

	Ciberhate		<p>discrimination and hostility against minorities, immigrants and people of immigrant origin.</p> <p>"This phenomenon is what has become known Cyberhate that applies to any use of the electronic communication of information to disseminate messages or information Semitic, xenophobic, homophobic, racist, intolerant, extremist, etc."</p>
Country	Definitions	Provided by whom	What do they say
Spain	<p>Hate Crime: It is an aggravating circumstance of subjective nature, and expressing a mobile particularly undesirable: the negation of the principle of equality.</p> <p>Hate Speech: "which has a heavy burden of hostility that incites, sometimes directly and other subliminally, violence by way of humiliation. The explosive effect of such ingredients well mixed, experience is something that our eyes can predict with almost no margin for error, be a causal connection between them.</p>	<p>Justice Ministry</p> <p>Constitutional National Court</p>	<p>Aggravating circumstances are committing the crime for racist, anti-Semitic motives or another type of discrimination relating to ideology, religion or beliefs of the victim, ethnicity, race or nation to which he belongs, sex, sexual orientation or identity, diseases suffering or disability.</p> <p>It requires the existence of a predicate offence will be punishable elevated to the upper section by the concurrence of this aggravating based on an attack on the dignity of the individual, closely linked to personal or social circumstances (race, ideology, religion, etc.).</p> <p>The Constitutional Court in its STC 176/1995 (Case Makoki) defines as "hate speech", who has "a heavy burden of hostility that incites, sometimes directly and other subliminally, violence by way of humiliation. The explosive effect of such ingredients well mixed, experience is something that our eyes can predict with almost no margin for error, be a causal connection between them."</p> <p>The Constitutional Court made explicit in the judgment 214/1991 that "neither ideological freedom (Art. 16 EC)</p>

			and freedom of expression (Art. 20.1 EC) include the right to make statements, expressions or campaigns of a racist and xenophobic nature, since that, as provided for in Art. 20.4, no unlimited rights and this is contrary not only to the right to honor the person directly affected, but other constitutional goods such as human dignity (Art. 10 EC), to be respected by both the authorities and the citizens themselves, in accordance with the provisions of arts. 9 and 10 EC. The rank or dignity of the person as such, from which it derives and in which the right to honor (Art. 18.1 EC) projects, does not allow any discrimination on grounds of birth, race, sex, opinions or beliefs.
Country	Definitions	Provided by whom	What do they say
	<p>1. Hate incident: “Any racist incident which is perceived to be racist by the victim or any other person”.</p> <p>2.- “Hate crimes comprise of two elements: a criminal offence, committed with a bias motive. Firstly there has to be an act that constitutes an offence under criminal law (the “base offence”). Secondly, the criminal act is committed with a particular motive (the “bias motivation”). This means that the perpetrator intentionally chose the target of the crime (one or more people) because of some protected characteristic shared by a group, such as race, religion, ethnicity, nationality, disability, gender identity, sexual orientation or other similar common factor”.</p> <p>3.- Hate speech “This phenomenon is what</p>	<p>Ministry of Interior to enforcement bodies (Action Protocol of the Security Forces for hate crimes and behaviors that violate laws on discrimination)</p>	<p>Enforcement bodies shares the ECRI definition for hate incident adopted by the European Commission against Racism and Intolerance of the Council of Europe, in its Recommendation on the Policy nº11.</p> <p>National Polices shares the OSCE definition for hate crimes, and has an internal protocol for action when facing crimes and behaviors that violate legal regulations on discrimination. And also they have in mind the perception of the victim, the agent or the witness for begin the hate crimes diligences.</p> <p>Includes even the aporophobia as bias motivation, because in Spanish laws (Penal Code) is still no conceived as a hate crime (510 CP), can be considered that the victim of this crime can be protected under CP 173 (tortures and other crimes against moral integrity), but is a fewer protection. Anyway, they collect aporophobia in the SEC (Criminal Stadistical System).</p> <p>Which is the subject of punishment, is not itself the</p>

	<p>has become known Cyberhate that applies to any use of the electronic communication of information to disseminate messages or information Semitic, xenophobic, homophobic, racist, intolerant, extremist, etc.”</p>		<p>expression of ideas, for they are abominable, but when this expression is so and circumstances involving a provocation to hatred, discrimination or violence, in violation of constitutional values and human dignity of non-discrimination on grounds of birth, race, sex, religion, opinion or any other condition or personal or social circumstance, as determined in Article 14 of the Constitution. Similarly, it constitutes a criminal offense, when these expressions tend to cause hatred or violence, either physical or moral.</p> <p>Is not necessarily that incitement is through the media, as Article 18.1 of the Criminal Code describes the provocation and incitement to the commission of a crime when performed by the press, broadcasting or any other amid such effectiveness.</p> <p>The conduct must be directed to a plurality of unspecified persons. Would, for example, excluding the expressions uttered in a private conversation between friends.</p> <p>It makes no difference to be made directly to a group of people, both open and closed space, either through publications, lectures, demonstrations, meetings, concerts. Examples: RAC / OI1, or using internet or social networking music.</p>
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2. Relevant International Legal Provisions in Spanish context

