

ADVANCE UNEDITED VERSIONDistr.: General
5 February 2026

Original: English

Committee on the Rights of the Child**Concluding observations on the seventh periodic report of Spain*****I. Introduction**

1. The Committee considered the seventh periodic report of Spain¹ at its 2922nd and 2923rd meetings,² held on 21 and 22 January 2026, and adopted the present concluding observations at its 2936th meeting, held on 30 January 2026. In the present document, the Committee uses the term "child" to refer to a person who is under 18 years of age.

2. The Committee welcomes the submission of the seventh periodic report of the State party, under the simplified reporting procedure,³ which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the Organic Law n° 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence, in June 2021, which provides comprehensive protection for children against various forms of violence; the 2022 Equal Treatment and Non-Discrimination Law; the Law 4/2023 (LGBTI Equality Act); the Organic Law on Education, as amended (Organic Act No. 3/2020 of 29 December, amending Organic Act No. 2/2006 of 3 May) and Organic Act No. 3/2022 of 31 March, on the organization and integration of vocational training; the Strategy for the Eradication of Violence against Children and Adolescents; the State Action Plan for the Implementation of the European Child Guarantee and the State Strategy for Children's and Adolescents' Rights (2023–2030) as well as the second national human rights plan, covering the period 2023–2027. It also welcomes the establishment of the Ministry of Youth and Childhood in 2023.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the

* Adopted by the Committee at its hundredth session (12-30 January 2026).

¹ CRC/C/ESP/7.

² See CRC/C/SR.2922 and 2923.

³ See CRC/C/ESP/QPR/7. reference to LOIPR.

recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: abuse, neglect, sexual abuse and exploitation (para. 21), children deprived of a family environment (para. 26), mental health (para. 31), standard of living (para. 34) asylum-seeking, refugee and migrant children (para. 41) and administration of child justice (para. 44).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 1, 4, 42 and 44 (6))

Legislation

6. **Welcoming the Organic Law n° 8/2021 on Comprehensive Protection of Children and Adolescents against Violence, the Committee recommends that the State party:**

(a) **Ensure that the human, technical and financial resources for the implementation of legislation providing for the rights of children are adequate and sufficient;**

(b) **Develop a child-rights impact assessment procedure for national legislation and policies relevant for children.**

Comprehensive policy and strategy

7. **While welcoming the State Strategy for Children's and Adolescents' Rights (2023-2030) and the II National Human Rights Plan (2023-2027), the Committee recommends that the State party:**

(a) **Strengthen the monitoring of the implementation of legislation, policies and strategies with the aim to address inequalities and disparities across the autonomous communities regarding children's rights, including service delivery;**

(b) **Continue to ensure sufficient human, technical and financial resources for effective implementation and independent monitoring of the Convention.**

Allocation of resources

8. **Noting that coordination between national, regional and local levels of government in the allocation of resources for children in public budgets remains challenging and that insufficient progress has been made, particularly with regard to the economic and social rights of children, and recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Implement the necessary reforms, including the introduction of a universal child-rearing allowance, to enhance financial security and support for families with children;**

(b) **Strengthen its budgeting process to include clear and identifiable allocations for children, supported by specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of resource distribution for the implementation of the Convention, including through the implementation of final provision 17.2 of Act No. 11/2020 (the 2021 General Budget Act), which requires the preparation of a report on the budget's impact on children, adolescents and families, to be submitted together with the general State budget bill;**

(c) Increase budgetary allocations for children's rights based on a comprehensive assessment of their needs, with particular attention to poverty reduction, protection, mental health, and education, especially for groups in disadvantaged situations, including Roma children;

(d) Strengthen effective coordination and funding across all government levels (national, regional, and local), establish a mechanism to follow-up on autonomous communities facing considerable challenges, eliminate regional disparities in service provision and ensure that all communities meet all their statutory requirements;

(e) Systematically involve and consult children in local and national budgeting processes, including ensuring the participation of children in vulnerable situations and non-governmental organisations that promote their rights;

(f) Adopt robust measures to prevent, detect, and sanction corruption in public procurement, including enhanced transparency and open data, strengthened independent oversight and enforcement, and effective whistleblower protections, and ensure child rights impact assessments in procurement affecting children, enable meaningful civil society participation, and report publicly on outcomes, with recovered assets directed to services benefiting children, particularly those in vulnerable situations.

