I. GENERAL PROVISIONS

HEADSHIP OF STATE

9347 *Organic Act 8/2021 of 4 June 2021 on the Comprehensive Protection of Children and Adolescents Against Violence.*

FELIPE VI KING

OF SPAIN

To all who shall see and understand this document.

Be advised: That the Parliament has approved and I have sanctioned the following organic act:

PREAMBLE I

Combating violence in childhood is a human rights imperative. To promote the rights of children and adolescents enshrined in the Convention on the Rights of the Child it is essential to ensure and promote respect for their human dignity and physical and psychological integrity by preventing all forms of violence.

The protection of minors is an overriding duty of the public authorities, recognised in article 39 of the Spanish Constitution and in various international treaties, prominent among them the aforementioned Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and ratified by Spain in 1990.

The main regulatory referents on child protection limited to the scope of the United Nations are the three optional protocols of the aforementioned Convention and the General Observations of the Committee on the Rights of the Child, which are in charge of tying this framework of International Law to the educational, healthcare, legal and social realities relating to children and adolescents. In the case of this organic act, of particular relevance is General Observation number 12 of 2009 on the right to be heard, General Observation number 12 of 2011 on the right of the child to not be subjected to any form of violence and General Observation number 14 of 2014 on the child's right to have his or her best interests taken as a primary consideration.

The European Union, for its part, expresses the "protection of the rights of the child" through article 3 of the Treaty of Lisbon and is a general objective of the common policy both domestically and in foreign relations.

The Council of Europe has its own international standards to ensure the protection of the rights of minors, such as the Convention for the protection of children against sexual exploitation and abuse (Lanzarote Convention), the Convention on the prevention and combating of violence against women and domestic violence (Istanbul Convention), the Convention on combating human trafficking or the Convention on Cybercrime; it also includes, in the Council of Europe Strategy for the Rights of the Child (2016-2021), a call to all member States to eradicate all forms of physical punishment on children.

This organic act also relates to the commitments and goals of the State Compact against gender-based violence as well as the 2030 Agenda in various areas, and very specifically to goal 16.2: "To stop mistreatment, exploitation, trafficking and all forms of violence and torture against children" as part of Goal 16 to promote fair, peaceful and inclusive societies. Girls, owing to their age and sex, are often doubly discriminated against or assaulted. This is why this law should take into account the forms of violence specifically suffered by girls just for the fact of being girls and thus address and prevent them while emphasising that only a society that educates its citizens on respect and equality will be capable of eradicating violence against girls.

In accordance with the Convention on the Rights of the Child and other mentioned referents, Spain should encourage all legislative, administrative, social and educational measures to ensure the right of children and adolescents to develop free of any form of violence, prejudice, physical or mental abuse, neglect or negligence, mistreatment or exploitation.

Spain's regulatory body has included important advances in the defence of the rights of minors and their protection from violence. This evolution includes the reform applied to Organic Act 1/1996 of 15 January 1996 on Legal Protection for Minors, the partial amendment of the Civil Code and Civil Procedure Act, to Organic Act 8/2015 of 22 July 2015 and Act 26/2015 of 28 July 2015, both amending the protection system of children and adolescents, which brings in the guiding principle of the administrative action the protection of minors against all forms of violence, including those occurring in their family setting, gender-based violence, trafficking of human beings and female genital mutilation, among others. In accordance with the law, the public authorities have the obligation to implement actions to raise awareness, prevent, assist and protect from any form of child maltreatment and to establish any necessary procedures to ensure coordination between competent public administrations and, in this order, conduct an in-depth review of the way the institutions of the child protection system are run, thus constituting effective protection in situations of risk and abandonment.

In this context, the plenary session of the Congress of Deputies, at its session of 26 June 2014, agreed to create a Study Subcommittee to address the problem of violence against children. This Subcommittee adopted a hundred and forty conclusions and proposals that in 2017 led to the passing of a non-binding proposal that urged the Government, as part of its competences and in collaboration with the autonomous regions, to start work on passing an organic act to eradicate violence against children.

However, despite such advances, the Committee on the Rights of the Child, having examined the situation of children's rights in Spain in 2018, reiterated to our country the need to approve a comprehensive law on violence against children that would be similar in its regulatory scope to the one passed on gender-based violence.

Of course passing a comprehensive law on violence against children and adolescents does not only meet the need to bring into our legal system the international commitments assumed by Spain on the comprehensive protection of minors; it also responds to the relevance of an issue that has a direct connection with the healthy development of our society.

As indicated by the Committee for the Rights of the Child in the aforementioned General Observation number 13, the serious repercussions of violence and mistreatment suffered by children and adolescents are well known. Such acts, among many other consequences, can cause injuries that may lead to disability; physical health problems such as delayed physical development and the subsequent emergence of diseases: learning difficulties including poor performance at school and at work; psychological and emotional consequences such as affective disorders, trauma, anxiety, insecurity and destruction of self-esteem; mental health problems such as anxiety and depressive disorders or suicide attempts and behaviours that are damaging to health such as the use of addictive substances or the precocious initiation of sexual activity.

Violence against minors is an execrable reality that extends to many fronts. On numerous occasions it can go unnoticed owing to the intimacy of the settings in which it takes place, such as the family and school environments, which is where the majority of such incidents occur and which should in all cases have been a setting of safety and personal development for children and adolescents. Furthermore, it is often the case that such settings of violence see a convergence of sociological, educational, cultural, healthcare, economic, administrative and legal variables, forcing any legislative strategy dealing with the issue to apply a wide-ranging multidisciplinary approach.

It should be emphasised that disabled children and adolescents are particularly sensitive and vulnerable to this type of violence, are exposed in aggravated form to its effects and have greater difficulty in exercising their rights on an equal opportunity basis.

This law combats violence against children and adolescents through an all-encompassing approach, in an extensive response to the multidimensional nature of its risk factors and consequences. The law goes beyond the administrative frameworks and permeates numerous jurisdictional competences to affirm its holistic will. From a didactic perspective it gives essential priority to prevention, socialisation and education of both minors and families as well as civil society itself. The regulation establishes measures to do with protection, early detection, assistance, reinstatement of violated rights and the victim's recovery, inspired in the comprehensive care models identified as good practice when it comes to preventing secondary victimisation.

This law favours collaboration with the autonomous regions and prevents the operational fragmentation that had existed in this very important issue. It opens up the way to a new prevention and protection paradigm that is common to the Nation's entire territory in regard to the violation of the rights of minors while favouring the reinforcement by the public administrations, within their respective jurisdictions, of their involvement in an overarching objective, combating violence perpetrated against children and adolescents, in compliance with the Nation's international commitments.

The law ultimately addresses the right of children and adolescents to not be subjected to any form of violence, rigorously implements the international treaties ratified by Spain and goes one step further in its comprehensive engagement in the issues it associates to its framework of effectiveness, whether in its strictly substantive reality or in its didactic, informative and cohesive will.

II

The law is structured into 60 articles distributed over one preliminary title and five titles, nine additional provisions, a derogating provision and twenty-five final provisions.

The preliminary title deals with the law's objective and subjective scope, considering the definition of the concept of violence against children and adolescents as well as their fair treatment while establishing the law's purposes and criteria. It also regulates the specialised, initial and ongoing training of the professionals who are regularly in contact with minors and addresses the necessary cooperation and collaboration between the public administrations, establishing for this purpose the creation of the Sectoral Conference for children and adolescents and public-private collaboration.

Title I considers the rights of children and adolescents in situations of violence, among them their right to information and advice, to be listened to and heard, to comprehensive care, to intervene in legal proceedings or to receive free legal assistance.

Title II deals with regulating the duty to report situations of violence. In this regard a generic duty is established, one that affects all citizens, to immediately report to the competent authority any signs of violence perpetrated against children or adolescents. This duty to report is configured more stringently for any collectives that, by virtue of their position, profession, office or activity, have been entrusted with the assistance, care, teaching or protection of minors: qualified personnel of medical centres, schools, sports and leisure centres, child protection centres and those pertaining to juvenile justice, safe houses and humanitarian assistance centres and establishments where children and adolescents habitually reside. In such cases, it requires the competent public administrations to facilitate the appropriate reporting and information exchange mechanisms.

Moreover, it provides for the competent public administrations to make available the necessary and accessible means for the child and adolescent victims of violence, or those who have witnessed a situation of violence, to report it easily and safely. In regard to this, it legally recognises the importance of electronic means of communication such as help lines for children and adolescents, which will be free of charge and which the administrations will promote, support and publicise.

It also specifically regulates the duty to report any internet contents that constitute a form of violence or abuse against children and adolescents, whether or not they are a criminal offence, recognising that the internet and social media are particularly sensitive in this regard.

In any event, the law ensures the protection and safety of persons who fulfil their duty to report situations of violence in order to encourage compliance with such duty.

Title III, which regulates awareness-raising, prevention and early detection, includes in its chapter I the General State Administration's obligation to put in place a Strategy to eradicate violence against children and adolescents, with special emphasis on family, education, healthcare, social services, new technologies, sport and leisure and of law enforcement authorities.

Chapter II includes the different levels of action, with emphasis on awareness-raising, prevention and early detection. Specifically, it underlines the need for the public administrations to set up specific plans and programmes to prevent violence against children and adolescents, identifying risk groups and specifying budgetary resources to carry them out. It also points to the need for establishing awareness-raising, prevention and early detection measures to prevent radicalisation and indoctrination processes that lead to violence. As for early detection, it underscores the need to adopt measures that enforce the reporting of any detected situations of violence.

Chapter III on the family environment is based on the idea of family in its multiple forms as the basic unit in society and the natural medium in which children and adolescents can develop. This should be the primary objective for all public administrations, the first step in preventing violence against children, and must favour a culture of fair treatment, even right from the moment of conception and pregnancy.

To this end the law reinforces resources for the care, advice and attention families need to prevent risk factors and boost prevention factors. This demands a risk analysis in families that allows for goals to be defined and measures to be applied. All parents require support to properly fulfil their parental responsibilities, with one of its implications being the need to secure such supports to properly exercise their role. This is why, before any support with a reparatory or therapeutic purpose is given, preventive support should be provided that promotes family development. All policies in the family-related sphere should adopt a positive approach to family intervention in order to reinforce the self-sufficiency and capacity of families and banish the idea of considering more vulnerable families as the only ones needing support when they do not function adequately.

The law emphasises its reference to the positive exercise of parental responsibility as an integrating concept through which to reflect on the family's role in today's society while developing practical orientations and recommendations on how to articulate support through public family-related policies.

In this regard the law establishes measures intended for favouring and acquiring such skills, always from the point of view of individualising each family's needs while devoting special attention to the protection of the minor's higher interest in cases of family breakdown and gender-based violence within the family.

Chapter IV deals with the various violence prevention and early detection measures in schools, which are considered to be indispensable when we take into account that this is a central socialisation environment in the life of children and adolescents. The proposed regulation enhances and completes the framework established in article 124 of Organic Act 2/2006 of 3 May 2006 on Education, establishing, jointly with the coexistence plan covered by said article, the need for action protocols whenever there are signs of abuse and mistreatment, bullying at school, cyberbullying, sexual harassment, gender-based violence, domestic violence, suicide, self-harm and any other form of violence. In order for such protocols to work properly, a wellbeing and protection coordinator is to be put in place in all schools. It also includes the necessary training of minors in digital security.

Chapter V regulates the involvement of Higher Education and the Universities Council in combating violence against children and adolescents.

The measures contained in Chapter VI on healthcare are based on the necessary collaboration of the healthcare administrations as part of the Interterritorial Council for the National Health System. This framework establishes the commitment to create a new Commission to combat violence against children and adolescents with the mandate to draft a common healthcare action protocol to eradicate violence against children and adolescents. Furthermore, as part of providing universal care for all minors living in situations of violence, they ensure comprehensive age-appropriate care relating to mental health.

Chapter VII reinforces the exercise of functions to protect children and adolescents by the officials who carry out their professional activity in social services. In this regard they are given the status of law enforcement officers to allow them to efficiently perform their functions in the protection of minors given that they run the risk of being exposed to acts of violence or potential highly aggressive situations, such as those where the minor has to be removed from his or her family in cases of neglect or abandonment.

It also establishes the need to design a bespoke family intervention plan, with the participation of the rest of the administrations, the judiciary and social agents involved as well as a case tracking and registration system to assess the efficacy of the different measures that have been put into operation.

Chapter VIII regulates the actions which the public administrations should undertake and promote to ensure the safe and responsible use of the internet by children and adolescents, families, teachers and professionals working with minors.

Chapter IX devoted to the area of sport and leisure stablishes the need to have action protocols in place to combat violence in this field and establishes a range of obligations for bodies that regularly carry out sport and leisure activities with minors, among them putting a Protection Officer in place.

Chapter X centres on the Law Enforcement Authorities and consists of two articles. The first one ensures that all law enforcement authorities, on all levels (state, autonomous region, local) have units in place specialising in investigating and preventing, detecting and acting in situations of violence against minors, equipped for proper and appropriate action in such cases, and that all members of the Police Forces are given specific training to deal with such situations.

The second article establishes the police action criteria in cases of violence against children and adolescents, in which respect for the rights of children and adolescents, and the consideration of their higher interest, should be paramount. Notwithstanding the action protocols to which members of Law Enforcement are subject, the law includes a list of mandatory action criteria whose main purpose is to achieve the fair treatment of child or adolescent victims of violence and to prevent secondary victimisation.

Of particular relevance among these mandatory action criteria is the obligation to generally avoid taking a statement from a minor unless it is absolutely necessary to do so. This is consistent with the reform of the Criminal Procedure Act passed by Royal Decree on 14 September 1882 which establishes the mandatory guidelines for taking pre-constituted evidence by the prosecuting body. The objective of this law is for the minor to give one sole report of the facts before the Investigating Court without it being necessary for the minor to do this before or after that moment.

Chapter XI regulates the jurisdiction of the General State Administration abroad in regard to protecting the interests of minors with Spanish nationality who are abroad.

Lastly, Chapter XII regulates the role of the Spanish Data Protection Agency in the protection of personal data, ensuring the digital rights of minors by establishing an accessible channel and immediately removing illicit content.

Title IV on the actions in child protection centres establishes the obligation of such centres to apply action protocols, whose effectiveness will be subject to assessment and which will dictate the actions to be followed in order to prevent, detect at an early stage and act in any potential situations of violence. It also establishes, as part of the aforementioned protocols, reinforced attention to specific prevention, early detection and intervention actions in potential cases of abuse, sexual exploitation and trafficking of under-age victims who are subject to protective measures and reside in care homes.

Furthermore, it establishes the appropriate supervision of child protection homes by the Prosecution Service, including the necessary computer links with public child protection bodies and their permanent communication with the Prosecution Service and, where applicable, with the judicial authority that agreed admission.

Title V, on the administrative organisation, in its chapter I, covers the commitment to create a Central Information Register on violence against children and adolescents, with the public administrations, the General Council of the Judiciary and the Law Enforcement Authorities being obliged to submit information to it.

Chapter II, for its part, introduces a specific regulation in regard to non-certification in the Central Sex Offenders' Registry, which will be renamed the Central Registry of Sex and Human Trafficking Offenders, implementing and extending the protection of minors by enhancing the system that dictates that any person who undertakes activities in regular contact with minors may not be registered as having committed crimes against sexual freedom or integrity or having trafficked in human beings.

It introduces a definition on what should, for the purposes of the law, be understood by professions, trades and activities that involve regular contact with minors, limiting it to those that by their very nature involve repeated, direct and regular and not merely occasional contact with children and adolescents, with any activities or services intended specifically for them being included in all cases.

In order to widen the scope of the protection, the obligation of accrediting the requirement of not having committed crimes against sexual freedom and integrity is extended to all workers, whether employed by others or self-employed, whether from the public or the private sector, and to all volunteers.

It also establishes the negative sense of administrative silence in cancellation proceedings of records of sexual crimes initiated at the request of the interested party.

In regard to the additional provisions, they establish the necessary budget allocation to the Administration of Justice and social services to combat secondary victimisation and to meet the new obligations mandated by the law respectively, the mandate for the public administrations in regard to their competences to give priority to habitational solutions in cases of evictions of families in which one of its members is a minor, the tracking of public opinion data on violence against children and adolescents by conducting regular surveys, meeting the regulations in force on personnel expenses, updating the entries in the Central Sex Offenders' Registry and the Unified Child Mistreatment Registry. Furthermore, the additional sixth provision covers the commitment to create a monitoring committee in charge of analysing the implementation of the new law, its legal and economic repercussions and evaluation of its impact. The additional eighth provision ensures that children in need of international protection have access to the territory and an asylum procedure regardless of their nationality and their form of entry into Spain, in the terms established in Act 12/2009 of 30 October 2009 regulating the right to asylum and subsidiary protection. Lastly, the additional ninth provision obligates the Government to regulate the Social Security provisions for host persons specialising in exclusive dedication.

Lastly we should also highlight the amendment made in different regulatory bodies through the law's final provisions.

Final Provision One is aimed at amending the Criminal Procedure Law.

Sections one and two give greater legal certainty to both the victims and the persons impacted by a crime. Articles 109 bis and 10 are thus amended to include current case law to allow them to bring an action personally once the deadline for formulating the prosecution report has passed, provided they adhere to the prosecution report formulated by the Prosecution Service or by the rest of the accusations made in person by defendants. This ensures the right to effective judicial protection by victims of the crime while respecting the right to defence of indicted persons.

The third section amends article 261 and establishes an exception to the general scheme that waives the obligation to report when determining the obligation to report of the spouse and close relatives of the person who has committed a criminal offence when it is a serious offence committed against a minor or a disabled person requiring special protection, adapting our legislation to the requirements of the Lanzarote Convention. Equally, section four amends article 416, establishing a series of exceptions to the waiver of the obligation to report in order to protect minors or disabled persons requiring special protection in the criminal proceedings.

Sections five to fourteen completely and systematically regulate the pre-constituted evidence, setting the requirements needed to validate it. It further amends the regulation of the precautionary criminal and civil measures that may be adopted during the criminal proceedings and that may in any way affect minors or disabled persons requiring special protection.

In regard to the pre-constituted evidence, this is a suitable instrument for preventing secondary victimisation and is particularly effective when the victims are minors or disabled persons requiring special protection. Taking their special vulnerability into account, it is made mandatory when the witness is a person under 14 years of age or a disabled person requiring special protection. In such cases the judicial authority, having taken pre-constituted evidence, may only agree to their statement on a reasoned basis at the oral proceedings when, in the interest of one of the parties, this is considered necessary.

Testifying in court by persons under fourteen years of age or by disabled persons requiring special protection therefore becomes exceptional, with the taking of pre-constituted evidence in the pre-trial phase and playing it in court being established as a general rule, preventing the time lapse between the first statement and the date of the oral trial from affecting the quality of the statement as well as the secondary victimisation of especially vulnerable victims.

Final Provision Two amends article 92 of the Civil Code to reinforce the minor's overriding interest in separation, annulment and divorce processes and to ensure that the necessary precautions are in place to comply with guardianship and custody arrangements.

Article 154 of the Civil Code is also amended in order to clearly establish that the ability to decide on the place of residence of under-age offspring forms part of the content of the parental authority that, as a general rule, is shared equally by both parents. This means that, unless there is suspension, removal of parental authority or exclusive attribution of said authority to one of the parents, the consent of both is required or, in its absence, judicial authorisation for the transfer of the minor regardless of any measure that may have been adopted regarding his or her guardianship or custody, as has already been explicitly laid down by some autonomous regions. This clarifies any possible doubts of interpretation with the autonomous concepts of international regulations, specifically Regulation 2201/2003 of the Council of 27 November 2003 on the jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, repealing Regulation (EC) No. 1347/2000, and the Convention on jurisdiction, applicable law,

recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children made in The Hague on 19 October 1996 in its articles 2, 9 and 3 respectively, since international regulations on custody and guardianship include the right to decide on the minor's place of residence, an autonomous concept that does not coincide with, nor should be mistaken for, the content of what is understood by guardianship and custody in our domestic laws. This change completes the current drafting of article 158 of the Civil Code, which envisages as protection measures "The necessary measures to prevent the abduction of underage offspring by one of the parents or by third persons and, in particular, the submission to judicial authorisation prior to any change in the minor's domicile".

Article 158 of the Civil Code is amended so that the judge can agree the precautionary suspension in the exercise of parental authority and/or the exercise of guardianship and custody, precautionary suspension of visiting arrangements and communications established in the court decision or court-approved agreement and, in general, all other provisions considered to be appropriate in removing the minor from danger or preventing harm to the minor in his or her family environment or from third persons, with the minor's right to a hearing.

Lastly article 172.5 of the Civil Code is amended. It regulates cases of cessation of guardianship and interim supervision by public protection bodies, with the period since the minor voluntarily left the centre being extended from 6 to 12 months.

Final Provision Three amending Organic Act 1/1979 of 26 September 1979, the General Prison Act, establishes specific programmes for inmates convicted of crimes to do with violence against children and adolescents in order to prevent recidivism and to monitor them when it comes to granting furloughs and parole.

Final Provision Four is intended for amending Organic Act 6/1985 of 1 July 1985 on the Judiciary. This amendment regulates the need for specialised training in the judicial and prosecutorial career, body of counsel and in the rest of the staff at the service of the justice system demanded by all international regulations, insofar as any matters to do with children and disabled persons refer to vulnerable collectives. Additionally, the possibility is established that in administrative units, among them the Institutes of Legal Medicine and Forensic Science and Victim Assistance Offices reporting to the Ministry of Justice, other professionals may join as civil servants specialising in the different areas of action of such units, thus reinforcing the multidisciplinary nature of the assistance given to victims.

Final Provision Five amends Act 34/1988 of 11 November 1988, the General Advertising Act, in order to declare unlawful any advertising that in any way incites violence or discrimination against minors as well as any that encourages stereotypes of a sexist, racist, aesthetic, homophobic or transphobic nature or for reasons of disability.

Final Provision Six on the amendment of Organic Act 10/1995 of 23 November 1995 of the Criminal Code includes different amendments of major significance.

