



Complementary Report on the follow-up of the implementation of the Optional Protocol of the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

## **NEEDS AND PROPOSALS TO COMBAT COMMERCIAL SEXUAL EXPLOITATION OF BOYS, GIRLS AND ADOLESCENTS IN SPAIN**

### **Executive Summary**

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# 1

## Glossary of acronyms

CSA:	Child Sexual Abuse.
CC:	Conduct Code for the Protection of Boys, Girls and Adolescents from Sexual Exploitation in Travel and Tourism.
CCAA:	Spanish Autonomous Communities.
CRC:	Committee on the Rights of the Child/ Convention on the Rights of the Child.
ECPAT Int.:	ECPAT International.
CSE:	Commercial Sexual Exploitation.
SECA:	Sexual Exploitation of Children and Adolescents.
CSECA:	Commercial Sexual Exploitation of Children and Adolescents.
CSEBGA:	Commercial Sexual Exploitation of Boys, Girls and Adolescents (similar use to SECA and CSECA).
CSEBGAT:	Commercial Sexual Exploitation of Boys, Girls and Adolescents in Travel and Tourism.
FAPMI:	Federation of Associations for the Prevention of Child Abuse.
LCR:	Local (national) Entities which manage the Conduct Code for the Protection of Boys, Girls and Adolescents from Sexual Exploitation in Travel and Tourism in a country (Local Code Representative).
MHSSE:	Ministry of Health, Social Services and Equality.

CO: Children's Observatory.

WTO: World Tourism Organization.

PASECA: Plan of Action against the Sexual Exploitation of Children and Adolescents. It may also be mentioned as III PASECA, the Third Plan (2010-2013).

ICTs: Information and Communication Technologies.

URCA: Unified Registry of Child Abuse.

UNICEF: United Nations Children's Fund.

## 2

### Analysis of the situation in Spain.

#### Measures adopted in response to the last concluding observations made by the Committee on the Rights of the Child.<sup>1</sup>

##### 1. Context:

- a. This report is outlined by means of the Concluding Observations to Spain from the Committee on the Rights of the Child in 2007<sup>2</sup> in relation to the Optional Protocol of the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography<sup>3</sup> (ratified by Spain on 16 January 2002, published in the Official Gazette of the Spanish State (henceforth, BOE) on 31 January 2012 and with entry into force in a general way for Spain on 18 January 2002).
- b. Note that the Government of Spain has not introduced information in relation to this Protocol in their III and IV periodical report of January 2008<sup>4</sup>, which motivated the Committee on the Rights of the Child to remind Spain – by means of their Concluding Observations in 2010<sup>5</sup> – the obligation of the State party to provide information in this regard<sup>6</sup>.
- c. Finally, **this report refers to the 2007-2016 period.**

##### 2. General perspective:

- a. **In general, it can be stated that Spain has made significant progress since the last report under this Optional Protocol** in the modification of the factors involved in this

<sup>1</sup> The structure and section of this chapter follow the model of the Complementary Report proposed by the Children's Platform for the preparation of their report about Spain.

<sup>2</sup> Available in <http://www.bienestaryproteccioninfantil.es/fuentes1.asp?sec=14&subs=40&cod=294&page=>

<sup>3</sup> Instrument of ratification by Spain available in <https://www.boe.es/boe/dias/2002/01/31/pdfs/A03917-03921.pdf>

<sup>4</sup> <http://www.bienestaryproteccioninfantil.es/fuentes1.asp?sec=1&subs=23&cod=286&page=>

<sup>5</sup> <http://www.bienestaryproteccioninfantil.es/fuentes1.asp?sec=1&subs=23&cod=7&page=>

<sup>6</sup> A. Introduction; paragraph 4º.

problem and they have developed measures – with different effectiveness and relevance – in all the themes raised in the Concluding Observations of the Committee in 2007.

- b. Although the State has reserved the initiative in the legislative modifications and has consulted with key external agents (experts, academic scholars, and specialized entities), their recommendations have not always been adequately collected, however **it is evident that today, Spain has the most solid and coherent legislative framework in years.**
- c. At the same time, the majority of the State's action has been channelled by means of aid and subsidies to different specialized entities of the Third Sector, which are the parties who are leading the actions related to the knowledge of this reality, awareness, prevention and assistance to the victims. Although this approach complies with that proposed in the Concluding Observations in paragraph nº. 20, **this financing is insufficient and it would be desirable that both the State Administration and the Autonomous Communities were actively involved in combating this problem** and not simply delegate the majority of the activities to third parties. Only in this way, will it be possible to achieve the major impact and involvement of the entire social context<sup>7</sup>.
- d. On the other hand, **the need has been observed to suitably define the phenomenon of CSECA and its modalities** (which must logically affect the weight of the phenomenon, the measures to be implemented and their assessment) **of Child Sexual Abuse (CSA), in consonance with the international framework** which will be mentioned below. Although both phenomena form a part of the sexual violence against minors, they have divergent characteristics and evolution; hence they must be clearly differentiated for all effects. For example, the revision of many of the measures compiled by the State in their report and which are commented and analysed below is directly oriented towards CSA or seem to do so – in a transversal way – or they are aimed at the sexual violence against boys, girls and adolescents (BGA).

It is evident that the measures aimed at modifying the variables which make the occurrence of CSA possible or sexual violence will have some type of impact on the CSEBGA, however the specificity of the latter requires its own consideration.

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<sup>7</sup> For example in the matter of violence against women, important initiatives are being developed for awareness, zero tolerance, early detection and intervention which are being carried out by the State Administration and it has involved their entire network of collaborators, suppliers and contractors.

### 3. Data (paragraph<sup>8</sup>. 9).

- a. In general and in relation to the availability of data about the childhood situation in Spain, it can be stated that **progress has been made in this direction in reference to the compilation of the different existing sources of information and their accessibility has been improved** essentially through the web page: [www.infanciaendatos.es](http://www.infanciaendatos.es). Likewise the Civil Guard through its Technical Unit of the Judicial Police and according to their databases have begun to issue criminological reports which contain data about minors.
- b. With regards to the above paragraph, **this does not indicate that adequate data collection, its exploitation and analysis are being carried out, nor should it be understood that progress has been made in the preparation of specific studies about the reality of SECA in Spain.**
- c. Based on the report which concerns us, the State provides data related to prostitution and pornography for the years: 2010, 2011, 2012 and 2013 itemized by gender and age groups<sup>9</sup>, and in time series, they have included data about “contact through technology with children under the age of 13 with sexual purposes” (since 2013) about minor victims of trafficking of human beings with sexual purposes, itemized by nationality (2011, 2012 and 2013)<sup>10</sup>.
- d. However, they are insufficient and incomplete in order to know the characterization and scope of this problem. Likewise, **this data only corresponds to the crimes identified by the Law Enforcement and Security Forces which facilitate data to the Crime Statistics System (SEC)**, which are not all the ones which operate in Spain<sup>11</sup>. These limitations can be generalized to the data which is related to the violence against children in general.

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<sup>8</sup> Paragraph number of the Concluding Observations in 2007 from the Committee on the Rights of the Child in relation to the Optional Protocol.

<sup>9</sup> Annex to V and VI State Report, pg. 74.

<sup>10</sup> Annex to V and VI State Report, pg. 76.

<sup>11</sup> According to the Annex to V and VI State Report, (pg. 75 and 76), the data of the years: 2010, 2011 and 2012 were provided by the Spanish National Police Force (CNP), Civil Guard (GC) and the Regional Police Force of Navarra (PFN) For the year 2013, the data originates from the same sources plus the Local Police Forces. Other police forces are not mentioned such as those from the Basque Country or from Catalonia.

