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# Annual report on the status of religious freedom in Spain: 2015

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## **ANNUAL REPORT ON THE STATUS OF RELIGIOUS FREEDOM IN SPAIN: 2015**

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Ministry of Justice (General Directorate for International Legal Cooperation and Religious Affairs)

September 2016



## **CONTENTS:**

### **TABLE OF ABBREVIATIONS.**

### **INTRODUCTION**

#### **I. REGULATORY AND MANAGEMENT IMPROVEMENTS.**

1. Regulatory activity set in motion via the DGCJIRC
2. Within the non-regulatory activity of the DGCJIRC
3. The Activity of the Religious Freedom Advisory Committee
4. Activity of the Registry of Religious Entities

#### **II. ESTIMATED NUMBER OF DEVOTEES PERTAINING TO RELIGIOUS DENOMINATIONS.**

1. Religious denominations with an Agreement with the Spanish State
  - 1.1. The Catholic Church
  - 1.2. Evangelicals
  - 1.3. Jews
  - 1.4. Muslims
2. Religious denominations that have a recognised deeply rooted presence in Spain but that have no Agreement with the Spanish State.
  - 2.1. The Church of Jesus Christ of Latter-day Saints (Mormons)
  - 2.2. Jehovah's Witnesses
  - 2.3. Buddhists
  - 2.4. The Orthodox Church

#### **III. RECOGNITION AND INSTITUTIONAL REPRESENTATION OF RELIGIOUS DENOMINATIONS.**

1. The Catholic Church
2. Evangelicals
3. Jews
4. Muslims
5. The Church of Jesus Christ of Latter-day Saints (Mormons)
6. Jehovah's Witnesses
7. Buddhists



8. Orthodox Churches

**IV. PROBLEMS DETECTED IN THE FOLLOWING AREAS:**

1. Places of worship.
2. Problems when exercising religious freedom in public spaces.
3. Ministers of religion, heads and representatives.
4. Cemeteries and burials.
5. Religious freedom in the workplace: cases of direct and indirect discrimination.
6. The teaching of religion and religious freedom in the context of education.
7. Religious freedom in the context of healthcare.
8. Pastoral care in public centres.
  - 8.1. Prisons
  - 8.2. Foreigner Internment Centres
  - 8.3. Hospitals
  - 8.4. The Armed Forces
9. Offences to religious feelings and hate crimes on religious grounds.
10. Religious marriages with civil effects.
11. Public financing for religious denominations.
12. The cultural heritage of religious denominations.
13. The manner in which religious denominations are treated in the media.

**V. PROPOSALS TO IMPROVE THE PROTECTION OF RELIGIOUS FREEDOM IN SPAIN.**

**VI. CASE-LAW CONCERNING RELIGIOUS FREEDOM OVER THE COURSE OF 2015.**

**VII. APPENDIX: STATE LEGISLATION CONCERNING RELIGIOUS FREEDOM.**



## **TABLE OF ABBREVIATIONS:**

**CALR:** Religious Freedom Advisory Committee

**CIE:** Islamic Commission of Spain

**DGCJIRC:** General Directorate for International Legal Cooperation and religious affairs

**ERE:** Evangelical Religious Teaching

**ERI:** Islamic Religious Teaching

**FCBE:** Federation of Buddhist Communities of Spain

**FCJE:** Federation of Jewish Communities of Spain

**FEERI:** Spanish Federation of Islamic Religious Entities

**FEREDE:** Federation of Evangelical Religious Entities of Spain

**LDS CHURCH:** Church of Jesus Christ of Latter-day Saints

**RER:** Registry of Religious Entities

**SGRC:** Subdirectorato General for Religious Affairs

**UCIDE:** Union of Islamic Communities of Spain



## INTRODUCTION

Last year, the Ministry of Justice published the first report on the status of religious freedom in Spain. The objective was to gather specific data that would provide an understanding of both achievements and difficulties and those aspects wherein greater effort was required in order to continue to advance towards proper management of religious diversity. The dissemination it has had bears testament to the usefulness of this tool, for Public Administrations and social agents and scholars. In order to afford continuity to the endeavour, this second report has been published, focusing on the situation in 2015.

For the purpose of drawing up the report, amongst other sources, the data of the Registry of Religious Entities was consulted, along with the considered opinion of the various religious denominations with a deeply rooted presence in Spain: the Catholic Church, the Federation of Evangelical Religious Bodies of Spain, the Federation of Jewish Communities of Spain, the Islamic Commission of Spain, the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, Buddhists and the Orthodox Church.

Possessing a more accurate and exact understanding of the actual status of religious freedom in Spain is an essential grounding for progress in an area that is of vital importance to democratic coexistence within current social contexts, such as that addressed here.

## I. REGULATORY AND MANAGEMENT IMPROVEMENTS

Via the General Directorate for International Legal Cooperation and Religious Affairs (hereinafter, DGCJIRC), efforts have been made to promote the modernisation of State management of the fundamental right of freedom of religion and to improve the situation of the various religious denominations in Spain.

### 1. Attention should be drawn to the following regulatory activity set in motion via the DGCJIRC:

- a) The passing of **Royal Decree 593/2015, of 3 July**, regulating the declaration for a religious denomination to be deeply rooted in Spain (Official State Gazette of 1 August 2015).

The non-regulated procedure to declare a religious denomination to be deeply rooted that was used prior to the entry into force of this Royal Decree was based around the action and report of the Religious Freedom Advisory Committee, by virtue of the stipulations of article 8 of Organic Law 7/1980, of 5 July, which gave rise to the need to create objective conditions for the acquisition of this status.

A response to this matter was formulated via the regulation afforded in this Royal Decree, which established the following requisites for the acquisition of the status of being deeply rooted in Spain:

- Registration in the Registry of Religious Bodies for at least thirty years, save where the body accredits recognition overseas of at least sixty years and has been recorded in the Registry for at least fifteen years.
- Accreditation of presence in at least ten Autonomous Regions and/or the Autonomous Cities of Ceuta and Melilla.
- Possession of 100 entries or notes in the Registry of Religious Entities, in terms of registrable bodies and places of worship, or a smaller number in the case of bodies or places of worship of particular importance, in view of their activity or membership numbers.

- Boasting a due and sufficient structure and representation for organisation in terms of being declared deeply rooted.
- Accreditation of presence and active participation in Spanish society.

The Royal Decree regulates a procedure to accredit these requisites that finalises with a resolution that can be subjected to judicial review, which undoubtedly represents an advance in terms of the guarantees of the applicants. Furthermore, it incorporates an administrative procedure via which the status of being declared deeply rooted can be lost due to a significant change in the circumstances required for its acquisition.

**b) The passing of Royal Decree 594/2015, of 3 July, regulating the Registry of Religious Entities** (Official State Gazette of 1 August 2015).

The objectives sought are as follows:

- A clearer definition of its scope, identifying registrable bodies and acts with access to the Registry.
- The development of all existing procedures, improving current regulation, whilst incorporating procedures that were previously unregulated, such as those relating to the register of places of worship, a body's membership or removal from a federation and the recording of ministers of religion.
- Replacing conventional registration and filing systems with electronic systems, fulfilling the objectives of electronic Administration.
- Updating the Registry details of recorded entities, via the presentation of a statement affirming their operational status, to ensure that the Registry better reflects actual circumstances.
- Amongst the innovations introduced by this Royal Decree, attention should be drawn to the following:
  - Within the procedure for recording churches or religious confessions or communities, the foundation or premises in Spain can now be endorsed by a minimum of 20 persons of legal age who are lawful residents of Spain, given that the requirement of a minimum number of devotees cannot be introduced via a regulation.
  - The requirement of a public document for the recording of a registrable body and the modification of its articles of association.
  - The obligation of registering the representatives of religious bodies.
  - The procedure to registering the ministers of religion of those registered churches, religious confessions or communities that so request, save where they are empowered to celebrate or certify acts with civil effects, in which case their registration is obligatory.

**c) Resolution of 3 December 2015, issued by the General Directorate for International Legal Cooperation and Religious Affairs, on the recording of Catholic bodies in the Registry of Religious Entities** (Official State Gazette of 23 December 2015).



Amongst the innovations introduced, attention should be drawn to the following:

1. The Dioceses, Parishes and other territorial divisions that can be established by the Catholic Church will be afforded civil legal personality insofar as they possess canonical legal personality and the competent ecclesiastical Authority has notified the Registry of Religious Entities within the Ministry of Justice of this status, notification which is now to be accompanied by the corresponding electronic file.
2. Applications presented by the Institutes of Consecrated Life, Societies of Apostolic Life, Associations and Religious Foundations pertaining to the Catholic Church must be accompanied by a document afforded the status of a public deed. Moreover the documents accompanying applications must be endorsed by the competent ecclesiastical Authority.

With regards to the registration of such bodies, the approval of the supreme body of the Church in Spain, referred to in article 7.2 in fine of Royal Decree 594/2015, of 3 July, will be obtained via authentication, issued by the Spanish Episcopal Conference, as the Catholic Church's interlocutor before the State, without prejudice to its right to delegate and the competence held by each ecclesiastical Authority.

Furthermore, attention should be drawn to the following regulatory activity promoted by the SGRC in conjunction with other units:

**d) The Regulation in Act 15/2015, of 2 July, on Voluntary Jurisdiction (Official State Gazette of 3 July 2015) of marriages celebrated in a religious manner.**

The Act on Voluntary Jurisdiction, which modifies, *inter alia*, the regulation of the Civil Code and the Law on Civil Registry in terms of marriage, recognises the right to celebrate religious marriages with civil effects to religious denominations acknowledged as deeply rooted in Spain, namely, the Church of Jesus Christ of Latter-day Saints (2003), Jehovah's Witnesses (2006), Buddhism (2007) and the Orthodox Church (2010), a right that can be exercised as of 23 July 2015.

Prior to this, the following religious denominations had already enjoyed this right: the Catholic Church (Agreement between the State and the Holy See concerning Legal Matters, of 3 January 1979), the Evangelical churches (Cooperation agreement between the State and the Federation of Evangelical Religious Entities of Spain, passed by Act 24/1992, of 10 November), the Jewish faith (Cooperation agreement between the State and the Federation of Jewish Communities of Spain, passed by Act 25/1992, of 10 November) and the Islamic faith (Cooperation agreement between the State and the Islamic Commission of Spain, passed by Act 26/1992, of 10 November).

**e) Initiatives relating to Social Security:** Royal Decree 839/2015, of 21 September, amending Royal Decree 369/1999, of 5 March, on the terms and conditions for the inclusion of the ministers of religion of churches pertaining to the FEREDS within the General Social Security Scheme (Official State Gazette of 22 September 2015).

**f) The protection of religious freedom under criminal law,** following the reform of the Penal Code implemented via Organic Law 1/2015, of 30 March (Official State Gazette of 31 March 2015).

On 1 July 2015, the reform of the Penal Code implemented via Organic Law 1/2015, of 30 March entered into force, with bearing on, amongst other areas, the protection of religious freedom under criminal law, in which regard, it bears mention that the Federation of Jewish Communities of Spain had called on the Spanish Government to include, within the reform of the Penal Code, denial of the Holocaust and the defence of anti-Semitism.



## **2. Within the non-regulatory activity of the DGCJIRC, attention should be drawn to the following:**

g) On 17 April 2015, a new subject area entitled **Religious Freedom** was introduced on the Ministry of Justice's Web Page (<http://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/libertad-religiosa>), which is currently structured as outlined below:

- News.
- Annual Report on the Status of Religious Freedom in Spain.
- Registry of Religious Entities.
- Religious Freedom Advisory Committee.
- Registered Religious Entities Search Engine.
- Places of Worship Search Engine.
- Religious marriage within deeply rooted religious denominations.
- Regulations concerning religious freedom.
- Case law of interest in matters of religious freedom, which, to date, includes the case law of the Spanish Constitutional Court.
- Documents of interest in matters of religious freedom, which includes various documents issued by the European Court of Human Rights, the European Parliament, the Council of the European Union and the OSCE.
- Report on the activities of the Subdirectorate General for Religious Affairs.
- List of services offered by the Subdirectorate General for Religious Affairs.

With regards citizens' use of this Religious Freedom Area, between 17 April and 31 December, 3,925 visits were registered and 41,062 pages were viewed. Furthermore, with regards to the Registered Religious Entities Search Engine (a separate statistic), in 2015, 3,635 visits were registered and 32,562 pages were viewed.

h) As part of the **training activities of the Ministry of Justice**, in relation to equality and non-discrimination, attention should be drawn to the following papers produced by the Subdirectorate General for Religious Affairs (hereinafter, SGRC): "Religious plurality: cases and regulatory framework", "Public management of religious diversity" and "The fundamental right of freedom of religion and the role of the State in the management of religious pluralism. The possibilities of participation in international projects".

## **3. The Activity of the Religious Freedom Advisory Committee**

The Plenary Session of the Religious Advisory Committee (hereinafter, CALR) convened on 5 March and 16 September 2015. In the Plenary Session that took place on 5 March 2015, amongst other matters, a decision was taken to set up the following working groups:

- Annual Report on the Status of Religious Freedom in Spain.
- Opening of Places of Worship.
- Religious Marriage.
- Selection exams on holy days and dress code in employment posts within the Public Administration.
- Cemeteries of minority religious denominations.

The Standing Committee of the CALR was convened on 5 March, 28 May and 1 October 2015.

