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# SPAIN

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## Kingdom of Spain

**Population:** 43.1 million (7.5 million under 18)

**Government armed forces:** 147,300

**Compulsory recruitment age:** Conscription suspended

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 8 March 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in government forces.*

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## Government

### National recruitment legislation and practice

Article 30 of the 1978 constitution stated that “Citizens have the right and the duty to defend Spain. The law shall determine the military obligations of Spaniards and shall regulate, with all due guarantees, conscientious objection as well as other grounds for exemption from compulsory military service; it may also, when appropriate, impose a community service in place of military service.” Article 30 also included the provision that “The duties of citizens in the event of serious risk, catastrophe or public calamity may be regulated by law.”

Spain has maintained professional armed forces after compulsory military service was suspended with the adoption of the Armed Forces Personnel (Regulations) Act, Act 17/1999. The Act set the minimum age for voluntary military service in the Spanish Armed Forces at 18. Reservists in the armed forces, to be mobilized “to meet the needs of national defence when these cannot be met by professional military staff,” likewise had to be 18 years of age to be eligible for service. Admission to military training institutions was similarly limited to those who had reached the age of 18.<sup>2</sup> Recruits had to be at least 18 to join the Civil Guard (Guardias Civiles), who had both policing and military functions under Organic Law 2/1986 (amended). The Civil Guard came under the authority of both the Interior and Defence Ministries, except in wartime, when the Defence Ministry would hold exclusive authority.<sup>3</sup>

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## Developments

While noting that the government had made efforts to process the applications of child asylum seekers, the UN Committee on the Rights of the Child expressed concern in October 2007

that “identification of children who may have been recruited or used in hostilities prior to arrival in Spain is inadequate and ... data on these children are not systematically collected”. The Committee concluded that this “failure to identify such children could result in a breach of the principle of non-refoulement”. A lack of available information about the asylum process for conflict-affected children and the inadequate provision of medical, psychological and social services for those seeking asylum in Spain was also emphasized by the Committee. The Committee called on the government to enact legislation explicitly criminalizing the recruitment and involvement of children in armed conflict, and to “strengthen extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party”. Although welcoming Spain’s support for the European Union 1998 Code of Conduct on Arms Exports and the government’s subsequent criminalization of the illegal arms trade, the Committee recommended that the government now “consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children are known to be – or may potentially be – recruited or used in hostilities”.<sup>4</sup>

The Government’s Master Plan for Spanish Co-operation for 2005–8 named the situation of children in armed conflict as a priority with regard to the agenda for human rights protection during this period. The Spanish Agency for International Co-operation actively supported a UNICEF project for the reintegration of former child soldiers in the Democratic Republic of the Congo and other projects assisting conflict-affected children in Timor-Leste and Colombia.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Spain and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

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- 1 “ETA call off Spanish ceasefire”, Reuters, 5 June 2007.
  - 2 Initial report of Spain to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/ESP/1, 16 October 2006.
  - 3 LO 2/86 fe Fuerzas y Cuerpos de Seguridad Reguladora del Estado, de las Policías de las Comunidades Autonomas y de las Policías Locales, Organic Law 2/1986, 14 March 1986, www.igsap.map.es.

- 4 Committee on the Rights of the Child,  
Consideration of report submitted by Spain  
on implementation of the Optional Protocol,  
Concluding observations, UN Doc. CRC/C/OPAC/  
ESP/CO/1, 17 October 2007.
- 5 Initial report, above note 2.