DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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

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Spain	2016	Spain / National Ombusdman (Defensor del Pueblo) (2016). 2015 National Report (Informe anual 2015), pp.300-301	https://www.defensordelpueblo.es/wp-content/uploads/2016/02/Informe2015.pdf	Racial or ethnic origin, Nationality, Racial or ethnic origin	National Ombusdman (Defensor del Pueblo)	The report of the Ombdsuman reflected that citizens raised concerns about the way a newspaper reported on the Mellla events stirring fear to migrants in what could be a crime of incitement to hatred under article 510 CC. An Ombudsman file was opened after numerous complaints requesting its intervention about the attempts of immigrants to irregularly climb the Melilla fence when the immigrants were arrested and immediately after returned through the so called 'hot expulsion' (devoluciones en caliente). The complainants claimed that the refoulement practices had left at least two people unconscious after the Melilla fence jump. The Chief of the Melilla Civil Guard in charge of the operation at the fence was later in the year indicted for the ' so-called “hot expulsions”. In its Annual Report 2015, the Ombudsman mentions concerns about the enforcement of the legislation in regard to discrimination and incitement to hatred on the grounds of race that led to the request for information to the Public Prosecutor. The Ombudsman case was concluded after the Public Prosecutor´s office informed that no proceedings had been initiated.	The Ombdsuman reported on the case as completed after submission of recommendations to the public authority. The Melilla Area Public Prosecutor reported that pre procedural proceedings had not been initiated Informations published in the 2015 Spanish Ombusdman National Report (Informe anual 2015 Defensor del Pueblo), pp.301	It was concluded that discrimination and provocation to hatred against foreign nationals for racist reasons, as of art.510 of the Criminal Code, may be taking place. This is In line with a previous Ombudsman recommendation (action nº 15009544) addressed to the Ministry of the Interior on security citizen´s protection and Rights of the foreigners within the return (devoluciones en caliente) process .	The case invstigated discrimination and incitement to hatred against foreign nationals for racist reasons, as of art.510 of the Criminal Code, regarding the attempts of irregular entry of immigrants in the Melilla fence. the Ombudsman questioned the legality and constitutionality of the special regime applicable in Ceuta and Melilla at the moment of the foreigners return (devolución) process and the protection of the immigrants´ rights, asking for a regulatory development of the special regime for Ceuta and Melilla (action nº 15009544) and for stopping the illegal expulsions.	"La Fiscalía de Área de Melilla informó de que no se habían incoado diligencias preprocesales y el Defensor del Pueblo concluyó sus actuaciones)" "The Melilla Area Public Prosecutor reported that pre procedural proceedings had not been initiated and the Ombudsman concluded its actions"

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