- e. The SECA has not been included as a variable – itemized by modalities – in the **Unified Registry of Child Abuse Reports (URCA)**, hence there is also no information available in relation to the potential detection levels.
- f. On the other hand, the review of the published official data seems to indicate that **different criteria are used for the accounting records of the cases throughout the years**.
- i. For example, according to the data presented by the Ministry of the Interior about the crimes linked to CSEBGA, in recent years, there has been a significant rise in the cases of child pornography, which increased from 392 cases in 2006 to 1,134 cases in 2009<sup>12</sup>. According to the figures from the State Law Enforcement and Security Forces in 2006, 181 minors were identified as the victims of child pornography crimes, while in 2009 this figure amounted to 320<sup>13</sup>.
  - ii. However, the data provided by the Government in the Annex to the V and VI State Report indicate that the number of minor victims of child pornography crimes amounted to 197 in 2010, 19 victims in 2011, 32 victims in 2012 and 92 victims in 2013. Due to the major difference in relation to previous years and considering that this involves a crime which has been increasing at the international level, it is appropriate to presuppose that the difference is due to the changes in the criteria of analysis and data collection, as well as the criteria which were being used for their selection. This fact, in turn, makes it difficult to establish the prolonged time series which make it possible to assess the evolution of the problem.
- g. This evidence supposes the infringement of that set forth in the Concluding Observations in 2007 in relation to the presentation of the statistical data<sup>14</sup>. This fact has been corroborated by other sources, such as the case of the assessment study of the implementation of the Directive 2011/36/EU (on preventing and combating trafficking in human beings and

<sup>12</sup> Ministry of Health, Social Services and Equality. *III Action Plan against Sexual Exploitation of Children and Adolescents (2010-2013)*. Spain. 20 December 2010. p. 25.

<sup>13</sup> More detailed information about the different police operations can be queried at FAPMI-ECPAT Spain (2012): *Use of minors in pornographic contents. Information dossier for the media*. Madrid, FAPMI-ECPAT Spain. Available in: <http://www.ecpat-spain.org/empresa.asp?sec=14&subs=1>

<sup>14</sup> *The State parties in this Optional Protocol must facilitate data itemized by gender, age, ethnic group and urban or rural residence regarding: a) The number of police reported cases on the sale of children, child prostitution, child in pornography and the use of children in sexual tourism; b) The number of these cases which have been investigated, prosecuted and punished; c) The number of child victims of these crimes who have received assistance for their recovery or obtained reparation, in conformity with that set forth in art. 9, paragraphs 3 and 4, of the aforesaid Optional protocol.*

protecting its victims) from a gender perspective in Spain, prepared in 2016 by Women's Link<sup>15 16</sup>.

- h. **Other data:** As we have indicated above, the State Report only includes the data series since 2010 (despite the fact that this should have been done at least since 2008). With the aim to compensate this deficit, we have collected, in a specific section of the complete report, the **available data prior to 2010**.

#### 4. Research and knowledge of the reality, design and assessment of policies (paragraph 20).

- a. In relation to the State's obligation to promote and finance rigorous investigations which permit them to know this problem in all its dimensions<sup>17</sup>, at the date of this report, we only had knowledge of a prior study developed in a previous stage of ECPAT Spain and which is focused on the city of Barcelona<sup>18</sup>
- b. This fact is especially significant, **since it hinders the development of effective policies and relevant measures, as well as the assessment and follow-up of these policies and their results**<sup>19</sup>.

<sup>15</sup> For the preparation of its *Ruling, on 12 May 2016, about the application of the Directive 2011/36/EU, of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims from a gender perspective*, the European Parliament contacted Women's Link, requesting an assessment document about this matter in Spain. Women's Link worked on a research document (*Research Paper: Assessment of the Implementation of the Directive 2011/36/EU from a Gender Perspective in Spain*), and remitted it to the European Parliament. The Parliament prepared a document based on the contributions from organizations and experts from Bulgaria, Cyprus, Greece, Finland, Germany, Lithuania, Romania, Switzerland, Holland, the United Kingdom, Ireland and Spain, titled *Trafficking in Human Beings from a Gender Perspective. Directive 2011/36/EU. European Implementation Assessment*.

<sup>16</sup> "The analysis and compilation of data is not being implemented from a gender perspective in Spain. This means that there is no public information about other forms of trafficking with a gender component beyond the trafficking with the purposes of sexual exploitation and even the information about sexual exploitation is not issued from the state organizations competent in the matter of discrimination and gender violence, but by the National Police Forces and the Prosecutor's Office of Foreigners" (conclusion n°. 11 of its executive summary).

<sup>17</sup> Likewise, the Committee encourages the State party to gather additional documentation and carry out more gender-sensitive investigations regarding the nature and scope of the commercial sexual exploitation of children, including their prostitution and use in pornography, in order to determine the essential causes of the problems, their magnitude and the prevention measures.

<sup>18</sup> ACIM-ECPAT Spain (2007): Situation of the Commercial Sexual Exploitation of Children in Spain. Final report of the pilot study in the city of Barcelona. Available in: [http://www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/ECPAT\\_2006.pdf](http://www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/ECPAT_2006.pdf)

<sup>19</sup> However, in reference to the assessment of policies—and the despite the fact that this is not the aim of this report—it is fitting to refer to the progressive advances in this direction, such as the case of the published edition in 2015 of the *Methodological guide for preparing preliminary reports on the impact of legislative provisions on children and adolescents* by the Children's Observatory in Asturias, UNICEF and the Santander Professor Chair of Law and Minors of the Comillas Pontifical University and in which FAPMI-ECPAT Spain actively participated.

## 5. Communication, awareness and dissemination of knowledge (paragraph 6 and 16):

- a. The **communication actions of the Optional Protocol, social awareness and the dissemination of the information and contents in relation to the ESCIA** are relative and in any case, through the initiative of the entities from the Third Sector which – on occasions – rely on State and Autonomous Community funding. Although it does permit complying with that set forth in paragraph nº. 6 of the Concluding Observations in 2007, it is necessary to strengthen the leadership of the State Administrations and Autonomous Communities in this matter and the consolidation of alliances among all the involved agents.
- b. An evident need has been identified for awareness and prevention **managed and motivated by official organizations and/or Public Administrations supported on specialized entities from the Third Sector**. This objective established in the PASECA should not be an occasional issue but one which requires continued and effective visibility<sup>20</sup>.
- c. At the same time, it has evidenced that a significant part of the social awareness and sensitivity about the CSEBGA is essentially motivated by the echo of the **media** of the cases with major impact, often poorly representative and focused on the committed crime and the suffering of the victims. Although the references to this phenomenon have significantly increased in the media, it is necessary to continue making progress in the training of communication professionals so that they transmit messages focused on prevention and the early detection of potential situations of CSEBGA.
- d. **Campaigns developed in Spain.**
  - i. At the state level, we highlight:
    1. **World campaign: “Stop sex trafficking of children and adolescents for sexual purposes”** promoted by ECPAT and The Body Shop during 2011<sup>21</sup>.