Country	Law	Ratified	Exceptions, declarations
United Nations			
Spain	The International Convention on the	Ratified	Binding nature

	Elimination of All Forms of Racial Discrimination, of December 21, 1965		
Spain	International Covenant on Civil and Political Rights (December 16, 1966)	Ratified	Binding nature
European Union, European Council and OSCE			
Spain	Maastricht Treaty, Lisbon consolidated version, especially arts.2 and 3.	Ratified	Binding nature
Spain	Charter of Fundamental Rights of the European Union, Article 2	Ratified	Binding nature
Spain	Directive 2000/43 / EC of 29 June 2000 on the application of the principle of equal treatment between persons irrespective of racial or ethnic origin.	Ratified	Binding nature
Spain	Directive 2000/78 / EC establishing a general framework for equal treatment in employment and occupation, access to employment, vocational training and promotion and working conditions.	Ratified	Binding nature
Spain	The Framework 2008/913 / JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. Decision	Ratified	Binding nature
	Convention for the Protection of Human Rights and Fundamental Freedoms (November 1950).	Ratified	Binding nature
	Protocol 12 of the European Convention on Human Rights (November 2000).	Ratified	Binding nature
	The Framework Convention for the Protection of National Minorities (February 1995)	Ratified	Binding nature
	The European Social Charter (October 1961).	Ratified	Binding nature
	The Convention against Cybercrime	Ratified	Binding nature

	(November 2001).		
	The Protocol to the Convention against Cybercrime (November 2002).	Not ratified	It should be noted that one of the recommendations of the European Commission against Racism and Intolerance notes that Spain completes the ratification process the "Additional Convention of the Council of Europe Cybercrime Protocol".
	Recommendation (97) 35 of the Committee of Ministers of the Council of Europe on hate speech.		Not binding nature
	General Policy Recommendation No. 736 of the European Commission against Racism and Intolerance on national legislation to combat racism and racial discrimination.		Not binding nature
	Recommendation No. 1137 policy of the European Commission against Racism and Intolerance on combating racism and discrimination.		Not binding nature
	The Helsinki Act of 1989.	Ratified	

Relevant Legal Provisions in the Spanish Penal Code

Country	Paragraph	
Spain	- ART. 22	THE GENERIC AGGRAVATING CIRCUMSTANCE DISCRIMINATION STATEMENT – They are aggravating circumstances: 4. Committed the crime for racist, anti-Semitic or other forms of discrimination relating to ideology, religion or beliefs of the victim reasons, ethnicity, race or nation to which he belongs, sex, sexual orientation or identity, gender, disease suffering or disability.
	- ART. 170 CP	CRIME THREAT TO GROUPS

		<p>1. If the threat of an evil that they were constituted for crime aimed at frightening the inhabitants of a village, ethnic, cultural or religious group, or social or professional group or any other group of people, and have the necessary gravity to get it, be imposed respectively higher degree penalties than those provided in the preceding article.</p>
	<p>- ART. 173 CP</p> <p>- ART. 174 CP</p> <p>- ART. 175 CP AND ART. 176 CP</p>	<p>CRIMES AGAINST THE MORAL INTEGRITY</p> <p>1. Any person that inflicts to other person degrading treatment, seriously injuring his moral integrity, shall be punished with imprisonment from six months to two years.</p> <p>Commits torture authority or public official who, abusing his position, and In order to obtain a confession or information from any person or punishing for any act he has committed or is suspected of having committed, or for any reason based on discrimination of any kind (...)</p> <p>Related to tortures and discrimination done by a public servant.</p>
	<p>- ART 197 CP</p>	<p>CRIME OF DISCOVERY AND DISCLOSURE OF SECRETS</p> <p>1. The one that discover the secrets or violate the privacy of another without his consent, he seizes his papers, letters, e-mails or any other documents or personal effects or intercepts their telecommunications or uses technical devices for listening, transmission, recording or reproduction of sound or image, or other communication signal.</p> <p>6. Similarly, when the events described in the previous sections involving personal data which reveal the ideology, religion, beliefs, health, racial origin or sexual life, or the victim is a minor or incompetent, will impose the penalties provided in the upper half.</p>
	<p>- ART 314 CP</p>	<p>CRIME OF EMPLOYMENT DISCRIMINATION</p> <p>Those who produce serious discrimination in employment, public or private, against any person because of their ideology, religion or beliefs, ethnicity, race or nation, sex, sexual orientation, family situation, illness or disability, (...)</p>
	<p>- ART 510 CP</p>	<p>INCITEMENT TO HATE CRIME, VIOLENCE AND DISCRIMINATION (Hate Speech)</p> <p>1. Which led to discrimination, hatred or violence against groups or associations for racist, anti-Semitic or other related to ideology, religion or belief reasons, family situation, membership of members of an ethnic group or race, national origin, sex, sexual orientation, illness or disability, they shall be punished with imprisonment (...)</p>

