



Convention on the Rights of the Child

Distr.: General
23 April 2024
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of the Child

Seventh periodic report submitted by Spain under article 44 of the Convention, due in 2023^{*}, ^{**}, ^{***}

[Date received: 12 March 2024]

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- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CRC/C/ESP/QPR/7](#)).
 - *** The annex to this document is available on the Committee's website.



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Introduction

1. This report details the measures adopted by Spain to give effect to the rights recognized in the 1989 Convention on the Rights of the Child (hereinafter the Convention) and the progress in upholding these rights achieved since the submission of the country's last periodic report in 2018. In submitting the report, Spain is complying with the commitment assumed under the instrument of ratification published in the Official Gazette on 31 December 1990, in accordance with the provisions of article 44 of the Convention.

2. Since the publication of the Committee's concluding observations on the combined fifth and sixth periodic reports of Spain on 5 March 2018, the rights of children and adolescents have undoubtedly gained prominence on the public and political agenda. The creation of the following institutions are particularly noteworthy achievements: the Office of the High Commissioner for Combating Child Poverty (2018–2023); the Directorate General for the Rights of Children and Adolescents (2020); the Sectoral Conference on Children and Adolescents (2021); and, recently, and for the first time in Spain, the Ministry for Young Persons and Children (2023).

3. A number of reforms have been carried out in response to the Committee's recommendations. The adoption of Organic Act No. 8/2021, of June 4, on the comprehensive protection of children and adolescents against violence, constituted a significant step forward for the protection of children and adolescents in Spain, providing for comprehensive reforms that have contributed to the considerable advances detailed in this report.

4. Through the Education Act, as amended (Organic Act No. 3/2020 of 29 December, amending Organic Act No. 2/2006 of 3 May) and Organic Act No. 3/2022 of 31 March, on the organization and integration of vocational training, Spain has also embarked on a major reform of the education sector. The Recovery, Transformation and Resilience Plan has facilitated the development of regional cooperation programmes addressing strategic priorities in the field of education, such as enhancing early childhood education, reducing school dropout rates and digitalizing the education system.

5. Improvements have been made to child-focused and other related social policies and several strategic plans have been adopted at the national, autonomous community and local levels. The Strategy for the Elimination of Violence against Children and Adolescents, the State Action Plan for the Implementation of the European Child Guarantee and the Strategy for the Rights of Children and Adolescents 2023–2030 are key instruments for ensuring that the rights of children and adolescents in Spain are fully protected. A second national human rights plan, covering the period 2023–2027, has also been adopted, fulfilling the commitment assumed before the United Nations.

6. This report, which is the fruit of interministerial coordination, gathers together the contributions received from the various ministries with childhood-related responsibilities, namely the Office of the President, the Ministry of Justice and Parliamentary Relations, the Ministry for Foreign Affairs, the European Union and Cooperation, the Ministry of the Interior, the Ministry of Education and Vocational Training, the Ministry of Labour and Social Security, the Ministry of Economic Affairs and Digital Transformation, the Ministry for Social Rights, Consumption and the 2030 Agenda, the Ministry for Equality, the Ministry for Inclusion, Social Security and Migration, the Ministry of Health and the Ministry for Young Persons and Children, as well as submissions from the Public Prosecutor's Office related to the recommendations that fall under its responsibility. Information provided by the autonomous communities and contributions received from the State Council for Child and Adolescent Participation were also taken into account during the report's preparation.

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

Legislation

7. With the adoption of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, a number of substantive and procedural laws were updated to bring them into line with the content of the Convention and ensure that children are fully protected against the various forms of violence.

8. The aim of the amendments was to ensure uniform protection nationwide. The updated legislation provides the autonomous regions with a framework of reference for the development of regional child-related legislation and incorporates the provisions of international agreements that safeguard children's rights, notably the Convention and the Optional Protocols thereto. It establishes that the relevant institutions in each autonomous community must have appropriate mechanisms for communicating and exchanging information as well as the necessary resources and accessible channels through which children and adolescents can report violations of their rights themselves.

9. In the field of education, the Education Act, as amended, places a child rights-based approach among the guiding principles of the education system, in accordance with the Convention. It recognizes the principle of the best interests of the child, children's right to education and the State's obligation to ensure the effective realization of their rights. The Act reinforces the equity and inclusive capacity of the education system, providing for an inclusive and modern model without segregated pathways that ensures that the right to education can be enjoyed by the most vulnerable.

10. Two further new laws have also recently been adopted, namely Organic Act No. 10/2022, of 6 September, on the comprehensive protection of sexual freedom, and Act No. 4/2023, of 28 February, providing for the real and effective equality of transgender persons and protecting the rights of lesbian, gay, transgender, bisexual and intersex persons.

11. Government plans that reflect the provisions of the Convention include, among others, the State Action Plan for the Implementation of the European Child Guarantee, the Strategy for the Rights of Children and Adolescents 2023–2030, the Strategy for the Elimination of Violence against Children and Adolescents, the Strategy for Persons with Disabilities 2022–2030, the National Strategy for Roma Equality, Inclusion and Participation, the Development Strategy, the third Strategic Plan for Effective Equality between Women and Men 2022–2025, the State Strategy for Combating Gender-based Violence 2022–2025 and the Youth Strategy 2030.

Comprehensive policy, strategy and coordination

12. The purpose of the Strategy for the Rights of Children and Adolescents, adopted by the Council of Ministers on 9 May 2023, is to coordinate the action of the Government and the public administration as a whole around eight strategic areas and a series of goals, to be achieved by 2030, all of which are key to fully protecting the rights of children and adolescents. This strategy is based on the provisions of the Convention, the Committee's general comments and the recommendations it made following the review of the country's most recent periodic reports in 2018, and the 2030 Agenda. Within the regional European frame of reference, the strategy is aligned with the 2021 European Union strategy on the rights of the child. Within Spain, the strategy is intended to provide a framework that brings together and supports other strategies and action plans.

13. The adoption of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, prompted the development of the Strategy for the Elimination of Violence against Children and Adolescents, adopted by the Council of Ministers on 15 November 2022. This strategy, in addition to being necessary to compliance with the Act across the State Administration in general, is a reflection of the State's resolute commitment to ensuring respect for and the exercise of children's right to a life free from

violence in which they can develop their full potential and enjoy a happy childhood and adolescence.

14. The strategy is designed to serve as a road map that enables the different authorities, institutions and actors to work together in order to better prevent all forms of violence; to improve early detection by taking a holistic, multidisciplinary approach; to raise awareness of the violence perpetrated against children and adolescents; to foster a culture of zero tolerance for violence; and encourage the creation of spaces in which all children and adolescents, without distinction, are protected.

15. As provided in article 7 of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, the agreement creating the Sectoral Conference on Childhood and Adolescence was published by resolution of the Ministry for Social Rights of 10 December 2021, together with the Conference's organizational and procedural regulations. The Conference's remit is to achieve maximum consistency in the design and application of the various childhood- and adolescence-related policies implemented by central Government, the autonomous communities and the cities of Ceuta and Melilla by encouraging the exchange of views and joint consideration of any problems that may arise and the action to be taken to address and resolve them, without prejudice to the competencies of each body forming part of the public administration.

16. The seventh additional provision of Organic Act No. 8/2021 enshrines a commitment to create a monitoring committee to examine the application of the law and its judicial and economic implications and evaluate its impact. The said committee was created by Order of the Office of the President of the Council of Ministers No. PCM/126/2023 of 10 February, creating and regulating the committee responsible for monitoring the application of Organic Act No. 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence. The committee's first regular plenary meeting was held on 13 April 2023.

17. A point of note in the field of education is the considerable momentum that regional cooperation programmes have gained since the adoption of the Education Act, as amended, of 3 May. These programmes are a vehicle for cohesion and cooperation that contributes to solidarity, development and interregional balance in efforts to mitigate inequalities.

18. Investment in regional cooperation programmes since the adoption of the Education Act, as amended, amounts to more than €3 billion. Examples of important regional cooperation programmes launched since 2019 include: the educational guidance, advancement and enrichment programme for facilities catering for particularly complex educational needs (the PROA+ Programme); the regional cooperation programme for individual and family support units for educationally vulnerable students; the textbook and educational materials funding programme; the regional cooperation programme for inclusive education; the regional cooperation programme for emotional well-being in educational settings; the digital education programme; the regional cooperation programme for the improvement of digital competency in education (#CompDigEdu); and the regional cooperation programme for the digitalization of the educational ecosystem (#EcoDigEdu).

Independent monitoring

19. To facilitate access to reporting mechanisms for children, Organic Act No. 8/2015 of 22 July 2015, reforming the child and adolescent protection system, amended article 10 (2) of Organic Act No. 1/1996 of 15 January 1996, on the legal protection of minors, to introduce the possibility of minors being given access to appropriate mechanisms, tailored to their needs, for filing complaints with the Ombudsman's Office or the equivalent autonomous community institution. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, provides that all child protection centres should establish simple, accessible, safe and confidential complaint and reporting mechanisms that children can turn to without fear of reprisal and that they have the right to refer complaints, in confidence, to the Public Prosecutor's Office, the competent judicial authority and the Ombudsman or the equivalent autonomous community institution.

Resource allocation

20. In times as complex as the present, the Committee's recommendation, set forth at the end of the last periodic review, that investing in children, especially the most vulnerable, is an investment in equity and social cohesion, whatever the context, has been closely borne in mind, and the Government of Spain has strengthened its commitment to children despite a difficult global scenario.

21. Although no specific, independent budget allocation for child- and adolescent-related policies is established when the general State budget for each financial year is drawn up, these policies are reflected in the various budget lines allocated to sector-specific policies linked to children's rights that are designed to safeguard, in particular, their well-being and development. Alongside public policies related to health, education and social protection, among others, account should also be taken of programmes of a macroeconomic and fiscal nature that have an indirect impact on children, as alluded to in the Committee's general comment No.19 (2016). Examples of such programmes include the improvements made to the household income tax system to protect the most vulnerable, particularly households with children, and the various social security allowances.

22. Regarding the measures adopted to incorporate a child rights-based approach in the preparation of budgets, final provision 17.2 of Act No. 11/2020 (the 2021 General Budget Act) of 30 December 2021 amended article 37.2 of Act No. 47/2003 (the General Budget Act) of November 26 2003 to introduce an obligation to prepare a report on the impact of the budget on children, adolescents and families, which must be submitted together with the general State budget bill.

23. The general State budget bill for each year is thus accompanied by a report on the impact of the budget on children, adolescents and families. Reports to date have assessed the impact of the different budget programmes on children, adolescents and families, linking the programmes to the provisions of the Convention and different dimensions of child welfare. In addition, each report describes the current status of each programme, its impact on different groups, actions and future developments envisaged thereunder, and scope for improvements.

24. Individual budget lines that have an impact on cross-cutting objectives such as those related to children are identified when sector-specific plans are adopted. At this time, each department identifies the budget lines linked to the sector-specific policies for which it is responsible that might in turn contribute to the achievement of the cross-cutting objectives in question.

25. The sector-specific plans include budget estimates based on the financial resources committed by the administrations responsible for carrying out the measures envisaged thereunder. The Strategy for the Rights of Children and Adolescents, for example, contains a section on funding in which it is stated that the different ministries and the autonomous regions will adopt the measures necessary to develop and implement the strategy, within their respective areas of competence, pursuant to planning and monitoring plans that each include a corresponding financial report.

26. With regard to social security allowances aimed at protecting the family, promoting work-life balance and guaranteeing a minimum living income that protects households against the risk of poverty and social exclusion, Royal Decree-Law No. 6/2019 of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and work, harmonized the maternity and paternity benefits and leaves available in respect of childbirth and childcare.

27. Since 1 January 2021, the childbirth and childcare leave allowance, which covers, in addition to birth, adoption, foster care and care for the purpose of adoption of children under 6 years old, is 16 weeks for each parent. In cases of premature birth, and if the newborn must remain in hospital after delivery for more than seven days, the leave allowance may be extended for as many days as the newborn must remain hospitalized, up to a maximum of 13 additional weeks. In 2023, the budget earmarked for childbirth- and childcare-related contributory spending was €3,117.81 million, up from €1,928.15 million in 2018 (see annex).

