



SPANISH CHILDREN´S RIGHTS COALITION´S REPORT AS A STAKEHOLDER TO THE 4th CYCLE OF THE UPR CONDUCTED ON SPAIN

Spanish Children´s Rights Coalition is a plural, supportive, democratic and independent alliance (with no connection to politics or religious organisations) of over 70 non-profit organisations that aims to guarantee the rights of children and adolescents. It combines the effort of social welfare organisations and of all agents participating in the realm of children´s well-being in Spain.

It was established in 1997 with the aim of uniting the efforts of organisations that works at a national level in areas related to children and of creating a space for coordination of different procedures that focus on protecting, promoting and defending Spanish children´s and adolescents´ rights, in accordance with the Convention on the Rights of the Child (UNCRC).

Main submitting organization: Plataforma de Infancia.

Other submitting organizations: Aldeas Infantiles SOS España, Coordinadora Estatal de Plataformas Sociales Salesianas, Fundació Vicki Bernadet, Fundación ATYME Atención y Mediación para el Cambio, Fundación Educación y Cooperación EDUCO, Fundación World Vision España, GAT (Federación estatal de asociaciones de profesionales de atención primaria), Plataforma de Organizaciones de Infancia de Galicia. Taula d´entitats del Tercer Sector Social de Catalunya (Plataforma d´infancia de Catalunya - PINCAT), Obra Social Socioeducativa La Salle, Fundación Proyecto Solidario por la Infancia, Fundación Amigó, Fundación Diagrama Intervención Psicosocial, FIAPAS (Confederación Española de Familias de Personas Sordas), Fundación Plan International España, CORA-coordinadora de asociaciones de adopción y acogimiento, Fundación Esplai. Ciudadania Comprometida, Fundació FAD Juventud, Fundació Secretariado Gitano.



Introduction

This is the second time that a stakeholder's written report is submitted to the Universal Periodic Review (UPR) by Spanish Children's Rights Coalition. The member entities of the Spanish Children's Rights Coalition were consulted to prepare this report.

Spain, during the third cycle of the UPR in 2020 received 275 recommendations from 110 delegations. 252 of these recommendations were accepted.

This report tracks the main recommendations regarding children made and put into practice, as well as other challenges that Spanish children are facing.



Economic, Social and Cultural Rights

Poverty

Monitoring the Third Cycle recommendations:

1. The State accepted the recommendations to **continue strengthening efforts** (150.113) and **to take further legal measures** (150.214) **to protect children against poverty.**
2. We have seen some progress in the implementation of these measures, such as, for example, the approval of Law 19/2021, which established the granting of aid to the most vulnerable citizens, with the Minimum Living Wage (MLW).
3. However, not all families are receiving the aid, in particular, the ones in the most vulnerable situations. Of great concern is the fact that children are the only age group in which the poverty rate grew in 2023, up to 28.9%¹. Another matter of huge concern is the high rates of child poverty in Roma families (in which poverty affects 85.9% of the population and 46.4% is extremely poor)², large families and single-parent families)³. In addition, it is estimated that 10.8% of children suffer from severe material deprivation, a figure that contrasts with 8.9% of the total population⁴. This is the highest figure in the historical data series.
4. Spain is one of Europe's countries that invests the least in the fight against child poverty (close to 1.6% of GDP, the European average figures sitting at 2.5%⁵). In addition, Spain's tax system has a very low impact on child poverty. The way in which the income tax is configured right now prevents tax deductions from having an impact on reducing poverty among the most vulnerable children, as their parents are exempt from paying taxes⁶.
5. The State accepted the recommendation to increase the allocation of resources to ensure adequate **support and assistance for families with children in disadvantaged situations** (150.194).
6. Certain progress has been made until now. However, there is still no specific support mechanisms for parents to help them raise their children, in particular, to assist families in disadvantaged situations. The following matters are a cause for concern, among others:
 - Spain is one of the few countries among our neighbours without universal aid to help families raise their children.
 - The extension of the parental leave for the birth and care of a child up to 16 weeks is still insufficient to guarantee breastfeeding.
 - Children in single-parent families are discriminated, as they only receive half the time when compared to other families.

¹INE (2023) [Survey on Living Conditions](#).

