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**DECENTRALIZATION OF SERVICES FOR CHILDREN:
THE SPANISH EXPERIENCE**

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This paper forms part of the background documentation for the ICDC study on Decentralization of National Programmes of Action, directed by Carlos Castillo. The aim of this paper is to present how the processes of legislative and administrative decentralization, incorporated in the Spanish Constitution, have affected child-related policies in that country.

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The Decentralization and Local Governance Series will contain working papers that should be of some interest for Government and UNICEF officers involved in the decentralization of National Programmes of Action for Women and Children (NPA). The papers published in this series will be in relation to the ongoing ICDC research on the topic.

This first paper of the series deals with services for children in Spain. It is not an example of NPA decentralization, but it is a good example of what can happen when such services are decentralized in a State that has undergone an intense process of devolution. The establishment of autonomous regions, or *Comunidades Autónomas*, in Spain has helped to advance the protection and well-being of children in several ways.

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CONTENTS

EXECUTIVE SUMMARY	v.
I. INTRODUCTION	1
II. SOCIOHISTORICAL CONTEXT	1
III. <i>COMUNIDADES AUTÓNOMAS</i> AND THE DECENTRALIZATION OF JURISDICTION	6
IV. THE INFLUENCE OF IDEOLOGY ON CHILDREN'S SERVICES	10
V. LEGISLATIVE AND ORGANIZATIONAL DEVELOPMENTS	15
Decentralization within <i>Comunidades Autónomas</i>	18
Decentralization within Municipalities	19
Decentralization of Scientific and Technical Knowledge	20
VI. MECHANISMS FOR COORDINATING CHILDREN'S POLICIES	21
The Participation of Civil Society in Children's Issues	25
VII. DECENTRALIZATION: A 15-YEAR RETROSPECT	27
VIII. CONCLUSION	32

TABLES

1. Spain: Area, Population and Demographic Data	2
2. <i>Comunidades Autónomas</i> : Jurisdiction and Special Laws	9
3. Public Sector Funding of the Cooperative Plan	24
4. Spain: Per Capita Income	28
5. Ministry of Social Affairs Funds to NGOs for Children's Programmes	30
6. Budget Allocations for Personal Services in Catalonia	31

FIGURES

1. Spain: <i>Comunidades Autónomas</i>	3
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ANNEX	34
NOTES	35
BIBLIOGRAPHY	37



EXECUTIVE SUMMARY

With the advent of democracy in Spain in 1978, mechanisms were built into the new Spanish Constitution to give a measure of autonomy to each of the country's regions, where strong cultural identities had evolved over the course of centuries. The resulting 17 *Comunidades Autónomas*, or autonomous regions, do not constitute a federal state, but they do represent something more than administratively decentralized government in the usual sense.

The evolution of social policy safeguarding the rights and well-being of Spanish children has inevitably been influenced by this overall process of decentralization and autonomous regional governance. Self-administration by each nationality and region constituting the Spanish state has led to substantial differences in the organization and programmes of individual *Comunidades Autónomas*, and this diversity is naturally reflected in the social services and systems for juvenile protection instituted by each region.

Spain's signing of the *World Declaration on the Survival, Protection and Development of Children in the 1990s* and the *Plan of Action*, and its ratification of the *Convention on the Rights of the Child*, have helped to strengthen this ongoing processes of decentralization, particularly in the area of children's policies. Thanks to the efforts of public agencies and non-governmental organizations, there has been a growing awareness of the contents of the *Convention* and a recognition of the need for new and more comprehensive policies. At the same time, debate has broadened on a variety of issues, ranging from the area of municipal authority to the role of the mass media.

Despite these advances, much still remains to be done for children in Spain. A major obstacle was the near lack of all social policy at the end of the Franco regime: in the late 1970s Spain had much ground to recover in respect to other Western countries. Today, even with the advances and legislative reforms that have been instituted, and the impetus provided by Spain's participation in the *World Declaration* and *Convention*, low public and political awareness on the problems of childhood continues to hamper efforts to develop and implement effective programmes for children. This is reflected by the lack of data on the situation of children in Spain, or the lack of efforts to collect and process such data, thus creating an information gap that makes an accurate analysis of the situation extremely difficult. Furthermore, community participation in working toward solutions to these problems does not always meet expectations, nor has the attitude of the mass media been appropriate on all occasions.

Nevertheless, the inroads made by Spain in developing policies for children in its first 16 years of democracy, hand in hand with its on-going decentralization, represent impressive steps forward. While national-level coordination is necessary to guard against regional imbalances, and in some cases policy management has been "centralized" to a higher level in order to optimize social-service networks over a broader area, the still evolving Spanish experience of decentralization underpins the necessity of public and political determination in respecting and institutionalizing the guarantees of regional diversity, while adhering to the principles of national unity.



I. INTRODUCTION

On 20 November 1990, at the Headquarters of the United Nations in New York, the Head of the Spanish Government and 70 other Heads of State and Government signed the *World Declaration on the Survival, Protection and Development of Children in the 1990s* and the *Plan of Action* for its implementation. This event took place during the same period that the *Convention on the Rights of the Child* came into force.

As pointed out in various documents,¹ the *Plan of Action* urges regional and local governments, non-governmental organizations (NGOs), the private sector and citizens' groups to formulate programmes of action to accomplish the goals set for the 1990s. In order to effectively carry out these programmes, governments must have both the necessary resources and the authority to formulate and implement appropriate programmes for the well-being of children.

In some countries, the *Convention* and *Plan of Action* have sparked a process of decentralization to facilitate local-level initiatives. In the case of Spain, an extensive decentralization process had begun even earlier; the *Convention* and *Plan of Action*, however, have helped to strengthen this process, while spurring the development of children's policies, which have advanced slowly, but steadily, since the advent of the country's young democracy. Thanks to the efforts of public agencies and NGOs, there has been a growing awareness and recognition of the need for new policies for children and of the contents of the *Convention*. At the same time, debate has broadened on a variety of issues, ranging from the area of municipal authority (with a mayors' declaration on the rights of the child, known as the 'Pamplona Manifest') to the role of the mass media and a code of ethics for media professionals.

II. SOCIO-HISTORICAL CONTEXT

Only 16 years have passed since Spain emerged from 40 years of dictatorship in 1978. Since the death of General Francisco Franco in 1975, the country has undergone a number of important political, legislative, economic and social changes that have had a major impact on Spanish children. In particular, a growing awareness of child-related issues has evolved over

the past ten years in Spain, and, as a consequence, policies have received greater attention and become more clearly defined.

To give an idea of the social context surrounding the processes described in this paper, it is necessary to briefly mention several socio-historical aspects that are pertinent to the Spanish case. For further details, readers may consult the Spanish Government's *Report on the Development of the Contents of the UN Convention on the Rights of the Child*² or more specialized studies.³

According to provisional data from the 1991, Spain had a population of 38,999,191 in that year, with a population density of 77 inhabitants per km². Spanish territory is divided into 17 autonomous regions, or *Comunidades Autónomas*, in addition to the cities of Ceuta and Melilla in North Africa (Figure 1 and Table 1). Geographically and socially, these *Comunidades Autónomas* differ greatly from one another, and, as a consequence, statistical data usually

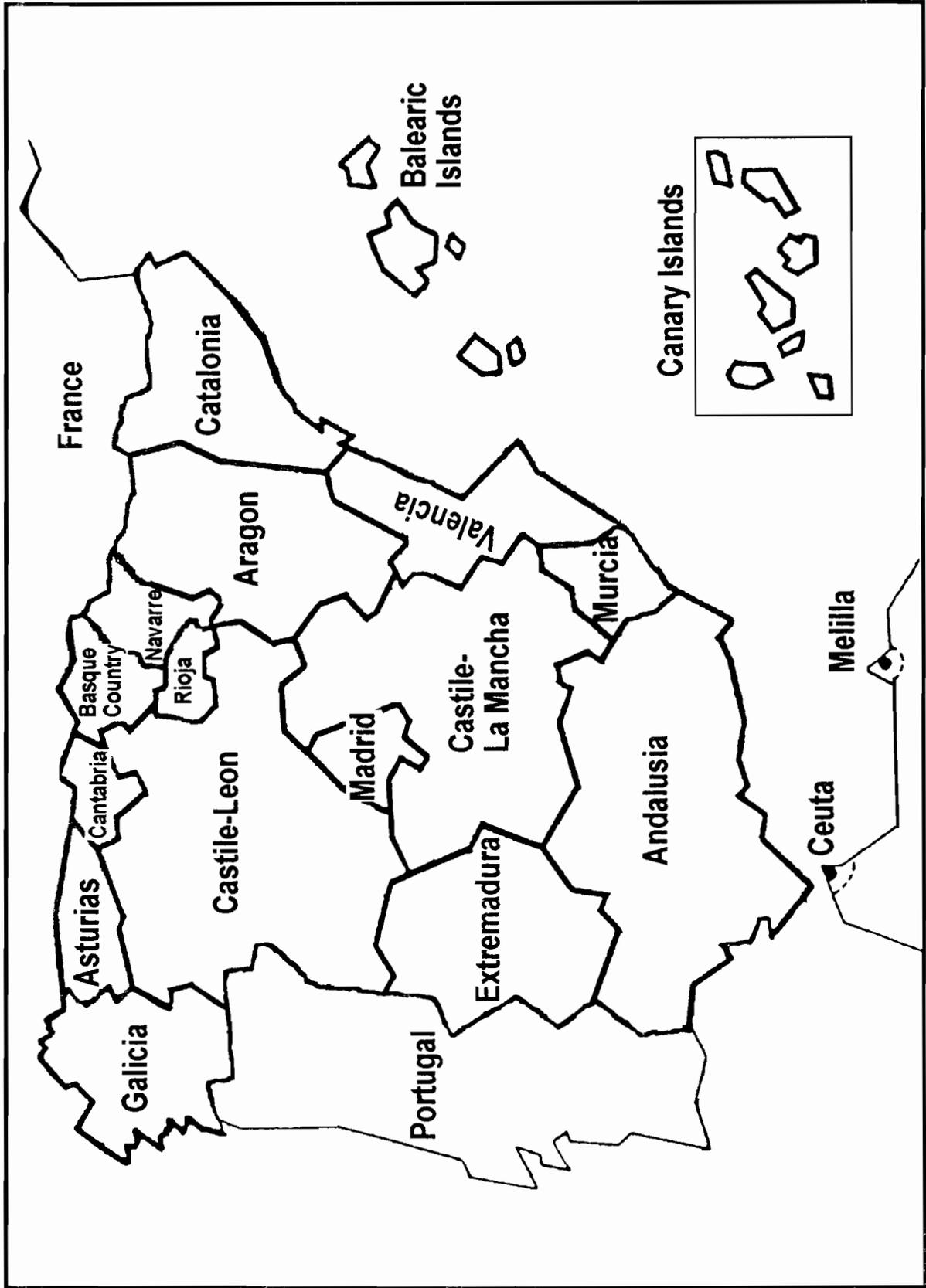
Table 1: SPAIN: AREA, POPULATION^a, AND DEMOGRAPHIC DATA^b
(1988, 1991)

