



ngo group for the crc

STATE PARTY EXAMINATION OF SPAIN'S THIRD AND FOURTH PERIODIC REPORTS

55TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Spain ratified the Convention on the Rights of the Child (CRC) on 6 December 1990. On 15 September 2010, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Spain. It was last examined on 4 June 2002.

Opening Comments

The delegation of Spain was led by Mr D. Javier Garrigues, Ambassador of Spain. He was supported by a large delegation consisting of representatives of the Ministry of Health and Social Policy, Ministry of Equality, Ministry of Education, Ministry of Interior, Ministry of Labour and Social Affairs and the Ministry of Foreign Affairs.

Ambassador Garrigues emphasised that human rights was a priority in the Master Plan for Spanish Cooperation 2005-2008 which set standards for the defence of human rights, and discrimination on a sexual basis. He also highlighted the State's commitment to the international system of human rights as illustrated by its financing of the OHCHR and the presentation of a candidate for the CRC elections. He then proceeded to present the delegation.

Ms Garcia, the head of the delegation, underlined Spain's achievement in the protection of the rights of child. The instauration of children issues in the law influenced the legislative framework in Spain. She highlighted the achievements accomplished following the recommendations, especially regarding the dissemination of the CRC. She indicated that Spain had started, with the assistance of UNICEF, to create the child welfare indicator system. She said that the coordination between the administrations was guaranteed by the legislation. As a result of the 2002 recommendations, the National Strategic Plan for Children and Adolescents had been adopted. She added that the basic plan for Spain was to improve cooperation in the area of the rights of the child. She said that a second strategic plan was being developed and mentioned that the Children's Observatory had developed a protocol on the minimum standards of care for victims of ill-treatment. She explained that the

autonomous communities had their own observatories. In relation to the right to be heard, a special legislator for children had been created. In court, children were heard and their privacy was respected. The revised Law of Criminal Procedure (*Ley de Enjuiciamiento Criminal*) stated that children no longer had to appear on many occasions and their psychological needs were taken into account. In relation to education, there were three new areas of improvement: a higher rate of enrolment; the school integration action and the plan for school safety. Furthermore, article 154 of the Civil Codes prohibited corporal punishment. In June 2010, the Criminal Code was amended and penal sanctions reinforced. For example the crime of child pornography was broadened, the possibility of parole was reduced for offender and child recruitment was more severely punished than in the Rome Statute of the International Criminal Court. She also said that the Law on Right of Asylum and the Condition of Refugee took the best interest of the child into account. Finally, she mentioned the adoption of EU directives against sexual abuse.

Mr Citarella, the country rapporteur, welcomed the delegation and noted that the report, which was due in 2008 and submitted in 2009, only covered the period of 2002 to 2006. The written replies were intended to fill the gap from 2006 to 2010, but due to delays in translation, the written replies were only available in Spanish. He stated that the report was informative and illustrated Spain's interest and certain improvements, in particular in relation to the recommendations on the criminal and social sector. However, other areas, such as the minimum age of marriage (i.e. 14 years old) had not been addressed. He then asked questions related to the autonomous communities, civil society participation in the report, de facto discrimination against Roma and unaccompanied children, the right of the child to express his/her views, and the law on asylum.

General Measures of Implementation

Legislation

The Committee welcomed the comprehensive legislative reform presented before Parliament in 2007, and asked if it covered the content of articles 2 and 3 of the OPSC especially concerning forced labour, sale of children, and intermediaries in adoption. The Committee noted that the periodic report should have included information on the Optional Protocols (OPs) and requested that future periodic reports include information on the harmonisation of the legislation with the OPs. In relation to the harmonisation of the Criminal Code and the OPs, the delegation mentioned several amendments to the law, such as the increase of protection in relation to children in armed conflict, the introduction of the crime of 'grooming', the reinforcement of legislation on trafficking, sexual offence on internet, sexual activity involving children and child pornography, protective measure against sexual offenders (e.g. restraining order), and under age prostitution.

In relation to marriage, the Committee was worried that according to the legislation a 14 year old child could get married with the acceptance of the court. According to the jurisprudence and practice of the Committee, it was far too low. It asked about the measures to raise the age of marriage. Regarding the procedure for marriage, there was no right to marriage at 14 (it was 18), but it could be authorised if there was a valid grounds for marriage and it was up to a judge to decide. The Committee stated that it was too low, especially in comparison with the region or other parts of the world and asked if they were considering raising the age to 18. It also wanted to know how it affected the education of children and whether it applied to boys and girls. The State party report states that the possibility remains in the legislation, so there is a lacuna in the law. The law needs to be changed in order to address this issue. The

delegation noted that it was authorized by a judge and prosecutor. In all cases, the parents and the children were heard by the judge asked for good grounds for marriage and assessed the maturity of the child. It was applicable to boys and girls and there were no plans to amend the legislation in relation to marriage.

