



Spain

International Religious Freedom Report 2008

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The Government generally respected religious freedom in practice. There was a positive change in the status of respect for religious freedom by the Government during the period covered by this report; the Church of Scientology gained legal status as a religion. The law permits some groups with "deeply rooted status" to enjoy benefits and privileges, although the Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, and Buddhists are restricted by legislation from receiving the same benefits and privileges as other groups with "deeply rooted status." There is no state religion; however, Roman Catholicism was the dominant religion and enjoyed the closest official relationship with the Government.

There were some reports of societal abuses or discrimination against Jews and Muslims based on religious affiliation, belief, or practice.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Government also engaged with government and religious leaders on the challenges of integrating growing immigrant populations of diverse religious backgrounds.

Section I. Religious Demography

The country has an area of 194,897 square miles and a population of 45,200,000.

The law prohibits the collection of census data based on religious belief, which limits the ability to compile statistical data on the number of adherents of religious groups. The Center for Sociological Investigation (CIS), an independent government agency, periodically collects survey data on religious trends. A February 2008 CIS survey reported that 75.6 percent of respondents considered themselves Catholic; however, 53.1 percent of those persons stated that they almost never attend Mass. Religious groups that constitute less than 10 percent of the population include all Protestant and evangelical denominations, Islam, Judaism, Jehovah's Witnesses, Buddhism, Hinduism, Eastern Orthodox, Baha'ism, Christian Scientists, Adventists, and Mormons.

The Episcopal Conference of Spain estimates there are 35 million Catholics in the country. The Federation of Evangelical Religious Entities (FEREDE) estimates there are 1.2 million evangelical Christians and other Protestants, 800,000 of whom are immigrants or live in the country at least 6 months of the year. A December 2007 study by Observatorio Andalusi, an institute associated with the Union of Islamic Communities in Spain (UCIDE), estimates that there are 1.15 million Muslims. The Federation of Jewish Communities estimates that there are 48,000 Jews.

The Observatorio Andalusi calculated that although there are converts to Islam, more than two-thirds of Muslims are immigrants without Spanish nationality. Most are recent immigrants from Morocco, but there are also Algerians, Pakistanis, and immigrants from other Arab or Islamic countries. As of the end of 2007, the Ministry of Labor and Social Affairs reported that Moroccans are the largest legal immigrant population, numbering over 600,000. The largest concentrations of Muslims are in the regions of Catalonia, Madrid, Valencia, Andalucia, and the Spanish North African enclaves of Ceuta and Melilla.

The Ministry of Justice's (MOJ) Office of Religious Affairs noted that a small number of Christians emigrated from countries such as Egypt and Lebanon. The country also has received a large influx of immigrants from Latin America, many of them Catholics. Most Orthodox Christians are from Eastern European countries such as Romania, Bulgaria, and Ukraine. Evangelical Protestant immigrants typically come from African and Latin American countries, according to government officials.

As of April 29, 2008, the MOJ's Register of Religious Entities includes 12,418 entities affiliated with the Roman Catholic Church. There are 2,057 non-Catholic entities and 3,583 non-Catholic places of worship registered. These included 1,337 Protestant or evangelical church entities and 2,413 Protestant or evangelical places of worship; 13 Orthodox entities and 25 Orthodox places of worship; 2 Jehovah's Witnesses entities and 773 places of worship; 1 Mormon entity with 120 places of worship; 1 Unification Church; 20 entities of Judaism with 22 places of worship; 563 Islamic entities with 160 places of worship; 11 entities of the Baha'i Faith with 12 places of worship; 5 entities of Hinduism; 32 entities of Buddhism with 32 places of worship; and 4 Christian Scientist entities.