² Fundación Secretariado Gitano (2018) [Comparative study of the situation of Roma populations in Spain, in relation to employment and poverty in 2018](#)

³ INE (2023) [Poverty risk rates, by type of household](#)

⁴ INE (2024) [Survey on Living Conditions](#)

⁵ Spanish Government - High Commissioner against Child Poverty (2021) *Investment in families and children in the European Union over the GDP*

⁶ Plataforma de Organizaciones de Infancia (2024) [Proposal to reform the tax system with the aim of helping parents in vulnerable groups raise their children](#)



- The lack of remuneration for existing parental leave, which would allow both parents to take time off work to look after their children, as described in European Union Directive 2019/1158.
7. Regarding housing, the State accepted the recommendation to **adopt a legislative framework relating to the right to housing** aimed in particular at ensuring that evicted persons have access to compensation or other decent housing, that they are informed of the eviction decision and that they have access to effective judicial remedy (150.137)
 8. Progress has been made on these matters, but families are still not receiving the necessary eviction assistance due to administrative obstacles. Law 12/2023, of May 24, on the right to housing, aims to improve the protocols associated with eviction procedures for vulnerable households. In addition, all eviction procedures on primary residences families, in particularly vulnerable groups, have been interrupted⁷ until 18 May 2028.
 9. The 2022-2025 State Plan for Access to Housing includes a series of measures to eradicate substandard housing and slums, but no specific measures have been taken yet.

Recommendations:

10. To establish universal aid mechanisms for raising children through refundable tax deductions for low-income households.
11. Increase the % of GDP allocated to the fight against child poverty.
12. Activate the policies and resources required to end with substandard housing and slums within a maximum of six years, with a view to guaranteeing the right of children to decent housing and ensure their proper development.
13. Promote the construction and renovation of social rental housing, increasing the stock of public housing, in line with the average figures in Europe.
14. Extend the leave for birth, foster care, adoption and guardianship for adoption purposes up to 24 weeks.
15. Remunerate parents on parental leave, at least for its non-transferable part (2 months), and ensure it lasts 4 months, in compliance with the Work-life Balance Directive 1158/2019.
16. Make sure that single-parent families enjoy the same time to look after their children as two-parent families.

Right to education

Monitoring the Third Cycle recommendations:

17. The State accepted the recommendations in relation to the right to education, such as to **promote the universalization of public education for children** (150.143), strengthen measures to **address the high number of high-school dropouts**, particularly among children of vulnerable backgrounds; (150.144; 150.145; 150.146) or guaranteeing access to education to **migrant** children; (150.146; 150.207; 150.212) and **Roma** children (150.225; 150.227).

⁷ [Law 1/2013, of 14 May, to help strengthen the protection for people with mortgage loan debt, to restructure the debt and provide social rental solutions.](#)



18. With regards to **universal access**, funding is of essence. In 2022 (latest available data), Spain invested 4.7% of the GDP⁸. However, only 5% of the total investment in education was allocated to scholarships and grants for education⁹. The indirect costs of mandatory education, such as textbooks or transport, are still an obstacle to access education for children in vulnerable situations. According to the latest official figures, each family spent €1,177 per student on average during the academic year 2019/2020¹⁰.
19. The rate of **early school dropouts** has dropped in the past few years, but Spain continues to be one of the countries in Europe with higher rates, with a rate of 13.7% in 2023¹¹, with only Romania showing worse figures and far from 9.5% of the EU average.¹² Likewise, Spain's rate of students retaking a year is one of the highest, the fourth country in the OECD and the third in the EU with the highest rate¹³, and with huge differences between autonomous regions. We still see huge inequalities in the groups of students retaking a year: students from vulnerable groups have up to four more chances to retake a year than those in families with a higher socio-economic level¹⁴.
20. Another matter for concern is **the segregation of groups with a higher risk of social vulnerability in schools**, mainly Roma and migrant students. In particular, the segregation of migrant students has increased greatly since 2018¹⁵.
21. There were no specific recommendations about **education for 0–3 year-olds**, but this is a key period due to the impact in the development of children and the reduction of inequalities. In Spain, 45.6% of children have access to the first cycle of early childhood education¹⁶. But while 62.5% of children from higher-income households have access to education, only 26.3% of children from lower-income households finally receive education¹⁷. The main barriers to access include limited availability, high tuition fees and a lack of coordination between administrations, as well as insufficient public resources allocated to this educational stage.

