



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

SUMMARY RECORD OF THE 1277th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 1 October 2007, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Spain under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ESP/1, CRC/C/OPSC/ESP/Q/1 and Add.1, HRI/CORE/1/Add.2/Rev.2) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Spain resumed places at the Committee table.
2. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that Spanish criminal legislation did not speak of the sale of children per se, but protected children in terms of the offences committed against them. In fact, all the acts proscribed by articles 2 and 3 of the Optional Protocol were covered by different provisions of Spanish legislation.
3. In response to questions concerning the age of sexual consent in Spain, which had been set at 13, he pointed out that the issue was inextricably linked with a number of other factors, including the age of criminal responsibility. Moreover, marriage could, in theory, take place at age 14, with a judge's consent.
4. There was no normative definition of the term "pornography" in the Spanish Criminal Code. It would be difficult - even prejudicial - to establish such a definition, because it would be limiting and would not necessarily correspond to definitions given by international legal instruments. However, Spanish criminal legislation did cover all forms of pornography, including virtual child pornography. The use of a minor's voice or image in pornographic material was considered to be an offence. Any behaviour inducing, promoting or facilitating the prostitution of a minor was punishable under Spanish law.
5. With regard to prostitution, the Criminal Code was in the process of being amended to provide that any individual who solicited or obtained sexual relations with a minor in exchange for remuneration or a promise of remuneration was liable to a sentence of one to five years' imprisonment. Acts involving the use of minors under the age of 13 for pornographic purposes were criminalized with stiff penalties. A person who engaged in sexual relations with a minor of 13 years of age or older who freely consented to such relations would not be liable to punishment.
6. Ms. SMITH asked whether the proposed amendments to the Criminal Code had already been enacted so as to bring Spanish law into conformity with article 3 of the Optional Protocol.
7. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that the relevant bill had been approved by the Council of Ministers and was under consideration by Parliament. The bill affected some 120 provisions relating to issues such as prostitution and the corruption and sexual abuse of minors, introduced the notion of the criminal liability of legal persons and took into account regulations contained in the Optional Protocol and a recent European Union framework decision.
8. Mr. PARFITT asked whether persons in a trust relationship with children between the ages of 14 and 18, such as teachers or coaches, were punishable under Spanish law for abuse of trust.

9. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that the determining factor was whether a minor had consented freely to a sexual relationship. If so, the act was not punishable.

10. The CHAIRPERSON asked when the bill was expected to pass into law.

11. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that Spanish parliamentarians would be best suited to answer that question. However, the broad scope of the bill, ongoing discussions of a number of amendments thereto and upcoming legislative elections were considerations that had to be factored into the time estimate. By way of comparison, it had taken some eight or nine months to enact a major reform bill in 2003.

12. The criminal liability of legal persons was discussed specifically under the sections of Spanish criminal legislation relating to child prostitution and the corruption of minors, which included child pornography. Establishments engaged in such activities were subject to closure for a period of two to five years.

13. Organization Act 8/2006 of 4 December 2006 provided that face-to-face confrontations with a defendant accused of having committed an offence against a minor should be avoided during the hearing of a minor, and the use of technical means, such as two-way video testimony, should be allowed. The law expressly prohibited such confrontations during the examining and trial phases of the criminal proceedings. In addition, the law required the presence of a prosecutor and allowed experts, such as physicians or psychologists and guardians, to attend, provided they were not defendants in the case. Furthermore, if the appearance of a witness or expert, or any other circumstance proved prejudicial to the minor, the courts could also allow the use of videoconferencing or similar technologies in the proceedings.

14. Ms. ORTIZ said that Act 34/2002 on the services of the information society and commerce did not appear to be effective in curbing the proliferation of child pornography websites, in particular because it was not compulsory for service providers to store data on their sites long enough to enable security forces to take appropriate action. She wished to know whether Spanish legislation called for the separation of children and adults in Internet cafés to prevent harassment or grooming for possible sexual abuse. She asked whether legal measures were being envisaged to make the identification of computer users in Internet cafés more effective.

