

National report for Spain

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1 The Internet

1.1 Children's Internet access

In 2006, 57% of households had access to a personal computer in Spain (Eurostat 2006). As far as Internet connection is concerned, four out of ten Spanish households had an Internet link in 2007, which means 6.4 million households, according to the data from the survey "XV oleada del panel de hogares" (a three-month survey of Spanish households) (January-March 2007)ⁱ, carried out by the Observatory of Telecommunications and the Information Society and the public institution, Red.es (www.red.es), funded by the Spanish Ministry of Industry. In June 2007, there were 7.5 million broadband connections to the Internet. Spain was in the 9th position, in absolute terms amid the countries in the Organisation for Economic Co-operation and Development and in the 19th position when taking into account the population (17 lines out of 100 inhabitants).

The number of regular Internet users has increased by 34% in the last four years. It grew from 29% in 2003 to 39% in 2006. In 2007, 41.4% of the population had used the Internet in the previous month, but this figure was 26.4% when people were asked if they had used the Internet the day before (April-May 2007)ⁱⁱ. In absolute terms, nearly 20 million Spaniards have used the Internet at least once, and 68% of them are intensive surfers. 53.8% of teenagers aged between 15 and 19 use the Internet almost every day and 80.9% do so at least once a week. Only 14.8% say they never or almost never use itⁱⁱⁱ. 91.5% of youngsters between 16 and 24 years of age have used the Internet on some occasion^{iv}. This percentage gradually decreases with age, and in the over 65 age group, only 5.4% use the Internet^v. This means that computer literacy is very developed among children and teenagers, and most of them have much better skills than their parents. Even amongst computer literate parents, knowledge of the use of the Internet, Messenger and games is less than that of their children^{vi}.

As far as the type of connection is concerned, in 2007, 39.2% of Spanish households had broadband access to the Internet^{vii}, by cable modem or DSL.

The value of the Digital Opportunity Index for Spain in 2006 was 0.61, which means the country provides better opportunities than the average European country. These data place the country in the 15th position in Europe and 25th for the whole world.

Spaniards dedicate 388.1 minutes a day to different communication technologies. Most of the time is spent watching television (222.1 minutes) or listening to the radio (111.6 minutes) and third in the ranking is the use of the Internet (31.8 minutes)^{viii}. TV consumption varies from 148 minutes for children (from 4 to 12 years old) and young people (from 13 to 24 years old) to 290 minutes for people over 65. According to the survey of European Interactive Advertising Association (www.eiaa.net), in 2007 Spanish youngsters from 16 to 24 years old spent 22% more time surfing on the Internet than watching TV. Users of the Internet spent about 12.3 hours a week online and the frequency of its use is 5.7 days a week. The activity which has increased most is watching TV, films or video clips online (115%)^{ix}.

During the first three months of 2007, 16 million Spanish households spent 3,001 million Euros on ICT services (landline telephone, mobile telephone, Internet and Pay TV), 7% more than in the same period of the previous year. This figure represents 4.61% of Spain's GDP, a figure which is similar to that of Italy, and in Europe is only higher in Greece and Ireland. In the first three months of 2007, there was a 12.7% increase in spending on the Internet which signified that 14% of the total spending of the four ICT services was dedicated to Internet.

As far as safety tools are concerned, 42% of households use filtering or blocking tools in order to stop their children having access to certain websites^x. According to the data for 2007

from the Spanish Institute of Statistics, for households with children aged between 10 and 15 who had used the Internet in the previous three months, 44.9% had been subjected to control using software or filters or by having access to certain sites blocked. Moreover, 86.3% were subjected to direct parental control regarding timetables and websites visited. We have serious doubts about these data. A survey carried out in Asturias, in November 2006^{xi}, shows that only 11.5% of households had the above mentioned filters, and in the qualitative study conducted by us in May 2007, only one teenager from six focus groups aged between 12 and 17 had a filter. So, we consider it extremely unlikely that 44.9% of households in Spain use filters, especially when one takes into account the fact that computer literacy among parents is quite low^{xii}. It is possible that the people interviewed misinterpreted the question and believed they were being asked about antivirus software instead of a filter against pornographic or other undesirable contents. As regards the figure showing that direct parental control is exercised in 86.3% of Spanish households (90% in the Asturian study) these data are probably true, although parental control is mainly limited to rules about the length of time children are allowed to spend on the computer. Parents are concerned about their children spending too much time online, they think they may neglect their homework or become "hooked" on the Internet, but they are hardly concerned about the contents and the personal relationships that might be established on the Internet. It is true that in general the parents try to keep a check on what their children are doing; when they are on the computer they go over to have a look; on occasion they talk about the webpages to be avoided but it does not seem that there is any serious control over their activity^{xiii}.

1.2 Findings on children's access to the Internet and online technologies

7.2% of children of 11 years of age who have finished their Primary Education access the Internet. In addition, 26% of children aged 14 years who have finished the first phase of Secondary Education access the Internet. Thirdly, 57.8% of 17 year-olds who have finished the second phase of Secondary Education access the Internet. Finally, 79.4% of people who have finished a university degree course access the Internet (Red.es. 2007).

There was an increase in Internet access in the second half of 2006 when compared with the second half of 2005. 11 year-olds who had finished their Primary Education had increased their Internet access by 1.5%. Children of 14 years of age who had finished the first phase of Secondary Education had increased their Internet access by 5.6%. Those 17 year-olds who had finished the second phase of Secondary Education, had increased their Internet access by 6.7%. This figure was followed by an increase of 7.2% for young people who had completed Technical Professional Training and an increase of 1.8% for graduates. From these figures we can see that the group that has most increased is Internet access is that of the adolescents who have finished the first and second phase of Secondary Education and those who have finished Technical Professional Training (Red. Es. 2007).

It seems that the level of studies significantly influences the frequency of Internet access and those with a higher level of education access the Internet more often (Red.es 2007).

Spanish children access the Internet at home 26% of the time and 21% of the time they do so at school. (Eurobarometer 2004.1). In addition to this, and with regard to 2007, 62.2% of children between 10 and 14 years old have accessed the Internet at home, 55.6% have accessed the Internet at school, 32.9% have accessed the Internet at a friend's or a relative's house, 20.7% have accessed it in public centres, 15.5% have accessed it in a cyber-café and 4% in other places (INE 2007).

In 100% of families of a high social status, the beginning of Internet use among their children occurs before 14 years of age, while 40% of children from a lower social status do not begin to use the Internet until they are 15 years of age (FUNDACIÓN SISTEMA 2006).

1.3 Findings on children's use of the Internet and online technologies

With respect to children under 18 in Spain, 36% use the Internet (Eurobarometer 2006.1). Without counting the time dedicated to work or study, the average time that young people surveyed (aged between 12 and 21, with an Internet connection in the household) are connected to the Internet daily is 163 minutes (2 hours and 43 minutes). This averages out at 17 hours a week (FUNDACIÓN SISTEMA 2006).

65.3% of young people say that they tend to connect to the Internet (Internet connection in the household) daily and 29.3% connect almost every day. But the most surprising thing is that many of them connect after 11.00 pm, especially the group of 15 to 17 year-olds for whom the percentage is 68.6, whereas only 41% of children between 4 and 12 connect to the Internet (FUNDACIÓN SISTEMA 2006).

Age is a determining factor as regards connection and the frequency of connection to the Internet. 81.6% of young people between 16 and 24 had accessed the Internet in the month prior to the survey and 72.2% said they connected weekly. 7.2% of the Internet users that access most frequently (weekly access) are under 11 (they have finished Primary Education), 26% are between 11 and 14 (they have finished the first phase of Secondary Education) and 57.8% are between 14 and 17 (they have finished the second phase of Secondary Education). Those that access the Internet most frequently have either completed technical professional training (63.5%) or are people who have finished their university degree (79.4%) (Red.es 2007).

In the processes of learning about the use of the Internet, gender differences are quite insignificant since, whether male or female, the ways of learning about Internet use are really similar. 20.7% say they have learnt thanks to their parents or another relative, 19% thanks to the teacher at school or college and 11.6% thanks to friends, a boyfriend or girlfriend, an academy or different people (FUNDACIÓN SISTEMA 2006).