Data collection

9. Welcoming the information provided by the State party on data collection regarding child victims of violence and the revision of the Unified Registry of Child Abuse (RUMI) and the introduction of the State Social Services Information System (SIESS), recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Broaden the scope of the Central Register of information on violence against children and adolescents to ensure that data collected on children's rights cover all areas of the Convention and the Optional Protocols thereto, with state, regional and local data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, to enable analysis of the situation of children, particularly those in situations of vulnerability, such as children with disabilities, Roma children and unaccompanied children;

(b) Establish a harmonized statistical system and ensure that statistical data and indicators on children's rights are shared and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Access to justice and remedy

10. While commending the State party for adopting the Royal Decree 709/2024, which establishes and regulates the coordination, monitoring and participation bodies of the Second National Human Rights Plan, the Committee regrets that the mechanisms created do not ensure the enforceability of the views adopted by the Committee under the communication procedure of the Optional Protocol on a Communications Procedure. The Committee recommends that the State party:

(a) Ensure that all children have access to: (i) confidential, child-friendly and independent complaint mechanisms in schools, foster care systems, and alternative care settings for reporting all forms of violence, abuse, discrimination and other violations of their rights; and (ii) legal support and age-appropriate information on access to counselling and remedies, including compensation and rehabilitation;

(b) Raise awareness among children of their right to file complaints under existing mechanisms;

(c) Ensure systematic and mandatory training for all relevant professionals working with children on child-friendly procedures and remedies, children's rights and the Convention;

(d) Set up and ensure effective implementation of the views adopted by the Committee under the Communication procedure, including providing effective reparation to victims, and the adoption of guarantees of non-repetition and timely adopting corresponding measures.

Independent monitoring

11. The Committee reiterates its recommendation that the State party strengthen the capacity of the national office of the Ombudsman to receive, investigate and address complaints by children in a child-sensitive manner in all the autonomous communities.

Children's rights and the business sector

12. Noting the Corporate Social Responsibility Strategy 2014–2020 and the National Action Plan on Business and Human Rights, and recalling general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee is concerned about the absence of binding obligations for companies to disclose measures addressing environmental, health and children's rights impacts, as well as the lack of mandatory supply chain due diligence. It recommends that the State party adopt and enforce regulations requiring business compliance with international and national standards on human rights, labour, environment and, in particular, children's rights.

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

13. The Committee recommends that the State party:

(a) Take specific measures to ensure that children are not discriminated on the basis of ethnicity, origin, race, sex, gender, sexual orientation and disabilities;

(b) Fully enforce Law 15/2022 on Integral Equal Treatment and Non-Discrimination; and Law 4/2023 for real and effective equality for transgender people and for guaranteeing the rights of LGBTI people; and ensure that autonomous communities recognize diversity and equality as part of human rights;

(c) Implement affirmative and support measures to ensure that all Roma children regularly attend compulsory school up to at least 16 years of age.

Best interests of the child

14. Concerned that the best interests of the child are not being consistently guaranteed, including in cases concerning migrant and refugee children in the Canary Islands and children required to maintain contact with parents against their wishes, recalling general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that the right of children to have their best interests taken as a primary consideration is fully integrated and consistently applied at all levels, and in all legislative, administrative and judicial proceedings and decisions as well as in relevant policies and programmes.

Respect for the views of the child

15. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Undertake regulation amendments to promote the participation of children under 12, by eliminating age-based criteria and adopting a presumption of their capacity to form their own judgment;

(b) Strengthen child participation through robust mechanisms at local, regional and national levels and take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with this principle, also regarding placement of children in alternative care;

(c) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations, such as Roma children, children of migrant origin and children with disabilities;

(d) Provide training for professionals working with and for children on the child's right to be heard and evaluate its impact on the participation of children.

C. Civil and political rights (arts. 7–8 and 13–17)

Nationality

16. Concerned about the lack of reliable data on child statelessness and the absence of a simplified procedure to facilitate the acquisition of nationality for children not born in the State party who would otherwise be stateless, the Committee recommends that the State party:

(a) Improve and publish the qualitative and quantitative data on stateless children in the State party, following the International Recommendations for the Generation of Statistics on Statelessness;

(b) Amend legislation to allow birth registration after the deadline when a child residing in the State party does not have a birth certificate and adopt administrative safeguards and other specific measures to prevent statelessness among separated children born abroad while in transit who would otherwise be stateless.

Right to identity

17. The Committee recommends that the State party:

(a) Ensure that all children born through international surrogacy arrangements have effective, complete and safe access to information about their origins, including data on donors and gestational carriers;

(b) Establish preventive and dissuasive measures against entering into surrogacy arrangements abroad in violation of the State party's personal status law, including requirements for transparency, registration and oversight of intermediary agencies and professionals involved in assisted reproduction techniques;

(c) Collect and publish data on the most common destination countries and the practices used, with a view to designing international cooperation policies and awareness-raising campaigns aimed at preventing violations of the child's right to identity and their long-term consequences.