The Committee was also concerned by the low age of sexual consent (13 years old). Children could not sign contracts, but they could do other things, such as consent to sex. They were concerned that the age of sexual capacity and civil capacity was being compared. The delegation confirmed that the age of sexual consent was 13 in the Penal Code, but it did not apply to three crimes: sexual abuse when there is fraud (16 years), prostitution (18 years), and any pornographic material depicting children 18 years old and the act of showing someone under 18 involved in those acts also constituted a crime. The provisions of article 189 of the law of 28 February 2006 had extended the ages.

The Committee noted the ratification of lots of international treaties and asked if there were plans to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) which was relevant to the rights of the child. The delegation answered that this was brought up during its Universal Periodic Review (UPR). There were no plans to ratify it because the rights enshrined in it were already covered by Spanish law. The Committee asked about the ratification of the ILO convention 183 (Maternity Protection Convention).

Structure of the territory

The Committee was concerned about the coordination amongst the autonomous authorities. The legislation of the central government covered child rights, but the autonomous communities and their own legislation. This could lead to children being treated differently in the various regions. The Committee asked how they ensured that the autonomous authorities did not have a political line which differed to the CRC. Furthermore, information from these autonomous communities was hard to gather especially on child rights. The delegation answered that the autonomous communities had their own parliament and procedures. Studies on the status of autonomy had shown that inequalities across the country had been diminished notably concerning income distribution. It added that because of the limited legislative capacity of certain autonomous parliaments, the results were not always up to the same standard. A cooperative framework between the ministries and the autonomous communities has been developed in order to improve the legislative capacities of the communities. In addition, the revenue given to the autonomous communities had increase in order for them to fulfil the powers entrusted in them. Furthermore, minimum standards had been established when the State did not have legislative power (e.g. for social services) which meant that the rights were guaranteed by the Federal State. Thus, there were no great differences and they shared their best practices. The overall objective was to strengthen cooperation. However, the Committee responded that the problem was not the innovation. The Convention covered certain duties and rights and the State party was responsible for ensuring the implementation of the Convention in the regions. If violations occurred, the State was responsible. The delegation explained that the provisions of the CRC were incorporated in state legislation which was applied throughout Spain. There was a state body which monitored the decisions taken in the autonomous communities and if any infringement of the Convention was detected, the President or the Ombudsperson could call upon the constitutional court. The judges could then raise the constitutionality of the decision of the autonomous community before the court. There were also mechanisms to ensure that the provisions were in line with the CRC and the state legislation. In addition, there could be administrative challenges to

ordinary courts and if it appeared that the rights of the child had been violated, the Prosecutor's office could investigate the violation. The Government could also use community law which suspended the provisions until there was a ruling by the Constitutional Court.

The Committee was glad to hear about the many constitutional remedies and stressed the importance of a child being able to bring a complaint before a court if his/her rights were violated. It also asked if a judge could directly invoke the Convention. The delegation said if a child started legal proceedings against an autonomous rule, the ordinary court had to determine if the autonomous rule was in contradiction with the CRC. If the rule contravened the CRC, the judge from the ordinary court had to bring the case to the Constitutional Court which decided if the ruling was constitutional.

Children's Ombudsman and the Observatory for children

Given its concerns about the impact of decentralization on guaranteeing equal respect of child rights, the Committee asked if the Ombudsman's office monitored child rights throughout the territory. It also asked about the status of these offices and the possibility of all children in the territory of having equal access to these offices. The delegation responded that the Ombudsperson had a direct link with the autonomous communities and that one of the Deputy Ombudspersons was in charge of the rights of child.

The Committee noted that the observatory was a state institution and asked about its competences in the coordination and implementation of the CRC in the entire territory. It also commented that this body appeared to have limited power and asked for an explanation about the mandate of this body.

National plan

The Committee recalled the need to have a new National Strategic Plan for Children and Adolescents (PENIA) and asked about its content in the area of cooperation and equal access to rights for children. It also wanted to know if the former strategic plan had been evaluated and shared with the relevant stakeholders, autonomous region and the public sector. The delegation answered that the assessment of the action plan (PENIA) had not yet been validated. It stated that the report would be distributed to all the NGOs and stakeholders who took part in it. Concerning the next PENIA, the work was in progress and it should be approved at the end of 2010.

