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Inception Report

Joint EU-Council of Europe project

Strengthening child friendly justice through effective cooperation and coordination among different Barnahus-type services in the regions of Spain

December 2022

The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, Directorate-General for Structural Reform Support (DG REFORM).

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1. Project Summary

The joint EU DG Reform – Council of Europe project **“Strengthening child friendly justice through effective cooperation and coordination among different Barnahus-type services in the regions of Spain”** is implemented by the Council of Europe in close collaboration with the Ministry of Social Rights and Agenda 2030 during the period of 06/07/2022-05/07/2024. It aims to ensure that all children who are victims of violence, including sexual exploitation and sexual abuse, benefit from a child-friendly access to justice and from strengthened and timely child protection services in Spain and its regions (Autonomous Communities) through the implementation of the Barnahus model. Barnahus is the leading European model for a child-friendly multidisciplinary and interagency response to child sexual exploitation and abuse.

The Project contributes to the implementation of the ongoing reform started in Spain with the Organic Law 8/2021 for the comprehensive protection of children and adolescents against violence. This law is unique in Europe for its comprehensive and holistic approach to protection, which encompasses awareness raising, prevention, early detection and reparation and places great importance on capacity building for professionals working with and for children, as well as child participation. The EU/CoE Joint Project Barnahus in Spain will go hand in hand with the practical implementation of the LOPIVI and its subsequent Strategy and will contribute in particular to the introduction and development of the Barnahus model at national and regional level.

The project is divided into two main components:

1. Improving the legislative and policy framework to introduce the Barnahus model in Spanish regions;
2. Strengthening capacities of relevant professionals.

As laid out in the detailed project description (DPD), prior to the implementation of the outputs and activities of the project, a three-month inception phase was implemented. During this period, the Council of Europe set to take stock of the starting point of the project, review all relevant documents produced to date, and organise consultations with key stakeholders to identify concrete needs. The result of these consultations and research is the inception report of the project and an updated DPD and workplan. The first draft of the report was shared with the beneficiary authorities and DG REFORM and presented in the kick-off meeting.

The kick-off meeting took place on 26 October at the headquarters of the Ministry of Social Rights and Agenda 2030. It was attended by more than 60 stakeholders - including national and regional authorities, the project's Advisory Group representatives, universities, different experts, NGOs and civil society - in person and more than 70 online, as it was broadcast via [streaming](#). Subsequently, the report was completed and shared with the Advisory Group and experts for comments. The report will be published on the [project website](#).

2. Implementation Dynamics

The project is funded by the European Union via the Technical Support Instrument of DG REFORM and co-funded and implemented by the Council of Europe's Children's Rights Division.

The national authority that requested the technical support and will benefit from this project is the Spanish Directorate General for the Rights of Children and Adolescents, which is part of the Ministry of Social Rights and Agenda 2030.

The European Union-Council of Europe project will adopt the Governance Model annexed to this report (Appendix I). Appendixes II and III include the updated risk analysis and mitigation efforts and the updated workplan.

3. Account of stakeholders consulted during the inception phase

From July to October 2022 several **meetings** took place with different key stakeholders for the protection of children against violence in Spain:

- Ministry of Social Rights and Agenda 2030
- Ministry of Justice
- Ministry of Interior
- Ministry of Health
- Tarragona Barnahus-unit
- Representatives of the Catalan Government
- The Office of the Spanish Ombudsman
- Tomás Martín, judge in charge of the pilot Court specialised in violence against children
- Jorge Cardona, former member of the UN Committee of the Rights of the Child
- Save the Children Spain
- Fundació Vicki Bernadet
- Plataforma de Infancia
- UNICEF Spain
- Fundación Márgenes y Vínculos (FMvV)
- Espirales Consultoría
- Universidad de Comillas
- Members of EDUCAP project
- Federación de Asociaciones para la Prevención del Maltrato Infantil (FAPMI)
- Constitutional jurists
- Grup de Recerca en Victimització Infantil i Adolescent (GReVIA)

The **aims of the interviews** conducted by the Council of Europe were the following:

- Exploring the different projects currently under development that can have an impact on the implementation of the Barnahus model in Spain;
- Exploring synergies with different bodies and organisations specialised in children's rights and, in particular, in the fight against violence against children;
- Learning about the implementation of the Barnahus model in the Community of Catalunya. Gathering information on the pilot experience in Tarragona, the difficulties encountered in its implementation, good practices and challenges for the future;
- Investigating the possible regions that could be selected as pilot regions for the implementation of the project;

- Learning about the system of reporting cases of violence against children in Spain and its Autonomous Communities and the coordination of cases as a gateway to the Barnahus system;
- Understanding the specialisation needs of the different professionals involved;
- Familiarising with the pilot court specialised in violence against children, established in the Canary Islands, which constitutes a promising practice of child-friendly justice. Exploring ways of collaboration between this court and the Barnahus model;
- Exploring the existing gaps to ensure effective interagency coordination, information sharing, management of child abuse cases and participatory methods at national, regional and local level;
- Exploring how to articulate child participation in the early-stage implementation of the project, by involving the Spanish Child Participation Council.

