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## Spain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **July-December, 2010 International Religious Freedom Report**

Report

**September 13, 2011**

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The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

The government generally respected religious freedom in law and 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; 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 on religion, since 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 CIS survey reported that 73.2 percent of respondents consider 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 members of The

Church of Jesus Christ of Latter-day Saints (Mormons). Less than 10 percent of the total population follows Islam, Judaism, Buddhism, Hinduism, and the Bahai Faith.

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 an estimated 1.4 million Muslims in the country. Approximately 72 percent are Muslim immigrants without Spanish nationality. The Federation of Jewish Communities (FCJE) estimates that there are 48,000 Jews.

In 2009 the Observatorio Andalusi reported that Muslim immigrants came from Morocco (718,000), Senegal (56,590), Algeria (56,201), Pakistan (54,101), and other Arab or Islamic countries. 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. 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 or not 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, synagogue, or mosque. As of November the ministry's Register of Religious Entities included 12,329 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 Witnesses entities and 773 places of worship; one Mormon entity with 120 places of worship; one Unification Church; four Christian Scientist entities; 20 Jewish entities with 22 places of worship; 563 Islamic entities with 160 places of worship; 11 entities of The Bahai Faith with 12 places of worship; five Hindu entities; 32 Buddhist entities with 32 places of worship; and 94 other entities and 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 Register of Religious Entities in Madrid; 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

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. 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.

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." Federal tax law, however, 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 252 million euros (\$311 million) to the Catholic Church.

Rules for religious military ceremonies establish funerals for military members killed in service as the only obligatory events of religious character. This rule allows military funerals by various religious groups.

In January the Autonomous Region of Madrid appointed a special prosecutor to monitor "hate crimes," which are defined as crimes with an ideological or racist component. In Barcelona the regional government of Catalonia appointed a Special Prosecutor for Hate Crimes and Discrimination in 2007. The state attorneys general for these regions created this position to combat discrimination against Jews, Muslims, and lesbian, gay, bisexual, and transgender individuals.

During the year at least 11 cities, mostly in Catalonia, banned in municipal buildings the burqa, niqab (full length body and head veil), or any type of garment or article that would fully cover a person's face. They include (with date of ban indicated): Lleida (Catalonia) in May, El Vendrell (Catalonia) in June, Tarragona (Catalonia) in June, Barcelona (Catalonia) in June, Coin (Málaga-Andalucía) in June, Mollet del Valles (Barcelona) in June, Hospitalet de Llobregat in June, Cunit (Tarragona) in June, Santa Coloma de Gramanet in June, and Cervera (Leida) in August.

Catalonia's regional parliament, however, struck down an initiative that would have banned the burqa in all public spaces throughout the autonomous region.

On June 23, the largest opposition party, the Popular Party (PP), proposed to the senate's plenary session a nationwide ban on burqas, niqabs, or other face-covering garments or accessories in all public areas. On July 20, the proposal was rejected in the chamber of deputies.

On July 26, Galapagar became the first municipality in the Autonomous Region of Madrid also to enact this ban.

On November 4, lawyers for the Watani Association of Freedom and Justice, a Muslim organization in Lleida, filed a suit with the Superior Court of Justice of Catalonia contesting the burqa ban as a breach of fundamental rights and based on religious discrimination.

The country continued its membership on the "Task Force for International Cooperation on Holocaust Education, Remembrance, and Research."

Muslim women were allowed to wear the hijab (women's headscarf) in official pictures for their national identity card.

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

In 1992, based on Protestant, Jewish, and Islamic religious groups' notorio arraigo (deeply rooted) status, representatives of those groups were able to enter into bilateral agreements with the government. These agreements provide certain tax benefits and give civil validity to weddings performed by religious groups. They also permit these 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).

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. During the year the foundation provided funds to 684 projects connected with 621 religious entities (282 Muslim, 316 Protestant, and 23 Jewish). This represented a 20 percent increase from 2009.

The foundation allocated 2.8 million euros (\$3,703,000) during the year 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 involved religious groups. 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 continued to cite the foundation's work as a positive step for integrating non-Catholic religious groups into mainstream society. For example, during the year the foundation organized 11 training seminars in different regions and financed 26 projects to organize seminars to promote religious freedom.

