



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF SPAIN TO THE LIST OF  
ISSUES (CRC/C/OPSC/ESP/Q/1) TO BE TAKEN UP IN CONNECTION  
WITH THE CONSIDERATION OF THE INITIAL REPORT OF SPAIN  
SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL  
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD  
ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD  
PORNOGRAPHY (CRC/C/OPSC/ESP/1)\***

[Replies received on 20 September 2007]

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

**OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF  
THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION  
AND CHILD PORNOGRAPHY**

**Additional information requested by the Committee on the Rights of the Child**

1. The Committee on the Rights of the Child will be considering the initial report submitted by Spain (CRC/C/OPSC/ESP/1) on the application of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, at its forty-sixth session (scheduled for 1 October). In accordance with the Committee's working timetable, the document CRC/C/OPSC/ESP/Q/1 requesting additional replies to certain questions was published on 19 June.
2. This report therefore deals with questions related to the sphere of competence of the Office for the Family and Children.
2. ***Please update the Committee on measures taken to establish an effective system of data collection on violations of provisions of the Optional Protocol through a unified child-abuse database, as referred to in paragraph 59 of the State party report.***
3. The method used to establish an effective system of data compilation through a unified child-abuse database with all its classifications, which include those contained in the Optional Protocol, was as follows:
4. Children's and Adolescents' Watch is a collegiate body attached to the Ministry of Labour and Social Affairs, comprising representatives of the Autonomous Communities, authorities dealing with children, Ministries (Health, Education, Justice, Interior), the Spanish Federation of Municipalities and Provinces, and welfare workers, whose task is to build an information system for supervising and monitoring children's well-being and quality of life.
5. Children's Watch therefore provides the ideal framework for conducting studies and activities aimed at improving the systems of data collection and registration of cases concerning child exposure and abuse.
6. Children's Watch conducts its activities through working groups, one of which, dealing with the ill-treatment of children, pursues the following objectives:
  - (a) Analysing the problems of child ill-treatment in general, in all its different forms and manifestations, and proposing the adoption of appropriate measures;
  - (b) Promoting a unified system of detection, reporting and registration of cases in order to facilitate quantification and to provide a picture of the real dimension of the problem of child abuse in our country;
  - (c) Training professionals in the different fields of activity with a view to unifying detection and reporting criteria.
7. Regarding the Working Group on the Ill-treatment of Children, in 2001 the plenary session of Children's Watch approved the document "Child abuse: detection, reporting and registration

of cases". This technical material includes model forms for reporting cases of child abuse detected in the fields of health, education, the police and the social services, in order to draw attention more directly and effectively to the issue and to maintain monitoring systems that can reflect a more accurate picture of the occurrences of child abuse.

8. The forms dealing with health, after approval by the plenary session of Children's Watch, were submitted in 2002 to the Public Health Commission, a body of the Interterritorial Council of the National Health system, which is attended by all the public health directors of the Autonomous Communities.

9. The plenary session of Children's Watch approved the introduction of these reporting forms for each field of activity, with whatever improvements were thought to be relevant for each institution, without detracting from the minimum agreed objectives, in order to achieve unified and uniform registries.

10. The objectives of the reporting forms and the system of registration of child-abuse cases are:

- (a) Detecting situations of child abuse;
- (b) Facilitating reporting/referral to appropriate bodies for action;
- (c) Facilitating the preparation of estimates of incidence, profiles, etc., as a guide for research and forward planning.

11. The method consists in making a system available to all childcare workers for reporting detected cases to the social services, in order on the one hand to facilitate the treatment of cases and on the other to achieve a clear understanding of the problem by having common registries of detected cases.

12. The proposed detection and reporting forms are self-contained, with different indicators for each sphere of activity. The forms are divided into three sections: indicators related to the four areas of possible child abuse (physical, emotional, neglect and sexual); a blank space to report items of interest which do not appear in the set questionnaire; and a section for identifying the child concerned and the person reporting. In addition, the health form questionnaire includes a sketch of a child to indicate the location of any injuries.

13. The forms come in folders that give instructions for their use and criteria for estimating child-abuse indicators.

14. According to the reporting and registration system set up in each Autonomous Community, reports will be printed on self-copying paper (or using a web page) and will include a sheet or copy intended for:

- (a) The social services of the particular sphere where the expert responsible for the diagnosis/detection is active, in order to enable those services to deal with the case (research and action); this will be followed up by the social work units, which will be responsible for informing the Autonomous Communities' child protection departments;

(b) The registration of cases with the Autonomous Communities for epidemiological/statistical purposes;

(c) The child's historical record/file in order to keep a record of the facts.

15. The information contained in the report forms is confidential and intended only to facilitate the detection of abuse and to enable cases to be dealt with and registered, so that all data included on the forms will be computerized subject to the guarantees established by law.