Representatives of the Advisory Group had a **pre-meeting** on 5 October in Madrid. They discussed relevant details for the kick-off meeting and had an exchange about the three possible pilot regions to be selected before the kick-off meeting. It was agreed to invite the Ministry of Education and Professional Training and the General Prosecutor Office to be members of the Advisory Group, adding some new members to the initial AG foreseen in the project description.

On 6 October, the Council of Europe joined by a delegation from the Ministry of Social Rights and Agenda 2030 met regional and local authorities in charge of **the first Barnahus operating in Spain**, which is in **Tarragona (Catalunya, Spain)**. This pilot Barnahus project has been led by the Catalan Department of Social Affairs and started being operational in March 2020. They are members of the PROMISE Network. Since its opening, the Barnahus in Tarragona has taken on 482 cases of child sexual abuse, which constitutes an increase of 135,9% since 2020. 82,52% of cases are girls. Under Next Generation EU Funds, the Barnahus services will move to a new child-friendly location that is currently under construction and is planned to be finalised by early 2023. The goal of the Catalan government is to open a total of 13 Barnahus units in the Catalan region. It was agreed to continue collaborating in the near future and to possibly organise study visits for other regional authorities to their units.

The Council of Europe interviewed the professionals currently working in the Tarragona unit, including the Chief Prosecutor of Tarragona and Save the Children representatives. They explained the way of functioning and the coordination of the Barnahus unit, which for the moment has only dealt with cases of child sexual abuse. Professional training, specialisation and rotation among the staff in charge of coordinating the unit were identified as **the most important difficulties** they are encountering when implementing the model. In addition, the lack of specialisation of professionals to deal with situations of special vulnerability, such as children with disabilities or migrant children, was identified. The Chief Prosecutor of Tarragona identified the lack of speed in the judicial procedure and the lack of sufficient judicial staff as key challenges.

Among the **promising practices**, the Council of Europe identified their inter-agency coordination system and the design of a new data collection system, to be implemented in the near future. The designation of the Child Care Service as the sole agency in charge of receiving and processing a report for child sexual abuse cases was also considered a promising practice. The Chief Prosecutor of Tarragona plays a very important and active role in the coordination of the model and is willing to create a specific Protocol for Prosecutors dealing with child sexual abuse cases, together with specialised training for prosecutors. On July 2022, the Catalan Government approved the [Barnahus Strategy](#) for a comprehensive approach to sexual abuse of children and adolescents in Catalonia.

4. Key issues identified during inception phase

4.1. Contextualisation and data on sexual violence against children

In 2021, 55,354 complaints were filed in Spain involving a child or adolescent as a victim¹. 8,317 complaints out of them are for crimes against sexual freedom and sexual indemnity. Taking into account the total number of complaints for the aforementioned crimes (17,034), it is important to highlight that children and adolescents were victims of crimes against sexual freedom and indemnity in 1 out of every 2 complaints. Other studies indicate that 7 out of 10 cases of sexual violence reviewed by the Supreme Court in 2020 had children or adolescents as victims².

According to Save the Children, it is estimated that between 10 and 20% of the population in Spain has suffered some form of sexual abuse during their childhood³. According to a study based on the analysis of 394 sentences of child sexual abuse cases between 2019 and 2020⁴, 44.7% of sexual abuse of minors occurs between 13 and 16 years old, although the average age at which children begin to suffer is very early, 11 and a half years old. Moreover, of these cases, 78.9% of the victims were adolescent girls and 84% of the abusers were known, to a greater or lesser extent, to the children.

The ANAR Foundation states that the rate of growth of child sexual abuse cases in Spain in the last decade has been 300.4%, from 273 cases in 2008 to 1,093 cases in 2020⁵. This coincides with the data provided by the annual reports of the Attorney General's Office, where sentences for child sexual abuse have almost quadrupled between 2012 and 2018.

Furthermore, the consumption of child sexual abuse audiovisual materials has alarming dimensions in Spain. Already in 2010, Spain was the second country in the world in the exchange of images and videos of child sexual abuse, only surpassed by the United States⁶. According to the Statistical Data on Cybercrime for 2021, one of the main crimes committed in the digital environment was child pornography⁷. In its 2021 Report⁸, the Attorney General's Office warned of the constant increase in digital trafficking of child sexual abuse material, including children's online sexual contact with adults in exchange for financial compensation.

Despite the figures, the number of cases of child sexual abuse detected does not reflect reality, as they depend on the detection and notification capacity of professionals and the accessibility of victims to assistance and legal resources. Regarding child sexual exploitation, the Federation of Associations for the Prevention of Child Abuse and ECPAT Spain⁹ state that official statistics do not provide specific information on the reality of child victims, sometimes the data do not coincide, nor do they discriminate between the different forms in which it can manifest itself. In recent years there has been a plurality of media outlets reporting news of child sexual exploitation in various child protection centres¹⁰.

¹ Portal Estadístico de Criminalidad (2021), Ministerio del Interior. Cifras relativas al número de victimizaciones según edad.

² Poder Judicial España (2021). Estudio médico-legal de las sentencias por delitos contra la libertad y la indemnidad sexual.