1.4 Internet and Media Content for Children

The greatest barrier to the increase in good online content for children in Spain is that most children pay much more attention to commercial pages funded by television channels (such as, www.foxkids.es, www.jetix.es, www.disney.es, www.cartoonnetwork.es, looneytunes.warnerbros.es, and nickelodeon.es, all of them in Spanish, and other websites with games, jokes, and other entertainments, such as www.pekegifs.com/) than to alternative sites with a higher quality content. The following is the only children's search engine which we have been able to find and it is called "el huevo de chocolate.com (the chocolate egg)", www.elhuevodechocolate.com/.

On the other hand, teenagers prefer to watch videos on the Internet on websites like www.youtube.com, or Spanish web pages with Jackass videos, www.quepunto.com, www.tu.tv, www.buscalogratis.com, etc.

There are two experiences that deserve special emphasis as regards Internet content that promotes the participation and the creativity of children and teenagers, both related to TV on the Internet and over the air. Since 26th October 2007 a TV channel on the Internet called Tele Clip TV (www.teleclip.tv), has been in operation. This channel is for children and the programmes are made by adolescents from different countries (Spain, Chile, Mexico, Peru, etc.). This channel tries to provide information that is of interest to children and the programmes are made by children themselves. Another experience for adolescents, from 11 to 16 years old, is a TV programme called "In construction" (En construcción). This programme is broadcast over the air, but it is a multimedia project, developed through the Internet, mobile phones, radio and wap services. For instance, the casting to choose the four anchormen of the programme will be opened in YouTube, where candidates will upload their videos and teenagers will vote for their preferred candidates.

There are also some organisations responsible for producing quality online content for children:

- **red.es** (funded by the Industry, Tourism and Commerce Ministry) supports a website called "*programa chaval*" (kid's programme) www.chaval.es. This page is directed at children over 12 and has many different contents such as a chat room, online games, and advice on protecting the user's privacy.
- **portaldelmenor.es** is a page funded by the Children's Ombudsman for the Community of Madrid and is principally directed at providing a type of "hot-line" advice service for youngsters which they can consult and where they can obtain information about many problems that typically affect people of this age (dieting problems, bullying at school, smoking, drugs, etc.)
- **menorenlarred.es** is a site funded by Panda Software. It is principally directed at parents and provides them with information about the dangers that their children may face when using the Internet and also gives them advice about how to protect their children from these dangers.

1.5 Opportunities experienced by children online

In the case of children, adolescents and young people (aged 12 to 21), 37% use the Internet for social interaction, 21% use it for playing games and entertainment, 19% use it in order to look for information, 14% for consumer activities (purchasing goods or downloading music or games) and 8% use it in order to obtain information about employment or to look for a job (FUNDACIÓN SISTEMA 2006).

The main reasons that those surveyed say that they regularly use forums, chats, etc. are: to talk with friends (63.62%), to talk about personal topics (37.2%), to have fun (24.3%), to meet and make plans (23.1%), to talk or comment about work or studies (17.45%), to meet people (12.1%), to talk about hobbies (11.7%), to swap files (8.1%), to talk with acquaintances about nothing in particular (6.9%), to look for or obtain information (5.3%), and to debate current events (3.6%) (FUNDACIÓN SISTEMA 2006).

The most frequent Internet users (12 to 21) say that the things that they can do with the Internet are:

- First of all, they have the possibility to meet people that live far away, people that are different from them and people they could not have met in any other way (80.3%).
- 70% added that they were "hooked on the Internet" (FUNDACIÓN SISTEMA 2006).
- Thanks to the Internet, 56.2% of young people state that through the Internet they have more contact with their friends and also that the Internet permits them to freely express difficult topics (54.8%) and to enjoy new friendships (53.8%). 52.8% say they have made new friends through the Internet.
- On the other hand, 46.8% take advantage of the Internet to express their thoughts and feelings in chat rooms and forums.

However 61.7% denied that communicating with another person by the Internet is more satisfactory than doing so in person (FUNDACIÓN SISTEMA 2006).

This group, between 12 and 21, views the Internet as a general means to acquire important information for their lives (54.7%). 30 % of youngsters still look to their parents when the need information and 26.7% use Internet search engines. 22.3% use dictionaries and encyclopaedias, 15.7% visit websites or webpages and 11.3% go to a public library. Finally, 5.7% consult magazines or books, 4.7% consult another family member, 3.7% consult other types of Internet sites, 1.7% consult TV and radio and 1.7% consult chat rooms, forums or blogs (FUNDACIÓN SISTEMA 2006).

Therefore, the Internet is the main way in which young people obtain important information for their lives. In second place, it can be seen that these young people consult the people closest to them, and lastly they consult traditional ways of finding information. What is surprising is the almost nonexistent role of TV and radio in this respect(FUNDACIÓN SISTEMA 2006).

42.5% of children between 12 and 14 years old use the Internet to obtain relevant information for their lives (FUNDACIÓN SISTEMA 2006). As regards using search engines on the Internet, there is not a big difference among the different age groups. 22.1% of young people between 15 and 17 years old use search engines and 28.8% among the 12 to 14 year-olds (FUNDACIÓN SISTEMA 2006). 65.1% of young people between 15 and 17 use the Internet as a means of obtaining information to do homework or school/university work (FUNDACIÓN SISTEMA 2006).

56.9% of girls consult the Internet, as both their first and second choice, when looking for important information for their lives, whereas only 51.9% of boys do this (FUNDACIÓN SISTEMA 2006). 61.8% of girls mentioned the Internet as a means of obtaining information for schoolwork, while 56.5% of boys do this occasionally (FUNDACIÓN SISTEMA 2006).

87.5% of young people from the higher social status group expressed the view that the use of the Internet to obtain information about important questions in their lives, is both their first and second choice. Only 50.3% of those from the middle social status group do this. As a consequence, it appears that the Internet is a resource used more frequently by those with a higher social status (FUNDACIÓN SISTEMA 2006). 75% of the young people interviewed from the higher social status group said they generally browsed the Internet to obtain information when doing schoolwork or homework. On the other hand, only 42.9% of the lower social status group do this. Therefore, the Internet is a channel of information particularly used by young people with an upper-middle class social status (FUNDACIÓN SISTEMA 2006).

1.6 Risks experienced by children online

One of the things that the young people between 12 and 21 commonly do on the Internet is copy work for school and college. Although this is inappropriate and should not be permitted, the fact is that copying work or articles has become such a normal practice that youngsters do not perceive it as being wrong. 49% of people questioned answered that they have done this themselves, whereas only 47% said they would never do it (FUNDACIÓN SISTEMA 2006).

Interpersonal relationships on the web are common, but 77.7% of those surveyed said that they would never arrange to meet in person someone they had contacted on the Internet. Nevertheless, 18% said that they would be prepared to meet someone unknown from the Internet (FUNDACIÓN SISTEMA 2006).

The other things that are considered unacceptable or where a large percentage of people say "I would never do that" are: acting in an intimidating way (91% of children and adolescents say that they would never send a message to someone to make him/her feel uncomfortable), using a private database to obtain private information (90.7% of children and adolescents say they would never do this), visiting pornographic websites (85% claim they would not do it), and entering someone else's email account or a private website (83% say that they would never do this) (FUNDACIÓN SISTEMA 2006).

With reference to Internet use/abuse, 70.7% of young people between 12 and 21 years old say that they have their use of the Internet under control. However, 21.1% say that they probably abuse the Internet and 4.2% confess to being addicted to it (FUNDACIÓN SISTEMA 2006).

The EB 2007 focus groups of children aged 9 to 14 years has shown that:

- The risks that worry them the most are centered on Messenger identity theft and on viruses. Amongst the older children the main fear is that someone can steal their password and use it for impersonating them. Amongst the younger children the fear is that someone will tell lies in his/her profile and tricks them, pretending to be someone else).
- In terms of the risks suggested in the study, such as contact with pornography and violent images, pornographic pages are the only risk that they perceive as being everyday one and that have become almost a regular part of Internet. This counts as

an element that is an obstacle in its use, but one that does not actually cause fear. According to the Eurobarometer survey of 2005/6, 19% of parents think that their child has at some stage encountered harmful or illegal content on the Internet.

As regards receiving undesirable contents that promote violence, war or terrorism, the older the age group, the more they have this experience 22.1% of adolescents between the ages of 15 and 17 have received this type of content, whereas only 11% of children between the ages of 12 and 14 have done so (FUNDACIÓN SISTEMA 2006).