15. Mr. VÁZQUEZ LÓPEZ (Spain) said that the identification of computer users was one of the most difficult challenges in tackling illicit activities on the Internet, and would require extensive international cooperation. In Spain, Internet café users were not required to register for identification purposes and service providers could store data for up to two months. It was proposed to introduce legislation providing for minimum data storage requirements. A potentially more serious problem lay in the spread of Wi-Fi technologies enabling users to hook up to the Internet from any location without identification. If the law did nothing to prevent that, anonymity on the Internet would become increasingly common and would compound the problem of Internet child pornography.

16. Mr. MARINA HERNANDO (Spain) described the procedure to be observed upon the arrival of unaccompanied foreign minors on Spanish soil. First, they were afforded the same care and protection as any Spanish national in a situation of distress. Next, steps were taken to establish their identity, after which a decision would be made in favour of repatriation to their

home country, or integration in Spain. Certain conditions, such as family reunification or adequate guardianship provided by the child protection services of the minor's home country, were required for repatriation. If there were any doubts as to whether a child's integrity was at risk, or if the minor or his/her family members were being persecuted, repatriation would not take place, since it was vital to act in the best interests of the child. The procedure involved contacting the Office of the General Commissioner for Aliens and Documentation, embassies and the Ministry of the Interior to verify the minor's identity and/or age and find out whether there was a family member to whom the minor could be returned, or if child protection services could look after the minor in his/her country of origin. Juvenile prosecutors were also informed about the repatriation process and were requested to provide guarantees for repatriation. Despite such guarantees, it was difficult for some children to return to their home countries for various reasons. It was therefore important to provide them with appropriate child protection services and support during the reintegration process. Bilateral cooperation agreements had been concluded with Morocco, the main country of origin of unaccompanied minors, Romania and Senegal. Unaccompanied foreign minors could be sent to special centres set up in Morocco by the Spanish Government with a view to facilitating reintegration.

17. Mr. PARFITT asked whether the Ombudsman's Office was responsible for contacting authorities in the country of origin of unaccompanied minors who entered Spanish territory as part of efforts to safeguard the rights of those minors.

18. Ms. ORTIZ requested confirmation of information she had received to the effect that there was one ombudsman at the national level and three ombudsmen for the 17 Autonomous Communities. She asked whether consideration might be given to increasing the total number of ombudsmen in Spain. She would appreciate an explanation concerning the safeguards implemented by Spanish immigration authorities in an incident involving the arrival in Spain by boat of several minors and their subsequent repatriation using the same boat.

19. Ms. VUCKOVIC-SAHOVIC asked which body was responsible for carrying out tests to determine the age of unaccompanied young persons and whether, in case of doubt, such young persons were presumed to be minors.

20. Ms. MARZAL MARTÍNEZ (Spain) said that, at the national level, the Ombudsman was appointed by the Congress of Deputies and an Assistant Ombudsman was responsible for children's matters. At the regional level, a number of Autonomous Communities, including Madrid, the Valencian Community, Catalonia and the Basque Country, also had ombudsmen.

21. Mr. MARINA HERNANDO (Spain) said that unaccompanied young people seeking entry into Spain often did not possess documentation or give their correct age. As part of Spain's guaranteed repatriation procedure, the Aliens and Documentation Office in the Ministry of the Interior, in cooperation with the Ministry of Foreign Affairs, worked with foreign consulates to identify minors, ascertain whether they had family members in their country of origin who would agree to take care of them, and, failing that, whether the social welfare services in their country of origin would assume responsibility for them if they returned. Young persons were repatriated only once it had been determined that neither they nor the members of their family would be endangered as a result of their repatriation. He did not have any knowledge of the particular case involving the minors sent back to their country of origin in a boat, but the general principle held that as soon as a minor entered Spanish territory, he or she was not expelled but was granted

protection and treatment. When there was reasonable doubt as to the age of a young person, forensic specialists dealing with minors carried out tests to determine a young person's age range, most often through the use of a wrist X-ray. Once an age range had been established, the young person was presumed to be the lowest age in the range. Unless there was proof to the contrary, a young person was always presumed to be a minor for such purposes.