16. The reporting and registration forms for cases of child abuse issued by Children's Watch are to be filled in:

(a) By the information and counselling experts of the general social services, which do not mean that the forms cannot be used by the specialized social services;

(b) By primary care centres working in such fields as health, hospitals and mental health, and by all medical staff, considered to be all those professionally engaged in health-care work (including doctors, nurses, midwives, psychologists, psychiatrists and social workers);

(c) By educational establishments (including nurseries, primary schools, secondary schools, and leisure and recreation centres), by professional staff (teachers and educators) and by all those involved in some way in educational activity, such as counselling departments, child guidance and educational support teams and social workers;

(d) By the national police, *Guardia Civil* and the local police.

17. The child risk and abuse report form used by the Children's Watch social services must be considered as a tool for detection, not diagnosis, intended solely to facilitate the reporting of sexual abuse cases and to provide data for family and child indicators.

18. The distribution of child-abuse report forms in Spain is an ongoing process and will serve to build up a minimum, basic statistical database, at ministerial level, on child-abuse reporting.

19. A useful contribution to the work of detecting and reporting cases, owing to their proximity to the public, is made by the municipal social services, as has been noted in a number of investigations and in the work and practice of Autonomous Community authorities.

20. The Ministry of Labour and Social Affairs and the Autonomous Communities have also developed an information system for social service users, which is a computerized application of the social card. This documentary system facilitates:

(a) The collection of basic data on social service users, to serve as a guide for appropriate social responses to user requirements and the reformulation of applications by professionals and users;

(b) The extraction of statistical information from user data.

21. This system of information on social service users is therefore a powerful tool that can facilitate reporting and subsequent action by the municipal social services in cases of child abuse.

22. The operating strategy consists in ensuring that the reporting process fits in with the daily activities of social service workers, which is why it was decided to develop a new module on child abuse to be introduced in the user information system. In the first stage, which has already begun in 2007, a definition has been worked out of the content of the information required (general data, forms of abuse, indicators, requirements for reporting abuse cases, degrees of seriousness) for entry in the system. The outputs consist of the report forms and reports on the referral of cases from the social services to public child protection agencies.

23. Lastly, in the course of 2007, the Children's Watch Working Group on the Ill-treatment of Children has been preparing a child-abuse action procedure, also covering sexual abuse, the objective of which is to facilitate coordination between all those involved in the process, once a suspected case has been detected. As soon as a consensus has been reached regarding basic action criteria, the procedure will be approved by the plenary session of Children's Watch for use by the professional sectors of the Autonomous Communities.

**3. *Please update and provide further details regarding the progress achieved in the implementation of the second National Plan against the Commercial Sexual Exploitation of Children, adopted in 2005.***

24. In December 2005, Children's Watch approved the second Plan of Action against the commercial sexual exploitation of children and, as in the case of the first plan of action, is in charge of evaluation and monitoring.

25. As explained earlier, Children's Watch conducts its activities through working groups, one of them being the Working Group on the Ill-treatment of Children. This group has set up a working subgroup on the sexual exploitation of children, which, since the approval of the second Plan of Action against the commercial sexual exploitation of children (2006-2009), has been responsible inter alia for the monitoring and evaluation of the Plan of Action.

26. The introduction and implementation of the second Plan of Action received further support when the Council of Ministers, on 16 June 2006, approved the National Strategic Plan for Childhood and Adolescence 2006-2009. This Strategic Plan's 11 objectives and 147 measures include some of the most relevant objectives of the second Plan of Action, while others directly refer to the development of the plan (measures 4.13, 5.9 and 6.6). For each measure in both the Strategic Plan and the second Plan of Action, one main body and one ancillary body have been appointed to ensure implementation. The National Strategic Plan for Childhood and Adolescence is available on the Internet, in English and in all the languages of Spain, as well as on the web page of Children's Watch.

27. The ongoing evaluation and monitoring of the second Plan of Action, as mentioned earlier, is ensured by the working subgroup. In practical terms, the following advances had been the most significant since the Plan of Action was approved:

## **I. ACTION BY INTERPOL IN THE AREA OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

28. The mission of INTERPOL Spain, as part of the National Police Corps, consists in analysing, selecting, processing where necessary and channelling data concerning offences related to the sexual exploitation of children, the trafficking of women for sexual exploitation, prostitution, representations of sexual child abuses on the Internet and the sexual exploitation of children in tourism. The data concerned have either been generated in Spain or else received from abroad for investigation in our country. INTERPOL Spain, as the central organization, coordinates investigations and outputs whatever results it obtains to the police and the courts. International cooperation is essential in this field in view of the fact that the problem has become global and therefore requires a global response rather than national solutions, whence our participation in the investigation of these cases. Action is conducted on three levels:

- (a) Preventive: knowing the causes that motivate the perpetration of offences related to the commercial sexual exploitation of children and the operating methods employed;
- (b) Repressive: arresting the perpetrators;
- (c) Supportive: cooperating with the non-governmental organizations (NGOs).

29. This subgroup of Children's Watch has taken part in awareness and training activities developed by the various agencies.

