the defense and promotion of the rights of children and adolescents.

In this context, the Observatory constitutes a forum for permanent and open exchange and communication between public bodies and society; its functions also include proposing initiatives aimed at monitoring the treatment of children and adolescents in the media, as well as carrying out studies and technical diagnostic reports on the situation of children and adolescents in Spain.

Sectorial Conference on Children and Adolescents (*Conferencia Sectorial de Infancia y Adolescencia*)¹⁶⁶ has its headquarters in the Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), which will also provide, as necessary for the proper functioning of the services, technical support to the members of the Sectorial Conference and the management of its Secretariat. The Sectorial Conference on Childhood and Adolescence will be structured in the following bodies: (1) The Plenary; (2) The Sectorial Commission on Childhood and Adolescence, as a general support and advisory body; (3) The Working Groups that may be set up. The purpose of the conference is to develop an action of cooperation, coordination, and collaboration between public administrations in the protection and development of the rights of children and adolescents, and to achieve maximum coherence and integration in the application of the decisions adopted in this area, without prejudice to the work carried out by other sectorial conferences.

¹⁶⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p><u>If yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>	X	<p>The High Commission against Child Poverty (Alto Comisionado contra la Pobreza Infantil)¹⁶⁷ is a kind of child focal point created at the initiative of the President of the Government to promote policies and social alliances that make the eradication of child poverty a State objective. In this context, its purpose is to make child poverty visible, to act on the circumstantial and structural causes of child poverty in Spain, and to articulate public policies focused on children's rights.</p> <p>The functions of the High Commissioner, set out in Royal Decree 136/2020, of 27 January, which restructures the Presidency of the Government (Real Decreto 136/2020, de 27 de enero, por el que se reestructura la Presidencia del Gobierno)¹⁶⁸, are the following: planning and monitoring of public policies; evaluation of the impact of policies on child poverty; coloration of analyses and studies on inequality and child poverty; collaboration and cooperation with territorial administrations; proposal of measures and initiatives against child poverty to the different ministries; and analysis of the state of child protection according to the Convention on the Rights of the Child.</p>
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Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

¹⁶⁷ Spain, official website of the [High Commission against Child Poverty \(Alto Comisionado contra la Pobreza Infantil\)](#).

¹⁶⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2000) [Royal Decree 136/2020, of 27 January, which restructures the Presidency of the Government \(Real Decreto 136/2020, de 27 de enero, por el que se reestructura la Presidencia del Gobierno\)](#) Official State Gazette, 27 January 2020.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
<p>The Ministry of Inclusion, Social Security and Migrations (<i>Ministerio de Inclusión, Seguridad Social y Migraciones</i>)</p>	National	It is in charge of the elaboration and development of the Government's policy on foreigners, immigration and emigration and inclusion policies, including migrant children through the Secretary of State for Migrations (<i>Secretaria de Estado de Migraciones</i>).	
<p>General Directorate for the Rights of Children and Adolescents (<i>Dirección General de Derechos de la Infancia y de la Adolescencia</i>)</p> <p>Secretary of State for Social Rights of the Ministry of Social Rights and Agenda 2030 (<i>Secretaria de Estado de Derechos Sociales del Ministerio de Derechos Sociales y Agenda 2030</i>)</p>	National	Promotion of rights, protection of children and adolescents at risk, cooperation, policy-making, relations with the European Union and foreign and international organizations, policy making.	
<p>General directorate of family diversity and social services (<i>Dirección general de</i></p>	National	Collaboration in the promotion, preparation, and monitoring of the National Reform	

<p><i>diversidad Familiar y Servicios Sociales)</i></p>		<p>Program, with regard to the objective of reducing child poverty, in accordance with the-</p>	
<p>Department of Social Inclusion, Youth, Family and Equality of the Regional Government of Andalusia (<i>Dirección General de Infancia, Adolescencia y Juventud, Consejería de Inclusión Social, Juventud, Familia e Igualdad de la Junta de Andalucía</i>)</p> <p>Department of Citizenship and Social Rights of the Aragonese Institute of Social Services of the Government of Aragon (<i>Departamento de Ciudadanía y Derechos Sociales del Instituto Aragonés de Servicios Sociales del Gobierno de Aragón</i>)</p> <p>Directorate General of Social Policies of the Government of Cantabria (<i>Dirección General de Políticas Sociales del Gobierno de Cantabria</i>)</p> <p>Department of Social Welfare of the Government of</p>	<p>Regional</p>	<p>Promotion of rights, the performance of the competencies attributed to it in the protection of children and adolescents at risk, cooperation, policy-making, promotion and management of social agreements, contracts, and concerts, financing, policy development and promotion, implementing, training, financing, implementing.</p>	<p>Of the 17 autonomous communities and 2 autonomous cities that territorially structure the decentralized system of the Spanish State, 12 regions have specific bodies (general directorates, councils, or institutes) specifically assigned with functions related to childhood. In the rest of the regions, matters related to childhood and adolescence are subsumed within the framework of the activities of the Regional Ministries.</p>

<p>Castilla-La Mancha <i>(Consejería de Bienestar Social del Gobierno de Castilla-La Mancha)</i></p> <p>Management of Social Services of the Government of Castilla y León <i>(Gerencia de Servicios Sociales del Gobierno de Castilla y León)</i></p> <p>Directorate General for Child and Adolescent Care of the Generalitat de Catalunya <i>(Direcció General d'Atenció a la Infància i l'Adolescència de la Generalitat de Catalunya)</i></p> <p>Family, Childhood and Adolescence Service. D.G. Social Policies, Childhood and Family of the Regional Government of Extremadura <i>(Servicio de Familias, Infancia y Adolescencia. D.G. Políticas Sociales, Infancia y Familia de la Junta de Extremadura)</i></p> <p>Regional Ministry of Social Policy and Youth of the Junta de Galicia <i>(Consellería de Política Social y Juventud de la Xunta de Galicia)</i></p>			
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<p>Directorate General of Childhood, Youth and Families of the Government of the Balearic Islands <i>(Direcció General d'Infància, Joventut i Famílies - Govern de les Illes Balears)</i></p> <p>Directorate General for Child and Family Protection of the Department of Social Rights, Equality, Diversity and Youth of the Government of the Canary Islands <i>(Dirección General de Protección a la Infancia y la Familia de la Consejería de Derechos Sociales, Igualdad, Diversidad y Juventud del Gobierno de Canarias)</i></p> <p>Directorate General for Childhood, Family and Birth Promotion of the Councilor for Family, Youth and Social Policy of the Community of Madrid <i>(Dirección General de Infancia, Familia y Fomento de la Natalidad de la Consejera de Familia, Juventud y Política Social de la Comunidad de Madrid)</i></p>			
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<p>Departamento de Igualdad, Justicia y Políticas Sociales del Gobierno Vasco (<i>Department of Equality, Justice and Social Policies of the Basque Government</i>)</p> <p>Foral Councils of Alava, Vizcaya and Guipuzcoa</p> <p>Directorate General for Childhood and Adolescence Vice-presidency and Regional Ministry for Equality and Inclusive Politics and Inclusive Policies of the Generalitat Valenciana (<i>Dirección General de Infancia y Adolescencia Vicepresidencia y Conselleria de Igualdad y Políticas Inclusivas de la Generalitat Valenciana</i>)</p> <p>Directorate General of Social Services of the Government of La Rioja (<i>Dirección General de Servicios Sociales del Gobierno de La Rioja</i>)</p> <p>Navarre Council for Childhood and Adolescence of the Autonomous Community of Navarre</p>			
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(Consejo Navarro de la Infancia y Adolescencia de la Comunidad Foral de Navarra)

Dirección General de Familias y Protección de Menores de Política Social, Familias e Igualdad de la Región de Murcia *(Directorate General for Families and Protection of Children of the Social Policy, Families and Equality of the Region of Murcia)*

Asturian Institute for the Comprehensive Care of Children and Families Minister of Services and Social Rights of the Government of the Principality of Asturias *(Instituto Asturiano para la Atención integral a la Infancia y a las Familias Consejera de Servicios y Derechos Sociales del Gobierno del Principado de Asturias)*

Childhood and Family Service of the Department of Public Health, Social Welfare and Markets of the Autonomous City of Ceuta *(Servicio de*

<p><i>Infancia y Familia de la Consejería de Salud Pública, Bienestar Social y Mercados de la Ciudad Autónoma de Ceuta)</i></p> <p>General Directorate for Children and the Family of the Department of Social Welfare and Health of the Autonomous City of Meilla <i>(Dirección General del Menor y la Familia de la Consejería de Bienestar Social y Sanidad de la Ciudad Autónoma de Melilla)</i></p>			
<p>Sectorial Conference on Children and Adolescents <i>(Conferencia Sectorial de Infancia y Adolescencia)</i>¹⁶⁹</p>	<p>National</p>	<p>Cooperation and collaboration between public administrations in the protection and development of the rights of children and adolescents, implementing, achieve maximum coherence and integration in the application of the decisions adopted in this area.</p>	<p>Created by Article 7 of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)¹⁷⁰, the Sectorial Conference on Children and Adolescents is the body for cooperation between the General State</p>

¹⁶⁹ Spain, official website of the [Sectorial Conference on Children and Adolescents](#) (*Conferencia Sectorial de Infancia y Adolescencia*)

¹⁷⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

			Administration, the Autonomous Communities, the Autonomous Cities of Ceuta and Melilla, and the Local Administration, through the Spanish Federation of Municipalities and Provinces, in the implementation of policies for the protection and development of children and adolescents.
Youth and Children Commission of the Spanish Federation of Municipalities and Provinces (<i>Comisión de Juventud e Infancia de la Federación Española de Municipios y Provincias</i> , FEMP in Spanish acronyms) ¹⁷¹	Local	Coordinate local participation in specialized bodies and forums, promote the improvement of existing services for children and young people, identify and disseminate best practices, promote access to employment for young people, and strengthen the youth association movement.	Local entities have an essential role in the participation of children and youth in the definition of public policies. as in the case of the UNICEF program Child-Friendly City Seal (<i>Sello de Ciudad Amiga de la Infancia</i>) ¹⁷² .
Youth Institute (<i>Instituto de la Juventud</i>) ¹⁷³	National	Promote equal opportunities, participation, and collaboration between ministries and other public administrations.	Collaboration with the youth associative movement through the Youth Council of Spain (<i>Consejo de la Juventud de España</i>) ¹⁷⁴ , which is a platform of youth entities in 1983 and formed by the Youth Councils of the Autonomous

¹⁷¹ Spain, official website of the [Youth and Children Commission of the Spanish Federation of Municipalities and Provinces](#) (*Comisión de Juventud e Infancia de la Federación Española de Municipios y Provincias*, FEMP in Spanish acronyms).

¹⁷² Spain, [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*), official website of the Child-Friendly Cities Program.

¹⁷³ Spain, official website of the [Youth Institute](#) (*Instituto de la Juventud*)

¹⁷⁴ Spain, official website of the [Youth Council of Spain](#) (*Consejo de la Juventud de España*).

Secretary of State for Social Rights of the Ministry of Social Rights and Agenda 2030 (<i>Secretaria de Estado de Derechos Sociales del Ministerio de Derechos Sociales y Agenda 2030</i>).			Communities and youth organizations at the state level. Promote the participation of youth in political, social, economic, and cultural development.
Spanish Judiciary (<i>Poder Judicial de España</i>) ¹⁷⁵	National/Regional	Representation and defense of children in and out of court; promoting and forming part of the guardianship of child protection bodies; protection of children in situations such as family crises as well as protection of the honor, image, and privacy of children; competence of the Juvenile Courts.	The Prosecutor's Offices of the Autonomous Communities and the Provincial Prosecutor's Offices (<i>Fiscalías Territoriales</i>) ensure the unity and coordination of the actions and functioning of the Prosecutor's Offices throughout the State. Likewise, there are specialized areas within the Prosecutor's Office that coordinate the actions of the Prosecutor's Office within the framework of the criminal process in certain areas (<i>Áreas Especializadas</i>). The areas directly related to child protection are Children, Aliens, and Protection and guardianship of victims in criminal proceedings ¹⁷⁶ .
Childhood Observatory (<i>Observatorio de la Infancia</i>) ¹⁷⁷	National	Centralized and shared information; surveillance and monitoring of the well-being	The creation of the Observatory is the result of one of the recommendations of the Committee on the

¹⁷⁵ Spain, official website of the [Public Prosecutor](#) (*Ministerio Fiscal*).

¹⁷⁶ Spain, official website of the [Public Prosecutor](#) (*Ministerio Fiscal*): *Fiscalías Territoriales; Áreas especializadas*.

¹⁷⁷ Spain, official website of the [Childhood Observatory](#) (*Observatorio de la Infancia*).

Ministry of Social Rights and Agenda 2030 (<i>Ministerio de Derechos Sociales y Agenda 2030</i>)		and quality of life of the child and adolescent population and of public policies affecting children and adolescents; networking; collaboration and intersectoral coordination of all public and private institutions related to children and adolescents.	Rights of the Child to the Spanish government, specifically "the need to gather all the information available in the country, to carry out a complete evaluation of the progress and difficulties in the implementation of the Convention in Spain" as established in Article 44 of the Convention on the Rights of the Child.
Ombudsman (<i>Defensor del Pueblo</i>) ¹⁷⁸	National	Address complaints from children or adults about incorrect or irregular actions by public administrations, institutions, and authorities; have powers of inspection and investigation; may suggest to the legislative body or the Administration the modification of those rules whose compliance could cause, in their opinion, unfair or harmful situations for children; may file appeals of unconstitutionality and appeals for protection based on Article 162.1.a and b of the Spanish Constitution.	The Ombudsman (<i>Defensor del Pueblo</i>), in addition to the high commissioner of the Cortes Generales for the defense of constitutional rights, is also officially in Spain the National Human Rights Institution (INDH).
High Commission against Child Poverty (<i>Alto Comisionado contra la Pobreza Infantil</i>) ¹⁷⁹	National	Creation and dissemination of scientific knowledge on the causes, consequences, and situation of children in poverty; empowerment of vulnerable children and their positioning at the center of public debate; making child	Body of the Spanish Government, organizationally dependent on the Presidency of the Government, in charge of coordinating actions aimed at combating inequality and child poverty.

¹⁷⁸ Spain, official website of the [Ombudsman](#) (*Defensor del Pueblo*).

¹⁷⁹ Spain, official website of the [High Commission against Child Poverty](#) (*Alto Comisionado contra la Pobreza Infantil*).

		<p>poverty an issue of constant social relevance; alliances with key actors that extend social action on child poverty; promoting equitable education; facilitating access to quality goods and services that are essential for the development of vulnerable children; extending healthy and appropriate nutrition and growth habits; promoting the creation of safe and nurturing environments for children in poverty.</p>	
<p>National Police and Security Forces (<i>Policia Nacional y fuerzas y Cuerpos de Seguridad del Estado</i>)</p>	National	<p>Organic Law 8/2021¹⁸⁰, it Article 49 imperatively established the creation of specialized units in the investigation, prevention, detection and action in situations of violence against children and adolescents, making express reference to the police of local entities.</p> <p>Articles 4 and 20 Law 4/2015, of April 27, on the Statute of the victim of crime¹⁸¹ referred to the police when establishing the possibility of filing a complaint by children without being accompanied by an adult, and the obligation</p>	

¹⁸⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

¹⁸¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Law 4/2015, of April 27, on the Statute of the victim of crime](#) (*Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito*) Official State Gazette, 28 April 2015.

		<p>for the police to have protocols for prevention, awareness, early detection, investigation and intervention in situations of violence against children.</p> <p><u>The Family and Women's Care Units</u> (<i>Unidades de Atención a la Familia y Mujer</i>)¹⁸² are the National Police Units specialized in the prevention and investigation of criminal offenses on gender, domestic and sexual violence.</p>	
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach was sought and/or achieved.

An integrated approach was sought with the changes introduced in the past five years concerning the child protection system in Spain. the [Organic Law on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)¹⁸³, the Sectorial Conference on Children and Adolescents is the body for cooperation between the General State Administration, the Autonomous Communities, the Autonomous Cities of Ceuta and Melilla, and the Local Administration. The creation of the Observatory is the result of one of the recommendations of the Committee on the Rights of the Child to the Spanish government approval of the 2 strategies mentioned in the previous points, the eradication of violence against children and the rights of children and adolescents.

¹⁸² [Unidad de Atención a la Familia y a la Mujer. Sitio web de la Policía Nacional España \(policia.es\)](#)

¹⁸³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia) Official State Gazette, 4 June 2021.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers <i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	Type of services <i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	Target groups <i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	Funding <i>(national budget, EU funded, other)</i>
<p><u>Secretary of State for Social Rights</u> (<i>Secretaria de Estado de Derechos Sociales</i>)¹⁸⁴</p> <p>Ministry of Social Rights and Agenda 2030 (<i>Ministerio de Derechos Sociales y Agenda 2030</i>)</p>	<p>Rights of persons with disabilities: General legislation, universal accessibility, Spanish Strategy; Rights of the gypsy community; Social Services Training, Families, Childhood and Adolescence; Adoptions, children's observatory, foster care, legislation on childhood and adolescence, State Council for Childhood and Adolescence Participation, Child Guarantee, Child Abuse; Aids, programs, positive parenting, conciliation, statistics; Recommendations to COVID-19,</p>	<p>Children with a disability, children in gypsy communities, children at risk of or living in poverty, immigrant children, children deprived of parental care, and child victims of abuse or exploitation.</p>	<p>National budget, EU funded, other</p>

¹⁸⁴ Spain, official website of the Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*): [Social Rights](#)

	Basic Social Services Benefits, Minimum Insertion Income, homelessness, social services; National strategy, social inclusion network, European aid fund; Subsidies to state NGOs.		
General Directorates for Children (<i>Direcciones Generales de infancia</i>) of the 17 Autonomous Communities (regions) and the autonomous cities of Ceuta and Melilla	Promotion of child and family protection policies; Coordination with other bodies involved in the care of children and adolescents; Development of programs for the prevention of abandonment and other situations of risk for children; Planning and management of the properties used for the exercise of its competencies, such as supervised apartments or centres for the protection of children; Provision of intercultural mediation and translation services and the accompaniment and auxiliary support to all children in public protection residences; Promotion of research, as well as the development of informative, educational, and informative actions; Preparation of the plans and programs of action of the general directorate, as well as	Children with a disability, children in gypsy communities, children at risk of or living in poverty, immigrant children, children deprived of parental care, child victims of abuse or exploitation, and juvenile offenders.	National budget, EU funded, autonomous and local financing, other

	<p>their execution and follow-up; Processing of files for the execution of final sentences in matters about each general directorate; Processing and follow-up of aid and subsidies.</p>		
<p><u>Directorate General of the International and Temporary Protection Reception System</u> (<i>Dirección General del Sistema de Acogida de Protección Internacional y Temporal</i>)¹⁸⁵</p> <p>State Secretariat for Migration of the Ministry of Inclusion, Social Security and Migration (<i>Secretaría de Estado de Migraciones del Ministerio de Inclusion, Seguridad Social y Migraciones</i>)</p>	<p>☑ La gestión de subvenciones y otros instrumentos de financiación y gestión para la colaboración con entidades públicas y privadas cuyas actividades se relacionen con la acogida e inclusión de solicitantes de asilo, refugiados y otros beneficiarios de protección internacional y, en su caso, apátridas y personas acogidas al régimen de protección temporal.</p> <p>☑ La planificación, gestión y seguimiento de centros de titularidad pública estatal del sistema de acogida de protección internaciona</p>	<p>All children and adolescents profiles and their families including and third country nationals and irregular immigrants.</p>	<p>National budget, EU funded, autonomous and local financing, other</p>

¹⁸⁵ Spain, official website of the Ministry of Inclusion, Social Security and Migration (*Ministerio de Inclusion, Seguridad Social y Migraciones*): [Dirección General del Sistema de Acogida de Protección Internacional y Temporal](#)

Policia Nacional	The Family and Women's Care Units (<i>Unidades de Atención a la Familia y Mujer</i>) are the National Police Units specialized in the prevention and investigation of criminal offenses on gender, domestic and sexual violence.	All children and adolescents profiles and their families including and third country nationals and irregular immigrants.	National budget, EU funded, other
Guardia civil	It has an alert and immediate response network for incidents that could affect any victim of gender violence. If necessary, the Women-Children Team (<i>Equipo Mujer-Menor, EMUME</i>) would act, with specific and adequate training on the subject. Created in 1995, they are the Judicial Police teams of the Civil Guard specialized in criminal acts in which women and children are involved, both as victims and perpetrators. They are composed of civil guards with the necessary training to deal adequately with these crimes. They are deployed at the regional level and are part of the Organic Units of Judicial Police (<i>Unidades Orgánicas de Policía Judicial, UOPJs</i> in its	All children and adolescents profiles and their families including and third country nationals and irregular immigrants.	National budget

	Spanish acronym) of the Civil Guard.		
ANAT_Agentes tutores	<p>Association of national scope whose essential objective is to promote the professionalization of the local/municipal police who provide or will serve as tutor agents.</p> <p>The tutor agents are member of the Local / Municipal Police, with specific training, specialized in cooperating in the resolution of private conflicts and in acting in the educational environment. ANAT promotes the professionalization of local/municipal police officers who provide or will serve as tutor agents. The realization of training activities aimed at the group of tutors in the subjects of this police service. Facilitate the incorporation of new tutor agents to existing socio-educational networks in municipalities throughout Spain. Carrying out prevention and protection activities aimed at children and adolescents.</p>	All children and adolescents who are part of the educational system in the Spanish State.	National budget, EU funded, autonomous and local financing, other

Anar	NGO provider of services such as: ANAR helplines: ANAR Child and Teenage Support phonenumber/Chat; ANAR Family and School phonenumber/Chat; Missing children and teenagers phonenumber/chat; ANAR youth gender violence phonenumber/chat; School bullying phonenumber/chat. Other programmes: ANAR study centre; ANAR at schools; Foster homes.	All type of children who are in situations of risk and abandonment.	National budget, EU funded, autonomous and local financing, other
UNICEF	Actions to improve children's living conditions and ensure that children's rights are met. The focus of their strategies, programs and actions on four key areas: Survival; Education; Protection and Social Inclusion and Emergency Action. Education awareness and training activities.	All children and adolescents profiles and their families including and third country nationals and irregular immigrants.	National budget, EU funded, autonomous and local financing, other
Save the Children	Counselling, education awareness and training activities, policy and advocacy.	All children and adolescents profiles and their families including and third country nationals and irregular immigrants.	National budget, EU funded, autonomous and local financing, other
Adoratrices	Counselling, care institutions, day care centres, financial assistance, legal advice, education awareness and training activities,	All children and adolescents profiles and their families including and third country nationals and irregular immigrants.	National budget, EU funded, autonomous and local financing, other

	<p>accompagnement of young people in their process of autonomy and emancipation, children accused and within the judicial proceedings.</p>		
<p>Cruz Roja</p>	<p>Counselling, care institutions, day care centres, financial assistance, legal advice, education awareness and training activities, accompagnement of young people in their process of autonomy and emancipation, children accused and within the judicial proceedings.</p>	<p>All children and adolescents profiles and their families including and third country nationals and irregular immigrants.</p>	<p>National budget, EU funded, autonomous and local financing, other</p>
<p>Fundación del Secretariado Gitano</p>	<p>Counselling, care institutions, day care centres, financial assistance, legal advice, education awareness and training activities, accompagnement of young people in their process of autonomy and emancipation.</p>	<p>All Roma children and adolescents.</p>	<p>National budget, EU funded, autonomous and local financing, other</p>
<p>Caritas</p>	<p>Counselling, care institutions, day care centres, financial assistance, legal advice, education awareness and training activities, accompagnement of young people in their process of autonomy and</p>	<p>All children and adolescents profiles and their families including and third country nationals and irregular immigrants.</p>	<p>National budget, EU funded, autonomous and local financing, other</p>

	emancipation, children accused and within the judicial proceedings.		
Aldeas Infantiles	Counselling, care institutions, day care centres, financial assistance, legal advice, education awareness and training activities, accompaniment of young people in their process of autonomy and emancipation.	All children who cannot live with their parents including and third country nationals and irregular immigrants	National budget, EU funded, autonomous and local financing, other
CEAR	NGO working on the promotion of the defense of fundamental rights, support and accompaniment of people at risk of social exclusion, focusing on asylum and migration. It includes counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness, training activities and policy and advocacy actions.	Children in risk of or living in poverty, immigrant and refugee children, child victims of abuse or exploitation and third country nationals and irregular immigrants	National budget, EU funded, autonomous and local financing, other
ACCEM	NGO working on the promotion of the defense of fundamental rights, support and accompaniment of people at risk of social exclusion, focusing on asylum and migration.	Children in risk of or living in poverty, immigrant and refugee children, child victims of abuse or exploitation and third country nationals and irregular immigrants.	National budget, EU funded, autonomous and local financing, other

	It includes counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness, training activities and policy and advocacy actions.		
UNCHR Spain	Ensure the proper application of international refugee law.	Third country nationals in seek of international protection.	Partners and donors, from both the public and private sectors. And from UNHCR International.