Right to privacy

18. Noting the Draft Bill of the Organic Law for the protection of minors in digital environments, and welcoming the coordinated efforts in the education system to protect children in digital environments, recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Continue to assess emerging online risks and strengthen mechanisms for prevention, education and child protection in the digital environment;

(b) Finalize and enforce regulations and safeguarding policies for media and digital platforms to ensure children's right to privacy, prevent them from harmful

content and online risks, including online sexual exploitation, and establish effective monitoring and prosecution mechanisms for violations;

(c) Establish permanent systems for monitoring, data collection and evaluation of the impact of digital policies on children's rights, ensuring the meaningful participation of children in identifying emerging risks and in reviewing the measures adopted.

Access to appropriate information

19. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment and the 2026 Joint Statement on Artificial Intelligence and the rights of the child, the Committee recommends that the State party:

(a) Ensure that draft laws on access to information and the digital environment, adequately protect children from harmful content and materials and online risks, and provide mechanisms to prosecute violations and effective coordination across all levels of government;

(b) Continue to improve digital inclusion for children in disadvantaged situations, including by means of accessible and affordable online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies;

(c) Elaborate regulations to accelerate opportunities for children as well as for protecting them from risks in the context of artificial intelligence;

(d) Address the impact of problematic or addictive technology use as a public health issue and equate digital violence with violence in the physical world for the purposes of protection and response;

(e) Adopt and implement legislative measures that require companies to design, develop, deploy and govern artificial intelligence to combat the online sexual exploitation of children;

(f) Establish permanent systems for monitoring, collecting disaggregated data and evaluation of the impact of digital policies and services on children's rights, ensuring the meaningful participation of children in identifying emerging risks and in the periodic review of the measures adopted.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a), and 39 of the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography)

Abuse, neglect, sexual abuse and exploitation

20. While welcoming the Organic Law n° 8/2021 and the National Strategy for the Eradication of Violence against Children and Adolescents (EEVIA, 2022), the Committee is concerned about:

(a) Lack of official data on cases of sexual violence against children in the family environment as the Central Registry of Information on Violence against Children and Adolescents is yet to be created;

(b) Territorial disparities and inequalities in service delivery and quality of interventions to prevent, detect and intervene in violence against children, gender-based violence and provision of appropriate remedies;

(c) Lack of a clear funding framework for the implementation of Organic Law n° 8/2021 locally;

(d) Lack of inter-agency protocols, institutional coordination and child friendly environment for forensic interviewing and pre-constituted evidence hearings;

(e) Children and families subject to administrative proceedings involving risk or neglect not always having access to a lawyer appointed by the Legal Aid Service;

(f) Exponential increase in cases of sexual abuse and exploitation of children, including in residential and alternative care, particularly of girls, and lack of a child-centred framework protocol for adjudicating cases of sexual violence against children;

(g) Low level of prosecution and conviction of sexual abuse committed by Catholic Church personnel;

21. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) **Establish a national database on all cases of violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence, including by periodically collecting and publishing statistical information regarding cases of violence against children aged 0-3 years;**

(b) **Take measures to address territorial inequalities and lack of homogeneity in availability and quality of protective services that children enjoy regarding detection, early prevention and quality of interventions, including child friendly justice and remedies for child victims of violence;**

(c) **Provide a clear, stable and adequate budgetary framework for the Strategy for the Eradication of Violence against Children, prioritize resources in violence prevention by local governments and continue its efforts to strengthen awareness-raising and education programmes — including campaigns involving children;**

(d) **Ensure the implementation of “Wellbeing and Protection Coordinator” with the aim to prevent, detect, and respond to violence against children as stipulated in the Organic Law n° 8/2021 including by ensuring resources and awareness raising among children;**

(e) **Address the territorial disparities regarding municipal social services by strengthening professional requirements of the staff and ensuring their capacity to assess reports of violence against children and provide appropriate support;**

(f) **Address territorial disparities in domestic violence responses by increasing the number of 24-hour Crisis Centres, ensure specialized interagency and multidisciplinary intervention capacity, including psychological support for the child victims;**

(g) **Establish specific protection measures for children facing domestic gender-based violence, assess their best interests before custody or visitation decisions and provide the autonomous communities with more specialist resources for child victims of gender-based violence;**

(h) **Encourage community- and family-based programmes to prevent and address domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing training support to them;**