28. As allocations under the 2021 general budget were also key to the State response to the most immediate consequences of the coronavirus disease (COVID-19), there were record high increases in the allocations to activities of particular importance for child well-being such as education, the roll-out of the minimum living income and the expansion of the education system to cover children up to 3 years of age. Allocations under the 2022 general budget reinforced and expanded these budget lines. In addition, the Recovery, Transformation and Resilience Plan gave a boost to activities of critical importance for child welfare in areas such as housing, the digital transition, strengthening the national health system, vocational training, education and day care for children up to 3 years of age, improvements to the care economy, reinforcing inclusion policies and promoting healthy habits from childhood. Allocations under the 2023 general budget show a continuing commitment to areas key to the well-being of children and families with dependent children experiencing financial difficulties, including the allocation for the minimum living income and the child support supplement, which increased and expanded the coverage and amount of these allowances.

29. Royal Decree-Law No. 6/2019, of 1 March 2019, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and work, introduced a newborn care allowance, for which either parent is eligible, and which is payable directly by the body responsible for mandatory social protection. This allowance is equal to 100 per cent of the legally established base allowance payable in the event of temporary incapacity resulting from common illness or other condition, adjusted in proportion to the reduction in working hours (see annex).

30. Royal Decree-Law No. 20/2020, of 29 May, established the minimum living income, which, inter alia, replaced the social security allowance payable for each dependent child or minor without disability or with a disability of less than 33 per cent. The minimum living income is intended to prevent the risk of poverty and social exclusion for persons living alone or in a shared household who are in a situation of vulnerability because they lack the financial resources to cover their basic needs. The monthly value of the allowance payable to individual beneficiaries or households is calculated as the difference between the level of the minimum guaranteed income and the total income of the beneficiary or the members of the household in the previous year. The budget allocation for 2023 was €3,040.01 million, 2.49 per cent higher than in 2022 (see annex).

31. The provisions governing the minimum living income were updated with the adoption of Act No.19/2021 of 20 December, regulating the minimum living income, in order to provide greater legal certainty and introduce important changes such as an increase in the value of the allowance as of 2022 and a new child support supplement, consisting of a monthly age-adjusted amount payable for each minor forming part of the household to recipients of the minimum living income and to other households with low incomes but income nonetheless exceeding the threshold for payment of the minimum living income. The amounts payable in 2023 were €115 per child under 3 years old, €80.15 per child over 3 but under 6 years old and €57.5 per child over 6 but under 18 years old.

32. In 2023, the total financial allowance payable for each dependent child under 18 years of age without a disability or with a disability of less than 33 per cent was €588 per year. However, the amount of the financial allowance was €638 per child per year if the family's total income was below a certain level (see annex).

33. The allowance payable for dependent minors with a degree of disability equal to or greater than 33 per cent was €1,000. For minors with a degree of disability equal to or greater than 65 per cent, the annual allowance was €5,439.60, and, for dependent children over 18 years of age with a degree of disability equal to or greater than 75 per cent, the annual amount was €8,158.80.

34. Regarding investment in education policy, in 2021 public expenditure on education across all State institutions and universities reached a record high of €59,657.2 million, which was 8.1 per cent higher than in 2020 and 20.0 per cent higher than in 2018.

35. In addition to the ordinary funding that the autonomous communities receive from central Government to cover decentralized responsibilities, in 2021 additional transfers to the autonomous communities from the Ministry of Education and Vocational Training increased

by 389.7 per cent relative to the previous year, largely to cover the significant investment of more than €1 billion in digital transformation and other policies included in the Recovery, Transformation and Resilience Plan that are financed from European Union funds.

36. Scholarships and study grants are one of the main tools used to guarantee equal access to education. With regard to scholarships and study grants financed by the central education authorities, the Ministry of Education and the regional ministries of education of the autonomous communities and intended for students in non-university education, between the 2017/18 and 2020/21 academic years, there was a significant increase in both the overall amount allocated, which went up by 34.3 per cent, from €1,162.5 million to € 1,561.3 million, and in the number of beneficiaries, which increased by 14.2 per cent, from 1,723,091 to 1,968,091.¹

37. Many of the actions and investments envisaged by the Government under the Recovery, Transformation and Resilience Plan in the area of family, childhood and adolescence, fall under component No. 22 and, specifically, component No. 22.I02 (the Plan for the Modernization of Social Services: digital transformation, innovation, training and better childcare). European Union funds are also important in this area, specifically funds from the European Social Fund+. For the first time, this Fund’s operating regulations have introduced an obligation for States members of the European Union with above-average rates of child poverty and/or social exclusion to dedicate at least 5 per cent of their annual budget to fighting child poverty. The State Action Plan for the Implementation of the European Child Guarantee provides guidance for the action to be taken to this end.

38. Central government support for children and adolescents is also channelled through child- and family-focused programmes implemented by social action non-governmental organizations (NGOs) and subsidized from the portion of personal income tax revenue allocated to projects of social interest (the 0.7 per cent initiative).

39. Since 2019, the annual amounts allocated to children’s programmes proposed by social action NGOs in response to calls for applications under the 0.7 per cent initiative have been as follows:

2019	2020	2021	2022
€2 094 158.18	€1 768 160.84	€4 879 045.16	€4 376 321.59

40. The data show that social transfers have succeeded in reducing child poverty by more than 11 percentage points, the second largest reduction since 2008. Without these social transfers, the rate of poverty among children and adolescents would have reached 40.2 per cent of persons under 18 years of age. With the transfers, however, the poverty rate was reduced to 28.9 per cent. Nonetheless, poverty remains one of the main challenges in Spain, as the child poverty rate, at 27.8 per cent, is one of the highest in the European Union.

41. One of the signs of the country’s commitment to addressing this challenge is its implementation of the European Child Guarantee, through the State Action Plan for the Implementation of the European Child Guarantee 2022–2030, adopted by the Council of Ministers on 5 July 2022. The aim of the Recommendation of the Council of the European Union establishing a European Child Guarantee, which was adopted in June 2021, is to break the cycle of child poverty.

42. The State Action Plan for the Implementation of the European Child Guarantee is intended to provide guidance for the successful implementation of the Recommendation and is organized around three main lines of action, which encompass 25 goals and more than 80 specific measures.

43. Key goals of the State Action Plan include guaranteeing quality, inclusive and equitable early childhood education as a subjective right, reducing early school dropout, improving access to extracurricular and educational leisure activities, increasing public

¹ Statistics on scholarships and study grants.

coverage of dental, optical and mental health-care services, and substantially reducing housing shortages.

Data collection

44. In Spain, a number of steps are being taken to strengthen mechanisms for the systematic collection and analysis of disaggregated data on children and adolescents.

45. The Statistical Yearbook of the Ministry of the Interior contains a compilation of statistical data on crime. Data are published on victims of criminal offences broken down by time period, autonomous community, type of offence, age group and sex. The age groups that can be selected are 13 years or under and 14 to 17 years, but no data are collected that would allow the ethnic origins or disabilities of victims to be identified.

46. Using the VioGén System – a centralized police system for monitoring and protecting women victims of gender-based violence and their children, anywhere in the country, that is maintained by the Ministry of the Interior – it is possible to consult statistical data on child victims of gender-based violence, children of victims of gender-based violence, active cases involving children in vulnerable situations, broken down by level of risk, and active cases involving children in situations of risk, broken down by level of risk.

47. With regard to data on gender-based violence, various statistics on minors can be obtained through the website of the Special Government Office on Gender-Based Violence of the Ministry for Equality, and these statistics are continually updated. The competencies of the Office include designing, developing and continually updating a system for collecting, analysing and disseminating data on violence against women that is obtained from the public authorities and other entities and disaggregated by age, sex, ethnic origin and nationality, in collaboration with the National Institute of Statistics and the Centre for Sociological Research. These agencies collect and publish statistical data on trafficking and sexual exploitation, data on minors killed in the context of gender-based violence perpetrated against their mothers by a current or former partner and data on cases of femicide not involving a partner or former partner (see annex).

48. In the health sector, most of the information systems used within the National Health System provide information broken down by age, sex, country of birth and geographic location. In some cases, it is also possible to obtain information on disability and socioeconomic level, although disaggregated data for these variables is not available.

49. The Ministry of Health is working to incorporate data on diagnoses in primary care and hospital care relating to violence against minors in the annual report issued by the Commission on Violence against Children and Adolescents.

50. The Statistical Bulletin on Protective Measures for Children and Adolescents is continually updated using a software application managed by the recently established Ministry for Young Persons and Children and precise and relevant data on the protective measures taken by the autonomous communities, guided always by the principle of the best interests of the child. Since the Bulletin was first published, the indicators have been adjusted and improved on an ongoing basis in order to increase the quantity and enhance the quality of the information they provide. The Bulletin includes data on violence against children and adolescents reported by the autonomous communities through the unified register of child abuse cases established in 2005.

51. The collection of data on violence against children is central to efforts to raise awareness of and address the problem. Accordingly, Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, provided for the establishment of two national registries, both of which are now in the process of being developed by the Ministry for Young Persons and Children. These are:

- The unified social services register on violence against children, which will include duly disaggregated statistical information on cases of violence against children and adolescents provided by primary social service providers and information and data provided by the public agency for the protection of children

- The central register of information on violence against children and adolescents, to which the public authorities, the General Council of the Judiciary, the State security forces and the health authorities will be required to submit information, and which is to be regulated by royal decree of the Government establishing the specific information to be included in the register and the procedure by which the data should be submitted

52. Lastly, the information available on the “Childhood in Data” online tool of the Ministry for Social Rights and the 2030 Agenda is updated and improved on an ongoing basis.

Dissemination and awareness-raising

53. Raising awareness of the Convention is considered a core responsibility for the public authorities, particularly through the children’s observatories and at both the State and autonomous community levels, and also for a large number of NGOs. The text of the Convention is disseminated in various forms, including hard-copy editions in all national languages, on websites and in child-friendly versions.

54. Under the Strategy for the Rights of Children and Adolescents 2023–2030, campaigns to raise awareness of children’s rights and disseminate information on these rights are regularly conducted. Activities are held to mark Universal Children’s Day, on 20 November every year, and other days established by the United Nations such as the International Day of the Girl Child and the International Day of Zero Tolerance for Female Genital Mutilation.

55. Particular importance is attached to the awareness-raising campaigns run by the autonomous communities and NGOs with a view to protecting children from corporal punishment, sexual abuse, trafficking and gender-based violence and involving society in the promotion of child welfare and the application of certain protective measures. Many of these activities form part of NGO programmes subsidized from personal income tax revenues by the Ministry for Social Rights and the 2030 Agenda, the amount of which is dependent on the amount of tax collected.

56. The Ministry for Social Rights and the 2030 Agenda conducted awareness-raising campaigns on combating violence against children in 2022 and 2023.

57. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, is included in the training for social service professionals that the Ministry for Social Rights and the 2030 Agenda delivers annually to officials and persons working for the autonomous communities or for local authorities active in this field.

58. This training includes face-to-face and online courses on the provisions of the Convention relating to: prevention, detection, reporting and intervention in cases of child abuse; prevention and intervention in cases of sexual abuse, trafficking and sexual exploitation of children and adolescents; unaccompanied migrant minors in protection centres; legal aspects of social intervention in cases involving foreign nationals and cases of domestic violence; the search for biological origins in adoption cases; reoffending; and the systematic use of technical intervention tools by the protection services and the juvenile justice system, *inter alia*.

59. The autonomous communities are instrumental in raising awareness of the rights of children and adolescents by means of campaigns, television programmes, annual awards and the provision of school materials for children and teachers, workshops on child participation and other training activities.

60. To disseminate and promote the provisions of the Convention, the Ministry of Education and Vocational Training helps to train and inform teachers and makes open resources available to the entire educational community. For example, a massive open online course (MOOC) on education in children’s rights and global citizenship is being organized in collaboration with the United Nations Children’s Fund (UNICEF).