It provides a new regulation for hate crimes included in articles 22.4, 314, 511, 512 and 515.4 of the Criminal Code. To this end, age was included as a cause of discrimination in a dual aspect, for it is not only applicable to children and adolescents but also to another sensitive collective in need of protection, the elderly. In addition, in the spirit of protection that compels this legislative text, the opportunity of the reform was used to include aporophobia and social exclusion in these criminal definitions, in response to a social phenomenon in which rejection, aversion or contempt for poor persons underlies the criminal act, a motivation expressly mentioned in article 21 of the European Union Charter of Fundamental Rights.

The statute of limitations for the more serious crimes committed against minors is extended by amending the day on which the countdown to deadline starts: the statute of limitations will be counted from the time when the victim turns thirty-five years of age. This prevents the existence of spaces of impunity in crimes that have statistically been proven to be of slow psychological assimilation in victims and are often late to be detected.

Forgiveness by the offended person is removed as grounds for extinction of criminal liability whenever the victim of the crime is under eighteen years of age, thus completing the protection of children and adolescents against crimes prosecutable at the request of a party.

The removal of parental authority becomes mandatory for persons convicted of manslaughter or murder in two situations: when the author and the victim have a child in common and when the victim is the offspring of the perpetrator.

The age from which the assault crime subtype of article 148.3 is applicable is raised from twelve to fourteen years, for it is a more appropriate area of protection given the vulnerability manifested in the indicated time period of life.

The drafting of the aggravated form of sexual assault, of the form of sexual abuse and assault against persons under sixteen years of age and of the forms of prostitution and sexual exploitation and corruption of minors (articles 180, 183, 188 and 189) is amended in order to adapt it to the current reality and to the provisions of the current law. Furthermore, article 183c is amended in order to limit the effect of the extinction of criminal liability due to the freely given consent of the person under sixteen years of age, only for crimes under articles 183, section 1, and 183 bis, paragraph one, subparagraph two, when the author is a person close to the minor for reasons of age and degree of development or physical and psychological maturity, provided the acts do not constitute an infringement of the minor's sexual freedom.

The criminal class of child abduction of article 225 bis is amended to allow for both the parent habitually living with the minor and the parent who only has the minor with him or her under a visiting arrangement to be the active subject thereunder.

Lastly, new criminal offence types are created to prevent the impunity of conducts perpetrated through technological means and social media, which cause serious risk for the life and integrity of minors as well as considerable public alarm. Punishment is meted out to those who, through such media, promote suicide, self-harm or eating disorders among minors as well as those who commit offences of a sexual nature against them. There is also express provision for judicial authorities to remove such content from the web to prevent persistent criminal behaviour.

Final Provision Seven amends Act 1/1996 of 10 January 1996 on the recognition of the right to free legal assistance for minors and disabled persons requiring special protection when they are victims of serious violent offences regardless of the resources they may have for litigation.

Final Provision Eight corresponding to the amendment of Organic Act 1/1996 of 15 January 1996 on Legal Protection of Children, which partially amends the Civil Code and the Civil Procedure Act, completes the review of the protection system of children and adolescents conducted in 2015 with the description of risk indicators for assessing a risk situation. A new article 14 bis is also added to facilitate the task of social services in an emergency. Lastly, a system of guarantees is established in the protection systems of children, to be assumed by the public protection bodies, especially as regards children and adolescents in a vulnerable situation, such as unaccompanied minors arriving in Spain or children and adolescents who are deprived of parental care.

The reform carried out in the aforementioned Organic Act 1/1996 of 15 January 1996 is completed with the addition of articles 20b to 20d in order to regulate the conditions and procedure affecting applications for the transboundary fostering of minors from a European Union member state or a State party to the 1996 Hague Convention. The Spanish Central Authority will ensure compliance of the rights of the child in such cases and ensure that the protection measure to be enforced in Spain does protect the child's overriding interest. It also regulates the procedure for transmitting transboundary fostering applications from Spain to another European Union member state in accordance with Regulations (EC) No. 2201/2003 of the Council of 27 November 2003 on the jurisdiction, recognition and enforcement of judicial decisions in matters of matrimony and parental responsibility, which repeals Regulation (EC) No. 1347/2000 and (EU) 2019/1111 of the Council of 25 June 2019 on jurisdiction, recognition and enforcement of resolutions in matters of matrimony and parental responsibility and concerning the international abduction of minors to a State party of the 1996 Hague Convention.

This complies not only with the obligations derived from international agreements but also adapts the new wording to the latest jurisprudential standards of both the Constitutional Court in Judgment 64/2019 of 9 May 2019 of the Full Court and of the European Court of Human Rights in the ruling of 11 October 2016.

Final Provision Nine amends articles 779 and 780 of Act 1/2000 of 7 January 2000 on Civil Procedure in order to set a maximum term of three months from its inception, in proceedings in which opposition to administrative rulings in regard to the protection of minors is substantiated. Furthermore, it is envisaged that minors may themselves choose their defence counsel, that the procedural timeframes be reduced and the adoption of precautionary measures be contemplated.

Final Provision Ten amends article 1 of Organic Act 1/2004 of 28 December 2004 on comprehensive Protection Measures against Gender-Based Violence in order to establish that the gender-based violence to which said law refers also encompasses the violence committed against a woman's underage relatives or underage next of kin with the objective of causing injury or harm to her.

Final Provision Eleven amends article 4 of Organic Act 5/2000 of 12 January 2000 which regulates the criminal liability of minors in regard to the rights of victims of crimes committed by minors in order to configure new rights for the victims of gender-based violence when the perpetrator is a person under eighteen years of age, transposing the article's provisions to article 7.3 of Act 4/2015 of 27 April 2015 on the status of the victim of the crime.

Final Provision Twelve amends the consolidated text of the Act on Infringements and Penalties in the Social Order passed by Royal Legislative Decree 5/2000 of 4 August 2000, which includes a new infringement in the social order for providing jobs in any activities relating to minors to persons with a sex-related criminal record.

Final Provision Thirteen amending Act 41/2002 of 14 November 2002, the basic regulatory law on the autonomy of the patient and the rights and obligations in matters of clinical information and documentation, establishes that the details on the care given to underage victims of violence will be recorded in their medical history. This will allow for the better monitoring of each case and for assessing the magnitude of this public health problem, thus facilitating surveillance.

Final Provision Fourteen amends Act 44/2003 of 21 November 2003 on the regulation of the healthcare professions in regard to awarding specialist qualifications in Health Sciences.

Final Provision Fifteen amends Act 15/2015 of 2 July 2015 in order to ensure the right of children and adolescents to be heard in case histories relevant to them, safeguarding their right of defence and their right to freely express themselves while ensuring their privacy.

Final Provision Sixteen amends Organic Act 7/2015 of 21 July 2015 on the Judiciary in order to update the denomination of the Legal and Forensic Medicine specialisation.

Final Provision Seventeen mandates the Government to proceed to the creation of a State Participation Council for Children and Adolescents within six months of having passed this law.

Final Provision Eighteen establishes the competence title, indicating that this law is passed under the provisions of article 149.1, points 1., 2., 5., 6., 7., 8., 16., 18., 27., 29. and 30. of the Spanish Constitution.

Final Provision Nineteen establishes the ordinary nature of certain provisions.

Final Provision Twenty contemplates a mandate for the Government to draw up two draft laws to establish the specialisation of criminal and civil jurisdiction, also applicable to the Prosecution Service. Equally, it establishes that the competent administrations will regulate the composition and functioning of the Technical Teams that provide specialised assistance for the judicial bodies specialising in children and adolescents within the identical timeframe, in order to achieve improvements in judicial response. This should be done with a multidisciplinary approach, providing equal, appropriate and uniform protection for the rights of children and disabled persons.

Final Provision Twenty-One regulates the authorisation given to the Cabinet of Ministers and to the heads of Social Rights and 2030 Agenda, and the Ministries of Justice and Interior, to issue as many rules as may be necessary for its implementation, with special reference to the arrangements applicable to restraint and security measures in child protection and reform centres.

Final Provisions Twenty-Two and Twenty-Three regulate the necessary adjustments of regulations that are incompatible with the provisions therein and the transposition of European Union Law respectively.

Final Provision Twenty-Four mandates the Government to proceed to the regulatory implementation of the procedure for establishing the age of the minors, within twelve months of having passed this law.

Lastly, Final Provision Twenty-Five regulates the entry into force of this law.

III

During the processing of the law, a report was obtained from the Economic and Social Council, the Prosecutorial Council, the Spanish Data Protection Agency, the National Disability Council, the State Council of Non-Governmental Social Action Organisations and the Commission for Civil Dialogue with the Third-Sector Platform. The Autonomous Regions were also consulted, as were local bodies through the Spanish Federation of Municipalities and Provinces. Finally, the law was enhanced by the contribution of the Social Services Territorial Council and System for Autonomy and Dependency Care as well as its Delegated Committee and by that of the Interterritorial Council for the National Health System and its Advisory Committee.

This law is consistent with the principles of sound regulation established in article 129 of Act 39/2015 of 1 October 2015 on the Common Administrative Procedure of the public administrations. The content of the preceding paragraphs shows compliance with the principles of need and efficacy, given that this law meets the need to have in place a regulatory framework that oversees a comprehensive and uniform protection system across the Nation's territory when dealing with the violation of rights in the form of violence against children and adolescents, in contrast to the fragmentation of the current model, thus ensuring greater protection for minors. Furthermore, the law accords with the principle of proportionality, for it contains the indispensable regulation for achieving the aforementioned objectives and also complies with the principle of legal certainty insofar as the law is consistent with the national and international legal order. It complies with the provisions of article 19 of the Convention on the Rights of the Child, which underscores the obligations of States Parties to protect children and adolescents against all forms of mistreatment, and with the recommendations issued to Spain in 2010 and 2018 by the Committee on the Rights of the Child. In regard to the principle of transparency, while processing the regulation, a preliminary public consultation was conducted and a procedure for public information was followed in compliance with the provisions of article 26, sections 2 and 6, of the Government's Act 50/1997 of 27 November 1997. Lastly, with regard to the principle of efficiency, while it entails an increase in the administrative burdens, these involve the indispensable minimum for attaining the law's objectives and are in no way unnecessary.

As mentioned, the reform completes the incorporation into Spanish law of articles 3, sections 2 to 4, 6 and 9, letters a), b) and g) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography whereby Council framework decision 2004/68/JAI is replaced.

PRELIMINARY TITLE

General Provisions

Article 1. *Purpose.*

1. The law's purpose is to guarantee the fundamental rights of children and adolescents' physical, emotional, psychological and moral integrity against any form of violence, ensuring that they can freely develop their personality, establishing comprehensive protection measures that include awareness-raising, prevention, early detection, protection and remediation of harm in all the spheres in which they live their lives.

2. For the purposes of this law, violence is understood to be any action, omission or neglect that deprives minors of their rights and wellbeing, that threatens or interferes with their orderly physical, emotional or social development regardless of the ways and means in which it is committed, including through information and communication technologies, especially digital violence.

In any event, violence will be understood to be physical, psychological or emotional mistreatment, physical, humiliating or degrading punishment, neglect, threats, insults and slurs, exploitation, including sexual violence, corruption, child pornography, prostitution, school bullying, sexual harassment, cyberbullying, gender-based violence, genital mutilation, trafficking of human beings for any purpose, forced marriage, unwanted access to pornography, sexual extortion, public dissemination of private data and the presence of any violent behaviour in their family circle.

3. For the purposes of this law, fair treatment is understood to be any that, while respecting the fundamental rights of children and adolescents, actively promotes the principles of mutual respect, the human being's dignity, democratic coexistence, peaceful conflict resolution, the right to equal protection of the law, equal opportunities and prohibition of discrimination of children and adolescents.

Article 2. *Scope of Application.*

1. This law is applicable to minors who are on Spanish territory, regardless of their nationality and their administrative residency situation, and to minors of Spanish nationality who are abroad in the terms established in article 51.

2. The obligations established in this law will apply to all natural or legal, public or private persons who act in or are on Spanish territory. For these purposes, a legal person will be understood to be on Spanish territory when he or she has a registered office, effective management headquarters, subsidiary, branch office or an establishment of any kind on Spanish territory.

Article 3. *Purposes.*

The provisions of this law pursue the following purposes:

a) To ensure that awareness-raising measures are implemented in order to reject and eliminate all kinds of violence against children and adolescents, giving the public authorities, children and adolescents and families a set of effective instruments in all areas of social media and the internet, especially in those relating to family, education, healthcare, social services and those relating to the legal sphere, new technologies, sport and leisure, administration of justice and law-enforcement authorities.

b) To establish effective measures to prevent violence against children and adolescents by providing children and adolescents with appropriate information, specialising in and improving professional practice in the different intervention areas, supporting families, giving them the tools for positive parenting, and reinforcing the participation of minors.

c) To promote early detection of violence against children and adolescents through the initial and ongoing interdisciplinary training of professionals who are in regular contact with children and adolescents.

d) To reinforce the knowledge and skills of children and adolescents so that they can play an active role in promoting fair treatment and may recognise violence and react to it.

e) To reinforce the exercise of the right of children and adolescents to be heard and listened to and to have their opinions properly taken into account in contexts of violence against them, ensuring their protection and preventing their secondary victimisation.

f) To strengthen the civil, criminal and procedural framework to ensure the effective judicial protection of children and adolescents who are victims of violence.

g) To strengthen the administrative framework to ensure better administrative protection for children and adolescents who are victims of violence.

h) To ensure the reparation and restoration of the rights of underage victims.

i) To ensure the special care of children and adolescents who are in a situation of particular vulnerability.

j) To ensure the eradication of and protection against any kind of discrimination and to overcome stereotypes of a sexist, racist, homophobic, biphobic or transphobic nature, or discrimination for reasons of aesthetic appearance, disability, illness, aporophobia or social exclusion or for any other personal, familial, social or cultural circumstance or condition.

k) To ensure coordinated action and ongoing collaboration between the different public administrations and professionals from the different sectors involved in awareness-raising, prevention, early detection, protection and reparation.

l) To tackle and eradicate, through a global vision, the structural causes behind violence against children in our society.

m) To establish the protocols, mechanisms and any other kind of measure necessary for creating safe, fair, caring and inclusive environments for all children in all the areas covered by this law in which a minor lives his or her life. A safe environment is understood to be one that respects the rights of children and promotes a protective physical, psychological and social environment, including the digital environment.

n) To protect the minor's image from his or her birth to after his or her death.

Article 4. *General Standards.*

1. The general principles and interpretative standards of the minor's overriding interest will be applicable as set out in article 2 of Organic Act 1/1996 of 15 January 1996 on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act as well as the following:

a) Prohibiting all forms of violence against children and adolescents.

b) Priority given to preventive actions.

c) Promoting fair treatment of children and adolescents as a central element in all actions.

d) Promoting the comprehensive nature of all actions, from inter-administrative and intra-administrative coordination and cooperation to international cooperation.

e) Protecting children and adolescents from secondary victimisation.

f) Specialising and training all professionals who are in regular contact with children and adolescents in the early detection of potential situations of violence.

g) Reinforcing the autonomy and training of minors in early detection and in the appropriate reaction to potential situations of violence against them or against third parties.

h) Individualising measures, taking into account the specific needs of each child or adolescent who is a victim of violence.

i) Incorporating gender perspective into the design and implementation of any measure to do with violence against children and adolescents.

j) Incorporating a cross-cutting approach in regard to disability into the design and implementation of any measure to do with violence against children and adolescents.

k) Promoting equality of care for children through co-education and through fostering teaching in equity, and deconstructing gender roles and stereotypes.

l) Assessing and formally establishing the minor's overriding interest in all decisions affecting an underage person.

m) Ensuring the survival and full development of minors.

n) Ensuring the exercising of the right to participation of children and adolescents in all decision-making that affects them.

o) Universal accessibility, as an indispensable measure, to fulfil the mandates of this Law in all children and adolescents, without exception.

2. Adoption of the necessary measures to promote the physical, psychological and emotional recovery and the social inclusion of children and adolescents who are victims of violence.

3. Any minors who have committed acts of violence will receive specialised support, especially educational support, aimed at promoting fair treatment and the prevention of violent conducts in order to prevent recidivism.

Article 5. *Training.*

1. The public administrations, in their respective jurisdictions, will promote and ensure initial and ongoing specialised training in the fundamental rights of children and adolescents of professionals who are in regular contact with minors. This training will include, at the very least:

a) Education in the prevention and early detection of all forms of violence covered by this law.

b) Actions to be undertaken once signs of violence have been detected.

c) Specific training in security and in the safe and responsible use of the internet, including issues to do with intensive use and the generation of behavioural disorders.

d) Fair treatment of children and adolescents.

e) Identifying risk factors and heightened exposure and vulnerability to violence.

f) Mechanisms to prevent secondary victimisation.

g) The impact of gender roles and stereotypes on the violence suffered by children and adolescents.

2. In addition to the provisions of the preceding paragraph, the public administrations, in their respective jurisdictions, will ensure that the teaching and educational staff is given specific training in inclusive education.

3. Bar associations will facilitate their members' access to specific training on the material and procedural aspects of violence against children and adolescents, from the perspective of national Law as well as European Union Law and International Law, and to continuous training programmes in matters to do with fighting violence against children and adolescents.

4. The design of the training actions referred to in this article will take gender perspective into special consideration, together with the specific needs of disabled minors, minors with diverse racial, ethnic or national origins, minors in a situation of economic disadvantage, minors belonging to the LGBTI collective, or minors who have adopted any other sexual choice or orientation and/or gender identity, and unaccompanied minors.

Article 6. *Collaboration and Cooperation Between Public Administrations.*

1. The different public administrations, in their respective jurisdictions, will collaborate with one another in the terms established in article 141 of Act 40/2015 of 1 October 2015 on the Public-Sector Legal Framework, leading to effective actions in matters of prevention, early detection, protection from and reparation of violence against children and adolescents.

2. The public administrations will promote both national and international institutional collaboration through actions involving the exchange of information, knowledge, experiences and good practices.

3. To ensure the necessary cooperation between all public administrations, matters to do with the enforcement of this law will be handled within the Sectoral Conference on Children and Adolescents.

Article 7. *Sectoral Conference on Children and Adolescents.*

1. The Sectoral Conference on Children and Adolescents is the cooperation body between public administrations in the protection and development of children and adolescents.

2. The functions of the aforementioned Conference will be aimed at attaining the following objectives:

a) Consistency and complementarity in the activities undertaken by the public administrations in the protection and implementation of the rights of children and adolescents and especially in fighting violence against these collectives.

b) The highest degree of efficacy and efficiency in identifying, formulating and enforcing the policies, programmes and projects undertaken by the different public administrations in enforcing the provisions of this law.

c) Participation of the public administrations in training and assessing in the Strategy for eradicating violence against children and adolescents.

3. The Sectoral Conference will adopt its internal rules of organisation and operation in compliance with the provisions of article 147.3 of Act 40/2015 of 1 October 2015, ensuring the presence and intervention of the autonomous regions, local bodies and the High Commissioner for the Fight against Child Poverty.

Article 8. *Public-Private Collaboration.*

1. The public administrations will promote public-private collaboration in order to facilitate prevention, early detection and intervention in situations of violence against children and adolescents, encouraging the subscribing to agreements with the media, social agents, professional associations, religious denominations and other private bodies that carry out their activity in regular contact with children and adolescents or in their material scope of relations.

2. Furthermore, the competent public administrations will adopt the necessary measures to ensure the appropriate implementation of collaboration actions with the new technologies sector covered by Chapter VIII of Title III.

In particular, collaboration with information and communication technologies, data protection agencies of the different public administrations, law enforcement authorities and the justice system will be encouraged in order to detect and remove from the web, without delay, any illegal content featuring any form of violence against children and adolescents.

3. The public administrations will encourage the exchange with civil society of any information, knowledge, experiences and good practices relating to the protection of minors on the internet, under a multidisciplinary and inclusive approach.

4. In cases of violence against children, collaboration between the public administrations and the media will place special emphasis on respecting the honour, privacy and image of the victim and his or her relatives, even should the minor have died. In this situation, the dissemination of any kind of image will require the express authorisation of heirs or parents.

TITLE I

Rights of Children and Adolescents in the Face of Violence

Article 9. *Guarantee of rights of children and adolescents who are victims of violence.*

1. All children and adolescents who are victims of violence have their rights recognised under this law.

2. The public administrations will make available to children and adolescents who are victims of violence, as well as to their legal representatives, all means necessary to guarantee the effective exercise of the rights covered by this law, taking into consideration the personal, familial and social circumstances of those who may have greater difficulty in accessing them. In any event, the needs of disabled minors, or of especially vulnerable minors, will be taken into consideration.

3. Children and adolescents will have the right to have their felt or expressed sexual orientation and gender identity respected in all life settings and to receive precise support and assistance when they are victims of discrimination or violence for such reasons.

4. In order to ensure the appropriate exercise of the rights covered by this law, children and adolescents who are victims of violence will be assisted and supported by the Victim Assistance Offices, which will act as a coordination mechanism for the rest of protection resources and services to which minors are entitled.

To this end, the Ministry of Justice and the autonomous regions with devolved competences will promote the adoption of agreements with other public administrations and with third-sector bodies for the effective coordination of help for victims.

Article 10. *Right to Information and Advice.*

1. The public administrations will provide children and adolescents who are victims of violence, in keeping with their personal situation and level of maturity and, where applicable, their legal representatives and a trusted person designated by them, any information on the measures mandated by this law that may be directly applicable as well as on existing information or reporting mechanisms or channels that have been put in place.

2. Children and adolescents who are victims of violence will be referred to the corresponding Victim Assistance Office, where they will receive any information, advice and support that may be necessary in each case, in compliance with the provisions of Act 4/2015 of 27 April 2015 on the Victim of Crime Statute.

3. The information and advice referred to in the preceding paragraphs will be provided in a clear and comprehensible language, in a tongue they can understand and through formats that are accessible in sensory and cognitive terms and are adapted to all personal circumstances of the recipients in order to ensure universal access to them. In the case of territories with co-official languages, the child or adolescent may receive information in the co-official language he or she chooses.