(i) **Ensure that pre-constituted evidence hearings are mandatory for all child victims of crime, regardless of age, are carried out without undue delay in child-friendly facilities (Barnahus and similar models) and ensure specialized legal representation for the child;**

(j) **Ensure that all cases of child abuse, including sexual abuse, are promptly investigated using a child-friendly, multisectoral approach to avoid revictimization by national roll out of Barnahus and similar models in all autonomous communities;**

(k) **Ensure that Organic Law 1/2025 is implemented through specialised justice structures in cases involving child victims of crime, including sexual abuse, and strengthen the legal framework to guarantee the consistent nationwide application of the Barnahus model and similar models, in coordination with the Organic Law n° 8/2021;**

(l) Renew the "Action Plan against the sexual exploitation of children and adolescents in the child protection system" following an evaluation of the effectiveness of the program;

(m) Collect official data on sexual violence against children in the family environment and the circle of trust in order to develop effective public prevention policies and raise awareness;

(n) Ensure access to up-to-date data and agile statewide monitoring on the prevalence of bullying and cyberbullying;

(o) End any exemption for clerics from reporting abuse, including sexual abuse, and determine the imprescriptibility of sexual abuse committed by Catholic Church personnel and provide reparations to victims.

Harmful practices

22. Concerned about reports about persisting cases of medically unnecessary and irreversible surgery and other treatments on intersex children without their informed consent, with reference to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee urges the State party to:

(a) Amend its legislation to adequately sanction involuntary, deferrable medical or surgical treatment on intersex children, and provide reparations for children who received unnecessary treatment, including by extending the statute of limitations;

(b) Enforce Organic Law, art. 19, including by providing families with intersex children adequate counselling and support.

Bullfighting

23. Concerned that children continue to witness violence and death of participants during popular bullfighting festivals held across the State party, the Committee reiterates its previous recommendations and recommends that the State party, at both the State and autonomous community levels, set the age of 18 years for participating in bullfighting events, festivals and schools, without exception, as well as conduct awareness-raising activities among public officials, the media, and the general population about the negative effects on children, including spectators, of the violence associated with bullfighting.

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

24. The Committee welcomes the progress made by the State party in protecting children from trafficking, sexual exploitation in prostitution and pornography through laws. It also notes enhanced cooperation with national and international actors to combat sexual violence, online exploitation, and forced marriage, but regrets the lack of information on the implementation of its concluding observations on the report of the State party submitted under article 12 of the Optional Protocol. Recalling its 2019 guidelines on the implementation of the Optional Protocol, and its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol, the Committee recommends that the State party:

(a) Provide free psychological, medical and social support for child victims of offences prohibited under the Optional Protocol;

(b) Undertake research on the extent and root causes of the sexual exploitation of children in prostitution and pornography and increase efforts to combat the sexual exploitation of children in the context of travel and tourism;

(c) Continue aligning its Penal Code with articles 2 and 3 of the Optional Protocol.

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

Children deprived of a family environment

25. Noting that legislation prioritizes foster care over residential care, welcoming the National Deinstitutionalization Strategy, the Committee is however concerned about:

(a) The increasing number of children in protection systems, the increasing high percentage of children in residential care compared to the steady decline in foster care, and the existence of macrocentres;

(b) Insufficient and inadequate human, technical and financial resources dedicated to foster care as well as for treating mental health issues of children under protection and for addressing the specific needs of unaccompanied migrant, trafficked or asylum-seeking children;

(c) The lack of concrete support mechanisms for families to prevent separation and promote their reintegration;

(d) Variations in the quality and approach of protection services, as child protection remains a decentralized competence;

(e) Shortcomings of protection systems to prevent, identify, protect and investigate situations of physical and psychological violence against children in residential care;

(f) The lack of a formal process for assessing the child's best interests, the lack of requirement of legal counsel, and that children are not properly heard as stakeholders in risk and abandonment proceedings.

26. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Phase out institutionalization by giving priority to closing large-scale centers (macrocentres) and adopting effective measures to guarantee that no child aged 0-6 years old is in a residential centre and ensuring that siblings live together;**

(b) **Address the geographical disparities in the level of service delivery to families at risk including access to trauma informed parenting support in the upbringing of children;**

(c) **Ensure that children with complex behavioural challenges, substance abuse and mental health problems have access to appropriate institutional support and services without undue delay;**

(d) **Address the shortage of foster families, strengthen training and in-service support to foster parents and allocate sufficient human, technical and financial resources to alternative family-based and community-based care centres and services;**

(e) **Improve legal standards in guardianship withdrawal procedures, as well as risk and abandonment processes to ensure the rights of the child throughout the procedure;**