Recommendations:

22. Increase public expenditure on scholarships and academic grants.
23. Guarantee free mandatory education, in particular for children and adolescents in a position of vulnerability.
24. Simplify and streamline the process for requesting and awarding aid.
25. Strengthen the measures to face the high rates of school dropouts, in particular, for vulnerable children, such as migrant, Roma children or children with disabilities.
26. Develop a national plan for educational inclusion and against segregation, with a timeline, objectives, indicators and budget, agreed between the State and the autonomous regions, to promoting educational inclusion and eliminating segregation

⁸ Ministry of Education, Vocational Training and Sports (2022) [Provisional Statistics of Public Expenditure on Education for the year 2022](#)

⁹ Idem

¹⁰ INE (2020) [Survey of Household Expenditure on Education for the 2019/2020 Academic Year](#)

¹¹ Eurostat (2023) [Early leavers from education and training](#)

¹² Idem

¹³ Ministry of Education, Vocational Training and Sports (2022) [PISA 2022 Report](#).

¹⁴ Esade (2022) [Everything you need to know about PISA 2022 in relation to equal opportunities](#)

¹⁵ Ministry of Education, Vocational Training and Sports (2022) [PISA 2022 Report](#).

¹⁶ Ministry of Education, Vocational Training and Sports (2023) [45.6% of children aged 0 to 3 are in school, the highest percentage in history](#)

¹⁷ Save the Children (2019). ["Where everything starts" - Education for children aged 0 to 3 to guarantee equal opportunities"](#), page 28.



in schools. The plan should include effective policies to address the consequences of concentration of certain groups of students in schools, making these schools more attractive to reverse the trend.

27. Make progress on the commitment to provide quality education for all children aged 0-3, with a priority on the 2–3-year-olds, while ensuring access for children at risk of poverty and social exclusion, as well as children with disabilities, through scholarships and special social fees.

Mental health

28. The State received no recommendations in relation to **mental health**, but we consider that this is a very important matter that must be addressed. 17.4%¹⁸ of Spanish youths mention that they have suffered from some form of mental health problem in a significant frequency and 59.3% have suffered from it at least once during the past year. Many do not receive professional assistance for financial reasons.
29. The lack of investment and of quality, up-to-date and classified data, and the lack of specialised psychiatry and psychology staff for children are some of the challenges affecting the right to good mental health for children and adolescents in Spain.

Recommendations:

30. Guarantee universal access to mental health services for all children and adolescents who need them, creating cross-disciplinary teams (nurses, psychiatrists, psychologists, social workers, and occupational therapy experts).
31. Create a clinical psychology discipline for children and adolescents and develop a medical specialisation in the field of psychiatry.
32. Guarantee the full implementation of the National Mental Health Strategy and provide sufficient resources to prevention services, to guarantee the early detection, to the promotion and delivery of services from a child rights approach.

Environmental health

33. The State did not receive any specific recommendations on **environmental health**, but it did receive and accept some recommendations to take measures to adapt to climate change (150.54; 150.55)
34. There is concern that the Climate Change and Energy Transition Law 7/2021 lacks concrete measures focused on children and does not involve the participation of children and adolescents in its development or implementation.
35. Schools are often neither safe nor healthy environments, mainly due to high levels of noise and environmental pollution, which have a negative impact on children's health, causing respiratory problems, exhaustion, and stress, among others¹⁹.
36. Likewise, the current mobility model, focusing on private vehicles,⁶⁰ and the lack of child rights approach in terms of the mobility policies, thus affecting their right to enjoy a healthy environment.

¹⁸ FAD (2023) [BAROMETER OF YOUTH, HEALTH AND WELL-BEING 2023 Synthetic report on results](#)

¹⁹ Plataforma de Organizaciones de Infancia (2022) [The challenges associated with environmental degradation and climate change for children](#)



Recommendations:

37. Guarantee a child rights approach in the urban development plans.
38. Guarantee that schools and the surrounding environments are safe and healthy environments for children, in accordance with General Observation no. 26.
39. Guarantee the child rights approach in the mobility policies, fostering the use of public transport and promoting free services for children.

