



Policy Recommendations

SPAIN



Executive Summary

In recent years, Spain has made a significant effort to develop a robust regulatory framework that offers greater procedural protection for victims' rights. Child victims have not been isolated from this paradigm shift, as exemplified by the entry into force of the Organic Law on the comprehensive protection of children and adolescents against violence (LOPVI) in 2021. Among its measures, the law highlights the mandatory use of pre-constituted evidence for victims under 14 years of age. The promotion of the Barnahus model, alongside the recent creation of specialized courts in violence against children, further confirms that the Spanish system is undergoing a period of profound transformation.

Despite these advances, major practical obstacles remain in ensuring adequate treatment for child victims. Consequently, these policy recommendations focus primarily on mechanisms for the implementation of measures already mandated by law and their monitoring and evaluating.

Furthermore, it is essential to highlight that within the context of the Spanish state system with the division into autonomous communities, the governance of child-related policies is characterized by high institutional and jurisdictional fragmentation. While the central government retains the authority to enact basic legislation and general regulatory frameworks—such as the LOPVI—exclusive competence regarding social assistance, child protection, education, and healthcare rests with the Autonomous Communities. Concurrently, local entities assume the management of primary care and early detection of violence against children. Additionally, national police forces (the National Police Force and the Civil Guard) share territorial jurisdiction with regional police forces, which operate in several Autonomous Communities. This decentralization leads to a divergence in protection standards, protocols, and even the use of funding. There is also a lack of interoperability between the data systems of the Autonomous Communities and the Ministries, which means there is no accurate national overview of either the incidence of child victimization or the resources allocated to supporting these victims.

Recommendations.

1. Policy & Governance.

Institutional governance, vertical (State – Autonomous Communities) and horizontal coordination (Childhood, Justice, Healthcare, Social Services)

To transit toward a coordinated, integrated, and equitable governance model, it is proposed to advance on the following matters:

- Ensure the establishment of mandatory minimum standards per population ratio for the deployment of essential resources in child care: the creation of new specialized courts in violence against children and adolescents, suitable rooms for taking testimony, and the implementation of the *Barnahus* model. Access to these resources for the rural population must be guaranteed.
- Ensure collaboration between regional and central governments in the development of these policies through meetings and structures that include Justice, Child Protection, and Interior.
- Guarantee, at regional level, the involvement of forensic psychologists specialised in victim support systems, unifying the criteria for medical, forensic and social care.
- Require regional Institutes of Legal Medicine to employ professionals with accredited, high-quality training in *developmental victimology* and adapted forensic interview techniques (such as the NICHHD Protocol) for child victims.
- Design joint training programs co-organized by the General Council of the Judiciary (CGPJ), the Ministry of Justice, the Ministry of Childhood, the Ministry of the Interior, the General Prosecutor's Office (*Fiscalía General del Estado*), and regional Departments of Justice and Interior. Magistrates, prosecutors, police officers, lawyers from specialized legal aid directories, and forensic psychologists must be trained under the same basic, trauma-informed criteria regarding child rights, sexual victimization, and secondary victimization.

Transparency and accountability systems

Governance does not exist if the effectiveness of implemented policies cannot be measured.

- Implement systems for the supervision, monitoring and accountability of resources allocated to the procedural support (in a broad sense) of child victims. Funding for children must be subject to results-oriented governance, linking financing to strategic objectives within a structure that facilitates civil society participation through NGOs.
- Overcome the barrier of different case management systems in Spain, advancing toward a "single case file" (with strict data protection permissions) for both judicial bodies and protection entities.

Data on child victimization and response

- Develop harmonized and comprehensive regional and national data collection mechanisms on VAC (Violence Against Children). These must contain disaggregated data including, at a minimum, the victim's age and sex, the perpetrator's age and sex, the relationship between them where applicable, and the type of violence (isolated or continuous). For a more detailed analysis, variables should include personal characteristics, prior history of victimization, potential concurrent victimization, the existence of institutional links, the perpetrator's prior history of violence, and the specific circumstances of the event.
- Implement an auditing system that collects data such as the waiting times for a child victim to testify, the number of times they testify, the effective use of pre-constituted evidence, etc., publishing annual indicators by Autonomous Community.
- Justice services must collect additional data on all VAC cases reported to the police or those with an ongoing criminal proceeding, with the objective of monitoring and evaluating the degree of adaptation of the justice system to children. This data could include the type of violence, protection measures or services provided to the victim, the conviction or acquittal of the accused, the place and date of the offense, the date of the sentence, and the date it became final. In each prosecuted case, it should be recorded whether a forensic interview was conducted.

2. A coordinated response involving the judicial, health and social sectors

- Establish clear protocols and communication channels among the various actors within the justice system, police forces, care services, and victim support services that come into contact with child victims and witnesses of violence, in order to swiftly activate the necessary support.
- Promote new roles for case coordinators/managers for the procedural support of the child victim.
- Develop clear inter-institutional coordination protocols tailored to VAC cases and, whenever possible, include specific timeframes for such actions.

- Periodically review national action plans detailing policies and institutional actions to improve coordination.

3. Justice & Law Enforcement

General considerations

- Create new specialized courts for child victims of violence, ensuring this specialized care is also available in Duty Courts.
- Establish monitoring systems to oversee the functioning of these specialized Courts.
- Provide the Directorate-General for Children (*Dirección General de Infancia*) with the capacity for direct intervention, in collaboration with the competent regional administrations, in cases of severe vulnerability or lack of protection of a child (ensuring adequate management of potential conflicts of interest).
- Require explicit justification in all administrative and judicial acts and resolutions regarding how the best interests of the child have been assessed, why the decision was made, and how the adopted measures best protect their physical, emotional, and psychological well-being while facilitating better reparation for the child victim.
- Ensure the right of every child to be heard in proceedings affecting them, regardless of their age. This participation must be guaranteed in an appropriate time and manner to protect the mental health and dignity of the child.
- Promote guarantees for the right to reparation for children.
- Ensure that criminal proceedings involving child victims are dealt with as a matter of priority and urgency, by providing sufficient resources to the Comprehensive Forensic Assessment Units to ensure a swift response that prevents the expiry of the time limits for the preliminary investigation.

Specialized training

- Ensure the assignment of VAC cases exclusively to judges, prosecutors, and police officers who hold accredited specialization in this field.
- Create specialized legal aid rosters dedicated to violence against children.
- Require joint training programs co-organized at the national level (recommendation 1.1.5) equipped with systems for updating and renewing certification.

Forensic interview

- Ensure that forensic interviews are conducted exclusively by professionals with certified specialized training and in accordance with evidence-based protocols. Intensive training and accreditation must be accompanied by a limitation on the number of interviews to prevent revictimization, prioritizing at all times the well-being and the best interests of the child.
- Ensure that forensic interviews are performed with the utmost celerity, granting preferential status to their organization. Likewise, communication adapted to the child must be guaranteed, explaining to them in advance, in understandable terms, what the interview will consist of.
- Allow the presence of a specialized professional (psychologist, criminologist, social worker, victim support personnel, lawyer, etc.) to safeguard the well-being of the child before, during, and after the interview.
- Respect the privacy of the child in the handling and reproduction of forensic interviews, preventing their reproduction in the presence of the child, and always guaranteeing that the number of people present is limited to the bare minimum.
- Ensure the availability of high-quality technical equipment for the audiovisual recording and viewing of forensic interviews, allowing their reproduction under optimal sound and image conditions in the oral trial and in any other procedural phase where it may be necessary.