<sup>20</sup> As an example of this type of collaboration at the international level, it is worth mentioning –at the global level– the *Global Alliance against Internet Pornography*, since June 2012, lead by the European Union and the USA with the objective to reinforce the cooperation with third countries in combating sexual abuses of minors in Internet and increase the efforts at the international level to: 1) Identify the victims of child pornography in Internet and guarantee that they are provided assistance, support and protection and hinder them from suffering from new abuses again; 2) Reduce the access to child pornography and the contents of this nature available in Internet; 3) Promote the international cooperation to investigate the specific cases of sexual abuses of minors, as well as identify and prosecute the persons responsible for these crimes; 4) Improve the awareness of the public opinion and parents about the risks which are involved in the use of Internet, including the risk of uploading photographs taken by the minors themselves for their social networks with the precise aim to reduce the contents of the child pornography which circulates in the worldwide web.

<sup>21</sup> Additional Information: <http://www.ecpat-spain.org/programas.asp?sec=8> and report available in <http://www.bienestaryproteccioninfantil.es/fuentes1.asp?sec=14&subs=40&cod=618&page=>

2. **The “Don’t Look Away!” Campaign** developed by FAPMI-ECPAT Spain in 2014 and 2016, focused on the neutralization of the perception of immunity by the sexual aggressors and minors in large sports events<sup>22</sup>.
- ii. At the autonomous community level, several initiatives have been developed which have been compiled in a specific section in the full version of the report.

## 6. Training of key agents (paragraph 15).

- a. Jointly with the increase of SECA, in a simultaneous way, **awareness has also increased in Spain in relation to the professionals, Administrations and different sectors directly related to children and adolescents**, as well as the general population. We highlight the work in this regard carried out by the Spanish Network against Human Trafficking and other institutions such as the case of Save the Children, which has developed diverse initiatives in relation to Spain<sup>23</sup>.
- b. The Government of Spain has offered training actions about several aspects of CSEBGA to the civil servants of the Autonomous Community Administrations and State Law Enforcement and Security Forces, however they have only been limited to these contexts.
  - i. It is evident that there is a **certain lack of coordination in their implementation, the lack of planning of their contents and the profiles of the teaching staff**. Likewise, this training must be understood as qualification and **it requires follow-up and constant updates which do not appear to be carried out**.
  - ii. **There is no accessible data with regards to when this training offer began nor the participating Autonomous Communities, nor the number of beneficiaries**.
  - iii. **This training has not been implemented to the professionals of the educational and assistance sector (including the protection centres) so that they are capable of identifying and deriving cases of trafficking of BGA<sup>24</sup>**.

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The objective of this initiative –by means of the presentations of signatures before the Government– was to transmit the citizens' concern about this problem and it is aimed at stimulating a legislative reform, on the other hand also necessary, which guarantees the full protection of minor victims of trafficking for sexual exploitation purposes.

<sup>22</sup> For greater detail, see: <http://www.ecpat-spain.org/programas.asp?sec=11>

<sup>23</sup> For greater detail about the activities developed by these entities, see the full version of this report.

<sup>24</sup> RECPT (2016). *II Complementary Report for the assessment of the implementation in Spain of the Council of Europe Convention on Action against the Trafficking in Human Beings*. Recommendations related to Art. 10 (Identification of the minor victims).

- c. Based on the above and in a complementary way, FAPMI-ECPAT Spain leads the specific training through the **State Training Program in the detection, prevention and intervention in CSEBGA**<sup>25</sup> by means of specialized seminars addressed to:
- i. Direct assistance professionals to children (school, judicial, health care, protection sectors, etc.).
  - ii. State and Autonomous Community Law Enforcement and Security Forces.
  - iii. Professionals in the travel, hotel-restaurant and tourism industry (hotel chains, travel and events organization companies, etc.).
  - iv. Communication professionals.
  - v. Other agents indirectly linked to assistance for children.
  - vi. Students and researchers from disciplines related to children and directly or indirectly related to the phenomenon of violence against boys, girls and adolescents.
- d. Several of the member entities of the **Spanish Network against Trafficking in Human Beings (RECTP)** have also developed specific training actions, although not necessarily focused on minors<sup>26</sup>.

## 7. State coordination and strategic planning (paragraph 11, 13 and 18):

- a. **The coordination work** theoretically supposed for the Children's Observatory of the Ministry of Health, Social Services and Equality **is not being adequately developed in general terms and especially in that related to CSEBGA.**
- b. One example of this can be seen in the **update process of the Basic Protocol of the intervention against child abuse.** The previous version of the protocol prepared by the Children's Observatory in 2007 was updated in July 2014; however the opportunity was not adequately used to include the CSECA in the same as a modality of violence against children and prescribe the action procedures and guide the training of the key agents, in turn serving as reference for the CCAA. In the end, it was included but in a very partial way, with special emphasis on the female genital mutilation and forced marriages.

<sup>25</sup> <http://www.ecpat-spain.org/formacion.asp>

<sup>26</sup> For greater detail about the activities developed by these entities, see the full version of this report.

- c. Likewise, references are made to combat CSEBGA in the II PASECA in consonance with that proposed in the III PASECA, however in both cases, there were difficulties for their achievement<sup>27</sup>.
- d. **The III Plan of Action against SECA concluded in the year 2013 where it has not been possible to provide its continuity, leaving the coordination at the state level without any reference.** The absence of a comprehensive strategy at the state level in relation to combating CSEBGA hinders the development of both policies as well as coordinated and effective actions. Consequently, we understand that the construction of a new Plan of Action is a priority objective, based on an analysis of the reality as well as the results and proposals derived from the assessment of III PASECA, to compile scientific evidence, the existing good practices and the contributions from the professionals, experts and academic scholars in this matter.
- e. At the same time and as an essential feature, the Plan must be designed in a way to facilitate its **assessment with both follow-up and the final impact**, for this purpose, relying on an adequate system of indicators and information sources.
- f. In relation to the other modalities of CSECA, trafficking has received special attention as shown in the numerous reference frameworks which exist at state level:
- i. **Comprehensive Plan on action against trafficking in human beings for sexual exploitation purposes** (2009), from the Ministry of Equality<sup>28</sup> (Ministry subsequently included in the MHSSE Structure) extended up to 2012.
  - ii. **Framework Protocol for Protecting Victims of Human Trafficking** (2011), adopted by the Ministries of Justice, the Interior, Labour and Social Security, Health, Social Services and Equality, the State Attorney General and the Council of the Judiciary<sup>29</sup>.
  - iii. **On-line training program “Trafficking of BGA for sexual exploitation purposes. The comprehensive assistance of the victims”**, started in 2011 by the MHSSE in collaboration with the CCAA.

<sup>27</sup> For greater details of the performed analysis, see the available list in Annex 2 of the full report among the objectives of FAPMI-ECPAT Spain and the measures of III PASECA.

<sup>28</sup> Available in [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ESP/INT\\_CEDAW\\_NGO\\_ESP\\_61\\_18795\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ESP/INT_CEDAW_NGO_ESP_61_18795_S.pdf)

<sup>29</sup> For greater detail, see: <http://www.msssi.gob.es/va/ssi/violenciaGenero/tratadeMujeres/ProtocoloMarco/homel.htm>

- iv. **Ombudsman Report “Trafficking of human beings in Spain: the invisible victims”** (2012)<sup>30</sup> with its update in October 2013<sup>31</sup>.
- v. **Comprehensive Plan against trafficking of women and girls for sexual exploitation purposes** (2015-2018)<sup>32</sup> from MHSSE.