³ Save the Children (2017). Ojos que no quieren ver: los abusos sexuales a niños y niñas en España y los fallos del sistema

⁴ Save the Children (2021). Los abusos sexuales hacia la infancia en España.

⁵ Fundación ANAR (2020). Abuso sexual en la infancia y la adolescencia según los afectados y su evolución en España (2008-2019). The report highlights the increased number of cases of online sexual abuse and of sexual offences committed by groups of men.

⁶ Fundación Alia2 (2010). Situación de la pornografía infantil en la red.

⁷ Ministerio de interior (2021). Informe sobre la cibercriminalidad en España.

⁸ Fiscalía General del Estado (2021). Memoria 2021

⁹ FAPMI y ECPAT (2022). La situación de la explotación sexual de la infancia y la adolescencia en España.

¹⁰ See for instance RTVE (2022), <https://www.rtve.es/noticias/20220330/portada-aumentan-denuncias-abusos-explotacion-sexual-menores-tutelados/2290221.shtml>

4.2. Legal and policy gaps in protecting children against violence

A. Introduction

In its latest concluding observations, the UN Committee on the Rights of the Child has made the following recommendations to Spain regarding child sexual exploitation and abuse¹¹:

- Adopt a national framework for coordination between administrations and institutions to adequately respond to situations of violence against, and abuse or neglect of, children, paying particular attention to their gender dimensions;
- Ensure accessible, confidential, child-friendly and effective channels for the reporting of sexual exploitation and abuse, including incest and abuse in school settings;
- Increase skills among professionals and strengthen intersectoral coordination to address cases of child abuse and expedite the development of care protocols;
- Proactively investigate cases of sexual exploitation and abuse of children, prosecute perpetrators and ensure that they are appropriately sanctioned, if convicted;
- Ensure the implementation of planned measures to provide protection in all cases to child victims during court proceedings, including measures to ensure that child victims do not have to face perpetrators and the use of video questioning and audio and video recording;
- Expedite the court proceedings in sexual abuse cases involving child victims, in order to reduce the period of time for which they must wait before testifying;

On the other hand, when interpreting the Lanzarote Convention, the Committee of Parties of the Lanzarote Convention has made several recommendations to Spain. For instance, it has observed that Spain does not have a legislative definition to describe "child sexual abuse material" (CSAM) in its legislative framework and relies upon prosecutorial practice or case law and recommended to introduce a definition of CSAM for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse". In addition, it recommended to rather use the term CSAM in the development of future national, regional and international legal instruments and policies rather than using the term "child pornography", which can undermine the gravity of the crimes it refers to.

In the last years, Spanish legislation has incorporated important advances in the promotion of the rights of the child and their protection against violence. This evolution includes the reform operated by the Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, the partial modification of the Civil Code and the Civil Procedure Act, by Organic Law 8/2015, of 22 July, and Law 26/2015, of 28 July, both modifying the system for the protection of children and adolescents, which introduces as a guiding principle of administrative action the protection of minors against all forms of violence, including those produced in their family environment, gender violence, trafficking and smuggling of human beings and female genital mutilation, among others. According to the law, the public authorities have the obligation to develop awareness-raising, prevention, assistance and protection actions against any form of child abuse, as well as to **establish the necessary procedures to ensure coordination between the competent public administrations** and, in this order, to review in depth

¹¹ UN Committee on the Rights of the Child (2018). Concluding observations on the combined fifth and sixth periodic reports of Spain, pars 22 and 23.

the functioning of the institutions of the protection system for minors and thus constitute an effective protection against situations of risk and neglect.

B. The Law 8/2021 for the comprehensive protection of children and adolescents against violence (LOPIVI)

The Committee on the Rights of the Child, on the occasion of its latest final Comments to Spain in 2018, reiterated the need for the approval of a comprehensive law on violence against children, which should be analogous in its regulatory scope to that approved in the framework of gender-based violence. On 4 June 2021, the Congress of Deputies approved by absolute majority the **Organic Law 8/2021 for the comprehensive protection of children and adolescents against violence** (LOPIVI for its Spanish acronym)¹². This law is a pioneer in Europe in its comprehensive and holistic approach to protection, which encompasses sensibilisation, prevention, early detection and reparation, and places great importance on capacity building of professionals working with and for children and on child participation. Since in Spain the protection of children is a competence delegated to each region (Comunidad Autónoma), following the adoption of this Law 8/2021, regional authorities will need to adapt their regional laws on protection of childhood and adolescence to comply with the new national law and take necessary action for the implementation of the new legal framework.

Its Article 1 includes a **broad and comprehensive definition of violence against children**. It is important for the purposes of this project to highlight that the presence of any violent behaviour (only in the family environment) is considered direct violence against children and therefore, when we refer to sexual violence against children, this includes child witnesses. It should be outlined that all children witnesses of violence, in all environments, should be able to access Barnahus services.

According to Article 21 1, Spain should draft a national, **multi-year Strategy for the Eradication of Violence against Children and Adolescents**, with special focus on family, education, health, social services, new technologies, sport and leisure and security forces and corps environments. The Council of Europe Children's Rights Division had the opportunity to provide input for the alignment of this Strategy with the objectives of the current project, most of the contributions were reflected in the final version published on 16 November 2022¹³. The project will contribute to the transposition of the LOPIVI in the participating regions, as well as the implementation of the new Strategy as regards the Barnahus model.

