



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Consideration of reports submitted by states parties under article 44 of the Convention

Concluding observations: Spain

1. The Committee considered the combined third and fourth periodic reports of Spain (CRC/C/ESP/3-4) at its 1548th and 1550th meetings, held on 15 September 2010, and adopted at its 1583rd meeting, held on 1 October 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's combined third and fourth periodic reports as well as the written replies (CRC/C/ESP/Q/3-4/Add.1) to its list of issues, which provided a better understanding of the situation regarding children in the State party. The Committee appreciates the presence of a cross-sectoral delegation and the frank and open dialogue with the delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's initial reports to the Optional Protocols on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ESP/CO/1), and on the involvement of children in armed conflict (CRC/C/OPAC/ESP/CO/1), adopted on 17 October 2007.

4. The Committee regrets that no updated information on the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict was included in the State party's report. It reminds the State party that, in accordance with article 12, paragraph 2, and article 8, paragraph 2, of the respective Optional Protocols, following the submission of the initial comprehensive report, the State party shall include in the reports they submit to the Committee, in accordance with article 44 of the Convention, any further information with respect to the implementation of the respective protocols.

B. Follow-up measures and progress achieved by the State party

5. The Committee notes with appreciation the positive developments related to the implementation of the Convention, including, in particular, the adoption of:

- (a) First National Strategic Plan for Children and Adolescents (2006-2009);
- (b) Second National Action Plan against Commercial Sexual Exploitation of Children and Adolescents (2006-2009);
- (c) Strategic Plan on Citizenship and Integration (2007-2010);
- (d) Organic Law 5/2010 of 22 June amending the Criminal Code, which extends the scope of the crime of child pornography and defines the crime of sexual cyber-harassment; and
- (e) Organic Law 11/2003 of 29 September on specific measures relating to public safety, domestic violence and social integration of foreigners, which defines the crime of female genital mutilation (FGM), as well as Organic Law 3/2005 which provides for extraterritorial prosecution of FGM.

6. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (December 2007); Council of Europe Convention on Action against Trafficking in Human Beings (April 2009); and Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (August 2010).

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)

The Committee's previous recommendations

7. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on its second periodic report (CRC/C/15/Add.185), but notes that some of the recommendations contained therein have not been sufficiently addressed. The Committee notes that those concerns and recommendations are reiterated in the present document.

8. The Committee urges the State party to take all necessary measures to address the recommendations in the concluding observations on the second periodic report that have not yet been sufficiently implemented, including those related, in particular, to coordination, data collection, discrimination, migrant children, unaccompanied foreign children, and children deprived of liberty. In this context, the Committee draws the attention of the State party to its general comment No. 5 (2004) on general measures of implementation of the Convention on the Rights of the Child.

Legislation

9. While welcoming the efforts made by the State party to harmonize its legislation with the principles and provisions of the Convention, the Committee notes that the laws and regulations applied in autonomous communities differ and are not always consistent with the Convention in important areas, such as the protection of children at risk, neglected or in foster care, or the treatment of unaccompanied foreign children.

10. **The Committee recommends that the State party take all necessary measures to ensure that legislation and administrative regulations in all autonomous communities conform fully to the principles and provisions of the Convention and the two Optional Protocols.**

Coordination

11. The Committee welcomes the measures and actions taken by the different autonomous communities to promote and protect children's rights. It takes note of the information provided by the State party concerning existing mechanisms of cooperation and collaboration between the central government and the autonomous communities, including the Social Affairs Sectoral Conference (*Conferencia Sectorial de Asuntos Sociales*), the Inter-Autonomous Commission of Directors General for Children, and the Observatory for Children, but it is concerned at the lack of a coordination mechanism on children's rights at the national level.

12. **The Committee recommends that the State party continue its efforts to enhance an effective and adequate coordination system within the central administration and between the autonomous communities to implement policies for the promotion and protection of the child, as previously recommended.**

National Action Plan for Children

13. The Committee recognizes the progress that the National Strategic Plan for Children and Adolescents represents, and values its preparation process, which included broad participation of institutions and social organizations. It notes, however, that the partial evaluation conducted in 2008 brought out some structural and methodological weaknesses, including the lack of additional, specific economic resources to implement the proposed measures, and the absence of specific goals and deadlines with respect to objectives and measures.