30. Interpol's General Secretariat considers the problem of trafficking in women for sexual exploitation as one of its priority areas of investigation, which is why in 2000 it set up the Interpol Expert Working Group on Trafficking in Women for Sexual Exploitation. This Working Group meets once a year and is attended by specialized investigators and members of Interpol from other countries. They are given the opportunity at these meetings of exchanging experience and police contacts with a view to obtaining improved results in their efforts to combat this form of trafficking. The Working Group has expressed the intention to extend its scope beyond trafficking in women to trafficking in human beings in general and to cover other offences such as illegal immigration and organ trafficking.

31. The Interpol Working Group is asking participant countries to prepare an annual progress report on the problem of trafficking in their countries, which will then be attached to the restricted access Interpol General Secretariat page, to which all members of the group have access, with the aim of explaining and disseminating the problems of individual countries to all the others. The report our own country is preparing through Interpol Spain using data of the National Police Corps and the *Guardia Civil* includes the following aspects:

- (a) Criminal legislation framework;
- (b) Political framework;
- (c) Competent police investigation units;

(d) Modus operandi of networks, routes and tendencies (routes can vary from one year to another but new ones can be identified thanks to international cooperation);

(e) Aspects of police action concerning victims: protection of witnesses, cooperation between victims and police investigators, police cooperation with NGOs and other bodies in providing assistance to victims;

(f) Police measures;

(g) International operational cooperation;

(h) Police operations carried out against networks specialized in trafficking in women for sexual exploitation (for this item including data contained in the relevant 2006 report).

32. With regard to “dismantled networks” the organic judicial police units of the *Guardia Civil* have investigated a total of eight criminal gangs that fit Europol’s organized crime criteria and those of the United Nations Convention against Transnational Organized Crime. The gangs’ activities included the trafficking in human beings for sexual exploitation and two of them specialized in the sexual exploitation of children. This led to the arrest of 162 persons (of whom 43 belonged to a group specializing in the exploitation of children).

33. Interpol’s General Secretariat combats the commercial sexual exploitation of children through the aforementioned Working Group and through its Specialist Group on Crimes against Children. This in turn has a subgroup of specialists in child-abuse images, which also exchanges information, experience and police contacts in order to facilitate the arrest of persons distributing child-abuse images on the Internet and the identification of child victims.

34. It is worth mentioning Interpol’s Child Abuse Image Database (ICAID), which aims to identify both victims and aggressors and which incorporates images of victims whose identification is wanted as well as images of those already identified. This database works thanks to the availability of centralized crime data fed in by member countries. It facilitates the coordination of investigations, thereby avoiding unnecessary efforts, and helps to locate manufacturers and distributors of pornographic material.

#### **Data obtained from the Directorate General of the Police and Guardia Civil**

Offences against minors under 18 (2006)	
Coercion/profit from prostitution <sup>1</sup>	32
Corruption of minors/disabled persons <sup>1</sup>	226
Children’s pornography <sup>1</sup>	181
Illegal trafficking/ clandestine immigration for sexual purposes <sup>1</sup>	5
Child pornography on the Internet <sup>2</sup>	107

<sup>1</sup> Means employed: all.

<sup>2</sup> Means employed: Internet.

35. According to data obtained by the Technological Investigation Brigade, 32 arrests have been made for offences of corruption of minors and the manufacture, possession and distribution of child pornography, with altogether eight child victims being identified.

## **II. ACTION BY THE SECRETARIAT FOR TOURISM OF THE MINISTRY OF INDUSTRY, TOURISM AND TRADE**

### **Dissemination of the global code of ethics for tourism by the secretariat for tourism**

36. On 17 June 2006, the Council of Ministers adopted an agreement acknowledging the Global Code of Ethics for Tourism and committing the Government to disseminating its content among the various agencies and authorities of the tourist sector.

37. Article 2 of the agreement refers to the prevention and elimination of all forms of exploitation to which the most vulnerable social groups, including women and children, are exposed. Both before and after this official commitment, the Secretariat for Tourism carried out several activities in line with the principles of the Global Code of Ethics for Tourism:

(a) Following the approval of the first Plan of Action against the commercial sexual exploitation of children, the Ministry of Labour and Social Affairs headed the creation and launch of a multilateral working group for the implementation of the Spanish Campaign against the Commercial Sexual Exploitation of Children in Travel, under the responsibility of the Spanish Committee for UNICEF, which had received funding for the purpose from the Office for the Family and Children of the Ministry of Labour and Social Affairs. This multilateral working group, which includes representatives of the Ministry of Labour and Social Affairs, the Secretariat for Tourism, Interpol and the General Directorate of the Judicial Police, the Spanish Agency for International Cooperation, the Madrid Institute for Children and the Family, the World Tourism Organization (WTO), NGOs such as the Spanish Committee for UNICEF, the Catalan Association for Abused Children (ACIM/ECPAT Spain), the Federation of Associations for the Prevention of Child Abuse, Save the Children and AFESIP (Acting for Women in Distressing Situations), as well as the Spanish Institute for Quality Tourism (ICTE), is now an official subgroup of the Working Group against the Ill-treatment of Children of Children's Watch;

