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HATE SPEECH IN SPAIN AGAINST THE CATALAN MINORITY

Executive summary of the November 2020 report on the case

The French-based [Legal Clinic Aix Global Justice](#) together with the [Unrepresented Nations and Peoples Organization \(UNPO\)](#), with the collaboration of the [Catalan National Assembly](#), have elaborated a report submitted in November 2020 to the Thirteen Session of the United Nations on Minority Issues, titled “Hate speech against the Catalan minority” where these institutions denounced the **worrying and progressive increase of hate of speech against the Catalan national minority**.

The report states that the hatred of Catalans or Catalanophobia has been an **historical reality** in Spain ever since the rise of Castilian hegemony in the 15th Century, with cases recorded throughout modern history. Francisco Franco’s dictatorship and repression of the Catalan culture and language is the best example of persecution of this national minority, although it is not the only case in history . The legacy of **Francisco’s authoritarian policies in Spanish institutions still profoundly affect Catalan society** with stigmatization of the teaching and use of the Catalan language. Overall, considering the Catalans a disloyal people who have betrayed the common project of Spanish State-building is a recurrent theme.

More recently, the Catalans voted in 2006 for a New Statute of Autonomy, which the Spanish Constitutional Court overturned, severely limiting its jurisdiction and eliminating key aspects of it. This marked the beginning of the current phase of the Catalan pro-independence movement, which has been responded to by the Spanish State with a **systemic campaign of repression**.

HOW SPANISH POLITICS HAS SHAPED HATRED AGAINST CATALANS

Since the failed reform of the New Statute of Autonomy, the Spanish government has repeatedly rejected any demands from Catalonia for negotiation and dialogue on devolution and self-determination, responding with a dirty war including political hostility, police repression, criminalization and tolerance and promotion of hate speech towards the Catalan minority. According to Aix Global Justice, **referring a matter of eminently political nature to the legal sphere leads to an increase in hostility towards the Catalans**.

Any attempt at dialogue is met with fierce opposition from various political sectors of the Spanish state. Democratic dialogue has become ever more stigmatized as **the issue of the Catalan minority has become an electoral tool** for political parties, and hostility towards it translates into further consolidation in the Spanish political landscape. The report also mentions how all **Spanish political parties create a stigmatizing narrative against the Catalan minority, further fostering hate speech in realms that go beyond mere political debate**. This can be seen in cases such as former Prime Minister Mariano Rajoy (People’s Party) and current

European Union High Representative for Foreign Affairs and Security Policy Josep Borrell (Socialist Party). It also mentions Albert Rivera (*Ciudadanos*), who has been using Catalanophobia since the party's beginnings, paving the way for the ultra-nationalist position of the rising far-right Vox party, which at the same time has brought the radicalization of the positions of other traditional conservative parties.

The brutal repression during the October 1st 2017 Catalan referendum for independence and the arbitrary detention of civil and political leaders have only exacerbated this situation. **This political discourse of hatred finds an echo in the mass and social media**, fostering increasing hostility towards Catalans.

MASS MEDIA AS A TOOL OF THE SPANISH STATE

Political confrontation and judicial persecution have been accompanied by a **public debate that seeks to stigmatize the Catalan minority**, with mass media as one of its main vehicles, and later proliferating through social media. In this public debate, the Spanish mass media has become an extension of the State's interests, instead of pursuing investigative journalism. For example, **accusations against pro self-determination politicians are not usually made in the courts but in smear campaigns in the press arising from leaks by the police.**

In almost all mass media there is a critical tone when talking of Catalans, offering a **permanently negative image**. Instead of showing criticism of the systemic repression by Spanish state apparatus, the media tend to question the part of Catalonia as the victim of this repression. This vision is uncontested as **views represented by pro-independence Catalans are missing from the public debate**. The report points to specific examples of bias in the media according to their views on the Catalan struggle, including most of the leading media such as the newspapers El País, El Mundo, La Vanguardia, El Periódico, and TV networks such as Antena 3, with some of them going as far as publishing **fake news**.

According to Aix Global Justice, this is a **systemic phenomenon** in the Spanish mass media, which participates in the **construction of a hostile discourse towards the Catalan minority** while public figures make use of them to foster these dynamics, or even going as far as promoting calls **for violence**. For example, the police brutality seen during the 2017 Catalan referendum was not only approved of by all Spanish media, but some of them requested even tougher action. In several cases they also denounced the alleged political bias of the only public TV channel in Catalonia.