61. With regard to training for professionals working in direct contact with migrant children and adolescents, the training plan for the staff of the different units of the Directorate General for the Management of the Reception, International Protection and Temporary

Protection System of the Ministry for Inclusion, Social Security and Migration sets out training activities on trafficking in persons that include specific content on minors in situations of exploitation. The activities also cover trafficking-related legislation, the rights of minors, indicators for identifying situations in which minors may have been trafficked and specific measures for supporting them.

62. The reception plan implemented to deal with the emergency caused by the war in Ukraine sets out training activities to enable the staff of the reception, accommodation and referral centres to identify cases of trafficking in persons, with emphasis being placed on addressing the problems and imminent threats faced by displaced Ukrainian children. The integrated approach adopted in this plan has also been proposed as a model that can be extended and adapted to situations arising from other conflicts.

Cooperation with civil society

63. NGOs play a key role in raising awareness, promoting dialogue and advocacy and exposing situations where children's rights are being violated and cooperate with the public authorities in the development of a wide range of action and intervention programmes. The Platform of Children's Organizations, which comprises over 70 agencies, has a central role in these activities, which involves drafting reports that complement the implementation of the Convention and compiling details of children's and adolescents' contributions to both the national strategic plans for children and the aforementioned reports.

64. One of the aims of the Spanish Cooperation Strategy is to provide guidance for the various actors of the Spanish cooperation system to enable them to contribute more effectively to the realization of children's and adolescents' rights. The Working Group on Children's Rights has developed a strategic paper on key factors relating to the incorporation of children's rights in the work of the Spanish cooperation system that was adopted in plenary session of the Development Cooperation Council in May 2023.

65. The Childhood Observatory, established in 1999, engages in networking activities promoting collaboration and intersectoral coordination between all public and private institutions with a view to upholding and promoting the rights of children and adolescents.

Child rights and the business sector

66. In Spain, the obligations of companies and organizations with premises and/or facilities where minors might be present are regulated by Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, the Criminal Code and Royal Legislative Decree No. 5/2000 of 4 August, by which the consolidated text of the Act on Offences and Penalties in the Social Sector was adopted. The purpose of these laws is to guarantee children's and adolescents' fundamental right to psychological, physical and moral integrity and to prevent violence of all forms. Companies that fail to comply with the regulations on safeguarding minors may also face disciplinary and criminal penalties. While trafficking in persons is established as an offence in article 177 bis of the Criminal Code, slavery, servitude and forced labour are not expressly criminalized as a separate offence and are instead considered only as motives for the offence of trafficking.

67. The National Action Plan for Implementation of the Guiding Principles on Business and Human Rights reflects the State's commitment to protect human rights and takes account of any negative impact that business activities may have on children. The Plan envisages a number of measures linked to the Spanish Strategy for Corporate Social Responsibility 2014–2020. Measures implemented include the publication of a document listing human rights indicators and indicators relating to labour rights and policies and the development of the website of the Ministry of Labour and the Social Economy, on which reports on corporate social responsibility prepared by companies on a voluntary basis, in accordance with the Spanish Strategy for Corporate Social Responsibility, are published.

68. The Government has adopted a series of support packages consisting of measures to combat child poverty and protect poorer families. A sixth package of measures to respond to

the financial and social consequences of the war in Ukraine, support the reconstruction of the island of La Palma and address other situations of vulnerability, with the aim of further reducing inflation and strengthening support measures for the most affected families and economic sectors, was adopted by Royal Decree-Law No. 20/2022 of 27 December. The measures implemented to date have proved effective, allowing for the established objectives to be met; since August 2022, the rate of inflation in Spain has been below the European average and, in November 2022, Spain had the lowest harmonized inflation rate.

69. Nevertheless, the ongoing war continues to affect the general price level, especially for certain basic goods such as food and raw materials as well as some intermediate goods. For this reason, the Government intends to continue adopting measures to alleviate the burden on the most affected families and sectors, as a matter of priority, in line with the recommendations of national and international organizations.

70. Additionally, to break the cycle of child poverty, the Office of the High Commissioner for Combating Child Poverty has launched the Zero Child Poverty Country (País Pobreza Infantil Cero) Alliance, which involves public authorities, companies, foundations, not-for-profit and social enterprises and civil society.

International cooperation

71. In compliance with multilateral commitments and agreements adopted within the European Union, article 1.6 of the Act on Sustainable Development and Global Solidarity establishes that Spain must allocate at least 0.7 per cent of its gross national income to official development assistance. Intermediate targets are set in the master plans for Spanish cooperation with reference to the total allocated to development cooperation but there is no allocation specifically for child-related measures.

72. The aforementioned Act also establishes that, in compliance with the international commitments of Spain, at least 10 per cent of official development assistance resources should be allocated to humanitarian action. Article 13.3 establishes that Spain must also take into account the gender dimension of humanitarian crises and the special assistance and protection needs of women and girls, such as those arising from sexual violence in situations of armed conflict, as well as the needs of other vulnerable groups, especially children, adolescents and persons with disabilities.

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

Non-discrimination

73. The National Office for Combating Hate Crime, established in 2018, is an advisory body that provides strategic and technical information to support the adoption of public policies on hate crime. It coordinates the exchange and dissemination of information among agencies under the Ministry of the Interior as well as the joint training of the State security forces, paying particular attention to the treatment of victims. It acts as an observatory for these offences, gathering information and initiating strategic analyses leading to the adoption of new initiatives to tackle the problem and establishing itself as a national point of contact with other international organizations specializing in this field.

74. The National Office for Combating Hate Crime has carried out two action plans to combat hate crime that were designed with the support of various civil society associations, public institutions and police forces. It has also published a best practice guide for reporting hate crime and a guide to supporting victims of hate crime with developmental disabilities in order to provide the State security forces with tools for dealing with victims of hate crime with any form of intellectual or developmental disability.

75. With regard to the fight against hate speech, which can particularly affect minors accessing the Internet and new technologies, the Government participates in the High Level Group on combating hate speech and hate crime of the European Commission and, in 2021, published a protocol for combating illegal hate speech online to serve as a tool for

strengthening collaboration between institutions, civil society organizations and data hosting service providers in the fight against hate speech on social networks.

76. The Council for the Elimination of Racial and Ethnic Discrimination – a collegiate body attached to the Ministry for Equality without being part of its hierarchical structure – has increased the additional measures and resources intended to address and combat all forms of discrimination directed at the population segments and ethnic groups that suffer most from racism and racial discrimination, including minors. The Council has a victim support service and has increased the number of local support offices in operation to 23. The opening hours of the telephone support service have been extended and a new number (021) has been set up to handle calls. In addition, the budgetary resources allocated to combating racial discrimination, xenophobia and other forms of intolerance have been increased in order to ensure the correct, effective and independent fulfilment of the Council's mandate.

77. The Council publishes its report on an annual basis.² In 2022, it registered a total of 1,570 discriminatory incidents, 6 per cent of which (95 cases) involved minors, in areas such as education, security and health care.

78. The Spanish legal and regulatory framework is tightly focused on combating discrimination, as shown by the adoption of the Comprehensive Act on Equal Treatment and Non-Discrimination in 2022, the establishment of the Independent Authority for Equal Treatment and Non-Discrimination and the development of the State strategy for equal treatment and non-discrimination.

79. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, provides for the design of training activities that take particular account of the gender perspective and the specific needs of minors with disabilities, minors of diverse racial, ethnic or national origin, economically disadvantaged minors, minors belonging to the lesbian, gay, transgender, bisexual and intersex community or of other sexual preference or orientation and/or gender identity, and unaccompanied minors. Act No. 4/2023 of 28 February, providing for the real and effective equality of transgender persons and protecting the rights of lesbian, gay, transgender, bisexual and intersex persons, encompasses protection for the rights of minors in this group (art. 70). Other significant developments have been the introduction to the Criminal Code of new discriminatory grounds, such as age, *aporophobia* (negative attitudes towards poverty and poor people) and social exclusion, and the establishment of anti-Gypsyism as a hate crime.

80. The Government has developed financial support programmes under the National Strategy for Roma Equality, Inclusion and Participation 2021–2030 and allocates the necessary resources to promote enrolment in school and access to, and retention in, compulsory and post-compulsory education for the Gitano population and other vulnerable groups.

81. With regard to the health inequalities affecting the Gitano population, the part of the aforementioned National Strategy devoted to social inclusion has a section on health in which the objectives set forth include improving the health situation of the Gitano population and reducing social inequalities in their communities, with a particular emphasis on children and older persons, and reducing discrimination against Gitanos in the field of health care.

82. Measures to improve knowledge of the health situation of the Gitano population due to be implemented by the Government include the organization of the next national health survey of the Gitano population and the implementation, in collaboration with the Gitano community, of local measures to promote health funded through government grants awarded to local bodies within the framework of the agreement between the Ministry of Health and the Spanish Federation of Municipalities and Provinces. In addition, a series of training and awareness-raising activities for health-care professionals is being carried out which addresses anti-Gypsyism and how to incorporate an equity perspective in their work.

83. With regard to the schooling of children in situations of socio-educational vulnerability, the Education Act of 3 May 2006, as amended, establishes that these children

² https://igualdadynodiscriminacion.igualdad.gob.es/novedades/novedades/2023/pdf/MEMORIA_ANUAL__2022_CEDRE.pdf.

should not face discrimination or segregation and should be guaranteed effective equality with regard to their access to and continuation in the education system. The Act consolidated the principles associated with the right to education, as established in the Convention, and the guarantees of equal opportunities that underpin the Spanish education system. It also expressly mandates the educational authorities to ensure that preventive and compensatory action is taken in order to guarantee the best possible conditions for the schooling of all children and adolescents whose personal or social situation place them at an initial disadvantage in terms of access to the different levels of education.

84. The fight against sexism and gender stereotyping in advertising featuring children has become increasingly important, as reflected in the rising number of complaints about the early sexualization of girls in advertising images received by the Women's Image Observatory of the National Institute for Women (more than 240 between 2018 and 2023). In 2020, a report on the sexualization of girls in advertising was published on the occasion of the International Day of the Girl Child. The National Institute for Women has also run campaigns against stereotyping, including "I Am Real, I Am Authentic" (Soy real, Soy Auténtica) in 2022, intended to raise awareness of gender stereotypes based on imposed standards of beauty, and "Play to Be Free" (Jugar para ser libres) in 2020, to promote play free from gender stereotypes.

85. A new self-regulatory code for toy advertisements, spearheaded by the Ministry of Consumer Affairs and signed by the Spanish Association of Toy Manufacturers, came into force on 1 December 2022 and has eliminated sexist and gender-stereotyped advertising in this area of marketing.

Best interests of the child

86. Public policy planning in the area of childhood and adolescence gives precedence to the best interests of the child. All guiding principles of the Strategy for the Rights of Children and Adolescents emanate from the Convention, including the principle of the best interests of the child, which requires public and private social welfare institutions, courts, administrative authorities and legislative bodies to prioritize the best interests of the child over any other interest or consideration in all measures they take that affect children.

87. Organic Act No. 8/2015 of 22 July, reforming the child and adolescent protection system, incorporated the best interests of the child as a cross-cutting factor in reforms in the area of child and adolescent protection, reaffirming that this key principle is a threefold concept that operates as a substantive right, a fundamental, interpretative legal principle and a rule of procedure, as established in the Committee's general comment No. 14. The principle is also extensively reflected in legislation adopted by the autonomous communities (for example, by the Valencian Community, Castilla La Mancha and Navarra) since 2015, although it is State law that defines the concept in the greatest depth and detail.

88. Among other improvements, the second final provision of the Act amends article 92 of the Civil Code to reinforce the priority to be given to the best interests principle in separation, annulment and divorce proceedings and ensure that the safeguards necessary for the enforcement of custody and guardianship arrangements are in place.

89. A new organizational model for the administration of justice has been under development. The reforms envisaged are included in the bill on the organizational efficiency of the justice system, which amends Organic Act No. 6/1985 of 1 July (the Judicial Organization Act) to provide for the establishment of courts of first instance in every judicial district and justice bureaus in the municipalities. Parliament is expected to resume consideration of this bill in the near future.