22. Ms. HERCZOG asked whether any special programmes had been set up to rehabilitate sex offenders.

23. Mr. MARINA HERNANDO (Spain) said that a network of centres that offered treatment and support to child victims of sexual exploitation also offered programmes for sex offenders who were minors.

24. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that sex offenders were required by law to follow rehabilitation courses, and consideration was currently being given to the need for additional measures to prevent sex offence recidivism.

25. Ms. AIDOQ asked to what extent child victims had easy access to ombudsmen and to the social assistance from public authorities described in paragraphs 40 and 41 of Spain's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography. She asked whether children were aware of those procedures and whether any children - Spanish nationals or foreigners - had actually had recourse to the safeguards they provided.

26. Ms. MARZAL MARTÍNEZ (Spain) said that there were many ways of ensuring that children had access to protection, including: through a hotline telephone number that was available throughout Spain; through members of Spain's large NGO network that received information directly and put children in contact with the appropriate authorities; and through government authorities that detected possible cases of victimization and referred victims to the Ombudsman. The Ombudsman also engaged in outreach activities and, in some cases, approached children directly. Those options were available to both Spanish children and foreign minors at risk.

27. Mr. MARINA HERNANDO (Spain) said that the second National Plan against the Commercial Sexual Exploitation of Children that was currently in effect had been prepared by Children's and Adolescents' Watch, a collegiate body comprised of administrative authorities, NGOs involved in children's issues and experts from academia. Adequate resources had been allocated to the Plan to enable it to fulfil its objectives, and Children's and Adolescents' Watch followed up the Plan through its working group on the ill-treatment of children. Children's and Adolescents' Watch was attached to the Ministry of Labour and Social Affairs, which provided the necessary organizational structure for managing the Plan, implementation being the responsibility of the participating institutions. Although Children's and Adolescents' Watch was not an executive body, it was composed of autonomous institutions, which reached agreement on measures of implementation to be undertaken in their respective spheres of competence, using their own budgets, resources and infrastructure. The National Plan against the Commercial Sexual Exploitation of Children had been disseminated to all implementing agencies throughout the country. Moreover, public awareness campaigns had been organized to spread information about the Plan, including a major campaign to combat sexual commercial exploitation in travel

and tourism, entitled “There are no excuses”. As part of that campaign, a code of conduct for tourism companies that was designed to protect children from commercial sexual exploitation had been widely disseminated to all tourist agencies and operators in Spain and had been adopted by two of the largest tour operators.

28. Ms. ORTIZ asked how Children’s and Adolescents’ Watch ensured the participation of all Autonomous Communities in its activities. She enquired whether the terms of reference of Children’s and Adolescents’ Watch were sufficiently broad to include ensuring the implementation of the Convention as well as of its two optional protocols.

29. Mr. CITARELLA asked whether the main function of Children’s and Adolescents’ Watch was to coordinate the efforts of the institutions comprising it. He enquired whether funds needed to carry out that coordinating function had been earmarked in the budgets of the participating institutions.

30. Mr. PARFITT asked for additional clarification as to which organizations were responsible for developing and implementing programmes for children under the Optional Protocol on the sale of children, child prostitution and child pornography.

31. Ms. AIDOO asked whether the Autonomous Communities had devised their own plans on the basis of the National Plan against the Commercial Sexual Exploitation of Children.

32. Mr. MARINA HERNANDO (Spain) said that, in keeping with Spain’s decentralized structure, the central, regional and local administrative authorities each had their own spheres of competence. Children’s and Adolescents’ Watch provided a forum for the joint discussion and analysis of children’s issues by those authorities, as well as for negotiating agreements and formulating proposals for legislation, programmes and areas of research relating to children’s issues. Children’s and Adolescents’ Watch comprised some 50 members, some of which served on working groups that dealt with such issues as foreign minors and their social integration, children and the media, and the National Strategic Plan for Children and Adolescents. The main objective of Children’s and Adolescents’ Watch was to coordinate the efforts of its constituent institutions and to agree on the implementation of cross-cutting measures throughout the country.

