



NGO Thematic Report Informing on Non-Compliance with the UN Convention on the Rights of the Child

Clusters of Rights VIOLENCE AGAINST CHILDREN

SPAIN
July 2024

Violent Government Enacted or Condoned Animal Abuse
Traditions & Practices Witnessed by Children



“Debut” and public presentation of the child Marco Pérez in the bullring in Madrid. May 2023.
<https://www.elmundo.es/cultura/toros/2023/05/15/64622d20fc6c835d6c8b458d.html>

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1. Methodology followed for the drafting of the report and summary

The following report is presented by **European Link Coalition** in collaboration with other organisations. Attention has been drawn by the UN Committee on the Rights of the Child about the existence of activities involving children and adolescents below the age of 18 (hereinafter children) that violate a nation's obligations under the Convention. Recalling the Concluding Observations for Spain, the LOIPR and the response of the State Party, to continue with our opinion about the response of Spain, the confirmation of non compliance with the UN Convention on the Rights of the Child by Spain and the reasons totally unjustifiable to justify said violation of the Convention.

The UN Committee has responded to the 'Harmful Effects' caused to children witnessing violent animal abuse in bullfighting to advise nations where this takes place to ensure that children are not exposed to these practices. The Committee has declared to "Increase efforts to change violent traditions and practices that negatively affect the well-being of children (...)".

During the 94th Session of the Committee, UN General Comment 26 was launched. UN General Comment 26 [8] explicitly places a 'strict obligation' on States Parties with ' Children must be protected from all forms of physical and psychological violence and from exposure to violence, such as domestic violence or violence inflicted on animals' (GC26 G35) Resiliently evidenced effects caused to children experiencing violence inflicted on animals because of a child's natural empathetic connection with the sentience of an animal, are a normalisation of violence & a progressive erosion of empathy.

The report begins by recalling the Concluding Observations for Spain, the LOIPR and the State's response, to continue with our opinion about Spain's response, the verification of the lack of compliance on the part of this country and the totally unjustifiable reasons to justify said violation. of the Convention. Questions for dialogue and recommendations for Concluding Observations are proposed below.

2. Concluding Observations: bullfighting

The United Nations Committee on the Rights of the Child has included an express statement regarding the violation of the rights of people under 18 years old in the formulation of the Concluding Observations of the following countries regarding witnessing bullfighting: Portugal (2014 and September 2019),^[1] Colombia (February 2015)^[2], Mexico (June 2015)^[3], Peru (February 2016)^[4], France (February 2016)^[5], Ecuador (October 2017)^[6] and Spain (February 2018), identifying harmful effects to children participating & witnessing violent animal abuse.

[1] https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPRT%2FCO%2F5-6&Lang=en

[2] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/COL/CO/4-5&Lang=Sp

[3] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMEX%2FCO%2F4-5

[4] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PER/CO/4-5&Lang=En

[5] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFRA%2FCO%2F5&Lang=en

[6] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FEU%2FCO%2F5-6&Lang=en

[8] <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-26-2023-childrens-rights-and>

This thematic report focuses on the **Clusters of Rights Violence against children** (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39) and specifically on paragraph 25 of the Concluding Observations (CRC/C/ESP/CO/5-6), 2018¹

“Harmful practices Bullfighting

25. In order to prevent the harmful effects of bullfighting on children, the Committee recommends that the State party prohibit the participation of children under 18 years of age as bullfighters and as spectators in bullfighting events”.

3. List of Issues Prior to submission of the seventh periodic report of Spain (2023)

The Committee included in the LOIPR (CRC/C/ESP/QPR/7)², this issue:

Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) y 39)

“20. Please provide information on steps taken to prohibit the participation of children under 18 years of age as bullfighters and as spectators in bullfighting events”.

4. State report (2024)

Spain's response in its report CRC/C/ESP/7 was the following³:

“Minors in bullfighting events

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

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

5. Observations on the State's response

Our opinion on the State's response is the following:

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FESP%2FCO%2F5-6&Lang=en

² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FESP%2FQPR%2F7&Lang=en

³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FESP%2F7&Lang=en

152. NO Ruling of the Constitutional Court (STC) has ruled on who is responsible for regulating the attendance and participation of minors in bullfighting events. Only STC 177/2016, which overturned the ban on bullfights in Catalonia, refers to a law in Catalonia that prohibited minors under 14 from attending bullfights, but it does so merely as an example to distinguish between regulatory measures. (which an Autonomous Community can do) and prohibitive (which could not be done and that is why the Law was annulled).

