



FACTSHEET – SPAIN

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

This factsheet was prepared by the Secretariat in March 2023.

It has been updated with information submitted by the Government of Spain in March 2025 displayed in orange and blue text boxes.

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I. Introduction

One of the main functions of the Lanzarote Committee (“the Committee”) is to monitor the effective implementation of the Lanzarote Convention (“the Convention”). The monitoring procedure is divided into rounds, each concerning a specific thematic area and involving all State Parties (“the Parties”) simultaneously. The monitoring rounds start with the launch of a thematic questionnaire, to which the national authorities are asked to respond, and which other relevant stakeholders can comment on. After carrying out its evaluation procedure, consisting of the analysis of such replies, the Committee adopts an implementation report where it draws conclusions about the different national frameworks, strategies and policies in place, makes recommendations to Parties, and highlights promising practices as well as some challenges. Sometime after the adoption of the implementation report, the Committee conducts a compliance procedure with the aim of assessing whether Parties comply with the recommendations made by the Committee as part of the evaluation procedure.

The compliance procedure seeks to assess the follow-up given by Parties to the recommendations made by the Committee in the evaluation procedure. In the [implementation report of its 2nd monitoring round concerning the challenges raised by child self-generated sexual images and/or videos](#), the Committee made three types of recommendations:

- “Require”: when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by its explanatory report.
- “Request”: when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by documents adopted by the Committee (such as previous monitoring round findings, opinions or other documents).
- “Invite”: when the steps the Committee recommends Parties to take correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Convention.

At its 41st meeting (13-15 February 2024), the Lanzarote Committee agreed on a new methodology for the assessment of State Parties’ compliance with the 2nd monitoring round recommendations ([see point 4 of the Appendix to the List of decisions](#)). It entrusted the Secretariat to insert boxes in the 2nd monitoring round country [factsheets](#) to highlight where information on follow-up measures taken or changes occurred may be inserted. It is recalled that these factsheets are a synthesis of the Committee’s implementation report findings with respect to specific Parties. The factsheets are structured along the lines of the implementation report and the footnotes in this document refer to the specific paragraphs of the implementation report.

The orange boxes contain information submitted by the State Party regarding progress made towards the implementation of the recommendation.

The blue boxes contain examples of national promising practices that respond to “invite” recommendations made by the Committee.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Spain

What constitutes “child pornography” under the Lanzarote Convention?

The Committee observes that Spain does not have a legislative definition of “child sexual abuse material” (CSAM) in its legislative framework and relies upon prosecutorial practice or case law.¹ It also notes that CSGSIV are explicitly addressed through non-legislative measures, such as the General Prosecution Office Instruction 2/2015 that includes instructions not to prosecute cases involving self-generated material in certain circumstances.²

Therefore, the Committee invites Spain:

- acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, to rather use the term “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”](#)³ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children.⁴
- to introduce explicit references in its legal framework to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁵
- to introduce a definition of “CSAM” in line with the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation](#)

¹ Para. 50.

² Para. 45.

³ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

⁴ Recommendation II-1.

⁵ Recommendation II-2.

and Sexual Abuse”.⁶

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

The Committee observes that the possession of CSGSIV by children is criminalised in Spain.⁷ Spain pointed at the age of criminal responsibility, which is 14 years old, below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV.⁸ Spain also noted that production and possession of self-generated material were not criminalised when the child in question have reached the legal age for sexual activities. However, the Committee reminds Spain that relying on the age of sexual consent alone, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.⁹

- Therefore, the Committee requests that Spain ensures that a child will not be prosecuted when he/she possesses:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without

⁶ Recommendation II-3.

⁷ Para. 68.

⁸ Para. 71.

⁹ Para. 73.

actively asking for them.¹⁰

Follow-up actions:

Criminal code

Article 189.

1. The following shall be punished with a prison sentence of one to five years: a) Anyone who captures or uses minors or persons with disabilities in need of special protection for the purpose of or in exhibitionist or pornographic shows, both public and private, or to produce any kind of pornographic material, whatever its medium, or finances any of these activities or profits from them. (b) Anyone who produces, sells, distributes, exhibits, offers or facilitates the production, sale, dissemination or exhibition by any means of child pornography or in the preparation of which persons with disabilities in need of special protection have been used, or possesses it for these purposes, even if the material originates abroad or is unknown. For the purposes of this Title, the following are considered child pornography or in the production of which persons with disabilities in need of special protection have been used: a) Any material that visually represents a minor or a person with a disability in need of special protection participating in sexually explicit, real or simulated conduct. (b) Any representation of the sexual organs of a minor or person with a disability in need of special protection for mainly sexual purposes. (c) Any material that visually depicts a person who appears to be a minor engaging in actual or simulated sexually explicit conduct, or any depiction of the sexual organs of a person who appears to be a minor, for primarily sexual purposes, unless the person who appears to be a minor is in fact eighteen years of age or older at the time the images were taken. (d) Realistic images of a minor engaging in sexually explicit conduct or realistic images of a minor's sexual organs, primarily for sexual purposes.

2. Anyone who performs the acts provided for in paragraph 1 of this article shall be punished with imprisonment of five to nine years when any of the following circumstances occur: a) When minors under sixteen years of age are used. (b) When the acts are of a particularly degrading or humiliating nature, physical or sexual

violence is used to obtain the pornographic material or scenes of physical or sexual violence are depicted. c) When minors who are in a situation of special vulnerability due to illness, disability or any other circumstance are used. d) When the offender has endangered, intentionally or through gross negligence, the life or health of the victim. e) When the pornographic material is of notorious importance. (f) When the offender belongs to an organization or association, even of a temporary nature, which is engaged in the performance of such activities. (g) When the person responsible is an ascendant, guardian, curator, guardian, teacher or any other person in charge, de facto, even provisionally, or de jure, of the minor or person with a disability in need of special protection, or is any person who lives with him or her or another person who has acted in abuse of his or her recognized position of trust or authority. h) When the aggravating circumstance of recidivism occurs.

3. If the acts referred to in paragraph 1(1)(a) of the first subparagraph were committed with violence or intimidation, the penalty shall be higher in degree than those provided for in the preceding paragraphs.

4. Anyone who knowingly attends exhibitionist or pornographic shows in which minors or persons with disabilities in need of special protection participate shall be punished with a sentence of six months to two years in prison.