## 8. Specialized services for the victims (paragraph 34).

- a. **There are major gaps in the matter of assistance to victims of trafficking.** There are no adequate mechanisms for identifying the victims (which has led to repeated criminal prosecutions of the same), nor are there specialized services for the assistance of boys, girls and adolescents. The different Public Administrations at the autonomic and local level divert the majority of the potential victims to public organizations which are generally not qualified for the suitable assistance to this basic collective or to Non-Governmental Organizations (NGOs), since they commonly possess the most knowledge in this matter and they make an effort to develop resources and specialized devices, at times in agreement with the Public Administrations<sup>33</sup>. Other sources also collect these circumstances in their reports, such as the aforementioned report from Women’s Link about the application in Spain of the Directive 2011/36/EU<sup>34 35</sup>.
- b. On the other hand, as mentioned in the Spanish Network against Trafficking in Human Beings in the *II Complementary Report for the assessment of the implementation in Spain of the Council of Europe Convention on Action against the Trafficking in Human Beings (GRETA), in Spain, there is a major lack in the inclusion of children's perspective,*

<sup>30</sup> Available in: <https://www.defensordelpueblo.es/wp-content/uploads/2015/05/2012-09-Trata-de-seres-humanos-en-Espa%C3%B1a-v%C3%ADctimas-invisibles-ESP.pdf>

<sup>31</sup> Available in: [https://www.defensordelpueblo.es/wp-content/uploads/2013/11/defensor\\_del\\_pueblo\\_-\\_actualizacion\\_a\\_octubre\\_de\\_2013\\_0.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2013/11/defensor_del_pueblo_-_actualizacion_a_octubre_de_2013_0.pdf)

<sup>32</sup> Available in:

[http://www.violenciagenero.msssi.gob.es/planActuacion/planContraExplotacionSexual/docs/Plan\\_Integral\\_Trata\\_18\\_Septiembre2015\\_2018.pdf](http://www.violenciagenero.msssi.gob.es/planActuacion/planContraExplotacionSexual/docs/Plan_Integral_Trata_18_Septiembre2015_2018.pdf)

<sup>33</sup> ECPAT International (2012). *Monitoring Report of the actions against commercial sexual exploitation of boys, girls and adolescents. Spain. 2<sup>nd</sup> edition.*

Available in: [http://www.ecpat-spain.org/imagenes/auxiliar/A4A\\_V2\\_Europe\\_SPAIN\\_FINAL.pdf](http://www.ecpat-spain.org/imagenes/auxiliar/A4A_V2_Europe_SPAIN_FINAL.pdf)

<sup>34</sup> Women’s Link (2016): *Research Paper: Assessment of the Implementation of the Directive 2011/36/EU from a Gender Perspective in Spain.*

<sup>35</sup> “The boy and girl victims of trafficking are not sufficiently protected in Spain, not only as consequence of the errors for their identification as victims, but also due to the errors in their identification as minors. In some cases, they have even failed in their identification as potential victims of trafficking and also as minors. On the other hand, the lack of specialized accommodation resources leads to inefficient protection even when they have been correctly identified” (ninth conclusion of its executive summary).

**where no specific public policies have been designed to protect male and female minors of trafficking, especially in<sup>36</sup>:**

- i. Cases in which the adult victims of trafficking arrive in Spain with minors: the common practice is usually to separate (sometimes with and without a temporary nature) the BGA from their mother or to focus the intervention on the mother or on the family unit, in all cases, failing to simultaneously guarantee the Higher Interest of the Child and the mother's protection.
  - ii. Likewise, it is necessary to create apartments or specialized centres to shelter and support minor victims of trafficking and for the victims of trafficking who have boys or girls in their custody, so that they can live, be protected against their exploiters and recover.
- c. **The resources must be designed in a specific way for the minors, as well as specialized resources for the male minors of the trafficking networks for prostitution purposes and for the BGA with mental health problems and addictions<sup>37</sup>.**
- d. **Although there are several experiences of comprehensive treatment services for victims of CSE, they must mature and numerous aspects must be strengthened to value their effectiveness.** Likewise – and this is also essential in relation to the treatment of the aggressors – the available offer should not depend on the Autonomous Community and be subject to the territorial differences, **since the treatment must be guaranteed in a homogeneous way in the entire State.**
- e. Even though the *Comprehensive Plan against trafficking of women and girls for sexual exploitation purposes (2015-2018)* promoted by the MHSSE and the sector and/or autonomous community protocols constitute important elements to favour the coordination between agents, in the case of the BGA victims of trafficking, they lack an itinerary and an action mechanism explicitly designed to attend to their needs.
- i. As significant progress, it is fitting to mention the creation of a specific work group in the core of the Children's Observatory for the development of a **Protocol for the care to minor victims of trafficking for purposes of CSECA.** However, since

<sup>36</sup> RECPT (2016). *II Complementary Report for the assessment of the implementation in Spain of the Council of Europe Convention on Action against Trafficking in Human Beings*. Recommendations related to Art. 10 (Identification of the minor victims).

<sup>37</sup> ACCEM (2016). *Diagnosis about the phenomenon of trafficking in human beings in Zaragoza. Intervention proposals*. Available in: [http://www.accem.es/ficheros/documentos/pdf\\_trata/Diagnostico\\_Trata\\_Zaragoza.pdf](http://www.accem.es/ficheros/documentos/pdf_trata/Diagnostico_Trata_Zaragoza.pdf)

2015 and on the date of this report, the Group's activity has been interrupted, hence they have not achieved their objective at this time.

## 9. Participation of BGA victims in the judicial proceeding (paragraphs 36 and 37):

- a. Relying on the background of the **Circular 3/2009 on protecting of minor victims and witnesses of the State Attorney General** (of 10 November 2009)<sup>38</sup>, the reform of the legislative framework in this matter is derived from the update of the **Statute of the Crime Victim** enforced by the Act 4/2015, of 27 April<sup>39</sup>. Nevertheless despite the fact that this regulation includes the guarantee of the legal rights of the victims in and out of court and it introduces the importance of the **pre-constituted evidence**, this is subject to the Court's criteria, hence it cannot be implemented with a generic nature.
- b. In a parallel way, it is necessary to continue making progress in the creation of a child-friendly context for children in the legal sector. Although there are several pilot experiences such as the use of friendly rooms in Courts, there are no significant improvements. The Program: "**Justice and Childhood: recommendations and good practice to improve the assistance to BGA in the legal sector**"<sup>40</sup> developed by FAPMI-ECPAT Spain since 2010 aims – among other objectives – to foster the awareness and training of the legal operators in relation to the need to adopt a children's rights approach in their actions and improve their procedures and the specific legislative framework to prevent the revictimization of minors who are obliged to participate as victims or witnesses in the legal field.
- c. Activities are being developed directly related with BGA **aimed at their empowerment and training as active prevention agents among their peers, but they are isolated experiences generally at the local level, very fragmented and without coordination** which permits considering them within a strategic action context. The majority of these actions appear to be focused on prevention among peers and by peers but they do not seem to be focused on detection and notification.

<sup>38</sup> Available in: [http://qinnova.uned.es/archivos\\_publicos/webex\\_actividades/4886/jdcccircular32009.pdf](http://qinnova.uned.es/archivos_publicos/webex_actividades/4886/jdcccircular32009.pdf)

<sup>39</sup> Available in: <https://www.boe.es/buscar/act.php?id=BOE-A-2015-4606>

<sup>40</sup> More information in relation to this initiative in: <http://www.fapmi.es/contenido1.asp?sec=52&pp=1>

- d. **There is also not a significant number of preventive activities with BGA in relation to sexual violence in general and specifically about CSECA, in a contextualized way within a positive approach to sexuality (affective-sexual education),** although there are initiatives related to the safe use of Relation, Information and Communication Technologies (RICTs), the integration, mutual respect and the promotion of interpersonal relationships among their peers and people of their environment based on good treatment.
- i. In this framework, we highlight the **“Make It Safe” Program<sup>41</sup>** focused on promoting the safe use of Relation, Information and Communication Technologies (RICTs) developed by FAPMI-ECPAT Spain since 2012 and which was implemented in 2016 in 7 Autonomous Communities<sup>42</sup> with state coordination.
- e. The development and communication is required for **notifying and reporting systems of suspicions accessible for minors.**
- f. **There are no reports of the participation experiences of BGA** –in spite the fact that they have been victims of CSECA – **in the design of effective policies and solutions** in relation to this phenomenon.