(f) **Ensure a regular review of out-of-home placements and take measures to reunify children with their families when in their best interests in coordination with and the support of the appropriate professionals;**

(g) **Strengthen the capacity of professionals working with and for families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to raise awareness of the rights and needs of children deprived of a family environment;**

(h) **Establish quality standards for all alternative care settings across the State party, prohibit coercive "educational methods" and any mechanic and pharmacological contention, and monitor the quality of care in all forms of alternative**

care, including by providing accessible channels for reporting, monitoring, investigating and remedying maltreatment and violence of children in centres;

(i) Establish in the Organic Law n° 8/2021 the mandatory creation of a designated “Wellbeing and Protection Coordinator” in residential centres responsible for ensuring compliance with the provisions of the law and the protocols for the prevention of violence;

(j) Ensure support during the transition to adult life, including by individualised post-care plans such as education, housing, psycho-social support.

Children of incarcerated parents

27. The Committee recommends that the State party protect and ensure the visitation rights of the children of incarcerated parents, including by increasing the frequency and duration of visits, providing adequate and child-friendly meeting premises and removing restrictions on the number of simultaneous visitors.

F. Children with disabilities (art. 23)

28. While welcoming the reform of Article 49 of the State party’s Constitution and Organic Law n° 8/2021, the Committee is concerned about their limited implementation, recalling its general comment No. 9 (2006) on the rights of children with disabilities, and urges the State party to adopt a human rights-based approach to disability and:

(a) Conduct regular assessments on the implementation of the Spanish Disability Strategy (2022-2030) and the I National Plan for the Welfare of People with Disabilities regarding the realization of the rights of children with disabilities;

(b) Organize data collection on children with disabilities and develop an efficient system for monitoring the implementation of the legislation, strategies and plans of action;

(c) Take immediate measures to ensure that children with disabilities have access to early detection, assessment and appropriate service delivery;

(d) Prevent the institutionalization of children with disabilities and ensure their access to family and community-based services, including respite-care services;

(e) Undertake awareness-raising campaigns targeting government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of them as rights-holders and their participation in society.

G. Health (arts. 6, 24 and 33)

Health and health services

29. Noting the National Strategic Plan for the Reduction of Childhood Obesity (2022-2030), concerned about the very high prevalence of obesity and overweight among children, recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Ensure equal access to healthcare services across regions and socioeconomic groups, particularly children in vulnerable situations, including children of migrant origin and Roma children;

(b) Take concrete measures to enhance the effectiveness of the National Strategic Plan for the Reduction of Childhood Obesity (2022-2030) and forcefully roll out provisions of the Royal Decree 315/2025 for a healthy, sustainable diet in schools,

and ensure that regulations prohibiting advertising of unhealthy foods are legally binding;

(c) **Ensure mandatory training for healthcare personnel on providing services to transgender children;**

(d) **Fully implement the International Code of Marketing of Breast-milk Substitutes and develop a national programme for the protection, promotion and support of breastfeeding through comprehensive campaigns, provide appropriate support to mothers through counselling structures in hospitals, clinics and the community and implement the Baby-friendly Hospital Initiative throughout the country.**

Mental health

30. While welcoming the Mental Health Action Plans, the Committee is concerned about:

(a) High prevalence of mental health problems among children and insufficient quality, disaggregated and updated data to effectively guide mental health policies;

(b) Lack of a National Policy on Child Mental Health despite the Committee's previous recommendation;

(c) Insufficient mental health care resources in the public health system, lack of mental health specialists in schools and their virtual absence in protection centres;

31. **The Committee recommends that the State party:**

(a) **Improve data collection and design, approve and implement a National Policy on Child Mental Health, with the participation of children and provide adequate resources to strengthen prevention, early identification and quality care within the National Health System;**

(b) **Develop protocols for early identification of vulnerabilities among children in international migration context, victims of trafficking or gender-based violence to guarantee early intervention and prevent mental issues;**

(c) **Ensure universal access to mental health services for all children with interdisciplinary teams composed of specialized mental health professionals, including child psychologists and psychiatrists, in all settings.**

Adolescent health

32. Recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) **Ensure that the comprehensive sexual and reproductive health policy for adolescents is implemented nationwide and adapted to reach vulnerable adolescents;**

(b) **Reinforce the information and life skills education on preventing substance abuse—including tobacco and alcohol—and develop accessible, child-friendly treatment for drug dependence;**

(c) **Implement measures to prevent and sanction the sale of drugs and other psychoactive substances, as well as alcohol and vaping products, to children and establish measures and protocols to prevent addiction to gambling with monetary prizes.**

H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

33. The Committee is concerned about the:

(a) Persistently high and increasing levels of child poverty and social exclusion;

(b) Insufficient public investment in family and child benefits;

(c) Cumulative deprivation experienced by children living in substandard housing and shanty settlements, including prolonged lack of access to electricity and basic services, and forced evictions without adequate alternatives;

(d) Disproportionate impact of these conditions on Roma children;

(e) Existing targeted measures, which remain insufficient due to limited coverage, administrative barriers, and inadequate benefit levels.

