



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF  
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2004**

**SPAIN\***

[5 October 2006]

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

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## I. INTRODUCTION

1. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted in New York on 25 May 2000, and was ratified by Spain on 5 December 2001.
2. The Optional Protocol entered into force for Spain on 31 January 2002, the date of its publication in the Official State Gazette.
3. The fundamental idea behind the Protocol is that, as aberrant acts such as trafficking in children (whatever its purpose), child prostitution and the use of children in pornography have grown enormously on the international stage and are linked to other international criminal activities, prevention, correction and the promotion of measures at the national level are no longer enough to combat them effectively. Effective international criminal sanctions are required.
4. The key aim of the Protocol is to further achieve the purposes of the Convention on the Rights of the Child by stipulating the measures that States must adopt in order to guarantee the protection of minors against sale, prostitution and pornography, behaviours whose growing scale makes them of grave concern to the international community.
5. Spain's ratification of the Protocol as a follow-up to the Convention on the Rights of the Child, which obliges States to adopt legislative measures to protect children from all forms of physical or mental abuse, including sexual abuse, and all forms of exploitation, was a major step forward in the effective application of the Convention. Putting the Protocol into effect did not require significant changes to Spanish law, as the Spanish Criminal Code already contained the offences in question or such similar ones that adjustment was easy.
6. The ratification of the Convention and Protocol has, in turn, been reflected in the adoption of various national laws:
  - (a) Organization Act 1/1996 of 15 January on the Legal Protection of Minors and the partial amendment of the Civil Code and the Civil Proceedings Act sets out the basic general framework for child protection institutions, encompassing prevention, rectification of risk situations and care in situations of *desamparo* ("lack of protection"), with an increased role for the Government Prosecutor's Office. In addition, it regulates in the best interests of the child the general principles for action by public authorities when social protection is lacking, inter alia by making it obligatory for the public child protection authority in each Autonomous Community to investigate with a view to remedying them any situations that are brought to its attention;
  - (b) Organization Act 10/1995 of 23 November approving the Criminal Code criminalizes behaviour such as violence against children and establishes the corresponding penalties. Title VII of the Code has undergone various changes in recent years as regards offences against sexual freedom and integrity, prostitution, trafficking in persons, child pornography and protection of victims of ill-treatment. Descriptions of the changes appear below;

(c) Organization Act 11/1999 of 30 April amending Title VIII of Book II (Offences against sexual freedom) brought treatment of these offences into line with the requirements of international bodies and NGOs concerning sexual exploitation or abuse of children and trafficking in children for exploitation or sexual abuse. The amendments included the incorporation of new offences, extraterritoriality, heavier penalties, and so on;

(d) Organization Act 14/1999 of 9 June introduced a series of legal amendments to improve protection of victims of ill-treatment. One of the most relevant as regards children was the amendment of the Criminal Proceedings Act to protect children during legal proceedings;

(e) Organization Act 11/2003 of 29 September on specific measures regarding the security of the citizen, domestic violence and the social integration of foreigners amended articles 188, 318, 318 bis and 515 of the Criminal Code in order to make the fight against illegal trafficking in persons more effective. It added the offence of enrichment from the prostitution of others, and set heavier penalties for the offence of illegal trafficking in persons;

(f) Organization Act 15/2003 of 25 November amending Organization Act 10/1995 of 23 November on the Criminal Code entered into force on 1 October 2004. It:

- (i) Set heavier penalties for child pornography offences (art. 189 of the Criminal Code);
- (ii) Criminalized the possession for personal use of pornography featuring minors or the legally incompetent and virtual child pornography;
- (iii) Included in the Code the expression “by whatever means” in order to cover use of the Internet as a medium for committing child pornography offences;
- (iv) Prescribed harsher penalties for offences against sexual freedom (arts. 185 and 186). Article 186 prescribes penalties for showing child pornography to minors by any means, for example, electronic mail.