Vulnerable groups and discrimination

Roma children

Monitoring the Third Cycle recommendations:

40. The State accepted the recommendations associated with the discrimination of Roma people, continue strengthening the **fight against discrimination against Roma**, focusing particularly on child poverty and school dropout (150.219) or to further improve the Roma community's access to housing, health and employment (150.221).
41. Roma children face severe inequality and structural discrimination, with a child poverty rate as high as 89%²⁰, a rate of school failure of 63%²¹, significant school segregation²², and the harsh reality of living in shanty towns and substandard housing, where 50% of the population are children under the age of 16²³.

Recommendations:

42. Adopt specific plans to combat school failure among Roma students, ensuring their right to education and equal opportunities.
43. Implement measures to fight against the school segregation of Roma students.
44. Expand the coverage of benefits to ensure that all Roma families living in poverty receive this aid, thereby reducing severe child poverty.

Migrant and unaccompanied refugee children

Monitoring the Third Cycle recommendations:

45. The State accepted the recommendation **to develop a protocol on methods for determining the age of unaccompanied migrant and refugee children**, in accordance with international law (150.210) and **to protect unaccompanied migrant children** and refrain from age determination tests contrary to human rights standards (150.211).

²⁰Fundación Secretariado Gitano (2018) [Study of the Fundación Secretariado Gitano conducted by Fundación ISEAK](#)

²¹ Fundación Secretariado Gitano (2023) [The academic situation of Roma students](#)

²²Idem

²³Fundación Secretariado Gitano (2023). [Study about the profile and situation of people living in shacks and shanty towns in Spain.](#)



46. The procedure for determining a child's age continues to violate children's rights by failing to recognise their official documents as valid proof of age²⁴; not granting the benefit of the doubt throughout the process²⁵; carrying out regular radiological tests²⁶; and proceeding without legal representation, ultimately concluding with a decree to determine their age that cannot be appealed²⁷.
47. The Spanish Government states that a draft bill regulating a new procedure is in progress. However, there are concerns regarding the fact that it does not fully comply with the rulings of the Committee on the Rights of the Child (CRC), the Supreme Court's jurisprudence, and the Ombudsman's recommendations:
- It establishes an urgent procedure with very short deadlines, which will prevent children who need to process their documents at Consulates and Embassies from being able to submit them on time for the procedure.
 - Once the documents are obtained, these cannot be reviewed before the judge who determined it.
 - It does not make it clear what a holistic procedure means, what evidence may be requested or what qualifications the professionals involved in it should have.

Recommendations:

48. Enact a new procedure for determining the age according to the law, which respects the rulings of the CRC, the recommendations of the Ombudsman, and the jurisprudence of the Supreme Court. This procedure must ensure the presumption of minority, legal representation, an effective appeal, and should only be initiated in the absence of documents, as well as in the event of any doubts about the age provided.

Discrimination of migrant children

Monitoring the Third Cycle recommendations:

49. The State accepted a series of recommendations associated with **protecting the principle of non-refoulement** (150.215; 150.249; 150.270; 150.271; 150.272; 150.273; 150.274; 150.275).
50. These recommendations have not been put into practice, because "*rejection at the border*" and "*summary deportations*" are still occurring, which prevents migrant minors from being identified and, therefore, protected²⁸.
51. The State accepted the recommendation to guarantee in law and in practice the **non-discrimination of people of immigrant background** in all sectors (150.33).

²⁴ A.L. c. Spain with no. 16/2017, adopted on 31 May 2019, CRC/C/81/D/16/2017; M.B.S. c. Spain with no. 26/2017, adopted on 28 September 2020, CRC/C/85/D/26/2017; M.B. c. Spain with no. 28/2017, adopted on 28 September 2020, CRC/C/85/D/28/2017.

²⁵ C.O.C. c. Spain, com. no. 63/2018, adopted on 29 January 2021, CRC/C/86/D/63/2018.

²⁶ Ruling of 23 September 2014, STS 3818/2014, no. Appeal 1382/2013; Ruling of 16 June 2020, STS 2198/2020, appeal no. 2629/2019, legal grounds no. 3.

²⁷ A.L. c. Spain with no. 22/2017, adopted on 31 May 2019, CRC/C/81/D/22/2017; M.B.S. c. Spain with no. 26/2017, adopted on 28 September 2020, CRC/C/85/D/26/2017; M.B. c. Spain with no. 28/2017, adopted on 28 September 2020, CRC/C/85/D/28/2017.

