I. Problem

For most of its history Spain had been a country of emigration—sending laborers abroad to find employment. But the latter quarter of the 20th century has seen Spain’s status shift from a country of emigration to a country of immigration, attracting thousands upon thousands of foreign born individuals to live and work in the southern European state. Immigrants to Spain come from diverse locations:

From 1995 to 2000, 40.4 percent of the legal foreign residents in Spain were from a European region of origin, followed by 29.2 percent of which were of African origin, 22.3 percent of Latin American origin, 7.9 percent of Asian origin and 0.2 percent from Oceania or other origin.\(^1\)

And the number of immigrants keeps expanding, as is evident from this information in a 2005 BBC article:

The number of foreigners living in Spain has nearly quadrupled over the last five years. No other European country has experienced such a rapid rise in its number of immigrants. In 2000, there were about 900,000 immigrants registered as living in Spain. [In 2005] there [were] 3.5 million. [From the year 2000-2005] it [was] an increase of almost 400\(^\%\).\(^2\)

Of course Spain has had its share of troubles: years of civil strife, a crushing dictatorship led by Francisco Franco and a faltering economy were factors that led to Spain’s status as a country of emigration as Spaniards left their homeland to find stability and jobs in Northern Europe.

However, following the end of Francisco Franco’s reign and with Spain’s accession to the European Union (EU), Spain has gone from a sending country to a transit country and finally to its current status as a destination country for migrants. Gaps in the labor market were a driving force behind early immigration to Spain as evident in this article from 1995: “…internal Spanish migration flows have ceased, opening up some of the most marginal sectors of the Spanish labor
Immigrants also flocked to Spain because of its relatively lax set of immigration regulations (as compared to traditional destination countries such as Germany, France and Great Britain).

Initially, immigration was looked upon favorably in Spain because early immigration to Spain helped improve the Spanish economy with cheap labor that crucially boosted the agriculturally centered south east of Spain. Immigration also boosted population growth that would otherwise be declining. In a report by the Economist Intelligence Unit, the Spanish population has increased by 12.9% between 2000 and 2007, of which only a fraction was the result of natural growth. In 2007 alone the number of new foreign-born residents was 701,000 (which accounted for 80% of the population growth). According to a 2008 report from the Instituto Nacional de Estadistica more than 5.22 million immigrants now live in Spain, which is equivalent to 11.5% of the population.4

As compared to the previous statistic on page one which states that in 2005 there were 3.5 million immigrants living in Spain, there has been an influx of nearly two million immigrants in three years time according to the figures cited above. Much of this new immigration is due in large part to the fact that the Strait of Gibraltar which separates Morocco and Spain by mere miles has been better regulated in recent year. Thus, immigrants from the Maghreb (northwestern Africa) and those from sub-Saharan Africa who are attempting to reach Spain and greater Europe have taken to “pateras.” Pateras are makeshift boats which are fairly unsafe and are usually packed far beyond their capacity with people. Immigrants take these boats from the coast of western Africa in an attempt to reach the Canary Islands which belong to Spain. In recent years these pateras have garnered a great deal of both Spanish and international attention due to the fact that many of the people in the pateras die in their attempt to reach Spain.
These immigrants from Africa are playing directly into one of the Spanish population’s most noticeable prominent social flaws. Traditionally speaking, Spaniards have long had a largely intolerant attitude towards the Gypsy population in Spain (Spanish for gypsy = “gitano”). In a 1994 poll of the youngest demographics of the Spanish population, 31% of those polled demonstrated intolerant feelings towards the Gypsy groups; the Moroccan/Arabic groups came in second with 26% of those polled demonstrating intolerant feelings towards this Moroccan/Arabic group. It continues to be true that intolerant attitudes in Spain are, for the most part, directed towards the Roma population and towards immigrants from third world (developing) countries.

Intolerant feelings soon translated into actions and around the time that Spain was admitted to the EU (in 1986), the interactions between Spaniards and immigrants began to worsen:

From the mid 1980s some isolated cases of xenophobic violence started to fill the pages of the most serious newspapers, coinciding with the massive arrival and legalization of immigrants. The main areas affected are the places with major immigrant population, where Black African and Moroccan immigrants had begun to settle from the beginning of the 1980s onwards. Collective protest started around 1988/90 as a consequence of the massive presence of immigrants in some geographical areas: the significant protests taking place in El Maresme (Barcelona). This is where there is one of the oldest Black-African communities and one of the most affected by racist treatment.

But on 14 November 1992 xenophobic violence broke out in Madrid: The attack on Dominican squatters on the outskirts of the city which resulted in one murder and one serious injury. From this moment, accusations of xenophobic violence against immigrant groups followed one after the other. Incidents involved Moroccans, Black Africans, and South Americans. Young groups of ‘skinheads’ and far right militants began to pour out onto the streets of the main immigrant enclaves intimidating and attacking these marginal populations.
As Spain adjusted to its membership in the EU and neared the start of the 20th century; the incidents of xenophobia and racism towards immigrants did not cease. In 1999, xenophobic and racist attacks towards immigrants in Barcelona occurred:

…some 1,300 people held an anti-immigrant demonstration in the streets of Terrassa, Barcelona. During the rally a 23-year-old African man was stabbed three times in the chest and beaten around the head and body. The following day [July 15, 1999], immigrants from the Maghreb…were singled out for attack by crowds of several hundred people in a square near a newly constructed mosque.7

In February 2000, in the south eastern town of El Ejido violence erupted in what some refer to as turning point in the immigration debate. Moroccan immigrants were attacked for three days on end after three Spaniards were allegedly stabbed to death by two separate Moroccans. More than 20 people were injured in the ensuing violence.8 “As soon as large numbers of non-European foreigners concentrate in a place, racism easily raises its head. El Ejido, which has 11,000 immigrants in a [total] population of 52,000, was the biggest powder keg.”9