90. With regard to policies intended to determine and safeguard the best interests of the child in programmes, procedures and administrative decisions, article 29.1 of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, provides that "public authorities should pay particular attention to the protection of the best interests of children and adolescents who live in family environments affected by gender-based violence". Article 43.4 of the Act includes a mandate for the public authorities

“to ensure that child and adolescent victims of violent offences or offences that are sexual in nature or involve trafficking or gender-based violence receive comprehensive care from specialized services to assist their recovery”.

91. With regard to child and adolescent migrants, within the framework of the protocol for dealing with violence against women in the international and temporary protection system, a working group composed of representatives of agencies and centres forming part of the reception system was set up in 2022 with a view to providing basic resources and issuing guidelines for professionals working with children. A document based on the Convention, which sets out preventive measures to ensure the protection of children, was drafted as a result.

Respect for the views of the child

92. Judicial and administrative proceedings, appearances in court and hearings involving minors are conducted in a manner appropriate to their situation and stage of development, and, if necessary, with support from qualified professionals or experts. Minors deemed to be sufficiently mature, based on the assessments of specialized staff, are guaranteed the right to make their views heard, which they may exercise either themselves or through a representative of their choice.

93. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, amended Organic Act No. 6/1985 of 1 July (the Judicial Organization Act) to guarantee a specialized juvenile justice system in which all competitive examinations for the appointment and promotion of judges and prosecutors require the study of laws protecting the rights of children and adolescents, child protection, and the application of the principle of the best interests of the child and their right to be heard.

94. With regard to migrant minors, the Office for Asylum and Refugees of the Ministry of the Interior is currently developing a protocol for processing applications for the international protection of unaccompanied and separated minors that emphasizes the right of minors to be heard.

95. Royal Decree No. 220/2022, adopting the regulations governing reception and international protection, establishes the right of the beneficiaries of the reception, international protection and temporary protection system to be informed, in a language that they understand, of the accommodation and other services provided through the reception system, their rights and duties as users, and the grounds giving rise to the restriction or withdrawal of reception services. When the beneficiaries are minors, a procedure must be established to ensure that they have access to information tailored to their age and maturity and that their right to be heard is respected.

96. Within the powers of the prison administration, efforts are made to ensure that women can serve their sentence with their children, in an environment that facilitates their development, as an alternative to imprisonment in a closed or ordinary facility. To this end, 19 women (the mothers of 22 minors) are serving their sentences in open conditions in third-category facilities. Of these women, eight have a remote monitoring device that allows them to live at home while serving their sentence (see annex).

97. With regard to the participation of minors in proceedings relating to any kind of criminal complaint, all members of the State security forces are trained to be aware that minors have the right to file a complaint by themselves, without the assistance of a person of legal age. This right is particularly relevant in situations where, depending on the type of offence, they may be reporting domestic violence in which family members may be involved. There are information-sharing mechanisms that are tailored to minors, including documents setting out the rights of victims of offences and specific documents on the rights of minors alleged to have committed offences.

98. With regard to measures taken to promote children’s participation, in compliance with the seventeenth final provision of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, Order No. DSA/1009/2021 of 22 September established the State Council for Child and Adolescent Participation, a State body made up

of children and adolescents aged between 8 and 17 years at the time of their appointment. Members who reach the age of 18 years may keep their seats until the end of their term of office. Members join the Council on a voluntary basis and represent the group or groups that proposed and elected them – specifically other minors belonging to municipal or regional participatory bodies or to organizations, associations, entities, collectives or platforms at the national level whose mission is to defend, guarantee and promote children’s rights and take account of child participation channels in their decision-making processes. The Council was launched on 9 December 2021 and, since then, has been consulted and has actively participated in the development of the two aforementioned strategies on childhood, in the State Action Plan for the Implementation of the European Child Guarantee, and in a number of events where its presence proved effective. The members of the Council are very satisfied with its achievements in the two years since its establishment and the Council receives a growing number of requests for consultation from civil society and different public authorities. The membership has now been renewed, with many applications having been received.

99. The website of the Ministry for Social Rights and the 2030 Agenda includes child-friendly versions of the State Action Plan for the Implementation of the European Child Guarantee, the Strategy for the Elimination of Violence against Children and Adolescents and the Strategy for the Rights of Children and Adolescents 2023–2030.

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

Children’s rights in the digital environment

100. In Spain, there are several regulatory standards relating to the digital environment that require cooperation and coordination between State and autonomous community authorities. These standards are based on the Digital Rights Charter 2021, which refers to the special protection that children and adolescents require in this environment, as well as the Digital Spain Strategy 2026, the National Digital Skills Plan and the Digital Skills for Children Programme.

101. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, regulates public and private sector collaboration with the aim of facilitating prevention and response measures in situations of violence against children. The Act is also intended to promote collaboration with information and communications technology companies, the data protection agencies of the various public authorities, the State security forces and the justice authorities with a view to identifying and removing illegal content on networks that involves a form of violence against children and adolescents. The Act also regulates the responsible use of the Internet and the monitoring of content, urging public authorities to implement age verification protocols and design campaigns to raise awareness of the risk of minors’ accessing and consuming pornography.

102. In 2023, steps were taken in Spain to develop a State covenant on the protection of minors accessing the Internet, with a commitment to draft a comprehensive law for their protection. The Spanish Data Protection Agency, together with the Royal Spanish Mint, is already developing age verification systems to prevent access to adult content.

103. In collaboration with the private sector, efforts are being made to ensure that the launch and development of digital applications and services take into account the need to protect children and establish safe digital environments promoting positive online content. Furthermore, the public authorities are working to ensure that the packaging of new technology tools includes a warning about the need for responsible use of these technologies to prevent specific addictive behaviours.

104. The Strategy for the Rights of Children and Adolescents 2023–2030 and the Strategy for the Elimination of Violence against Children and Adolescents envisage specific helpline services on the safe and responsible use of the Internet that provide children, adolescents and

their families with support and advice on potential risk situations in the digital environment, as well as a direct line to the Spanish Data Protection Agency.

105. The National Cybersecurity Institute, which encompasses the Spanish Internet Safety Centre for Minors, applies the European Union strategy named Better Internet for Kids and is part of the pan-European Insafe network. It runs awareness-raising and training initiatives as well as a free support and preventive advice hotline service (017).

106. With the aim of encouraging children and adolescents to have a healthy and safe relationship with technology, in line with the technical conditions for the standardization of social services for children and adolescents, autonomous communities such as the Valencian Community, Murcia, the Canary Islands and Catalonia have developed programmes and measures relating to good practices in the use of new technologies and social networks.

107. In addition, the Ministry of Education and Vocational Training has concluded an agreement with the Spanish Data Protection Agency for the prevention and removal of sensitive images and content that are unlawfully published on the Internet. The Ministry is also involved in addressing the use of social networks, the prevention of addictions to technology and the support available to mitigate such problems, carrying out training activities in collaboration with the Spanish Data Protection Agency and the National Cybersecurity Institute.

108. Act No. 26/2015 of 28 July, on the modification of the system for the protection of children and adolescents and Act No. 13/2022 of 7 July (the General Act on Audiovisual Communication) establish an obligation for the authorities, competent bodies and public and private television stations to foster the creation of codes of conduct that safeguard the values of equality, solidarity, diversity and respect for others, restricting access to images and digital content that are harmful to children and adolescents, and to monitor compliance with such codes.

109. In this connection, the main television operators have signed a code for the self-regulation of television content and the welfare of children and the establishment of a joint monitoring commission, the main purpose of which is to protect minors from potentially harmful content.

110. In October 2022, the Sectoral Conference on Children and Adolescents adopted a proposal for the regional distribution of funds (€50 million) among the autonomous communities within the framework of the Digital Skills for Children Programme forming part of the Recovery, Transformation and Resilience Plan. The purpose of this programme is to provide training in basic digital skills with a view to narrowing the digital divide by addressing the problem at an early stage and providing children and adolescents in vulnerable situations with opportunities to learn digital skills.

111. Under the Digital Skills for Children Programme, 950,000 children and adolescents will be trained in digital skills by 2025 through two subprogrammes: basic digital skills will be taught to children between 10 and 13 years of age, while training in advanced digital skills will begin for adolescents aged between 14 and 17 years, increasing their employability with a gender perspective. The programme will prioritize children and adolescents exposed to poverty, social exclusion and other situations of vulnerability covered by the State Action Plan for the Implementation of the European Child Guarantee.

Participation in student associations

112. The Education Act, as amended, protects students' constitutional right of association and makes it possible for them to propose activities in their schools and to participate in their school councils. In addition, the main role of the Institute for Youth, which is an autonomous body affiliated with the Ministry for Young Persons and Children and the Ministry for Social Rights and the 2030 Agenda, is to promote activities that benefit young people, in addition to supporting and working collaboratively with other entities, such as the Youth Council of Spain, the State Confederation of Student Associations and Dialogue with Youth, which represent the interests of young people in Spain and promote the formation of student associations.

113. Participation is one of the main areas of focus under the Strategy for the Rights of Children and Adolescents 2023–2030, which includes activities to encourage the participation of children and adolescents and promote the development of associations and the use of non-formal education as a key tool. In addition, the regional governments have a duty to encourage student to exercise their right of association. Furthermore, the Ministry of Education and Vocational Training, in its management role, organizes annual calls for applications for grants to fund the activities of student confederations, federations and associations.

114. The Valencian Community’s Strategy for Children and Adolescents 2022–2026 is designed to give effect to the rights of children and adolescents and brings together various measures intended to create inclusive forums in which all minors can participate.

IV. Violence against children (arts. 19, 24 (2), 28 (3), 34, 37 (a) and 39 of the Convention)

Freedom of the child from all forms of violence

115. In terms of national legislation, Organic Act No. 8/2021, which came into force in June 2021, seeks to ensure comprehensive protection against all forms of violence for minors in Spain. It provides for measures to be adopted in various domains, including, for example, health care and education, social welfare services, the justice system, State law enforcement agencies and new technologies. These measures have a bearing on all settings in which violence against a minor may potentially occur and cover awareness-raising, prevention, early detection and intervention. The Act closely adheres to the international treaties ratified by Spain.

116. The eighth final provision of Organic Act No. 8/2021 amends Organic Act No. 1/1996, on the legal protection of minors, rounding out the review of the child and adolescent protection system carried out in 2015 with the definition of new indicators for the assessment of situations of risk. Article 21 ter of Organic Act No. 1/1996, which addresses child and adolescent welfare centres, sets out a series of measures to ensure the harmonious coexistence and safety of minors, focusing on prevention and de-escalation.

117. In addition, the eleventh final provision of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, amends Organic Act No. 5/2000 of 12 January 2000, on the criminal responsibility of minors, to expressly prohibit the use of mechanical restraints as a safety measure in detention centres for minors over 14 years of age on whom criminal penalties have been imposed.

118. To oversee the role of health-care services in preventing violence against children and adolescents, treating victims of such violence and meeting requirements under Organic Act No. 8/2021, the Commission on Violence against Children and Adolescents was formed in 2022 under the Interregional Council of the National Health System. The Commission includes representatives of the autonomous communities, the Ministry of Young Persons and Children, the Ministry for Equality and the Institutes of Forensic Medicine and Science and experts from the health professions involved in the prevention of violence against children and adolescents and the assessment and treatment of victims. The Common Protocol on the Health-Care Response to Violence against Children and Adolescents was adopted in December 2023.

119. Within this framework, a report will be prepared annually, which will include available data, disaggregated by sex and age, on the health-care services received by minors who are victims of violence and information on the implementation of measures under the Act that have a health impact. The results of these measures will be included in the annual evaluation report on the Strategy for the Elimination of Violence against Children and Adolescents.

120. The Directorate General of Public Health of the Ministry of Health has carried out various training and awareness-raising activities for health personnel on issues such as the

prevention of child abuse, coordination under the Health-Care Response Protocol, the collection of data on the prevalence and incidence of violence among minors and the health-care response for addressing and preventing such violence. It has also introduced online training on positive parenting for health professionals, fathers, mothers and other persons with parental responsibilities.

121. In addition, in 2022/23 the Directorate General carried out the following measures and initiatives: it created a section on the website of the Ministry of Health on addressing violence against children and adolescents through the health sector;³ it published a guide on basic, common standards for the health-care response to sexual violence; and it prepared the Common Protocol on Sexual Violence of the Commission against Gender-based Violence.

