

Country session: Spain

Date of session: 22nd January

Context

Although still recovering from an economic crisis and with on-going internal political issues, Spain continues to be a generally prosperous and peaceful country.

Background information

[OHCHR press release](#)

Webcasts [here](#) and [here](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	3 rd May 2010
Updated document	13 th February 2015

CRC:		OPAC:		OPSC:	
No. of report	5 th -6 th	No. of report	-	No. of report	-
Due date	1 st October 2015	Due date	-	Due date	-
Submission	13 th May 2016	Submission	-	Submission	-

Written replies to LOIs	
Submission	20 th October 2017
Due date	15 th October 2017

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> • España Mutilación Genital Intersex • ASEMIP

	<ul style="list-style-type: none"> • Defence for Children International Spain and Grupo de Sociologia de la Infancia • Defence of Children Internatinal • IIDMA & CIEL • Noves Vies and Fundacion Raices • Plantaforma de Infancia • Spanish Federation of Associations for the Prevention of Child Mistreatment • Zwischengeschlecht Intersex IGM
NHRIs	<ul style="list-style-type: none"> • Ombudsman of the Basque Country • Defensor del Pueblo de España • Catalan Ombudsman
Other Stakeholders	<ul style="list-style-type: none"> • Universitz CEU Cardenal Herrera • UNICEF Spanish National Committee

State delegation

Headed by Mr Sangustín, Secretary of State for Social Services and Equality, the large delegation, with a total of 27 members, was composed from high-level figures and technical experts from different ministries. Representatives from the Services for Family and Childhood were present.

Committee's Task Force members

Name & Last Name	Country
Ms. Olga KHAZOVA	Russian Federation
Mr. Hatem KOTRANE	Tunisia
Mr. Gehad MADI	Egypt
Ms. Ann Marie SKELTON	South Africa

Dialogue description

i. Character of the dialogue

Although most of the dialogue was cooperative and carried out in good faith, there were moments of visible tension between members of the Spanish delegation and the Committee on the treatment of migrant, asylum seeking and unaccompanied minors. The discussion was particularly in-depth and focused on certain matters.

ii. General assessment made by the Committee

The Committee showed concern on the lack of clear budget allocations for child-specific programmes, *de facto* discrimination and lack of respect for the views of the child. The Committee urged for urgent measures to be undertaken when it came to children in migrant and asylum-seeking situations.

iii. Main issues discussed:

- **Allocation of Resources:** The Committee showed worry over the lack of an overarching child-specific budget. The delegation replied that all the different communities and observatories meet at the highest level for coordination of programme and budgeting. The delegation said that due to financial constraints it is difficult to invest in any areas.
- **Non-discrimination:** The Committee showed concerns over reports of discrimination of Roma children, migrant children and children with disabilities, being that the first suffer from segregation. The delegation
- **Children Deprived of a Family Environment:** The Committee criticised the lack of respect the views of the child in cases of family disputes and asked if there would be any amendments to the civil and penal code to allow children to be heard. The delegation said that children have the right to be heard in all decisions concerning them from the age of twelve, having an interpreter, use of appropriate language and the best interest of the child principle is enshrined in the law and implemented. The Committee showed concern over reports that the process for children who are removed from their families and put in alternative care is not efficient,
- **Standard of Living:** After a question from the Commission, the delegation said it had taken action to create more programmes for disadvantaged families. Highlighting the fact that 40% of children in Spain live below the poverty line, the Committee asked what was under place to fight this,
- **Education:** In response to a question of dissemination of the principles of the Convention in schools, the delegation said that students, teachers and professors are all trained in this regard and new technology programmes are in place to lower dropout rates.
- **Asylum-seeking, Refugee Children and Unaccompanied Minors:** The Committee remembered that Spain is the country with most cases against it under OPIC and showed concern over reports of violence amongst refugees and migrant children and the practice of “push-back”. Moreover, it demonstrated apprehension about reports of lack of legal assistance, unnecessary and unlawful age assessment measures and that there is a lack of initiative to initiate tracing and family reunification. The delegation defended that out of the 33 cases under OPIC 22 were still waiting an outcome and that children often try to pass as adults and vice-versa, making age assessment necessary in some cases and that there are cases when the police and public prosecution services intervene. Nevertheless, the delegation recognised that there was a need to increase staff so the process can be faster. In regard to Manila, the delegation said it is aware of the problems and is taking action to correct them.