5. Anyone who acquires or possesses child pornography for his or her own use or in the preparation of which persons with disabilities in need of special protection have been used, shall be punished with a penalty of three months to one year in prison or with a fine of six months to two years. The same penalty shall be imposed on anyone who knowingly accesses child pornography or in the production of which persons with disabilities in need of special protection have been used, by means of information and communication technologies

6. Anyone who has under his or her authority, guardianship, guardianship or foster care a minor or a person with a disability in need of special protection and who, with knowledge of his or her state of prostitution or corruption, does not do everything possible to prevent his or her continuation in that state, or does not go to

¹⁰ Recommendation II-6.

the competent authority for the same purpose if he or she lacks the means for the custody of the minor or person with a disability in need of special protection, shall be punished by imprisonment for three to six months or a fine of six to twelve months.

7. The Public Prosecutor's Office shall take the appropriate actions to deprive of parental authority, guardianship, guardianship or foster care, where appropriate, of any person who engages in any of the conduct described in the preceding paragraph. 8. Judges and courts shall order the adoption of the necessary measures for the removal of web pages or internet applications that contain or disseminate child pornography or in the preparation of which persons with disabilities in need of special protection have been used or, where appropriate, to block access to them by internet users who are in Spanish territory. These measures may be granted as a precautionary measure at the request of the Public Prosecutor's Office.

Article 189 bis.

The distribution or public dissemination through the Internet, telephone or any other information or communication technology of content specifically intended to promote, encourage or incite the commission of the offences provided for in this chapter and in chapters II and IV of this title shall be punishable by a fine of six to twelve months or imprisonment of one to three years. The judicial authorities shall order the adoption of the necessary measures for the removal of the content referred to in the previous paragraph, for the interruption of the services that predominantly offer such content or for the blocking of both when they are located abroad.

Criminalisation of conduct related to "offering or making available" CSAM and its relationship with the sharing their own or other children's self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of CSAM of their own or other children in Spain.¹¹

¹¹ Paras.78, 82.

Therefore, the Committee requests Spain:

- to ensure in its legal framework¹² that a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.¹³

Follow-up actions:

Criminal Code

Article 191.

1. In order to proceed with the crimes of sexual assault and sexual harassment, a complaint from the aggrieved person, his legal representative or a complaint from the Public Prosecutor's Office will be required, which will act weighing the legitimate interests in presence. When the victim is a minor, a person with a disability in need of special protection or a helpless person, a complaint from the Public Prosecutor's Office will suffice.

2. In these crimes, the pardon of the injured party or the legal representative does not extinguish the criminal action or the liability of that kind

- to ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as "child pornography" in accordance with Article 20(2) Lanzarote Convention.¹⁴

Follow-up actions:

Criminal Code

Article 173 bis. A prison sentence of one to two years shall be imposed on those who, without the authorization of the affected person and with the intention of undermining their moral integrity, disseminate, exhibit or transfer their body image or voice audio generated, modified or recreated by automated systems, software, algorithms, artificial intelligence or any other technology, in such a way that it appears real, simulating situations of sexual content or seriously

¹² The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹³ Recommendation II-8.

¹⁴ Recommendation II-9.

humiliating. The penalty shall be applied in its upper half if such deep-forged material is disseminated through a means of social communication, through the internet or through the use of technologies, so that it is made accessible to a large number of people in the virtual space."

On the prosecution of conduct amounting to "sexual extortion of children"

In cases where the sexual extortion is intended to procure additional sexual images or videos, the Committee observes that Spain prosecutes for offences related to "child pornography", in concurrence with offences where threat is a core element, such as extortion or coercion.¹⁵ Spain also informed that offences of corruption of children, as well as grooming, may be established, in recognition of the constituent elements of coercion/extortion.¹⁶

In cases where the sexual extortion is intended to procure other sexual favours from the child depicted on the images/videos or from another child, the Committee observes that Spain would prosecute for sexual abuse of a child in accordance with Article 18, participation in pornographic performances, corruption of children, solicitation of children for sexual purposes,¹⁷ sexual aggression, or blackmail.¹⁸ In addition, Spain would prosecute conduct relating to the possession of the initial CSGSIV as an offence related to "child pornography" under Article 20.¹⁹

If the objective of the perpetrator is to obtain a financial gain or other property from the child, the conduct would be qualified as extortion or aggravated extortion.²⁰

¹⁵ Para.98.

¹⁶ Para.100.

¹⁷ Para.102.

¹⁸ Para.104.

¹⁹ Para.103.

²⁰ Para.106.

Generic recommendations of the Committee on the legal framework

The Committee invites all Parties, including Spain:

- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Lanzarote Convention.²¹
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.²²
- to consider criminalising the offence of "grooming" (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.²³

On the sexual extortion of children, the Lanzarote Committee invites Parties that are not already doing so:

- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²⁴
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁵

²¹ Recommendation II-4.

²² Recommendation II-7.

²³ Recommendation II-10.

²⁴ Recommendation II-11.

²⁵ Recommendation II-12.

Promising practices:

- Committee of experts for the development of a safe digital environment for youth and children, constituted 30 January 2024

- Preliminary Draft Organic Law for the Protection of Minors in Digital Environments.

It contains measures from a multidisciplinary perspective: Measures in the field of consumer and user protection, in education, in the health sector, in the public sector and amendments of the penal code.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on Investigations and Prosecution specific to Spain

On the specialisation and training of authorities

The Committee observes that Spain's investigation and prosecution services are already in line with some of its recommendations as Spain has:

- specialised unit dealing with ICT-facilitated offences against children within law enforcement which handle ICT-facilitated sexual offences committed by children.²⁶
- prosecution offices dedicated to combating cybercrime dealing with cases concerning sexual abuse or exploitation of children facilitated by ICTs.²⁷ Expertise in Cybercrime within the Public Prosecution Service is coordinated by the Central Unit based in Madrid. It has services in each territorial body (provincial prosecutor offices and local prosecutor offices).²⁸
- specialised investigative units handling ICT facilitated sexual offences where these are committed by children.²⁹
- specialised sections within the court system which handle ICT facilitated sexual offences committed by children.³⁰
- victim identification units within law enforcement for cases of ICT-facilitated sexual offences against children, located within police and investigation services.³¹
- training modules provided by State authorities in place for law enforcement agents, prosecutors and judges related to aspects of child sexual exploitation and sexual

abuse.³²

- members of the specialised police unit attending all courses organised on child sexual exploitation on the internet.³³
- different levels of training available for law enforcement agents more generally, provided through provision of training materials.³⁴
- modules on sexual offences against children (particularly in relation to 'child pornography') provided in prosecutors' education allowing them to access the Prosecution Service.³⁵
- mandatory general training in children's issues and specialised training on sexual exploitation and abuse of children for prosecutors specialised or assigned to cases involving children while post-qualification courses are open to all prosecutors.³⁶

To improve the effective implementation of the Lanzarote Convention, the Committee invites Spain:

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.³⁷
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences

²⁶ Para. 115.