The number of non-Catholic churches and religious communities may be much larger than indicated in the above list. Some religious groups choose to register as cultural organizations with regional governments rather than with the National Registry of Religious Entities in Madrid because the national registration process requires more paperwork and can take up to 6 months.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion, although the Mormons, Jehovah's Witnesses, and Buddhists are restricted by legislation from receiving the same benefits and privileges as other groups with "deeply rooted status." Some Muslim and non-Catholic Christian groups claimed that restrictions and policies at the local level precluded them from assembling to practice their beliefs, although no statutory restrictions exist.

Article 16 of the Constitution provides for religious freedom and the freedom of worship by individuals and groups. It also states, "No faith shall have the character of a state religion." However, the Government provides the Catholic Church with specific public financing benefits not available to other religious entities. These benefits derive from four accords signed with the Holy See in 1979 and cover economic, religious education, military, and judicial matters. As of January 1, 2008, the Government no longer, however, makes direct payments to the Catholic Church. The Catholic Church receives financing through voluntary tax contributions. Taxpayers may select a box on their income tax forms to contribute up to 0.7 percent of their taxes to the Catholic Church. In 2007 taxpayers contributed approximately \$236 million (€153 million) to the Catholic Church. This sum did not include state funding for religion teachers in public schools, military and hospital chaplains, and other indirect assistance.

Representatives of Protestant, Jewish, and Islamic religious groups signed bilateral agreements with the Government in 1992, recognizing their "deeply rooted" or *notorio arraigo* status. These agreements provide certain tax benefits and give civil validity to weddings performed by the religious groups. They also permit the religious groups to place their teachers in schools and chaplains in hospitals and prisons. Protestant entities signed the accord as the FEREDE; Jewish entities signed as the Federation of Jewish Communities of Spain (FCJE); and Islamic entities as the Islamic Commission of Spain (CIE). The CIE is composed of two federations: the Spanish Federation of Islamic Religious Entities (FEERI) and the Union of Islamic Communities in Spain (UCIDE).

In 2003 the Government expanded the concept of "well-known deeply rooted" beliefs ("*notorio arraigo*") to allow other religious groups to sign bilateral agreements and granted the status to the Church of Jesus Christ of Latter-day Saints (Mormons), although without signing a bilateral agreement. On November 9, 2007, the MOJ granted *notorio arraigo* status to the Buddhist entity, as it had to the Jehovah's Witnesses on January 16, 2007; however, the Buddhist, Jehovah's Witnesses, and Mormon communities do not receive the same benefits and privileges granted the other "deeply rooted" religions. Although the Government has indicated that it would amend the laws governing tax benefits and privileges for religious groups to extend these benefits to all groups achieving *notorio arraigo* status, Parliament did not adopt this proposal prior to disbanding in

December 2007 in advance of elections. On May 7, 2008, the Deputy Prime Minister of the new Government met with the Constitutional Commission of Congress to publicly announce the Government's plans for legal reform over the next 4 years, among them legal reform to promote religious freedom to make its laws consistent with the pluralistic society that the country has become. While the MOJ indicated that they want to present and enact legislation dealing with this matter, at the end of the reporting period, no serious effort has been made to move the project forward. In fact, while MOJ officials insist that the biggest obstacle is concern regarding foregone revenue, Ministry of Economy officials do not appear to be aware of the issue and no effort has been made on their part to calculate the revenue impact of the law.

The Government has taken steps to integrate non-Catholic religious groups through the support or sponsorship of programs on interfaith dialogue, principally through the establishment of the Foundation for Pluralism and Coexistence. The foundation, which provides funds to minority and religious groups to promote religious equality and dialogue, most recently facilitated the following events: the creation of an interreligious choir, announced May 7, 2008, whose objective is to perform in December in recognition of 2008 as the European Year of Intercultural Dialogue; the presentation of "2007, a View of the Arabs," by Pedro Rojo, which included roundtable discussions regarding the challenges that the press faces in Arabic countries, May 5-6, 2008; a conference on March 27-28, 2008, addressing the development of the agreement between the Government and FEDERE; a national conference on the coordination of Islamic communities, January 25-27, 2008; and an Islamic cultural conference in the Aragón region, June 20-22, 2007.