122. Additionally, the Women's Health Observatory has run training sessions on sexual violence and best health-care practices and training seminars on sexual violence and common care standards for forensic experts and various types of professionals involved in the provision of comprehensive care in cases of violence, and has set up a working group on child and adolescent mental health.

123. Existing detection, reporting, investigation, protection and judicial procedures in cases of domestic violence, including physical and sexual violence, involving a minor or adolescent as either a victim or witness, and the requirements with respect to police treatment of minors in such cases are set out in Instruction No. 1/2017 of the State Secretariat for Security of the Ministry of the Interior, under which the police protocol for interactions with minors was adopted.

124. With respect to detection procedures, section 7 of Instruction No. 1/2017 addresses in detail police conduct in school environments and requires the police to increase cooperation with school leaders, as provided in the Master Plan for Tolerance and Improved Safety in Schools and Surrounding Areas. This is done through information-gathering, talks, school conferences, regular contact with the school community (including teachers and parent-teacher associations) and police vigilance in the vicinity of schools. Under the Master Plan adopted in June 2023, these obligations were extended to protection centres where minors are present.

125. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, lays down rules for police conduct in cases of violence against children and adolescents, setting out a series of mandatory rules of conduct intended primarily to ensure that child and adolescent victims of violence are treated properly and to prevent their secondary victimization. In addition, for cases where the victims include minors, the National Police and the Civil Guard have units specialized in working with minors that focus on the investigation of and response to cases of gender-based violence, domestic violence and sexual violence. In the National Police, these units are called Families' and Women's Assistance Units; in the Civil Guard, they are called Specialists for Women and Juveniles.

126. A very effective inter-institutional avenue for seeking justice for child and adolescent victims of abuse and neglect is the existing collaboration with Fundación ANAR, a foundation that assists children and adolescents at risk and runs a number of telephone helplines and chats for minors through which it is able to identify many situations of risk and/or mistreatment.

127. With respect to guarantees that minors between 14 and 18 years of age are not subjected to revictimization in court, the new regulations regarding evidence given before trial, which Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, introduced into article 449 ter of the Criminal Procedure Act, reduce secondary victimization and preserve the quality of testimony as time passes. In 2022, the Ministry of Justice published a guide to best practices for taking statements in criminal proceedings from minors and persons with disabilities in need of special protection, which provide for the involvement of a forensic psychologist, particularly when evidence is being given before trial. The guide provides scientific recommendations for experts involved in the

³ <https://www.sanidad.gob.es/areas/promocionPrevencion/prevencionViolencia/infanciaAdolescencia/home.htm>.

taking of statements before trial from victims who are minors and/or persons with disabilities in need of special protection.

128. The Directorate General for the Rights of Children and Adolescents promotes the implementation of the *barnahus* (children's house) model, a model for the provision of comprehensive assistance under which all agencies involved in cases of sexual violence against children work in coordination under one roof to assist child victims. A *barnahus* offers child victims a friendly environment in which to give their statements, saving them from having to visit a police station. At these centres, forensic interviews are conducted directly with the child, and are recorded and viewed by all stakeholders in the case via closed circuit, thereby facilitating the child's recovery and eliminating the need for him or her to attend the trial. The effectiveness of the approach is supported by evidence.

129. In the education sector, under article 124.5 of the Education Act, as amended, the education authorities are required to issue protocols on how to respond to signs of school bullying, cyberbullying, sexual harassment, gender-based violence and any other manifestation of violence in educational establishments. In addition, all schools, regardless of whether they are public or private, must designate a welfare and protection coordinator (a role provided for in Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence). At the beginning of the 2022/23 school year, all public schools had someone in this role, but the level of implementation has not been uniform across the country, as shown in a report by Fundación Educación y Cooperación on welfare and protection coordinators that provided an assessment of the first year and proposals to strengthen the role, which is a key one in countering violence against children (<https://educowebmedia.blob.core.windows.net/educowebmedia/educospain/media/docs/publicaciones/2023/informe-coordinador-de-byp-provisional.pdf>).

130. The State Observatory for Harmonious Coexistence in Schools does important work relating to harmony in schools and online and emotional well-being in schools.

131. The Ministry of Education and Vocational Training has set up a helpline for cases of abuse and school bullying, carries out teacher training activities on harmony, cyberbullying and the safety of children and adolescents and runs an annual national contest on best practices in schools.

Sexual exploitation and abuse

132. The sixth final provision of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, relating to the amendment of Organic Act No. 10/1995 of 23 November 1995 on the Criminal Code, includes several important amendments.

133. The statute of limitations for the most serious crimes committed against minors has been extended by changing the date on which it begins to run until the date the victim turns 35 years old. This change precludes the possibility for immunity with respect to offences that have been shown statistically to require a long time for victims to process psychologically and, in many cases, are detected late.

134. Criminal liability can no longer be absolved through the forgiveness of the aggrieved party when the victim of the crime is under 18 years old. This has increased the protection of children and adolescents in cases involving offences that are prosecutable at a party's request.

135. The wording used in the definition of the aggravated form of sexual assault, in the definition of sexual abuse and assault of minors under 16 years of age and in those of prostitution and sexual exploitation and corruption of minors (arts. 180, 183, 188 and 189) has been amended to reflect the current reality and the provisions of the law. In addition, article 183 quater has been amended to limit the ability of the free consent of a minor under 16 years of age to absolve a perpetrator of criminal liability to only the offences provided for in articles 183 (1) and 183 bis, first paragraph, second point, when the perpetrator is close to the minor in age and level of physical and psychological maturity, provided that the acts do not constitute a threat to the minor's sexual freedom.

136. Lastly, new criminal offences have been created to prevent impunity for acts carried out using technology and the media that pose a serious risk to the life and integrity of minors and cause significant alarm among the public. The new provisions provide for the punishment of persons who, using these means, promote suicide, self-harm or eating disorders among minors or the commission of sexual offences against minors. In addition, it is expressly provided that the judicial authorities are to remove such content from the Internet to prevent continued criminal conduct.

137. With respect to the sexual exploitation of minors, the paragraph of article 188 of the Criminal Code on enticement into prostitution of minors or persons with disabilities needing special protection provides for a penalty of a term of imprisonment of 2 to 5 years and fines based on a period of 12 to 24 months.

138. On 7 September 2022, Organic Act No. 10/2022 of 6 September, on the comprehensive protection of sexual freedom, was published in the Official Gazette. The purpose of the Act is to further the prevention of sexual violence and safeguard the rights of all victims by laying the foundations for the elimination of the added obstacles that some victims face because of various types of discrimination. The law is intended to supplement this basic floor with specific measures to ensure the protection of children and adolescents under 18 years of age from sexual violence. In addition, title IV, chapter I, of the Act lays the groundwork for the *barnahus* model mentioned above.

139. Subsequently, in April 2023, amendments were adopted relating to certain issues addressed by Organic Act No. 10/2022 that concerned children and adolescents. The amendments involved, for example, the drafting of the provision on mitigating circumstances, changes to the previous penalties for the aggravated form of rape, the inclusion of any person with ties of kinship to the victim, an increase in the penalty when there are several aggravating circumstances, the inclusion of a transitional provision and the competence of criminal courts to try sexual offences.

140. In May 2022, the sectoral conferences of the Ministry for Equality and the Ministry for Social Rights and the 2030 Agenda adopted the child protection system's action plan to combat the sexual exploitation of children and adolescents, which includes measures for prevention and for the protection, support, shelter and recovery of minors who are victims of sexual exploitation, and funds for the training of professionals in the prevention of sexual violence against minors under guardianship.

141. Regarding the fight against cybercrime, in February 2019 the National Security Council adopted the National Strategy against Organized Crime and Serious Crime 2019–2023. The measures envisaged thereunder include improvements to intelligence and investigation operations, with a focus on those cybercrimes that cause the most harm, such as online child pornography, and an extension of the activities of the units specialized in prevention, investigation technology and the forensic analysis of devices and of the work of the units that specialize in the investigation of crimes committed on the Internet against vulnerable victims, thereby reducing their vulnerability.

142. Regarding the existing support services for applicants for and beneficiaries of temporary and international protection, including children and adolescents who are victims of sexual exploitation and abuse, the Directorate General for the Management of the Reception, International Protection and Temporary Protection System of the Ministry for Inclusion, Social Security and Migration has two protocols and a procedure that it applies to potential cases of trafficking in persons for purposes of sexual exploitation that emerge among applicants for and beneficiaries of temporary or international protection who express a desire to enter the System. Firstly, the protocol for the detection of and response to potential cases of trafficking in persons for purposes of sexual exploitation, in force since January 2015, establishes guidelines for responding to potential cases that may come to light in the social work unit in refugee reception centres or in temporary migrant reception centres.

143. Secondly, the referral procedure for potential victims of trafficking in persons requesting international protection at Madrid-Barajas Airport, in use since October 2019, includes guidelines for the response when it is suspected that foreign adults or families arriving at airports who request international protection may be in a situation of trafficking in persons. The protocol for prevention, detection, assistance and referral with respect to

potential victims of trafficking in persons at the centres for reception, assistance and referral of the Directorate General for the Management of the Reception, International Protection and Temporary Protection System – which has been applied since April 2022, when the emergency arising from the arrival of Ukrainians displaced by the armed conflict began – also allows for the detection of potential cases of trafficking in persons.

144. With respect to the introduction of facilities suitable for minors in which trial procedures can be carried out, courts have *Gesell* chambers that make it possible for victims to be interviewed without having to come face-to-face with the persons under investigation. These chambers consist of two rooms, an interview room and an observation room, separated by a one-way mirror that allows what is happening in the interview room to be seen from the observation room. The two rooms remain in contact through an audio system, and video recording equipment is available for the recording of the interview. The purpose of this arrangement is for the victim not to feel upset or uncomfortable when telling his or her story and for secondary victimization or revictimization to be averted through the recording of the interview.

145. The National Strategic Plan against Trafficking and Exploitation of Human Beings places the victim at the centre of any response, sets out a wide range of measures for assisting and protecting victims and provides for public awareness-raising and sensitization activities and the training of experts.

146. The Operational Plan for the Protection of the Human Rights of Women and Girls who are Victims of Trafficking and Sexual Exploitation and of Women in Contexts of Prostitution 2022–2026 (known as “Plan Camino”) is a comprehensive instrument designed to foster social and labour market integration and promote financial independence and independent living by facilitating access to jobs in the formal sector, housing, social services and health care and the full recovery of the violated rights.

147. The project to introduce the *barnahus* system in Spain is currently under way. The joint project of the European Union and the Council of Europe called “Strengthening child-friendly justice through effective co-operation and coordination among different *barnahus*-type services in the regions of Spain” is being implemented by the Council from June 2022 to June 2024 in close cooperation with what is now the Ministry for Young Persons and Children. The aim of the project is to ensure that all children and adolescents who are victims of violence, including trafficking for purposes of sexual exploitation and child sexual abuse, benefit from child-friendly access to justice and from strengthened child protection services. To ensure that the programme is implemented properly, there is an advisory committee comprising representatives of all the Ministries involved, including those of Justice, Health, the Interior and Equality, the General Council of the Judiciary, the Attorney General’s Office and the autonomous communities.

148. The Region of Murcia is implementing the “Light Project”, which focuses on counselling, prevention and psychological assessment for minors who are victims of sexual abuse, and Castilla La Mancha has rolled out the REVELAS programme for prevention and intervention in cases of child sexual abuse.

Harmful practices

Intersex minors

149. Article 19 of Act No. 4/2023, mentioned above, addresses comprehensive health care for intersex persons. It provides that the health care received by intersex persons should comply with the principles of non-pathologization, autonomy, informed decision-making and consent, non-discrimination, holistic care, quality, specialization, proximity and non-segregation. In all cases, the persons’ privacy should be respected, and their physical characteristics should remain confidential, with there being no unnecessary examinations or exposure without there being a diagnostic or treatment goal that is directly relevant.