## **II. PROHIBITION OF THE SALE OF CHILDREN, THE USE OF CHILDREN IN PORNOGRAPHY AND CHILD PROSTITUTION**

7. The Criminal Code does not contain the expression “sale of children” as such. It is only in Title XII (Offences against family relations), in the references in chapter II to the alteration of the paternity or civil status of a minor and in chapter III to offences against family rights and duties, that the sale and trafficking of children are treated as punishable offences, in articles 221 and 232, respectively.

8. Pursuant to article 221, surrendering a child to another person for valuable consideration in contravention of the legal procedures for guardianship, fostering and adoption in order to establish a relationship analogous to filiation is punishable by imprisonment for 1 to 5 years and forfeiture for 4 to 10 years of the right to exercise parental authority, guardianship, curatorship or custody. Penalties are likewise prescribed for intermediaries and persons receiving the child even when the surrender takes place in a foreign country.

9. The penalty for commission of such acts using crèches, schools or other premises or establishments where there may be assemblies of children is specific disqualification for two to six years from exercising the aforementioned responsibilities, and temporary or definitive closure of the establishments may be ordered. The duration of temporary closure may not exceed five years.

10. Article 222 of the Code concerns commission of the offences in question by educators, experts, authorities or public officials who abuse their position. In such cases, the additional penalty of specific disqualification from holding a public post, position, employment or office for from two to six years will apply.

11. Pursuant to article 232.1, the use or provision of minors for begging, even in covert form, is punishable by six months' to one year's imprisonment. The penalty increases to one to four years' imprisonment in cases involving child trafficking, violence against or intimidation of the minors or the administration to them of substances harmful to their health (art. 232.2).

12. Title VIII of the Criminal Code (Organization Act 10/1995 of 23 November and the subsequent amendments thereto) prescribes penalties for offences against the sexual freedom and integrity of persons and offences relating to prostitution, pornography and trafficking in persons, so providing a thoroughgoing legal response to the sexual exploitation of children.

13. The Spanish Criminal Code contains a specific chapter concerning the corruption and prostitution of minors (arts. 187 to 190). The behaviour constituting the basic offence of favouring prostitution of minors is described in article 187.1, which prescribes a penalty of one to four years' imprisonment and a fine of 12 to 24 months' salary for anyone who "induces, promotes, favours or facilitates the prostitution of a minor".

14. The following behaviour is penalized:

(a) Inducement, promotion, favouring or facilitation of prostitution of a minor, without coercion of any sort and even with the minor's consent (art. 187.1). When the offenders are members of the authorities or public officials who abuse their position to commit the offence, the period of imprisonment shall be in the upper half of the range (art. 187.2);

(b) Inducement of a minor, by means of violence, intimidation or deception or by abuse of a situation, state of need, position of superiority or the victim's vulnerability, to practise or continue practising prostitution (art. 188.1);

(c) Enrichment from the prostitution of others (art. 188.1, last paragraph);

(d) In the latter two cases, heavier penalties apply when the offences are committed by members of the authorities or public officials who abuse their position (art. 188.2, 3 and 4). For example, if the aforementioned acts are committed to get minors to begin or continue practising prostitution, the period of imprisonment shall be in the upper half of the range of two to four years established for adults (art. 188.3);

(e) Under article 318 of the Criminal Code, illegal trafficking of persons and illegal immigration are punishable by four to eight years' imprisonment. When the victims of the acts are minors, the sentences must be set in the upper half of the range (art. 318 bis 3);

(f) The conduct of anyone who, "having a minor under his or her authority, guardianship, custody or foster-care and being aware that the minor is in a situation of prostitution or corruption, fails to do everything possible to prevent the minor from remaining in that situation or fails to have recourse to the authorities to secure that end if unable to provide adequate custody ..." (art. 189.5).

15. Article 181 of the Criminal Code concerns the offence of sexual abuse. The offence is not constituted where there is consent, except when the acts in question are performed on minors aged under 13, in which event it is held to be constituted whether or not there is consent. The penalties are in the upper half of the range when the victims are particularly vulnerable and whenever they are aged under 13.