34. The Committee recommends that the State party adopt a comprehensive, sufficiently resourced, and child rights-based strategy to ensure an adequate standard of living for all children and, in particular:

(a) **Strengthen income support for children, by fully implementing the State Action Plan for the Implementation of European Child Guarantee and establishing a progressive, universal child-rearing benefit, including through refundable tax credits, ensuring effective access for children living in poverty.**

(b) **Increase public investment in children and families, raising expenditure on social protection for children towards the European average, with particular attention to children in poverty, Roma children, and those living in large or single-parent families.**

(c) **Improve the adequacy and accessibility of existing benefits, by streamlining access to the Minimum Vital Income and the Childhood Aid Supplement, reducing administrative barriers, increasing benefit levels in line with moderate poverty thresholds, and ensuring alignment with regional minimum income schemes.**

(d) **Ensure equal access to essential services, guaranteeing that children and families living in poverty receive free, accessible, and quality services, particularly in health, education, housing, energy, and social services, without discrimination.**

(e) **Eradicate substandard housing and shanty settlements through coordinated national, regional and local action, supported by adequate resources and a clear, time-bound framework to ensure access to adequate and stable housing, prioritizing families and children in situations of vulnerability.**

(f) **Protect children from housing insecurity by suspending evictions of families with dependent children until adequate alternative housing is secured and ensuring that all eviction and rehousing processes are guided by the best interests of the child and monitored by child-specialized services.**

(g) **Guarantee access to energy and basic utilities, by ensuring continuous electricity supply for all children, increasing income thresholds for access to the social electricity tariff, and automatically granting such support to families with children in situations of vulnerability.**

(h) **Strengthen monitoring and accountability, by establishing robust, disaggregated data collection and evaluation systems to assess the impact of poverty-reduction and social protection measures on children, ensuring effective coordination across sectors and the meaningful participation of children and their families in the design and review of policies.**

I. Children's rights and the environment (arts. 2-3, 6, 12-13, 15, 17, 19, 24, 26-31)

35. Concerned that the Climate Change and Energy Transition Law 7/2021 lacks concrete child-focused implementation measures, including objectives and indicators, and does not involve children in its definition or implementation, recalling its general comment No. 26 (2023) on children's rights and the environment with a special focus on climate change, the Committee recommends that the State party:

(a) Update the Strategic Plan for Health and Environment and address the link between children's rights and the right to a safe, clean, healthy and sustainable environment;

(b) Incorporate specific measures to improve the environmental health of schools through the renovation of buildings to ensure adequate heating and cooling, design playgrounds that mitigate the effects of excessive heat waves, and reduce noise in and around educational facilities;

(c) Strengthen the participation of children, in particular younger children, and children from marginalized communities, in the planning and decision making regarding these initiatives and measures.

J. Education, leisure and cultural activities (arts. 28–31)

Education: aims and coverage

36. The Committee recommends that the State party:

(a) Ensure that all children complete free, mandatory, equitable and quality primary and secondary education, with a view to reducing learning gaps, leading to relevant and effective learning outcomes and increase public spending on scholarships and educational support;

(b) Continue to improve accessibility and quality of education, and provide quality training for teachers, including on tools to support transgender children,

(c) Strengthen efforts to reduce high school dropout and repetition rates in secondary education, particularly of Roma and migrant children;

(d) Establish robust systems for monitoring, disaggregated data collection and periodic evaluation of the quality, accessibility and outcomes of education at all levels, ensuring effective coordination between the central government and the autonomous communities and the meaningful participation of children in assessing their learning environments and needs;

(e) Guarantee the right to education for all children over the age of 16, especially for undocumented children in Melilla.

Early childhood development

37. While welcoming efforts to extend early childhood education, the Committee recommends that the State party:

(a) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development;

(b) Continue to implement measures to ensure that access to early schooling (0-3 years) is not conditioned by the economic situation of families and commit to expanding its public provision in rural areas.