		Art.510.1 Provocation to hatred, violence and discrimination Art. 510.2. Collective provocative Injury
	- ART 511 CP	CRIME OF DENIAL OF BENEFITS IN A PUBLIC SERVICE 1. It incur the penalty of imprisonment from six months to two years and a fine of twelve to twenty four months and disqualification from public employment or office for a period of one to three years the individual responsible for a public service denying a person a benefit to entitled by reason of his ideology, religion or beliefs, ethnicity or race, national origin, sex, sexual orientation, family situation, illness or disability.
	- ART 512 CP	CRIME OF DENIAL OF BENEFITS IN THE CONTEXT OF A BUSINESS OR PROFESSIONAL Those in the exercise of their professional or business activities deny a person a benefit to which you are entitled because of their ideology, religion or beliefs, ethnicity, race or nation, sex, sexual orientation, family status , illness or handicap, shall incur the penalty of specific disqualification from profession, trade, industry or commerce, for a period of one to four years.
	- ART 515 CP	CRIME OF ILLEGAL ASSOCIATION Are punishable unlawful associations have such consideration: 5. Promoting discrimination, hatred or violence against persons, groups or associations because of their ideology, religion or beliefs, membership of its members or any of them to an ethnic group, race or nation, sex, orientation sex, family situation, illness or disability, or incite it.
	- ART 522 A CP	CRIMES AGAINST FREEDOM OF CONSCIENCE AND RELIGIOUS FEELINGS They incur the penalty of a fine from four to ten months: 1. Those who through violence, intimidation, force or other illegal force to prevent a member or members of a religious faith to practice the acts of the beliefs they profess, or attend them. 2. Those that with the same media will force another or others to practice or attend acts of worship or rites, or perform acts of developers profess or not to profess a religion, or move the professing.
	- ART 523 A CP	Which with violence, threat, riot or assault, impedes, interrupts or disturbs the acts, functions,

	<p>- ART 524 A CP</p> <p>- ART 525 A CP</p>	<p>ceremonies or manifestations of religious denominations registered in the corresponding public register of the Ministry of Justice and Home Affairs, it shall be punished with imprisonment six months to six years, if the offense was committed in place for worship, and with fine from four to ten months if done elsewhere.</p> <p>In the temple, place for worship or religious ceremonies acts of desecration implements offense feelings legally protected religious shall be punished with imprisonment of six months to one year or a fine of 12 to 24 months.</p> <p>1. incur the penalty of a fine of eight to twelve months which, those to offend the feelings of members of a religious confession, made publicly, orally, in writing or by any type of document, mockery of their dogmas, beliefs, rites or ceremonies, or vex, also publicly, to profess or practice.</p>
	<p>- ART 607.2 CP</p>	<p>CRIME OF RELEASE OF IDEAS TO JUSTIFY THE GENOCIDE</p> <p>The dissemination by any means of ideas or doctrines that deny or justify the crimes described in the previous section of this article, or pretend the rehabilitation of regimes or institutions that protect generating practices thereof, shall be punished with imprisonment of one to two years.</p>

3. Scientific literature (from 2010)

Country - España	Objectives	Brief abstracts (what do they say)	Bibliography reference
Penal Code 2015 <i>Justice Ministry</i>	Update the old penal code.	The contents of the document are: It includes the legal provisions for crimes in Spain.	ISBN: 978-84-340-2235-5
Law 62/2003 of 30 December on fiscal, administrative and social measures. <i>Head of State</i>	Stablishing the legal framework to combat discrimination based on racial or ethnic origin of persons in all areas; and the legal definition of discrimination, direct and indirect.		BOE-A-2003-23936

Law 19/2007, of 11 July against violence, racism, xenophobia and intolerance in sport. <i>Head of State</i>	Determining a set of measures aimed at eradicating violence, racism, xenophobia and intolerance in sport		BOE-A-2007-13408
Report incidents of hate crimes in Spain 2013 <i>Ministry of Interior</i>	Collect statistics on hate crimes based on Crime Statistics System (SEC)	Offer statistics about incidents of hate crimes: evolution, territorial representation, victim profile, the profile and conclusions responsible.	
Report incidents of hate crimes in Spain 2014 <i>Ministry of Interior</i>	Collect statistics on hate crimes based on Crime Statistics System (SEC)	Offer statistics about incidents of hate crimes: evolution, territorial representation, victim profile, the profile and conclusions responsible.	
Comprehensive strategy against racism, racial discrimination, xenophobia and related intolerance <i>Ministry of Labour and Integration</i>	To answer to diferents situations that Spain is facing: 1. The already existing in Spanish society, which has increased as a result of the new immigration reality social diversity. 2. Answer the call by the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Racial Discrimination and the recommendations of other international organizations. 3. The need to coordinate actions in this regard are being developed.	Develop an integral strategy against the racism, discrimination, xenophobia and other intolerance forms.	NIPO: 790-11-185-9
Evolution of the Racism and the Xenophobia in Spain [Report 2010] <i>MTIN - Oberaxe</i>	Offering an analysis of the Spaniards attitudes towards migrants and racism	Results of research. Statistics about migration and integration and racism	ISBN: 978-84-8417-378-6