16. The Criminal Code penalizes a number of acts that only count as offences if the victims are minors:

(a) Committing or causing others to commit obscene acts before children is punishable by six months' to one year's imprisonment and a fine of 12 to 24 months' salary (art. 185);

(b) The distribution, sale or exhibition of pornographic material to minors by any direct means, including electronic mail, so that the victim is faced directly with the material are punishable by six months' to one year's imprisonment or a fine of 6 to 12 months' salary (art. 186).

17. In addition, penalties are prescribed for the use of minors in various activities:

(a) Exhibitionist or pornographic entertainments (art. 189.1 a);

(b) Production of any sort of pornographic material (art. 189.1 a); and

(c) Financing of any of the aforementioned acts (art. 189.1 a).

18. The offence of pornography consists of: producing, selling, distributing or exhibiting by any means, including the Internet, pornographic material in whose creation minors have been used; facilitating those activities or possessing pornographic material for those purposes (art. 189.1 b). The penalty is one to four years' imprisonment. Pursuant to article 189.3, a heavier penalty, of four to eight years' imprisonment, is applicable when any of the following circumstances is also present: use is made of children aged under 13; the acts are abusive or degrading; the pornographic material shows children who are victims of physical or sexual violence; the perpetrator is an elder relative, tutor, curator, guardian or teacher of, or any other person responsible for, the minor or legally incompetent person.

19. Organization Act 15/2003 added to the Code, in article 189.2, the offence of possession for personal use of pornographic material in which use is made of minors. The penalty is three months' to one year's imprisonment or a fine of six months' to two years' salary.

### **III. CRIMINAL PROCEEDINGS**

#### **A. Legal framework**

20. The first thing to be said is that as regards criminal responsibility for acts classified as crimes, the Criminal Code applies to persons aged over 18.
21. The criminal responsibility of minors is regulated by Organization Act 5/2000 of 12 January. It is the law which applies to persons aged over 14 and under 18 who have committed acts classed as crimes or misdemeanours in the Criminal Code or in special criminal laws.
22. Article 191.1 of the Criminal Code provides that in general there must be a complaint by the victim, the victim's legal representative or the Government Prosecutor's Office before proceedings can be instituted for sexual assault, harassment or abuse. Nevertheless, when the victim is a minor, a complaint by the Government Prosecutor's Office is sufficient.
23. Although a pardon by the victim generally extinguishes criminal responsibility, in cases of sexual assault, harassment or abuse of minors a pardon by the victim or the victim's legal representative extinguishes neither criminal proceedings nor criminal responsibility (art. 191.2).
24. Furthermore, when the perpetrators or their accomplices are elder relatives, tutors, curators, guardians or teachers of, or any other person responsible for the victim, the sentences must be in the upper half of the statutory range.
25. The Criminal Code also provides for the penalty of disqualification from exercising parental authority, custody, curatorship or guardianship, holding a public-sector job or office or exercising a profession or trade.

#### **B. Seizure and confiscation of assets and profits and closure of premises**

26. When the criminal acts are committed using establishments or premises open or not to the public, temporary or permanent closure of the said establishments or premises may form part of the sentence.
27. Sentences for offences against sexual freedom may include not only provisions concerning civil liability but also, where appropriate, provisions concerning filiation and maintenance.
28. In offences against sexual freedom and integrity of which the victim is a minor, the period of limitation shall begin not from the day on which the offence was committed, as is the general rule, but from the day on which the minor reaches the age of majority, or, if he or she should die before reaching that age, from the date of his or her death (Criminal Code, art. 132.1).

### **C. Jurisdiction**

29. The offences of prostitution and corruption of minors and child pornography offences are subject to the principle of universal justice. Thus, criminal prosecution of them is not conditional on the perpetrator's being of Spanish nationality or resident in Spain or the classification of the act as a crime in the State in which it is committed.