Article 11. *Victims' Right to be Heard.*

1. The public authorities will ensure that children and adolescents are heard and listened to, with every guarantee and without an age limit, to ensure in all cases that this process is universally accessible in all administrative and judicial proceedings or in any other kind of proceeding relating to the accreditation of violence and reparation of the victims. The right of children and adolescents to be heard may only be restricted, in a reasoned manner, when it is contrary to their overriding interest.

2. The appropriate preparation and specialisation of professionals, methodologies and spaces will be ensured to guarantee that obtaining evidence from underage victims is done with rigour, tact and respect. Special attention will be paid to professional training, to the methodologies and to the adaptation to the setting for listening to underage victims.

3. The public authorities will take the necessary measures to prevent theoretical approaches or criteria without scientific backing that presume adult interference or manipulation, such as the so-called parental alienation syndrome, from being taken into consideration.

Article 12. *Right to Comprehensive Care.*

1. The public authorities will provide children and adolescents who are victims of violence with comprehensive care that will include protection, support, sheltering and recovery measures.

2. Among other aspects, comprehensive care, for the sake of the minor's overriding interest, will especially include the following measures:

a) Psychosocial, social and educational information and support for the victims.

b) Follow-up of reports or claims.

c) Medical, psychiatric and psychological therapeutic care for the victim and, where appropriate, the family unit.

d) Support for training, especially in matters of equality, solidarity and diversity.

e) Information and support for families and, where necessary and where their need is objectively well-founded, psychosocial, social and educational monitoring for the family unit.

f) Providing access to public networks and services.

g) Support for education and job placement.

h) Support and advice in judicial proceedings in which he or she has to take part, should it be necessary.

i) All these measures should adopt an inclusive and accessible approach so that all children and adolescents without exception can be looked after.

3. The public administrations will adopt the necessary measures to coordinate between all the agents involved in order to prevent the secondary victimisation of the children and adolescents in which they need to intervene in each case.

4. The public administrations will ensure that the care given to underage victims of violence is done in a friendly environment adapted to the child or adolescent.

5. The competent healthcare, education and social services administrations will universally and comprehensively ensure that early care is provided, from birth to the age of six, for any child with developmental disturbances or disorders, or at risk of suffering them, under the law's scope of coverage and that support for children's development is provided.

Article 13. *Legitimation for the defence of rights and interests in judicial proceedings that arise from a situation of violence.*

1. Children and adolescents who are victims of violence are legitimised to defend their rights and interests in all judicial proceedings that arise from a situation of violence.

Such a defence will generally speaking be provided through their legal representatives in the terms of article 162 of the Civil Code. It may also be provided through the counsel appointed by the Court or Tribunal, appointed ex officio or at the behest of the Prosecution Service in the cases contemplated in article 26.2 of Act 4/2015 of 27 April 2015.

In the case of children or adolescents under the guardianship and/or custody of a public protection body who report that body or its service staff for having committed violence against them, it will in all cases be understood that there is a conflict of interest between the child and his or her caregiver or guardian.

2. When criminal proceedings are brought as a consequence of a situation of violence against a child or adolescent, the defence counsel of the Justice System will refer the underage victim of violence to the competent Victim Assistance Office whenever this is necessary due to the seriousness of the offence, the victim's vulnerability or in cases where the victim requests it, in compliance with the provisions of article 10 of Act 4/2015 of 27 April 2015.

Article 14. *Right to Free Legal Assistance.*

1. Underage victims of violence have the right to free defence and representation by a lawyer and legal representative in compliance with the provisions of Act 1/1996 of 10 January 1996 on free legal assistance.

2. Bar Associations, when they demand specialisation courses for exercising in-court defence, will ensure specific training in the rights of children and adolescents, with special attention to the Convention on the Rights of the Child and its general observations, and will in all cases receive specialised training in violence against children and adolescents.

3. Equally, Bar Associations will adopt the necessary measures for the urgent designation of court-appointed counsel in any proceedings brought for violence against minors and to ensure their immediate presence and assistance for the victims.

4. Bar Associations will adopt the necessary measures to urgently designate an attorney in the proceedings brought for violence against minors when the victim wishes to bring a private prosecution.

5. The counsel designated by the victim will also be legally empowered to represent the victim in the proceedings until a legal representative has been designated for as long as the victim has not brought an action as plaintiff in compliance with the provisions of the next paragraph. Until then, counsel will perform the duty of indicating domicile for the purposes of notifications and transfer of documents.

6. Underage victims of violence may bring an action as plaintiffs at any time in the proceedings, although this will not allow them to go back to or repeat the actions already carried out before they bring the case, nor may it entail the erosion of the defendant's right of defence.

TITLE II

Duty to Report Situations of Violence

Article 15. *Citizens' Duty to Report.*

Any person who observes signs of violence exercised against a minor has the obligation to report it immediately to the competent authority and, should the facts of the case constitute a potential crime, to the Law Enforcement Authorities, the Prosecution Service or the judicial authority, without prejudice to their obligation to provide the immediate care which the victim requires.

Article 16. *Qualified Duty to Report.*

1. The duty to report covered in the foregoing article is especially required of persons who for reasons of their position, profession, trade or activity are entrusted with providing assistance, care, teaching or protection to children or adolescents and, in exercising those duties, have become aware of a situation of violence committed against them.

In any event, such a case is deemed to include qualified personnel in medical centres, schools, sport and leisure centres, child protection centres and centres of criminal liability for minors, asylum reception centres, persons providing humanitarian care in establishments where minors habitually or temporarily reside, and social services personnel.

2. Should any persons referred to in the above paragraph become cognisant of a potential situation of violence against a minor, they will immediately report it to the competent social services.

Furthermore, whenever there is a threat to the health or safety of the child or adolescent resulting from said violence, they will immediately report it to the Law Enforcement Authorities and/or the Prosecution Service.

3. Whenever any persons referred to in paragraph 1 observe a potential violation of the regulations on the protection of a minor's personal data, they will immediately report it to the Spanish Data Protection Agency.

4. In any event, the persons referred to in paragraph 1 will give the victim any immediate care they require, provide all information in their possession and offer their fullest collaboration to the competent authorities.

To this end, the competent public administrations will establish appropriate reporting mechanisms in suspected cases of violence against minors.

Article 17. *Reporting by Children and Adolescents of Situations of Violence.*

1. Children and adolescents who are victims of violence or witness a situation of violence against another minor may report it, personally or through their legal representatives, to social services, to the Law Enforcement Authorities, to the Prosecution Service or to the judicial authority and, where applicable, to the Spanish Data Protection Agency.

2. The public administrations will establish secure, confidential, effective, adapted and accessible reporting mechanisms for children and adolescents, in a language they can understand. They may be accompanied by a trusted person designated by them.

3. The public administrations will ensure that supported electronic reporting mechanisms are in place, such as free telephone helplines for children and adolescents, and that their existence is made known to civil society as an essential tool made available to all persons for the prevention and early detection of violence against children and adolescents.

Article 18. *Duty of Educational Centres and Residential Establishments to Report.*

1. All educational centres, at the start of each school year, and all establishments in which minors habitually reside, will provide children and adolescents, at the time of their admission, with all the information, which in all cases will be available in accessible formats, referring to reporting procedures in situations of violence regulated by the public administrations and applicable to the centre or establishment, together with the persons in charge in those venues. Equally, right from the start they will provide information on the electronic reporting mechanisms, such as telephone helplines for children and adolescents.

2. The aforementioned centres and establishments will keep this information permanently updated and in a visible and accessible place. They will adopt the necessary measures to ensure that children and adolescents can consult it freely at any time, allowing and facilitating access to such reporting procedures and to existing helplines.

Article 19. *Duty to Report Illicit Internet Content.*

1. Any natural or legal person who observes the existence of internet content that constitutes a form of violence against a child or adolescent is obliged to report it to the competent authority and, should the facts in the case constitute a crime, to the Law Enforcement Authorities or the judicial authority.

2. The public administrations will ensure that accessible and secure channels are available for reporting such content. These channels may be managed by national reporting lines certified by international networks, always in collaboration with the Law Enforcement Authorities.

Article 20. *Protection and Security.*

1. The public administrations, within their competences, will establish the appropriate mechanisms to ensure the confidentiality, protection and security of the persons who have alerted the authorities to situations of violence against children and adolescents.

2. Educational and leisure centres, together with establishments in which minors habitually reside, will adopt all necessary measures to ensure the protection and security of any children and adolescents who report violence.

3. The judicial authority, ex officio or at the request of a party, may agree the witness protection measures envisaged in the specific regulations whenever it deems it necessary given the risk or hazard that may result from reporting an action in compliance with the foregoing articles.

TITLE III

Awareness-Raising, Prevention and Early Detection

CHAPTER I

Strategy to Eradicate Violence Against Children and Adolescents

Article 21. *Strategy to Eradicate Violence Against Children and Adolescents.*

1. The General State Administration, in collaboration with the autonomous regions, the cities of Ceuta and Melilla and local bodies, will draft a national multi-annual Strategy to eradicate violence against children and adolescents, with special emphasis on the areas of family, education, healthcare, social services, new technologies, sport and leisure, also involving the Law Enforcement Authorities. This Strategy will be approved by the Government at the suggestion of the Sectoral Conference on Children and Adolescents and will be supported by a financial report in which the competent centres will identify the budgetary applications to which funding will be charged.

Said Strategy will be drafted in line with the National Strategy for Children and Adolescents, with the participation of the Childhood Observatory, third-sector bodies, civil society and, most especially, children and adolescents.

It will be promoted by the ministerial department with jurisdiction over childhood-related policies.

Children and adolescents will take part in drafting the Strategy through the State Council for the Participation of Children and Adolescents.

2. The body charged with promoting the Strategy will draft an annual assessment report on the Strategy's degree of compliance and efficacy in eradicating violence against children and adolescents. This report, which will be submitted to the Council of Ministers, will be drawn up in collaboration with the Justice, Interior, Health, Education and Professional Training Ministries and the High Commissioner for the Fight Against Child Poverty.

The results of the annual assessment report, which will contain available statistical data on violence against children and adolescents, will be made public for general information purposes and will be taken into account when drafting the corresponding public policies.

CHAPTER II

Levels of Action

Article 22. *On Awareness-Raising.*

1. The public administrations, in their areas of competence, will promote assessable, evidence-based information campaigns and specific actions to raise awareness in society on the right of children and adolescents to receive fair treatment. Such campaigns will include measures against those conducts, discourses and acts that lead to violence against children and adolescents in their different manifestations, including discrimination, criminalisation and hate. Such actions should aim to encourage a change of attitude in the social context.

In addition, the public administrations will promote specific awareness-raising campaigns to promote the safe and responsible use of the internet through an approach that makes the most of opportunities and a positive use of them, incorporating the perspective and opinions of the children and adolescents themselves.

2. These campaigns will be carried out in a way that is accessible to different age groups in order to ensure that all minors, and especially those who need specific support due to disability, are guaranteed access.

Article 23. *On Prevention.*

1. The competent public administrations will set up prevention plans and programmes to eradicate violence against children and adolescents.

These plans and programmes will encompass specific measures in the areas of family, education, healthcare, social services, new technologies, sport and leisure and the Law Enforcement Authorities as part of the strategy to eradicate violence against children and adolescents. They will be assessed in the terms established by the competent public administrations.

2. The prevention plans and programmes to eradicate violence against children and adolescents will, in accordance with risk factors, identify especially vulnerable children and adolescents and specific high-risk groups in order to give priority to measures and resources intended for such collectives.

3. In any event, the following will be considered to be preventive actions:

a) Those aimed at promoting fair treatment in all spheres of children's and adolescents' lives and those aimed at providing training in positive parenting.

b) Those aimed at detecting, reducing or preventing situations that lead to exclusion processes or social maladjustment, hindering children's and adolescents' wellbeing and full development.

c) Those that aim to mitigate or compensate for factors that favour the breakdown of the minor's family and social milieu.

d) Those that seek to reduce or eliminate situations of defencelessness owing to any form of violence against children and adolescents.

e) Those that promote information aimed at children and adolescents, children and young people's participation and the involvement of minors in awareness-raising and prevention processes.

f) Those that encourage work-life balance as well as parental co-responsibility.

g) Those aimed at encouraging both adults and minors to learn about the principles and provisions of the Convention on the Rights of the Child.

h) Those aimed at making society aware of all the barriers that place children and adolescents at social disadvantage and at risk of suffering violence as well as those aimed at reducing or removing such barriers.

i) Those intended for promoting safety in all the spheres of childhood and adolescence.

j) Those aimed at encouraging egalitarian relations between boys and girls that identify the different forms of violence against girls, female teenagers and women.

k) Those aimed at providing ongoing specialised training for professionals who are regularly involved with children and adolescents, in issues to do with care in childhood and adolescence, with particular attention to especially vulnerable collectives.

l) Those aimed at preventing children and adolescents from dropping out of school to take on work and family commitments that are not age-appropriate, with special focus on child marriage, which directly affects girls.

m) Any other ones included under the different areas of action regulated in this law.

4. Any actions that prevent violence against children and adolescents will be given priority. In this regard, the National Budget will be supported by documentation associated with the impact report on childhood, adolescence and family in which the different budgeting centres will identify the individual budget items allocated to such actions.

Article 24. *Preventing the Radicalisation of Children and Adolescents.*

The competent public administrations will adopt the necessary awareness-raising, prevention and early detection measures to protect minors from processes in which they primarily learn models of violent or criminal behaviour that lead to violence in all the areas in which it manifests itself. This includes measures to deal with and attend to such behaviours whenever they occur. In all cases, preventive treatment will be provided that takes gender and age into account.

Article 25. *On Early Detection.*

1. The public administrations, in their area of competence, will annually implement initial and ongoing training programmes for professionals who are in regular contact with children and adolescents in order to detect at an early stage any violence committed against them and to ensure that such violence is reported in compliance with the provisions of articles 15 and 16.

2. In any cases where a situation of violence against a minor has been detected at an early stage, it will be immediately reported to the parents, guardians or foster parents by the professional who has detected it, unless there are signs that the aforementioned violence has been committed by them.

3. The competent public administrations will make sure that minors are provided with the tools to detect situations of violence.

CHAPTER III

On the Family Environment

Article 26. *Prevention in the Family Environment.*

1. In order to create a safe environment the public administrations, in the area of their respective competences, will provide families in their multiple forms and any persons who habitually live with children and adolescents with the necessary support to prevent risk factors right from earliest infancy and to strengthen the protection factors and give support to the educational and protective role played by parents or by those who perform the functions of guardianship, foster care or adoption so that they can appropriately carry out that parental or tutelary role.

2. To this end, as part of the prevention plans and programmes envisaged in article 23, the competent public administrations will include, at the very least, an analysis of the family situation within their jurisdiction that will identify family needs and set applicable goals and measures.

3. The measures referred to in the preceding paragraph should focus on:

a) Promoting fair treatment, co-responsibility and positive parenting. For the purposes of this law, positive parenting is deemed to be the behaviour of parents or by those who perform the functions of guardianship, foster care or adoption based on the overriding interest of the child or adolescent, aiming to allow minors to grow in a violence-free, loving environment that includes the right to express their opinion, to participate and be counted in all matters that affect them, to be educated in rights and obligations, favouring the development of their capabilities, to be offered recognition and guidance that will allow their full development in all areas.

In no case may the actions to promote positive parenting be used for other purposes in the event of conflict between parents, separation or divorce, nor to impose shared guardianship not agreed between them. Nor should it be associated with situations lacking in scientific backing, such as the parental alienation syndrome.

b) Promoting education and the development of basic and essential strategies for acquiring values and emotional competence both in parents or in those who perform the functions of guardianship, foster care or adoption and in children in accordance with their level of maturity. In particular, the aim is to promote co-responsibility and rejection of violence against women and girls and education with an inclusive focus and to develop strategies during early infancy intended for acquiring the skills needed to bring up children in a way that establishes a strong emotional, reciprocal and safe bond with the child's parents or with those who perform functions of guardianship, foster care or adoption.

c) Promoting the care of women during pregnancy and providing good antenatal care. This care should reinforce the identification of any circumstances that may have a negative impact on the woman's pregnancy and wellbeing and on the development of strategies that allow for the early detection of risk situations during pregnancy while providing antenatal care and support.

d) Providing a safe obstetric and perinatal environment for the mother and newborn and incorporating scientifically proven disease or genetic disorder detection protocols intended for providing early diagnoses and, where appropriate, early medical treatment and care for the newborn.

e) Implementing training programmes for adults and for children and adolescents in intra-family conflict negotiation and resolution.

f) Adopting programmes aimed at promoting positive forms of learning and at eradicating punishment with physical or psychological violence in the family environment.

g) Creating the necessary information and professional support services for children and adolescents so that they acquire the necessary ability to timely detect and reject any form of violence, with particular attention to the problems faced by girls and female teenagers who for reasons of gender and age are victims of any kind of direct or indirect discrimination.

h) Providing the guidance, training and support needed by families of disabled children and adolescents so that they can give appropriate care to them in their family environment while encouraging a degree of independence, their active participation in the family and their social inclusion in the community.

i) Implementing training and awareness-raising programmes for adults and for children and adolescents aimed at preventing the intra-family encouragement of child marriage, dropping out of school and taking on work and family commitments that are not age-appropriate.

Article 27. *Specific Actions in the Family Environment.*

1. The public administrations will promote family policy measures aimed at supporting the qualitative aspects of positive parenting in parents or in those who perform functions of guardianship, foster care or adoption. In particular, those intended for preventing poverty and the causes of social exclusion as well as work-life balance as part of social dialogue, through working hours and conditions that allow for the raising of children and for the exercise of said responsibilities to be shared by men and women.

Such measures will be tailored to the different specific support needs of each family unit, with special attention focused on families with disabled or especially vulnerable children or adolescents and on preventing separation from the family environment.

2. The public administrations will produce and/or disseminate training materials in accessible formats in sensory and cognitive terms, aimed at the positive exercise of parental or tutelary responsibilities. These materials will contain training in the rights and duties of children and adolescents and include specific content on combating gender roles and stereotypes that put girls in an unequal situation and content on sexual and gender diversity to prevent discriminatory and violent conducts towards children and adolescents.

Article 28. *Family Breakdown.*

The public administrations will pay special attention to protecting the overriding interest of children and adolescents in cases of family breakdown, adopting, within the scope of their competences, measures that especially target families with underage children who are in this situation in order to ensure that the breakup of the parents does not lead to damaging consequences for the children's wellbeing and full development.

Among others, the following measures will be adopted:

a) Promoting support services for families, family meeting points and other publicly funded specialised resources or services to provide appropriate care and protection for children and adolescents suffering violence.

b) Promoting psychosocial offices in courthouses together with mediation and arbitration services that fully respect the independence of the parents and children and adolescents involved.

Article 29. *Gender-Based Violence in the Family Environment.*

1. The public administrations will pay special attention to protecting the overriding interest of children and adolescents who live in family environments dominated by gender-based violence to ensure that such cases are detected and elicit a specific response that ensures the full protection of their rights.

2. The actions of the public administrations should take place in an all-encompassing manner, jointly considering the recovery of the minor and the mother, both of whom are victims of gender-based violence. Specifically, the necessary support will be ensured so that children and adolescents, to benefit from protection, specialist attention and recovery, can remain with the woman unless this goes against their overriding interest.

To this end the childhood and adolescence social protection services will ensure:

a) The detection of gender-based violence and the specific response to it.

b) The referral to and coordination with specialised care services for underage victims of gender-based violence.

In addition, the action guidelines established in the gender-based violence protocols of the different healthcare, police, educational, judicial and equality bodies will be followed.

CHAPTER IV

On the Educational Sphere

Article 30. *Principles.*

The educational system should be governed by the mutual respect of all members of the educational community and should foster accessible, equitable, inclusive quality education allowing children and adolescents to fully develop and participate in safe, violence-free schooling that ensures respect, equality and the promotion of all fundamental rights and public liberties, employing peaceful communication, negotiation and conflict resolution methods.

Children and adolescents in every educational stage regardless of the school's ownership will be given cross-cutting education that includes their participation, respect for others and for their dignity and their rights, especially of any minors who are particularly vulnerable due to being disabled or suffering a neurodevelopmental disorder, gender equality, family diversity, the acquisition of skills for choosing healthy lifestyles, including education on food and nutrition, and affective-sexual education adapted to their level of maturity and, where applicable, disability, geared towards learning to prevent and avoid all forms of violence and discrimination in order to help them recognise it and react to it.

Article 31. *On Educational Organisation.*

1. All schools will draw up a plan for coexistence in compliance with article 124 of Organic Act 2/2006 of 3 May 2006 on Education, which will include in its activities the acquisition of skills, awareness-raising and training of the educational community, the promotion of fair treatment and peaceful conflict resolution by the school personnel, the student body and the educational community on peaceful conflict resolution.

2. This plan will also include the codes of conduct agreed between the teaching staff acting as guardians, the teaching teams and the student body when faced with school bullying or any other situation affecting coexistence at the school, regardless of whether such cases occur in the school itself or whether they occur, or continue, through information and communication technologies.

The teaching staff and the School Board will include among their competences the drive to adopt and monitor any educational measures that encourage the recognition and protection of the rights of minors when faced with any form of violence.

3. The educational administrations will ensure that the principles included in this chapter are upheld and applied. They will also set up the necessary guidelines and measures for establishing schools as safe environments and will supervise that all schools, regardless of ownership, are applying the mandatory action protocols in cases of violence.

Article 32. *Supervision of Hiring in Schools.*

The educational administrations and the persons who head and own schools will supervise safety and security when hiring staff and will enforce the submission of mandatory certificates, such as those listed in Chapter II of Title V, by the teaching body as well as the support staff, service contractors or other professionals who regularly work in or collaborate with the school, whether on a paid basis or not.

Article 33. *Training in Digital Rights, Security and Responsibility.*

The public administrations will ensure the full integration of the student body in the digital society and in learning the use of digital media in a safe manner that respects human dignity, constitutional values, fundamental rights and, particularly, respect for and guarantee of personal and family privacy and personal data protection in compliance with the provisions of article 83 of Organic Act 3/2018 of 5 December 2018 on Personal Data Protection and Guarantee of Digital Rights.