<i>Comunidades Autónomas</i>	Area (Km ²)	Total Population (1991)	Population Density (inhabitants /km ²)	Birth Rate (1988)	Death Rate (1988)	Migration Rate (1988)
Andalusia	87,268	6,963,116	80	13.3	7.9	-0.1
Aragon	47,650	1,212,025	25	8.7	9.6	-1.1
Asturias	10,565	1,096,155	104	7.5	9.6	0.2
Balearic Islands	5,014	739,501	147	12.7	10.0	-0.8
Basque Country	7,621	2,099,978	289	8.6	7.3	0.0
Canary Islands	7,242	1,601,812	221	13.2	7.1	-0.2
Cantabria	5,298	526,866	100	9.4	8.7	0.1
Castile-La Mancha	79,230	1,644,401	21	10.9	8.8	-0.9
Castile-Leon	94,193	2,556,316	27	8.5	8.8	-0.5
Catalonia	31,930	6,008,245	188	9.8	8.1	-0.4
Ceuta & Melilla	31	137,070	4,422	16.7	6.5	-2.8
Extremadura	41,602	1,045,201	25	11.7	8.8	-0.9
Galicia	29,434	2,700,288	92	8.6	9.3	-0.4
Madrid	7,995	4,935,642	625	10.8	6.8	0.1
Murcia	11,317	1,046,561	92	14.0	7.9	-0.3
Navarre	10,421	521,940	50	9.6	8.2	-0.8
Rioja	5,034	265,823	52	9.0	8.8	-0.4
Valencia	23,305	3,898,241	167	11.0	9.0	0.0
SPAIN	504,790	38,999,181	77	10.7	8.2	-0.3

Source: Gobierno Español, 1993.

^a Eurostat (1991); ^b I.N.E. (1992). Prepared by the Ministry of Social Affairs.

Figure 1: SPAIN: COMUNIDADES AUTÓNOMAS



show a substantial standard deviation. Each *Comunidad Autónoma* comprises one to eight provinces; overall, there are 50 provinces in Spain.

Some *Comunidades Autónomas* have acquired their particular identities over a period of many years, or even centuries, during which they were separate states or parts of different states. This was particularly true during the Reconquest (711 A.D. to 1492), when the Moors were ousted from the southern part of the Iberian Peninsula; in fact, centuries separate the national consolidation of Spain's northernmost regions from those of the far south. Out of respect for different and deeply rooted identities, the Spanish Constitution refers to 'nationalities and regions of Spain', and Article 2 of the Constitution 'acknowledges and guarantees nationalities and regions the right to autonomy'.

According to many modern historians, the Iberian Peninsula was inhabited by an extremely open and culturally diverse people up to the end of the Reconquest and initially during the reign of the Catholic Kings. For many centuries, a variety of religions, ethnic groups and cultures co-existed in harmony throughout the peninsula. With the Catholic Kings, however, the desire shared by certain areas of the population for the creation of a single state, defined by some historians as a 'passion for unity',⁴ began taking on greater dimension. This urge went on to characterize Spanish politics for a number of years and led to the eventual expulsion of Jews and Muslims from the peninsula during the reign of the Catholic Kings. Recently, in order to acknowledge and reconcile that chapter of his country's history, the Spanish Monarch and Head of State has participated in numerous symbolic ceremonies with representatives of other religions. Such efforts reflect a trend toward the acceptance of cultural and religious diversity that many Spaniards desire and that much of the country's present legislation promotes.

Spain's diversity is reflected in the several languages that are spoken in the country. In addition to Spanish, or Castilian, three other languages — Catalan, Galician and Basque — have strong historical and cultural roots and are spoken in vast regions of the country. These three languages are co-official in their respective regions; moreover, each of them has different variations and dialects. According to recent studies Catalan is spoken by 6.2 million people, or 60 per cent of the population in the *Comunidades Autónomas* where it is a co-official language (Catalonia, Valencia and the Balearic Islands).⁵ (Catalan is also spoken in southeast France, in the nation of Andorra and in Alghero, a city on the Italian island of Sardinia.) Galician is spoken by more than 1.5 million people, who constitute 55 per cent of the population in the *Comunidad Autónoma* of Galicia. Basque is the language of slightly more

than half a million people, or 25 per cent of the population in the Basque Country. (It is also spoken in the Basque region of France.)

Spain has other languages as well. Some are limited to specific geographic areas, such as *Aranés*, spoken only in the Aran Valley of the Pyrenees, and *Bable*, spoken in parts of Asturia. Other languages are spoken by large populations of ethnic minorities. Gypsies, who speak Romany, now account for the largest ethnic group in Spain and have an estimated population of around 300,000. Ceuta and Melilla have important Arabic speaking populations.

Until recently, Spain was a country of emigrants and internal migrants. Now, however, the country is receiving increasing numbers of immigrants. In January 1991, Spain had 407,647 legal foreign residents, a total that has grown considerably since then. In that year, more than half of the legal foreign residents were from other countries of the European Union (59.1 per cent); 15.4 per cent were from Latin America, 7.1 per cent from Asia and 6.3 per cent from Africa. Foreign residents under 18 years of age numbered 23,667 in 1991 (11,934 males and 11,733 females); this figure increased sharply to 37,277 in 1992 (19,057 males and 18,220 females). Spain also has a growing population of illegal immigrants, mostly adult males; the largest proportion of these immigrants is from North Africa.

Spanish public schools are obliged to accept all school-aged children, whether they are legal residents or not. During the 1992-93 academic year, 8,399 foreign students, or 0.62 per cent of all students, were enrolled in free public schools, which offer pre-school and general basic education for children up to the age of 14.

Population growth in Spain remains positive despite a sharp decline in the birth rate, which has become the third lowest in Europe and exceeds only those of Monaco and Italy. In 1991, moreover, net population growth was negative in six *Comunidades Autónomas*. The proportion of Spain's non-adult population (0-15 years), which accounted for 20.4 per cent of the population in 1990,⁶ remains large and is surpassed in Europe by those of only Ireland and East European countries. However, as in most industrialized nations, the proportion of non-adults to the overall population in Spain has decreased considerably in recent years.

In 1970 there were 2.87 children (0-15 years of age) for every person above the age of 65; by 1990, that proportion had declined to 1.54. At the same time, life expectancy has risen substantially: in 1985 life expectancy was 73.3 years for males and 79.7 for females.⁷ Child mortality has also declined sharply, and Spain now ranks among the 20 countries with the lowest rates of child mortality.

Spain has become increasingly urbanized in recent decades, with growth first favouring major cities and presently intermediate towns. Although Spain still has many small rural communities, they are rapidly losing inhabitants, particularly children under the age of 16. Only 6 per cent of the Spanish children in that age group live in towns with fewer than 2,000 inhabitants; 16.8 per cent live in towns of 2,000 to 10,000 inhabitants.

As the statistics on the birth rate suggest, the reproductive behaviour of the Spanish population has changed considerably, with fewer women giving birth to more than three children. Progressive changes in the family structure are evident as well. Although available statistics are not fully reliable, the number of single-parent households (which are most commonly headed by the mother) is estimated at 280,000. According to the 1986 municipal population census, 2.4 per cent of all Spanish households comprise a single adult and one or more children under the age of 14.⁸

III. *COMUNIDADES AUTÓNOMAS* AND THE DECENTRALIZATION OF JURISDICTION

In addition to restoring democracy, the Spanish Constitution adopted on 27 December 1978 established a nation of 17 *Comunidades Autónomas* (autonomous regions). This is a unique form of political organization which implies something more than administratively decentralized government in the usual sense, although it does not constitute a federal state.

The Spanish Constitution grants certain powers to each *Comunidad Autónoma*, while reserving others, such as national defence, command of the armed forces and international relations, for the central government (Article 149). Powers conceded to *Comunidades Autónomas* are defined as either **transferred** (or **exclusive**) or **delegated** (Article 150). In general, delegated powers entail the management and execution of national-level legislation by the *Comunidades Autónomas*, although such legislation can often be further elaborated by the *Comunidades Autónomas* themselves. In the area of exclusive powers assumed by individual *Comunidades Autónomas*, the central government reserves the right to adopt basic guidelines aimed at harmonizing inter-regional legislation (Article 150.3).

A central-government delegate conducts the administration of national legislation within the territorial boundaries of each *Comunidad Autónoma* and, in given situations, coordinates national-level administration with that of the autonomous government (Article

154). The Spanish Constitution also provides for a compensation fund to remedy inter-regional economic imbalances and to promote the principle of national solidarity. The Spanish Parliament disburses this fund to the *Comunidades Autónomas* and to their provinces.

Each *Comunidad Autónoma* has its own statute on self-government, outlining its specific jurisdiction; after a *Comunidad Autónoma* ratified its statute, central-government ministries began to transfer their jurisdiction to the autonomous government.