### **D. Extradition**

30. Extradition from Spain is regulated by Act 4/1985 of 21 March on passive extradition (except as expressly provided in the treaties to which Spain is a party (art. 1)). The Act was adopted as a consequence of Spain's ratification of the European Convention on the Suppression of Terrorism of 9 May 1980, the European Convention on Mutual Assistance in Criminal Matters of 14 July 1982, and more specifically the European Convention on Extradition of 21 April 1982.

31. The granting of extradition is a discretionary function of the Executive Authority and is, without prejudice to its technical, criminal and procedural aspects, which must in each case be resolved by the courts with the participation of the Government Prosecutor's Office, subject to the Constitution and the law. Extradition may only be granted according to the reciprocity principle, with the Government able to demand a guarantee of reciprocity from the requesting State.

32. Extradition may be granted for acts that are defined in both countries' law as offences, provided that the offence in question is serious enough to be punishable by at least one year's deprivation of liberty or for the punishment awarded to have been for a period of at least four months.

33. Exceptions may be made to extradition when Spanish nationals or foreigners are claimed for crimes that, under Spanish law, are subject to trial in Spanish courts. That, however, does not imply impunity, since in both cases the requesting country will be invited to hand over full records so that the alleged offenders can be tried in Spain. Other exceptions relate to political offences (a category not considered to include acts of terrorism, crimes against humanity, or attempts on the life of a Head of State or a member of his or her family), military offences, offences committed through the mass media and situations in which the person claimed has been, or is being, tried in Spain for the acts that form the basis of the extradition request, etc.

34. In no case will extradition be granted when the requesting State does not guarantee that the person claimed will not be executed or subjected to penalties affecting their physical integrity or to cruel or inhuman treatment.

35. Likewise, extradition may be refused when the person claimed is a minor aged under 18 at the time of the request and, as they have their habitual residence in Spain, it is considered that extradition could impede their social reintegration. This is without prejudice to the taking of the most appropriate measures in agreement with the authorities of the requesting State.



36. Taking into account the provision in the European Convention that seeks to avoid earlier situations of impunity, the Act incorporates a procedure for widening the scope of Spain's consent to extradition so that proceedings can be taken for acts previous to and other than those on which surrender of a person already extradited was based.

37. Further to the European Council's Framework Decision 2002/475/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between member States, Spain has, since 1 January 2002, been applying Organization Act 2/2003 of 14 March and Act 3/2003 of 14 March concerning the European arrest warrant.

38. The European arrest warrant is a judicial decision issued by a European Union member State with a view to the arrest and surrender by another member State of a requested person for the purpose of conducting a criminal prosecution (surrender for trial) or executing a custodial sentence or detention order (surrender to serve criminal sentence). When there is a possibility that the person requested may be abroad, issuing a European arrest warrant will make the search for him or her more efficient, in particular in the area of free movement of people that is the European Union.

39. The underlying principle here is that of mutual recognition of legal rulings made in member States, which, it is hoped this will, on the one hand, prevent differences between national legal and judicial systems becoming an obstacle to the fight against terrorism and organized crime, particularly through the streamlining of procedures, and on the other, contribute towards the establishment of an integrated European legal area in which national legal rulings are executed in all European Union member States, so furthering direct cooperation between legal authorities.

#### **IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS**

##### **A. Criminal proceedings**

40. Article 10 of Organization Act 1/1996 on the Legal Protection of Minors establishes measures to facilitate the exercise of minors' rights.

41. Minors are entitled to receive relevant assistance from the public authorities for the effective exercise and safeguarding of their rights. In order to defend and safeguard their rights, minors may:

- (a) Request the protection and guardianship of the competent public body;
- (b) Report any situation that they consider an infringement of their rights to the Government Prosecutor's Office for the appropriate action to be taken;
- (c) Submit a complaint to the Ombudsman. To this end, an Assistant Ombudsman will be permanently responsible for minors' affairs;
- (d) Request social assistance from the public authorities.