Evolution of the Racism and the Xenophobia in Spain [Report 2011] <i>MTIN - Oberaxe</i>	Offering an analysis of the Spaniards attitudes towards migrants and racism	Results of research. Statistics about migration and integration and racism. Includes vision and stereotypes perception regarding migrants.	ISBN: 978-84-8417-422-6
Evolution of the Racism and the Xenophobia in Spain [Report 2012] <i>MTIN - Oberaxe</i>	Offering an analysis of the Spaniards attitudes towards migrants and racism	Results of research. Statistics about migration and integration and racism. Includes vision and stereotypes perception regarding migrants.	ISBN: 978-84-8417-450-9
Evolution of racism, xenophobia and related intolerance in Spain [Report 2013] <i>MTIN - Oberaxe</i>	Offering an analysis of the Spaniards attitudes towards migrants and racism	Results of research. Statistics about migration and integration and racism. Includes vision and stereotypes perception regarding migrants.	ISBN: 978-84-8417-463-9
Evolution of racism, xenophobia and related intolerance in Spain [Report 2014] <i>MTIN - Oberaxe</i>	Offering an analysis of the Spaniards attitudes towards migrants and racism	Results of research. Statistics about migration and integration and racism. Includes vision and stereotypes perception regarding migrants.	ISBN: 978-84-8417-486-8
Support Manual for Training Security Forces in the identification and registration of racist and xenophobic incidents. <i>MTIN - Oberaxe</i>	Communicate and disseminate the teaching during training sessions attended by more than 150 trainers of various security forces and bodies, to raise awareness and training on equal treatment and non-discrimination on racial or ethnic origin different police forces.	It provides information to the police regarding key concepts relacionados with hate crimes, a diagnosis of the current Spanish reality, policing strategies for the identification and monitoring of racist crimes and a selection of good policing practices.	NIPO: 270-12-109-3
Annual report on the situation of discrimination and the principle of equal treatment based on racial or ethnic origin in Spain 2010 <i>Ministry of Health, Social Policy and Equality</i>		The contents of the document are: - Conceptual, normative and institutional framework - The social perception of discrimination - The promotion of equality and non-discrimination in Spain	NIPO: 860-11-152-6

<p>Annual report on the situation of discrimination and the principle of equal treatment based on racial or ethnic origin in Spain 2011 <i>Ministry of Health, Social Policy and Equality</i></p>		<p>The contents of the document are:</p> <ul style="list-style-type: none"> - Conceptual, normative and institutional framework - The social perception of discrimination - The promotion of equality and non-discrimination in Spain 	<p>NIPO: 680-12-114-1</p>
<p>Police Guidelines for Managing Diversity. VV.AA</p>	<p>Provide information to help improve contact and the relationship between police and social groups that are discriminated against, and to sensitize and train those responsible for law enforcement in the fight against discrimination and attention to cultural diversity and social</p>	<p>The contents of the document are:</p> <ul style="list-style-type: none"> - Concept of combating discrimination and ensuring equal treatment. - Diverse society and equal treatment - Legal and institutional framework in the fight against discrimination - The Politics of Public Security and the Police Management of Diversity - Assistance to victims of discrimination and hate crime - Conclusions. Key elements for police management of diversity - Glossary, bibliography, legislation and resources 	<p>M-15109-2013</p>
<p>Hate speech, criminal law and Sport. <i>José Manuel Ríos Corbacho</i></p>	<p>Insights on hate crimes in the field of sport and its relationship with administrative offenses and criminal offenses.</p>	<p>The wave of racist and xenophobic actions have flooded sports stadiums show the need to address the problem not only from the perspective of administrative law, but also from the criminal, because the sport has been branded in recent times such violence. In this work a vast casuistry which will give analysis fulfilled through a brief study on the issue based on two mechanisms of social control is displayed, both the sports administrative law and criminal law of sport.</p>	<p>ISSN 1695-0194</p>
<p>Hate speech and political speech. In defense of freedom of the intolerant. <i>Rafael Alcácer Guirao</i></p>	<p>Study on the impact of sentences condemning hate speech on freedom of expression.</p>	<p>The judgment of the Court of Criminal Manresa of 11 November 2011 sentenced a member of a political party as the perpetrator of a crime of incitement to violence, discrimination and hatred (art. 510 CP), for facts consistent distribution of a pamphlet campaign. This paper attempts to show that the sentence is contrary to freedom of expression, both serious</p>	<p>ISSN 1695-0194</p>