Specifically, the public administrations will promote the appropriate use of the internet in all educational stages.

Article 34. *Action Protocols.*

1. The educational administrations will regulate the action protocols against abuse and mistreatment, school bullying, cyberbullying, sexual harassment, gender-based violence, domestic violence, suicide and self-harm as well as any other manifestation of violence included in this law's scope of application. The drafting of these protocols will require the participation of children and adolescents, other public administrations, institutions and professionals from the different sectors involved in the prevention, early detection, protection and reparation of violence against children and adolescents.

Said protocols will be implemented in all schools regardless of their ownership and will be regularly assessed in order to evaluate their effectiveness. They should be initiated when the schools' teaching or educational staff, parents of the students or any member of the educational community detects signs of violence or whenever a child or adolescent has reported violent acts.

2. Among other aspects, the protocols will determine the actions to the undertaken, the communication systems and coordination of the professionals responsible for each action. Such coordination will also be established with the healthcare system, the Law Enforcement Authorities and the judiciary.

Additionally, specific actions will be contemplated whenever the bullying is triggered by disability, serious neurodevelopmental problems, mental health problems, age, racist prejudices or those prompted by place of origin, sexual orientation or gender identity or expression. Equally, said protocols will contemplate specific actions whenever the bullying occurs through the new technologies or mobile devices and it has undermined the privacy, reputation or right to personal data protection of minors.

3. The persons who manage or own a school will take responsibility for ensuring that the educational community is informed of the action protocols in place and for ensuring the enforcement and monitoring of the actions covered by them.

4. The protocols drawn up will be disseminated and specialised training will be given to intervening professionals so that they are in a position to detect situations of this nature.

Article 35. *Wellbeing and Protection Coordinator.*

1. All schools where minors study, regardless of their ownership, will have a Coordinator in place for the wellbeing and protection of the pupils, He or she will act under the supervision of the director or owner of the school.

2. The competent educational administrations will determine the requirements and functions to be carried out by the Wellbeing and Protection Coordinator. They will also determine whether those functions should be carried out by existing personnel at the school or by new staff.

The functions entrusted to the Wellbeing and Protection Coordinator should be the following at the very least:

a) To promote training plans in prevention, early detection and protection of children and adolescents for both the school personnel and the pupils. Training plans for school personnel acting as guardians will be given priority, as will those for pupils aimed at giving them the skills to detect and respond to situations violence.

Furthermore, in coordination with Parents' Associations, such training should be promoted among parents and among those who perform functions of guardianship, foster care or adoption.

b) To coordinate, in accordance with the protocols approved by the educational administrations, those cases that require intervention by the competent social services. Such cases, if deemed to be necessary, will be reported to the corresponding authorities without prejudice to the duty to report in cases provided by law.

c) To self-identify before pupils and before the school personnel and, in general, before the educational community, as the main coordinator for any reporting of potential cases of violence in the school or in the school milieu.

d) To promote measures that ensure the highest wellbeing for children and adolescents and a culture of fair treatment in dealing with them.

e) To encourage, among the school staff and pupils, the use of alternative peaceful conflict resolution methods.

f) To inform the school staff of the protocols in the prevention of and protection from any form of violence existing in its locality or autonomous region.

g) To encourage respect for pupils with a disability or any other circumstance of special vulnerability or diversity.

h) To coordinate the coexistence plan referred to in article 31 with the school management.

i) To promote the immediate reporting by the school to the Law Enforcement Authority of any situations that entail risk for the safety of minors.

j) To promote the immediate reporting by the school to the Data Protection Agencies of any situations that may entail the unlawful processing of a minor's personal data.

k) To encourage the school in providing healthy and nutritious food that will allow children and adolescents, especially the most vulnerable ones, to eat a balanced diet.

3. The Wellbeing and Protection Coordinator will in all cases act in compliance with the provisions of the data protection regulations in force.

CHAPTER V

On Higher Education

Article 36. *Involvement of Higher Education in Eradicating Violence Against Children and Adolescents.*

1. The Higher Education establishments will promote in all academic areas the training in, teaching of and research into the rights of children and adolescents in general and in combating violence committed against them in particular.

2. Specifically, the higher-level education, graduate and postgraduate cycles and the specialisation programmes in the professions of healthcare, social care, education, journalism and information sciences, law and any other degrees leading to professions that require regular contact with minors, will promote the incorporation in their syllabuses of specific content aimed at the prevention, early detection and intervention of cases of violence against children and adolescents, taking gender perspective into account.

Article 37. *Actions of the Universities Council in Combating Violence Against Children and Adolescents.*

The activities and annual publications of the Universities Council will include the promotion within the academic world of the study and research of the rights of children and adolescents in general and violence committed against them in particular and, more specifically, any studies aimed at professions that require regular contact with minors.

CHAPTER VI

On the Area of Healthcare

Article 38. *Actions in the Area of Healthcare.*

1. The healthcare administrations, as part of the Interterritorial Council for the National Health System, will promote and drive actions to encourage fair treatment for children and adolescents and to prevent and detect violence committed against them at an early stage, together with their risk factors, as part of the common protocol for healthcare action covered by article 39.2.

2. Without prejudice to the provisions of the preceding paragraph, the competent healthcare administrations will promote, as part of their competences, the drafting of specific action protocols that will help promote fair treatment, the identification of risk factors and the prevention and early detection of violence against children and adolescents as well as the measures to be adopted for the appropriate assistance and recovery of the victims, measures that will take into account the specificities of the actions to be undertaken when the victims of violence are persons with disabilities, serious neurodevelopmental problems, mental health problems or issues in which any other special vulnerability factor concurs. It will also promote the coordination of all agents involved.

3. The competent healthcare administrations will facilitate the access of children and adolescents to information, to treatment and recuperation services, ensuring universal and accessible care for all those who lack protection, who are at risk and who are suffering violence and which this law refers to. It will especially guarantee comprehensive mental health care that is restorative and appropriate to their age.

Article 39. *Commission on Violence Against Children and Adolescents.*

1. In accordance with the provisions of article 74 of Act 16/2003 of 28 May 2003 on the cohesion and quality of the National Health System, the Interterritorial Council for the National Health System will agree, within a year of the entry into force of this law, on the creation of a Commission to deal with violence against children and adolescents. This Commission will include experts from the Legal Medicine and Forensic Science Institutes designated by the Ministry of Justice, jointly with experts from the healthcare professions involved in the prevention, assessment and treatment of victims of violence committed against children and adolescents.

2. The Commission on Violence Against Children and Adolescents will support and guide the planning of measures that have healthcare implications as covered by the law, and will draft, within six months of having been set up, a common healthcare action protocol that assesses and proposes the necessary measures for the proper enforcement of the law and of any other measures that may be deemed necessary for the healthcare sector to contribute to the eradication of violence against children and adolescents.

Said protocol will establish the procedures for reporting suspicions or evidence of violence against children and adolescents to the corresponding social services and for collaborating with the Police Court, the Law Enforcement Authorities, the public child protection agency and the Prosecution Service. The drafting of the aforementioned protocol will require the participation of other public administrations, institutions and professionals from the different sections involved in the prevention, early detection, protection and reparation of violence against children and adolescents.

3. Additionally, the aforementioned Commission will issue an annual report including the data available on the healthcare provided for underage victims of violence broken down by sex and age, together with information on the implementation of measures involving healthcare covered by the law. This report will be submitted to the Interterritorial Council for the National Health system and the State Childhood Observatory, and its results will be included in the annual assessment report of the Strategy to eradicate violence against children and adolescents covered by article 21.2.

Article 40. *Actions of Healthcare Centres and Services in Potential Situations of Violence.*

1. All healthcare centres and services providing healthcare for a minor as a consequence of any kind of violence will apply the common healthcare action protocol covered by article 39.2, including discharge from hospital.

2. All records on healthcare provided for underage victims of violence will be included in their medical history and their protection will be covered by the provisions of article 16.3 of this law.

CHAPTER VII

On the Area of Social Services

Article 41. *Actions by Social Services.*

1. Any staff members who work in social services, performing their functions in relation to the protection of children and adolescents, will be deemed to have the status of law enforcement officer and may, in their corresponding geographic area, request the collaboration of the Law Enforcement Authorities, of the healthcare services and of any public service that may be necessary for their intervention.

2. In order to appropriately respond to any emergency that may arise, and as long as it is not possible to refer the case to the Public Child Protection Agency, each autonomous region will determine the procedure so that officers who work in primary-care social services may adopt the appropriate coordination measures to ensure the best protection for underage victims of violence.

Notwithstanding the foregoing and the qualified duty to report covered in article 16, whenever primary-care social services become aware of a case of violence in which the minor is also in an unprotected situation, they will immediately report it to the Public Child Protection Agency.

3. Whenever the severity requires it, social services professionals or the Law Enforcement Authorities will accompany the minor to a medical centre where he or she will receive the required care. The minor's parents or those who perform functions of guardianship, foster care or adoption will be informed unless it is suspected that the aforementioned violence has been committed by them, in which case it will be reported to the Prosecution Service.

Article 42. *On the Intervention Teams.*

1. The competent public administrations will provide specialised primary-care social services with professionals and teams working in family, child and adolescent intervention who are especially trained in early detection, assessment and intervention in cases of violence committed against minors.

2. The social services intervention teams who work in the area of violence against minors will preferably consist of professionals from the fields of social education, psychology and social work and, whenever necessary, from the field of law specialising in cases of violence against children and adolescents.

Article 43. *Intervention Plan.*

1. In all cases where there is a risk or suspicion of violence against children and adolescents, the primary-care social services will, in coordination with the public child protection agency, establish the ways to support the family in the positive exercise of their parental protection functions. Where necessary, social services will design and implement an individualised family intervention plan, in coordination and participation with the rest of the areas involved.

2. Assessing cases of violence against children and adolescents by the primary-care social services should, whenever possible, be conducted in an interdisciplinary manner in coordination with the public child protection agency and with any teams and professionals from the fields of healthcare, education, security or the judiciary in their territory who may be able to provide information on the situation of the minor and his or her family and social environment.

In situations considered to be especially serious due to the type of violent act, particularly in crimes of a sexual nature, the intervention of a specialised professional will be required right from the moment the case is reported or detected.

3. It will be up to the primary-care social services to collect information on potential cases of violence and, with the participation of the corresponding professionals, work out the interdisciplinary analysis of the case, always garnering, whenever necessary, the support or intervention of the public child protection agency as well as, where applicable, the services for female victims of gender-based violence in the corresponding autonomous region. Any actions undertaken by the primary-care social services as part of the intervention plan in cases of risk or suspicion of child mistreatment will be reported to the social services specialising in the protection of minors.

4. The public authorities will ensure that comprehensive care is provided for children and adolescents who are victims of violent crime and, in all cases, of crimes of a sexual nature, of trafficking or of gender-based violence, to aid them in their recovery through specialised services.

Article 44. *Monitoring and Registering Cases of Violence Against Minors.*

1. Primary-care social services, in compliance with the procedure regulated in each autonomous region, will establish a monitoring and registration system for cases of violence against children and adolescents that will include notifications and communications received, confirmed cases and the different measures put in place in regard to the intervention of said social services.

2. The statistical information on cases of violence against children and adolescents recorded by primary-care social services, together with the information provided by the public child protection agency, will be incorporated, with the established breakdown, into the Unified Child Abuse Registry referred to in article 22b of Organic Act 1/1996 of 15 January 1996, which is renamed Unified Social Services Registry for Child Abuse (hereinafter RUSSVI).

CHAPTER VIII

On New Technologies

Article 45. *Safe and Responsible Use of the Internet.*

1. The public administrations will conduct education, awareness-raising and dissemination campaigns targeting children and adolescents, families, educators and other professionals who regularly work with minors on the safe and responsible use of the internet and information and communication technologies as well as on the risks derived from inappropriate use that may generate phenomena of sexual violence against children and adolescents, such as cyberbullying, grooming, gender cyberviolence or sexting as well as access to and consumption of pornography among the underage population.

Additionally, support measures for families will be encouraged, assisting in and reinforcing the parents' role by developing competences and skills that favour the fulfilment of their legal obligations and, in particular, those established by article 84.1 of Organic Act 3/2018 of 5 December 2018 on Personal Data Protection and Guarantee of Digital Rights.

2. The public administrations will make available to children and adolescents, families, educational staff and other professionals regularly working with minors a specific helpline on the safe and responsible use of the internet. The helpline will provide users with assistance and advice when faced with a minor's potential situation of risk and emergency on the internet.

3. The public administrations will adopt measures to incentivise the social responsibility of businesses in the safe and responsible use of the internet by children and adolescents.

In addition they will encourage, in collaboration with the private sector, that the introduction and development of applications and digital services take the protection of children and adolescents into account.

4. Institutional prevention and information campaigns will include among their objectives the prevention of sexual and/or violent digital content that may influence or harm children and adolescents.

Article 46. *Content Diagnosis and Control.*

1. The public administrations, in their areas of competence, will regularly conduct diagnoses, taking age and gender criteria into account, on the safe use of the internet among children and adolescents and associated risks as well as new trends.

2. The public administrations will encourage the collaboration of the private sector in creating safe digital environments, greater standardisation in the use of classification by age and intelligent labelling of digital content for the knowledge of children and adolescents and for supporting the parents or those who perform functions of guardianship, foster care or adoption in assessing and selecting types of content, services and devices.

Additionally, the public administrations will encourage the implementation and use of parental control mechanisms that help to protect minors from the risk of exposure to harmful content and contacts and in the use of reporting and blocking mechanisms.

3. The public administrations, in collaboration with the private sector and the third sector, will encourage positive online content and the development of content adapted to the needs of different age groups, promoting the industry's self-regulation and co-regulation codes for safe and responsible use in developing products and services intended for children and adolescents. They will also encourage and reinforce the incorporation by the industry of mechanisms giving parental control over the contents on offer or by implementing age verification protocols in applications and services available on the internet to prevent access to those that are restricted to adults.

4. The public administrations will work towards making the packaging of instruments of new technologies carry a warning alerting to the need for the responsible use of these technologies to prevent specific addictive behaviours. They will also recommend that adults responsible for educating children and adolescents be vigilant and show responsibility in the appropriate use of these technologies.

CHAPTER IX

On the Area of Sport and Leisure

Article 47. *Action Protocols Against Violence in the Area of Sport and Leisure.*

The public administrations, in their areas of competence, will regulate action protocols covering the actions needed to build a safe environment in the area of sport and leisure, which will be applied for prevention, early detection and intervention in potential situations of violence against children and adolescents in the area of sport and leisure.

Said protocols will be applied in all centres where sport and leisure activities are staged, regardless of their ownership and, in all cases, in the Network of High-Performance and Sport Technification Centres, Sports Federations and Municipal Schools.

Article 48. *Institutions that Regularly Stage Sport and Leisure Activities with Minors.*

1. All institutions that regularly stage sport and leisure activities with minors are obliged to:

a) Apply the action protocols referred to in the preceding article adopted by the public administrations in the area of sport and leisure.

b) Implement a monitoring system to ensure compliance with the aforementioned protocols in regard to the protection of minors.

c) Designate a Protection Officer to whom minors can address their concerns and who will disseminate and enforce the established protocols, and initiate the pertinent reporting in cases where a situation of violence against children or adolescents has been detected.

d) Adopt the necessary measures so that the practice of sport, of physical activity, of culture and leisure is not a scenario for discrimination for reasons of age, race, disability, sexual orientation, sexual identity or gender expression or any other personal or social circumstance, working with the children and adolescents and their families and professionals on rejecting the use of insults and degrading and discriminatory expressions.

e) Encourage the active involvement of children and adolescents in all aspects of their integral education and development.

f) Encourage and reinforce relations and communication between the sports organisations and the parents or those who perform functions of guardianship, foster care or adoption.

2. Additionally, as well as the training referred to in Article 5, those who work in the aforementioned institutions will be given specific training to appropriately handle the different skills and capacities of disabled children and adolescents in order to encourage them to engage in sport activities that include them.

CHAPTER X

On the Law Enforcement Authorities

Article 49. *Specialised Units.*

1. The Law Enforcement Authorities of the State, autonomous regions and local entities will act as a safe environment for children and adolescents. To this end they will put in place units specialising in investigating and preventing, detecting and acting in situations of violence against children and adolescents and prepare themselves for proper and appropriate intervention in such cases.

The competent administrations will adopt the necessary measures to ensure that the processes of admission, training and updating of personnel belonging to the Law Enforcement Authorities will include specific content on how to deal with situations of violence against children and adolescents from a police perspective.

2. The different Law Enforcement Authorities acting in the same territory will, within the area of their competences, collaborate to succeed in the effective implementation of their functions in fighting violence committed against children and adolescents in the terms provided in Organic Act 2/1986 of 13 March 1986 on the Law Enforcement Authorities.

3. The public administrations, in the area of their competences, will enhance the work of the Law Enforcement Authorities by providing interoperable technological tools that facilitate the investigation of offences.

Article 50. *Action Criteria.*

1. The actions of the members of the Law Enforcement Authorities in cases of violence against children and adolescents will be governed by respect for their rights and the consideration of their overriding interest.

2. The members of the Law Enforcement Authorities will act in accordance with the police action protocols for dealing with minors as well as with any other applicable protocols. In this regard, the state, autonomous region and local Law Enforcement Authorities will have the necessary protocols in place for the prevention, awareness-raising, early detection, investigation and intervention in situations of violence against children and adolescents in order to ensure proper and appropriate actions in such cases.

In all cases the following criteria will be applied:

a) All provisional protection measures appropriate to the minor's situation will be adopted immediately.

b) Only proceedings involving the minor that are strictly necessary will be conducted. As a general rule, the minor will give his or statement on only one occasion and always through specifically trained professionals.

c) Any indispensable proceedings involving the minor will be conducted without delay once it has been verified that he or she is in a position to submit to such interventions.

d) Any kind of direct or indirect contact at police stations between the person under investigation and the child or adolescent will be prevented.

e) Any minors who ask to report for themselves without the need for an adult to support them will be allowed to do so.

f) The child or adolescent will be informed without delay of his or her right to free legal assistance and, should they wish it, the competent Lawyer's Association will be required to immediately designate a specific duty counsel to be present at the police station.

g) Fair treatment will be given to the child or adolescent, adapting the language and manners to their age, level of maturity and rest of personal circumstances.

h) It will be ensured that the child or adolescent is at all times in a safe environment in the company of a trusted person freely designated by him or her unless the risk becomes apparent that said person might act against the minor's overriding interest. This circumstance will be recorded in an official statement.

CHAPTER XI

On the General State Administration Abroad

Article 51. *Embassies and Consulates.*

1. It is the remit of Spanish Embassies and Consular Offices abroad, in accordance with the provisions of article 5 h) of the Vienna Convention on Consular Relations and other international regulations in this area, to protect the interests of minors of Spanish nationality abroad. Such protection will be guided by the general principles set out therein.

2. The Ministry of Foreign Affairs, European Union and Cooperation, through the Directorate-General for Consular and Spanish Affairs Abroad, will coordinate with the Directorate-General for the Rights of Children and Adolescents, or with the Unit that may be determined, any actions of Spanish minors abroad, especially in cases where their return to Spain is envisaged.

CHAPTER XII

On the Spanish Data Protection Agency

Article 52. *On the Spanish Data Protection Agency.*

1. The Spanish Data Protection Agency will exercise the functions and powers that fall to it in accordance with the provisions of article 47 of Organic Act 3/2018 of 5 December 2018 on Personal Data Protection in order to guarantee the specific protection of a minor's personal data in cases of violence committed against children and adolescents, especially when committed through information and communication technologies.

2. The Agency will ensure that an accessible and safe channel is made available for reporting illicit content on the internet that might entail the serious impairment of the right to personal data protection.

3. Any minors who ask to report for themselves without the need for an adult to support them will be allowed to do so, provided the public official in charge considers that they are sufficiently mature.

4. Any persons over the age of fourteen years may be sanctioned for actions that constitute an administrative infringement in accordance with personal data protection regulations.

5. Whenever the author of the committed actions is a person under eighteen years of age, his or her parents, tutors, foster parents and legal guardians or guardians in fact, in that order, will be jointly and severally liable for the fine imposed on the parents, tutors, foster parents and legal guardians or guardians in fact, in that order, for having breached their duty of care and supervision in preventing the administrative infringement which the minor is charged with.

TITLE IV

On Actions in Protection Centres

Article 53. *Action Protocols in Child Protection Centres.*

1. All child protection centres will be safe environments and, regardless of their ownership, are obliged to apply the action protocols established by the Public Child Protection Agency stipulating the actions to be followed for the prevention, early detection and intervention in potential situations of violence included in this law's scope of application. These administrations will approve standards and indicators for assessing the efficacy of such protocols in their scope of application.

Among other aspects, the protocols will:

a) Determine the manner of initiating the proceeding, the communication systems and the coordination of the professionals responsible for each action.

b) Establish simple, accessible, safe and confidential complaint and reporting mechanisms so that children and adolescents may use them without the risk of suffering reprisals. The responses to such complaints will be subject to appeal. In all cases, minors will be entitled to report complaints confidentially to the Prosecution Service, to the competent judicial authority and to the Ombudsman or counterpart autonomous institutions.

c) Ensure that, at the time of admission, the protection centre will inform the minor, in writing and in a comprehensible language and format accessible to him or her, of the cohabitation rules and disciplinary code that governs the centre, together with information on the complaint and reporting mechanisms in place.

d) Consider specific actions whenever harassment is triggered by disability, racism or place of origin, sexual orientation, gender identity or expression. Likewise, said protocols will contemplate specific actions whenever harassment is committed against minors through new technologies or mobile devices and their privacy and reputation has been harmed.

e) Take into account situations in which the minor's transfer to another centre is advisable to ensure his or her overriding interest and wellbeing.