²⁷ Para. 125.

²⁸ Para. 128.

²⁹ Para. 135.

³⁰ Para. 139.

³¹ Para. 180.

³² Para. 145, 146, 156, 157, 167.

³³ Para. 149.

³⁴ Para. 150, 151.

³⁵ Para. 161.

³⁶ Para. 163.

³⁷ Recommendation III-9.

involving CSGSIV.³⁸

On a more negative note, although the Committee observes that the content of the training covers combating online child sexual abuse and exploitation, it notes that there is no training available on CSGSIV.³⁹

- Therefore, the Committee invites Spain to provide specific training⁴⁰ on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁴¹

- Additionally, the Committee requests Spain to ensure that training on ICT facilitated sexual offences against children is available for judges who are and will be working on these issues.⁴²

Follow-up actions:

LO 8/2021, of 4 July, on the comprehensive protection of children and adolescents against violence

Article 5. Formation.

1. The public administrations, within the scope of their respective competences, shall promote and guarantee specialised, initial and continuous training in the field of fundamental rights of children and adolescents for professionals who have regular contact with minors. Such training shall include, at least: (a) Education in the prevention and early detection of all forms of violence referred to in this Act; b) The actions to be carried out once signs of violence have been detected. c) Specific training in safety and safe and responsible use of the Internet, including issues related to the intensive use and generation of behavioural disorders. (d) Good treatment of children and adolescents. (e) Identification of risk factors and increased exposure to and vulnerability to violence; (f) Mechanisms to avoid secondary victimization. (g) The impact of gender

roles and stereotypes on the violence suffered by children and adolescents;

2. In addition to the provisions of the previous paragraph, public administrations, within the scope of their powers, must ensure that teaching and educational staff receive specific training in inclusive education.

3. The Bar and Solicitors' Associations shall provide their members with access to specific training on the material and procedural aspects of violence against children and adolescents, both from the perspective of domestic law and European Union and international law, as well as to continuous training programmes in the fight against violence against children and adolescents.

4. The design of the training actions referred to in this article shall take special account of the gender perspective, as well as the specific needs of minors with disabilities, with a diverse racial, ethnic or national origin, in a situation of economic disadvantage, minors belonging to the LGBTI collective or with any other option or sexual orientation and/or gender identity and minors who are not Accompanied by.

-LO 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom.

Article 27. Training in the Judicial and Prosecutorial Careers and of all personnel at the service of the Administration of Justice. 1. The Ministry of Justice, the General Council of the Judiciary and the Attorney General's Office shall adopt the necessary measures to ensure that, in the syllabus for access to the Judicial and Prosecutorial Careers, as well as to the Corps of Lawyers of the Administration of Justice and other personnel at the service of the Administration of Justice, include topics dedicated to equality between men and women from an intersectional perspective, and in particular, to comprehensive protection against all sexual violence, considering the situation of women, girls, boys and adolescents affected by multiple and interrelated forms of discrimination, such as women with disabilities or immigrants, among others. 2. The Ministry of Justice, in collaboration where appropriate with the Office of the Attorney-General of the State, the General

³⁸ Recommendation III-10.

³⁹ Para. 152, 154.

⁴⁰ Such trainings can also be part of broader training programmes.

⁴¹ Recommendation III-14.

⁴² Recommendation III-18.

Council of the Judiciary and the Autonomous Communities with competence in this regard, shall ensure that, in the initial and continuous training of members of the Judicial Career, the Public Prosecutor's Office and other personnel in the service of the Administration of Justice, the gender perspective is included across the board and, in particular, the obligations of the justice system in relation to sexual violence, considering the right to access to justice for women, girls, boys and adolescents affected by multiple and interrelated forms of discrimination.

Organic Law 1/2025, of 2 January, on measures in the field of efficiency of the Public Justice Service

Modification of articles 82 bis, 84 and 89 bis LOPJ, provides for the creation of sections in the courts and hearings of Violence against Children and Adolescents, which will hear, among other crimes, crimes against sexual freedom when the victim is a child or adolescent.

Sixth additional provision. Specialized training in family, childhood, capacity and violence against children and adolescents.

1. Within four months of the entry into force of this Law, and periodically thereafter, the General Council of the Judiciary shall convene the specialised training course on family, childhood and capacity and on violence against children and adolescents.

2. The General Council of the Judiciary shall promote and facilitate the continuous training of substitute magistrates and substitute judges.

3. The Government shall also provide for the convening of specialised training courses for members of the Public Prosecutor's Office.

4. The Government and the Autonomous Communities with competence over the judicial technical teams shall provide for the holding of training courses for their members in childhood, family, childhood and capacity and in the field of violence against children and adolescents.

On measures to ensure the effective investigation and prosecution

Spain stated that the assessment of (potential) victims' ages in order to determine whether sexual material involves children, and therefore whether it is CSAM was a challenging and time-consuming task. However, the Committee underlines that carrying out age assessment should only be necessary for a "new" image and/or video, that is not already within an accessible database of known images of child sexual abuse.⁴³

Beyond national databases, INTERPOL hosts an International Child Sexual Exploitation (ICSE) image and video database.⁴⁴ The Committee observes that Spain makes an active contribution to INTERPOL's ICSE database through investigative and police offices.⁴⁵

- To improve the effective implementation of the Lanzarote Convention, the Committee requests Spain to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT-facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.⁴⁶

Follow-up actions:

Article 282 bis LECR

6. The investigating judge may authorise **officers** of the Judicial Police to act under an assumed identity in communications maintained in closed channels of communication in order to clarify any of the offences referred to in paragraph 4 of this article or any offence referred to in Article 588b a. The undercover computer agent, with specific authorization to do so, may exchange or send illegal files by reason of their content and analyze the results of the algorithms applied for the

⁴³ Para. 182.