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

At the state level, the [State Council for the Participation of Children and Adolescents](#) (Consejo Estatal de Participación de la Infancia y de la Adolescencia)¹⁸⁶ was created as a permanent and stable body for consultation, representation, and participation of all children and adolescents on December 9, 2021. Attached to the Ministry of Social Rights and Agenda 2030, the Council has an Assembly that meets at least twice a year made up of 34 boys and girls between 8 and 17 years of age, representatives of local or autonomous councils, including boys and girls from groups in vulnerable situations and those who are part of organizations that participate at the state level. The Council will prepare an activity report related to the activities carried out during the previous year that will have to be submitted to the Sectoral Conference on Children and Adolescents within the first half of each year. This report will include an evaluation of the degree of response of the Public Administrations to the proposals made by the Participation Council (no further details in terms of criteria or type or character of the data analyzed will be included).

¹⁸⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Order DSA/1009/2021, of September 22, creating the State Council for the Participation of Children and Adolescents](#) (*Orden DSA/1009/2021, de 22 de septiembre, por la que se crea el Consejo Estatal de Participación de la Infancia y de la Adolescencia*) Official State Gazette, 27 September 2021.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>No, there is not such registry. There is a general registry for Associations, but not all of them work with vulnerable groups and there is not a particular reference to child protection ones. Many of those organisations are foundations, therefore will be registered under other registry. And there is not either any formal registry for civil society organisations.</p> <p>Both in the state and in the regions there is a register of associations which states, among other things, their purpose. There is, in the state level, registry of accredited organizations for international adoption processes.</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>		X	<p>At national level, the licensing regulation will be based on the Law 38/2003 for the General of Subsidies (Ley General de Subvenciones)¹⁸⁷. It will also depend and be complemented by the criteria of every local or regional public administration that may allocate funding to develop programs in the area of child protection.</p> <p>As far as reviews and inspections each public administration responsible may establish their own criteria.</p> <p>For example at national level: https://www.mites.gob.es/es/guia/texto/guia_15/contenidos/guia_15_37_1.htm</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services</p>	X		<p>There are many cooperation agreements and partnerships agreements between government and the civil society at national or local level.</p> <p>A high percentage of the services appears under this practice.</p> <p>An indicative example is in all the Autonomous Communities, protection centres are contracted with civil society collaborating entities (entidades colaboradoras), which are carried out in accordance with the regulations on both the</p>

¹⁸⁷ Spain, Head of State (*Jefatura del Estado*), Law 38/2003 for the General of Subsidies (*Ley General de Subvenciones*), 17 november 2003.

targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).			protection of children and adolescents as well as the public procurement. In this regard, legal or regulatory regulations were recently adopted to regulate agreements in the field of social services in the Autonomous Communities of Andalusia, Aragon, Catalonia, the Region of Murcia and Valencia.
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2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>Yes, there is a coordination between national, regional, or local authorities in developing and implementing policies and legislation in the area of child protection.</p> <p>It's develop through public bodies such as the Sectorial Conference on Children and Adolescents (<i>Conferencia Sectorial de Infancia y Adolescencia</i>) created by Article 7 of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)¹⁸⁸ that is a body for cooperation between public administrations in the field of child and adolescent protection. Cooperation takes place mostly addressing specific issues and on specific thematic areas of interest and due to the regional and local competences and the fragmented nature of the system is a key feature of it.</p> <p>Intervention in cases of sexual exploitation and trafficking of children subject to protection measures, Article 54 of the of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its</p>

¹⁸⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

			Spanish acronym) ¹⁸⁹ made reference to the necessary measures of coordination with the Public Prosecutor's Office, the Security Forces and Bodies and the rest of the social agents involved.
2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?	X		<p>Yes, there is an inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations). The actor with a leading role is the Childhood Observatory (<i>Observatorio de la Infancia</i>)¹⁹⁰ that is the body that has the lead in coordinating child protection policies and actions under the competence of the Ministry of Social Rights and Agenda 2030.¹⁹¹ It is supported by a centralized and shared information system with the capacity to monitor and follow up on the welfare and quality of life of the child and adolescent population and on public policies affecting children and adolescents in relation to their development, implementation and effects thereof on said population.</p> <p>In 2020, the working group on migrant children of the Childhood Observatory, finalized its proposal for "Shared model of comprehensive care for unaccompanied migrant children and adolescents" (<i>Modelo compartido de atención integral a la infancia y adolescencia migrante no acompañada</i>). And an Inter-institutional Advisory Table on Migrant Children (<i>Mesa Interinstitucional Asesora sobre Infancia Migrante</i>) was decided to be set up. The Table will be composed of international agencies, public administration bodies, social entities and specialized experts that are determined appropriate, in order to support through technical assistance, training and exchange of good practices.</p>
<u>If yes</u> , please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?			

¹⁸⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

¹⁹⁰ Spain, official website of the [Childhood Observatory](#) (*Observatorio de la Infancia*).

¹⁹¹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (1999) [Agreement of the Council of Ministers creating the Childhood Observatory in Spain](#) (*Acuerdo del Consejo de Ministros por el que se crea el Observatorio de la Infancia de España*), press release, 12 March 1999.

2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

In terms of key challenges regarding effective cooperation and coordination, the Protocol for the coordination of actions of the competent public entities in the field of protection of children, in cases of transfers of children and adolescents under age dated from 2015 but must be updated although it is still pending based on previous experiences between Autonomous Communities and the actions and agreements that have been adopted in the crises of the Canary Islands and Ceuta.

Also, the Sectoral Conference on Children and Adolescents as a body for cooperation between public administrations in matters of protection of children and adolescents that was created in 2021 need to define more in detail the coordination and collaboration to reach an effective cooperation and coordination levels.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?	X		Law 3/2018, of 11 June, amending the Laws on Mutual Recognition to regulate the European Investigation Order (Ley 3/2018, de 11 de junio, por la que se modifica la LRM para regular la Orden Europea de Investigación) that incorporated one element not previously included in 2015 such as: the appointment in the country where the Euroorder was issued of a lawyer to represent a claimant arrested in another State where the Euroorder supposed to be executed; that is, the right to double defence recognised under article 10 of the Directive 2016/800 on procedural safeguards for children.

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The Spanish system is defined by multilevel governance approach. Several levels of government in Spain have responsibility for social protection policies and investment in children.

In terms of challenges, Spain's complex map of responsibilities and the challenges inherent to any multilevel system even though the overall responsibility for some policies may lie at the central level in some cases, but the country's regional governments have room to manoeuvre in terms of implementation. In other cases, when the responsibility lies solely with sub-national governments, the central level has developed relevant legislative or financial mechanisms. The public welfare system is also defined by this model, which intends to ensure collaboration and the complementarity of programmes and resources. There is also an enormous diversity of Spain's municipalities should also be noted, from large cities to municipalities

In terms of gaps a single protocol for all Security Forces will guarantee that all children residing in the national territory are beneficiaries of the same rights. It exists in the case of victims of gender based violence, and should exist for the treatment of violence against children and adolescents.

The establishment of an Inter-institutional Advisory Table on Migrant Children (Mesa Interinstitucional asesora sobre Infancia Migrante) that was envisaged to be developed within the [Model for the management of migratory contingencies for unaccompanied children and adolescents](#) is still pending. It supposed to be composed of international agencies, administrations, third sector entities and specialized experts, in order to support through technical assistance, training and exchange of good practices.

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

[Model for the management of migratory contingencies for unaccompanied children and adolescents](#) (Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada)¹⁹² approved in 2022.

The 2023 [Law on Cooperation for Sustainable Development and Global Solidarity](#) (Ley de Cooperación para el Desarrollo Sostenible y la Solidaridad Global)¹⁹³, opens an opportunity to correct the insufficient visibility of children and adolescence in cooperation, and to lay the legal basis for children to play a meaningful role in accordance with their consideration as subjects of rights, active and participatory, as well as deserving of special protection in view of their vulnerability.

¹⁹² Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) [Model for the management of migratory contingencies for unaccompanied children and adolescents](#) (*Modelo de gestión de contingencias migratorias para la infancia y la adolescencia no acompañada*).

¹⁹³ Spain, head of State (Jefatura del Estado), [Law 1/2023, 20 February on Cooperation for Sustainable Development and Global Solidarity](#) (*Ley 1/2023, de 20 de febrero, de Cooperación para el Desarrollo Sostenible y la Solidaridad Global* Ley de Cooperación para el Desarrollo Sostenible y la Solidaridad Global), 1 February 2023.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		<p>Order HFP/535/2022, of June 9, establishes the rules for preparing the General State Budget for 2023¹⁹⁴, established in article 7, section 7, the need to prepare a report on the budget's impact on children, adolescents, and families.</p> <p>The Report on the impact on Children, Adolescents, and Families of the General State Budget Bill for 2022 (<i>Informe de impacto en la Infancia, la Adolescencia y la Familia del Proyecto de Ley de Presupuestos Generales del Estado para 2022</i>)¹⁹⁵ analysed the impact of the spending programs with relevance in any of these groups of the Draft General State Budget for 2023 based on the information provided by the ministerial departments.</p> <p>The 2023 Draft General State Budget, the Report was made up of Volume I, which referred to the report's content and includes, in addition to the delimitation of the socio-demographic situation of the groups, the most relevant data and indicators. Each budget program's direct and indirect linkage is described, which also shows their impact on the SDGs, the Convention on the Rights of the Child, and the dimensions of child and family welfare.</p> <p>The Annex includes all budget programs separated into ministerial sections.</p>
3.1.2. Is the budget allocated to child protection (alternatively on	X		<p>The General State Budget for the year 2022 - Law 22/2021, of December 28, of the General State Budget for the year 2022 (<i>Ley 22/2021, de 28 de diciembre, de Presupuestos</i></p>

¹⁹⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Order HFP/535/2022, of June 9, establishes the rules for preparing the General State Budget for 2023](#) (*Orden HFP/535/2022, de 9 de junio, por la que se dictan las normas para la elaboración de los Presupuestos Generales del Estado para 2023*) Official State Gazette, 13 June 2022.

¹⁹⁵ Spain, Ministry of Finance and Civil Service (*Ministerio de Hacienda y Función Pública*) and Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Report on the impact on Children, Adolescents, and Families of the General State Budget Bill for 2022](#) (*Informe de impacto en la Infancia, la Adolescencia y la Familia del Proyecto de Ley de Presupuestos Generales del Estado para 2022*) press reléase 2022.

<p>children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?</p>		<p><i>Generales del Estado para el año 2022</i>)¹⁹⁶ placed child protection under the "Social Services and Social Protection" allocation, which has a budget of 6,698,130,384 €. Whereas "Attention to children and adolescents" had an expenditure of 47,817,657 € in 2022. However, under the heading of Social Services, other expenses affect the lives of children, such as "Actions for the comprehensive prevention of gender based violence" (226,753,917 €) or "Increasing the capacity and efficiency of the reception system for asylum seekers" (66,124,000 €).</p> <p>In addition, outside the "Social Services and Social Protection" allocation, there are other items such as Health (7,160,958,135 €) or Education (5,444,697,726 €) that affect children's rights.</p>
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3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on child protection in general.

The average percentage allocated to children over the last five years was 0.9%
From 2019 to 2023, the percentage allocated to Social Services and Social Protection was as follows:
Year 2019: 0.58 % (2,951,371,626 € of the total state budget 504,681,779,107 €)¹⁹⁷
Year 2020: 0.58 % (2,930,855,637 € of the total state budget 501,173,564,158 €)¹⁹⁸
Year 2021: 0.94 % (5,808,737,894 € of the total state budget 615,222,980,378 €)¹⁹⁹
Year 2022: 1.11 % (6,694,892,584 € of the total state budget 571,384,815,330 €)²⁰⁰

¹⁹⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Law 22/2021, of December 28, of the General State Budget for the year 2022](#) (*Ley 22/2021, de 28 de diciembre, de Presupuestos Generales del Estado para el año 2022*) Official State Gazette, 29 December 2021.

¹⁹⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2018) [Law 6/2018, of July 3, 2018, on the General State Budget for the year 2018](#) (*Ley 6/2018, de 3 de julio, de Presupuestos Generales del Estado para el año 2018*) Official State Gazette, 4 July 2018.

¹⁹⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2018) [Law 6/2018, of July 3, 2018, on the General State Budget for the year 2018](#) (*Ley 6/2018, de 3 de julio, de Presupuestos Generales del Estado para el año 2018*) Official State Gazette, 4 July 2018.

¹⁹⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2020) Law 11/2020, of December 30, 2021, on the General State Budget for the year 2021 ([Ley 11/2020, de 30 de diciembre, de Presupuestos Generales del Estado para el año 2021](#)) Official State Gazette, 31 December 2020.

²⁰⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Law 22/2021, of December 28, of the General State Budget for the year 2022](#) (*Ley 22/2021, de 28 de diciembre, de Presupuestos Generales del Estado para el año 2022*) Official State Gazette, 29 December 2021.

Year 2023: 1.46 % (7,116,821,580 € of the total state budget 485,985,812,220 €)²⁰¹

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	X		<p>According to Save the Children, children and adolescents are a historically under-resourced group: investment in support for families and children in Spain is 1.6% of GDP compared to 2.5% on average in the European Union. Moreover, it contradicts the government's significant commitments to children (European Child Guarantee²⁰², the National Strategic Plan for the Reduction of Childhood Obesity²⁰³, or the Mental Health Strategy of the National Health System²⁰⁴).</p> <p>For Save the Children, the most relevant issues that were left out of the budgets, both in the initial draft and in the successive amendment procedures, are the following:</p> <p>(1) A support scheme for parenting continues to be channeled through tax deductions, which benefit the middle and upper classes but exclude lower-income families who do not pay taxes. The NGO proposes an investment of 5.6 billion euros for the inclusion in the budgets of a new allowance from 0 to 17 years of age of at least 100 euros per month through a fixed universal refundable tax deduction.</p> <p>(2) The budgets do <u>not</u> guarantee lunchroom grants for children in poverty. The NGO proposes a new item of 468 million euros that the autonomous communities would manage to almost wholly guarantee a full dining room scholarship for all impoverished children.</p> <p>(4) The lowering of VAT on diapers is another of the measures proposed by several children's organizations</p>

²⁰¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2022) [Law 31/2022, of December 23, of the General State Budget for the year 2023](#) (*Ley 31/2022, de 23 diciembre, de Presupuestos Generales del Estado para el año 2023*) Official State Gazette, 24 December 2022.

²⁰² Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*), [Children with Rights. National State Action Plan for the Implementation of the European Child Guarantee \(2022-2030\)](#) (*Infancia con Derechos. Plan de Acción Estatal para la Implementación de la Garantía Infantil Europea (2022-2030)*), press release, 6 July 2022.

²⁰³ Spain, High Commissioner against Child Poverty (*Alto Comisionado contra la Pobreza Infantil*) (2022), [National Strategic Plan for the Reduction of Childhood Obesity \(2022 - 2030\)](#) (*Plan Estratégico Nacional Para La Reducción de La Obesidad Infantil (2022 - 2030)*), Madrid, Alto Comisionado contra la Pobreza Infantil.

²⁰⁴ Spain, Ministry of Health (*Ministerio de Sanidad*) (2022), [Mental Health Strategy of the National Health System \(2022-2026\)](#) (*Estrategia de Salud Mental del Sistema Nacional de Salud (2022-2026)*) press release 31 March 2022.

		<p>since diapers for children are taxed at the maximum rate of 21%. This is a far cry from Spain's 4% VAT on "basic necessities" products.</p> <p>(5) Promoting better child health in schools and health services. In 2021, 3% of children and adolescents between the ages of 4 and 16 had suicidal thoughts last year in Spain; children living in low-income families have up to four times more mental and behavioral disorders than those living in affluent homes. Save the Children calls for creating a training program that reaches all teachers, as well as measures to ensure that the public health system guarantees priority attention to children and youth by mental health professionals²⁰⁵.</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	X	<p>EU funds play a substantial role in funding the national child protection system and/or related policies. The Ministry of Social Rights and Agenda 2030 (<i>Ministerio de Derechos Sociales y Agenda 2030</i>) will devote between <u>7 and 8% of the European Social Fund Plus, which was approved on the 24 June 2021 under the MFF 2021-2027) to be applied by the European Child Guarantee for the period between 2022 to 2030</u>, up to 3 points more than the 5% initially planned²⁰⁶.</p>
<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p>If <u>yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by</p>	X	<p>There is not a corporate social responsibility policy at national level in relation to child protection services. There is a Spanish Strategy for <u>Corporate Social Responsibility 2014-2020</u> (<i>Estrategia Española de Responsabilidad Social de las Empresas 2014-2020</i>) still in place until a new one will be developed but no reference to Children rights is contained.</p> <p>There is an official RSC website where you can obtain the list of CSR reports that have been published for each company and where in certain cases programs related to child protection could be identified.</p>

²⁰⁵ Spain, Save the Children (2022) [Congress rejects key children's amendments for the 2023 Budget on the eve of World Children's Day](#) (*El Congreso rechaza las enmiendas clave sobre infancia para los Presupuestos de 2023 a las puertas del Día mundial de la infancia*) official website of the Save the Children, press release 18 November 2022.

²⁰⁶ Spain, [Social Rights will allocate 7 to 8% of the European Social Fund Plus to the European Child Guarantee](#) (*Derechos Sociales destinará entre un 7 y un 8% del Fondo Social Europeo Plus a la Garantía Infantil Europea*) press release 9 March 2022.

public-private schemes/ synergies.		<p>There are also particular examples withing the Plans or Strategies developed by every institution or private company, such as: Social Responsibility Action Framework of the AEPD (<i>Marco de Actuación de Responsabilidad Social de la AEPD</i>) as far as Actions aimed at children and the educational field of In 2021 (<i>Actuaciones orientadas a los menores y al ámbito educative of In 2021</i>).</p> <p>Other cases were supported by the private sector such as: the program of CaixaProinfancia²⁰⁷, the Obra Social "la Caixa" wants to promote the creation of alliances and collaborations with third parties in favour of children, which is why this program is developed through collaboration with non-profit entities and tries to favour the creation of a stable environment of cooperation between all social agents, public and private, that affect the child and their families.</p>
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The **Caixa Foundation** (*Fundación la Caixa*) launched a funding call for the [Fight against child poverty and social exclusion](#)²⁰⁸ (*Lucha contra la pobreza infantil y la exclusión social*). Its main **objectives** were: **ending the cycle of child poverty and promoting projects that facilitate social inclusion processes of people in vulnerable situations, thus enhancing their capabilities and promoting equal opportunities**. The main areas of action were: social and educational development of children and adolescents in vulnerable situations; and social inclusion of people at risk of poverty and exclusion.

Question	YES	NO	Comments
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p>	X		<p>In recent years the involvement of the private sector in child protection has significantly increased. More and more projects or programs are receiving governmental funding that outsources protection services for children. This is the case of SAMU, an emergency medical services organization that since 2005 was expanding its activity into the field of social action has expanded its activity towards the field of social action with a wide range of services for the care of vulnerable groups in the sectors of the Elderly, Children, Immigrants, Intellectual Disability and Behavioral Disorders, Survived Brain Injury, Children in Protection and Mental Health, offering services of Day Unit, Residences, Sheltered Apartments, Temporary</p>

²⁰⁷ Programa CaixaProinfancia Modelo de promoción y desarrollo integral de la infancia en situación de pobreza y vulnerabilidad social

²⁰⁸ Caixa Foundation ([Fundación la Caixa](#)) (2021), [Fight against child poverty and social exclusion](#) (*Lucha contra la pobreza infantil y la exclusión social*), Official Website, Caixa Foundation.

<p>If <u>yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		<p>Emergency Shelter Units, finally, Support Services and School Assistance to students with Specific Educational Needs Support²⁰⁹. During 2021, SAMU has incorporated into the existing lines of action -care for families, women in vulnerable situations, and young people for job orientation- other activities directly related to the accommodation and care of unaccompanied foreign children, especially as a result of the high number of unaccompanied children arriving in Ceuta and the Canary Islands. As of December 31, 2021, SAMU had 437 professionals with whom it had cared for 784 children and managed 34 centres and services of various kinds located throughout the national territory²¹⁰.</p>
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3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (Services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>No, in general terms its difficult to ensure a sufficient number of guardians (guarda) (e.g., in localities with higher number of children), there is an increasingly high ratio of children that need to be taken care of by each one of the professionals (social social workers and educators) who work as staff member within the protection and first attention child centres. There is a high level of professional turnover due to the lack of recognition of their work, so it makes it very difficult to optimally care for the children within the system.</p> <p>UNCRC concluding observations suggest to include specific time-bound and measurable goals and targets in the harmonized strategy, in order to monitor progress in the enjoyment of all rights by all children, and link the harmonized strategy to national, regional and municipal strategies and budgets to ensure the</p>

²⁰⁹ Spain, the official website of [SAMU](#): Conócenos.