In 1997 there were reports that an anti-immigration demonstration was to take place in the third largest city in Spain which is Valencia:

…an extreme right-wing group attempted to stage the first public anti-immigrant demonstration since the death of Fascist leader General Franco in 1975. …on 8 June 1997, the local press reported that a fascist group, Falange-Española-Frente Nacional Sindicalista (FE-FNS) had requested permission from the municipal authorities in Valencia to stage a protest against this group of migrants. It was an even greater shock when two days later the authorities actually gave the FE-FNS the green light to demonstrate in Russafa on June 30.10

While the Spanish government does not collect official data on the number of racist and xenophobic incidents directed at immigrants (which will be discussed in greater depth in section IV), the Human Rights First organization states on it’s website that “…the Spanish Commission...
to Aid Refugees (CEAR) reported three hundred racist attacks in 2006, mostly on people of immigrant origin, and spoke out on continuing racist attacks during 2007 and 2008. \[24\].

Spanish sport is one area in which xenophobia and racism are often cast into the public spotlight, largely because of international press coverage of sport, and because of some international incidents that have had diplomatic ramifications. Soccer, auto racing and the 2008 summer Olympics have all felt the effects of racism and xenophobia in Spain.

Soccer in Europe is hugely popular and racism is ever present in the sport, so much so that an organization called ‘Kick it Out’ was formed to combat racist incidents in the sport. Spain is certainly no exception to racism in soccer, as was evident in a 2004 match between England and Spain which was marred by racist taunts from the Spanish fans directed at four black players on the English team. The Spanish fans made monkey noises at the black players and threw peanuts at them.\[12\]

Even foreign-born soccer players on Spanish teams receive racist treatments when they travel elsewhere in Spain, as was the case when FC Barcelona’s Eto’o (born in Cameroon) was harassed in Zaragoza in 2005 and 2006. Fans in Zaragoza threw peanuts at Eto’o and made monkey noises at him. His threat to walk off the pitch put the problem of racism in the spotlight, at least as far as soccer goes.\[13\] It is widely believed that the problem of racism and xenophobia in Spain is displayed in a microcosm form in soccer. But soccer is not the only sport that has been infiltrated by xenophobic and racist incidents; these types of incidents have also occurred in the sport of auto racing. In February of 2008:

Britain said it would protest officially to Spain…after fans with blacked-up faces hurled insults at the British Formula One driver Lewis Hamilton.

The fans, wearing dark curly wigs, black make-up and T-shirts with the words "Hamilton's family" written on them, made their presence felt at the Montmeló circuit near Barcelona during testing....
As Hamilton walked from the McClaren paddock towards the circuit..., he was faced with more insults and racist abuse. Hamilton finished second in the drivers' championship [in 2007] in his rookie season and was widely blamed in Spain for Fernando Alonso's failure to win a third consecutive Formula One championship.  

Finally, one of the most recent incidents of xenophobia occurred in the summer of 2008 when the Spanish national basketball team posed for a team photo before heading to the Summer Olympic Games in Beijing, China. In the photo, the basketball players are shown pushing up the corners of their eyes, seeming to slant them. The photo angered Asian rights groups and was construed by some European media as racist towards Asians, which the basketball team heartily denied, pointing out the fact that the Chinese Embassy spokesman in Spain stated that they did not interpret the photo as racist. Nonetheless, the incident was one more mark on Spain’s record of intolerance and cultural insensitivity.

This paper will explore what causes incidents of racism and xenophobia to occur in Spanish society. First, three levels of analysis will be used to explore different hypotheses: the individual decision-maker; domestic determinants; and the international environment. Then the most logical hypothesis will be chosen and examined using case studies from Spain and Europe at large.

II. Possible Hypotheses

A. Individual decision-maker

The first level of analysis centers on an individual who makes decisions in a situation of importance. Often at this level of analysis, the psyche of the individual decision maker is in question, such as that of Kim Jong Il, the oft characterized erratic supreme leader of North Korea. In the case of xenophobia in Spain, the focus is much more on the political party (and
particular its politicians) and its stance on immigration, rather than the mental state of the person in question.

Thus, the individual decision-maker hypothesis in regards to the subject of this paper is:

If Spain has a charismatic, anti-immigration politician, such as France’s Jean Marie Le Pen, then xenophobia and racism will continue to manifest itself in Spain.

France, Austria, Germany and the Netherlands all have varying degrees of anti-immigration political parties which have fueled xenophobic attacks in those countries. Anti-immigration sentiment gains legitimacy when it manifests in the form of a political party and politicians with the agenda of restricting and expelling immigrants. Le Pen shocked Europe and the world when he garnered the second largest amount of votes in his 2002 bid for the Presidency. While Spain has yet to see the formation of an anti-immigration political party, all it could take to spark a rash of xenophobic incidents is one key figure in anti-immigration politics that gives legitimacy to the face of anti-immigration feelings. However, this is not the strongest hypothesis to choose when explaining why xenophobia and racism currently persist in Spain. This is due to the fact that Spain has never had a serious anti-immigration political party with any clout involved in the national politics, even from the early stages of mass immigration to Spain; yet xenophobia and racism still plague Spain.

In spite of the increase in immigration, for the moment, there are no radical political parties represented in the mainstream political arena. The right wing advocates a more restrictive immigration policy but their policy statements are very far from defending xenophobic behaviors.16

Thereby the conclusion can be drawn that this individual decision-maker hypothesis may be more logical in other European countries that are “traditional” countries of immigration and thus have a much longer history of dealing with immigration in the political arena. However this
hypothesis is not the strongest one to explain the past and current instances of xenophobia and racism that occur in Spain.

B. International Environment

The second level of analysis examines the international environment and its effects on the situation. The international environment can include such varying elements as the United Nations, international treaties, the World Bank or, in regards to the aims of this paper, the EU.