## 10. Specialized services for the aggressors (adults and minors):

- a. The first thing which must be considered is that **in Spain, the treatments to aggressors in prison do not have a mandatory nature**, despite the fact that there are initiatives in this regard<sup>43</sup>. On the other hand and in relation to juvenile aggressors, **there is not a generalized practice to offer intervention services in all the Autonomous Communities.** In this regard, note the programs:

<sup>41</sup> For greater detail about the Program, see: <http://www.ecpat-spain.org/programas.asp?sec=7>

<sup>42</sup> Galicia, Principality of Asturias, Cantabria, Catalonia, Castilla y León, Murcia Region and Andalusia.

<sup>43</sup> For example, see Ministry of the Interior. Directorate General of Penal Institutions (2006). *The control of sexual assault: Intervention program in a prison environment. Treatment program for sexual delinquents in prison. Therapist Manual.* Available in: <http://www.bienestaryproteccioninfantil.es/fuentes1.asp?sec=8&subs=11&cod=2648&page=&v=2>

- i. Educational and therapeutic treatment program for juvenile sexual offenders developed by the Madrid Community Agency in 2012 for Re-Education and Reinsertion of the Minor Offender<sup>44</sup>.
  - ii. “A´turat Program” for assessment and treatment of sexual offenders implemented by the Government of the Balearic Island since 2010<sup>45</sup>.
- b. The adoption of therapeutic and support measures for both victims and aggressors was already pointed out in 2008 by the Ombudsman for Minors of the Community of Madrid in 2008<sup>46</sup> and it formed part of the measures of the III PASECA (2010-2013)<sup>47</sup>, however to date, it cannot be affirmed that it has been adequately developed.

## 11. Legislative Framework:

- a. The **partial implementation of the Lanzarote Convention**<sup>48</sup> and the measures which are derived from its application, which entail the greater protection of the BGA against violence, especially linked with the different forms of sexual violence must be considered as a significant advance in relation to many of the observations from the CRC with regards to this Protocol (criminal records requests, training of professionals, etc.).
- b. Significant progress has been made in the establishment of a **Register of Sexual Offenders**<sup>49</sup> and their regulation<sup>50</sup> and the **Negative Certificate of crimes of a sexual nature to work with minors** by means of Act 26/2015, of 28 July, which modifies the

<sup>44</sup> Available in:

[http://www.ub.edu/geav/contenidos/vinculos/publicaciones/public1\\_6/publicac\\_pdf/publicac\\_redondo\\_pdf/Delincuencia%20juvenil.%20intervenciones%20y%20eficacia/2012\\_Programa.pdf](http://www.ub.edu/geav/contenidos/vinculos/publicaciones/public1_6/publicac_pdf/publicac_redondo_pdf/Delincuencia%20juvenil.%20intervenciones%20y%20eficacia/2012_Programa.pdf)

<sup>45</sup> In this regard, see for example: [http://www.eduso.net/res/pdf/14/atura\\_res\\_14.pdf](http://www.eduso.net/res/pdf/14/atura_res_14.pdf)

<sup>46</sup> Ombudsman of Minors of the Community of Madrid (2008): Measures for protecting children from acts of exploitation and sexual abuse. Available in: <http://www.defensordelmenor.org/upload/documentacion/interes/PropuestasPederastia.pdf> and Ombudsman of Minors of the Community of Madrid. Press Release of 1 July 2008. Available in: <http://www.defensordelmenor.org/upload/prensa/notas/PropuestasMinistroJusticia.pdf>

<sup>47</sup> Objective 3, Protection; measure 6, (p. 33): “Prevent the repeat offences of young aggressors, by means of Preventive Programs”.

<sup>48</sup> Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (Lanzarote Convention), signed and ratified by Spain in 2010.

<sup>49</sup> Integrated in the System of Administrative Records in Support of the Justice Administration, which includes data related to the identity and genetic profile (DNA) of the persons convicted by final court sentence for crimes against sexual liberty, indemnity and trafficking in human beings for purposes of sexual exploitation, including pornography, independently of the victim’s age.

<sup>50</sup> Royal Decree 1110/2015, of 11 December, which regulates the Central Registry of Sexual Offenders, available in:

<https://www.boe.es/boe/dias/2015/12/30/pdfs/BOE-A-2015-14264.pdf>

protection system for children and adolescents<sup>51</sup> and which affects the Act 45/2015, of 14 of October on voluntary service<sup>52</sup>.

- i. We must remind that the proposal to create a Pedophiles Register was raised in 2008 by the Ombudsman of Minors of the Community of Madrid in 2008<sup>53</sup>. The proposal was accepted by the Government that same year<sup>54</sup> and included among the measures of III Plan of Action against Sexual Exploitation of Children and Adolescents (2010-2013)<sup>55</sup>, it was not effective until the end of 2015.
- c. **The development of legislative reforms is very positively valued** to increase the protection of BGA also in the prevention and intervention of the CSEBGA, being especially relevant:
- Organic Act 8/2015, of 22 July, **modifying the protection system for children and adolescents;**
  - Act 26/2015, of 28 July **on protecting children and adolescents**, which will improve the protection of boy and girl victims of diverse situations of violence and which include the trafficking in human beings.
- d. **The measures related to raising the age of sexual consent** (paragraph 24), to the age of 16 has been contemplated in **reform of the Criminal code by means of Organic Act (L.O.) 1/2015, of 30 March**<sup>56</sup>.
- e. **Numerous elements have been inserted in the reform of the Criminal Code** (paragraph 26).
- i. The CRC recommended several actions in relation to the Criminal Code, which are mentioned in the following sections.
- f. **The ratification has been carried out of the instruments of the Council of Europe** (paragraph 26).

<sup>51</sup> For more information, see: <http://www.mjusticia.gob.es/cs/Satellite/Portal/es/registro-central-delincuentes>

<sup>52</sup> <https://www.boe.es/boe/dias/2015/10/15/pdfs/BOE-A-2015-11072.pdf>

<sup>53</sup> Ombudsman of Minors of the Community of Madrid (2008): Measures for protecting children from acts of exploitation and sexual abuse. Available in: <http://www.defensordelmenor.org/upload/documentacion/interes/PropuestasPederastia.pdf> and Ombudsman of Minors of the Community of Madrid. Press Release of 1 July 2008. Available in: <http://www.defensordelmenor.org/upload/prensa/notas/PropuestasMinistroJusticia.pdf>

<sup>54</sup> El periódico de Aragón, 12/09/2008: <http://www.elperiodicodearagon.com/noticias/sociedad/rubalcaba-afirma-que-registro-depederastas-sera-inmediato-439964.html>

<sup>55</sup> Objective 4. Legal framework; measure 2 (p. 34): "Analyse the possibility of legislative reforms to permit the access to information about persons who have committed sexual offences with minors inside or outside of Spain when they are or will be in direct contact with minors, such as workers or voluntary personnel exercising voluntary activities with minors".

