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PERMANENT MISSION OF SPAIN TO THE UN BUREAU

III. Protection of the existence of and prevention of violence against religious minorities

The protection of the minorities, including religious ones, against hate speech.

We definitely reject any type of persecution of whichever religious minority anywhere it occurs. It seems necessary to prevent and resolve the above mentioned hate crimes occurring in democratic societies.

In this regard we note the following:

1. The excessive violence and attacks on democracy triggered by hate crimes.

Examples: injuries, murders, damages and havoc, defamations, insults, slander, violations, etc.

A clear example of discrimination. What does it persecute? To terrify a group of people, in this case religious minorities.

2. The fight against hate crimes in Spain:

1. Prevention

a. Non-curricular educational initiatives: draft of a master plan of education in safety.

b. Regular educational initiatives.

2. Persecution

a. Interventions of the State security forces and bodies.

b. Actions of the Public Prosecutor's Office: special prosecutors of hate crimes.

c. Individual claims.

3. Reparations to victims

a. Indemnities and reparations

4. Improvement of the legal system

It is urgent to penalise any behaviour that fosters, promotes or encourages directly or indirectly hatred, hostility, discrimination or violence, as well as any action that affects dignity and triggers humiliation, contempt or disrepute against a group, as a whole part or toward an individual because of their belonging to this group, for any racist or anti-Semitic reason, or any other reference to the ideology, religion or belief, family situation, belonging to ethnic or particular national background, race, gender, sexual orientation, illness or disability.

If the implementation of the above mentioned actions leads to the creation, elaboration or stocking of a hate content that is intended to be disseminated and addressed to third parties through distribution or sale, or if crimes are exalted or justified in public means of expression, these actions should also be penalised. The imposed penalty should be heavier if the content is covered in social

communication media, the Internet or through the large-scale information technologies that reach a wide public.

Moreover, every person who denies, justifies or seriously trivialises genocides, crimes against humanity or against peoples and goods protected in case of a military conflict - all the crimes that have been committed against a given group or its part for the above mentioned reasons, and that have been proven by the Tribunal at Nuremberg, the International Criminal Court or other International Courts, should be punished since such a behaviour promotes or favours the climate of violence, hostility, hatred and discrimination.

The judicial authorities should be enabled to order suppression, deletion or deactivation of books, documents, articles or any other content that allowed the commission of the crime. If the criminal act was committed by means of information and communication technologies, the withdrawal of the content could be required.

If the aforementioned content is diffused exclusively and predominantly on a virtual platform or in an online social information service, the access to these should be blocked or the provision of the service disrupted.

The punishment should be heavier in case of organised groups that can be referred to as criminal groups (illicit associations), even if the crime was incidental.

If the hate crime is committed by a legal entity, it is subject to the same legal proceedings: imprisonment of every person involved in the crime, considerable financial sanction, and – depending on the gravity of the act committed – a dissolution of the entity, suspension of its activities and closing of the premises and facilities for the period of maximum 5 years, or other restrictive measures appropriate to the hate crime committed.

Thank you very much.

‘All illicit action is punishable, on condition that:

1. The action aims at committing an offence or, once it has been done, at encouraging its commission.
2. The action, even if aimed at a lawful purpose, concedes the use of violent measures, alteration or control over one’s personality so as to be achieved.
3. Paramilitary organisations.
4. The action fosters, promotes or encourages directly or indirectly to hatred, hostility, discrimination or violence against persons, groups or associations because of their ideology, religion or beliefs, ethnic background, race, nation, gender, sexual orientation, family situation, illness or disability.’