(b) A fundamental role in the campaign has been played by the knowledge of and support for the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, of the NGO ECPAT International (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes), on the part of Spanish tourist companies, especially hotel chains. The Secretariat for Tourism made a very useful contribution to the campaign in this respect, by producing Spanish translations of the text of the Code and of cases where the Code was applied by companies in other countries, by circulating them among the private sector, by convening meetings with the different types of tourist companies (hotel chains, travel agencies and airlines and their respective associations) and by maintaining regular contact with some hotel keepers in order to resolve their doubts about signing and applying the Code;



(c) Lastly, on 16 October 2006, the hotel chain Sol Meliá Hotels & Resorts signed the Code in Madrid with ACIM/ECPAT Spain, and on 16 January 2007, Barceló Hotels & Resorts followed suit in Barcelona, these being the first Spanish companies to sign up;

(d) Experts of the Secretariat for Tourism have also held meetings with senior staff of the Spanish Institute for Quality Tourism (ICTE) with a view to inputting information about the campaign to their web page and promoting the part played by the Institute as an intermediary between the administration and companies with regard to ECPAT's Code of Conduct. The Secretariat for Tourism also participates in the FORETICA Forum, which specializes in investigating and dealing with observance of the ethical aspects of tourism by companies. It also took advantage of the Forum to supply information on the campaign "There can be no excuses" and encouraged companies to sign the ECPAT Code;

(e) The Secretariat for Tourism also regularly attends the two annual meetings of WTO's Task Force to Protect Children from Sexual Exploitation in Tourism, which are held in London (in November on the occasion of the World Travel Market) and in Berlin (in March, at the International Tourism Bourse (ITB) in Berlin).

### **III. ACTION BY NGOs**

38. NGO activity in this area has been quite intense and in many cases has benefited from funding by the Ministry of Labour and Social Affairs. Some of these activities are outlined below.

#### **A. FARO programme**

39. Until now there has been very little information available regarding the nature and occurrence of the sexual exploitation of children in Spain. In fact the same scarcity of studies and suitable methodologies for studying such a complex subject is also very apparent internationally.

40. As part of the activities included in the second Plan of Action against the sexual exploitation of children and adolescents, the association ACIM/ECPAT Spain devised a proposed methodology which could be used to establish a general diagnosis of the situation as regards the commercial sexual exploitation of children in Spain. This project has received the technical and financial support of the Ministry of Labour of Social Affairs through subsidies taken from personal income tax revenue for 2005 and 2006. This initial model was introduced and its first phase applied in the city of Barcelona, as part of a study presented at a conference organized by UNICEF in Barcelona in March 2007 with the participation of child protection agencies of several Autonomous Communities. The conclusions reached have provided more accurate information regarding the type of measures which might be needed in any future instrument to combat the commercial sexual exploitation of children, apart from offering practical measures for dealing with the problem in the city of Barcelona itself.

This programme has continued during 2007, with an extension of the coverage to the Autonomous Community of Catalonia and the inclusion of new lines of research.

**B. ECPAT-ACIM (Federation of associations for the prevention of child abuse - FAPMI) International campaign against the commercial sexual exploitation of children**

41. The basic objective of this campaign is to create public awareness of the issue of the commercial sexual exploitation of children. A substantial part of the campaign consists in obtaining the support of companies in the tourist and leisure sector and in providing training for company staff. Special training material has been prepared for professionals in the tourist sector, including airline companies, tour operators, hotel groups and tourist area guides.

42. These activities of the international campaign against the commercial sexual exploitation of children were launched in 2002, with funding provided by the Ministry of Labour and Social Affairs from personal income tax revenue at the request of the Catalan Association for Abused Children (ACIM/FAPMI).

43. Implementation procedures have been developed for the Code of Conduct for the use of companies to ensure that the Code is implemented by all companies worldwide in the same way.

44. As reflected in the section on the UNICEF campaign “There can be no excuses”, so far the Code of Conduct has been signed by the Sol Meliá and Barceló operators.

45. The following training activities have also been implemented:

(a) Training modules for tourism schools to prepare masters degrees on sustainable tourism, offered by the University of Barcelona (UB) and the Autonomous University of Barcelona (UAB);

(b) Three workshops for 40 Barceló hotel managers;

(c) One workshop for representatives of the Sol Meliá quality department.

More details are available at [www.ecpat-esp.org/](http://www.ecpat-esp.org/).

**C. Programme for the prevention and analysis of the sexual exploitation of children in travel as part of the UNICEF Spanish Committee’s campaign “There can be no excuses”**

46. The purpose of this programme is to eradicate sexual exploitation partly by conducting awareness and information campaigns and partly by analysing the situation in Spain and coordinating and training professionals.

47. The programme has also served to inform and coordinate experts and persons in charge of children’s policies in the Autonomous Communities by organizing a round table for the purposes of:

(a) Pooling information and activities concerning the sexual exploitation of children by public institutions, experts and NGOs, so as to identify best practices and shortcomings in this area of protection;

(b) Ensuring the coordination of activities, indicators and sources of information on the commercial sexual exploitation of children in Spain;

(c) Evaluating the current situation and agreeing on and implementing proposed action for a more effective involvement of agencies in the fight against the commercial sexual exploitation of children in Spain.