The funds, \$6.2 million (€4.5 million) in 2007, are used for cultural, educational, and social integration programs (not religious activities). The foundation's board includes representatives of most government ministries as well as members of concerned religious groups themselves. Muslim and Protestant leaders cited the foundation's work as a positive step for integrating non-Catholic religious groups. The Government attributed significant increases in the number of non-Catholic religious organizations officially registering with the MOJ to this foundation, since registration was required to apply for foundation funds. Members of all religious groups also serve as members of a government Committee of Advisors on Religious Freedom.

Since 2004 Catalonia has had a regional working group called the Stable Group on Religions that is made up of the largest religions in Catalonia: Catholicism, Protestantism, the Orthodox Church, Islam, and Judaism. The group consists of three committees: one to support new arrivals, another for mediation and prevention, and a third for coordinating activities in correctional centers.

Some autonomous regions have also signed agreements with religious groups in order to encourage social integration. For example, the Catalanian Government has signed agreements with the Islamic Council of Catalonia and Protestant, Jewish, and Baha'i religious communities. These agreements were social rather than financial in nature and were intended to encourage social integration.

On November 9, 2007, the Constitutional Court decided that denying the Holocaust in that country is no longer an offense punishable by incarceration since, it claimed, it is permissible in the framework of freedom of speech. Until then, the law set a punishment of up to 2 years in prison for this offense. On the other hand, the Court decided that imprisonment for the offense of justifying the Holocaust -- or genocide -- is compatible with the Constitution. Discussions on this matter began following the 1996 trial of a bookshop owner in Barcelona, Pedro Valera, who disseminated neo-Nazi material. Valera was sentenced to 5 years in prison and fined. However, the High Court in Barcelona deferred implementing the sentence pending the decision of the Constitutional Court.

On August 12, 2007, the "Law against Violence, Racism, Xenophobia and Intolerance in Sport" went into effect. The law established sanctions, including closures, suspension, and demotion in divisional standings, against teams and stadiums for prohibited actions perpetrated by professional athletic clubs, players, or fans. The law resulted from a long history of fans insulting players based on their race or religion.

The Government observes Epiphany (January 6), Holy Thursday, Good Friday, Assumption (August 15), All Saints' Day (November 1), Immaculate Conception (December 8), and Christmas (December 25) as national holidays. Many regional governments also establish local religious holidays. In the 1992 cooperation accords with the FCJE and CIE, the Government agreed to recognize Jewish and Islamic holidays and to allow members of both religious groups to take Friday afternoons off from work, with pay, to observe the Sabbath.

The 1992 accord with FEREDE also accommodates Protestant entities, such as the Seventh-day Adventists, that celebrate Saturday as the Sabbath by giving them Friday afternoon off from work, with pay, to observe the Sabbath.

The Law of Religious Freedom of 1980 implements the constitutional provision for freedom of religion. The 1980 law establishes a legal framework and certain privileges for religious organizations. To enjoy the benefits of this regime, religious organizations must be entered in the Register of Religious Entities maintained and regularly updated by the MOJ Office of Religious Affairs. To register with the MOJ, religious groups must submit documentation supporting their claim to be religions. If a group's application is rejected, the group may appeal the decision to the courts. If it is judged not to be a religion, it may be included on a Register of Associations maintained by the Ministry of Interior. Inclusion on the Register of Associations grants legal status as authorized by the law regulating the right of association. Religious groups not officially recognized by the Government have in certain cases been treated as cultural associations.

The first section of the Register of Religious Entities is called the "special section." Catholic entities and those non-Catholic churches, denominations, and communities that have a cooperation agreement with the state (Jews, Muslims, and Protestants) register in the special section. Catholic dioceses and parishes are not required to register to gain benefits under the 1980 law, since the Episcopal Conference manages the relationship with the Government on behalf of the entire Catholic community.