Inclusive education

38. Concerned about the high rate of children with disabilities in special education centres and the exclusion from study grants and subsidies of children with special education needs who do not reach the established degree of administrative disability, the Committee recommends that State party:

(a) Provide the required financial and human resources so all children with disabilities have access to inclusive education, in integrated classes with individual support, in mainstream schools, ensuring schools have trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(b) **Ensure that all children with special educational needs can access the study support and assistance, independently of their administrative disability classification;**

(c) **Provide resources for the participation of children with disabilities in extracurricular activities;**

(d) **Develop a State Plan for educational inclusion and against segregation of Roma and migrant children with a timetable, objectives, indicators and budget agreed between the central government and the Autonomous Communities.**

Rest, leisure, play, recreational activities, cultural life and the arts

39. **Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party provide children, including those with disabilities, undocumented and children in marginalized and disadvantaged situations, with free, safe, accessible, inclusive, non-discriminatory, and smoking-free spaces for play and socialization and public transport to access such spaces.**

K. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), and 38–40 of the Convention and the Optional Protocol on the involvement of children in armed conflict)

Asylum-seeking, refugee and migrant children

40. The Committee welcomes the reform of Article 35 of Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration, but remains highly concerned about the situation of asylum-seeking, refugee, migrant and unaccompanied children in the State party including the:

(a) Sharp increase in the number of unaccompanied migrant children arriving in the State party over the last years, particularly of those arriving irregularly via the southern border, the overcrowding in the protection system of the Canary Islands and Ceuta, and the lack of alignment with basic obligations under children's rights;

(b) Limited data (availability, quality and harmonization) on children in the context of international migration;

(c) Long waits for unaccompanied children to obtain international protection appointment and access the reception system and denial of their right to enrol in school while waiting;

(d) Limited implementation of the Spanish Asylum Law and EU procedures, including formal evaluation by a multidisciplinary team and determination of the best interests of the child requesting asylum;

(e) Unreliable age determination procedures that do not comply with the Convention, including biometric and visual assessments, which disregard documentation presented by children and fail to grant them the benefit of the doubt. These practices often result in misclassification as adults, denying access to essential protections such as housing and education;

(f) Lack of regularization of the situation of thousands of children and children living in centres for adults;

(g) High school dropout rates, increase in cases of trafficking for labor exploitation, stigmatization and criminalization of unaccompanied children and severe social marginalization of young migrants who leave the child protection system reaching adulthood, often resulting in homelessness;

(h) Lack of specialized professionals to assess childhood trauma in migratory contexts and the risk presented by possible return to the child's country of origin;

(i) Reports of violence and ill-treatment of unaccompanied migrant children in Gran Canaria and Tenerife reception centres.

41. Recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration and its General Comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party to:

(a) Improve the quality and availability of data on unaccompanied migrant children;

(b) Ensure prompt early identification of unaccompanied or separated asylum-seeking and refugee children in need of international protection by child experts at arrival points and process their cases in a positive, humane and expeditious manner as a means of identifying durable solutions, in line with article 10 (1) of the Convention;

(c) Simplify administrative procedures to enable migrant children to enrol in schools regardless of their official documentation status;

(d) Ensure the effective coordination between the General State Administration and the autonomous communities, both on origin and destination, also ensuring sufficient resources;

(e) Create a 'Multidisciplinary Unit for the Care of Migrant Children in Emergencies' (UMAIME), which can be temporarily deployed to the territories of arrival to ensure proper pre-identification, assessment of the best interests of the child, reinforcement of local teams, acceleration of procedures, and adequate care and protection;

(f) Facilitate family reunification, by streamlining identification procedures; when there is no biological or legal parental link, prioritize maintaining the relationship with the accompanying adult over separation, unless there is evidence of risk or vulnerability;

(g) Reform the age assessment procedure to ensure it is in line with the principle of the presumption of minority and allow judicial review, and ensure that age assessment procedures are undertaken only in cases of doubt about the age of the person concerned, are subject to the informed assent of the child, are conducted in a safe, child- and gender-sensitive manner, and are undertaken by an independent, multi-disciplinary team with appropriate child expertise. While the procedure is under way, the State party should ensure that the person concerned is treated as a child and remains within the child protection system;

(h) Adopt measures to facilitate access to legal assistance for migrant and refugee children in all proceedings affecting them;

(i) Expand the capacity of migrant child reception centres to avoid overcrowding and ensure a safe and appropriate environment while guaranteeing the mandatory and immediate transfers of unaccompanied children to regions other than those of arrival;

(j) Ensure that the best interests of the child are a primary consideration in all decisions regarding children requesting asylum and implement the European Pact on Migration and Asylum strengthening legal safeguards for children in all procedures (including the right to be heard) and an independent monitoring;