⁴⁴ Para. 185.

⁴⁵ Para. 186.

⁴⁶ Recommendation III-28.

identification of such illegal files. 7. In the course of an investigation carried out by an undercover officer, the competent court may authorise the taking of images and the recording of conversations which may take place in the planned meetings between the officer and the person under

investigation, even if they take place inside a home.'

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities

- Mindful of the different contexts in the Parties as recalled in para. 235 of the Explanatory Report, the Committee requests those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴⁷

Follow-up actions:

To improve the effective implementation of the Lanzarote Convention, the Committee invites all Parties, including Spain:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.⁴⁸
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁴⁹
- to ensure that training⁵⁰ on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children is available to judges.⁵¹

⁴⁷ Recommendation III-3 and III-7.

⁴⁸ Recommendation III-4.

⁴⁹ Recommendation III-5.

⁵⁰ Such trainings can also be part of broader training programmes.

⁵¹ Recommendation III-19.

- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.⁵²
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁵³

On measures to ensure the effective investigation and prosecution

- The Committee requires all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵⁴

Follow-up actions:

Law 1/2025

Eighth additional provision.

Proceedings with minor victims. Criminal proceedings in which a minor is involved as a victim will be of preferential processing".

It also invites all Parties, including Spain:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material

⁵² Recommendation III-20.

⁵³ Recommendation III-21.

⁵⁴ Recommendation III-30.

databases, and that resources are sufficiently allocated.⁵⁵

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵⁶

- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁵⁷

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁵⁸

⁵⁵ Recommendation III-24.

⁵⁶ Recommendation III-25, III-29.

⁵⁷ Recommendation III-31.

⁵⁸ Recommendation III-32.

Promising Practice

In 2014, experts from Denmark, France, Germany, Netherlands, Spain, Sweden and the United Kingdom (as well as Australia, the USA, EUROPOL and INTERPOL) engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification. This initiative has been continued, including its 10th edition in October-November 2021.⁵⁹

Promising practices:

⁵⁹ <https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to Spain

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))

It appears that Spain establishes jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee observes that Spain does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in its territory.⁶⁰

Therefore, the Committee requires Spain:

- to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.⁶¹

Follow-up actions:

Article 23. 4 k LOPJ

4. Likewise, the Spanish jurisdiction shall be competent to hear acts committed by Spaniards or foreigners outside the national territory that may be classified, according to Spanish law, as one of the following offences when the conditions expressed are met: (k) Offences against sexual freedom and indemnity committed against minor victims, provided that: (1) the proceedings are directed against a Spaniard; 2. the proceedings are directed against a foreign citizen who habitually resides in Spain; 3. the proceedings are

directed against a legal person, company, organisation, groups or any other type of entity or group of persons having their headquarters or registered office in Spain; or, 4. the crime was committed against a victim who, at the time of the commission of the acts, had Spanish nationality or habitual residence in Spain.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

The Committee observes that in Spain, the offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21) are prosecuted ex officio, when offences committed by one of its nationals in accordance with Article 25(6) of the Convention.⁶²

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

The Committee observes that Spanish criminal law provides for the possibility of derogating from the general rules on jurisdiction based on international instruments.⁶³ Spanish jurisdiction shall be established with regard to criminal offences committed outside the

⁶⁰ Para. 217.

⁶¹ Recommendation IV-4.

⁶² Para. 218.

⁶³ Para. 227.

Spanish territory, provided those criminally responsible are Spanish, and where the act is criminalised in the place where it was committed, except in cases where, by virtue of an international treaty or a normative act of an international organisation to which Spain belongs, that requirement is waived. If the crime concerned is against sexual freedom and sexual integrity committed over minors, the victim having Spanish nationality is also enough for establishing jurisdiction, and habitual residence of either the perpetrator or victim is likewise sufficient.⁶⁴

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The Committee welcomes the fact that Spain is the only Party where the passive personality principle is applied in respect of offences committed against one of its nationals and persons who have their habitual residence in its territory.⁶⁵ Additionally, to apply the passive personality principle in Spain, the dual criminality principle is a prerequisite for prosecution.⁶⁶

⁶⁴ Para. 229.

⁶⁵ Para. 231.

⁶⁶ Para. 232.

Promising practices:

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations and recommendations of the Committee on international cooperation specific to Spain

The Committee observes that Spain is one of the few Parties that mentioned international assistance projects. Spain referred to the “Child National Strategy for cooperation”, approved in 2015, designed expressly for cooperation affairs, which could be an interesting instrument to develop this kind of projects.⁶⁷

The Committee also observes that INHOPE,⁶⁸ the PROMISE Barnahus Network,⁶⁹ WeProtect Global Alliance,⁷⁰ INSAFE and Safer Internet Centres,⁷¹ ECPAT,⁷² and EMPACT⁷³ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Spain.⁷⁴

Additionally, European law enforcement representatives from Spain attend the Europol’s central training course “Combating the Sexual Exploitation of Children on the Internet” (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁷⁵

The Committee notes that the most used form of international cooperation by Parties is police cooperation mainly in relation to investigation and prosecution concerning the offences established in accordance with the Convention. Spain refers to FBI on this matter.⁷⁶

Lastly, the Committee observes that Spain does not have the limitation introduced in the Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA,⁷⁷ on the requirements for victims to report to another country of the European Union if the offence was committed in that country.⁷⁸

⁶⁷ Para. 252.

⁶⁸ www.inhope.org/

⁶⁹ <https://www.barnahus.eu/en/>

⁷⁰ <https://www.weprotect.org/>

⁷¹ <https://www.betterinternetforkids.eu/>

⁷² <https://ecpat.org/>

⁷³ <https://www.europol.europa.eu/empact>

⁷⁴ Para. 255.

⁷⁵ Para. 259.

⁷⁶ Para. 262.

⁷⁷ See, Article 17§2: “Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.”?

⁷⁸ Para. 271.

Generic recommendations of the Committee on international cooperation

- The Committee requests all Parties, including Spain, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁷⁹

Follow-up actions: : Spain is taking part in the current negotiations within the EU framework of the proposal for a Directive of the European Parliament and of the Council on combating sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA.