In 2015, the first Annual Report on the Status of Religious Freedom in Spain, corresponding to 2014, was approved and published.

#### 4. Activity of the Registry of Religious Entities

The Registry of Religious Entities (hereinafter, RER) is a public registry, exclusively serving the entire Spanish State, wherein, on a voluntary basis, bodies of a religious nature and their federations are registered with a view to obtaining civil legal personality.

In accordance with article 26 of Royal Decree 594/2015, of 3 July, regulating the RER, which entered into force on 1 November 2015, the Registry is divided into the following Sections:

i) The General Section, wherein churches, religious confessions and communities are registered, along with the bodies they establish.

j) The Special Section, wherein the churches, religious confessions and communities that have signed or to which a Cooperation Agreement with the State applies, are registered, along with the bodies they establish.

k) The Historical Section, to which the entries of entities that have been cancelled and rejected applications are transferred, along with their annexed protocols.

However, the religious foundations of the Catholic Church will continue to be regulated via Royal Decree 589/1984, of 8 February, on the Foundations of the Catholic Church, whilst the foundations of religious bodies remain unregulated at a general level. Until such time, the Registry will continue to operate the Foundations Section envisaged in the aforementioned Royal Decree (Second Transitory Provision of Royal Decree 594/2015, of 3 July).

#### Management workload:

With regards to the number of registered entries, in 2014, the percentage of entries pertaining to the Catholic Church amounted to 76.07%, whilst in 2015, they accounted for 75.89%.

The management workload relating to the individualised procedures corresponding to the RER over the course of 2015 can be broken down as follows:

2015	Pending at start of year	Applications received	Applications processed	Pending at end of year
Recording of bodies in the RER	135	616	540	211
Modification of RER entries	108	1,521	1,551	78
RER annulments	1	146	117	30
Certificates of RER entries or records	0	3,614	3,614	0



## II. ESTIMATED NUMBER OF DEVOTEES PERTAINING TO RELIGIOUS DENOMINATIONS.

### 1. Religious denominations with an Agreement with the Spanish State

#### 1.1. The Catholic Church

In Spain, the Catholic Church consists of 14 ecclesiastical Provinces, divided into 70 dioceses (69 territorial dioceses and 1 military diocese) that are presided over by a bishop or archbishop.

The dioceses are divided into 23,098 parishes, served by more than 19,000 priests.

The most important data relating to the Catholic Church is as follows:

32,556,922 Catholics

23,098 parishes

19,163 priests

865 monasteries

57,986 members of religious orders

10,899 cloistered monks and nuns

With regards to the religious celebrations of the Catholic Church, more than 10 million people regularly attend mass and more than 9 million communions are held each year.

#### 1.2. Evangelicals

The Federation of Evangelical Religious Entities of Spain (FEREDE) is the organisation that encompasses and represents the majority of the Evangelical Churches in the country, primarily with regards to adherence to and application of the Cooperation Agreements signed with the Spanish State in 1992 (Act 24/1992, of 10 November).

This Federation raises doubts in relation to the propriety of requesting data relating to the number of devotees of this faith. Moreover, no reliable studies exist regarding the number of devotees who are members of FEREDE. Nevertheless, in order to have a rough approximation of the evangelical or protestant reality in Spain, the following criteria may prove useful:

*a) Taking into consideration the number of places of worship and registered entities:*

More than the belief, it is religious practice that requires a response from the State and the envisagement of a series of measures aimed at ensuring the free exercise of the right of religious freedom. Congregational worship is a fundamental aspect of religious practice, whereby awareness of the number of places of worship is an important detail when evaluating the degree to which a religious community is established.

According to the data provided by the Observatory of Religious Pluralism, as of 1 June 2015, 3,588 evangelical places of worship exist, representing 12.22% of the total places of worship existing in Spain and accounting for 57.22% of the places of worship of religious minorities.

This information can be supplemented with the number of bodies recorded in the Registry of Religious Entities. Of the total of 2,414 evangelical bodies registered with their own legal personality, 1,397 are members of FEREDE. This detail is to be evaluated along with the more significant data provided on places of worship, as protestant bodies include entries for local independent churches with a single place of worship and others of a much larger scale and with a national scope that, within their internal organisation, might boast dozens or hundreds of places of worship that are all registered under a single registry entry number. By way of example, until very recently, the Church of Philadelphia,

the primary evangelical movement amongst the Romani people, possessed only one body registered in the Registry, whilst boasting more than 650 places of worship.

*b) Estimated number of devotees:*

FEREDE has no available up-to-date statistical data. It provides the following estimates obtained from a study that was carried out 10 years ago:

- a) People who congregate in evangelical churches. The estimate stands at 500,000 people. The vast majority congregate in churches with Spanish devotees, but there are also churches with members from various countries and churches providing pastoral care to foreigners.
- b) Non-congregational protestants or evangelicals from within the European Union. It is estimated that between 800,000 and 1,000,000 people from within the European Union reside in Spain for more than six months each year.
- c) Non-congregational protestants or evangelicals from outside the European Union are estimated to number between 100,000 and 150,000 people, hailing mainly from non-EU European countries, Latin America, Asia and Africa.

The total estimated number of protestants in Spain is approximately 1,500,000 devotees.

### **1.3. Jews**

No census has been carried out, but the Federation of Jewish Communities of Spain (FCJE) estimates that there are no more than 100,000 devotees pertaining to this faith in Spain, with more than 30 synagogues throughout the country, some with capacity for to 800 people.

It should be borne in mind that, with the nationalisation of Sephardic Jews under Act 12/2015, of 24 June, on the conferral of Spanish nationality to Sephardic Jews with Spanish origins, and its implementation by Royal Decree 893/2015, of 2 October, conferring Spanish nationality on specific Sephardic Jews with Spanish origins by naturalisation, despite the fact that the terms “Sephardic” and “Jew” are not synonymous, it is possible that the number of Spanish Jews will increase.

On the website [www.fcje.org](http://www.fcje.org), we find the Anti-Semitism Observatory, which was brought into existence in order to raise concern for and social awareness of acts of anti-Semitism in the country, whilst providing a platform to combat bigotry of any form.

### **1.4. Muslims**

The estimated number of devotees of this faith in Spain totals 1,887,906 Muslims, according to the al-Andalus Observatory of the UCIDE.

The Observatory offers the following general figures in relation to the Muslim population in Spain, breaking down the data by Autonomous Region and taking into consideration the nationality of the residents. These statistics are drawn up on the basis of information gathered from the Municipal Register of Inhabitants. The figures for Spanish citizens are compared with the registries of the Islamic Communities in each Autonomous Region:

*Cf. Demographic study of the Muslim population. Mining of data from the census of Muslim citizens in Spain as of 31/12/2015*, p. 9, available at: <http://observatorio.hispanomuslim.es/estademograf.pdf>:

The Registry of Religious Entities holds records of 1584 Islamic bodies. The CIE suggests that measures should be established to ensure that registered Islamic bodies maintain their religious activity.



## **2. Religious denominations that have a recognised deeply rooted presence in Spain but that have no Agreement with the Spanish State.**

### **2.1. The Church of Jesus Christ of Latter-day Saints (Mormons)**

The Church commenced its activity in Spain in the 1960s, via American members of the Church stationed at the military bases in Zaragoza, Madrid, Seville and Cadix who were organised into a district that formed a part of the French Mission. When the Spanish Mission was set up in 1970, there were 658 members.

Currently, the Church of Jesus Christ of Latter-day Saints, according to its own internal data, boasts 53,933 parishioners and 142 congregations.

### **2.2. Jehovah's Witnesses**

They affirm that the number of active members of the faith stands at 111,411 and that those numbers attending the Memorial of Jesus' Death rose to 190,233.

The Registry of Religious Entities holds registers of 734 places of worship for this faith.

### **2.3. Buddhists**

The various sampling carried out by the Federation of Buddhist Communities of Spain (FCBE) report a figure of approximately 80,000 practising Buddhists. This is an approximate estimate, given that the Buddhist faith does not take censuses or hold lists of its devotees, nor is any requisite placed on potential practitioners in this regard.

The FCBE affirms that the proportion of foreigners amongst its devotees is similar to the proportion within the population as a whole. In other words, there is no significant incidence of immigrants amongst its devotees and, even amongst the teachers, who, until fairly recently, were largely foreigners, now the numbers are gradually evening out and we see an increased number of Spanish citizens who are trained in this country, given that a growing number of Buddhist communities are able to train ministers of religion, at levels that are comparable to countries where Buddhism has a more deeply rooted tradition.

It is necessary to point out that this figure does not include believers amongst groups of immigrants such as the Chinese, who have not approached this Federation, whereby no data is available on them. This means, in all likelihood, that the number of practising Buddhists in Spain is significantly higher than the numbers available to the FCBE suggest, as its data is restricted to those communities with which it has contact.

### **2.4. The Orthodox Church**

The various historical Patriarchates have established themselves in Spain, taking in the different ethnic backgrounds of their devotees. Thus, the Registry of Religious Bodies includes entries for the Patriarchates of the Orthodox Churches of Serbia, Moscow, Bulgaria, Romania, Georgia and Constantinople.

In January 2010, the Orthodox Episcopal Assembly of Spain and Portugal was created in order to facilitate ecclesiastical organisation to afford Orthodox Christians and their communities' representation before the State and society as a whole. However, this association was not set up as a religious body recorded in the RER.

The Church did not provide data updated to 2015. According to the data presented for the 2014 Report, there are 1,500,000 million practising Orthodox Christians.

2.4.1. The Greek Orthodox Church or Ecumenical Patriarchate of Constantinople affirms that it cannot calculate its number of devotees, given the diverse ethnical nature of its ecclesiastical jurisdiction. It has a presence throughout the country, with the exception of the Autonomous Regions of Asturias, Cantabria, Extremadura and Murcia.



2.4.2. Russian Orthodox Church. According to data provided by the National Institute for Statistics, there are 65,034 Russian citizens, 88,594 Ukrainian citizens and 17,438 Moldovan citizens living in Spain. The majority identify themselves as devotees of the Orthodox Church of the Moscow Patriarchate in their countries of origin.

On the Church's website (<http://orthodoxspain.com/es/>), information is provided on the priests and places of worship of the Russian Orthodox Church in Spain, affirming that there are a total of 24 churches and parishes.

The Church has a presence in the Autonomous Regions of Andalusia, Asturias, the Balearic Islands, the Canary Islands, Catalonia, Galicia, Madrid, Murcia, the Basque Country and Valencia.

2.4.3. Romanian Orthodox Church. It is estimated that, in Spain, the Romanian Orthodox community makes up 70-75% of the Romanian population, a percentage that is calculated taking into account that in Romania, 83% of the population are Orthodox Christians.

There are a total of 125 Orthodox bodies registered in the RER.



### III. RECOGNITION AND INSTITUTIONAL REPRESENTATION OF RELIGIOUS DENOMINATIONS.

Whilst, in principle, the functions of the SGRC include normal relations with the religious denominations registered in the RER, the Regional Government of Catalonia boasts a General Directorate for Religious Affairs<sup>1</sup>, via which it interacts, within the framework of envisaged statutory competencies, with the religious groups within the Autonomous Region. The General Directorate has published a map indicated the places of worship and organisational structure of the main religious denominations within the territory that can be found on the following website: [http://governacio.gencat.cat/ca/pgov\\_ambits\\_d\\_actuacio/pgov\\_afers-religiosos/pgov\\_serveis/pgov\\_mapa\\_religions/](http://governacio.gencat.cat/ca/pgov_ambits_d_actuacio/pgov_afers-religiosos/pgov_serveis/pgov_mapa_religions/)

#### 1. The Catholic Church

The Spanish Episcopal Conference is the representative institution of the Catholic Church in Spain. It is made up of 75 bishops (including titular and auxiliary bishops) of the 70 dioceses in Spain, along with 38 bishops emeriti, who have a say but have no voting rights. The civil legal personality of the Spanish Episcopal Conference is recognised in the Agreement between the State and the Holy See, of 3 January 1979. The Registry of Religious Entities of the Catholic Church records 13,217 Catholic bodies. Moreover, it should be borne in mind that the Dioceses, Parishes and other territorial divisions of the Catholic Church, in accordance with the stipulations of the Agreement between the State and the Holy See, of 3 January 1979, are afforded civil legal personality insofar as they possess canonical legal personality and the competent bodies of the State have been notified of this status.

The Catholic Church has four representatives in the Religious Freedom Advisory Committee.

#### 2. Evangelicals

The various evangelical churches and bodies, whilst possessing full organisational autonomy and freedom of action, frequently form a part of different denominational groups that play an important role within the evangelical faith. By way of example, attention might be drawn to the following, amongst others: the Federation of Assemblies of God of Spain (FADE), the Spanish Evangelical Baptist Union (UEBE), the Spanish Evangelical Church (IEE), the Federation of Independent Evangelical Churches of Spain (FIEIDE), and the Assemblies of Brethren or the Anglican Communion.

In terms of their relationship and cooperation with the Spanish State, the majority of the churches form a part of the Federation of Evangelical Religious Entities of Spain (FEREDE).

FEREDE has two representatives in the CALR.

