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The consolidation of the Spanish child welfare system

From 1987, a new system of legal protection of children's rights and interests has been developed in Spain. Specifically, Law 21/1987 had opened up possibilities for extending assistential intervention of the social services of the public territorial bodies with competence in the sphere of administrative guardianship to the protection of children who can be seen objectively to be uncared for. The Spanish protection system of neglected children was given an important impulse with the promulgation of Spanish Organic Law 1/1996, of January 15th. Moreover, this Organic Law of 1996 recognizes children as holders of a series of rights.

In the context of these two State laws (Law 21/1987 and Organic Law 1/1996) the Autonomous Communities began to assume, first, some child welfare functions such as administrative custody and guardianship work with the biological, foster and adoptive families, etc., and have since become responsible for welfare and the defence of a substantial chapter of children's rights. As a result, a substantial number of new Laws from the Autonomous Regions have promoted a deeper recognition of children's rights and new intervention mechanisms to reinforce the child welfare system. In this perspective, it is necessary to emphasize the significant role played by new agents in defending children's rights and interests: the Public Prosecution; social services, administrative authorities and the professionals who, for reasons of their work (teachers, paediatricians, etc.), have knowledge of situations of children being neglected or ill-treated.

Finally, I want to consider two issues that are particularly important right now in Spain: adoption by homosexual couples and international adoption. International adoption has increased considerably in Spain over recent years and it may be important to consider the issue from the children's rights and interests perspective. Adoption by homosexuals is currently an extremely controversial issue in Spain, following Law 13/ 2005, which modified marriage in Spain, and it is also of great interest to analyse the maturity of the Spanish child welfare system from the viewpoint of children's rights and interests.

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