

# FACING *ALL THE* FACTS

## Connecting on hate crime data in Spain

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### Lead Partner



### Partners



Many thanks to Valentín González for organising the national workshops and interviews and for his expert input into the final report. We would like to thank everyone who took part in our workshops and interviews for their invaluable contribution.

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# Background

Facing all the Facts is generating more effective responses to hate crimes at national level and beyond so that bias motivated incidents will no longer be denied and victims' rights protected.

The project has four main objectives:

1. To discover what works and identify gaps and opportunities to improve cooperation and data sharing between criminal justice systems and CSOs;
2. To develop high quality and targeted online training which will advance the implementation of hate crime strategies, and can be tailored to a variety of national contexts and integrated into existing learning programmes;
3. To build the capacity of law enforcement and public authorities to take a victim-centered approach to monitoring and recording hate crime; and
4. To inform EU policy through evidenced and practice-based recommendations on improving hate crime recording, reporting and training methods in these areas.

Online training courses can be accessed by registering on:

[www.facingfactsonline.eu](http://www.facingfactsonline.eu)

- Hate crime training for police
- Hate crime monitoring for civil society organisations
- Hate crime recording policy-making
- 7 Bias Indicators modules that address the specificities linked to hate crimes targeting the following communities:
  - Disabled
  - Jewish
  - LGBT
  - Migrants and Refugees
  - Muslim
  - People of African Descent
  - Roma
- Hate speech monitoring and counteraction
- Hate speech advocacy
- Online content moderation

For interest in online courses that are not available to the public, such as those customised to specific national or organisational training strategies, please contact the project coordinator:

[melissa.sonnino@ceji.org](mailto:melissa.sonnino@ceji.org)

# Introduction

If we are to understand hate crime<sup>1</sup>, support victims and reduce and prevent the problem, there are some basic questions that need to be answered:

***How many hate crimes are taking place? Who are the people most affected? What is the impact? How good is the response from the police? Are cases getting investigated and prosecuted? Are the courts applying hate crime laws? Are victims getting access to safety, justice and the support they need?***

While ‘official’ hate crime data, usually provided by police reports, are the most cited source for answers to these questions, they only tell a small part of this complex story. Understanding what happens to cases as they are investigated, prosecuted and sentenced requires a shared approach with cooperation across government agencies and ministries with responsibilities in this area, however, the necessary mechanisms and partnerships are often not in place. Reports and information captured by civil society organisations (CSOs) can provide crucial parts of the jigsaw, yet connection across public authority- civil society ‘divides’ is even more limited.

The Facing all the Facts project used interactive workshop methods, in-depth interviews, graphic design and desk research to understand and assess frameworks and actions that support hate crime reporting, recording and data collection across a ‘system’ of public authorities and CSOs.<sup>2</sup> Researchers adopted a participatory research methodology and worked directly with those at the centre of national efforts to improve hate crime reporting, recording and data collection to explore the hypothesis that stronger relationships lead to better data and information about hate crime and therefore better outcomes for victims and communities.

<sup>1</sup> As a general rule, Facing all the Facts uses the internationally acknowledged, OSCE-ODIHR definition of hate crime: ‘a criminal offence committed with a bias motive’

<sup>2</sup> The following countries were involved in this research: Greece, Hungary, Ireland, Italy, Spain, United Kingdom (England and Wales).

What was found is that a range of factors are key to progress in this area, including the:

- strength and comprehensiveness of the international normative framework that influences national approaches to reporting, recording and data collection;
- technical capacity to actually record and share information and connect with other parts of the system;
- existence of an underlying and inclusive policy framework at the national level;
- work of individual ‘change agents’ and the degree to which they are politically supported;
- skills and available resources of those civil society organisations that conduct recording, monitoring and advocacy.

The research found that each national context presents a different picture, and none is fully comprehensive or balanced.

This national report aims to describe the context and current picture of hate crime reporting, recording and data collection in Spain to present practical, achievable recommendations for improvement. It is hoped that national stakeholders can build on its findings to further understand and effectively address the painful and stubborn problem of hate crime in Spain.

It is recommended that this report is read in conjunction with the [European Report](#) which brings together themes from across the six national contexts, tells the stories of good practice and includes practical recommendations for improvements at the European level. Readers should also refer to the Methodology section of the [European Report](#) that sets out how the research was designed and carried out in detail.

# How did we carry out this research?

The research stream of the Facing all the Facts project had three research questions:<sup>3</sup>

1. What methods work to bring together public authorities (police, prosecutors, government ministries, the judiciary, etc.) and NGOs that work across all victim groups to:
  - co-describe the current situation (what data do we have right now? where is hate crime happening? to whom?)
  - co-diagnose gaps and issues (where are the gaps? who is least protected? what needs to be done?), and;
  - co-prioritise actions for improvement (what are the most important things that need to be done now and in the future?).
2. What actions, mechanisms and principles particularly support or undermines public authority and NGO cooperation in hate crime recording and data collection?
3. What motivates and supports those at the centre of efforts to improve national systems?

The project combined traditional research methods, such as interviews and desk research, with an innovative combination of methods drawn from participatory research and design research.<sup>4</sup>

The following activities were conducted by the research team:

1. Collaborated with relevant colleagues to complete an overview of current hate crime reporting, recording and data collection processes and actions at the national level, based on a pre-prepared template<sup>5</sup>;
2. Identified key people from key agencies, ministries and organisations at the national level to take part in a workshop to map gaps and opportunities for improving hate crime reporting, recording and data collection.<sup>6</sup> This took place in Athens on 17 May 2017.
3. Conducted in-depth interviews with five people who have been at the heart of efforts to improve reporting, recording and data collection at the national level to gain their insights into our research questions.

<sup>3</sup> In terms of its conceptual scope, the research focused on hate crime recording and data collection, and excluded a consideration of hate speech and discrimination. This was because there was a need to focus time and resources on developing the experimental aspects of the methodology such as the workshops and graphics. International and national norms, standards and practice on recording and collecting data on hate speech and discrimination are as detailed and complex as those relating to hate crime. Including these areas within the methodology risked an over-broad research focus that would have been unachievable in the available time.

<sup>4</sup> See the Methodology section of the [European Report](#) for a detailed description of the research theory and approach of the project.

<sup>5</sup> See the Methodology section of the [European Report](#) for a full description of the research methodology.

<sup>6</sup> See the Methodology section of the [European Report](#) for agenda and description of activities

Following the first phase of the research, the lead researcher synthesised existing norms and standards on hate crime to create a self-assessment framework (insert link), which was used to develop national systems maps describing how hate crimes are registered, how data is collected and used and an assessment of the strength of individual relationships across the system. A graphic designer worked with researchers to create visual representations of the *Journey of a Hate Crime Case* (see below) and national *Systems Maps* (see 'Spain's hate crime recording and data collection 'system'' below). Instead of using resources to launch the national report, it was decided that more connection and momentum would be generated at the national level, and a more accurate and meaningful final report would be produced, by directly consulting on the findings and recommendations during a second interactive workshop which was held in Madrid, 2 October, 2018.

During the final phase, the lead researcher continued to seek further input and clarification with individual stakeholders, as needed, when preparing the final report. Overlapping themes from this and other national reports were brought together and critically examined in the final, [European Report](#).

# The ‘story’ of hate crime in Spain: a timeline<sup>7</sup>

<sup>7</sup> This timeline includes national milestones relating to hate crime and hate crime recording and data collection in particular.

**1985** Leon Degrelle, a former general of the Nazi's Waffen SS, who sought asylum in Spain after Belgian courts sentenced him to death following the war, denied the existence of gas chambers in Auschwitz in the Spanish magazine *Tiempo* (Time). Violeta Friedman, who survived Auschwitz and lost her parents and grandparents, launched a legal case against him that also sought to clarify Spanish law in this area.<sup>8</sup>

**March 21, 1991** Ministry of Social Affairs starts the Combat Racism campaign, which is the first of its kind in Spanish history. It was implemented by the Youth Department of the government (INJUVE) to raise awareness among youngsters on the risks of racism.

**October 6, 1991** A Neonazi gang kills Sonia Rescalvo Zafra in Barcelona. Sonia was a trans woman. This case was the trigger for the first popular accusation in Spain of an anti-trans hate crime case. This campaign was carried out for 3 years until the trial was held in 1994.

**November 11, 1991** The Constitutional Court found that Degrelle was guilty of attacking the honour of Violeta Friedman and all victims of Nazi concentration camps; and, that the Spanish Constitution's guarantee of freedom of expression does not extend to the expression and dissemination of racist or xenophobic statements. The second ruling formed the basis of legal reform of Spain's hate crime and hate speech laws.

**November 13, 1992** Lucrecia Pérez Matos, a Dominican woman and mother of Kenia Carvajal Pérez, is shot and killed in Madrid by an off-duty member of the Guardia Civil (Spanish Civil Guard) who entered the abandoned nightclub, along with a group of neo-nazis, where she and other recently arrived migrants were living. As her daughter, Kenia Carvajal Pérez explained in her interview, 'She was looking for a better job, for better opportunities... we didn't know exactly what had happened or why she was killed. It was just such a huge shock...but we had this nagging thought that it was due to racism but it wasn't until one or two years later when we finally found out that it was because she was poor and black and the ones that did it, said that they wanted to clean Spain and rid Spain of that black woman and it was just something terrible that has changed me forever. Now I am 31 years old and I can say that I still feel the consequences of what happened. It still hurts my soul. There has been a gap, a void that can never be filled and I have been fighting since then...'

**July 1993** Movimiento Contra La Intolerancia (MCI), the first CSO specialising on addressing hate crime is founded.

<sup>8</sup> <http://blog.nohatespeechmovement.org/violeta-friedman-survivor-and-fighter>.

**1994** MCI releases its first report on racism and xenophobia, including a compilation of hate crimes in the Madrid region.

**November 23, 1995** The Spanish Parliament passes a new Criminal Law including Article 22.4, a sentencing provision recognising racist and antisemitic crime.

**December 8, 1998** Aitor Zabaleta, a Basque man and football supporter of Real Sociedad is killed in Madrid by a neo-nazi man before entering into the stadium for a match. MCI issued a popular prosecution.

**2003** The Spanish government [transposes the Equal Treatment and Non-Discrimination Directive into national law](#). This Law creates a body for equal treatment and non-discrimination of persons based on racial or ethnic origin. In addition, [a service to assist victims](#) of racial or ethnic discrimination was created which receives a limited number of reports of hate crime as well as discrimination.

**2004** [Law 11/2004 against homophobia](#) in the Parliament of Catalonia is approved

**December 2005** Maria Rosario Endrinal, a homeless woman, [was burned to death by three teenagers](#) while sleeping in an ATM booth in Barcelona. This incident raised awareness of the problem of what has been termed 'aporophobia'. Two of the perpetrators were sentenced to 17 years, the third, a minor, was sentenced to eight years.

**July 22, 2006** [Law 3/2016](#) of Integral Protection against LGTBiphobia and Discrimination for Reason of Orientation and Sexual Identity in the Community of Madrid is passed.

**July 11, 2007** [Law 19/2007](#) against violence, racism, xenophobia and intolerance in sport is passed.

**2008** The Observatory Against Homophobia (OCH) of Catalonia is created. The Observatory serves a network function and works to bring cases to court and to support victims.

**2009** The international neo-nazi organisation Hammer Skin is banned in Spain and its members prosecuted. One year later Blood and Honour follows the same path.

**2009** A Service on hate and discrimination crimes (Servicio de Delitos de Odio y Discriminación) is created in Barcelona's province public prosecutor's office with the purpose of providing a specialized response against those crimes which threaten the principles of equality and no discrimination. Following this precedent, since 2013, every Spanish province has a public prosecutor specialized in this field.

**2011** The [Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related forms of Intolerance](#) (2011) is launched, which [sets the objective of improving national systems for collecting statistical information about racist incidents and xenophobia](#), racial discrimination and other forms of related intolerance. This led to the development of police action protocols to deal with racist incidents.