14. **The Committee recommends that subsequent National Strategic Plans for Children and Adolescents include the necessary resources, both human and material, to enhance effective implementation of the plan, including a more strategic selection of objectives and measures, definition of goals, time-bound and impact indicators, and improved processes for the participation of children and civil society in the preparation, monitoring and evaluation of the plan.**

Allocation of resources

15. The Committee welcomes the upward trend in budgetary allocations to social sector activities up to 2008, including policies and programmes addressing children and adolescent rights. However, it notes that difficulties in identifying specific allocations for children in the national budget continue to exist. The Committee expresses concern at the absence of children-specific items in the plans and budgets drawn up by the State to address the current crisis which is deeply affecting the State party, with an unemployment rate of some 20 per cent, and 25 per cent of children living in or at risk of poverty. Furthermore, the Committee continues to be concerned at the lack of information on budgetary allocations for children by the autonomous communities.

16. **The Committee urges the State party to take into account the recommendations adopted following its day of general discussion in 2007 on "Resources for the rights of the child - responsibility of States" (see CRC/C/46/3) and:**

(a) **Utilize a child-rights approach in preparing the budget of the State and the autonomous communities, by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to**

investment in children. The Committee recommends developing children-related budgets that identify the amount and proportion spent on children at the national, autonomous and local levels, in order to evaluate the impact and effect of expenditures on children.

(b) Ensure that priority budget lines for children are protected from changes in resource levels in overall budget priorities, and more specifically, that budgetary lines referring to affirmative social measures in favour of children requiring such action are protected, even in times of crisis.

Data collection

17. While recognizing the important role of the Children's Observatory in the areas of research, data analysis and collection, the Committee is concerned about the fragmented approach to data collection, which does not cover all areas covered by the Convention, and which is carried out unevenly at the national and regional levels.

18. In line with previous recommendations (CRC/C/15/Add. 185), the Committee recommends that the State Party strengthen its mechanism for collecting and systematically analyzing data disaggregated, inter alia, by age, sex, and ethnic background, on all persons under 18 years and for all areas covered by the Convention, with special emphasis on Roma, migrant, unaccompanied foreign children, and those of economically and socially disadvantaged households.

Dissemination and awareness-raising

19. The Committee notes with appreciation the efforts to educate and inform the public about children's rights in Spain. It welcomes the progress achieved through Organic Law 2/2006 of 3 May on education, which includes human rights content in primary and secondary education curricula under "Education for citizenship."

20. The Committee recommends that the State party continue its efforts to ensure that all provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee encourages the State party to develop systematic educational programmes on the principles and provisions of the Convention for the public at large, children, families and professionals working with children, including judges, lawyers, law enforcement officials, teachers, health-care personnel and social workers.

International cooperation

21. The Committee welcomes the strong efforts by the State party to contribute to international cooperation. It notes with appreciation the inclusion of children as a multi-sector priority in the Cooperation Master Plan 2009-2012. The Committee also expresses appreciation at the State party's growing contributions to the Office of the High Commissioner for Human Rights.

22. The Committee encourages the State party to maintain and, if possible, increase the level of international cooperation. The Committee encourages the State party, in its bilateral cooperation, to pay particular attention to the Optional Protocols, the concluding observations and recommendations made by the Committee in respect of those countries. The Committee invites the State party to take into account its recommendations adopted in 2007 following the day of general discussion on "Resources for the rights of the child – responsibility of States."

2. Definition of the child (art.1 of the Convention)

23. The Committee notes that the marriageable age in the State party is 18 years. However, the Committee reiterates its concern that a judge may authorize marriage as low as 14 years of age under exceptional circumstances (see CRC/C/15/Add. 185).