Each *Comunidad Autónoma* has its own popularly elected legislative assembly (parliament) and a supreme court of justice (Article 152 of the Constitution). The administrative organization of each *Comunidad Autónoma*, however, was left to the individual autonomous governments to decide. Accordingly, the number and names of the regional 'ministries' (generally known as departments) may differ from one *Comunidad Autónoma* to another and do not necessarily coincide with those of the central government. In fact, the authority of a single national-level ministry may be distributed among different departments in an autonomous government. For example, some *Comunidades Autónomas* have made their departments of education responsible for all day-care centres, while others have transferred this authority to departments of social welfare or equivalent agencies.

Some *Comunidades Autónomas* have lagged behind others in the size and scope of the autonomous jurisdiction they have taken over from the central government. By the end of 1993, however, negotiations between the central government and most of these *Comunidades Autónomas* had led to considerable progress toward a more extensive transfer of authority.

Prior to the transfer of jurisdiction, the set of political and administrative decrees referred to as 'the protection of minors', and administered by the Supreme Council on the Protection of Minors under the Ministry of Justice, comprised only a portion of the child-related social policies in Spain. Other issues concerning children fell under the responsibility of various ministries, such as those of education and health. A number of day-care centres, for example, were operated by various social-assistance agencies of the Ministry of Health and Social Welfare, while other centres were managed by agencies within the ministries of justice, education, culture and labour.

The most important powers for the protection of minors were transferred to the *Comunidades Autónomas* between 1980 and 1985. At present, the authority to administer centres for the protection of children has been assumed explicitly by 16 of the 17 *Comunidades Autónomas*, all 17 *Comunidades Autónomas* have assumed jurisdiction over social services, and seven have assumed authority to administer their public schools.

Initially, authority for administering child-protection measures was placed into single departments in 14 *Comunidades Autónomas*. In two *Comunidades Autónomas*, however, this authority was divided between two departments. In Madrid the authority for the processes of juvenile protection were assigned to the Department of Social Integration, while the administration of centres for juvenile protection was entrusted to the Department of Education. In Catalonia, the administration of centres and services for children who are wards of the state and for juvenile offenders was assigned to the Department of Justice, while other cases were placed under the jurisdiction of the Catalan Institute for Social Assistance and Services, an agency of the Department of Health. This Institute eventually became part of the Department of Social Welfare, established several years later.

This brief summary may give readers the impression that children's policies in Spain are a veritable maze. While this may be partly true, the previously existing organization under the central government was homogeneous only in appearance. Under the central government, centres for the protection of children and juveniles (aside from those run by NGOs and religious institutions) were operated by various governmental sectors, and in particular by the juvenile court system, the provincial councils for the protection of minors and the National Institute of Social Services, as well as by provincial commissions and city governments. Currently, in all *Comunidades Autónomas*, the centres formerly operated by these central-government agencies have been placed under the responsibility of a single agency.

Decentralizing authority has resulted in a greater proximity between service providers and beneficiaries, thus favouring a better understanding of the contexts in which the services must operate. At the same time, decentralization has facilitated efforts to adapt regulations, reorganize management and exercise better control. Many *Comunidades Autónomas* have established general guidelines for the official recognition and accreditation of non-governmental services and centres, as well as some minimum criteria that such services must comply with in order to receive public funding.

While it is true that not all *Comunidades Autónomas* have assumed the same powers, nor developed equally with respect to regulations, organization and programme implementation (see Table 2 for examples), this is not the most important issue. The Spanish Constitution places considerable importance on the regional capacity for self-government, a principle accepted above many others despite Spain's relatively brief history of democracy. This has led to an enormously diverse and apparently chaotic form of regional administrative organization, which has not been free of precipitous temptations to standardize the

administrative structure. However, diversity, encouraged by the Constitution and based on the responses that individual regions have formulated to best solve their particular problems, has been a source of mutual benefit at many levels, as well as an opportunity for reciprocal learning through a wealth of differing experiences. Despite much heated political and technical debate on the appropriateness of various organizational models at different levels, this experience of decentralization has proved to be rewarding at all levels.

The passing of time and particularly the exchange of experiences have had a self-regulating effect on the system. For example, the *Comunidad Autónoma* of Madrid has now entrusted all authority for the protection of children to a single department. Catalonia has adopted a similar course by assigning such authority to the newly established General Office for Child Care, within the Department of Social Welfare. The only exception continues to be services for juvenile offenders in Catalonia, which are still administered by the Department of Justice.

Table 2: *COMUNIDADES AUTÓNOMAS: JURISDICTION AND SPECIAL LAWS*

<i>Comunidad Autónoma</i>	1 ^a	2 ^b	3 ^c	4 ^d	5 ^e	6 ^f	7 ^g	8 ^h
Andalusia	•	•	•	04.04.88	6.2/11.1		•	•
Aragon	•	•		25.03.87	13/19.1	Law	•	
Asturias	•	•		11.04.87	8B	10/89	•	
Balearic Islands	•			11.02.87	10A		•	
Basque Country	•	•	•	20.05.82	3.3			•
Canary Islands	•	•	•	28.04.87	4.2C/7.3A		•	
Cantabria	•	•					•	
Castile-La Mancha	•	•		16.04.86	11B/12.6		•	
Castile-Leon	•	•		28.12.88	10/29C	D143/90	•	
Catalonia	•	•	•	27.12.85	5.2B	D.57/88	•	•
Extremadura	•	•		23.04.87	9	Law	•	
Galicia	•	•	•	27.05.87	6A	37/91	•	•
Madrid	•	•		06.06.84	11A		•	
Murcia	•	•		09.12.85	15D/19 to 22/86		•	
Navarre	•	•	•	30.03.83	3A/6B/9D	D.71/92		
Rioja	•	•					•	
Valencia	•	•	•	06.07.89	4		•	•
Ceuta & Melilla							•	

Source: Prepared by the author from several sources.

^aJurisdiction over social services; ^bJurisdiction over centres for juvenile protection; ^cJurisdiction over public schools; ^dDate autonomous legislation on social services granted; ^eSpecific articles on children in autonomous legislation; ^fSpecific laws on child protection; ^gCooperative Plan to support basic social services; ^hJurisdiction over public services for health care.

Spain's *Comunidades Autónomas* are today far more similar to one another in terms of organization than at the start of the 1980s, although respect for the idiosyncracies of each region still leads to some differences. In some cases, the central government has taken steps to accelerate certain regulatory processes, such as the collection of statistical data to provide overviews of various situations. In June 1989, the Inter-ministerial Commission on Youth and Children was created by the central government in order to provide an example of a more unified and sweeping form of administrative and political action. The Commission urged the need for comprehensive programmes of action and formulated an Integral Plan on Youth, targeting young people between the ages of 15 and 25.

A number of *Comunidades Autónomas* and city governments have created inter-departmental coordinating commissions. Some deal specifically with children's affairs; others, such as the Municipal Board for Social Welfare established by the Barcelona Municipal Council, are broader in nature, with specific sub-commissions on children's affairs.⁹

Numerous aspects in policies affecting children have been consolidated and gradually improved over the past 15 years, although many of these changes have been, and still are, slow to take effect. This may be indicative of the scant priority placed on children's policies in different contexts and at different moments in history.

During the first half of the 1980s, the process of decentralizing the jurisdiction over services for children did not constitute a separate process, nor was it accorded a separate identity within the overall course of social policy. Starting in 1988, and particularly spurred by the desire to develop and apply the ramifications of Law 21/87 on abandonment, guardianship, adoption and foster care, the system for child protection in Spain increasingly evolved into a separate entity and in a short time embraced the notion of designing integrated policies for in-depth preventive action to improve the quality of life for all children and young people in Spain.

IV. THE INFLUENCE OF IDEOLOGIES ON CHILDREN'S SERVICES

The political and administrative processes that led to a nation of *Comunidades Autónomas* have been influenced by a number of factors. Some of these factors are geographical: certain regions, particularly those lacking autonomy in previous periods of Spanish history, did not at first seem interested in assuming a great deal of autonomous jurisdiction. Consequently,

their processes of administrative and political autonomy were slower to develop. Even within a particular region not all administrative levels responded equally to proposals for increased authority, nor were these powers assumed with equal interest or priority when a transfer of jurisdiction did occur.

The area of children's affairs did not escape these contradictions. In many geographical areas, however, social-intervention professionals (social workers, psychologists, social educators, etc.) did much to institute radical changes in the way social services were organized, and, along with professionals in education, health and other fields, helped redirect policies for children.

Children with serious psycho-social or socio-family problems represent more than just a marginalized population in the Spanish sociocultural context: they are also an **unknown** population. Most people, including politicians, know little about the true extent of the problem nor how to confront it, and consider it an issue remote from their immediate concerns.

When social-intervention professionals have actively mediated and communicated with politicians and the general public, however, more initiatives and greater support for reforms of benefit to children have resulted. This has been especially the case when politicians were aware of the issues and willing to listen, thus opening the way for a balanced exchange of ideas. Nevertheless, only in cases where professionals have presented well-conceived and methodologically sound programmes have these recommendations been transformed into effective and stable initiatives.

Arguments used by specialists to push for changes in the organization of children's services, particularly during the final years of the Franco regime, were greatly influenced by ideas from abroad. There was a hunger for new and progressive ideas reflected in the kinds of changes previously adopted in other parts of Europe. The immobility and severe ideological control imposed by the Franco dictatorship, however, made a flow of new scientific and technical knowledge extremely difficult. Many innovative proposals reached Spain only after many years and became known only in certain regions of the country.

The development of social policies in Spain varied greatly from region to region, a fact that can be partly explained by the differing degrees of influence that foreign ideas had in shaping new social policies in individual regions. For example, Catalonia, a region bordering with France to the north, pioneered radical changes in the organization of its social services, particularly those for the protection of children. This was largely due to the many

professionals who had frequent contact with intellectuals and experts in other countries or had trained abroad, especially in France.