²⁸ Ombudsman (2023) *Children and adolescents in the 2022 annual report*, page 17.

²⁹ Law 39/2022, of 30 December, for Sports



52. However, the Sports Law²⁹ discriminates and violates the rights of children with no legal residence and children requesting international protection, since the Administration does not consider that they have a legal residence until they are granted the status of refugee. Articles 48.3 and 49.5 restrict the possibility of these children to participate and compete in different federated sports under the same conditions as their peers due to administrative matters³⁰.

Recommendations:

53. Amend Organic Law 4/2015 to end the practice of summary deportations of migrant children.
54. Ensure that the repatriation of migrant children as a long-term solution is based on an individual analysis of their best interests, their safety and well-being in their country of origin can be guaranteed, and the process takes place with the necessary guarantees.
55. Amend the Sports Law so that it does not discriminate against children without a legal residence, allowing them to participate in federated competitions.

Children seeking international protection

Monitoring the Third Cycle recommendations:

56. The State accepted the recommendation to take further measures **to improve conditions of stay for asylum seekers, in particular children (...)** (150.265).
57. Concerns persist regarding the conditions under which asylum-seeking children are housed. In 2023, 19.26% of asylum seekers in Spain were children³¹. However, the system that grants asylum continues to lack the necessary focus on them.
58. Despite the obligation to adapt the asylum granting procedure for children, very often they have no access to an independent and separate application from their parents, they are not given the chance to be heard, and do not receive information that is adapted to their age and/or maturity. In addition, there are no adapted spaces or sufficiently trained staff for their assessment.
59. Once they are part of the international protection reception system, these children often experience disruptions in their integration processes, such as frequent changes of school or location, they also often lack of direct psychological care and are housed in residential facilities that are not suitable for families. In some cases, they are housed in such facilities for up to 24 months.
60. Moreover, there are also several concerns over the lack of identification of unaccompanied minors in the protection system and the fact that insufficient support and follow-up in their asylum procedures is provided.

Recommendations:

61. Train key personnel on matters related to international protection, with a view to ensuring the correct identification and provision of care for these children.

²⁹ Law 39/2022, of 30 December, for Sports

³⁰ Plataforma de Organizaciones de Infancia (2023) [The Sports Law excludes minors in an irregular situation and asylum seekers, leaving the #TeamIncomplete](#)

³¹ Cear (2023) [More than figures](#)



62. Regulatory development of the Asylum Law to establish the implications of "differentiated treatment", as outlined in Article 46.1 for asylum-seeking children.
63. Create a regulation that governs the process of assessing and determining the best interests of children in need of international protection, ensuring it binds all parties involved across various agencies and institutions.
64. Ensure that all families with children have access to suitable residential facilities from the moment they express their intent to seek international protection.

Children victims of human trafficking

Monitoring the Third Cycle recommendations:

65. The State accepted the recommendation to continue its efforts to ensure the **protection of children from exploitation as a result of illegal migration and trafficking** (150.208). It also accepted another 20 recommendations related to helping fight against human trafficking and the protection of victims of human trafficking (150.105-150.123 and 150.245).
66. Two of these specifically referred to the protection of girls (150.108 and 150.114), and some included specific recommendations on the approval of comprehensive legislation (150.116; 150.117; 150.119) or an action plan (150.123) to address these problems.
67. The comprehensive Organic Law against trafficking and exploitation of human beings has not yet been approved. There are still a series of major shortcomings in the detection, identification, protection, and assistance of children victims of trafficking, primarily due to:
 - The lack of suitable training for professionals dealing with these children.
 - The lack of specific housing resources³² adapted to their needs.
 - The absence of monitoring of children who are victims of human trafficking or disappearing detected in centres.

Recommendations:

68. Improve the detection, identification, assistance, reception, and protection of the most vulnerable children through a specialised mechanism of cooperation and referral, integrated into existing child protection systems.
69. Approve a comprehensive Organic Law against trafficking, in line with the corresponding international standards and with child rights approach.
70. Guarantee access to special resources for children who are victims of trafficking in all autonomous communities.
71. Provide specialised training to professionals working in residential centres.