Some autonomous regions have agreements with religious groups to encourage social integration. The Catalan government, for example, has agreements with the Islamic Council of Catalonia and Protestant, Jewish, and Bahai 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.

In sporting events, the law 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 government recognizes Jewish and Islamic holidays and allows members of both religious groups (upon agreement by their employer) to take Friday afternoons off from work, with pay, to observe the Sabbath. Also, the 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. In order to register, religious groups must submit documentation supporting their claim to be religious in nature. If a group is judged not to be religious, 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. In certain cases, religious groups not officially recognized by the government have 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 (Jews, Muslims, and Protestants) that have a cooperation agreement with the state 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 religious groups, 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 it. 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 keep religious education 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.

In 2009 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 offered within prisons and, in its 2010 budget, the government allocated 778,000 euros (\$1.02 million) for Catholic religious services and 41,000 euros (\$54,000) for minority 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 those communities. Under 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 prison inmates.

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

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. Many regional governments also establish local religious holidays. In September 2009 the city of Melilla added an Islamic holiday, the Eid el Kebir or Eid al Adha, to its official labor calendar, and in September 2010 the city of Ceuta did the same.

#### Restrictions on Freedom of Religion

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

New ordinances banned wearing the burqa and niqab in public buildings in several cities and prescribed fines of up to 600 euros (\$790). 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 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 the highest concentration of Muslims, and none of the approximately 200 prayer centers in the 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 August city officials in Lleida, which has approximately 8,000 Muslims, ordered the temporary closure of the largest Muslim prayer hall for repeatedly exceeding its maximum allowed capacity of 240. Police said that more than 1,000 persons had attended the prayers during Ramadan and, due to concerns for public safety, they closed the center. Police and city officials were also concerned that the imam, Abdelwahab Houzi, preached intolerance and was resistant to initiatives to promote interfaith dialogue. To compensate for the closure of the prayer hall, the city provided a temporary outdoor space for Friday services during Ramadan. In October Imam Houzi agreed to relocate the prayer center to a warehouse in an industrial zone outside the city center; plans to construct a mosque were on hold due to lack of funding. As of the end of the year, the prayer center remained closed and the community had not yet relocated to the industrial zone.

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 their religious groups. The national FCJE created and shared with the MOJ a nonbinding protocol for the national and local governments to follow in addressing such problems for Jews. According to the protocol, an agreement is reached with each municipality if it is determined that a cemetery contains Jewish remains, but within the framework agreed by the FCJE and the ministry.

Throughout the reporting period, the MOJ reported that it was working to increase cooperation between local governments and Muslim communities to address granting public land for use as cemeteries and for other religious and cultural purposes, because such authority resided with local and municipal governments.

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

#### Improvements in Respect for Religious Freedom

On September 8, the government released its first official report on anti-Semitism in the country.

In October David Harris, Executive Director of the American Jewish Committee, received the Grand Cross of the Order of Civil Merit, signed by the king in recognition of his work on combating anti-Semitism and promoting international human rights.

In November the Federation of Jewish Communities in Spain, in cooperation with 20 other organizations including the Movement Against Intolerance, created the "Civil Network against Anti-Semitism," to make known and denounce anti-Semitic incidents, both oral and written. This is the first network of its kind in the country.

#### Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

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 (for example, 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 example, continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates.

Acts of anti-Semitism continued during the reporting period. Some Jewish community groups expressed concern over perceived anti-Semitic cartoons in newspapers and anti-Semitic innuendo in some media. The "Civil Network against Anti-Semitism" and other groups monitor this activity, while most media have suggested that their reporting focused on criticism of Israeli policies rather than anti-Semitic attacks.

On June 9, 18 members of the neo-Nazi group Blood and Honor were found guilty of illicit possession of arms and inciting hate for racist and anti-Semitic reasons. On July 5, the Madrid Provincial Court announced jail sentences ranging from one year to three and a half years for 14 of the members. The court also ordered the closure of the group's association because it promoted violence and hatred aimed at spreading Nazi ideology.