153. Spain recognizes that the Convention is being breached, given that the Autonomous Communities continue to allow the attendance and/or participation of minors in bullfighting shows or celebrations, as well as in bullfighting schools.

6. The implementation of the recommendations of the previous Committee

We highlight the following:

1. Spain has NOT implemented the recommendation on bullfighting, based on completely unfounded jurisdictional excuses.
2. The only measure approved in Spain that complies with the recommendation consisting of the prohibition of minors under 18 years of age from bullrings in the Balearic Islands (Law 9/2017, of August 3, regulating bullfighting and protecting animals in the Balearic Islands), to which the State report refers will be repealed.

In practice, the debate over who has this competence is preventing Spain from complying with the Committee's Concluding Observations.

7. Data

There are currently 76 bullfighting schools according to the **Spanish Minister of Culture** <https://sede.mcu.gob.es/casta/loadFiltroEscuelas.do?submit=PDF&denominacionEscuela>, compared to 55 schools in 2017. Children learn to bullfight in official bullfighting schools and on private livestock farms, receiving theoretical and practical classes with live animals. In bullfighting schools, there continue to be minor accidents⁴.



Report on bullfighting schools in Spain

https://www.eldiario.es/caballodenietzsche/escuelas-tauromaquia-maltrato-animal-legalizado_132_3889940.htmlhttps://www.eldiario.es/caballodenietzsche/escuelas-tauromaquia-maltrato-animal-legalizado_132_3889940.html

There are 545 bullrings in Spain and all of the bullrings can accommodate 1,266,649 spectators, including children. Minors continue to be witnesses in direct result of serious goings and injuries to bullfighters during bullfights bulls.

⁴ <https://salamcartvaldia.es/noticia/2019-02-04-uno-de-los-novilleros-del-bolsin-en-coma-inducido-tras-sufrir-un-accidente-de-vuelta-a-casa-68029>



Bullring Sevilla, 2024..

https://www.diariodesevilla.es/toros/Grave-cornada-novillero-Marcos-Linares-Maestranza_0_1792921145.html

During the celebration of the thousands of popular bullfighting celebrations that exist throughout Spain, there continue to be deaths of people who can be seen live by minors, or serious injuries and deaths⁵.

8. Questions for dialogue

We have learned that at the state level, legislation has not been implemented to comply with the prohibition of minors' access to bullfighting shows, since whether as school students, bullfighters or spectators, considering that they do not have powers over it and that only the Autonomous Communities can do so. However, they have issued regulations on these aspects: for example, the Bullfighting Regulation (Real Decreto 145/1996), of a state nature, set the age to participate in practical lessons with live bulls at 14 years of age (this could be modified by the State), the law that establishes the minimum age to work is 16 years old, as long as it does not pose a danger for their health and human formation, it is state, of its competence as well.

Furthermore, I want to remember that all Spanish Administrations are obliged to comply with article 39 of its Constitution (which provides that in Spain minors will see guaranteed the rights recognized by International Treaties) and cannot unprotect minors by stating that the protection of childhood and Adolescence is a competence of the Autonomous Communities because they can regulate public spectacles. By the way, the only Autonomous Community that had partially complied with the Committee's request by prohibiting access to minors to bullrings, repealed it, so the non-compliance is double, of all the Spanish Administrations.

What legislative and educational measures is SPAIN going to propose to avoid a new breach of the Convention?