Prior to the transfer of jurisdiction to the *Comunidades Autónomas*, the only alternative open to children with socio-family problems could be summed up in a highly radical dichotomy: remain at home (with government support for the family in very few cases) or enter an institution. Most of the latter were macro-institutions, or 'total' institutions, as defined by Goffman.¹⁰ In July 1977, there were 112 institutions for juveniles in Catalonia, 14 of which could accommodate more than 100 children. These 14 institutions housed more than 69 per cent of all institutionalized children.¹¹

Thanks to the awareness of numerous social-intervention specialists, the birth of democratic municipal governments was often accompanied by an immediate bid to improve basic social services, particularly those involving family assistance. As a result, many children avoided unnecessary institutionalization. A few alternative services became available as well, such as daytime centres, family support (assistance provided at home to troubled families), and programmes in which families provided assistance to other families. Eventually, these initiatives increasingly involved NGOs and volunteer groups. In the *Comunidad Autónoma* of Valencia, for example, cooperation between the public and private-social sectors led to the development of several interesting initiatives for foster care.

The standard approach of institutionalization, which has been termed the **specialization paradigm**,¹² prevailed in Spain until the late 1970s and was based on the oversimplified concept of 'institutionalize or not'. It was linked to the outmoded notion that different problems should be treated in different, specialized contexts and involved the identification of the problem and the subsequent separation from the natural environment as a way of protecting the child from so-called negative influences. The consequences of displacement and the subsequent difficulties with social reinstatement implied by the specialization approach are well-known. In fact, the *Convention on the Rights of the Child* expressly opposes any form of uprooting minors.

Reflection on the plight of Spain's institutionalized children led to the first critical stances against such institutions. In 1976, a short-lived but intense movement known as the 'Coordination of Experiences with Psycho-socially Maladjusted Children' (C.E.M.I.P.) emerged in Catalonia, providing ideas and basic human resources for some important reforms eventually undertaken by the municipal council.

An analysis of the influence that foreign ideas have had on the development of child-related policy in Spain is an interesting but highly complex undertaking. Two initial movements were particularly important: one was promoted by social-education professionals (known in those days as 'specialized educators') and the other by social workers.

The first of these movements was brought to Catalonia at the end of the 1960s by professionals trained in France. Their central proposals were rooted in theories on the **principle of normalization**, which originated in Scandinavia during the late 1950s and referred to mentally disabled children. In contrast to the logic of specialization, normalization maintained that children can best overcome their problems by living in a normal childhood environment where the necessary support is provided.

Although early debate on this principle centered mostly on the school environment (ideas initially having the most impact were those of Nirje,¹³ a Swedish expert, and Bank-Mikkelsen,¹⁴ a Danish specialist¹⁵), it was not long before the concept was applied to social services in general. By the 1970s professionals were already looking toward other models, not only from Europe, but from Latin America and the United States as well. It was at this time that the **normalization paradigm** began to take shape. Again, Catalonia was at the forefront in proposing this new paradigm, and the first school for specialized educators in Spain was founded in Barcelona in 1969, thanks to a private initiative.¹⁶

In contrast to the field of education, new ideas adopted by social-service professionals were influenced by a wider variety of sources. The community approach was one of the most widely accepted, gaining a number of followers who were influenced by Latin American authors such as Ander-Egg.¹⁷ Gradually, movements in both the areas of education and social services, along with other concurrent trends in psychology and health sciences, had a mutual impact. The widely read work of Paulo Freire played a key role in the nexus of ideas on education and social work.¹⁸

At the same time, works in the United States using psychoanalytic theories with groups of 'difficult' children, especially by Bettelheim¹⁹ and Redl and Wineman,²⁰ generated considerable interest in Spain and helped underscore the need to reconcile psychoanalysis with broad social perspectives. Similar research in Argentina²¹ and France²² was influential as well, as were French studies on children in difficult social situations.²³

The precepts of preventive psychiatry, coupled with disagreement on the concept of 'normality' in antipsychiatry, also reached Spain during the 1970s.²⁴ This may have largely contributed to the avoidance of making explicit mention of the 'normalization' concept at

first, which was perhaps an unconscious effort to guard against possible contamination from the debates on 'normality' occurring in other fields. At any rate, Goffman's work and his criticism of 'total institutions' probably provided the most convincing arguments for closing or reforming large residential institutions for children.²⁵

The ecological (and ecosystemic) perspectives arriving in the late 1970s and early 1980s were viewed with favour and interest, as they added to and reinforced the tenets of normalization. Finally, still in the early 1980s, changes urged by judicial experts, particularly those who remained critical of the traditional positivist approaches in children's legislation, began gaining increasing attention.²⁶ This led to important changes in the organization of reformatories, many of which were closed. It also helped to broaden the options applicable to juvenile offenders, including the adoption of probationary practices, or so-called 'supervised liberty'. Recent legislation (Law 4/1992) recognizes a wide variety of additional alternative measures for these youths.

Compared to the specialization paradigm, the normalization paradigm represented a conceptual break with the past. In terms of theory and coherence there was little the new paradigm could derive from the old one, although this was not necessarily the case in practice.²⁷ The old paradigm focused on 'the problem'; the new one, on the 'child's physical and human context'. It should be noted that the *Convention on the Rights of the Child*, signed by Spain on 26 January 1990 and ratified on December 6 of the same year, poses the possibility of another paradigm stressing children's rights, even though the normalization paradigm has yet to be fully developed and consolidated.

The emerging **children's rights paradigm** does not imply a break with the principle of normalization. Rather, it is an added construction focusing on children and their best interests, which on certain occasions requires normalization as its foundation. However, since children are not isolated beings and must be viewed in the context of their lives, the principle of normalization is an essential foundation for building a perspective based on the child as an individual.

V. LEGISLATIVE AND ORGANIZATIONAL DEVELOPMENTS

As the previous chapter pointed out, many significant changes in child-related policies were initiated well before the transfer of jurisdiction to the *Comunidades Autónomas* and thus prior to major legislative reforms. Numerous innovative experiences in the field of education had also occurred earlier, such as the formation of socio-psychopedagogic support teams.²⁸

The first broad attempt to reform public services for children with socio-family problems was initiated in Barcelona in 1977, where pressure from professional and civic groups, especially the so-called 'neighbourhood associations', generated a climate of progressive change in municipal policy. Some of the reforms during that period also called for a complete revision of the system of residential care, which at that time had 700 children housed in three large institutions operated by the city.²⁹ Other programmes were adopted shortly thereafter in Valencia, Navarre and the Basque Country, and by other institutions in Catalonia.³⁰

The programmes undertaken by the Barcelona Municipal Government and the Barcelona Provincial Council (initiated five years later) began by examining the family situation of each institutionalized child and considering possible alternatives. A proposal to reorganize services for institutionalized children recommended decentralizing those services, first in the municipal districts and later in towns in the province. The main argument in favour of decentralization was based on the principle of normalization; that is, services for families and children in difficult circumstances should be made available as near to their homes as possible, thereby enabling children to maintain positive personal relationships with family, friends, neighbours, etc., and, unless counterproductive, to remain at the same school and continue to use the local community services.

The transfer of authority to manage 'other' centres and services previously administered by the central government required a new approach and necessitated reconsidering the entire system. This process relied mainly on the development of 'social-service maps', which usually contained a breakdown of needs in a given area compared with existing resources.³¹

The first reconversion programmes placed considerable emphasis on the need to modify systems for the care of children already placed in institutions or reformatories. They also called for a review of the entire admission system, beginning with the social-service

network. Many programmes created subsequent to the transfer of jurisdiction stressed the need for more standardized procedures for detecting and intervening in a variety of high-risk situations for children. This process eventually led to proposals for alternative ways of handling juvenile offenders, such as the concept of 'supervised liberty' mentioned earlier;³² it also underscored the urgency of efforts to facilitate and strengthen foster care.³³

Granting exclusive jurisdiction to *Comunidades Autónomas* implies giving them authority to enact legislation in specific areas, although such legislation must not, of course, run counter to national laws. For this reason, all *Comunidades Autónomas* have adopted umbrella legislation on social services with articles on social assistance to children (See Table 2). By 1992, 13 of the 17 *Comunidades Autónomas* had enacted specific legislation on child protection, seven had established regulations in coordination with local administrations, and five had adopted guidelines for 'collaborating entities for the protection of minors' (namely, centres and services managed by NGOs).

Given the complexity of analysing the entire volume of juridical text on this issue and the amount of space it would require,³⁴ we will limit this discussion to some important national legislation that has influenced the decentralization of legal authority for children's affairs. One of these is the Municipal and Provincial Council Act of 1985, which grants municipal councils (in cities with more than 20,000 inhabitants) and provincial councils extensive authority in the area of social services. Smaller towns were allowed greater flexibility, with provincial councils assuming authority in cases where municipalities lacked the capacity to exercise these powers. Provincial councils also provide **legal, economic and technical support** to municipal councils in the area of social services. Some of the consequences of this law are discussed later in this chapter. The Municipal and Provincial Council Act of 1985 regulates procedures enabling municipal councils to merge into associations for the integration of common interests.

Another law having major repercussions is 21/87, which makes the guardianship of all abandoned children the responsibility of each *Comunidad Autónoma* and calls for the designation of a public body to protect minors. Many *Comunidades Autónomas* have adopted regulations to apply this legislation and some have established rules on the kinds of centres and services, public and private, to be made available and have spelled out criteria for their accreditation and minimum operating conditions.

This law also marked the start of a determined effort to organize the entire system of foster care in all its forms — temporary, long-term, pre-adoptive and specialized. In legal

terms, foster care was a long and complicated process, used only on a limited basis. In fact, foster care was not encouraged until the enactment of Law 21/87, which facilitated the process considerably. The law also regulates international and national adoption practices.