#### 3. Jews

The Spanish Jewish community is represented before the State by the Federation of Jewish Communities of Spain, a body that is a signatory of the Agreement of 1992, under its original name of “Federation of Israelite Communities of Spain”, which was changed to its current designation in 2004. The Sixth Final Provision of Act 15/2015, of 2 July, on Voluntary Jurisdiction has stipulated that “the Title of this Act has been modified and now becomes ‘Act 25/1992, of 10 November, approving the Cooperation Agreement between the State and the Federation of Jewish Communities of Spain’”.

<sup>1</sup> When drawing up this report, the data provided by the General Directorate for Religious Matters of the Regional Government of Catalonia have been taken into account and incorporated



There are Jewish communities in 10 Autonomous Regions and Cities within Spanish territory.

The FCJE has one representative in the CALR.

#### **4. Muslims**

On 29 September 2015, the Registry of Religious Entities registered an amendment to the Articles of the Islamic Commission of Spain and its new legal representation. The reform created a Standing Committee as the representative body, with 25 members, and a Board of Directors featuring a President. Currently, the Standing Committee is in the process of being set up.

The CIE, in view of its position as one of the faiths with the largest number of devotees, has two representatives in the CALR.

#### **5. The Church of Jesus Christ of Latter-day Saints (Mormons)**

With regards to the institutional representation of the religious denominations, the LDS Church deems it appropriate at State level. Nevertheless, it affirms that there are shortcomings at regional and local level.

Mormons indicate that they would appreciate greater participation of public authorities in the faith's important acts.

Moreover, in application of article 9.2 of the Constitution, they point out that "it is the responsibility of the public authorities to promote conditions wherein the freedom and equality of individuals and the groups they form are real and effective; to remove any barriers that prevent or hinder their fulfilment, and to facilitate the participation of all citizens in political, economic, cultural, and social life", the LDS Church believes that more steps should be taken to promote greater citizen participation of religious entities as agents of civil society.

The LDS Church has one representative in the CALR.

#### **6. Jehovah's Witnesses**

In terms of organisational aspects, as their website indicates (<https://www.jw.org/es>), a group of elders or overseers attends to each congregation. Congregations are grouped into circuits and the circuits are organised into districts. Each circuit consists of approximately twenty congregations, and each district contains roughly ten circuits. The circuits and districts are the charge of travelling overseers who periodically visit the congregations.

The offices of the Jehovah's Witnesses in Brooklyn, New York, via a central council referred to as the Governing Body, provide guidance and Bible study courses to congregations all over the world. All members have been Witnesses for many years.

During the processing of Royal Decree 932/2013, of 29 November, regulating the CALR, they affirmed their unwillingness to form a part of this Committee on the basis of their religious principles. Via a document issued in January 2014, they waived this right.

#### **7. Buddhists**

The legal representation of the FCBE is, in accordance with its articles of association, vested in its President.

The FCBE amended its articles of association to allow the admission of Buddhist communities with no accredited historical derivation, providing that they show due observance of traditional practices. As a result of this change, devotees within such communities are afforded access to the rights arising from the articles of association deriving from the recognition of the status of being deeply rooted, which was obtained by



the FCBE. In 2015, communities have been admitted as a result of this amendment of the articles of association.

The FCBE takes in eighteen Buddhist communities, which in turn boast a large number of dependent bodies and teaching centres, retreats and temples. Individuals and legal entities can also become associate members of the FCBE via the corresponding collaboration agreement, where they undertake any form of activity that is in accordance with the objectives of the Federation. Agreements of this nature have been signed with regards to academic matters, legal aid and other areas.

The RER holds registers on a total of 77 Buddhist bodies.

Via the FCBE, Buddhism has one representative in the CALR.

## **8. Orthodox Churches**

The Greek Orthodox Church draws attention to problems of institutional representation as a result of the failure to recognise the Orthodox Episcopal Assembly of Spain and Portugal as a religious body in the RER.

The Romanian Orthodox Church has affirmed its desire to take steps with a view to signing a Cooperation Agreement with the State.

It has one representative in the CALR, and it should be mentioned that, following consultation with the Orthodox Episcopal Assembly of Spain and Portugal, they decided that the term of office of their representative would last for two years and rotate amongst the various Orthodox dioceses in Spain.



## IV. PROBLEMS DETECTED IN THE FOLLOWING AREAS:

### 1. Places of worship.

The Catholic Church boasts 23,098 parishes and 865 monasteries, and reports no particular problems in relation to urban planning legislation and the processing of administrative authorisations.

Evangelical churches possess 3588 places of worship, of which 2744 are members of FEREDE. They complain about difficulties in terms of setting up and opening their places of worship, citing this as one of the most significant problems currently affecting their exercise of freedom of religion. More specifically, they point to the following difficulties:

- A complete lack of, or insufficient land set aside for religious use within urban planning.
- Urban planning that restricts the possibilities of opening places of worship, or that envisage inappropriate places, on the outskirts of cities, which hinders the normalisation of religious diversity.
- They feel that the amount of land provided for the construction of evangelical churches is insufficient.
- A lack uniform legal criteria amongst the various Autonomous Regions and Town and City Halls for establishing places of worship, thereby violating the principle of equality in the exercise of a fundamental right.
- At times, municipal bylaws impose restrictions on establishing places of worship that go beyond the protection of public order or the fundamental rights of third parties, the only legitimate reasons for restricting freedom of religion.

The Seventeenth Additional Provision of Act 27/2013, of 27 December, on the streamlining and sustainability of Local Administration, improved this situation, envisaging a general procedure to be followed for opening places of worship throughout national territory when it states that “for the opening of places of worship, churches, faiths or religious communities must prove their civil legal personality via a certificate issued for this purpose by the Registry of Religious Entities, indicating the location where the place of worship is to be established. Once the certificate is provided, the application shall be processed in accordance with the stipulations of article 84.1.c) of Act 7/1985, of 2 April, regulating the Fundamentals of Local Government - prior communication or statement of compliance - although the corresponding urban planning authorisation will need to be obtained”. Nevertheless, FEREDE complains about the praxis of a number of Town and City Halls that, disregarding the regulation, apply regulations to places of worship that are envisaged for bothersome, unhealthy, harmful and dangerous activities or public performances and leisure activities.

The same difficulties are pointed out by the Church of Jesus Christ of Latter-day Saints and the Federation of Buddhist Communities of Spain, stressing the need for greater protection in this area.

For its part, the Federation of Jewish Communities has detected no problems in terms of establishing new places of worship.

The Islamic Commission of Spain affirms that problems arose in a number of municipalities where it proved impossible to establish any mosques due to temporary suspensions of authorisations ordered by the Town and City Halls until such time as urban planning is approved wherein areas for religious use are designated.



Jehovah's Witnesses also complain about the fact that Town and City Halls require activity-based or environmental authorisations or others that are more stringent than legislative requirements, thereby hindering the establishment of their Halls.

Given that the topic of places of worship numbers amongst those that prove most problematic, and the importance they have in terms of exercising the right of freedom of religion, a working group has been set up within the Religious Freedom Advisory Committee focusing on the opening of places of worship in order to resolve such conflicts.

## **2. Problems when exercising religious freedom in public spaces.**

A number of religious denominations (FEREDE, Mormons and Jehovah's Witnesses) drawn attention to the fact that, over the course of 2015, the exercise of freedom of religion in public spaces has proved more problematic, with the prohibition of a number of religious demonstrations that, in their view, form an essential part of the right of freedom of religion. At time, such restrictions have been grounded on a kind of secularism wherein religion is confined to the private sphere.

FEREDE has drawn attention to various prohibitions of public displays of religion, sanctions for handing out religious leaflets, deemed to be unauthorised publicity, and various occasions where they have been prevented from using public spaces for cultural, educational and other forms of activities, on the grounds that they were promoted by bodies of a religious nature, thereby not only restricting freedom, but also equality, given that non-religious bodies are able to make use of these spaces for similar activities.

In a similar vein, Jehovah's Witnesses point to instances of Town and City Halls that have grounded their decision to not provide municipal public centres for religious acts on secularism.

The Church of Jesus Christ of Latter-day Saints affirms that its missionaries have encountered problems when attempting to freely disseminate their ideas and opinions via posters, or when attempting to set up stalls at a number of book fairs. They draw attention not only to the resulting infringement of the freedom of religion and expression, but also the detriment to equality and discrimination, given that the prohibitions are grounded on the fact that the expression is religious in nature.

Jehovah's Witnesses state that in more than twenty towns and villages, members of this faith are prohibited from public preaching, without requesting authorisation to occupy public space, and that various members of the faith have been sanctioned for preaching without authorisation. In certain cases, religious publications have been seized. They affirm that a number of Town and City Halls have refused to meet with representatives of this faith to discuss these incidents.

In this regard, these faiths feel that urgent action must be taken to promote a concept of secularism that is in keeping with the Constitution, as the instrument that guarantees the fundamental right of freedom and no discrimination based on religion, along with the principle of cooperation between public authorities and faiths that it also enshrines.

In Catalonia, the General Directorate for Religious Affairs has published a Guide to respecting the diversity of beliefs in public spaces.

## **3. Ministers of religion, heads and representatives.**

The Catholic Church, which takes in 19,163 priests, 57,986 members of religious orders and 10,899 cloistered monks and nuns, has reported no problems in this regard, with the exception of those relating to the Social Security coverage of ministers of those linked to this confession who, Spanish or otherwise, are in Spain on a temporary basis, for whom at times it is difficult to afford such coverage. Similarly, this confession reports problems with regards to the social protection of ministers of religion or individuals linked to the Church's mission who are of Spanish nationality, but who have spent a number of

years overseas and are unable to receive social cover whilst temporarily in Spain or when repatriated on a permanent basis. There are approximately 13,000 Spanish priests and members of religious orders serving overseas and around 500 Spanish missionary families spread across 128 countries.

The Catholic Church proposes the introduction of legal mechanisms to clearly determine the requisites to enable foreigners to settle in Spain in order to undertake religious studies.


FEREDE points out that evangelical Ministers who exercised this role prior to 1999 could not contribute to Social Security as this had not been provided for and, therefore, a number have been unable to obtain a retirement pension, or have only been able to obtain the minimum amount, as their role as a Minister is not taken into account along with their other contributions as a result of employment.

On 2015, a Royal Decree has been passed intending to resolve this situation. It is the Royal Decree 839/2015, of 21 September, amending Royal Decree 369/1999, of 5 March, on the terms and conditions for the inclusion of the ministers of religion of churches belonging to the Federation of Evangelical Religious Entities of Spain within the General Social Security Scheme. However, in the view of this Federation, the problem has not been resolved as the requisites imposed by the new regulation to obtain a pension are impossible to meet; indeed, to date, no Minister has been able to acquire benefits under the new system. Given that the situation remains unresolved, in spite of the Judgment issued by the European Court of Human Rights on 3 April 2012, which ruled against Spain for discriminating against evangelical ministers on religious grounds, FEREDE has lodged an administrative appeal against Royal Decree 839/2015, of 15 September. It should be pointed out that the Religious Freedom Advisory Committee issued an unfavourable report during the processing of this regulation. In this regard, Judgment 6575/2015, of 5 November, issued by the High Court of Justice of Catalonia, has recognised the right to a pension on the part of a widow of an evangelical minister, on the grounds of the discriminatory situation that arose as a result of the lack of development of the legal provision establishing his right to be included in the General Social Security Scheme, having ceased to practise as a minister prior to this regulatory development.

FEREDE also points out that its members of religious orders are not included in the public social protection system, whereby they are unable to contribute to Social Security or acquire the protection afforded by this system, unlike their Catholic counterparts.

Furthermore, FEREDE makes reference to the problems deriving from legislation on immigration and foreigners. Thus, in accordance with Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, ministers, members of religious orders and the representatives of the various churches and religious denominations will not need to obtain a work permit, provided that their activities remain strictly limited to their religious roles. However, the regulation does not take into account the fact that evangelical ministers are frequently invited to perform their duties along with their families (spouses and children who are minors). As the situation of these family members is not addressed in the articles envisaging the invitation of religious personnel, Consulates require them to apply for a temporary residence permit, which, in practice, causes difficulties: the deadline for reaching a determination are different, whereby, in many instances, the visa of the minister or religious order member is approved, whilst there are delays with the visas of his or her family members, thereby separating families and provoking insecurity.

The Federation of Buddhist Communities of Spain states that, in spite of limited regulatory progress in this regard, difficulties when attempting to obtain a visa remain commonplace and severe in the case of religious ministers hailing from Tibet.



The Federation of Jewish Communities, the Islamic Commission of Spain, Mormons, Jehovah's Witnesses and the orthodox churches report no problems in relation to ministers of religion.

#### **4. Cemeteries and burials.**

The Catholic Church has raised concerns as a result of initiatives in a few Autonomous Regions for the removal of Catholic religious symbols in public cemeteries.

The Federation of Jewish Communities affirms that there are requests for plots in city cemeteries in Valencia and Alicante where the execution of the projects remains pending.

For its part, the Islamic Commission of Spain draws attention to the need for the provision of a burial site on each of the Balearic and Canary Islands. It also deems it necessary for there to be at least one burial site in each Autonomous Region where the requirement for the deceased to be born, to have resided or to have died in the municipality or regional territory is waived.

The Federation of Buddhist Communities reports that a number of regional health regulations impose aggressive measures in the event of preservation of the body for a minimum of three days, in accordance with Tibetan tradition. In the case of the Autonomous Region of Madrid, the corpse has to be injected with formaldehyde, a highly invasive procedure that prevents traditional practices with the deceased from being performed.