Civil and political rights

Participation

³² Save the Children (2019). [Counting the steps](#)



Monitoring the Third Cycle recommendations:

72. The State accepted the recommendation 150.87, which establishes the following:
ensure full respect for the right to (...) **to participation in public affairs.**
73. Children's right to participation is compromised due to the lack of financial resources, limited accessibility and the difficulty in effectively measuring their engagement because of a lack of data. Of great concern is the under-representation of Roma children, children of migrant backgrounds, and children with disabilities.
74. Civic participation is not included in the school syllabus, and schools rarely encourage the implementation of student participation mechanisms. Less than a third of students feel that their voices are heard in their educational institutions³³.

Recommendations:

75. Strengthen and consolidate stable and accessible children participation channels, with no age limits, in all the institutions of local, regional and state Administrations.

Children's right to association

Monitoring the Third Cycle recommendations:

76. The State received and accepted several recommendations to guarantee **the exercise of freedom of expression, and peaceful association and assembly** (150.80; 150.82; 150.83; 150.86; 150.89; 150.94).
77. In Spain, there are no specific laws to regulate children's associations or their right to form such groups. There is a gap in the law concerning the association rights of children under the age of 14, and a specific restriction on young people under the age of 12 from participating in student associations³⁴. Moreover, public administrations do not provide information or services adapted to children.

Recommendations:

78. Develop specific regulations that provide a minimum additional framework regarding the ways in which children and young people can form associations across the national territory, which regulates the scope of associative capacity for children and establishes protection instruments to guarantee the exercise of such rights.

Safe access to digital media

79. The State did not receive any specific recommendation on **safe access to digital media**, but we consider that this is a very important matter. Currently, Organic Law 8/2021 on the comprehensive protection of children and adolescents against violence (LOPIVI) regulates public-private collaboration on these matters and urges public administrations to implement the necessary age verification protocols. However, it does not establish proactive measures to effectively prevent children from accessing adult content.

³³ CANAE (2021). [Mental health for students, a priority in times of pandemic.](#)

³⁴ Injuve (2020) [Report on Spanish Youth](#)



80. In addition, there is concern over the fact that the Joint Commission responsible for monitoring and overseeing the Code of Self-Regulation on Television Content and Children is currently not active. Moreover, there is no age verification system in place for users to content that may harm the physical, mental, or moral development of children, such as gratuitous violence or pornography (contemplated in Law 13/2022). A draft Organic Law for the protection children in digital environments is currently being processed.

Recommendations:

81. Approval of the Organic Law to protect children in digital environments, ensuring that everything required to protect children in such environments is contemplated to protect their rights, in accordance with General Observation No. 25.

Violence against children

Shortcomings of the legal framework

Monitoring the Third Cycle recommendations:

82. The State accepted recommendations regarding **implementing all possible measures to expedite judicial proceedings where the victims are children and adolescents**, especially in cases of sexual abuse, preserving their identity and avoiding encounters with the accused (150.201; 150.204), and enhancing **the training of judges specialized in juvenile justice** and their procedures, so that they take into account the needs of children and adolescents (150.73).

83. Although the Organic Law on the comprehensive protection of children and adolescents against violence (LOPIVI) was passed in 2021 and establishes the obligation to ensure that judicial bodies, prosecution and technical teams providing specialised assistance to the Courts and Tribunals receive the necessary training on these matters, there are still concerns, since the system continues to re-victimise child victims of violence.

84. Two bills concerning the training and specialisation of staff of the justice system on matters related to violence against children should have been submitted to the Spanish Parliament to address this issue before June 2022, but no reforms have yet been approved.

85. Moreover, the LOPIVI establishes the need for pre-constituted evidence, aimed at preventing the repetition of testimonies from child victims of violence, only for those under the age of 14. In addition, there are no unified criteria for its application, as each Autonomous Region has its own specific procedures.

Recommendations:

86. Create a specialised Prosecutor's Office and Courts, with officers specialising in violence against children, to handle the investigation and prosecution of crimes committed against children.



87. Ensure that pre-constituted evidence is applied uniformly to all children and adolescents, including those aged 14 to 17, across Spain and according to the general minimum guidelines.
88. Promote the implementation of the Barnahus model to guarantee comprehensive care and prevent processes of re-victimisation.