²¹⁰ Spain, [SAMU Memory 2021-2022](#) (*SAMU_Memoria 2021-2022*) official website of the SAMU, press release 2021.

			appropriate allocation of financial, human and technical resources for its implementation ²¹¹ .
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	X		<p>The UN Committee in 2018 recommended that the Spain Train professionals working with and for children on how to assess the Best interests of the child.</p> <p>It also recommended to improve the situation in terms of the respect for the views of the children “Develop skills and undertake training programmes among professionals from different areas who work for and with children, including family judges and prosecutors, on children’s rights and the implementation of the right of the child to be heard, as a right, rather than as an obligation”;</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>	X		<p>Organic Law 26/2015 which amended the system of protection for children and adolescents²¹² and Law 45/2015, of 14 October, on Volunteering (Ley 45/2015, de 14 de octubre, de Voluntariado) modified the law 1/1996 for the Legal Protection of the Children. Those two amendments established that anyone who carries out an activity that involves regular contact with children is required to have a certificate proving that he has no criminal record for sexual offences, whether committed against adults or against children. The certificate should be issued by the Ministry of Justice, which is responsible for verifying that the person concerned is not registered in the register that collects the identity as well as the DNA of all persons convicted in a final judgment for crimes against sexual freedom and indemnity or for trafficking in human beings for the purpose of sexual exploitation, including pornography. It is necessary that the job implies by its very nature and essence, a habitual contact with children, being the children the main recipients of the service provided.</p>

²¹¹ United Nations, [Concluding observations on the combined fifth and sixth periodic reports of Spain*](#), CRC/C/ESP/CO/5-6. 5, Committee on the Rights of the Child, March 2018

²¹² Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents \(Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia\)](#), 28 July 2015.

<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>	<p>X</p>	<p>As stated in the previous section, the same certificate requirements will be applicable the Law 45/2015, of 14 October, on Volunteering (<i>Ley 45/2015, de 14 de octubre, de Voluntariado</i>).</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, prosecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	<p>X</p>	<p>The Inter-institutional Advisory Table on Migrant Children (<i>Mesa Interinstitucional asesora sobre Infancia Migrante</i>) that was envisaged to be developed within the Model for the management of migratory contingencies for unaccompanied children and adolescents but it is still pending will be responsible for designing and executing the annual training plan and the technical assistance required.</p> <p>It will have to identify the needs of the different actors, professionals or entities that can carry out technical assistance such as training, as well as define a schedule of action according to the competences in this area of the Autonomous Communities, with the proposals that are deemed appropriate. The Directorate-General for the Rights of Children and Adolescents shall assign a person to accompany the Bureau in the work of prospecting and monitoring training initiatives and the coordination and implementation of the Training and Technical Assistance Plan. Each training action as technical assistance will be evaluated by the participants and by the team that provides the training.</p> <p>Meanwhile, there is not a standard regular training established at national or regional level. Only ad hoc particular trainings may be organized by the public bodies in charge or by every particular private institutions in charge and managing those services and tasks.</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges,</p>	<p>X</p>	<p>The child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems are mainly included within postgraduate studies, such as: Master's Degree in Lifelong Learning in Needs, Rights and Development Cooperation in Childhood (Máster de Formación Permanente en Necesidades, Derechos y Cooperación al Desarrollo en</p>

<p>prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>		<p>Infancia) at the UAM University; or with the Medicine studies at the Salamanca University when dealing with the pediatrics' specialiazation in relation to the informed consent for and in children.</p> <p>The Centre for Legal Studies is the competent body to carry out the continuous training of the members of the Prosecutor Career and the Bodies of Lawyers of the Administration of Justice, Forensic Doctors, Physicians of the National Institute of Toxicology and Forensic Sciences, State Lawyers and, where appropriate, other personnel at the service of the Administration of Justice. Because of that it covers specialized child rights training under its continuous Training Plan of the Prosecutorial Career²¹³. It included two courses: one Organic law on the comprehensive protection of children and adolescents. Strategic axis to analyze the new legal regulation introduced by lo 8/2021, focusing on its advantages, possible disadvantages and the problems that may arise (12h and 40 places); and/or another one under the title of “the new typical figures for the protection of children in the network, introduced by lo 8/2021, of june 4, on the integral protection of children and adolescents against violence. Precautionary measures and removal of content” (<i>las nuevas figuras típicas para la protección de los Menores en la red, introducidas por la lo 8/2021, de 4 de Junio, de protección integral a la infancia y a la Adolescencia frente a la violencia. Medidas cautelares y Retirada de contenidos</i>).</p> <p>In response to the need to create the figure of a Delegate of Protection within the sports and/or leisure sectors as forseen by the Organic Law on Childhood and Adolescent Integrated Protection against Violence (<i>Ley Orgánica de Protección Integral a la Infancia y la Adolescencia frente a la violencia</i>, LOPIVI, in its Spanish acronym). From October 2021 to December 2021 (50 hours in total), a university specialization course was launched, “Child Protection Delegate and/or Adolescence in Sports and</p>
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²¹³ Spain, Ministry of Justice (*Ministerio de Justicia*), [Continuous Training Plan 2022. Public Prosecutor career](#) (*Plan de Formación Continua 2022. Carrera Fiscal*), Centro de Estudios Jurídicos.

		<p><u>Leisure contexts”</u> ²¹⁴ by the Valladolid Miguel de Cervantes European University (<i>Universidad Europea Miguel de Cervantes</i>, UEMC, in its Spanish acronym) in collaboration with the Castilian and Leones Association for the Defence of Children and Youth (<i>Asociación Castellano y Leonesa para la Defensa de la Infancia y la Juventud</i>).</p> <p>The Castilian-Leones Association for the Defence of Children and Youth²¹⁵ (<i>Asociación castellano leonesa para la defensa de la infancia y la juventud</i>, REA, in its Spanish acronym) held four different free online learning experiences. The training tackled various issues such as 1) Bullying, 2) Interview skills in risk situations for children and adolescents, 3) IV Edition of Child Abuse Course (<i>IV Edición Curso Maltrato Infantil</i>), and 4) Responsible Use of the Internet and Social Networks.</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	<p>X</p>	<p>Since October 2022, the Ministry of Social Rights and Agenda 2030 launched <u>several online courses for Families, Children and Adolescents</u>²¹⁶. Those trainings covered a wide range of related issues, such as: Intervention with children with behavioral problems: 30 hours; or Foster care for children: 30 hours, among other ones.</p> <p>There are also many trainings promoted by different universities across the Spanish territory, such as: the <u>University certificate in child and adolescent protection</u> (<i>Certificado universitario en protección de la infancia y la adolescencia</i>) organized by the Universitat De València and the Cátedra Luis Amigó.</p> <p>Other examples are organized and promoted by regional public administrations, such as: andalusian institute of public administration in relation to <u>the new law on the comprehensive</u></p>

²¹⁴ Miguel de Cervantes European University (*Universidad Europea Miguel de Cervantes*) (2021), “University specialization course on Child Protection Delegate and / or Adolescence in Sports and Leisure contexts” (*Curso Universitario de Especialización en Delegado/a de Protección en Infancia y/o Adolescencia en Contextos Deportivos y de Ocio*), Miguel de Cervantes European University’s Official Website.

²¹⁵ REA (2021), REA Trainings April and May 2021 (*Formaciones REA Abril y Mayo 2021.*), April and May 2021.

²¹⁶ Spain, Official Website of the Ministry of Social Rights and Agenda 2030 <https://www.mdsocialesa2030.gob.es/derechos-sociales/formacion/cursosOnline/familiasInfancia.htm>

		<p><u>protection of children and adolescents against violence</u>. It addresses the impact on the educational centres addressed: administration and services personnel (p.a.s.) with destination in the public educational centres dependent on the ministry of education and sport of the junta de andalucía (labor personnel).</p> <p>Other example would be the one promoted by the General Directorate for the Protection of Children and the Family of the Government (<i>Dirección general de Protección de la Infancia</i>) y la Familia of the Canary Islands that launched a <u>training platform for free online courses aimed at promoting the technical training of all those professional groups that work with children and adolescents in different areas</u>.</p> <p>Other ones may be promoted by civil society organizations such as Raices Foundation. <u>Specialized training in children's rights</u> aimed at lawyers, and professionals in the legal and social field who support children and young people²¹⁷.</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>	<p>There are times when Spain had a greater presence of children in need of protection, as has happened for example after the arrival of unaccompanied foreign children, for whom resources have had to be made available in a short time. When it happens, there may be imbalance between places and children, and it means that the conditions provided for in the protection measures are not met, such as the ratios per educator, the number of beds or rooms needed or the possibility of taking courses or training.</p>	

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

An achievement were the two amendments established that anyone who carries out an activity that involves regular contact with children is required to have a certificate proving that he has no criminal record for sexual offences, whether committed against adults or against children as introduced by the [Organic Law 26/2015 which amended the system of protection for children and adolescents](#)²¹⁸ and [Law](#)

²¹⁷ Spain, Official Website of the [Raices Foundation](#) (Fundación Raices)

²¹⁸ Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

[45/2015, of 14 October, on Volunteering](#) (Ley 45/2015, de 14 de octubre, de Voluntariado) modified the law 1/1996 for the Legal Protection of the Children.

An important challenge and gap would be the still pending development of the Inter-institutional Advisory Table on Migrant Children (Mesa Interinstitucional asesora sobre Infancia Migrante) that was envisaged to be developed within the [Model for the management of migratory contingencies for unaccompanied children and adolescents](#).

Other big challenge would be the allocation of proper funding at national, regional and local level. A support scheme for parenting continues to be channeled through tax deductions, which benefit the middle and upper classes but exclude lower-income families who do not pay taxes; the actual budgets do not guarantee lunchroom grants for children in poverty; there is a need to pay attention to the promotion of better child health in schools and health services. In 2021, 3% of children and adolescents between the ages of 4 and 16 had suicidal thoughts last year in Spain; children living in low-income families have up to four times more mental and behavioral disorders than those living in affluent homes.

In relation to the allocated human resources in the area of child protection at all levels sufficient there is still a gap to ensure a sufficient number of guardians (guarda) (e.g., in localities with higher number of children), where there is an increasingly high ratio of children that need to be taken care of by each one of the professionals (social social workers and educators) who work as staff member within the protection and first attention child centres. AS a consequence of it, there is a high level of professional turnover due to the lack of recognition of their work, so it makes it very difficult to optimally care for the children within the system.

Eventhough, the UN Committee in 2018 recommended that the Spain Train professionals working with children “Develop skills and undertake training programmes among professionals from different areas who work for and with children, including family judges and prosecutors, on children’s rights and the implementation of the right of the child to be heard, as a right, rather than as an obligation”; actually, in terms of trainings on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area, there is not a standard regular training established at national or regional level. Only ad hoc particular trainings may be organized by the public bodies in charge or by every particular private institutions in charge and managing those services and tasks.

Another challenge is provoked by the fact that sometimes Spain had a greater presence of children in need of protection, as happened after the arrival of unaccompanied foreign children, for whom resources have had to be made available in a short time. When it happens, there may be imbalance between places and children, and it means that the conditions provided for in the protection measures are not met, such as the ratios per educator, the number of beds or rooms needed or the possibility of taking courses or training.

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

A private sector program, such as: the [program of CaixaProinfancia](#)²¹⁹ to promote the creation of alliances and collaborations with third parties in favour of children, which is why this program is

²¹⁹ Official Websidte of the Caixa Foundation (fundación la Caixa), Proinfancia Model for the promotion and integral development of children in situations of poverty and social vulnerability (Proinfancia Modelo de promoción y desarrollo integral de la infancia en situación de pobreza y vulnerabilidad social)

developed through collaboration with non-profit entities and tries to favour the creation of a stable environment of cooperation between all social agents, public and private, that affect the child and their families. Within this framework, the **Caixa Foundation** (Fundación la Caixa) launched a funding call for the [Fight against child poverty and social exclusion](#)²²⁰ (Lucha contra la pobreza infantil y la exclusión social). Its main **objectives** were: **ending the cycle of child poverty and promoting projects that facilitate social inclusion processes of people in vulnerable situations, thus enhancing their capabilities and promoting equal opportunities**. The main areas of action were: social and educational development of children and adolescents in vulnerable situations; and social inclusion of people at risk of poverty and exclusion.

²²⁰ Caixa Foundation ([Fundación la Caixa](#)) (2021), [Fight against child poverty and social exclusion](#) (Lucha contra la pobreza infantil y la exclusión social), Official Website, Caixa Foundation.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

In Spain, the child protection services are decentralized under the competence of every Autonomous Community or Autonomous City which is responsible for the appointment of a legal guardian that corresponds to the Public Entity for the child protection.

. The guardianship of children is held by the public protection entities of the autonomous communities and cities²²¹.

The measures taken to implement the guardianship (*guarda*) is under the social welfare and assistance (*asistencia y bienestar social*) section of every Autonomous Community as stated by Article 148.1.20 of the [Spanish Constitution](#)²²². The Guardianship (*tutela*) is the legal institution responsible for protecting the person, property or both of a minor in a situation of helplessness. Unaccompanied children in a situation of helplessness and Unaccompanied children not subject to parental authority (Article 199 of the Civil Code). The functions related to it constitute a duty, they will be exercised for the benefit of the child and will be under the safeguard of the judicial authority (Article 200 of the Civil Code). In the case of children who are under the guardianship of a public entity, these measures may only be ordered by the judicial authority ex officio or at the request of that entity, the Public Prosecutor's Office or the minor himself. The public entity will be a party to the procedure and the agreed measures will be communicated to it, which will transmit said communication to the director of the residential center or to the foster family. The guardian (tutor) shall represent the minor only in those acts which he or she cannot make legal decisions on his or her own. In any case, he has the duty to act according to the will of the person under his guardianship. That is, it will look after the interests of the minor and based on their beliefs, values and personality.

The Guardianship Care (*guarda*) may occur in two cases: firstly, when the causes provided in Article 172.2 of [the Spanish Civil Code](#) , occurs where parents or guardians, in serious circumstances, are unable to care for the child, may request the competent Public Entity to assume its guard for as long as necessary; secondly, guardianship (*guarda*) shall also be assumed as a guardianship function by operation of the Law on Abandoned Children (art. 172.2 of the Civil Code) and when so decided by the judge, in cases where it is legally appropriate, (art. 172.2 of the Civil Code and art. 56 of Law 4/1998, of 18 March, on children). The competent counselling for social services may exercise custody of the child through foster care and residential care. Article 239 of [the Spanish Civil Code](#) refers to **the special treatment reserved to the legislation for the protection of abandoned children.**

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly

²²¹ Spain, General Parliament (*Cortes Generales*), [Spanish Constitution](#) (*Constitución Española*), 29 December 1978.

“regulation of the basic conditions guaranteeing the equality of all Spaniards in the exercise of their rights and in the fulfilment of their constitutional duties”

²²² Spain, General Parliament (*Cortes Generales*), [Spanish Constitution](#) (*Constitución Española*), 29 December 1978.

through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

There are a set of support allowance that could be differentiated depending on different profiles such as: Childbirth or adoption aid; Allowance for having a dependent child Family cheque Childcare allowance; Aid for single mothers; Aid for special category families Victims of gender violence; Aid for families in which a person dies; Other aid for families Family help SEPE Aid to access housing Aid to culture, sport and tourism

In terms of funding for particular vulnerable groups, [Resolution of March 15, 2023, of the Secretary of State for Social Rights, which publishes the certified relations of the projects of the programs "Protection of the family and attention to child poverty. Development of basic social service benefits"; of "Integral social intervention for the attention, prevention of marginalization and insertion of the gypsy people" approved with the autonomous communities and the cities of Ceuta and Melilla for the year 2022](#)²²³. It included four set of programs addressing four areas of action such as, A) Protection of the family and attention to child poverty (i.e. Socio-educational intervention with families with dependent children in a situation of lack of protection or Projects aimed at alleviating and improving the situation of social vulnerability of families by covering basic food needs); B) Programs for the reinforcement of child and family care teams in primary care social services, in execution of the provisions of Organic Law 8/2021, of June 4, on the comprehensive protection of children and adolescents against violence (LOPVI); C) Programs for the development of Basic Social Services Benefits; D) Comprehensive social intervention projects for the care, prevention of marginalization and integration of the Roma people (Gypsy Development Plan) (i.e coexistence, education and culture in the gypsy community or integral plan for the gypsy community of andalusia).

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The support to the family and the child will be coordinated by the Social Services that in Spain are mainly under the competence of every Autonomous Community. In practice the services is provided in Community Social Services centres, dependent on local entities in coordination with their Autonomous Community. Servicios de protección a menores.

4.1.4 What are the crisis emergency responses in place?

In the case of child is in a crisis / emergency situation **because of being a victim of abuse/neglect** .

Asylum seekers and forced migrants will be covered by the international protection and migration legal and policy tools in place. In other cases such as in the case of the Covid 19 health crisis a

²²³ Spain, Ministry of Social Rights and Agenda 2030 Ministerio de Derechos Sociales y Agenda 2030.. [Resolution of March 15, 2023, of the Secretary of State for Social Rights, which publishes the certified relations of the projects of the programs "Protection of the family and attention to child poverty. Development of basic social service benefits"; of "Integral social intervention for the attention, prevention of marginalization and insertion of the gypsy people" approved with the autonomous communities and the cities of Ceuta and Melilla for the year 2022](#) (Resolución de 15 de marzo de 2023, de la Secretaría de Estado de Derechos Sociales, por la que se publican las relaciones certificadas de los proyectos de los programas "Protección a la familia y atención a la pobreza infantil. Desarrollo de prestaciones básicas de servicios sociales"; de "Intervención social integral para la atención, prevención de la marginación e inserción del pueblo gitano" aprobados con las comunidades autónomas y las ciudades de Ceuta y de Melilla para el año 2022.

Technical document of recommendations for Action from the public system for the Protection of Children and Adolescents In the face of the covid-19 crisis was published²²⁴.

And in the case of the **children fleeing from the Ukrainian crisis**, most of the protection responses were provided through the general social services already in place with the support of particular funded programs implemented by NGOs or private foundations. In particular cases, there were certain legislative instruments to address vulnerability situations where Ukrainian children were also addressed where specifically the basic needs of people arriving in a massive and concentrated way in time, and who could not be absorbed by the reception system were covered, such as the [Royal decree 673/2022, of 1 August, by which regulates the direct concession of operative plan 2022 of development of the national strategy of prevention and fight against the poverty and the social exclusion 2019-2023 subsidies to the Autonomous Communities to finance the provision of a direct economic aid to the beneficiaries of the regime of temporary protection affected by the conflict in Ukraine that lack of sufficient economic resources](#) (Real Decreto 673/2022, de 1 de agosto, por el que se regula la concesión directa de plan operativo 2022 de desarrollo de la estrategia nacional de prevención y lucha contra la pobreza y la exclusión social 2019-2023 subvenciones a las Comunidades Autónomas para financiar la prestación de una ayuda económica directa a las personas beneficiarias del régimen de protección temporal afectadas por el conflicto en Ucrania que carezcan de recursos económicos suficientes)²²⁵.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/reporting obligation foreseen in the legislation?	X		Article 259 of the Criminal Procedure Law (<i>Ley de Enjuiciamiento Criminal</i> , LECrim in Spanish acronym) ²²⁶ establishes the obligation to notify (bring to the attention of the competent

²²⁴ Spain, Ministerio de Derechos Sociales y Agenda 2030, [Technical document of recommendations for Action from the public system for the Protection of Children and Adolescents In the face of the covid-19 crisis](#) (*Documento técnico de recomendaciones de Actuación desde el sistema público de Protección a la infancia y a la adolescencia Ante la crisis por covid-19*), 31 March 2020.

²²⁵ Spain, Ministry of Inclusion, Social security and Migrations (*Ministerio de Inclusión, Seguridad Social y Migraciones*), [Royal decree 673/2022, of 1 August, by which regulates the direct concession of operative plan 2022 of development of the national strategy of prevention and fight against the poverty and the social exclusion 2019-2023 subsidies to the Autonomous Communities to finance the provision of a direct economic aid to the beneficiaries of the regime of temporary protection affected by the conflict in Ukraine that lack of sufficient economic resources](#) (*Real Decreto 673/2022, de 1 de agosto, por el que se regula la concesión directa de plan operativo 2022 de desarrollo de la estrategia nacional de prevención y lucha contra la pobreza y la exclusión social 2019-2023 subvenciones a las Comunidades Autónomas para financiar la prestación de una ayuda económica directa a las personas beneficiarias del régimen de protección temporal afectadas por el conflicto en Ucrania que carezcan de recursos económicos suficientes*), 2 August 2022²²⁵.

²²⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1882) [Royal Decree of September 14, 1882, approving the Law of Criminal Procedure](#) (*Real Decreto de 14 de septiembre de 1882 por el que se aprueba la Ley de Enjuiciamiento Criminal*) Official State Gazette, 17 September 1882.

<p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p>authority) anyone who witnesses the perpetration of any public crime.</p> <p>The obligation to report a crime to the Public Prosecutor's Office, the competent court, the examining magistrate, and, failing that, to the municipal or police officer is established for those persons who know about a public crime because of their position, profession or trade (Article 262 of the LECrim).</p> <p>Article 13 of the Organic Law on the Legal Protection of Children (<i>Ley de Protección Jurídica del Menor</i>, LOPJM in Spanish acronyms)²²⁷ establishes the obligation of all citizens to report any situation of risk or possible abandonment of a child.</p> <p>The Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)²²⁸ extended the regulation of the duty of communication or notification already established in the LOPJM, contemplating different actions depending on the subject who communicates and the seriousness of the conduct:</p> <ul style="list-style-type: none"> • The duty of general communication (Article 15 LOPIVI) applies to any person in society, whether or not they are related to the child, who notices signs of a situation of violence against a child. If the facts could constitute a crime, the duty of communication is to the Security Forces and Corps, the Public Prosecutor's Office, or the judicial authority. • The duty of qualified communication (article 16 LOPIVI) applies to those persons who, by reason of their position, profession, trade, or activity, are
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²²⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 17 January 1996.

²²⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

entrusted with the assistance, care, teaching, or protection of children or adolescents and, in the exercise of the same, have become aware of a situation of violence exercised on them. In any case, qualified personnel in health centres, schools, sports and leisure centres, centres for the protection of children and criminal responsibility for children, asylum, and humanitarian care centres, establishments in which children usually or temporarily reside, and social services are considered to be included in this case. In this context, the procedures would be as follows: (1) report the situation immediately to the competent social services; (2) if such violence could result in a threat to the health or safety of the child, (3) when a possible infringement of the regulations on personal data protection is detected, the Spanish Data Protection Agency must be immediately notified.

Any natural or legal person **has to report illegal content on the Internet** (article 19 LOPIVI) to the competent authority when they become aware of the existence of content available on the Internet that constitutes a form of violence against a child. If the facts could constitute a crime, the obligation is to inform the Security Forces and Corps, the Public Prosecutor's Office, or the judicial authority.

