

C.O.N.T.A.C.T.

Desktop research results

Spain

Annex 2. Relevant International Legal Provisions in Spanish context

Country	Law	Ratified	Exceptions, declarations
United Nations			
Spain	The International Convention on the Elimination of All Forms of Racial Discrimination, of December 21, 1965	Ratified	Binding nature
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	Ratified	Binding nature

	combating certain forms and expressions of racism and xenophobia by means of criminal law. Decision		
	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 (November 2001).	Ratified	Binding nature
	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	<p>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.</p>
	- ART. 170 CP	<p>CRIME THREAT TO GROUPS 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 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>
	- ART 197 CP	<p>CRIME OF DISCOVERY AND DISCLOSURE OF SECRETS 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</p>

		<p>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>
	- ART 314 CP	<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>
	- ART 510 CP	<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> <p>Art.510.1 Provocation to hatred, violence and discrimination</p> <p>Art. 510.2. Collective provocative Injury</p>
	- ART 511 CP	<p>CRIME OF DENIAL OF BENEFITS IN A PUBLIC SERVICE</p> <p>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.</p>
	- ART 512 CP	<p>CRIME OF DENIAL OF BENEFITS IN THE CONTEXT OF A BUSINESS OR PROFESSIONAL</p> <p>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.</p>



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