48. Working days were held in Barcelona on 12 and 13 March 2007, with the preparation of a paper including the contributions of speakers and participants.

49. The preventive awareness campaigns are mainly intended for men and women tourists travelling to destinations where sexual tourism is common practice (such as regions of the Caribbean, Central America and South and South-East Asia), or using the services of tourist operators at those destinations. The key messages put across in the material (pamphlets, videos for showing on aircraft, informative posters) are of two kinds: the first is that the sexual exploitation of children violates the most elementary rights of children, causing them serious physical and psychological harm, and the second, that the sexual abuse of minors is a serious offence, which may be tried either in the country where it is committed or in the tourist's country of origin (in this case Spain).

50. The programme encourages public administrations, tourist agencies, children's NGOs and international organizations (such as ECPAT and WTO) to strengthen and raise the level of involvement they demonstrated in earlier activities.

51. It is important, moreover, to highlight the continuity of the training provided for a broad range of beneficiaries, who can in turn help to spread the preventive and awareness-raising activities they have learned (in particular Eroski, Sol Meliá, Barceló hotels and the tourism schools). Through information sessions, courses or special seminars, and through the dissemination of a training module on sexual tourism and other materials, an effort is being made to explain the often hidden or deliberately ignored implications of the sexual exploitation of children, and to train participants to recognize, evaluate and confront the sort of situations in which these practices occur.

52. It is estimated that the impact of the campaign "There can be no excuses" has reached 370,000 persons, who have either discovered or received direct information about the campaign through its distributed materials (especially leaflets, radio advertisements, banners and websites).

53. This programme began in 2004, with funding from the Ministry of Labour and Social Affairs, and has continued until this year.

54. Apart from these beneficiaries, the impact of the campaign has been felt by the media, especially following the presentation of the report on "The attitude of Spanish society towards the practice of the commercial sexual exploitation of children in travel" on 17 January 2007 (with 163 known hits in the media in the following two days, and on national television channels at peak hours). The total coverage of these impacts has been conservatively estimated at 2,050,000 persons.

55. It is also worth mentioning the involvement of Eroski travel agencies, which is the first major group of agencies to be involved in the campaign “There can be no excuses”, and which has signed an important cooperation agreement with UNICEF.

56. UNICEF itself has continued conducting awareness-creation and staff training activities, mainly in the tourism schools.

More information is available at [www.nohayexcusas.org](http://www.nohayexcusas.org).

#### **D. Action by Save the Children**

57. Since 1997 Save the Children Spain has been running a programme to raise awareness of and prevent sexual abuse against children. The awareness and training programme of Save the Children Spain is one of primary prevention, and one of its priority working areas is action on behalf of children.

58. The objectives of this programme are:

(a) To create awareness among the public regarding the problem of the sexual abuse and sexual exploitation of children;

(b) To facilitate the training of professionals on the subject of the sexual abuse of children and to offer them access to specialized information;

(c) To promote interdisciplinary working networks and joint action programmes.

59. One of the basic objectives of the programme is to build up a nationwide working network centred on Save the Children, as well as to improve professional and social action in the area of the sexual abuse of children. In 2005, Save the Children organized a round table in the framework of the “Joint Action Programmes in cases of sexual abuse of children”, whose final report was submitted to the Children’s Watch Working Group on the Ill-treatment of Children.

60. In 2006, Save the Children also initiated a project, which was awarded a prize and funding by Panda Software, to hold a round table on “Identification of children victims of abuse on the Internet”. The idea is to draw attention to and identify children appearing in pornographic material, in order to locate them and afford them adequate protection, apart from arresting their aggressors. This round table was held in Vitoria in December 2006 and is part of the work on this subject which the European Save the Children group has been undertaking since the beginning of 2006.

More details are available at [www.savethechildren.es](http://www.savethechildren.es).

#### **E. Action against child pornography**

61. Among the efforts to combat child pornography, it is worth mentioning the work of the Technological Investigation Brigade of the national police and the Guardia Civil Internet offences group, in addition to the reporting hotlines available to the public, either on the green telephone number 0602 or on the web page.

62. The Ministry of Labour and Social Affairs and Children's Watch have been cooperating with Red.es (a public entrepreneurial body attached to the Ministry of Industry, Tourism and Trade), and the IQUA Internet Quality Agency, with the aim of improving security on the Net and creating educational programmes for families, children and adolescents and other Internet users, in order to inform people of the benefits and advantages of using this information and communication tool and to warn them of the dangers it might entail. The IQUA child protection group has prepared quality and child protection parameters for Internet pages. Once they have been accredited, all pages that meet these criteria receive the IQUA quality stamp, that covers both technological quality and content.