**2012** The State Secretariat for Security and the Spanish Observatory against Racism and Xenophobia (OBERAXE) took part in the [European-funded project 'FIRIR'](#), which included developing training on identifying and addressing hate crime for the officers of the Spanish Security Forces (see action plan, p. 7).

**2013** 52 prosecutors (one per province) are designated as a specialist and contact point on Equality and against Discrimination (including hate crimes).

**2013** [The Handbook to Support Spanish Security Forces to Identify and Record Racist and Xenophobic Incidents](#) is launched.

**2014** Ministry of Interior [publishes its first report on hate crime](#)<sup>9</sup> based on 2013 data. Annual reports have been published since.

**2014** The instruction 16/2014 of the State Secretariat for Security, ['Action Protocol for the Security Forces for Hate Crimes and Actions that Infringe the Legal Rules on Discrimination'](#) (Protocolo de Actuación para las Fuerzas y Cuerpos de Seguridad para los Delitos de Odio y Conductas que Vulneran las Normas Legales sobre Discriminación), was adopted. According to the Action Plan to Combat Hate crimes, 'A fundamental goal is sensitive and professional treatment to the victims, guaranteeing their right to protection, information, support, assistance and active participation without any kind of discrimination' (Action Plan to Combat Hate Crimes, p. 8).

**2014** Ministry of Interior creates a webpage dedicated to hate crime, including basic information about what is hate crime, information for victims, why it has to be reported and tips to follow in case of an incident, statistics as well as other interesting links.

**2015** [New Criminal law is passed](#) by the national parliament incorporating the requirements of the Framework Decision on Racism and Xenophobia of the European Commission among others.

<sup>9</sup> A list of all hate crime reports can be found here - <http://www.interior.gob.es/web/servicios-al-ciudadano/delitos-de-odio/estadisticas>

**2015** [Observatory of Madrid against homophobia, transphobia and biphobia](#), a service that records hate incidents and supports victims in the Madrid region, is launched.

**2015** The Barcelona prosecution service publishes a Practical manual for the investigation and prosecution of hate crimes and discrimination: [http://www.mitramiss.gob.es/oberaxe/es/publicaciones/documentos/documento\\_0069.htm](http://www.mitramiss.gob.es/oberaxe/es/publicaciones/documentos/documento_0069.htm).

**2015** A cross-government Memorandum on Hate Crime is signed by the Ministries of Interior, Justice, Health, Labour, the Judicial Council, and the Prosecution Authority. The Observatory Against Racism and Xenophobia (OBERAXE) of the Ministry of Employment is appointed as the secretariat to the inter-institutional group. Several civil society organisations are engaged as observers.

**2015** [Law 4/2015](#), of the Statute of the Victim of Crimes is passed, giving effect to the EU Victims Directive. The law includes measures for victims of hate crime, which is an important step to protect and defend these victims.

**March 15, 2017** ‘Survey on experiences with incidents related to hate crimes’ is launched with the aim of capturing unreported cases. The survey included an ‘easy read’ version for people with intellectual disabilities. The aim is to implement the survey twice a year. (Action Plan to Combat Hate Crimes, p. 10).

**2016** A Roma man was having dinner at a table located on the outdoor terrace of a café in Castellón when someone hit him in the head with a bottle while exclaiming ‘the Gypsy race should be exterminated; get out of this town’ causing serious injuries. Fundación Secretariado Gitano brings the case to the Court and defends the victim. The perpetrator was identified and prosecuted. The sentence will be delivered by the end of 2019.

**2018** Instruction 1/2018 of the State Secretariat for Security is issued to set up the National Office to combat Hate Crimes as a unit under the Director of the Coordination and Studies Cabinet, Ministry of Interior. A key aim is to advise the Secretariat and provide strategic and technical information on public policy (see p. 10 of the Action Plan to Combat Hate Crimes).

**2018** RAIS Foundation launches the [HATENTO Observatory to collect hate crimes](#) against homeless people or poor people (aporophobia). 47% of homeless people have been victims of hate crime.

**2018** Alsasua Verdict found that an assault against a Guardia Civil out of service and his girlfriend was a hate crime in the grounds of ideological motivation.

**January 2019:** the Ministry of Interior launches its [Action Plan to Combat Hate Crimes for the Spanish Security Forces](#) ‘emerging from the constitutional concept of an active State’, including fully costed commitments on reporting, recording and data collection, a transparent monitoring framework and a clear structure of accountability and specific timescales. The Plan includes a new category, “antigypsyism”, as bias category, that will be included and used in the National reports from 2020.

**2019** [State General Prosecution Office issues guidelines on prosecuting](#) hate crimes

**By 2019** [Oberaxe has translated and published several Guides](#) of OSCE ODIHR on hate crimes.

## The journey of a hate crime case

Using a workshop methodology, around 100 people across the 6 countries taking part in this research contributed to creating a victim-focused, multi-agency picture about what information is and should be captured as a hate crime case journeys through the criminal justice system from reporting to investigation, prosecution and sentencing, and the key stakeholders involved.<sup>10</sup>

The *Journey* graphic conveys the shared knowledge and experience generated from this exercise. From the legal perspective, it confirms the core problem articulated by Schweppe, Haynes and Walters where, ‘rather than the hate element being communicated forward and impacting the investigation, prosecution and sentencing of the case, it is often “disappeared” or “filtered out” from the process.’<sup>11,12</sup> It also conveys the complex set of experiences, duties, factors and stakeholders that come into play in efforts to evidence and map the victim experience through key points of reporting, recording and data collection. The police officer, prosecutor, judge and CSO support worker are shown as each being essential to capturing and acting on key information about the victim experience of hate, hostility and bias crime, and their safety and support needs. International norms and standards<sup>13</sup> are the basis for key questions about what information and data is and should be captured.

The reasons why victims do not engage with the police and the criminal justice process are conveyed along with the potential loneliness and confusion of those who do. The professional perspective and attitude of criminal justice professionals that are necessary for a successful journey are presented.<sup>14</sup> CSOs are shown as an essential, if fragile, ‘safety net’, which is a source of information and support to victims across the system, and plays a role in bringing evidence of bias motivation to the attention of the police and the prosecution service.

The Journey communicates the normative idea that hate crime recording and data collection starts with a victim reporting an incident, and should be followed by a case progressing through the set stages of investigation, prosecution and sentencing, determined by a national criminal justice process, during which crucial data about bias, safety and security should be captured, used and published by key stakeholders. The graphic also illustrates the reality that victims do not want to report, key information about bias indicators and evidence and victims’ safety and support needs is missed or falls through the cracks created by technical limitations, and institutional boundaries and incompatibilities. It is also clear that CSOs play a central yet under-valued and under-resourced role.

<sup>10</sup> See Methodology section of the [European Report](#) for further detail

<sup>11</sup> Schweppe, J. Haynes, A. and Walters M (2018) *Lifecycle of a Hate Crime: Comparative Report*. Dublin: ICCL p. 67.

<sup>12</sup> The extent of this ‘disappearing’ varied across national contexts, and is detailed in national reports.

<sup>13</sup> See appendix XX

<sup>14</sup> Based on interviews with individual ‘change agents’ from across these perspectives during the research.

# JOURNEY OF A HATE CRIME CASE

[WWW.FACINGFACTSONLINE.EU](http://WWW.FACINGFACTSONLINE.EU)



“ This is the fifth time it has happened, I must report it but... will I be believed? ”



“ They'll find out I don't have the right papers ... I can't risk being deported. ”



“ Last time the police didn't record that I was attacked because I'm gay. How do I know that I'll be kept safe and it won't happen again? ”



## INVESTIGATION

'It is our duty to keep people safe and fully investigate every aspect of the incident.'

- Do police record:
- Type of potential hate crime?
  - Bias indicators and victim perception?
  - Victim support and safety needs?
- Is this information passed to the prosecution?



## PROSECUTION

'Where there is evidence of bias motivation, it is our duty to bring it to the court's attention.'

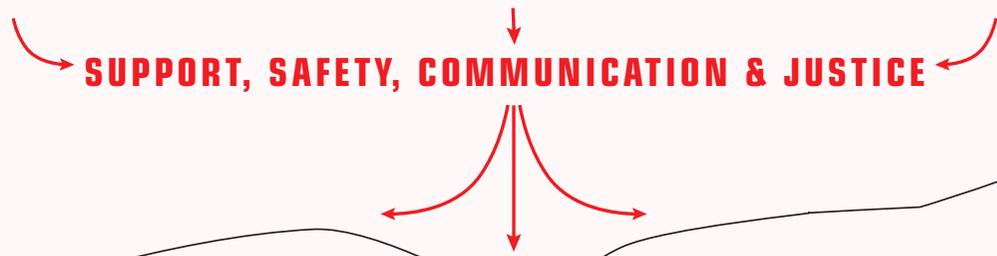
- Do prosecutors record:
- Type of hate crime?
  - Evidence of bias and victim perception?
  - Victim support and safety needs at court (and beyond)?
- Is this information presented to the court?



## SENTENCING

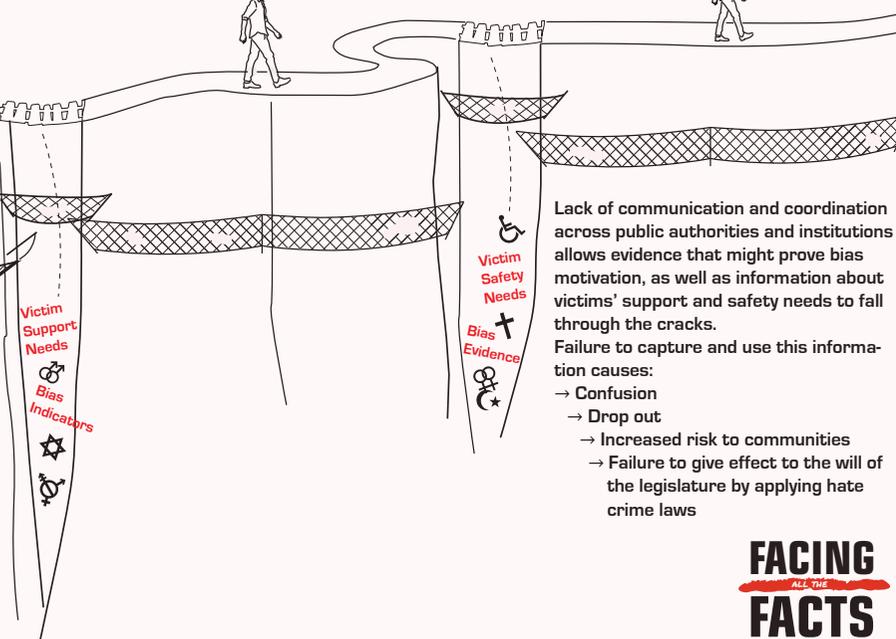
'Parliament has passed our hate crime laws. Where the case is proven, we must apply them.'

- Does the court record:
- Whether hate crime law was applied?
  - Victim support and safety needs at court (and beyond)?
- Is this information communicated to the public?



Civil society organisations are on the victim's side. They provide a 'safety net' of support and capture information that the police and other agencies miss.

Funding gaps can mean that CSOs are unable to fully and consistently record and monitor cases, or able to fully accompany the victim so that they are supported and informed throughout the process.



Lack of communication and coordination across public authorities and institutions allows evidence that might prove bias motivation, as well as information about victims' support and safety needs to fall through the cracks. Failure to capture and use this information causes:

- Confusion
- Drop out
- Increased risk to communities
- Failure to give effect to the will of the legislature by applying hate crime laws

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As in most countries, there is serious under-reporting of hate crimes to the police and to CSOs in Spain. There are also gaps in provision, support and information for victims, leading to drop out and poor outcomes. These points are addressed in more detail below where Spain's 'system' of hate crime recording and data collection is considered in detail.