(k) Facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin; amend the O.L. 4/2015 of 30 March in order to put an end to the automatic return of migrant children; and improve the protocols for action related to the repatriation of unaccompanied children;

(l) **Ensure sufficient resources and support from the National Government; adopt permanent and sustainable resettlement options for refugees, particularly children and their families; and ensure that they are given lawful stay and reasonable access to employment and other opportunities;**

(m) **Adopt measures to prevent exploitation, abuse, and trafficking of unaccompanied children, identify risk situations; ensure that all migrant, refugee and unaccompanied children receive information about their rights –including the right to seek asylum–, specialized legal assistance, interpreters and staff trained to address their psycho-emotional needs;**

(n) **Launch social awareness campaigns to combat the stigmatization and criminalization of unaccompanied children and investigate and hold to account those who committed abuse and ill-treatment to children in migrant reception centres.**

Trafficking

42. **Concerned about the severe shortfalls in the detection, identification, protection and support to victims of child trafficking, the Committee recommends that the State party:**

(a) **Ensure the approval of the draft Organic Law against Trafficking and follows international standards, focusing on children;**

(b) **Revise the Framework Protocol for the Care of Victims of Trafficking to strengthen identification of children and ensure the effective provision of referral and support services to children who are victims of trafficking, including in all Autonomous Communities;**

(c) **Enhance detection and investigation of all cases of child trafficking, ensure perpetrators are brought to justice, and expand specialized child-friendly services so that responses prioritize the best interests of the child;**

(d) **Conduct awareness-raising activities to inform parents and children, especially those at risk, about the dangers of trafficking.**

Administration of child justice

43. The Committee is concerned about:

(a) Heterogeneity of child justice due to differences in the application of legislation and measures between autonomous communities, in particular with reference to migrant children;

(b) Lack of inter-institutional coordination among the various entities involved in child justice;

(c) Limited resources and lack of programmes specific tailored to children alleged as, accused of or recognized as having infringed criminal law;

(d) High rates of detention of children, overcrowding, and slow deinstitutionalization;

(e) Possibility of incommunicado detention for children aged 16 and 17 years old.

44. **Noting Organic Law 5/2000 and recalling its general comment No. 24 (2019) on children’s rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Expediently establish specialized child court facilities and procedures with adequate human, technical and financial resources, and increase the number of specialized judges for children, with appropriate training;**

(b) **Ensure free, specialised legal aid for children alleged as, accused of or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;**

(c) Actively continue to promote non-judicial measures, such as diversion and mediation for children alleged as, accused of or recognized as having infringed criminal law and, wherever possible, the use of non-custodial sentences for children, such as probation or community service, and ensure that health and psycho-social services are provided to such children;

(d) Ensure that detention is used as a measure of last resort and for the shortest appropriate period of time and is reviewed on a regular basis with a view to the release of the child;

(e) For the few situations where deprivation of liberty is justified as a measure of last resort, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including access to education and health services and strictly regulate the use of means of constrain;

(f) End incommunicado detention for children aged 16 and 17, by amending art. 509.4 of the Criminal Procedure Law.

Children in armed conflict including implementation of the Optional Protocol on the involvement of children in armed conflict

45. The Committee regrets the lack of information on the implementation of its concluding observation on the report of the State party submitted under article 8 of the Optional Protocol. Recalling its previous concluding observations the Committee urges the State party to:

(a) Increase the number of professionals providing adequate multidisciplinary assistance for the physical and psychological recovery and social reintegration of asylum-seeking and refugee children in the State party who may have been involved in hostilities abroad;

(b) Ensure that defence exports are not authorized to countries involved in grave violations against children, including their recruitment and use in hostilities.

L. Ratification of international human rights instruments

46. The Committee recalling its previous concluding observations, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

M. Cooperation with regional bodies

47. The Committee recommends that the State party strengthen its cooperation with the Council of Europe and the European Union on the implementation of the Convention and other human rights instruments, both within the State party and in other States members of the Council of Europe.

IV. Implementation and reporting

A. Follow-up and dissemination

48. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined seventh periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

49. The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and adequate human, technical and financial resources to coordinate and engage with, and prepare reports to, international and regional human rights mechanisms and to coordinate and track national follow-up to, and the implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms effectively. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff of the Spanish Ombudsperson and should have the capacity to consult systematically with the autonomous regions, and civil society.

C. Next report

50. The Committee will establish and communicate the due date of the combined eighth and ninth periodic report of the State party in due course, in line with the envisaged predictable reporting calendar, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines and should not exceed 21,200 words. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.