Thus, at the international environment level of analysis, the hypothesis is: If the EU continues to allow anti-immigrant political parties to exist in countries such as the Netherland, France and Austria, then racism and xenophobic incidents towards immigrants will occur in Spain.

This hypothesis is closely linked to the individual decision-maker hypothesis because the charismatic politician that is the central focus of that hypothesis almost always belongs to an anti-immigrant political party. The existence of these anti-immigration political parties gives legitimacy to the face of racism and xenophobia which in turn can lead to violent incidents. In a 2002 article in The New Republic, author John B. Judis writes: “For the first time in decades this year’s election campaign has seen Germany’s political establishment pander to public resentment of immigrants; one of the major parties has even flirted with anti-Semitism.”

One of the most prominent anti-immigration parties in Europe is the Austrian Freedom Party (FPÖ). In the 1999 election, the FPÖ garnered enough votes to form a coalition government with the conservative Austrian People’s Party (ÖVP). “Austria’s fellow [EU] member states immediately imposed diplomatic sanctions on Austria to Protest the FPÖ’s inclusion in the government.” These sanctions eventually broke down over the course of the year, which makes it seem plausible that the EU does not have the power or will to regulate anti-
immigration parties, and thus it holds that this hypothesis, at the international environment level hypothesis, is not the best one to explain why xenophobia and racism persist in Spain.

III. Hypothesis:

Domestic Determinants

At this point, after examining two other possible hypotheses as to why racism and xenophobia exist in Spain, the most logical and compelling hypothesis deals largely with the domestic determinants level of analysis which includes various aspects of the state including national government, state borders and the state’s population. In terms of the subject of this paper, domestic determinants include aspects of the Spanish state, government and people. In an article in the UN Chronicle, Fernando Fernandez-Arias (who has been Director of the Human Rights Office at the Spanish Ministry for Foreign Affairs and Cooperation since 2005) states that

There is no doubt that it is at the national level that an effective fight against racist phenomenon must be engaged, since in large part it feeds off the fear of losing a supposedly homogenous national culture. Policies of integration, equality of treatment and non-discrimination are at the core of the struggle to eliminate, or at least forestall, the expression and diffusion of racist and xenophobic attitudes.

Thus, the hypothesis at this level holds that: If the Spanish government continues to inadequately implement the recommendations made to combat racism, xenophobia and intolerance by the European Council against Racism and Intolerance (ECRI) and, on a different level, the Spanish people continue to struggle with their national identity then racist and xenophobic incidents towards immigrants will occur.

The ECRI is part of the European Council and defines itself as “an independent human rights monitoring body specialized in questions relating to racism and intolerance.” The ECRI writes individual country reports that include evaluations as to how the country is doing with
regards to implementing the previous recommendations of earlier reports. These reports also include further strategies to combat racism and xenophobia, through a system that seeks to lessen discrimination and intolerance in the country as a whole. The third report for Spain was written in 2006 and examines the various ways that Spain is adhering to the recommendations made in the second report that the ECRI issued in 2003.

In its third report on Spain, the ECRI advocates Spanish law enforcement reporting whether a crime is perpetrated due to racism and advocates training for law enforcement to combat the ethnic profiling that currently exists in some police forces. The ECRI identifies education and awareness raising as key elements to fight intolerance and discrimination. They also advocate a specialized body to collect data on incidents of racism and xenophobia. They advocate Spanish law enforcement reporting whether a crime is perpetrated due to racism and the ECRI advocates training for law enforcement to combat the ethnic profiling that currently exists in some police forces. The ECRI also advocates the collection of specific data regarding incidents in order to better address the situation in Spain in regards to racism and xenophobia. There are other specific things that the ECRI advocates to help combat racism and intolerance in Spain which will be discussed at greater length in section V. Furthermore, section IV will examine the sub-problem of the Spanish government not collecting specific data about racist or xenophobic incidents, and why the government lacks in this regard. This is a crucial point to examine because without accurate data about the number and nature of crimes being committed, it is very difficult to adequately address the situation and thereby consequently combat it.

The final portion of section V will examine briefly how identity plays into the persistence of xenophobia and racism in Spain today. The collective identity issues that the Spanish people have faced because of their multifaceted history, which were further exacerbated by the
The oppressive reign of Francisco Franco can be construed as driving incidents of xenophobia and racism in Spain today. As noted in the quote above by Fernando Fernandez-Arias, the idea that “losing a supposedly homogenous national culture” often fuels incidents of a xenophobic or racist nature.

Though in all likelihood there are many factors that contribute to the xenophobia and racism that occurs in Spain, including individual and international factors, it is the national level that one must focus on when determining the causes of the problem of xenophobia and racism in the state of Spain. These national issues are also the factors to be addressed when determining how to solve or manage the problem. The Spanish government can and should do more to combat intolerance and discrimination, by implementing the measures that the ECRI advocates in their specific reports. Additionally, the Spanish population that is still largely finding its identity in the wake of years of Moorish influence and the tyrannical influence of Franco will need to come to terms with its checkered history in order to learn how to tolerate and coexist with a growing population of immigrants.

IV. Definitions of Key Terms and Methodology

Terminology:

Before going any further it is prudent to briefly give clear definitions of immigrant which is: “a person who comes to a country to take up permanent residence,”21 xenophobia which is: “fear and hatred of strangers or foreigners or of anything that is strange or foreign,”22 and racism which is: “(1) a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race, (2) racial prejudice or discrimination.”23 It is important to note that though xenophobia and racism are similar, they differ in that xenophobia is a feeling based on fear of something that is foreign, and racism is
fear or prejudice on the basis of a difference in physical characteristics or appearance. Thus a xenophobic or racist act is an act done because of a fear or intolerance of strangers or those of a different race than the perpetrator. These acts are sometimes referred to as “hate crimes” but this term will be avoided in this paper as to avoid confusion and keep the focus on xenophobia. The term tolerance is defined as “sympathy or indulgence for beliefs or practices differing from or conflicting with one's own.”