63. The Ministry of Industry is conducting a number of measures in the area of child protection, including the call for a funding programme for dissemination and encouragement, with a total budget of €8 million, for the benefit of non-profit making associations and local bodies, with the aim of financing dissemination and encouragement projects and activities intended to facilitate the incorporation of citizens in the Information Society, within the framework of the *Plan Avanza*. The projects eligible for funding include those related to children and adolescents: analysis and diagnosis of systems of aid to children and adolescents; activities to create awareness among and train agents, professionals and/or volunteers; new contents and services related to children and adolescents (prevention, assistance, education and counselling using the new information technologies); and dissemination programmes on the safe use of the Internet.

64. The Ministry of Industry runs an Internet website for children and parents, [www.chaval.es](http://www.chaval.es), which offers games specially selected for children, as well as information, advice and security tools for parents. The National Institute of Communication Technologies (INTECO), attached to the Ministry of Industry, Tourism and Trade, runs a centre for response to information technology incidents and an information centre for the dissemination for a culture of security, whose objectives are to prevent, detect and respond to security incidents.

65. The aim of the Ministry of Industry working with non-profit making bodies is to protect children, one example of which is the support given to the opening of the [www.protegeles.com](http://www.protegeles.com) website, promoted by the ACPI association, a member of the European INHOPE hotlines network.

66. It is also worth mentioning that the Spanish Committee for UNICEF (in conjunction with IUNDIA) and the Universidad Carlos III of Madrid, with funding provided by the Ministry of Labour and Social Affairs through the annual subsidies derived from personal income tax revenue, recently prepared a study on "Self regulation? Protection and defence of the rights of children on the Internet".

67. The objective of the study was to detect and analyse a broad range of potential risks that face Spanish youngsters as they navigate on the Internet. The study consisted of three parts:

(a) Description of the current situation as regards the use of the Internet by young persons, listing potential risks and contemplating the possibility of self-regulation in the private sector as one factor which could make the Internet environment more secure for children;

(b) The reality of the Internet seen through the eyes of a young user, both as a consumer of contents and as a participant in communication;

(c) Recommendations on various aspects.

68. The study was able to identify many web pages with contents that were if not illegal at least harmful for the proper development of young persons.

69. In the light of the findings, a series of recommendations are made to public institutions, families and network operators so that, working together, they may establish a framework of action to avoid abuses and so that the Internet may be promoted as a leisure, development and education medium for children and adolescents.

70. Lastly, it is worth drawing attention to a bill which is currently before Parliament, to amend Organization Act 10/1995 of 23 November on the Criminal Code. This bill extends article 181 of the Code by setting heavier penalties for sexual abuses perpetrated on children under the age of 13 within the framework of organized crime. The same age criterion applies to penalties imposed for inducement or violent or threatening instigation to enter into prostitution or to maintain children under the age of 13 in prostitution, with even heavier penalties in the event that the life or health of the minor or disabled person involved has been endangered in any way.

71. With regard to these offences perpetrated against children or disabled persons, not only are the penalties increased on the grounds that the victim is aged under 13, but also it is expressly established that the penalties for these offences stand, regardless of any further penalties that may apply for the sexual attacks or abuses committed against those minors and disabled persons.

**7. *Please provide the Committee with further information on the treatment of foreign child victims of trafficking and the rules for deportation, in particular how the principle of the best interests of the child is implemented.***

72. This has been a matter of considerable concern for the Ministry of Labour and Social Affairs for a number of years, and much discussion has taken place regarding the different possibilities of action at meetings of the interautonomous commissions organized with the Autonomous Communities and within Children's Watch. The latter has set up an ad hoc working group to analyse the causes underlying the illegal immigration of foreign children and young persons, to coordinate the response of all the agencies involved from the time such a minor is identified on Spanish territory, to ensure immediate appropriate care for the protection of the minor by the competent bodies of the Autonomous Communities and to consider the possibility of either allowing such children entry to Spain, or returning them to their countries of origin.

73. All these activities conducted jointly by the various institutions concerned led to the drafting of an Action Procedure, listing all the different procedural stages required by law (article 92 of Royal Decree 2393/2004, of 30 December, approving the Regulation of Organic Act 4/2000, of 11 January, on the rights and freedoms of aliens in Spain and their social integration), facilitating inter-agency coordination and ensuring observance of the principle of the best interest of the child.

74. This very complex problem has to be seen of course against the broad spectrum of the rights, interests and needs of these immigrant minors and their families who, often attracted by adventure or the search for “El Dorado”, are willing to risk their lives and fall victims to networks of traffickers engaged in the exploitation of minors.

75. In this regard it is worth mentioning the agreement signed between Spain and Romania on cooperation with regard to the protection of unaccompanied Romanian minors in Spain, their repatriation and the need to combat their exploitation.

76. This agreement has two objectives:

(a) Dealing with the issue of unaccompanied Romanian minors located on Spanish territory, who are exposed to the danger of abuse, exploitation and the perpetration of offences, as well as preventing such situations;

(b) Facilitating the exchange of data and information in order to find the most effective solution to the issue of unaccompanied Romanian minors located on Spanish territory, thereby helping to prevent their exposure to isolation and risk.

