

Institute on Religion and Public Policy Report:

Religious Freedom in the Kingdom of Spain

Executive Summary

(1) Spain's Constitution guarantees the freedom of religion. As a historically Catholic country, Spain still gives special benefits and funding to the Catholic Church. However, through a registration system and bilateral agreements with the Spanish government, other religious groups are receiving government support. Overall, Spain is moving away from its Catholic history to become a more secular country.

Institute on Religion and Public Policy

(2) The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Current Legal Status

(3) Article 16 of the Spanish Constitution of 1978 guarantees freedom of religion without limitation and provides that no person may be made to declare his ideology, religion, or beliefs. The Constitution also guarantees that religion will not have any state character. It allows the government to take into account the religious beliefs of society and maintain cooperation with the Catholic Church and other denominations.

(4) However, the Government is not completely impartial when it comes to religion. In 1979, Spain signed four accords with the Holy See, which covered economic, religious education, military, and judicial matters. As a result, the Spanish government provides the Catholic Church with specific public financing benefits not available to other religious entities. However, as of January 1, 2008, the Spanish government no longer makes direct payments to the Catholic Church. Instead, taxpayers can elect to contribute up to 0.7 percent of their taxes to the Catholic Church. In 2007, this amounted to approximately \$236 million (€153 million). This sum does not include indirect funding to the Catholic Church, such as funding for religious teachers in public schools, military and hospital

chaplains, and other indirect assistance. These accords also provide for the teaching of Catholicism in all public schools, except those at the university level. However, these classes are not mandatory.

(5) Spain also allows other religious groups to enter into agreements with the Spanish government provided that they meet given criteria. First, the group must be recorded in the Registry of Religious Entities, which requires that the group serve a religious purpose. Second, the group must have “deep roots” in Spain as a result of their presence and number of followers. This greatly restricts the ability of minority religions to receive the benefits of agreements with the Spanish government.

(6) In 1992, representatives of Protestant, Jewish, and Islamic religious groups signed bilateral agreements with the Government. These agreements provide legal protection for places of worship and for ministers, including the recognition that facts learned during pastoral activities must remain confidential. Further, ministers of these religions are eligible to participate in Spain’s Social Security programs. These agreements give marriages performed by these religious groups civil validity. They also recognize the right of soldiers to have access to chaplains of these religions, as well as the right for ministers of those religions to be present in hospitals and prisons. These agreements guarantee the religious groups’ access to school grounds as well as the availability of classrooms for religious instruction under the direction of ministers from each faith. The agreements also provide the religious groups with exemptions and fiscal benefits. Donations to religious groups who have entered into an agreement with the Government receive special tax treatment, and donors may deduct such donations for personal income tax purposes. Further, the agreements guarantee a weekly day of rest on the appropriate day for each faith, as well as guaranteeing the right to participate in religious holidays.

(7) Spain is quickly moving away from its historical association with the Catholic Church. Under a Socialist government led by Prime Minister José Luis Rodríguez Zapatero, Spain has legalized gay marriage and adoption, and has instituted fast-track divorce. The Spanish government is currently working to loosen laws on abortion and euthanasia. In 2008, a Spanish court ruled that crucifixes that are displayed in public school rooms violate the Constitution of 1978. Religions other than Catholicism have become more accepted by Spanish society. For example, in 2006, the Spanish Government, Muslim leaders, and the Catholic Church worked together to publish a book about Islam that will be used in Spanish primary schools. Further, a 2006 study by the Spanish Islamic Commission showed that more than a million Muslims live in Spain. Of these, almost three quarters were happy in Spain, and 83 percent said they had no difficulty in practicing their religion there. In another instance of acceptance of a minority religion, a Spanish court ruled in 2007 that the Church of Scientology is a religion, and should be allowed to register in the nation’s Registry of Religious Entities.

Instances of Religious Discrimination and Abuse

(8) The system currently in place in Spain for recognizing a religious group by registration in the Registry of Religious Entities can be confusing and burdensome. Registration requires lots of paperwork, and can take up to six months. As a result, some religious groups choose to register with regional governments as cultural organizations rather than with the Registry of Religious Entities. These groups are entitled to the benefits that other cultural or non-profit groups receive, but are not allowed the benefits given to religious groups under agreements with the Spanish government. Many groups are not allowed to register with the Registry of Religious Entities, since they are not deemed to be for a “religious purpose.” This means that groups wishing to be recognized by the Spanish government often have to fight just to register, let alone to enter into an agreement with the government to receive benefits. Spanish courts, however, are beginning to require that the government allow more groups to register. In 2007, a Spanish court ruled that a justice ministry decision not to allow the Church of Scientology to register with the Registry of Religious Entities was wrong, and that the group should be recognized as a religious organization.