33. Children’s programmes were developed both individually by administrative authorities within their respective spheres of competence and jointly in the context of Children’s and Adolescents’ Watch. NGOs also played an important role in designing programmes to implement the Optional Protocol on the sale of children, child prostitution and child pornography, which frequently complemented the programmes developed by the central Government, and in many cases, relied on public financing. Objectives for institutions that worked with children were set at the national level; they complemented and strengthened programmes implemented by the Autonomous Communities. Several local governments had also devised plans and set up departments for children’s issues.

34. Mr. SIDDIQUI asked whether the Government had encountered any problems regarding the availability of sufficient resources to implement children’s plans and programmes.

35. Mr. MARINA HERNANDO (Spain) said that, although resources were not unlimited and priorities had to be established, sufficient resources were generally allocated for children's affairs. The central Government also provided research and support facilities for Children's and Adolescents' Watch. The trend was actually for budgets for children's affairs to increase.

36. Ms. ORTIZ asked whether sufficient human and material resources were available in Spain for thoroughly investigating crimes involving the use of new information technologies and punishing offenders. She enquired whether the Government considered it necessary for such resources to be welcome.

37. Ms. MARZAL MARTÍNEZ (Spain) said that any increase in such resources would always be welcome.

38. Mr. VÁZQUEZ LÓPEZ (Spain) said that the new information technologies used for purposes of sexually exploiting children were considered to be an important issue in Spain. The Technological Investigation Brigade, which was sufficiently endowed with resources, was well trained to investigate such crimes. Internet technology had made it easier for paedophiles to obtain and exchange pornographic material, spawning a large paedophile community that sought to promote all aspects of paedophilia. Investigations had revealed that the average age of persons involved in Internet-based pornographic activities was decreasing. Child pornography had become prevalent in almost all Internet applications. The Technological Investigation Brigade was in contact with global and European agencies that monitored and punished child pornography, and Spanish officials attended international meetings and forums on the subject, as well as on investigation techniques and new information technologies. Spain also participated in a number of innovative projects, such as the establishment of Internet filters to warn persons attempting to access child pornography sites that they were entering an illegal police-monitored site.

39. Ms. ORTIZ asked whether the Spanish Government considered that it had sufficient human and financial resources at its disposal to investigate those crimes effectively.

40. Mr. VÁZQUEZ LÓPEZ (Spain) said that Spain cooperated closely with Latin America. Although resource allocation could always be improved, Spain currently had sufficient human and financial resources to tackle Internet pornography. International cooperation was vital for combating Internet crime, since the Internet had no borders. Operations over recent years had included identifying the children who had been used in child pornography.

41. Ms. MARZAL MARTÍNEZ (Spain) said that the budget allocated to Ceuta and Melila had been increased for childhood affairs and migration, to ensure that adequate resources were available to address immigration issues, which were particularly sensitive in those two areas owing to their proximity to Morocco. Further information could be submitted to the Committee in writing in due course, if required.

42. Mr. MARINA HERNANDO (Spain) said that at the public administrative level there were established bodies for coordination of children's policy, the highest ranked of which was the Secretariat for Social Affairs, a collegiate body presided over by the Minister of Labour and Social Affairs. Councillors from each autonomous region participated in sectoral conferences for the standardization of children's policies. Collaboration agreements could be reached in the

context of the administrative procedure of the State to strengthen political commitments made in the sectoral conferences. General directors for the family and childhood of each autonomous region had exclusive and direct competence for intervention with minors. Those directors held meetings to discuss children's issues, including unaccompanied minors, child abuse, education, and the issues raised under the Optional Protocol. Such meetings were particularly important for coordinating approaches within the public administration. Other meetings were held by technical commissions in order to coordinate State activities and harmonize approaches across Spanish territory.

43. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that Spain exercised universal jurisdiction over criminal offences such as child pornography and child prostitution, irrespective of the nationality of the perpetrator. The Spanish authorities were particularly concerned about the situation of illegal migrants arriving in boats from Africa. Although Spain had not exercised universal jurisdiction over trafficking in persons, the Supreme Court had determined the competence of Spanish Courts, based on international treaties, and a legislative reform had criminalized smuggling and trafficking in persons.

