

Country Visit: Spain
Report of the Personal Representative of the OSCE Chair-in-Office
on Combating Anti-Semitism, Rabbi Andrew Baker, June 3-5, 2009
(Prepared July 9, 2009)

Background:

By its own estimate the Jewish Community of Spain numbers 35,000 to 40,000 organized in 14 communities, a very small percentage in a country of 44 million. Although the first synagogue in the Twentieth Century was established in 1914, most Jews trace their origins to two recent waves of immigration—from Morocco and North Africa in the 1950s and 1960s and from Argentina and South America since the mid-1970s. While there is some recognition in society of the important historical contribution of Spanish Jewry in the years prior to the Inquisition and Expulsion, the 500 year legacy of a conservative Catholic country and the more recent decades of authoritarian Franco rule are surely more significant in the formation of public attitudes toward Jews. It was barely thirty years ago that religious freedom was guaranteed in Spain and only in 1992 that the specific rights of the Jewish community were formalized.

Government officials, representatives of civil society and leaders of the Jewish community agree that Spanish society harbors quite negative views toward Israel, essentially dating to the second *Intifada* and spiking during the fighting in Gaza at the beginning of the year. These negative views are frequently amplified in the Spanish press. Anti-Israel and anti-Jewish sentiments are intertwined, and this is a critical obstacle to addressing the problem of anti-Semitism today. Critics of Israel frequently cross the boundaries of acceptable discourse, accusing it of genocide.

Three surveys conducted during the past year focused special attention on Spain. An ADL survey and one conducted by the Pew Research Center both reported negative attitudes toward Jews of well over 40 percent. A third poll conducted on behalf of the Spanish Education Ministry reported that 50 percent of adolescent students said they would not want, "to sit next to a Jew." Admittedly, there may be questions about the methodology and sampling size of these surveys, and plans are underway in Spain to conduct a far more detailed opinion poll on attitudes toward Jews. Nevertheless, when raised in our discussions these survey numbers usually elicited thoughtful and even soul-searching replies. Even if questioning the accuracy of the numbers, few people had doubts that the problem is real.

View from the Jewish Community:

Jewish community representatives gave voice to a complicated and uncomfortable situation. They maintained that many in Spain hold traditional anti-Semitic stereotypes of Jewish world power and influence, while the

several million recent immigrants to Spain tend to bring anti-Jewish views with them. The Government is not anti-Jewish, they say, but does not clearly differentiate between Israel and (Spanish) Jews. They noted that in mid-January 250,000 people demonstrated in Barcelona behind banners reading, "Israel is a genocidal state" with the Catalan Interior Minister prominent among the marchers. And yet, the new Justice Minister, speaking at the annual dinner of the Jewish Federation, asserted there would be "zero tolerance" for anti-Semitism.

Most manifestations of anti-Semitism are to be found in the press, often in cartoons that demonize Jews or equate Jews and Israelis with Nazis. However, in recent months the Jewish Federation has received threatening letters and emails. They believe that this sometimes anonymous anti-Semitism not only comes from the extreme right and extreme left of society, where one might expect it, but also from people situated within the mainstream. Although violent acts are few, several recent incidents have raised concerns. These include an arson attack on the synagogue in Barcelona, accosting the Israeli Ambassador as he walked home from a sporting event in Madrid, and the shouting of anti-Semitic epithets at the President of the Jewish Federation when he was invited to speak at the University of Madrid.

While the Jewish Federation does compile a record of anti-Semitic articles and cartoons that appear in the Spanish press, there is no organized monitoring of anti-Semitic incidents and events either by government authorities or civil society. Jewish activists and teachers expressed the value of having an independent monitoring center that would be able to collect this information.

During the past year excavations in Toledo in preparation for a school building expansion exposed graves in what was thought to be an ancient Jewish cemetery. Orthodox rabbinic groups from Jerusalem, New York and London descended on the site, catching local authorities and the Spanish Jewish Community unawares and stopping the construction work. Arrangements have since been worked out, and the human remains were reinterred, allowing the building work to resume. The Spanish Government deserves credit for intervening successfully and solving this problem. However, the tolerance of the general community was tested, and Jewish leaders feared the incident increased anti-Jewish sentiments in the process.