77. In order to ensure that these unaccompanied foreign minors do not become caught up in networks engaged in the trafficking and exploitation of human beings, a greater effort is being made to adopt preventive measures for the social and economic development of the places from which these minors originate. Special measures have been taken in the case of Morocco, and in 2006 the Spanish Agency for International Cooperation (AECI) launched a general strategy to assist vulnerable minors in Morocco, with the backing of the Ministry of Labour and Social Affairs and the Autonomous Communities of Madrid, Andalusia, Catalonia and the Canary Islands, including activities in different sectors aimed at supporting a Moroccan public system of care, protection and training/integration of minors.

78. In this connection it is worth pointing out that on 6 March 2007, on the occasion of the 7th high-level meeting with Morocco, an ad referendum agreement was signed in Rabat between the Kingdom of Spain and the Kingdom of Morocco concerning cooperation for the purposes of preventing the illegal emigration of unaccompanied, unprotected minors and arranging for their return.

79. The main aim of the agreement is to establish close cooperation between the parties with regard to the protection of minors, both to deal with the problem of unaccompanied Moroccan minors in Spain and to protect those minors against any risks.

80. It is worth emphasizing the importance of this agreement, which is intended as a means of reinforcing bilateral cooperation between the two States and improving the situation of minors who move across frontiers without the company or protection of an adult responsible for their care. Such children are very often exposed to the risk of economic exploitation, in forms at times which may be very serious for their future development, such as sexual exploitation, and who find themselves deprived of all the basic rights to which they are entitled as persons and as children, to education, health, well-being and the right to grow up within an affectionate and supportive family environment.

81. On 5 December 2006, a further ad referendum agreement was signed by the Minister for Labour and Social Affairs and the Minister for Youth and Employment of Senegal concerning cooperation between the two countries aimed at preventing the emigration of unaccompanied Senegalese minors, their protection, repatriation and reintegration. Many technical legal studies have been undertaken with administrations and welfare agencies to respond to these difficult situations affecting children, whose influx to our country has been very significant in recent years. This has led the Autonomous Communities to make available considerable facilities for the care of unaccompanied foreign minors, backed up by programmes for their social integration. In general terms, the best interest of the child in such cases has been understood to mean immediate care, offering the children whatever protection is available under the law with the ultimate aim of ensuring family reunification and making arrangements for the children's return that are subject to all legal guarantees. At the same time the needs and interests of individual cases will always be borne in mind.

82. On 15 June 2007 the Council of Ministers approved a bill currently before parliament amending Organic Act 6/1985, of 1 July, of the Judiciary, in order to allow the prosecution outside Spanish territory of the illegal trafficking of persons and clandestine immigration. In this way Spain can take legal action against the clandestine trafficking of persons, while offering the necessary humane treatment to immigrants and protecting their rights, in response to the flow of migrants to our country, which is due to a large extent to the increased activities of organized crime groups that set their lives and security at risk.

83. A further bill has been tabled before parliament concerning international adoption, which is intended to strengthen the legal security of minors and adopting parents. Thus the explanatory preamble of the bill establishes that "this new law considers international adoption to be a measure for the protection of minors who are deprived of a family in their countries of origin, while it provides the necessary and appropriate guarantees to ensure that international adoptions comply above all with the best interests of children and respect for their rights. The aim is also to avoid and prevent the abduction, sale and trafficking of children, while ensuring that they suffer no discrimination on the grounds of birth, nationality, race, sex, disability or illness, religion, language, culture or opinions or on account of any other personal, family or social circumstance".

84. Lastly it is worth mentioning the appointment, since November 2006, of a divisional prosecutor responsible for coordinating all matters concerning immigration, under the authority of the Government Prosecutor's Office. With this appointment the Prosecutor's Office aims to introduce a uniform and coordinated response in this area by all Spanish prosecutors.

**9. *Given that assistance for adolescent victims of exploitation is one of the principal objectives of the second National Plan of Action, please inform the Committee of the social reintegration assistance as well as physical and psychosocial recovery measures available for victims of offences covered by the Protocol and the State budget allocations for this purpose.***

85. In fact the "protection and care of children and adolescents victims of exploitation" constitutes general objective No. 4 of the second Plan of Action against the sexual exploitation of children and adolescents (2006-2009). This objective was confirmed with the approval by the



Council of Ministers of the National Strategic Plan for Childhood and Adolescence 2006-2009, whose objective No. 6 is “to foster social action and care for children and adolescents in a situation of risk, exposure or disability and/or in a situation of social exclusion, subject to assessable shared criteria of quality and best practices”.

86. It is worth noting that in Spain the Public Child Protection Authority (an administrative body of the Autonomous Communities), in each territory, is responsible for taking action in the event of children being exposed or unprotected. The professional teams working with that authority consider each case individually and the related family situation and decide on the best course of action, either providing support to the family or taking over the guardianship or custody of the child. Should the public authority assume guardianship or custody, the public administration becomes responsible for providing whatever assistance or treatment is needed for the child’s physical and psychosocial recovery.