Dissemination and training

The Committee welcomed the dissemination of the Convention in schools, but it recommended that it be extended to universities. It also asked if 20 years after ratification, the Convention was well known by children and their families and if there was any evaluation of the dissemination and training efforts. It also enquired if the rights of the child were a priority at municipal and national level and received the same level of political priority. The delegation answered that the rights of the child had the same level of priority throughout Spain. It stated that the CRC was better known than any national law due to the many activities to disseminate the Convention.

Allocation of resources

While it stressed the importance of resources allocation for children, the Committee found it hard to find data on budget allocations for children. It therefore asked how much was spent on children in the country as a whole. The Committee also asked if the resources reached their

goals, because investment in social policies and education was low compared to other EU countries. The delegation responded that investment in education was increasing and in 2010 Spain had the highest number of children in the school system ever.

Cooperation with civil society

The Committee stated that while the State had the legal obligation to protect the rights of the child, it needed to work in partnership with families, civil society and NGOs. It asked if these stakeholders participated fully in the preparation of the report, written replies or whether they were just asked to give information. It also wanted to know if they collaborated with civil society to implement the CRC.

Media

The Committee asked about the effect of the Code of Self-Regulation of Television Content and other measures taken to ensure that the media respect the right of the child and wondered if a specific code targeting internet companies was in place. It enquired if it was considered a crime when the image, honour or reputation of a child was put at risk by a media company in Spain. The delegation answered that if parents exposed their children to mass media in a way contrary to the rights of the child, the Attorney General had to take measures. It added that the jurisprudence encompassed rules on children's exposure to mass-media. The Committee wanted more information on potential prosecution for putting at risk the image of a child concerning Spanish company operating abroad. The delegation responded that article 23 of the organic law stipulated that it was possible to bring the case to justice in Spain if 3 conditions were fulfilled: those who caused the injury are Spanish, a claim is made in Spain, and finally the case must not have been brought to trial in another country.

The Committee enquired about measures taken to encourage the participation of children in creating programmes, and how they were sensitised to their rights. It also wondered if there were subjects other than nutrition that were promoted through private or public channels and if advertising was the only content checked.

The Committee noted the existence of two mechanisms regulating the media: the Code of Self-Regulation of Television Content for Children and Comprehensive Strategic Plan for Family Support Provision, and asked if there were any gaps. The law on the restriction of contents led the Committee to wonder what criteria was used to decide if something was moral and which body decided what was moral for TV programmes.

General Principles

Non-discrimination

While welcoming the new legislation on discrimination, the Committee noted that there could be de facto discrimination against migrant Roma and unaccompanied children because these children did not appear to be covered by the law. The delegation responded that there was no discrimination against unaccompanied foreign children in relation to any other child. They were under the protection of the State including in the autonomous communities. There was no difference between foreigners and nationals in terms of protection. It added that it was not a big issue in Spain as unaccompanied foreign children were mostly part of the migration flow and were not usually asylum seekers. The EU framework (Action Plan on Unaccompanied Minors 2010-2014) was taken into account in the design of the Policy for the period of 2010 to 2014. There were three measures taken for these children: preventing them

from leaving their countries and entering the migration flow; integration of the child or helping them to return to their countries.

In relation to non-discrimination against the Roma, the delegation mentioned a summit held in Cordoba and that its conclusions served as a basis for a non-discrimination policy. Spain was committed to the Roma community and it had a special body to ensure their participation, which was called the Advisory Council to the Roma People. It produced an action plan for Roma people which entailed a set of measures to reduce inequalities. The Committee asked for information about the implementation of these measures. The delegation answered that over the past 10 years a big demographic change was taking place and they were responding to this change. This will impact on their policy on discrimination which was under the Ministry of Equality. The latter had created an independent body chaired by a representative from civil society which was mandated to guarantee the rights and combating all forms of discrimination. The Spanish Institute for Youth was going to publish a paper on all forms of discrimination and the government was drafting a bill on the matter. In addition, the Ministry of Equality, at the request of civil society, had supported a national campaign against the discrimination of lesbian, gay, transsexual and bisexual youth.

