

Spain

Country Profile on the European Semester and COVID-19 crisis from a children's rights perspective

Contributors:

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30.3%

Children at risk of poverty or social exclusion (AROPE) in 2019

Children in Alternative Care - CiAC

	Number of Institutions ¹ (2019)	Number of children (2019)
Institutional care (in total)	1,104 (residential centres)²	21,283
Institutions for children with disabilities		1,373
Institutions for children 0-3		619

Family-based care

	2018
Number of children in family-based/foster care:	6,981
Number of children in kinship care:	12,564
Number of adoptions:	639³

1 In the national statistics on child protection the data provided is grouped under two headings, residential care or foster care. There is no specific data on small group homes (it is included as part of residential care).

2 As of 31 December 2018, there were 1,104 residential facilities: 812 managed by collaborating entities and 206 publicly owned.

3 The number of children adopted in 2018 was 639, representing a decrease of 6% from the previous year. 49% were under three years old. There were 1,215 new adoption offers, a decrease of 7% from the previous year, 924 certificates of suitability were issued, 94% of which were positive.

Alternative Recommendations

Supporting children and families in the context of COVID-19 in the short term:

- The government should adopt legislative measures to support summer and after-school practices for children such as learning and educational activities and educational leisure.

- Family support measures should be implemented by the government in order to ensure that vulnerable families, children in protection centres and all those working with children have access to COVID-19 health protection equipment (masks, hydro alcoholic gel, gloves, etc.).

Supporting children and families in the context of COVID-19 in the long term:

- The Spanish government should implement child social benefits to financially support vulnerable families experiencing poverty.

- The Spanish government should implement measures to promote a balance between family life and work besides working from home.

- The EU should approve the European Child Guarantee. In the post-COVID-19 crisis period this measure would help to reduce the negative consequences of this crisis.

Children in Alternative Care:

- Support families to prevent unnecessary separation;
- Prioritise family-based care;
- Provide greater financial and human resources to guarantee the protection of children in alternative care;
- Ensure appropriate protection for care leavers;
- Ensure appropriate protection for unaccompanied migrant children.

Summary of Ratings

Government's support for families and children during the COVID-19 pandemic:



Positive EU impact on more child-centred legislation at national level:



2020 Country-Specific Recommendations:



Government's efforts to provide sufficient resources and services for families and children:



Government's protection of children's right to participate:



Child Poverty

Impact of the COVID-19 crisis

Government support

The government's support to families and children during the crisis was adequate.

Negative developments

Children and families experienced a number of important challenges

In Spain the lockdown measures concerning children have been extremely restrictive. For example, during the first weeks of the lockdown, children were not allowed to leave their house for any reason. There was a lack of a children's rights perspective in public policies and similarly a lack measures to address the needs of vulnerable groups (such as Roma and migrant children) in the Spanish national protection system.

NGOs faced important hurdles

Hurdles included the uncertainty over the public funding from the

Spanish authorities to NGOs in the mid and long term; the difficulty in providing services to children without internet connections or without electronic devices; the work overload in the face of unforeseen urgent and emergency issues.

Lack of data on violence and of mechanisms to denounce it

Civil society organisations are concerned about the lack of data during the COVID lockdown and the decrease on the reported cases of violence. Indeed, there is grave concern that a lot of cases are not being identified and, in particular, about the lack of mechanisms designed to enable children to denounce such cases. According to figures from the General Police Directorate, from 16 March 2019 and 16 May 2019, 239 cases of sexual violence against children were reported. From 16 March 2020 and 16 May 2020, only 84 cases were reported, so 64.85% less. This reinforces the idea that nowadays children are unable to ask for help because they do not have the mechanisms to do so.

School meal grants

During the lockdown, the number of children who received school meal grants halved.

Digitalisation

44% of the families with a monthly income under EUR 900 do not have a computer at home, and 32% do not have an internet connection.

Good practice

Government measures

The government implemented a number of positive measures, including a minimum living income, temporary lay-offs, social protection measures and food scholarships.

Internet connection

Civil society organisations such as the Red Cross, UNICEF and Save the Children provided internet connections and electronic devices to vulnerable and socially isolated families.

Awareness

A coordinated advocacy action by Spanish children's rights organisations managed to increase

awareness at the political level of the impact of the outbreak on children's wellbeing. As a result, children's rights issues were finally included in the political debate.

Press conference

Children were invited to take part in a press conference organised by the government. They thus had the possibility to ask questions directly to the government representatives.

Concrete examples of challenges in supporting families and children

A member organisation shared an example of the obstacles faced by children in vulnerable families during the COVID-19 lockdown

and the negative consequences on their education. In particular, the organisation has been helping Roma children without an internet connection or electronic devices at home to receive their online homework and to get in contact with the school.