View from Civil Society:

Casa Sefarad-Israel, a government institution of the Foreign Ministry and Madrid, was established to help further knowledge and appreciation of Sephardic culture and of Jewish culture in Spain. It has also become the central organization for promoting Holocaust understanding and commemoration in Spain and, in partnership with ODIHR, for developing teaching materials to promote tolerance and combat anti-Semitism. Casa Sefarad-Israel hosted a discussion with key figures in politics, the media, the

judiciary, academia, and NGOs, which provided a more expansive (though not necessarily uniform) view of the problem.

Among the views expressed:

Anti-Semitism is not only a "relic of history" but it may also have its source in the anti-Franco leftist movement of Spain and accompanies the society's anti-Americanism and anti-Israel sentiments. As much of Spanish society is influenced by the Catholic Church, this is a major source of the problem. An energetic foundation promoting Catholic-Jewish dialogue does exist in Spain but it does not enjoy the same history of interreligious cooperation that has marked relations in the US and elsewhere in Western Europe.

There is a disturbing lack of knowledge about Jews in Spain. There is an irrational attitude toward Israel, and there is a need for public education about the State of Israel regardless of the political situation. The media, in this regard, have been terrible.

Although quite the exception, there were some instances of accurate and thoughtful discourse during the Gaza conflict, as was the case with "La Vanguardia."

Legislation in Spain that criminalized Holocaust denial was overturned by the Constitutional Court in 2007, which has opened the door for visits of Holocaust deniers such as David Irving and David Duke. One member of the court at the discussion explained that only denial per se was now permitted, but when the expression of Holocaust denial serves the purpose of defaming or inciting others, as is frequently the case, it is still prohibited.

Since 1992 there have been serious efforts to combat racism and xenophobia in Spain but the fight against anti-Semitism is trivialized. There is a battle simply to get it included among the litany of intolerances that are to be opposed.

Holocaust Education Teachers:

Casa Sefarad-Israel also brought together a group of nearly sixty teachers who have been trained to teach about the Holocaust to share their experiences. From those who speak—and most who are present want the opportunity to do so—it is clear that they approach this task with commitment and enthusiasm. Some share examples of positive experiences and creative programs, such as visits to memorial sites and former concentration camps in Italy, hosting Holocaust survivors, presenting Father Patrick Desbois to describe his work in identifying and preserving mass Holocaust graves in Ukraine, and plans to host Israeli students from Sderot. At the same time they describe some of the difficulties they have encountered, largely because of the Middle East conflict. In some schools other teachers or parents or administrators are critical of the program. One teacher explained that his

school declared that a Holocaust commemoration ceremony he planned could not take place because of the conflict in Gaza. Another explained that it was only possible to commemorate the Holocaust by tying it to Human Rights Day observances. While students are encouraged to gather further information on the Internet, one teacher described the problem of their encounter with seemingly "scholarly" Holocaust denial sites. Several of the teachers work on university campuses, and they described a rather hostile environment with no support from administrators. By way of example, one instructor explained that 150 university teachers signed an open letter apologizing for the anti-Semitic attacks that greeted the President of the Jewish Federation when he came to speak, but the letter was circulated only after the dean refused to take any steps himself.

Discussion with Government Ministries:

Much of the discussion in the Education Ministry focused on Spain's targeted efforts following its membership in the International Task Force on Holocaust Education. In 2005 the country had adopted January 27 as an official memorial day and in 2007 it adopted a new curriculum in which the study of the Holocaust is part of compulsory education on citizenship and human rights. The Ministry organizes its own teacher training programs and draws on materials prepared by Yad Vashem and by ODIHR. Separate from the Holocaust there are several other places in school curricula where the history of Jews in Spain is covered, including a section on the history of religion. Additional teaching materials designed to promote tolerance and combat anti-Semitism and developed in cooperation with the Anne Frank House and ODIHR are now being put to use in pilot programs. But Ministry officials are also pained to explain the reported negative attitudes toward Jews that many school-age children appear to hold. One thinks that the unsympathetic picture of "warlike" Israelis depicted in the media is part of the problem. Another one points to the centuries of official prejudice and explains that only with the advent of democracy in 1979 has Spain been able to confront its anti-Semitism.