87. There appears to be agreement, nevertheless, regarding the need for greater professional specialization when it comes to evaluating cases and dealing with minors who have been the victims of sexual abuse or exploitation. The investigation of a suspected case of sexual abuse is a demanding task, which requires specialized knowledge and experience in order to evaluate the problem in all its aspects, without overlooking details which might be overlooked by people who are not familiar with this particular type of ill-treatment.

88. Requests for investigation of these types of cases are sent in by very different sources, such as child protection services, family prevention and support services, the courts, police, hospitals, health centres, educational centres, community welfare services, family care teams, women’s centres, non-governmental organizations or services caring for victims.

89. In practice, we need to maintain some very specialized resources able to deal with minors who have been the victims of the many disturbances related to sexual abuse, whether or not they are part of the children’s protection system. Thanks to the specialization of these facilities, apart from their therapeutic function, they can also provide guidance and advice to professionals in different sectors, in addition to assisting with the training of professionals and the conduct of investigations that can add to existing knowledge concerning this type of ill-treatment.

90. As a result of the greater public awareness of the problem of sexual child abuse, more specific resources are being developed for its detection, evaluation and treatment. These resources are being organized by the Autonomous Communities by means of contracts or agreements with NGOs and specialized agencies. A number of pioneering experiments have been conducted in Spain in this respect, which have made a valuable contribution both in terms of therapeutic action and training and awareness activities. These include the programme for the evaluation and investigation of cases of sexual abuse (EICAS) in Seville, run by the ADIMA-FAPMI Association, the specialized centre for action against sexual child abuse of the Community of Madrid, the psychological care service for child victims of sexual abuse and juvenile aggressors of the Community of Valencia and the multidisciplinary childcare programme ACULL of the Catalan Association for Ill-treated Children (ACIM-FAPMI) in Barcelona. This type of approach and accompanying resources are being deployed throughout the Autonomous Communities.

91. With regard to the financing of this type of programme, which is generally developed by NGOs, this is allocated by the Ministry of Labour and Social Affairs from personal income tax revenue as part of its priority “programmes for preventing the ill-treatment and exploitation of children”. In 2006 alone, a grant of more than €485,000 was made to NGO programmes (including Caritas, the Federation of Associations for the Prevention of Child Abuse or FAPMI, *Margenes y Vinculos*, Save the Children, *Fundación Concepción Juvanteny*, *Fundación Tomillo* and Radio ECCA) expressly designed for the prevention and care of children who have been victims of sexual abuse and/or sexual exploitation.

**10. *Please indicate whether special training, particularly legal and psychological, is provided to professionals, such as judges, social workers and medical professionals, who may come into contact with child victims of the offences under the Optional Protocol.***

92. The training of professionals who come into contact with child victims of the offences under the Optional Protocol and in general with any child who is at risk or unprotected is a priority for all public administrations. The need for proper training for the different types of professionals working with children is reflected in practical applications such as the second Plan of Action against sexual exploitation and the Strategic National Plan for Children and Adolescents.

93. Since these problems are multifaceted, contact and coordination mechanisms must be provided to allow for exchanges of views and mutual advice. This task is being performed by Children’s and Adolescents’ Watch, through activities of research, awareness, training and exchange of experiences. NGO initiatives in this respect are also much appreciated, since they provide a constant impetus of exchange and reflection for professionals, through their awareness-creation activities, work days and roundtables, which are attended by officials of the public administration.

94. Each professional sector of course has its own continuous training systems and a constant effort has to be made to update their contents in line with new areas of activity in Spain such as the sexual exploitation of children.

95. For example, the police force includes a training division of the General Directorate of National Police, which is responsible for giving specialized training to police officials. The courses include topics referring specifically to the treatment of juveniles, whether they are offenders or victims, as well as the relevant legislation and rules. This work is assisted by officials of the Ministry of Labour and Social Affairs and specialists in children’s affairs of the Autonomous Communities.

96. In courses concerning tourist quality, tourist marketing and tourist management of the cultural heritage, content has been introduced concerning the Global Code of Ethics for Tourism for the benefit of Ibero-American countries. The courses are organized and financed jointly by the Spanish Agency for International Cooperation (AECI) and the General Secretariat for Tourism and are given each year in the AECI’s training centres at Cartagena de Indias (Colombia), Santa Cruz de la Sierra (Bolivia) and Antigua (Guatemala).

97. For the judicial system, training activity is centred on the training courses of the Centre for Legal Studies of the Administration of Justice (Ministry of Justice) and the General Council of the Judiciary, in which the Government Prosecutor's Office has taken part. The centre offers full training in all types of topics of interest to State lawyers, prosecutors, forensic physicians and court registrars.

98. The website [www.formacion.cnice.mec.es](http://www.formacion.cnice.mec.es) is intended chiefly for teachers at all educational levels. Its objective is to offer ongoing training to teachers, in order to achieve another step forward in the teaching/learning process by applying information and communication technologies in education.

99. From the medical point of view it is worth mentioning the work of the Social Paediatrics Society, which publishes regular reports on "health, childhood, adolescence and society", already in their fourth edition, as well as by holding days on single topics such as that recently held on childhood, ill-treatment and disability, and regular scientific congresses.

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