Policies for Investing in Children

National strategy to tackle child poverty

Spain has a national strategy against poverty with a specific chapter to tackle child poverty. There is also a Spanish High Commissioner Against Child Poverty in the Ministry of the Presidency.

The strategy sets up clear objectives for reducing child poverty. However, there is no specific budget allocated for this strategy; due to the political instability, the National General Budget has been automatically extended since 2016.

Having a national strategy to tackle child poverty is important because it is an advocacy tool that helps civil society organisations to ask for more

policies and a greater commitment to tackle child poverty. However, from an operational point of view, the strategy is less useful given the lack of a specific allocated budget.

In recent years the government has improved its protection of children's rights. It has introduced a new law on the protection of children from violence, a new education law, and a new minimum income guarantee. However much more is needed in the next months in order to react to the severely negative impact of COVID-19 on children's well-being.

EU influence on national developments

- **Reasonable involvement of the EU in promoting children's rights:**

The EU had a reasonable influence on national developments. On the other hand, the EU should adopt stricter measures to guarantee that the recommendations addressed to Spain in the framework of the European Semester are actually implemented. Moreover, the EU should exercise more pressure on the government to guarantee a more efficient promotion of children's rights.

- Positive response to the Country-Specific Recommendations: The document includes specific recommendations regarding cash transfers to vulnerable families and specific proposals to promote early childhood education.

Access to financial resources and services of high quality

- The Spanish government performed positively in ensuring adequate resources and services to families and children.
- Social services offices have been closed during the lockdown. This clearly had a negative impact on vulnerable families with children. Some problems have been identified regarding the access to temporary lay-offs.
- With regard to the Minimum Income Guarantee, vulnerable families did not receive cash transfers until June.

Children's participation

- The Spanish government performed reasonably well in ensuring children's right to participate.
- Due to the lack of technical devices and an internet connection in many families, some problems have been identified in the field of children's participation, especially in vulnerable families.

Recommendations

- **The Spanish Government should implement a direct cash transfer to support childcare.**
- **Other priorities should also be addressed, such as school support programmes, conciliation between family life and work, digital education programmes, summer programmes for children, and programmes to addressed to vulnerable families such as the VECA programme.**
- **The implementation of the National Child Participation Council should be a priority. Given that this action has been included in the coalition Government Agreement, the next steps by the government are expected in the coming months.**

Children in Alternative Care (CiAC)

Impact of the COVID-19 crisis

All the efforts made by the government have been focused on containing the spread of the virus. As a consequence, many other activities have been put on hold. In an emergency health context, the **main challenge** is to protect the rights of children in institutions and ensure quality care and protection for children and adolescents in alternative care.

The government implemented a number of policies to support vulnerable families and children in care: the Royal Decree-Law of 12 March adopting urgent measures to respond to the economic impact of COVID-19, Royal Decree-Law 11/2020, of 31 March, adopting additional urgent measures in the social and economic field to deal with COVID-19; Royal Decree-Law 8/2020, of 17 March, on urgent extraordinary measures to deal with the economic and social impact

of COVID-19; Royal Decree-Law 12/2020, of 31 March, on urgent measures to protect and assist victims of gender-based violence.

The main challenges faced by NGOs were: how to guarantee the rights of all children and youngsters in care while dealing with the COVID-19 outbreak, how to guarantee safety in the face of a lack of sufficient protective gear; how to guarantee the quality of support services, how to find innovative solutions in a very short time.

Institutional care cannot guarantee that the rights of the children are respected, neither does it provide the best quality care possible since multiple studies show that family based care is the best option. Yet, it was extremely difficult to send children whose parents have been hospitalised because of the coronavirus. Nonetheless many calls were made by umbrella organisations such as the State Association of Foster Families (ASEAF), and in many cases minors have been sent to residential

centres. The coronavirus has in many cases slowed down and delayed the process of finding foster families for these children.

During quarantine, social organisations have been doing their best to support families with online tools to see how the confinement and adaptations were going. In this regard children and their families were not only facing the potential threats of the coronavirus but also the challenges related to having to deal with online education and living in a limited space for a prolonged time.

Preventing the unnecessary entry of children in alternative care

In 2018 there was an increase of 5.2% in the total number of children and adolescents in care, from 47,493 in 2017 to 49,985 in 2018. The total number of residential placements as at 31 December increased sharply (from 17,527 in

2017 to 21,283 in 2018). On the other hand, foster care has slowed down from 19,004 in 2017 to 19,545 in 2018. In absolute terms, residential care has surpassed family care with 21,283 children and youngsters versus 19,545 in foster care.