The remaining religious denominations report no problems in this regard.

#### **5. Religious freedom in the workplace: cases of direct and indirect discrimination.**

In terms of employment and Social Security, at a general level, the Catholic Church reports no significant problems. It does point out that, in spite of the Judgment issued by the European Court of Human Rights in the *Fernández Martínez v. Spain* case, of 12 June 2014, certain problems exist with personnel working in schools with an ideology or who provide denominational services (mainly teachers of Catholic religion) in public schools, when they fail to adhere to the denominational ideology of the school or teaching.

The Islamic Commission of Spain reports no noteworthy problems in relation to festivities (Eid al-Fitr and Eid al-Adha), Halal food or fasting during Ramadan. It has noted a certain degree of discrimination towards women wearing a hijab in job interviews. Indeed, women wearing hijabs are not normally found in posts where employees work directly with the public. The promotion of periodic campaigns to encourage the acceptance and normalisation of the outward expression of religious affiliation on the part of employees may prove apposite.

The Federation of Jewish Communities of Spain reports that it is aware of cases where employees are forced to request holidays in order to celebrate the Jewish festivities envisaged in article 12 of the Agreement between the FCJE and the State. In terms of food and dress, no conflicts have been reported.

The holding of examinations and competitive selection processes for entry into public employment on Holy days and Saturdays has occasioned problems for the Orthodox Jewish community and the Adventist Church. In a number of cases, devotees have been forced to refrain from sitting the exams. In this regard, attention should be drawn to the Judgment of the Administrative Chamber of the Supreme Court of 6 July 2015, in relation to selection processes held on a Saturday despite it being declared a day of worship for Adventists. The sixth legal ground of the Judgment proves conclusive:

“The Autonomous Government of Galicia has failed to identify a case that possesses the necessary weight for the imposition of the solution that the legislator has viewed as an exception. It has failed to do so because, as the elements presented in the proceedings

indicate, it is evident that alternative solutions exist to reconcile the conflicting rights: the practice employed by the UNED (National Distance Education University) offering the possibility of alternative dates with different exam papers shows that knowledge can be evaluated with different tests of the same standard, a practice that is technically viable and a reality that is legally admitted and used in all selection processes that, for example, envisage verbal responses for the examination of chosen subjects. The practice employed by the Ministry of Health provides another example.

Moreover, at times the conflict arises in relation to the specific personal situation of the candidate, whereby he or she is unable to sit a given test under the same conditions. This Chamber sees no impediment to compliance with his or her request to sit the test at a time other than the time initially envisaged, in terms of either having a single session or a single exam date [judgments of 14 March 2014 (cassation 4371/2012) and 27 April 2009 (4595/2005)]. While these judgments consider cases involving imminent maternity or physical impediments deriving from surgery, nothing prevents us from taking them into account for the indicated purposes, as they show that the imposition of a single session or single exam date within selection processes does not have sufficient weight to prevail in the face of a fundamental right”.

In relation to the hiring of employees, the Federation of Buddhist Communities of Spain has identified an isolated case of discrimination in the Autonomous Region of Madrid, where the individual identified himself as a practising Buddhist on a website. Buddhist religious festivities are not recognised within the legal system, as, in view of the fact that no Agreement has been signed with the State, the possibility of agreed employee substitution is not expressly envisaged. With regards to the dress of ministers of religion (devotees are not required to wear any form of special attire), no problems have been reported. Nor have problems been raised in terms of food as an increasing number of public institutions provide vegetarian meals during official acts.

The Church of Jesus Christ of Latter-day Saints has not detected any problems in this area.

Jehovah’s Witnesses find no endemic problems, but have identified a number of cases involving conflicts, such as the difficulties encountered by a teacher, who is a Jehovah’s Witness, when attempting to change the requirement to be present in certain complementary activities (celebrations, festivities) within the school that represented a violation of her beliefs. Despite willingness on the part of her colleagues to stand in for her, the Headmaster of the school and the inspector to whom she turned refused to comply with her request, arguing that “the religious sphere falls outside the requirements placed on teachers by law”. The tension that arose forced the teacher to move to another school at the end of the academic year. This faith feels that schools should have protocols in order to cater, insofar as possible, to conscientious objections, whether voiced by pupils or teaching staff.

Orthodox churches have recorded no noteworthy situations in this regard.

## **6. The teaching of religion and religious freedom in the context of education.**

The Catholic Church boasts 25,660 teachers of Catholic religion and 3,561,970 pupils enrolled in Catholic religion classes. With regards to the subject of Catholic religion, it affirms that the same problems encountered in previous years continue to exist: a lack of information for parents and pupils from the educational authorities in a number of schools in relation to the possibility of studying Catholic religion. Moreover, the LOMCE (Organic Law for the improvement of the quality of education) fails to respect the fundamental nature of this subject, according to the terms of the Agreement on Teaching and Cultural Matters signed between the Spanish State and the Holy See. In terms of teachers, impediments continue to arise in terms of the teachers of Catholic religion



feeling fully integrated into the teaching staff in schools. Furthermore problems have arisen as a result of the withdrawal of the *missio canonica* (religious licence to teach in the name of the Church) on religious grounds, which they deem to be discriminatory and in violation of the international case law emanating from the European Court of Human Rights.

The demand for evangelical religious teaching is growing each year, despite difficulties and the fact that, at times, according to FEREDE, parents are not duly informed, schools are unaware of legislation concerning this right and a number of Educational Administrations fail to cooperate in terms of the applications made by teachers in these schools. FEREDE calls for better communication with the Ministry of Education, which does not usually respond to the proposals sent by teachers on an annual basis via the Board for Evangelical Religious Teaching.

Over the course of the 2015 academic year, the Board for Evangelical Religious Teaching had 217 teachers, 14,000 pupils and 700 schools in which ERE was provided. Such teaching remains absent in the Autonomous Regions of the Basque Country, Valencia, and the Balearic Islands and in Ceuta and Melilla. The ERE Board possesses sufficient trained teachers to cover posts in Primary and Secondary schools and many of them continue to wait for posts in their Autonomous Regions and provinces. On average, the ERE Board estimates that 25 graduates of the Higher Schools of Evangelical Teaching complete their studies as Teachers of Evangelical Religion. FEREDE stresses the difficulties they have experienced for a number of years when attempting to teach this subject.

For its part, the Federation of Jewish Communities of Spain, in relation to the recognition of religious festivities, highlights that educational institutions are unaware of the Jewish festivities envisaged in the Agreement between the FCJE and the State, whereby both the FCJE and communities receive a number of requests over the course of the year to certify the absence of Jewish pupils before public educational institutions as a result of these festivities. As indicated above, difficulties arise with regards to competitive examinations for entry into public service and examinations in public institutions on Saturdays and other holidays marked by the Jewish calendar, for which the FCJE, working with the corresponding Administration, must seek a solution, to ensure that these pupils and candidates can participate under the same conditions as their peers, without violating their own religious beliefs.

The Islamic Commission of Spain affirms that it has encountered no noteworthy problems in relation to festivities (Eid al-Fitr and Eid al-Adha), Halal food or fasting during Ramadan. It proposes that schools with internal rules prohibiting the covering of the head include exceptions on religious or health-based grounds.

In general, Regional Ministries of Education do not report or gather information on demand for ERI. In Castile and León, Galicia and the Autonomous Region of Madrid, schools have been identified that discriminate against pupils wearing a hijab.

In terms of Islamic religious teaching, teachers of this subject are only found in Andalusia, Aragon, the Canary Islands, the Basque Country, Ceuta and Melilla. In the other Autonomous Regions, no teachers have been appointed, in spite of the existence in all of these territories of qualified individuals who meet the requirements to be appointed as teachers. There are 200,549 pupils who are unable to receive ERI.

Data gathered by the al-Andalus Observatory is presented in the table below:





Autonomous Region	Spanish pupils	Immigrant pupils	Target pupils	Teachers of religion
Andalusia	22,273	22,363	44,636	19
Aragón	2,507	5,815	8,322	3
Asturias	213	506	719	0
Balearic Islands	2,462	5,198	7,660	0
Canary Islands	6,703	2,007	8,710	1
Cantabria	147	321	468	0
Castile and León	1,449	4,936	6,385	0
Castile-La Mancha	3,446	6,432	9,878	0
Catalonia	26,109	54,634	80,743	0
Ceuta	4,811	734	5,545	13
Valencia	10,789	18,992	29,781	0
Extremadura	1,499	1,695	3,194	0
Galicia	458	1,389	1,847	0
Madrid	19,438	17,712	37,150	0
Melilla	5,324	1,665	6,989	10
Murcia	1,346	15,060	16,406	0
Navarre	897	2,145	3,042	0
Basque Country	1,078	5,896	6,974	2
La Rioja	703	2,573	3,276	0
National total	111,652	170,073	281,725	48

## 7. Religious freedom in the context of healthcare.

The Catholic Church expresses concern in relation to the lack of express recognition, without direct or indirect discrimination, of the right to conscientious objection on the part of medical staff in terms of the refusal to provide medical treatment, beyond the general reference made in Organic Law 2/2010, of 3 March, on sexual and reproductive health and voluntary termination of pregnancy. However, it takes a positive view of the sensitivity shown when exercising the right to conscientious objection as a pharmacist envisaged in Judgment 145/2015, of 25 June, issued by the Constitutional Court.

Similarly, insufficient regulation is reported in relation to the composition of Ethics Committee in hospitals, which in many instances leads to the exclusion of healthcare staff with Catholic religious convictions.



The Islamic Commission of Spain reports no problems in this regard. However, it would like to see specific agreements to ensure pastoral care for Muslims within health.

The Federation of Jewish Communities of Spain reports no problems in this regard. The representatives of each of the communities normally contact hospital authorities in very specific cases. However, on various occasions, the FCJE has proposed improvements to the system to enable the identification of personnel attending to sick or dying patients and a regulation covering the food provided in health centres. It draws attention to the case of an autopsy performed on a baby that died as a result of choking on its own vomit, wherein the judge ordered a judicial autopsy against the parents' wishes.

The Federation of Buddhist Communities of Spain, given the importance of this area for many schools of Buddhism, believes that aggressive treatments, aimed at artificially prolonging life when there is no hope of cure, are to be avoided. Moreover, this has bearing on the tranquillity that, according to Buddhist beliefs, is to be afforded to the terminally ill. Pastoral care at the end of life, an essential aspect of Buddhism, should be as comprehensive as possible. With regards to palliative care, each individual case should be considered in order to avoid torturing the dying patient with the excuse of fighting to preserve life, even where he or she is reduced to a vegetative state. Another important point is that organ donation can only be carried out with the express written authorisation of the donor, in the form of a will or advance directive. Under no circumstances should organs be removed before a minister of religion declares death to have occurred, as the clinical view does not coincide with the religious perspective. The FCBE continues to inform devotees of the need to duly prepare an ordinary will, as an advance directive (living will), in order to alleviate these problems to a certain extent.

The Church of Jesus Christ of Latter-day Saints calls for legal regulation that ensures authorisation for free access for ministers with a view to providing pastoral care to its devotees in hospitals, care that the Church organises via unpaid volunteers in the form of "lay preachers".

For Jehovah's Witnesses, it is difficult to calculate the number of devotees of this faith who have encountered problems, although it is estimated that approximately 25,000 have required medical care or surgery. Many instances of rejection of surgical treatment are evaded by patients themselves, who request a change of hospital, go on a trip or make use of private hospitals. Indeed, many Jehovah's Witnesses have taken out private healthcare with a view to avoiding problems of this nature.

The Hospital Information Service of the National Headquarters of the Jehovah's Witnesses has detected the following difficulties:

First, the case of public hospitals that systematically refuse to treat patients who are Jehovah's Witnesses when they state in the Informed Consent document that they refuse to receive blood transfusion, whilst others insist on the obligation on signing this document without adding anything, even though it normally entails the possibility of transfusing blood even where the operation in question does not require it. This religious denomination holds that, whilst a doctor's decision to refuse to treat patients who reject blood transfusions is to be respected, it defies belief that amongst the scores of anaesthetists and surgeons in a hospital, there is not a single doctor whose conscience and knowledge enable him or her to treat a number of pathologies without transfusions, whilst in other hospitals surgery of this nature is a matter of routine.

The also complain that where there is a refusal to treat the patient, at times the centre withdraws all support and abandons the patient to their fate, without attempting to find a doctor amongst its staff who is willing to provide treatment or transfer the patient to another hospital willing to offer care. In this view of this faith, Act 41/2002, on Patient Autonomy, not only protects the patient's right to object to certain forms of medical or

surgical treatment, but also stipulates that patients are not to be abandoned or excluded from the health system under any circumstances (article 21.1).

Finally, the religious denomination affirms that at times health policy creates difficulties for doctors who are willing to provide treatment without blood transfusions. Problems also arise when transferring rejected patients to other public centres offering bloodless surgery, even within the same Autonomous Region.

Furthermore, frequently, hospitals that refuse to treat Witnesses transfer all such patients, even those with minor complaints with no risk of blood loss, which unnecessarily increases waiting lists and the workload of collaborating hospitals, whilst placing more of a burden on their budget due to increased costs.

The various Orthodox Churches have not drawn attention to any specific circumstances.