		constitutional doubts that the provision applied as presented by the misapplication of it to the facts of the case itself. In line with such criticism, the limits in a democratic society should be established to freedom of expression in the area of hate speech are analyzed.	
Equal treatment and non-discrimination Guide recommendations for training security and police forces. <i>Concha Antón y Carmen Quesada</i>	Offering educative resources to train and sensitize policial forces.	Guide recommendations for training security and police forces	NIPO: 201-08-051-9
Definition of Violence, criminal procedure, from an intersectional analysis of transphobic violence. <i>Alba Barbé i Serra.</i> Pag.5.204 – 5.207		Approach to the relationship between the Hate Crimes and Hate Crimes, and the integral preservation of the rights of people who conduct practical cross-dresser or transvestite.	ISBN: 978-84-697-0505-6
The specialization of the prosecution in the Field of hate crimes. <i>Cristina Guerri</i>		In 2009 it was established in the Barcelona Provincial Prosecutor Service Hate Crimes and Discrimination in order to provide a specialist to offenses that threaten the principles of equality and non-discrimination answer. Following that precedent, since 2013, every province of Spain has a tax specialist in this field. Therefore, the objective of this study was to determine the situation of hate crimes and discrimination in Spain, see the problems that these present and know what a specialized service within the prosecution brings to the fight against this type of crime , explaining the recent expansion of the model. Also, it is discussed in greater depth the issue of hate speech because, to be powered by the use of information technologies such as the Internet and the rise of various parties of the extreme right in Europe has generated a lot of debate about the	

		need and the convenience of its regulation both nationally and internationally. This paper concludes that the specialization of the prosecution is a very important in the fight against hate crimes tool, but should not be the only one.	
Hate Speech in Spain: the Case Law Evolution of the Last Decade. <i>Andrés Gascón Cuenca</i>		Hate Speech is an increasing problem that, in the last decade, is acquiring a special relevance, at both the international and the National level. The increase of the utilization of the freedom of expression in order to legitimize hatred advocacy, particularly, against minorities, is a behaviour that is jeopardizing the social cohesion of our societies. The objective of this piece of research is to study the Spanish case law in the last decade in this field, in order to know how is it developed.	ISSN: 1138-9877
The Hate speeches. <i>Ángela Sierra González</i>		To reflect, by analyzing the speeches of hatred, is how they are at the origins of certain violent conflicts of differing types, and how historically have been linked to the cyclical expansion of authoritarianism, militarism, racism, ethnic-based nationalism and the various religious fanaticism, violence against women, both of which maintain or, at least, have historically maintained a certain compatibility of values and similar distinctions between good and evil, truth and falsehood, right and wrong.	ISSN 1137-070X

<p>The "Cyberhate" the new face of the message of hate speech: between cybercrime and freedom of expression. <i>M.ª Aránzazu Moretón Toquero</i></p>	<p>Analizing the hate speech in internet</p>	<p>Within the sphere of the struggle against the most extreme forms of social discrimination and exclusion, the fact that a large proportion of such behaviour takes place through the internet has recently been highlighted. Freedom of speech, ease of access, and the anonymity that the Net provides, all of which make it a globalizing means of communication, are also ideal conditions for committing abusive acts, some of which fit into the generic category of «crimes of hate».</p> <p>The increasing prominence of Internet as a mass media, its special peculiarities, and enormous potential for reaching all parts of the world —mainly used by the young on a daily basis—, are factors that have favoured the use of cyberhate in an attempt to provide a term to fit all the different ways of broadcasting hate messages through this medium, and thus make them worthy of special interest.</p> <p>It is in this sphere that such well known problems as the categorization of the so-called «hate speech» and its compatibility with freedom of speech arise once more in a new dimension, in this case even more accentuated, as the Internet's inspiring principle is, indeed, just that, freedom of speech.</p>	<p>ISSN: 2254-3805</p>
<p>The "hate speech" and its ban <i>Ricardo Cueva Fernández</i></p>		<p>In our contemporary multicultural societies there are several cultural patterns of and disparate</p>	<p>ISSN: 0214-8676</p>

<p>The Global Citizenship or Classification of the Citizenship? Minority Groups and Hate Speech. <i>David Martín Herrera</i></p>	<p>With this article, we intend to define the concept of citizenship in Europe, the consideration of the «citizens» which contribute to the maintenance of the «welfare state», and the measures being taken by the European Union and other European countries when the political speech is focused against minorities.</p>	<p>The dynamic transformations we have been experimenting in our society for the last decades are, without any doubts, the result of globalization processes. The homogeneity that characterized traditional society has been replaced by a democratic, multicultural society, which sometimes still continues with its traditional diversity and disregards the different. Consequence of migration processes, wars, political instability, economic crises, natural disasters, ethnic or political persecution, human trafficking, etc. have forced entire populations to move in urgent need in search of protection or a better future and to leave their origins, homes and families behind. The harsh and cruel reality that these people face to reach their destinations (in case they do reach them), goes unnoticed by the majority of the host population, and is often accompanied by a lack of acceptance, or even considered an affront to the community, the cultural traditions, the job market. Often, people see immigration linked to increased insecurity, which, in extreme situations, can lead to discriminatory attacks against any member of the immigrant group or against their few possessions. In turn, sometimes it is the government itself which discriminates these «citizens» directly by denying them services, or indirectly through its agents.</p>	
<p>The Hate Factory. Xenophobia and Racism in Europe. <i>Enzo Traverso</i></p>		<p>Racism and xenophobia are not residues from a "past that does not pass", archaisms which survive the disappearance of the conditions that made them possible. Cata-clismos the twentieth century we have not been vaccinated against the temptation to stigmatize, con-tra exclude habit and sometimes against the pleasure of hating diversity. From this point of view, contemporary xenophobia is deeply linked to the history of racism, substrate of a modernity that changes its morphology, but not its function. Therefore,</p>	<p>ISSN: 2172-9506</p>