Justice Ministry officials describe their mandate as centering on the legislation and promotion of religious freedom. The 1992 accord signed with the Jewish Community provides for official recognition, the teaching of Judaism in (Jewish) schools, acceptance of Jewish marriages under civil law, and provisions for Jewish holidays and kosher food. The penal code recognizes anti-Semitism as an aggravated circumstance in the prosecution of hate crimes, and groups which provoke anti-Semitism can be declared illegal depending on the nature of their activities. (However, the penal code does not include any definition of anti-Semitism.) Laws affirming respect for the dead can be used to prosecute those who desecrate cemeteries. While a Holocaust denial law was declared unconstitutional in 2007, denial "with intent" to incite or defame is still punishable.

In conversations at the Justice Ministry and elsewhere about the effectiveness of laws intended to prevent anti-Semitism, two cases are frequently cited. One, brought by Holocaust survivor Violetta Friedman against a magazine which published Holocaust denial material, was initiated in 1995 but only decided (in her favor) in 2003. A second case directed at a Barcelona bookstore for carrying anti-Semitic literature was brought in 1998 and settled only in 2007. Some neo-Nazi groups in Spain have been declared illegal, but this is mainly because of their general racist and xenophobic agenda. Ministry officials themselves are apologetic for the paucity of these cases and suggest the reason there are not more cases may be due to the difficulty for the plaintiff to prove standing and the general skepticism that comes with being a minority in Spain. Perhaps as a means to change this situation there are plans underway to create a special prosecutor's office in Barcelona with a mandate to combat discrimination. LEOP materials are recommended and a copy of the working definition of anti-Semitism is offered as a possible addendum to the penal code.

Justice Ministry officials explain the difficulty they face in determining "intent" when prosecuting hate crime, and they emphasize the importance of bringing judges on board. They are open to expert assistance and training in these areas that ODIHR can provide. One individual indicated that he is regularly invited to seminars and training sessions on Islamophobia but has yet to receive anything similar addressing the problem of anti-Semitism.

According to a senior Interior Ministry official Spain may be a place where one might find anti-Semitic incidents and anti-Semitism in the public discourse, but he does not believe that anti-Semitic trends can be discerned. Racism and anti-Semitism are considered as aggravating factors and special units in the security police are expected to deal with these types of crimes. The websites of extremist groups in Spain are monitored constantly, and they do not exhibit any discernable links to extremist groups in other countries nor does the Holocaust figure significantly in their material. According to the Ministry there were (only) 163 racist and xenophobic incidents recorded in 2008. Although the number is not broken down by victim, it is presumed that most were directed against Blacks and Muslims (i.e., visible minorities). In 2005 Spain hosted a (LEOP) police training class on dealing with hate crimes.

The Office of Human Rights within the Ministry of Foreign Affairs is a point of contact for the OSCE and as such sensitive to the issues being addressed in this visit. Its officials point out that in Spain the mass media tend to view Israel with "one color" and do not see the full dimensions of its society. In particular they cite Israel's progressive record with regard to issues of gender and sexual orientation. They are open and willing to organize a seminar for journalists in Spain—perhaps in cooperation with the OSCE Representative on Freedom of the Media—that would look to develop good practices and focus on questions of minorities and discrimination. Within this wider topic, they say, it would be possible to look more closely at the coverage of Israel and the Middle East and its impact on Jews in Spain.

Recommendations:

There is a genuine need for a monitoring center that can identify and collect data on anti-Semitic incidents in Spain. The very small numbers that are recorded by government authorities belie the many more incidents (not necessarily illegal) that were recounted in our discussions with civil society. Such a center would also serve as a sympathetic address for individuals who are otherwise reluctant to contact police. In some other countries with larger Jewish populations, such as France and the UK, Jewish communal organizations do this work. In Spain the Jewish Federation could initiate similar efforts but would probably require some outside support. For this it seems likely it could turn to Casa Sefarad-Israel which already plays an important role in amplifying and supporting the concerns of the Jewish Community.

Media coverage of the Middle East conflict is a point of friction in many countries, whose Jewish communities see it as contributing to the climate of anti-Semitism. But its ubiquity is not reason to discount it, and the problem in Spain certainly seems to be different in intensity if not also in kind. No doubt the small size of the Jewish community and the short modern day history of Jews in Spain mean that public views are shaped primarily from what comes through the media. That Israelis and Jews become synonymous may be understandable but should not be accepted. Efforts to encourage media self-examination and promote good practices among journalists should be encouraged, and the offer of the Office of Human Rights to organize a seminar on this should be a promising first step.