For the first time, in residential care, the total number of foreign children, 55%, has surpassed that of Spaniards, 45%.

Key gatekeeping measures for the support of vulnerable families are listed hereafter.¹ Unfortunately, these initiatives – however positive – have been clearly insufficient in reaching all the persons who needed it.

- **Minimum Living Income** (*Ingreso mínimo vital*): is a non-contributory social security benefit that guarantees a minimum income to vulnerable individuals. It provided an additional 25 million euros to address the basic right to food of children from vulnerable families who have been affected by the

closure of schools and school canteens.

- In view of the lockdown during the state of alarm caused by COVID-19, services for women victims of gender violence have been declared essential.
- Evictions were suspended for a maximum period of six months from 2 April 2020.
- Prolongation of lease contracts.
- Rent debt moratorium.
- Rent subsidies.

Main reasons for children entering alternative care²

- The main means for children entering alternative care in Spain are "ex lege guardianships": when the exercise of the functions of care and custody of the minor are assumed by the public entity.
- By court order: custody in centres or establishments run by the

public entity, in application of a judge's order.

- Voluntary custody at the request of parents or guardians: either because there is an express request from those who have authority over the minor before the public body, or through the municipal social services, public prosecutor's office, etc.
- Provisional care: provisional care with the aim of providing immediate attention to a minor in an emergency situation.

Care leavers

Administrative procedures have been suspended for many months. This means that young people are still waiting for decisions on residence permits, work permits and enrolment in studies that remain pending for an indefinite period.

Care leavers who were studying have lost opportunities to participate in educational activities.

¹ Medidas urgentes en el ámbito social y económico para hacer frente al COVID-19; Preguntas frecuentes sobre las medidas sociales contra el coronavirus.

² Boletín de datos estadísticos de medidas de protección a la infancia.

The necessity to study from home negatively affected young care leavers who are now facing difficulties in going on to further their studies.

Law 13/2020 of 7 April recognised the right of young migrants between 18 and 21 years old to work in the fields until 30 June. The measure has since been extended until 30 September. Furthermore, on 26 May, the Council of Ministers approved the granting of a two-year residence and work permit (extendable for another two years) to all young migrants between the ages of 18 and 21 who take up this extraordinary measure of temporary agricultural work. In the meantime, services that were already supporting these young care leavers have continued to do so as much as possible.

Children in migration

The number of migrant minors registered in Spain's Registry of Unaccompanied Foreign Minors

(MENA) as of July 2019 was 12,323.³

In the last few years many Spanish autonomous communities have been experiencing a high rate of migrant arrivals. These regions have been taken aback by the arrival of unaccompanied foreign minors (MENAS), which often has resulted in a sudden and unexpected increase in demand for residential places. This has caused overcrowding in reception centres and a distortion of evaluation and referral processes. This has also lead to the exclusive presence of foreign minors in some centres, which postpones their necessary integration with other minors of Spanish nationality.

During the quarantine the administrative procedures have been paralysed and or/slowed down. Unaccompanied minors who were studying have lost their opportunity to participate in educational activities. COVID-19 has placed them once again in an "eternal waiting room".

The outbreak has also caused the suspension of the visits of relatives and friends. To alleviate this lack of contact with their loved ones, care providers have tackled the situation by video-conferencing or video-calling. This has partially helped children to maintain the bond with their loved ones and helped them to better cope with isolation.

According to the Spanish law on the protection of minors, family foster care should take precedence over residential care. However, residential care settings are currently the most prominent. The pandemic has put a halt to placement in family based settings due to restrictions on mobility and social distancing requirements. There are autonomous communities that have taken steps to find a solution. Catalonia, for example, has launched a pilot project to offer family placement to migrant minors. This type of care is also being promoted in the Community of Valencia.

EU funds

EU funds allocated for the implementation of legislative and/or policy framework related to vulnerable families and children in care are the following:

- The Coronavirus Response Investment Initiative (CRII);
- The Coronavirus Response Investment Initiative Plus (CRII+);
- Fund for European Aid to the Most Deprived (FEAD) as part of the Coronavirus Response Investment Initiative Plus CRII+ package.

They are all new funds. There is not enough information on how the Spanish government will be using these funds in practice.

For more information, please consult the [2020 Eurochild Report](#) or contact Enrico.Tormen@eurochild.org and Zuzana.Konradova@eurochild.org.

3 Número de menores migrantes inscritos en el Registro de Menores Extranjeros no Acompañados (MENA) de España a julio de 2019, por comunidad autónoma.