24. **The Committee recommends that the State party review its legislation with a view to increasing the minimum age for marriage under exceptional circumstances and with a judge's permission to 16 years, and that it be explicitly specified as under exceptional cases.**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. The Committee welcomes all efforts made by the State party to combat discrimination in its territory, particularly concerning children of Roma origin, of migrant workers, unaccompanied foreign children, and children with disabilities. It welcomes, in particular, the approval of the Strategic Plan for Citizenship and Integration 2007-2010, aimed at guaranteeing access by migrant students to mandatory education and facilitating integration into the education system. However, the Committee remains concerned at the obstacles encountered by children of foreigners in irregular situations in educational and health services.

26. **The Committee recommends that the State party continue to monitor the situation of children in the above-mentioned groups, who, despite the existing legal framework, continue to face discrimination, and that it develop, based on the results of such monitoring, a comprehensive strategy containing specific and well-targeted actions aimed at eliminating all forms of discrimination.**

Best interests of the child

27. The Committee welcomes the inclusion of the principle of the best interests of the child in legislation, as well as its use by judges and magistrates in decisions affecting children. However, the Committee remains concerned about the lack of a uniform process to determine what constitutes the best interests of the child, as well as persisting differences in each autonomous community in the understanding and application of the principle, particularly in cases relating to unaccompanied foreign children, repatriation and adoption.

28. **The Committee recommends that the State party:**

(a) **Take all appropriate measures to ensure that the principle of the best interests of the child guides all central and autonomous government actions and decisions with regard to legal provisions, as well as judicial and administrative decisions which have an impact on children;**

(b) **Assess the impact of government actions and decisions on the best interests of the child, in order to further enhance its own understanding of and guidance on what constitutes "best interests," and provide training to all decision makers (including judges, public officials, legislative bodies, among others).**

Respect for the views of the child

29. The Committee welcomes the recognition in the State party's legislation of the child's right to be heard and other children's participation rights. It is concerned, however, that, in certain circumstances, recourse to higher courts is still necessary in order to obtain

recognition for the right of a child to appear independently of his or her legal guardians in a court, in particular in judicial and administrative procedures affecting the child.

30. **The Committee recommends that the State party continue and strengthen efforts to fully implement article 12 of the Convention, and promote due respect for the views of the child at any age in administrative and judicial proceedings, including child custody hearings, immigration cases, and in society at large. The Committee also recommends that the State party promote the participation of children, facilitate the effective exercise of this right, and ensure that due weight is given to their views in all matters concerning them in the family, school or other settings, community, national policy formulation, as well as implementation and evaluation of plans, programmes and policies. The Committee recommends that the State party take into account the Committee's general comment No. 12 on the right of the child to be heard (CRC/C/CG/12), adopted in 2009.**

4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)

Access to appropriate information

31. The Committee welcomes the adoption of the general Law on audiovisual communication (March 2010), which restricts content that may impair the physical, mental or moral development of children. It also notes with appreciation the signature in March 2005 by public and private television broadcasters of a self-regulatory code on television content and children (*Código de Autorregulación sobre los Contenidos Televisión e Infancia*), which provides for certain parameters of enhanced protection of the juvenile audience. Despite all the efforts, the Committee is concerned that public and private televisions do not offer sufficient children-appropriate programmes during children's "prime time," but rather diffuse content that is sometimes negative for children's development.

32. The Committee recognizes that easy access to new technologies by children has both positive and negative consequences, and that children may be placed in particularly vulnerable situations if no tools are available to them and their caregivers to prevent abuse.

33. **The Committee recommends that the State Party:**

(a) **Continue its efforts to promote the existence of quality media, which contributes to the digital literacy of children;**

(b) **Ensure that public television takes the initiative and assumes leadership in creating responsible programming during children's prime time, giving priority to child development and not economic profit, including children's participation in the development, content and design of children's programmes;**

(c) **Encourage companies operating in the Internet sector to adopt adequate codes of conducts; and**

(d) **Encourage training on secure browsing on the Internet for children and adults.**

Corporal punishment

34. The Committee highly welcomes the amendment of article 154 of the Civil Code on corporal punishment, in line with the Committee's previous recommendations (CRC/C/15/Add. 185), which deletes the provision stipulating that parents could reasonably and moderately correct their children, and includes the provision stipulating that parental authority shall always be exercised for the benefit of children, according to their personality

“and with respect for their physical and psychological integrity.” It further welcomes the efforts made through sensitization campaigns such as “Corregir no es Pegar” to promote positive, non-violent forms of discipline, but reiterates its concern that corporal punishment, in particular in the home, continues to be socially accepted.