Thus, the dependent variable (DV) discussed throughout this paper is xenophobic/racist acts.

The independent variables (IV) are the main domestic determinants that were discussed above:

1. Inadequate implementation by the Spanish government of ECRI’s recommendations to combat intolerance and discrimination which themselves are critical aspects of xenophobic and racist acts.
2. Identity issues in the Spanish population at large.

**Methodology:**

Before this paper proceeds any further it is necessary to examine the issue of the Spanish government not collecting data on racist or xenophobic incidents. “In 2006 (or 2005 where more recent data is unavailable) five of the EU’s 27 Member States did not report any national criminal justice data on racist crime, namely Greece, Spain, Italy, Cyprus and Portugal.”

Because this official data does not exist it is extremely hard to measure the hypothesis put forth above. It is difficult to measure how particular policies and their implementation have been directly correlated to the increase or decrease of xenophobic and racist incidents without
numerical data, and additionally it is impossible for the Spanish government itself to understand the magnitude of the racist and xenophobic problem in the country. Thus, a particularly important question to address is why doesn’t the Spanish government collect data on these types of incidents?

The first response to this question is basic. Spain is, relatively speaking, a new country of immigration especially when compared to more “traditional” countries of immigration such as the United Kingdom and France. According to the ECRI, the United Kingdom has one of the most extensive systems set up to record incidents of racism and xenophobia as evident in Appendix 1. Also, because Spain is still a relatively new country of immigration, the government is still setting up laws and regulations regarding immigration control. Under the Socialist (PSOE) government of President José Luis Rodríguez Zapatero, some 700,000 immigrants have been naturalized, mostly in the year 2005. But Spain is in a difficult situation because it is the point of entry to the rest of Europe for immigrants coming from Africa. Thus, Spain is sometimes thought of as the “guardian” for the rest of Europe, a role which it has been largely uncomfortable with. The Spanish government must come up with immigration legislation that is sensitive to its own populous, the immigrants themselves, and the rest of the European Union as well and that is no small task, which may explain why they have also neglected to properly collect any official data on xenophobic and racist incidents.

The second response as to why the Spanish government does not collect data on xenophobic and racist incidents is that Spain, for the most part, sees itself as a largely tolerant country which means that reporting of xenophobic and racist incidents would in all likelihood
give off an unfavorable contradictory impression of Spain as a tolerant country. From the same article by Fernando Fernandez-Arias quoted above comes the following quote:

The study [carried out by the newly formed Spanish Observatory of Racism and Xenophobia (Observatorio Español del Racismo y la Xenofobia) which will be discussed at greater length in section VI]...shows that there is widespread rejection of openly racist attitudes in Spain, and the presence of people of different origins is positively valued.27

Furthermore, an article in The Economist states:

A spate of racial attacks in Catalonia [in 1999] has shocked Spaniards out of a complacent conviction that their country is one of the most tolerant in Europe.

.... Spaniards (and Catalans) take pride in being a welcoming, open people, and were shocked by television pictures showing riot police deployed in Tarrassa to keep immigrants and Spaniards apart. According to a study carried out by the social-affairs ministry...[in 1998], only 5% of Spaniards have a “markedly hostile attitude to foreigners.”28

These quotes indicate an overall Spanish tolerance of outsiders, thereby contributing to a Spanish governmental attitude that the collection of data on xenophobic and racist incidents is not needed and not wanted (because it would portray a less tolerant society), and it is not necessary because Spain is so tolerant.

Another way that Spaniards can judge themselves a tolerant society is by the fact that following the March 11, 2004 terrorist attacks carried out on trains in Madrid, Muslims living in Spain did not suffer from much open hostility as was the case in the post 9/11 U.S. From the same previously mentioned third report from the ECRI about Spain mentioned previously comes the following: “ECRI has received consistent reports according to which the reaction of Spanish society in general to the terrorist attacks carried out in Madrid in March 2004 was not characterized by expression of hostility towards Muslim communities.”29
The third response as to why the Spanish government does not collect official data on xenophobic and racist incidents comes from an article written in *The Times (London)* in 2008:

In October the country was shocked by a surveillance video from a Barcelona commuter train showing a drunken Spanish youth kicking a 16-year-old Ecuadorean girl in the face as he talked on his mobile phone.

…. Despite the perception abroad that Spain suffers from a serious problem of racism, the Spanish Government insists that there is little cause for concern. "Spanish society does not show a racist tendency," Estrella Rodriguez, the government official charged with dealing with the issue, said after the attack on the Ecuadorean. "What happened in Barcelona is an isolated incident that cannot be tolerated, but the signs are that society is adapting to immigration in a mature way." ^30

This quote is startling because, though it only references only one government official, it highlights the attitude of the Spanish government in given to the MEDIA in to the INTERNATIONAL MEDIA more importantly. This quote by Ms. Rodriguez gives off an air of total ignorance. If this is how government officials speak to the international media following such a heinous act as the attack of the Ecuadorean girl in the train station, is it really unfathomable that the Spanish government does not see the necessity of collecting data on incidents of a xenophobic or racist nature?

Thus we can see several factors as to why the Spanish government to date does not, to date, not make a practice of collecting data on incidents of a xenophobic or racist nature. The remaining portion of this paper will seek to examine the third report on Spain issued by the ECRI, as well as the EU’s Agency for Fundamental Rights (FRA) 2007 Report on Racism and Xenophobia in the Member States of the EU— in regards to how well Spain is combating xenophobia and racism.