In their efforts to stigmatize the Catalan minority, **Spanish media portrays peaceful demonstrations as violent**, with misleading metaphors, aligned with Spanish government declarations such as "terrorists" or "supporters of a *coup d'état*", effectively **violating the human rights of peaceful assembly and presumption of innocence**. The criminalization goes beyond demonstrations, and includes such Catalan institutions as the education system, which is portrayed as a tool responsible for the indoctrination of millions of people, voiding the Catalan population of free will and rational thinking in a **process of dehumanization**.

Although the most recurring theme by Spanish media is to criticize the Catalan government, there is a broader stigmatization through **biased analysis of facts that are unrelated to the pro-**

independence movement. This is the case of Barcelona's 2017 terror attacks, the 2015 Barcelona-Düsseldorf plane crash or the Covid crisis management, as all bad news is used to erode the legitimacy of the Catalan government.

SOCIAL MEDIA AND HATRED AGAINST CATALANS

With all the Spanish political parties using Catalanophobia as an electoral tool and the mass media becoming an extension of their political campaigns, it is no wonder that **hate speech against Catalans is rapidly increasing in social media.** According to the report, there is a clear Catalanophobic character in contents published in all social media in Spain, **especially on Twitter.** For example, in May 24-31, 2020, **from a total of 130,000 conversations about Catalonia, 33% had negative connotations.** Additionally, **seven out of ten of the most relevant Spanish influencers on this platform published negative comments on Catalonia.**

This hatred is multifaceted, as it includes anonymous users, public figures and even political leaders. The social platforms are used to spoil the debate even more, as the Catalan political prisoners are associated with jailed corrupted officials, the pro-independence movement is associated with Nazism and all kind of unrelated bad news is linked to Catalonia. Social media is also **used to call for demonstrations aimed at exacerbating animosity towards Catalonia,** including illegal acts involving harassment, assault or property trespassing.

HATE OF SPEECH AND FREEDOM OF EXPRESSION

Whilst clear manifestations of hatred have been overlooked by the Spanish authorities, **freedom of expression has been subject to unjustified limitations through growing censorship by the Spanish State** of criticism of its institutions. This is a result of a legal framework open to authoritarian interpretations, in addition to a conservative **judiciary acting as one more tool of the State** to exert territorial integrity. Any voices raised against the authorities are in a particularly vulnerable situation, especially those of the Catalans.

For example, in 2017 several Catalans were charged with alleged hate crimes for comments in social media about the Spanish police brutality against Catalan voters. However, according to article 510 of the Spanish Criminal Code, the Spanish police does not belong to any group referred to as vulnerable and therefore cannot be the object of hate crimes. In any case, **hate crime is being used by the Spanish judiciary to prosecute the Catalan minority.** Not even publicly elected officers escape censorship, as occurred with Mayors and the last President of the Catalan Government.

Not only that, but the **display of symbols expressing support for the Catalan civil and political leaders sentenced by the Spanish justice is also being prosecuted as hate crime,** creating controversy and censure as far as banning the colour yellow at football matches, ribbons or signs defending basic human rights. It goes without saying that this apparent extension in **the punishment of hate crime is not applied with the same rigour when hate speech is directed at Catalans.** According to article 543 of the Criminal Code, it is also hate speech to insult Spain or its Autonomous Communities. Despite that, there has never been a sentence for offences against Catalonia.

While the interpretation of rules is restrictive when it comes to Catalans, the opposite is true for groups not eligible for legal protection. In a circular of May 14 2019, the Attorney-General indicated that “an attack on a person of Nazi ideology or incitement to hatred towards such a group may be included in this type of (hate) crime”. This legal report became controversial as for the first time in history, **Nazis are considered an endangered collective** and criticizing them could be punished according to law. This fact raised international criticism such as from the Simon Wiesenthal Centre, denouncing Nazis were protected from criticism while free to spread their hate speech.

THE CONSEQUENCES OF HATE SPEECH

Hate speech goes beyond the realm of political rhetoric, as ideas being spread in mass media and social media have real effects on people’s lives. Since the Catalan referendum, there has been a **worrying increase in ultra-nationalist violence against Catalan citizens** in favour of self-determination, often under-reported and unpunished. For example, in the last quarter of 2017 there were 139 violent incidents against Catalans. **Harassment of individuals** is common, especially fostered by Vox and far-right sympathizers, including digital bullying of minors using Catalan in social media. This **discrimination also affects public officials**, as there have been cases of fines, threats, as well as refused assistance and detention of Catalans by the Spanish police simply for speaking their own language.

According to the report, following a *pro persona* criterion in the interpretation and application of international human rights law and European human rights law, the Catalan population must be considered a minority within the Spanish State, which **must be protected and should have their right to enjoy their own culture and language guaranteed**.

Finally, Aix Global Justice considers that the **State is obliged to act effectively to tackle hate speech against the Catalan population**. National legislation must be applied according to international standards and its application must be enforced.