Right to be heard

The Committee declared that legislation on children must state that children have the rights to express their views and that they should be taken into account. Children should be heard in all procedures and it must not be left to the discretion of the judges. It therefore asked how they ensured that all children had the right to be heard in relevant procedures, especially unaccompanied children. The delegation noted that this right went far beyond cases of divorce. It existed not only in judicial cases but also in administrative procedure and in family matters when the decisions had an impact on the child. The consent of the child was necessary for adoption, health and in cases of repatriation. It added that in the aforementioned cases the law stated that a child over 16 had the possibility to take legal action by himself and with the support of a tutor if under 16.

Civil Rights and Freedoms

Corporal punishment

The Committee commended the achievements of Spain and especially article 154 of the Civil Code. It asked if Spain had solved the problem or if further steps were needed in order to fully prohibit corporal punishment. It specifically wanted to know how they ensured that corporal punishment did not happen within the family and if Spain had a campaign targeting parents. The delegation explained that the clause that allowed parents to punish a child in a reasonable way had been abrogated following the recommendations of the Committee and there is no clause concerning the right to discipline. It also said that a campaign to sensitise people on the negative impact of using violence against children had been launched.

Family Environment and Alternative Care

Adoption

The Committee welcomed the new law on adoption which improved the monitoring of adoptions, but it was still concerned by adoption agency implementing development projects in the area of poverty or orphanage because the decision of the mother or tutors should not be influenced. The delegation said that the criminal legislation covered situations of illegal

adoption, notably article 221 of the Criminal Code. It added that the adoption agency had to be accredited in order to implement a project in a specific country and that the final decision concerning the adoptability of a child depended on the country of origin of the child. The delegation added that technical cooperation projects must not be related to international adoption. Adoption agencies were accredited and monitored and if there was any irregularity, there would be an independent investigation and the agency could lose its licence. The Committee asked if the law stated that it was an offence to have an undue influence or whether it just talked about illegal adoption. It further enquired about the use of intermediaries and if this was considered an aggravating circumstance. The delegation answered that the receiver and the intermediary were also punishable by law. There were also certain aggravating circumstances.

The Committee enquired about the reasons for national adoption being low compared to international adoption, especially given the high number of children in institution and asked why they were not adopted. The delegation explained that the number of international adoptions was increasing while the national adoptions seemed to be decreasing in recent years. It added that in accordance with the adoption procedures, adoption was not allowed if there was still a member of the family. If the parents were unable to care for the child, he/she was sent to an institution. If the family was still unable to provide adequate care for the child after two years, it lost the right of return of their child.

The Committee also noted that Ethiopia had replaced Guatemala as the main country of origin for international adoption, which was a concern given that Ethiopia had not ratified the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (Hague Convention) The Committee asked for additional information given that the new legislation prioritised countries that had ratified this Convention. The delegation said that it preferred to promote adoption with countries which had ratified the Hague Convention. It also mentioned that adoption was forbidden if a country was in a state of war. There was a law which enabled a commission to analyse country situation in order to continue or to stop ongoing cooperation.

Given the high number of children in institutions for prolonged periods of time, the Committee asked if there were any plans to amend relevant laws to facilitate national adoption where possible. It specifically asked about the centre Esperanza located in the Canary Islands which was a source of concern as there were reports of overcrowding, violence and insufficient food. As there were four such centres in the Canary Islands, the Committee requested Spain to increase its efforts to monitor these centres. The delegation answered that the authorities of the Canary Islands dealt with a large number of children. These authorities had asked for help and the State had been sending a cooperation team since 2006 in addition to 15 million Euros. There was no longer a large increase of these children in the centres. In relation to the standards in the centres, the delegation replied that the State standards were the same as for the rest of Spain, but when there was an important increase in the number of children, this had overstretched the resources. The Committee was also surprised by the practice of having foster families outside the country of origin, as this was problematic when dealing with countries with weak institutions.

Basic Health and Welfare

Children with disabilities

The Committee enquired about the centres for children with behavioural problems, more specifically who was in charge of deciding their freedoms and restrictions and for monitoring these institutions (and whether civil society was involved). The delegation responded that a report from the Ombudsperson showed that some centres had problems complying with the law. In such cases, there were two kinds of responses: the General Prosecutor's office reviewed the centres and a basic protocol on care for adolescents was developed for these centres. The protocol provided guarantees and standardised procedures from the time of entry to the time of departure from the institutions. The Committee wanted to know more about the over-medicalisation of children in these centres and whether they were able to take part in leisure activities. The delegation answered that drug treatment was an exception. It was only used following a proper diagnosis from a professional and on an ad hoc basis. Medication was not given to healthy children, such as hyperactive children.