## Spain's hate crime recording and data collection 'system'

The 'linear' criminal justice *process* presented in the *Journey* graphic is shaped by a broader *system* of connections and relationships that needs to be taken into account. Extensive work and continuous consultation produced a victim-focused framework and methodology, based on an explicit list of international norms and standards that seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*. It integrates a consideration of evidence of CSO-public authority cooperation on hate crime recording and data collection as well as evidence relating to the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.<sup>15</sup> In this way, it aims to go beyond, yet complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.<sup>16</sup> The *systems* map also serve as a tool support all stakeholders in a workshop or other interactive setting to co-describe current hate crime recording and data collection systems; co-diagnose its strengths and weaknesses and co-prioritise actions for improvement.<sup>17</sup>

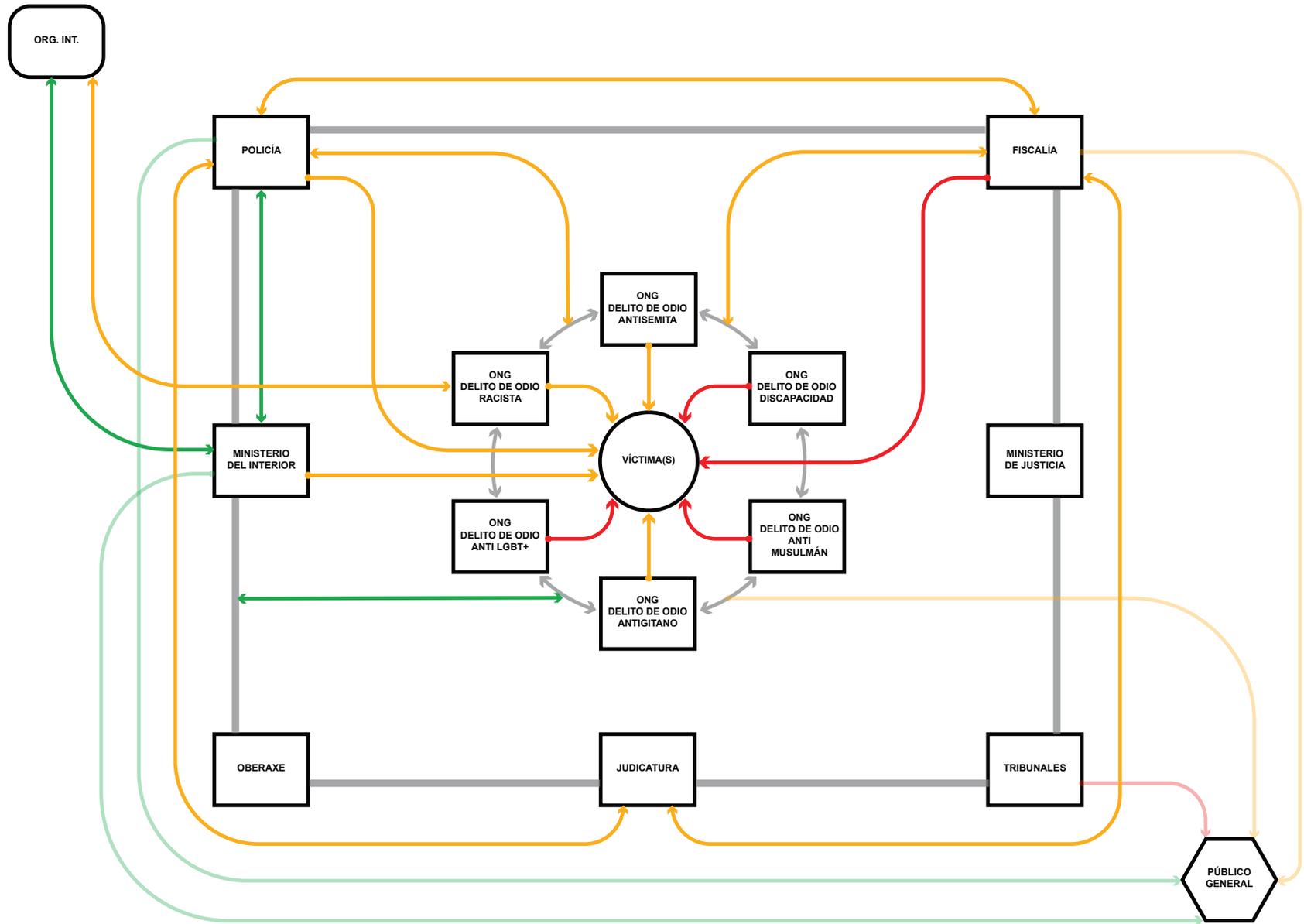
The systems maps should be studied with reference to the self-assessment framework, which provides a detailed explanation for the colour coded relationships. If the map is being viewed online, these explanatory notes can be accessed by clicking on the '+' icon.

***Follow the link to use the online, full-screen interactive version of Spain's systems map.***

<sup>15</sup> For a full description of the main stakeholders included in national assessments, and how the self-assessment framework relates to the 'systems map', see the Methodology section of the [European Report](#).

<sup>16</sup> ODIHR Key Observations, <http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/KeyObservations-20140417.pdf>; this methodology could also be incorporated in the framework of INFAHCT self-assessment, as described on pp. 22-23 here: <https://www.osce.org/odihr/INFAHCT?download=true>

<sup>17</sup> See Methodology section of the [European Report](#) for instructions.



-  Evidence of relationships and overall commentary
-  Good relationship: effective framework and action, with room for improvement.
-  Adequate relationship: limited framework and action.
-  Poor relationship: inadequate framework and action.

-  CSOs (should be) networked for effective advocacy and to serve intersectionality
-  Responsibility for framework and action flows from public authorities and CSOs to the victim(s) and the general public, not the other way around.
-  Faded arrows to the 'general public' represent the point that while the 'public' forms the background and context of the national 'system', it should be represented as a specific stakeholder in it.

## Commentary on systems map

Spain's strategic and inter-institutional approach to understanding and addressing hate crime is generating relatively strong relationships across those bodies and institutions – public and nongovernmental - that have responsibilities related to hate crime reporting, recording and data analysis. The Ministry of Interior's efforts to develop a comprehensive and strategic hate crime framework including a strong focus on hate crime reporting and recording for law enforcement is impressive and showing an impact. Its explicit focus on disability hate crime is particularly positive. OBERAXE serves an important coordinating function, developing effective connections across the system, with strong relationships with IGOs. The Prosecution Service has taken important steps including appointing specific hate crime prosecutors across the country, publishing prosecution guidance and data and critically evaluating its recording system. Disparities between police, prosecution and sentencing data suggest a lack of a shared concept of hate crime across the criminal justice system. There is a good commitment to transparency by the Ministry of Interior in particular and specific CSOs in their efforts to share, with the general public, what is being done to understand and address hate crime. This knowledge base could be greatly improved by researching and publishing victims' experiences of hate crime through a full national victimisation survey. Movimiento Contra la Intolerancia is the most established CSO working on hate crime, with strong relationships with public authorities. Other CSOs are developing a stronger focus and competence in the area. CSO data is mainly qualitative. While this approach highlights the impact of hate crime on specific victims and shortcomings in the responses of public authorities, it doesn't contribute to understandings of hate crime prevalence. In an exciting development, to which the Facing all the Facts workshops contributed, the National Office to Combat Hate Crimes set out its intention to work with CSOs to centralise information from CSOs that is reported to the Office and the police. This presents an opportunity to strengthen cooperation across CSOs activities in hate crime monitoring and support at the national and local levels. Work needs to be done to ensure that CSOs are sufficiently skilled and resourced to take advantage of this major policy development a point that is returned to in the recommendations.<sup>18</sup>

In terms of improving support to victims, inspiration might be taken from the structure and function of the Victims of Racial or Ethnic Discrimination Support Service, which offers support and independent assistance to victims of discrimination according to agreed protocols. A similar service and framework could be considered for victims of hate crime.

<sup>18</sup> Ideas on to how to do this are proposed in the recommendations at the end of this report.

## National context

The next sections give context to the ‘journey of a hate crime case’ and the ‘systems map’ and present themes gathered through the ‘connecting on hate crime data’ workshops and interviews with change agents at the centre of efforts to progress Spain’s work on understanding and addressing hate crime.

### *‘A big jump forward’*

Spain’s progress in efforts to understand and address hate crime has taken ‘a big jump forward’ in the last 4-5 years.<sup>19</sup> One source of evidence of this ‘jump’ is the more than five-fold increase in the number of recorded hate crimes since 2013.

One interviewee explained,<sup>20</sup>

‘Right now, we have more hope than we’ve had in years. There have been changes in the last few years and we now see that the police, the district attorneys, the judges and the institutions have done some work ... This has given us hope and we can now speak with more confidence that the fight against hate crimes is going somewhere.’

Spain’s progress was sparked by the implementation of its National Strategy against Racism, Racial Discrimination, Xenophobia and other forms of Intolerance, which is overseen by an actively coordinated inter-institutional steering committee, and underpinned by a cross government memorandum. The Committee includes representatives from across government departments and criminal justice agencies, as well as CSOs that are active in monitoring cases and supporting victims of hate crime. The key ministries lead and resource different elements of the strategy. For example, the Ministry of Health leads on anti-LGBTI hate crime while the Ministry of Justice leads on hate crimes based on hostility towards religious identity. The group has a rotating chair, with its members taking turns at the helm, and specific subgroups monitoring progress. The secretariat for the group is provided by the Observatory Against Racism and Xenophobia (OBERAXE),<sup>21</sup> which organises meetings, coordinates agendas and follows up on agreed actions, ‘it is quite a complex situation so that means that we need to be collaborating all the time’.<sup>22</sup>

<sup>19</sup> Phrase used to describe Spain’s progress at Consultation Workshop

<sup>20</sup> Interviewee 1

<sup>21</sup> The Observatory is situated in General Secretariat for immigration, emigration, established by legal duty to monitor racism or xenophobic incidents.

<sup>22</sup> Interviewee 2

The group focuses on four areas, delivered and monitored by four working sub-groups:

1. hate speech;
2. the analysis of sentences applied by the court;
3. statistics, including hate crime recording and data collection; and,
4. training.

In relation to the subgroup on hate crime recording and data collection, one interviewee explained an overarching goal as, ‘Trying to get a description of the situation in Spain...So first [we need] to know what the situation is and how we can improve and then we will also be able to evaluate whether we have made progress.’<sup>23</sup>

Elaborating on the motivation for this goal, she explained,

‘recording is essential to understanding the situation and we only get a part of what is going on...If we don’t have the first one, which is the notification and the recording of the cases then we cannot trigger all the system to support each victim, to evaluate the case and to give all the support. ...So it’s not only data, it is data that provides a diagnosis of the situation but also data that helps us give support to the victim, which is at the end, our objective...which is to help them because it is a really difficult situation for a victim in this case.’

In addition to Spain’s overall strategic approach, individual agencies and ministries are taking focused action. For example, the National Office on Hate Crime within the Ministry of Interior has built on its first Action Protocol and is in the early stages of implementing its Police Action Plan to Combat Hate Crimes including specific, fully costed commitments and a clear structure of accountability. These are further detailed in the systems map under the relevant relationships.