2. The provisions of this article are deemed to be without prejudice to the provisions of Chapter IV of Title II of Organic Act 1/1996 of 15 January 1996 and article 778 bis of Act 1/2000 of 7 January 2000 on Civil Procedure in regard to centres established specifically for the protection of minors with behavioural problems.

Article 54. *Intervention in Cases of Sexual Exploitation and Trafficking of Minors Subject to Protection Measures.*

The protocols referred to in the preceding article will contain specific actions for the prevention, early detection and intervention in potential cases of abuse, sexual exploitation and trafficking whose victims are minors subject to protection measures and who reside in residential centres under their responsibility. The drafting of these actions will take gender perspective very much into account, together with the necessary coordination measures with the Prosecution Service, the Law Enforcement Authorities and the rest of social agents involved.

Article 55. *Supervision by the Prosecution Service.*

1. The Prosecution Service, in accordance with the provisions of the internal regulations governing child protection centres, will make regular visits to supervise the enforcement of the action protocols and to monitor the mechanisms for reporting situations of violence and to listen to the children and adolescents who request it.

2. The public child protection agencies will be in permanent communication with the Prosecution Service and, where applicable, with the judicial authority that agreed the minor's admission in regard to any relevant circumstances that may emerge during a stay at a centre that affects the minor and the imperative of keeping the minor in the centre.

TITLE V

On the Administrative Organisation

CHAPTER I

Central Information Registry

Article 56. *Central Information Registry on Violence Against Children and Adolescents.*

1. For the purpose of sharing information that will provide uniform knowledge on the situation of violence against children and adolescents, the Government, by means of a royal decree, will create the Central Information Registry on violence against children and adolescents as well as specific information and the procedure through which the General Council of the Judiciary, the Law Enforcement Authorities, the RUSSVI and the different public administrations will supply the registry with the required data.

The royal decree will list the information that has to be notified to the Registry in anonymised form which, at the very least, will include the following aspects:

a) Regarding the victims: age, sex, type of violence, severity, nationality and, where applicable, disability.

b) Regarding the aggressor: age, sex and relationship to the victim.

c) Police information (reports, victimisations, etc.) and judicial information.

d) Measures initiated to combat violence against children and adolescents.

2. The Central Information Registry on violence against children and adolescents will report organically to the ministerial department to which the jurisdiction in child policies are assigned.

3. With the data obtained, the Registry will publish an annual report on the situation of violence against children and adolescents. It will be publicised as widely as possible.

CHAPTER II

On the Negative Certification of the Central Registry of Sexual and Human Trafficking Offenders

Article 57. *Requirement for Gaining Access to Professions, Trades and Activities Involving Regular Contact with Minors.*

1. A requirement for gaining access and exercising any profession, trade and activity involving regular contact with minors is to not have been convicted by final judgment for any statutory offence against sexual freedom and integrity as defined by Title VIII of Organic Act 10/1995 of 23 November 1995 of the Criminal Code and for any statutory human trafficking offence as defined in Title VII bis of the Criminal Code. To this end, anyone wishing to enter such professions, trades or activities will accredit this evidence by submitting a negative certification from the Central Sexual Offenders' Registry.

2. For the purposes of this law, any professions, trades and activities involving regular contact with minors are those which, paid or unpaid, involve repeated, direct and regular and not merely occasional engagement with children and adolescents as well as any that mainly target minors.

3. It is prohibited for companies and organisations to employ in any of the professions, trades and activities involving regular contact with minors anyone who has a criminal record entered in the Central Registry of Sexual and Human Trafficking Offenders.

Article 58. *Consequences of Having a Criminal Record for Workers or Persons who Perform a Non-Labour Practice Entailing Social Security Contributions.*

1. The existence of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders at the start of any work or activity involving regular contact with minors will make it legally impossible for the worker with such a record to be hired.

2. The supervening existence of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders will lead to the immediate cessation of an employment relationship or of a non-labour practice. However, whenever possible and in light of prevailing circumstances in the workplace and the activity performed therein, the company may institute a change of position provided the new occupation prevents regular contact with minors.

In accordance with the foregoing, an employed person will report to his or her employer any change occurring in said Registry regarding the existence of a criminal record, even when that record is derived from actions that precede the start of their working relationship. Omitting such a communication will be deemed to be a serious and negligent breach of the provisions of article 54.2.d) of the Workers' Statute.

This duty to report, together with the consequences of breaching this duty, will also be included in any agreements entered into between a company and the beneficiary of non-labour practices under Royal Decree 1543/2011 of 31 December 2011 regulating non-labour practices in companies.

Article 59. *Consequences of Breaching the Requirement by Persons who Perform Voluntary Work.*

1. The existence of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders at the start of any volunteering activity that involves regular contact with minors requires the volunteering agency to immediately dispense with the volunteer. To this end, anyone seeking access to such activities will be required to accredit this circumstance by submitting a negative certification from the Central Sexual Offenders' Registry.

2. The supervening existence of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders will lead to the immediate cessation of the volunteer's participation in activities that involve regular contact with minors. However, whenever possible and in light of prevailing circumstances in the agency and the activity performed therein, the agency may institute a change of volunteering activity provided the new occupation does not involve regular contact with minors.

3. The autonomous regions will establish, by means of a regulation having the force of law, a sanctions system commensurate with the breach of obligations established in article 57.1.

Article 60. *Cancellation of a Criminal Record in the Central Registry of Sexual and Human Trafficking Offenders.*

1. Any criminal record appearing as cancelled in the Central Registry of Sexual and Human Trafficking Offenders will not be taken into consideration for the purposes of limiting access to and exercise of professions, trades and activities involving regular contact with minors.

2. The cancellation of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders prompted by the interested person, and following the expiry of the maximum period of three months without the Administration having passed a ruling, the request will be deemed to be dismissed due to administrative silence, without the provisions of article 3 of Royal Decree 1879/1994 of 16 September 1994 approving certain procedural rules in justice and home affairs being applicable to such cases.

Additional Provision One. *Budgetary Allocation.*

The State and the autonomous regions, in the area of their respective competences, will allocate to Courts and Tribunals the necessary personal and material means for the appropriate fulfilment of the new legal obligations. Additionally, the Legal Medicine Institutes, Victim Assistance Offices, technical bodies providing expert advice or care counselling will be provided with the necessary personal and material means for the appropriate fulfilment of the purposes and obligations covered by this law.

Additional Provision Two. *Housing and Psychosocial Support Solutions.*

The public administrations, in the area of their competences, will prioritise housing solutions in cases of evictions of families in which one of its members is a minor, and will promote psychosocial support measures in order to reduce the potential emotional impact, without prejudice to considering other serious situations of vulnerability.

Additional Provision Three. *Improvement in Public Opinion Data.*

The Sociological Research Centre will conduct an annual survey on the opinions of both the adult and child and adolescent population on violence committed against children and adolescents and the usefulness of the measures established in the law that will lead to setting up time series to assess the most relevant social changes in violence against children and adolescents.

The survey will have a disability and gender perspective; it will ensure that disabled children and adolescents are represented among the persons surveyed.

The results of this analysis will be included in the annual report assessing the Strategy for eradicating violence against children and adolescents covered in article 21.2.

Additional Provision Four. *Personnel Expenses.*

Any actions derived from applying and implementing this law that may have an impact on public administrations staff will conform to the basic rules that may be applicable to personnel expenses.

Additional Provision Five. *Regulatory References.*

Any references made in the legal system to the Central Sexual Offenders' Registry will be deemed to have been made to the Central Registry of Sexual and Human Trafficking Offenders.

Additionally, any references made in the legal system to the Unified Child Mistreatment Registry will be deemed to have been made to the Unified Registry of Social Services in Violence against Children.

Additional Provision Six. *Procedure for Automated Criminal Record Verification in articles 57 to 60.*

1. Within one year, the Government will set up the necessary mechanisms to verify in automated fashion the non-existence of a criminal record in cases where the activity entails contributions to Social Security or to Mutual Provident Funds, by cross-checking information contained in databases of employed workers, self-employed workers and of those who perform non-labour practices and the information contained in the Central Registry of Sexual and Human Trafficking Offenders.

2. Additionally, the Government will set up the necessary mechanisms to verify, for persons who perform volunteering activities, the non-existence of a criminal record by cross-checking information compiled by the associations where they perform their volunteering activity and the information contained in the Central Registry of Sexual and Human Trafficking Offenders.

3. In this same regard, the Government will set up the necessary mechanisms to verify in automated fashion the non-existence of a criminal record in the Central Registry of Sexual and Human Trafficking Offenders of persons who perform non-labour practices not requiring contributions to Social Security.

Additional Provision Seven. *Monitoring Committee.*

1. By order of the Ministers for Justice, Home Affairs and Social Rights and 2030 Agenda, on the motion of the Directorate-General for the Rights of Children and Adolescents, a Monitoring Committee will be created within one year of having passed this law in order to analyse its implementation, its legal and economic repercussions and to assess its impact.

The Monitoring Committee may require the collaboration of all ministerial departments and especially those of the Ministries of Health, Consumer Affairs, Education and Vocational Training and Equality through their participation in matters it deems fall under their competence.

2. The Committee, within two years of the law coming into force, will issue a reasoned report that includes the analysis mentioned in the preceding paragraph and suggestions for improving the system.

3. In the light of said report, the Ministries of Justice, Home Affairs and Social Rights and 2030 Agenda will, where appropriate, advance any amendments they deem relevant.

Additional Provision Eight. *Access to the Territory for Child Asylum Applicants.*

The competent authorities will guarantee that children in need of international protection have access to the territory and to an asylum procedure regardless of their nationality or their form of entry into Spain in the terms established in Act 12/2009 of 30 October 2009 regulating the right to asylum and subsidiary protection.

Additional Provision Nine. *Social Security of Full-Time Specialised Host Persons.*

Statutorily, within a year of this organic act entering into force, the Government will determine the scope and conditions under which the persons designated as full-time specialised hosts will join the Social Security system as envisaged in article 20.1 of Organic Act 1/1996 of 15 January 1996 on the Legal Protection of Minors that partially amends the Civil Code and the Civil Procedure Act, under the regime applicable to them, together with affiliation, registration and contribution requirements and procedure.

Single Exemption Clause. *Regulatory Repeal.*

Any rules of equal or lower rank insofar as they contradict or oppose the provisions of this law are hereby repealed.

Final Provision One. *Amendment of the Criminal Procedure Act passed by Royal Decree of 14 September 1882.*

The Criminal Procedure Act passed by Royal Decree of 14 September 1882 is amended as follows:

One. The first paragraph of section 1 of article 109 bis is amended and now reads as follows:

"Article 109 bis.

1. Victims of the crime who have not waived their right may bring criminal action at any time before the qualification procedure of the crime, although this will not allow them to go back to or repeat the actions already carried out before they bring an action. Should they bring an action after the expiry of the time period for formulating a written accusation, they may bring the criminal action until the start of oral proceedings by adhering to the indictment brought by the Prosecution Service or the rest of the accusations that have been brought."

Two. Article 110 is amended and now reads as follows:

"Article 110.

Any persons injured by a crime who have not waived their right may become party to the cause if they do so before the qualification procedure of the crime and bring any applicable civil claims as they see fit, without the course of the proceedings being reversed. Should they bring the action after the expiry of the time period for formulating a written accusation, they may bring the criminal action until the start of oral proceedings by adhering to the indictment brought by the Prosecution Service or the rest of the accusations that have been brought.

Even when the injured persons are party to the case, it is not deemed that they consequently waiver the right to any restitution, reparation or compensation that may be agreed in their favour in a final judgment, as it will be necessary that any waiver of that right be made, where appropriate, in a clear and categorical manner."

Three. Article 261 is amended and now reads as follows:

"Article 261.

Nor will the following persons be obliged to lodge a report:

1st. The offender's spouse where there is no legal or de facto separation or the person living with the offender in an analogous relationship of affection.

2nd. The offender's ascendants and descendants and his or her collateral relatives, up to and including the second degree.

This provision will not be applicable when it involves a crime against life, homicide, bodily injury under articles 149 and 150 of the Criminal Code, a crime against personal freedom or against sexual freedom and integrity or a crime of human trafficking and the victim of the crime is a minor or a disabled person in need of special protection."

Four. Article 416 is amended and now reads as follows:

"The following persons will be dispensed from the obligation to declare:

1. Relatives of the accused in the direct ascending and descending line, his or her spouse or person bound by a de facto relationship analogous to matrimony, his or her blood or uterine siblings and blood collaterals to the second degree. The examining magistrate will warn the witness included in the preceding paragraph that he or she is not obligated to testify against the accused but may make any statements he or she deems relevant, and the Counsel for the Administration of Justice will record the reply given to this warning.

The provisions of the preceding paragraph will not apply in the following cases:

1st. When the witness is attributed with the legal representation or de facto guardianship of the underage or disabled victim in need of special protection.

2nd. When a serious crime is involved, the witness is of age and the victim is a minor or a disabled person in need of special protection.

3rd. When for reasons of age or disability the witness cannot understand the meaning of the exemption. To this end, the Judge will first hear the affected person and may seek the help of experts to resolve the issue.

4th. When the witness brings or has brought a private prosecution in the proceeding.

5th. When the witness has agreed to testify during the proceedings after having been duly informed of his or her right not to do so."

Five. Paragraph four of article 433 is deleted.

Six. Paragraph three of article 448 is deleted.

Seven. An article 449 bis is added, with the following content:

"Article 449 bis.

When in the cases provided for by law, the judicial authority agrees to take the witness statement as pre-constituted evidence, such evidence will be taken in accordance with the requirements established in this article. The absence of the investigated and duly summoned person will not prevent the taking of pre-constituted evidence, although his or her legal counsel must in all cases be present. In the event of the unjustified failure to appear of the counsel for the investigated person, or when there are urgent reasons to proceed immediately, the proceedings will be conducted with the court-appointed counsel expressly designated for this purpose.

The judicial authority will secure the documentation of the statement in a medium suitable for recording sound and image, with the Counsel for the Administration of Justice having to immediately verify the quality of the audiovisual recording. It will be supported by a summary record authorised by the Counsel for the Administration of Justice, which will contain the identification and signature of all persons involved in the pre-constituted evidence.

In assessing the pre-constituted evidence taken in accordance with the provisions of the preceding paragraphs, the provisions of article 730.2 will apply."

Eight. An article 449b is added, with the following content:

"Article 449b.

Whenever a person under the age of 14 years or a disabled person in need of special protection has to act as a witness in a judicial proceeding investigating a crime of homicide, physical injury, crime against freedom, against moral integrity, of human trafficking, against sexual freedom and integrity, against privacy, against familial relations, a crime relative to the exercise of fundamental rights and public freedoms, criminal and terrorist organisations and groups and terrorism, the judicial authority will in all cases agree to conduct the hearing of the minor by taking pre-constituted evidence with all guarantees of evidence in the oral proceedings in accordance with the provisions of the preceding article. This process will be conducted with all guarantees of accessibility and all necessary support.

The judicial authority may accord that the hearing of the person under fourteen years of age be conducted through psychosocial teams that will support the Court in an interdisciplinary and inter-institutional manner, incorporating the work of any professionals who have intervened at a previous stage and studying the personal, familial and social circumstances of the minor or disabled person to improve the manner in which they are treated and the effectiveness of the evidence. In this case the parties will ask any questions they deem appropriate of the judicial authority who, after having verified their pertinence and usefulness, will transfer them to expert persons. Once the hearing of the minor has been completed, the parties may elicit clarifications from the witness in the same terms. The statement will always be recorded and the Judge, after hearing the parties, may request a report from the expert giving an account of how the minor's hearing was conducted and of its result.

In a case where the investigated person is present at the minor's hearing, his or her visual confrontation with the witness will be avoided, to which end any technical means will be used where necessary.

The measures provided for in this article may be applicable whenever the offence is deemed to be a misdemeanour."

Nine. Paragraphs 6 and 7 of article 544b are amended and now read as follows:

"6. The precautionary measures for a crime may consist of any of those provided for in the criminal procedural legislation. Their requirements, content and currency will be those generally established in this law. They will be adopted by the investigating judge, taking into account the need for the comprehensive and immediate protection of the victim and, where applicable, of the persons under his or her parental authority, guardianship, curatorship, foster care or adoption.

7. Measures of a civil nature must be requested by the victim or his or her legal representative or by the Prosecution Service when offspring or persons with judicially modified capacity are involved, establishing their compliance arrangements and, if appropriate, any complementary measures that might be necessary provided they have not been previously agreed by a civil court and without prejudice of any measures provided in article 158 of the Civil Code. When there are minors or disabled persons needing special protection who live with the victim and are his or her dependants, the Judge will have to rule in all cases, even with court-appointed counsel, on the appropriateness of adopting the aforementioned measures.

Such measures may consist of the manner in which parental authority, adoption, guardianship, curatorship or de facto guardianship is exercised, allocation of use and enjoyment of the family home, establishing the guardianship and custody arrangements, suspending or maintaining visiting, communication and stay arrangements with the minors or disabled persons in need of special protection, maintenance scheme as well as any other provision deemed appropriate in order to remove them from danger or prevent them from being harmed.

Whenever a protection order is issued with measures of criminal content and there are well-founded signs that the underage offspring have witnessed, suffered or lived with the violence referred to in section 1 of this article, the judicial authority, ex officio authority or as a response to a party's request will suspend visiting, stay, relationship or communication arrangements for the defendant in regard to the minors dependent on him or her. However, at a party's request, the judicial authority may agree to not suspend by resolution based on the minor's overriding interest and after having assessed the situation of the parent-child relationship.

Any measures of a civil nature contained in the protection order will be effective for thirty days. If within that period, at the request of the victim or his or her legal representative, family proceedings were to be initiated before the civil jurisdiction, the measures adopted will remain in force during the thirty days following the filing of the lawsuit. Within that period the measures will have to be ratified, amended or repealed by the Judge of first instance having jurisdiction."

Ten. An article 703 bis is added, with the following content:

"Article 703 bis.

Whenever, in the pre-trial phase, in implementing the provisions of article 449 bis et seq., the pre-constituted evidence has been taken as a witness statement, at the request of the interested party the audiovisual recording will be played in accordance with article 730.2 without the witness needing to be present at the hearing.

In the cases envisaged in article 449b, the judicial authority may only agree to the intervention of the witness at the trial, on an exceptional basis, when it is requested by one of the parties and deemed to be necessary in a reasoned decision, ensuring that the audiovisual recording is supported by accessibility aids whenever the witness is a disabled person.

In all cases the judicial authority responsible for the prosecution, at a party's request, may agree their intervention at the hearing whenever the pre-constituted evidence does not meet the requirements provided in article 449 bis and causes defencelessness in any one of the parties."

Eleven. The second paragraph of article 707 is amended and now reads as follows:

"Apart from the cases referred to in article 703 bis, whenever a minor under the age of eighteen years or a disabled person in need of special attention has to intervene in the trial proceedings, whenever it is necessary to prevent or reduce any harm that may be derived for that person from the proceedings or from their practice, his or her statement will be given in avoidance of any visual confrontation with the defendant. For this purpose any technical means that enables the giving of evidence may be used, including the possibility of allowing the witnesses to be heard without being present in the courtroom by using accessible communication technologies."

Twelve. Article 730 is amended and now reads as follows:

"Article 730.

1. Any proceedings in the case that for reasons other than the will of any of the parties cannot be played back at the oral trial may also be read or played at the request of any of those parties.

2. The audiovisual recording of the victim's or witness's statement for use as pre-constituted evidence may be played during the pre-trial phase in accordance with the provisions of article 449 bis."

Thirteen. A section 3 of article 777 is added, with the following content:

"3. Whenever a minor under fourteen years of age or a disabled person in need of special protection has to give a witness statement, the provisions of article 449b will apply, with the judicial authority having to take pre-constituted evidence, whenever the purpose of the proceedings is to investigate any of the offences relating to that article.

For the purposes of assessing it as evidence in a judgment, the interested party will call on the audiovisual recording to be played, in the terms set down in article 730.2."

Fourteen. A section 2 is added and sections 2 to 6 are renumbered, becoming 3 to 7, in article 788, with the following content:

"2. The provisions of article 703 will apply in regard to the witness's non-intervention in the trial whenever pre-constituted evidence has been taken in accordance with the provisions of articles 449 et seq."

Final Provision Two. *Amendment of the Civil Code passed by Royal Decree of 24 July 1889.*

One. Article 92 of the Civil Code, passed by Royal Decree of 24 July 1889, is amended and will now read as follows:

"Article 92.

1. Separation, annulment and divorce do not exempt parents from their obligations towards their offspring.

2. The Judge, when having to adopt any measure relating to the guardianship, care and education of underage offspring, will ensure that their right to be heard is enforced and will issue a resolution based on the minor's overriding interest regarding this issue.

3. The ruling will agree the withdrawal of parental authority whenever the proceedings reveal a cause for it.

4. The parents may agree in the regulatory agreement, or the Judge may decide, in benefit of the offspring, that parental authority be exercised entirely or partially by one of the spouses.

5. Shared guardianship and custody will be agreed when the parents request it in the proposed settlement agreement or when both of them reach this agreement in the course of the proceedings.

6. In all cases, before agreeing on guardianship and custody arrangements, the Judge will request a report from the Prosecution Service, listen to the minors who have sufficient judgment when deemed necessary ex officio or at the request of the Prosecutor, the parties or members of the judicial technical team or the minor, and assess the allegations of the parties, the evidence presented and the relationship the parents maintain with each other and with their offspring to determine guardianship arrangements.

7. Joint guardianship is inappropriate whenever one of the parents is the subject of criminal proceedings for an attack against the life, physical integrity, freedom, moral integrity or sexual freedom and integrity of the other spouse or of the offspring living with both of them. Nor will it be appropriate when the Judge observes, from the allegations of the parties and the evidence taken, the existence of well-founded signs of domestic or gender-based violence.

8. Exceptionally, even when the requirements of section five of this article are not met, the Judge, at the request of one of the parties, taking into account the Prosecution Service report, may agree on shared guardianship and custody, reasoning that only in this way is the minor's overriding interest properly protected.