V. Case Study
A. Implementation of ECRI recommendations

Because the ECRI makes specific recommendations to each country about how to combat racism and intolerance, it is plausible that the ECRI makes these recommendations because they deem the inaction as a crucial cause of the problem. To this end, the ECRI believes that racism and intolerance (and thus xenophobia) can be alleviated (to what degree it can be alleviated is yet to be seen) in a country if the national government is willing to take necessary measures to deal with this problem using a multi-faceted approach.

One of the first facets that the ECRI lays out in its third report on Spain is the use of criminal law provisions. The report contends that actors at all levels of the criminal justice system should be made aware of the need to counter racially-motivated crime. Additionally, the ECRI was unable to obtain figures on the implementation of these provisions during the last few years, though non-governmental organizations (NGO) report that the situation:

... has not changed since ECRI’s second report and that the criminal law provisions referred to above are still very rarely applied. Non-governmental organizations stress that this situation is in contrast with the number of cases of racism and racial discrimination which are reported to them by victims of these phenomena.

Furthermore the ECRI report expresses concern at “the non-application of Article 22 (4) of the Criminal Code (which establishes the racist motivation of an offender as a specific aggravating circumstance) even in cases when such motivation was reportedly easily detectable.” Also, the report makes note that a special unit that deals specifically with racially-motivated crimes doesn’t exist within the police force.

When police do not indicate whether a crime occurred with racism as a specific aggravating factor, it is difficult to address the number of crimes of this nature that occur and it is also more difficult to prosecute the case, which, if the perpetrator is found guilty of the crime
that is tied to racial (or xenophobic) motives, could set an example to other would-be perpetrators that their racial or xenophobic motivated crimes would be prosecuted to the full extent of the law. The FRA Information Portal provides two cases which show the weaknesses in the Spanish criminal justice system at both the law enforcement and prosecution level:

1. A Moroccan waiter in a Moroccan owned bar was shot at several times by a man with several Nazi symbols tattooed on his skin. The intent of this crime was to kill the waiter. The sentence interpreted this case as a case of attempted murder aggravated by racism. This aggravation circumstance is justified by the fact that the aggressor did not know the victim, that he admitted having set fire to a Moroccan owned bar a few days earlier, having vandalized the bar with racist slogans, that he was in possession of numerous racist propaganda pamphlets, and had a minimum of three Nazi symbols tattooed in his skin. The court decided that the only motivation for the shooting was the fact that the victim was Moroccan and working in a Moroccan owned bar. The results and most important consequences/implications of this case are that a neo-Nazi was sentenced for shooting a person just because the person was Moroccan. This sentence is one of the very few sentences in Spain applying the aggravation of racism.

2. In the second case, a black youth was killed outside of a club by the club’s skinhead bouncer. The trial jury declared the defendant, not guilty. The district attorney and the private prosecution asked for the trial to be repeated because the jury had reached its judgment after having heard only witnesses who testified about the events taking place after the stabbing. The jury had disregarded the testimony of three witnesses of the prosecution who had seen the attack, but not the murder weapon itself. The Tribunal Superior de Justicia ruled that the victim had not been defended properly in the first trial due to the jury's errors when evaluating the evidence and the witnesses' testimonies. Results and most important consequences/implications of the case: The sentence of the Tribunal Superior de Justicia declared the trial invalid and ordered that it be repeated. The trial was repeated before a different jury which this time declared the defendant guilty of murder. The aggravation of racism was not applied. This case was widely discussed in the media. At the end of the second trial, the private prosecution declared their discontent about the fact that the aggravating circumstance of racism had not been applied.
These two cases show the inadequacy of the criminal justice system in Spain when it comes to dealing with the trial of criminals who engage in violent racist crimes.

On the other end of the spectrum, the ECRI report contends that Spanish governmental authorities need to better combat the practice of ethnically profiling people, especially within the law enforcement sector:

ECRI has…received consistent reports according to which members of ethnic minorities are disproportionately subject by law enforcement officials throughout the country to stops, requests for identification and searches. Civil society organizations have reported to ECRI that, although ethnic profiling practices exist in all the different police forces which operate in Spain at national, regional and local level, they are particularly common among municipal police forces.35

In a February 2009 article in the Financial Times it was reported that police in Madrid had set weekly quotas for arresting illegal immigrants, with a preference for arresting Moroccans because of the fact that they can be “sent home more easily and cheaply than Bolivians.”36

The ECRI report contends that the Spanish government also needs to do more to combat abuse of minorities by police forces.

In the field of education and awareness raising, the report recommends that the Spanish government start at the most basic level by making human rights education a compulsory, separate subject, and by making intercultural education training compulsory for teachers.37

In terms of Spanish society at large the

…ECRI considered [in its second report] that awareness of issues of racism and racial discrimination within Spanish society … was very limited. …. the extent to which racism and racial discrimination affect individuals in their everyday lives and in a wide range of contexts such as school, employment, housing, the criminal justice system or relations with law enforcement agencies, is, in ECRI’s opinion, much less recognized and understood in Spain."38
This is a crucial point to note. If people do not realize the extent of racism, or that it exists within mainstream everyday life, it is much more difficult to combat.

To address this inadequate knowledge of racism, the ECRI strongly recommends that the Spanish authorities promote awareness of racism and racial discrimination among Spanish society at large, particularly by encouraging public debate on these issues at national level. ECRI recommends that the Spanish authorities closely involve all relevant stakeholders in this debate, notably minority groups vulnerable to discrimination on grounds of “race”, color, language, religion, nationality and national or ethnic origin. In particular, ECRI recommends that the Spanish authorities widen the debate on racial discrimination so as to highlight its human rights dimension.

Not only is it necessary to combat pure and utter lack of awareness, but the Spanish government also has to battle perceptions of immigrants that are spread through media and by some politicians: “…sensational imagery resorted to by politicians and the media had fostered within Spanish society a widespread perception of the immigrant population as a threat to security and the availability of employment opportunities.” It is true that when there are large numbers of illegal immigrants, the local population tends to equate these immigrants with crime, though this link is largely exaggerated in most cases. The ECRI urges the Spanish government to counter the link that is sometimes made between immigration on the one hand and crime and unemployment on the other.