35. The Committee recommends that the State party continue its efforts through awareness-raising campaigns and parenting education programmes to ensure that positive, non-violent forms of discipline are used in a manner consistent with the child’s human dignity, in conformity to the Convention, especially article 28, paragraph 2, and taking due account of general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel and degrading forms of punishment.

Follow-up to the United Nations Study on Violence against Children

36. The Committee notes with appreciation the measures taken by the State party to follow up on the recommendations of the United Nations Study on Violence against Children. The Committee welcomes the first National Strategic Plan for Children and Adolescents 2006-2009, which contains objectives and measures to fight violence against children.

37. The Committee recommends that the State party take all necessary measures to implement the recommendations of the United Nations Study on Violence against Children (A/61/299). In particular, the Committee recommends that the State party pay particular attention to the recommendations on prioritizing prevention; promoting non-violent values and awareness-raising; providing recovery and social integration services, and ensuring the participation of children

38. The Committee further recommends the approval of an integral law on violence against children, similar to the one on gender and domestic violence, which would guarantee the reparation of their rights and minimum attention standards in the different autonomous communities.

5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

39. While welcoming the wide range of social services for families, the Committee is concerned that many families still lack appropriate assistance in the performance of their child-rearing responsibilities, in particular families in crisis situations due to poverty, absence of adequate housing, or separation. The Committee is particularly concerned at the situation of children in families affected by the current economic crisis who are in need of affirmative social measures, in particular families of foreign origin, and single-parent families.

40. The Committee recommends that the State party intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular families in crisis situations due to poverty, absence of adequate housing, or separation. It further recommends that the State party ensure that the needs of all children are met, and that it take all necessary measures to ensure that no group of children lives below the poverty line. The Committee further recommends that the State party strengthen the system of family benefits and child allowances to support parents and children in general, and provide

extra support for single-parent families, families with many children, and/or unemployed parents.

Children deprived of a family environment

41. The Committee welcomes the fact that the National Strategic Plan for Children and Adolescents prioritizes family care over institutional care. It expresses concern at the situation of children with conduct disorders who are being placed in special centres financed by public administration, but privately managed, which have a wide variety of intervention programmes for children, ranging from highly restrictive to more open socializing initiatives. The Committee is also concerned at the insufficient criteria and procedures for referring children to these centres. The Committee is further concerned that these special centres may constitute a form of deprivation of liberty.

42. The Committee recommends that the State Party develop norms and protocols to define the scope and standards of care given to children with conduct disorders, and/or at social risk, as well as criteria for referral to private centres. It urges the State party to ensure that the rights of the child are fully guaranteed. In particular, it recommends that:

(a) **Children are exceptionally referred to these centres as a measure of last resort;**

(b) **Placement of children in centres only be authorized by the courts, after having respected the right of children to be heard;**

(c) **An independent body be established to monitor placement conditions and to receive and process complaints by children in the centres;**

(d) **Periodic evaluations be conducted, and the length of stay be strictly limited to the shortest period of time possible;**

(e) **Psychosocial support programs (including after-school recreation, volunteer activities, mentoring programmes, parent-teacher training and improving communication), as well as family and community conferencing and cognitive-behavioural therapy treatment be provided, instead of referring children with conduct disorders to centres; and support and respite programmes be provided to parents to help them cope with the difficulties and take care of their children at home.**

43. The Committee recommends that the State party strengthen efforts to improve the quality of care, taking account of the United Nations Guidelines for the Alternative Care of Children (annexed to A/RES/64/142), adopted by the General Assembly in November 2009. The Committee further recommends that placement in institutions be periodically reviewed, as required under article 25 of the Convention.