		it is necessary historicizing racist factory otherness, if we understand how it is perpetuated until today.	
The limitation of the fundamental right to freedom of expression in the Hate Speech: Criminal Law of the Enemy (G. JAKOBS)? o Law Minimum penalty (L. Ferrajoli)? <i>Andrés Gascón i Cuenca</i>	Presenting the existing problems about the limitations in the jurídicos1 systems, that limit the exercise of the fundamental right to freedom of expression, when it is used in hate speech.	The definition as a crime for conducts arising from hate speeches which are given by exercising the fundamental right to freedom of expression, are widely discussed by commentators. Some of them have identified it with the GÜNTER JAKOBS' theory of Criminal Law of the Enemy. This theory has been much discussed by LUIGI FERRAJOLI and his Minimum Criminal Law project. In this paper, I develop a model of protection from hate speech, studying the characteristics of the proposed models by the referenced authors, with the purpose of finding out if those models would hold the suggested protection.	
Criminal policy in Spain and xenophobic discrimination: the centrality of the crimes of incitement to discrimination. <i>Jesús Bernal del Castillo</i>	The study of this crime under Spanish law is an example of the need to advance the Criminal Law to behaviors that involve a manifest danger of generating violence and discriminatory actions.	Current multicultural societies in Europe have their origins in the massive immigration phenomenon. Cultural differences and problems of integration of minorities generate considerable social unrest, claiming in its more severe manifestations the recourse to criminal law. It is necessary to legitimize criminal law intervention in an appropriate criminal political model, adequate to European political and social settings. Community and liberal models are replaced by a Criminal Policy that takes as reference the protection of the right to non-discrimination, which is derived from the dignity of the person and the protection extended to groups or collectives. This orientation is specified in the definition of different discriminatory offenses, among which stands out as the central reference, the offense of incitement to discrimination.	http://www.politicacriminal.cl/Vol_09/n_18/Vol9N18A3.pdf

<p>Discriminatory hate as an aggravating circumstance of the criminal responsibility <i>Juan Alberto Díaz López</i></p>	<p>PhD Thesis .</p>	<p>Analyze the role of hatred in shaping the aggravating admitted by the jurisprudence</p>	<p>http://hdl.handle.net/10486/11312</p>
<p>Action Protocol of the Security Forces to hate crimes and behaviors that violate laws on discrimination <i>Ministerio del Interior</i></p>	<p>Offering a protocol that establishes the body of evidence that must be collected and incorporated into the police report, in order to provide prosecutors and judges with sufficient prima facie that allow allocation and file charges, if any, convictions.</p>	<p>The Action Protocol for the Forces of State Security reviews the set of behaviors that violate the criminal law and administrative and includes bias indicators that reflect the evidence that must be properly collected and included in the police report in order to provide prosecutors and judges sufficient prima facie that allow allocation and file charges, if any, convictions.</p>	
<p>The immigrant as a victim of crime and legal protection <i>Sebastián Salinero Echevarría</i></p>	<p>PhD Thesis .</p>	<p>In this paper we studied from a theoretical and empirical perspective the immigrant and its relation to victimology, explanations about their victimization, and has gone from being a subject of risk to a person at risk, so we can, from experience, visible criminal victimization that affects them. In addition, we studied the secondary victimization, ending minding the immigrant as an criminal in the relationship delict, both when is sentenced, as when he is convicted and may be exposed to the expulsion for the criminal justice system or a series of other discrimination that occur in the execution of conviction. In the second part of our work, we analyze in general, certain specified crimes affecting immigrants, and that its occurrence not only produces victimization in the individual subject affected by the offense, but also within the group of belonging to the victim and, sometimes, in the whole society.</p>	<p>L. 970-2013 http://hdl.handle.net/10803/120149</p>
<p>Hate Speech: jurisprudential developments (1995-2011) Art. CP 510 and proposed Lege Lata.</p>	<p>Explore how it can be interpreted that article 510 lege lata CP after the Constitutional Court (STC 235/2007) and the Supreme Court (STS 259/2011)</p>	<p>The contents of the document are: - Convictions and acquittals: numbers and cases - Legal basis: the typical scope of Article 510 under criminal law - Lege lata interpretative proposal in light of the STC</p>	<p>UNED. Revista de Derecho Penal y Criminología, 3.a Época, n.o 7 (2012)</p>