### ***Public authority-NGO cooperation: ‘partners in the same story’***

Reflecting on what supports effective cooperation across public authorities and NGOs, one interviewee explained, “what probably helps the cooperation is when we both, when the public administration and the civil society feel that we are partners in the same story and we have to cooperate, no? And we have good relations with some of these NGOs. ...When we are very much in our administration position and the NGOs are very much in their claiming position, I think we need to build a trusting environment to work. I think that we should be aware that we need to build this trusting environment on both sides.”<sup>24</sup>

<sup>23</sup> Interviewee 2

<sup>24</sup> Interviewee 2

OBERAXE's cross-cutting position means that it works with NGOs in a range of policy areas and on specific projects, 'Here in this general secretariat we have an important relationship with civil society because we manage quite a lot of European funds, directed to migration, including projects on racism and xenophobia, so we have an important relationship with NGOs and the projects they develop.'<sup>25</sup>

From the prosecutor's perspective, one interviewee saw the purpose of cooperation as very practical,

'...we want to have a point of contact, a reference so that if they come from civil society or the police and they want to report something that is going on and they want to deal with something that is going on that has to do with hate crimes they have a person with a specific name and surname that they will know and that will be the point of contact for everything that has to do with hate crimes. We have this list of the names in the region and we make sure that all of these lists are well known not just by us and the public administration but also civil society, the police and the NGOs and the different victims' associations that deal with victims and work with them.'<sup>26</sup>

He described this cooperation as a work in progress that is accepted in theory but not always in practice. He highlighted the point that prosecutors are not experts - even though they are appointed leads - and have many other tasks, and thus sometimes are tempted to look 'for the easy solution'. Workshop participants also reflected that many prosecutors appointed as hate crime leads in fact do not have a hate crime expertise or enough time allocated for this role.

One interviewee, a member of staff at MCI, who has direct experience of hate crime and of the police from the time when he made a living from selling CDs on the street, added another layer to the challenges of cooperation on the ground,

'If I am telling the truth, [police and immigrants], 'will never find common ground...There are good people, there are good police, I know, I'm in the street and I've interacted with them. But there are many who are bad and are upset that we are here. It bothers them that we are here, too much.'<sup>27</sup>

In thinking about places for more positive and constructive connection with the police, he reflected, 'I haven't seen any place where we can go to voice our problems to the police', and went on to consider what might improve this situation. He identified the possibility of setting up a neutral forum where people selling merchandise on the street might engage with the police and other local authorities to problem-solve. He concluded, 'We'd like to have a forum to demand the chance to voice our concerns. This would be a good idea'.

<sup>25</sup> Interviewee 2

<sup>26</sup> Interviewee 3

<sup>27</sup> Interviewee 4

A regional coordinator at MCI explained that NGOs often need to act as the ‘practical link’ between the police and victims. In one example, a victim was repeatedly racially harassed. Although she didn’t want to report the first incidents to the police, MCI was able to convince her to involve police colleagues as the harassment quickly escalated. Evidence that effective support increases the chance that a victim will report to the police is explored in detail in the [European Report](#).<sup>28</sup>

An interviewee added another layer to the picture, identifying the necessarily deep trust between support services and victims of hate crime:

‘...in many cases for us immigrants, I am the link between them and the association....Because I am closer to my countrymen to know what’s hurting them, what are their problems...so that’s why I am working here... We’re here fighting so that everyone has the right to live their life. We’re here for everyone, so people can be where they want to be, without caring about if they are black or white, or homosexual’.<sup>29</sup>

One interviewee pointed to the importance of opposing hate crime in all its all forms and supporting all communities - without exception - as being fundamental to the hate crime approach:

‘Say I work for an anti-racism organisation. But you can be anti-racist and still antisemitic. I could fight against antisemitism, but still be islamophobic. I could fight against islamophobia and still be antisemitic. It’s these divisions and for that, we need to work against this dynamic...If we had organisations that addressed hate crimes holistically we would avoid the divisions among... organisations... The most effective strategy is when we are united... This has to happen everywhere else. Organisations need their main mission to be fighting against hate crimes. If this applies to everyone, it would be that much stronger.’<sup>30</sup>

CSOs have taken decisive action in tackling hate groups. Spain’s constitution provides for ‘popular actions’, which MCI has used to good effect. The Director of MCI explained,

<sup>28</sup> See the Connecting on Data Report for England and Wales [insert link when ready]

<sup>29</sup> Interviewee 4

<sup>30</sup> Interviewee 1

‘We showed up to several trials. And we were able to get them to declare that certain hate groups were illegal, such as Hammerskins and Blood and Honour. And right now, we have various high profile racist and neo-nazi organisations accused of operating here in Spain. We are fighting them with popular action. With this freedom, there is a security risk, but the results that we have had, have been brilliant. These groups are becoming illegal and these people are going to jail, to prison. It’s diligent work, and if they send a message to organise an attack, to make hate crimes happen, to attack vulnerable people, then they’re going to jail just as their organisations.’

### *The next ‘big jump’?*

As set out in the systems map and narrative, the strategic picture and measurable progress in Spain is very encouraging. An inter-institutional framework that supports cooperation both across public authorities and government ministries, as well as with CSOs is in place at the national level. The commitment to set up a mechanism to share data between the police and CSOs specified in the Ministry of Interior’s hate crime action plan provides an exciting opportunity to deepen connections with those CSOs that have a track record of monitoring and victim support and a potential blueprint to spread cooperation across the system. At the second workshop held in Madrid to consult on the emerging findings of this report, the group considered whether Spain is ready for its next ‘big jump’. As in all contexts, there are specific potential barriers to consider as well as the ever present pressure of limited funds and resources.

Research findings indicate that a lack of conceptual clarity about what should fall within the hate crime concept in reporting, recording and monitoring work is a potential barrier to progress in Spain. First, there are ongoing debates across stakeholders about the boundaries of the hate crime concept and whether groups such as police officers should be included within it. There are also differing views about how the protected characteristic of ‘ideology’ should be interpreted.<sup>31</sup> For example, recently issued prosecution guidelines includes as an instance of hate crime a physical attack against a ‘neo-nazi’. While this example makes the legal point that all kinds of ‘ideologies’ could be a target of hate, choosing it for inclusion in prosecutor guidelines can be alienating for the communities that hate crime strategies and policy should be aimed at.

Such debates are not particular to Spain; they are important to have and they are ongoing in the academic sphere and beyond.<sup>32</sup> However, at the level of policy implementation and practice, including groups that are not historic or current

<sup>31</sup> See Article 22(4) of Spain Criminal Code (e.g. - <https://www.legislationline.org/documents/id/15764>)

<sup>32</sup> See for example - <https://internationalhatestudies.com/calling-for-a-debate-on-recording-violence-against-police-officers-as-a-hate-crime/>

targets of broader discrimination and exclusion can weaken the effectiveness of efforts to protect those who are most at risk. As one interviewee explained, ‘the vast majority of CSOs support the idea to limit the concept of hate crimes to minority groups that are traditionally discriminated against’.<sup>33</sup> The current international normative framework also supports this general approach.<sup>34</sup>

Second, there is a lack of clarity about definitions of ‘hate crime’, ‘hate speech’ and ‘discrimination’. The systems map shows that most CSOs do not consistently disaggregate reports of hate crime, hate speech and discrimination in their monitoring and public reporting and that there is no shared definition of hate crime across the criminal justice system allowing cases to be tracked from investigation to prosecution and sentencing. Interviewees indicated that the situation could be improved by incorporating a specific definition of hate crime in Spain’s criminal code. In the more immediate future, the prosecution service and other agencies, could agree to implement current hate crime definitions used by law enforcement without legal changes. International standards support clear distinctions between hate crime and hate speech.<sup>35</sup>

### *The impact of international work and developments on Spain*

Interviews and workshops identified international norms and standards relating to hate crime, and the increased focus by key intergovernmental organisations and agencies (IGOs)<sup>36</sup> on national actions in this area as having been important drivers in Spain’s progress.

For MCI, working on the issues for many years, IGOs are perceived as a crucial source of support: ‘until 2014 we were completely on our own... We had to obtain the support of Europe to change things. With Europe’s influence along with our own, we have made progress in changing public institutions and non-governmental organisations.’<sup>37</sup>

OBERAXE identified a sustained focus from IGOs on national approaches to hate crime as being very helpful in building national political support. Giving the example of Spain’s approach having been included in FRA’s ‘compendium of practices’, the head of the Observatory explained, ‘This recognition [from IGOs] is always important and it helps. Even at the [national] political level - which is important - they say “okay this is important” and they may provide more support to their own institutions to continue working on that line’.<sup>38</sup>

<sup>33</sup> Interviewee 7

<sup>34</sup> See ODIHR (2009) and <https://www.facingfacts.eu/research/connecting-on-hate-crime/>

<sup>35</sup> See ‘Guidance Note on the Practical Application of Council Framework Decision on Combating Certain forms and Expressions of Racism and Xenophobia by Means of Criminal Law’, [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=55607](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55607).

<sup>36</sup> including the European Commission, DG-JUSTICE, the EU Fundamental Rights Agency, the OSCE-ODIHR and the Council of Europe

<sup>37</sup> Interviewee 1

<sup>38</sup> Interviewee 2

The lead hate crime prosecutor identified judgments from the European Court of Human Rights (ECHR) as very influential in their approach to hate crime,

‘we use the ECHR [judgments] as our guide for what we should be doing...For example when we encountered these judges who say “come on, this [hate crime case] is not too serious”. What we tell to tell them is “no, we cannot treat this as a minor thing because look at what Europe is asking us to do.” Europe is asking us to see it from a different perspective and act accordingly so that is what we are trying to do.’<sup>39</sup>

While the central role played by IGOs in driving improvements at the national level is clear, arguably as important is the skill, motivation and commitment of those at the centre of national efforts. This highlights the need for targeted and relevant support to these ‘change makers’ to continue their efforts. This point is further developed in the [European report](#).

<sup>39</sup> European Court of Human Rights; Interviewee 3

## Recommendations

Spain's progress can serve as inspiration for other countries. The following recommendations aim to consolidate and support further progress, with a focus on better aligning efforts across public authorities and institutions and NGOs that are specialist and effective in recording and monitoring hate crimes and supporting victims.

**Recommendation 1:** Review knowledge and training needs of law enforcement personnel in all national, regional and local law enforcement agencies, at all professional levels. Build on its current online learning programme and planned TAHCLE implementation to improve knowledge and awareness of frontline police. Consider drawing on the Facing Facts Online training programme.

**Recommendation 2:** The prosecution service and the courts should consider adapting the police definition of hate crime to agree aligned 'hate crime prosecution' and 'hate crime sentence' definitions, to ensure that the full picture of hate crime can be captured and acted on across the criminal justice system. Taking account of the findings of the ongoing review of cases handled by the prosecution service, consider the training needs of prosecutors and the possibility of implementing the [ODIHR prosecutor training](#) and [hate crime recording programmes](#).

**Recommendation 3:** Clarify the process for referral of hate crime cases directly to the court to ensure that the prosecution service is fully informed and able to contribute relevant information.

**Recommendation 4:** Explore the potential to deepen cooperation between public authorities and expert NGOs working at the national level with a track record of recording and support. This could include:

- Establishing a subgroup on public authority-NGO cooperation on hate crime recording and data collection.
- Co-developing a clear definition of 'hate crimes' and 'hate incidents' including which protected characteristics to monitor and how to address and record hate crimes and incidents based on ideology (See recommendation five below)
- Specifying the details of the data sharing mechanism proposed in the Ministry of Interior hate crime action plan
- Identifying opportunities for CSO input on police and prosecutor training
- Identifying capacity building opportunities for CSOs to: develop monitoring and practical and legal support work for underserved groups, including victims of disability hate crime

In implementing this recommendation, particular attention should be paid to

ensuring the correct representation of expert NGOs that directly support victims of hate crime.

**Recommendation 5:** Facilitate discussion and agreement on a shared definition of ‘hate crime’. Agreement should be sought across all stakeholders on:

- which characteristics will be included in national recording and monitoring policy
- ensuring the separate recording and monitoring of hate crimes, hate speech and discrimination
- how to approach the investigation, prosecution and sentencing of cases involving hostility on the grounds of ‘ideology’ in line with international standards concept
- consider the need for legislation that includes a definition of hate crime

Draw on international norms and standards in this regard as set out in ODIHR’s *Hate Crime Laws: a practical guide*, ECRI policy recommendations and recently issued guidelines from the European Commission.

**Recommendation 6:** Review current capabilities of CSOs to effectively record hate crime and to support victims and communities; and, identify and implement actions to build the capacity of CSOs in this area. Work with Facing Facts Online to identify and meet training and learning needs on hate crime monitoring and recording.