9. Proposed Recommendations for Concluding Observations

⁵ <https://www.elmundo.es/comunidad-valenciana/2023/08/08/64d273a3e9cf4a25398b457d.html>
<https://www.heraldo.es/noticias/aragon/teruel/2022/08/23/herido-grave-gea-albarracin-festejo-taurino-teruel-1595361.html>
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<https://www.latimes.com/espanol/deportes/articulo/2022-09-02/ola-de-muertes-en-espana-pone-fiestas-taurinas-bajo-la-lupa>
<https://as.com/actualidad/sociedad/muere-un-hombre-por-una-cornada-en-los-bous-al-carrer-de-valencia-n/>
<https://www.lavanguardia.com/local/valencia/20220823/8477963/mueren-cinco-personas-mes-festejos-taurinos-valencianos.html>

European Link Coalition makes the following recommendations in order that State Parties meet their obligations pursuant to the Convention on the Rights of the Child and General Comment 26 'Children must be protected from all forms of physical and psychological violence and from exposure to violence, such as domestic violence or violence inflicted on animals':

That State Parties ensure that children are not permitted to participate or attend bullfighting.

That Spain ensures that having failed to comply with the UN Convention definitive Concluding Observations, address internal policies which devolve responsibility, to ensure that the whole country is compliant. Otherwise a moral responsibility falls to the Committee to address any State Party which effectively ignores Concluding Observations & the UN Convention.

Recognition of empathic regard for fellow sentient beings as a natural human function & a commitment to reduce speciesism as an unnatural division.

UN General Comment 26 on the ' Rights of the Child with a Special Focus on the Environment and Climate Change' includes ' "Children must be protected from all forms of physical and psychological violence and from exposure to violence, such as domestic violence or violence inflicted on animals" This unifies with UN 2030 Agenda for Sustainable Development 'We envisage a world in which humanity lives in harmony with nature...in which wildlife & other living species are protected'.

Embracing these issues with recognition of natural empathetic connections with sentient animals within Goal 15 'Life on Land' of the UN 2030 Agenda for Sustainable Development Goals.

That State Parties adopt the appropriate legislative or administrative humane measures to prevent children from being exposed to the violent killing of animals witnessed by children & violent government homeless animal management policies which encourage societal violence against animals.

That UNICEF, in compliance with the UN Convention on the Rights of the Child General Comment 26, seek to ensure protection of children from experiencing violent animal abuse by informing all UNICEF country offices & challenging respective governments to cease all violent animal abuse traditions & practices which can affect the children.

Recognition of empathic regard for fellow sentient beings as a natural human function & a commitment to reduce speciesism as an unnatural division.

Embracing these issues with recognition of natural empathetic connections with sentient animals within Goal 15 'Life on Land' of the UN 2030 Agenda for Sustainable Development Goals.

*40 years of research has provided academic resilience to the 'link' between animal abuse & its associations in the human domain. This now informs many authorities including the FBI (USA) and College of Policing (UK). Children exposed to violent practices suffer sometimes life changing effects. Effects include empathy erosion & a normalisation of violence.

RECOMMENDATIONS

The State has the obligation to attend to the request of the United Nations, since has powers over it. To fulfil its obligations under the Convention, it is recommended that Spain raise the age of 18 to bullfighting professionally, participate and attend bullfighting shows and be a student of bullfighting schools.

It is recommended that the Committee address Spain in the IDENTICAL sense as it did for Portugal, (CRC/C/PRT/CO/5-6, 2019)⁶, adding what is in bold:

The Committee on the Rights of the Child recommends that the State Party, **at the state level and the Autonomous Communities**, set the minimum age for participation in and assisting at bullfighting and bull-running events, including in bullfighting schools, at 18 years, without exception, and raise awareness among State officials, the media and the general population about the negative effects on children, including as spectators, of the violence associated with bullfighting and bull-running.

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⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPR%2FCO%2F5-6&Lang=en

10. Summary in Spanish. RESUMEN EN ESPAÑOL.

Informe temático de ESPAÑA: los menores de edad y la tauromaquia

1. Introducción

El informe temático se centra en exclusiva en el **Grupo de Derechos E. Violencia en contra los niños (arts. 19, 24 (3), 28 (2), 34, 37 (a) y 39)** y en concreto en el párrafo 25 de las Observaciones Finales (CRC/C/ESP/CO/5-6):

Prácticas nocivas

Tauromaquia

25. Para prevenir los efectos nocivos para los niños del espectáculo de los toros, el Comité recomienda que el Estado Parte prohíba la participación de niños menores de 18 años como toreros y como público en espectáculos de tauromaquia.

2. Incumplimiento y vulneración de la Convención por parte de España

España NO ha implementado la recomendación sobre tauromaquia, basándose en excusas competenciales totalmente infundadas.