Containment and restraint measures

89. The State did not receive any recommendations regarding the **containment and restraint measures**. However, this is a very relevant topic. Although the LOPIVI has prohibited the use of fixed mechanical restraint systems (i.e., restraining a person to a bed or any fixed object or object anchored to installations or furniture), the following are permitted:
 - Physical restriction of spaces/movement and physical restraining methods in ordinary protection centres, specific centres for behavioural disorders, and centres for the implementation of custodial measures
 - Wrist restraints in specific centres for behavioural disorders and centres for the implementation of custodial measures.
90. Moreover, it is important to note that the LOPIVI lacks a reference figure in the alternative care system (equivalent to the role of a well-being coordinator in educational centres or a protection officer in leisure and sports) to ensure compliance with the law and protocols for the prevention and protection against violence.

Recommendations:

91. Prohibit any form of mechanical or pharmacological containment in all centres.
92. Record restraint measures used against children, disaggregated by age, sex, type of disability, type of facility, type of facility, duration of restraint, reason for restraint, person requesting restraint, and official applying restraint.

Children deprived from a family environment and alternative care methods

Monitoring the Third Cycle recommendations:

93. The State received and accepted the recommendation on this topic, “**Increase the annual budget to invest in the child and adolescent protection system**” (150.195).
94. There are concerns over the fact that the child protection system continues to lack the necessary resources. Beyond the budgets, numerous challenges are identified regarding the rights of children and adolescents in Spain:



95. Despite the recent approval of the *State strategy for a new model of community care, “A deinstitutionalisation process (2024-2030)”*, Spain does not see foster care as a priority, and does not provide the human, technical and financial resources required to promote it. According to the official data³⁵ of the year 2022:
- 17,061 children are in residential care.
 - Foster care decreased by 1.51%, while residential care increased by 5.46%.
 - Foster care for children with disabilities fell by 16.25%, and 94.7% of unaccompanied migrant children were in residential care.
96. The State has made a commitment to ensure that no child under the age of six lives in residential care by 2025. However, more than 1,000 children under the age of six spent time in residential care during 2021 and 2022³⁶.
97. There are also concerns regarding the existence of macro-facilities, the lack of safe environments, the impersonal treatment that children often receive, the imposition of a rigid routine, and the isolation from the rest of the community.
98. Regarding the protection of the rights of children deprived of parental care, there are also concerns about cases of physical and psychological violence in residential resources, which highlight the shortcomings of protection systems in preventing, identifying, protecting, and investigating situations of violence³⁷.
99. The State did not receive any recommendations regarding **guarantees for guardianship withdrawals**. However, we believe this poses challenges regarding children's rights in Spain.
100. At the national level, there are no criteria to uphold the best interests of children in procedures and administrative decisions related to guardianship. The Spanish legal framework does not cover some areas associated with the administrative procedures for termination of custody. In fact, the Ombudsman has expressed on several occasions that there is a need to strengthen the associated legal guarantees³⁸.
101. Concerns have also been raised regarding the lack of recognition of children's interests in risk and neglect procedures, the non-mandatory nature of legal assistance, and the absence of a formal assessment process for the best interests of the child, among other issues.
102. Moreover, the State did not receive any specific recommendations on this matter, but there are concerns in relation to **Spanish youth after foster care, who face economic and social vulnerability**. While the average age for independence in Spain is around 30³⁹, youth in the protection system are compelled to leave care at 18 without sufficient support. The number of available placements in residential resources for transitioning youth is significantly lower than the number of young people participating in the Programmes of Autonomous Communities. The situation of unaccompanied migrant adolescents is of particular concern.

Recommendations:

³⁵ Ministry of Social Rights and of 2030 Agenda (2023) [Bulletin no. 25: statistical data on the measures for the protection of children and adolescents](#)

³⁶ Ministry of Social Rights and of 2030 Agenda (2023) [Bulletin no. 25: statistical data on the measures for the protection of children and adolescents](#)

³⁷ Maakum, Elin, No Name Kitchen (2021). *Report on the violation of the rights of migrant children, adolescents and youth in Ceuta* and Fundación Raíces (2020) *Institutional Violence in the Childhood Protection System*.

³⁸ Ombudsman (2022) [Children and adolescents in the 2022 annual report](#), page 6

³⁹ Eurostat. [Estimated average age of young people leaving the parental household by sex](#).



