



OPENING DOORS FOR EUROPE'S CHILDREN

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STRENGTHENING FAMILIES. ENDING INSTITUTIONAL CARE.

SPAIN

COUNTRY FACT SHEET

Although there is a political will from the government to prioritise the protection of children in Spain, in practice, due to the financial crisis and the deep cuts in social funding, this work still needs to be completed. Law 26/2015 amended the previous child protection legislation in Spain and introduced progressive articles, including measures for deinstitutionalisation reforms and prioritisation of family-based care instead of residential/institutional care¹. These amendments, however, have not been reflected horizontally since each autonomous province organises its own child protection system independently. As a result, there is no national database on children in care; Spain also lacks national strategy and the plan towards deinstitutionalisation that applies to all communities across country.

In July 2015, the Law 26/2015 amended the system of protection for childhood and adolescence in Spain². Article 11 of the amended law states that prevention measures for the protection of families should be prioritised unless this is not in the best interests of a child and a child needs to enter public care system. In such instances, stable solutions in a family-based environment rather than institutions should be prioritised for children. In addition, article 12 sets out the guiding principles of the reform of institutions for children and adolescents, giving priority to stable versus temporary, family versus residential, and voluntary versus imposed measures. Deinstitutionalisation itself is regulated in articles 20 and 173, which also prioritize foster care in favour of residential care.

¹ In Spain, the law does not separate institutional care from residential care
² <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-8470-consolidado.pdf>

KEY DEVELOPMENT TOWARDS CHILD PROTECTION REFORM



THE CATALAN THIRD SOCIAL SECTOR COMMITTEE HAS STARTED JOINT DISCUSSIONS TO WORK ON THE DEVELOPMENT OF A DEINSTITUTIONALISATION STRATEGY FOR ALL GROUPS OF PEOPLE IN VULNERABLE SITUATIONS

KEY RECOMMENDATION TO THE EU



TAKE ACTION TO ENSURE THAT WHEN EUROPEAN SOCIAL FUNDS ARE USED FOR DEINSTITUTIONALISATION REFORMS IN THE AUTONOMOUS COMMUNITIES, THEY ARE ADEQUATELY MONITORED. FUNDS SHOULD BE INVESTED IN STRENGTHENING LOCAL SOCIAL WELFARE SYSTEMS AND NOT USED AS THE ONE-OFF PROJECTS.

However, despite overall prioritisation of the family-based care in Spain, there are still 13,596 children in 1,058 residential care settings, out of whom 654 are children under the age of 3. Furthermore, residential care placements seem to be steadily increasing over the last years³.

Spain lacks national plan for the child protection reform and more specifically for the transition from institutional to community-based care that applies to the entire country. Each autonomous province develops its own child protection strategy and there is little cooperation between the communities. Deinstitutionalisation reforms, therefore, also vary considerably across the country. Catalonia, for example, is one of the regions with the most advanced social policies where the regional government designed emergency planning to take all children below the age of 6 out of residential/institutional care. The new programme framework for residential centres elaborated by the Catalan Government promotes the development of smaller residential centres with fewer places as a transitional element towards deinstitutionalisation.

There are 3,341 unaccompanied children registered and cared for by the various provinces. The percentage of children in migration arriving to Spain has been rising steadily since 2011⁴. According to the Statistical data Bulletin (2017), unaccompanied children in most provinces (Autonomous Communities) are mainly cared for in residential centres (e.g. 1,774 cases in 2015) rather than the family care (166 cases); and there is noticeably larger proportion of boys than of girls (86.4%/13.6%).

With regards to EU funding, Spain has designed the so-called “Social Investment Packages – Paquete de Inversiones Sociales” within the funds allocated in the framework of the European Social Fund. The funds also aim to cover deinstitutionalisation policies.

³ http://www.sijis.net/documentos/documentacion/Ley_General_%20de_%20derechos.pdf

⁴ Memory 2016 of the State General Attorney https://www.fiscal.es/memorias/memoria2016/FISCALIA_SITE/recursos/pdf/MEMFIS16.pdf

KEY RECOMMENDATION TO THE MEMBER STATE



TAKE ACTION TO ENSURE THAT MONITORING COMMITTEES OF THE REGIONAL AND PLURI-REGIONAL OPERATIONAL PROGRAMMES ADDRESS DEINSTITUTIONALISATION REFORMS AND SEEK PRO-ACTIVE INVOLVEMENT OF CIVIL SOCIETY ORGANISATIONS WORKING IN ALTERNATIVE CARE AND WITH SERVICE USERS.

FAST FACTS & LATEST DEVELOPMENTS

- **THERE ARE 13,596 CHILDREN LIVING IN RESIDENTIAL CARE IN SPAIN, OUT OF WHOM 654 ARE CHILDREN UNDER 3**
- **INSTITUTIONS FOR CHILDREN IN SPAIN MAINLY TEMPORARILY HOUSE ADOLESCENTS WITH BEHAVIORAL PROBLEMS**
- **OVER 50% OF CHILDREN IN ALTERNATIVE CARE LIVE IN FAMILY-BASED CARE AND THE MAJORITY OF THEM (70%) ARE PLACED IN KINSHIP ARRANGEMENTS**
- **DUE TO AUTONOMOUS ORGANISATION OF THE CHILD PROTECTION SYSTEM IN EACH COMMUNITY, THERE IS NO NATIONWIDE DEINSTITUTIONALISATION STRATEGY OR THE ACTION PLAN FOR ITS IMPLEMENTATION**
- **IN THE FRAMEWORK OF “SOCIAL INVESTMENT PACKAGES”, FUNDS ALLOCATED BY THE EUROPEAN SOCIAL FUND AIM TO COVER DEINSTITUTIONALISATION POLICIES**



OPENING DOORS NATIONAL COORDINATOR IN SPAIN

FICE Spain is a network of non-profit organizations that aim to improve the quality of life for children at risk and their families by promoting models of family support, community based care and the quality of residential care. To find out more visit www.fice-es.org

NATIONAL PARTNERS

In Spain, the campaign is supported by: FEDAIA www.fedaia.org

The Opening Doors for Europe's Children campaign supports national efforts to develop child protection systems that strengthen families and ensure high-quality family and community-based alternative care for children, by leveraging EU funding and policy and building capacity in civil society.

It is a partnership between 5 international organisations and civil society across 16 European countries. For more information go to www.openingdoors.eu