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Spain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Although there is no state religion, 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, and prominent societal leaders took positive steps to promote religious freedom.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. government engaged with government and religious leaders to foster dialogue and promote religious tolerance and freedom.

Section I. Religious Demography

The country has an area of 194,897 square miles and a population of 46.9 million.

No official government census exists based upon religion, as the constitution provides that no individual is obligated to answer questions regarding his or her religious beliefs. Sociological data is collected but cannot be categorized as statistically sound. The Center for Sociological Investigation (CIS), an independent government agency, periodically collects survey data on religious trends. An April 2010 CIS survey reported that 73.2 percent of respondents considered themselves Catholic; however, 53.1 percent of those persons stated that they almost never attend Mass. All other Christian groups constitute less than 10 percent of the total population and include: Eastern Orthodox; Protestant and evangelical denominations; Christian Scientists; Jehovah's Witnesses; Seventh-day Adventists; and Mormons (members of The Church of Jesus Christ of Latter-day Saints). Less than 10 percent of the total population follows Islam, Judaism, Buddhism, Hinduism, and Baha'ism.

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.

According to Islamic Commission of Spain and Ministry of Justice (MOJ) reports in 2009 there were approximately 1.4 million Muslims in Spain. Approximately 72 percent are Muslim immigrants without Spanish nationality. The Federation of Jewish Communities (FCJE) estimates that there are 48,000 Jews.

The Observatorio Andalusi reported in 2009 that Muslim immigrants came from Morocco (718,000), Senegal (56,590), Algeria (56,201), Pakistan (54,101), and other Arab or Islamic countries. And according to a 2010 MOJ report, the largest concentrations of Muslims are in the regions of Catalonia (368,000), Madrid (234,000), Andalucía (160,000), Valencia (160,000), Murcia (74,000), and the Spanish North African enclaves of Ceuta and Melilla.

The MOJ 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, most of them Catholics. Most Orthodox Christians are from Eastern European countries; as of March 2010, the Ministry of Labor and Immigration reported more than 772,000 Romanians (the largest immigrant group) and 150,000 Bulgarians living in Spain. Evangelical Protestant immigrants typically come from African and Latin American countries, according to government officials.

Religious entities may voluntarily register with the MOJ; religious freedom is protected regardless of whether an entity is registered. An entity is defined as a cultural center or educational center that may in some cases serve as a place of worship. A place of worship is a dedicated church, temple, or mosque. As of April 20, 2009, the MOJ's Register of Religious Entities included 12,187 entities affiliated with the Roman Catholic Church. There were 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; two Jehovah's Witness entities and 773 places of worship; one Mormon entity with 120 places of worship; one Unification Church; four Christian Scientist entities; 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; five entities of Hinduism; and 32 entities of Buddhism with 32 places of worship.

The number of non-Catholic churches and religious communities may be much larger than indicated. Some religious groups choose to register as cultural organizations with regional governments rather than with the National Registry of Religious Entities in Madrid, as the registration process is easier for cultural organizations because places of worship must meet government requirements for health and safety for public gathering places.

Section II. Status of Government Respect for 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. However, some religious groups, including Mormons, Jehovah's Witnesses, and Buddhists, do not have bilateral cooperation agreements with the government that would provide the same benefits and privileges as other groups with "deeply rooted status." While there are no statutory or legal restrictions, some Muslim and non-Catholic Christian groups claimed that restrictions and policies at the local level inhibited them from assembling to practice their beliefs.

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." In federal tax documents, however, the government provides taxpayers the option of allocating a percentage of their income tax to the Catholic Church. This financing is also available for nongovernmental organizations (NGOs) but not to other religious entities. Taxpayers may select a box on their income tax forms to contribute up to 0.7 percent of their income taxes to the Catholic Church or an NGO. In 2009 taxpayers contributed approximately \$311 million (252 million euro) to the Catholic Church.