103. Ensure the allocation of sufficient and adequate human, technical, and financial resources for the promotion of foster care, providing support to foster families of particularly vulnerable children.
104. Guarantee that no child aged 0 to 6 is placed in residential resources and prioritise keeping siblings together.
105. Adopt effective measures to ensure that macro-residential centres are closed and transform them into safe, flexible and participatory environments that are integrated in the community and offer personalised care.
106. Ensure confidential, accessible, and effective communication and reporting mechanisms, adapted to a language that migrant children and adolescents can understand.
107. Introduce the necessary legal guarantees in administrative process for the removal of guardianship, such as considering affected children as interested parties in the administrative procedure, making legal assistance mandatory, and establishing a formal assessment of the child's best interests.
108. Provide support for the transition to adulthood with a holistic approach and effective budget allocation, ensuring that youth remain in the education system, have suitable access to housing, manage to find a job and receive psychological support if needed.
109. Expand the network of emancipation homes and the maximum permitted age, ensuring that young people facing greater difficulties are not left out.

General applicable measures

Compliance to the human rights obligations

Monitoring the Third Cycle recommendations:

110. The State accepted several recommendations regarding establishing a permanent national mechanism to guarantee the **implementation of reports and follow-up to recommendations of the human rights mechanisms** and developing the second national human rights plan (150.4; 150.5; 150.11; 150.12; 150.13; 150.14; 150.15; 150.16; 150.17)
111. There is no procedure in Spain that guarantees proper execution of the UN Treaty Bodies. In this context, the binding nature and enforceability⁴⁰ of the views and follow up to concluding observations adopted by the Committees are not recognised, nor are the interim, provisional or protection measures. Most of the 17 condemnatory views issued by the Committee against Spain have not been implemented⁴¹ and significant difficulties remain in complying with the applicable provisional measures.
112. The Second National Human Rights Plan (2023-2027) includes the approval of an instrument that defines how the competent authorities shall monitor and respond to the rulings and other pronouncements of the bodies included in the

⁴⁰ Ruling 1263/2018 from the Supreme Court, of July 17, referencing the case of Ángela González Carreño; Ruling 1/2020, of 12 February, from the Special chamber for article 61 of the Supreme Court, related to the Garzón case, Ruling 401/2020, of 12 February, from the Special chamber for article 61 of the Supreme Court, related to the Banesto case and Ruling 86/2023, of 13 June, from the contentious-administrative chamber (Section 4); Ruling 1597/2023, of 29 November, from the contentious-administrative chamber (Section 4); Memorandum 1/2020 from the State Attorney's Office, which denies the binding nature of opinions and precautionary measures, published in the Annals of the State General Attorney's Office 2020, page 292 and following pages.

⁴¹ Platform of Childhood Organisations (2022) [The Platform of Childhood Organisations analyses the Third protocol of the Convention on the Rights of the Child \(UNCRC\): Spain's 17 condemnatory rulings](#)



treaties. The Plan's Steering Committee was created July 2024⁴² one of its responsibilities is “To monitor the reports and other pronouncements of the UN’s Human Rights Treaty Bodies to which Spain is a party, as well as the special procedures of the UN’s Human Rights Council”.

Recommendations:

113. Amend Law 25/2014 on International Treaties and Agreements, including a new Title, “International Human Rights Treaties”, which contemplate the necessary guarantees to comply with the obligations derived from the international treaties of the UN’s system and signed by Spain.
114. Take the necessary measures to guarantee the proper functioning of the Steering Committee, so it is ensured that it can monitor the views and other opinions of the Treaty Bodies and the Special Procedures.

Gathering data

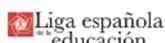
115. There is no existing or planned registry with a coordinated, holistic, and child rights-based approach in Spain beyond websites that just provide statistics. In this regard, the LOPIVI is expected to create a Central Information Registry. However, its scope is limited exclusively to the area of violence.
116. Of particular concern, given their vulnerability, is the lack of sufficient, up-to-date and detailed data or statistics to fully understand the situation of children with disabilities, Roma children, children not receiving any form of parental care or unaccompanied migrant children.

Recommendations:

117. Improve the capacity of gathering data disaggregated by gender and age, in all aspects of the CDN and for all regions, in particular, regarding children in a situation of vulnerability.

⁴²[Royal Decree 709/2024, of 23 July, for the creation and regulation of the coordination, monitoring and participation bodies of the Second National Plan for Human Rights \(2023-2027\).](#)

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