<i>Jon-Mirena Landa Gorostiza</i>	have ruled on the issue and to a jurisprudential reality almost no implementation type criminal in question.	235/2007 and the case law of the ECHR	
Practical Guide to Equal treatment journalists, media and Roma community <i>Fundación Secretariado Gitano</i>	To deep in the fundamental right such as equality, their enjoyment of the Roma community and the responsibility that the media have about it.	The contents of the document are: - Roma community and the media. - Cases of discrimination collected by the FSG - Roma community and the media. recommendations - The configuration of the social image - The negative image of the Roma community - The social responsibility of the media - The situation of the Roma community in Spain and Europe	
Islamophobia Report 2014. <i>Plataforma Ciudadana contra la islamofobia</i>	Offering an analysis regarding islamophobia in Spain for the year 2014	The contents of the document are: - Executive summary of the work of the organization 2014 - Islamophobia in Spain Report 2014 - Islamophobia in numbers	
Islamophobia Report 2013. <i>Plataforma Ciudadana contra la islamofobia</i>	Offering an analysis regarding islamophobia in Spain for the year 2013	The contents of the document are: - Executive summary of the work of the organization 2014 - Islamophobia in Spain Report 2014 - Islamophobia in numbers	
Islamophobia Report 2012. <i>Observatorio Andalusi</i>	Offering an analysis regarding islamophobia in Spain for the year 2012	The contents of the document are: - Executive summary of the work of the organization 2014 - Islamophobia in Spain Report 2014 - Islamophobia in numbers	

<p>Proxi Report 2015 <i>Observatorio Proxi</i></p>	<p>Sharing knowledge and good practices regarding Proxi Project</p>	<p>The contents of the document are:</p> <ul style="list-style-type: none"> - Executive summary - Contextualization - Results of the PROXI Observatory - The impact of PROXI - Recommendations - Conclusions: the future of PROXI 	
<p>Legal report on aporofobia, hate the poor VV.AA.</p>	<p>Development of a legal report analyzing crimes aporofobia ("aporos" poor, without resources, "phobia": rejection), situations of violence being committed against persons homeless.</p>	<p>Analysis of the Aporophobia and its inclusion as hate crime in the Spanish Legal Framework</p>	
<p>Raxen Report (since 1999, every year)</p>	<p>Provide information about legal framework (national and international), context analysis regarding hate and discrimination and crimes. Collect hate crimes, incidents and hate speech.</p>		<p>http://www.movimientocontralaintolerancia.com/html/raxen/raxen1.asp http://www.movimientocontralaintolerancia.com/html/raxen/raxen.asp</p>
<p>Annual Report - S.O.S Racismo (since 2012, every year)</p>	<p>Provide information about legal framework (national and international), context analysis regarding hate and discrimination and crimes. Collect hate crimes, incidents and hate speech.</p>		<p>http://www.sosracismomadrid.es/web/blog/category/informe-anual/</p>

4. Projects

Country	Who did the project	Name of project, Dates of implementation and closure	What was their focus Aim of project	Outcomes of the projects (when relevant)	Website or description uploaded
Spain	The Council for the promotion of equal treatment and non-discrimination against people because of their racial or ethnic origin	Assistance Network for discrimination victims (2010 - ongoing)	It provides independent advice and support to people who are or have been discriminated against because of their racial or ethnic origin in any field (education, health, housing, employment, etc.)	21 offices at national level - Free of charge assistance phone number - 376 cases attended in 2013	http://www.igualdadynodiscriminacion.msssi.es/redOficinas/portada/home.htm
Spain	Spanish Observatory of the Racism and Xenophobia (OBERAXE) from the General Secretary Immigrant and Emigrant of the Ministry of employment and social security.	FIRIR - Training for the Identification and Registration of Racist Incidents (2012 – 2014)	To promote the effective implementation of the principle of equal treatment and non-discrimination on racial or ethnic origin through training activities to the Security Forces of the State in this matter and, specifically, for the detection and, case record racist or xenophobic incidents	- Handbook to support training of the enforcement bodies - Training for trainers: 158 professionals in hate crimes and related information	http://explotacion.mtin.gob.es/oberaxe/oberaxe

Spain	Woman Institute form the Ministry of Health, Social Security and Equality	Proyecto "Knowing discrimination, recognizing diversity" (CORE) (2014)	Preventing, detecting and intervening against homophobia and transphobia in Spain	- Practical Guide: how to deal with cases of discrimination and of hate and intolerance Crimes - Embracing Diversity: Proposals for education free of homophobia and transphobia	http://www.inmujer.gob.es/actualidad/NovedadesNuevas/docs/2015/2015-15-1346_Guia_Instituto_Mujer_Profesionales_ING_ACCESIBLE.pdf http://www.msssi.gob.es/ssi/igualdadOportunidades/noDiscriminacion/documentos/2015_1660_Abrazar_la_diversidad_Informe_ejecutivo_ESP_EE_FINAL.pdf
Spain	Spanish Observatory of the Racism and Xenophobia (OBERAXE) from the General Secretary Immigrant and Emigrant of the Ministry of employment and social security; and the National Centre for Educative Innovation and Investigation (CNIIE)	Proyecto FRIDA - Training For The Prevention And Detection Of Racism, Xenophobia And Related Intolerance In Classrooms (2014)	The aim of the project I to improve training and sensitization of teachers and the education community to strengthen the positive image and the integration and inclusion of immigrants and ethnic minorities	Handbook to support for the prevention and detection of racism, xenophobia and related intolerance in the classroom	http://educalab.es/-/proyecto-frida-prevencion-y-deteccion-del-racismo-la-xenofobia-e-intolerancia-en-las-aulas
Spain	Institut de DretsHumans	PROXI - Online Project against	This project aims to contribute to the	- Implementation of an observatory of hate speech on	http://www.observatorioproxi.org/