The configuration of the **Sectoral Conference on Childhood and Adolescence** is a substantial part of Law 8/2021 and of the future strategy to address violence against children. The Sectoral Conference is set up as the cooperation body between the General Public Administration, the Spanish regions, the autonomous cities and the local administration. The Spanish Ministry of Social Rights and Agenda 2030 intends to create a "hub" or a working group within the Sectoral Conference on Childhood and Adolescence to monitor the implementation of the Barnahus model in all regions of Spain. The Ministry of Social Rights and Agenda 2030 will therefore share information on such meetings with the Council of Europe Children's Rights Division and DG Reform, inviting representatives to the meeting when appropriate. The purpose of this hub is to facilitate the expansion of the Barnahus model beyond the participating regions, so that the experience in the latter can serve as an example and inspiration to other territories, while sharing lessons learned.

¹² Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia. Publicada en el Boletín Oficial del Estado «BOE» núm. 134, de 5 de junio de 2021.

¹³ Ministerio de Derechos Sociales y Agenda 2030 (2022). Estrategia de Erradicación de la Violencia contra la Infancia y la Adolescencia.

C. The national system for reporting violence against children

The LOPIVI establishes a **generic legal duty**, which affects all citizens, to immediately report to the competent authority the existence of signs of violence against children or adolescents. This duty to report is more demanding for those groups who, by reason of their position, profession, trade or activity, are entrusted with the assistance, care, teaching or protection of minors. In these cases, it establishes the obligation of the competent public administrations to facilitate adequate communication and information exchange mechanisms.

Despite the establishment of the legal duty to report, many challenges have been identified to **strengthen the reporting procedure**. Given the multiplicity of actors in charge of receiving suspicions of violence and the uncertainty identified by professionals in carrying out the process, it is recommended to establish a **single agency in charge of receiving notifications and coordinating services** in each region, complemented with the establishment of clear protocols to be followed by different professionals. In addition, **another challenge is that the law does not set a maximum time limit for action since the notification** of a case, nor for the performance of the forensic interview. It is necessary to establish a legal time limit for action, depending on the gravity of the case. This should be complemented with the launch of an inter-agency cooperation and data collection system and with the specialization of all professionals involved.

On the other hand, the LOPIVI provides for the **possibility for children to report situations of violence**, either personally or through their legal representatives, to social services, the Security Forces and Corps, the Public Prosecutor's Office or the judicial authority and, where appropriate, to the Spanish Data Protection Agency. To this end, the law foresees, and is pending implementation, that public administrations establish safe, confidential, effective, adapted and accessible communication mechanisms, in a language they can understand, for children and adolescents, who may be accompanied by a person of their trust whom they themselves designate. Consequently, it is recommended that the communication procedure be reinforced by professionals, citizens and children themselves, complemented by campaigns to raise awareness of the duty to communicate these cases and the procedure to be followed.

Finally, it is important to point out that within the third sector there is a manifest concern about **unreported cases of violence against children in child protection and alternative care centres**. The Action Plan against sexual exploitation of children and adolescents in the child protection system has recently been approved by the joint Sectorial Conference of Equality and Childhood and Adolescence¹⁴.

D. Child-friendly justice: the pilot experience in the Canary Islands

The LOPIVI foresees that, within one year (a period which has already expired), a draft law amending Organic Law 6/1985 of 1 July 1985 on the Judiciary should be submitted to Parliament for the establishment of specialised judicial bodies for the investigation and prosecution of criminal cases involving crimes against children and a draft law amending the Organic Statute of the Public Prosecutor's Office, in order to establish the specialisation of prosecutors in the area of violence against children and adolescents, in accordance with their statutory regime.

The first child-friendly Court in Spain is a **pilot project** promoted by the General Council of the Judiciary, launched on 1 October 2021, with a duration of two years in the Court of Instruction 3 of Las Palmas de Gran Canaria.

¹⁴ Ministerio de Derechos Sociales y Agenda 2030 y Ministerio de Igualdad (2022). Plan de acción contra la explotación sexual de niñas, niños y adolescentes del sistema de protección a la infancia.

Its main objective is to adapt justice to children in accordance with the rights of the child, recognised at both national and international level and in line with the **Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, referenced in both the Council of Europe and EU Strategies on the Rights of the Child**. Among the best practices, this court has created specialised protocols for legal professionals dealing with child victims, use Gesell rooms as child-friendly environments, has designed child-friendly and age-appropriate materials for child victims going to court and regularly practices the pre-constituted evidence.

The **pre-constituted evidence** is an appropriate instrument to avoid secondary victimisation, particularly effective when the victims are children or people with disabilities or in need of special protection. Since the approval of the LOPIVI, it is **compulsory** when a witness or victim is a person under fourteen years of age or a person with a disability in need of special protection. Therefore, the testimony at trial of minors under fourteen years of age or of persons with disabilities in need of special protection becomes exceptional, establishing as a general rule the practice of pre-constituted evidence in the pre-trial phase and its reproduction in the act of trial, avoiding that the time lapse between the first statement and the date of the oral trial affects the quality of the disclosure. However, a challenge has been identified to effectively and **speedily apply it in practice** and to **extend by law the application of this type of test also to children over 14 years of age**, in line with the relevant case-law on this issue.