**Recommendation 7:** Consider setting up a national CSO network, which aims to monitor all forms of hate crime, using a shared methodology that is aligned with national recording practices, support all victims and use data and information to advocate for better implementation of national policy. Seek funding to support this work. This could include developing clear indicators on bias, and also support with public funds, even for strategic litigation.

**Recommendation 8:** All training activities, as well as judicial procedures, should take into account the gender perspective. Discrimination and hatred often have a multiple or intersectional nature, so that women experience more complex or aggravated situations because they are women in these cases. The intersectional perspective should be considered in hate crimes.<sup>40</sup>

**Recommendation 9:** Although this research has focused on the police and criminal justice response to hate crimes, it is recommended that stakeholders consider steps towards investing in human rights education that fosters tolerance and respect for diversity in the education system and across the media.

<sup>40</sup> See for example [https://www.gitanos.org/upload/60/04/Guide\\_on\\_intersectional\\_discrimination\\_FSG\\_31646\\_.pdf](https://www.gitanos.org/upload/60/04/Guide_on_intersectional_discrimination_FSG_31646_.pdf)

## Bibliography

High Level Group on Racism and Xenophobia (2018) ‘Guidance Note on the Practical Application of Council Framework Decision on Combating Certain forms and Expressions of Racism and Xenophobia by Means of Criminal Law’, Brussels: European Commission, available online at [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=55607](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55607), (accessed on 3 August, 2019)

Ministry of Interior (2019) ‘Action plan to Combat Hate Crimes for the Spanish Security Forces’, available online at <http://www.interior.gob.es/documents/642012/3479677/Plan+de+accion+ingles/222063a3-5505-4a06-b464-a4052c6a9b48>, accessed on 10 November 2019.

Ministerio de Empleo y Seguridad Social (2014) ‘Protocolo de Actuación para las Fuerzas y Cuerpos de Seguridad para los Delitos de Odio y Conductas que Vulneran las Normas Legales sobre Discriminación’, Available online at: <http://www.mitramiss.gob.es/oberaxe/ficheros/documentos/ManualApoyoFormacionFFyCCSeguridadIdentificacionRegistroIncidentesRacistasXenofobos.pdf>

No Hate Speech Movement Blog, ‘Violeta Friedman, Survivor and Fighter’, available online at <http://blog.nohatespeechmovement.org/violeta-friedman-survivor-and-fighter>

OBERAXE (2011) “Estrategia integral contra el racismo, la discriminación racial, la xenofobia y otras formas conexas de intolerancia. (Aprobada por el Consejo de Ministros el 4 de noviembre de 2011), available online at [http://www.mitramiss.gob.es/oberaxe/es/publicaciones/documentos/documento\\_0076.htm](http://www.mitramiss.gob.es/oberaxe/es/publicaciones/documentos/documento_0076.htm), accessed on 1 November 2019

OSCE Office for Democratic Institutions and Human Rights (2009) ‘Hate Crime Laws, a practical guide’, Warsaw: ODIHR, available online at <https://www.facingfacts.eu/research/connecting-on-hate-crime/> (accessed on 3 August, 2019)

OSCE Office for Democratic Institutions and Human Rights (2014), ‘ODIHR Key Observations’, available online at, <http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/KeyObservations-20140417.pdf>, (accessed on 3 August, 2019).

Schweppe, J. Haynes, A. and Walters M (2018) Lifecycle of a Hate Crime: Comparative Report. Dublin: ICCL p. 67.

Zempi, I (2017) 'Calling for a Debate on Recording Violence Against Police Officers as a Hate Crime', available online at <https://internationalhatestudies.com/calling-for-a-debate-on-recording-violence-against-police-officers-as-a-hate-crime>, (accessed on 3 August, 2019)

# Facing all the Facts: Self-assessment grid on hate crime recording and data collection, framed by international norms and standards – SPAIN

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This document sets out the evidence that can be used to understand and describe current strengths and weaknesses across the relationships that form national hate crime recording and data collection systems.<sup>1</sup> It aims to build on and complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFACHT Programme.<sup>2</sup> Guidance that relates to what evidence can be captured, used and published by public authorities is contained in the accompanying Standards Document. This framework seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*. It integrates a consideration of evidence of CSO-public authority cooperation on hate crime recording and data collection as well as evidence relating to the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.<sup>3</sup>

Table one sets out the general approach to self-assessment and the main relationships in the 'system'. Table two provides the country-based description. It is important to note that there can be many different agencies playing some kind of role in recording and data collection within one country, especially in federalised systems. Where possible, it is important to capture this complexity. For the purposes of this project, the focus is at the national level. Where there is information about significant regional differences within a country, this is highlighted. There can also be significant variations in the legal procedure that governs how cases progress from the investigation to prosecution stages across different jurisdictions. For example, cases can be directly reported to prosecutors as opposed to law enforcement; some cases are prosecuted by law enforcement, not prosecutors. Again, this methodology aims to reflect this complexity, however it remains a 'work in progress', amendable at the national level post-publication. For a full consideration of the limitations of this framework, see the Methodology Report.

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<sup>1</sup> See methodology report for more on the concept of 'systems'.

<sup>2</sup> ODIHR Key Observations, <http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/KeyObservations-20140417.pdf>; this methodology could also be incorporated in the framework of INFACHT self-assessment, as described on pp. 22-23 here: <https://www.osce.org/odihr/INFACHT?download=true>

<sup>3</sup> For a full description of the main stakeholders included in national assessments, and how the self-assessment framework relates to the 'systems map', see the Methodology Report, Part II.

Table one: Self-assessments: general approach

Relationship	Evidence used to describe relationships Two main categories of evidence are applied based on referenced international norms and standards.		Score
	Framework	Action	
<p>The main relationships are identified across the system:</p> <p><b>Law-enforcement</b> – prosecution; judiciary; Ministry of Interior</p> <p><b>Prosecution</b> – Judiciary, Ministry of Justice</p> <p><b>Ministries</b> - Ministries (e.g. Mol-MoJ, etc.)</p> <p><b>Victim</b> - law enforcement; prosecution, ministries; CSOs</p> <p><b>General public</b> – law enforcement; Ministry(ies), prosecution; CSOs</p> <p><b>CSOs</b> – law enforcement; prosecution; ministries, other CSOs.</p> <p><b>IGO</b> – ministry(ies); CSOs</p> <p>Further background information about existing IGO frameworks and actions is provided in the accompanying standards document.</p> <p>Other bodies and ministries are also relevant, including equality bodies and non-criminal justice agencies and ministries. These are included where relevant in national reports.</p>	<p>Technical frameworks allow for recording and data collection</p> <p>Policy frameworks allow information to be shared across the system.</p> <p>The most active and responsible ministries produce a policy framework that gives the police and other agencies the technical capacity to identify, record and act on hate crime data. If a government ministry hasn't developed an inter-departmental framework to allow for police to record all bias motivations or led the process to develop joint guidelines on recording and data collection, the police are limited in how they can relate to victims in this area.</p>	<p>Evidence that the frameworks are used – data is recorded, shared, collected, published and information is acted upon to develop policy and improve responses.</p> <p>The 'frontline', whether investigators, prosecutors or CSOs are the ones that 'give life' to, or are limited by, existing policy frameworks.</p>	<p>Each relationship is given a score of 0-3 for:</p> <ol style="list-style-type: none"> <li>1. 'framework'</li> <li>2. 'action'</li> </ol> <p>An overall score of 5-6= green; 3-4 = amber; 0-2 = red.</p> <p>Green = Good relationship. Effective framework and action, with room for improvement.</p> <p>Amber = Adequate relationship. Relatively limited framework and action.</p> <p>Red= Poor relationship. Very limited framework and action.</p>

## Specific relationships and criteria

### **General analysis**

Spain's strategic and inter-institutional approach to understanding and addressing hate crime is developing relatively strong relationships across those bodies and institutions – public and nongovernmental - that have responsibilities related to hate crime reporting, recording and data analysis. The Ministry of Interior's efforts to develop a comprehensive and strategic hate crime framework including a strong focus on hate crime reporting and recording for law enforcement is impressive and showing an impact. Its explicit focus on disability hate crime is particularly positive. OBERAXE serves an important coordinating function, developing effective connections across the system, with strong relationships with IGOs. The Prosecution Service has taken important steps including appointing specific hate crime prosecutors across the country, publishing prosecution guidance and data and critically evaluating its recording system. Disparities between police, prosecution and sentencing data suggest a lack of a shared concept of hate crime across the criminal justice system. There is a good commitment to transparency by the Ministry of Interior in particular and specific CSOs in their efforts to share, with the general public, what is being done to understand and address hate crime. This knowledge base could be greatly improved by researching and publishing victims' experiences of hate crime through a full national victimisation survey. Movimiento Contra la Intolerancia is the most established CSO working on hate crime, with strong relationships with public authorities. Other CSOs are developing a stronger focus and competence in the area. CSO data is mainly qualitative. While this approach highlights the impact of hate crime on specific victims and shortcomings in the responses of public authorities, it doesn't contribute to understandings of hate crime prevalence. In an exciting development, the National Office to Combat Hate Crimes intends to work with CSOs to centralise information from CSOs that is reported to the Office and the police, creating a connection point between CSO and police-recorded data. This presents an opportunity to strengthen cooperation across CSOs activities in hate crime monitoring and support at the national and local levels. Work needs to be done to ensure that CSOs are sufficiently skilled and resourced to take advantage of this major policy development.

In terms of improving support to victims, inspiration might be taken from the structure and function of the Victims of Racial or Ethnic Discrimination Support Service, which offers support and independent assistance to victims of discrimination according to agreed protocols. A similar service and framework could be considered for victims of hate crime.

Relationship	Evidence: this column sets out the evidence that is considered when describing a relationship as 'red', 'amber' or 'green' (See table one) (Refer to end note for relevant international norm/standard)	Score  Framework: Action: Total: Colour:
	Framework	Action