In order to ensure the proper organization of these services, interdisciplinary teams (e.g. C.A.I. in Madrid, E.A.I.A. in Catalonia) were created to carry out evaluation and support, as provided for in Law 21/87. In Catalonia, authorities were quick to decentralize these teams through agreements for delegating responsibility.

Decentralization has also been initiated in the school system. Basic Law 8/85, or the Right to Education Law, was adopted on 3 July 1985 and led to the introduction of mechanisms for facilitating broader participation in schools; this statute calls for the formation of school councils as the associative governing body within each centre of public education. School councils, formed according to guidelines adopted by each *Comunidad Autónoma*, include student representatives and parents of students, who together must constitute no less than one third of all council members (Article 44.1 c). The same legislation provides for the creation of a National School Council, which recognizes the school councils of the *Comunidades Autónomas*.

Article 35 of this statute calls for the creation of school councils with narrower area jurisdiction. For example, on 18 December 1985, the Parliament of Catalonia approved Law 25/1985, regulating the establishment and operation of district and municipal school councils. The city of Barcelona later created district school councils. Students (age 12 and above) and their parents are to be represented on all school councils, from the national level down to the individual schools.

The 1990 General School Organization Act calls for radical changes to be effected in the educational system during the 1990s. Under this Act, day-care centres became known as 'children's schools' and were obliged to adhere to certain minimum educational requirements, known as 'children's education' (previously 'pre-school education'), as well as previously established health and hygiene standards. These centres consist of two tracks (ages 0-2 and 3-6). Formal schooling, however, has remained compulsory for children between the ages of 6 and 16. These changes affect the seven *Comunidades Autónomas* that have already assumed jurisdiction over their public schools, as well as those yet to receive such powers.

Decentralization within *Comunidades Autónomas*

Some time after the *Comunidades Autónomas* received jurisdiction over social-welfare programmes, many began to have growing concerns about 'reorienting' themselves and had to reanalyse their particular situation in order to match their real needs with available resources. Comprehensive technical studies were undertaken and produced a number of important proposals that came to be called, as noted earlier, 'social-service maps'. In several *Comunidades Autónomas*, extensive reports, generally known as 'white books', were prepared for the areas of education and health.

The social-service maps were well-received at the political level and generated the first large-scale plans for social action with a certain degree of structure and technological input. While most regional plans of this type included a section on child care, responsibility was clearly decentralized only in terms of 'social services for primary care', or services directed at the entire population (labelled differently in different geographic regions, e.g. 'grass-roots services', 'community services'). Attention to specific segments of the population (elderly, disabled, women, substance abusers, homeless, etc.) was often classified under the heading of 'specialized social services'.

Because there was almost no prior network of social services for primary care, this effort was less a question of decentralization than a matter of sectoralizing newly created services, the operation of which was entrusted to local service agencies (provincial and municipal councils) and subsequently guaranteed by the Municipal and Provincial Council Act of 1985. In a few cases, however, specialized services have been centralized, with authority for some being transferred from provincial councils to autonomous governments. This was done to unify and optimize the entire network of services in a certain area and to avoid overlapping.

Pursuant to Article 152.3 of the Spanish Constitution, microregions (*comarcas*) within some *Comunidades Autónomas* have been given a separate identity. These territorial units are smaller than provinces and contain a number of minor municipalities linked to a larger municipality, which usually serves as a catalyst and channel for economic and cultural activities in the area. In Catalonia, where areas of this kind enjoyed administrative identity even before the Franco era, the Territorial Ordering Act grants them resources and authority to operate.

For example, the functions of some Child and Adolescent Welfare Teams (E.A.I.A.) in Catalonia have been delegated to *comarca*-level agencies through special agreements. These teams are responsible for evaluating and intervening in circumstances of particular hardship involving children with family problems. In more populous areas this responsibility has been transferred directly to municipal councils.

Decentralization within Municipalities

Large municipalities in Spain are divided into municipal districts, which encompass various neighbourhoods. These areas are governed by district boards, headed by a councillor generally selected by the party receiving the most votes in the district during the most recent municipal elections. Normally, one of the duties of a district is to facilitate community participation, given the district's proximity to the daily life of the people receiving basic services. This participation is channelled through formally established organizations for community involvement. In many Spanish municipalities, decentralization and participation are an inseparable part of the efforts to reorganize municipal action, although the extent of community participation is not always considered sufficient by the parties involved.

Over the past ten years most large municipalities in Spain have begun to transfer certain administrative duties to their districts, along with a measure of budgetary autonomy. In major cities this has included the administration of 'children's schools' that are established by the municipal government or municipal board.

Shortly after the enactment of the Municipal and Provincial Council Act of 1985, several provincial councils (e.g. the Provincial Council of Barcelona, 1985 and 1987) initiated what were known as 'Programmes to Promote and Support Municipalities in the Area of Social Services', which included the promotion or development of services for children. In addition to pioneering certain changes, the provincial councils of Barcelona and Valencia also restructured their entire network of social services for children.³⁵

The Provincial Council of Barcelona allocated resources for agreements with municipalities having the greatest number of children in institutions. The aim was to develop family-support services and daytime centres within these municipalities, as well as to occasionally provide access to small residential centres within the municipality. This was a major step toward transferring responsibility for children's services from the provincial to the municipal level, and, while maintaining legal, economic and technical support from

provincial administrations, resulted in the creation of local networks of centres and services based on the social needs identified in each community.

Decentralization of Scientific and Technical Knowledge

The academic world is often regarded as the depository of knowledge *par excellence*. Until the late 1970s, this stereotype was accepted, at least officially, by Spanish society. University professors and researchers lived in one world and social-intervention professionals in another, with little or no communication passing between the two. As noted earlier, numerous professionals in the field of social intervention were genuine pioneers and promoters of important changes in the way educational, social and cultural services were organized in various parts of the country. While many academics lived in an ivory tower, ignoring the real problems in their social surroundings, some professionals in the area of social practice were obliged to 'reinvent' explicative theories, evaluation methods and problem-solving skills. Other social-intervention professionals rejected 'theories', along with any sort of reflection: their argument was that 'emergencies' are detected through practice.

In the 1980s a growing number of social-intervention professionals started to approach universities, and university faculties began to open their doors to reality and emerge from isolation. Good examples can be found in many third-track programmes, mostly postgraduate, born of mixed institutional cooperation (universities, public administration, professional associations, etc.) and utilizing instructors with mixed backgrounds. As a result, social-intervention professionals began to be recognized as valuable sources of technical wisdom and as contributors to the process of building knowledge.

This was not decentralization in a true sense, but a step toward establishing normal channels of communication, which had previously existed only on informal and rare occasions. As a result, some knowledge that had been gathered and jealously guarded by the academic world began to flow toward, and receive feedback from, real-life settings, helping to encourage and stimulate reflection on social action.

Since its founding in 1989, the Ministry of Social Affairs has operated a General Office for the Legal Protection of Minors, which manages the Childhood Studies Centre. This Centre existed previously under the Justice Ministry and was a pioneer in carrying out research on the situation of children in Spain. More recently the General Office for the Legal Protection of Minors has used the Centre's research budget to formulate agreements with Spanish

universities aimed at encouraging applied research on the social problems of children in different parts of the country. The result has been a small, but genuine decentralization of resources for the purpose of gathering new knowledge. There have also been studies in recent years to devise and test useful techniques for social-intervention professionals, and handbooks spelling out actions in specific contexts have been issued. A handbook on the application of recent child-protection legislation, designed for jurists and individuals working in public administration,³⁶ and a handbook on social skills for educators³⁷ are two examples.

VI. MECHANISMS FOR COORDINATING CHILDREN'S POLICIES

The complex decentralization process undertaken by Spain over the past 15 years has been guided by the belief that it must not evolve into a process of dispersion. Various coordinating mechanisms have been established as a result. In some cases, mechanisms to coordinate children's policy at the national, *Comunidad Autónoma* or local levels are part of broader approach to coordinate social-welfare policies. In other cases, the coordinating mechanisms are specific. According to a classification outlined by the central government in its report to the UN on the *Convention on the Rights of the Child*,³⁸ the following mechanisms have been established:

1. coordination between central-government councils or agencies, regulated by the Interministerial Commission on Youth and Children;
2. permanent coordination between the central government and autonomous administrations;
3. specific agreements between the central government and autonomous administrations involving local administrations;
4. activities of the coordinating office for local agencies;
5. activities of other offices.

1. **Interministerial Commission on Youth and Children.** Children's policies are implemented by different ministerial departments of the central government, according to the area in question. The Interministerial Commission, which is headed by the Minister of

Social Affairs and comprises representatives from each ministry of the central government, coordinates the implementation of these policies.

The Ministry of Social Affairs is charged with the design and implementation of policies on child protection. The General Office for the Legal Protection of Minors is the coordinating office of that ministry and undertakes the general analysis, preparation, coordination and follow-up of programmes aimed at providing children with legal and social protection and promoting their rights.

2. **Permanent coordination between the central administration and autonomous governments.** Principles of cooperation were consolidated in the Autonomous Agreement of 28 February 1992, and several permanent committees were created or assigned to coordinate between the central administration and autonomous governments. These committees are usually headed by the relevant ministers and council members from each *Comunidad Autónoma* and have the ultimate responsibility for the area in question. The following committees deal in varying degrees with policies concerning children:

- Sectoral Committee on Social Affairs
- Sectoral Committee on Education
- Sectoral Committee on Consumption
- Sectoral Committee on the National Plan on Drugs
- Interprovincial Board of the National Health Plan
- Sectoral Committee on Housing
- General Council on Science and Technology

Provisions were established for a Sectoral Committee on Culture, which has yet to be created.

These committees delegate specific study and coordinating activities during meetings of the General Directors or of Technical Commissions, which comprise high-ranking officials from the *Comunidades Autónomas* and the central government. To supervise and facilitate these activities, the Ministry of Social Affairs has a special section within the office of the central government delegation in each *Comunidad Autónoma*.