Another risk that can affect young people is accidental access to pornographic web pages. It also appears that in this case age is a determining factor. 33.7% of adolescents between 15 and 17 have accidentally accessed porn. Again, the least affected are the younger ones between 12 and 14, as only 16.41% state that they have accidentally accessed these pages (FUNDACIÓN SISTEMA 2006). The case is the same in respect to receiving links to pornographic websites through messages. 34.9% of adolescents between 15 and 17 and 16.4% of children between 12 and 14 have done so (FUNDACIÓN SISTEMA 2006). As regards the question of whether or not they received links to pornographic websites sent by someone they know, age is also directly proportional to the risk; the older the child, the greater the number who say they have received links to pornographic websites. 12.8% of adolescents between 15 and 17 and 8.2% of the younger ones, aged 12 to 14, answered affirmatively to this (FUNDACIÓN SISTEMA 2006). In response to whether or not they know someone who visits pornographic webpages (without asking directly), 30.2% of adolescents between 15 and 17 and 15.1% of those questioned between 12 and 14 said that they do know someone (FUNDACIÓN SISTEMA 2006).

Another risk related to the use of the Internet is when young people decide to meet someone in person who they have previously contacted via the Internet. In this case, again, the highest percentages are those for young adults. 15.1% of adolescents between 15 and 17 years of age do this, as do 8.2% of younger children, ages 12 to 14 (FUNDACIÓN SISTEMA 2006). On the other hand, it is necessary to note the perception that they themselves have about their Internet use in general, with respect to the frequency or time spent surfing online. 42.7% of children between 12 and 14 state that they overuse the Internet, whilst 45.7% of young people aged 15 to 17 say this (FUNDACIÓN SISTEMA 2006). It is possible that the older group is exposed to more risks because the younger ones have more parental control (FUNDACIÓN SISTEMA 2006).

Girls are 17% less likely to receive Internet links to pornographic pages than are boys, 13% less likely to receive links to pornographic pages sent by someone they know and 9.1% less likely to accidentally access pornographic pages. Other evidence we have is that 34.4% of boys and 19.4% of girls know someone who usually visits pornographic pages (FUNDACIÓN SISTEMA 2006). As far as meeting unknown people is concerned, once again, it is the boys who do this most (24.7%), whilst girls only do it 6.3% of the time (FUNDACIÓN SISTEMA 2006).

Only 2.7% of young people from the highest social group state that they have received violent contents through the Internet, as opposed to the 60.3% of young people with a middle class social status. 3.9% of young people from the very highest social group accidentally access pornographic pages, while 26.2% of those with a higher class social status and 61.2% of those with a middle class social status do so. Similar data correspond to young people who receive pornographic pages through the Internet or messages: 5.5% belong to the highest social status, 26.6% are from the higher class social status group and 5.8% have a middle class status. Pornographic pages received from someone known: 8.2% from the highest status, 28.6% from the higher class social status and 57.1% from the middle class social status. Surprisingly, when asked whether or not they know someone who visits pornographic pages habitually, the highest social status gave an affirmative response in 61.5% of cases, those with a higher class social status 24%, the middle class social status group 28.7% and those of the lowest social status, in 14.3% of cases (FUNDACIÓN SISTEMA 2006). From this it can be concluded that those who belong to the group with the highest social status are hardly exposed to any risks (never more than 2.8%). The higher class social status group is less exposed than the middle class social status group, and the latter is also much more exposed than the lower class social status group (FUNDACIÓN SISTEMA 2006).

1.7 Internet regulation and promotion

In the Spanish Criminal Code there are no specific “computer crimes”, that is crimes which are judicially considered to have as their object or instrument computer data and systems. However, in the Spanish Criminal Code there are a wide range of crimes that could be regarded as “computer crimes”, as they are committed through the Internet. The diffusion of child pornography or the support of terrorism can be considered as such crimes. On November the 23rd, in Budapest, the European Council passed the “Agreement of Cyber-delinquency” signed by all the participating countries. This agreement classified computer crimes in four different categories, which can also be seen in the Spanish Criminal Code:

- Crimes against confidentiality, integrity and the availability of data and computer systems.
- Crimes of falsification and computer fraud.
- Crimes related to contents, such as child pornography.
- Crimes related to copyright.

In Spain the number of crimes committed on the Internet has increased considerably over the last years. Whilst in 2002, 1,103 crimes using the Internet were detected, in 2007 5,275 were detected, and since 2005 the Spanish police have arrested more than 600 people for crimes related to child pornography on the Internet. This police fight against crime on the Internet is led by the BIT (Brigada de Investigación Tecnológica, the *Technological Investigation Brigade*) created in 2001, and by the *Computer Crime Group* (GDT, Grupo de Delitos Telemáticos) of the Guardia Civil, which is part of the European Working Party on Information Technology Crime^{xiv}, and they work very closely with international organisations like Interpol and Europol. The BIT is working with the main Spanish ISPs (*Telefónica*, *Orange* and *Jazztel*) to install a filter system for these kinds of pages, so when a surfer tries to access these pages a message appears saying that this website is being watched by the police and that the possession of child pornography is a crime. This filter system has been tested in other countries, such as Norway. The Spanish police also work with the Child Exploitation Tracking System (CETS), a software system developed by Microsoft Canada which permits investigators to easily organise, analyse, share and investigate information from its point of detection right through the investigation phase, and the arrest and management of the offenders. This software is offered free by Microsoft, and the last countries which have installed it are Italy, the UK and Spain.

The laws which have the greatest influence on the regulation of contents on the Internet are contained in the Criminal Code, which was reformed in 2003 and punishes child pornography with a jail sentence of one to three years^{xv}. After the passing of this reform, for the first time in Spain, the possession of child pornography (pornographic material such as photos, videos, digitalised images, electronic files, etc., in which someone under the age of eighteen has been involved) was considered as a crime, with a penalty of up to one year in prison. The age limit at which pornography is considered “child pornography” and, therefore, a crime, varies from country to country within the European Union. Whilst Holland and Italy have the same age limit as Spain (i.e., eighteen), some other countries such as Germany and Austria set the limit at fourteen years of age. It is necessary to consider the fact that, very often, when a child pornography crime is committed, some other crimes such as sexual abuse or rape can also be involved.

The age limit at which pornography is considered “child pornography”

Age	14	15	16	18
Countries	Germany, Austria	Denmark, Finland, France	Belgium, United Kingdom	Greece, Holland, Iceland, Italy, Luxembourg, Portugal, Spain, Sweden

Source: Report of the NGO *Anesvad* about child pornography on the Internet
<http://www.anesvad.org/pub/cast/doc/informes/informe.pdf>

In Spain, there are basically two problems related to the prosecution of this kind of crime. Firstly, it is very difficult to establish the division between private communication and public diffusion on the Internet, as can be seen when someone contributes some sexual content to a forum or shares some paedophilic content. The High Court considers an IP address equivalent to that of a private telephone line, and therefore these addresses are protected by the legislation which establishes communication confidentiality (18th article of the Spanish Constitution). Second, although communication operators have an obligation to store the data on communication traffic for a period of twelve months, they do not have to keep records of the contents^{xvi}. Information regarding contents can only be requested when the crime being investigated is classified as serious in the Spanish Criminal Code and, moreover, a judicial order is necessary to obtain this information and sometimes several weeks may pass before this is granted.

People who wish to create websites which include pornographic content try to get one servers in countries where the legislation dealing with this matter is not as clear as in Spain or in other European countries. In fact, servers in Brazil, some Latin American countries and former members of the USSR are often chosen.