150. The Act allows no genital modification procedures to be performed on a minor under 12 years of age unless medical indications require otherwise for the purpose of protecting the minor’s health. If the minor is between 12 and 16 years of age, such procedures may be

performed only at the minor's request, provided that, given his or her age and maturity, he or she is able to give informed consent to the procedure.

151. The Act also provides that the public authorities, within their areas of competence, must introduce protocols on intersexuality that ensure that minors participate in the decision-making process and that health personnel receive sufficient, ongoing and up-to-date training.

Minors in bullfighting events

152. The decisions of the Constitutional Court have expressly and unequivocally established that the power to establish the conditions for minors to attend and/or participate in bullfights lies with the autonomous regions.

153. Other than the autonomous community of the Balearic Islands, which prohibits minors under 18 years of age from being present at bullrings during bullfighting events, all other autonomous communities where bullfights – whether regulated, like corridas, rejoneo and novilladas, or popular – are held, allow minors, subject to certain requirements, to attend and/or participate in bullfights or bullfighting events and bullfighting schools within their borders.

V. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4) of the Convention)

Family environment

154. Article 28 of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, calls for the public authorities to make use of various protection measures in connection with mediation services in cases of family breakdown. Such measures encompass family support services, family meeting points and other specialized public resources that allow children and adolescents to receive adequate support and protection. In addition, courts have offices to handle psychosocial matters and the child, family and capacity divisions of courts receive technical assistance from the Institutes of Forensic Medicine and Science for the purpose of ensuring the well-being of minors and taking part in mediation proceedings.

155. In addition, the aim of the Strategy for the Elimination of Violence against Children and Adolescents is to roll out specific training, support and mediation programmes for families in crisis, facing conflict or going through divorce. The Ministry for Social Rights and the 2030 Agenda runs a programme for the protection of the family and action against child poverty that has been allocated €65 million – €35 million to allow the autonomous communities to finance projects to alleviate and improve the situation of socially vulnerable families and €25 million to fund general social services for such families. In addition, the Ministry and the Spanish Federation of Municipalities and Provinces are developing a positive parenting programme.

156. It is the responsibility of the autonomous communities to implement these types of programmes, as communities such as Madrid, which runs a family mediation service in all its Family Support Centres, Aragon, which has a family orientation and mediation programme, and Castilla La Mancha, which has a family reunification programme called “Walking as a Family” (Caminar en familia), already do. As for the non-payment of child support, under the law such conduct is considered to be a form of violence against children and adolescents. In addition, under article 227 of the Criminal Code, non-payment constitutes the offence of neglect. Regarding the equal sharing of family responsibilities, Royal Decree-Law No. 5/2023, implemented in 2023, supports parents in caring for children and adolescents by introducing new parental leave for the care of a dependent child or minor for more than one year and fostering a balance between work and family life. Furthermore, three new types of leave promoting such balance have been adopted, in compliance with Directive (EU) 2019/1158 on work-life balance for parents and carers (<https://www.boe.es/buscar/doc.php?id=BOE-A-2023-15135>).

157. The Ministry for Equality has developed the Joint Responsibility Plan, an initiative aimed at paving the way to the recognition of care as a right in Spain. The Plan is designed to foster family balance in terms of gender equality. To this end, professional care exchanges have been set up with various professional profiles to provide hourly assistance in the home for the care of minors up to 16 years of age. In addition, the “MyTurn” (Me Toca) mobile application that has been developed allows domestic chores and care responsibilities to be shared in a manner that reflects joint responsibility.

158. With respect to the health sector, because the Health Promotion and Preventive Care Strategy in place within the National Health System recognizes the importance of giving all children and adolescents a good start in life, positive parenting was chosen to be one of the five areas of action thereunder. The measures envisaged include the roll-out of training and capacity-building resources for parents designed to promote positive parenting models and the training of professionals, primarily from the health system, given the essential role that they play in facilitating parents’ understanding of child and adolescent development.

Children deprived of a family environment

159. Under the Strategy for the Rights of Children and Adolescents 2023–2030, deinstitutionalization is one of the main lines of action to protect the right of children and adolescents to live in a family and, in Spain, the objective has been included in the State Action Plan for the Implementation of the European Child Guarantee (European Child Guarantee 2022–2030). The European Child Guarantee was established under Recommendation 2021/1004 of the European Council, one of the main instruments of the European Strategy on the Rights of the Child and the Social Rights Pillar Action Plan.

160. The Action Plan is intended, among other things, to: promote support for fragile families; expand the various forms of foster care; promote safe and emotionally warm spaces; update intervention models, reinforcing the role of therapy and person-centred care; and support the process of transitioning to adulthood and emancipation.

161. The goal agreed under the State Action Plan for the Implementation of the European Child Guarantee, the Strategy for the Rights of Children and Adolescents 2023–2030 and the Action Plan to Combat Sexual Exploitation is to ensure that, by 2025, no child under the age of 6 lives in a residential facility, that, by 2030, no child under the age of 10 lives in a residential facility, that, by 2030, residential facilities have a maximum of 30 beds and that, by the same year, 70 per cent of children in the protection system are in foster care.

162. In Spain, parenting support has been expanded through, for example, the child support supplement available under the minimum living income and the tax deductions available for working mothers under the personal income tax system.

VI. Children with disabilities (art. 23 of the Convention)

163. The action points under the Spanish Strategy on Disability and the First National Plan for the Health and Well-being of Persons with Disabilities encompass numerous measures relating to children’s rights, such as the inclusion of early childhood care and comprehensive support for child development within a portfolio of specific services for the promotion of specialized care. In addition, there is encouragement for the use of State coordination mechanisms to unify and integrate the responses of the health sector, the social welfare services and the education sector within the framework of a plan for the universalization of early childhood care and child development services. Other measures envisaged include the conduct of studies and analyses of the situation, needs, expectations and demands of children and young persons with disabilities and the promotion of and support for the development of training services for professionals.

164. In addition, Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, established a requirement for a system ensuring high-quality early intervention to be established. To this end, in June 2022, a working group of experts on early intervention was set up, comprising representatives of the Ministry of Health, the

Ministry for Social Rights and the 2030 Agenda, the Ministry of Education and Vocational Training, the autonomous communities, the National Health-Care Management Institute, the Royal Council on Disability, Comité Español de Representantes de Personas con Discapacidad (Spanish Committee of Representatives of Persons with Disabilities) and associations of professionals involved in early intervention. The working group was created to serve as a forum for regional dialogue, with the involvement of organizations of persons with disabilities, for the purpose of making technical proposals to encourage recommendations for the improvement of early intervention in Spain. One of the working group's main outputs is the road map for the improvement of early intervention, adopted in June 2022, which provides a common framework for action to achieve greater universality, public accountability and equity in early intervention and to ensure that services are free of charge and of high quality.

165. In the education sector, to allow for the diverse needs of all students to be met, Organic Act No. 2/2006 (the Education Act) of 3 May makes inclusive education a fundamental principle. The Act states that, when students' diverse needs so require, the necessary organizational, methodological and curricular measures should be adopted, adhering to the principles of universal design for learning. For students with specific educational support needs, the measures best suited to ensuring that assessment procedures are carried out in a manner adapted to their needs will be selected, with consideration being given to the use of adapted curricula, an integrated curriculum, flexible groupings, elective subjects and reinforcement programmes.

166. The schooling of students with special educational needs is governed by the principles of normalization and inclusion. Schools must ensure that students are not subject to discrimination and that they enjoy effective equality in enrolling and remaining in the educational system. Under the Education Act, as amended, special needs are to be identified and assessed by specialists as early as possible and under the conditions set by the education authorities. During the 2021/22 academic year, a significant portion of students with special educational needs – 83.8 per cent – were enrolled in mainstream schools. This figure represented a slight increase over the 2017/18 academic year, when 83.4 per cent were enrolled in mainstream schools. During the 2021/22 academic year, 3.1 per cent of students with special educational needs enrolled in non-university education received support, an increase over the 2017/18 academic year, when 2.7 per cent received support.

167. In addition, the regional cooperation programme for inclusive education was implemented during the 2022/23 academic year, with the aim of increasing the supply of specialized resources for addressing diversity among students, optimizing the organization of these resources, promoting early detection and intervention and strengthening the central role of families in the initial stages of education.

168. With regard to financial aid for students with specific support needs, in 2023, for the first time, students providing evidence of a disability, a severe behavioural, communication or language disorder or autism spectrum disorder or evidence of being highly gifted may request, in addition to other assistance, a supplement of €400 to cover the additional expenses that their families have to incur. It is estimated that this supplement will be paid to some 280,000 students throughout Spain.

VII. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33 of the Convention)

Health and health services

169. The checklist tool for analysing equality in health strategies, programmes and activities has been updated. The tool is used to analyse health strategies, programmes and activities, with a focus on equality and the social determinants of health, with a view to identifying and formulating proposals for improvement that better incorporate equality into the strategy, programme or activity in question. Age inequality is one of the points included in the checklist.

170. As regards community health, there are various measures and action plans focused on promoting health and strengthening community orientation. These include the Strategic Framework for Primary and Community Care, a publication entitled “Community networks” and the online forum on local participatory governance and lessons learned during the pandemic (entitled “En-red-ando: Gobernanza local participativa, lo que hemos aprendido en la pandemia y queremos conservar”), both of which were rolled out during the COVID-19 crisis, a guide to community action for health, the Primary and Community Care Action Plan 2022–2023, and the provision of assistance for local bodies.

171. Statistics on hospitals are available at: <https://estadistico.inteligenciadegestion.sanidad.gob.es/publicoSNS/C/siae/siae/hospitales/oferta-asistencial/oferta-asistencial-por-centros>.

172. For non-admitted care centres, see the general register of health centres, services and institutions: <https://regcess.msbs.es/regcessWeb/inicioDescargarCentrosAction.do>.

Oral health

173. As regards oral health, in 2021 the Government allocated €49 million to the autonomous communities to enable them to expand dental care coverage under the Primary and Community Care Action Plan. At present, this benefit is provided for in annex II of Royal Decree 1030/2006 of 15 September, establishing the list of core services provided by the National Health System and the procedure for updating this list, which covers assistance, diagnosis, therapy, health promotion, health education and preventive care in relation to oral health.

174. The programmes implemented by the autonomous communities and the National Health Care Management Institute are for the most part aimed at children and adolescents. The competent health authorities have established children’s oral health programmes that offer a range of benefits in their supplementary service portfolios. These benefits generally cover children aged 6 to 15 and all oral diseases that can be treated by oral and maxillofacial surgery specialists.

175. The Ministry of Health has continued to work with the autonomous communities on expanding the National Health System’s core list of oral health services. The aim is to progressively increase coverage and benefits, as provided for in a plan adopted at the plenary session of the Benefits, Insurance and Funding Commission (attached to the Interregional Council of the National Health System) on 8 June 2022 and endorsed at the Council’s plenary session on 15 June 2022. All benefits included in the expanded list must be available before 31 December 2023. The plan for expanding the list can be consulted on the Ministry’s website.

Health promotion in education

176. The promotion of healthy habits and lifestyles, such as healthy eating, active movement, body care and emotional awareness, has been incorporated into the new educational curriculum at all levels, both as a specific subject and as a cross-cutting element of the curriculum as a whole. Health promotion activities in schools are carried out within the framework of the agreement on education and the promotion of health in schools signed between the Ministry of Health and the Ministry of Education and Vocational Training in 2019.

177. Pursuant to the Education Act, as amended, the education authorities must adopt measures to ensure that physical activity and healthy eating are part of everyday behaviour in childhood and adolescence.

178. Since 2021, the Ministry of Health and the Ministry of Education have been overseeing the production of a guide for health-promoting schools, which addresses health promotion in schools in a comprehensive manner. Also during this period, translations of the guide to materials for teachers entitled “Key concepts and activities: Learning about health and health promotion in schools” have been published by the Schools for Health in Europe network.

179. Each year schools that promote health in education are invited to apply for recognition through the “Healthy Life Seal” award and the National Good Practice Competition. In Ceuta and Melilla, the Ministry of Education and Vocational Training awards grants every year to cover the cost of school canteen services for students enrolled in publicly funded non-university educational facilities.