42. Article 12 of the Convention on the Rights of the Child and article 9 of Organization Act 1/1996 on the Legal Protection of Minors recognize minors' right to be heard in all proceedings affecting them. Hence, minors are entitled to be heard both in the family sphere and in any administrative or judicial proceedings in which they are directly involved and which may result in a decision affecting their personal, family or social life. Among the rights most affected in such circumstances are the rights:

- (a) To the primordial consideration of the best interests of the child;
- (b) To information;
- (c) To participate and make known their opinion in all proceedings that may lead to separation from their parents, or from one of them;
- (d) To the protection of privacy, private and family life, the home and correspondence and to protection from the media.

43. Generally, children who are not Spanish citizens enjoy the same legal protection in Spain as Spanish citizens. The aforementioned criminal provisions apply equally to everyone in Spanish territory, with no distinction being made between Spaniards and non-Spaniards. Hence, Organization Act 1/1996 of 15 January on the Legal Protection of Minors applies fully to all persons aged under 18 who are in Spanish territory.

44. Article 191.1 of the Spanish Criminal Code provides that in general there must be a complaint by the victim, the victim's legal representative or the Government Prosecutor's Office before proceedings can be instituted for offences such as sexual assault, harassment or abuse. Nevertheless, when the victim is a minor, a complaint by the Government Prosecutor's Office is sufficient.

45. Although a pardon by the victim generally extinguishes criminal liability, in cases of sexual assault, harassment or abuse of minors, a pardon by the victim or the victim's legal representative extinguishes neither criminal proceedings nor criminal liability (art. 191.2).

46. The complaints procedure is basically set out in the Criminal Proceedings Act. Complaints may be made to any judicial body, the Government Prosecutor's Office or any police authority. The filing of a complaint need not as such entail the start of any criminal proceedings: either the dismissal of the complaint or the initiation of criminal proceedings may follow. In order to palliate the possible effects of criminal proceedings on them, Organization Act 14/1999 amended the Criminal Proceedings Act with respect to minors' participation in proceedings as victims or witnesses. It introduced the legal cover necessary to prevent visual confrontation with the accused by providing that testimony may be given by audiovisual means. Likewise, face-to-face meetings are now exceptional when witnesses are minors. The Organization Act 14/1999 also established a number of generic provisions to protect witnesses and experts in criminal trials (confidentiality of information provided, etc.).

## **B. State compensation to victims of violent crime**

47. In accordance with Act 35/1995 of 11 December, virtually all Spanish provincial capitals have support offices for victims of violent crime and crimes against sexual freedom. They provide victims with information and guidance concerning requests for financial assistance, as well as with psychological and social help and information, coordinating and prioritizing needs and attending to the most urgent of them.

## **V. PREVENTION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION**

48. The following are among the functions performed by the Ministry of Labour and Social Affairs through its Office for the Family and Children:

(a) Promotion, analysis, preparation, coordination and monitoring of programmes for the promotion and protection of children and the prevention of social problems or conflicts that may affect them. It acts within the framework of the State's authority and in cooperation with the Autonomous Communities, promoting inter-agency cooperation in this field;

(b) Promotion of cooperation with NGOs concerning programmes for children;

(c) Cooperation with national and international public and private bodies concerning international adoption;

(d) Promotion and management, if necessary, of collegiate bodies for analysis, debate and proposals concerning children;

(e) Analysis of child protection and promotion law and, if necessary, elaboration of proposals for improvement;

(f) Relations with foreign and international organizations and technical collaboration in international cooperation programmes concerning children.

49. Mention must be made of the role of Children's and Adolescents' Watch. This collegiate body, whose powers do not include direct assistance to child victims of ill-treatment, is attached to the Ministry of Labour and Social Affairs and was established by decision of the Council of Ministers on 12 March 1999, in accordance with Act 6/1997 on the Organization and Operation of the State General Administration. It is defined as a centralized and shared information system for supervising and monitoring children's well-being and quality of life and the public policies affecting them.