Although half of the crimes committed on the Internet are related to child pornography, there are many more crimes in the Spanish Criminal Code for which computer systems are either the means or the object. For instance, exhibitionism and sexual provocation (art. 186), prostitution and corruption of minors (art. 187.1 and art. 189.1), threats (art. 169), libel (art. 208 and art. 205), fraud (art. 248.2), crimes related to intellectual and industrial copyright (art. 270 and 273), crimes related to the market and consumers (art. 278 and 279), etc. However, it is necessary to highlight that there is certain, very frequent types of behaviour on the Internet which it is very difficult to prosecute because it has not been codified in the Spanish Criminal Code. Two very important examples of this are spam and port scan (a method used to use other people's IP address and PC). Moreover, there is complementary legislation, outside the criminal field, which adds to the above articles of the Criminal Code and tries to regulate different aspects of the Information Society:

- *The Law of Services of the Information Society and Internet Commerce*^{xvii}.
- *The Law of Intellectual Copyrights*^{xviii}.
- *The Law of Electronic Signature*^{xix}.
- *The Organic Law of Data Protection*^{xx}.
- *The Law of Data Conservation*^{xxi}.
- *The Law for the promotion of Measures of the Information Society*^{xxii}.

The main Spanish law that regulates the Internet is The Law of Services of the Information Society and Electronic Commerce (www.issi.es), Law 34, 11th November 2002. This law has the aim of incorporating the Directive 2000/31, of the European Parliament and the Council, of 8th June, into Spanish legislation. This law is fundamentally related to electronic commerce and advertising on the Internet, including the right to know the identity of the advertiser, the right to not receive un-requested advertisements and to refuse those that you have not authorised. This law also includes the obligations and responsibilities of corporations that provide other services in the Information Society, such as Telecommunications Operators, the Internet Server Providers (ISPs), corporations providing lodgement services and search engines. These companies have a legal responsibility for content even though they have not contributed to its creation themselves. As they lodge or transmit these contents they are legally responsible if they are aware of their illegality and do not quickly take measures to remove or prevent access to them. Those who have personal websites are also subject to this legislation if they include advertising on their pages for which they receive money, and when this is the case, they must provide basic information about the authors (name, address, email and identification number) and comply with the legislation governing advertising content. The law of electronic signatures provides greater security and judicial efficiency in transactions carried out via Internet and also in the provision of services related to the certification of information. These controls have been complemented by the reform of the Law of Intellectual Copyrights which has attempted to adapt the rights of the author to the new technologies and the Information Society, incorporating into Spanish Law several European Directives such as Directive 2001/29/ce of the European Parliament and Council of the 22nd of May 2001. We

should take into account the fact that Spain is the European country that downloads the most films from the Internet through the use of P2P programmes. If the average figure for European Internet surfers who download movies is 20%, in Spain this percentage increases to 52%^{xxiii}.

The objective of the Organic Law of Data Protection is to protect public liberty and the fundamental rights of people, paying special attention to the ownership of information and personal and family privacy. The institution in charge of providing this protection is the Spanish Agency for the Protection of Information (AEPD), although there are other institutions of an Autonomous nature in Catalonia, Madrid, and the Basque Country. Moreover, there is a Law of Data Conservation whose aim is to regulate the obligations of the Telecommunications Operators both to keep a record of the data generated in electronic communications and to give these data to the state agents who requested them when having obtained a Court order, so as to be able to investigate and prosecute a crime. Since this law was passed (8th November 2007) purchases of mobile phones with prepaid cards must be identified and the operators have two years in which to identify the owners of the 20.4 million mobiles with prepaid cards or, in the case of being unable to do so, they must cancel the telephones in question.

The last Law passed by the Parliament related to the Information Society is the *Law for the promotion of Measures of the Information Society*, which was published in the Official Journal on 29th December 2007. This law introduces some important additions. First of all, this law eliminates some existing barriers to the use of electronic signatures and facilitates the use of electronic means in every phase of economic dealings. Second, this law increases the guarantee of citizens' rights in the Information Society and the electronic feedback between the users and certain large companies (amongst others electricity, water and gas, telecommunications, banks, travel agencies, etc.). Finally this law introduces some modifications in the current laws already explained above about Services of the Information Society and Internet Commerce, Electronic Signatures and the General Law of Telecommunications.

Computer studies is one of the subjects on both the primary and secondary school syllabuses, and they learn specifically about ICTs. Over the last five years, the Spanish Ministry of Education and Science and the Regional Education Ministries of the 17 Autonomous Communities have invested more than 700 million Euros in different ICT programmes and 2.1 million students, 200,000 teachers and 7,500 schools have taken advantage of these programmes. One of the most important educational projects is *EducaRed* (www.educared.net), created in 1998. In less than ten years it has become the main project from which the Spanish and the Latin American communities^{xxiv} have benefited. This project is supported by *Telefónica*, the main telecommunications operator in the Spanish-speaking world, with the participation of the main educational institutions of Spain. *EducaRed* aims to promote innovation in teaching through the use of ICTs, especially the Internet, from primary school to the end of secondary education. In 2006, more than 24,000 schools participated in *EducaRed's* projects and initiatives, either online, through direct contact or both, and last year its webpages were visited by more than 40 million people.

The Spanish Government is also trying to promote the use of the Internet and digital skills among adults through the *Observatory of Telecommunications and the Information Society* and *Red.es* (www.red.es). *Red.es* is a public institution attached to the Spanish Ministry of Industry, Tourism and Commerce, and through the Secretary of State for Telecommunications and the Information Society. *Red.es* has a particular programme for promoting the use of the Internet, and it has agreements with different institutions through a network of centres around the country that promote the use of ICTs. The main aims of this institution and programmes that it develops:

- **Telecentros.es** aims to develop new technologies in the rural world.
- **Internet en el Aula** is promoting access to the Information Society in the world of education (www.Internetenelaula.es).
- **e-Administración** is developing citizens' contact with the administration through Internet.
- **Patrimonio.es** is a programme to digitalise information about Spanish heritage (National Library, Film Library, etc.) (patrimonio.red.es).

- **Chaval.es** is a website created to promote the trust of parents towards the Internet and to create a web space where children can only obtain safe, quality contents.
- **Campus Inalámbricos** aims to promote wi-fi in the universities.
- **Internet en las Bibliotecas** – its main goal is to facilitate access to libraries through the use of the Internet (internetenlasbibliotecas.red.es).
- **Todos.es** is promoting the Information Society in Spain.
- **Sanidad en Red** aims to develop an Information System within the Spanish National Health System (SNS) to facilitate medical assistance and the opportunity for patients to be treated in a variety of hospitals.

Spain has 17 Autonomous Communities among which three of them, Madrid (www.defensordelmenor.org/index.php), Andalusia (www.defensordelmenor-and.es/) and Catalonia (www.sindic.cat/infants/) have a Children's Ombudsman^{xxv}. The functions of these Autonomous Children's Ombudsmen include receiving complaints, controlling and supervising children's wellbeing - but they do not possess any legal power. In Madrid, this post was created in 1996 and the current Ombudsman is Arturo Canalda. He has been working very closely with the NGO *Protégeles*. In Andalusia, the post of Children's Ombudsman was created in 1998, but there is only one person for this post and the post of General Ombudsman. This post has been held since that year by Jose Chamizo de la Rubia, a priest with a degree in History. Each year since 2003, the Reverend Chamizo has published a report containing the complaints, consultations and suggestions which he has received in that period. In Catalonia, there is a General Ombudsman and a Deputy Ombudsman for Children's Rights, Xavier Bonal.

The main Spanish NGO that is most concerned about children and the Internet is, without doubt, *Protégeles* whose address is www.protegeles.es. This address is also the Spanish hotline within the Safer Internet Plus Programme. It was set up in 2001 as a hotline against child pornography, and a year later it became an NGO. Now *Protégeles* has many aims. The *Protégeles* hotline receives more than 1,300 citizen complaints a month, and from 2003 to 2006 the Spanish Technological Investigation Brigade started 193 investigations related to child pornography on the Internet through receiving these complaints. *Protégeles* is also involved in educating people about anorexia and bulimia, in promoting the safe use of mobile phones, in warning about videogames not suitable for children, in campaigning against bullying at school, and also against the diffusion of support for terrorism or drug taking. The latter was created with the collaboration of the Madrid Institute for Children and the Family and the Children's Ombudsman of Madrid. At the beginning of 2007, *Protégeles* and Microsoft agreed to create a direct link from spaces.live.com to the hotline of *Protégeles* in order to lodge complaints about any content related to child pornography, bullying, the encouragement of anorexia and bulimia, racism or drug consumption. In 2005, *Protégeles* and the Madrid Children's Ombudsman signed an agreement with the ISPs and the Internet corporations (Microsoft, Yahoo, Terra, Wanadoo, etc.) to block websites promoting anorexia and bulimia, and six months later more than 350 were closed.