On the other hand, also in the field of justice, judicial processes in Spain relating to child sexual abuse are long and traumatic for children. According to a recent report by Save the Children¹⁵, **the average duration of the legal process is 2 years** and, according to another 2017 study by the same organisation, **7 out of 10 open cases never reach the trial stage**¹⁶. In addition, children highlighted the multiple hearings, which involved repeating their testimony in front of a large number of professionals, testifying on average four times about what has happened to them. This is particularly difficult for victims of sexual abuse, as the process should aim to be restorative, should not be a traumatic experience and/or be re-victimising. It is therefore recommended that priority be given to the processing and conduct of proceedings for sexual violence against children.

In addition to **following up on the specialised legislation** to be developed and providing input for child-friendly justice, the project will explore synergies and possible **collaboration and coordination between the pilot experience in the Canary Islands and the Barnahus model** to make child-friendly justice effective for child victims of sexual violence.

E. The Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom (LOGILS)

On 7 September 2022, the Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom (LOGILS for its Spanish acronym) was published. This law is particularly relevant for the project, as it concretely defines the concept of sexual violence and **includes specific measures to ensure the protection of girls and boys under the age of eighteen from this type of violence**.

According to its Explanatory Memorandum, the law establishes the basis for the implementation in Spain of the Barnahus model, placing the child victim of sexual violence at the center of the intervention, which requires the joint and coordinated participation, in a specific place, adapted to their needs, of all the professionals involved in the care and justice route. The law formulates the right of child victims of sexual violence, trafficking and sexual exploitation to **comprehensive, specialised**

¹⁵ Save the Children (2021). Los abusos sexuales hacia la infancia

¹⁶ Save the Children (2017). Ojos que no quieren ver.

and accessible assistance. It establishes that children should have access to services adapted and appropriate to their needs, which provide psychological, educational and legal assistance, and which constitute the place of reference for victims, to which all the professionals involved in the assistance and judicial processes travel. The specialisation of the different professionals involved in child sexual violence cases is foreseen.

The law establishes the obligation to develop further measures through a **national Strategy**. The project will follow-up on its development, together with the drafting of other relevant national policies currently in process, such as the National Action Plan on Human Rights or the National Strategy on the Rights of Children and Adolescents. In addition, it will closely follow the implementation of other policies currently in force, such as the National Action Plan 2021-2024 on Mental Health or the mentioned Action Plan against sexual exploitation of children and adolescents in the child protection system.

Finally, the project team has identified the challenge of **dealing in a child-friendly way with cases of children who are victims of sexual violence in a context of gender-based violence against their mothers**. Over the last decade, Spain has developed a strong legal and policy framework to protect women victims of domestic violence, inflicted by their partners or ex-partners ("gender-based violence"). In Spain, children who suffer violence in this context are also considered victims of gender-based violence and these cases are dealt with by specialised courts on violence against women in a non-child-friendly way. However, it is important to note that numerous UN experts have expressed their concern that in Spain, custody is granted to fathers with a history of gender-based violence and who are suspicions of committing sexual abuse of their children¹⁷. In the case of these children - in a context of gender-based violence - who also suffered sexual violence by their parents, it would be necessary to establish **how support services for victims of gender-based violence should coordinate with the different Barnahus services for the comprehensive care of victims from both a child rights perspective and a gender perspective**.

4.3. Challenges in Interagency coordination, information sharing and management of child abuse cases

During all bi-lateral interviews and also the general consultation meeting, there was a very strong agreement on the fact that information sharing together with ensuring multidisciplinary investigations for all cases is a significant challenge in the country.

In Spain, child victims of violence receive unequal assistance depending on the Autonomous Community, from speedy detection to the development of a more or less coordinated legal and assistance process. In this sense, there is a concern about the lack of homogeneous mechanisms throughout the State that allow for the improvement of inter-institutional coordination and that incorporate the specificities of the different areas.

Also of concern is the **lack of disaggregated data on violence against children**, as noted before in the relevant section. In this regard, LOPIVI foresees the creation of two national registers:

- The **Unified Registry of Social Services on Violence against Children (RUSSVI)**, which will collect statistical information on cases of violence against children and adolescents from primary care social services, as well as information and data from the public entity for the protection of children, duly disaggregated.

¹⁷ OHCHR (2022). Spain: UN experts denounce child custody decision that ignores evidence of sexual abuse, accessible in <https://www.ohchr.org/en/press-releases/2022/02/spain-un-experts-denounce-child-custody-decision-ignores-evidence-sexual>

- A **Central Register of Information on violence against children and adolescents**, to which the Public Administrations, the General Council of the Judiciary and the Security Forces and Corps and the RUSSVI must send information. It must be regulated by Royal Decree of the Government, which will establish the specific information to be included in the Register and the procedure through which the data must be supplied.

At least anonymised information will be collected:

- As regards the victims: age, sex, type of violence, seriousness, nationality and, where appropriate, disability.
- As regards the aggressors: age, sex and relationship with the victim.
- Police information (complaints, victimisation, etc.) and judicial information.
- Measures implemented against violence against children and adolescents.