50. Children's Watch comprises everyone involved in the protection and promotion of children's and adolescents' rights from all public administrations and NGOs. It contributes to the strengthening of the machinery for cooperation with all authorities having child-related responsibilities, in order to establish an information system for use in identifying the situation of children and changes in it and proposing policies to reduce social inequalities among children. To this end, it coordinates child protection policies and authorities. Among other child-related issues, it has focused on ill-treatment and/or sexual abuse of children, setting up its own special working group for the purpose.

51. The Working Group on the Ill-treatment of Children prepared the first Action Plan against Commercial Sexual Exploitation of Children in order to respond to the international commitments undertaken during the World Congresses against Commercial Sexual Exploitation of Children held in Stockholm in 1996 and in Yokohama in 2001. The Plan was adopted by the plenary session of Children's and Adolescents' Watch in December 2001. This Action Plan encompassed numerous objectives and areas for action: determination of the situation; awareness-raising and social mobilization; prevention; establishment of detection and complaint mechanisms; the appropriate legislative/legal framework; protection and assistance of victims of sexual exploitation; strengthening of relevant institutions and organizations, and involvement of the business sector in awareness-raising and prevention.

52. The boundary between the fight against sexual exploitation for commercial purposes and the fight against sexual exploitation without a commercial purpose is not always clear. Similarly, the efforts to combat illegal displacement of minors for illicit purposes are not clearly differentiated according to the purpose of the displacement (sexual exploitation, exploitation of child labour, or the wish to have a child in contravention of the legally established procedures for adoption or fostering).

53. Action under the Plan lies within the spheres of competence both of the State and of the Autonomous Communities. Participation by the tertiary sector (non-profit NGOs) is also integral to execution of the Plan. To combat sexual tourism involving minors the Plan provides for a variety of activities to be carried out with the participation of the relevant professional sectors - tourism and leisure, and of the media, jurists, the security forces and the armed forces. It also provides for action to promote the safe use of the Internet.

54. An assessment of the Plan for 2002 and 2003, which remained in force for the two following years, with continued monitoring of the actions undertaken, was submitted in February 2005.

55. This evaluation enabled a complete analysis of the activities under the Plan. It was concluded that the launching and implementation of the Plan had made an important contribution to the development of measures to combat sexual exploitation of children, as reflected in:

- (a) Greater awareness of the problem, particularly in certain professional sectors;
- (b) The establishment of new programmes to respond specifically to the Plan's objectives;
- (c) The maintenance and support of existing programmes to combat the sexual exploitation of children;
- (d) Coordination between child-protection bodies and professionals, in recognition of the need to work together to implement certain actions;
- (e) Responses to international commitments concerning the sexual exploitation of children;
- (f) Changes to national legislation.

56. Regarding awareness-raising, the Ministry of Labour and Social Affairs shared, through grants to NGOs, in the financing of UNICEF entitled “There are no excuses: No to the exploitation of children”, or the campaign by ECPAT Spain entitled “It is not a game (Sexual relations between adults and children are not a game)”.
57. Activities as part of the Spanish campaign against sexual exploitation in travel designed by UNICEF, with coordination by the Ministry of Labour and Social Affairs and the assistance of bodies including the Secretariat for Commerce and Tourism and ECPAT Spain, included: the presentation of the Code of Conduct for tourism companies; the publication of posters and booklets; the translation of ECPAT’s video, “Souvenir”, for showing on international flights; the training of trainers for tourist companies, etc.
58. In addition, various Autonomous Communities and NGOs have set up telephone hotlines for children and published and distributed, primarily for professionals, guides, booklets and manuals on the detection and reporting of ill-treatment. Other activities of note in this connection are those undertaken using new information technology, more specifically, the Internet. They include the establishment of Internet reporting hotlines such as that set up by the non-profit association Protégeles (“Protect Them”). These, together with action by the police’s Technological Investigation Brigade, have contributed to the dismantling of several Internet child pornography networks. The web pages, portals and campaigns developed by the State and various NGOs for the safe use of the Internet by children are also significant.
59. Children’s and Adolescents’ Watch is now launching web forms for use by workers in the fields of health, education, the police, the social services, etc. detecting and reporting of ill-treatment of children. It is also setting up a common, unified child-abuse database. Likewise, the Working Group on Foreign Unaccompanied Minors will work with information provided by the National Registry, for which the General Directorate of Police is responsible.
60. The Ministry of Labour and Social Affairs provides financial and technical support for programmes for preventing the ill-treatment and exploitation of children: in 2005, it subsidized, from personal income tax revenue, 20 programmes established by 10 NGOs. Such programmes undoubtedly help to make the public and social workers and establishments more aware of these offences and practices.
61. Likewise, in 2004, funding was granted to two programmes led by the Red Cross and the Association for the Recovery of Children Abducted from their Country for the international exchange of information to help sexually exploited children and find missing children.
62. Because of their value, the Government has pledged to keep all these programmes running. It has also cooperated with children’s organizations (FAPMI: Federation of Associations for the Prevention of Child Abuse, or Save the Children, for example), in combating the exploitation and ill-treatment of children.
63. Experimental programmes to prevent or intervene in situations of child ill-treatment are being co-financed with the Autonomous Communities.