In October the Provincial Barcelona Court sentenced Pedro Varela, owner of the bookstore Librería Europa, to one year and three months in jail for distributing materials that purported to justify genocide. He entered prison in December, marking the first case in Spain where an individual has been jailed on such charges. Varela was sentenced in 2008 on similar charges but did not serve any prison time. In 2009 the Barcelona Court opened a case against Varela for printing and distributing, without authorization, Mein Kampf. The case is being tried as a violation of intellectual property rights, as Varela does not hold any copyright or license for the publication.

In November police officers arrested three members of an extreme right-wing group in Barcelona who used the Internet to spread Nazi ideology. The police seized flags, books, and clothing related to the ideology, as well as several weapons.

At year's end, the Barcelona court had several other open investigations involving hate crimes on the Internet and one case against a music group for spreading neo-Nazi messages through their music.

In October the Barcelona Prosecutor for Hate Crimes and Discrimination opened a case against the Popular Party's leader in Badalona for distributing campaign materials linking Romanian immigrants to crime and insecurity. The prosecutor opened a similar investigation against the leader of the anti-immigrant Platform for Catalonia political party for calling for the expulsion of all Muslims from Spain.

On November 2, the Court of Tarragona sentenced both a local imam and the president of the Islamic Association of Cunit to one year in prison for leading a campaign of serious threats, slander, and pressure against a female Muslim cultural mediator. The victim testified that she and her children were harassed because the two religious leaders considered her a "bad Muslim." The imam and head of the Islamic Association allegedly targeted the woman for not covering her head, for having relationships with non-Muslim Spaniards, for driving, and for living a western lifestyle.

#### 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 met with leaders of various religious groups and attended conferences that addressed religious and minority problems.

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 embassy's Muslim Engagement Working Group, the embassy and the consulate general in Barcelona maintained contact with various Muslim communities throughout the country to understand better the challenges faced by those populations.

During the reporting period, the mission hosted several interfaith representational events to foster greater dialogue and mutual understanding among representatives of Spain's major religious groups. The ambassador hosted an interfaith iftar reception (evening meal during Ramadan) on September 7 for Muslim associates and representatives of other religious groups, members of the diplomatic corps, government, NGOs, and academic figures, many of them from the "successor

generation" of leaders in their communities. In his remarks, the ambassador paid tribute to the important role that Muslims have played in the history and culture of the United States and Spain and the importance of working together to promote religious tolerance. A second interfaith event, also hosted by the ambassador, was conducted two days later to mark Rosh Hashanah, the first day of the Jewish New Year. On this occasion as well, the ambassador stressed the values of religious freedom and ethnic tolerance.

Embassy officers and several U.S. speakers, sponsored by the embassy, participated in roundtables and conferences. They engaged in discussions on religious freedom, tolerance, and integration of minority and religious communities in the United States and Spain.

On October 18, the ambassador hosted the U.S. Special Representative to Muslim Communities, Farah Pandith, and leaders of Muslim communities for a discussion on the challenges that Muslims face in Spain. The discussion covered religious freedom, tolerance, and integration of minority and religious communities. On October 19, Special Representative Pandith held similar discussions in Barcelona with Muslim community leaders primarily from the Catalan Region.

On October 22, the ambassador hosted a discussion for Daisy Khan, Executive Director of the American Society for Muslim Advancement, with representatives of Spanish Muslim and Christian organizations to discuss interreligious cooperation. Khan urged participants to work with young immigrants and empower them as "cultural translators" between Islam and their new countries. Khan's participation in the fourth annual conference on Islamic Feminism and in the roundtable with interreligious leaders served to highlight the American experience of religious pluralism and freedom, as well as encouraging further interfaith cooperation in Spain.

On October 25, the consulate general in Barcelona sponsored the participation of two Americans--Robina Niaz, a New York City community leader on domestic violence in the Muslim community, and Jeff Thompson, a New York Police Department detective in the Bureau of Community Affairs and a certified mediator--at the Intercity Program of Religious and Civic Leaders meeting in Barcelona. They participated in a number of programs related to promoting interfaith dialogue among local communities.

On November 9, in conjunction with his first official visit to Valencia, the ambassador engaged Muslim community leaders associated with the Islamic Cultural Center of Valencia in a discussion on their perspectives of the United States and President Obama's promise to build bridges with the Muslim world. On November 24, the ambassador gave opening remarks at the Third Annual International Seminar on Anti-Semitism in Madrid.

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