## **8. Pastoral care in public centres.**

FEREDE makes an observation in relation to the model for pastoral care in public institutions and services, affirming that a different legal system is applied to the various religious denominations, which, in its view, leads to situations of discrimination when exercising this right.

To improve this situation, FEREDE proposes that a multid denominational pastoral care service be set up, provided and financed by the Government, and made available to anyone requesting the service.

The FCJE has no specific data on the number of people receiving care. However, whilst it reports no incidents in this regard, it draws attention to the need to regulate access to pastoral care in the Armed Forces, hospitals and prisons to improve the system. It affirms that it has proposed improvements to the system to enable the identification of personnel attending to sick or dying patients and a regulation covering the food provided in prisons and health centres. It does not report any problematic situation.

The Church of Jesus Christ of Latter-day Saints points out that the access of ministers to public centres should be improved to resolve inequalities. The LDS Church operates via unpaid volunteer lay preachers. However, it draws attention to the need for accreditation authorising access to centres for these ministers to provide pastoral care to their parishioners.

The various Orthodox Churches have not drawn attention to any specific circumstances.

The General Directorate for Religious Affairs of the Autonomous Region of Catalonia has published Guides on respect for religious diversity in schools, prisons and health centres.

### **8.1. Prisons**

The right to receive pastoral care from your own religious denomination forms part of the right of freedom of religion and its provision represents an obligation for public authorities when individuals are in public institutions that require their intervention, such as prisons (article 2 of the Organic Law on Religious Freedom).

Pastoral care in prisons is regulated as follows:

a) For the Catholic Church: In the Decree of 24 November 1993, mandating the publication of the Agreement on Catholic pastoral care in Prisons of 20 May 1993, which enacts the stipulations of the Agreement between the Spanish State and the Holy See, of 3 January 1979, on Legal Matters.

b) For other religious denominations with an Agreement: It is envisaged in Royal Decree 710/2006, of 9 June, on the enactment of the Cooperation Agreements signed between the State and the Federation of Evangelical Religious Bodies of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission in Spain, on pastoral care in prisons.



On 24 October 2007, a Collaboration Agreement was signed between the Ministry of Justice, the Ministry of the Interior and the CIE, in order to defray the costs arising from Islamic pastoral care to be charged to the General Directorate of Prisons, providing that at least ten inmates request and receive Islamic pastoral care in the same prison.

In 2015, FEREDÉ signed an agreement with the Ministry of the Interior for pastoral care in prisons that improves the system.

The Regional Government of Catalonia, which has competencies over penitentiary policy, has signed collaboration agreements with the representative bodies of the Catholic Church, evangelical churches and Muslim communities, via which regular pastoral care is afforded to inmates who are devotees of these faiths in the prisons falling under its charge.

The basic data on religious bodies that have provided pastoral care in prisons over the course of 2015, without considering pastoral care afforded during an informal “visit” with any inmate, is as follows:

<b>VISITORS PROVIDING REQUESTED PASTORAL CARE, CLASSIFICATION AND FAITH</b>			
<b>FAITH</b>	<b>CLASSIFICATION</b>	<b>POST</b>	<b>NUMBER</b>
CATHOLIC	CATHOLIC	Assistant chaplain	23
CATHOLIC	CATHOLIC	Head chaplain	113
			<b>136</b>
EVANGELICAL	FEREDE	Religious assistant	91
EVANGELICAL	FEREDE	Minister of religion	93
EVANGELICAL	INDEPENDENT	Religious assistant	1
EVANGELICAL	INDEPENDENT	Minister of religion	8
			<b>193</b>
ISLAMIC	F.E.E.R.I.	Imam	2
ISLAMIC	ISLAMIC OTHER	Imam	2
ISLAMIC	U.C.I.D.E.	Imam	8
			<b>12</b>
JEWISH	FCJE	Rabbi	1
			<b>1</b>
ROMANIAN	ORTHODOX	Religious assistant	1
ROMANIAN	ORTHODOX	Orthodox priest	6
RUSSIAN	ORTHODOX	Orthodox priest	1
			<b>8</b>
JEHOVAH'S WITNESSES	JEHOVAH'S WITNESSES	Minister of religion	197
			197
<b>TOTAL</b>			<b>547</b>

The Catholic Church presents the following data on pastoral care in prisons: 147 chaplains, 2,129 volunteers, and 83 chaplaincies in prisons. No problematic situation of particular note has been reported.

FEREDE indicates that, whilst the number of ministers and volunteers providing evangelical pastoral care presents the highest figure, we are dealing with individuals who perform this role on a voluntary basis, in their free time, defraying the costs themselves. Therefore, whilst there are more people, this does not signify that a better service is provided.

The Islamic Commission of Spain affirms that it has detected a certain degree of ignorance that has caused the prisoner's request for pastoral care to be confused with potential radicalisation, whereby, on a number of occasions, when a Muslim inmate asks for the provision of care, this has been viewed with suspicion and subjected to special monitoring, giving rise to the so-called "discouragement effect", leading the prisoner to refrain from requesting the service again, praying whilst concealing their faith.

It points out that there are no authorised visitors in the following Autonomous Regions: Andalusia (990 inmates), Asturias (10 in Villabona Prison), Balearic Islands (100 inmates), Canary Islands (also 100 inmates), Cantabria (10 inmates in Dueso Prison), Castile and León (470 inmates), Castile-La Mancha (120 inmates), Extremadura (30 inmates), Galicia (170 inmates), Murcia (120 inmates), Navarre (5 inmates), La Rioja (20 inmates) and Ceuta (50 inmates).

Islamic pastoral care in prisons is provided in the following municipalities:

MUNICIPALITY	CENTRE	DAYS/HOURS/No.OF INMATES
BILBAO	Basauri Prison	Half day on Fridays. Care is provided to fewer than 10 inmates
CASTELLÓN	Castellón I Prison	Half day once per month. Care is provided to fewer than 50 inmates
CASTELLÓN	Castellón I Prison	Faith has yet to be introduced in the prison.
CASTELLÓN	Castellón II Prison	Faith has yet to be introduced in the prison.
CASTELLÓN	Castellón II Prison	Faith has yet to be introduced in the prison.
MADRID	Madrid II Prison	Half day twice per month. Care is provided to fewer than 50 inmates
MADRID	Madrid IV Prison	Half day on Fridays. Care is provided to fewer than 50 inmates
SAN SEBASTIÁN	Martutene Prison	Faith has yet to be introduced in the prison.
TENERIFE	Tenerife Prison	Full day on Tuesdays. Care is afforded to approximately 60 inmates



ZARAGOZA	Zuera Prison	2 hours on Fridays. Care is afforded to 32 inmates
MELILLA	Melilla Prison	Full day, one-hour sessions. Care is provided to 50-150 inmates.

As Catalonia has been transferred competencies over penitentiary matters, a list is provided below of the prisons that, according to the Regional Government, have at least one accredited imam who provides pastoral care on a regular basis within this Autonomous Region:

MUNICIPALITY	PRISON	OBSERVATIONS
Barcelona	La Model Prison	Weekly visit
Lleida	Ponent Prison	Visit every two weeks
Sant Esteve Sesrovires (Barcelona)	Brians I Prison	Visit every two weeks
Sant Esteve Sesrovires (Barcelona)	Brians II Prison	Visit every two weeks
La Roca del Vallès (Barcelona)	Quatre Camins Prison	Visit every two weeks
Barcelona	Joves Prison	Weekly visit
Figueres (Girona)	Puig de les Basses Prison	Visit every two weeks
Tarragona	Mas d'Enric Prison	Visit every two weeks
Sant Joan de Vilatorrada (Barcelona)	Lledoners Prison	Visit every two weeks

Jehovah's Witnesses draw attention to a number of problems in relation to pastoral care in prisons. In a number of prisons, the Management does not authorise care to be provided in a secluded and confidential setting, and so ministers of religion are forced to speak with inmates in communal areas, such as visiting rooms, where no authorisation is required. Moreover, inmates prefer to reserve time in visiting rooms for family members, which, to a certain extent limits communication between inmates and ministers of religion. The prisons where such practices have been detected are as follows: Alcalá de Guadaira (Seville), Madrid VII (Estremera), Bonxe (Lugo), Pamplona, Melilla, Valladolid and Topas (Salamanca). A number of prisons have provided a room for Bible study meetings that, in the view of this faith, has a positive impact on the behaviour of inmates. The number of visitors is calculated at more than 750.

The various Orthodox Churches have not drawn attention to any specific circumstances.

## 8.2. Foreigner Internment Centres

Subsequent to the signing of the Collaboration Agreement for Pastoral Care in Foreigner Internment Centres between the Ministry of the Interior and the Catholic Church (2014) and FEREDE, FCJE and CIE (2015), no problems have been detected.

FEREDE states that, to date, evangelical pastoral care is only provided in one Foreigner Internment Centre (in Madrid).

The Islamic Commission of Spain refers to visits to the Centres in Algeciras, Valencia and Madrid.

## 8.3. Hospitals

The data provided by the Catholic Church is as follows: 800 volunteers in hospitals, 2,420 parishes taking in 134 patient care groups, 62,944 sick people and their families support at home and 16,626 health-related pastoral care volunteers and agents.

It affirms that, as a result of legislative diversity due to the transfer of healthcare competencies to the Autonomous Regions, inequalities continue to arise with regards to the provision of pastoral care in hospitals. Specifically:

- Significant salary differences are noted amongst the various Autonomous Regions, as those responsible for providing Catholic pastoral care in hospitals do not receive the same or similar remuneration.
- Problems have been detected in terms of establishing Catholic chapels in hospitals, of both a public and private nature, obviating the necessary collaboration that the public authorities must afford to private bodies when facilitating pastoral care to individuals who request it in exercise of their fundamental right of freedom of religion.
- Similarly, it has come to light that, on numerous occasions, patients are not informed of the existence of a Catholic Pastoral Care Service in the hospital.
- Concern is expressed due to the fact that in the Autonomous Region of Castile-La Mancha, attempts are being made, via the initiative of a number of political parties, to abolish the Catholic Pastoral Care Service in hospitals within the region, which would represent a flagrant violation of the fundamental right of freedom of religion.


FEREDE points out that in certain hospitals, evangelical pastoral care is not provided, or suitable places for such care or the celebration of religious acts are not available. Catholic chapels are commonplace, but the same cannot be said of multid denominational spaces that might be used by all religious denominations. It complains that evangelical chaplains, in addition to receiving no remuneration, are not even compensated for the expenses they incur.

The remaining religious denominations do not highlight any specific circumstances in relation to pastoral care in hospitals.

The Regional Government of Catalonia has signed agreements with the representative bodies of the Catholic Church and evangelical churches that guarantee, among other things, the presence of providers of Catholic and evangelical pastoral care in hospitals.

## 8.4. The Armed Forces

The Catholic Church reports that in the Armed Forces, the chaplains of the military archbishopric have performed 2,212 baptisms, 1,983 confirmations and 644 marriages over the course of 2015. The current shortage of chaplains means that the majority are forced to attend to several units at the same time. The frequently have to travel to attend to devotees in units, performing manoeuvres or engaged in training exercises, etc.



FEREDE indicates that, in 2015, evangelical pastoral care within the Spanish Armed Forces was authorised for the first time, which, in its view, highlights the fact that much remains to be done. It complains that evangelicals are not provided premises or spaces for this purpose and that chaplains have to pay the expenses they incur as a result of the role they perform, in contrast in the military chaplains of the Catholic Church, who are hired and paid by the State.

The remaining religious denominations report no specific incidents in this area.

### **9. Offences to religious feelings and hate crimes on religious grounds.**

According to the 2015 report drawn up by the Ministry of the Interior (<http://www.interior.gob.es/documents/642012/3479677/DELITOS+DE+ODIO+2015/c7caf071-df8b-4309-ade6-1936032b850e>) there were 70 recorded incidents of hate crimes based on religious beliefs or practices, which represents an increase of 11.1% in comparison with the previous year. It should be pointed out that this figure does not include crimes of an anti-Semitic nature (9) or crimes of racism and xenophobia (505), which in many instances are linked to hatred of religion.

The Catholic Church voices concern due to the increase in such behaviour, particularly given that many cases are not reported and therefore not included in the statistics. Amongst the incidents that occurred in 2015, the Catholic Church draws attention to the following:

- The desecration of sacramental bread in Pamplona, which were stolen by a so-called artist, who used them to form the word “Pederasty”.
- The lenient sentences imposed by judicial bodies in a number of important cases that were covered in the media, involving the violent interruption of religious celebrations, on occasions perpetrated by individuals who currently hold public posts.

For its part, the Observatory for Freedom of Religion and of Conscience, in its 2015 report (<http://libertadreligiosa.es/wp-content/uploads/2016/05/ATAQUES-A-LA-LIBERTAD-RELIGIOSA-EN-ESPAÑA-2015-informe-definitivo.pdf>) draws attention to the following: 2 cases of physical violence perpetrated against priests, 4 attacks on churches or chapels, 12 cases of offensive graffiti in Catholic schools, parishes or churches, 11 cases involving the desecration of churches and 2 cases involving the desecration of Catholic cemeteries.

Evangelical Christians do not usually voice complaints or report offences to the religious beliefs or inciting hatred to the Federation. This does not signify that such acts do not occur, but they are not normally of sufficient gravity to warrant an official complaint. Nevertheless, FEREDE does perceive an alarming increase in anti-religious sentiment and attempts to relegate questions of religion to the private sphere.