(9) Although the Constitution guarantees freedom of religion, the enforcement of the laws can at times be discriminatory. This usually occurs when a religious group attempts to get a building permit to erect a new place of worship. The process to obtain a permit to build a place of worship is difficult and lengthy. The Islamic Commission in Spain reports that new mosque construction is sometimes forced into less visible suburban areas, largely due to resistance from urban neighborhood groups. It is not uncommon for Muslims to worship in converted buildings, nicknamed “garage mosques” because there are too few mosques for their growing numbers, and Muslim communities have difficulty obtaining land and permits to build more mosques. On February 15, 2008, the leadership of the Islamic Cultural Center of Valencia (CCIV) reported that its request to the Valencia city council for land to build a new, larger mosque had not received a response for nearly two years. In addition to having difficulty building new places of worship, many religious groups have trouble keeping theirs open. Protestants have reported having their places of worship shut down for technical or noise reasons.

(10) While society in Spain is largely accepting of minority religions, there have been some instances of abuse or discrimination, which the Spanish government has been focused on trying to eliminate. In 2007, an eight-year-old Muslim girl was told to remove her headscarf, or hijab, in public school. She stopped attending school, rather than remove her hijab. The regional government of Catalonia, in northeast Spain, quickly stepped in and told the school that they must allow the girl to wear her hijab, because to do otherwise would be

discrimination.

(11) Many of the instances of religious discrimination in Spain are the result of a lack of understanding or respect. In May 2009, the regional government in Toledo, in central Spain, excavated an ancient Jewish cemetery in order to extend a school building. The disinterment of graves is largely forbidden in Judaism and this was seen as an attack on the Jewish faith. While this is not necessarily a demonstration of open hostility towards minority faiths, it does show that the Spanish government at times acts against the beliefs of certain religions, largely as a result of a lack of understanding or knowledge of a minority religion's beliefs.

(12) In October of 2009, tens of thousands protesters against abortion marched in Madrid. Most of the protesters were Roman Catholic and were protesting under the slogan "every life counts," which clearly has religious undertones. The current law only allows abortion in the case of rape or danger to physical or mental health. The biggest change that is being proposed would be to allow sixteen year-olds to obtain an abortion without the consent of their parents.

United States Foreign Policy

(13) The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. Embassy officials also work to improve relations and acceptance between different religions by meeting with religious leaders of various denominations. The Embassy has also assisted exchanges between U.S. and local religious associations to foster dialogue and promote religious tolerance and freedom. The Embassy uses informal advocacy and formal representation with foreign diplomats, government representatives, and Muslim community leaders to sustain and inform the ongoing debate on religious freedom. The Ambassador established close links with his counterparts from the Muslim world and met repeatedly with leaders of the Muslim and Jewish communities. The Embassy has also reached out to numerous religious groups by meeting with leaders and bringing in speakers to discuss the importance of religious tolerance and diversity in a democratic society. The Embassy in Madrid and consulate in Barcelona intervened informally with the Government on two issues: ensuring proper treatment of historic cemeteries and the extension of additional benefits to all religions holding "deeply rooted" status.

(14) In October 2009, Secretary Clinton, in her report on international religious freedom, praised Spain's recent work to "mitigate religious differences."

Conclusion

(15) The Spanish Constitution guarantees freedom of religion and provides that no religion will have state character. While the government does still contribute funds to the Catholic Church, it allows taxpayers to decide whether or not a

percentage of their taxes will be given to the Church. Spain has also developed a registration system, which allows non-Catholic religions to register with the nation, and have the opportunity to enter into agreements with the Spanish government to receive benefits, including funding. However, lesser known religious groups with fewer members have difficulty completing the registration process and generally do not meet the “deeply rooted” status requirement to receive government aid. The Catholic influence on Spanish government is waning and Spain is quickly becoming a secular society.