44. Ms. KHATTAB asked what cooperation measures had been taken with Morocco on immigration issues.

45. The CHAIRPERSON asked how many cases of crimes committed against children outside Spanish territory had been brought before Spanish courts.

46. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that international sexual exploitation of children was particularly complex, and the statistics requested by the Chairperson were not currently available.

47. Mr. CITARELLA asked whether dual criminality was considered essential under Spanish legislation on universal jurisdiction.

48. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that within the European Union there would be no need for dual criminality.

49. Mr. FILALI asked whether dual criminality was required in the case of non-European citizens who had committed crimes under the Optional Protocol outside Spain, and had then taken up residence in Spain, in order for their case to be tried in Spain.

50. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that in such cases Spain was able to institute legal proceedings under the principle of universal jurisdiction.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

51. Mr. SOLANA CORTÉS (Spain) said that citizens of 19 countries other than Spain were entitled to join the Spanish armed forces. If applicants had a criminal record or had been found to have concealed a crime or been an accomplice to a crime in Spain or in their country of origin, their applications would be refused.

52. Mr. MARINA HERNANDO (Spain) said that Spain had concluded a cooperation agreement with Morocco in order to prevent the illegal immigration of unaccompanied minors.

The agreement was currently before Parliament, awaiting ratification. The agreement was intended to address the root of the immigration problem, and Spanish government agencies and NGOs were working with minors in Morocco to ensure their welfare in their own country. Unaccompanied illegal immigrants were assisted in their return to Morocco, once it had been established that they could be repatriated safely. Two centres were being established in Morocco to provide for a better future for minors, prevent illegal migration, and ensure that repatriated minors could return to their families of origin with the appropriate guarantees in place.

53. Ms. KHATTAB asked whether the number of illegal unaccompanied minors entering Spain from Morocco had decreased as a result of those efforts.

54. Mr. MARINA HERNANDO (Spain) said that there had been a significant decrease in the number of unaccompanied illegal minors, from more than 9,000 in 2004 to fewer than 6,000 in 2005. It was hoped that the cooperation efforts under way would help to maintain that trend.

55. Mr. CITARELLA asked whether the agreement that had been concluded between Spain and Morocco only provided for the repatriation of Moroccan illegal immigrant minors, or also for illegal immigrant minors from other countries who had transited through Morocco.

56. Mr. FILALI asked whether the two centres would be run by Spanish or Moroccan staff, and whether there would be any possibility of processing asylum requests through them.

57. Mr. MARINA HERNANDO (Spain) said that since the centres were still in the process of construction it was not known how they would be staffed. The majority of the staff would probably be Moroccan, and Spain would provide technical support for the management of the centres. Although the agreement between Spain and Morocco was not specifically limited to Moroccan illegal immigrant minors and could be applied to those who had used Morocco as a transit country, the majority of illegal unaccompanied minors who arrived in Spain were Moroccan, and the agreement had been concluded in an effort to ensure their safe, assisted repatriation.

58. Mr. SOLANA CORTÉS (Spain) said that Spain's commitment to improving the lot of children was evident from its intervention in certain regions of Afghanistan over the past 18 months, where assistance had been provided for the training of doctors in gynaecology and paediatrics, as a result of which the rate of maternal mortality during labour had decreased significantly. Spain had assisted in the construction of schools and a scheme to teach women to read, which had contributed to a 50 per cent decrease in illiteracy.

59. Mr. MARINA HERNANDO (Spain) said that national adoption figures were relatively low in comparison with international adoption figures in Spain owing to Spain's particularly low birth rate. The Spanish children in children's centres were predominantly those with disabilities, learning difficulties, and in many cases were sets of siblings; finding adoptive parents for them was therefore a particularly sensitive issue. The main priority in respect of those children was to help to establish the appropriate conditions to enable them to return to their biological families. International adoption took place in conformity with all of the guarantees established under domestic and international law. Spain had ratified all of the relevant international instruments in that regard. The sale of children in any form, including under the guise of adoption, constituted a crime. All international adoptions were conducted through adoption agencies, which selected

candidate families from a list. The best interests of the child were of the utmost importance, and not all candidates were accepted. It was strictly forbidden for any family to attempt to enter into a private agreement with the parents of a child placed for adoption. Under no circumstances were children adopted from countries where there were no competent authorities dealing with adoption procedures. Draft legislation was currently under discussion to prevent the adoption of children from countries suffering from armed conflict or natural disasters, in order to prevent trafficking in and sale of children under the guise of international adoption. Although the Spanish authorities could not always control the practices of other countries, every effort was made to ensure that Spain did not indirectly support those practices.