The Committee asked if the State decided to place a child in these centres and if there was a legal text providing grounds for the placement and ensuring that it was not the family who decided. It was worried about the existence of these centres, as it was unclear if children were sent there following a judicial order and what was covered by the term 'behavioural problems'. It added that checking these institutions every six months was insufficient and stressed that children must grow in family environments. It also asked why more children were in these centres in Andalusia. The delegation responded that these behaviour problems were classified using the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) and that each internment required judicial authorisation. It added that the Office of the Attorney General had developed a protocol suggesting that the periods of inspection should be three months. The Committee stated that the process for interning these children remained unclear and asked who took the initiative to send a child to the centres. It was concerned that a child with 'anti-social behaviour' could be sent to a centre. It also asked about the age of children in these centres. The delegation clarified that these centres were for extreme situations, such as aggression against the family. It noted that they were not locking up adolescents for general behavioural problems; otherwise they would have to lock up 90% of them. The internment was not for the violation of the law nor for cases of children suffering from psychological illnesses. These centres were used for borderline situations. In general, the family goes to the relevant authority to report that they can no longer take care of their child. It was not a juvenile justice decision but a protective decision.

The Committee was concerned that the new problem created by these centres was the lack of a clear definition of the cases, as they were neither linked to criminality or health problems. It therefore made it difficult to decide how you restrict the liberties of children and decide on the duration and methods (e.g. therapeutic, psychiatric) without violating the rights of the child. The delegation explained that there was a system of guarantees with supervision which took into account the best interest of the child. The family could not exert pressure to get their child interned and it was a temporary solution for the stability of the child. If the child could not return to the family, there was a programme of autonomous life for adolescents. The Committee added that Spain should use a cognitive behavioural approach with parents and families as well as with children, to ensure that the children return to a better environment.

Health services

The Committee noted that the prevention of drug and alcohol consumption worked well, but they had received information on other problems, especially concerning mental illness. It wanted to know more about the national efforts in this area and the impact of the state structure in autonomous communities. The delegation explained that Spain had a mental

health strategy, but there were difficulties in implementation due to the infrastructure. Adolescent psychiatrist had become an official title. It had taken years, but it was an important achievement. They had also launched a programme on adolescents' problems, such as pregnancy, sexual education, contraceptive methods and access, which had already yielded positive results (e.g. a fall of 4.5% of adolescent pregnancy).

Breast feeding

The Committee asked about the measures in place regarding the marketing of breastfeeding substitutes, and if Spain had a comprehensive plan for breast feeding. The delegation answered that a law promoting breastfeeding (enacted the 4th July 1990) was going to be reviewed. It added that Spain had the highest rate of breastfeeding in the EU.

Reproductive health

The Committee enquired about the high number of abortions among adolescents raised by CEDAW and other institutions. It asked how this situation was monitored and how they were addressing the issue in terms of sexual reproductive education. The delegation answered that based on CEDAW's recommendations a new law on sexual and reproductive health was created. It had led to positive results, as Spain had seen its first reduction in abortions in 25 years.

Child poverty

The Committee commented that child poverty was not adequately addressed in the report, which was a concern, given that the level of poverty was higher than for adults. It asked if the new National Strategic Plan for Children and Adolescents included a focus on reducing child poverty. In addition, it wanted to know if there was a system to collect data on poverty and children and whether measures were taken to address the various aspects of child poverty. The delegation explained that there was an annual study which measured relative poverty (60% of the mean national income). The social inequality indicators were monitored by the EU and for the non-mandatory elements, an annual survey sampling 15,000 houses was conducted, so there was a comprehensive system of evaluation. This system had indicated a reduction of child poverty of 1 point which was equivalent to 16% for a family of 4 with 16,000 Euros in income.

Education, Leisure and Cultural Activities

Education

The Committee noted the higher enrolment level, but also the high non-completion rate and asked for information on children with special needs. It also enquired if there was sufficient infrastructure to accommodate the increase in enrolment and whether teachers were well trained.

The education authority's aim was for children with disabilities to integrate general schools were possible. It added that foreign children benefited from extra language classes in Spanish. The teachers/students ratio was 1 to 15. There was also a plan to reduce the school dropout rate by diagnosing why it happened and supporting children who had not achieved the compulsory certificate by allowing them to re-enter the education system.

The Committee expressed its concern about private enterprises running education services. It also asked if there was a programme for Roma and immigrant children, to avoid any kind of

discrimination. The delegation answered that private enterprises followed their own rules and could develop their programmes as long as they complied with the general education framework. It added that there was a specific programme for Roma children and children working in circuses.