3. **Specific agreements between the central government and autonomous administrations involving local administrations.** On the basis of their statutes for self-government, the *Comunidades Autónomas* have gradually assumed responsibility in the area of social welfare, enacting their own laws and appropriating resources for the establishment of a basic-care network and specialized services.

Generally, social services for primary care are administered by local agencies; specialized services (some of which are delegated, as noted earlier) are provided by *Comunidad Autónoma* administrations, which regulate and coordinate activities within their territory. The social-service legislation of each *Comunidad Autónoma* is similar and was greatly influenced by an underlying intent to advance social solidarity and social participation and to ensure universal social benefits and a comprehensive approach to providing for social needs.³⁹

The so-called Cooperative Plan, a fundamental element of the Spanish social-welfare system, was enacted to supply basic social services through local administrations. Based on agreements between each *Comunidad Autónoma* and the Ministry of Social Affairs, the Plan establishes channels of cooperation in four central areas, with children being a major focus in each of them. The four areas are:

- information and guidance on rights and social resources, together with specialized consultation on specific problems;
- prevention and care for at-risk or marginalized individuals and groups;
- home assistance for individuals and/or families living in disruptive conditions or in situations of psycho-family conflict;
- lodging and group living for individuals who lack an adequate family environment.

In 1992, the Cooperative Plan was established in 15 *Comunidades Autónomas*, covering 6,005 municipalities and providing funding for 5,977 social-service professionals. That year the overall budget amounted to US\$325.5 million and was jointly financed by the Ministry of Social Affairs, autonomous governments and local beneficiary agencies. It is, however, impossible to determine the amount allocated to children's services, since the beneficiaries are families in general, including those without children. Table 3 shows the funds contributed to the plan by Spanish public administrations between 1988 and 1992.

Very small municipalities and sparsely populated regions have been obliged to establish inter-municipality associations to finance basic social services, which are shared by communities in a specific geographic area.

With the 1990 General School Organization Act, the gradual implementation of the new 'children's education' by the central government has focused mainly on the second track (3 to 6 years). However, growing demands for the 0-2 age group has led to interventions from public administrations other than those concerned with education. These efforts are channeled through the Programme on Early Childhood Care under the Ministry of Social

Table 3: PUBLIC SECTOR FUNDING OF THE COOPERATIVE PLAN
(In US Dollars, 1988, 1990, 1992)

	1988	1990	1992
	(\$1 million)	(\$1 million)	(\$1 million)
Contributing Bodies			
Ministry of Social Affairs	12.9	54.1	78.8
<i>Comunidades Autónomas</i>	16.4	65.2	105.2
Local Agencies	20.8	79.0	130.2
Total Budget	50.1	198.3	314.2
Number of Personnel	1,909	5,020	5,977
Expenditures			
Benefits	12.9	73.5	127.2
Personnel	25.8	106.0	159.6
Maintenance	4.6	12.1	22.3
Investment	4.2	8.5	16.4
Total	47.5	200.1	325.5

Source: Ministerio de Asuntos Sociales, 1993, with additional clarifications by the Social Affairs General Management.

Affairs, which aims at collaborating with other public administrations (autonomous and local) to create new services for early child care. Through cooperative agreements, each *Comunidad Autónoma*, in conjunction with the Ministry of Social Affairs, assumes the task of financing projects undertaken by its local administrations.

Allocations for this programme have been included in the national budget since 1990. Funding for that year amounted to US\$3 million, increasing to \$4.3 million in 1991 and \$7.2 million in 1992. The priorities of the Programme on Early Childhood Care include:

- services in socially disadvantaged or emerging marginalized urban neighborhoods;
 - services contributing to rural settlement;
 - services instituted in areas of rapid demographic growth.
4. **Activities of the coordinating office for local agencies.** This office, known as the Spanish Federation of Municipalities and Provinces, coordinates the development of

programmes under its jurisdiction in conjunction with the central government. Spain has more than 8,000 municipalities. In recent years, local governing bodies (municipal and provincial councils) have formulated numerous initiatives for children along three principal lines of action:⁴⁰

- favour adequate socialization throughout the various stages of childhood and initiate preventive action in response to social hardships that imperil the healthy development of childhood;
 - action to ensure child protection in situations that jeopardize children's rights;
 - participation in municipal-level decentralized-cooperative development activities in countries involved in similar decentralization processes.
5. **Activities of other offices.** As the High Commissioner appointed by Parliament to guarantee the basic rights outlined in Section One of the Spanish Constitution, the *Defensor del Pueblo* (ombudsman) may monitor government actions and advise Parliament accordingly. The ombudsman has played an active role in denouncing harmful situations to children and has submitted a number of reports, in addition to a publication covering a broad range of child-related issues.⁴¹

The Participation of Civil Society in Children's Issues

Citizen's movements in the area of childhood are largely ineffectual in Spain. Sizable parents' organizations established in conjunction with schools, and confederations of these organizations, are perhaps the only exceptions. However, even during the Franco regime, some historically independent regions in Spain had a number of leisure-time organizations for children and adolescents. These were particularly important in Catalonia, where a tradition of religious and secular scouting groups and centres for educational activities, known as *esplais*, were formed by children during their free time.

The first Spanish NGO organized as an information service for children and teenagers (*Servei d'Informació i Promoció d'Activitats Juvenils-SIPAJ*) was created in Barcelona in 1975. Today this service and others like it represent a well-organized network, enjoying broad support from public administrations.

At the initiative of youth-oriented NGOs (including many of those providing leisure-time activities to children), the first programme to coordinate the efforts of organizations and federations for children and teenagers in Catalonia (*Taula de Joves de Catalunya*) was created

during the mid-1970s as well. With the provisional establishment of Catalonia's first autonomous government (*Generalitat de Catalunya*), this programme was recognized immediately as a civil counterpart to government actions in matters concerning children and juveniles.

Programmes similar to the *Taula* were created in many other regions of Spain, and the *Taula* itself played an active role in the formation of the Spanish Youth Council. At present, most organizations for Spanish children and teenagers are represented on the Spanish Youth Council, which is recognized and supported by the central government. The Council includes representatives from the youth councils of each *Comunidad Autónoma*, which in turn include local-level representatives and representatives from organizations with extra-regional recognition.

NGO commissions providing consultation on social-welfare and social-service issues have existed in the Ministry of Social Affairs and in various autonomous administrations for several years. Although NGOs working in the area of childhood do not account for a high proportion of these NGOs, more specific platforms for children have been established in the past few years. As a result of the Spanish government's report to the UN on the *Convention on the Rights of the Child*, the Ministry of Social Affairs created an NGO consultative committee and submitted the National Programme of Action on Children's Policies for the committee's consideration.

Decentralization has had some notable effects in the area of education. In addition to the transfer of authority for public education to seven *Comunidades Autónomas*, school administration has been further decentralized by transferring greater decision-making authority to individual institutions through the creation of the previously mentioned school councils. At all schools, students age 12 and above may become council representatives and in turn be elected to represent their school's council in a district-level council. Along these lines, students have the right to organize for the purpose of expressing their opinions and to encourage participation in the councils. These student organizations may also request funds for an operating budget from their respective public administration.

While the legitimization of the students' right to participation is an important step forward and a cornerstone for the establishment of a stable educational system, experts agree that much remains to be done by adults (teachers and parents) in ensuring students a greater voice and in facilitating their effective participation in school councils.

As with the recognition of children's rights, the participation of children in Spain is a matter of considerable awareness and limited action. When expressed as theory, it enjoys broad consensus; but in practice, due to the scant attention that these issues receive, a great deal remains to be accomplished.

VII. DECENTRALIZATION: A 15-YEAR RETROSPECT

It is often argued that decentralization brings about an increase in public spending. In the case of Spain, however, powers were transferred to the *Comunidades Autónomas* under pre-existing budgets, and, as a consequence, financial resources for autonomous decentralization remained as limited as ever. Moreover, social policies were almost non-existent when democracy was instituted in Spain. Subsequently, when they assessed their social needs more precisely, the *Comunidades Autónomas* made new demands on the central government and were allocated more resources. This was particularly true between 1985 and 1990.

The Ministry of Social Affairs and a number of autonomous governments have considerably increased their support of civil society by providing funding to NGOs. In addition to instituting a system of public bidding for access to funding (previously earmarked at random), added importance has been given to stipulating formal working agreements with NGOs in order to ensure that objectives of common interest are appropriately pursued.

As a result of growing social costs, as well as costs related to other urgent political issues, decentralized public spending in Spain has increased substantially over the past ten years. Only a small portion of this increase, however, can be attributed to mounting pressure from autonomous governments. For example, the overall growth of the Spanish economy following the establishment of democracy has played an important role, as have endeavours by various sectors of public administration to gradually develop a state based on the guaranteed rights of all social groups and social categories, as provided for in the Constitution.

Per capita income increased four-fold between 1975 and 1990 (Table 4), providing more resources for undertaking reforms in social-policy, which was years behind that of many European countries. With the recent economic woes, however, this process appears to be in danger of coming to a standstill.

Table 4: SPAIN: PER CAPITA INCOME
(In US Dollars^a, 1970-91)

Year	Per Capita Income
1970	1,002
1975	2,804
1980	5,018
1985	3,712
1986	5,210
1987	6,623
1988	7,780
1989	8,612
1990	11,116
1991	11,926

Source: Gobierno Español, 1993. Prepared by the Ministry of Social Affairs with data from Banco Bilbao-Vizcaya.

^a Pesetas per US\$1: 1970=70.0; 1975=54.4; 1980=71.7; 1985=170.0; 1986=141.0; 1987=123.5; 1988=116.5; 1989=118.4; 1990=101.9; 1991=103.9.

Due to the rapid changes that have occurred in Spain in recent years, as well as to other reasons (e.g. the low priority given to child-related issues), it is nearly impossible to obtain precise figures on the cost of decentralizing services to children and young people. It is equally difficult to calculate with any degree of precision the amount currently budgeted for children's policies by public administrations. In general, funds allotted to the underage population are distributed among innumerable budgetary headings that fall under broader areas, and there have been no specific studies or attempts to separate services for children from the whole. The only reliable data concern the educational system.