Their implementation is urgent, as well as guaranteeing the coordination of data with the Autonomous Communities and establishing common criteria for the collection of information.

The Tarragona Barnahus unit has developed an effective inter-agency coordination system and they are currently designing a new data collection system, to be implemented in the near future. The project will follow up on these developments with the view to possibly replicate them in other regions. These data collection systems should be coordinated with national registers.

Together with the challenges identified as regards the reporting system (please see section 4.2.C), it is recommended to develop protocols, checklists, guidelines side by side with the legislation to implement an effective interagency coordination system. Once this is done, training should also be made available for the professionals to incorporate the new measures in their daily work.

4.4. Training needs and awareness raising

During the inception phase, training needs were identified in the following professional groups and topics:

Professional groups	Topics
<ul style="list-style-type: none"> - Child protection case workers - Training for medical professionals, including psychologists - Police involved in child abuse cases - Teachers and educators - Legal professionals (judiciary, prosecutors and legal advisors) 	<ul style="list-style-type: none"> - Multi-disciplinary cooperation and evaluation - Identifying and reporting cases of violence against children - Forensic interviewing and hypothesis testing - Psychosocial support in cases of sexual violence - How to deal with cases of children in situations of vulnerability (disability, migrants, 0-3 years, etc.) - Child-friendly communication, including in legal proceedings - Child participation

The LOPIVI foresees the **specialisation and training of professionals** who have regular contact with children and adolescents for the early detection of possible situations of violence. In addition, as detailed in section 4.2, it includes the specialisation of the judicial bodies, the public prosecutor's office and the technical teams providing specialised assistance to the courts and tribunals.

The professionals will have to be trained and specialised in the particularities of child and adolescent victimisation from the theoretical basis of developmental victimology (Finkelhor, 2007). In addition, it will also be necessary for them to have specific legal training on the aspects related to the process of child and youth victimisation.

The forensic psychologist should be officially trained on the national interviewing protocol based on evidence-based international protocols such as e.g. National Institute of Child Health and Human Development (NICHD), a child victim interview guide with a high level of validity demonstrated in hundreds of studies and the clinical psychologist. Clinical psychologists will also need to improve their skills and competencies of cognitive behaviour therapy.

In addition, professionals working for and with children should know child-friendly communication techniques and apply a child rights and gender perspective in their work, taking into account situations of special vulnerability (disability, 0-3 stage, migrants, protection centres, etc.). They should also receive training on how to promote and respect children's right to be heard.

Members of the academia provided information about relevant training projects concerning children's pre-constituted evidence, specialised courts on violence against children and child-friendly versions on the functioning of these courts, surveys on children victimisation (founded by LaCaixa) and trainings provided to different professionals in relation to the Barnahus model and child sexual abuse (STEPS, specialised training for multiple professionals working for Barnahus Catalunya; SAVE and EDUCAP for teachers, the latest only focused in the Valencian Community).

Besides, a lack of general knowledge has been identified among the public, civil servants and different stakeholders as regards the Barnahus model and its implementation in the different regions. Therefore, it is recommended to organise an event dedicated fully to raising awareness about Barnahus and informing about it.

Finally, in addition to the need for specific training for professionals working with children on treatment, prevention, detection and procedures for action in different cases of sexual violence, civil society organisations highlight the need for **public actions dedicated to raising public awareness** about sexual violence against children, including child sexual abuse and exploitation, and about the high level of consumption of child sexual abuse materials in Spain.

4.5. Child participation

In a recent report published by Plataforma de Infancia¹⁸, 4,394 children and adolescents from 14 different Autonomous Communities had the opportunity to express their concerns and opinions on the situation of children in Spain. It is important to highlight that 1 of the 5 areas of work they chose was precisely violence against children. Children expressed feeling unprotected against violence by adults.

Following the LOPIVI, the **State Council for Child and Adolescent Participation** was created on 22 September 2021. It is a permanent and stable consultation body, attached to the Ministry of Social Rights and Agenda 2030 and designed to "act as a spokesperson and interlocutor for children and adolescents before public institutions".

It has been agreed to involve the State Council for Child and Adolescence Participation in the early-stage implementation of the project. Discussions to explore the best way to facilitate their participation are currently undergoing.

¹⁸ Plataforma de Infancia (2022). La situación de la infancia en España.

5. Conclusions

During its inception phase, the European Union – Council of Europe project **“Strengthening child friendly justice through effective cooperation and coordination among different Barnahus-type services in the regions of Spain”** set out to identify the key needs and challenges of the existing legal and policy frameworks to implement the Barnahus model in Spain and its regions.