Another NGO dedicated to the fight against child pornography is ACCIÓN CONTRA LA PORNOGRAFÍA INFANTIL (ACPI, Action against child pornography) created in September 1998 with the aim of fighting against the sexual exploitation of children: child pornography, child prostitution and sexual tourism. ACPI is a member of the EUROPEAN FEDERATION FOR MISSING AND SEXUALLY EXPLOITED CHILDREN and of the INHOPE. ACPI also organises campaigns in schools about the security of children in collaboration with parents associations CEAPA and CONCAPA and the Ombudsman for Children in Madrid. This NGO also distributes a filter to block harmful content and created a safe website for minors: www.piscolabis.net. It also organises awareness campaigns in the media, by attending TV programmes and radio chats, writing articles for newspapers and giving information from its website: www.asociacion-acpi.org.

Another important NGO that works against the sexual exploitation of children is *Anesvad* (www.anesvad.org). This NGO was set up in Bilbao, and was founded by a Jesuit, Javier Olazábal, and initially its aim was to help sick people without resources. But some years later it broadened its goals to include other fields. Today, one of its most important aims is to influence society as regards child pornography on the Internet. In 2001, *Anesvad* launched a

project to discover how many people showed an interest in child pornography on the Internet by creating a false website in which an inflatable girl child doll (www.michiquitina.com) was advertised, and then the typology of the users of these sites was identified. *Anesvad* has its own website and its own hotline (www.noalapornografiainfantil.com/) against child pornography.

1.8 Parental mediation

According to the data for 2007 from the Spanish Institute of Statistics, for households with children aged between 10 and 15 who have used the Internet in the last three months, control of the Internet access in these households is exercised in person 86.3% of the time. This means that a person sets checks or sets rules about the time the children spend on the Internet, the websites they visit, etc., whilst 44.9% of the time this control is obtained through filtering systems or blocking tools that do not permit access to certain websites (INE 2007). We have already noted serious doubts about these data. In respect of direct parental control existing in 86.3% of Spanish households (90% in the Austrian study) this data is probably true, although parental control is mainly limited to the length of time children are allowed to spend on the computer. Parents are concerned about their children spending too much time online, they think they may neglect their homework or become “hooked” to the Internet, but they are hardly concerned about the contents and the personal relationships that might be established on the Internet. It is true that in general, parents try to keep a check on what their children are doing: when they are on the computer they go over to have a look, and on occasions they talk about pages to be avoided but it does not seem that there is any serious control over their activity¹.

11% of parents claim to sit with their children when they are surfing the Internet, 8% claim that they do this most of the time. However, 43% of parents state that they never sit with their children when they are using the Internet (FUNDACIÓN SISTEMA 2006). With regard to usage rules, 15% of parents say they have set some rules for Internet use in the household (Eurobarometer 2006). 69% of parents claim that there are Internet sites that they have prohibited their children to access, and 62% consider that they need more information about how to protect their children from illegal or harmful contents. 38% of parents do not know where to report illegal Internet content and they say that the principal means of receiving this information should be from school (55%) and from the media (32%) (FUNDACIÓN SISTEMA 2006).

In relation to the regulation of Internet use, in Spain, those questioned mentioned an average of 3.3 rules from a list of 14. Restriction of the time spent on the Internet was mentioned by 77%, file transfers by 12%, identity restriction by 71%, privacy by 68%, and uncomfortable situations by 25% (Eurobarometer 2004.1).

There are two categories of analysis as regards rules about connection time: the moment of connection (certain hours and weekends) and the amount of connection time (number of hours that they are allowed to be connected). The results indicate that the most important limitation is the time that young people can be connected. 78.2% of young people stated that they had limits in this respect and 47.1% claimed that their limitations only allowed them to use the Internet for a few hours per day (FUNDACIÓN SISTEMA 2006). In the block of questions about the limits set by parents, 29% of young people answered that their parents had laid down some type of rules for Internet surfing (FUNDACIÓN SISTEMA 2006). According to adolescents, the things their parents most commonly prohibit them from doing are: giving their personal information, address or telephone number to someone unknown on

¹ Carmelo Garitaonandia & Maialen Garmendia, “How Young People Use the Internet: Habits, Risks and Parental Control”, Bilbao, 2007, page, 24.

the Internet (54%), participating in chat rooms (17.2%), downloading movies (10.3%), downloading games (5.7%), using email (6.9%) and using a messenger (2.3%) (FUNDACIÓN SISTEMA 2006).

24.3% of young users are supervised by a family member; of these 71.2% are supervised by the mother, 34.2% by the father, 6.8% by a brother and 1.4% by someone else. The mother is the principal supervisor, but 74.3% of adolescents surf alone. When parents were themselves asked whether or not they supervise their children on the Internet, 89% of mothers and 11% of fathers answered affirmatively (FUNDACIÓN SISTEMA 2006).

Among the things parents state they have never done are the following: 82.7% say they have never looked at their children's email, 77% have never looked thorough their computer, 61.3% have not suggested interesting sites for their children to visit and 58.7% have not actually sat down with their child whilst he or she is using the Internet (FUNDACIÓN SISTEMA 2006).

45% of parents say they fear that the people their children contact on the Internet are a bad influence from, and 35% are worried about contact with unknown people. 14.7% of parents are worried that the time their children spend connected to the Internet interferes with their studies, 14% are worried that it isolates them, 19% are worried that they spend less time with the family, 3% are worried it affects their health, 3.3% are worried they could waste money and 2.3% are worried that their children could commit a computer crime (FUNDACIÓN SISTEMA 2006).

Filters are mostly related to pornography, terrorism or violence rather than the use of chat rooms, instant messages and email. 29% claim they have filters on pornographic pages, 21.8% on those which exalt war and violence, 17.2% on racist and xenophobic pages, 8% on instant message access, 8% on chat and forum access and 3.4% on email (FUNDACIÓN SISTEMA 2006).

A proportional relation exists between age and the limitations set by parents with regard to Internet use. 57.5% aged 12 to 14 have Internet limitations at home whilst only 33.7% of 15 to 17 year olds have been set limitations (FUNDACIÓN SISTEMA 2006).

There are very few differences between 12 to 14 year olds and 15 to 17 year olds, but in the case of chat rooms, 19% of the younger group have ben set limitations and in the older group only 1.7% have been set limitations. 11.9% of children of 12 to 14 are prohibited from downloading and playing games while the 15 to 17 year olds are not (FUNDACIÓN SISTEMA 2006).

As far as social status is concerned in relation to the question of who supervises children's use of the Internet, there is a tendency for this person to be the mother, independently of status. 64.3% of those in the middle social status group supervised their children, 87.5% of those with a high social status did so and 75% from the highest social status group carried out this task (FUNDACIÓN SISTEMA 2006).

More girls have their use of the Internet limited by their parents than do boys. 30% of the young girls surveyed state that they have limitations set by their parents, while in the case of the boys, only 27.9% have such limitations (FUNDACIÓN SISTEMA 2006). The greatest inequality as far as the limitations imposed by parents on their children are concerned, is in relation to privacy. 42.2% of boys and 63% of girls have privacy limitations (FUNDACIÓN SISTEMA 2006). With regard to the existence of filters, 15.9% of the girls surveyed say that they have filters on their access to chat rooms, and in the case of the boys, 0% have limitations. 9.1% of girls say that they have filters for instant messaging whilst only 7% of boys do. 4.5% of girls have email access blocked, although the figure is just 2.3% for boys (FUNDACIÓN SISTEMA 2006). The situation is different in the case of page content. 30.2% of boys and 29.5% of girls say that they have access to pornographic pages blocked. 23.3% of boys and 20.5% of girls have violent webpages blocked. 16.3% of boys and 18.2% of girls have racist and xenophobic pages blocked (FUNDACIÓN SISTEMA 2006).

1.9 Media literacy

The absence of physical interaction has a disinhibiting effect on people and they feel able to be more sincere and open with the person with whom they are communicating. Nevertheless, the Internet can also lead to people being tempted to give false personal information. Many young Spanish people state that they have never falsified personal information on the Internet, but of those that have done so, 28.7% of those online say that they have used a fictitious name, 19.7% a fictitious age, 8.7% have lied about their physical appearance, 6.3% about their sex and 3% about their racial origins (FUNDACIÓN SISTEMA 2006). 15.7% of the subjects questioned had at one point gone to an offline meeting with someone met online only. On the other hand, 85.7% claim that they would never ask people whom they met on the Internet for help with a very serious personal problem. This can be an indicator of the perception of risk that people who contact each other by Internet have (FUNDACIÓN SISTEMA 2006).