In 1982 public spending on education accounted for 2.8 per cent of gross domestic product (GDP). Spanish GDP had tripled by 1992, and the proportion of the GDP spent on education nearly doubled in the same period to 4.7 per cent. In absolute figures, public spending on education in those two years increased from \$4.9 million to \$26.7 million, or from \$532 to \$2,872 per student. Since jurisdiction in the field of education has been transferred to only seven *Comunidades Autónomas*, and overall budgetary growth has been fairly consistent, the rise in public spending on education seems to have been relatively independent of decentralization.

While there is broad consensus that increased optimization and efficiency have been achieved in different areas of public spending, no in-depth studies exist to concretely back up such convictions. Nevertheless, there have been numerous changes in the network of social services and benefits over the past 15 years, and many of these changes are assessed positively by both specialists and the general public.

Some 1992 figures are available on allocations by the Ministry of Social Affairs to NGOs operating in the area of childhood: these NGOs received \$13.8 million in that year, a considerable increase over previous years⁴² (Table 5). Since there are no large endowment foundations in Spain, and few of the existing smaller ones specifically target children, NGOs have little opportunity to secure funding from private sources. Therefore, the existence of these Spanish NGOs depends largely on subsidies from the public sector.

Likewise, there are no reliable data on funds earmarked by municipal councils for children's services, nor on municipal spending for social services in general. Although it is not known to what extent they apply to other Spanish municipalities, figures exist from an interesting study on overall spending for personal services (health, education, social services and other community services) by cities of more than 50,000 inhabitants in the Province of Barcelona. The study compares data for 1986 and 1989, contrasting expenditures of municipal councils with those of the Provincial Council and the government of Catalonia⁴³ (Table 6).

In absolute numbers, budgets rose considerably in all areas between 1986 and 1989, a period coinciding with a general increase in Spain's available economic resources. However, the overall percentages earmarked for social expenditures in all public institutions diminished, a phenomenon that can be interpreted as a general shifting of interests and political priorities toward other areas and types of public spending.

It would seem that the quality of reforms is directly related to the **visibility** that a certain sector enjoys; indeed, those sectors receiving greater attention from the mass media have improved the most. In many cases, improved channels of political and technical communication have opened access to detailed information on programmes and projects in other regions, prompting critical reflection and even competitiveness and leading to improvements in the design and quality of services and benefits.

Visibility is related, in part, to the availability of reliable and complete statistical data and to systems of public information. Unfortunately numerous gaps in information have come about since powers were transferred to *Comunidades Autónomas*. Data supplied to central-government offices of statistics are far from adequate, perhaps because no common

Table 5: MINISTRY OF SOCIAL AFFAIRS FUNDING TO NGOS FOR CHILDREN'S PROGRAMMES
(In US Dollars, 1990-92)

Area	1990		1991		1992		Total/ all areas
	NGOs	\$1,000	NGOs	\$1,000	NGOs	\$1,000	
- Spare time activities	5	289.5	5	358.4	6	361.6	1,009.5
- Youth associations	1	53.0	3	74.4	3	44.5	171.9
- Alternatives to institutionalization	3	417.3	2	280.4	2	269.3	967.0
- Agency maintenance	4	132.5	5	125.1	4	125.0	382.6
- Abused children/ AIDS	2	19.6	1	181.9			19.6
- Equipping residential centres for children in difficult circumstances							181.9
Total funding / General Budget		911.9		1,020.2		800.4	2,732.5
- Education, ages 0-3	3	437.7	15	2,616.4	14	3,925.9	6,980.0
- Spare time activities	20	5,620.7	14	4,123.7	23	4,905.3	14,649.7
- Equipping residential centres for children in difficult circumstances	4	1,722.4	12	3,576.7	15	4,167.3	9,466.4
- Foster care/prevention of child mendicancy	2	576.7					576.7
Total funding/taxpayer contributions		8,357.5		10,316.8		12,998.5	31,672.8
Total funding		9,269.4		11,337.0		13,798.9	34,405.3

Source: Gobierno Español, 1993. Prepared by the Ministry of Social Affairs.

^a Upon-filing for income tax every year, Spanish taxpayers can choose to contribute a preset percentage of their taxes to social programmes.

Table 6: BUDGET ALLOCATIONS FOR PERSONAL SERVICES IN CATALONIA
(In US Dollars, 1986, 1989)

	Central Government		Barcelona Provincial Council		Municipalities of more than 10,000 inhabitants		
	(\$1 million)	%	(\$1 million)	%	(\$1 million)	%	
Health	1986	41.9	38.4	14.7	66.6	6.5	
	1989	2,369.9	33.3	51.4	14.0	144.8	7.9
Education	1986	882.9	28.5	21.4	54.4	5.3	
	1989	1,652.8	23.2	29.7	8.1	86.8	4.7
Social Services	1986	128.8	4.2	23.1	8.8	3.4	
	1989	277.9	3.9	27.2	7.4	46.5	2.5
Other Community Services	1986	102.5	3.3	26.2	10.0	8.4	
	1989	231.1	3.2	39.9	10.9	132.8	7.2
Total Personal Services	1986	2,417.0	77.9	109.1	41.7	241.7	23.6
	1989	4,531.7	63.6	148.2	40.4	411.0	22.3
Total Budget	1986	3,103.9	100.0	262.0	100.0	1,024.2	100.0
	1989	7,123.6	100.0	367.1	100.0	1,842.0	100.0

Source: Diputació de Barcelona, 1992.

agreement has been reached on instituting a fast, reliable and well-targeted system for collecting data. In fact, with the exception of its place in demographic data, childhood appears to be given little priority by most of the offices that process and distribute statistical data. As a result, researchers and the general public find it difficult to obtain basic information on the state of children in Spain.

VIII. CONCLUSION

The emergence of democracy in Spain provided a stable foundation for many of the social reforms that were underway at the time and became a starting point for further changes. More importantly, it marked the beginning of widespread decentralization, the consequences of which have had an important impact on the political and cultural fabric of Spanish society.

The years following the ratification of the current Spanish Constitution, and particularly when jurisdiction was passed to the *Comunidades Autónomas*, were exhilarating moments in terms of social change. Many expected immediate and radical modifications in public services and invested enormous amounts of energy and enthusiasm in a variety of new projects. When changes were slow in coming, however, specialists in several fields, most notably those in the area of social welfare, soon became disenchanted. Today, despite the advances of the past 15 years, much still remains to be done.

Confidence in the capacity for self-administration of each nationality and region constituting the Spanish state was reflected in the Constitution and consolidated in political practice, and this has led to substantial differences in programme designs and organizational frameworks of individual *Comunidades Autónomas*. Social services and systems for juvenile protection have naturally been affected by this diversity.

What some interpreted as disorder or chaos, and was undoubtedly responsible for a certain amount of confusion in the early phases of decentralization, became a source of mutual benefit once adequate channels of communication had been established. The wide range of solutions adopted in response to similar problems led to a complex, and at times superfluous, assortment of terminology and concepts in the area of social intervention. Many *Comunidades Autónomas* have tried to make their programmes unique. This has sparked competition in certain fields, which may have improved programmes in these regions.

Some *Comunidades Autónomas* initially took a more decisive political stance and were quick to claim and assume autonomous jurisdiction; despite the many doubts (and perhaps budget deficits), these *Comunidades Autónomas* have proved to be the most capable of effecting broader changes at a faster pace. The measure of success enjoyed by decentralization in Spain, particularly in those areas dealing with children, can often be attributed to the existence of three main premises:

1. appropriate criteria in defining priorities for children's policies and in guiding the development of effective actions for protecting children and improving their quality of life;
2. sound technical proposals for adequate programmes and projects;
3. open communication between professionals and politicians permitting reciprocal access to respective proposals and greater policy coherence.

Naturally, many other variables have also affected the pace of decentralizing services for children, such as funding, general awareness of children's problems and pressure brought to bear by the mass media.

Other extremely relevant aspects include adequate training for professionals and the participation of universities in such training. Moreover, universities can contribute much to the area of research on social problems and take an active role in evaluating solutions to such problems.

Much remains to be done to heighten the level of public awareness about the difficulties faced by children in Spain. Community participation in working toward solutions to these problems does not always meet expectations, nor has the attitude of the mass media been appropriate on all occasions. However, there is reason to be confident that democracy in Spain will continue to mature, as will social awareness and responsibility toward Spain's children. The best prospect for the future of Spanish society clearly lies with what we invest in our children today.

ANNEX

In the three months following the final draft of this paper, several significant administrative and legislative changes have further affected the decentralization of services for children in Spain. These events reflect the dynamics of the social changes that are taking place in Spanish society and in particular affecting social policies. Several of these important changes are briefly mentioned here.

- In April 1994, the Balearic Islands became the final *Comunidad Autónoma* to receive jurisdiction over child protection.
- On 7 April 1994, the Parliament of Catalonia adopted a law for the institutional administration, decentralization and coordination of the social-service system in Catalonia. This law gives concrete authority to each level of public administration in Catalonia (municipal, *comarcal*, provincial, autonomous).
- The Ministry of Social Affairs has issued a publication with indicators on social care and social services for the period of 1982-1992. The publication also includes revised and updated data on public spending for social programmes, with new data on the Cooperative Plan for basic social services at the local level.⁴⁴
- The Barcelona Provincial Government dedicated its April issue of *Quaderns de Serveis Social*⁴⁵ to decentralization in social services.

Finally, the National Institute for Health (INSALUD) is responsible for the management of public services for health care in Spain, including child health care. At present, this jurisdiction has been transferred to five *Comunidades Autónomas*: Andalusia, Catalonia, Galicia, the Basque Country and Valencia.