[Organic Law on Childhood and Adolescent Integrated Protection against Violence](#) (*Ley Orgánica de Protección Integral a la Infancia y la Adolescencia frente a la violencia*, LOPIVI, in its Spanish acronym) **created the figure of a Delegate of Protection** within the sports and/or leisure sectors as foreseen by the. The **Delegate of protection** will be the person to whom children and adolescents may express their social welfare and safety concerns. In addition, this figure will ensure compliance with the protocols established for protecting children and adolescents, and he must report all cases in which a situation of violence was detected.

4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory

framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

In terms of regulatory framework, Articles 17 and Article 18 of the [Organic Law on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)²²⁹ established procedures related to the right to communicate.

*In terms of possible channels available for the child to file a complaint against the guardian/legal representative, **Article 10 of the [Organic Law 1/1996 on the Legal Protection of children](#)**²³⁰ made easier for children to access appropriate mechanisms tailored to their needs to raise their complaints to the figure of the National and/or regional Ombudsmans.*

*In addition, the **children's right to an effective remedy of children was strengthened by the 2015 Law reform** by introducing the possibility of requesting legal assistance and appointment of a judicial defender (defensor judicial). **Article 10.2 of the [Organic Law 1/1996 on the Legal Protection of children](#).** Pursuant to Article 299 of the Civil Code stated that the appointment of a judicial defender must be appointed in three cases: (a) In cases of conflict of interest (b) In cases where for any reason the guardian does not perform her duties c) In other cases that a judicial defender must exist in accordance with the rules.*

In terms of available helplines and hotlines, Telephone 116 111 operates 24 hours a day, 365 days a year and the call is completely free. Furthermore, the [ANAR Foundation](#) provides and implements several [childhood support channels and lines](#), such as [ANAR Chat](#) (Chat ANAR): ANAR Child and Teenage Support phonenumber/Chat; ANAR Family and School phonenumber 600 50 51 52 (free) /Chat; Missing children and teenagers phonenumber/chat; ANAR youth gender violence phonenumber/chat; School bullying phonenumber/chat. It facilitates different procedures or helplines/hotlines for specific issues. ANAR resources are promoted through ad hoc awareness raising campaigns although there is not a standard program to share this tools with the children at schools. There are just particular examples or ad hoc cases where the organizations reach agreements to develop certain activities in particular cases.

The Operational Center of Services of the Civil Guard (COS) received all emergency telephone calls made to the Civil Guard telephone number "062", which are answered 24 hours a day. It also receives communications made to the emergency telephone number 112. There is a particular system in which calls pertaining to children as victims are referred to ANAR childhood support lines (900202010).

²²⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia) Official State Gazette, 4 June 2021.

²³⁰ Spain, Head of State (*Jefatura del Estado*), [Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#) (Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil), 16 February 1996.

In terms of the profession of the staff receiving the reporting, there is no particular requirements established and the possible training organized for the the staff competent depends of the decisions of every institution or organizations that implement those reporting programs.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p><u>If yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	X		<p>Children and adolescents should be able to communicate situations of violence suffered or known to them as stated by Article 17 Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)²³¹ and in accordance with their right to be heard as stated by Article 9 the Organic Law on the Legal Protection of Children (<i>Ley de Protección Jurídica del Menor</i>, LOPJM in Spanish acronyms),²³² which established that there may be no discrimination in the exercise of this right on the basis of disability, both in the family and in any administrative, judicial or mediation procedure in which it is directly involved. In addition, it details the special needs that the minor has in order to be able to exercise this right adequately and the corresponding means to satisfy them. In addition to it, Article 10 of the same law provides children with access to adequate mechanisms adapted to their needs to submit their complaints to the figure of the Ombudsman or counterpart autonomous institutions. In addition, the effective judicial protection of children is reinforced by introducing the possibility of requesting legal assistance and appointment of a judicial defender, being able to act, in any case, the Public Prosecutor's Office in defense of the rights of children.</p> <p>They can do so personally or through their legal representatives to the social services, the Security</p>

²³¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

²³² Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 17 January 1996.

		<p>Forces, the Public Prosecutor's Office, or the judicial authority and, where appropriate, to the Spanish Data Protection Agency.</p> <p>Public administrations shall establish secure, confidential, efficient, effective, adapted, and accessible communication mechanisms and shall ensure the existence and support of electronic means of communication, such as telephone lines.</p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	X	<p>Article 18 of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)²³³ establishes that in order for children to be able to exercise this power of communication of situations of violence in educational centres and protection centres, a duty is established to inform them about the mechanisms available to them in any scenario where their rights are violated at the beginning of the school year and at the time of the child's admission to the center.</p> <p>The information to be provided to them is as follows: information on the procedures for reporting situations of violence; the persons responsible; and the electronic means of communication such as the telephone lines (further detailed information under section 4.2.2 of this report).</p> <p>The information should be available in accessible formats and permanently updated in a visible and accessible place. For example, the Child-Friendly JT project has produced booklets in different languages addressing children and young people, as well as their parents, guardians or legal guardians including information on the rights of children suspected or accused in criminal proceedings.</p>
<p>4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?</p>		

²³³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

The **lack of guarantees in the withdrawal of guardianship** in Spain is one of the great concerns of both children's organizations and the Committee on the Rights of the Child of the United Nations, due to the situation of defenselessness and the violation of rights that it entails for children and their families. The violation of rights may occur in the absence of an obligation of an administrative resolution of risk declaration as a minimum guarantee in an administrative procedure; the lack of technical tools to assess the risk in each case; lack of legal assistance to families and children; or the lack of time limits that prevent proceedings from being extended without limit, which causes unacceptable delays in State guardianship proceedings. Given this lack of guarantees, in 2018 the United Nations Committee on the Rights of the Child urged Spain to ensure judicial control of withdrawals of guardianship.

The National Ombudsman (Defensor del Pueblo) 2022 Annual Report contained a specific annex titled Children and adolescents in the annual report (Los niños y los adolescentes en el informe anual) and under the Section 6.3.1 addressing the strengthening the guarantees and protection of children in the family jurisdiction and judicial system for the comprehensive protection of children (Fortalecimiento de las garantías y la protección de los menores en la jurisdicción de familia y sistema judicial de protección integral de los menores).

The report also referred to deficiencies affecting the system of identification of the special needs of child victims of trafficking with international protection needs.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

A protocol for action in cases of child abuse/neglect includes measures that guarantee the coordination of the actions of the competent institutions with respect to the global care of victims of child abuse/neglect in the following basic areas of social intervention: 1. Detection. 2. Notice. 3. Assessment; 4. Intervention and treatment. 5. Evaluation and follow-up of the case²³⁴. The guidelines for action for different professionals in the detection, notification and registration of child abuse are mostly differentiated if it comes from the police field; or the health field; or educational services one or the social services (i.e. [Cantabria elaborated eight guiding documents](#) depending on family or residential care and/or depending on the area where the child abuse/neglect situations were identified). There are provided with Notification application's samples ((i.e. [Cantabria elaborated eight guiding documents](#) p.50 to 58).

There **are two clearly differentiated procedures** for their care and social intervention for dealing with situations of child abuse/neglect in the family: 1) **an ordinary procedure** in situations of risk of mild

²³⁴ Ministry of Health, Social Services and Equality, [Basic Protocol of Intervention against Child Abuse in the family. Updated to the intervention in the cases of children victims of gender violence](#) (Protocolo Básico de Intervención contra el Maltrato Infantil en el ámbito familiar. Actualizado a la intervención en los supuestos de menores de edad víctimas de violencia de género), Observatorio de la Infancia.

or moderate abuse that will also be applied in situations of mere suspicion. The notification will be forward towards the local social services of primary care, where each case is assessed and the appropriate measures of support for the minor and the family unit are taken; 2) an urgent procedure where specialized attention is required to be provided by the Child Protection Service of the Autonomous Community. Both procedures are present in all the Autonomous Communities. If a case of child abuse is suspected, the social services in ordinary procedures, or the child protection service in emergency procedures, must carry out an assessment of the case. The Child Protection Service will provide support and advice to primary care social services in cases where the assessment of the case is doubtful.

The assessment must be carried out in coordination with the psycho-pedagogical guidance teams, the local police and the health teams, with the collection of all available information on that child and the interdisciplinary analysis of the case and with the support, if necessary, of the Child Protection Service and other institutions with competence in child protection of the corresponding Autonomous Community. In case of finding an abuse in the assessment, the intervention and its follow-up will vary depending on the degree of its severity and the scope of action. All regions/Autonomous Communities in Spain developed a legal framework referring to the detection and notification of situations of risk and child abuse where follow-up actions are also included.²³⁵

In terms of detection and notification of situations of risk and child abuse²³⁶. **The notification of the case** is a necessary condition for the intervention of the child protection service. It is also a legal and professional obligation (Code of Criminal Procedure, article 262. Law on the Legal Protection of Children, article 13. Criminal Code articles 407, 450. Code of Medical Ethics and Ethics, article 30.2). That notification takes place in those cases: - if the injuries are found to be serious or there is a need to collect forensic evidence, it will be sent to a hospital where police and/or judicial intervention will be carried out; if there is a high risk of family distress, admission to a hospital will be ensured. Not only severe cases should be reported, but also apparently mild and risky situations. In these cases, the social services of the Health Center or municipal social services in the area will be communicated.

The children whose situation of abuse/neglect is confirmed would be declared as abandoned children. In the case of abandoned children, Article 239 of [the Spanish Civil Code](#) refers to their special treatment covered by the legislation for the protection. The public administration representative body usually is the legal guardian for **unaccompanied children who qualify as abandoned children**.

The Law states that the competent authority in the field of social services may exercise the child's guardianship (guarda) through family foster care (acogimiento familiar) and residential care (acogimiento residencial). The Care (guarda) may occur when the causes provided in Article 172.2 of [the Spanish Civil Code](#) where parents or guardians, in serious circumstances, are unable to care for the child, may request the competent Public Entity to assume its guard for as long as necessary. The guardianship corresponds to the Public Entity entrusted in the respective territory with the protection of children (Article 172 of [the Spanish Civil Code](#)).

Spain does not have different systems in place for temporary guardianship (tutela and guarda). There is only one system with certain particularities in terms of implementation that includes the following categories: national children deprived of their parents, EU nationals, third-country nationals, asylum seekers or non-asylum seekers, children at borders, and child victims of human

²³⁵ Fapmi and Ecpat España, Official Website, [Detection and notification of situations of risk and child abuse where follow-up actions are also included](#) (detección y notificación de situaciones de riesgo y maltrato infantil), Centro Documental Virtual “Bienestar y Protección Infantil”.

²³⁶ Spain, Official Website of the [Child Protection and Well Being](#) (Bienestar y protección infantil): Detection and Notification of risk situations and child abuse.

trafficking. The guardianship of the child is not conditioned by his nationality. The guardianship system in place for all unaccompanied children or unaccompanied foreign children, or unaccompanied foreign children at borders are the same. In reference to the unaccompanied foreign children (UFCs), Spain prioritises their status as children rather than as migrants, so that most measures are adopted regardless of their migratory status²³⁷.

The obligation for the establishment of the necessary services and resources, for the social protection of the child, for the exercise of their guard (guarda) and, in cases of declaration of abandoned, for the assumption of guardianship by law is covered by **Article 12** of the [Organic Law 1/1996 on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#).

In terms of taking children’s views into consideration Article 11 of the [Organic Law on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)²³⁸ establishes the right of victims to be heard stating that children and adolescents should be heard and listened to with all guarantees and without age limit, ensuring, in any case, that this process is universally accessible in all administrative, judicial or other procedures related to the accreditation of violence and reparation for victims. The right of children and adolescents to be heard may only be restricted, in a reasoned manner, when it is contrary to their best interests.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		Created by Article 7 of the Organic Law on the comprehensive protection of children and adolescents against violence (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym) ²³⁹ , the Sectorial Conference on Children and Adolescents is the body for cooperation between the General State Administration, the Autonomous Communities, the Autonomous Cities of Ceuta and Melilla, and the Local Administration, through the Spanish Federation of Municipalities and Provinces, in the implementation of policies for the protection and development of children and adolescents. <i>All regions/Autonomous Communities in Spain developed a legal framework referring to the</i>

²³⁷ European Commission (2018) Spain [Annual Report on Migration and Asylum 2017](#), Madrid, European Migration Network.

²³⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia) Official State Gazette, 4 June 2021.

²³⁹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia) Official State Gazette, 4 June 2021.

			<i>detection and notification of situations of risk and child abuse where follow-up actions are also included.</i> ²⁴⁰
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	n/a	n/a	There is not a particular requirement requestion the assessment to be carried out by a multidisciplinary team of professionals. Every legal and/or regulatory instruments, interagency protocols may have established their particular processes and profile for the teams of professionals. Theres is not differences established for the cases where a child is referred to alternative care or where a child needs to be removed from a home.

4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

In general, foster care is adopted as a protective measure when the public entity detects situations of lack of protection of a child, either because he has declared himself in a situation of helplessness, because the parents or guardians themselves request it in the face of the impossibility of caring for him (voluntary guardianship) or because it is agreed by a judge when legally appropriate (judicial guardianship). There may also be temporary care in these centres when a child is suddenly involved in an emergency situation that requires immediate attention, and this is known as "temporary care". In the first case, that of desamparo, it is the Autonomous Communities that determine that a child is in this situation and assume his guardianship. Afterwards, the wards go on to live either in a juvenile centre or in foster care, either with members of their own family or with other people outside their environment.

The Judge determines the person who will assume the position of guardian and/or legal representative. In the cases of unaccompanied children, as temporary guardianship (tutela) goes always automatically to the Regional child protection authorities the judicial authorities are not usually involved but they may if requested to do so.

The guardianship duties (tutela and guarda) constitute an obligation, which shall be exercised for the benefit of the child under guardianship and shall be subject to the supervision of the judicial authority (Article 216 of [the Spanish Civil Code](#)). The Judge, ex officio or at the request of any interested party, may also decree the measures and provisions provided in Article 158 of [the Spanish Civil Code](#) in cases of child guardianship to the extent that the child's interest should require it.

In reference to the best interests of the child, this [Organic Law 26/15 which amends the system of protection for children and adolescents](#)²⁴¹ defined more precisely the legal concept by incorporating both the case-law of the Spanish Supreme Court and the criteria of [General Comment No 14 on the](#)

²⁴⁰ Fapmi and Ecpat España, Official Website, [Detection and notification of situations of risk and child abuse where follow-up actions are also included](#) (Detección y notificación de situaciones de riesgo y maltrato infantil), Centro Documental Virtual "Bienestar y Protección Infantil".

²⁴¹ Spain, Head of State (*Jefatura del Estado*) (2015), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

[right of the child to have his or her best interests taken as primary consideration](#)²⁴². Nowadays, the different legislative provisions expressly reiterate that they will always apply the best interests of the child.

Article 2.5 of [the 1996 Organic Law on the Legal Protection of children](#) established that the assessment and determination of the best interests of the child shall also keep certain procedural safeguards such as: "the right of the child to be informed, heard and listened to" (el derecho del menor a ser informado, oído y escuchado) and "the intervention of qualified professionals or experts" (la intervención en el mismo de profesionales cualificados o expertos).

In the case that an unaccompanied foreign child the **age assessment procedure** is implemented by the **Public State Prosecutor** in accordance with Article 190.7 of the Aliens Regulation²⁴³.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		<p>The roles and responsibilities of the various actors in particular the ones allocated to the Public Prosecutor office and involved in these procedures are stated to certain extent in the legislative and regulatory framework but the ones of professionals or including civil society organisations are not so precise or clear.</p> <p>Regarding the appointment of a Public Entity as a guardian, the requirement is for legal persons opting for the exercise of guardianship (<i>guarda</i>) to have no lucrative purpose and that their institutional mission expressly include the protection of children and/or disabled persons. Residential centres for children are a protective resource to provide a developmental context for children in a situation of guardianship (<i>guarda y tutela</i>) assumed by the Administration. The documentation and the diagnostic report are prepared to subsequently refer the child to the most appropriate resource.</p> <p>In terms of the pre-conditions and qualifications required to become a guardian/legal representative set by law, all persons who are in full possession of their civil rights and who do not incur in any of the grounds for ineligibility set forth by law may become guardians as established by Articles 241 and 242 of the Spanish Civil Code (including residential centres).</p>

²⁴² CRC/C/GC/14, [General comment no. 14 \(2013\) on the right of the child to have his or her best interests taken as primary consideration](#) (art. 3, para. 1)

²⁴³ Spain, Ministry of the Presidency (*Ministerio de la Presidencia*), [Royal Decree 557/2011, of 20 April 2011 \(Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, ROEx 557/2011, in its Spanish acronym\)](#).

<p>4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?</p>	<p>X</p>	<p>There are there a number of inter-agency cooperation protocols and agreements in place, such as: the Order which updates the Protocol of police action with children²⁴⁴ or the National Framework Protocol for the protection of victims of trafficking in human beings²⁴⁵; the Order No. 4/2019 establishing a new protocol for the police assessment of the level of risk of gender-based violence (Organic Law 1/2004), the management of victim safety and monitoring of cases through the system of comprehensive monitoring of cases of gender-based violence (Viogén System)²⁴⁶; the agreement developing the The Childhood Observatory (<i>Observatorio de la Infancia</i>). It is a working group created by Agreement of the Council of Ministers in 1.999. The purpose of the Children's Observatory is to network, from a perspective of collaboration and inter-sectorial coordination of all public and private institutions, aimed at the defense and promotion of the rights of children and adolescents²⁴⁷ ; or the Protocol of Action of the Security Forces and Bodies in cases of missing persons²⁴⁸ (<i>Protocolo de Actuación de las Fuerzas y Cuerpos de Seguridad ante casos de personas Desaparecidas</i>).</p> <p>The existence of those protocols and agreements is essential to guarantee and effective functioning of the child protection system in Spain because of the high level of fragmentation, the necessary minimum coordination between the central</p>
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²⁴⁴ Spain, Ministry of the Interior (*Ministerio del Interior*), [Order nº 1/2017 of the Secretary of State for Security, which updates the "Protocol of police action with children"](#) (*Instrucción nº 1/2017 de la Secretaria dde Estado de Seguridad, por la que se actualiza el "Protocolo de actuación policial con menores"*), 2017.

²⁴⁵ [Spain, Ministry of the Interior \(Ministerio Del Interior\), \(2012\) Framework Protocol for the protection of victims of trafficking in human beings, Madrid.](#)

²⁴⁶ Spain, Ministry of the Interior (*Ministerio del Interior*), [Instruction No. 4/2019, by the Secretary of State for Security, establishing a new protocol for the police assessment of the level of risk of gender-based violence \(Organic Law 1/2004\), the management of victim safety and monitoring of cases through the system of comprehensive monitoring of cases of gender-based violence \(Viogén System\)](#) (*Instrucción número 4/2019, de la Secretaria de Estado de Seguridad, por la que se establece un nuevo protocolo para la valoración policial del nivel de riesgo de violencia de género (Ley Orgánica 1/2004), la gestión de la seguridad de las víctimas y seguimiento de los casos a través del sistema de seguimiento integral de los casos de violencia de género (Sistema Viogén)*), 2019.

²⁴⁷ <https://www.plataformadeinfancia.org/wp-content/uploads/2018/03/hacemos-un-plan-opiniones-ninos-ninas-adolescentes-al-penia.pdf>

²⁴⁸ <http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones>

			<p>government and the regional authorities, which have the formal competence. Collaboration is also essential between social and protection systems as well as the private-public alliances for the final provision of services to particular vulnerable groups such as for example migrants, victims of Trafficking in Human Beings, disabled children. There is a need to take a comprehensive approach to intervention initiatives. This means that the different dimensions of rights that are to be guaranteed should not – and cannot – be addressed in isolation. The coordination of policies and services in the areas of health care, social services, and the education system is essential to combat the consequences of child poverty and improve the health of the most vulnerable children and adolescents.</p>
<p>4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i></p>		X	<p>No, nationality or legal residence status does not imply any particularity on the procedures applicable.</p> <p>Divergences may happen based on every region or local administration differentiated policies and practices.</p>
<p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>	X		<p>Article 18.4 of the <u>Law 15/2015 of Voluntary Jurisdiction</u> states that the audience of the children should be done when appropriate to their situation, using if necessary professionals or experts, preserving their privacy, using an understandable language, accessible and adapted according to the age of the child and his particular circumstances. In any case, the Public Prosecutor's Office may act in defence of the children's rights. But there are neither protocols for the children to be able to file a complaint against the guardian/legal representative and/or made a request for a change on the guardian nor measures are envisaged that the child can request the appointment of a male or a female guardian. There is a minimum age – 12 years old-from which children must be heard (Article 92.6 of the Civil Code and Article 770.1.4^a of the Civil Procedure Law). It establishes that the children will be heard, if they have sufficient judgment and, in any case, if they are over 12 years of age.</p>

4.3.9. Are there mental health support services available for affected children?

If yes, how are services working together? How is it ensured that the child is informed and can make use of these services?

The consideration of mental health has acquired greater weight in recent years and particularly during the COVID-19 pandemic. The benefits and services to address mental health issues depends on the regional public administrations. There are a number of limited initiatives mainly focusing on eating disorders, bullying, or gender based violence.

The level or channels for the children to be informed would be the same ones as for other social services or related protection programs.

Thanks to the [Mental Health Strategy of the National Health System \(2022-2026\)](#) (*Estrategia de Salud Mental del Sistema Nacional de Salud (2022-2026)*)²⁴⁹ and its 5.2. General objective related to the care for children and adolescents with mental health problems, additional mental health support services supposed to be developed and reinforced.

4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

There are no political, regulatory, procedural, practical or operational mechanisms (guides) that ensure a **Procedure for Determining the Best Interests of the Child**. Neither are there guaranteed processes designed to determine the appropriate interest or mechanisms which would ensure the conduct of individual assessments for the best interests of the child as defined in **Article 2 of the Organic Law on the Legal Protection of Children**²⁵⁰.

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

All protection measures are carried out by the competent public institutions in each of the Autonomous Communities and Cities of Ceuta and Melilla, always having as a guiding principle "the best interests of the child", but always under the supervision, and where appropriate the authorization, by the Public Prosecutor's Office (Article 271 [the Spanish Civil Code](#) and the [Public](#)

²⁴⁹ Spain, Ministry of Health (*Ministerio de Sanidad*) (2022), [Mental Health Strategy of the National Health System \(2022-2026\)](#) (*Estrategia de Salud Mental del Sistema Nacional de Salud (2022-2026)*) press release 31 March 2022.

²⁵⁰ Spain, Head of State (*Jefatura del Estado*), [Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*), 16 February 1996.

Prosecutor Organization Act²⁵¹ plus the Order 9/2015 on the intervention of the Public Prosecutor's Office in the Law on Voluntary Jurisdiction)²⁵².