180. Regarding sex education, in 2023, the Women’s Institute held 24 age-appropriate sex education workshops for infant and primary school students at publicly funded schools, in accordance with the Education Act, as amended, the Strategic Plan for the Effective Equality of Women and Men 2022–2025 and Organic Act No. 1/2023.

Obesity and overweightness

181. The Ministry of Health is working to prevent obesity by promoting healthy environments and lifestyles, especially within the framework of the National Health System’s Health Promotion and Preventive Care Strategy. The Strategy takes a comprehensive, intersectoral and equitable approach designed to foster environments that make the healthiest choices the easiest ones. The Strategy is being implemented at the local level and the Ministry of Health is working to strengthen the Spanish Healthy Cities Network, both in collaboration with the Spanish Federation of Municipalities and Provinces. The Ministry is also working to promote breastfeeding, and is taking action in educational settings in implementation of the Strategy alongside the measures outlined in the section on health promotion in education above.

182. The recently adopted National Strategic Plan for the Reduction of Childhood Obesity 2022–2030, developed by the Office of the High Commissioner for Combating Child Poverty, includes measures to promote an active lifestyle, healthy eating, emotional well-being and good rest habits, and has been endorsed by 15 ministries, 18 scientific institutions, 13 non-profit organizations and 25 business associations and federations.

183. As part of the Recovery, Transformation and Resilience Plan, a healthy lifestyles and environments campaign was launched in 2022 with the general aim of promoting lifestyles and environments that help to improve public health and prevent non-communicable diseases.

Tobacco, drug and alcohol consumption

184. The Health Promotion and Preventive Care Strategy includes measures to reduce alcohol consumption. A healthy lifestyles website designed for the general public has been developed under the Strategy which contains specific information on the prevention of alcohol consumption among young persons. Since 2021, the website has also included recommendations focused on children, adolescents and young adults, and on the prevention of alcohol consumption during pregnancy.

185. The implementation of prevention, early detection and early intervention, risk and harm reduction programmes to address addictions to legal and illegal drugs and other behaviours likely to be addictive, such as gambling, betting and screen use, has been made possible thanks to funding allocated through the annual calls for applications for grants open to non-profit organizations, local authorities, the Spanish Federation of Municipalities and Provinces and research bodies. Such funding is awarded in line with the priorities set out in the National Addictions Strategy 2017–2024 and the current Addictions Action Plan 2021–2024. The objectives, actions and activities outlined in both strategic documents have a particular focus on persons up to 18 years of age.

186. The Ministry of Health, in collaboration with the Ministry of the Interior, coordinates and monitors the Spanish early warning system used to track the appearance of new psychoactive substances, new consumption patterns, the circulation of drugs in Spanish territory and the incidence of related adverse events such as intoxication and mortality.

Health and environment

187. The Ministry of Health has rolled out the Strategic Health and Environment Plan 2022–2026 and the First Action Programme 2022–2023. The main objective of the Plan is to mitigate the health risks derived from environmental factors and their determinants by reducing the burden of disease they cause, identifying new threats and facilitating the development of environmental health policies. The Ministry is aiming to achieve this objective by promoting healthy environments. The Strategic Health and Environment Plan outlines the measures to be taken to address the underlying determinants of health and identifies synergies with the policies of other departments and administrations. The First Action Programme 2022–2023 has been developed within this framework and sets out initial measures to address of the various environmental factors with a view to preventing, adapting to and controlling the effects they have on health (https://www.sanidad.gob.es/ciudadanos/pesma/docs/241121_PESMA.pdf).

Action plan

See https://www.sanidad.gob.es/ciudadanos/pesma/docs/1er_PA_PESMA.pdf.

Mental health

188. The Mental Health Action Plan 2022–2026 includes a financial allocation of €100 million to implement measures identified as urgent and high priority, among them measures to improve the mental health of children and adolescents. The Plan provides for the creation of a working group focused on child and adolescent mental health, responding to the growing number of consultations with members of this vulnerable group within the mental health-care services.

189. Line of action No. 6 of the Action Plan implementing the National Mental Health Strategy 2022–2024 addresses the prevention of substance and non-substance addictive behaviours. Under this line of action, the Ministry of Education has implemented the regional cooperation programme for emotional well-being in the educational environment, which is intended to help with meeting any support needs that students may have in the areas of emotional well-being and mental health from an educational intervention perspective.

190. The services provided by the reception, international protection and temporary protection system include psychological support from specialized professionals, in compliance with Royal Decree No. 220/2022. The Decree states that the aim of support provided to minors should be to promote their best interests and ensure that they are fulfilled, with a particular focus on mental health and psychosocial care services.

191. Furthermore, the specialism of child and adolescent psychiatry has been officially recognized by article 4 of Royal Decree No. 689/2021, adopting and disseminating the training programmes for the specialisms of psychiatry and child and adolescent psychiatry, the criteria for assessing specialists in training and the accreditation requirements for mental health multidisciplinary teaching units.

VIII. Education, leisure and cultural activities (arts. 28–31 of the Convention)

192. All Spanish citizens have the right to a basic education that enables them to develop their own personality. The Education Act, as amended, establishes that basic education is compulsory and free of charge.⁴ Furthermore, foreign nationals residing in Spain have the right to receive this education under the same conditions.

⁴ Basic education encompasses compulsory primary and secondary education and basic vocational training.

193. One of the main objectives of the Strategy for the Rights of Children and Adolescents 2023–2030 is to strengthen the comprehensive development of children and adolescents in the fields of education and culture. The Strategy thus entails: guaranteeing universal access to the first cycle of early childhood education, in application of the Education Act, as amended; supporting the development of education for students with special educational needs; prioritizing cooperation programmes and extending early childhood education; promoting the development of educational competencies; preventing and reducing early school dropout; and, lastly, promoting inclusive education by improving access to equal opportunities for academically vulnerable students.

194. The enrolment rate in the first cycle of early childhood education (under 3 years of age), which is considered key to the equity of the education system, reached an all-time high of 45.6 per cent for the 2022/23 academic year. A total of 989,428 foreign students were enrolled in the non-university general education system and special education system for the 2022/23 academic year, which represents an increase of 98,457 students compared with the previous academic year and the highest figure since the 2001/02 academic year. In order to promote the schooling of children between the ages of 0 and 3 years old as a priority for Spain, the Spanish Government has approved an allocation of €670 million over three years (2021–2023) for the creation of at least 65,000 new places in the first cycle of early childhood education. Over the course of the project's progressive implementation, priority will be given to ensuring access to education for students in areas with a higher incidence of poverty risk or social exclusion and for students in rural areas.

195. The actions and measures outlined in the Education Act, as amended, to reduce grade repetition and early school dropout rates have already been implemented. For example, steps have been taken to ensure that students in compulsory education are only required to repeat a school year in exceptional cases. Programmes intended to combat school dropout and improve educational results are also being set in motion. In addition, initiatives have been put in place to guarantee the right of students with significant learning difficulties to obtain the Compulsory Secondary Education Certificate through curricular diversification programmes and basic vocational training. Through Organic Act No. 3/2022 of 31 March, on the organization and integration of vocational training, a vocational training system has been created which incorporates flexibility measures and organizational and methodological alternatives for adapting training courses to the needs and situation of students.

196. One of the key measures taken by the Ministry of Education and Vocational Training to reduce early school dropout, especially among academically vulnerable students, has been the implementation of the PROA+ Programme, designed to provide educational guidance, advancement and enrichment and supported by an investment of €360 million for the period 2021–2023. The Programme offers support to facilities catering for particularly complex educational needs, including centres located in rural areas. These centres have high numbers of students in situations of educational vulnerability, including a significant number of students of migrant and gypsy origin.

197. The school dropout rate in Spain has been on a continuous downward trend in recent years, having fallen by around 50 per cent over the last two decades. The initial results of the labour force survey, published in January 2024, reveal that the school dropout rate decreased by 0.3 percentage points, from 13.9 per cent in 2022 to 13.6 per cent in 2023. However, this figure differs significantly from the average dropout rates among students in the second cycle of higher education in Europe (baccalaureate, intermediate vocational training or higher vocational training). Currently, the difference is almost 4 per cent.

198. In Murcia, for example, the Regional Programme for the Prevention, Monitoring and Control of Absenteeism and School Dropout has been implemented.

199. Royal Decree No. 220/2022, adopting the regulations governing the reception system for international protection, places a particular emphasis on the right to education, recreation, family life, development and protection. From the time of application for international protection or statelessness status, the Decree establishes a time limit of three months for minors to be granted access to the education system. It also introduces the possibility of financial aid being provided for the care of minors of non-compulsory school age. With regard to other vulnerable groups, notable measures include those taken in Ceuta in response

to the migration crisis of 17 May 2021, the day on which between 8,000 and 12,000 people crossed into Ceuta, including around 1,000 minors. The Ministry of Education and Vocational Training drew up a plan to meet the educational needs of these migrant minors, immediately enrolling them in the nearest schools. With respect to children and adolescents of Roma origin, one of the objectives of the National Strategy for Roma Equality, Inclusion and Participation 2021–2030 is to guarantee access to and enjoyment of education by the Roma population on equal terms. In relation to the reception of children displaced by the war in Ukraine, as touched on above, 29,470 Ukrainian children were attending school in Spain as at 24 November 2023.

200. With regard to children’s rights in relation to the digital environment, improving safety in digital environments is one of the aims of the Spanish education system. There is a need to develop the digital skills of all citizens, and in particular those acquired through the education system. The measures set out in the Digitalization and Digital Skills Plan for the Spanish Education System led by the Ministry of Education and Vocational Training are aimed at schools and all members of the educational community, but especially at developing the digital skills of students and teachers. The new educational curricula introduced under the Education Act, as amended, encompass the digital competence of students, who are required to learn digital skills so that, by the end of compulsory education, they are able to use digital technologies in a safe, critical, healthy and sustainable way. The Ministry of Education and Vocational Training also contributes significantly to the measures led by the autonomous communities through the various regional cooperation programmes focusing on digitalizing the education system and improving digital skills.

201. The main lines of action of the Strategy for the Rights of Children and Adolescents 2023–2030 include action to alleviate the barriers faced by disadvantaged groups and action to address the rise in sedentary lifestyles and increased time spent in front of screens. The State Action Plan for the Implementation of the European Child Guarantee includes plans to increase and improve the sports facilities available in public centres, with a particular focus on gender, inclusivity and accessibility. The Action Plan also envisages free access to sports, leisure, educational and cultural activities for children and adolescents in vulnerable situations.

202. As part of the reception, international protection and temporary protection system, healthy and alternative leisure activities are being put in place and recreational spaces for children and adolescents are being created with the aim of reducing the risk of psychological problems, especially in the case of minors who come from areas of armed conflict and may have been victims of violence.

IX. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and unaccompanied children and children in situations of migration

203. Pursuant to the twenty-fourth final provision of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, work is under way on a draft bill to regulate a new legal age determination procedure and thereby guarantee compliance with Spain’s international obligations, including those assumed under the Convention on the Rights of the Child. The draft bill amending the Civil Procedure Act (No. 1/2000 of 7 January) in order to regulate the age determination procedure and the draft bill amending Organic Act No. 5/2000 of 12 January 2000, regulating the criminal responsibility of minors, were adopted in April 2022 and were pending submission to the Council of Ministers, but the process stagnated when the general election was called on 23 July 2023.

204. With regard to measures taken to ensure that asylum-seeking children and adolescents and their guardians are provided with information on their rights and obligations, it is important to remember that the 2014 framework protocol on procedures applying to the

treatment of unaccompanied minors states that “unaccompanied foreign minors shall be informed by the child protection services under whose legal guardianship, custody, provisional protection or care they are placed, in a clear and effective manner and a language they can reasonably understand, of the basic content of the right to international protection and of the procedure to be followed to apply of such protection”.