Recommendations of the Committee

- **Allocation of Resources:** The Committee urged the State to adopt a child-rights approach in the elaboration of public budgets, with clear allocations for children, particularly children in disadvantaged or marginalised situations, and specific indicators and a monitoring system and impact evaluation on use of resources in accordance to the Convention. Additionally, it was recommended that Spain improves the transparency of the use of resources assigned to children and creates accountability mechanisms for regional and local authorities.
- **Non-discrimination:** The Committee recommended that the State party strengthens measures to prevent and combat discrimination through the implementation of existing relevant national laws, particularly through the promotion of public education campaigns on children from ethnic minorities, Roma children, children with foreign backgrounds, asylum-seeking and refugee children and children with disabilities.
- **Children Deprived From a Family Environment:** The Committee urged that the State expedites the process of de-institutionalisation, ensuring residential care is used as a last resort and has adequate minimum quality standards, with any allegations of abuse or ill-treatment being thoroughly investigated; ensure that child removal is always made or reviewed by a judge and with the best interest of the child at its centre; allocate the adequate resources to promote family foster care and invest in the skills of relevant staff and foster parents; constantly supervise and monitor the quality of alternative care provided to children, with accessible channels for reporting, monitoring and remedy for children; develop and implement support programmes to help children in care to transition to adulthood.
- **Standard of Living:** The Committee urged Spain to simplify procedures for quick and adequate access to social protection for families with children in vulnerable situations; increase the number of personnel handling applications for social benefits and providing assistance to families with children living below the poverty line; increase public investment for social benefits and to the total amount of financing; improve the provision of housing, basic services and support for families facing evictions as a result of financial difficulties and improve efforts and resources to implement the Spanish National Strategy for the Social Inclusion of the Gypsy Population (2012-2020).
- **Education:** The Committee advised the State party to guarantee access to quality mandatory education for all children, including by covering indirect costs related to mandatory education; strengthen measures to increase access to school places, including in the autonomous regions and for children with disabilities; develop measures to ensure that children of Roma origin and children with migrant backgrounds have adequate support to remain in school and receive quality education; establish a strategy to combat bullying, harassment and gender stereotyping; and encourage the sufficient allocation of various forms of resources to ensure that all children receive early childhood care and education.
- **Asylum-seeking and refugee children:** The Committee showed grave concern over these issues, recommending that Spain expedites the adoption of an updated implementing decree of the Asylum Law, where it recognises that children can be applicants for international protection in their own right; train all relevant professionals involved in international protection and migration; establish adequate reception facilities for children with specialised legal assistance, interpreters and child-friendly services, while expediting the processing and transferring of asylum-seeking children and their families; develop effective mechanisms to receive and address complaints from children in protection centres, as well as investigate them and take action to prevent cases of ill-treatment; build the capacity of border policy and other relevant professionals to identify children and their specific protection needs

considering age, gender and diversity: establish differentiated and prompt procedures and resources for children, especially to prevent family separation, and expedite status determination procedures in urgent cases of family tracing and reunification; consider acceding to the 1961 Convention on the Reduction of Statelessness.

- **Unaccompanied Minors:** The Committee advised Spain to uphold the principle of *non-refoulement* and provide effective legal protection for unaccompanied minors with the best interest of the child as a primary consideration; provide additional training to relevant professionals; develop a uniform protocol on age-determination methods for all its territory which is used only in cases of serious doubt on claimed age and presented documents; establish child-friendly reception centres with accessible and effective complaints mechanisms and thoroughly investigate any cases of violations; end the practice of automatic pushback of some children; improve information gathering and sharing to ensure referral to child protection services of unaccompanied children, child victims of human trafficking and applicants for international protection; strengthen cooperation with the UNHCR for the implementation of these recommendations.

Sustainable Development Goals

In its Concluding Observations, the Committee referred to the following targets, recommending specific actions be taken to achieve them:

- Target 1.3 on implementing nationally appropriate social protection systems and measures for all;
- Target 3.5 on strengthening the prevention and treatment of substance abuse, including narcotic abuse and harmful use of alcohol;
- Target 4.1 on ensuring all girls and boys have access to free, equitable and quality primary and secondary education;
- Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

Next State report

CRC	
No. of report	7 th
Due date	4 th January 2023

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