Adoption

44. The Committee welcomes Law 54/2007 of 28 December on inter-country adoption, which strengthens guarantees for inter-country adoption processes by providing clear regulatory instruments to ensure that the rights and interests of the child are observed. The Committee is concerned, however, that the existence of 23 central authorities for the purposes of the Hague Adoption Convention and the existence of numerous officially authorized private adoption agencies and international adoption outfits (*Entidades Colaboradores de Adopción Internacional (ECAIS)*) complicates control, evaluation and follow up, and that their effectiveness depends on State support, training, supervision and control.

45. The Committee recommends that the State party continue its efforts to guarantee respect for the rights of the child in the different phases of the inter-country adoption process, including in the child's country of origin. To that effect, a first step would be to ensure that inter-country adoptions only involve countries which have ratified the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption. The Committee also recommends that social programmes, such as welcome programmes for foreign children (*programas de acogida temporal a menores extranjeros*) and international cooperation programmes aimed at providing support to homes, families and communities in the countries of origin of inter-country adoptions be clearly differentiated from the inter-country adoption process. While noting that the law in the State party penalizes illegal adoptions, the Committee recommends that offences described in article 3 of the Optional Protocol on sale of children, child prostitution and child pornography be fully covered under the State party's criminal law.

6. Basic health and health care (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

46. The Committee expresses appreciation at the measures adopted by the State Party in favor of persons with disabilities, namely the First National Accessibility Plan 2004-2012, and welcomes Organic Law No. 51/2003 of 2 December on equal opportunities, non-discrimination and universal accessibility for people with disabilities, as well as Law 39/2006 of 14 December on the promotion of personal autonomy and care for dependent persons. It notes with appreciation that one of the objectives of the National Strategic Plan for Children and Adolescents is promoting attention to children with disabilities. The Committee notes the paucity of information on the level of violence experienced by children with disabilities.

47. The Committee encourages the State party to continue and strengthen its efforts in promoting and protecting the rights of children with disabilities, taking into account the Committee's general comment No. 9 (2006) on the right of children with disabilities, and recommends that a study on violence against children with disabilities be undertaken.

Health and access to health services

48. The Committee welcomes the measures taken by the State party to ensure and guarantee children's health, and expresses appreciation at the establishment of child and adolescent psychiatry within the medical system. The Committee is concerned however, that the problems related to the high prevalence of emotional and psychosocial disorders have not been adequately addressed. The Committee also expresses concern at information indicating an increase, within a short period of time, in the prescription of psycho stimulants to children diagnosed with ADHD.

49. The Committee recommends that the State party develop a national child mental health policy, include the promotion of positive mental health and emotional well-being, as well as prevention of common mental health problems in schools, primary health-care treatment and development of teams of specialized child mental health professionals to serve children in need in outpatient and inpatient services. The Committee further encourages research in the field of child psychiatry, with special focus on the social determinants of mental health and mental disorders. The Committee recommends that the State party carefully examine the phenomena of

over-prescription of medication to children, and take initiatives to provide children diagnosed with ADHD and other behavioral disorders, as well as their parents and teachers, with access to a wide range of psychological and educational measures and treatment.

Adolescent health

50. The Committee is concerned about substance use among adolescents, as well as the increase in obesity in children and adolescents in the State party.

51. The Committee recommends that the State party continue and strengthen efforts to combat substance abuse among adolescents, manage obesity among children, and pay close attention to child and adolescent health, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention. The Committee recommends that the State party take all necessary measures to prevent substance abuse.

Standard of living

52. The Committee notes the efforts made to address the issue of child poverty through the National Strategic Plan for Children and Adolescents and the Action Plans for Social Inclusion in Spain 2006-2008 and 2008-2011. The Committee is concerned, however, that nearly one out of four children is living in a household with income below the poverty-risk threshold, limited emphasis is placed on child poverty, and there is limited coordination of policies and strategies to combat child poverty in different environments, thereby placing the full development of children at risk.

