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COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-sixth session 7 September-5 October 2007

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

List of issues to be taken up in connection with the consideration of the initial report of SPAIN (CRC/C/OPSC/ESP/1)

The State party is requested to submit in written form additional and updated information, if possible before 6 August 2007

1. Please provide disaggregated data (including by sex, age, urban/rural areas) for the years 2004, 2005 and 2006 on:

(a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators;

(b) The number of child victims provided with recovery assistance and compensation as defined in articles 9.3 and 9.4 of the Protocol.

2. Please update the Committee on measures taken to establish an effective system of data collection on violations of provisions of the Optional Protocol through a unified child abuse database, as referred to in paragraph 59 of the State party report.

3. Please update and provide further details regarding the progress achieved in the implementation of the second National Plan against the Commercial Sexual Exploitation of Children, adopted in 2005.

4. As the State party report indicates that international human rights treaties form part of domestic legislation and can be enforced by national courts, please provide information whether the Optional Protocol has been directly invoked by Spanish courts.

5. Please provide the text of the provisions on trafficking and the sale of children in the Criminal Code and whether it covers Spanish as well as foreign nationals?

6. In view of the affirmation in paragraph 29 of the State party report that offences covered by the Optional Protocol are subject to the principle of universal justice, and that prosecution is not conditional upon the perpetrator being Spanish, resident in Spain or whether the act is classified as a crime in the State in which it was committed, please provide information on the number of reported cases over which Spain has established jurisdiction.

7. Please provide the Committee with further information on the treatment of foreign child victims of trafficking and the rules for deportation, in particular how the principle of the best interests of the child is implemented.

8. Please advise the Committee of institutional measures adopted to investigate cases of trafficking and the sale of children.

9. Given that assistance for adolescent victims of exploitation is one of the principal objectives of the second National Plan of Action, please inform the Committee of the social reintegration assistance as well as physical and psychosocial recovery measures available for victims of offences covered by the Protocol and the State budget allocations for this purpose.

10. Please indicate whether special training, particularly legal and psychological, is provided to professionals, such as judges, social workers and medical professionals, who may come into contact with child victims of the offences under the Optional Protocol.

11. Please inform the Committee of bilateral agreements that the State party has entered into with other countries in order to prevent and prosecute cases of sale of children.

12. Please submit additional information relating to the sale and trafficking of children in the Spanish enclaves Ceuta and Melilla.