In terms of the media and its impact on the public’s perception of immigrants, some newspapers continue to “reveal the ethnic origin or nationality of persons arrested or convicted of crimes even when such information is irrelevant to the story.”

The ECRI recommends that the Spanish government urge the media to be responsible when reporting on sensitive material, and in terms of the politicians who sometimes employ
“sensational imagery” for their own benefit, they can be combated by the recommendation on the previous page that encourages constructive engagement in public debate about discrimination.

A final important point that the report makes is the importance of regulating racist organizations (including neo-Nazi and skinhead groups) that operate within Spain and engage in xenophobic and racist incidents of a violent nature.

Figures provided by the Spanish authorities for the period since ECRI’s second report indicate that the Guardia Civil has registered between 10 and 20 racist incidents, including violent incidents, per year and the National Police between 80 and 110. However, non-governmental organizations have registered approximately 4,000 cases of violence committed by members of racist groups per year, including against immigrants, especially from North Africa, sub-Saharan Africa and Latin America. ECRI also notes that these nongovernmental organizations estimate the real figures on racist violence to be considerably higher.41

This quote brings this section to a close with one of the most crucial recommendations that the ECRI makes in its entire report, especially in regards to the subject of this paper. When it comes to violent incidents of a racist, discriminatory or xenophobic nature,

[The] ECRI recommends that the Spanish authorities promptly address any manifestations of violence directed against minority groups collectively. It reiterates its call on the Spanish authorities to ensure that the institutional response [emphasis added] to these manifestations, including, as necessary, criminal prosecutions, recognize and reflect their racist dimension.42

At the close of the analysis of the first independent variable, it is evident that it is up to the Spanish national government to implement measures to combat incidents of a xenophobic or racist nature. But again, it is difficult to know how these recommendations are affecting the number of incidents occurring because of the lack of relevant data collected by the government.

B. Spanish identity issues
The second independent variable is slightly more abstract than the focus on the Spanish government that encompasses the first independent variable. This identity section focuses on the collective psyche of the Spanish people, how it has been shaped by Spain’s history and how it is affecting the situation with regards to attitudes towards immigrants today. This section will look at Spain’s history as a Catholic country, the impact that Muslim Spain had (particularly in terms of Spaniards attitudes towards Moroccan immigrants), and how Franco’s oppressive regime caused Spaniards to give away parts of their identities.

The history of Spain is long and varied and with the Iberian Peninsula was under continual invasion. Spain is known particularly as a Catholic country; Christianity was established throughout Spain by the 2nd century AD and served to unify the country. Spain was also under the control of the Islamic empire in the second half of the 7th century AD which gave rise to several problems for the unity of Spain:

The Islamic conquest disrupted whatever measure of unity the Visigoths had achieved and raised new religious, cultural, legal, linguistic, and ethnic barriers to assimilation with the native population. A number of tiny Christian states eventually rose from obscurity in the northern mountains and, prompted by self-preservation and religio-cultural hostility toward Islam, initiated the Reconquista (Reconquest).

When the Christian monarchy regained control of Spain, the country was once again united.

In terms of Moroccan immigrants in Spain, who are one of the most discriminated against groups and one group that is most likely to suffer from acts of racism and xenophobia, Daniela Flesher in her book The Return of the Moor: Spanish Responses to Contemporary Moroccan Immigration contends that:

…the current rejection of Moroccan immigrants is related to the fact that they are the one group most directly implicated in the question of Spanish identity in relationship to Africa. Through their characterization as “Moors,” they are identified with the Arab and
Berber Muslims who colonized the Iberian Peninsula in AD 711 and were responsible for its Arabization and Islamization in the Middle Ages. The historical echoes of this characterization tie current Moroccan migrants to the traditional enemies of Christian Spain, awakening a series of historical ghosts related to their invading and threatening character.

There are a large amount of Moroccan immigrants currently in Spain: “As of June 2004, Morocco was the principal source country of immigration to Spain (350,059 persons) (Spanish Ministry of Labour 2004).” Spain has, in past years, also received large amounts of immigrants from Latin America, which characterizes the return of the formally colonized—similar to the influx of Algerian immigrants in France.

[But] unlike other Western European nations, Spain is not only experiencing the return of the colonized but also that of its medieval colonizers…. Moroccans not only embody the return of the colonized but also, especially, and more threateningly, the return of the colonizers or “invaders” of Spain, and thus they cannot be easily “fixed.” More acutely than other nations, Spain embodies the deep ambivalence of the politics of postcolonial history. If Spaniards have difficulty in welcoming Moroccan immigrants, it is because they perceive them not only as guests but also as hosts who have come to reclaim what is theirs.

According to Flesher, Spain is unique in that it perceives Moroccan immigrants as coming to claim what is theirs, which has a deep impact on their-the psyche of the Spanish population and a reciprocal effect on how North African immigrants are treated upon arrival in Spain.

Further exacerbating these threatening feelings is the history of the oppressive regime of Francisco Franco. During his time in power he strove to create a uniform national Spanish identity which-with emphasis on the Catholic Church as the main religion and Castilian Spanish as the national language. This identity reform morphed during Franco’s attempt to gain accession to the ECC so that the identity of Spaniards was perceived as more as “European.”