<sup>56</sup> Organic Act 1/2015, of 30 March, which modifies the Organic Act 10/1995, of 23 November, of the Criminal Code.

- i. Council of Europe Convention on Action against Trafficking in Human Beings (Convention nº. 197 of the Council of Europe), was performed in Warsaw on 16 May 2015, ratified by Spain in September 2009<sup>57</sup>.
- ii. Convention on Cybercrime, performed in Budapest on 23 November 2001, ratified by Spain in September 2010<sup>58</sup>.
- iii. Convention on preventing and combating violence against women and domestic violence, performed in Istanbul in May 2011, ratified by Spain in May 2014<sup>59</sup>.

**g. The transposition of European Directives is being carried out:**

- i. Directive 2011/93/EU, on combating sexual abuse and sexual exploitation of children and child pornography.
- ii. Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims.

**h. Measures in relation to the coercion of BGA to exercise prostitution or the generation of contents of sexual abuse (pornography).**

- i. The **reform of the Criminal Code in 2010** (L.O. 5/2010), sought to adapt the Spanish legislation to the international and regional standards, in particular, to the Framework Decision 2004/68/JHA of the Council of Europe, *on combating the sexual exploitation of children and child pornography* (replaced by the Directive 2011/93/EU of the Parliament and Council of Europe) and the Convention ETS Nº. 185 of the Council of Europe *on cybercrime*, ratified by Spain in June 2010. Thus, legal liability of persons was introduced in the criminal legislation for crimes of child pornography; it classifies the conduct of “*child grooming*”, the recruitment of children for pornography shows, the conduct of those who profit with the participation of children in these types of shows and the penalty of deprivation of parental authority and similar institutions which holding these qualities intervene as the author or accomplice in the perpetration of these crimes.
- ii. In relation to the increase of the allocations for the investigation and prosecution of the crimes of pornography and prostitution (paragraph 28), no information is available in this regard.

**i. Measures related to trafficking of BGA with purposes of CSECA:**

<sup>57</sup> BOE num. 219, of 10 September 2009, pages 76453 to 76471, available in: <http://www.boe.es/buscar/doc.php?id=BOE-A-2009-14405>

<sup>58</sup> BOE num. 226, of 17 September 2010, pages 78847 to 78896, available in: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2010-14221](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2010-14221)

<sup>59</sup> BOE num. 137, of 06 June 2014, pages 42946 to 42976, available in: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2014-5947](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-5947)

- i. In recent years, several major advances have been made in combating trafficking in Spain. Among the most important efforts, note the adoption of the ***Comprehensive Plan on Action Against the Trafficking of Human Beings for Purposes of Sexual Exploitation***, the entry into force of the ***Council of Europe Convention on Action against the Trafficking in Human Beings***, the addition of a new title related to the *Trafficking of Human Beings* in the ***Criminal Code*** and the recent reforms to the ***Organic Act on the rights and liberties of foreigners in Spain and their social integration***, by means of which it included a new article 59bis about the victims of Trafficking.
- j. **Measures in relation to forced marriage:**
  - i. The Organic Act 1/2015 of 30 March<sup>60</sup>, which modified the Organic Act 10/95 of 23 November of the Criminal Code, includes the crime of forced marriage as a crime of coercion in art. 172 bis., and prosecutes the trafficking when it has the aim of celebrating forced marriages (paragraphs 1 and 4 of art. 177 bis).
- k. **Assistance and international cooperation** [paragraph 30 (Jurisdiction), 32 (Extradition), 39 and 40 (assistance and international cooperation)]:
  - i. The Concluding Observations in 2007 had made reference to the need to include in the next State Report, *sufficient information in relation to the assistance and cooperation which the State provides in the activities of detection, investigation, prosecution, punishment and extradition. This information was again lacking in this last report.*
  - ii. The **Organic Act 1/2014 which modifies the Organic Act 6/1985 on the Judiciary, in relation to universal justice**<sup>61</sup> grants competence to the Spanish jurisdiction to determine the deeds committed by Spaniards or foreigners outside the national territory susceptible of being classified as Offences regulated in the Istanbul Convention (ratified by Spain in June 2014) in the following cases: (1) the proceeding is directed against a Spaniard; (2) the proceeding is directed against a foreigner who usually resides in Spain, or (3) the offence was committed against a victim who, at the time of the commission of the deeds, possessed Spanish nationality or habitual residence in Spain, always when the person who is accused of the commission of the criminal offence is located in Spain.

<sup>60</sup> BOE of 31 March, in force since 2015.

<sup>61</sup> Available in: <https://www.boe.es/buscar/doc.php?id=BOE-A-2014-2709>

## Positive and negative changes experienced since the last report.

### New sectors of concern.

#### Positive Aspects

1. Since 2007 and to date, development has been carried out on diverse **protocols and plans at the national and autonomous community level** specifically for the awareness, detection, prevention and intervention before the CSE and the trafficking in human beings with instructions for the specific approach of minors. This has favored the increase of the coordination and visibility of the CSEBGA problem, although not at the desired level, as described in previous sections.
2. **Relevant and progressive involvement of the Spanish business sector of the Tourism field** – especially the hotel industry – through the *Conduct Code for the protection of BGA from commercial sexual exploitation in travel and tourism*. Currently, 17 Spanish companies and organizations have subscribed the Code<sup>62</sup> and work is being done with 9 entities, which means that Spain is a reference at the international level and this facilitates the fulfilment of that set forth in paragraph 22 of the Concluding Observations in 2017 and the General Observation n°. 16 (of 2013) on the obligations of States in relation to the impact of the Business sector on the rights of children. This involvement is not only related to large size companies but the awareness also progressively reaches the smaller size organizations and the micro-companies.

#### Negative Aspects

1. **A reform has not occurred for the information registration systems nor are there incentives for research which facilitates the adequate knowledge of the reality and design of effective responses.**
2. **The State and Autonomous Community Administrations have not assumed the leadership which such a complex phenomenon requires.**

<sup>62</sup> For greater details about the implementation of the Conduct Code in Spain, see <http://www.ecpat-spain.org/code.asp>

## Obstacles encountered in the fulfilment of the obligations stipulated by the CRC

1. **Lack of knowledge and awareness about the problem.** The CSEBGA phenomenon continues to be socially unknown and considered external to the problems linked to children and adolescents of our country.
2. This lack of consideration is also founded on the **difficulties to possess epidemiological data and the victimization of minors** in this modality of violence.
3. **The detection is low depending on the typology.** For example, it is low in child prostitution (although there are indicators which exist in a significant way in Spain), but the detection of child pornography networks is high. A sample of the latter is that the Civil Guard has created a specialized unit in Sexual Exploitation within their Minors Group.
4. **Absence of coordination mechanisms and specific training for detecting and assisting victims of CSECA.** The invisibility of the phenomenon does not favor the establishment of interventions and specific strategies adapted to the boys, girls and adolescents. The direct care professionals, involved in the prosecution of offenders and the identification and intervention with the victims lack specialized training in the cases of minors.
5. **Greater involvement is necessary from the private entities in general in their commitment and responsibility in the detection and prevention.** The lack of involvement and assumption of social responsibility which they possess permit the impunity, the persistence and the continuity of some types of this form of exploitation such as child pornography, trafficking or prostitution.
6. **The legislative and institutional advances have a relative impact on the practice where there is not a real correspondence.** The plans established from the different fields have not been assessed in a periodical way and many of the strategies and planned objectives have not even been able to start and develop in the initially recognized terms.