60. Ms. ORTIZ said that it was difficult for the receiving country to be sure that the country of origin acted in conformity with all prescribed guarantees at every stage of the adoption process. Spain must cooperate with the country of origin to strengthen its institutions in order to provide those guarantees, as selling a child for adoption was little or no better than selling a child for sexual exploitation. She requested additional information on the various police forces in Spain and asked whether they were coordinated by one body or by several at the different levels of administration. She also asked whether they investigated the offences covered by the Optional Protocol, whether investigative overlaps occurred and, if so, how they worked with one another. She asked whether Spain intended to ratify the Convention on Cybercrime. With regard to the protection of children using Internet cafés, she asked whether there was any legislation to restrict access at State or Autonomous Community level in addition to local government level. She asked whether Internet café owners and children received guidelines on safe Internet use.

61. Turning to the code of conduct for the tourist industry, she requested information on the support offered by the Spanish Ministry of Industry, Tourism and Trade. She asked whether under Spanish law hotels were obliged to register all clients. She requested clarification on whether there were enough professional resources available to help rehabilitate all child victims in the Autonomous Communities and whether there was a shortage of juvenile courts.

62. Ms. SMITH asked whether paragraph 32 of Spain's initial report was still valid and whether dual criminality was a requirement for extradition.

63. Mr. ALCALÁ PÉREZ-FLORES (Spain) confirmed that the paragraph still applied and that dual criminality was essential for extradition. However, there might be confusion between the terms extradition and universal jurisdiction. For example, universal jurisdiction applied to female genital mutilation. Should foreigners living in Spain take their children back to their country of origin for female genital mutilation, on their return to Spain they could be prosecuted under universal jurisdiction, but if they remained in their country, Spain could request extradition and dual criminality would apply.

64. Ms. KHATTAB asked whether Spain had ever been successful in requesting extradition for cases of female genital mutilation, which the Committee Against Torture (CAT) considered a form of torture.

65. Mr. ALCALÁ PÉREZ-FLORES (Spain) said that female genital mutilation was criminalized under Spanish law, so it only posed a problem in international cases where it was unclear whether universal jurisdiction applied. Spain had frequently requested extradition but each case was different and the requests had not always been granted.

66. Mr. MARINA HERNANDO (Spain) said that, although Spain could not intervene in the affairs of sovereign nations, it sought documentary evidence through its embassies and international organizations such as the United Nations Children's Fund (UNICEF) that the adoption process took place in conformity with all necessary guarantees. Where there was evidence that a country could not offer those guarantees, Spain would advise families to cease negotiations, as had been the case with Guatemala and Haiti. Spain could not prevent people from exercising their right to seek children for adoption abroad but the measures it had implemented were designed to give maximum protection to the children involved. As mentioned previously, all international adoptions were conducted through adoption agencies and Spain advised families to use recognized Spanish agencies, for example the Collaborative Entities for International Adoption (ECAIs), which were controlled and inspected by the Spanish authorities.

67. Mr. VÁZQUEZ LÓPEZ (Spain) said that Spain had several police forces, two at national level, the National Police Corps (Cuerpo Nacional de Policía), deployed in urban areas with over 50,000 inhabitants, and the Civil Guard (Guardia Civil), deployed in rural areas with fewer than 50,000 inhabitants. Both had responsibility nationally for investigating the offences referred to in the Optional Protocol. There were also police forces in each of the three Autonomous Communities of Catalonia (Mossos d'Escuadra), the Basque Country (Ertzaintza) and Navarra (Policía Foral) and local police forces were deployed in all towns and cities. There was a clearly established coordination mechanism, with the National Police Corps and the Civil Guard reporting directly to the Secretary of State for Security under the auspices of the Ministry of the Interior and to the Director General of both forces. There was only one coordination body for crimes involving sexual exploitation committed by organized gangs or via the Internet and for international crime, the contact points being EUROPOL and INTERPOL. Local police forces, who often dealt with unaccompanied minors and truant children, were coordinated at local government, State and Autonomous Community level.

