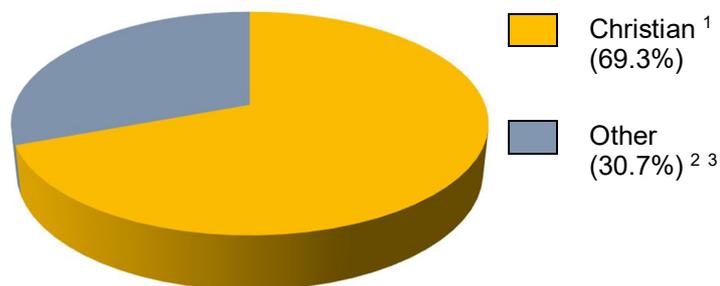


SPAIN



Area: 505,988 km ²	Population⁴: 46.5 million	Political system: Democracy	Major Language(s): Spanish, Aragonese, Astur-Leonese, Basque, Catalan, Galician, Occitan
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Legal framework on Freedom of religion and actual application

Religious freedom in Spain is protected by article 16 of the constitution of 1978. Relations between the Catholic Church and the Spanish State are regulated by the agreement of 28th July 1976, and the agreements of 3rd January 1979 on legal, economic, educational and cultural affairs, and on religious assistance to the Armed Forces and the military service of clergymen, generally known as the 'Concordat'.⁵

The Spanish State has also regulated its relations with other faiths. Law 24/1992 approved the Co-operation Agreement between the State and the Federation of Evangelical Religious Entities of Spain; Law 25/1992 did the same with the Federation of Jewish Communities of Spain; as did Law 26/1992 with the Islamic Commission of Spain.

Religious freedom in Spain is regulated by the Organic Law 7/1980 on Religious Freedom,⁶ and indirectly by the following organic laws: 1/2002 on the Right of Association, 2/2006 on Education, 10/1995 on the Penal Code 8/2013 on the Improvement of Educational Quality, and 6/2001 on Universities.

That the legislation is normally enforced is shown by the rulings made during the period of this report, most notably the fine of €4,320 imposed on Madrid City Councillor Rita Maestre for desecrating the chapel of Complutense University in March 2011,⁷ and the 12-year sentence handed down against the terrorists who bombed the Basílica del Pilar in October 2013.⁸

Incidents

Related to Christianity

Attacks against Catholic churches and centres have varied in severity. In October 2014, vandals set fire to the door of Málaga's Church of Sorrows. The same occurred in August 2015 at the Church of St Vincent of the Sea in the town of O Grove. In June 2014, bare-chested activists from the Femen feminist group chained themselves to Madrid's Almudena Cathedral.⁹

In November 2014, members of the same group desecrated the cemetery of Paracuellos del Jarama in Madrid, which holds the remains of 7,000 people shot dead during the Spanish Civil War (1936-1939).¹⁰

Islamist attacks have also been reported. In January 2015 three hooded men threw a Molotov cocktail at the Convent of Santa Rita in Jerez de la Frontera (Cádiz), painted Jihadi graffiti and stabbed a police officer. On 28th September 2014, while shouting “Allah is great,” a young man threw stones at the Virgen del Carmen in Rincón de la Victoria, Málaga.¹¹

Iconography plays a central role in the attacks. In July 2014, the Association for the Defence of a Public and Secular University called for the removal of religious symbols from the University of Granada, while the Valencian Association of Atheists and Freethinkers offered five euros for every religious symbol removed. In April 2015, the magazine Mongolia carried on its cover the headline Long live a Gay Christ.^{12 13} On 24th December 2015, a life-size nativity scene was knocked down in Pamplona’s Taconera Park.

There has been no shortage of attacks against religious events. In July 2014, the chapel at Madrid’s Complutense University was shut, preventing students from holding a vigil.¹⁴ At Easter, a feminist group carried in procession images that mocked traditional Spanish Holy Week celebrations.¹⁵ Slogans like “Let’s burn the Bishops’ Conference”, “The only church that enlightens is the one that burns”¹⁶ and other sexually explicit remarks¹⁷ were repeatedly shouted at marches and demonstrations.