	de Catalunya (IDHC) and UnitedExplanations	Xenophobia and Intolerance in Digital Media (2014-ongoing)	prevention of pregnancy, development and spread of xenophobic and intolerant among the population in Spain, especially against hate speech attitudes present in internet. To this end, identify, analyze and dismantle the arguments that fuel hate speech on the Internet, particularly against Roma and migrants. In addition, forms and empowers young people and opinion leaders in the knowledge, skills and resources to combat this type of speech and report an alternative discourse based on human rights and tolerance.	the Internet - Launching a web project - Monitoring of policies to prevent and combat hate speech - Workshops on how to act against hate speech on the Internet - Virtual courses on human rights and hate speech - Acts of dissemination and publicity of the project - Campaign against Cyberhate # ActúaConPROXI	
Spain	Miquel Ramos y David Bou	crimenesdeodio.info - Memoria de 25 años de olvido	- Collecting previous projects related hate crime. - Creating a file from the experiences of the past 5 years about - Collecting hate crime definitions that have used in previous projects.	- Extensive coverage in the media of the Spanish State - Presentation of the project at the European Parliament.	http://crimenesdeodio.info/ It is important another project that collects misogyny crimes http://www.femicidio.net/
Spain	Platform for the Police Management of Diversity	PIPE – Programa para la Identificación Policial Eficaz	- Promote greater control of the Directorate of Public Police participants identifications made by its	- Development of a "Manual of Procedure for Effective Police Identification" and a protocol on police stops	http://gestionpolicialdiversidad.org

			<p>components.</p> <ul style="list-style-type: none"> - Establish procedures for conducting identifications, to improve police effectiveness in this area and to prevent and control any discriminatory bias in this proceeding. - Promote periodic analysis of police identifications, to take corrective action as appropriate. - Raise awareness and train the components of the Police Public (and especially their commanders) in the proper management of police stops. - Strengthen the approach and the relationship of Public Police and the diverse society of the respective local communities. 	<ul style="list-style-type: none"> - The design and implementation of "Police Identification Form" - Training for police actions. - Software for statistical analysis. - Collaboration and relationship between police and diverse society. - Information campaign aimed at Diverse Society - Periodic evaluation with Diverse Society 	
Spain	<p>M^a Ángeles Rodríguez Arenas; M^a Dolores Martín Ríos; Christian Gil-Borrelli; Eva Muriel, Rosario Torres y Begoña</p>	SIVIVO – Sistema de Vigilancia de Violencia de Odio	<ul style="list-style-type: none"> - Improve and adapt the questionnaire and circuits much attention to the needs of the study and the needs of patients and health workers who treat them. 	Ongoing?	http://proyectosivivo.blogspot.com.es/

	Reche Araceli Capa Sanz Hospital La Paz (Madrid)				
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5. Evaluation

Narrative Summary	Objectively Verifiable Indicators (OVIs)	Means of Verification (MOV)	Problems encountered, risks
Overall Goal	To report the variation in hate crime definition in the 10 countries in the project, whether in legal texts, in police practices and in court cases.	One month of desktop research (first report to be sent in December)	The access to police practices as been through the training area, they're implementing trainings with the new police procedure approved by the Ministry. Therefore the practice is changing along the last two years. The OBERAXE changed its meeting with us until January. Relevant institutional actor in Hate Crimes fight
Purpose	To understand racial, xenophobic, homophobic hate crime in their national contexts through mapping of existing definitions, projects, and scientific literature To identify the definitions used in existing report mechanisms of hate crime and hate speech whether at the police, NGO, civil society, and court level, in order to see the caveats and what could be improved.	Report given at the end of the activity	Understandings of hate crime and speech relatively standardized in a range of documents and based in the adequacy of the International and European provisions to the National regulations and documents.
Inputs/Activities	TO BE COMPLETED	Report given at the end of the activity	



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Outputs/Results	Desk research including a) definitions used in court cases, police reports and inscribed in laws; b) existing mechanisms of reporting and monitoring hate crime and online hate speech in each participating country c) literature (scientific articles, studies) dealing with hate crime/speech d) previous or on-going projects on mapping, classifying hate crime or speech	Comparison of : - 10 Reports from desktop research	Report can be amended/ updated as more information becomes available