9. The Judge, before adopting any of the decisions referred to in preceding paragraphs, either ex officio or at the request of a party, the Prosecutor or members of the judicial technical team or the minor, may obtain the opinion of duly qualified specialists on the suitability of the manner in which parental authority and custody arrangements of the minors is exercised to ensure their overriding interest.

10. The Judge, when agreeing on a reasoned basis on guardianship and custody arrangements and on stays, relationship and communication, will adopt the necessary, appropriate and suitable precautions for the effective enforcement of the established arrangements, taking care to not separate siblings."

Two. Article 154 of the Civil Code, passed by Royal Decree of 24 July 1889, is amended and will now read as follows:

"Article 154.

Unemancipated offspring are under the parental authority of their parents.

Parental authority, as parental responsibility, will always be exercised in the interest of the offspring, in accordance with their personality and respecting their rights and their physical and mental integrity.

This function encompasses the following duties and powers:

1st. To look after them, keep them in one's company, feed them, educate them and ensure that they are given comprehensive schooling.

2nd. To represent them and manage their assets.

3rd. To decide the minor's habitual place of residence, which may only be modified with the consent of both parents or, failing this, by judicial authorisation.

If the offspring are sufficiently mature, they should always be listened to before adopting decisions that affect them, either in contested proceedings or by mutual agreement. In all cases, it must be ensured that they can be heard in ideal conditions, in terms that are accessible to them, are comprehensible and adapted to their age, maturity and circumstances, enlisting the help of specialists whenever necessary.

The parents, in exercising their function, may enlist the help of the authorities."

Three. Article 158 of the Civil Code, passed by Royal Decree of 24 July 1889, is amended and will now read as follows:

"Article 158.

The Judge, ex officio or at the request of the offspring, of either parent or of the Prosecution Service, will lay down:

1st. The appropriate measures to ensure that food is supplied and the offspring's future needs are provided for in the event of this duty being breached by his or her parents.

2nd. The appropriate provisions to safeguard the offspring from harmful disruption in the event of a change in the person who holds guardianship.

3rd. The necessary measures to prevent the abduction of underage offspring by one of the parents or by third parties and, in particular, the following ones:

a) Prohibition on leaving the national territory unless by prior judicial authorisation.

b) Prohibition on issuing a passport to the minor or withdrawal of the passport if already issued.

c) Submission to judicial authorisation prior to any change in the minor's domicile.

4th. The measure of prohibiting parents, guardians other relatives or third parties from approaching the minor or going near his or her domicile or school and other places he or she frequents, with regard to the principle of proportionality.

5th. The measure of prohibiting communication with the minor that will prevent parents, guardians other relatives or third persons from establishing written, verbal or visual contact via any means of communication or computer or electronic medium, with regard to the principle of proportionality.

6th. Precautionary suspension in the exercise of parental authority and/on in the exercise of guardianship and custody, precautionary suspension of visiting and communication arrangements established in a judicial decision or judicially approved agreement and, in general, any other provisions deemed appropriate to remove the minor from a danger or prevent him or her from being harmed in his or her family environment or by third persons.

In the event of the minor's potential abandonment, the Court will report the measures to the Public Authority. All these measures may be adopted as part of any judicial or criminal proceedings or in voluntary jurisdiction proceedings in which the judicial authority will have to guarantee a hearing of the minor. The Court may be assisted by external persons to ensure that it may exercise this right."

Fourth. Section 5 of Article 172 of the Civil Code passed by Royal Decree of 24 July 1889 is amended and will now read as follows:

"5. The Public Authority will cease to hold guardianship over minors who are declared as being in a situation of abandonment when it establishes through the corresponding reports that the causes that led it to assume it due to any of the situations covered by articles 276 and 277.1 have disappeared, and once it credibly confirms one of the following circumstances:

a) That the minor has voluntarily moved to another country.

b) That the minor is in the territory of another autonomous region, in which case it will proceed to transfer the protection dossier, and whose Public Authority has passed a resolution on the declaration of a situation of abandonment and assumes the minor's guardianship or corresponding protection measure, or deems that it is no longer necessary to adopt protection measures in the light of the minor's situation.

c) That twelve months have elapsed since the minor voluntarily left the protection centre and his or her whereabouts are unknown.

The interim guardianship will be suspended for the same causes as the permanent guardianship."

Final Provision Three. *Amendment of General Organic Act 1/1979 of 26 September 1979 On Prisons.*

An article 66 bis is added in General Organic Act 1/1979 of 26 September 1979, with the following content:

"Article 66 bis.

1. The Prison Administration will draw up specific programmes for inmates who have been sentenced for crimes to do with violence against children and adolescents in order to instil in them an attitude of respect for the rights of children and adolescents, in the terms prescribed by regulation.

2. The Assessment Boards, in grade progressions, granting of prison leave and granting of parole, will evaluate the take-up and use made of said specific programmes by the inmates referred to in the preceding paragraph."

Final Provision Four. *Amendment of Organic Act 6/1985 of 1 July 1985 on the Judiciary.*

Organic Act 6/1985 of 1 July 1985 on the Judiciary is amended in the following manner:

One. Section 2 of Article 307 is amended and now reads as follows:

"2. The selection course will mandatorily include: a multidisciplinary theory training programme, a period of supervised internship practice in different bodies of all the jurisdictional divisions and a period in which the trainee judges perform substitution and reinforcement functions. Passing each one of them will be mandatory for gaining access to the next one.

The multidisciplinary theory training phase will include the in-depth study of subjects covering the principle of non-discrimination and equality between men and women, and in particular the special legislation on combating violence against women in all its forms. Additionally it will include the in-depth study of national and international legislation on the rights of children and adolescents, with special focus on the Convention on the Rights of the Child and its general observations."

Two. Article 310 is amended and now reads as follows:

"Article 310.

All selective examinations for admission and promotion in the Judicial and Prosecutorial Careers include the study of the principle of equality between women and men, including measures against gender-based violence and their cross-cutting implementation in the area of the jurisdictional function.

The syllabus will ensure that knowledge is acquired on the principle of non-discrimination and especially of equality between women and men and, in particular, of the specific regulations laid down for combating violence against women, including those of the European Union and international treaties and instruments in equality, discrimination and violence against women ratified by Spain.

Additionally, the selective examinations will include the study of judicial protection of the rights of children and adolescents, their protection and the application of the principle of overriding interest to minors. The syllabus will ensure that knowledge is acquired on internal, European and international regulations, with special focus on the Convention of the Rights of the Child and its general observations."

Three. Section 5 of Article 433 bis is amended and now reads as follows:

"5. The Ongoing Training Plan in the Judicial Career will contain specific multidisciplinary courses on the judicial protection of the principle of equality between women and men, discrimination for reasons of sex, the double discrimination and violence committed against women as well as trafficking in all its forms and manifestations and training in applying gender perspective in the interpretation and implementation of the Law. This training will also be included in a cross-cutting manner in the rest of the courses.

Furthermore, the Ongoing Training Plan will include specific courses of a disciplinary kind on the judicial protection of the rights of children and adolescents. In all cases the training courses will include a focus on disability in children and adolescents."

Four. Section 2 of Article 434 is amended and now reads as follows:

"2. Its function will be to collaborate with the Ministry of Justice in the selection, initial and ongoing training of the members of the Prosecutorial Career, the Body of Lawyers and other personnel at the service of Justice Administration.

The Centre for Legal Studies will annually impart training courses on the principle of equality between women and men and its cross-cutting implementation for members of the Prosecutorial Career, the Body of Lawyers and other personnel at the service of Justice Administration as well as on the early detection and treatment of gender-based violence situations.

Additionally, the Centre for Legal Studies will annually impart specific multidisciplinary courses on the judicial protection of the rights of children and adolescents. In all cases the training courses will include the focus on disability in children and adolescents."

Five. Sections 3 and 4 of Article 480 are amended and now read as follows:

"Article 480.

3. The Practitioners of the National Toxicology and Forensic Science Institute are career civil servants who constitute a National Body of University Graduates at the service of the Justice Administration. Given the Institute's technical and scientific activity, specialities may be established within the aforementioned Body.

The functions of the Body of Practitioners of the National Toxicology and Forensic Science Institute include providing technical assistance in matters to do with their professional disciplines for the judicial and governmental authorities, the Prosecution Service and forensic practitioners in the course of judicial actions or in preliminary investigation proceedings. To this end they will conduct any analyses and investigation requested of them, issue expert opinions and pertinent reports and conduct any consultations made by the aforementioned authorities as well as by private individuals in the course of judicial proceedings and by public bodies or companies affecting the general interest, and contribute to the prevention of intoxications.

They will render their services at the National Toxicology and Forensic Science Institute as well as at the Legal Medicine and Forensic Science Institutes and at any administrative units that may be established, in the cases and conditions that may be determined in the corresponding job lists.

4. The Specialist Technicians of the National Toxicology and Forensic Sciences Institute are career civil servants constituting a specialised national assistance corps at the service of the Justice Administration. They will perform specialised technical assistance functions in the scientific and investigation activities inherent to the aforementioned Institute and to the Legal Medicine and Forensic Science Institutes.

They will render their services in the cases and conditions that may be established in the job lists of the aforementioned institutions."

Final Provision Five. *Amendment of General Act 34/1988 of 11 November 1988 On Advertising.*

Paragraph a) of Article 3 of General Act 34/1988 of 11 November 1988 on Advertising, which now read as follows:

"a) Any advertising that infringes a person's dignity or his or her values and rights recognised in the Spanish Constitution, especially those referred to in its articles 14, 18 and 20, section 4.

Any advertisements that present women in a degrading or discriminatory manner will be included in the above measure, either when particularly and directly using her body or parts thereof as a mere object dissociated from the product being promoted, or associating her image to stereotyped behaviours that violate the foundations of our regulation, contributing to generating the violence referred to in Organic Act 1/2004 of 28 December 2004 on Comprehensive Protection Measures Against Gender-Based Violence.

Additionally, any form of advertising will be deemed to be included in the preceding measure if it contributes to generating violence or discrimination in any of its manifestations against minors, or encourages stereotypes of a sexist, racist, aesthetic or homophobic or transphobic nature or any triggered by disability."

Final Provision Six. *Amendment of Organic Act 10/1995 of 23 November 1995 of the Criminal Code.*

Organic Act 10/1995 of 23 November 1995 of the Criminal Code is amended and now reads as follows:

One. Circumstance 4 of Article 22 is amended and now reads as follows:

"4th. Committing the crime for racist or antisemitic reasons or for another class of discrimination to do with the victim's ideology, religion or beliefs, his or her ethnicity, race or nation to which he or she belongs, his or her sex, age, sexual orientation or gender identity, for reasons of gender, aporophobia or social exclusion or any disease or disability he or she may suffer, regardless of whether such conditions or circumstances in effect concur in the person on which the behaviour falls."

Two. Paragraph b) of Article 39 is amended and now reads as follows:

"b) Those referring to special disqualification from public employment or office, profession, trade, industry or commerce, or other activities, whether paid or not, or to the rights of parental authority, foster care guardianship or curatorship, the keeping of animals, the right to passive suffrage or to any other right."

Three. Article 45 is amended and now reads as follows:

"Article 45.

The special disqualification from a profession, trade, industry or commerce or other activities, whether paid or not, or any other right, which has to be expressly specified in a reasoned fashion in the judgment, deprives the convicted person of the ability to exercise them for the duration of his or her sentence. The judicial authority may restrict the disqualification to certain activities or functions of the profession or trade, whether paid or not, allowing, where possible, the exercise of any functions not directly related to the crime committed."

Four. Article 46 is amended and now reads as follows:

"Article 46.

The special disqualification from exercising parental authority, guardianship, curatorship, foster care or adoption deprives the convicted person of the rights inherent to the first one and entails the extinction of the others and the inability to be entrusted with such charges for the duration of his or her sentence. The penalty of deprivation of parental authority implies the loss of that authority, with any rights held by the offspring of the convicted person that are judicially established remaining in place. The judicial authority may agree such penalties in regard of all or some of the minors or disabled persons in need of special protection who are dependants of the convicted person.

In order to define which rights of minors or disabled persons should remain in place in the event of deprivation of parental authority, and in order to define in respect of which persons the penalty is accorded, the judicial authority will evaluate the overriding interest of the minor or disabled person in regard to the circumstances of the specific case.

For the purposes of this article, parental authority encompasses the powers regulated in the Civil Code, including extended and restored ones, as well as the analogous institutions covered by the civil legislation of the autonomous regions."

Five. The introductory paragraph of Article 49 is amended and now reads as follows:

"Community service, which may not be imposed without the consent of the convicted person, obligates him or her to provide his or her unpaid cooperation in certain activities of public utility, which may consist, in relation to offences of a similar nature to that committed by the convicted person, of tasks involving the reparation of harm caused or providing support or assistance to victims as well as the convicted person's participation in workshops or training programmes relating to re-education, work, culture, road safety, sex education, peaceful conflict resolution, positive parenting and other similar ones. They may not exceed eight hours per day and their conditions will be the following:"

Six. Section 1 of Article 57 is amended and now reads as follows:

"1. The judicial authorities, in the crimes of homicide, abortion, injury, against liberty, torture and against moral integrity, human trafficking, against sexual freedom and integrity, privacy, the right to one's own image and inviolability of the home, honour, patrimony, socioeconomic order and familial relations, having regard to the seriousness of the facts or the danger the offender represents, may accord in their judgments to impose one or several of the prohibitions provided in Article 48 for a period not exceeding ten years if the offence is a serious one or five if less serious.

Notwithstanding the above, if the convicted person is sentenced to imprisonment and the Judge or Court agrees to impose one or several of such prohibitions, this will be done for a period greater by one to ten years than the duration of the prison sentence handed down in the judgment if the offence is a serious one and by one to five years if less serious. In this instance, the convicted person will necessarily serve the prison sentence and the aforementioned prohibitions simultaneously."

Seven. Paragraph 6 of Section 1 of Article 83 is amended and now reads as follows:

"6th. Participating in training programmes relating to work, culture, road safety, sex education, environmental advocacy, protection of animals, equal treatment and non-discrimination, peaceful conflict resolution, positive parenting and other similar ones."

Eight. Article 107 is amended and now reads as follows:

"Article 107.

The judicial authority may decree in reasoned terms the measure of the disqualification for exercising a given right, profession, trade, industry or commerce, position or employment or other activities, whether paid or not, for a period of one to five years when the person has committed a criminal offence, with abuse of said exercise or in relation to it, and the danger of him or her committing the same offence or other similar ones may be deduced from evaluating the concurrent circumstances, whenever it is not possible to impose the corresponding penalty on him or her due to being in one of the situations envisaged in numbers 1, 2 and 3 of article 20."

Nine. Paragraph 5 of Section 1 of Article 130 is amended and now reads as follows:

"5th. For the forgiveness of the offended person when the offence is a misdemeanour prosecutable at the request of the injured person or where the law so provides. Forgiveness will have to be expressly given before sentencing, to which effect the sentencing judicial authority will have to hear the person injured by the offence before handing down the verdict.

In crimes committed against minors or disabled persons in need of special protection that affect eminently personal legal assets, the injured person's forgiveness does not extinguish criminal liability."

Ten. Section 1 of Article 132 is amended and now reads as follows:

"1. The terms envisaged in the preceding article will count from the day on which the punishable offence was committed. In cases of continuing offence, permanent offence, as well as in infractions where offending is habitual, such terms will count, respectively, from the day on which the last infraction was committed, the illicit situation was eliminated or the conduct ceased.

In offences of non-consensual abortion, injury, offences against liberty, torture and against moral integrity, against privacy, the right to one's own image and inviolability of the home, and against familial relations, excluding offences envisaged in the next paragraph, when the victim is a person under 18 years of age, the terms will count from the day on which that person became of age and, should he or she die before reaching it, from the date of death.

In crimes of attempted homicide, of injury as per articles 149 and 150, in the offence of habitual mistreatment as per article 173.2, in offences against liberty, in offences against sexual freedom and integrity and in crimes involving human trafficking, when the victim is a person under 18 years of age the terms will count from the date the victim reaches the age of thirty-five and, should he or she die before reaching it, from the date of death."

Eleven. Article 140 bis is amended and now reads as follows:

"Article 140 bis.

1. In persons convicted for having committed one or more offences included in this title, a probation measure may also be imposed on them.

2. If the victim and the author of the offences covered by the three preceding articles should have a child in common, the judicial authority will impose the penalty of deprivation of parental authority in regard to that child.

The same penalty will be imposed in respect of other children, should they exist, when the victim is the child of the crime's author."

Twelve. An Article 143 bis is added, with the following content:

"Article 143 bis.

The distribution or public dissemination through the internet, telephone or any other information or communication technology of content specifically intended to promote, encourage or incite the suicide of a minor or a disabled person in need of special protection will be punished with a prison sentence of one to four years.

The judicial authorities will order the adoption of any necessary measures to remove the content referred to in the preceding paragraph.

The judicial authorities will order all necessary measures to be adopted to remove the content referred to in the preceding paragraph, to interrupt the services predominantly delivering such content or to block one and all when they are based in a foreign country."

Thirteen. Section 3 of Article 148 is amended and now reads as follows:

"3rd. If the victim is under the age of 14 years or a disabled person in need of special protection."

Fourteen. Article 156b is amended and now reads as follows:

"Article 156b.

The public distribution or dissemination through the internet, telephone or any other information or communication technology of content specifically intended to promote, encourage or incite the self-harm of minors or disabled persons in need of special protection will be punished with a prison sentence of six months to three years.

The judicial authorities will order all necessary measures to be adopted to remove the content referred to in the preceding paragraph, to interrupt the services predominantly delivering such content or to block one and all when they are based in a foreign country."

Fifteen. Article 156c is added, with the following content:

"Article 156c.

In persons convicted for having committed one or more offences included in this Title, a probation measure may also be imposed on them when the victim is one of the persons referred to in section 2 of Article 173."

Sixteen. Article 156d is added, with the following content:

"Article 156d.

In persons convicted for having committed one or more of the offences covered by articles 147.1, 148, 149, 150 and 153 in which the victim is a minor, in addition to any other applicable penalties, that of special disqualification for any profession, trade or other activities, whether paid or not, that involve regular and direct contact with minors may be imposed for a period greater by three to five years than the duration of the term of imprisonment to which he or she was sentenced or for a period of two to five years when no term of imprisonment has been imposed. In both cases the seriousness of the offence, the number of offences committed and the circumstances concurring in the convicted person will proportionally be taken into account."

Seventeen. Section 1 of Article 177 bis is amended and now reads as follows:

"1. A term of imprisonment of five to eight years will be imposed on a person convicted of human trafficking when, either on Spanish territory, while in transit through Spanish territory or with Spanish territory as a destination, employing violence, intimidation or deception, or abusing a situation of superiority or the national or foreign victim's need or vulnerability, or through the delivery or reception of payments or benefits to obtain the consent of the person who possesses control over the victim, he or she captures, transports, moves, hosts or receives that person, including the exchange or transfer of control over such persons, with any of the following purposes:

a) Imposing forced labour or services, enslavement or practices similar to enslavement, servitude or mendicancy.
b) Sexual exploitation, including pornography.
c) Exploitation for criminal activities.
d) Extracting body organs.
e) Staging forced marriages.

There is a situation of need or vulnerability when the person in question has no real or acceptable alternative but to submit to the abuse.

Whenever the victim of human trafficking is a minor, the penalty of special disqualification will be imposed in all cases, for any profession, trade or activities, whether paid or not, that entails regular and direct contact with minors, for a period exceeding by six to twenty years the duration of the term of imprisonment that has been imposed."

Eighteen. Circumstances 3 and 4 of Section 1 of Article 180 are amended and now read as follows:

"3rd. Whenever the offences are committed against a person who is in a situation of special vulnerability for reasons of his or her age, disease, disability or any other circumstance, except as provided for in Article 183.

4th. Whenever, in committing the offence, the person responsible has taken advantage of a situation of cohabitation or a relationship of superiority or kinship on account of being an ascendant, or a natural or adopted sibling or related relationship to the victim."

Nineteen. Letters a) and d) of Section 4 of Article 183 are amended and now read as follows:

"a) Whenever the victim is in a situation of special vulnerability on account of his or her age, disease, disability or any other circumstance and, in all cases, when under the age of four years.

d) Whenever, in committing the offence, the person responsible has taken advantage of a situation of cohabitation or a relationship of superiority or kinship on account of being an ascendant, or a natural or adopted sibling or related relationship to the victim."

Twenty. Article 183c is amended, which now reads as follows:

"Article 183c.

The freely given consent by a minor under sixteen years of age, except in the cases covered by article 183.2 of the Criminal Code, will exclude criminal liability for the offences covered in this chapter when the author is a person close to the minor in age and degree of development or physical and psychological maturity."

Twenty-one. Letters a) and b) of Section 3 of Article 188 are amended, which now read as follows:

"a) Whenever the victim is in a situation of special vulnerability on account of his or her age, disease, disability or any other circumstance.

b) Whenever, in committing the offence, the person responsible has taken advantage of a situation of cohabitation or a relationship of superiority or kinship on account of being an ascendant, or natural or adopted sibling or related relationship to the victim."

Twenty-two. Letters b), c) and g) of Section 2 of Article 189 are amended, which now read as follows:

"b) Whenever the offenses are particularly degrading or demeaning, physical or sexual violence is used for obtaining pornographic material or scenes of physical or sexual violence are portrayed.

c) Whenever minors are used who are in a situation of special vulnerability on account of disease, disability or any other circumstance.

g) Whenever the person responsible is an ascendant, guardian, curator, mentor, teacher or any other de facto person in charge, even if provisionally in charge or lawfully in charge, of the minor or of the disabled person in need of special protection, or the victim is a person cohabiting with him or her, or the offender is a person who has abused his or her recognised position of trust or authority."

Twenty-three. Article 189 bis is amended and now reads as follows:

"Article 189 bis.

The distribution or public dissemination through the internet, telephone or any other information or communication technology of contents specifically intended for promoting, encouraging or inciting the commission of the offences covered by this chapter and chapters II bis and IV of this Title will be punished with a fine of six to twelve months or a term of imprisonment of one to three years.