Jews express concern in relation to the increased number of anti-Semitic acts. In order to study specific cases, they have stated that this topic will be addressed in an upcoming publication on the following website: <http://observatorioantisemitismo.fcje.org/>. The Anti-Semitism Observatory was set up with the objective of raising social awareness of anti-Semitic acts in this country, whilst providing a platform to combat bigotry of any form.

The Islamic Commission of Spain reports numerous and a growing number of complaints in this area over the course of 2015. It refers to graffiti painted on the façades of mosques in various Autonomous Regions, with threatening and highly offensive messages, along with death threats issued on social networks against representatives of Islamic communities. The proliferation of Islamophobic messages on social networks and websites is of particular concern. At times they are promoted by various political



parties with neo-Nazi leanings. They also report attacks on Muslims in the streets or on public transport. Attention is drawn to a number of European protests convened in Spain by Pegida (and others by Spanish parties) to call for zero tolerance in the face of the “Islamisation of Europe”.

For further information on Islamophobic behaviour, see the reports by the following bodies:

- al-Andalus Observatory. At: <http://ucide.org/es/observatorio-andalusi>
- Citizen Platform against Islamophobia. At: <https://plataformaciudadanacontralaislamofobia.files.wordpress.com/2016/04/informe-islamofobia-en-espac3b1a-2015-pcci-informe-anual-20164.pdf>

Jehovah’s Witnesses and Mormons also express concern about increased discourse promoting religious hatred. The latter propose increased interdenominational dialogue and dialogue with the various Public Administrations as a solution, along with the teaching of religious culture in schools to foster better understanding of others.

Buddhism numbers amongst the religious denominations that are least affected by this problem, as, on a general level, it enjoys a high degree of social acceptance. Whilst attacks are occasionally made on social networks and Internet forums, it is not a matter that affects this faith to a great extent.

## **10. Religious marriages with civil effects.**

The Catholic Church reports no incidents in relation to the celebration of religious marriages with civil effects.

The Islamic Commission of Spain also reports no problematic situations.

In the case of FEREDE, a number of difficulties have been encountered with the processing of the prior marriage capacity certificate and the registration of marriages in the corresponding Civil Registry. They feel that, at times, Registry personnel lack sufficient awareness in this regard. A number of Registries call for proof that the minister of religion possesses FEREDE accreditation, whilst others do not, and the documentation requested also varies from one Registry to another. Problems sometimes arise when the certificate is processed in a Registry of a province but the marriage is performed in another province and therefore it needs to be recorded in another Civil Registry. FEREDE affirms that, to improve this situation, it would be advisable to unify criteria for action.


Deeply rooted religious denominations without a Cooperation Agreement state that they are satisfied, as in 2015, the legislative framework has enabled them to celebrate religious marriages with civil effects, by Act 15/2015, of 2 July, on Voluntary Jurisdiction.

The Federation of Buddhist Communities of Spain affirms that, in view of the short period of time that has transpired since this right entered into effect, very few devotees have made use of this possibility, although, to date, no problems have been detected.

The Orthodox Churches and the Church of Jesus Christ of Latter-day Saints also report no problems.

Several problems have arisen in relation to religious marriages celebrated by Jehovah’s Witnesses, due to a lack of knowledge on the part of a number of Civil Registries of the new regulations applicable to deeply rooted religious denominations, leading to request for more documents than those required by the Regulation on Civil Registries for the processing of the marriage capacity certificate, such as, for example, the registration of the place of worship in the Registry of Religious Entities.

In a number of cases, the personnel in charge of Civil Registries have refused to process the certificate of a marriage held in the religious manner envisaged by Jehovah’s Witnesses, although these are isolated cases that were satisfactorily resolved. Interference in the religious sphere has also been noted in a number of Civil Registries



that request a certificate accrediting the potential spouses' membership of the Jehovah's Witness faith as a requisite prior to issuing a certificate of marriage capacity.

With regards to this problem, and whilst it will only come into effect in 2016, it should be pointed out that, to improve awareness and the processing of religious marriages with civil effects, Order JUS/577/2016, of 19 April, has been passed, which outlines the regulations governing the manner of recording, in Civil Registries, marriages celebrated in a religious manner, as envisaged in article 7 of the Cooperation Agreements between the State and the Federation of Evangelical Religious Bodies of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission of Spain, passed, respectively, by Act 24/1992, Act 25/1992 and Act 26/1992, of 10 November, and in paragraph 2 of article 60 of the Civil Code, relating to marriages celebrated in a religious manner envisaged by the churches, religious confessions or communities or their federations that, subsequent to their recording in the Registry of Religious Entities, have been acknowledged as being deeply rooted in Spain.

### **11. Public financing for religious denominations.**

Public financing provided to the various religious denominations has been collected and distributed by the Revenue Authority over the course of the last financial year, in accordance with the stipulations of our legal system. At a general level, the method of financing underwent no qualitative changes that bear mention during 2015, although quantitative change did occur as a result of the numerous budgetary adjustments aimed at containing the public deficit.

On the one hand, financing operates through the allocation of Personal Income Tax, wherein taxpayers opt to destine 0.7% to the economic support of the Catholic Church and/or other social ends, which include the financing of charitable activities or activities organised by faith-related legal entities. In this regard, the National High Court, in a Judgment issued on 25 May 2015, rejected the appeal lodged by FERED, which held that allocation via taxes was discriminatory insofar as other religious denominations were denied the possibilities afforded to the Catholic Church. FERED has appealed this judgment.

Over the course of the financial year, a total of 7,291,771 people filing tax returns affirmed their desire to allocate a portion of their taxes to the financing of the Catholic Church, representing an increase of 23,174 taxpayers in comparison with the 2014 budgetary year. Thus, the amount given the Catholic Church via tax allocation amounted to 250.3 million euros. As is the case each year, the Catholic Church presented an Annual Report on its activities over the course of the previous financial year, detailing the uses to which the money received was put.

The tax reforms of 2014, which amended Act 49/2002, of 23 December, on the taxation system for non-profit organisations and tax incentives for sponsorship, have increased the deductible percentages applicable to donations made to these bodies, indirectly contributing to the financing of the activities of the churches and religious denominations in Spain.

A number of religious denominations, such as the Federation of Buddhist Communities of Spain, draw attention to the inexistence of direct channels for the financing of their activities, and point out the need to alleviate the economic burdens that they face, not only by improving direct financing, but also by establishing exemptions or rebates within certain taxes. Similarly, FCBE has highlighted the need to promote relief applicable to the amounts provided by its devotees to support the activities of their faiths.

As indicated above, FERED proposes extending the current system of tax allocation to the religious denominations calling for such action, or that have capacity to manage it. In addition to representing a means of financing, it would also serve as an instrument

affording greater visibility of religious diversity in Spain. It also suggests that this would provide an opportunity to create and refine mechanisms to promote the self-financing of religious denominations and to facilitate the financing of the social, cultural and educational work carried out by the various bodies it takes in.

Other faiths, such as the Federation of Jewish Communities of Spain and the Islamic Commission of Spain, have drawn attention to the receipt of public financing via the Foundation for Pluralism and Co-existence, through specific programmes such as the “System for the channelling of funds in support of the projects of Islamic communities in Spain”.


In this regard, the aid received by the Federations can be broken down as follows:

- Federation of Evangelical Religious Bodies of Spain (FEREDE): €344,241.32.
- Federation of Jewish Communities of Spain (FCJE): €163,785.02.
- Islamic Commission of Spain (CIE): €229,500.00 distributed amongst its various Federations:

FAICE	9,000.00
FEERI	66,000.00
FICAT	7,000.00
FIRM	8,000.00
UCIDE	139,500.00

With regards to the conferral of aid on an annual basis to local religious communities with Cooperation Agreements undertaking activities of a cultural and educational nature and to promote social integration, this can be broken down as follows:

Body	Amount
Islamic Community of Logroño, Al Huda Mosque (Logroño)	€2,100.00
Diaconia of Madrid (Madrid)	€4,000.00
Islamic Community of Galicia, Mohamed Mosque (Vilaboa)	€2,100.00
Ihsan Islamic Community of the Balearic Islands (Palma de Mallorca)	€3,800.00
Evangelical City Mission of Seville (Seville)	€4,000.00
Assalam Islamic Community of Almoradí (C.I.A.A.) (Almoradí)	€2,100.00
Evangelical City Mission of Zaragoza (Zaragoza)	€4,000.00
Islamic Community of Lucero (Madrid)	€2,100.00



Islamic Community of Sant Joan Despí, Al Huda Mosque (Sant Joan Despí)	€2,800.00
Islamic Community of Ávila (Ávila)	€2,300.00
Islamic Community of Almozara (Zaragoza)	€2,100.00
Al Huda Islamic Community (L'Hospitalet de Llobregat)	€5,241.32
Islamic Community of Montmeló (Montmeló)	€4,700.00
Islamic Community of Almazán (Almazán)	€2,300.00
Islamic Community of Biscay, Assalam Mosque (Bilbao)	€3,800.00
Islamic Community of Cerdanyola del Vallés (Cerdanyola del Vallés)	€2,300.00
Islamic Community of Montornes del Vallés (Montornes del Vallés)	€2,300.00
Islamic Community of A Coruña (A Coruña)	€4,900.00
Community of Muslim Women of Zaragoza (Zaragoza)	€2,800.00
“Al Manar” Islamic Community of Torre Pacheco (Torre Pacheco)	€2,100.00
Islamic Community of Roquetes (Tortosa)	€2,100.00
Al Ijlas Islamic Community of Terrassa (Terrassa)	€2,800.00
Al Faruq Islamic Community of Navalmoral de la Mata (Navalmoral de la Mata)	€2,300.00
Islamic Community of Berga (Berga)	€2,100.00
Islamic Board (Córdoba)	€3,000.00
La Hermandad Islamic Community of Villanueva de Castellón (Villanueva de Castellón)	€3,800.00
Assafwa Islamic Community of San Javier (San Javier)	€2,500.00
Arrayan Islamic Community of Valdemoro (Valdemoro)	€2,100.00
<b>TOTAL CONFERRED</b>	<b>€164,741.32</b>

Other religious denominations, such as the Church of Jesus Christ of Latter-day Saints, have affirmed that they neither request or accept any form of public financing, although they do support the improvement of the taxation system governing donations provided by their own devotees.

## 12. The cultural heritage of religious denominations.

In accordance with the stipulations of article 46 of the Constitution, public authorities guarantee the conservation and promote the enrichment of historical, cultural and artistic heritage, irrespective of the legal system applicable to it or its ownership. The deeply rooted historical presence of a number of religious denominations in our country has given rise to a rich cultural heritage linked to the corresponding religion, which therefore falls under the protection of the public authorities. In order to comply with this constitutional duty, various instruments for protection exist. Similarly, the legislation protecting heritage sets out the creation of mixed bodies, involving the State and Autonomous Regions, for dialogue with the religious denominations and the conciliation of the cultural use of these assets, without altering their primary objective, which is of a cultural nature.

In the case of the Catholic Church, attention should be drawn to the fact that it is the owner of 3,000 assets classified as being of cultural interest by the Public Administration. Of the 44 assets on the World Heritage List by UNESCO in Spain, half have links to the Catholic Church, either as a result of their origin (such as the Way of Saint James), or their ownership (the Cathedrals of Burgos and Seville) or because they are buildings employed for religious purposes, such as convents and other edifices.

With regards to the real estate owned by the Catholic Church, it should be borne in mind that, subsequent to the reform introduced by Act 13/2015, of 24 June, for the Reform of Mortgage Act and the consolidated text of the Act on the Land Registry Office, article 26 relating to the registration of the properties of Public Administrations and Public-Law Bodies has been modified, eliminating the possibility afforded to the Catholic Church of employing the special registration procedure regulated in the aforementioned article.

The FCJE indicates that it has called for a registry amendment in relation to the registration made in 1930 of the former Synagogue, currently Santa María la Blanca in the city of Toledo, as it believes that the registration is null and void, lacking any legal basis, and the legitimate owner is the State.

The various religious denominations coincide in highlighting the need for greater cooperation on the part of a number of Public Administrations for the protection and conservation of this heritage. Such is the case of the CIE, FEREDÉ or the FCJE, and the latter specifically draws attention to the problem of numerous old Jewish cemeteries and burial sites, many dating back to the medieval period and recently discovered, that, apart from their historical, cultural or artistic nature, remain perpetually sacred for devotees of this faith, whereby greater cooperation on the part of local bodies is demanded, in terms of the protection of these historical necropolis. A solution is currently being worked out for this problem, but in the view of this faith, at present, it has not been entirely resolved.

In this regard, the Autonomous Region of Catalonia has signed a protocol with the Israelite Community of Barcelona in relation to archaeological and anthropological digs that affect Jewish burial sites.

## 13. The manner in which religious denominations are treated in the media.

The freedoms of expression and information, enshrined in the Constitution, establish the freedom of the privately owned media to provide information, whilst respecting the Constitution and laws, on aspects that are important to faiths, and the freedom of religious denominations to set up their own media and information sources.

Furthermore, the Constitution recognises the right of access to the media on the part of important social and political groups, respecting the pluralism of society. Religious denominations are included amongst social groups. In this regard, one of the essential



principles of RTVE programming, which were approved on 13/06/07, establishes that “RTVE will include religious matters within its programming, as a phenomenon of great social importance, with the highest respect for religious freedom, the plurality of faiths and their identifying symbols, and for the religious beliefs of individuals and groups”.