68. Internet cafés came under the control of the local council where the café was located but there were currently no registration requirements. As for guidelines on safe Internet use and the protection of children, the police website contained a comprehensive list of recommendations for parents and public institutions, such as schools, colleges and communications and media centres; it also provided relevant advice for parents, families and companies. Educational research into safe Internet use was important and Spain was making every effort to ensure that up-to-date information reached as many users as possible. Turning to legislation on hotels, he said that Spanish hoteliers had to register all clients and keep the information in electronic format, which should be available for police inspection if required.

69. Ms. MARZAL MARTÍNEZ (Spain), in response to the question on the support received from the Ministry of Industry, Tourism and Trade in relation to the code of conduct, said that, following the first National Plan against the Commercial Sexual Exploitation of Children, the Secretariat for Tourism and Trade and the Ministry of Labour and Social Affairs had headed a multilateral working group for the implementation of the Spanish campaign against the commercial exploitation of children in travel and tourism, along with the Spanish branch of UNICEF. The Secretariat for Tourism and Trade played a very important role in disseminating information on the code and had participated in the Forética forum devoted to investigating ethical issues related to tourism, as well as the "There are no excuses" and ECPAT campaigns. The Secretariat for Tourism and Trade also participated regularly in the meetings of the working

group of the World Tourism Organization (UNWTO) and jointly organized courses with the Spanish Agency for International Cooperation, which were aimed at Latin American countries and held annually in Colombia, Bolivia and Antigua.

70. With regard to the concern that had been expressed about the proposed change to article 154 of the Civil Code, which provided that parents could administer reasonable and moderate forms of correction, the Spanish Government had followed the advice of the Committee and had drafted an additional subparagraph to ensure that there would be no possible doubt or ambiguity, so that the article could not be misinterpreted as favouring the use of any kind of violence in the forms of correction administered by parents.

71. Mr. VÁZQUEZ LÓPEZ (Spain) said that, in the Autonomous Communities where there were two police forces, the activities of both forces were coordinated by a joint security committee comprising the heads of both forces and presided over by the mayor or other relevant authority.

72. Mr. KRAPPMANN, Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict, thanked Spain for its efforts and commitment nationally and internationally in support of the goals of the Optional Protocol. He welcomed the additional information that had been provided, which had contributed to a proactive dialogue. There was no doubt that Spain strictly enforced the age limit of 18 years for the involvement of children in armed conflict. Spain had provided much information on its position and opinion on children abused by armed gangs for terrorist purposes, on the treatment of children entering Spain from abroad, especially on the treatment of former child soldiers, and on universal jurisdiction regarding the crime of recruiting children into the armed forces. However, while most of the answers had been satisfactory, there remained some concerns, for example Spain's indirect way of criminalizing child recruitment. With regard to refugee children, Spain faced particular challenges due to its geographical location on the border of Europe.

73. Mr. CITARELLA, Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography, thanked Spain for the additional information it had provided on its implementation of the Optional Protocol. However, he noted the existence of difficulties with the criminalization of some of the offences set forth in the Optional Protocol. Mention had been made of new legislation and he wondered whether Spain might take the opportunity to review existing legislation in order to bring it into line with the Optional Protocol. There was also a problem with collecting and disseminating statistical data related to the Optional Protocol, which made it difficult to judge the effectiveness of national implementation. Finally, there was a shortage of adequately trained professionals to work with the victims of offences covered by the Optional Protocol. Overall, the Committee was satisfied with the discussion and the information provided and would assist Spain in addressing any existing gaps in legislation to enable it to implement the Optional Protocol.

74. Ms. MARZAL MARTÍNEZ (Spain) thanked the Committee for its very useful suggestions and said that Spain would step up its efforts to implement the provisions of the Optional Protocols.

The meeting rose at 5.50 p.m.