The judicial authorities will order all necessary measures to be adopted to remove the content referred to in the preceding paragraph, to interrupt the services predominantly delivering such content or to block one and all when they are based in a foreign country."

Twenty-four. Article 189b is added, with the following content:

"Article 189b.

Whenever, in accordance with the provisions of article 31 bis, a legal person is responsible for the offences included in this Chapter, the following penalties will be imposed:

a) A fine equivalent to threefold to five-fold the benefit obtained if the offence committed by the natural person entails a term of imprisonment of more than five years.

b) A fine equivalent to double to four-fold the benefit obtained if the offence committed by the natural person entails a term of imprisonment of more than two years not included in the preceding subsection.

c) A fine equivalent to double to three-fold the benefit obtained, in all other cases.

Having regard to the rules set out in Article 66 bis, the judicial authorities may also impose the penalties listed in Letters b) and g) of Section 7 or Article 33."

Twenty-five. Section 3 of Article 192 is amended and now reads as follows:

"3. The judicial authority may additionally impose, on a reasoned basis, the penalty of privation of parental authority or special disqualification for exercising the rights of parental authority, guardianship, curatorship, foster care or adoption for a period of six months to six years, and the penalty of disqualification for employment or public office or for exercising the profession or trade, whether paid or not, for the period of six months to six years.

The judicial authority will impose on the persons responsible for the offences included in this Title, without prejudice to any penalties applicable under the preceding articles, a penalty of special disqualification for any profession, trade or activities, whether paid or not, that involves regular and direct contact with minors, for a period exceeding by five to twenty years the duration of the term of imprisonment imposed in the judgment if the offence is serious and by two and twenty years if less serious. In both cases the seriousness of the offence, the number of offences committed and the circumstances concurring in the convicted person will proportionally be taken into account."

Twenty-six. Article 201 is amended and now reads as follows:

"1. In order to proceed for the offences covered in this Chapter, the injured party or his or her legal representative will have to lodge a report.

2. No report as required in the preceding paragraph will be necessary to proceed for the offences described in article 198 of this Code, nor whenever the commission of the offence affects the general interest, a plurality of persons or the victim is a minor or a disabled person in need of special protection.

3. The forgiveness of the offended person or of his or her legal representative, where applicable, extinguishes the criminal proceedings without prejudice to the provisions of Article 130.1.5, paragraph two."

Twenty-seven. Section 3 of Article 215 is amended and now reads as follows:

"The forgiveness of the offended person extinguishes the criminal proceedings, without prejudice to the provisions of Article 130.1.5, paragraph two of this Code."

Twenty-eight. Section 2 of Article 220 is amended and now reads as follows:

"2. The same penalty will be imposed on anyone who conceals or hands over to third parties a person under the age of eighteen years in order to alter or modify their parentage."

Twenty-nine. Section 2 of article 225 bis is amended and now reads as follows:

"2. For the purposes of this article, the following is deemed to be abduction:

1st. Removing a minor from his or her place of habitual residence without the consent of the other parent or of the persons or institutions to which the minor's guardianship or custody is entrusted.

2nd. Restraining a minor in a serious breach of the duty established by judicial or administrative decision."

Thirty. Paragraph three of Article 267 is amended and now reads as follows:

"In such cases, the forgiveness of the offended person extinguishes the criminal proceeding."

Thirty-one. Article 314 is amended and now reads as follows:

"Article 314.

Whosoever causes serious discrimination in public or private employment against any person for reasons of his or her ideology, religion or beliefs, his or her familial situation, for belonging to an ethnicity, race or nation, for his or her national origin, sex, age, sexual orientation or gender identity, for reasons of gender, aporophobia or social exclusion or any disease or disability he or she may suffer, for bearing legal or workers' union representation, having kinship with other of the company's workers or using one of the official languages within the Spanish state, and does not restore the situation of equality before the law after having been required to do so or after an administrative sanction, repairing the economic damage derived thereof, will be punished with a term of imprisonment of six months to two years or a fine of twelve to twenty-four months."

Thirty-two. A new Article 361 bis is added and now reads as follows:

"Article 361 bis.

The distribution or public dissemination through the internet, telephone or any other information or communication technology of content specifically intended to promote or facilitate, among minors or disabled persons in need of special protection, the consumption of products, preparations or substances or the use of techniques for food product ingestion or elimination, the use of which may generate a risk to a person's health, will be punished with a fine of six to twelve months or a term of imprisonment of one to three years.

The judicial authorities will order the adoption of the necessary measures to remove the content to which the preceding paragraph refers, to interrupt the services that predominantly deliver such content or to block one and all when it is based in a foreign country."

Thirty-three. Article 511 is amended and now reads as follows:

"Article 511.

1. Any private individual in charge of a public service who denies a person a benefit to which that person is entitled for reasons of ideology, religion or beliefs, familial situation, for belonging to an ethnicity, race or nation, for his or her national origin, sex, age, sexual orientation or gender identity, reasons of gender, aporophobia or social exclusion or a disease or disability he or she suffers will incur the penalty of a term of imprisonment of six months to two years, a fine of twelve to twenty-four months and special disqualification for public employment or office for a period of one to three years.

2. The same penalties will apply when the acts are committed against an association, foundation, company or corporation or against its members for reasons of their ideology, religion or beliefs, familial situation, against all or some of its members for belonging to an ethnicity, race or nation, for their national origin, sex, age, sexual orientation or gender identity, for reasons of gender, aporophobia or social exclusion or a disease or disability they suffer.

3. Any public officials who commit any of the acts under this Article will incur the same penalties in their upper half and in that of special disqualification for public employment or office for a period of two to four years.

4. In all cases a further penalty of special disqualification will be imposed for an educational profession or trade or for a role in teaching, sport and leisure, for a period exceeding by one to three years that of the duration of the penalty imposed if it involves the deprivation of liberty. When the penalty imposed is a fine, the penalty of special disqualification will last for a period of one to three years. In all cases the seriousness of the offence and the circumstances concurring in the offender will proportionally be taken into account."

Thirty-four. Article 512 is amended and now reads as follows:

"Article 512.

Whosoever, in the exercise of his or her professional or business activities, denies a person a benefit to which that person is entitled for reasons of ideology, religion or beliefs, familial situation, for belonging to an ethnicity, race or nation, for his or her national origin, sex, age, sexual orientation or gender identity, reasons of gender, aporophobia or social exclusion or a disease or disability he or she suffers, they will incur the penalty of special disqualification for the exercise of a profession, trade, industry or commerce and special disqualification for an educational profession or trade in teaching, sport and leisure for a period of one to four years."

Thirty-five. Section 4 of Article 515 is amended and now reads as follows:

"4th. Whosoever directly or indirectly encourages, promotes or incites hate, hostility, discrimination or violence against persons, groups or associations for reasons of their ideology, religion or beliefs, for all or one of their members belonging to an ethnicity, race or nation, for their national origin, their sex, age, sexual orientation or gender identity, for reasons of gender, aporophobia or social exclusion, familial situation, disease or disability."

Final Provision Seven. *Amendment of Act 1/1996 of 10 January 1996 On Free Legal Aid.*

Paragraph g) of Article 2 of Act 1/1996 of 10 January 1996 On Free Legal Aid is amended and now reads as follows:

"g) Regardless of whether resources to litigate are available, the right to free legal aid is recognised and will be provided immediately for any victims of gender-based violence, terrorism and human trafficking in any processes that are linked to, derived from or the consequence of their status as victims as well as for minors and disabled persons in need of special protection whenever they are victims of the offences of homicide, of injury under Articles 149 and 150, the habitual mistreatment covered by Article 173.2, offences against liberty, offences against sexual freedom and integrity and of human trafficking offences.

This right will also be granted to the successors in title in the event of the victim's death, provided they were not participants in the crime.

For the purposes of granting the benefit of free legal aid, the status of victim will be acquired whenever a report or complaint is formulated or criminal proceedings are initiated for any of the offences to which this letter refers, and will remain in place for as long as the criminal proceedings remain in force or when, after their fulfilment, a conviction has been handed down. The benefit of free legal aid will be lost after definitive acquittal or the definitive or provisional dismissal of unproven offences, without the obligation of having to pay the costs of the benefits hitherto enjoyed free of charge.

In the different processes that may be initiated as a consequence of the status of being the victim of the offences referred to in this letter and, especially, in gender-based violence offences, it will be the counsel who will assist the victim provided that doing so properly ensures his or her right of defence."

Final Provision Eight. *Amendment of Organic Act 1/1996 of 15 January 1996 On the Legal Protection of Minors, which partially amends the Civil Code and the Civil Procedure Act.*

Organic Act 1/1996 of 15 January 1996 On the Legal Protection of Minors, which partially amends the Civil Code and the Civil Procedure Act, is amended as follows:

One. The first paragraph and the letter c) of Section 5 of Article 2 are amended and now read as follows:

"5. Any decision on any jurisdiction and all measures in the minor's overriding interest will be adopted while respecting due process guarantees and, in particular:

[...]

c) The participation of the minor's parents, guardians or legal representatives or of a judicial defender in the event of a conflict of interest or discrepancy between them and the Prosecution Service in the process of defending his or her interests. It will be presumed that a conflict of interest exists when the minor's opinion is contrary to the measure adopted in his or her regard or that measure entails a restriction of his or her rights."

Two. Article 12 is amended and now reads as follows:

"Article 12. *Protection Measures.*

1. The protection of minors by the public authorities will be undertaken through prevention, detection and reparation of situations of risk, by establishing appropriate services and resources for that purpose, by exercising guardianship and, in cases where abandonment has been declared, assumption of guardianship by operation of law. In any protection measures, familial over residential measures, stable over temporary measures and agreed over imposed measures will take precedence in all cases.

2. The public authorities will ensure that parents, guardians, caregivers or foster parents are appropriately carrying out their responsibilities and will provide them with accessible prevention, advisory and support services in all areas affecting the development of the minors.

3. Whenever minors are under the parental authority, custody, guardianship or foster care of a victim of gender or domestic violence, the actions of the public authorities will be geared towards providing the necessary support to ensure that the minors, regardless of their age, enjoy continuing permanence with that victim, together with their protection, specialised care and recovery.

4. Whenever a person's coming of adult age cannot be established, he or she will be deemed to be a minor for the purposes of the provisions of this act pending determination of his or her age. To this effect the Prosecutor will make a proportionality judgment that appropriately weighs up the reasons why the passport or equivalent identity document submitted, whichever the case, is unreliable.

Conducting medical tests for establishing the age of a minor will be subject to the principle of expeditiousness, will require the prior informed consent of the person affected and will be carried out with respect for his or her dignity and without it entailing a risk to his or her health. It may not be done indiscriminately. In no case may the test be conducted with full nudity or genital explorations or other especially invasive medical tests.

Additionally, once the guardianship or custody measure has been adopted in regard to minors arriving in Spain on their own, the Public Authorities will report the adoption of said measure to the Interior Ministry for purposes of registration in the corresponding State Register.

5. The Public Bodies will enforce the rights recognised in this law for minors from the moment a protection measure is accessed and will provide immediate, comprehensive attention appropriate to their needs, avoiding the prolongation of provisional measures and the stay in temporary reception resources.

6. Any non-permanent protection measure adopted for minors under the age of three years will be reviewed every three months, and for minors older than that age it will be reviewed every six months. In permanent foster care the review will take place every six months during the first year and every twelve months after the second year.

7. Additionally, of the different functions attributed by law, the Public Body will submit to the Prosecution Service a supporting report on the situation of a particular minor when he or she has found a temporary residential or family placement for a period of more than two years. The Public Body will have to justify the reasons why a more stable protection measure has not been adopted in that interval.

8. The public authorities will guarantee the rights and obligations of disabled minors in regard to their custody, guardianship, adoption or similar institutions, with the best interests of the minor being paramount. Furthermore, they will ensure that disabled minors have the same rights in regard to family life. To enforce these rights and in order to prevent concealment, abandonment, negligence or segregation, they will ensure that general information, services and support for disabled minors and their families are provided in advance."

Three. Section 1 is amended and sections 4 and 5 of Article 13 are deleted. It will now read as follows,:

"1. Any person or authority, especially those who, by reason of their profession, trade or activity, detect a minor's situation of risk or possible abandonment, will report it to the authority or its nearest agents, without prejudice to providing the immediate assistance required."

Four. An article 14 bis is added, with the following content:

"Article 14 bis. *Actions in an Emergency.*

1. Whenever the urgency of the case requires it, without prejudice to the provisional guardianship referred to in the preceding article and in Article 172.4 of the Civil Code, the action of the social services will be immediate.

2. The care in emergencies referred to in this article is not subject to procedural or formal requirements and is in all cases deemed to be without prejudice to the duty to provide minors with the immediate assistance they need."

Five. Sections 1 and 2 of Article 17 are amended and now read as follows:

"1. A situation of risk will be one in which, due to family, social or educational circumstances, deficiencies or conflict, the minor is damaged in his or her personal, familial, social or educational development, in his or her welfare or in his or her rights in such a way that, without attaining the weight, intensity or persistence that would justify declaring him or her to be in a situation of abandonment and the assumption of guardianship by the ministry of law, necessitates the intervention of the competent public administration to eliminate, reduce or compensate for the difficulties or maladjustment that affect him or her in order to prevent abandonment and social exclusion without having to be separated from his or her family environment.

2. The following, among others, will be deemed to be risk indicators:

a) The child or adolescent is lacking in the physical or emotional care from the parents or the persons who exercise guardianship or foster care that leads to minor damage to the child or adolescent's physical or emotional health when, due to the nature or repetition of the episodes, it is deemed that its effects may persist or worsen.

b) Negligence in the care of minors and a lack of medical oversight by the parents or by the persons who exercise guardianship or foster care.

c) The existence of a sibling declared to be in a situation of risk or abandonment unless the familial circumstances have changed in an evident manner.

d) The use by the parents or by those who exercise functions of guardianship or foster care of habitual and disproportionate punishment and of violent corrective patterns that, without constituting a severe episode or a chronic pattern of violence, may harm his or her development.

e) The negative progress of the intervention programmes followed with the family and obstruction to their development or implementation.

f) Discriminatory practices by the parents responsible against children and adolescents that entail harm to their welfare and mental and physical health, in particular:

1st. Discriminatory attitudes that for reasons of gender, age or disability may increase the possibilities of confinement within the home, lack of access to education, scant opportunities for leisure, lack of access to art and cultural life as well as any other circumstance that, for reasons of gender, age or disability, prevents them from enjoying their rights on an equal footing.

2nd. The non-acceptance of the minor's sexual orientation, gender identity or sexual characteristics.

g) The risk of suffering ablation, female genital mutilation or any other form of gender-based violence against girls and female adolescents and forced marriage promises or agreements.

h) Identifying the mother as a victim of trafficking.

i) Girls and female adolescents who are victims of gender-based violence in the terms established in Article 1.1 of Organic Act 1/2004 of 28 December 2004 on comprehensive protection measures against gender-based violence.

j) Multiple hospital admissions of minors in different hospitals with recurring or inexplicable symptoms and/or diagnostically unconfirmed symptoms.

k) Habitual consumption of toxic drugs or alcoholic beverages by minors.

l) Exposure of minors to any situation of domestic or gender-based violence.

m) Any circumstance involving violence against minors that, should it persist, could evolve and lead to the child or adolescent's abandonment."

Six. A new Article 17 bis is added, with the following content:

"Article 17 bis. *Minors under the age of fourteen years in conflict with the law.*

The persons referred to in Article 3 of Organic Act 5/2000 of 12 January 2000 on the criminal liability of minors will be included in a monitoring plan for assessing their socio-familiar situation, designed and implemented by the competent social services of each autonomous region.

Should the violent act constitute an offence against sexual freedom or integrity or involve gender-based violence, the monitoring plan will include a module on gender equality training."

Seven. Section 1 of Article 20 is amended and now reads as follows:

"1. Whenever it is not possible for the minor to remain in the family environment of origin, family foster care, in accordance with its purpose and regardless of the procedure through which it is agreed, will take on the modalities established in the Civil Code and, by reason of the minor's ties with the host family, may take place, pursuant to the minor's overriding interest, in the minor's own extended family or in another family.

Family foster care may be specialised, by which it is deemed to take place in a family in which one or some of the members of the family unit has the specific qualification, experience or training to perform this function in regard to minors with special needs or circumstances and that they may be compensated for it.

Specialised foster care may be provided on a dedicated basis when so determined by the Public Body due to the special needs and circumstances of the minor who is being hosted, with the person or persons designated as foster carers being compensated in line with said exclusive dedication."

Eight. Article 20b is added, with the following content:

"Article 20b. *Processing of applications for the transboundary fostering of minors in Spain submitted by a European Union member state or by a State party to the Hague Convention of 1996.*

1. The Ministry of Justice, as a Spanish Central Authority, will have the jurisdiction to receive applications for transboundary fostering of minors from a European Union member state or by a State party to the Hague Convention of 1996. Such applications will be submitted by the Central Authority of the requesting State in order to obtain the mandatory authorisation from the competent Spanish authorities before the fostering can take place.

2. Fostering applications will be submitted in writing and supported by the documents required by the Spanish Central Authority to assess the measure's suitability for the minor's benefit and the establishment's or family's fitness to undertake said fostering. In all cases, in addition to the requirements of applicable international regulations, a report will be submitted on the child or adolescent, the reasons for the fostering proposal, the fostering modality, its duration and how the monitoring of the measure is envisaged.

3. Having received the application for transboundary fostering, the Spanish Central Authority will ensure that the application meets the content and requirements as stipulated in the preceding section and will forward it to the competent Autonomous Administration for their approval.

4. The competent Autonomous Administration, after assessing the application, will send its decision to the Spanish Central Authority, which will send it to the Central Authority of the requesting State. Only if it should be favourable will the competent authorities of said State issue a decision ordering the fostering in Spain, notifying all interested parties and requesting its recognition and execution in Spain directly from the territorially competent Spanish Court or Tribunal.

5. The maximum time limit for processing and responding to the application will be three months.

6. Fostering applications and their supporting documents should be submitted with a legalised translation into Spanish."

Nine. Article 20c is added with the following content:

"Article 20c. *Reasons for Refusing Transboundary Fostering Applications for Minors in Spain.*

1. The Spanish Central Authority will refuse transboundary fostering applications whenever:

a) The object or purpose of the fostering application does not guarantee the minor's overriding interest, in which any ties with Spain will be especially taken into account.

b) The application does not meet the requirements for processing. In this case it will be returned to the requesting Central Authority, listing the specific reasons for the refusal so that they can be rectified.

c) The transfer is requested of a minor involved in criminal or sanctioning proceedings or who has been convicted or penalised for having committed a criminal or administrative offence.

d) The minor's fundamental right to be heard and listened to has not been respected, nor has his or her right to maintain contact with parents or legal representatives, unless this is contrary to his or her overriding interest."

Ten. A new Article 20d is added, with the following content:

"Article 20d. *On the procedure for transferring transboundary fostering applications for minors from Spain to another European Union member state or to a State party to the Hague Convention of 1996.*

1. Any transboundary fostering applications submitted by the competent Authorities in the area of the protection of minors will be sent in writing to the Spanish Central Authority, which will forward them to the competent authorities of the requested member State for processing.

2. Processing and approving said applications will be governed by the National Law of the requested member State.

3. The Spanish Central Authority will send the decision on the requested fostering to the requesting Authority.

4. Any fostering applications and supporting documents addressed to a foreign authority will be accompanied by a translation into an official language of the requested State or into one accepted by it."

Eleven. A new Article 21b is added with the following content:

"Article 21b. *Measures to Ensure Cohabitation, Safety and Security in Child and Adolescent Protection Centres.*

1. The measures adopted to ensure cohabitation, safety and security in child and adolescent protection centres will consist of prevention and de-escalation measures. Physical measures to restrain a minor can also be adopted, exceptionally and as a last resort.

Mechanical restraints, which consist of fastening a minor to an articulated bed or to a fixed anchored object or to furniture, are prohibited.

2. Any measure applied in a child and adolescent protection centre to ensure cohabitation, safety and security will be governed by the principles of legality, need, individualisation, proportionality, suitability, gradation, transparency and good governance.

Additionally, enforcing restraining measures will be governed by the guiding principles of exceptionality, lowest possible intensity and strictly necessary time, and will be carried out with the respect due to dignity, privacy and the rights of the minor.

3. De-escalation and restraining measures will be applied by specialised personnel trained in the rights of children and adolescents as well as in conflict resolution and personal restraint techniques.

4. De-escalation measures will consist of any verbal emotional management techniques leading to a reduction in the tension or hostility of a minor in an altered and/or agitated state with imminent and serious danger for his or her life and integrity or that of other persons.

5. Physical restraint measures may consist of interposition between the minor and the endangered person or object, physical restraint of spaces or movements and, as a last resort, under a strict protocol, the minor's physical immobilisation by the centre's specialised personnel.

As an exceptional measure only applicable in protection centres for children with behavioural disorders, the physical restraining measure may consist of restraining the minor's wrists with approved equipment, which will be applied with the guarantees stipulated in Article 28 of this law.

6. Any restraining measures applied in child and adolescent protection centres will be immediately reported to the Public Body and the Prosecution Service. They will also be entered in the Incident Registration Book, which will be supervised by the centre's management, and in the minor's individualised file, which will be kept up to date.

Applying restraining measures will, in all cases in which force is used, require the minor's physical examination within 48 hours by a medical practitioner, who will issue the corresponding medical report.

7. Restraining measures may not be applied to minors under fourteen years of age, to pregnant minors, to minors until six months after the end of pregnancy, to breastfeeding mothers, to persons who have their offspring with them, nor to those who are convalescing from a serious illness unless their action could lead to imminent and serious danger for their life and integrity or for that of other persons.

It is the task of the Centre's Director, or of the person to whom it has been delegated, to adopt decisions on physical restraint measures consisting of restricting spaces and movements or of immobilising the minor. These measures must be justified and immediately reported to the Public Body and the Prosecution Service."

Twelve. Article 27 is amended and now reads as follows:

"Article 27. *Security Measures.*

1. Security measures may consist of restraining the minor within provisional isolation or in personal and material registers. Security measures may only be used after the failure of prevention and de-escalation measures, which will be given priority.