The Basque and Catalan languages were prohibited under Franco, forcing those who spoke these languages to speak-use it secretly at home. Towards the end of Franco’s regime,
these languages began to make a comeback and regional dialects are now considered equally important to Castilian. However, this suppression has caused those in the autonomous regions to be more acutely aware of “foreigners” who are seen as potentially threatening their recently gained freedom to express their regional identity:

…the arrival of the new non-European immigrants to Catalonia produces in Catalonia, as in the rest of Spain, a need to re-evaluate its own identity as separate from that of the newly arrived….current immigration is seen as the contemporary struggle by which Catalonia has had to defend its identity from the influence of Spain…

Today, this feeling of a fading-vanishing identity is still present. It was showcased during the past presidential election that took place in Spain in 2008. In a March 2008 article in The Globe and Mail (Canada) this feeling is evident:

As the men drank their mid-afternoon beers and ate their slices of jamon in this northern Spanish city yesterday, there was an angry sense that this culture of long siestas and religious fiestas is coming to an end.

“This isn’t a country for people like me any more,” said Francisco Javier Alvarado, a wine distributor. His business is doing fine, he said, but he can’t help feeling like his ancient city has been “infected” by the waves of New Spaniards visible on the city’s streets, recent arrivals from Romania, Argentina or North Africa…

Because Spanish identity is so varied and heterogeneous, it leaves many separate groups of people feeling strongly about their identities and the need to preserve them in the face of an influx of “foreigners.” At the same time, the national Spanish identity is also something that unites Spaniards against immigrants as they struggle to preserve a unique “Spanishness.”

VI. Summary and Conclusions

Xenophobia and racism are extremely complex social phenomena and thus it is difficult
to pinpoint what exactly the cause is. The ECRI recommendations to the government of Spain in section V are ways to combat an existing problem. Governmental inaction is not necessarily the root or inherent cause of xenophobic or racist acts; rather this inaction may serve to NOT stem the flow of these incidents. Government action on the other hand, may serve to send a clear message as to the position of the government on these issues.

As stated previously, because of the fact that the Spanish government does not currently collect data on the number of racist and xenophobic incidents that occur, it is difficult to measure how effective a specific policy aimed at combating these types of incidents is.

However, a number of things that the Spanish government is doing to address the issues of racism and xenophobia are important to note in the final section of this paper. Mentioned earlier, the Spanish Observatory on Racism and Xenophobia (Observatorio Español del Racismo y la Xenofobia) was set up by the Spanish government in 2006 to:

“[1] carry out periodic surveys of the situation of racism and xenophobia in Spain, which involves the gathering of data, expert analysis and the publication of a detailed diagnosis of the situation... [2] establish communication networks with equivalent international bodies [ECRI and FRA],... as well as with civil society... [3] report prior to the adoption of any legislative act with respect to the fight against racism and xenophobia.”

This is an encouraging sign that the government of Spain is recognizing the existence of the problem of racism and xenophobia and will soon have access to adequate knowledge about the nature and number of racist and xenophobic incidents, thus being able to better combat them and implement effective legislation. Unfortunately, the ERCI states in its third report that the Observatory is still largely inactive.

There are other encouraging signs on the Spanish horizon. The FRA report previously cited states that there are positive steps being taken:
the Asociación Española del Pacto Mundial de Naciones Unidas (ASEPAM) produced 2,500 copies of an anti-discrimination guide to be distributed in small and medium-sized companies throughout 2006. The guide provides tools to detect and avoid discrimination against migrant and disabled workers.

The causes of xenophobic and racist acts are many and varied. Regardless, it is at the national level that these problems must be most effectively addressed. In the future one can hope that with proper action by the Spanish government, these types of acts will decrease.

Appendix 1
(Information from FRA Report on Racism and Xenophobia in the Member States of the EU)