ODIHR has already developed a working relationship with the Spanish Interior Ministry in training police to respond to hate crimes. Through Casa Sefarad-Israel it has developed teacher training materials that are now being implemented in a pilot program. Certainly these relationships should continue and broaden. In particular, ODIHR should consider developing similar training programs for judges so that they may fully understand the nature of hate crimes. Spanish Justice Ministry officials seem open and ready to avail themselves if such training is offered.

One might assume that recognizing anti-Semitism is elemental. Certainly in other countries with larger Jewish populations or the presence of many more Jewish sites, anti-Semitism is more likely manifest in attacks on Jewish targets. However in Spain, as many of our interlocutors pointed out, it is more frequently manifest through public discourse. In this case understanding its nature and recognizing its harm and hurtfulness to the Jewish Community are not automatic. Dissemination of the working definition of anti-Semitism can be a helpful contribution. Consideration should also be given to offering training and instruction in this area.

PROGRAM

(Mr. Norbert Hinterleitner, ODIHR Advisor on Anti-Semitism Issues in the Tolerance and Non-Discrimination Department, also participated in these meetings.)

Wednesday, June 3

- 10:30 Meeting with Mrs. Caroline Chetrit (ACOM), Mr. David Hatchwell (Jewish Community of Madrid) and Mr. Federico Zukierman (INFOMEDIO)
- 14:30 Working lunch at the Ministry of Foreign Affairs, with Ambassador Ana Sálomon, Special Representative for Relations with the Jewish Community and Organizations; Mrs. Angeles Gutierrez, Advisor to the Minister of Foreign Affairs, and Mr. Enrique Asorey, Head of the OSCE Division
- 18:00 Meeting with Mr. Miguel Soler, Director General for Vocational Training, and Mr. Juan López, Deputy Director General for Education Planning (Ministry of Education)

Thursday, June 4

- 10:00 Meeting with Mr. José María Contreras, Director General for Religious Affairs (Ministry of Justice)
- 11:30 Meeting with Mr. Jacobo Israel, Chairman of the Federation of Jewish Communities of Spain
- 13:00 Interview with “El País”
- 13:30 Meeting with Mr. Diego de Ojeda, Director General of Casa Sefarad-Israel
- 14:15 Round table – lunch with representatives from civil society
- 18:00 Meeting with teachers

Friday, June 5

- 10:30 Meeting with Mr. Antonio Camacho, Secretary of State for Security
Ministry of the Interior
- 12:30 Meeting with Mrs. Silvia Escobar, Special Envoy for Human Rights, and Mr. Juan Duarte, Head of the Office of Human Rights
Ministry of Foreign Affairs

- 13:30 Meeting with Mr. Miguel Angel Moratinos, Minister of Foreign Affairs
- 14:30 Lunch with Ambassador Ana Sálomon, Special Representative for Relations with the Jewish Community and Organizations (MFA) and Mr. Jorge Trías (ex M.P., prosecuting counsel in Violeta Friedman vs. Leon Degrelle case)
- 17:30 Interview with EFE News Agency

**Round Table / Lunch with Civil Society Representatives
Wednesday, June 3, 2009**

- Ana Sálomon, Special Representative for the Relations with Jewish Community and Organizations (MFA)
- Diego de Ojeda, Director General of Casa Sefarad-Israel
- Henar Corbí, Head of the Division of Anti-Semitism and Holocaust related issues(Casa Sefarad-Israel)
- Miguel García Baró, Professor (Universidad Pontificia de Comillas)
- Ricardo de Prada, Magistrate of the High National Court (Audiencia Nacional) and former member of the ICTY
- Esteban Ibarra, Chairman NGO “Movimiento contra la Intolerancia”
- Pascual Sala, Magistrate of the Constitutional Court
- Diego Carcedo, journalist, Chairman of the Association of European Journalists
- Jesus Duva, journalist, Section Editor-in-Chief, El País
- Juan José Laborda, former Senator, member of the State Council
- José Alvarez Junco, Professor (Universidad Complutense de Madrid), former Director of the Centre of Constitutional and Political Studies
- Ana María Flores, Member of the Board of the ONG “Human Rights Association of Spain”

- Mayte Rodríguez, Centre for Judaeo-Christian Studies
- Miguel Morán, representative of the political party Izquierda Unida (United Left) in the Federal Spanish Council of the European Movement
- Francisco Aldecoa, Dean of the School of Political and Sociological Sciences (Universidad Complutense de Madrid)