On May 20, 2010, the Council of Ministers approved a new set of rules for religious military ceremonies. They established that funerals for military members killed in service would be the only obligatory events of religious character. This new rule opened the door to military funerals by various religious groups, such as Muslims, Jews, or Protestants.

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In 2010, Lleida, El Vendrell, Barcelona, and Tarragona, all in the Catalonia region, became the first four cities in the country to ban in municipal buildings the burqa, niqab, or any type of garment or article that would fully cover a person's face. At least five other Catalan cities implemented similar anti-burqa measures by the end of the reporting period. Catalonia's regional parliament, however, struck down an initiative that would have banned the burqa in all public spaces throughout the autonomous community.

On June 23, 2010 the country's largest opposition party, the Popular Party (PP), proposed to the Senate's plenary session a nationwide ban on burqas in all public areas.

In January 2010, the Autonomous Region of Madrid appointed a special prosecutor to follow "hate crimes," which are defined as crimes with an ideological and/or racist component. In Barcelona, the regional government of Catalonia appointed a Special Prosecutor for Hate Crimes and Discrimination in 2007. The state attorney generals for each region created this position as a means to combat discrimination against Jews, Muslims, and gay individuals.

As of 2009, Spain remained a member of the "Task Force for International Cooperation on Holocaust Education, Remembrance, and Research." On January 21, 2010, government and Jewish community leaders held a ceremony in observance of the Holocaust for the sixth consecutive reporting year in Madrid.

As of November 2009, Muslim women were allowed to wear the hijab, defined as a headscarf, in official pictures for their national identity card.

On September 11, 2009, the National Court determined that it would investigate and prosecute criminal offenses committed by neo-Nazi gangs, on the premise that such crimes fall within the penal code article 577 as "terrorist crimes."

Based on the Protestant, Jewish, and Islamic religious groups' notorio arraigo (deeply rooted) status, representatives were able to enter into bilateral agreements with the government in 1992. These agreements provide certain tax benefits and give civil validity to weddings performed by the religious groups. They also permit these religious groups to place their teachers in schools and chaplains in hospitals, prisons, and the military. Protestant entities signed the accord as the FEREDE, Jewish entities signed as the 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 extended the concept of notorio arraigo religions to officially recognize and allow other religious groups to sign bilateral agreements. Notorio Arraigo status recognizes a religion as a legitimate faith and authorizes worship services and other ceremonies to be conducted. The Church of Jesus Christ of Latter-day Saints was granted the status in 2003, although without signing a bilateral agreement. In November 2007 the MOJ granted notorio arraigo status to the Buddhist entity, as it had to the Jehovah's Witnesses in January 2007; however, the Buddhist, Jehovah's Witnesses, and Mormon communities do not receive the same benefits and privileges granted the other religions with cooperation agreements. 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 has not yet adopted this proposal. On May 7, 2008, First Vice President Fernández de la Vega met with the Constitutional Commission of Congress to publicly announce the government's plans for legal reform over the next four years, among them legal reform to promote religious freedom and enforce religious plurality. On April 14, 2009, President Zapatero announced that the

reform of the Law of Religious Freedom would be sent to Parliament for debate. By the end of the reporting period, however, Parliament had not received the proposed legislation.

The government has taken steps to integrate non-Catholic religious groups through the Foundation for Pluralism and Coexistence. The foundation provides funds to minority and religious groups to promote religious freedom and dialogue. According to the MOJ, in 2009 the foundation provided funds to 587 projects that represented 527 religious entities (269 Muslims, 239 Protestant, and 19 Jewish). This represented a 7.7 percent increase from 2008.

The foundation's funds, \$6.2 million (5 million euro) in 2010, are used for cultural, educational, and social integration programs (not religious activities). The foundation's board of directors includes representatives of most government ministries as well as members of concerned religious groups themselves. In 2009 the board admitted representatives from the Mormon, Buddhist, and Jehovah's Witness communities. Beyond providing support and various seminars, the foundation published studies on religious minorities throughout the country. In addition, the foundation funded the book *Discover Islam* as a textbook for Muslim students in primary education. The foundation also hosts sports activities and provides language training and youth tutoring classes, all within the local communities. Muslim and Protestant leaders continue to cite the foundation's work as a positive step for integrating non-Catholic religious groups into mainstream society. In 2009, for example, the Foundation organized 18 training seminars in different regions of the country and financed 22 seminars to promote religious freedom.