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Bulgaria</td>
<td>Supreme Prosecution Office</td>
<td>2006 – 3 pre-trial proceedings instigated for incitement of racial or national hostility, hatred or racial discrimination</td>
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<td></td>
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<td>DATA AVAILABLE ONLY ON REQUEST</td>
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<td>Belgium</td>
<td>Belgian Federal Police</td>
<td>2005 – 1,264 offences under the 1981 Anti-Racism law and the 1995 Negationism Law</td>
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<td>DATA AVAILABLE ONLY ON REQUEST</td>
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<td></td>
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<td>2006 – no data update as of 02/2007</td>
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<tr>
<td>Czech Republic</td>
<td>Ministry of Interior</td>
<td>2005 – 253 crimes recorded with extremist background, and/or motivated by racial, national or other social hatred</td>
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<td></td>
<td></td>
<td>2006 – 248 crimes recorded (as above)</td>
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<tr>
<td>Denmark</td>
<td>Police</td>
<td>2005 – 85 criminal incidents with suspected racial/religious motive</td>
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<td></td>
<td>PET (Civil Security Service)</td>
<td>2006 – no data update as of 02/2007</td>
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<tr>
<td>Germany</td>
<td>Federal Ministry of Interior</td>
<td>2005 – 15,914 crimes registered under general heading 'politically motivated – right wing'</td>
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<tr>
<td></td>
<td></td>
<td>2006 – 18,142 crimes registered under general heading 'politically motivated – right wing'</td>
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<tr>
<td>Estonia</td>
<td>Police Board</td>
<td>2005 – 10 offences reported under legal articles relating to incitement of social hatred, violation of equality or violation of freedom of religion</td>
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<td>2006 – 0 offences (as above)</td>
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<tr>
<td>Security Police</td>
<td></td>
<td>2005 – 2 investigations re incitement of social hatred</td>
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<tr>
<td></td>
<td></td>
<td>2006 – 1 investigation (as above)</td>
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<td>Greece</td>
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<tr>
<td>Spain</td>
<td>NO data available</td>
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<tr>
<td>France</td>
<td>Ministry of the Interior</td>
<td>2005 – 979 racist, xenophobic and anti-Se-</td>
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<td>mitic acts and threats reported</td>
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<tr>
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<td></td>
<td>2006 – 885 racist, xenophobic and anti-Se-</td>
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<td>mitic acts and threats reported</td>
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<td>Italy</td>
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<tr>
<td>Cyprus</td>
<td>NO data available</td>
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<tr>
<td>Latvia</td>
<td>State Security Police</td>
<td>2005 – 13 criminal cases initiated for incite-ment to ethnic and racial hatred</td>
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<tr>
<td></td>
<td>Ministry of Interior</td>
<td>2006 – 14 criminal cases initiated for incite-ment to ethnic and racial hatred</td>
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<td>2006 – 9 criminal cases initiated</td>
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<tr>
<td>Lithuania</td>
<td>Ministry of Interior, Centre for Crime Preven-</td>
<td>2005 – 2 crimes registered relating to incite-</td>
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<td>Prevention and National Courts Administra-</td>
<td>tation to national, racial, ethnic or religious hatred; 2 crimes disturbance religious ceremony; 1 crime keeping or disseminating ‘hate’ material</td>
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<td>tion</td>
<td>2006 – 17 crimes registered relating to incite-ment to national, racial, ethnic or religious hatred</td>
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<tr>
<td>Luxembourg</td>
<td>Ministry of Justice</td>
<td>2005 – 9 complaints to police re racial discrimination, broken down into offence categories</td>
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<tr>
<td></td>
<td></td>
<td>2006 – 14 complaints to police re racial discrimination</td>
</tr>
<tr>
<td>Country</td>
<td>Body/Service</td>
<td>2005-11 cases identified re violence against a ‘member of a national, ethnic, racial or religious group’ or ‘incitement against a community’</td>
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<tr>
<td>Hungary</td>
<td>Chief Prosecutor's Office</td>
<td>2005 – 11 cases identified re violence against a ‘member of a national, ethnic, racial or religious group’ or ‘incitement against a community’</td>
</tr>
</tbody>
</table>
| Malta     | Police                                            | 2005 – NO data available  
2006 – 3 offences recorded by police re incitement to racial hatred                                                                 |                                       |
| Netherlands | National Discrimination Expertise Centre (LECD) – part of Public Prosecution Service | 2005 – 241 cases of criminal discrimination registered, which might include some incidents of racist violence and crime  
2006 – no data update as of 02/2007 |                                       |
| Austria   | Ministry of Interior                              | 2005 – 406 complaints against individuals related to a range of prohibited racist/xenophobic acts  
2005 – 209 incidents recorded with extremist right-wing, xenophobic or anti-Semitic motivation. (Note – incidents can contain several complaints/offences). |                                       |
| Poland    | Police Headquarters Office, ‘Temida’  
general police & public prosecutor statistical computer service | 2005 – 172 ‘racist’ crimes reported under different legal articles  
2006 – no data update as of 02/2007 |                                       |
<table>
<thead>
<tr>
<th>Country</th>
<th>Entity</th>
<th>Data</th>
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<tr>
<td>Portugal</td>
<td>NO data available</td>
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<tr>
<td>Romania</td>
<td>Police</td>
<td>2005 – 1,261 cases of ‘abuse in the exercise of authority against rights of the person’ (but includes gender as well as other grounds for discrimination)</td>
</tr>
<tr>
<td></td>
<td>Superior Council of Magistrates</td>
<td>2005 – 1 person on trial re nationalist/xenophobic propaganda; 2 people on trial re prohibition of organisations and symbols having fascist, racist, or xenophobic nature; 49 people on trial re abuse in the exercise of authority against rights or interests of the person</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Police</td>
<td>2005 – 8 cases investigated concerning alleged violation of prohibition of incitement to ethnic, racial or religious hate, discord or intolerance; 5 criminal charges filed</td>
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<td></td>
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<td>2006 – 13 cases investigated concerning alleged violation of prohibition of incitement to ethnic, racial or religious hate, discord or intolerance</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Police</td>
<td>2005 – 121 racially motivated crimes registered 2006 – 188 criminal offences registered motivated by racial, ethnic or other intolerance</td>
</tr>
<tr>
<td>Finland</td>
<td>Police</td>
<td>2005 – 669 incidents of racist crime reported to police</td>
</tr>
<tr>
<td>Sweden</td>
<td>Swedish Security Police</td>
<td>2005 – 2,385 reported incidents with xenophobic or anti-Semitic motive</td>
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<tr>
<td></td>
<td>England and Wales Crown Prosecution Service data</td>
<td>April 2004-March 2005 – 5,788 defendant cases received and 4,660 prosecuted for racist incidents; 43 defendants prosecuted for religiously aggravated offences April 2005-March 2006 – 7,430 defendant cases received and 6,123 prosecuted for racist incidents; 41 defendants prosecuted for religiously aggravated incidents</td>
</tr>
<tr>
<td></td>
<td>Northern Ireland, Police Service NI</td>
<td>April 2004-March 2005 – 813 racist incidents recorded; 634 racist crimes recorded April 2005-March 2006 – 936 racist incidents recorded; 746 racist crimes recorded; 70 faith/religion incidents recorded; 78 faith/religion crimes recorded; 1,701 sectarian incidents recorded; 1,470 sectarian crimes recorded</td>
</tr>
</tbody>
</table>
FURTHER TEN POINT PLAN FOR COMBATTING HATE CRIMES

VII. Note: Bibliography


Nuria Del Olmo Vincen, “Spain: Another Chapter of the Old Intolerance?” PAGE 324


Ibid.


ECRI. Third report, 8.

Ibid.


ECRI. Third report, 11.
37 ECRI, Third report, 13.
38 Ibid, 30.
39 Ibid, 14.
40 Ibid, 27.
41 Ibid, 19.
42 Ibid.
44 Ibid.
47 Flesher, 9.
48 Flesher, 39.
50 Fernandez-Arias.
VII. Bibliography


Flesher, Daniela. The Return of the Moor: Spanish Responses to Contemporary Moroccan Immigration (Purdue University Press: West Lafayette, 2008).