The MOJ reported that a plan to allow contributions to minority religions via personal income tax returns was not enacted during the reporting period. On May 31, 2007, FEREDE reported that the Government had agreed to study a plan to allow taxpayers to direct 0.7 percent of their income tax to the Protestant community in 2008. On May 31, 2007, the Islamic Commission announced its intent to seek a similar arrangement. Negotiations between the Government and Protestant religious leaders began in December 2006 and were ongoing. These initiatives began in 2004 when leaders of the Protestant, Muslim, and Jewish communities discussed the issue of expanded tax benefits and public funding, the opening of new places of worship, and the quality of religious education with the Office of Religious Affairs in the MOJ; in particular, they sought treatment comparable to that enjoyed by the Catholic Church.

In general the Government placed no legal restrictions on opening new places of worship; however, representatives of minority religious groups sometimes had difficulty opening places of worship, most frequently because of resistance from neighborhood groups. According to the MOJ Office of Religious Affairs, local governments are obligated to provide land for the opening of places of worship; however, local municipalities did not always comply with this requirement. The Ministry carried out a campaign to educate local governments about their responsibilities to minority religious groups. The Catalan regional government's director of religious affairs drafted a law that is now pending approval in the Catalan parliament and that sets guidelines for municipalities to provide access to spaces to be used for religious purposes.

The law provides for optional Catholic education in public schools. Muslim and Protestant leaders have called for the Government to provide more support for public religious education in their respective religions, in accordance with the agreements signed with the Government in 1992. In 2004 the Government responded by approving legislation that mandated funding for teachers for courses in Catholic, Islamic, Protestant, and Judaic studies in public schools when at least 10 students request them. The courses are not mandatory. Those students who elect not to take confessional courses are obliged to take an alternative course covering general social, cultural, and religious themes. The development of curriculums and the financing of teachers for religious education, however, is the responsibility of the autonomous communities, with the exception of Andalucía, Aragón, the Basque Country, Las Canarias, Cantabria, and La Rioja, and the two autonomous cities of Ceuta and Melilla, where religious education is the responsibility of the national Government.

The national entities registered with the MOJ are responsible for the selection of teachers for their particular religion. Either the national Ministry of Education or the regional entity responsible for education certifies the teachers' credentials. Teachers must hold degrees from a Spanish university, have training in Spanish law, and be fluent in Spanish. For the Muslim community, the Islamic Commission selects religion teachers.

During the 2007-08 academic year, the Government employed 41 teachers of Islam and approximately 15,000 teachers of Catholicism in public schools. UCIDE estimated that there were 120,000 Muslim students who

would take classes in Islamic education if possible, requiring a minimum of 314 religion teachers.

In 2006 the Government financed the creation and printing of the first Spanish textbook on Islam to be used by first-grade students. The Foundation for Pluralism and Coexistence financed the project developed by UCIDE. Additional editions for higher primary levels were planned but none were produced during the reporting period. Although the book is available for use by all school districts (as well as the general public through bookstores), its use can be mandated only in the regions where the national Government has jurisdiction over religious education.

There are no restrictions placed on parents who want to provide their children religious home schooling or enroll them in private religious schools.

Restrictions on Freedom of Religion

The Government generally respected religious freedom in practice. There was a positive change in the status of respect for religious freedom by the Government during the period covered by this report; the Church of Scientology gained legal status as a religion.

There were isolated instances of local and regional government policies that had the effect of restricting some individual religious groups. The Islamic and Protestant federations continued to report that the building permit process for new mosque and church construction could be difficult and lengthy, especially for building sites in central urban locations. The Islamic Commission reported that sometimes new mosque construction was forced into less visible suburban areas, primarily because of resistance from neighborhood groups. Leaders of the Jewish community also complained about difficulties in securing permits and approvals to construct new places of worship.