53. The Committee recommends the design of public policies aimed, in particular, at addressing the problem of child poverty, and the creation of a national plan to combat child poverty, which establishes a coherent framework identifying priority actions against the exclusion of children, with specific and measurable objectives, clear indicators, deadlines and sufficient economic and financial support. The plan must provide for the effective coordination of actions at the local, national and regional levels, and in different areas (in particular, the economy, health care, housing, social policy and education) that are specifically responsible for children, and must include the necessary participation of girls and boys.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

54. The Committee welcomes the adoption of Law 2/2006 of 3 May on education, which includes human rights content in primary and secondary education curricula under "Education for citizenship." It further notes, with appreciation, the information provided by the State party that during the school year 2010-2011, the education system will attain the highest ever enrolment rate, and welcomes the increase in teaching staff and the development of reinforcement, guidance and support plans to improve education levels, particularly of students who are at an educational disadvantage, and foreign students. Nonetheless, the Committee shares the State party's concern at the premature school dropout rate which continues to be very high. The Committee is also concerned at the low participation of children and adolescents in schools, and notes that student participation is still under-developed and limited to School Councils starting in secondary education.

55. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to reduce the premature school dropout rate and take necessary measures to ensure that children complete their schooling, including addressing the reasons behind non-completion of schooling through concrete actions;**

(b) **Expand vocational education and training for children who have left school without certificates, enabling them to acquire competencies and skills in order to enhance their work opportunities;**

(c) **Ensure the right of all children to a truly inclusive education which ensures full enjoyment for children from disadvantaged, marginalized and school-distant groups;**

d) **Ensure the right of children to participate in the school environment, starting at the primary school level.**

56. The Committee welcomes the State party's efforts to combat violence in schools, including through the Action Plan for the Promotion and Improvement of Coexistence in Schools and the Master Plan for Coexistence and Improvement of School Safety, and encourages the State party to continue its efforts to combat bullying in schools, and invite children to participate in efforts to reduce and eliminate these harmful behaviors.

8. Special measures of protection (arts. 22, 30, 32-36, 37 (b)-(d), and 38-40 of the Convention)

Asylum-seeking/refugee children and unaccompanied foreign children

57. The Committee welcomes the adoption of the new Law 12/2009 of 30 October on asylum and subsidiary protection, which contains provisions on the special circumstances of unaccompanied children in need of international protection, and the need to assure differentiated treatment for them. It notes, however, that the new legislation only provides for non-EU nationals and stateless children to request and enjoy international protection, thereby excluding EU citizens from the right to seek asylum in the State party.

58. **The Committee recommends that the State party extend the scope of the new asylum law, in line with international standards, in order to ensure that adequate protection is afforded to all children, irrespective of their nationality.**

59. The Committee notes the measures taken by the State party, including the creation of a registry of unaccompanied children in the Police Department (see Royal Decree 2393/2004 of 30 December), and the protocol developed by the Children's Observatory concerning unaccompanied children. While noting that repatriations of unaccompanied children have decreased in the last years, the Committee continues to be concerned about reports of:

(a) Methods used to determine the age of unaccompanied children, which may vary from region to region, and do not necessarily taking into account issues such as nutritional customs which may influence the physical and psychological evolution of the child;

(b) Ill-treatment of unaccompanied children by the police during forced or involuntary repatriation to the country of origin, where in some cases they are deported without the necessary guarantees (such as access to a lawyer, interpretation services, consideration of the best interests of the child, and observance of the child's right to be heard);

(c) Unaccompanied children (in particular Moroccan) being handed over to border authorities, and not the social services of the country of origin, where they may be victims of abuse and detention by security forces and border authorities of the country of origin;

(d) Failure of the authorities to provide unaccompanied children with temporary residency status to which they are legally entitled, due to delays in applying therefor by the Department of Social Welfare; and

(e) Substandard accommodation conditions and neglect in emergency centres in the Canary Islands, particularly in La Esperanza, Tenerife Island and Spanish enclaves, particularly Ceuta.