Since 2004 Catalonia has had a regional working group called the Stable Group on Religions that is made up of the largest religious groups in Catalonia: Catholics, Protestants, Eastern Orthodox, Muslims, and Jews. The group consists of three committees--one to support new immigrants, another for mediation and prevention of social conflict, and a third for coordinating activities in correctional centers. The group also hosts intercultural dialogues.

Some autonomous regions also have agreements with religious groups to encourage social integration. The Catalanian government, for example, has agreements with the Islamic Council of Catalonia and Protestant, Jewish, and Baha'i religious communities. These agreements are social rather than financial.

In 2007 the Constitutional Court ruled that denying the Holocaust is not an offense punishable by incarceration, arguing that it is permissible in the framework of freedom of speech. Before that ruling, the law set a punishment of up to two years in prison for this offense. The court distinguished Holocaust denial from justification or promotion of genocide, which remain punishable by imprisonment.

The 2007 Law against Violence, Racism, Xenophobia, and Intolerance in Sport establishes sanctions, including closures, suspension, and demotion in divisional standings, against teams and stadiums for prohibited actions committed 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 the following religious holidays as national holidays: Epiphany (January 6), Holy Thursday, Good Friday, Assumption (August 15), All Saints' Day (November 1), Immaculate Conception (December 8), and Christmas (December 25). Many regional governments also establish local religious holidays. In September 2009, the City of Ceuta added a non-Catholic holiday, the Eid el Kebir or Eid al Adha on November 17, to its official labor calendar.

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 (upon agreement by their employer) take Friday afternoons off from work, with pay, to observe the Sabbath. The 1992 accord with FEREDÉ also accommodates Protestant groups entities, such as the Seventh-day Adventists, that celebrate Saturday as the Sabbath by giving them Friday afternoon and Saturday as their days off 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. Religious organizations voluntarily register 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 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 1979 cooperation agreement between the Holy See and the government, since the Episcopal Conference manages the relationship with the government on behalf of the entire Catholic community.

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 consider requests for land for public use, which may include land for opening places of worship. If a municipality decides to deny such a request, after weighing factors such as availability and the proportionate value added to the community, the city council must explain its decision to the requesting party. Local municipalities sometimes delay these decisions, with some requests going unanswered for years. The ministry continued its campaign to educate local governments about their responsibilities to minority religious groups.

In July 2009, the Catalan regional government's director of religious affairs approved a law 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 mandates funding for teachers for Catholic, Islamic, Protestant, and Judaic instruction 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, which under their individual regional statutes keeps religious education as 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 teachers' credentials. Teachers must hold teaching degrees, have training in Spanish law, and be fluent in Spanish.

During the 2009-10 academic year, the government employed 46 teachers for Islamic religious education and approximately 15,000 teachers for Catholic religious education in public schools. UCIDE estimated that there were 166,192 Muslim students who would take classes in Islamic education if possible.

According to the MOJ, Muslim, Protestant, and Jewish religious services were accessible within prisons, and in its 2009 budget, the government allocated \$1.01 million (820,000 euro) to finance religious services for inmates. The government funds religious services for Catholic and Muslim groups within the prison system, but not for Jewish or Protestant groups because, according to the 1992 cooperation agreements between the government and Jewish and Protestant groups,

religious services are to be paid for by the community. In the terms of the Muslim cooperation agreement the government provides funding for religious services. Muslim leaders reported that prison officials generally provided access for prayer assistants to visit Muslim prisoners, and during the reporting period eight imams provided religious services to jail inmates.