From 1985 onwards, RTVE started broadcasting religious programmes focusing on religions other than the Catholic Church. Regional television and radio stations in Galicia, Catalonia, Andalusia and the Basque Country reserve airtime for the faiths. However, the Federation of Evangelical Religious Entities of Spain and the Islamic Commission of Spain call for more airtime in the media. FEREDE points to difficulties in obtaining licences for radio stations.

A number of religions, such as the Islamic Commission of Spain or the Church of Jesus Christ of Latter-day Saints, refer to a lack of understanding in various media sources of questions relating to their faiths. To this end, and to avoid such situations, the Federation of Jewish Communities of Spain highlights the recent introduction of a number of media sources dedicated to the dissemination of Jewish culture and beliefs, and the constant efforts to engage in dialogue with publicly and privately owned media focusing on activities in Spain, current affairs and important religious events to be commemorated, with a view to ensuring that the perspective of this faith is taken into consideration within the information presented by the media.

#### **14. Social Care provided by religious denominations.**

In general, all churches and religious denominations in Spain engage in some form of corporate action for the provision of care focused on the integration of individuals in need or at risk of social exclusion.

In view of its well-established and deeply rooted history in Spain, the social work and care provided by the Catholic Church is of particular importance. Moreover, such work has significantly increased in recent years as a result of the current context of economic crisis. In Spain, the care given by the Catholic Church takes in close to a thousand health centres and approximately seven thousand care centres integrated into its religious structure, which focus on seeking employment, the eradication of poverty, the provision of food to people with financial difficulties, care for children, the elderly and people with various disabilities, the rehabilitation of drug addicts and criminal offenders, or support for women who are the victims of violence or exploitation. There are more than three million beneficiaries of such programmes.

A trend of expansion of the social care networks of other faiths present in Spanish society has also been noted, via the setting up of charitable bodies linked to these religions, as reported by the Federation of Jewish Communities of Spain, the Church of Jesus Christ of Latter-day Saints, the Romanian Orthodox Bishopric or the Federation of Evangelical Religious Entities of Spain, which, via a number of different bodies, have increased their care networks and activities and projects for the provision of care to a series of groups who are marginalised or at risk of social exclusion. By way of example, the Diaconia social action network, linked to FEREDE, engages in activities aimed at, among other things, overcoming inequalities within education, seeking training and employment, the promotion of volunteerism, psycho-social support and the defence of immigrant women who are victims of sexual exploitation (cf. the “2015 Social Action” report at: <http://www.diaconia.es/wp-content/uploads/2016/02/INFORME-ACTIVIDADES-2015-DIACONIA.pdf>). Nevertheless, FEREDE points out that Diaconia and its bodies encounter difficulties in terms of the public financing of their social activities.

## V. PROPOSALS TO IMPROVE THE PROTECTION OF RELIGIOUS FREEDOM IN SPAIN.

Among the advances made in 2015 to improve religious freedom, the religious denominations have stressed the following in particular:

- As far as the Catholic Church is concerned, the handling of the Resolution of 3 December 2015 issued by the General Directorate for International Legal Cooperation and Religious Affairs, on the recording of Catholic bodies in the Registry of Religious Entities.
- Religious denominations that are deeply rooted but that have no Cooperation Agreement affirm that they are pleased with the development enabling them to celebrate religious marriages with civil effects.

A summary of the specific proposals put forward by the various religious denominations as objectives for the forthcoming year is given below:

### **The Catholic Church:**

- The resolution of the conflicts of conscience affecting medical staff, above and beyond the reference made in Organic Law 2/2010, of 3 March, on sexual and reproductive health and voluntary termination of pregnancy.
- The resolution of the difficulties that arise in practice for the introduction of the academic subject of religion and in relation to the integration of teachers of this subject within the teaching staff.
- The introduction of legal mechanisms to clearly determine the requisites to enable foreigners to settle in Spain in order to undertake religious studies.
- The provision of social cover for ministers of religion or missionaries temporarily working overseas upon their permanent return to Spain or whilst in the country on a temporary basis.
- The introduction of measures to combat the increase in offences to religious beliefs and hate crimes on religious grounds.

### **FEREDE:**

- As a general proposal, it emphasises the need, despite the advances made, to improve the guarantee of neutrality and equality with regards to freedom of religion. It also points to raising awareness amongst the authorities and society as a whole in this regard as it believes that the growth of religious extremism is provoking widespread distrust towards religion, leading to reactions of suspicion.
- It proposes employing higher ranked bodies within the Administration with competencies in religious matters as, at present, dialogue with the Administration is carried out via a General Subdirectorate for Religious Affairs.
- It puts forward the suggestion of more comprehensive general regulations governing the rights of all religious denominations, leaving Cooperation Agreements to regulate the unique features of each religion.
- The introduction of measures to overcome current difficulties in relation to the establishment and opening of places of worship.
- The resolution of the problem faced by evangelical preachers who, due to the requisites imposed by the regulations, are unable to obtain a retirement pension,



and allowing religious personnel within evangelical churches to make Social Security contributions.

- The adaption of immigration regulations to take in the reality of foreign evangelical preachers who are invited to perform their ministerial role in Spain, taking into consideration that such preachers may have spouses and minor children.
- Efforts to resolve the difficulties that arise, in practice, when attempting to introduce the academic subject of evangelical religion.
- The extension of the tax allocation system to take in religious denominations requesting this measure that have capacity to manage it.
- Compensation for the expenses incurred as a result of the provision of evangelical pastoral care and greater visibility and access to financing for evangelical social activities.

#### **Federation of Jewish Communities of Spain:**

- The allocation of plots for Jewish burials in municipal cemeteries.
- The introduction of measures to guarantee adherence to the stipulations of the Agreement of 1992 concerning festivities.
- A regulation that ensures improved access to ministers of religion for the provision of pastoral care.
- The promotion of clear regulations governing the opening of places of worship.
- Extending the possibility of inscription in the Registry of Religious Entities to Foundations that are not Catholic.
- The promotion of a fairer system of State financing for religious denominations.
- Guaranteeing neutrality in State funerals.
- Incorporating a subject focused on the history and culture of religions within the academic syllabus that will contribute to the promotion of a climate of tolerance.
- The introduction of measures to combat the increase in offences to religious beliefs and hate crimes.

#### **The Islamic Commission of Spain:**

- The introduction of measures to combat discrimination affecting a number of women, particularly in the workplace, as a result of wearing a hijab.
- The promotion of measures to resolve the difficulties encountered in a number of municipalities with regards to the opening of mosques.
- The regulation of burials without a coffin.
- The introduction of measures to combat the increase in offences to religious beliefs and hate crimes.

#### **Church of Jesus Christ of Latter-day Saints:**

- The introduction of measures to overcome current difficulties in relation to the establishment and opening of places of worship.
- Extending the possibility of offering religious teachings in public schools and pastoral care in public centres to deeply rooted religious denominations and the recognition of their festivities.





- Extending the fiscal benefits and the possibility of allocating Personal Income Tax to deeply rooted religious denominations.

#### **Federation of Buddhist Communities of Spain:**

- The introduction of measures to overcome current difficulties in relation to the establishment and opening of places of worship.
- The resolution of the difficulties encountered by a number of Tibetan ministers of religion when attempting to obtain visas.
- The resolution of the conflict resulting from a number of health regulations that impose aggressive measures for the preservation of corpses that are incompatible with religious practice.
- Extending the possibility of recognition of festivities to deeply rooted religious denominations.
- Extending the fiscal benefits and the possibility of allocating Personal Income Tax to deeply rooted religious denominations.

#### **Jehovah's Witnesses:**

- The introduction of measures to overcome current difficulties in relation to the establishment and opening of places of worship.
- The introduction of a protocol, respecting the rights of both patients and medical staff, to be followed in cases where patients refuse to sign an informed consent document that includes blood transfusions. The elimination of differences between Autonomous Regions in terms of the health care received by patients of this faith who require surgery.
- The establishment of protocols for action and respect for the conscientious objection of teachers and pupils in schools.
- The extension of fiscal benefits to take in deeply rooted religious denominations.

#### **The Romanian Orthodox Church:**

- Efforts in working towards the signing of a Cooperation Agreement with the State.

In short, at a general level, these religious denominations in Spain feel that, despite the important advances that have been made in terms of the protection of the freedom of religion, many areas remain wherein this right is not fully effective. All religious denominations affirm their willingness to continue cooperating with the public authorities to achieve this objective, which set out in the Constitution.



## **VI. CASE-LAW CONCERNING RELIGIOUS FREEDOM OVER THE COURSE OF 2015.**

The most significant judgments in relation to the freedom of religion that were handed down in 2015 are listed below. This provides an idea of the main conflicts that come before judicial bodies and the manner in which they were resolved. More specifically, the rulings of the Constitutional Court, the Supreme Court, the National High Court and the High Courts of Justice are listed. Over the course of 2015, no judgments were issued by the European Court of Human Rights against Spain in matters of religious freedom or equality.

### **Constitutional Court:**

- Constitutional Court Judgment 145/2015, of 25 June. Recognition of the right to conscientious objection on the part of a pharmacist asked to provide a contraceptive pill.

### **Supreme Court:**

- Supreme Court Judgment of 12 January 2015. Describing the plaintiff as a radical imam violates his right to protection from defamation.
- Supreme Court Judgment of 30 March 2015. Nudism in public spaces is not protected under article 16 of the Constitution.
- Supreme Court Judgment of 8 May 2015. Crimes of genocide and torture. Falun Gong religious movement.
- Supreme Court Judgment of 19 May 2015. Bequeathal to a religious congregation.
- Supreme Court Judgment of 15 June 2015. Refusal to grant Spanish nationality due to links to a radical Islamic group.
- Supreme Court Judgment of 6 July 2015. Holding selection processes on a Saturday, despite being informed that it is a holy day for Adventists.
- Supreme Court Judgment of 18 September 2015. Refusal to grant Spanish nationality due to links to a radical Islamic group.
- Supreme Court Judgment of 1 October 2015. The rejection of an appeal for cassation against a judgment ruling against an appeal calling for the removal of the statue and pedestal of the “Cristo de Monteagudo”, on the hill of the Castle of Monteagudo, lodged before the General Directorate for National Heritage.
- Supreme Court Judgment of 6 November 2015. Annulment of the sanction imposed on a Sergeant of the Civil Guard for failing to prevent an incident involving a subordinate and a priest.
- Supreme Court Judgment of 10 December 2015. Right to asylum for religious reasons.
- Supreme Court Judgment of 20 December 2015. Illegal trafficking of women threatened with Voodoo practices.
- Supreme Court Judgment of 29 December 2015. Conviction of the perpetrator of occult and esoteric practices for fraud.

### **National High Court:**

- National High Court Judgment of 10 February 2015. Refusal to grant Spanish nationality due to a lack of integration in the country.

- National High Court Judgment of 17 February 2015. Request for personal data to be cancelled.
- National High Court Judgment of 30 March 2015. A Body that fails to accredit its inscription in the Registry of Religious Entities as a result of a collective dispute.
- National High Court Judgment of 25 May 2015. Refusal of a request lodged by FEREDE to have a box included in the Personal Income Tax return similar to the box provided for the Catholic Church.
- National High Court Judgment of 10 September 2015. Refusal to grant Spanish nationality due to a lack of integration in the country on the grounds of polygamy.
- National High Court Judgment of 30 September 2015. Convictions of jihadists who were recruiting combatants.
- National High Court Judgment of 11 November 2015. Rejection of an appeal lodged against the conferral of the honorary police medal grounded on Marian devotion.
- National High Court Judgment of 17 November 2015. Refusal to grant Spanish nationality due to a lack of integration in the country.
- National High Court Judgment of 23 November 2015. Conviction for uploading a video to the Internet exalting Bin Laden.

#### **High Courts of Justice:**

- Judgment of the High Court of Justice of Andalusia of 28 January 2015. Recognition of a health card held by a member of the clergy.
- Judgment of the High Court of Justice of Aragon of 27 February 2015. Precautionary measures to prevent the compulsory schooling of a minor in a religious educational institution.
- Judgment of the High Court of Justice of Aragon of 11 March 2015. Concerning the compulsory schooling of a pupil from a private subsidised religious educational institution in a public institution.
- Judgment of the High Court of Justice of Asturias of 19 October 2015. Upholding of an appeal against the reduction of syllabus time set aside for Religion in primary education.
- Judgment of the High Court of Justice of Asturias of 19 October 2015. Rejection of an appeal against the reduction of syllabus time set aside for Religion in secondary education.
- Judgment of the High Court of Justice of Asturias of 30 December 2015. Partial upholding of the appeal against the reduction of syllabus time set aside for Religion in higher secondary education.
- Judgment of the High Court of Justice of Castile and León of 10 April 2015. Granting an increase in subsidies to a Catholic educational institution.
- Judgment of the High Court of Justice of Castile and León of 17 April 2015. Prohibition on construction work in the basement of the Cathedral of Burgos.
- Judgment of the High Court of Justice of Castile and León of 3 June 2015. Admission of the appeal against the judgment that declared the termination of the contract of a teacher of religion to be lawful.