After the organisation of consultations with relevant public authorities and different stakeholders, the project team has been able to initially identify the main needs at the national level, to some of which it will contribute. These needs are classified in four pillars or areas:

Legal and policy framework:

- Spanish law should fully incorporate the recommendations of the Lanzarote Committee as regards child sexual exploitation and abuse in its legal framework.
- It is necessary to carry out an initial mapping study to analyse the current situation of implementation of the Barnahus model in each of the Autonomous Communities and Cities of Spain and the needs of each territory.
- Regional authorities should adapt their regional laws on protection of childhood and adolescence to comply with the new national legislation (LOPIVI and LOGILS), particularly as regards the Barnahus model.
- Legal frameworks should set a maximum time limit action from the notification of a case of sexual violence against children and for the use of pre-constituted evidence from the moment a case of sexual violence against children is reported.
- Extend by law the application of pre-constituted evidence to children over 14 years of age.
- Give preference to the processing of child sexual abuse proceedings in order to avoid that time delays are detrimental to the recovery and restoration of children's rights or that their testimony is damaged.
- Explore synergies and forms of collaboration between the pilot court specialising in violence against children in Las Palmas de Gran Canaria and the Barnahus model.
- Coordinate the services for victims of gender-based violence with the different Barnahus services to ensure that children receive a child-friendly comprehensive support in all cases.
- Legislative and policy changes currently under development - named in this document - should include concrete actions to facilitate the implementation of the Barnahus model in Spain. Particular attention will be paid to the legal amendments for the specialisation of courts and the Strategies developed by LOPIVI and LOGILS.

Interagency coordination, information sharing and management of child abuse cases:

- Creation and implementation of the RUSSVI and the Central Register of information on violence against children and adolescents.
- Establish common criteria for the collection of data in the regional and local registers, which can be accessed by the professionals in charge of coordinating cases in Barnahus, in accordance with data protection regulations.
- Coordination between the regional and local registers with the central registers.

- Develop protocols, checklists, guidelines together with legislation to implement an effective interagency coordination system.
- Clearly define the roles and responsibilities of all the agencies involved in the reporting and response mechanism system to cases of sexual violence against children, reinforcing this system in child protection and alternative care settings.
- It is recommended that regional frameworks establish a single body responsible for receiving reports and coordinating services.
- A platform is needed to monitor the implementation of the Barnahus model in all regions of Spain. Information on the implementation of the project should be shared to facilitate its expansion beyond the pilot regions, so that it can serve as an example and inspiration to other territories, while sharing lessons learned.
- Strengthen the reporting procedure both by professionals, the general public and children themselves, complemented by awareness-raising campaigns on the duty to report these cases and the procedure to be followed.

Training needs and awareness raising:

- Specialised training on awareness-raising, prevention, detection and redress of sexual violence against children for a range of professionals working with and for children, including future Barnahus staff, social workers, health and emergency workers, frontline police, teachers and educators, and legal professionals.
- Training on the different types of sexual violence against children and on the particular situations of vulnerability in which children may find themselves and how to care for them in such cases.
- Specific training needed on the duty to report violence against children and the reporting process for professionals and the general public.
- Carry out public actions dedicated to raising public awareness about sexual violence against children, including child sexual abuse and exploitation and about the high level of consumption of child sexual abuse materials in Spain.
- Raise awareness among various actors about the services provided by Barnahus and about children's right to a life free from violence.
- Organise an event fully dedicated to Barnahus to raise awareness among stakeholders and civil servants about the Barnahus model and its implementation in different regions.
- Collaborate with the Barnahus Tarragona unit and the Generalitat de Catalunya. Possibility to organise different study visits over the next two years, so that members of the Advisory Group and the participating regions can see the application of the model in practice and hear the lessons learned from the professionals involved.

Child participation:

- Inform and involve the State Council for Child and Adolescence Participation in the implementation of the project.

- Consult children about future Barnahus services.
- Adapt materials to explain what Barnahus or 'Children's Houses' are into child-friendly versions.

Appendix I: Project's governance model

The project operates at two different levels:

1. Advisory Group

The Advisory Group (AG) is focused on **decision and political guidance** of the project.

It is composed of the following members:

- Representatives of the Directorate-General for Structural Reform Support (DG REFORM) of the European Commission;
- Representatives of the Council of Europe, Children's Rights Division;
- Representatives of the Ministry of Social Rights and Agenda 2030;
- Representatives of the Ministry of Interior;
- Representatives of the Ministry of Justice;
- Representatives of the Ministry of Equality;
- Representatives of the Ministry of Health;
- Representatives of the Ministry of Education and Professional Training;
- Representatives of the State's General Prosecutor;

The representatives of the **pilot regions or other relevant regions** involved could be invited to the meetings on an *ad-hoc basis*, depending on the meeting agenda and the needs of the project. When invited, the regional representatives will be considered as members of the AG.

The Spanish Ombudsperson's Office has been granted **observer status** in the AG, therefore a representative will participate in the meetings of the Advisory Group and give advice on the progress and implementation of the project.

Civil society organisations, academia and children will also be involved in the work carried out and could be invited on an ad-hoc basis to identify existing shortcomings of the justice system for children victims and witnesses of violence in Spain in light of existing needs to formulate concrete potential solutions. When invited they will have observer status unless otherwise specified.

2. Working groups

The working groups will focus on the **production of project outputs** and consist of different representatives from the beneficiary, the Council of Europe, pilot regions and other Autonomous Communities, together with national stakeholders, children, etc.

