

Spain

Information provided further the statement by the Lanzarote Committee Chair and Vice-Chairperson on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic

Initiatives adopted in order to assure protection of children against violence during the quarantine period caused by COVID-19:

- Technical document recommending actions for children and adolescents for this crisis of COVID-19, with the aim of guaranteeing access to the public child protection system to all children and adolescents who require it.

https://www.mscbs.gob.es/ssi/familiasInfancia/docs/Documento_tecnico_recomendacion_actuaciones_covid-19.pdf

- Reinforcement of the ANAR Foundation (helping children and adolescents at risk) child support chat. The ANAR Foundation, aware that children and teenagers could have difficulties calling from home, has been dedicated to extending the hours and attention of the ANAR Chat, which is open every day from 10 am to 24 pm. It is a resource attended by psychologists who work in team with lawyers and social workers to give the best possible help in these moments of crisis.

<https://www.anar.org/fundacion-anar-refuerza-chat-ayuda-ninos-adolescentes-durante-confinamiento-y-alerta-de-la-gravedad-de-los-casos-detectados/>

- Most NGOs have devoted special attention, both in their actions and on their website and communication strategy, to the issue of COVID-19, including the prevention and detection of situations of risk of abuse and / or sexual exploitation in childhood.

<http://plataformadeinfancia.org/covid19/>

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Responses to specific questions by the Bureau of the Lanzarote Committee on the impact of the Covid-19 pandemic on the protection of children from sexual exploitation and sexual abuse

- 1. To what extent, if at all, has the threat of child sexual abuse/exploitation changed due to COVID-19? If so:**
 - Please tell us about whether the level of risk has increased/decreased/remained the same and if possible specify this with regard to the various types of sexual offences against children (Articles 18-23 of the Convention);

- **You may also wish to indicate any emerging trends relating to child sexual abuse/exploitation, as the result of COVID-19, and point at measures taken to address them.**

The United Nations has warned of the risk of violence and sexual abuse against childhood during the COVID pandemic, warning both of a possible greater vulnerability in the home and by the reduction of the possibilities of detection in the period of confinement.

However, currently it is not possible to surely determine if the level of risk has increased, decreased or if it remains the same, since the crisis caused by COVID-19 has not yet ended and there are still significant restrictions on movement in our country.

Yet, it can be inferred that a greater family concentration can generate an increase in intra-family sexual abuse, although on the other hand it can be inferred too that this greater concentration also involves family members who act as a barrier against abuse. It can also be assumed that crimes related to child pornography will increase during this crisis. In this sense, according to information in the media, Europol has detected a growth in the number of detected cases of child sexual abuse.

In this line, the NGO ANAR, which manages the Child Care Telephone with the financing of the MDSA2030, has reported data on calls to highlight situations of violence and / or sexual abuse that are relevant but, given their characteristics, it is impossible to compare with the previous data. Even so, at the beginning of the confinement, the cases of violence that arrived were 36% of the total. On May 3rd, the figure had risen to 47.7%. Advancing an analysis by type of abuse, the data shows that the percentage of physical abuse remains stable compared to 2018 (from 14% to 15.1%); the psychological has climbed from 7.6% to 14.4%. Sexual abuse also rose (from 3.8% to 4.8%), and abandonment (from 1.7% to 3.6%).

For this reason, Spain is currently working on the draft Organic Law on the Comprehensive Protection of Children and Adolescents against Violence, which foresees that the statute of limitations for the most serious crimes committed against minors starts counting after the victim has reached thirty years of age. This extension of the prescription period seeks to avoid the existence of impunity spaces.

2. Did lockdown cause child sexual abuse/exploitation cases (identified/reported) to increase, decrease or stay the same? Please submit data (number of victims/offenders) and highlight what you think may explain the trend.

As previously stated, it is not possible to provide data since the exceptional situation of alarm remains in Spain, and it must be emphasized that this type of offence is, in many cases, of late detection.

- 3. Please also tell us whether and how general child safeguarding measures were, or are likely to be, affected by measures taken by governments in response to COVID-19. In addition, highlight any additional, specific measures put in place during lockdown to ensure reporting by victims of child sexual abuse/exploitation as well as to support and assist them, and whether these measures will be maintained even when the lockdown is lifted.**

The Spanish authorities (both at national and regional levels) have guaranteed attention to children at risk during the confinement caused by the pandemic.

For further information, please see:

https://www.msrebs.gob.es/ssi/familiasInfancia/docs/Documento_tecnico_recomendacion_actuaciones_covid-19.pdf

As mentioned before, Spain is working in the draft Organic Law on the Comprehensive Protection of Children and Adolescents against Violence. This draft establishes mechanisms to favour the reporting of sexual abuse suffered by minors. It also creates a qualified duty to report these crimes on the staff of health centres, schools, sports and leisure areas, establishments where minors usually live or stay and social services. In addition, in the case of serious crimes committed against minors, the draft establishes an exclusion to the general system of exemption from the obligation to report that the spouse and some close relatives of the offender have. This last measure meets the requirements formulated by the Lanzarote Committee.

- 4. Finally, please tell us whether children have been duly listened to on decision-making concerning their protection against sexual abuse/exploitation during this period. Please also tell us whether and how children will be involved in decision-making on or assessing the impact of COVID-19 measures in the future.**

The Spanish legislation provides the right of minors, who have maturity enough, to be heard in all judicial processes that affect them. This right to be heard is practiced under the appropriate conditions, considering their personal circumstances, to avoid producing any type of harm to the affected minor. This participation of minors in all judicial processes that affect them is guaranteed in our legal system regardless of the crisis generated by COVID-19.

Consequently, during the COVID-19 crisis, minors have participated in the judicial processes that affected them and will continue to be so during de-escalation. The draft Organic Law for the Comprehensive Protection of Children and Adolescents against Violence reinforces the participation of minors in all matters that affect them.

As well of this, minors have been heard through online communication channels that NGOs in the field of Children (Platform for Children, UNICEF, Save the Children, etc.) have opened for this purpose, transferring their proposals to the Public Administrations, both the State and the CCAA.