- Judgment of the High Court of Justice of Castile-La Mancha of 26 January 2015. The renewal of the Mayor of Toledo's oath to defend the dogma of the Blessed Virgin does not constitute an administrative act subject to judicial review.
- Judgment of the High Court of Justice of Catalonia of 29 January 2015. Suspension of municipal regulations prohibiting burkas in public spaces.
- Judgment of the High Court of Justice of Catalonia of 18 September 2015. Inscription of a church body in the Registry of Associations.
- Judgment of the High Court of Justice of Catalonia of 5 November 2015. Recognition of entitlement to a pension on the part of a widow of an evangelical minister.
- Judgment of the High Court of Justice of Extremadura of 26 February 2015. Revocation of the certificate of eligibility of a teacher of religion.
- Judgment of the High Court of Justice of Galicia of 5 February 2015. Refusal of the request to remove the Cruz de los Caídos (Cross of the Fallen) in Vigo.
- Judgment of the High Court of Justice of Galicia of 8 June 2015. Claim for a widow's pension on the part of a spouse of within an unregistered church wedding.
- Judgment of the High Court of Justice of Galicia of 14 July 2015. Retirement pension of a member of the clergy.
- Judgment of the High Court of Justice of Madrid of 30 January 2015. Refusal of the request to remove the Cristo de Monteagudo in Murcia.
- Judgment of the High Court of Justice of Madrid of 5 June 2015. Dismissal of an Adventist employee for refusing to work on Saturdays.
- Judgment of the High Court of Justice of Madrid of 16 June 2015. Refusal of the request to eliminate pork from the school menu.
- Judgment of the High Court of Justice of Madrid of 18 September 2015. Unfair dismissal in a religious school.
- Judgment of the High Court of Justice of Madrid of 18 September 2015. Retirement pension of a secular priest.
- Judgment of the High Court of Justice of Madrid of 21 October 2015. Challenge to the registration of a brand bearing its name by the Order of Malta.
- Judgment of the High Court of Justice of Madrid of 10 November 2015. Participation of military personnel in a religious event.
- Judgment of the High Court of Justice of Madrid of 3 December 2015. Disciplinary action for absenteeism on the part of a Seventh-day Adventist.
- Judgment of the High Court of Justice of Murcia of 27 April 2015. Holding selection processes on a Saturday, despite being informed that it is a Holy day for Adventists.
- Judgment of the High Court of Justice of Murcia of 21 December 2015. Termination of the employment contract of a teacher of Religion via withdrawal of his teaching certificate.

## VII. Appendix: State legislation concerning religious freedom

(Available at: <http://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/libertad-religiosa/normativa-materia-libertad/legislacion-estatal>)

### 1. Basic law:

Agreements between the Spanish State and the religious denominations:

#### *With the Catholic Church*

- Agreement of 28 July 1976, between the Holy See and the Spanish State
- Agreement of 3 January 1979, between the Holy See and the Spanish State concerning:
  - Legal Matters
  - Economic Matters
  - Education and Cultural Matters
  - Pastoral Care in the Armed Forces and Military Service of Priests and Members of Religious Orders
- Agreement between the Kingdom of Spain and the Holy See concerning matters of mutual interest in the Holy Lands of 21 September 1994

#### *With other Religious Denominations*

- Act 24/1992 of 10 November, approving the Cooperation Agreement between the State and the Federation of Evangelical Religious Bodies of Spain
- Act 25/1992 of 10 November, approving the Cooperation Agreement between the State and the Federation of Jewish Communities of Spain
- Act 26/1992 of 10 November, approving the Cooperation Agreement between the State and the Islamic Commission of Spain
- Organic Law 7/1980 of 5 July, on Religious Freedom
- Organic Law 1/2002, of 22 March, regulating Freedom of Association
- Organic Law 2/2006, of 3 May, on Education, as worded by Organic Law 8/2013, of 9 December, for the Improvement of the Quality of Education
- Organic Law 6/2001, of 21 December, on Universities, amended by Organic Law 4/2007, of 12 April.
- The Protection of Religious Freedom under Criminal Law
- Organic Law 10/1995, of 23 November, on the Penal Code, amended by Organic Law 1/2015, of 30 March.

### 2. Breakdown by subject matter:

- Civil legal personality in religious bodies
  - Royal Decree 589/1984, of 8 February, on the Religious Foundations of the Catholic Church
  - Resolution of 16 November 2010, issued by the State Secretariat for Justice, for the publication of the Collaboration Agreement with the Administration of the Regional Government of Catalonia in religious matters
  - Royal Decree 1384/2011, of 14 October, for the enactment of article 1 of the Cooperation Agreement between the State and the Islamic Commission of Spain, approved by Act 26/1992, of 10 November

- Seventeenth Additional Provision of Act 27/2013, of 27 December, on the streamlining and sustainability of Local Administration, relating to the opening of places of worship
- Directive of 4 June 2014, introducing certain procedures within the Registry of Religious Entities
- Collaboration Agreement between the Ministry of Justice and the General Council of Spanish Notaries relating to the telematic transfer of public deeds to the Registry of Religious Entities, of 23 September 2014
- Decree JUS/696/2015, of 16 April, on the delegation of competencies (Official State Gazette of 21 April 2015)
- Royal Decree 594/2015, of 3 July, regulating the Registry of Religious Entities
- Resolution of 3 December 2015, issued by the General Directorate for International Legal Cooperation and Religious Affairs, on the recording of Catholic bodies in the Registry of Religious Entities
- Religious Freedom Advisory Committee
  - Royal Decree 932/2013 of 29 November, regulating the Religious Freedom Advisory Committee
- Religious denominations declared to have a deeply rooted presence in Spain
  - Royal Decree 593/2015, of 3 July, regulating religious denominations declared to have a deeply rooted presence in Spain
- Pastoral Care

*The Armed Forces:*

- Royal Decree 1145/1990, of 7 September, creating the Pastoral Care Service within the Armed Forces and setting forth the regulations for its operation
- Act 39/2007, of 19 November, on Military Careers
- Royal Decree 684/2010, of 20 July, regulating the conferral of military honours

*Schools:*

- Decree of 4 August 1980 regulating pastoral care and acts of worship in Schools

*Hospitals:*

- Decree of 20 December 1985 ordering the publication
- of the Agreement on Catholic Pastoral Care in Public
- Hospitals
- Agreement of 23 April 1986 on Catholic Pastoral Care in Hospitals belonging to the National Health Institute

*Prisons:*

- General Organic Law 1/1979, of 26 September, on Prisons
- Royal Decree 190/1996, of 9 February, for the passing of the Prison Regulations (Official State Gazette of 15 February)
- Royal Decree 710/2006, of 9 June, for the enactment of the Cooperation Agreements signed between the State and the Federation of Evangelical Religious Entities of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission in Spain, on pastoral care in prisons

- Collaboration Agreement, of 24 October 2007, between the State and the Islamic Commission of Spain for the financing of the expenses incurred as a result of the provision of pastoral care in State prisons

*Others:*

- Collaboration Agreement between the Ministry of the Interior and the Spanish Synod to guarantee Catholic pastoral care in foreigner internment centres, of 12 June 2014
- Collaboration Agreement between the Ministry of the Interior and FEREDE, FCJE and CIE to guarantee pastoral care in foreigner internment centres, of 4 March 2015

*The Teaching of Religion*

*Education:*

- Royal Decree 1513/2006, of 7 December, establishing the core curriculum of Primary Education
- Royal Decree 1630/2006, of 29 December, establishing the core curriculum of stage 2 Nursery Education
- Royal Decree 1631/2006, of 29 December, establishing the core curriculum of Compulsory Secondary Education
- Royal Decree 1467/2007, of 29 December, regulating the basic structure of higher secondary education and establishing its core curriculum
- Royal Decree 126/2014, of 28 February, establishing the core curriculum of Primary Education
- Royal Decree 1105/2014, of 26 December, establishing the core curriculum of compulsory secondary education and higher secondary education

*Teachers of religion:*

- Decree of 9 April 1999, ordering the publication of the Agreement on the economic and employment regime of individuals, not registered in the Official Body of Teachers, who are charged with teaching Catholic religion in public nurseries, primary schools and secondary schools
- Resolution of 23 April 1996, issued by the Undersecretariat of the Ministry of the Presidency, ordering the publication of the Cabinet Resolution of 1 March 1996, and the Agreement on the appointment and economic regime of individuals charged with the provision of evangelical religious teaching in public primary and secondary schools
- Resolution of 23 April 1996, issued by the Undersecretariat of the Ministry of the Presidency, ordering the publication of the Cabinet Resolution of 1 March 1996, and the Agreement on the appointment and economic regime of individuals charged with the provision of Islamic religious teaching in public primary and secondary schools
- Royal Decree 696/2007, of 1 June, regulating the employment status of teachers of religion envisaged in the Third Additional Provision of Organic Law 2/2006, of 3 May, on Education

*Places of worship and religious cemeteries*

- Law 49/1978, of 3 November, on burials in municipal cemeteries
- General Law 14/1986, of 25 September, on Health

- Law 27/2013, of 27 December, on the streamlining and sustainability of Local Administration (opening of places of worship)

#### *Religious Marriage*

- Civil Code (amended by Law 15/2015, of 2 July, on Voluntary Jurisdiction)
- Decree JUS/577/2016, of 19 April, on the manner of recording, in Civil Registries, certain marriages celebrated in a religious manner and the approval of the model for the certificate of marriage capacity and of religious marriage

#### *Ministers of Religion*

##### *Social Security.*

- Royal Decree 2398/1977 of 27 November, regulating the Social Security of the Clergy
- Decree of 19 December 1977, regulating certain
- aspects of the application of Social Security to Diocesan Clergy
- Royal Decree 3325/1981, of 29 December, incorporating
- Self-employed members of Catholic religious orders into the Special Social Security Scheme for Self-employed Workers
- Royal Decree 487/1998, of 27 March, recognising the Social Security contributions of Catholic priests and secularised members of religious orders in the exercise of their duties
- Royal Decree 2665/1998, of 11 December, supplementing Royal Decree 487/1998, of 27 March, recognising the Social Security contributions of Catholic priests and secularised members of religious orders in the exercise of their duties
- Royal Decree 369/1999, of 5 March, on the terms and conditions for the inclusion of the ministers of religion of churches belonging to the Federation of Evangelical Religious Bodies of Spain within the General Social Security Scheme (amended by Royal Decree 839/2015, of 21 September, Official State Gazette of 22 September 2015)
- Royal Decree 432/2000, of 31 March, regulating the calculation of the periods recognised as contributing to the Social Security within the Civil Service and Military Personnel Scheme for Catholic priests and secularised members of religious orders
- Royal Decree 822/2005, of 8 July, regulating the terms and conditions for the inclusion of the clergy of the Orthodox Church of the Moscow Patriarchate in Spain within the General Social Security Scheme
- Royal Decree 176/2006, of 10 February, on the terms and conditions
- for the inclusion of the religious heads and imams of the communities forming a part of the Islamic Commission of Spain within the General Social Security Scheme
- Royal Decree 1614/2007, of 7 December, regulating the terms and conditions for the inclusion of the members of the religious order of Jehovah's Witnesses in Spain within the General Social Security Scheme

#### *Immigration and Foreigners/Employment:*

- Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration



- Royal Decree 557/2011, of 20 April, passing the regulations of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, subsequent to its reform by Organic Law 2/2009

#### *Secrecy within Religion.*

- Royal Decree of 14 September 1882, approving the Law of Criminal Procedure
- ◦ Act 1/2000, of 7 January, on Civil Procedure (article 371)

#### *The economic and taxation system of religious bodies*

- Decree of 2 February 1994 clarifying the scope of the exemption conferred within property tax via article 11. 3. a) of the Cooperation Agreements between the State and FEREDE, FCIE and CIE (Official State Gazette of 5 March), approved, respectively, by Law 24/1992, Law 25/1992 and Law 26/1992, of 10 November
- Act 29/1987, of 18 December, on the tax on estate and donations
- Act 49/2002, of 23 December, on the taxation system for non-profit
- organisations and tax incentives for sponsorship
- Act 50/2002, of 26 December, on Foundations
- Royal Decree 1270/2003, of 10 October, passing the regulations for the enforcement of the taxation system for non-profit and tax incentives for sponsorship
- Decree EHA/3958/2006, of 28 December, establishing the scope and temporary effects of the elimination of non-taxation and the exemptions established in articles III and IV of the Agreement between the Spanish State and the Holy See, of 3 January 1979, with regards to Value Added Tax and the Indirect Tax of the Canary Islands
- Decree EHA/2760/2008, of 25 September, approving the procedure for the liquidation of tax allocated to the Catholic Church and the regularisation of the resulting balance between the State and this body, envisaged in the Eighteenth Additional Provision of Law 51/2007, of 26 December, on the General Budget of the State for 2008
- Legislative Royal Decree 2/2004, of 5 March, approving the consolidated text of the Law regulating local tax authorities (articles 60 y 62.1.c)
- Act 36/2014, of 26 December, on the General Budget of the State of 2015

#### *Other Collaboration Agreements*

- Resolution of 16 November 2010, issued by the State Secretariat for Justice, for the publication of the Collaboration Agreement with the Administration of the Regional Government of Catalonia in religious matters
- Collaboration Agreement between the Ministry of Justice and the General Council of Spanish Notaries relating to the telematic transfer of public deeds to the Registry of Religious Bodies, of 23 September 2014

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