While it was reported that FEDERE's president demanded "equal treatment" of Protestants by the Government, the official statement at the conclusion of FEDERE's December 9, 2007 Protestant conference focused on the religious group's progress. The President stated that they must work together to advance the group's relations with the Government, celebrating that which has been accomplished thus far with respect to religious freedom, and to progress in other areas, such as neutrality of the state in religious matters.

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 2 years. The CCIV's facilities were spread among multiple properties, and the community was unable to accommodate the significant increase in adherents in recent years.

In June 2007 construction workers in Tarrega uncovered an ancient cemetery from which the skeletal remains of 158 persons were subsequently disinterred without religious supervision. Based on the finding of rings with Hebrew names in some of the graves, as well as the site's positioning with respect to the town's old Jewish quarter, it appeared that the cemetery was a Sephardic Jewish burial ground that existed prior to the Jewish expulsion from the country in 1492. According to the FCJE, local and departmental government authorities have been extremely responsive and compassionate regarding the reburial of the remains. On July 7, 2008, the FCJE, Tarrega's city council, and officials from the Department of Heritage reached an agreement regarding the reburial of all remains.

Local, national, and international Jewish groups expressed concern at the manner in which the excavations were handled, and they remain concerned that a formal process had not been agreed to by the regional government's Director of Heritage.

Municipal governments are the competent authority with respect to cemeteries and burials, and religious groups, particularly Muslims, have reported difficulty in gaining satisfactory treatment and reburial of disinterred remains, as well as access to cemeteries designated for particular religions. The Federation of Jewish Communities in the country created and shared with the MOJ a nonbinding protocol for the national and local governments to follow in addressing such issues. According to the protocol, an agreement is entered into with each individual municipality once it is determined that a cemetery contains Jewish remains.

The MOJ convened a December 2007 conference of municipal governments to clarify local government

responsibilities concerning judicial affairs, including respect for places of worship and burial sites. Throughout the reporting period, the MOJ reported that it was working to increase cooperation between local governments and Islamic communities to address granting public land for use as cemeteries and for other religious and cultural purposes, because local and municipal governments had the authority to do so.

In its 2007 budget, the Government allocated \$1,117,000 (€829,000) to finance religious assistance for inmates. In 2006 the Council of Ministers provided official guidance regarding the provision of evangelical, Jewish, and Islamic religious services for prisoners inside jails. Muslim leaders reported that prison officials generally provided access for prayer assistants to visit Muslim prisoners, and according to the MOJ, Muslim, Protestant, and Jewish religious assistance is accessible within prisons. Such a right was established in the 1980 Religious Freedom Law, and inmates receive religious assistance upon request. The Government funds religious assistance for the Catholic and Muslim religious groups within the prison system, but not for Jewish or Protestant groups. This is a reflection of the 1992 bilateral agreements or cooperation agreements entered into between each of the religious groups and the Government. The 1992 cooperation agreements take precedence over the 2006 action taken by the Council of Ministers. According to the cooperation agreements entered into in 1992 between the Government and the Jewish and Protestant groups, religious assistance is paid for by the community, not the Government. The Muslim cooperation agreement provides for government funding for religious assistance. In order for the Jewish and Protestant faiths to receive equal funding, the cooperation agreements must be amended.

In Catalonia in October 2007, an 8-year-old child in Girona refused to go to school after the school's leadership told her she could not wear the hijab. A week later the Catalan Department of Education ordered the school to allow the child to wear the hijab in class.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

On October 11, 2007, the Church of Scientology (COS) won its legal battle before the administrative tribunal of Madrid's High Court, requesting status as a religion and overturning a 2005 justice ministry decision. The COS subsequently registered as a religion with the MOJ on December 12. The High Court relied on a previous decision by the European Court of Human Rights in its ruling.

On November 28, 2007, a court in Sevilla ruled that the construction of a long-delayed mosque in Sevilla could proceed. The Sevilla government allocated a parcel of land on the site of the 1992 Sevilla Expo fairgrounds for the new mosque, after previous plans to locate the mosque in the Bermejales neighborhood of Sevilla ran into delays caused by complaints from a neighborhood association.