<p><b>Law enforcement – prosecution</b></p>	<p><i>Relevant norm/standard:</i>  Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4)</p> <p>Law enforcement are able to record information about victim support and safety. (Standard 5)</p> <p>The prosecution service is able to record information sent to them by the police about bias motivations and crime type (Standard 4) and relevant information about victim support and safety (Standard 5)</p> <p>The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standard 8; Standard 9)</p>	<p><i>Relevant norm/standard:</i>  Realistic data is produced by the system (very low numbers indicate an unrealistic measure of hate crime prevalence) (Standards 6 and 7).</p> <p>Data is shared systematically between the police and prosecution service to progress individual cases, including meeting victim’s safety needs, and to review issues in performance.</p> <p>Law enforcement and prosecution service meet regularly, to review progress and share information and/or take part in joint training.</p>	<p>Framework: 2  Action:2  Overall score: 4  Colour: Amber</p>
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	<p><i>Description of national situation:</i>  The Spanish law enforcement agencies (Policía Nacional and Guardia Civil) are able and required to record comprehensive information about hate crimes, including bias indicators and specifically flag bias motivations and crime types. According to the Police Action Protocol for hate crimes and conduct that violates the legal rules on discrimination</p> <ul style="list-style-type: none"> <li>- all hate crimes must be recorded, regardless of whether reported by the police or by the victim.</li> <li>- members of the different law enforcement bodies must describe the criminal context when recording the crime.</li> <li>- the police must determine and mark one or more biases, as appropriate.</li> <li>- Policer officers must treat victims sensitively and professionally, 'guaranteeing their right to protection, information, support, assistance and active participation without any kind of discrimination.'</li> </ul> <p>This framework is underpinned by a national strategy, implemented in 2011, <u>The Action Plan to Combat Hate Crimes</u>, published in 2019 and clear guidelines, including a list and description of bias indicators.</p> <p>In terms of assessing and acting on risk and safety issues, section 9.4 of the Action Plan sets out the following aim: "Establishing a procedure for risk analysis that may enable the Police officer to identify a potential case of "hate crime" even if there is no complaint filed"</p> <p>The unit of the Prosecutor's Office for protection of equality and against discrimination has been invited to join the monitoring committee overseeing the implementation of the Action Plan to Combat Hate Crimes. The action plan also foresees a permanent contact point between the National Office to Combat Hate crimes and the specialized unit of the Prosecutor's Office (p. 18)</p> <p>There is a lack of clarity in and framework for referral procedures between the police and prosecution service. The prosecution service records the number of</p>	<p><i>Description of national situation</i>  Law enforcement have been recording hate crimes for several years. A significant increase was recorded from 2012-2013 (from 261-1168) starting a general upward trend of recorded hate crime (1419 hate crimes were recorded in 2017, see <a href="http://hatecrime.osce.org">hatecrime.osce.org</a>).</p> <p>In 2018, the <u>prosecution service</u> reported that 52 hate crime cases were charged and that 30 cases were sentenced as hate crime. The report is not easily accessible in the public domain.</p> <p>The <u>Prosecutor's Office</u> provided this analysis of the differences between police and prosecution data: "...the statistical figures offered by the Prosecutor's Offices, and those issued by the Secretary of State for Security, will always be</p>	
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	<p>hate crime cases that are charged and sentenced under A 22.4 of the criminal code which is an aggravated sentencing provision.</p> <p>Hate Crime Prosecutors have been appointed throughout the country and the Prosecutors Office has <u>released guidance on prosecuting hate crime</u>. Workshop participants suggested that inconsistent responses by specialist prosecutors might be due to an absence of specialist knowledge for many prosecutors and the fact that the role is in addition to their other duties.</p> <p>The police and prosecution service are represented through their ministries (Ministries of Interior and Justice respectively) on the interinstitutional steering committee, framed by a cross government memorandum, which supports the implementation of the national strategy and includes representatives from across government departments and criminal justice agencies, as well as nongovernmental organisations that are active in monitoring cases and supporting victims of hate crime. The Spanish Observatory for Racism and Xenophobia<sup>4</sup> provides the secretariat to the inter-institutional steering group, which itself has a rotating chairmanship, with its members taking turns at the helm.<sup>5</sup></p>	<p>different, first because the Security Forces record "incidents" of hatred, a broader concept than that of crimes, and second, because it is enough for one of the people involved in the incident to suspect, or mention a hateful or discriminatory motive, for the fact to be registered as such, even if this motivation is subsequently discarded. However, we must get control over all procedures of this nature, and know the reasons why such numerical discrepancies occur". P. 819  <a href="https://www.fiscal.es/fiscal/PA_WebApp_SGNTJ_NFI_S/descarga/MEMFIS18.PDF?idFile=f9e5ea88-f1f6-4d21-9c24-d2ffd93eabc3">https://www.fiscal.es/fiscal/PA_WebApp_SGNTJ_NFI_S/descarga/MEMFIS18.PDF?idFile=f9e5ea88-f1f6-4d21-9c24-d2ffd93eabc3</a></p> <p>There is no evidence of joint training between the police and the prosecution service.</p>	
<p><sup>4</sup> part of the General Secretariat for Immigration and Emigration, Ministry of Labor, Migration and Social Security</p> <p><sup>5</sup> The full list of institutions that are signatories to the MoU: General Council of the Judiciary; State Attorney General; Ministry of Justice ; Ministry of Interior; Ministry of Education; Ministry of Culture and Sports; Ministry of Labour, Migrations and Social Security; Ministry of the Presidency; Center of Legal Studies.</p>			

	Framework	Action	
<b>Law enforcement – judiciary</b>	<p><i>Relevant norm/standard:</i></p> <p>Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4)</p> <p>The courts have the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7)</p> <p>The two bodies are members of a policy and technical framework that allows cases to be traced from investigation to sentencing stages and to record and share data about victim safety and support needs (Standards 5, 8 and 9).</p>	<p><i>Relevant norm/standard:</i></p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7)</p> <p>Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p>	<p><b>Framework:2</b></p> <p><b>Action: 1</b></p> <p><b>Colour: Amber</b></p>

	<p><i>Description of national situation:</i>  While Spanish law enforcement have the framework and technical capacity to comprehensively capture crime types and bias motivations (see law enforcement-prosecution relationship), the Spanish courts do not routinely capture data and information on hate crimes. Where cases are directly referred to judges, Law enforcement may not be not informed.</p> <p>The Judiciary are represented on the inter-institutional steering group that oversees the implementation of the national hate crime strategy through their ministry.</p>	<p><i>Description of national situation:</i>  Hate crimes recorded by Spanish law enforcement have increased since 2012 (see law enforcement-prosecution relationship).</p> <p>The courts do not publish their own data on hate crime. Reports by the Prosecution Service report 30 hate crime sentences in 2018 (see law enforcement-prosecution relationship).</p>	
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	Framework	Action	
<p><b>Law enforcement – Ministry of Interior (Mol) National Office to Combat Hate Crimes</b></p>	<p><i>Relevant norm/standard:</i> Law enforcement are able to comprehensively record hate crimes, including bias indicators, and specifically flag bias motivations and crime types (Standards 1, 2, 3, 4)</p> <p>Law enforcement are able to record information about victim support and safety (Standard 5)</p> <p>This information can shared with the Mol or relevant ministry for data collection and analysis.</p> <p>The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standards 8 and 9).</p>	<p><i>Relevant norm/standard:</i> Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7)</p>	<p><b>Framework: 3</b></p> <p><b>Action: 2</b></p> <p><b>Colour: Green</b></p>

	<p><i>Description of national situation:</i></p> <p>Spanish law enforcement have the framework and technical capacity to comprehensively capture crime types and bias motivations (see law enforcement-prosecution relationship).</p> <p>The National Office to combat Hate Crimes housed within the Ministry of Interior keeps direct contact at central level with the representatives of each Police Corps to implement and execute the national strategy and police obligations on recording hate crimes and other issues.</p> <p>In January 2019, the Ministry of Interior published its <u>Action Plan to Combat Hate Crimes</u>, which includes several specific actions aimed at the Spanish Security Services and local police (it also includes other joint actions that are described in the main report and the relevant relationships in this systems map). Fully costed actions within specific timelines and a clear structure of accountability include:</p> <ul style="list-style-type: none"> <li>- reviewing the “Action Protocol of the Spanish Security Forces for hate crimes and actions that infringe legal rules on discrimination” by the end of 2019.</li> <li>- sharing information about, ‘the study about judicial sentences conducted in the Framework of the Framework Agreement of Collaboration and Cooperation against Racism and Xenophobia’ among the Spanish Security Forces.</li> <li>- ‘Collecting information about complaints against the Spanish Security Forces about how they treat victims of alleged “hate crimes”’. The Inspection of Security Services will explore implementing a new code where any potential complaint in this field can be expressly recorded.</li> <li>- Developing a national specialized seminar for the training of local Police forces.</li> </ul>	<p><i>Description of national situation:</i></p> <p>Law enforcement have been recording hate crimes for several years. A significant increase was recorded from 2012-2013 (from 261-1168) starting a general upward trend of recorded hate crime ( 1419 hate crimes were recorded in 2017, see <a href="http://hatecrime.osce.org">hatecrime.osce.org</a>). Recorded crime has ‘plateaued’ in recent years, suggesting the need for further action to increase reporting.</p> <p>The Action Plan was published in early 2019; it is too early to assess its impact and success.</p>	
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	Framework	Action	
<b>Prosecution-Judiciary</b>	<p><i>Relevant norm/standard:</i> The prosecution service is able to record relevant information about evidence of bias and, where appropriate, systematically present this to the court (Standards 4 and 7).</p> <p>There is the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7)</p> <p>The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs. (Standards 8 and 9)</p>	<p><i>Relevant norm/standard:</i> Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standard 6)</p>	<p><b>Framework: 1</b></p> <p><b>Action:2</b></p> <p><b>Colour: Amber</b></p>

	<p><i>Description of national situation:</i></p> <p>The prosecution service does has the technical framework to capture disaggregated data on hate crime prosecutions (see law enforcement-prosecution relationship). However, there is a lack of clarity in and framework for referral procedures between the police and prosecution service.</p> <p>The courts do not have the policy or technical framework to capture disaggregated data on hate crime sentencing decisions.</p> <p>The prosecution service has a network of appointed specialist hate crime prosecutors and both the courts and the prosecution service are members of the inter-institutional committee that oversees the implementation of the national action plan on hate crime.</p>	<p><i>Description of national situation:</i></p> <p>The Prosecution Service publishes hate crime prosecution and sentencing data, however it is not easily accessible in the public domain (see Law enforcement- Prosecution relationship). In a welcome development, the Prosecution Service is taking part in a review of cases that involve a hate element to identify practice and policy issues, led by the inter-institutional committee overseeing the implementation of the national action plan on hate crime.</p> <p>There is no evidence that the prosecution and judiciary regularly reflect on problems and gaps with the data and information that is captured.</p>	
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	Framework	Action	
<b>Mol – MoJ - Ministry of Employment and Social Security, OBE RAXE, Mol and MoJ and all ministries )</b>	<p><i>Relevant norm/standard:</i> The bodies receive data and information from law enforcement and the prosecution service (Standards 1,2,3,4).</p> <p>The bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs across the criminal justice system (standards 8 and 9)</p>	<p><i>Relevant norm/standard:</i></p> <p>Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standards 5 and 6)</p>	<p><b>Framework: 3</b></p> <p><b>Action: 2</b></p> <p><b>Colour: N.A</b></p>

	<p><i>Description of national situation:</i></p> <p>Observatory for Racism and Xenophobia: The Spanish Observatory for Racism and Xenophobia is part of the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security. The Observatory provides the secretariat to the interinstitutional committee that supports the implementation of the National Action Plan and which includes representatives from across government departments and criminal justice agencies, as well as nongovernmental organisations that are active in monitoring cases and supporting victims of hate crime.</p> <p>The Observatory provides the secretariat to the interagency review group that supports the implementation of the National Action Plan, which includes a subgroup on hate crime recording and data collection. This subgroup monitors, inter alia, the implementation of the police recording protocol (see police-prosecution relationship).</p>	<p><i>Description of national situation:</i></p> <p>The interinstitutional committee overseeing the implementation of the National Action Plan on hate crime meets regularly and nominates a rotating chair across the participating government departments.</p> <p>The most significant data that has been produced by the inter-institutional network is from the Ministry of Interior (see law-enforcement-Mol relationship). Work is ongoing to improve prosecution data (see law enforcement-prosecution relationship).</p>	
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	Framework	Action	
<b>Victim- Law enforcement</b>	<p><i>Relevant norm/standard:</i> Law enforcement are able to comprehensively record hate crimes, including bias indicators – including victim perception - and flag bias motivations and crime types (Standards 1, 2, 3, 4)</p> <p>Law enforcement are able to record information about victim support and safety (standard 5)</p> <p>There is a process to keep victims informed about the progress of the investigation (Standard 10, 11, 12, 13,14)</p> <p>Law enforcement can accept anonymous reports of hate crime. (Standard 42).</p>	<p><i>Relevant norm/standard:</i> The system is used to record bias motivations and crime types and to ensure specific support to victims (Standards 15 and 16)</p> <p>The system is used to keep victims informed about the progress of the investigation (Standard 11)</p> <p>Action is taken to increase reporting (Standard 17)</p>	<p><b>Framework: 2</b></p> <p><b>Action: 2</b></p> <p><b>Colour: amber</b></p>