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	X		<p>The role of the guardian is only maintained until the child reaches 18. However, there are exceptional circumstances that are not precisely defined. These can occur differently depending on the case and/or region. It may also depend on the compliance of the child with the conditions and circumstances to prolong their stay under protection.</p> <p>However, Articles 17 and 18 of Organic Law 1/1996, of January 15, on the Legal Protection of Children, regulate those circumstances considered as indicators of risk and neglect.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	X		<p>Children and adolescents should be able to communicate situations of violence suffered or known to them as stated by Article 17 Organic Law on the comprehensive protection of children and adolescents against violence (Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, LOPIVI in its Spanish acronym)²⁵³- in accordance with their right to be heard -Article 9 the Organic Law on the Legal Protection of Children (Ley de</p>

²⁵¹ Spain, Head of State (*Jefatura del Estado*), [Law 50/1981 of 30 December regulating the Organization Act of the Public Prosecutor's Office](#) (*Ley 50/1981, de 30 de diciembre, por la que se regula el Estatuto Orgánico del Ministerio Fiscal*), 30 December 1981.

²⁵² Spain, Public Prosecutor, [Order 9/2015 of 22 December on the intervention of the Public Prosecutor's Office in the new Law on Voluntary Jurisdiction](#) (Circular 9/2015, de 22 de diciembre, sobre la intervención del Ministerio Fiscal en la nueva Ley de la Jurisdicción Voluntaria), 22 December 2015.

²⁵³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

			<p>Protección Jurídica del Menor, LOPJM in Spanish acronyms)²⁵⁴-. There is a minimum age (12 years old) for which a child needs to consent to being adopted and in any case the child has the right to express their views during the adoption process and their opinion, needs to be assessed before issuing the corresponding administrative decision or making any proposal for a judicial decision.</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		<p>In Spain, the guardianship system is highly fragmented among the regions²⁵⁵.</p> <p>The management of the residential and family foster care facilities and resources differs greatly in every Autonomous City or Community. Each Autonomous City or Community has its own typology and terminology that is applied to the existing residential care services for the protection system such as the particularities, practices, ratios, and categories of professionals. The regulations that govern these resources are also varied along with the financing of these protection services.</p> <p>The family foster care is provided for in articles 20 and 20-bis of Law 26/2015, which amended the child protection system and the Civil Code. This system applies to unaccompanied migrant children, as well as to any child (both foreign and Spanish) in a situation of abandonment (<i>desamparo</i>).</p> <p>The family foster care is differentiated according to the link of the children fostered with the foster family. There is</p>	

²⁵⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 17 January 1996.

²⁵⁵ United Nations, [Concluding observations on the combined fifth and sixth periodic reports of Spain*](#), CRC/C/ESP/CO/5-6. 5, Committee on the Rights of the Child, March 2018

		<p>kinship care (see below) and it exists the extensive foster care. This foster care is prioritized to residential care.</p> <p>Both kinship and extensive foster care could be differentiated according to the type of intervention, purpose and temporality, as such:</p> <p>Immediate attention to children (<i>atención inmediata</i>), mainly children under six years of age, avoiding their institutionalization. It has a duration not exceeding six months, pending the decision on the corresponding family protection measure or the child's return to his or her family of origin is determined.</p> <p>Temporary placement (<i>Acogimiento temporal</i>). It is of a transitional nature, since provision is made for the child to return to his or her own family once the conditions that led to separation are resolved, or until a more stable protection measure is adopted. It will have a maximum duration of two years, unless the best interests of the child advise the extension of the measure for their foreseeable and immediate family reintegration, or the adoption of another definitive protection measure.</p> <p>Guardianship for pre-adoptive coexistence (<i>Guarda para la convivencia preadoptiva</i>) is intended for adoption. It can be used for two purposes: during the judicial procedure of the adoption when it is referred to the judge immediately upon the surrender of the child or, in certain cases, when it is necessary to ensure the success of the measure before submitting the application for adoption to the judge. (Article 176bis of the Spanish Civil Code)²⁵⁶.</p> <p>According to article 173 bis of the Spanish civil code</p> <p>Foster care may take place in the child's own extended family or in the family of another, and in the latter case it may be specialized.</p> <p>Foster care may adopt the following modalities according to its duration and objectives:</p> <ol style="list-style-type: none"> a) Emergency family foster care, mainly for children under six years of age, which will last no more than six months, while the corresponding family protection measure is decided. b) El acogimiento en familia ajena podrá ser especializado, entendiéndose por tal el que se desarrolla en una familia en la que alguno de sus miembros dispone de cualificación, experiencia y
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²⁵⁶ Modificación realizada (*176 bis (se añade)*) por [Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia](#). (BOE de 29-07-2015) en vigor desde 18-08-2015.

		<p>formación específica para desempeñar esta función respecto de menores con necesidades o circunstancias especiales con plena disponibilidad y percibiendo por ello la correspondiente compensación económica, sin suponer en ningún caso una relación laboral (Artículo 173 bis 1 CC y 20.1 L.O.1/1996). » El acogimiento especializado podrá ser profesionalizado cuando, reuniendo los requisitos anteriormente citados de cualificación, experiencia y formación específica, exista una relación laboral del acogedor o los acogedores con la Entidad Pública (Artículo 20.1 L.O.1/1996)²⁵⁷</p> <p>b) Temporary foster care, which will be of a transitory nature, either because of the minor's situation the reintegration of the minor into his or her own family is foreseen, or as long as a more stable protection measure such as permanent foster care or adoption is adopted. This foster care will have a maximum duration of two years, unless the best interest of the minor advises the extension of the measure for foreseeable and immediate family reintegration, or the adoption of another definitive protection measure.</p> <p>c) Permanent foster care, which will be established either at the end of the two-year period of temporary foster care because family reintegration is not possible, or directly in cases of children with special needs or when the circumstances of the minor and his family so advise. The Public Entity may request the Judge to attribute to the permanent foster parents those powers of guardianship that facilitate the performance of their responsibilities, attending, in any case, to the best interest of the child.</p>
Residential – institutional care	X	<p>Article 138.2 of Law 26/2018 on the rights and guarantees of children and adolescents establishes the typology of residential care resources, taking into account their functional characteristics.</p> <p>Those residential resources could be differentiated by:</p> <ul style="list-style-type: none"> • Reception, intended for immediate attention or first reception. • Specific, for behavioral problems, regulated in chapter IV of title II of L.O. 1/1996 • General care, with different types of programs, in the remaining cases.

²⁵⁷ URL: <https://elderecho.com/el-acogimiento-familiar-en-espana-especial-consideracion-el-acogimiento-preadoptivo> [11 August 2023]

The management of the residential and family foster care facilities and resources differs greatly in every Autonomous City or Community. Each Autonomous City or Community has its own typology and terminology that is applied to the existing residential care services for the protection system such as the particularities, practices, ratios, and categories of professionals. The regulations that govern these resources are also varied along with the financing of these protection services.

There are no specific centres for unaccompanied migrant children. They are accommodated in reception/residential centres/facilities that also take in abandoned children, as the applicable protection system is the same.

The reasons to enter residential care could be:

- As a consequence of the "ex lege" Guardianship: custody measures in centres, when they are adopted for the exercise of the functions of care and custody of the child inherent in the Guardianship that has been assumed by the public entity.
- By judicial decision: custody in centres or establishments carried out by the public entity, in application of a decision of the Judge. If in any case the guardianship of the child is assumed because it is considered that he is in distress, it will not be recorded in this section, but in the previous one, (as a consequence of the guardianship "ex lege"), even if the judge has determined the placement of the child in the center.
- Voluntary custody at the request of parents or guardians: either because there is an express request from those who have authority over the child before the public entity, either directly or indirectly, through the municipal social services, prosecutor's office, etc., that have referred it to it.
- Provisional custody: provisional custody with the aim of providing immediate attention to a child in an emergency situation.
- For other reasons: reasons other than those specified above.

Unaccompanied children protection measures are considered also temporary. Above all there is a right to any (any age, any nationalit) children to a permanent protection. No difference at any level in law could be based on nationality issues when we do refer to children. Always an unaccompanied (most of the times foreign) children has the right to benefit from a permanent protection measures. More easily to see in the case of an unaccompanied foreign children under 3 years that may be finally adopted. And although it is not frequent a child of 14 years old could be

			formally adopted if a family would like to according to the Spanish legislation.
Other forms of family-based or family-like care placements	X		Kinship care: in the case of the child's extended family. It is the form of foster care of priority choice for the Administration. Most Autonomous Communities attribute competence to municipal social services for this purpose, so there is great heterogeneity.
Supervised independent living arrangements for children	X		This option is not covered for children under 18 years old but in the case of young persons between 18 and 21 years old. Article 11.4 of the Organic Law 26/15 which amends the system of protection for children and adolescents ²⁵⁸ covers the need to establish Independent Life Preparation Programs promoted by each Autonomous Community. It will be applicable for those children in alternative residential care (<i>acogimiento residencial</i>) or in a particularly vulnerable situation, starting two years before reaching the age of 18, and whenever children may need it and with their commitment of active participation.
Question	Yes	No	Comments
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	X		Bulletin of statistical data on measures for the protection of children and adolescents. Bulletin number 24 Data 2021. (<i>Boletín de datos estadísticos de medidas de protección a la infancia y la adolescencia Boletín número 24</i>) ²⁵⁹ . It included the evolution of child protection measures that were implemented in each of the Autonomous Communities and Cities of Ceuta and Melilla from 2017 to 2021, both included. It also included data on Child Abuse from the online database of the Unified Registry of cases of suspected Child Abuse (<i>Registro Unificado de casos de sospecha de Maltrato Infantil</i>). Family foster care predominates (53%) over residential (47%). In 2021, there was an increase of 27.76% in terms of offers, both in the extended family and in the family of others. In foster care according to the type of family there is a predominance of extended families (61.74%) over

²⁵⁸ Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

²⁵⁹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022), [Bulletin of statistical data on measures for the protection of children and adolescents. Bulletin number 24 Data 2021.](#) (*Boletín de datos estadísticos de medidas de protección a la infancia y la adolescencia Boletín número 24*), Informes, Estudios e Investigación 2022.

			<p>foreign families. And the permanent foster family care (63.06%) continues to be the majority.</p> <p>Regarding the profile of the 18,455 children and adolescents in foster care, in 2021 the age group of 11-14 years was the majority in both sexes (25%), followed by the 7-10 years group (21%), although there was a decrease compared to the previous year except for the 0-3 section that increases from 3,308 in 2020 to 3,411 in 2021, which represents a 3.02% increase.</p> <p>90% of children and adolescents in foster care have Spanish nationality and 10% foreign, which is a situation similar to previous years. In relation to unaccompanied migrant children, foster care has increased compared to last year, from 91 foster homes to 109 in 2021 (19.78% increase). However, the general situation for foreign children under 18 years of age is that they continue to live mostly in big residential institutions.</p> <p>provides for the creation of the Unified Registry of Social Services on Violence against Children (RUSSVI) and the Central Registry of Information on violence against children and adolescents, to which information must be sent by Public Administrations, the General Council of the Judiciary and the Security and Health Forces and Bodies.</p>
<p>4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?</p>		<p>X</p>	<p>Eventhough the national official Bulletin does cover those children who leave the alternative care, those ones who may disappeared or went missing will be registered under the heading of "other reasons" but there are not public data only focus on that profile. Last available data 20202 stated that casualties increased compared to 2020, going from 3,800 to 4,531 in 2021, an increase of 19.24%. All reasons for leave are increased except for the child's reintegration into his or her family and for the age of majority, the largest increase being the generic reason for "other reasons".</p>
<p>4.5.3. Is there a <u>national</u> registry of foster care families? How many children can be fostered in one family?</p>		<p>x</p>	<p>There is not a national registry of foster care families. Every region manage their own data but it's not a public information. There is only the overall data enregistered under the national official Bulletin where a breackdown is included higlighting that the same trends of previous years continues with the predominance of extended families over foreign families and permanent reception as the majority foster care over the rest of modalities.</p>
<p>4.5.4. How and by whom foster families are <u>recruited, vetted, and trained</u>? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.</p>			

The Central Government enabled the establishment of common criteria and minimum standards in terms of services, quality, and accessibility and promotes law enforcement together with the Autonomous Communities according to the third additional disposition of the Organic Law 26/2015 which amended the system of protection for children and adolescents and where the foster families procedure to be assessed is introduced. The Autonomous Communities were obligated to regulate and apply measures introduced by the Law 26/2015. family care is regulated mainly by articles 20 and 20 bis of the organic law on the legal protection of children

But there is no uniform implementation of the Law 26/2015 in the various Autonomous Communities.

In terms of reimbursement of costs, while in all the Autonomous Communities there is a financial support established for foster care but they vary. The amount differs depending on the type of care, as well as the number of children in care. In any event, it shall be a necessary condition for determining suitability to have sufficient means to cover the costs of incorporating a new member into the family, irrespective of the receipt of this aid. The amount allocated per day is around a minimum of 12 euros in the case of ordinary foster care and 25 euros in the case of specialized foster care.

As far as how the foster families are identified, assessed, and trained, the [Working document: Criteria of coverage, quality and accessibility in family care \(D.A.3ª LAW 26/2015\)](#) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento familiar (D.A.3ª LEY 26/2015))²⁶⁰ established that there is differentiated procedures for the members of the extended family on one side and the member of the other external families. Firstly, the members of the extended family of children may initiate the procedure for their foster care by submitting their application. Secondly, people who wish to be foster families, foreign family, may initiate the procedure by submitting their offer.

At the moment of processing the applications preference will be given to take in children who are in the following cases: (a) Family reunification: siblings of previously fostered children. b) Groups of three or more brothers. (c) Children with disabilities and special health problems. (d) Children over 7 years of age. (e) Children with a hereditary clinical history of risk. (f) Children with other special needs.

The process of assessing the educational aptitude of individuals or families should include a number of phases: (a) information (b) training, (c) psychosocial assessment and (d) proposal and resolution. But there is no detailed programs or unified systems or elements contained to describe each of the possible recruitment, vetation and train systems in place in every region.

Regarding the phases of the procedure for the assessment of aptitude, the phases follow a chronological order and each of them must have been completed to access the next (successive phases), except in cases in which it is considered necessary to expedite the process due to certain circumstances to be decided by each competent authority and in every region.

As far as information is concerned it will be provided by personnel specialized in the field prior to the submission of the application. Conducting regular briefings. And the periodicity and duration of the information sessions with an approximate duration of two hours, making the schedule more flexible so as to facilitate the attendance of the sessions of the largest number of people. Each Autonomous Community must make public its calendar of sessions As set out in art. 20 bis of Law 1/96 on the Legal protection of Children, foster parents have the right to receive information about the nature and effects of placement. It will be provided to the general public, forming groups of a ratio that allows

²⁶⁰ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in family care \(D.A.3ª LAW 26/2015\)](#) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento familiar) (D.A.3ª LEY 26/2015)²⁶⁰, Dirección General de Servicios para Las Familias y La Infancia.

to offer a good dynamic in the session avoiding, at the same time, the accumulation of waiting families. In the case of Autonomous Communities with low demand, information can be provided through individual sessions. In the case of Autonomous Communities with a high number of requests, prior registration will be required to attend the sessions, provided that this does not become a barrier for all interested families to attend.

As far as training, the attendance at the training sessions is considered mandatory, with a duration of 10 hours distributed in several sessions and which will be carried out within a period not exceeding thirty days. The attendance of the families will be facilitated, and the sessions can be held in the morning and / or afternoon, depending on the availability they have expressed. The training will be understood to have been used when the applicants have attended 90% of the teaching hours of the course, a percentage that will be computed individually even if the offer is in pairs.

As far as psychosocial assessment is concerned, the objective will be to assess the capacity of individuals and families who offer themselves to foster care to ensure coverage of the care, educational and emotional needs of the people received, promoting their full participation in family and social life, respecting their family identity, providing them with a stimulating environment and offering them a secure attachment base. In general, this assessment is limited to the person or couple applicants. However, in case of the presence of other adults in the coexistence unit, it is important to know their expectations and support for the project.

As far as the proposal and resolution, the final assessment must reflect the protective factors and risk factors found in the psychosocial and educational study, as well as a proposal of aptitude or non-aptitude of the applicants that must be sufficiently substantiated.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)²⁶¹ developed in 2019 referred to an evaluation and monitoring system (partially Standard 17). Its update was approved on June 30 at the regular meeting of the Sectoral Commission for Children and Adolescents.

It stated that the supervision must refer both to the services provided by the centres, i.e. to evaluate the intervention plan followed and the situation of each resident, and to the supervision of the centres and their operation so that it is verified whether they really perform their functions as foreseen in their accreditation and qualification.

No difference between the monitoring of different types of care has been defined. There is not an established criteria on the frequency and how every type of care should be monitored. The Public Prosecutor's Office has the competence to monitor, in accordance with the powers that Article 124 of the Spanish Constitution, and the Article 3.7 of the Organic Statute of the Public Prosecutor's Office 50/81, which will be in charge of sending the appropriate reports to the competent administrations to correct the deficiencies warned that constitute an infringement of the applicable regulations in the organization and operation of centers, or with respect to the observance and safeguarding of the

²⁶¹ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)²⁶¹, Dirección General de Servicios para Las Familias y La Infancia.

rights of children, by going to the Juvenile Unit of the Attorney-General's Office to account for matters of relevance or extraordinary that during the inspections carried out have been detected (Instruction 3/2008 on the Prosecutor of the Coordinating Chamber and the functions of the Juvenile Sections). Additionally, the Public Entity holding the guardianship of the child may also monitor every type of care although the particular procedure and criteria will be set up by every region.

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	n/a	n/a	No particular details are defined on this regard by the the legislative or policy framework applicable. And not and informal police is applied in practice beyond statying with the same region.
4.5.7. Is there a <u>national registry</u> of residential institutions for children? If <u>yes</u> , please provide information regarding the existent number of residential institutions and their capacity (beds).	X		The Annual Bulletin of statistical data on measures for the protection of children and adolescents . (<i>Boletín de datos estadísticos de medidas de protección a la infancia y la adolescencia Boletín número 24</i>) ²⁶² and official data gathered in every región. There are 1,219 centres that are spread throughout Spain, divided into two types: ordinary centres (1,115) and centres for children with behavioural problems (104). The percentage of centres for children managed by collaborating entities compared to those of public ownership goes up to a 80%.
4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place? If <u>yes</u> , please provide information on the legislative framework, the responsible authority and procedure.	X		Yes, the accreditation, qualification and registration of the centres is expressly stated under article 21.2 LOPJM ²⁶³ : "All residential care centres (...) must always be administratively authorized by the Public Entity (...) In addition, there must be quality and accessibility standards for each type of service." (Todos los Centros de acogimiento residencial (...) deberán estar siempre habilitados administrativamente por la Entidad Pública (...) Además, deberán existir estándares de calidad y accesibilidad por cada tipo de servicio).

²⁶² Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022), [Bulletin of statistical data on measures for the protection of children and adolescents. Bulletin number 24 Data 2021](#). (*Boletín de datos estadísticos de medidas de protección a la infancia y la adolescencia Boletín número 24*), Informes, Estudios E Investigación 2022.

²⁶³ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1996) [Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Children, partially amending the Civil Code and the Civil Procedure Law](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*) Official State Gazette, 17 January 1996.

		<p>It also mentioned that all Protection Centres shall be safe environments with formal action protocols for the prevention, early detection and rapid and agile intervention of situations of violence, harassment, and abuse, sexual exploitation or trafficking in human beings (articles 53 et seq. LOPIVI).</p> <p>A minimum criteria are also covered by the Working document: Criteria of coverage, quality and accessibility in residential care (D.A.3ª LAW 26/2015) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)²⁶⁴ developed in 2019. Its update was approved on June 30 at the regular meeting of the Sectoral Commission for Children and Adolescents.</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>	<p>X</p>	<p>Working document: Criteria of coverage, quality and accessibility in residential care (D.A.3ª LAW 26/2015) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial)²⁶⁵ developed in 2019. Its update was approved on June 30 at the regular meeting of the Sectoral Commission for Children and Adolescents.</p> <p>It contained a set of minimum standars. In terms of equipment and location: All residential resources will be located in healthy areas and will be close to health, educational and community service facilities whose use may be specified, or failing that, duly communicated; The buildings that house residential protection resources must comply with the standards applicable to the area in which they are located and with equipment (sic., preferably equipment), decoration ... appropriate to the use to which they are intended and to the ages of the children and adolescents received; There will be bedrooms, living rooms... in sufficient number, in specific and independent spaces intended for this purpose; the bedrooms will preferably have a maximum capacity of four places per room, with at least 5 square meters per place; The toilets will be close to bedrooms and activity rooms, there will be at least one every five places and in number never less than two, equipped with toilet, sink and shower.</p>

²⁶⁴ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)*, Dirección General de Servicios Para Las Familias y La Infancia.

²⁶⁵ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019), [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)*, Dirección General De Servicios para las Familias y La Infancia.

In terms of human resources, the minimum proposals established were: The person who directs the residential resource or holds the maximum responsibility must have a university qualification related to social or psychoeducational intervention, as well as previous experience (at least two years) in residential care; The social educator will be the reference figure around which the professional team responsible for the direct care of children and adolescents must be organized, and must have the qualification of social education or be authorized by a professional college; The rest of the professional profiles that can perform support tasks in educational care must have the appropriate qualification in professional, higher or university training that qualifies them to perform their functions; The residential resource will have a sufficient staff to serve the group of children and adolescents hosted through individualized and quality care throughout their lives.

4.5.10. How is the residential care staff recruited, vetted, and trained?

Reference should be made to the section related to human resources and minimum standards within the [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial)²⁶⁶ developed in 2019. Its update was approved on June 30 at the regular meeting of the Sectoral Commission for Children and Adolescents but no further detailed information is provided unless a particular reference could be made to every region/autonomous communities and/or civil society organization in charge.

At National level, there is a general legal provision providing the general information about the levels and qualifications²⁶⁷ but no criteria in terms of recruitment processes or training is contained. As an example, those details may only be mentioned at the invitations to bid documents where human resources requirements are summarized asking for a qualified personnel for the performance of their duties, and who have the professional qualifications required in a corresponding professional

²⁶⁶ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019), [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)*, Dirección General De Servicios Para Las Familias y La Infancia.

²⁶⁷ Spain, Ministry of Labour, Migration and Social Security (*Ministerio de Trabajo, Migraciones y Seguridad Social*), [Resolution of October 31, 2018, of the General Directorate of Labor, by which the III State Collective Agreement of juvenile reform and protection of children](#) (*Resolución de 31 de octubre de 2018, de la Dirección General de Trabajo, por la que se registra y publica el III Convenio colectivo estatal de reforma juvenil y protección de menores*), 31 October 2018.

category but no further details will be covered²⁶⁸. Each institution in charge will decide the particular criteria to be applied.