2. Security measures will be applied by specialised personnel trained in the rights of children and adolescents, in conflict resolution and in restraining techniques. Such personnel may only use security measures on minors as a last resort, in cases of escape attempts, active resistance that entails a serious alteration of cohabitation or a grave violation of the rights of other minors or direct risk of self-harm, harm to others or serious damage to the facilities.

3. It falls to the Director of the Centre, or to the person delegated to do so, to adopt decisions on the security measures, which must be justified and reported immediately to the Public Body and to the Prosecution Service and may be appealed by the minor, the Prosecution Service and the Public Body before the judicial authority that is cognisant of the admission and which will issue a resolution after having requested a report from the centre and after a hearing with the minor and the Prosecution Service.

4. The security measures applied will be entered in the Incident Registration Book, which will be supervised by the centre's management."

Thirteen. Article 28 is amended and now reads as follows:

"Article 28. *Restraining Measures.*

1. Restraining measures will be applied in the light of the circumstances in the presence and in the form in which it is established in the sections that follow this article.

2. The personnel of a centre may only use restraining measures after having attempted to restore cohabitation and security through de-escalation measures.

3. Physical restraint may only consist of interposition between the minor and the endangered person or object, physical restraint of spaces and movements and, as a last resort, under a strict protocol, the minor's physical immobilisation by the centre's specialised personnel.

In protection centres specifically for minors with behavioural problems, only the restraining of the minor's wrists with approved equipment will be admissible in exceptional circumstances, provided it is done under a strict protocol and it is not possible by other means to prevent serious risk to the life and physical integrity of the minor or of third parties. This exceptional measure may only be applied for the minimum indispensable time, which may not exceed one hour. During this time, the minor will be personally and continually accompanied, or permanently supervised, by an educator or another professional from the centre's educational or technical team.

The implementation of this measure will be immediately reported to the Public Body, the Prosecution Service and the judicial body that is cognizant of the admission.

4. Mechanical restraint is prohibited under the terms established in Art. 21b of this Act."

Fourteen. Article 29 is amended and now reads as follows:

"Article 29. *Isolation of the Minor.*

1. The provisional isolation of a minor by keeping him or her in a suitable space where escape is impeded may only be used for preventing violent acts, self-harm, harm to other minors residing in the centre and to the centre's personnel and serious damage to its facilities. It will be implemented on a one-time basis when necessary and in no case as a disciplinary measure.

2. Isolation may not exceed three consecutive hours without prejudice to the minor's right to rest. During the period when the minor remains in isolation, he or she will be continuously accompanied in person or permanently supervised by an educator or other professional from the centre's educational or technical team."

Fifteen. Article 30 is amended and now reads as follows:

"Article 30. *Personal and Material Searches.*

1. Personal and material searches will be carried out with the respect due to the person's dignity, privacy and fundamental rights in order to prevent situations of risk caused by bringing into or out of the centre any objects, instruments or substances that in themselves or through inappropriate use may be dangerous or harmful.

Electronic means will be used by preference.

2. The minor's person and body search will be carried out by indispensable personnel and will require at least two professionals from the centre of the same sex as the minor. Whenever this involves bodily exposure, it will be partial, carried out in a suitable place, without the presence of other minors and insofar as possible preserving the minor's privacy.

3. The centre's personnel may carry out the search of the minor's belongings and may remove any objects found in his or her possession that may have been unlawfully obtained, may be harmful for the minor, for others or for the centre's facilities, or may not be authorised for minors. Material searches should be communicated to the minor beforehand when they cannot be carried out in his or her presence."

Final Provision Nine. *Amendment of Act 1/2000 of 7 January 2000 On Civil Procedure.*

Articles 779 and 780 will be amended and will read as follows:

"Article 779. *Preferential Nature of the Proceeding. Jurisdiction.*

Any proceedings that substantiate the opposition to administrative rulings on the protection of minors will be given preference and will be carried out within three months from the date on which they were initiated. Any build-up of proceedings will not suspend the maximum time limit.

The Court of First Instance of the Public Body's domicile will be competent to hear and determine and, failing that or in the cases provided for in Articles 179 and 180 of the Civil Code, the Court of the adopting party's domicile.

Article 780. *Opposition of Administrative Rulings on the Protection of Minors.*

1. No prior administrative complaint will be necessary to file an opposition to administrative rulings on the protection of minors before the civil courts. The opposition to them may be formulated within two months of their notification.

Any minors, parents, caregivers, foster parents or guardians affected by the ruling, the Prosecution Service and any persons recognised by law as having such standing will be entitled to file an opposition to the administrative rulings on the protection of minors, provided they have a legitimate and direct interest in such ruling. Even if they are not actors in the proceedings, they may appear in person at any time therein without them being reversed.

Minors will be entitled to be a party to and to be heard and listened to in the process under the provisions of the Organic Act On the Legal Protection of Minors. They will exercise their claims in regard to the administrative rulings that affect them through their legal representatives provided they do not have interests that oppose their own, or through the designated person or the person they themselves designate as their defender to represent them.

2. The process of opposing an administrative ruling on the protection of minors will be initiated by submitting an initial written statement in which the actor succinctly expresses his or her claim and the ruling being opposed.

The written statement will expressly record the date on which the administrative ruling was notified and will state whether proceedings exist that relate to that minor.

3. The Counsel for the Administration of Justice will request from the administrative body a full testimony of the file, which must be provided within ten days.

The administrative body may be required to submit to the Court before the hearing any updates made in the minor's file.

4. Having received the testimony of the administrative file, the Counsel for the Administration of Justice will, within five days, summon the actor to file the claim within ten days, which will be processed in compliance with the provisions of Article 753.

The Court will issue a judgment within ten days following the end of the trial.

5. Deleted.

6. Should the Prosecution Service, the parties or the competent Judge become aware of the existence of more than one proceeding opposing an administrative ruling on the protection of the same minor, the former will request, and the latter will arrange, even ex officio, the joinder of the older proceeding before the Court that is hearing the case.

Having agreed on the joinder, the case will proceed in compliance with Article 84, specifically not suspending the hearing that was already scheduled if it were possible to process the rest of the consolidated proceedings within the time period established by the assignation. Otherwise the Counsel for the Administration of Justice will agree the suspension of the one that already has the hearing scheduled until the others have reached the same status, when the new assignation will be done for all on a preferential basis and, in any case, within the next ten days.

Appeals and motions for reversal without suspensive effect may be lodged against the decree that rejects the joinder. No appeal will be allowed against the decree that agrees the joinder."

Final Provision Ten. *Amendment of Organic Act 1/2004 of 28 December 2004 On Comprehensive Protection Measures Against Gender-Based Violence.*

Organic Act 1/2004 of 28 December 2004 On Comprehensive Protection Measures Against Gender-Based Violence is amended in the following terms:

A new section 4 is added to Article 1, which now reads as follows:

"4. The gender-based violence referred to in this Act also encompasses violence committed by the persons indicated in section one against a woman's underage relatives or underage next of kin with the objective of causing injury or harm to her."

Final Provision Eleven. *Amendment of Organic Act 5/2000 of 12 January 2000 On the Criminal Liability of Minors.*

Organic Act 5/2000 of 12 January 2000 on the criminal liability of minors is amended and now reads as follows:

One. Article 4 is amended and now reads as follows:

"Article 4. *Rights of Victims and Injured Persons.*

The Prosecution Service and the Juvenile Court Judge will ensure at all times that the rights of victims and persons injured by infractions committed by minors are protected.

They will be immediately instructed on the victim assistance measures provided for by the legislation in force, with the Counsel of the Administration of Justice having to refer the victim of violence to the competent Victim Assistance Office.

The victims and injured persons will be entitled to appear in person and be a party to the file to be opened for this purpose, for which the Counsel of the Administration of Justice will inform them of the terms provided for in Articles 109 and 110 of the Criminal Procedure Act, instructing them on their right to appoint legal counsel or to urge its appointment ex officio if they are entitled to free legal assistance. They will additionally be informed that, should they not appear in person in the case and do not waive or reserve civil actions, the Prosecution Service will exercise them if applicable.

Those who appear may thereafter take cognizance of the proceedings and request hearings as may be appropriate to their right. Without prejudice to the foregoing, the Counsel of the Administration of Justice will notify the victims and injured persons, whether they have appeared or not, of all rulings adopted by both the Prosecution Service and the Juvenile Court Judge that may affect their interests.

In particular, when the Prosecution Service, in applying the provisions of Article 18 of this Act, desists from initiating proceedings, it will immediately make this known to the victims and injured persons, informing them of their right to exercise any civil actions that they are entitled to before the civil jurisdiction.

Likewise, the Counsel of the Administration of Justice will send written notification of the rendered judgment to the victims of and persons injured by the criminal infraction, even if they have not shown themselves to be a party to the proceedings.

Whenever the victim has suffered a crime of gender-based violence, he or she has the right to be notified in writing, by means of full testimony, of the precautionary protection measures adopted. Additionally, such precautionary measures will be reported to the competent public administrations so that they can adopt protection measures, whether related to safety and security or to social assistance or of a legal, healthcare-related, psychological kind or of any other kind.

The victim of a violent offence is entitled to be kept permanently informed on the procedural status of the alleged offender. In particular, in the event of a precautionary or definitive sentence of imprisonment, the victim will at all times be informed of the prison furloughs and parole of the alleged offender, except in cases where the victim states his or her wish not to be notified."

Two. Article 59 is amended and now reads as follows:

"Article 59. *Surveillance and Security Measures.*

1. Internal surveillance and security measures in prisons may entail, in the form and periodicity to be established by regulation, inspections of premises and outbuildings as well as searches of persons, clothing and belongings of underage inmates.

2. Only the means of restraint established by regulation may be used to prevent acts of violence or injuries by persons who fulfil the measures provided by this law, against themselves or other persons, to prevent acts of escape and damage to the centre's facilities or where there is active resistance to the instructions issued by the centre's personnel in the legitimate exercise of their office.

It will only be acceptable to restrain, on an exceptional basis and with approved equipment, the wrists of the person who is serving a custodial sentence provided it is done under a strict protocol and it is not possible to apply less detrimental measures.

3. Mechanical restraints, which consist of fastening a person to an articulated bed or to a fixed anchored object or to furniture, are prohibited.

4. Applying restraining measures will, in all cases in which force is used, require the inmate's physical examination within 48 hours by a medical practitioner, who will issue the corresponding medical report.

5. The restraining measures applied in prisons will be immediately reported to the Juvenile Court and the Prosecution Service. They will also be entered in the Incident Registration Book, which will be supervised by the prison management, and in the minor's individualised file, which must be kept up to date."

Final Provision Twelve. *Amendment of Royal Legislative Decree 5/2000 of 4 August 2000 approving the consolidated text of the Act On Infractions and Sanctions in the Social Order.*

A section 19 is added to Article 8 of the consolidated text of the Act On Infractions and Sanctions in the Social Order approved by Royal Legislative Decree 5/2000 of 4 August 2000, which reads as follows:

"19. Failure to comply with the obligations established in Article 57.3 of Organic Act on the Comprehensive Protection of Children and Adolescents From Violence."

Final Provision Thirteen. *Amendment of Basic Act 41/2002 of 14 November 2002 Regulating the Patient's Autonomy and Rights and Obligations in Clinical Information and Documentation.*

A new section 45 is added to Article 15 of Basic Act 41/2002 of 14 November 2002 regulating the patient's autonomy and rights and obligations in clinical information and documentation, in the following terms:

"5. Whenever the medical care provided results from violence committed against minors, the medical history will specify this circumstance as well as the information to which this section refers."

Final Provision Fourteen. *Amendment of Act 44/2003 of 21 November 2003 On the Regulation of Healthcare Professions.*

Act 44/2003 of 21 November 2003 on the regulation of the healthcare professions is amended in the following terms:

One. Section 1 of Article 17 is amended and now reads as follows:

"1. The diplomas of Specialist in Health Sciences will be issued by the Ministry of Health."

Two. A new seventh transitory provision is added, which reads as follows:

"Transitory Provision Seven. *Issuance of diplomas of Specialist in Health Sciences.*

The procedures for the issuance of diplomas initiated before 1 January 2022 and still in progress will continue to be processed by the Ministry of Universities and therefore the diplomas will be issued by the latter."

Final Provision Fifteen. *Amendment of Act 15/2015 of 2 July 2015 On Voluntary Jurisdiction*.

The 4th speciality of section 2 of Article 18 of Act 15/2015 of 2 July 2015 on Voluntary Jurisdiction now reads as follows:

"4th. Whenever the case affects the interests of a minor or of a disabled person, the proceedings relating to such interests agreed ex officio or at the behest of the Prosecution Service will also be undertaken in the same act or, if this were not possible, within the next ten days.

The judicial authority or the Counsel of the Administration of Justice may agree for the hearing of the minor or disabled person to take place in a separate act, without the interference of other persons, with the Prosecution Service in attendance. In all cases it will be guaranteed that they can be heard in suitable conditions, in terms that are accessible to them, that they can understand and are adapted to their age, maturity and circumstances, requesting the aid of specialists whenever necessary.

In all cases a written record of the exploration will be taken by the Counsel of the Administration of Justice, expressing the objective facts of the hearing and including any statements by the child or adolescent that are indispensable due to their significance and therefore strictly relevant to the decision on the case, taking care that his or her privacy is preserved. If it should take place after his or her appearance, the corresponding record will be sent to the interested parties so that they may make allegations within five days.

Both the Prosecution Service in its report and the judicial authority in the ruling that ends the proceeding will make a reasoned assessment of the exploration carried out.

In matters not provided for in this precept, the provisions of Organic Act 1/1996 of 15 January 1996 on the Legal Protection of Minors, which partially amends the Civil Code and the Civil Procedure Act, will apply."

Final Provision Sixteen. *Amendment of Organic Act 7/2015 of 21 July 2015 amending Organic Act 6/1985 of 1 July 1985 on the Judicial Authority.*

Amendment of transitory provision seven of Organic Act 7/2015 of 21 July 2015, which amends Organic Act 6/1985 of 1 July 1985 on the Judicial Authority, which now reads as follows:

"Transitory Provision Seven. *Delay in the Requirement of the Speciality in Legal and Forensic Medicine for joining the Body of Forensic Practitioners.*

The speciality in Legal and Forensic Medicine, required in Article 475 of Organic Act 6/1985 of 1 July 1985 on the Judicial Authority in order to join the Body of Forensic Practitioners, will not be a mandatory requirement until so determined by the Ministry of Justice once the first class of such specialists, at the very least, has completed their training through the residency system and the extraordinary route for obtaining this diploma has been implemented according to the procedure regulated in the royal decree that rules on access to this speciality through the residency system."

Final Provision Seventeen. *Creation of the State Participation Council for Children and Adolescents.*

The Government, within six months of having passed this law, will proceed to the creation of the State Participation Council for Children and Adolescents, in a way that ensures the effective exercise of the right to participate in the formulation, implementation and assessment of national plans, programmes and policies affecting children and adolescents.

Final Provision Eighteen. *Competence Title.*

This organic act is dictated under the provisions of Article 149.1, 1., 2. and 18. of the Spanish Constitution (hereinafter SC), which attributes to the State exclusive jurisdiction in regulating the basic conditions that ensure the equality of all Spaniards in the exercise of the rights and in the compliance of the duties referring to constitutional matters, nationality, immigration, emigration, alien status and right to asylum, and the basis for the legal system of the public administrations respectively, without prejudice to the jurisdictions that may be held by the autonomous regions by virtue of the Statutes of Autonomy that form part of the constitutional body and which will be respected in all cases. In particular, chapters II, III, VII and IX of Title III of this Organic Act will be understood to be without prejudice to the legislation the autonomous regions may dictate by virtue of their jurisdiction in family policy, social assistance and leisure and sport.

Nevertheless, Articles 13 and 14 and final provision seven are issued under the jurisdictions corresponding to the State in matters concerning the administration of justice and procedural legislation, without prejudice to the necessary specialities that in this order are derived from the particular nature of substantive law of the autonomous regions, in accordance with the provisions of sections 5. and 6. of Article 149.1 SC.

Final provisions one and fifteen are made pursuant to the jurisdictions of the State over procedural legislation, without prejudice to the necessary specialities that are derived in this order from the particular nature of the substantive law of the autonomous regions, in compliance with the provisions of Article 149.1.6. SC.

Final provision three is made pursuant to the jurisdiction that Article 149.1.6. SC attributes to the State over penitentiary legislation.

Final provision six is made pursuant to the jurisdiction that Article 149.1.6. SC attributes to the State over criminal law.

Final provision eleven is made pursuant to the jurisdictions that Article 149.1.6. SC attributes to the State over criminal, procedural and penitentiary law.

Additional provision six is made pursuant to the State jurisdictions that Article 149.1.5. SC attributes to the State over administration of justice.

Additional provision nine is made pursuant to Article 149.1.17. of the SC. Chapters IV and V of Title III are made pursuant to Article 149.1.30. SC, which attributes to the State exclusive jurisdiction over basic rules for the implementation of Article 27 SC.

Chapter VI of Title III and final provisions thirteen and fourteen are made pursuant to Article 149.1.16. SC, which attributes to the State exclusive jurisdiction over the bases and general coordination of healthcare, in all cases respecting the jurisdictions attributed to the autonomous regions in this area by their respective Statutes of Autonomy.

Chapter X of Title III is made pursuant to Article 149.1.29. SC, which attributes to the State exclusive jurisdiction over public security, without prejudice to the possibility of creating police bodies for the autonomous regions in the manner established in the respective Statutes within the framework of what an organic act stipulates.

Article 55, together with final provisions four, sixteen and twenty, are made pursuant to Article 149.1.5. SC, which attributes to the State exclusive jurisdiction over the Administration of Justice.

Chapter II of Title V and final provision twelve are made pursuant to Article 149.1.7. SC, which attributes to the State exclusive jurisdiction over labour legislation, without prejudice to its enforcement by the bodies of the autonomous regions.

Final provision two is made pursuant to Article 149.1.8. SC, which attributes to the State exclusive jurisdiction over civil legislation, without prejudice to the conservation, amendment and implementation by the autonomous regions of the civil, regional or special rights wherever they exist.

Final provision five is made pursuant to Article 149.1.27. SC, which attributes to the State exclusive jurisdiction over the basic rules of the press, radio and television regime and, in general, of all social media, without prejudice to the powers that correspond to the autonomous regions for implementing and enforcing them.

Final Provision Nineteen. *Ordinary Nature of Certain Provisions.*

This act is an organic law, with the exception of Articles 5, 6, 7 and 8 of the preliminary title; of Articles 10, 11, 12, 13 and 14 of Title I; of Titles II, III and IV; of Articles 57 to 60 of Title V; and of additional provisions one, two, three, four, five, six and nine and of final provisions one, two, five, seven, nine, twelve, thirteen, fourteen, fifteen and nineteen.

Final Provision Twenty. *Specialisation of Judicial Bodies, of the Public Prosecutor's Office and of the Technical Teams that Provide Specialised Assistance for Courts and Tribunals.*

1. Within one year from the entry into force of this act, the Government will submit the following draft laws to Parliament:

a) A draft law to amend Organic Act 6/1985 of 1 July 1985 on the Judiciary, aimed at establishing, through the channels envisaged in the aforementioned rule, the specialisation of both the judicial bodies and their heads, for the investigation and prosecution of criminal cases for offences committed against minors. Such specialisation will be undertaken in regard to the principles and measures established in this act. With this purpose it will be proposed to include Courts for Violence Against Children and Adolescents as well as the specialisation of Criminal Courts and Provincial Courts. In this regard, it will also be proposed to adapt the selective examinations for gaining the headship of specialised bodies, without prejudice to the provisions of Article 312.4 of the aforementioned Organic Act 6/1985 of 1 July 1985.

Likewise, the aforementioned draft organic act will include the necessary amendments to ensure specialisation within the civil jurisdictional order on Children, Family and Capacity.

b) A draft law to amend Act 50/1981 of 30 December 1981 regulating the Organic Statute of the Prosecution Service for the purposes of establishing the specialisation of prosecutors in the area of violence against children and adolescents, in compliance with its statutory regime.

2. The competent administrations will regulate within the same time period the composition and running of the technical teams providing specialised assistance for the judicial bodies specialising in children and adolescents, and the channel to accessing them in accordance with the specialisation and training criteria included in this law.

Final Provision Twenty-One. *Regulatory Development and Enforcement of the Law.*

The Cabinet of Ministers and the heads of the Ministries of Social Rights and Agenda 2030, Justice and Interior, in the area of their competences, is hereby authorised to enact as many regulatory provisions as may be necessary to implement this law, and to agree the necessary measures to ensure its effective enforcement and implementation.

Final Provision Twenty-Two. *Regulatory Transposition.*

Within one year of the entry into force of the Act, any state, autonomous and local regulatory standards that are incompatible with the provisions of this law will have to be transposed.

Final Provision Twenty-Three. *Transposition of European Union Law.*

This law completes the transposition to Spanish Law of Articles 3, sections 2 to 4, 6 and 9, paragraphs a), b) and g) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, which replaces Council Framework Decision 2004/68/JAI.

Final Provision Twenty-Four. *Procedure for Establishing Age.*

The Government, within twelve months of passing this law, will proceed to the regulatory development of the procedure for establishing the age of minors in a way that ensures compliance with the international obligations undertaken by Spain and with the overriding interest of minors, their rights and their dignity.

Final Provision Twenty-Five. *Entry into Force.*

This law will enter into force twenty days after its publication in the “Spanish Official Journal”.

However, the provisions of Articles 5.3, 14.2, 14.3, 18, 35 and 48.1.b) and c) will become effective six months after the entry into force of the law.

The terms of Final Provision Fourteen will become effective from 1 January 2022.

Accordingly,

I command all Spaniards, individuals and authorities, to abide by and enforce this Organic Act.

Madrid, 4 June 2021.

FELIPE R.

The President of the Government,
PEDRO SÁNCHEZ PÉREZ-CASTEJÓN