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

Although the law favors the Roman Catholic Church in many respects, tensions continued between some members of the government and leaders of the Catholic Church. When the government announced its plan to introduce a new abortion law, the Church responded in June 2009 by releasing an official declaration against the law. Parliament approved the new abortion law in February 2010 and it was scheduled to go into effect July 1, 2010. Although Catholic doctors are not required to perform abortions under this law, the law mandates that the state find doctors who will perform abortions in cases where women are unable to access such services because of refusal by doctors in their community.

Restrictions on Freedom of Religion

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the period covered by this report.

New ordinances banned the burqa and niqab in public buildings of several cities in the country. There were, however, no reports of arrests or fines under the new legislation.

There were isolated instances of local and regional government policies that had the effect of restricting some individual religious groups. Islamic federations continued to report that obtaining a building permit for new mosque construction could be difficult and lengthy, especially in central urban locations. The Islamic Commission reported that sometimes new mosque construction was forced into less visible suburban areas, due to resistance from neighborhood groups. The lack of a formal mosque remained a significant issue in Catalonia because it has highest concentration of Muslims, and none of the roughly 200 prayer centers in this region are actual mosques. Leaders of the Jewish community also complained about difficulties in securing permits and approvals to construct new places of worship.

In April 2010 Najwa Malha, a 16-year old, was expelled from a Madrid public high school for insisting on wearing the hijab to class. She transferred to another school but faced challenges in finding a school that would accept her. The Autonomous Community of Madrid suggested the San Juan de la Cruz School as an alternative. But the school, upon hearing of the case, changed its policy to prohibit attending class with one's head covered. Thereafter a third school, the Gerardo Diego, was chosen for Ms. Malha. In response, the Madrid Department of Education was working on a resolution that would prohibit schools from changing their internal policy during the school year.

On October 29, 2009, Zoubida Barik Edidi, a Spanish lawyer who was working in the National Court, was forced to leave the Court because she was wearing a hijab. Edidi presented a complaint to the court, but her case was dismissed because the judge acted according to a rule which states that heads cannot be covered in court.

Municipal governments are the competent authority with respect to cemeteries and burials, and religious groups, particularly Muslims, reported difficulty in gaining satisfactory treatment and reburial of disinterred remains as well as access to cemeteries designated for particular religions. The national FCJE 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, but within the framework agreed upon by the FCJE and MOJ.

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.

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

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements in Respect for Religious Freedom

As of November 2009, Muslim women are allowed to wear the hijab in official pictures for their Spanish national identity card.

On January 8, 2010, authorities in Mallorca provided 39 burial spaces for Muslims in one of its municipal cemeteries.

In May 2010 a new place of worship for the Pakistani community opened in the neighborhood of Artigues (Badalona), despite protest from residents.

In April 2010 the authorities of Lleida (Catalonia) approved the construction of a mosque on a 0.5 acre lot in the industrial suburb of Segre. When completed, this 555-person capacity mosque would be the first mosque in Catalonia built in modern times. In March 2010, however, Lleida's Muslim leaders halted construction due to a lack of funds.

Section III. Status of Societal Respect for Religious Freedom

As in the previous reporting period, there were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice, but prominent societal leaders took positive steps to promote religious freedom. Many challenges faced by religious groups relate to integration and addressing prejudices and perceptions (e.g., laws on wearing the burqa and hijab and construction of mosques). The growth of the immigrant population has at times led to social friction, which in isolated instances had a religious component. Muslims, for instance, continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates in the country. Acts of anti-Semitism, including graffiti aimed at Jewish institutions, continued during the reporting period. Restrictions targeting Israeli groups were perceived by some groups as also having anti-Semitic motivations.

On June 9, 2010, 19 members of the neo-Nazi group Blood and Honor were found guilty of illicit possession of arms and for inciting hate for racist and anti-Semitic reasons. At the end of the reporting period, they were awaiting sentencing, and the prosecutor was seeking sentences that range from two to five years in jail.