The Committee invites all Parties, including Spain:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁸⁰
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.⁸¹
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁸²
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work,

for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁸³

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸⁴

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸⁵

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸⁶

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸⁷

⁷⁹ Recommendation V-3

⁸⁰ Recommendations V-6, V-11.

⁸¹ Recommendations V-4, V-7, V-12, V-15.

⁸² Recommendation V-5.

⁸³ Recommendation V-8, V-13.

⁸⁴ Recommendation V-9.

⁸⁵ Recommendation V-10.

⁸⁶ Recommendations V-14, V-16.

⁸⁷ Recommendation V-19.

Promising Practice

Romania reported European projects with Bulgaria, Italy and Spain for the development of good practice manuals.

Promising practices:

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to Spain

Spain did not provide any specific information on assistance to victims.

- To improve the effective implementation of the Lanzarote Convention, the Committee requires Spain to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, taking due account of the child's views, needs and concerns.⁸⁸

Follow-up actions:

Title VII right to reparation

Article 52. Scope and guarantee of the right to reparation. Victims of sexual violence have the right to reparation, which includes the compensation referred to in the following article, the measures necessary for their complete physical, mental and social recovery, actions of symbolic reparation and guarantees of non-repetition. In order to guarantee this right, and without prejudice to the regional competences in this area, an administrative programme of reparation for victims of sexual violence will be drawn up, including symbolic, material, individual and collective measures.

Article 53. Indemnity. 1. Compensation for material and moral damages to victims of sexual violence in accordance with the criminal laws on civil liability arising from the offence must guarantee the economically assessable satisfaction of at least the following concepts: a) Physical and psychological damage, including moral damage and damage to dignity. (b) Loss of opportunities, including opportunities for education, employment and social benefits. c) Material damage and loss of income, including loss of profit. d) Social damage, understood as damage to the life project. (e) Therapeutic, social and sexual and reproductive health

treatment. 2. The compensation shall be paid by the person or persons civilly or criminally liable, in accordance with the regulations in force.

Article 54. Orphan's pension and orphan's benefit. In cases of death in the context of any of the conducts provided for in paragraph 1 of article 3, the children of the victims, regardless of the nature of their filiation, by nature or by adoption, may receive a pension, or, where appropriate, an orphan's benefit, in accordance with the provisions of the revised text of the General Law on Social Security, approved by Royal Legislative Decree 8/2015, of 30 October.

Article 55. Complete recovery and guarantees of non-repetition.

1. The public administrations shall guarantee the necessary measures to ensure the complete physical, mental and social recovery of the victims through the network of comprehensive care resources provided for in Title IV. They will also promote the restoration of their dignity and reputation, the overcoming of any situation of stigmatization and the right of deletion applied to Internet search engines and public media.

2. The public administrations may establish complementary aid for victims who, due to the specificity or seriousness of the sequelae derived from the violence, do not find an adequate or sufficient response in the network of care and recovery resources, who may receive additional aid to finance appropriate health treatments, including female genital reconstruction treatments, if necessary.

3. In order to comply with the guarantees of non-repetition, the public administrations, within the framework of their respective powers, shall promote the necessary measures to ensure that victims of sexual violence have, at all

⁸⁸ Recommendation VI-3.

times, effective protection against reprisals or threats, as provided for in Title IV.

4. In order to comply with the provisions of the previous paragraph, the public administrations shall promote specific programmes aimed at promoting the reintegration and preventing recidivism of persons convicted of offences against sexual freedom.

Article 56. Funds for reparations to victims. 1. The General State Administration and the administrations of the Autonomous Communities with competence in the matter shall receive funds to give effect to the right to reparation of the victims, resulting from the execution of the assets, effects and profits confiscated by the judges and courts from those convicted of the crimes provided for in Article 127 bis of the Criminal Code. 2. These funds may be used to finance the aid established in Article 55.2 of this Organic Law, as well as measures for labour insertion and promotion of

economic autonomy, aimed primarily at victims of sexual exploitation and trafficking for the purpose of sexual exploitation, in coordination with the Autonomous Communities and local entities.

Article 57. Symbolic reparation and a transformative comprehensive reparative approach. 1. Symbolic reparation for victims of sexual violence will include, on the part of the public authorities, the recognition of violence and institutional declarations that restore the dignity and reputation of the victims, always from a comprehensive transformative reparative approach. 2. Public administrations shall promote collective commitment against sexual violence and respect for victims. 3. The public authorities shall promote actions to reject sexual violence and shall adopt the necessary measures to prevent the repetition of the crime.

Generic recommendations of the Committee on assistance to victims

The Committee also invites all Parties, including Spain:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those who wish to help them.⁸⁹
- To assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁹⁰

⁸⁹ Recommendation VI-2.

⁹⁰ Recommendation VI-4.

Promising practices:

free and confidential helpline, 017 (by telephone), whatup, Telegram or web(@INCIBE017)

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Spain

The Committee observes that, apart from NGOs, schools and other educational institutions are the most involved counterparts in the field of prevention and protection of child victims of sexual abuse and sexual exploitation in Spain.⁹¹ Spain emphasised its financial support through grants for the development of prevention activities by civil society.⁹²

The Committee recognises Spain's efforts to develop and support different activities aimed at raising the awareness of not only children but also adults, such as parents, educators, doctors and social workers, about the existing risks and dangers of ICTs for children.⁹³

The Committee also observes that in Spain, the interaction with civil society includes preventive, educational and awareness-raising activities to minimise the risk of abuse that children face online.⁹⁴ There are some projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.⁹⁵ Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are educational activities.⁹⁶

Regarding victim assistance mechanisms in Spain, NGOs offer free psychological support to children.⁹⁷ Helplines concern broad issues such as children's rights in general.⁹⁸

⁹¹ Para. 308.

⁹² Para. 310.

⁹³ Para. 315.

⁹⁴ Para. 320.

⁹⁵ Para. 321.

⁹⁶ Para. 323.

⁹⁷ Para. 329.

⁹⁸ Para. 328.

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee invites all Parties, including Spain:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.⁹⁹
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.¹⁰⁰
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰¹ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.¹⁰²

⁹⁹ Recommendation VII-3.

¹⁰⁰ Recommendation VII-4.

