

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

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.¹ It aims to build on and complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFACHT Programme.² 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.³

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.

¹ See methodology report for more on the concept of 'systems'.

² 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>

³ 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>Law-enforcement – prosecution; judiciary; Ministry of Interior</p> <p>Prosecution – Judiciary, Ministry of Justice</p> <p>Ministries - Ministries (e.g. Mol-MoJ, etc.)</p> <p>Victim - law enforcement; prosecution, ministries; CSOs</p> <p>General public – law enforcement; Ministry(ies), prosecution; CSOs</p> <p>CSOs – law enforcement; prosecution; ministries, other CSOs.</p> <p>IGO – 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"> 1. 'framework' 2. 'action' <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>Law enforcement – prosecution</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"> - all hate crimes must be recorded, regardless of whether reported by the police or by the victim. - members of the different law enforcement bodies must describe the criminal context when recording the crime. - the police must determine and mark one or more biases, as appropriate. - Policer officers must treat victims sensitively and professionally, 'guaranteeing their right to protection, information, support, assistance and active participation without any kind of discrimination.' <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 hatecrime.osce.org).</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 Xenophobia⁴ provides the secretariat to the inter-institutional steering group, which itself has a rotating chairmanship, with its members taking turns at the helm.⁵</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 https://www.fiscal.es/fiscal/PA_WebApp_SGNTJ_NFI_S/descarga/MEMFIS18.PDF?idFile=f9e5ea88-f1f6-4d21-9c24-d2ffd93eabc3</p> <p>There is no evidence of joint training between the police and the prosecution service.</p>	
<p>⁴ part of the General Secretariat for Immigration and Emigration, Ministry of Labor, Migration and Social Security</p> <p>⁵ 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	
Law enforcement – judiciary	<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>Framework:2</p> <p>Action: 1</p> <p>Colour: Amber</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>Law enforcement – Ministry of Interior (Mol) National Office to Combat Hate Crimes</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>Framework: 3</p> <p>Action: 2</p> <p>Colour: Green</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"> - 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. - 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. - ‘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. - Developing a national specialized seminar for the training of local Police forces. 	<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 hatecrime.osce.org). 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	
Prosecution-Judiciary	<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>Framework: 1</p> <p>Action:2</p> <p>Colour: Amber</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	
Mol – MoJ - Ministry of Employment and Social Security, OBE RAXE, Mol and MoJ and all ministries)	<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>Framework: 3</p> <p>Action: 2</p> <p>Colour: N.A</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	
Victim- Law enforcement	<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>Framework: 2</p> <p>Action: 2</p> <p>Colour: amber</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 hatecrime.osce.org)</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	
Victim - Prosecution	<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>Framework: 2 Action: 0 Colour: Red</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	
Victim - Mol (or relevant ministry) -	<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>Framework: 2</p> <p>Action:1</p> <p>Colour: Amber</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"> - has drafted a “Guide for Police intervention with people with intellectual disabilities”, in 2017 - has committed to drafting a “Guide for action with “hate crime” victims with disabilities” - 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) <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	
Victim - CSO monitoring Racist HC –	<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>Framework: 2 Action: 2 Colour: amber</p>

	<p><i>Description of national situation</i></p> <p>MCI - Movimiento Contra la Intolerancia: 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"> - monitoring mainstream media as well as websites and forums containing hate related material; - following cases through the criminal justice system; - collating data and information its victim assistance projects and directly from victims by other routes. - Cases are recorded based on specific bias indicators. <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>Framework: 0 Action:1 Colour: red</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>	
	Framework	Action	
Victims-organisations monitoring Anti-LGBT+ 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>Framework: 1 Action: 1 Colour: red</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. www.stoplgbtfobia.org</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>	
	Framework	Action	
<p>victims - organisation monitoring Anti-Roma hate crime.</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>Framework: 2 Action: 1 Colour: Amber</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>	
	Framework	Action	
Victim-organisation monitoring antisemitic hate crime	<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>Framework: 1</p> <p>Action:2</p> <p>Colour: Amber</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: http://observatorioantisemitismo.fcje.org/</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>	
	Framework	Action	
Victim-organisation monitoring anti-Muslim hate crime	<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>Framework: 1</p> <p>Action:1</p> <p>Colour: Red</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>	
	Framework	Action	
General public- Law enforcement	<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>Framework: 3 Action:2 Colour: green</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.	
	Framework	Action	
General Public - Mol	<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).	Framework: 3 Action: 2 Colour: Green

	<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	
General public-Prosecution	<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>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</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	
general public - Courts	<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>Framework: 1 Action: 1 Colour: red</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	
General public - CSO (single line to grey arrows)	<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>Framework: 2 Action:2 Colour: Amber</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	
CSO-Law enforcement	<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>Framework: 3 Action: 1 Colour:amber</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.	
	Framework	Action	
CSO-Prosecution	<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>Framework: 1</p> <p>Action:1</p> <p>Colour: amber</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>	
	Framework	Action	

<p>CSO - Ministries</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>Framework: 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>Framework: 3</p> <p>Action: 2</p> <p>Colour: green</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>IGO – Mol</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>Framework: 3 Action: 3 Colour:Green</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"> - 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 (http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025). - leads Spain's input to the Subgroup on methodologies for recording and collecting data on hate crime, 	
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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">- (http://fra.europa.eu/en/promising-practices/action-protocol-security-forces-hate-crimes-and-behaviours-breaching-legal)- OBERAXE represents Spain as the OSCE-ODIHR national	
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		point of contact on hate crime and coordinates input for ODHR's annual hate crime reporting.	
	Framework	Action	
IGOs- CSO (racist)	<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>Framework: 2</p> <p>Action: 2</p> <p>Colour: Amber</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 hatecrime.osce.org. 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. https://www.gitanos.org/actualidad/archivo/125625.html.en</p>	
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