When children and adolescents (12 to 21) realise that they are entering a situation of risk on the Internet, they tend to disconnect. The other reasons for disconnecting are as follows: 44.5% through boredom, 35.6% because they don't like the people that are connected at that time, 31.6% because of lack of time, 10.9% because they are scared of the topics being discussed at that moment, 3.2% because of parental prohibition, and 2.4% for other reasons (FUNDACIÓN SISTEMA 2006). Fear is the way in which most young people can perceive the existence of risk. In the case of the use of the Internet, it is interesting to note that only 10.9% of young people have felt afraid online (FUNDACIÓN SISTEMA 2006).

The EB 2007 focus groups of children aged 9 to 14 years has shown that with respect to informing parents or adults about problems with the Internet or mobile phones, the children are not in favour of telling their parents about risk situations. Especially the older children fear the possibility that their parents will assess the risk as being very high, will get scared and limit or even take away the children's use of Internet or their mobile phone. According to the Eurobarometer 2005/06 survey, 51% parents think their child knows what to do if uncomfortable online, 28% think they do not.

The young people interviewed show doubts with regard to the trustworthiness of the data and information that circulates on the Internet. 37.7% say that "half of the information is trustworthy", 17.3% say that "a small part is trustworthy", 3.3% say that "nothing is trustworthy" and 3% claim "they don't know". A huge proportion of young people believe that "most of the information is trustworthy" and only 2.7% that "all the information is trustworthy" (FUNDACIÓN SISTEMA 2006).

1.10 Factors shaping public discourses about the Internet

The main NGO awareness node dealing with problems and risks of children on the Internet is *Protégeles*, which usually works very closely with the Ombudsman for Children of the Madrid Autonomous Community. When it started, in 2001, its main goal was, and continues to be, the fight against child pornography. In the first three years *Protégeles* received almost 30,000 complaints, more than 5,000 of which were sent to the police, and almost 2,000 paedophile virtual communities were discovered. Now it has diversified its aims, and two of the most important involve the fight against bullying and anorexia and bulimia on the Internet. After the launch of its first campaign against the promotion of anorexia and bulimia, it succeeded in obtaining the closure of more than 350 pro-anorexia and pro-bulimia websites and communities due to the agreement reached with the main ISPs. *Protégeles* created two helplines to assist with educating youngsters about the dangers of anorexia and bulimia (www.masqueunaimagen.com and www.anaymia.com) and another to help prevent bullying at school (www.acosoescolar.info). This NGO also provides psychological attention for more than 200 girls and teenagers from 9 different countries, by psychologists who work for the NGO. It also organised the 1st. National Conference about Anorexia and Bulimia in Madrid. From www.acosoescolar.info (the anti-bullying helpline) they give personal attention to each minor who uses the helpline, more than 100 cases in 2006-2007. In the most serious cases

that they cannot solve, they inform the Ombudsman for Children or the Autonomous Ministries of Education.

Since 2004, *Protégeles* has organised conferences for more than 75,000 students, parents and teachers in more than 250 schools to show how to use the Internet in a safe way. With this aim *Protégeles*, together with the main Spanish Telecommunications Operator, *Telefónica*, has been developing a campaign for the safe use of the Internet by children with the slogan "Squeeze the Net" (www.exprimelared.com) and trying to show minors the enormous number of opportunities that Internet offers and the rules for its satisfactory use. This information is given to parent's associations and teachers of secondary education.

Anesvad is also worried about the sexual exploitation of children, but its interests and aims are diverse and it does not work specifically on the problems of children on the Internet. Nevertheless, *Anesvad* prepared a report about child pornography on the Internet three years ago, and in 2005 and May-June 2006, it organised two campaigns against the sexual exploitation of children in the press, magazines, radio, television and on the Internet. The last campaign focused on reporting the situation of thousands of children in the southeast of Asia who are kidnapped and forced into prostitution. *Anesvad* has several programmes in operation in these countries for the rescue and rehabilitation of these children.

Probably the most important events in Spain related to the security of children on the Internet, and with massive media coverage, are the Safer Internet Day, which is celebrated in February, and the Universal Children's Day, which the United Nations and UNESCO hold on 20th November. On the Safer Internet Day, in 2005, amid other things, the NGO *Protégeles* took advantage of the event to sign a Frame Agreement of Collaboration with the Internet Industry with the aim of supporting the fight against child pornography on the Internet. In 2007, *Protégeles* attended the signing of the *European Framework on Safer Mobile Use by Younger Teenagers and Children* in Brussels. This agreement was signed by the EU Commissioner responsible for Telecommunications and Media, Vivian Reading, and the most important Mobile Operators (Vodafone, Orange, Telefónica, GSM Europe, T-Mobile, etc). The Universal Children's Day in Spain this year coincided with the presentation of the Media Consumption Study, carried out by the European Interactive Advertisement Association, and the Spanish media gave huge coverage to this report. On the other hand, the corporation *Optenet* (www.optenet.com), an information security technology multinational, joined the celebration of the Universal Children's Day this November 20 by offering free one-year content filters through their website, thereby helping parents and schools to ensure that their children can browse the Internet in optimum conditions. The company made the latest version of its Web Filter 9.6 available for free throughout that day.

2 The Educational system

2.1 General education

As far as education of population is concerned, 2.1% have not completed their primary education, 26% have completed primary school, 44.9% have finished their secondary education, 9.1% have some technical studies and 17.9% have a university degree.

According to 2003 data, 30% of the Spanish population aged between 25 and 64 have only completed their primary education or, indeed, have not completed it. 27% have completed their secondary education, 18% have some technical studies and 25% have a university degree. The percentage of people who have a university degree is higher in the younger groups, for instance among those aged between 25 and 34 the percentage is 38%. These data shows that university studies are no longer elitist, as nowadays the number of university graduates is growing all the time all over Spain. In some of the autonomous communities such as the Basque Country, 54% of the population for this age group are graduates.

As we have already mentioned, computer studies is one of the subjects on both primary and secondary school syllabuses, and children are taught specifically about ICTs. The Spanish Ministry of Education and Science and the Regional Education Ministries of the 17 Autonomous Communities have made some very important investments for the promotion of the use of ICTs among children, including technical infrastructure and also the training of the teaching staff.

2.2 Education and the Internet

Apart from the link to the Internet at home, children and teenagers also connect to the Internet at school. In Spain, almost all primary and secondary schools have a connection to the Internet, most of which are broadband (95.6% of primary schools and 81.1% of secondary schools). These data reflect the substantial investment that educational institutions have made in order to promote computer literacy among children as, in 2004, the average percentage of schools attended by pupils aged 15 with an Internet connection was only 40.7. The average number of pupils per computer in public secondary schools for the school year 2005/06 was 7.1, whereas for primary schools the average number of students was 10.1.

Internet and media education in general is a subject on the syllabus at primary school level in Spain. Even so, many children start to use computers and the Internet at an earlier age at home, especially if they happen to have an older brother or sister. So, most children begin their use of the Internet around seven to nine years of age. Even those who started to use the Internet at school, later often use it at home too, as the Internet is principally seen by children as a source of communication with their peers, and this fact helps to reinforce its use among children. Some empirical qualitative studies (Eurobarometer, 2007; Garitaonandia & Garmendia, 2007) clearly show what has been described above. Although some children only begin their media education once they are at school, they further develop their skills at home as they use the Internet as a form of daily communication.

3 Wider society

3.1 Social change

Over the last 30 years Spain has undergone remarkable social change as politically it has passed from a dictatorship to democracy, and economically it has changed from an authoritarian system to a liberal one. Since the '90s, economic development has been very important and the living standards have improved for the Spanish population in general. In the mean time a great number of Spanish inhabitants have had access to higher levels of education and, as a process of secularisation has taken place people have become far more open-minded.