¹⁰¹ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

¹⁰² Recommendations VII-6, VII-7.

Promising Practice

In Spain helplines/hotlines work directly in cooperation with the Police or a Criminal investigation department, in order to report directly any suspicion of abuse.

Promising practices:

Proposed State Pact to protect minors and adolescents on the Internet and social networks, at the request of 6 civil society organisations. More than 130 organisations have signed up. www.pactomenoresdigitales.org

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves to Spain

The Committee observes that the Spanish Data Protection Agency has developed various materials and tools¹⁰³ such as guides, videos and cartoons that include recommendations and tips for dealing with the risks that children face when they generate sexual images and/or videos of themselves.¹⁰⁴

Additionally, an action plan jointly agreed between the Ministry of Education and Vocational Training and the Data Protection Agency was introduced on 24 September 2019. It sets out how they will work together to raise awareness in schools of the consequences of obtaining and illegally disseminating sensitive images on the internet.¹⁰⁵

¹⁰³ www.tudecideseninternet.es (in Spanish)

¹⁰⁴ Para. 352.

¹⁰⁵ Para. 378.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee invites all Parties, including Spain:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.¹⁰⁶
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹⁰⁷
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹⁰⁸
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰⁹
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.¹¹⁰
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual

exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹¹

- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹²
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹³
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.¹¹⁴

¹⁰⁶ Recommendation VIII-1.

¹⁰⁷ Recommendation VIII-2.

¹⁰⁸ Recommendation VIII-3.

¹⁰⁹ Recommendation VIII-4.

¹¹⁰ Recommendation VIII-5.

¹¹¹ Recommendations VIII-6.

¹¹² Recommendation VIII-7.

¹¹³ Recommendation VIII-8.

¹¹⁴ Recommendation VIII-9.

Promising practices:

-Preliminary Draft Organic Law for the Protection of Minors in Digital Environments.

-website of the ministry of education, vocational training and sports: includes a wide collection of materials in digital format: didactic contents, guides, didactic units, presentations, websites, tasks, games, training courses.. With the aim of promoting and supporting the development of digital education, and as a result of the collaboration of several public and private institutions and entities, this website is aimed at educators, families, students, educational centres and administrations, with the objective of protecting minors in their interaction with the Internet and providing adults in their immediate environment with the tools to do so.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendations of the Committee on education for children specific to Spain

The Committee observes a difficulty to implement the Convention in Spain as it is not clear whether all children benefit from the information on sexual exploitation and sexual abuse and risks related with the CSGSIV. The choice to teach these subjects is left to the discretion of schools, according to the constitutional principle of Autonomous Communities. However, it should be noted that the Strategic Plan for School Coexistence provides general guidelines for coordinating central and regional action to prevent violence against children from an educational point of view. In addition, Article 83 of the Organic Law on the protection of personal data and the guarantee of digital rights recognises the right to digital education, and provides that educational administrations shall include digital competence in the development of the curriculum, as well as elements related to situations of risk arising from the inappropriate use of ICTs.¹¹⁵

The Committee also observes that information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided in Spain in “various subjects” classes.¹¹⁶

- Therefore, the Committee requires Spain to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.¹¹⁷

Follow-up actions:

LO 10/2022, of 6 September, on the

comprehensive guarantee of sexual freedom.

Article 7. Prevention and awareness in the educational field.

1. The Spanish education system shall include, within its principles of quality, the integration of content based on co-education and feminist pedagogy on sex education and gender equality and affective-sexual education for students, appropriate according to age, at all educational levels and with the necessary adaptations and support for students with specific educational needs, respecting in all cases the competences in the field of education of the Autonomous Communities and in collaboration with the health field.

2. The curricula of all non-university educational stages shall include training content on the appropriate and critical use of the internet and new technologies, aimed at raising awareness and preventing sexual violence, the protection of privacy and crimes committed through new information and communication technologies, promoting education in digital citizenship through the achievement of digital competences adapted to the level of the Internet, corresponding to the age bracket.

3. The education administrations shall promote, in the universities under their respective competence, the inclusion of the above training content in the curricula leading to the award of official university degrees in which it is consistent in accordance with the competences inherent therein.

4. The education inspection services, or bodies determined by the competent education administrations, shall ensure compliance with and application of the provisions of paragraphs 1 and 2 of this article in all areas of the education system.

¹¹⁵ Para. 387.

¹¹⁶ Para. 400.

¹¹⁷ Recommendation IX-3.

APLO for the protection of minors in digital environments:

Article 6. Training activities in pre-school, primary, compulsory secondary and post-compulsory secondary education centres. The education authorities will promote in pre-school, primary, compulsory secondary and post-compulsory secondary schools, regardless of their ownership, the development of activities aimed at improving digital competence in order to guarantee the full insertion of students in the digital society and the learning of a safe, healthy, sustainable, critical and responsible use of digital technologies for learning, work and participation in society, as well as interaction with them. Education authorities will include, in their planning of continuous teacher training, training activities that provide teachers with strategies to influence, among other aspects, security (including digital well-being and cybersecurity-related skills) and issues related to digital citizenship, privacy and intellectual property.

Article 7. Regulation of the use of devices in pre-school, primary, compulsory secondary and post-compulsory secondary schools. Infant, primary, compulsory secondary and post-compulsory secondary education centres, regardless of their ownership, will regulate, in accordance with the provisions approved for this purpose by the education authorities and within the framework of the provisions of Article 124 of Organic Law 2/2006, of 3 May, on Education, the use of mobile and digital devices in the classrooms, in extracurricular activities and in places and times of rest ~~that~~ take place under their supervision.

formal education for children at these levels).¹¹⁸

- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹¹⁹
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.¹²⁰

The Committee also invites Spain:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-

¹¹⁸ Recommendation IX-2.

¹¹⁹ Recommendation IX-6.

¹²⁰ Recommendation IX-7.

Generic recommendations of the Committee on education for children

The Committee invites all Parties, including Spain:

- to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV.¹²¹
- to consistently involve children in the development of internet safety awareness programmes.¹²²
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²³
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.¹²⁴

¹²¹ Recommendation IX-1.

¹²² Recommendation IX-4.

¹²³ Recommendation IX-5.

¹²⁴ Recommendation IX-8.