## Recommendations

### 1. DEFINITION:

- a. **To advance in the unification of the definitions and descriptive criteria of the phenomenon of CSECA** as proposed by the conclusions of the III PASECA assessment and in concordance with that proposed by ECPAT International in the Luxembourg Directives (Terminology guidelines for the protection of boys, girls and adolescents from Commercial Sexual Exploitation of Children)<sup>63</sup>.
- b. On the other hand, it is necessary to communicate the reality of CSEBGA among the social and professional collective, **so that it is differentiated from Child Sexual Abuse (CSA)**. Both are modalities of sexual violence against minors, but they are very different manifestations. In view of several measures developed since 2007, this provides the impression that some contexts are not clearly differentiated, hence inadequate decisions are adopted which hinder the suitable solution of the problem.

### 2. KNOWLEDGE:

- a. **Development of epidemiological investigation** (not only focused on determining the incidence / prevalence) **at the state and autonomous community level**, so that it is possible to characterize this phenomenon and know all the factors involved and identify the needs.
- b. This research **must not only comply with the standards required by the scientific and ethical / deontological work, but also must be developed with homogeneous criteria which allow the comparison of the obtained data with other countries and contexts** of our environment and the development of time series which make it possible to know the evolution of the variables of the phenomenon.
- c. This is a petition which from ECPAT Spain – and in consonance with other international organizations, such as the Committee on the Rights of the Child or ISPCAN – we have

<sup>63</sup> Published at the international level in June 2016 (see Press Release from FAPMI-ECPAT Spain: <http://www.ecpat-spain.org/ecpat.asp?sec=14&subs=111>). For greater detail, see: <http://luxembourgguidelines.org/es/>

been conveying to the Administrations for years, but until now it has been achieved among their agendas.

- d. **The lack of information or its quality is symptomatic in relation to Spain in the international reports about this problem**<sup>64</sup>.

### 3. GOOD PRACTICES AND SUCCESSFUL EXPERIENCES BASED ON THE INTERNATIONAL REFERENCE FRAMEWORK:

- a. There are many good **examples of the approach to the different aspects linked to CSEBGA which can be used as reference** to implement and adapt in Spain.
- b. Likewise, it is necessary to consider that set forth in the international reference frameworks with regard to this phenomenon. Specifically, the progress in the **implementation of the measures contemplated in the Lanzarote Convention** in relation to the sexual violence against BGA.
- c. Complementarily, **the conclusions and recommendations of the international reports must be integrated in the coping strategies of CSEBGA**, among which we highlight those proposed by the Global study on Commercial Sexual Exploitation of Children in Travel and Tourism developed by ECPAT International and published in 2016, which are:
- i. *To convert the Global Code of Ethics for Tourism from the WTO of the United Nations into an international Convention ratified at the global level;*
  - ii. *To consider the sexual of exploitation of boys, girls and adolescents in travel and tourism in the implementation, monitoring and preparation of reports about the UN 2030 Agenda for Sustainable Development;*
  - iii. *To create notification and reporting systems in all countries so that boys, girls and adolescents as well as other males/females can communicate their suspicions without fear of reprisals;*
  - iv. *To work with the suppliers of Internet services to halt the increasing sale of boys, girls and adolescents for sex through Internet;*

<sup>64</sup> For example, in the Global Study on Commercial Sexual Exploitation of Children in Travel and Tourism developed by ECPAT International and published in 2016. For greater detail, see: <http://www.ecpat-spain.org/ecpat.asp?sec=14&subs=108>

- v. *To create an efficient and proactive global system so that the authorities share information about the male/female offenders; and*
- vi. *To expand and when required, create care and support services for the victims.*

#### **4. COORDINATION, DESIGN OF COMPREHENSIVE SOLUTIONS AND ACCESSIBILITY TO SPECIALIZED SERVICES FOR VICTIMS AND AGRESSORS:**

- a. **Preparation with consensus of all the key agents based on the technical and scientific evidence available of the new state strategic framework for a coordination to combat CSECA and its consequent Autonomous Community development.**
- b. The lack of knowledge of the reality is what causes that the plans developed by the Public Administrations and – especially – by the Government (in successive legislatures, given that it is not a problem which is attached to a specific political party) are not well designed.
- c. FAPMI-ECPAT Spain has identified the necessities and has compared them with the perception and experience of other entities of the Third Sector which work in Spain and coincide with the majority of the analysis<sup>65</sup>.
- d. This diagnosis is compiled in the successive Plans of Action against CSECA in Spain which we have prepared and it is shown in the numerous contributions which we perform in the specialized contexts in which FAPMI-ECPAT Spain participates.
- e. Likewise, these recommendations also contain the assessment report of the III PASECA, which we hope will be taken into account as the basis to prepare the new Plan by the Government
- f. Consequently, FAPMI-ECPAT Spain and its network of collaborators are willing to make a diagnosis of the situation in Spain on which to construct an effective State Plan and **Civil Society can lead this process through the specialized entities of the Third**

<sup>65</sup> For example, see the conclusions document from the II State Seminar about CSECA which we organized in 2015, available in: [http://www.ecpat-spain.org/imagenes/auxiliar/ECPAT%20Espa%C3%B1a\\_2015\\_II%20Seminario%20Estatall\\_Conclusiones\\_V4.pdf](http://www.ecpat-spain.org/imagenes/auxiliar/ECPAT%20Espa%C3%B1a_2015_II%20Seminario%20Estatall_Conclusiones_V4.pdf)

**Sector** (such as what has been happening in other countries and promoted by the ECPAT International Network).

- g.** It is necessary to **prepare specific action protocols, differentiated for minor victims and adult victims.**
- h.** **The result of all the above involves the design and creation of specialized services for the care to victims and aggressors,** especially for minors, as well as specialized resources for minors of the male gender, victims of the trafficking networks with purposes of prostitution and for the BGA with mental health problems and addictions.

## 5. VISIBILITY AND SOCIAL AWARENESS OF ALL KEY AGENTS:

- a. Coordination of efforts focused on the **social awareness** about the existence, impact and problems of CSEBGA.
- b. To make visible the **vulnerability of specific groups** which may be the minors with intellectual disability and/or the development of boys, girls and adolescents deprived of freedom, who are in a situation of foster care or migrants and refugees.

## 6. NETWORKS AND SYNERGIES:

- a. To promote the **involvement of companies, the private sector and the Third Sector** to enable them to materialize the social commitment by the development of children protection policies in their different actions, including the adoption of conduct codes.

In Spain, there is no tradition in the design, development and follow-up by entities and organizations from the private sector and Third Sector of comprehensive policies for the protection of minors and/or persons vulnerable in their action field. The Public Administrations (at the state, autonomous community and local level) and the structures which report to them which work directly with boys, girls and adolescents and the vulnerable population or at risk are the most aware of this need and they have developed several initiatives in this regard. However, these initiatives from the public sector are insufficient and are not always transferred to the chain of the services

suppliers of the Administrations. On the other hand, at present, there is not a legislative framework which specifically protects the minors and vulnerable persons from violence. Consequently, this protector task cannot be exclusively delegated in the regulatory framework.

The social and political climate in Spain is favorable for the adoption of these types of measures thanks in part to the follow-up which has been carried out in the Convention on the Rights of the Child and their Optional Protocols and other types of references derived from the United Nations. Leadership is required for all purposes to promote a culture of comprehensive protection in Spain. The Third sector, as a representative of the Spanish Civil Society, is receptive to these types of initiatives.