The Spanish Government, as well as the governments of autonomous communities, has been very enthusiastic about changes associated with the Information Society, as they did not wish to be left behind other European countries. Public institutions have made economic efforts in order to promote the use of technologies among both the child and adult population such as the *Observatory of Telecommunications and the Information Society* and *Red.es* (www.red.es) or *EducaRed* (www.educared.net) which have already been mentioned.

In the discourse of public institutions there is a sense of the country being 'average' among European countries in relation to technological changes. They know it would be difficult to rank among the top countries in terms of the use of technology, such as the Nordic ones or the UK, but they try to keep close to the figures for France or Italy.

One of the key areas of inequality in Spain is related to its regionality. There are great differences in both income and education between the different Spanish regions. Evidence of these differences can be seen by the GDP per capita of the different regions. The average

GDP per capita for Spain is 22,152€, whilst some regions such as Extremadura (15,054€), Andalucía (17,251€) or Castilla La Mancha (17,339€) are far below this figure. Nevertheless, Madrid (28,850€), the Basque Country (28,346€) or Catalonia (26,124€) are much better off. This difference in income is also reflected in the percentage of graduates aged between 25 and 34, although these differences are smaller. As far as social class is concerned, there is a large middle class in Spain and no empirical evidence exists showing inequalities related to class. As far as inequality in income distribution is concerned, Spain scores 5.4, which is above the average for Europe (4.7), but quite close to the United Kingdom (5.5) or Italy (5.6). The percentage of children in households whose income is lower than average is 15.6%, the same as for Portugal and similar to France (15.7%), whereas the average for Europe is 11%.

The GDP for Spain in 2005 was 97.8, which was above the European average of 95.15. However the figure for industrial production was 106.4, which was below the average of 116.22. The income from agricultural activity was 97.39 in 2006, being below the European average of 124.17 and similar to the figure of 97.15 for the Netherlands. As far as the service sector is concerned, the turnover of people employed in services in Spain in 2005 was 206.5, well below the European average of 244.42

No empirical evidence has been published relating to the type of Internet infrastructure available for different habitats (rural/urban). However, it can be seen that the greater the size of the cities, the higher the percentage of Internet users. In towns of less than 10,000 inhabitants 31.0% use the Internet, whereas this percentage increases to 42.8 in cities of over 100,000 inhabitants and is 48.6% in provincial capitals.

As far as economic activity sectors in Spain are concerned, in 2006 4.8% of the activity was related to agriculture, the industrial sector supported 15.93% of the activity, 12.5% of the activity was due to construction and the service sector was responsible for 63.36% of the general activity.

As far as the figures for unemployment are concerned, there was a slight decrease between 2005 and 2006, going down from 9.2% to 8.6%. These figures were still above the European average, which was 6.93% in 2006.

In terms of the percentages according to sex in employment, in 2006 53% of women in Spain did not work. This figure was regarded as being quite high, but was, in fact, lower than the European average for female unemployment, which was 58.42%.

Even though Spain has traditionally been a country that sent emigrants to other countries – either to Europe or Latin America – this flow has reversed in the last ten years. In September 2007, 8% of Spain's legal population, which means nearly 4 million people, had been born in some other country. Among the legal immigrants the most common in 2005 were those coming from Morocco (18%), Ecuador (13%), Colombia (7%), Rumania (7%) and the United Kingdom (5%). We emphasize the fact that these figures are for legal immigration, as it is quite evident that the real numbers are far greater than the ones mentioned above. In fact, the legal immigrants are those who came from their countries before and obtained their residence permit in the last legalisation process in February 2004 or before that date. Ever since, many more immigrants have kept coming from Latin America and Eastern Europe.

As far as Spanish tolerance is concerned, we can provide a couple of examples. On the one hand, we have to consider that although Spain has traditionally been a Catholic country, many mosques have been set up all over the country since the Muslim immigrants have been living here. On the other hand, the presence of British immigrants is interesting as, obviously, they have not come to live here due to economic needs. They would not have selected Spain as a country in which to live if they had not regarded Spain as a tolerant country.

3.2 Role of the state

Spain is a kind of federal state similar to Germany, with 17 autonomous communities plus two autonomous cities in the north of Africa (Ceuta and Melilla). There are different levels of

autonomies with different levels of power, although every autonomous community has its own parliament and government. Two autonomous communities also have their own system to collect income tax (the Basque Country and Navarre), and three of them (the Basque Country, Catalonia and Navarre) have their own police forces. Nevertheless, the regulation of the Internet is in the hands of the Spanish state and in the last five years it has tried to regulate different aspects related commerce on the Internet and the protection of Internet users' rights. As we have previously stated, there now exists a *Law of Services of the Information Society and Internet Commerce*, a *Law of Intellectual Copyrights*, a *Law of Electronic Signature*, an *Organic Law of Data Protection*, a *Law of Data Conservation* and a *Law for the promotion of Measures of the Information Society*. Probably the most controversial legality related to new technologies was to pass "the digital canon", in the last law cited, a kind of tax on all technological equipment (e.g. an iPod or mobile phone) or support (CD or DVD) for the powerful "Sociedad General de Autores Españoles" (SGAE, General Society of Spanish Authors) in order to compensate them for the right to make private copies of contents which we acquire legally. The citizens' movement against this tax (www.todoscontraelcanon.es) collected two million signatures which were presented to the President of the Spanish Government.

On the other hand, the Spanish state and the Telecommunications Market Commission (CMT, Comisión del Mercado de las Telecomunicaciones), a public organism to regulate the electronic communications and audiovisual services markets, did nothing about the prices charged for DSL by the former Spanish Telecom TELEFONICA to the other operators (Vodafone, Orange, etc.) and the European Commission placed a fine of 151.8 million euros for the abuse of a dominant position from 2001 to 2006, for the high prices charged for the renting of its infrastructure. This fine has been the highest given to a Telecommunications Operator by the European Commission. Moreover, the intervention of governments of the different autonomous communities has been very important in helping and improving the presence of regional corporations on the Internet, creating Internet centres in several cities to teach people how to use the Internet, in helping households to buy computers by offering interest-free loans and to be paid back in 1 to 3 years, and the Andalusian Government even offers download filters of freeware for children.

After a period of dictatorship during Franco's Regime (1939-1975) and the transition to democracy, the current Spanish Constitution of 1978 guarantees the freedom of expression for every means of communication, also including the Internet (art. 20). This freedom is only limited by the requirement to respect the rights of others which is also recognised in the Constitution, especially the right to honour, privacy and image^{xxvi}, and the protection of children and young people. It is only possible to confiscate newspapers, books, records and other means of information with a court order. We could say that there is a huge freedom of expression in Spain like in other European countries.

The most common prosecutions in Spain related to free speech are crimes of libel and offence, committed by press, radio, TV or the Internet. The last case with a high visibility in Spanish public opinion was a caricature of Prince Felipe and Princess Letizia having sex on the front page of the satirical newspaper "El Jueves". The two authors were condemned by a judge in November 2007 to pay a fine of 3,000 euros each for a crime of offence to the Crown. Some months before, every copy of that issue was confiscated.

There are also problems related to free speech in Spain whose origin is the Basque nationalist terrorism. On the one hand, journalists who mention Basque terrorism and ETA^{xxvii} find it difficult to do their jobs and several dozen journalists still have to work with police protection because of ETA threats^{xxviii}. And, on the other hand, it is very difficult to distinguish journalists and media who work close to the left wing Basque nationalism from the terrorist movement itself. Two Basque nationalist dailies and a radio station were closed in 1998 and 2003, respectively, by a court order which established these media organisations relationships with ETA. Later, *Batasuna*, the political branch of ETA, created two similar dailies with the same point of view, *Gara* and *Berria*, which are still published. There is even a case related to "yihadist" terrorism. A seven-year prison sentence was imposed in 2005 on the journalist Tayssir Allouni, of the pan-Arab satellite TV network *Al-Jazeera*. He was convicted of "collaboration" with Al-Qaeda as part of a trial of 24 people

accused of involvement in terrorist activities in Spain. The prosecution mentioned an interview he had had with Osama bin Laden in October 2001 when he was *Al-Jazeera's* bureau chief in Kabul, and also pointed to the many contacts he had with Islamic fundamentalists.