NOTES

1. E.g. Castillo, 1993.
2. Gobierno Español, 1993.
3. E.g. Joyaux, 1993; Chalvidan and Trnka, 1990; Moderne and Bon, 1993.
4. Vilar, 1947, revised 1978.
5. Gobierno Español, 1993.
6. Casas, 1992.
7. Gobierno Español, 1993.
8. Ministerio de Asuntos Sociales, 1991.
9. Ajuntament de Barcelona, 1991.
10. Goffman, 1961.
11. Casas, 1982, 1993.
12. Casas, 1993.
13. Nirje, 1969.
14. Bank-Mikkelsen, 1973.
15. Monereo, 1985.
16. Centro de Formación de Educadores Especializados, 1976.
17. Ander-Egg 1963. See also Casas, 1993.
18. Freire, 1967. See also Ortega, 1978; Guerau, 1985; Guerau and Trescents, 1987.
19. Bettelheim, 1950.
20. Redl and Wineman, 1951.
21. Pichon-Rivière, 1971; Bleger, 1966.
22. Mendel, 1972, 1974.
23. Tosquelles, 1966; Deligny, 1970; see particularly Bravo, Juliá and Renau, 1976.
24. Caplan, 1964.
25. Goffman, *op. cit.*

26. Gonzalez Zorrilla, 1985.
27. Casas, 1993.
28. Renau, 1985.
29. Centre de Formació d'Educadors Especialitzats, 1978; Ajuntament de Barcelona, 1980, 1983.
- 30 Casas, 1981; Generalitat Valenciana, 1981; Diputació de Barcelona, 1982; Gobierno Vasco, 1985; Diputació de Valencia, 1986.
31. Casas, 1982.
32. Funes, 1982; Fransoy, Bellido, Funes and Gonzalez, 1986.
33. Generalitat de Catalunya, 1985; Caritas Española 1985; Gobierno Vasco, 1987a,b.
34. Gobierno Español, 1993.
35. Diputació de Barcelona, 1982; Generalitat Valenciana, 1981; Diputació de Valencia, 1986.
36. Ministerio de Asuntos Sociales, 1989b.
37. Costa and Lopez, 1991.
38. Gobierno Español, 1993.
39. Ibid.
40. Ibid.
41. Defensor del Pueblo, 1991.
42. Gobierno Español, 1993.
43. Diputació de Barcelona, 1992.
44. Ministerio de Asuntos Sociales, 1993.
45. Diputación de Barcelona, 1994.

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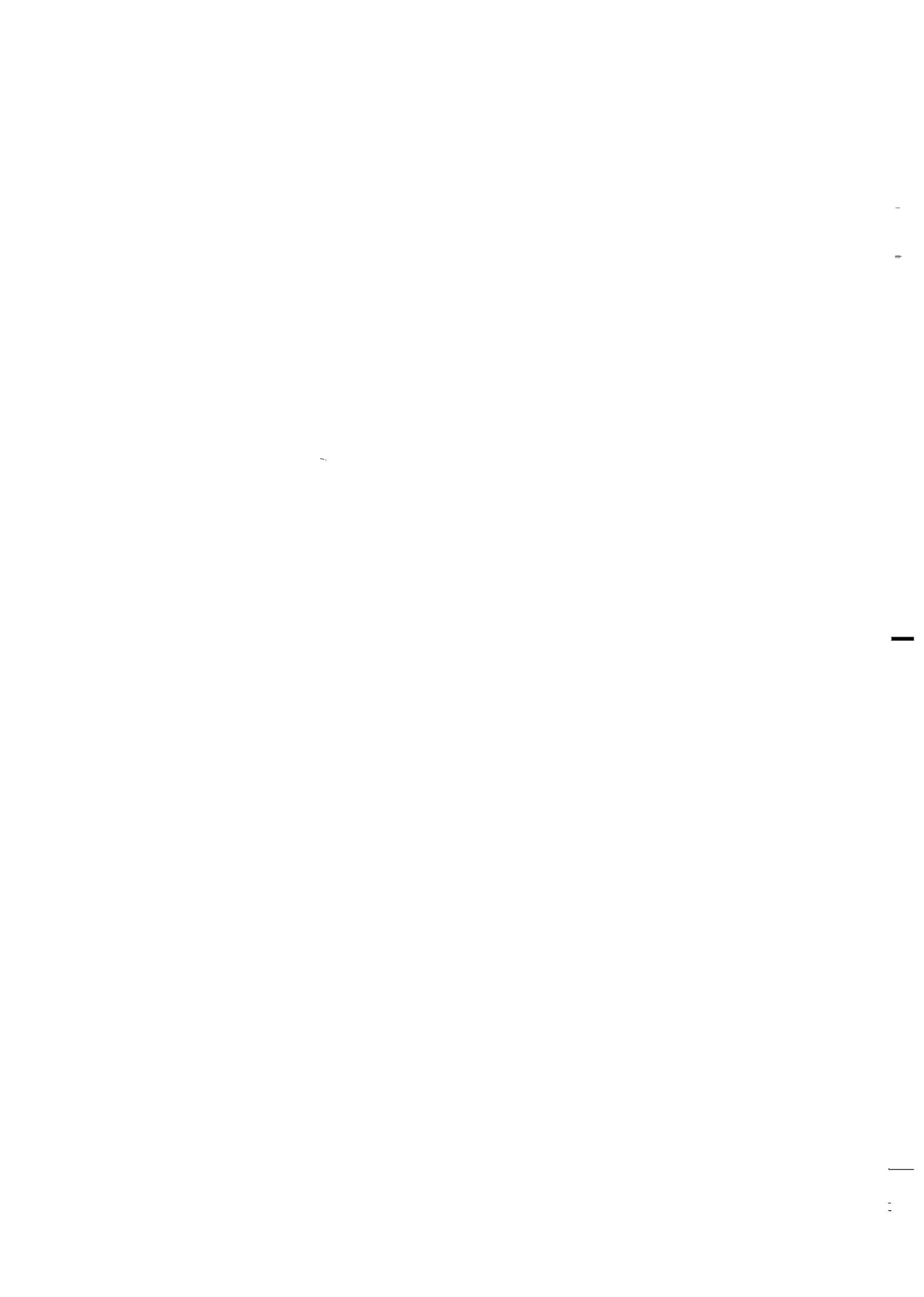
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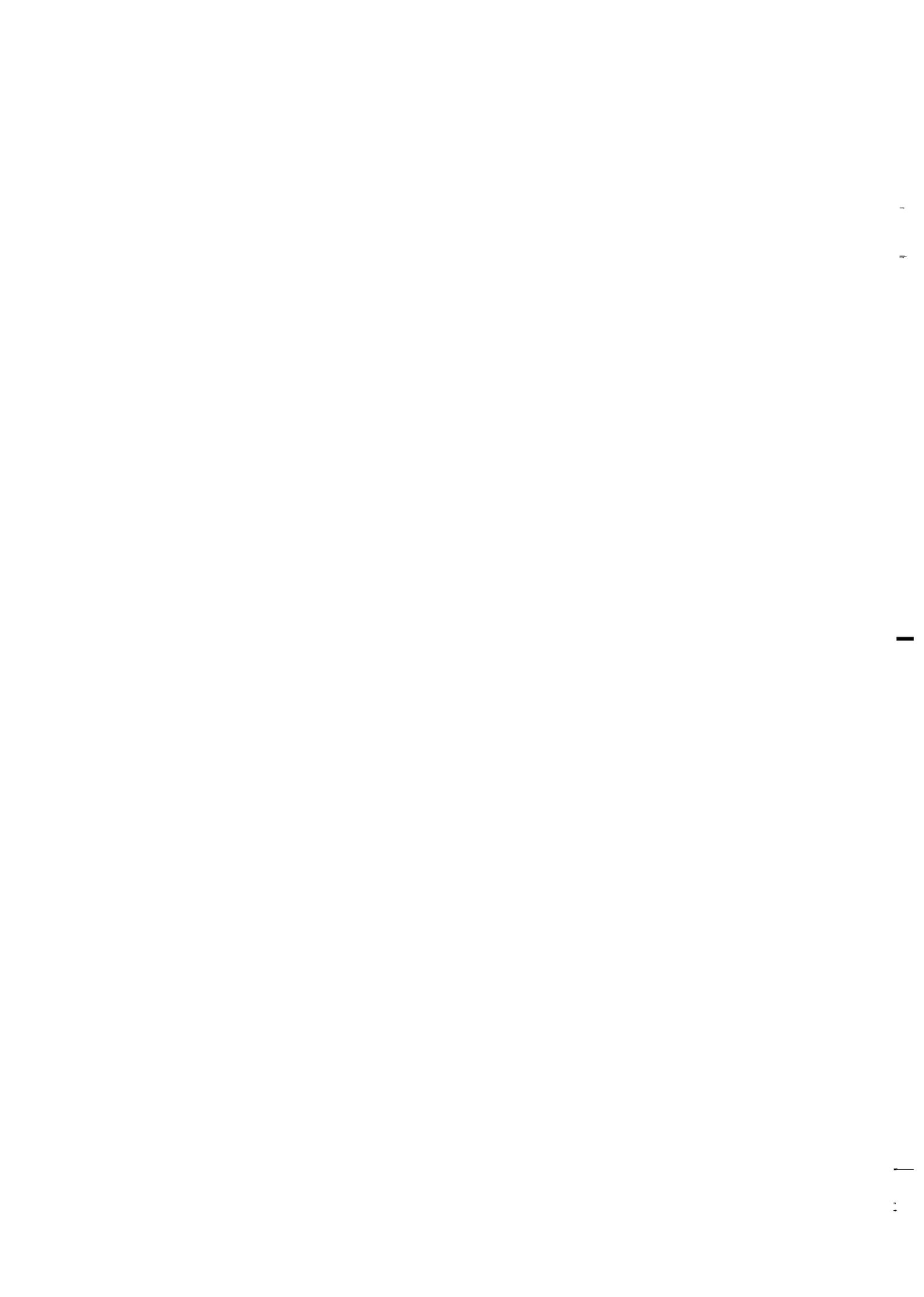
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