Promising practices:

-Preliminary Draft Organic Law for the Protection of Minors in Digital Environments.

-website of the ministry of education, vocational training and sports: includes a wide collection of materials in digital format: didactic contents, guides, didactic units, presentations, websites, tasks, games, training courses.. With the aim of promoting and supporting the development of digital education, and as a result of the collaboration of several public and private institutions and entities, this website is aimed at educators, families, students, educational centres and administrations, with the objective of protecting minors in their interaction with the Internet and providing adults in their immediate environment with the tools to do so

-Is4K Internet Segura FORKIDS, <https://www.incibe.es/menores/recursos>

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Spain

The Committee observes that a part of the future professionals who will work with children receive information on the protection of children against sexual exploitation and sexual abuse as part of their curriculum in Spain.¹²⁵ The Committee also observes that some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.¹²⁶

The Committee notes that the people most likely to receive education and/or training on child sexual exploitation and abuse in Spain are mostly those working in educational institutions, such as teachers.¹²⁷

It also observes that in Spain, the Data Protection Authority website “You decide on the Internet”, has recently increased its resources, including guides on the topic of online safety aimed at children, as well as teachers and families.¹²⁸

The Committee requires Spain:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in

areas relating to sport, culture and leisure activities) is not optional.¹²⁹

Follow-up actions:

Article 25. Early detection

1. The public administrations, within the scope of their competences, shall annually develop initial and continuous training programmes for professionals whose activity requires regular contact with children and adolescents with the aim of detecting violence against them at an early stage and that this violence can be reported in accordance with the provisions of Articles 15 and 16.

2. In those cases in which a situation of violence against a minor has been detected early, this situation must be immediately reported by the professional who has detected it to the parents, or to those who exercise guardianship, guardianship or foster care functions, unless there are indications that the aforementioned violence has been exercised by them.

3. The competent public administrations shall promote the training of minors so that they have tools to detect situations of violence.

Article 36. Involvement of Higher Education in the eradication of violence against children and adolescents.

1. Higher Education centres shall promote training, teaching and research in all academic fields on the rights of

¹²⁵ Para. 416.

¹²⁶ Para. 428.

¹²⁷ Para. 420.

¹²⁸ Para. 418.

¹²⁹ Recommendation X-4.

children and adolescents in general and in the fight against violence against them in particular.

2. Specifically, the higher-level, undergraduate and postgraduate training cycles and the specialisation programmes in the health professions, the social field, the educational field, Journalism and Information Sciences, law, and those other qualifications leading to the exercise of professions in regular contact with minors, will promote the incorporation in their curricula of specific content aimed at prevention, early detection and intervention of cases of violence against children and adolescents taking into account the gender perspective.

Article 37. Actions of the Council of Universities in the fight against violence against children and adolescents. Among the annual activities and publications of the Council of Universities, the inclusion in the academic world of the study and research of the rights of children and adolescents in general and violence against them in particular will be promoted, and more specifically in those studies aimed at the exercise of professions that involve regular contact with minors.

- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the social protection sector
 - in areas relating to sport, culture, and leisure activities.¹³⁰

Follow-up actions:

Article 38. Actions in the health field. 1. The health administrations, within the Interterritorial Council of the National Health System, shall promote and encourage actions to promote the good treatment of children and adolescents, as well as for the prevention and early detection of violence against children and adolescents, and their risk factors, within

the framework of the common protocol for health action provided for in Article 39.2. 2. Without prejudice to the provisions of the previous paragraph, the competent health administrations shall promote the development of specific protocols for action within the scope of their competences, which facilitate the promotion of good treatment, the identification of risk factors and the prevention and early detection of violence against children and adolescents, as well as the measures to be adopted for the adequate assistance and recovery of victims, and that they must take into account the specificities of the actions to be carried out when the victim of violence is a person with a disability, serious neurodevelopmental problems, mental health problems or in any other situation of special vulnerability. Coordination with all the agents involved will also be promoted. 3. The competent health administrations shall facilitate children's and adolescents' access to information, treatment and recovery services, guaranteeing universal and accessible care to all those who are in the situations of lack of protection, risk and violence referred to in this law. In particular, comprehensive mental health care that is restorative and appropriate to their age will be guaranteed.

Article 47. Protocols for action against violence in the field of sports and leisure. The public administrations, within the scope of their powers, will regulate action protocols that will include the actions to build a safe environment in the field of sports and leisure and that must be followed for prevention, early detection and intervention, in the face of possible situations of violence against children and adolescents included in the field of sports and leisure. These protocols must be applied in all centres that carry out sports and leisure activities, regardless of their ownership and, in any case, in the Network of High Performance and Sports Technification Centres, Sports Federations and Municipal Schools.

Article 48. Entities that carry out sports or leisure activities with minors on a regular basis. 1. Entities that regularly carry out sports or leisure activities with minors are

¹³⁰ Recommendation X-5.

obliged to: a) Apply the action protocols referred to in the previous article adopted by the public administrations in the field of sports and leisure. b) Implement a monitoring system to ensure compliance with the above protocols in relation to the protection of minors. (c) Designate the figure of the Protection Delegate to whom minors can turn to express their concerns and who will be responsible for disseminating and complying with the established protocols, as well as initiating the relevant communications in cases where a situation of violence against children or adolescents has been detected. (d) To adopt the necessary measures to ensure that the practice of sport, physical activity, culture and leisure is not a scenario of discrimination based on age, race, disability, sexual orientation, sexual identity or gender expression, or any other personal or social circumstance, working with the children and adolescents themselves, as well as with their families and professionals; in the rejection of the use of insults and degrading and discriminatory expressions. (e) To encourage the active participation of children and adolescents in all aspects of their education and comprehensive development; f) To promote and strengthen relations and communication between sports organisations and parents or those who exercise guardianship, guardianship or foster care functions.

2. Likewise, in addition to the training referred to in Article 5, those who work in the aforementioned entities must receive specific training to adequately address the different aptitudes and capacities of children and adolescents with disabilities for the promotion and development of inclusive sport for them.

- to ensure that the persons who have regular contact with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have "reasonable grounds" for believing that a child is a victim of sexual exploitation and sexual abuse of children:

- in the education sector
- in the health sector
- in the social protection sector

- in areas relating to sport, culture, and leisure activities.¹³¹

Follow-up actions:

LO 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence

Duty to report situations of violence

Article 15. Duty of communication of citizens.