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respectful of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	x		<p>In terms of possible channels available for the child to file a complaint against personnel or those working in the foster care / institutions, Article 10 of the Organic Law 1/1996 on the Legal Protection of children²⁶⁹ makes it easier for children to access appropriate mechanisms tailored to their needs to raise their complaints to the figure of the National and/or regional Ombudsmans.</p> <p>In addition, the children’s right to an effective remedy of children is strengthened by the 2015 Law reform by introducing the possibility of requesting legal assistance and appointment of a judicial defender (<i>defensor judicial</i>) Article 10.2 of the Organic Law 1/1996 on the Legal Protection of children.</p> <p>Articles 299, 299bis 300, 302, 302 and 303 of the Civil Code refers to the appointment of the judicial defender. Pursuant to Article 299 of the Civil Code, the appointment of a judicial defender must be appointed in three cases: (a) In cases of conflict of interest (b) In cases where for any reason the guardian does not perform her duties c) In other cases that a judicial defender must exist in accordance with the rules. But there is no further detailed definition under the law of its particular role or functions. It will be defined case by case and in line with artículo 299, 299bis 300, 302, 302 and 303 of the Spanish Civil Code. But it’s a right that could be denied by the public prosecutor office by a formal resolution when it’s considered as harmful as established by the Order 9/2015 on the intervention of the Public Prosecutor's Office in the Law on Voluntary Jurisdiction²⁷⁰. It should also be read in line with Article 18.4 of the Law</p>

²⁶⁸ [Security and Surveillance Service in the "Jardín del Sauce" reception centres for children, Zagal Recovery Centre \(CE. D. ZA.\) and in Building Headquarters and Annex of the Territorial Service of Cáceres of the Ministry of Health and Social Services, by Lots](#) (*Servicio de Seguridad y Vigilancia en los centros de acogida de menores "Jardín del Sauce", Centro de Recuperación Zagal (CE.RE.ZA.) y en Edificio Sede y Anexo del Servicio Territorial de Cáceres de la Consejería de Sanidad y Servicios Sociales, por Lotes*).

²⁶⁹ Spain, Head of State (*Jefatura del Estado*), [Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*), 16 February 1996.

²⁷⁰ Spain, Public Prosecutor, [Order 9/2015 of 22 December on the intervention of the Public Prosecutor's Office in the new Law on Voluntary Jurisdiction](#) (Circular 9/2015, de 22 de diciembre, sobre la intervención del Ministerio Fiscal en la nueva Ley de la Jurisdicción Voluntaria), 22 December 2015.

		<p><u>15/2015 of Voluntary Jurisdiction</u> that states that the audience of the children should be done when appropriate to their situation, using if necessary professionals or experts, preserving their privacy, using an understandable language, accessible and adapted according to the age of the child and his particular circumstances. In any case, the Public Prosecutor's Office may act in defence of the children's rights. But there are neither protocols for the children to able to file a complaint against the guardian/legal representative and/or made a request for a change on the guardian nor measures are envisaged that the child can request the appointment of a male or a female guardian.</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently? (E.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	<p>X</p>	<p>The <u>Organic Law 26/15 which amends the system of protection for children and adolescents</u>²⁷¹ stated under its Article 11.4 a protective measure for children under the protection entities in every Autonomous Community in the case they need to benefit from an established Independent Life Preparation Programs (previously Article 22bis of <u>Law 1/1996 on the Legal Protection of Children</u>.²⁷² Before the 2015 Law amendment it was voluntarily promoted by each Autonomous Community and in 2015 the law made it compulsory for all Autonomous Communities should envisage the implementation of these types of programs. It will be applicable for those children in residential care (<i>acogimiento residencial</i>) or in a particularly vulnerable situation, starting two years before reaching the age of 18, and whenever children may need it and with their commitment of active participation.</p> <p>These programmes should encourage socio-educational monitoring, accommodation, socio-labour insertion, psychological support, and financial aid. They should require a commitment to active participation and use by young people. It is at the residential centres where children should be informed about the available resources, which they may have access to after they are over 18 years of age.</p> <p>Different Autonomous Communities have procedures that depend on regional authorities, regulations and policies. Consequently, it is impossible to give a single response to the question about if children, asylum seekers or not, need</p>

²⁷¹ Spain, Head of State (*Jefatura del Estado*), Organic Law 26/2015 which amends the system of protection for children and adolescents (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

²⁷² Spain, Head of State (*Jefatura del Estado*), Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*), 16 February 1996.

			to leave reception facilities of the regional authorities when they reach 18 years of age. Responses will be provided according to each case based on the location, the funding, and the concrete management policy of the centre. In the case of the reception system for adult asylum seekers, they are supposed to be transferred to the asylum centres, but if there is a shortage on available places, they will be registered on an attendance list.
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4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

The assistance should be coordinated by the legal entity that possesses the child's guardianship (tutela), which must prepare an individual plan for protection that includes a family reintegration schedule. Every region may develop their own program to support the families with children under the protection system services. The possible social support and assistance in terms of finance allowances, or resources such as i.e. clothing or school supplies will be defined by the general social services depending on every case, profile or level of vulnerability. There is not a particular set of measures only addressing this particular group of population.

In Andalusia, there is a Treatment of Families with Children programme (programa de Tratamiento a Familias con Menores), which serves families referred by the Child Protection Services of the region with the competence in matters of childhood or by the Community Social Services. Therefore, those organizations or entities that attend to families with children at risk or without protection and that consider the intervention necessary will inform the aforementioned services, who will assess the relevance of the family treatment requested and will proceed, where appropriate, to the referral. In the [Basque country](#) it is named as the program for [Family support and intervention with families of origin](#) (Apoyo e intervención familiar con las familias de origen).

Its objectives will be: a) Mitigate risk factors, to avoid the separation of the child from his or her family. b) Train the family to give proper care to their children avoiding any negligent or abusive conduct, guaranteeing their safety and basic integrity. (c) To ensure that the family functions autonomously and adequately, and that children have attention and care in accordance with their needs. d) Provide families with the skills and/or technical resources necessary to overcome the crisis situation that gave rise to the protective measure²⁷³

The programs will be managed by interdisciplinary technical teams (psychologist, social worker and socio-family educator) organically and functionally integrated into the structure of community social services, which constitute the gateway to the Child Care System and who will facilitate the coordination with other professional bodies that are particularly relevant to the socio-family environment of children, such as the Child Protection Services of the Junta de Andalucía (Ministry of Equality and Social Policies), the Educational Services and Health Devices, and also the Police, Judicial System, etc.

²⁷³ Decreto 494/2015, de 1 de diciembre, por el que se regula y gestiona el Programa de Tratamiento a Familias con Menores en situación de riesgo o desprotección.

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	X	<p>Article 19 bis of the Organic Law 1/1996 on the Legal Protection of children²⁷⁴</p> <p>stated that when the family reunification would be carried out, the Public Entity will carry out a subsequent follow-up to support the child's family.</p> <p>In the case of unaccompanied foreign children, efforts shall be made to trace their families and restore family coexistence, initiating the corresponding procedure, provided that it is considered that such a measure is in their best interests and does not place the child or his or her family in a situation that puts their safety at risk.</p> <p>As far as pregnant children and young women subject to protective measures shall receive counselling and support appropriate to their situation.</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p><u>If yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	X	<p>Any temporary protective measures taken with respect for children under three years of age will be reviewed every three months, and for children over that age it will be reviewed every six months.</p> <p>In permanent placements, the review will take place the first year for every six months and the second year, every twelve months as stated by Article 12.5 of the Organic Law 26/2015 which amends the protection system for children and adolescents.</p>
<p>4.5.16. Is there a <u>legal framework regarding adoption</u>? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?</p>		
<p>National adoption is regulated in articles 175 to 180 of the spanish civil code and international adoption in law 54/2007, of december 28, on international adoption.</p> <p>A court of law adopts a decision, always taking account of the adoptee's best interest and the fitness of the adoptive parent or parents to exercise parental authority. Private adoption is not permitted in Spain. There is a minimum age (12 years old) for which a child needs to consent to being adopted and in any case the child has the right to express their views during the adoption process and their</p>		

²⁷⁴ Spain, Head of State (*Jefatura del Estado*), [Organic Law 1/1996, January 15, on the Legal Protection of children, partial amendment of the Civil Code and the Civil Procedure Act](#) (*Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*), 16 February 1996 ; [Law 38/2002, of October 24, on partial reform of the Criminal Prosecution Act, on procedure for the prompt and immediate prosecution of certain offences and misdemeanors, and on amending the abbreviated procedure](#)

opinion, needs to be assessed before issuing the corresponding administrative decision or making any proposal for a judicial decision.

[Law 26/2015, of 28 July](#)²⁷⁵ introduced certain requirements for parents requesting adoption and the adopted child, both nationally and internationally. Any person who is a resident in Spain, whether Spanish or a foreigner, can apply to adopt. Since 2005, same-sex couples are allowed to adopt while they are married²⁷⁶. The adoption procedure is under the competence of every region - Autonomous communities and the process may differ from place to place in Spain.

There are a number of **common requirements to be met**: a) the adoptee age needs to be under 18 years old; One of the adopting parents must be over 25 years old; Both parents are more than 14 years older than the adopted child; the couple was considered suitable for parenting by the social services of the autonomous community where the couple is resident; a suitability certificate and a psychological report will be required, both drafted by a team of social workers and psychologists. The reports from the team will cover aspects related to the maturity of the couple, its motivation for adopting a child, financial situation or cultural aspects related to the country they want to adopt from, for example; in certain regions the mother should not be more than 40 years old for very young children.

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

The state strategy for the rights of children and adolescents was approved by agreement of the council of ministers dated May 9, 2023.

An [Study of residential care centres for children in the field of protection published in 2022](#) concluded that there is a high number of places per residential center in Spain that exceed the maximum 10 places identified as the proper structure of a Home of protection, recommended by national and international guidelines. Eventhough, the trend at the national level appear to e in favour of placement in small-scale centres such as a protection home and more than half of the Autonomous Communities have this typology as the majority structure of their centers. But there are 6% of centres with large-scale structures, or protection centres with more than 30 places²⁷⁷. Therefore it will be a challenge to makes these large-scale centers disappear and go towards a model based on Protection Homes for all the country. It also pointed out the heterogeneity of situations in each Autonomous Community in terms of the distribution of the types of structures of Protection Centers in each of the

²⁷⁵ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2015) [Law 26/2015, of 28 July, on the modification of the child and adolescent protection system](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*) Official State Gazette, 28 July 2015.

²⁷⁶ Spain, Head of State (*Jefatura del Estado*), [Law 13/2005, of 1 July, amending the Civil Code on the right to marry](#) (*Ley 13/2005, de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio*), 1 July 2005.

²⁷⁷ Asociación Nuevo Futuro (2022), "[Study of residential care centres for children in the field of protection in Spain](#)" (*Estudio de los centros de acogimiento residencial para menores en el ámbito de la protección en España*), Cátedra de los Derechos del Niño. Universidad Pontificia Comillas.

territories. Equally, there are a great diversity of typologies of care programs in every Autonomous Communities.

According to the Committee on the Rights of the Child showed its concern over “(a)The high number of children in residential care and the fact that residential care is, in practice, used as the primary alternative as an initial measure; (b)Insufficient resources resulting in delays in the assumption of State guardianship and inadequate facilities and overcrowding in some residential care centres; (c)Instances of ill-treatment and degrading treatment of children in residential care centres, including allegations of solitary confinement, medical misdiagnosis and incorrect medical treatment, as well as a lack of child-centred monitoring and reporting systems and complaints mechanisms for children;

The eighth final provision modifies Organic Law 1/1996, of January 15, on the Legal Protection of children, partially modifying the Civil Code and the Civil Procedure Law. A new article 17 bis is added regarding persons under fourteen years of age in conflict with the law, establishing that: they will be included in a monitoring plan that assesses their socio-family situation designed and carried out by the competent social services of each autonomous community.

This final provision adds a new article 21 ter with the following content:

«Article 21 ter. Measures to guarantee coexistence and safety in centers for the protection of children and adolescents.

In addition, articles 27 to 30 relating to security measures, containment, isolation of children and personal and material searches in protection centers are modified.

The eleventh final provision modifies article 4 of Organic Law 5/2000, of January 12, regulating the criminal responsibility of children (LORPM) referring to the rights of victims of crimes committed by children, in order to configure new rights of victims of crimes of gender violence when the perpetrator of the acts is a person under eighteen years of age, adapting the provisions of the article to article 7.3 of Law 4/2015, of April 27, of the Statute of the victim of crime.

Finally, the LOPIVI, introduced the reform introduced in article 59 LORPM the following sections:

“It will only be admissible, on an exceptional basis, the restraint of the wrists of the person who complies with an internment measure with approved equipment, as long as it is carried out under a strict protocol and it is not possible to apply less harmful measures.

Mechanical restraint consisting of subjecting a person to an articulated bed or to a fixed object or anchored to the facilities or to movable objects is prohibited.

The application of containment measures will require, in all cases in which force is used, a physical examination of the inmate by a medical practitioner within a maximum period of 48 hours, extending the corresponding medical report.

The containment measures applied in the centers must be communicated immediately to the Juvenile Court and the Public Prosecutor. Likewise, they will be recorded in the Record Book of Incidents, which will be supervised by the management of the center and in the individualized file of the minor, which must be kept up to date.

(d)Inadequate support for children in their transition from childhood to adulthood”. The UN Committee also “recommends that the State party increase the resources allocated to efforts to prevent the separation of children from their families and ensure the sufficient provision of support and assistance, including subsidies and professional support, particularly to families with children in disadvantaged or marginalized situations”.

The Committee also showed its concern about: the high number of children in care for care and the fact that, in practice, care is the main option used as a start-up measure; the insufficient resources, resulting in delays in the assumption of guardianship by the State and inadequate facilities and overcrowding in some reception centres; cases of ill-treatment and degrading treatment of children

in care of care centres, including allegations of solitary confinement, misdiagnosis and incorrect medical treatment, in addition to the lack of child-centred monitoring and reporting systems and complaint mechanisms available to children; and the insufficient support for children in their transition from childhood to adulthood.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

In terms of achievements, ²⁷⁸it recognized for the first time the need for measures to promote the processes of emancipation of young people from the child protection system and determines that services and programmes that respond to the collective beyond the age of majority must be developed in all autonomous communities. Prior to the adoption of the aforementioned Law, once the age of majority was completed, these young people acquired full legal capacity and the services and programmes offered were subject to the willfulness and regulations existing and driven from each of the autonomous communities independently.

Additionally, a number of quality standards for child protection services was set in the legislation under the 2019 Working document: Criteria of coverage, quality and accessibility in residential and family care (D.A.3ª LAW 26/2015) ²⁷⁹ and ²⁸⁰. There was also developed a guide of [Quality standards in temporary stay programs for foreign children](#) (Estándares de calidad en programas de estancias temporales de personas extranjeras menores de edad).

Regarding challenges and persisting gaps, the number and quality of the guardianship (guarda) services provided based on these human resources ratios is qualitatively different from one Autonomous Community to the other, so the models of family and residential foster care set up in practice and the programs and activities to implement the guardianship (guarda) vary greatly depending on the territory. There is no uniform implementation of the [Law 26/2015](#) which amended the system of protection for children and adolescents in the various Autonomous Communities. Currently at the national level, there is no standardized, detailed or up-to-date information available on the different residential centres and services. Because of this, the quality in intervention with children depends on the level of commitment from each Autonomous Community. This results in discrimination and large differences between the child levels of protection from one Autonomous Community to another.

Other gaps and challenges were highlighted by Save the Children and the Asociación Estatal de Foster Care (ASEAF) y la (Asociación Estatal de Acogimiento Familiar, ASEAF) after organizing a seminar titled

²⁷⁸ Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

²⁷⁹ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015)*)²⁷⁹, Dirección General de Servicios para Las Familias y La Infancia.

²⁸⁰ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in family care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento familiar (D.A.3ª LEY 26/2015)*)²⁸⁰, Dirección General de Servicios para Las Familias y La Infancia.

as [“Welcoming governments: good practices to promote foster care in Spain”](#) (*Gobiernos acogedores: buenas prácticas para promover el acogimiento familiar en España*) where it concluded that the Foster family care requires sufficient resources and specialization on the part of the professionals who work with children and adolescents and families. They concluded that there should be adequate working conditions for the staff involved to obtain better results and provide the comprehensive support, in particular, needed by the host families. It also highlighted that the budget allocated to each child placed in foster care is six times less than the budget allocated to each of them in residential care (ASEAF, 2018). Therefore that lack of economic resources for foster care entails inadequacies in the assessment of the situations of each child, as well as for the assistance that intervention teams can offer to families.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

["A family course"](#) (Un curso en familia) is a program to promote foster care created by the Directorate General for Children, Family and Birth Promotion of the Ministry of Family, Youth and Social Policy of (Dirección General de Infancia, Familia y Fomento de la Natalidad de la Consejería de Familia, Juventud y Política Social de la Comunidad de Madrid). The pilot program was implemented in the 2020-2021 school year. It seeks to promote the culture of foster care (after bringing it closer to families and children and adolescents), maintaining its temporality and the support of the professionals of the center, as well as increasing the support network available to children and adolescents in residential care, facilitating the family adaptation of those over 6 years of age. It address Children and adolescents with protection measures in residential care, with a school age (from 6 to 17 years old), and no difficulty in accepting foster care; and that temporary care is considered beneficial according to their intervention project for them. It is intended to families who have participated in the "SOS COVID" or "Family Holidays" programs and who have a declaration of suitability, they also have to have previous contact with foster care, having been proposed by the protection centres.

Within the framework of the Recovery, Transformation and Resilience Plan, work is being done on a State Deinstitutionalization Strategy, which seeks to boost the development of community services and the transformation of the support and care model, placing the rights and life project of each person at the center. It will be aimed at older people; People with disabilities; boys, girls and adolescents; homeless people and other institutionalized groups.

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. **Are there accountability mechanisms** in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The National Ombudsman (Defensor del Pueblo) is also the high commissioner of the Cortes Generales for the defense of constitutional rights, and he/she is also officially in Spain the National Human Rights Institution (INDH). The National Ombudsman "may supervise the activity of the Administration". This means that its scope of action covers the entire public administration bodies at all levels: local, regional, military, justice, etc.²⁸¹

The National Ombudsman addresses complaints from children or adults about incorrect or irregular actions by public administrations, institutions, and authorities; have powers of inspection and investigation; may suggest to the legislative body or the Administration the modification of those rules whose compliance could cause, in their opinion, unfair or harmful situations for children; may file appeals of unconstitutionality and appeals for protection based on Article 162.1.a and b of the Spanish Constitution.

The National Ombudsman is also the body of the Spanish Government, organizationally dependent on the Presidency of the Government, in charge of coordinating actions aimed at combating inequality and child poverty; creation and dissemination of scientific knowledge on the causes, consequences, and situation of children in poverty; empowerment of vulnerable children and their positioning at the center of public debate; making child poverty an issue of constant social relevance; alliances with key actors that extend social action on child poverty; promoting equitable education; facilitating access to quality goods and services that are essential for the development of vulnerable children; extending healthy and appropriate nutrition and growth habits; promoting the creation of safe and nurturing environments for children in poverty.

Article 502 of the Criminal Code (Organic Law 10/1995) determined the criminal liability of those who hinder the work of the National Ombudsman or the regional/autonomous parliamentary commissioners, by refusing or unduly delaying the sending of the reports requested by them or by hindering their access to the files or administrative documents necessary for their investigation. It published an annual report and extraordinary reports when the seriousness or validity of the facts so warrant. The annual report is presented to the Joint Committee of the National Parliament, where the political groups debate over it, and then he presents it in each Chamber, then debated by the political groups without the presence of the Ombudsman. The general report may attached an extraordinary report over a particular issue (i.e. sometimes child's rights and protection).

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

²⁸¹ Spain, Head of State (*Jefatura Del Estado*), [Organic Law 3/1981, of 6 April, on the Ombudsman \(Ley Orgánica 3/1981\)](#), 6 April 1981.

[National Strategy to Prevent and Combat Poverty and Social Exclusion 2019-2023](#)²⁸². The Strategy tackled basic issues such as: the protection of children and the protection of families, especially those that are the neediest or the most vulnerable. A final evaluation is foreseen when its validity ends in 2024. The evaluation will have the cooperation of institutions such as the Institute for Public Policy Assessment. The starting diagnosis, the actions implemented, the results obtained and the impact associated with their implementation will be taken into account.

The [Strategy for the Eradication of Violence against Children and Adolescents](#) (*Estrategia de Erradicación de la Violencia sobre la Infancia y la Adolescencia*)²⁸³ is mandated by [Organic Law on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*, LOPIVI in its Spanish acronym)²⁸⁴. Each year, the body responsible for promoting the Strategy shall prepare an evaluation report on the degree of implementation and effectiveness of the Strategy. This report, which is to be submitted to the Council of Ministers, will be carried out in collaboration with the Ministries of Justice, the Interior, Health, Education and Vocational Training and the High Commissioner against Child Poverty and the Childhood Observatory. The Sectoral Conference on Children and Adolescents will guarantee the participation of public administrations in the formation and evaluation of the Strategy for the Eradication of Violence against Children and Adolescents.

[National Strategic Plan for the Reduction of Childhood Obesity](#) (2022 - 2030) (*Plan Estratégico Nacional para la Reducción de la Obesidad Infantil (2022 - 2030)*)²⁸⁵ approved on 10 June 2022 and coordinated by the High Commissioner against Child Poverty together with the Gasol Foundation (*Fundación Gasol*). As far as its evaluation and adaptability, it envisaged the definition of key indicators with goals for 2025 and 2030 and annual monitoring of their development. As a living roadmap, it will readjust its action according to the results and the appearance of new scientific evidence.

[Spanish Disability Strategy 2022-2030](#) (*Estrategia Española sobre Discapacidad 2022-2030*) In order to facilitate the evaluation and monitoring process, a scorecard will be designed to carry out the follow-up that will focus on aspects such as: measures carried out, scope, impact, financial investment, etc. and to what extent the development of the actions by the actors, both at the state and the regional level, conform to the guidelines of the Strategy.

By agreement of the Council of Ministers dated May 9, 2023, the State Strategy for the Rights of Children and Adolescents was approved.

²⁸² Spain, minister of social rights and 2030 agenda [National Strategy to prevent and Combat Poverty and Social Exclusion 2019-2023](#), reports, studies and research 2020 second vice-presidency of the government.

²⁸³ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022) [Strategy for the Eradication of Violence against Children and Adolescents](#) (*Estrategia de Erradicación de la Violencia sobre la Infancia y la Adolescencia*) press release, 21 November 2022

²⁸⁴ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

²⁸⁵ Spain, High Commissioner against Child Poverty (*Alto Comisionado contra la Pobreza Infantil*) (2022), [National Strategic Plan for the Reduction of Childhood Obesity \(2022 - 2030\)](#) (*Plan Estratégico Nacional Para La Reducción de La Obesidad Infantil (2022 - 2030)*), Madrid, Alto Comisionado contra la Pobreza Infantil.