The clergy and Church hierarchy were particularly harassed. In September 2014, the Spanish Confederation of Lesbians, Gays, Bisexuals and Transgendered People filed a lawsuit against the Bishop of Alcalá de Henares (Madrid) for inciting “hatred and violence against LGBT people”.¹⁸ In February 2015, the Regional Government of Andalusia censured the Bishop of Córdoba’s visits to schools. In July 2015, the Popular Unity Candidacy, a pro-independence Catalan political party, asked the Mayor of Barcelona to stop the activities of the Little Sisters of the Lamb convent and to evict the nuns.¹⁹ In some cases, the harassment turned to physical attacks. On 10th March 2015, a clergyman was beaten in Valencia,²⁰ and on 3rd November 2015, an 87-year-old priest was punched in Málaga.²¹

The election of radical left-wing parties in local government in some Spanish regions has had important consequences for freedom of religion, beyond the social field, and affected government institutions. This has manifested itself in various ways.

Firstly, the alleged privileges of the Catholic Church, such as the Concordat that regulates Church-State relations, have attracted some criticism. The secretary general of the Spanish Socialist Workers Party, Spain’s main opposition party, called for the repeal of the concordat, “along with all the privileges of the Catholic Church”.²² In the regional parliament of Castilla-La Mancha, the PSOE and Podemos (We can), a newly emerging party on Spain’s far left, have called for the same.²³

Allegations have been made against the Catholic Church about financial improprieties in connection with tax exemptions given to institutions that comply with the relevant requirements imposed by law. In a recent municipal election, the PSOE ran on a platform that included a call to levy property tax on the Catholic Church.²⁴ In March 2015, the United Left, a coalition of parties centred on the Communist Party, called on the Madrid City Council to withdraw the Catholic Church’s tax-exempt status.

Church ownership of certain assets, such as the Cathedral of Córdoba, which dates back to 1236, is seen as illegal. The PSOE-controlled Regional Government of Andalusia in fact wants to take it from the Church.²⁵ In Jaca, on 5th October 2015, the Podemos party called for the expropriation of the Cathedral.²⁶

Secondly, freedom of religion has come under attack through publicly-funded activities and media. In November 2015, a work of art was exhibited in Pamplona's City Hall, which is governed by the nationalist left; it spells out the word 'pederasty' with 242 consecrated hosts.²⁷ In February 2016, a prize was awarded in Barcelona City Hall to a recipient who read a blasphemous version of the Lord's Prayer.²⁸

Described by its critics as "indoctrination", religious education in schools has become controversial. In February 2014, the Valencianist Compromís (Commitment) leftist group in the Valencia Regional Parliament called for the removal of religious instruction from the school curriculum. In December 2014, the Regions of Andalusia, Castile-Leon, the Basque Country, the Canary Islands, Asturias and Galicia cut religious classes to the minimum required by law – 45 minutes per week. On 6th March 2015, the United Left party complained to the European Commission about the inclusion of religious education in the school curriculum.²⁹ On 13th April 2015, the secretary general of the PSOE said that if his party were to win the election, his new education law would exclude "religious courses from the curriculum and school timetable".³⁰

In May 2014, the City of Hospitalet de Llobregat banned the procession of Our Lady of Grace of Carmona.³¹ In July 2014, the City of Barcelona banned all religious symbols from the festivities of the Virgin of Mercy. In December 2014, Socialist Member of the Congress of Deputies Odón Elorza defended the conversion of the Benedictine Basilica in the Valley of the Fallen,³² the resting place of those who died on both sides during the Spanish Civil War; its fate is a recurrent issue among nationalists and leftists. On 12th January 2015, the Podemos party said that it would abolish Easter Week if it came to power.³³ In February 2016, the Madrid City Council removed a plaque from the Carabanchel Bajo Cemetery commemorating the execution by firing squad of eight young Carmelite nuns during the Spanish Civil War.³⁴ On 13th July 2015, the mayor of Cenicientos abolished the Way of the Cross of the People on the pretext that "it showed a lack of respect for people who profess no religion or profess Islam."³⁵

Removing crucifixes from various institutions is common, and has been reported in municipalities like Hellin (Albacete), Cádiz, Ciudad Real, Córdoba and Palma de Mallorca. In Brunete (Madrid), the mayor claimed that Podemos councillors had hidden the crucifix before he could be sworn in.³⁶

In April 2014, left-wing parties criticised the Archbishop of Madrid, Rouco Varela, for giving a sermon in which he said, "there are facts and attitudes that caused the civil war and can still cause it again."³⁷ In October 2014, the City of Alcalá de Henares "censured" Bishop Reig Pla and called for his "banishment" because he labelled the pro-abortion "Freedom Train" to Madrid as "the death train."³⁸ On 1st November 2014, the Plural Left coalition of parties in the European Parliament expressed its rejection of the Pontiff's visit.³⁹

The same levels of government have taken legal steps known as "motions of de-confessionalisation", "motions of secularisation", or variations thereof to banish all religious symbols, authorities and expressions from every public space and from all official acts, to separate the Armed Forces and every civil institution from religious events, to ban public servants from wearing any religious symbols, and to eliminate any religious reference from the names of streets, schools and public facilities.