4 Other factors affecting children's online experiences

In Spain, education is compulsory and free for children and teenagers between the ages of six and sixteen. The official language is Spanish, in Spain called "Castilian" to distinguish it from the other official languages which six autonomous communities have: Galician in Galicia, Basque in the Basque Country and in Navarre, and Catalan in Catalonia, Valencia and the Balearic Islands.

Percentage of students who study foreign languages. Course 2005-06

	English	French	Others
First Foreign Language			
Infants' School (2 nd Cycle)	53.5 %	0.6 %	0.3 %
Primary School	91.6 %	0.6 %	0.2 %
Secondary School	98.0 %	1.5 %	0.2 %
High School (Bachiller)	95.2 %	2.0 %	0.2 %
Second Foreign Language			
Secondary School	1.2 %	38.3 %	2.5 %
High School (Bachiller)	1.1 %	25.9 %	1.2 %

Source: "Datos y Cifras. Curso Escolar 2007/2008", Spanish Ministry of Education, 2008.

The first foreign language taught in schools is English, and the percentage of students who choose this language is 98% in secondary schools, whilst a few choose French (1.5%) or other languages. At secondary and high school the choice of a second foreign language is optional, and most of those who choose a second foreign language choose French, and a few German. There are also private schools in the main Spanish cities which educate children in different languages (the American School, the British School, the French School and the German School). In some private and state secondary schools some subjects (Technology, Computer studies) are also taught in English. Nevertheless, the level of English obtained by Spanish students at infants' school (2nd Cycle), primary, secondary and high school is not very high, not because the English teaching is bad, but because films at the cinema and every series and film on TV are dubbed, so Spanish students do not have an opportunity to improve their English as happens in Holland, Portugal and other European countries with fewer inhabitants.

39.9% of computers in Spain are located in children's bedrooms, 19.5% in the living room, 14.9% in the study and 10.5% in a specific computer room (Fundación BBVA, 2005). 31.3% of Spanish children between 4 and 17 years old have television in their room. This percentage is higher in those households in which there is only one adult (36%) and it is lower in the more traditional households of two parents. In Spanish children's bedrooms, there is more Hi-Fi equipment than TV sets (37.2%). In addition to this, 15.4% of Spanish children's bedrooms have a personal computer and 6.6% have a VCR. It has been observed that when bedrooms are more equipped, children spend more time there, alone or with friends (Media Planning; www.gruporial.com/jovepress/noticiasview.asp?key=227, 27/01/2008).

In our qualitative research work, "How Young People Use the Internet: Habits, Risks and Parental Control"^{xxix}, we found that the computer is usually located in a room used in common, such as the living room or sitting room or the study, and frequently in a bedroom shared with a brother or sister. It is rarer to find a youth with an Internet connection in an individual bedroom, although there are young people starting to have this, and parental control therefore becomes even more difficult.

- "I go onto the Internet at home... in my sister's bedroom... nearly everyday" (girl, aged 13, Madrid).
- "I have Internet in my bedroom... I'm on the Internet for 3 or 4 hours... but at weekends I hardly use it" (boy, aged 17, A Coruña).

Moreover, in the second half of 2006, 57.7% of children between 10 and 14 years old had a mobile phone. This is an important increase if it is compared to the percentages for 2004: when 45.7% of Spanish children between 10 and 14 years old owned a mobile phone (INE 2007).

ⁱ Panel de Hogares XV oleada. Enero-Marzo 2007. Red. Es Observatorio.
http://observatorio.red.es/estudios/documentos/xv_oleada.pdf

ⁱⁱ AIMC, Abril/Mayo 2007, Audiencia de Internet, <http://www.aimc.es>

ⁱⁱⁱ “Encuesta de Hábitos y Prácticas culturales en España 2006-2007”, Spanish Ministry of Culture,
<http://www.mcu.es/estadisticas/index.html>

^{iv} Perfil sociodemográfico de los internautas. Analisis de datos INE. Segundo semestre 2006.
http://observatorio.red.es/estudios/documentos/EVOLUCION_II_06.pdf

^v Since 2006, the percentage of people over 55 who use the Internet each week has increased to 55%. Mediascope Europe, Media Consumption Study 2007, Paneuropean Results related to Spain, November 2007, p. 8 (www.eiaa.net).

^{vi} Carmelo Garitaonandia and Maialen Garmendia, “How Young People Use the Internet: Habits, Risks and Parental Control”, Spanish Survey, 2007, page 21.

^{vii} Indicadores de la Sociedad de la Información (Indicators of the Information Society), October 2007, Ministry of Industry, Tourism and Commerce.

^{viii} Marco general de los medios en España 2007.

http://www.aimc.es/aimc.php?izq=estudios.swf&pag_html=si&op=uno&dch=06otrosetudios/61.html

^{ix} Mediascope Europe, Media Consumption Study 2007, Paneuropean Results related to Spain, November 2007, p. 8 (www.eiaa.net).

^{8 x} (Eurobarometer 2006).

^{xi} “Estudio sobre seguridad en el uso de las nuevas tecnologías de la información y la comunicación entre los menores”, Centro Tecnológico de la Información y la Comunicación
(<http://Internetyfamilia.asturiastelecentros.com>)

^{xii} Married with children under 18, 34.3% use Internet almost every day and 51.2% at least once a week. “Encuesta de Hábitos y Prácticas culturales en España 2006-2007”, Spanish Ministry of Culture,
<http://www.mcu.es/estadisticas/index.html>

^{xiii} Carmelo Garitaonandia & Maialen Garmendia, “How Young People Use the Internet: Habits, Risks and Parental Control”, Bilbao, 2007, page, 24.

^{xiv} Austria, Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Portugal, Sweden, Switzerland, Spain, and United Kingdom.

^{xv} Reform of the Spanish Criminal Code, Chapter V, Title VIII, Book II, “De los delitos relativos a la prostitución y la corrupción de menores”, art. 187 and art. 189. The Organic Act, 25th November 2003.

^{xvi} Ley 25/2007, de 18 de Octubre, de conservación de datos relativos a las comunicaciones electrónicas y a las redes públicas de comunicaciones.

^{xvii} ley 34/2002, de 11 de Julio.

^{xviii} Ley 23/2006, de 7 de Julio, por la que se modifica el texto refundido de la Ley de Propiedad Intelectual, aprobado por el Real Decreto legislativo 1/1996, de 12 de Abril

^{xix} Ley 59/2003, de 19 de Diciembre (BOE nº304, 20-12-2003).

^{xx} Ley Orgánica 15/1999, de 13 de Diciembre, de Protección de Datos de Carácter Personal.

^{xxi} Ley 25/2007, de 18 de Octubre (BOE nº251, 19-10-2007)

^{xxii} Ley 56/2007, de 28 de Diciembre, de Medidas de Impulso de la Sociedad de la Información.

^{xxiii} Media Consumption Study, 2007, Mediascope EIAA Europe 2007, <http://www.eiaa.net>.

^{xxiv} According to the data of the World Bank, the users of Internet in Latin America & the Caribbean Region was 15.6% in 2005, but this percentage was only 9,5% for the lower-middle-income group. There are also great differences between countries. Whilst in Brazil and Chile the percentage of Internet users is 19.5% and 17.2% respectively, in Nicaragua, Bolivia and Paraguay it is 2,7%, 5.2%

and 3.4% (<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATICS>, consulted on 20th November 2007).

^{xxv} There is a European Network of Ombudspersons for Children (<http://www.ombudsnet.org/enoc/>) whose members come from Austria (Styria), Belgium (French and Flemish regions), Croatia, Denmark, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Norway, Poland, Portugal, the Russian Federation, Slovenia, Spain (Madrid and Catalonia), Sweden, and the UK (Wales, Scotland and Northern Ireland).

^{xxvi} There is a specific law to protect these rights called “Ley orgánica sobre protección civil al derecho al honor a la intimidad personal y familiar y a la propia imagen” (Organic law governing the civil protection to the right of honour, to personal and family privacy and own’s image”, Ley orgánica 1/1982, 5th May.

^{xxvii} The NGO Reporters Without Borders put ETA on the list of predators of press freedom.

^{xxviii} “Freedom of the press worldwide in 2007”, Reporters without borders for press freedom, p.122. http://www.rsf.org/IMG/pdf/rapport_en_bd-4.pdf

^{xxix} Spanish version in <http://www.ehu.es/eukidsonline/investigaciones.htm>.