On April 15, 2008, leaders of the Jewish community and government leaders held an observance of the Holocaust for the second consecutive year in Madrid.

On February 16, 2008, the Autonomous University of Barcelona announced a partnership with the CCIC and the Ibn Batuta Sociocultural Association to offer a 4-month imam orientation class to Catalan residents.

On February 4, 2008, the Islamic Cultural Center of Valencia became the first Spanish Islamic organization to elect a woman as its president.

During the run-up to the March 2008 elections, some representatives of the Catholic Church and some representatives of the state debated social issues where each side made its case but without political penalties for the individuals and groups involved nor restrictions on religious freedom. For example, after a

large profamily rally on December 30, 2007, sponsored by the Catholic bishops, members of the Socialist Workers' Party (PSOE) -- the party of the current president -- publicly criticized the Church and Pope for interfering in politics. This was followed on March 4, 2008, by a call by the Spanish Bishops' Conference for Catholics to vote in the elections on March 7, 2008, in support of traditional values, a stance at odds with recent positions by the PSOE. President Zapatero and other senior officials of the PSOE and its supporters again, as they had in December, strongly criticized the Church.

Section III. Societal Abuses and Discrimination

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Acts of anti-Semitism, including graffiti aimed at Jewish institutions, continued during the reporting period. The growth of the immigrant population at times led to social friction, which in isolated instances had a religious component. Muslims continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates in the country.

Jewish community leaders reported that while violence against Jews was rare, they were concerned about anti-Semitism expressed as vandalism against Jewish institutions. On August 14, 2007, in Cordoba, unknown persons defaced the Synagogue of Cordoba and the Casa Sefarad (Sephardic House) with anti-Semitic and neo-Nazi graffiti, as well as threats written in German; local police removed the graffiti. Synagogues in Barcelona were vandalized at various times with anti-Semitic graffiti in 2007. Although no suspects were arrested in these cases, on January 31, 2008, local government authorities arrested three "neo-Nazi" youth in connection with threats made against persons worshipping inside a synagogue on July 23, 2006. The arrests, made after an 18-month investigation, demonstrate the Government's commitment and persistence in the resolution of cases involving societal abuses and discrimination. Not all cases, however, result in arrests.

The Coordination Forum for Countering Anti-Semitism cited one instance of anti-Semitic activity during the reporting period. On September 16, 2007, an unknown individual drew a swastika beside a Star of David in an elevator at the Madrid airport.

The Government released the results of its second annual survey of the Muslim community on December 11, 2007. Eighty-four percent of respondents said they had encountered no obstacles to practicing their religion in the country. Nevertheless, the majority of Muslims were forced to worship in converted buildings, often called "garage mosques," because there were few buildings dedicated to Islamic worship for their growing numbers, and some locales resisted giving Muslims land and the necessary legal permissions to build.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. Embassy officials also meet with religious leaders of various denominations.

The Embassy facilitated exchanges between U.S. and local religious associations to foster dialogue and promote religious tolerance and freedom. The Embassy in Madrid and the consulate in Barcelona maintained an Islamic engagement working group to coordinate and promote increased contact with the Islamic community to more effectively evaluate and understand the unique challenges and obstacles faced by this population. Through informal advocacy and formal representation with foreign diplomats, government representatives, and Muslim community leaders, the Embassy sought to sustain and inform the ongoing debate on religious freedom. During the period covered by this report, the Mission reached out to leaders of the CIE, the largest mosque in Madrid, and several other Islamic communities. Embassy officers maintained relationships with numerous immigrant and religious groups. The Embassy brought several American Muslims to the country to speak on religious tolerance and the importance of respect for diversity in a democracy. 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 in Madrid and consulate in Barcelona intervened informally with the Government on two issues: ensuring proper treatment of historic cemeteries, particularly those of the Sephardic culture, and the extension of additional benefits to all religions holding notorio arraigo status.

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