Related to Other Religions

Two main issues underscore complaints by Spanish Muslims. The first is the absence of Islamic religious courses in schools, a situation highlighted in a document called A Study on the Muslim students.⁴⁰ The other concerns the difficulty Muslims face in burying their dead in accordance with Islamic tradition. Offensive graffiti have also appeared on some mosques following Islamist attacks in Europe during the period under consideration. Some Muslims have attacked the right to religious freedom of their fellow Muslims, reproaching, and occasionally attacking Muslim women for not wearing a head covering.⁴¹

Anti-Semitism in Spain is strongly related to events in the Middle East, and manifests itself in comments such as that of writer Antonio Gala in an article on 24th July 2014,⁴² or of Madrid City Councillor Guillermo Zapata in a tweet.⁴³ A U.S. report noted that during a basketball game between Real Madrid and Maccabi Tel Aviv, 18,000 disparaging remarks about Jews appeared on social media.⁴⁴

Prospects for freedom of religion

As far as religious freedom in Spain is concerned, the position is one of definite intolerance, especially among left-wing groups. The latter have recently dusted off once-abandoned anti-clerical practices under the new guise of “secularism” or “separation between State and Church”, most often in those regions where such parties are more strongly established. Although no major terrorist attack has taken place during the period under review, acts of vandalism and expressions of anti-clerical feeling have been on the rise.

The concern is two-fold. Firstly, Spain is in a situation that can be defined as a “slippery slope” in which attacks on freedom of religion have increased exponentially. The main local report on the subject, by the Observatory on Religious Freedom, found that the number of attacks in 2015 was twice that of 2014. Secondly, the situation for freedom of religion in Spain might worsen substantially in the future, especially noting the radical stance towards the Church taken by Spain’s main left-wing party, the Spanish Socialist Workers Party (PSOE), and the rapid rise of a more radical and anti-clerical left, represented by Bildu (leftist Basque pro-independence), Compromis (leftist nationalists, environmentalists in Valencia), Mareas gallegas (Galician Tides) and Podemos’ various local groups, which now occupy a number of public offices.

¹ 38,3 % regular church goers

² Agnostics, Atheists, Muslims, Jews around 15,000

³ *Centro de Investigaciones Sociológicas*, Informe (Report), January 2015, http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3040_3059/3050/es3050mar.pdf

⁴ *Instituto Nacional de Estadística*, Informe (Report), January 2015, http://www.ine.es/inebaseDYN/cp30321/cp_inicio.htm

⁵ *Vatican.va* http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19790103_santa-sede-spagna_sp.html

⁶ *Noticias jurídicas*, http://noticias.juridicas.com/base_datos/Admin/lo7-1980.html

⁷ *El Mundo*, 18th March 2016. <http://www.elmundo.es/madrid/2016/03/18/56ebd7be46163fc4188b456c.html>

⁸ *El País*, 31st March 2016. http://politica.elpais.com/politica/2016/03/31/actualidad/1459414016_320292.html

⁹ https://www.youtube.com/watch?v=PcSMBL_KyUc

¹⁰ *Infocatólica*, 20th November 2014, <http://infocatolica.com/?t=noticia&cod=22550>

¹¹ *Alerta Digital*, 29th September 2015, <http://www.alertadigital.com/2015/09/29/apedrean-una-hornacina-de-la-virgen-del-carmen-al-grito-de-grande-ala/>

¹² *Mongolia*, April 2015 <http://www.revistamongolia.com/revista/viva-cristo-gay>

¹³ *20 Minutos*. 12th October 2015, <http://www.20minutos.es/noticia/2577642/0/willy-toledo/se-caga-fiesta-nacional/virgen-pilar/>

¹⁴ <https://www.ucm.es/data/cont/media/www/pag-57582/CAPILLA%20ABC.pdf>

¹⁵ *20 minutos*, 14th April 2014, <http://www.20minutos.es/noticia/2114357/0/procesion-cono-insumiso/sevilla/pasos-semana-santa/>