	<p><i>Description of national situation:</i></p> <p>Spanish law enforcement are able to capture and record comprehensive information from victims and to receive anonymous reports of hate crime (see law enforcement-prosecution relationship). In terms of assessing and acting on risk and safety issues, section 9.4 of the Action Plan sets out the following aim: “Establishing a procedure for risk analysis that may enable the Police officer to identify a potential case of “hate crime” even if there is no complaint filed”.</p> <p>The crime reporting app run by the Police, ‘alertcops’ allows victims to directly report incidents. A hate crime ‘area’ will be created on the app so that people can have easy and quick information about hate crime (section 8.1 of the National Police Action Plan)</p>	<p><i>Description of national situation:</i></p> <p>Law enforcement have been recording hate crimes for several years. A significant increase was recorded from 2012-2013 (from 261-1168) starting an encouraging upward trend of recorded hate crime (1419 hate crimes were recorded in 2017, see <a href="http://hatecrime.osce.org">hatecrime.osce.org</a>)</p> <p>However, the number of recorded hate crimes is relatively low bearing in mind the population of Spain.</p>	
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	Framework	Action	
<b>Victim - Prosecution</b>	<p><i>Relevant norm/standard:</i> There is a process to keep victims informed about the progress of the criminal justice process (Standards 18,19, 20, 11, 12, 14).</p>	<p><i>Relevant norm/standard:</i> The system is used to keep victims informed</p>	<p><b>Framework: 2</b> <b>Action: 0</b>  <b>Colour: Red</b></p>
	<p><i>Description of national situation</i> The Prosecutors office is bound by national procedure to offer information to the victim about the progress of their case.</p>	<p><i>Description of national situation</i> There is no available data about the effectiveness of systems to keep victims informed about the progress of their case.</p>	

	Framework	Action	
<b>Victim - Mol (or relevant ministry) -</b>	<p><i>Relevant norm/standard:</i> There is an established and resourced framework to gather data about unreported hate crime – for example through victimisation surveys that include questions about hate crime (Standards 20, 21, 22, 42)</p>	<p><i>Relevant norm/standard:</i> Relevant policy commitments on improving reporting and support have been made and acted upon (Standard 17)</p> <p>Victimisation surveys are carried out and the results are published in an accessible format (Standard 23)</p>	<p><b>Framework:</b> <b>2</b></p> <p><b>Action:1</b></p> <p><b>Colour:</b> <b>Amber</b></p>

	<p><i>Description of national situation</i></p> <p>The ‘survey on experiences with incidents related to hate crimes’ was launched with the aim of capturing unreported cases between March and December 2017. The survey included an ‘easy read’ version for people with intellectual disabilities. The aim is to implement the survey twice a year. However, it is not a full scale, national victimisation survey (Action plan to Combat hate crimes, p. 10).</p> <p>The MoI has committed to research, ‘anti-gypsyism as a specific field of racism, as it was done by the Fundamental Rights Agency of the EU (FRA). Implementation: first quarter 2020.’ (Action Plan to Combat Hate Crimes p. 16)</p> <p>On disability, the MoI:</p> <ul style="list-style-type: none"> <li>- has drafted a “Guide for Police intervention with people with intellectual disabilities”, in 2017</li> <li>- has committed to drafting a “Guide for action with “hate crime” victims with disabilities”</li> <li>- is preparing tailored material for people with intellectual disabilities, ‘so they can receive accessible and understandable information when they file the complaint.’ (Action plan to combat hate crime p. 18)</li> </ul> <p>The MoI plans to add a specific button for “hate crimes” in the ALERTCOPS app (see police-victim relationship), ‘so the victims can receive counselling about this problem.’</p>	<p><i>Description of national situation</i></p> <p>The findings of the 2017 survey are not accessible in the public domain.</p>	
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	Framework	Action	
<b>Victim - CSO monitoring Racist HC –</b>	<p><i>Relevant norm/standard:</i> The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standard 31 and 42)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 2</b> <b>Action: 2</b> <b>Colour: amber</b></p>

	<p><i>Description of national situation</i></p> <p><b>MCI - Movimiento Contra la Intolerancia:</b> MCI was established in 1993 to provide direct support to victims and to record hate incidents. Its methods include:</p> <ul style="list-style-type: none"> <li>- monitoring mainstream media as well as websites and forums containing hate related material;</li> <li>- following cases through the criminal justice system;</li> <li>- collating data and information its victim assistance projects and directly from victims by other routes.</li> <li>- Cases are recorded based on specific bias indicators.</li> </ul> <p>In addition, the <u>Victims of Racial or Ethnic Discrimination Support Service</u> is a free, state supported service for possible victims of racial or ethnic discrimination, including victims of hate crime, under the auspices of the Council for the Promotion of Equal Treatment and Non Discrimination Against Racial or Ethnic Origin, which is a professional association of seven CSOs affiliated with the Spanish Ministry of Health, Social Services and Equality, through the General Directorate for Equal Opportunities.</p> <p>Although the service is mainly for cases of discrimination, it also assists some cases of hate crimes, when they are due to racism and anti-Gypsyism</p> <p>All the NGOs of the service follow the same protocol in relation to the group that they support. If a hate crime incident is reported, a range of options, including reporting the case to the police are explored and implemented, depending on the needs and wishes of the victim. Data is used to develop and inform the service.</p>	<p><i>Description of national situation</i></p> <p>MCI publishes a regular report mainly on racist crime and other types of hate crime. Its reports bring together information and data on discrimination, hate speech and hate crimes and incidents.</p> <p>549 incidents were recorded in 2017. 609 incidents were recorded in 2018. Approximately 10% of cases come from direct communication of victims; 30% from witnesses; and 60% from media sources that are considered credible by the organisation. There is no breakdown of incident-type available.</p>	
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	Framework	Action	
Victim- organisation monitoring disability hate crime	<p><i>Relevant norm/standard:</i> The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 0</b> <b>Action:1</b>  <b>Colour: red</b></p>
	<p><i>Description of national situation</i>  There is no CSO systematically receiving and recording reports of disability and/or providing support at the national level.</p>	<p><i>Description of national situation</i>  The Spanish Committee of Representatives of Persons with Disabilities (CERMI) receives a limited number of complaints and <u>released a report in 2018</u> documenting the most significant human rights facts in the light of the UN convention on the rights of persons with disabilities.  While the report focuses on human rights, discrimination and inclusion of persons with disabilities,</p>	

		<p>it includes national and international statistics on disability hate crime, including a few case studies from media sources.</p> <p>The report recommends that all legislative means to protect people with disabilities from violence and abuse, including aspects related to gender are adopted.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victims-organisations monitoring Anti-LGBT+ hate crime</b>	<p><i>Relevant norm/standard:</i> The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 1</b> <b>Action: 1</b> <b>Colour: red</b></p>
	<p><i>Description of national situation</i> The Madrid Observatory against Homophobia, Transphobia and Biphobia/</p>	<p><i>Description of national situation</i></p>	

	<p>Arcopoli regularly reports incidents of HC against LGBTI people. While they have a national profile, they only work in the Madrid region.</p> <p>Stop LGBT Fobia records and reports hate crime at the national level.  <a href="http://www.stoplgbtfobia.org">www.stoplgbtfobia.org</a></p> <p>The service provides direct assistance to victims, including being accompanied to the police or the hospital, counselling and legal assistance.          People can get in touch via Whatsapp and email.</p>	<p>The Madrid Observatory against Homophobia, Transphobia and Biphobia/ Arcopoli recorded 40 physical attacks in 2018. The organisation also records incidents of discrimination and hate speech. Evidence suggests that victims receive a good service from Arcopoli. However, there is no organisation or network with a national reach that records anti-LGBT hate crime, or provides consistent support to victims across the country.</p>	
	<b>Framework</b>	<b>Action</b>	
<p><b>victims - organisation monitoring Anti-Roma hate crime.</b></p>	<p><i>Relevant norm/standard:</i>          The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standard 31 and 42)</p>	<p><i>Relevant norm/standard:</i>          The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 2</b>  <b>Action: 1</b>  <b>Colour: Amber</b></p>

	<p><i>Description of national situation</i></p> <p>The Fundación Secretariado Gitano (FSG) is a national organization, that among other activities, provides support to Roma people who are targets of hate and discrimination. The organization supports about 30,000 people per year during the course of its activities.</p> <p>The organization can provide assistance, including legal assistance in filing a case with the police and during a criminal justice process. Cases where assistance is received are included in FSG's annual reports.</p> <p>FSG refers cases that do not involve Roma people to appropriate specialized services.</p>	<p><i>Description of national situation</i></p> <p><u>Annual reports produced by the Fundación Secretariado Gitano, Annual Report Discrimination and Roma Community</u>, include limited information about anti-Roma hate crimes.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim-organisation monitoring antisemitic hate crime</b>	<p><i>Relevant norm/standard:</i></p> <p>The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)</p>	<p><i>Relevant norm/standard:</i></p> <p>The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 1</b></p> <p><b>Action:2</b></p> <p><b>Colour: Amber</b></p>
	<p><i>Description of national situation</i></p> <p>Movimiento Contra la Intolerancia and the Federation of Jewish Communities in Spain (check title) cooperate to produce regular reports on antisemitic crime</p>	<p><i>Description of national situation</i></p> <p>The Observatory's reports include a list of cases as opposed to statistics about</p>	

	<p>through the Observatory on Antisemitism:  <a href="http://observatorioantisemitismo.fcje.org/">http://observatorioantisemitismo.fcje.org/</a></p> <p>The observatory depends on victims being aware of its website in order to report an incident. Several types of incidents are recorded, including attacks against people and property.</p>	<p>the number of incidents. It could not be confirmed whether support or referral are offered.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim-organisation monitoring anti-Muslim hate crime</b>	<p><i>Relevant norm/standard:</i></p> <p>The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)</p>	<p><i>Relevant norm/standard:</i></p> <p>The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 1</b></p> <p><b>Action:1</b></p> <p><b>Colour: Red</b></p>
	<p><i>Description of national situation</i></p> <p>The Citizens Platform Against Islamophobia (Plataforma Ciudadana contra la Islamofobia) records anti-Muslim hate crime and hate speech. The main sources of their data are media reports and directly from victims. The platform meets regularly with the Ministry of Interior.</p> <p>The Union of Islamic communities of Spain records anti-Muslim hate crimes and incidents.</p>	<p><i>Description of national situation</i></p> <p>Information about how and whether the Citizens Platform provides support to victims is not available.</p>	

		<p>The Union of Islamic communities publishes information about anti-Muslim hate incidents. Hate crime data is not specifically disaggregated, information about how victims are supported is not available. 13 incidents of physical attacks were reported in 2018.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>General public- Law enforcement</b>	<p><i>Relevant norm/standard</i> Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3)</p>	<p><i>Relevant norm/standard:</i> Hate crime data is produced, published and made accessible (Standard 6)</p> <p>Action is taken to increase reporting (Standard 17 and 42)</p>	<p><b>Framework: 3</b> <b>Action:2</b> <b>Colour: green</b></p>
	<p><i>Description of national situation</i> See law enforcement-prosecutor relationship for details on police-recorded</p>	<p><i>Description of national situation</i></p>	

	data.	Police-recorded data and plans by the Ministry of Interior to improve hate crime reporting and recording are transparent and easily accessible in the public domain. It is too early to assess the effectiveness of plans to increase reporting.	
	<b>Framework</b>	<b>Action</b>	
<b>General Public - Mol</b>	<i>Relevant norm/standard:</i> Mol has access to law enforcement and other official hate crime data (see relevant relationships).	<i>Relevant norm/standard:</i> Data and information (for example on hate crime strategy and actions plans) are produced, published and made accessible (Standard 6).	<b>Framework: 3</b> <b>Action: 2</b>  <b>Colour: Green</b>