Any person who notices signs of a situation of violence against a minor is obliged to immediately report it to the competent authority and, if the facts could constitute a crime, to the Security Forces and Corps, the Public Prosecutor's Office or the judicial authority, without prejudice to providing the immediate attention that the victim requires.

Article 16. Qualified duty of communication. 1. The duty of communication provided for in the previous article is especially required of those persons who, by reason of their position, profession, trade or activity, are entrusted with the assistance, care, teaching or protection of children or adolescents and, in the exercise of the same, have become aware of a situation of violence exercised against them. In any case, qualified personnel in health centres, schools, sports and leisure centres, child protection and juvenile criminal responsibility centres, asylum reception centres and humanitarian care in establishments where minors habitually or temporarily reside and social services are considered to be included in this case. 2. When the persons referred to in the previous paragraph are aware of or notice indications of the existence of a possible situation of violence by a minor, they must immediately notify the competent social services. In addition, when such

¹³¹ Recommendation X-6.

violence could result in the health or safety of the child or adolescent being threatened, they must immediately notify the Security Forces and/or the Public Prosecutor's Office. 3. When the persons referred to in paragraph 1 become aware of a possible infringement of the regulations on the protection of personal data of a minor, they must immediately notify the Spanish Data Protection Agency. 4. In any event, the persons referred to in paragraph 1 shall provide the victim with the immediate attention he or she requires, provide all the information at their disposal, and cooperate with the competent authorities as much as possible. To this end, the competent public administrations will establish appropriate mechanisms for the communication of suspected cases of minors who are victims of violence.

Article 17. Communication of situations of violence by children and adolescents.

1. Children and adolescents who are victims of violence or witness a situation of violence against another minor may report it, personally, or through their legal representatives, to the social services, the Security Forces, the Public Prosecutor's Office or the judicial authority and, where appropriate, to the Spanish Data Protection Agency. 2. Public administrations shall establish safe, confidential, effective, adapted and accessible communication mechanisms, in a language that they can understand, for children and adolescents, who may be accompanied by a person of their trust whom they themselves designate. 3. Public administrations shall guarantee the existence and support of electronic means of communication, such as free helplines for children and adolescents, as well as their awareness by civil society, as an essential tool available to all persons for the prevention and early detection of situations of violence against children, girls and adolescents.

Article 18. Information duties of educational centres and residential

establishments. 1. All educational centres at the beginning of each school year, as well as all establishments in which minors habitually reside, at the time of their admission, shall provide children and adolescents with all the information, which, in any case, must be available in accessible formats, regarding the procedures for reporting situations of violence regulated by the public administrations and applied in the centre or establishment, as well as the people responsible in this area. They will also provide information on electronic means of communication, such as telephone helplines for children and adolescents, from the outset.

2. The aforementioned centres and establishments shall keep this information permanently updated in a visible and accessible place, and shall adopt the necessary measures to ensure that children and adolescents can consult it freely at any time, allowing and facilitating access to these communication procedures and to existing helplines

Article 19. Duty to report illegal content on the Internet.

1. Any natural or legal person who notices the existence of content available on the Internet that constitutes a form of violence against any child or adolescent is obliged to report it to the competent authority and, if the facts could constitute a crime, to the Security Forces and Corps, the Public Prosecutor's Office or the judicial authority.

2. Public administrations must guarantee the availability of accessible and secure channels for reporting the existence of such content. These channels may be managed by national complaint lines approved by international networks, always in collaboration with the Security Forces and Corps.

Article 20. Safety and security.

1. The public administrations, within the scope of their powers, shall establish the

appropriate mechanisms to guarantee the confidentiality, protection and security of persons who have brought to the attention of the authorities situations of violence against children and adolescents.

2. Educational, leisure and free time centres, as well as establishments in which minors habitually reside shall adopt all necessary measures to guarantee the protection and safety of children and adolescents who report a situation of violence.

3. The judicial authority, ex officio or at the request of a party, may agree on the protection measures provided for in the specific regulations applicable to the protection of witnesses, when it deems it necessary in view of the risk or danger arising from the filing of a complaint in accordance with the preceding articles.

- to encourage awareness of the protection and rights of children among persons who have regular contact with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture, and leisure activities.¹³²

Follow-up actions:

¹³² Recommendation X-7.

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee invites all Parties, including Spain:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.¹³³
- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹³⁴

¹³³ Recommendation X-2.

¹³⁴ Recommendation X-3.

Promising practices:

-LO 8/2021, of 4 July, on the comprehensive protection of children and adolescents against violence
-LO 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom: Article 7. Prevention and awareness-raising in the educational field.; Article 8 in health, social and health care and social services; Article 9. Institutional prevention and information campaigns; Article 10. Preventive measures in the digital and communication field; Article 11. Prevention and awareness-raising in the field of advertising; in the workplace(article 12),inpublic administration, public agencies and constitutional bodies(article 13)...

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to Spain

Spain provided information to the Committee on research undertaken on the issues raised by CSGSIV in general.¹³⁵

The Committee also notes that Spain participates in the EU Kids Online Research,¹³⁶ and the research was carried out by universities. However, it is unclear in what capacity they were supported by the government.¹³⁷ According to EU Kids Online 2020 Report,¹³⁸ national authorities in Spain supported the research and enabled the surveys to be carried.¹³⁹

¹³⁵ Para. 437.

¹³⁶ Para. 440.

¹³⁷ Para. 453.

¹³⁸ See EU Kids Online Report 2020:

<https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf>

¹³⁹ Para. 454.

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee invites all Parties, including Spain:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹⁴⁰
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹⁴¹
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.¹⁴²
- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹⁴³

¹⁴⁰ Recommendation XI-1.

¹⁴¹ Recommendation XI-2.

¹⁴² Recommendation XI-3.

¹⁴³ Recommendation XI-4.

Promising Practice

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online. A significant number of Parties, including Spain, have participated to this research network for one or several years.

Promising practices:

- Childhood Observatory (Ministry of social affairs, consumer affairs and agenda 2030), it carries out statistics, reports, research, awareness-raising.
- State Council for children and adolescents' participation, is a body attached to the Ministry of social affairs, of a permanent and stable nature, for consultation, representation and participation of children and adolescents.