

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Spain	2015	Spain / Barcelona Criminal Court, Section 1 / Rec 312/2012	https://www.iberley.es/jurisprudencia/sentencia-penal-jp-barcelona-sec-1-rec-312-2012-16-03-2015-47625695	Racial or ethnic origin, Sex/Gender	Barcelona Criminal Court	The Barcelona criminal court no.1 convicted a man of a crime of bodily harm with the aggravating circumstance of racism by association - it was the first time a court applied an aggravating circumstance based on bias by association. On the night of September 5, 2010 a man, who was drunk and singing the fascist anthem "Cara al sol", came into a bar, where a man of Spanish nationality was with his partner, a mulatto woman of Dominican origin. The accused slapped the woman and racially insulted her. Her partner intervened and demanded that he stay away. The man pretended to leave, but turned suddenly and hit him with an elbow to the nose, which toppled him to the ground, and continued to kick and beat him all over his body. The male victim suffered injuries and was hospitalised for 60 days. The female victim suffered injuries that required 15 days to heal.	6 months prison time for crime of injury with the mitigating circumstance of drunkenness and aggravating circumstance of racism 4 months prison time for offence against moral integrity, concurring the mitigating circumstances of drunkenness. 2 years prohibition of approaching the victim for no less than a thousand meters. Compensation to the victims, of 7.650 euros each.	"hatred towards different people" The prosecution asked initially for two years and nine months in prison for the defendant - one year and nine months for an injury offence and one year for a crime against the moral integrity, but finally the criminal judge lowered the sentence and applied the mitigating circumstance of drunkenness and the mitigating circumstance of the undue delay (article 21.6 of the Criminal Code)	The hate towards different people was concluded as the racist motivation and the reason of rejection behind the attack towards the victim's couple of foreign origin. For the first time in Spain a racist attack where the victim is not an immigrant but a Spanish national was condemned. For the first time in Spain there was a judgement for discrimination by association, in which injuries occur to a person for his relationship with a member of a discriminated group, in this case an immigrant.	"Concorre la circunstancia del Artículo 22.4 respecto del delito de lesiones por cuanto el móvil por el que le agredió fue racista, de rechazo a la pareja de origen dominicano de la víctima. El odio hacia las personas distintas fue lo que motivó la agresión". "...Participates the circumstance of the article 22.4 with respect to the offence crime insofar as the motivation behind his attack was racist and of rejection towards the victim's couple of Dominican origin. The hate towards different people was the reason behind the attack"

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