64. A chapter devoted specifically to the trafficking and commercial sexual exploitation of children has been included in child-welfare training courses taught under the auspices of Training Plan drawn up by the Office for the Family and Children.

65. On 14 December 2005, the plenary session of Children's and Adolescents' Watch adopted the second Action Plan against the Sexual Exploitation of Children. This covers the period 2006-2009.

66. The Plan not only includes inputs from a variety of child-protection bodies and professionals, but was also drawn up with the participation of the voluntary sector, something that was considered to be of the utmost importance.

67. The working meetings and discussion forums held in drawing it up included a national round table organized by Save the Children and the Ministry for Labour and Social Affairs (November 2004). NGOs and child-protection professionals from various Autonomous Communities participated directly in this event, which gave to numerous proposals that now form part of the Plan. There were also contacts with ECPAT Spain, which, in conjunction with the Spanish Committee for UNICEF and FAPMI, drew up a specific proposal based on the guidelines for proposals at the international level.

68. The Plan and the Optional Protocol to the Convention were discussed and evaluated at meetings such as the one held in Vitoria on 7-8 November 2005 with Save the Children on "joint action programmes in cases of sexual abuse of children", or the one held by the Ministry for Labour and Social Affairs and the Carlos III University of Madrid on 30 November 2005 on the "prevention and suppression of the sexual exploitation of children".

69. The Plan has the following five objectives:

- (a) Determination of the extent of, and establishment of mechanisms for detecting and reporting the sexual exploitation of children in Spain;
- (b) Awareness-raising, social mobilization and prevention of the sexual exploitation of children;
- (c) Establishment of an appropriate legislative/legal framework for combating the sexual exploitation of children at both the international and the national levels;
- (d) Protection and assistance of adolescent victims of exploitation, and treatment of aggressors;
- (e) Strengthening of institutions and organizations - both public and private - involved in protecting minors and combating their sexual exploitation.

70. This second Plan, like its predecessor, has as its background widespread public concern about, and resolve to defend children's rights and adds value to the Autonomous Communities' plans in the field of protection as it brings together the national and the international actions necessary to combat commercial sexual exploitation.

71. Again like its predecessor, it focuses on commercial sexual exploitation, although it begins from the principle that these situations are frequently bound up with others that have harmful effects on children's rights and welfare, such as sexual abuse, domestic violence or trafficking in persons.

72. NGOs such as Save the Children or FAPMI are, with funding and technical support from the Ministry for Labour and Social Affairs, carrying out important work in the field of public information by producing publications and studies such as:

(a) Save The Children, *Una experiencia de buena práctica en intervención sobre el abuso sexual infantil. Advocacy, construcción de redes y formación* (An Experience of Good Practice in Tackling Child Sexual Abuse. Advocacy, Network Building and Training) (2005);

(b) FAPMI, *Abuso sexual infantil en España. Aproximación cualitativa y cuantitativa. Protocolos de notificación* (Child Sexual Abuse in Spain: a Qualitative and Quantitative Approach. Reporting procedures) (2005).