¹⁶ *El Confidencial*, 30th October 2014, http://www.elconfidencial.com/cultura/2014/October/30/los-catolicos-piden-al-museo-reina-sofia-la-retirada-de-los-fosforos-quema-iglesias_429361/

¹⁷ *El Mundo*, 27th December 2015, <http://www.elmundo.es/baleares/2013/12/27/52bd514822601dd0618b4577.html>

¹⁸ <http://www.catholicnewsagency.com/news/lawsuit-against-spanish-bishop-who-criticized-gay-lifestyle-dismissed/>

¹⁹ *Religión confidencial*, 21st May 2015. http://www.religionconfidencial.com/solidaridad/Candidatura-Popular-convento-Hermanitas-Cordero_0_2529347042.html

²⁰ *Levante*, 14th March 2015, <http://www.levante-emv.com/comunitat-valenciana/2015/03/14/rector-seminario-sufre-agresion-cerca/1238187.html>

²¹ *La Gaceta*, 4th November 2015, <http://gaceta.es/noticias/golpean-sacerdote-iglesia-malaga-04112015-1220>

²² *ABC*, 22nd June 2014, <http://www.abc.es/espana/20140622/abci-pedro-sanchez-concordato-santa-201406221512.html>

²³ <https://laicismo.org/2016/psoe-y-podemos-de-castilla-la-mancha-reclaman-el-fin-del-concordato-con-la-santa-sede/141473>

²⁴ *Libertad Digital*, 3rd April 2015, <http://www.libertaddigital.com/espana/politica/2015/April/03/el-programa-del-psoe-propone-cobrar-el-ibi-a-la-iglesia-y-a-otras-religiones-1276544660/>

²⁵ *Libertad Digital*, 24th February 2014, <http://www.libertaddigital.com/espana/2014/February>

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- ²⁶*Europa Press*, 5th October 2015, <http://www.europapress.es/aragon/noticia-podemos-propone-catedral-jaca-sea-titularidad-publica-20151005194714.html>
- ²⁷*Diario de Navarra*, 25th November 2015, http://www.diariodenavarra.es/noticias/navarra/pamplona_comarca/pamplona/2015/11/24/abierta_muestra_abel_azcona_con_parte_polemica_sin_retirar_339862_1702.html
- ²⁸*El País*, 16th February 2016, http://ccaa.elpais.com/ccaa/2016/02/16/catalunya/1455614571_649067.html
- ²⁹*GUE/NGL*, 4th March 2015, http://www.guengl.eu/group/delegation_news/izquierda-unida-lleva-ante-la-ce-el-nuevo-curriculo-de-religion
- ³⁰*El Mundo*, 13th April 2015, <http://www.elmundo.es/espana/2015/04/13/552b8428ca474109078b4581.html>
- ³¹*Aciprensa*, 16th May 2014, <https://www.aciprensa.com/noticias/prohiben-procesion-catolica-en-municipio-de-espana-23640/>
- ³²*Noticias de Navarra*, 17th December 2014, <http://www.noticiasdenavarra.com/2014/12/17/politica/estado/el-psoe-defiende-en-el-congreso-de-los-diputados-la-reconversion-del-valle-de-los-caidos>
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- ³⁴*Libertad Digital*, 2nd February 2016, http://www.libertaddigital.com/espana/2016_February_02/la-placa-en-memoria-de-ocho-carmelitas-fusilados-de-los-primeros-monumentos-retirados-por-carmena-1276566909/
- ³⁵*ABC*, 14th July 2015, <http://www.abc.es/madrid/20150714/abci-quitan-crucis-cenicientos-201507131805.html>
- ³⁶*La Gaceta*, 22nd June 2015, <http://gaceta.es/entrevistas/los-concejales-mandaron-quitar-crucifijo-22062015-1414>
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- ³⁸*Obispado de Alcalá*, <http://www.obispadoalcala.org/noticiasDEF.php?subaction=showfull&id=1413377072&archive>
- ³⁹*El Mundo*, 31st October 2014, <http://www.elmundo.es/internacional/2014/10/31/5453b449268e3eec078b456c.html>
- ⁴⁰*Europa Press*, 14th July 2014, http://www.europapress.es/sociedad/noticia-mas-cada_October_alumnos-musulmanes-espana-sigue-clase-religion-20140714133829.html
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