	<p><i>Description of national situation</i></p> <p>The MoI has access to relatively comprehensive and improving data from law enforcement (see law-enforcement - Ministry of Interior relationship for more detail).</p>	<p><i>Description of national situation</i></p> <p>Hate crime data <u>is easily accessible on the MoI dedicated hate crime webpage.</u></p> <p>The MoI National Action Plan and related documents are also easily accessible.</p> <p>The MoI has committed to Publishing a report on “hate crimes” on a yearly basis with the largest degree of publicity possible. ‘ (National Action Plan, p. 16)</p>	
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	Framework	Action	
<b>General public-Prosecution</b>	<p><i>Relevant norm/standard:</i></p> <p>Prosecution service records and captures data on the number and outcomes of hate crime prosecutions (Standards 4 and 7).</p>	<p><i>Relevant norm/standard:</i></p> <p>Data on prosecuting hate crime are produced, published and made accessible (Standard 6)</p>	<p><b>Framework: 2</b></p> <p><b>Action: 1</b></p> <p><b>Colour: Amber</b></p>
	<p><i>Description of national situation</i></p> <p>The prosecution service has the technical framework to capture disaggregated data on hate crime prosecutions (see law enforcement-prosecution relationship). However, there is a lack of clarity in and framework for referral procedures between the police and prosecution service.</p>	<p><i>Description of national situation</i></p> <p>The State Prosecutor Office publishes annual reports on crimes which include information on hate crimes (See prosecution-law enforcement relationship)</p>	

	Framework	Action	
<b>general public - Courts</b>	<p><i>Relevant norm/standard:</i> The courts record and captures data on the number and outcomes of cases where hate crime laws were applied (Standard 4).</p>	<p><i>Relevant norm/standard:</i> Data on hate crime sentences are produced, published and made accessible (Standards 6 and 7)</p>	<p><b>Framework: 1</b> <b>Action: 1</b> <b>Colour: red</b></p>
	<p><i>Description of national situation</i> It is unknown whether the courts directly capture data on hate crime sentences. However this information is captured by the prosecution service (see law enforcement-prosecution service relationship). In a welcome development, the Observatory Against Racism is publishing an analysis of hate crime sentences.</p>	<p><i>Description of national situation</i> The Prosecution service reported 30 hate crime sentences for 2018, however the report isn't easily accessible in the public domain (see prosecution-law enforcement relationship).</p>	

	Framework	Action	
<b>General public - CSO (single line to grey arrows)</b>	<p><i>Relevant norm/standard:</i> The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)</p>	<p><i>Relevant norm/standard:</i> The CSO regularly publishes data and information describing victims' experiences of hate crime based on their own recording systems (Standard 39).</p> <p>The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).</p>	<p><b>Framework: 2</b> <b>Action:2</b> <b>Colour: Amber</b></p>

	<p><i>Description of national situation</i>  Apart from cases of disability hate crime, CSOs are able to record hate crimes and incidents to varying levels of transparency and effectiveness (see CSO-victim relationships)</p>	<p><i>Description of national situation</i>  Several CSOs regularly publish qualitative and quantitative data on hate incidents and victim experiences. There is limited information about how this data is used to advocate for improved responses.</p>	
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	Framework	Action	
<b>CSO-Law enforcement</b>	<p><i>Relevant norm/standard:</i> The two bodies are members of an agreement to refer cases for support services (Standard 16 and 29)</p> <p>There is a structure for connection, that could include specialist police networks, a training agreement, information-sharing protocol, etc. (Standard 24, 25, 26, 41, 42)</p> <p>Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement. (Standard 8 and 9)</p>	<p><i>Relevant norm/standard:</i> Structures and frameworks are used in a meaningful way/ the two bodies connect in meaningful ways. For example, The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).</p>	<p><b>Framework: 3</b> <b>Action: 1</b> <b>Colour:amber</b></p>
	<p><i>Description of national situation</i> There is no national framework for referring cases to CSOs for support, however these arrangements are in place at the local level in 'ad-hoc' arrangements. Add information about police plans to share data with CSOs.</p> <p>The National Office to combat Hate Crimes in the Ministry of Interior has published a comprehensive plan, which includes actions to strengthen relationships between law enforcement and CSOs (see ministry-CSO relationship).</p>	<p><i>Description of national situation</i> CSO are members of national structures and regularly publish hate crime data as part of their support and advocacy work (see CSO-victim and CSO-general public relationships). It is too early to assess the success of the very promising commitments made relating to CSO-public</p>	

		authority cooperation in the Mol's Action Plan.	
	<b>Framework</b>	<b>Action</b>	
<b>CSO-Prosecution</b>	<p><i>Relevant norm/standard:</i> No expectation that there is an information-sharing agreement in place.</p> <p>Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement (Standards 8, 9 and 41)</p>	<p><i>Relevant norm/standard:</i> Evidence of CSO input into prosecutor training; and/or joint case reviews, and/or specialist prosecutors offices that make connections with CSOs, then include the relationship (Standard 25)</p>	<p><b>Framework: 1</b></p> <p><b>Action:1</b></p> <p><b>Colour: amber</b></p>

	<p><i>Description of national situation</i> Hate crime prosecutors have been appointed at the regional level.</p> <p>Representatives from the Prosecutors Office and National CSOs, including MCI, are represented on the inter-institutional group overseeing the delivery of Spain's hate crime strategy (see law enforcement-prosecutor relationship). There is no evidence of independent, structured engagement between the prosecutor's office and CSOs.</p>	<p><i>Description of national situation</i></p> <p>There is no evidence of CSO input into prosecutor training at the national level in a systematic way. The Prosecutors Office has appointed specialist prosecutors on hate crime. Part of their role is to develop relationships with local CSOs. Evidence from interviews and workshops suggest that this is happening at the national level to a certain extent.</p>	
	<b>Framework</b>	<b>Action</b>	

<p><b>CSO - Ministries</b></p>	<p><i>Relevant norm/standard:</i> NB – not all ministries will have relationships with CSOs. Generally, the lead ministry on hate crime should have some link(s).</p> <p><b>Framework:</b> CSO is a member of cross-government framework with a focus on hate crime recording and data collection (Standards 8 and 9)</p>	<p><i>Relevant norm/standard:</i> CSOs play an active role in these frameworks, CSO data is actively considered in government policy-making.</p> <p>The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).</p>	<p><b>Framework: 3</b></p> <p><b>Action: 2</b></p> <p><b>Colour: green</b></p>
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	<p><i>Description of national situation</i></p> <p>An interinstitutional steering committee, framed by a cross government memorandum supports the implementation of Spain’s National Hate Crime Strategy and includes representatives from across government departments and criminal justice agencies, as well as nongovernmental organisations that are active in monitoring cases and supporting victims of hate crime.</p> <p>The Ministry of Interior has committed to work with NGOs that record hate crimes to better understand the specific ‘insecurities’ that hate crime victims face (Action Plan to Combat Hate Crimes p. 16) and has committed to ‘Establishing a permanent agenda of meetings with different associations and civil society organizations that will generate a better understanding of the situation of “hate crimes”.’ The Mol has also committed to include hate crimes motivated by antigypsyism in its annual reports. Further, the Mol has made a strategic commitment to ‘Increase coordination between social partners and Spanish Security Forces, including the following commitments:</p> <p>Creating a technical working group for “hate crimes” that will meet at least once every half year, coordinated by the National Office to Combat Hate Crimes, where the central social partners of both Corps will be present. Implementation: second quarter 2019.</p> <p>11.2. Collecting police reports about “hate crimes” and discrimination that may be relevant due to its media impact and the seriousness of the crime and tackling any existing problem regarding “hate crimes”. Implementation: second quarter 2019.</p> <p>11.3. Disseminating news and information about incidents related to “hate crimes” among social partners to get a better understanding of the problem. A bimonthly newsletter will be issued with all this information. Implementation: second quarter 2019.</p> <p>Section 10.3 and 13.4 of the National Action Plan explains that the National</p>	<p><i>Description of national situation</i></p> <p>CSO are members of national structures and regularly publish hate crime data as part of their support and advocacy work (see CSO-victim and CSO-general public relationships). It is too early to assess the success of the very promising commitments made relating to CSO-public authority cooperation in the Mol’s Action Plan.</p>	
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	<p>Office to Combat Hate Crimes intends to centralise information from CSOs that is reported to the National Office to Combat Hate Crimes and the police, creating a connection point between CSO and police-recorded data, to be achieved in 2021. In order to implement this action, a common template, ensuring anonymized data, will be agreed to help ensure the gathering of data is correct and standardized.</p>		
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<p><b>IGO – Mol</b></p>	<p><i>Relevant norm/standard:</i>  There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa.  (Standards 30, 32, 33, 34, 35, 36, 37)</p> <p>Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines</p> <p>See standards document for information current platforms of exchange and cooperation.</p>	<p><i>Relevant norm/standard:</i>  See standards document for ongoing action by IGOs to connect with national authorities on hate crime reporting, recording and data collection</p> <p>National assessment will look at these factors:  Data is shared with IGO in line with agreed obligations/as part of regular requests.</p> <p>National representatives attend IGO networking events</p> <p>National representatives ask for and implement capacity-building activities in the area of hate crime recording and data collection.</p>	<p><b>Framework: 3</b>  <b>Action: 3</b>  <b>Colour:Green</b></p>
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	<p><i>Description of national situation</i></p> <p>N/A – this is a set international framework.</p>	<p><i>Description of national situation</i></p> <p>OBERAXE and representatives from the National Office to combat Hate Crimes housed within the Ministry of Interior:</p> <ul style="list-style-type: none"> <li>- regularly attend and reports progress on hate crime data to the High Level Group on combating racism, xenophobia and other forms of intolerance hosted by the European Commission Department of Justice and Home Affairs (<a href="http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025">http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025</a>).</li> <li>- leads Spain's input to the Subgroup on methodologies for recording and collecting data on hate crime,</li> </ul>	
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		<p>coordinated by the European Union for Fundamental Rights on behalf of the High Level Group on Combating Racism and Other Forms of Intolerance. This includes: attending meetings of the group and reporting current practices on hate crime recording and data collection. The Observatory also contributed several examples for inclusion in FRA's compendium of promising practices</p> <ul style="list-style-type: none"><li>- (<a href="http://fra.europa.eu/en/promising-practices/action-protocol-security-forces-hate-crimes-and-behaviours-breaching-legal">http://fra.europa.eu/en/promising-practices/action-protocol-security-forces-hate-crimes-and-behaviours-breaching-legal</a>)</li><li>- OBERAXE represents Spain as the OSCE-ODIHR national</li></ul>	
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		point of contact on hate crime and coordinates input for ODHR's annual hate crime reporting.	
	<b>Framework</b>	<b>Action</b>	
<b>IGOs- CSO (racist)</b>	<p><i>Relevant norm/standard:</i></p> <p>There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa (Standard 37)</p> <p>Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines</p> <p>See standards document for information current platforms of exchange and cooperation.</p>	<p><i>Relevant norm/standard:</i></p> <p>Data is shared between the two parties as part of regular requests.</p> <p>CSOs attend IGO networking events and ask for and implement capacity-building activities in the area of hate crime recording and data collection</p>	<p><b>Framework: 2</b></p> <p><b>Action: 2</b></p> <p><b>Colour: Amber</b></p>
	<p><i>Description of national situation</i></p> <p>N/A – this is a set international framework.</p>	<p><i>Description of national situation</i></p>	

		<p>Movimiento Contra la Intolerancia regularly attends international meetings and contributes data to <a href="http://hatecrime.osce.org">hatecrime.osce.org</a>. However MCI data was not included in 2016 and 2017 reporting.</p> <p>FSG attend regularly to meetings with FRA, European Commission, CoE, etc. on discrimination and hate crime.</p> <p>FSG don't have a strong relationship with OSCE because FSG works mostly cases of discrimination and hate speech.</p> <p>The Annual report includes some hate crimes but most of them are hate speech.</p> <p>FSG cooperates with OSCE during some meetings in Spain in 2019.</p> <p>FSG wants to improve the relationship with OSCE regarding hate crimes during the current year.</p> <p>One good idea would be to create a specific chapter in FSG Annual Report on hate</p>	
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		<p>crimes. That will be useful for statistics and data. FSG achieved that EU Commission includes the bias category of antigypsyism in the EU Report Monitoring on Hate crime and code of conduct of IT companies. <a href="https://www.gitanos.org/actualidad/archivo/125625.html.en">https://www.gitanos.org/actualidad/archivo/125625.html.en</a></p>	
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