205. The increasing number of unaccompanied migrant children and adolescents who are taken into the care of the public protection services of the autonomous communities upon arrival – and, in particular, the migratory crises experienced by the Canary Islands and Ceuta – led to the migration contingency management model for unaccompanied children and adolescents being adopted by the Sectoral Conference on Children and Adolescents on 30 September 2022. In the same year, the Sectoral Conference also adopted the Migration Crisis Response Plan for Migrant Minors 2022–2023, which was based on the aforementioned model. In accordance with this response plan, the Directorate General for Children’s Rights allocated €20 million in 2022 and the same amount in 2023 to encourage the transfer of migrant minors from the Canary Islands and Ceuta to other autonomous communities. In addition, €15 million has been assigned each year to Melilla, Ceuta and the Canary Islands to strengthen care provision in their region.

206. In national legislation, both Act No. 12/2009 of 30 October 2009, regulating the right to asylum and subsidiary protection, and Royal Decree No. 220/2022, adopting the regulations governing the reception system, set out the rights and duties of beneficiaries of the reception, international protection and temporary protection system, thus guaranteeing that beneficiary children and adolescents have access to information and are able to exercise their rights. When the beneficiaries are minors, a procedure must be established to ensure that they have access to information which is tailored to their age and maturity and that their right to be heard is respected.

207. Indicators of vulnerability are frequently present among persons requesting international and temporary protection. For this reason, in the first stage of the process, namely assessment and referral, an initial assessment of the applicants’ profile and needs is made so that they can be referred as quickly as possible to the available facilities best suited to their profile. The Office for Asylum and Refugees is working on a protocol for processing international protection applications for unaccompanied and separated children that will provide clear indicators for identifying special needs and vulnerabilities among asylum-seeking children. In addition, the Vulnerable Persons Service, created in 2022, ensures that appropriate measures and guarantees are applied when international protection, temporary protection and statelessness procedures initiated by persons with some form of vulnerability are being processed.

208. Regarding the repatriation of minors of Moroccan origin from Ceuta to Morocco by the Spanish authorities in August 2021, two recent rulings of the Administrative Chamber of the Supreme Court have stated that these returns did not comply with the requirements of the Aliens Act. The Aliens Act requires that individual administrative proceedings are carried out, that information on the situation of each affected person is obtained and that the Public Prosecutor’s Office is involved. According to the Administrative Chamber, these requirements were not met. Its rulings also establish that such returns cannot be effected solely on the basis of the Spanish-Moroccan Agreement on the return of minors.

Sale, trafficking and abduction of children

Penalties provided for in the Spanish legal system

209. The sixth final provision of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, which introduced amendments to the Criminal Code (Organic Act No. 10/199 of 23 November 1995) provides for an amended article 177 bis, setting forth the penalties for trafficking offences and establishing a term of imprisonment of five to eight years (paragraph 1) for trafficking offences committed for any of the following purposes: the imposition of forced labour or services, slavery or similar practices, sexual exploitation, pornography, exploitation for the perpetration of criminal activities, the removal of bodily organs and forced marriage.

210. In the investigation of trafficking cases involving children and adolescents, the State security forces proceed according to the Framework Protocol for the Protection of Victims of Human Trafficking.

211. In addition, during police investigations and legal proceedings, officers take steps to avoid secondary victimization. Interviews are conducted immediately and in appropriate conditions, the presumption of minority is guaranteed in case of doubt and the mechanisms necessary for taking statements before trial, where required, are in place. When the victims are unaccompanied foreign minors, efforts are made to establish their identity, nationality and/or place of origin. If the minor is unaccompanied, the efforts necessary to locate his or her family and ensure that he or she is represented are also made. Appropriate reception measures are implemented and the minor's return to and reintegration into their country of origin is prioritized, although the possibility of granting international protection status or the right of residence or right of residence and work, where appropriate, is also considered.

212. The State security forces provide a multidisciplinary, comprehensive and coordinated response that is focused on the victim.

213. Minors are the most vulnerable victims of trafficking in persons, which is why the State security forces put significant effort into identifying them. The Civil Guard has taken steps to provide professionals with tools to assist decision-making and contact with underage victims of trafficking, including by extending training and awareness-raising efforts and organizing operational activities.

214. As part of these training and awareness-raising efforts, the Civil Guard runs training sessions on child trafficking, both at the general level, in the basic cadet training programmes, and at the specialist level, in the specialization and skills development programmes designed for officers assigned to investigation units. Specialist training sessions are organized annually for Civil Guard officers who have to deal with this type of crime as well as for social partners working in the field of trafficking in persons.

215. The Office for Asylum and Refugees is working on a protocol for processing international protection applications for unaccompanied and separated children that will provide clear indicators for identifying special needs and vulnerabilities among asylum-seeking children.

216. Preventive action has a key role in the fight against trafficking in persons, especially when the victims are minors. Its importance stems from the fact that preventive action can mitigate the devastating impact of trafficking offences, not only by deterring the perpetrators but also by facilitating early detection. This means providing victims with support when reporting the initial events and encouraging people more generally to be alert to suspicious behaviour.

217. Conscious of the increased use of new technologies among children and adolescents, the State security forces run social media campaigns to raise awareness about trafficking in persons in collaboration with a number of specialized bodies. Ensuring continuous training for investigators is also crucial to improving the prevention and prosecution of trafficking in persons.

218. As for operational activities, inter-institutional coordination has been strengthened through interviews and meetings with representatives of the public administrations, victim assistance offices, city councils, associations and non-governmental organizations, among other measures. Steps have been taken to foster coordination between the State security forces and the regional police forces in charge of investigations to identify possible victims, as well as cooperation and coordination between the two forces and the competent ministries and departments. The State security forces have a regional social partner in each province, as well as a national social partner at the central level, in charge of coordinating, advising and supporting the regional partners and coordinating with the third sector in matters of trafficking.

219. The State security forces are increasingly involved in international cooperation activities, especially with victims' countries of origin. They maintain constant, ongoing contact with police forces in these countries in connection with trafficking in persons,

working with them to create joint investigation teams and cooperating in various investigations.

220. On the initiative of the former Ministry of Justice (now the Ministry of the Presidency, Justice and Relations with the Courts) and at the joint proposal of the Ministry of the Interior, the Ministry for Inclusion, Social Security and Migration and the Ministry for Equality, a preliminary draft of a comprehensive organic act to combat the trafficking and exploitation of persons has been drawn up. Its purpose is to comprehensively address all forms of trafficking, which represent the most serious violation of a person's fundamental rights, and to protect victims. It jointly addresses the fight against all forms of trafficking (not only trafficking for purposes of sexual exploitation, which has been the main focus of the Spanish strategy to combat trafficking to date) and the fight against all forms of exploitation that might constitute a purpose of trafficking, criminalizing forced labour, servitude, slavery and all forms of forced subjection or exploitation.

Administration of juvenile justice

221. The Spanish legal system has had a specialized juvenile justice model in place since the entry into force of Organic Act No. 5/2000, of 12 January 2000, on the criminal responsibility of minors. The Act's scope of application is persons over 14 years of age and under 18 years of age who have committed acts defined as offences in the Criminal Code or in specific criminal legislation. The juvenile justice model encourages mediation between the juvenile offender and the victim in the case of offences not involving violence or intimidation that require conciliation between the minor and the victim. When the perpetrator of the offence is a person under 14 years of age, he or she will not be held criminally responsible but protection measures appropriate to his or her individual circumstances will be adopted by the child protection services, which will assess his or her personal, family and social situation.

222. Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, introduced a new article 17 bis to Organic Act No. 1/1996, of 15 January 1996, on the legal protection of minors, concerning protection for minors under 14 years of age in conflict with the law. For these minors, a follow-up and monitoring plan that assesses their social and family situation will be drawn up by the competent social services.

223. Furthermore, Instruction No. 1/2017 of the State Secretariat for Security, which updated the police protocol for working with minors, establishes that, in order to determine whether the ex officio arrest of a minor is necessary, officers must consider, in addition to the general rules of the justice system, the seriousness of the offence committed, whether the minor was caught in flagrante, the social impact of the offence, whether the minor might attempt to evade justice, whether he or she is a habitual offender or reoffender and his or her age and circumstances.

224. The purpose of the police protocol was to update and harmonize the procedures of the State security forces by systematically collating the various rules and procedural formalities applicable to any type of police intervention with minors, whether related to protection or to the investigation of criminal and administrative offences. The protocol establishes that minors under 16 years of age may not, under any circumstances, be subjected to incommunicado detention.

225. Instruction No. 1/2024, adopting the comprehensive police detention procedure, establishes that juvenile detainees should be held in appropriate facilities, separate from other detainees, and, provided they do not constitute a threat to themselves or others, should not be placed in cells.

X. Optional Protocol on the sale of children, child prostitution and child pornography

226. Spanish law has incorporated important advances in the defence of the rights of minors and the protection of minors against acts of sexual violence,⁵ which the Optional Protocol to the Convention refers to as the sale of children and adolescents, the sexual exploitation of minors through child prostitution and child pornography.

227. These advances have been effected through the recent reforms introduced by Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, and Organic Act No. 10/2022 of 6 September, on the comprehensive guarantee of sexual freedom. These Acts specify, as a basic premise, that the offence of sexual exploitation of children in Spain, whether for pornography or for prostitution, can involve minors of any age. In relation to the right to free legal aid, Act No. 1/1996, on free legal aid, is being amended to extend the full benefit of free judicial services to victims of specific serious offences who are minors and/or have a disability. As set forth in Act No. 4/2015, enacting the Crime Victims' Statute, these victims have the right to receive information in clear and understandable language that is adapted to their degree of maturity or personal circumstances. The Act also expands the rights of and the assistance available to minors who are victims of sexual violence to include access to general information on their rights as victims of crime, the right to free legal assistance, the right to comprehensive social assistance and the right to reparation and to receive financial assistance.

228. In the fight against child sexual abuse, the State security forces work closely with public and private institutions involved in child protection to encourage reporting and the provision of assistance.

229. Many incidents of child abuse take place beyond Spanish borders, with the material subsequently being shared with Spanish nationals online. Cooperation with other countries, not only for the purposes of apprehending the perpetrator but also for the purposes of identifying, freeing and rescuing the child victims, is therefore essential. International police cooperation to this end is channelled through international cooperation mechanisms including the International Criminal Police Organization, the European Union Agency for Law Enforcement Cooperation and non-governmental organizations. In addition, within the field of international cooperation, the State security forces continue to explore new opportunities for prosecuting perpetrators.

230. Lastly, with the aim of detecting possible cases of forced marriage, the Civil Guard, in conjunction with the Amar Dragoste Association, a Spanish non-governmental organization, has launched a campaign against forced marriage designed to raise awareness of this serious crime, which constitutes yet another form of violence against women, trafficking in persons and child abuse and a violation of human rights.

XI. Optional Protocol on the involvement of children in armed conflict

231. The report issued by the Subdirector General for International Trade in Defence and Dual-Use Materials within the Ministry of Industry, Trade and Tourism includes information on Spanish exports of defence materials, other materials and dual-use technologies in the first half of 2022.

232. The aforementioned report states that, in the first half of 2022, the export of defence materials was refused on one occasion in application of European Council Common Position 2008/944/CFSP of 8 December, defining common rules governing the control of exports of military technology and equipment.

233. This Common Position, which is applied by Spain, establishes that each European Union member State must assess the export license applications made to it on a case-by-case

⁵ Art. 1 of Organic Act No. 10/2022.

basis against the criteria established in article 2 thereof. Criteria set forth include “respect for human rights in the country of final destination as well as respect by that country for international humanitarian law” and member States are required to deny export licenses for “military technology or equipment which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination”.

234. Spain has been part of the group of countries promoting the Safe Schools Declaration since its signature in 2015 and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. The Spanish Government organized the third International Conference on Safe Schools in Palma in 2019. Furthermore, the Spanish Strategy for Humanitarian Diplomacy 2023–2026⁶ includes the Declaration, and a commitment to encourage more countries to endorse it, in line of action No. 9, concerning children in armed conflict. Through its humanitarian policy, the Spanish Government also supports the United Nations Office for the Coordination of Humanitarian Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict, which promote the use of age and gender markers to better identify vulnerable people and improve their access to humanitarian aid.

⁶ <https://www.exteriores.gob.es/es/PoliticaExterior/Documents/Estrategia%20Espa%C3%B1ola%20de%20Diplomacia%20Humanitarian%202023-2026.pdf>.