- b. **Policy based on evidence:** To promote expert advice by professionals and academic scholars to the agents with the decision making capacity.

## 7. BOYS, GIRLS AND ADOLESCENTS AS AGENTS OF CHANGE:

- a. Development of activities directly with the BGA **aimed at their empowerment and the training as active agents among their peers for prevention, detection and notification.**
- b. Development of preventive activities with BGA **in relation to sexual violence in general and specifically about CSECA, in a contextualized way in a positive focus of sexuality (affective-sexual education), safe use of the Relation, Information and Communication Technologies (RICTs), the integration, mutual respect and encouragement of interpersonal relationships with their peers and the persons from their environment based on good treatment.**
- c. The prevention must be focused on preventing situations of potential victimization in these minors and their peers.
- d. Development of **notification and report systems of suspicions accessible for minors.**

- e. Development of **participation systems of BGA** – in spite the fact that they have been victims of CSECA – **in the design of effective policies and solutions** in relation to this phenomenon.

**a**

**Annex 1:  
FAPMI-ECPAT Spain**

Under the motto “**United for the prevention of abuse and sexual exploitation of children and adolescents**”, FAPMI-ECPAT Spain develops an extensive set of activities which attempt to cover all forms of violence against children and create collaboration spaces with all citizens, professionals, Administrations, entities and organizations with similar or complementary objectives with our goals: the prevention of child abuse and the promotion of good treatment to children as the most effective strategy.

The **Federation of Associations for the Prevention of Child Mistreatment (FAPMI)**<sup>66</sup>, founded in 1990, is a non-profit organization, which integrates persons and associations<sup>67</sup> sensitive to the defence of the rights of boys, girls and adolescents and which combines their efforts to promote good treatment towards minors.

At the end of 2011, FAPMI assumed the representation in Spain of the **ECPAT International Network**<sup>68</sup>, which is now called FAPMI-ECPAT Spain. ECPAT International is the largest global network specialized in the prevention of Commercial Sexual Exploitation of Children (CSECA), a concept which includes the use of minors with the purposes of exploitation by means of prostitution, the recording by any media and support of images of child sexual abuse (child pornography), the trafficking of boys, girls and adolescents with the purposes of sexual exploitation and tourism with purposes of exploitation and child sexual abuse. ECPAT has recently received the 2013 Hilton Award<sup>69</sup>, the most important humanitarian award at the international level for their action against

<sup>66</sup> <http://www.fapmi.es>

<sup>67</sup> The entities which comprise the Federation on 10 December 2013 are: Catalan Association for Abused Children (ACIM), Andalusian Association for the Defence of Children and Prevention of Child Abuse (ADIMA), Murcian Association for the Support of Abused Children (AMAIM), Madrid Association for the Prevention of Child Abuse (APIMM), Castilla-Leon Association for the Defence of Children and Youth (REA), Asturian Association for Child Care and Assistance (ASACI), Basque Association for Assistance to Abused Children (AVAIM), Assistance Centre to the Victims of Sexual Assaults and Child Abuse (CAVAS Cantabria), Association Network for Aid to Abused Children (RANA) and AMINO Galicia (AMINOGal).

<sup>68</sup> <http://www.ecpat.net>

<sup>69</sup> [http://www.ecpat-spain.org/imagenes/tablaContenidos05Sub/ECPAT\\_NdePrensa\\_Premios%20Hilton\\_ESP2.pdf](http://www.ecpat-spain.org/imagenes/tablaContenidos05Sub/ECPAT_NdePrensa_Premios%20Hilton_ESP2.pdf)



commercial sexual exploitation of children in the world and the founder of the ECPAT Network, Mr. Ronald Michael O'Grady, was nominated for the 2014 Nobel Peace Prize<sup>70</sup>.

FAPMI represents several international networks in Spain. Jointly with the aforementioned ECPAT International, it represents **The Code** (promotion and management of the **Conduct Code for the prevention of CSECA in Travel and Tourism**)<sup>71</sup>, the **International Society for the Prevention of Child Abuse and Neglect** (ISPCAN)<sup>72</sup> – the world's most important Scientific Society in relation to the violence against children –, in Spain, it coordinates the “**One in Five**” **Campaign of the Council of Europe** for preventing sexual violence against children<sup>73</sup> and – among other initiatives – the Spanish Campaign of the WWSF “**19 days of activism for prevention of abuse and violence against children**”<sup>74</sup>.

It belongs to the **Platform for Children's Organizations**<sup>75</sup>, the **Spanish Network Against Trafficking in Human Beings**<sup>76</sup> (RECTP), the **Children's Observatory**<sup>77</sup> of the Ministry of Health, Social Services and Equality and their Work Groups, to the **Commission for Aid to Victims of Violent Crimes and against Sexual Freedom of the Ministry of Justice**, the **Spanish Centre for Responsible Tourism**<sup>78</sup> and it was recently admitted as a member of the **European Union Civil Society Platform against Trafficking in Human Beings**<sup>79</sup>.

Since 1989, the Federation has organized on a bi-annual basis, the **International Conference on Child Abuse**<sup>80</sup> and has participated in the design, assessment and follow-up of several State Plans focused on children and reports addressed to state and international entities, including the **United Nations Committee on the Rights of the Child**.

<sup>70</sup> <http://www.mynewsdesk.com/se/ecpat/pressreleases/founder-of-ecpat-international-ronald-michael-o-grady-nominated-for-nobel-peace-prize-916352>

<sup>71</sup> <http://www.ecpat-spain.org/code.asp>

<sup>72</sup> <http://www.ispcan.org>

<sup>73</sup> <http://www.fapmi.es/contenido1.asp?sec=51&pp=1>

<sup>74</sup> <http://www.ecpat-spain.org/programas.asp?sec=9>

<sup>75</sup> Entity which encompasses over 50 children's organizations with an international, state and autonomous community scope specialized in children (<http://plataformadeinfancia.org/content/miembros>).

<sup>76</sup> <http://www.redconlatratata.org>

<sup>77</sup> <http://www.observatoriodelainfancia.msssi.gob.es>

<sup>78</sup> <http://ceturismoresponsable.com>

<sup>79</sup> [http://europa.eu/rapid/press-release\\_IP-13-484\\_en.htm](http://europa.eu/rapid/press-release_IP-13-484_en.htm)

<sup>80</sup> <http://www.congresofapmi.es>

Since its founding, the Federation has coordinated and developed **over 200 awareness, prevention and intervention programs at the state, autonomous community and local level**, among which we highlight, the “**Justice and Childhood**” Program (Good practices and recommendations for the improvement of assistance to boys, girls and adolescents in the judicial sector<sup>81</sup>) and the **State Program for Research, Prevention and Intervention in the violence against minors with intellectual or development disability**<sup>82</sup> in collaboration with the National University of Distance Education (UNED). Likewise, it complements its activity with the preparation and communication of studies, reports, publications, resources and materials<sup>83</sup>.

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<sup>81</sup> <http://www.fapmi.es/contenido1.asp?sec=52&pp=1>

<sup>82</sup> <http://maltratoinfantilydiscapacidad.es/>

<sup>83</sup> Publications by FAPMI: <http://www.bienestaryproteccioninfantil.es/fuentes.asp?sec=15>; publications by ECPAT Spain: <http://www.ecpat-spain.org/programas.asp?sec=4>; Publications from the Federated Entities: <http://www.bienestaryproteccioninfantil.es/fuentes.asp?sec=16>