La única medida aprobada en España que cumple con la recomendación consistente en la prohibición de menores de 18 años a las plazas de toros en les Illes Balears, se va a derogar.

En la práctica, el debate sobre a quién corresponde esta competencia está impidiendo que España de cumplimiento a las Observaciones Finales del Comité.

Sin embargo, el Estado es competente para legislar sobre esta materia porque ya ha dictado legislación estatal sobre la materia y porque todas las Administraciones tienen el deber y el mandato de proteger a la infancia y a la adolescencia.

En España, la situación de las personas menores de edad es grave, por el número de escuelas taurinas, y su participación en entrenamientos privados y espectáculos públicos y su condición de asistentes en eventos taurinos, incluyendo los festejos populares, donde ponen en riesgo su salud física y mental.

En las escuelas taurinas, que han aumentado desde 2018, sigue habiendo accidentes de menores. Actualmente hay 76 escuelas taurinas, frente a las 55 escuelas en 2017. Los niños aprenden a torear en escuelas taurinas oficiales y en fincas ganaderas privadas, recibiendo clases teóricas y prácticas con animales vivos. Las clases prácticas son una simulación de un festejo taurino idéntico.

Durante la celebración de los miles de festejos taurinos populares existentes en toda la geografía española, sigue habiendo muertes de personas que pueden visualizar en directo los menores de edad, o bien directamente heridos graves y muertes de edad.

Los menores siguen siendo testigos en directo de graves cornadas y lesiones a toreros durante la celebración de corridas de toros.

3. Preguntas para el diálogo

A nivel estatal, no se ha implementado legislación para cumplir con la prohibición del acceso de los menores a espectáculos taurinos, ya sea como alumnos de escuelas, toreros o espectadores, por considerar que no tienen competencias sobre ello y que solo las Comunidades Autónomas pueden hacerlo. Sin embargo, sí han dictado normativa sobre estos aspectos: por ejemplo, el Reglamento Taurino Nacional, de carácter estatal, fijó la edad para participar en lecciones prácticas con toros vivos a los 14 años (esto se podría modificar desde el Estado), la ley que fija la edad mínima para trabajar a los 16 años, siempre y cuando no suponga un peligro para su salud y formación humana, es estatal, de su competencia también.

Además, todas las Administraciones españolas están obligadas a cumplir con el artículo 39 su Constitución (que prevé que en España los menores verán garantizados los derechos que les reconocen los Tratados Internacionales) y no pueden desproteger a los menores de edad afirmando que la protección de la infancia y la adolescencia es una competencia de las Comunidades Autónomas porque pueden regular sobre espectáculos públicos. Por cierto, la única Comunidad Autónoma que había cumplido parcialmente con la instancia del Comité prohibiendo el acceso a menores a plazas de toros, lo derogó, con lo que el incumplimiento es doble, de todas las Administraciones españolas.

¿Qué medidas legislativas y educativas va a proponer ESPAÑA para evitar un nuevo incumplimiento de la Convención?

4. Recomendaciones propuestas para las Observaciones Finales

El Estado tiene la obligación de atender la instancia de Naciones Unidas, ya que ostenta competencias sobre ello. Para cumplir con sus obligaciones en virtud de la Convención, se recomienda que España suba la edad de 18 años para torear profesionalmente, participar y asistir en espectáculos taurinos y ser alumnado de escuelas taurinas.

Se recomienda que el Comité se dirija a España en igual sentido como lo hizo para Portugal, (CRC/C/PRT/CO/5-6, 2019)⁷, añadiendo lo que está en negrita:

*27. El Comité de los Derechos del Niño recomienda que el Estado parte, **a nivel estatal y de las Comunidades Autónomas**, establezca la edad de 18 años para participar en espectáculos de tauromaquia, festejos taurinos populares y escuelas taurinas, sin excepción, así como llevar a cabo actividades de concienciación a los funcionarios públicos, a los medios de comunicación y a la población en general, sobre los efectos negativos en los menores de edad, incluyendo los espectadores, de la violencia asociada a los espectáculos y festejos taurinos.*

⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPRT%2FCO%2F5-6&Lang=en