The Committee wanted to know more about the situation of children with disabilities, especially for autistic children in the area of education. It urged Spain to develop a model of inclusive education. The delegation answered that Spain was the first country in the EU to ratify the Convention on the Rights of Persons with Disabilities and that its content had been incorporated in the educative system in 2006.

Special Protection Measures

Unaccompanied children

The Committee noted the high number of unaccompanied children and asked for information on how they cooperated with Morocco, Senegal and the EU as well as how the government was dealing with this situation in Spanish regions such as Ceuta and Melilla. The Committee wanted assurance that the rights of these children were being respected. It was particularly concerned by reports of unaccompanied children being sent back to their country of origin as it was uncertain what happened to these children and this could be an issue of right to life. The delegation explained that the best interest of the child was taken into account and that assistance to return was only used in cases where the country of origin provided guarantees. The agreement with Morocco was still being discussed in the Moroccan Parliament. Meanwhile, Spain had a development protocol (2009) with Senegal to assist children to return and a programme to sensitised children about the risks of migrating to foreign countries. It added that the assistance to return was not expulsion.

The Committee enquired about the registry for unaccompanied children and if it was ready and functional. The delegation explained that there was a law on foreigners which had been revised and a new regulation was being drafted. The registry was mentioned in the Protocol for Unaccompanied Foreign Minors updated as Regulations of 2004 implementing Organic Law No. 4/2000 article 111. As soon as they had information on unaccompanied children, they were transferred to the police which informed the ministry. If the child does not have any form of identification, he/she is entered into the unaccompanied minor registry which was only accessible by civil servant. If there was a doubt concerning the age of the person, 'a bone age test' was used. If it was a child, he/she was transferred to a centre for the protection of children.

The Committee asked about the procedure if a child was sent back to the country of origin and if it was true that the police sent the child to the border police of the other country and not the social services. The Committee also remarked that there was no consensus about the validity of the bone age test. The determination of the age of the child must be done in respect of the dignity and best interest of the child. It therefore asked how they planned to use other methods of age determination and if they intended to send children to relevant social protection services rather than the customs authorities. The delegation explained that decentralisation did not impede age determination, because the responsibility lied with the judiciary. The judicial authority, even if autonomous, used the bone age test, which consisted of a medical x-ray, was analysed by the prosecutor's office, which always took into account the best interest of the child in its decision. Furthermore, a child was only sent back to his/her country if he/she could be returned to a protection centre or family. The number of children

repatriated children over the previous three years were: ten in 2008, ten in 2009 and one in 2010. In the new asylum law (article 48), children requesting asylum will be sent to a centre for the protection of children and a representative will be appointed. In such centres, a child will have access to an interpreter and health care.

Juvenile justice

The Committee noted the progress in juvenile justice, but remarked that there were still problems, such as the excessive use of deprivation of liberty, especially given the alternative measures. It asked if there were plans to reduce the excessive use of deprivation of liberty and if this measure was used as a last resort. The Committee also mentioned the review of the penal legislation related to children in conflict with the law and observed an increase in the sanctions and asked for the reasons of this increase. The delegation replied that there was no real increase in the number of cases. Deprivation of liberty was a last resort. Other measures included supervised freedom, community services, semi-open internment, and internment during weekends. The Committee asked who applies these measures. The delegation answered that the Beijing Rules on the administration of juvenile justice were applied. The judges for juveniles and trained prosecutors were in charge and the national police had a special unit specialised in children.

The Committee asked about the number and location of the juvenile courts. The delegation answered that it did not know the exact number of judges, but that a specialised tribunal existed in all the autonomous region and there were more in densely populated areas. The Committee did not understand how it was possible not to know the number of juvenile court. The Committee asked about the control mechanisms in place and the measures to guarantee the psychological integrity of children. It also asked if the private internment centres for children were different from the other public centres.

The delegation answered that there were separate entities, and the law let NGOs or public entities carry out the internment, but these centres were monitored by the state institution. It added that implementation was under the tutelage of juvenile judges, especially with regard to internment and the prosecutor also had the role of supervising these centres.

Concluding Remarks

Mr Citarella thanked the delegation for the discussion and noted the positive developments in line with the previous recommendations. However, some would be repeated. While it was developed in the area of child rights, issues of coordination and discrimination were problematic. The Committee's recommendations would also cover issues such as education and juvenile justice.

The Ambassador thanked the Committee for the useful and constructive dialogue and hoped that the recommendations would help Spain to strengthened child rights.