On March 1, 2010, media reported that the Israeli embassy in Madrid had received letters from elementary school children from various public schools in Madrid accusing Israel of killing children. The letters were reported to include statements such as, "Jews kill for money," "Leave the country to the Palestinians" and "Go somewhere where they will accept you." Israeli media accused Spanish schools of inculcating anti-Semitism.

In March 2010 a Barcelona court sentenced Pedro Varela to a two-year, nine-month jail sentence for distributing materials that justify genocide. He was also fined \$3,538 (2,880 euro) and ordered to destroy all books and objects seized in his bookstore, "Europe." These include items such as a bust of Hitler, the swastika, military hats, pictures, and national-socialist posters. His store sold books that justified political regimes which sought to destroy a racial group and despised individuals of Jewish descent and other minorities. He had previously been convicted of denying the Holocaust in 1998.

In July 2009, the Madrid Provincial Court sentenced 15 members of the neo-Nazi organization Hammerskin-Spain to jail sentences that range from 1.5 to 2.5 years in jail, accusing them of illicit association. The court found the organization guilty of promoting homophobia, xenophobia, and anti-Zionism. This was the first sentence of its type in the country.

In 2009 the FCJE established an online observatory of anti-Semitism in the country to raise consciousness of incidents of anti-Semitism.

On March 2, 2009, a trial in Barcelona began against the owners of Kalki bookstore and publishing house for allegedly selling books and products of Nazi ideology justifying the Holocaust. In October 2009 the court sentenced four defendants to jail terms from 1.5 to 2.5 years and fines ranging between \$2783 (2,000 euro) and \$8349 (6,000 euro). The court concluded that between January 2003 and July 2003 the defendants sold publications justifying the Nazi regime and genocide against individuals of Jewish descent.

On July 26, 2009, 20 Catholic churches in Barcelona were the object of the attack of an anarchist group. The group painted graffiti in their walls with messages such as "the only church that gives light is the one that is on fire," and in some cases it sealed the doors with silicone. The Catalonian government condemned the events, and the archbishop of Barcelona issued a reminder that freedom of religion is protected in the constitution.

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. U.S. embassy officials also meet with leaders of various religious groups and attended conferences that address religious and minority issues.

The embassy continued to facilitate regular exchanges between U.S. and local religious associations to foster dialogue and promote religious tolerance and freedom. Through the mission's Muslim Engagement Working Group, the embassy and Consulate General Barcelona maintained contact with various Muslim communities throughout the country to better understand the challenges faced by this population. During the reporting period, the mission hosted several representational events to engage with contacts from Muslim communities. One of those events was the annual iftar (evening meal during Ramadan) reception, hosted by the chargé d'affaires, and during which two imams from the Spanish Islamic community presided over the breaking of the day's fast. In addition to guests from the Muslim community, there were several representatives from the country's government responsible for religious freedom issues and academic experts in the field of Muslim affairs.

Embassy officers held several small roundtable discussions focusing on President Obama's Cairo initiative and concerns of Muslim communities in Spain. Several U.S. speakers sponsored by the embassy participated in conferences and roundtables and engaged in discussions on religious freedom, tolerance, and integration of minority and religious communities in the U.S. and Spain.

Following the Presidential Entrepreneurship Summit in Washington, the mission arranged a breakfast roundtable with the ambassador and the two Spanish Muslim participants who attended the summit. Also present were other members of the country's Muslim communities. Participants discussed issues such as the integration of the Muslim community and religious freedom in the country.

Embassy Madrid and Consulate General Barcelona, in collaboration with the Foreign Agricultural Service and the U.S. Department of Agriculture (USDA), sponsored the participation of two U.S. experts at a conference on "Halal Certification and Legislation in the U.S. and Europe" organized by the Union of Islamic Centers of Catalonia (UCIC) and the FEERI. The speakers explained halal legislation and certification in the US and emphasized the importance for Muslim countries

to define a common international standard for halal. The discussion included specific references related to religious freedom and rights in Spain, and more specifically on the need for halal legislation and a greater involvement of the autonomous communities in the legislation and certification process.

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