Question	YES	NO	Comments
<p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>	x		<p>Report on Impact on Childhood, Adolescence and Family 2023. Draft law on general state budgets for 2023 (<i>Informe de Impacto en la Infancia, la Adolescencia y la Familia 2023. Proyecto de ley de presupuestos generales del estado para 2023</i>)²⁸⁶. It includes the aggregation of all budget programs that are shown aggregated by ministerial sections. It addresses the impact of the budget on children, adolescents and families. It analyses the impact of the funded programmes related to children within the State Draft General State Budget for 2023.</p>
<p>5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.</p>			
<p>The quality standards for child protection services set in the legislation are covered under the 2019 Working document: Criteria of coverage, quality and accessibility in residential care (D.A.3ª LAW 26/2015)²⁸⁷. Its update was approved on June 30 at the regular meeting of the Sectoral Commission for Children and Adolescents.</p> <p>It contained a set of minimum standars. In terms of equipment and location: All residential resources will be located in healthy areas and will be close to health, educational and community service facilities whose use may be specified, or failing that, duly communicated; The buildings that house residential protection resources must comply with the standards applicable to the area in which they are located and with equipment (sic., preferably equipment), decoration ... appropriate to the use to which they are intended and to the ages of the children and adolescents received; There will be bedrooms, living rooms... in sufficient number, in specific and independent spaces intended for this purpose; the bedrooms will preferably have a maximum capacity of four places per room, with at least 5 square meters per place; The toilets will be close to bedrooms and activity rooms, there will be at least one every five places and in number never less than two, equipped with toilet, sink and shower.</p> <p>In terms of human resources, the minimum proposals established were: The person who directs the residential resource or holds the maximum responsibility must have a university qualification related to social or psychoeducational intervention, as well as previous experience (at least two years) in residential care; The social educator will be the reference figure around which the professional team responsible for the direct care of children and adolescents must be organized, and must have the qualification of social education or be authorized by a professional college; The rest of the professional</p>			

²⁸⁶ Spain, [Report on Impact on Childhood, Adolescence and Family 2023. Draft law on general state budgets for 2023](#) (*Informe de Impacto en la Infancia, la Adolescencia y la Familia 2023. Proyecto de ley de presupuestos generales del estado para 2023*).

²⁸⁷ Spain, Ministry of Health, Consumer Affairs and Social Welfare (*Ministerio de Sanidad, Consumo y Bienestar Social*) (2019) [Working document: Criteria of coverage, quality and accessibility in residential care \(D.A.3ª LAW 26/2015\)](#) (*Documento de trabajo: Criterios de cobertura, calidad y accesibilidad en acogimiento residencial (D.A.3ª LEY 26/2015), Dirección General De Servicios Para Las Familias y La Infancia.*

profiles that can perform support tasks in educational care must have the appropriate qualification in professional, higher or university training that qualifies them to perform their functions; The residential resource will have a sufficient staff to serve the group of children and adolescents hosted through individualized and quality care throughout their lives.

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>	X		<p>Certain consultation processes may take place through State Council for the Participation of Children and Adolescents (<i>Consejo Estatal de Participación de la Infancia y de la Adolescencia</i>)²⁸⁸ that is a permanent and stable body for consultation, representation, and participation of all children and adolescents that was created on December 2021. One of its functions is to participate in the preparation, monitoring and evaluation of the Strategy for the Rights of Children and Adolescents and its Operational Plans.</p>
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	X		<p>The Childhood Observatory (<i>Observatorio de la Infancia</i>) was created by Agreement of the Council of Ministers on March 12, 1999, in accordance with the provisions of Law 40/2015, on the Legal Regime of the Public Sector²⁸⁹ has the responsibility for data collection on child protection within its objectives and functions. It is a body attached to the Ministry of Social Rights and Agenda 2030, based on a centralized information system shared with all protection services departments of every one of the Autonomous communities.</p> <p>The data collected by the Bulletin on child protection measures were registered by the National Statistical Institute (INE in its Spanish acronym) as a statistical operation since 2005.</p> <p>Article 44 of the Organic Law on the comprehensive protection of children and adolescents against violence (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia</i></p>

²⁸⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Order DSA/1009/2021, of September 22, creating the State Council for the Participation of Children and Adolescents](#) (*Orden DSA/1009/2021, de 22 de septiembre, por la que se crea el Consejo Estatal de Participación de la Infancia y de la Adolescencia*) Official State Gazette, 27 September 2021.

²⁸⁹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (1999) [Agreement of the Council of Ministers creating the Childhood Observatory in Spain](#) (*Acuerdo del Consejo de Ministros por el que se crea el Observatorio de la Infancia de España*), press release, 12 March 1999.

		<p><i>frente a la violencia</i>, LOPIVI in its Spanish acronym)²⁹⁰ regula el seguimiento y registro de los casos de violence against children. Establishing in paragraph 1 that the social services of primary care must establish, in accordance with the procedure to be regulated in each Autonomous Community, a system of follow-up and registration of cases of violence against children and adolescents in which the notifications and communications received, the confirmed cases and the different measures implemented in relation to the intervention of these social services are recorded. In addition, section 2 provides that statistical information on cases of violence against children and adolescents from primary social care services, together with that from the public child protection entity will be incorporated under the Unified Registry of Social Services on Violence against Children (Registro Unificado de Servicios Sociales sobre Violencia contra la Infancia, RUSSVI, in its Spanish acronym).</p>
<p>5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p>If <u>yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>	<p>X</p>	<p>The Childhood Observatory (Observatorio de la Infancia) was created by Agreement of the Council of Ministers on March 12, 1999, in accordance with the provisions of Law 40/2015, on the Legal Regime of the Public Sector²⁹¹. It has the responsibility for data collection on child protection is framed within its objectives and functions, a body attached to the Ministry of Social Rights and Agenda 2030, based on a centralized information system shared with all protection services departments of every one of the Autonomous communities.</p> <p>There is a a joint national database for monitoring and tracking children in charge of publishing every year a Bulletin of statistical data on measures for the protection of children and adolescents. Bulletin number 24 Data 2021. (Boletín de datos estadísticos de medidas de protección a la infancia y la</p>

²⁹⁰ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence \(Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia\)](#) Official State Gazette, 4 June 2021.

²⁹¹ Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (1999) [Agreement of the Council of Ministers creating the Childhood Observatory in Spain \(Acuerdo del Consejo de Ministros por el que se crea el Observatorio de la Infancia de España\)](#), press release, 12 March 1999.

			<p><i>adolescencia Boletín número 24</i>)²⁹². It included the evolution of child protection measures that were implemented in each of the Autonomous Communities and Cities of Ceuta and Melilla from 2017 to 2021, both included. It also included data on Child Abuse from the online database of the Unified Registry of cases of suspected Child Abuse (<i>Registro Unificado de casos de sospecha de Maltrato Infantil</i>).</p>
5.1.8. Are there common indicators in place to monitor the performance of the child protection system?	X	<p>There are not common indicators as such for all the Spanish instruments.</p> <p>At national level, the Ministry of Social Rights and Agenda 2030 applied several indicators to collect data gathered under the Childhood in data (infancia en datos) database. Those Data and Indicators (Datos e indicadores) (2022) are disaggregated under different themes such as, Education; Health and Safety; Material Well-being; Family and Social Environment; Vulnerable Children; Leisure and Free Time; and Subjective Well-being. In particular, Vulnerable Children are differentiated by Conflict with the Law; Protection; Risk Situations; and Victims of Abuse and Violence. As far as Family and Social Environment are differentiated by Environment; Family Relations; and Housing.</p> <p>Other set of indicators are highlighted under different relevant studies, such as:</p> <p>2030 Agenda: An opportunity for people and planet. Proposal of indicators for sustainable development in Spain (2017) published by UNICEF Spain, WWF, OXFAM Intermón²⁹³.</p> <p>Data and indicators (Datos e indicadores)²⁹⁴. Published by the High Commissioner for Combating Child Poverty.</p> <p>The Gallegan Institute of Statistics (Instituto Galego de Estadística), Indicators of childhood and</p>	

²⁹² Spain, Ministry of Social Rights and Agenda 2030 (*Ministerio de Derechos Sociales y Agenda 2030*) (2022), [Bulletin of statistical data on measures for the protection of children and adolescents. Bulletin number 24 Data 2021.](#) (*Boletín de datos estadísticos de medidas de protección a la infancia y la adolescencia Boletín número 24*), Informes, Estudios e Investigación 2022.

²⁹³ UNICEF España, WWF, OXFAM Intermón (2017), [2030 Agenda: An opportunity for people and planet. Proposal of indicators for sustainable development in Spain](#) (Agenda 2030: Una oportunidad para las personas y el planeta. Propuesta de indicadores para el desarrollo sostenible en España (2017)). UNICEF España, WWF, OXFAM Intermón.

²⁹⁴ [Data and indicators](#). Government of Spain. Datos e indicadores. Gobierno de España. Alto Comisionado para la Lucha Contra la Pobreza Infantil. (Ed.) (2022).

		<p>adolescence (<i>Indicadores de infancia e adolescencia</i>)²⁹⁵. It differentiated several set of indicators, such as: demographic indicators; Indicators of the family environment; Indicators of economic well-being; Indicators of living conditions; Educational indicators; Health indicators and Indicators of protection and criminal responsibility.</p> <p>UNICEF published in 2023 a Guide: Indicators, concept and usefulness in local policies for children and adolescents addressed to Local Entities interested in improving the well-being of children (<i>Guía: Indicadores, concepto y utilidad en las políticas locales de infancia y adolescencia dirigida a las Entidades Locales interesadas en conseguir mejorar el bienestar de la infancia</i>) to provide with guidelines for indicators to be developed and applied by the local public administrations in charge of protecting children rights.</p>
<p>5.1.9. Are there data protection protocols in place and adhered to?</p>	<p>X</p>	<p>As far as the data protection and privacy policy of the Guardianship authority, it will have to guarantee, and to prove that the processing complies with the European General Data Protection Regulation as well as the national legislation such as the Organic Act 15/1999 on Personal Data Protection and the Organic Law 3/2018, on protection of personal data and guarantee of digital rights, on protection of personal data and guarantee of digital rights .</p> <p>Article 22 quarter of the the Organic Law 26/15 which amends the system of protection for children and adolescents²⁹⁶ referred to data that may be disclosed to the State Prosecutor without the consent of the child.</p> <p>It also stated that the data gathered by the Public Administrations may solely and exclusively be used to adopt the protection measures established by law, attending in all cases to guaranteeing the best interest of the child and they may only be communicated to the Public Administrations that shall adopt the relevant resolutions, to the State Prosecutor and the judicial bodies.</p>

²⁹⁵ IGE (Ed.) (2022), [Indicators of childhood and adolescence](#) (*Indicadores de infancia e adolescencia*). Instituto Galego de Estadística.

²⁹⁶ Spain, Head of State (*Jefatura del Estado*), [Organic Law 26/2015 which amends the system of protection for children and adolescents](#) (*Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia*), 28 July 2015.

		<p>In the case of collecting and processing data of children under 14 years of age, it requires the formal consent provided by their guardians. In the case of children over 14 years of age, the children themselves will be the ones that will have to consent.</p> <p>In terms of the policy on data retention there is not a specific reference in terms of number of years the institution keeps the information about the child.</p>
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5.1.10. Are there any gaps in the data collection system related to child protection in the country, which were identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

There are still gaps in the data collection system related to child protection in Spain. According to the [national Bulletin of statistical data](#) report on measures for the protection of children and adolescents the questionnaire sent to every competent authority was not completed exhaustively by certain regional - Autonomous Communities, therefore the analysis of the data could not be as rigorous as would be desirable since each Autonomous Community has full competence to develop and collect the administrative data it deems appropriate for the development of its functions.

According to UNICEF, other serious challenge is caused by the difficulty accessing data since it is not always easy to access the sources of information. For example, a city council does not have competence in some of the important issues addressed in its local plans for children and adolescents (Education, Health, Justice ...) and depends on the information that other Public Administrations can provide. Some data sources are open data, that is, they can be easily accessed through the Internet, such as statistical institutes at state and regional level. Other data, on the other hand, must be requested and a positive response or on time is not always obtained. These problems are compounded when, in addition, there are no common criteria when it comes to formulating indicators with a child's perspective. For example, for the council that leads the local plan for children and adolescents it is important to identify the age and sex of the girls and boys participating in programs and activities of other local council departments, or the educational center in which they study, but these data are sometimes not disaggregated in the indicators that other councils apply.

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

As far as **key achievements**, the website of the Childhood Observatory (OI), an online database was designed for child protection services in Spain. It included an application that operates "online", which allow, from each service of children, data of notifications of suspected cases of child abuse to be loaded. [Infancia en Datos](#) was a project website of the Ministry of Social Rights and Agenda 2030. It aimed to consult the main data available on the state of children in Spain and in the Autonomous Communities and Cities. It serves to the implementation of the Convention on the Rights of the Child in Spain and to respond to the recommendation of the Committee on the Rights of the Child to work on data disaggregation and tools for its collection. It contained a set of minimum standards. It also published an annual national Bulletin of statistical data on measures for the protection of children and adolescents, which includes the evolution of child protection measures that were implemented in each of the Autonomous Communities and Cities of Ceuta and Melilla. It also included data on Child Abuse from the

online database of the Unified Registry of cases of suspected Child Abuse (Registro Unificado de casos de sospecha de Maltrato).

There are still many relevant gaps in terms of exchange of data and information and gaps also in relation to data collection because the high level of variability detected in the collection of data, in terms of the nomenclature of the typologies of residential centers among all the Autonomous Communities provoking confusion when comparing the same centers between Autonomous Communities, and within the Autonomous Communities themselves. There are cases where even if the residential centers receive the same name show notable differences in terms of facilities, equipment, places, etc.). Furthermore, there are not either common evaluation indicators as such for all the Spanish instruments. Meanwhile there are a number of key publications identifying key indicators for the child protection system such as, the [national Bulletin of statistical data](#) on measures for the protection of children and adolescents. Although the national bulletin collection data process's concluded that the questionnaire was not completed exhaustively by certain regional - Autonomous Communities, therefore the analysis of the data could not be as rigorous as would be desirable since each Autonomous Community has full competence to develop and collect the administrative data it deems appropriate for the development of its functions what meant a challenge in child rights impact assessment.

Other **serious challenge is** caused by the difficulty accessing data since it is not always easy to access the sources of information. For example, a city council does not have competence in some of the important issues addressed in its local plans for children and adolescents (Education, Health, Justice ...) and depends on the information that other Public Administrations can provide. Some data sources are open data, that is, they can be easily accessed through the Internet, such as statistical institutes at state and regional level. Other data, on the other hand, must be requested and a positive response or on time is not always obtained. These problems are compounded when, in addition, there are no common criteria when it comes to formulating indicators with a child's perspective. For example, for the council that leads the local plan for children and adolescents it is important to identify the age and sex of the girls and boys participating in programs and activities of other local council departments, or the educational center in which they study, but these data are sometimes not disaggregated in the indicators that other councils apply.

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

[Infancia en Datos](#) was a project website of the Ministry of Social Rights and Agenda 2030. It aimed to consult the main data available on the state of children in Spain and in the Autonomous Communities and Cities. It serves to the implementation of the Convention on the Rights of the Child in Spain and to respond to the recommendation of the Committee on the Rights of the Child to work on data disaggregation and tools for its collection.

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights from part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

The [Organic Law on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*, LOPIVI in its Spanish acronym)²⁹⁷ included important advances in the sense making reference to education as a fundamental part of the protection system. Its Article 5 refers to education and training. Human and child rights topics are included in the curricula in practice not as a separate subject but under other subjects depending on the level of education. As far as primary school level, Education in Civic and Ethical Values (*Educación en Valores Cívicos y Éticos*), which was taught in primary school from the 2022-2023 academic year, to address ethical problems and encourage students' commitment to values such as justice, peace, solidarity, gender equality and the rejection of violence. At secondary school, child rights will be covered under the subject of Knowledge of the Natural, Social and Cultural Environment (*Conocimiento del Medio Natural, Social y Cultural*) that address the recognition of diversity as a multicultural wealth, the peaceful resolution of conflicts and the critical application of democratic mechanisms of citizen participation, all based on the Universal Declaration of Human Rights, the Convention on the Rights of the Child, constitutional principles, the values of Europeanism and civic and social commitment²⁹⁸.

As far as **the preschool (infantil) educational level**, regulated by the [Decree 95/2022, which establishes the organization and minimum teachings of Early Childhood Education](#) (*Decreto 95/2022, de 1 de febrero, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Infantil*)²⁹⁹, the rights of the child were included within when making reference to oral and written children's literary texts with content appropriate to child development that, preferably, develop values on the culture of peace, children's rights, gender equality and functional and ethnic-cultural diversity.

As far as **the primary education level** and under the [Organic Law 3/2020, of 29 December, amending Organic Law 2/2006, of 3 May, on Education](#) (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación*)³⁰⁰ and an area of Education in Civic and

²⁹⁷ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

²⁹⁸ Spain, Official Website of the Ministry of Education and Vocational Training (*Ministerio de Educación y Formación Profesional*), [Bienvenido a la Web Educagob del Ministerio de Educación y Formación Profesional - | Ministerio de Educación y Formación Profesional \(educacionyfp.gob.es\)](#)

²⁹⁹ Spain, Ministry of Education and Vocational Training (*Ministerio de Educación y Formación Profesional*), [Decree 95/2022, of February 1, which establishes the organization and minimum teachings of Early Childhood Education](#) (*Decreto 95/2022, de 1 de febrero, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Infantil*), 1 February 2022.

³⁰⁰ Jefatura del Estado, [Organic Law 3/2020, of 29 December, amending Organic Law 2/2006, of 3 May, on Education](#) (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación*), 29 December 2020.

Ethical Values (*Educación en Valores cívicos y éticos*) was added, in which special attention will be paid to the knowledge and respect of Human Rights and Children.

As far as **the secondary education level** the [Royal decree 217/2022, of 29 March, by which establishes the ordenación and the minimum educations of the Compulsory Secondary Education](#) (*Real Decreto 217/2022, de 29 de marzo, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Secundaria*)³⁰¹ made reference to the Children Rights as part of the basic knowledge to be provided and linked to the Society, justice and democracy, and the human rights.

At **university level** there is not a particular within the formal university curricula. At Masters' level there are different examples when in different universities, such as the postgraduate degree Master's Degree in Rights of Children and Adolescents (*Maestría en Derechos de la Infancia y la Adolescencia*) organized by the International University of Andalusia, at the Ibero-American Headquarters Santa María de la Rábida (Huelva).

At regional level, other options could be identified in addition to the national compulsory ones. The Madrid region included in 2019, a new optional/ free election subject related to the knowledge on the European Union within the courses of 3rd and 4th Secondary School named as "European history and culture"³⁰² where the EU charter was included.

6.1.2. Please provide an overview of the most important national and/or sub-national **implemented** programmes and activities aiming at **educating** children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors where those commissioned, funded, and implemented?

At the academic level there are two important programs: one is run by [the University Institute for the Needs and Rights of Children and Adolescents](#) (Instituto Universitario de "Necesidades y Derechos de la Infancia y la Adolescencia") that was created by a cooperation agreement in 1999 between the Autonomous University of Madrid and UNICEF-Spanish Committee³⁰³. It organized a "Master in Needs, Rights and Development Cooperation in Childhood (Máster en Necesidades, Derechos y Cooperación al Desarrollo en Infancia)" that celebrated its 26th edition in 2023.

³⁰¹ Spain, Ministry of Education and Vocational Training (*Ministerio de Educación y Formación Profesional*), [Royal decree 217/2022, of 29 March, by which establishes the ordenación and the minimum educations of the Compulsory Secondary Education](#) (*Real Decreto 217/2022, de 29 de marzo, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Secundaria*), 29 March 2022.³⁰¹

³⁰² Spain, (Consejería de Educación e Investigación), [ORDER 1910/2019, of 14 June, of the Ministry of Education and Research, by which approve matters of free autonomic configuration in the Community of Madrid for its implantation from 2019-2020, and modifies the Order 1255/2017, of 21 April, of the Ministry of Education, Youth and Sport, by which establishes the organization of the educations for the obtaining of the title of Graduated in Compulsory Secondary Education by adults in the Community of Madrid](#) (*ORDEN 1910/2019, de 14 de junio, de la Consejería de Educación e Investigación, por la que se aprueban materias de libre configuración autonómica en la Comunidad de Madrid para su implantación a partir de 2019-2020, y se modifica la Orden 1255/2017, de 21 de abril, de la Consejería de Educación, Juventud y Deporte, por la que se establece la organización de las enseñanzas para la obtención del título de Graduado en Educación Secundaria Obligatoria por personas adultas en la Comunidad de Madrid*), 14 June 2019.

³⁰³ [The University Institute for the Needs and Rights of Children and Adolescents](#) (*Instituto Universitario de "Necesidades y Derechos de la Infancia y la Adolescencia"*).

It also exist the [Chair of Children's Rights](#)³⁰⁴ (Catedra de Derechos del Niños) of the Comillas Pontifical university. It aims at promoting good practices in relation to children; raising awareness in society to promote respect for the rights of children and adolescents.

Furthermore, UNICEF-Spanish Committee published a [Strategy for Education in Children's Rights and Global Citizenship Plan 2021-2025 UNICEF Spain](#) (Estrategia de Educación en Derechos de Infancia y Ciudadanía Global. Plan 2021-2025 UNICEF España)³⁰⁵. Its objectives were: a) To ensure that children's rights are present in schools both as curricular content and in life through advocacy with education authorities; b) To offer a reference in Education in Children's Rights and Global Citizenship for educational centres, occupying a unique place with respect to other agents of the educational community. In this context, UNICEF Spain organized since 2020 a **Children's Rights Education course**³⁰⁶. In 2023, it was organized by the National Institute of Educational Technologies and Teacher Training (Instituto Nacional de Tecnologías Educativas y de Formación del Profesorado, INTEF, in its Spanish acronym) and UNICEF Spain. It introduced the methodologies, tools and contents necessary to integrate an education project in children's rights and global citizenship in an educational center.

As far as activities or material targeting parents, there are very scarce examples. The existing ones are linked to the so called School for Parents (Escuela de Padres) understood as a space for information and reflection on aspects related to parental functions, such as the education of children and the care and attention required for their healthy development through positive upbringing and without violence. That's the case of the Didactic Manual for the School of Parents (Manual Didáctico para la Escuela de Padres) since it addresses all the topics that parents must know to develop their functions as such, providing them with knowledge and positive attitudes towards the life and development of their children.³⁰⁷ Other examples will be the [Family Educational Workshops](#) (Talleres educativos familiares) promoted by the Caixa Foundation; or other NGOs programs such as [Educo Children's Rights: Tips for Educating Your Children](#) (Derechos del niño: consejos para educar a tus hijos e hijas).

CORA program mentioned in previous points

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising

³⁰⁴ Official WEBSITE of the Comillas Pontifical University: [Chair of Children's Rights](#) (Catedra de Derechos del Niños).

