

SUBMISSION OF PRELIMINARY QUESTIONS TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

Spanish Ombudsman / National Human Rights Institution of Spain (NHRI)

Context

Policies that have an impact on the lives of children and adolescents in Spain are managed in a decentralized way by different levels of the Government, with different competences in the following three main spheres: central, autonomous (regional) and local (municipal). It should be noted, therefore, that questions are necessarily formulated in a generic way so that they can be effective and addressed to the entire administrative and legal framework operating in our State.

The most important sectoral or material management areas are undoubtedly **education, health and social services**. It should also be noted that an effort has been made to focus on the most vulnerable children. Consequently, the questions seek to show concern for all minors to obtain information on how to secure more and better guarantees of the rights that protect them, and identify strategies, plans or actions aimed at achieving the elimination of all discrimination.

This institution does not enter into an assessment of what the management model for these services should be (public, private or subsidized), but it does consider it essential to highlight the **objectives** for each of these issues, which Spain, as a Social Welfare State, must have in place. It is also vital to ensure, as an essential or minimum objective, that no child or adolescent is deprived of their rights.

List of preliminary questions

As already advanced in the interview with Mr Pedernera, the proposed questions will be structured into the following blocks.

- **OBJECTIVE 1:** Equitable and inclusive **EDUCATION** (in the understanding that the system must seek to ensure the success of all pupils, regardless of their social, economic or ethnic status).

- What measures have been taken in Spain to make 0–3 education (nursery schools) more accessible?
- Are there any plans to bridge the digital divide for the most vulnerable students?
- Is there a sufficiently universal system of scholarships and study grants?
- How is access to complementary education services, such as school meals and school transport, guaranteed for all children?
- Specific measures to combat school failure and dropout among particularly vulnerable populations.
- What measures is the Spanish State going to implement to protect the schooling of minors whose parents are in an irregular situation in the country? Special reference should be made to the particular situation in Ceuta and Melilla.

- **OBJECTIVE 2: Universal HEALTHCARE for children; adequate healthcare system**

HEALTHCARE AND ACCESS TO HEALTHCARE SERVICES

- Are paediatric healthcare services in primary care adequately resourced in relation to demand?
- Is there an established model for ensuring there are specialized units providing paediatric palliative care?
- How does the healthcare system cover oral healthcare for the most vulnerable child and adolescent populations?

MENTAL HEALTH

- What comprehensive, multidisciplinary mental healthcare resources have been deployed in the aftermath of the pandemic to adequately address the most prevalent disorders and illnesses?
- Report on measures and protocols to combat addictions among minors, especially in relation to gambling with monetary prizes. What specialized treatment units are available in each healthcare territory?

- **OBJECTIVE 3:** Access for children and adolescents to quality **SOCIAL SERVICES** that ensure full inclusion in the social life of the community.

GENERAL MEASURES

- What tools are in place to achieve coherence and harmonization of all sectoral strategies that have an impact on improving children's living conditions?

COORDINATION

- What criteria have been adopted to further improve the coordination of sectoral policies, especially in the interterritorial dimension?

FAMILY ENVIRONMENT AND ALTERNATIVE CARE ARRANGEMENTS

- With a view to guaranteeing the right to family life for abandoned children and adolescents, what actions is Spain going to develop to promote family foster care as opposed to residential care for these minors?
- Are there plans to introduce an enhanced judicial guarantee in abandonment proceedings?
- How is the judicial control of "family meeting points" guaranteed in practice, without prejudice to the supervision of the Autonomous Communities or municipalities on which they depend?

STANDARD OF LIVING

- With regard to energy poverty, what measures does the State plan to implement to prevent or alleviate the lack of electricity supply in irregular settlements where there are children living?
- What strategies are in place to prevent or avoid evictions of families with children?
- What mechanisms does the State have in place to ensure that financial assistance reaches families with vulnerable children and to guarantee their accessibility?

LEISURE AND FREE TIME

- What measures is Spain taking to encourage child and adolescent participation in decision-making and conflict resolution?
- Report on whether there are plans for access to culture and healthy leisure for the underage population in Spain.

- Report on what measures they intend to take to ensure that all official sports federations ensure the affiliation of minors of any nationality who are in Spain, regardless of their administrative situation.

UNACCOMPANIED CHILDREN

- How will it be ensured that age determination procedures comply with the Convention on the Rights of the Child?

Ángel Gabilondo
Spanish Ombudsman

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