The three identified **pilot regions** are the Comunidad Foral de Navarra, Cantabria and Extremadura. The selection of three pilot Communities was deemed necessary given the complexity of the system of autonomies in Spain, where there are a total of 17 Autonomous Communities and two Autonomous Cities (Ceuta and Melilla). In this country, competences in the field of childhood do not depend on the central government, but are ceded to the Autonomous Communities. On the other hand, justice competences are delegated to some Communities, with only 5 of them in which the Ministry of Justice has full competences. Among the selection criteria, Extremadura was chosen, in addition to its high poverty risk rate and geographical location, because it is one of the 5 regions described above, which

will allow the Ministry of Justice to act in the other 4 in a coordinated manner. Another criterion was to choose regions that are implementing the Barnahus model at different levels: while Extremadura is in an initial phase, Cantabria is carrying out the legal analysis and Navarra is in an advanced phase in which it needs the training of professionals. These regions will act as good practice examples for adaptation and replication in other regions.

Notwithstanding the selection of pilot regions, the project is **dynamic and open to support other Autonomous Communities**. To this end, the project will carry out an **initial mapping study** of the current situation of implementation of the Barnahus model in each of the Autonomous Communities and Autonomous Cities of Spain and the needs of each territory. Following the recommendations of this study and depending on the time and resources of the project, various activities will be carried out in different regions.

The **State Council for Child and Adolescence Participation** will also be involved in the working groups, when relevant.

Appendix II: Updated risk analysis and mitigation efforts

There are a number of risks associated with the implementation of the project, which the CoE will take steps to identify and mitigate. The table below provides for information regarding external risks and proposed mitigating measures.

Risk	Mitigation measure
<p>Lack of effective co-operation by Spanish governmental bodies or regional authorities, particularly in case of political changes as a result of national or regional elections</p> <p>Spain, its regions and other stakeholders might refuse meetings, provision of expertise or relevant information that is needed to advance in the analysis of policies and the production of recommendations.</p>	<p>The project has been structured in response to a request from the authorities and closely matching their needs and the country's priorities. The scope of the work has been discussed and agreed with the authorities. These risks are mitigated by government-wide obligations with EU institutions and by close co-operation with the Spanish Ministry of Social Rights and Agenda 2030, DG REFORM and the CoE.</p> <p>The project has been agreed to be dynamic and flexible in order to include different and diverse regions in its activities, according to the time and budget available.</p>
<p>Lack of cooperation from a wider group of stakeholders in participating in the workshops.</p>	<p>Spain will take the lead in proposing and selecting the participants in the workshops/trainings, for discussion with the project team at the CoE.</p>
<p>Delays or otherwise low quality of CoE's contractor(s) work.</p>	<p>The CoE will undertake the selection of the contractor(s) and will also closely monitor the contractor(s)'s work, including by reviewing the outputs as needed.</p>
<p>Negative perception of recommendations.</p> <p>The media, and some segments of the government or parliament, may be led to oppose recommendations, in part because of opposition from strong interest groups that feed potentially biased information.</p>	<p>The CoE is committed to ensure understanding and acceptance of the recommendations to the greatest extent possible, while recognizing that there will always be interest groups that will oppose reforms.</p> <p>In addition to working closely with responsible government bodies, the CoE will work throughout the project to engage stakeholders in the public and private sectors, conducting workshops and seeking the views of businesses and civil society associations.</p> <p>Final recommendations will be presented at a dissemination event. The CoE will communicate its recommendations in a clear and simple summary.</p> <p>Throughout the project, the CoE will work closely with DG REFORM and Spain to achieve consistency of the messages put out to the public via media.</p>

Appendix III: Updated workplan

Project Name	Strengthening child-friendly justice through effective co-operation and coordination among different Barnahus-type services in the regions of Spain
Period	06/07/2022-05/07/2024
Project Manager	GASPARYAN, Zaruhi
Project Officer	GARCIA-DE-MURCIA, Mireya

Activities			
Logframe ref.	Activity Name	Start Date	End Date
0	Inception report	01/09/2022	31/12/2022
1.1.1	Analysis of the legislative, policy and regulatory framework	01/01/2023	30/06/2024
1.2.1.	Drafting the report containing recommendations on the functioning of the Barnahus model in Spain	01/01/2023 01/01/2023	30/06/2024 30/06/2024
1.3.1.	Strategy and Action Plan	01/01/2023	30/06/2024
1.3.2.	Conference to inform decision-makers and key stakeholders of the Recommendation report, Strategy and Action Plan	01/01/2023	30/06/2024
2.1.1.	Developing a Communication Strategy	01/01/2023	30/06/2024
2.1.2.	Developing an Action Plan based on the Communication Strategy	01/01/2023	30/06/2024
2.2.1	Production of child-friendly and other information materials	01/01/2023	30/06/2024
2.2.2.	Disseminating materials and implementing awareness raising campaigns	01/01/2023	30/06/2024
2.3.1.	Carrying out training needs analysis in pilot regions	01/01/2023	30/06/2024
2.3.2.	Developing relevant tools and training programmes	01/01/2023	30/06/2024
2.3.3.	Organising study visits	01/01/2023	30/06/2024
2.3.4.	Organising training sessions in pilot regions	01/01/2023	30/06/2024
.2.3.5.	Adaptation of tools and training programme materials	01/01/2023	30/06/2024