³⁰⁵ UNICEF-Spanish Committee published an [Strategy for Education in Children's Rights and Global Citizenship Plan 2021-2025 UNICEF Spain](#) (Estrategia de Educación en Derechos de Infancia y Ciudadanía Global. Plan 2021-2025 UNICEF España)

³⁰⁶ "Educación en derechos de la infancia y ciudadanía global" https://enlinea.intef.es/courses/course-v1:INTEF+EducaDerechosMOOC+2023_ED4/about

³⁰⁷ Valencia Generalitat (2002), [Didactic Manual for the School of Parents](#) (Manual Didáctico Para La Escuela De Padres), Alicante, Fundación para el Estudio, Prevención y Asistencia a las Drogodependencias

campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

In 2022, The Ministry of Social Rights and Agenda 2030 launched a national online campaign titled as “[is that you care](#)” (A ti te importa), in which it denounced forms of violence against children such as shouting, hitting or undervaluing children.

In 2019, the Ministry of Health (Ministerio de Sanidad) launched an online awareness raising campaign for the Protection of Children and Adolescents against Violence titled “[Grow Without Violence, to Live Without Fear](#)” (Crecer Sin Violencia, Para Vivir Sin Miedo. #CrecerSinViolencia).

An awareness raising video in english titled [Turn on a Light](#) in relation to the [Children, a vulnerable group when missing: a social awareness video](#) launched by the National Center for Missing Persons.

Save the Children #LosÚltimos100 launched in 2018 a campaign against violence suffered by children in Spain. The NGO launched a collection of signatures **to request the approval of a law for the eradication of violence against children.**

The non profit association named as **Education League (Liga de la Educación)** launched in 2018 the project [Know, Educate, Protect \(Conoce, Educa, Protege\)](#)³⁰⁸, an awareness campaign that aimed to make the general population aware of the Rights of the Child and that is financed with 0.7% of the IRPF of the Ministry of Health, Social Services and Equality. The campaign evolved every year and until now it developed five dossiers, in addition to a spot and graphic materials, a pedagogical dossier to help teachers educate in equality is designed to facilitate the work of schools in their eagerness to contribute to the integral development of students. Its intention is to improve the coexistence and cohesion of students, taking teachers as the protagonist, understanding them as promoters of change and a key piece in the construction of a more supportive and civic citizenship.

There is not an awareness raising campaign on the EU Charter of Fundamental Rights exists in the area of children’s rights.

At regional level, Sareen Sarea that is the network of entities of the Third Social Sector of Euskadi carried out a campaign to claim the Rights of the Child, on the occasion of the celebration of its World Day- 20th November. The spot was available in Spanish and in the Basque³⁰⁹. Another example of good practice would be the municipality of Barcelona organises annually “[Diversity Day – Barcelona for Human Rights](#)” (Dia de la diversitat – Barcelona pels drets humans). As part of the programme, there is [awareness raising activity on fundamental rights](#) to make the kids aware of the rights recognized under the Universal Declaration of Human Rights. It also takes place at schools days before the Diversity Day.

There are examples of awareness raising and training materials available in all the four Spanish official languages (castellan, gallego, catalan and basque languages). Save the children promotes a [campaign explaining the rights of the child in a child-friendly language](#) and includes several versions of the

³⁰⁸ <https://ligaeducacion.org/infancia-y-familia/campanas-sobre-los-derechos/>

³⁰⁹ <https://sareensarea.eus/eu/albisteak/haurren-eskubideen-aldeko-kanpaina-berria/>

Convention on the Rights of the Child depending on the ages and in Spanish, Basque and Catalan languages.³¹⁰

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure³¹¹? Please briefly describe.

After reviewing research works and two social organizations experts on children protection, it's possible to conclude that there were no awareness raising activities regarding complaint mechanisms at national or sub-national level, or related to the Optional Protocol to the Convention on the Rights on a communications procedure.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The Spanish Data Protection Agency (AEPD) (Agencia Española de Protección de Datos, AEPD, in its Spanish acronym) and the Ministry of Education and Vocational Training (Ministerio de Educación y Formación Profesional) promoted the website [AseguraTIC](#)³¹² since 2019 to contribute to the protection of children on the Internet by providing informative content. AseguraTIC intended to address educators, families, students and educational administrations, and aims to collaborate to protect children in their interaction with the Internet by channeling a number of resources provided by participating entities, mainly with Creative Commons licenses, which make it easy to use, adapt and distribute for free.

ICT awareness and training addressing families and educators, as they become references for children are organized by the National Institute of Cybersecurity (Instituto Nacional de Ciberseguridad, INCIBE), through the [Safe Internet for Kids](#) (Internet Segura for Kids, IS4K, in its Spanish acronym). It produced and facilitates the access to a great variety of training materials and guides related to Parental Mediation, Family, Educators and Secure Use and Configuration.

The [CyberCamp](#)³¹³ organized in a year basis in Valencia by the National Institute of Cybersecurity (Instituto Nacional de Ciberseguridad, INCIBE, in its Spanish acronym), an entity under the Ministry of Economy and Business (Ministerio de Economía y Empresa) as a free initiative for all audiences that has promoted the culture of cybersecurity through different multitudinous meetings. It was aimed at all ages and audiences including cybersecurity professionals, young talents, families and the general public, interested in making safe use of the Internet. It did have an extensive program of technical, recreational and training activities. The goal was to detect and promote talent in cybersecurity, raise awareness of families and encourage children to learn cybersecurity through games.

³¹⁰ <https://www.savethechildren.es/trabajo-ong/derechos-de-la-infancia/convencion-sobre-los-derechos-del-nino/version-ninos>

³¹¹ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

³¹² [AseguraTIC](#)

³¹³ Spain, INCIBE, [CyberCamp](#) oficial website.

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

As far as promising practices regarding child rights and/or child protection would be the [Annual call for awards of good educational practices in privacy and data protection for the safe use of Internet by children](#) (Premio a las Buenas Prácticas Educativas en Privacidad y Protección de Datos Personales para un Uso Responsable y Seguro de Internet por los Menores) **convened by the Spanish Data Protection Agency (AEPD)** (La Agencia Española de Protección de Datos, AEPD, in its Spanish acronym)³¹⁴. All public and private persons and entities that promote and disseminate the fundamental right to the protection of personal data among students enrolled in primary and compulsory secondary education, Baccalaureate and Vocational Training can participate. The purpose of this award is to highlight initiatives that help raise awareness of the value of privacy to make responsible use of personal information.

[PantallasAmigas' program](#) promoted by a civil society organization. Its objective is to promote safe and healthy use of the Information and Communication Technologies (ICTs), including the Internet. It aimed at promoting responsible digital citizenship in children and adolescents. It deals with the phenomena of online harassment and violence, such as gender cyber violence, cyberbullying, grooming, privacy and identity problems, and sexting, privacy and identity problems. It develops publications and teaching materials, information or a Digital Documentation Center. It offers specific resources, such as educational resources for safe use of the Internet and New Technologies for children, including educational multimedia guides and on the Internet, mobile telephones and video games, training and awareness and communication. Originating in Spain in 2004, and since then, it was awarded several times.

In terms of challenges, the instrumentalization of children who arrive alone in Spain in the electoral strategy of any political formation and the hoaxes and hate speeches present in the messages that are being disseminated through electoral propaganda and social networks. In 2021, a public statement raising this issues was signed by a high number of civil society organizations working together with the protection services established for children in Spain.³¹⁵

³¹⁴ <https://www.aepd.es/es/la-agencia/transparencia/informacion-economica-presupuestaria-y-estadistica/premios>

³¹⁵ EAPN España, [Rechazo carteles electorales contra menores extranjeros no acompañados, press release, 21 April 2021.](#)

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles in place, with an ability to hear, review and enforce individual complaints from children?	X		<p>According to Article 10 of the Organic Law 3/1981, of April 6, 1981, on the Ombudsman (Ley Orgánica 3/1981, de 6 de abril, del Defensor del Pueblo)³¹⁶, the Ombudsman hears complaints from children or adults about incorrect or irregular actions of public administrations, institutions, and authorities in which the rights of children or adolescents are affected.</p> <p>In this context, the most frequent actions are related to (1) Education. Complaints are processed regarding the shortage of personnel (teaching and non-teaching) and material resources in the centres; denial of financial aid for different educational purposes (schooling at non-compulsory levels, purchase of textbooks), or denial of free provision of certain complementary school services (transportation, school canteen, ...); scholarships and study grants; poor state of educational facilities, the student admission system; student sanctions; school violence; and the information provided by educational centres to parents. The institution intervenes in favour of the inclusive education of children with disabilities in the application of the Convention on the Rights of Persons with Disabilities, and on the inadequate attention to students with learning problems (students with dyslexia, those affected by attention deficit hyperactivity disorder, etc.). (2) Social policy. Of note are complaints regarding the treatment received by children in protection centres; the length of procedures for fostering and/or adopting children both in Spain and in other countries; the scarcity of resources and support programs for families and children with specific problems; and the prolonged stay in Children' centres despite the fact that the regulations prioritize family foster care. (3) Foreign children. The complaints refer to the determination of the age of</p>

³¹⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (1981) [Organic Law 3/1981, of April 6, 1981, on the Ombudsman \(Ley Orgánica 3/1981, de 6 de abril, del Defensor del Pueblo\)](#) Official State Gazette, 7 May 1981.

		<p>unaccompanied foreign children; declaration of abandonment and scope and cessation of guardianship; problems in the documentation of legal residence; transfers of children between Autonomous Communities; Central Registry of Unaccompanied Children; repatriations; and children who are victims of trafficking. (4) Children and Justice. The complaints refer to delays in the processing of judicial procedures affecting children; children who are victims of mistreatment and sexual abuse; inter-parental abduction; treatment in internment centres for juvenile offenders; and the administrative responsibility of children³¹⁷.</p> <p>The State Council for the Participation of Children and Adolescents (<i>Consejo Estatal de Participación de la Infancia y de la Adolescencia</i>)³¹⁸ is a permanent and stable body for consultation, representation, and participation of all children and adolescents that was created on December 9, 2021. Attached to the Ministry of Social Rights and Agenda 2030, the Council has an Assembly that meets at least twice a year made up of 34 boys and girls between 8 and 17 years of age, representatives of local or autonomous councils, including boys and girls from groups in vulnerable situations and those who are part of organizations that participate at the state level.</p> <p>The composition of the Council must be guaranteed under conditions of equality and parity (gender, origin, ethnicity, economic, racial, mobility, functional, linguistic, etc.).</p> <p>The functions of the Council are: (1) To propose initiatives, proposals and recommendations to the bodies of the General State Administration and other bodies at the national level to promote children's rights; (2) To collaborate with the bodies of the General State Administration and with the Sectorial Conference on Childhood and Adolescence, in the exercise of its functions, acting as a channel of communication of the</p>
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³¹⁷ Spain, Official website of the Spanish Ombudsman (*Defensor del Pueblo*): “Inicio”; “Menores”; [“Actuaciones más frecuentes”](#).”

³¹⁸ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Order DSA/1009/2021, of September 22, creating the State Council for the Participation of Children and Adolescents](#) (*Orden DSA/1009/2021, de 22 de septiembre, por la que se crea el Consejo Estatal de Participación de la Infancia y de la Adolescencia*) Official State Gazette, 27 September 2021.

		<p>opinions of children and adolescents, without prejudice to the direct consultation procedures that they may carry out; (3) To participate in the preparation, monitoring and evaluation of the Strategy for the Rights of Children and Adolescents and its Operational Plans; (4) To promote, attend to and channel optional consultations regarding regulatory projects, plans, strategies and programs of the General State Administration that affect children and adolescents and, in particular, regarding those carried out by the Ministry of Social Rights and Agenda 2030; (5) To favour a positive view of children and adolescents and contribute to raising society's awareness of the importance of child and adolescent participation as part of active citizenship; (6) To disseminate the concerns, worries and opinions of children and adolescents in representation of a collective interest based on children's rights and integrating the perspective of equity, gender and equal treatment and non-discrimination; (7) To participate in monitoring processes of the implementation of the Convention on the Rights of the Child and its Optional Protocols in Spain by the Committee on the Rights of the Child; (8) To participate in supranational child participation mechanisms, especially those of the European Union and the Council of Europe; (9) Maintain a relationship with other participation bodies at the municipal, autonomous community and state level of which children form part; and (10) Promote the organization of campaigns, conferences and spaces for learning and reflection that make visible the contributions of children and adolescents in society and promote child participation.</p>
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7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?

X

There are not a national or extended regional system of specialised Courts and compliant procedures for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights.

There is a system of juvenile courts (*tribunal de menores*) that are a single-member judicial body of a special nature whose function is to hear all those criminal cases in which the accused is a child according to criminal legislation (over fourteen years and under eighteen).

The Organic Law 8/2021 on comprehensive protection of children and adolescents against violence (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) requested the Spanish national Government to regulate the establishment of these type of specialization of judicial bodies within one year after its publication as stated by the twentieth final provision. Therefore, the Ministry of Justice was working on the specialization of the courts in violence against children, together with the Public Prosecutor's Office and specialized counseling experts' technical teams.

There are only certain regional experiences where a specialized Violence against Children and Adolescents Judicial Court was developed.

For example, there was a pilot project launched in 2021. Las Palmas de Gran Canaria was the first capital of Spain to have a Court specialized in Violence against Children and Adolescents (*Juzgado de Violencia contra la Infancia y la Adolescencia*), the Investigative Court number 3 of Las Palmas de Gran Canaria (*Juzgado de Instrucción número 3 de las Palmas de Gran Canaria*). It offered particular physical facilities and acting protocols designed for the well-being of the children and adolescents. For example, it was set up a particular facility within the Maternal and Child Hospital to implement a mechanism for receiving complaints and taking statements and an office to be used by the forensic doctor, reviewing the Protocol of joint action and achieving greater specialization in forensic pediatrics and a new documentation and registration team in the hospital environment.

It aimed to be extended to other Spanish regions. For example, the Valencia regional government

		<p>has already shown its willingness to replicate the pilot project of the Court of Violence against Children.</p> <p>The concept of "friendly rooms" were also introduced, with the aim of facilitating the welfare of children who have to testify and / or attend any judicial proceedings and thus avoid having to wait in the corridors and, where appropriate, coincide in them with the people of whom they may have been victims. These spaces are equipped with a videoconference system with the judicial rooms, so that children can not appear directly at the hearings and testify from the friendly room itself, accompanied by their educators and therapists.</p> <p>It was introduced when entering into force of the Standing for Victims' Statute in 2015 through the <u>Law 4/2015, of the Standing Victims of a Crime</u>³¹⁹, the infrastructures of courts and tribunals in the criminal field should have been modified to comply with some of the considerations established in this text on the protection of victims.</p> <p>In its article 19, the Statute stated that in the case of child victims, "the Public Prosecutor's Office shall pay special attention to compliance with this right to protection, adopting measures appropriate to their best interests when necessary to prevent or reduce the damages that may arise for them from the development of the process".</p> <p>Article 21.b stated that in order to "avoid secondary victimization, the victim shall be heard as few times as possible and only when strictly necessary."</p> <p>Article 26 is where it is contemplated that the statements received during the investigation phase will be recorded by audiovisual means and may be reproduced in the trial in the cases and conditions determined by the Law of Criminal Procedure.</p>
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³¹⁹ Spain, Ministry of the Justice (*Ministerio de Justicia*), [Law 4/2015 of 27 April, of the Standing Victims of a Crime and, in particular, by Royal Decree 1109/2015 of 11 December implementing Law 4/2015 of 27 April on the Standing Victims of a Crime and regulating the Crime Victims' Support Offices](#) (*Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito*), 11 December 2015.O

		<p>There are examples such as Palma, Valencia or Madrid courts where progressively those spaces were enabled³²⁰.</p> <p>The mentioned <u>Organic Law 8/2021 on comprehensive protection of children and adolescents against violence</u> (<i>Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia</i>, LOPIVI in its Spanish acronym)³²¹ establishes measures of protection, early detection, assistance, reintegration of violated rights and recovery of the victim, which find their inspiration in the comprehensive care models identified as good practices when it comes to avoiding secondary victimization. In this sense, The first final provision is dedicated to the modification of the Criminal Procedure Law. The Sections five to fourteen fully and systematically regulate the preconstituted test, setting the necessary requirements for its validity. In addition, the regulation of precautionary measures of a criminal and civil nature that can be adopted during criminal proceedings and that may affect children or people with disabilities in need of special protection is modified.</p>
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7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children’s groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from	X		The Government supports initiatives to promote the participation of children and adolescents at the local, regional, and state levels. On the one hand, through the Child-Friendly City Seal (<i>Sello de Ciudad Amiga de la Infancia</i>), UNICEF Spain and its partners in this program - Ministry of Health, Social Services and Equality (<i>Ministerio de Sanidad, Servicios Sociales e Igualdad</i>); Spanish Federation of Municipalities and Provinces

³²⁰ [“Salas amigables” en los juzgados para los menores que hayan de testificar en juicio o asistir a diligencias judiciales – ICAIB](#)

³²¹ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Organic Law 8/2021, of June 4, 21, on the comprehensive protection of children and adolescents against violence](#) (*Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*) Official State Gazette, 4 June 2021.

<p>children and children’s groups who have received child protection services?</p>	<p>(Federación Española de Municipios y Provincias, FEMP, in Spanish acronyms) and the University Institute of Needs and Rights of Children and Adolescents (<i>Instituto Universitario de Necesidades y Derechos de la Infancia y la Adolescencia</i>, IUNDIA, in Spanish acronyms) - recognize and value the work done by local governments in favour of children in their territories. Through the Child-Friendly Cities initiative, children and adolescents meet in local participation councils or groups to discuss and put forward proposals to be submitted to the local corporation³²².</p> <p>In addition, the government subsidizes programs such as the "Child Participation in Childhood Policies" (<i>Participación infantil en las políticas de Infancia</i>) program of the Plataforma de Infancia, which, through the Children's opinions (<i>La Infancia Opina</i>)³²³ strategy, has set in motion various child participation processes that have favoured knowledge, analysis, and formulation of proposals for the various editions of the <u>National Strategic Plan for Childhood and Adolescence</u> (<i>Plan Estratégico Nacional de Infancia y Adolescencia</i>, PENIA, in Spanish acronyms)³²⁴. Specifically, the <u>Report We Make a Plan</u> (<i>Hacemos un Plan</i>)³²⁵, systematizes and classifies the proposals that 1,541 children and adolescents between 6 and 17 years of age have made on the implementation of their rights and compliance with the II National Strategic Plan for Children and Adolescents 2013-2016 (<i>II Plan Estratégico Nacional de Infancia y Adolescencia 2013-2016</i>, PENIA, in Spanish acronyms) with a view to the preparation of the III PENIA. The PENIA objective on which most proposals were made in Education, followed by Participation and environment, Health, and Families. In Education, the most frequent proposals refer to school harassment (or bullying). In Participation, most proposals refer to the right to be heard. In Health,</p>
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³²² Spain, [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*), official website of the Child-Friendly Cities Program.

³²³ Spain, official website of the [Plataforma de Infancia España](#): “Participación infantil”; “[La infancia opina](#)”.

³²⁴ Spain, Official Website 2020 Ministerio de Derechos Sociales y Agenda 2030, [Strategic Plan for Childhood and Adolescence](#) (*Plan Estratégico Nacional de Infancia y Adolescencia*, PENIA, in Spanish acronyms).

³²⁵ Spain, Plataforma de Infancia España (2017) [We Make a Plan](#) (*Hacemos un Plan*) official website of the Plataforma de Infancia España, press release, December 2017.

		<p>the most recurrent topic was drug use. And finally, in Families, the most frequently mentioned aspect was family reconciliation.</p> <p>At the state level, the State Council for the Participation of Children and Adolescents (Consejo Estatal de Participación de la Infancia y de la Adolescencia)³²⁶ was created as a permanent and stable body for consultation, representation, and participation of all children and adolescents on December 9, 2021. Attached to the Ministry of Social Rights and Agenda 2030, the Council has an Assembly that meets at least twice a year made up of 34 boys and girls between 8 and 17 years of age, representatives of local or autonomous councils, including boys and girls from groups in vulnerable situations and those who are part of organizations that participate at the state level. The Council will prepare an activity report related to the activities carried out during the previous year that will have to be submitted to the Sectoral Conference on Children and Adolescents within the first half of each year. This report will include an evaluation of the degree of response of the Public Administrations to the proposals made by the Participation Council (no further details in terms of criteria or type or character of the data analyzed will be included).</p>
<p>7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>	<p>X</p>	<p>Cyber responsibility shares (<i>Ciberresponsables</i>) is a network of young journalists that seeks to generate spaces that promote the participation of children and adolescents in favour of the Rights of the Child using information and communication technologies. Young people participate in a protected web environment, in which boys and girls know their rights, exercise them and discuss issues that affect them. In addition, annual meetings are organized where Cyber Correspondents can meet and share experiences in person. It was an initiative promoted by the Children NGO Platform (<i>Plataforma de la Infancia</i>)³²⁷. There are not</p>

³²⁶ Spain, Ministry of the Presidency, Relations with the Courts and Democratic Memory, (*Ministerio de la Presidencia, Relaciones con las Cortes y Memoria Democrática*) (2021) [Order DSA/1009/2021, of September 22, creating the State Council for the Participation of Children and Adolescents](#) (*Orden DSA/1009/2021, de 22 de septiembre, por la que se crea el Consejo Estatal de Participación de la Infancia y de la Adolescencia*) Official State Gazette, 27 September 2021.

³²⁷ Spain, Official Website of the [Child Platform](#) (*Plataforma de la Infancia*):

		<p>independent accountability mechanisms set up to monitor its development. The monitoring will take place through the financial auditing of the existing funding.</p> <p>NGO such as Culturama, which is based in Valencia region works on socio-educational mediation and cultural management actions. They do promote actions and services as tools for personal and community development. A number of children and young participatory projects aimed at promoting child and youth participation with the aim of helping children and young people begin to have an important role and a real involvement with their territory and municipal policies and affairs that affect them. Some of the projects would be: the dynamization of Councils for childhood and adolescence; school meetings to promote citizen participation; or implementation of children's participatory budgets; or projects for the promotion of youth participation; and the organization of youth consultations and forums.</p>
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7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In terms of a promising practice, through the Child-Friendly Cities initiative, children and adolescents meet in local participation councils or groups to discuss and put forward proposals to be submitted to the local corporation³²⁸. Another one would be a program subsidized by the government such as the "Child Participation in Childhood Policies" (Participación infantil en las políticas de Infancia) run by the Plataforma de Infancia, which, through the [Children's opinions](#) (La Infancia Opina)³²⁹ strategy, set in motion various child participation processes that favoured knowledge, analysis, and formulation of proposals for the various editions of the [Strategic Plan for Childhood and Adolescence](#) (Plan Estratégico Nacional de Infancia y Adolescencia, PENIA, in Spanish acronyms)³³⁰.

³²⁸ Spain, [Child-Friendly Cities Program](#) (*Programa Ciudades Amigas de la Infancia*), official website of the Child-Friendly Cities Program.

³²⁹ Spain, Official website of the [Plataforma de Infancia España](#): "Participación infantil"; "[La infancia opina](#)".x⁹

³³⁰ Spain, Official Website 2020 Ministerio de Derechos Sociales y Agenda 2030, [Strategic Plan for Childhood and Adolescence](#) (*Plan Estratégico Nacional de Infancia y Adolescencia*, PENIA, in Spanish acronyms).