60. The Committee recommends that the State party:

(a) **Take all necessary measures to prevent irregular procedures in the expulsion of unaccompanied children;**

(b) **Establish child-friendly reception centres for children, with effective mechanisms to receive and address complaints from children in custody, and effectively investigate reported cases of ill-treatment of children;**

(c) **Coordinate with Governments of countries of origin, especially Morocco, to ensure that repatriated children are returned to family members willing to care for them or to an appropriate social service agency;**

(d) **Develop a uniformed protocol on age-determination methods and ensure that age-determination procedures are conducted in a safe, scientific, child- and gender-sensitive and fair manner, avoiding any risk of violation of the physical integrity of the child;**

(e) **Guarantee, following identification, an analysis of the unaccompanied child individual circumstances, bearing in mind the best interests of the child, and the child's right to be heard;**

(f) **Provide unaccompanied children with information about their rights under Spanish and international law, including the right to apply for asylum;**

(g) **Ensure adequate territorial coordination between central, regional and local administrations, as well as with security forces;**

(h) **Address the situation of the quality of conditions in emergency centres in the Canary Islands and Spanish enclaves;**

(i) **Provide training on asylum matters and the specific needs of children, including the situation of unaccompanied and separated children, issues concerning human trafficking, and treatment of traumatized children to personnel dealing with unaccompanied children, including asylum officials, border police and civil servants, who might be the first persons in contact with children in need of protection; and**

(j) **Take into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.**

Sexual exploitation and abuse

61. The Committee welcomes the efforts made by the State party to combat commercial sexual exploitation and abuse, in particular, the second National Action Plan against Commercial Sexual Exploitation of Children and Adolescents (2006-2009). It further welcomes the launch of the Register on precautionary measures, rogatory proceedings and non-binding rulings, which supports the activities of judicial bodies and facilitates contacts

between Spain's registry system and the European Union. It is concerned, however, at the information provided by the State party concerning the increase in the number of victims of sexual exploitation and abuse, some of which is linked to the rapid growth of Internet use. It also notes with concern, the challenge in coordinating data on sexual abuse, due to the lack of a centralized registration system for cases of child sexual abuse and exploitation.

62. The Committee recommends that the State party:

(a) **Intensify its efforts to collect data on the scope of sexual exploitation and abuse of children, as well as undertake an in-depth study on child sexual exploitation, in accordance with the National Action Plans, as essential tools to prepare adequate responses to, and to combat, the phenomenon;**

(b) **Establish a centralized registration system for cases of child sexual abuse and exploitation;**

(c) **Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment, adopted at the World Congresses against Sexual Exploitation of Children held at Stockholm (1996), Yokohama (2001) and Rio de Janeiro (2008), as well as the outcome of other international conferences on this issue;**

(d) **Avoid re-victimization of the child during the judicial proceeding, by guaranteeing adequate protection of victims and their families during proceedings, and seeking not to aggravate the traumatic experience.**

Administration of Juvenile Justice

63. The Committee welcomes the increase in human and financial resources allocated to the juvenile justice system, including the increase in the number of children's courts. It notes with appreciation the efforts made by the State party to train professionals working with the juvenile justice system on children issues. However, the Committee is concerned that legislative developments have led to tougher penalties for children who have committed serious criminal offences.

64. The Committee recommends that the State party review its legislation and minimize harsh sentences for children, even for serious criminal offences. It recommends that the State party ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). In particular, the Committee urges the State party to take into account the Committee's general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007) and:

(a) **Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading children to enter into contact with the criminal justice system and take all possible measures to avoid stigmatization;**

(b) **Ensure that the deprivation of liberty of juvenile offenders is used only as a last-resort measure and encourage the use of alternative measures to deprivation of liberty, such as mediation, probation, counselling and community services, and strengthen the role of families and communities in this regard;**

(c) Guarantee that deprivation of liberty results in an individualized follow-up proposal aimed at reintegrating the child, in close coordination with social and educational services;

(d) Improve training programmes on relevant international standards for all professionals working with the criminal justice system;

(e) Increase specialized intervention with regard to juvenile offenders who have committed sexual aggressions.

9. Ratification of international human rights treaties

65. The Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

10. Follow-up and dissemination

Follow-up

66. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

Dissemination

67. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted be made widely available in the language(s) of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

68. The Committee invites the State party to submit its next combined fifth and sixth periodic reports by 1 October 2015. The Committee draws attention to its harmonized treaty-specific reporting guidelines (CRC/C/58/Rev.2), adopted on 1 October 2010, and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above mentioned guidelines. The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

69. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting (HRI/MC/2006/3), approved by the fifth inter-Committee meeting of the human rights treaty bodies in June 2006. The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.