## VI. INTERNATIONAL ASSISTANCE AND COOPERATION

### A. Cooperation funded by the Spanish Agency for International Cooperation (AECI)

73. Since 2000, AECI has funded the following child-protection projects within the scope of this report:

(a) Sub-Saharan Africa: child war victims in Angola. The Red Cross undertook this project in two phases: the first in 2002 (sum provided: 187,841 euros), and the second in 2003 (188,797 euros);

(b) Asia:

(i) Timor-Leste: socio-educational integration of girls at high risk in Vinilale. This project was undertaken by the NGO Madreselva, (funding: 139,228 euros) (2002);

(ii) Cambodia: Rehabilitation and reintegration of female victims of trafficking for sexual slavery. The project was undertaken by AFESIP (Action for Women in Distressing Situations) in several phases: 2003 (175,015 euros), 2005 (410,186 euros) and 2006 (300,000 euros);

(c) Latin America

(i) Colombia: the care of highly vulnerable young people in the city of Quibdó (35,000 euros);

(ii) Colombia: promotion and protection of the human rights of communities at high risk of violence (100,000 euros).

## B. Other projects

74. “Orange-selling slaves” is a project by the non-profit association Somaly Mam-AFESIP Spain. This touring photographic exhibition opened in Oviedo in September 2005 and will go to other Spanish cities, including Madrid, Barcelona and Seville in 2006. Presented in the form of a sales catalogue for an extremely useful and highly perishable “product” - prostitutes, it aims to reveal to visitors the daily lives of the victims - 4 million women and children per year - and the controllers of sexual slavery and exploitation in Cambodia. The exhibition, comprising approximately 70 photographs, is accompanied by an awareness-raising talk for associations and the media and an intensive publicity campaign based on informative material such as calendars, postcards, and bookmarks. It is also intended to film a video testimonial, in which girls aged from 8 to 20 will explain how they were sold or abducted and raped or maltreated until they managed to escape from female sexual exploitation and trafficking networks, and to show a documentary film, entitled “Traffic Lights” about the real-life stories of victims of trafficking in women and girls.

75. This project by Somaly Mam-AFESIP Spain is jointly financed by the Institute for Women, the Madrid City Council and the Human Rights Office of the Ministry of Foreign Affairs and Cooperation. Somaly Mam-AFESIP Spain was established to work with the Cambodian NGO, AFESIP, to combat the sexual slavery of women and girls in South-East Asia and to advance the human rights of victims. Its president is Somaly Mam, a famous human rights activist who received the prestigious Prince of Asturias Award for International Cooperation in 1998.

76. In spring 2005, the NGO Plan España announced in issue number 4 of its magazine, *Plan*, that it had received a grant from the Human Rights Office to finance the project “Prevention of child violence in Chalatenango” (El Salvador). Plan will work with the Inter-agency Committee for the Prevention of Domestic Violence to prevent violence through awareness-raising and advocacy in all relevant spheres, including among the judiciary.

77. In 2004 and 2005, the Catalan Association for Ill-treated Children presented two research projects: “Child Commercial Sexual Exploitation, a Crime against Humanity”, and “Crimes of Child Commercial Sexual Exploitation: Possibility of an International Criminal Code”. These projects, funded by grants from the Human Rights Office of the Ministry of Foreign Affairs and Cooperation, stress Spain’s concern at a constantly growing problem that requires the definition and adoption of measures by all member States.

## VII. OTHER LEGAL PROVISIONS

78. On 14 March 2001, Spain ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 17 June 1999.

79. Spain has thus committed itself to adopting immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency



(op. cit., art. 1). The term “the worst forms of child labour” comprises, as regards the Optional Protocol, the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (ibid., art. 3 (b)).

80. In December 2003, Spain ratified the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Council of Europe Convention on Cybercrime of 23 November 2001.

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