

SPAIN

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

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

The U.S. government engaged with government and religious leaders to foster dialogue and promote religious tolerance and freedom throughout the year.

Section I. Religious Demography

No official government census exists based on religion. According to a survey conducted in October by the Spanish Center for Sociological Investigation (CIS), approximately 70 percent of respondents identified themselves as Catholics, 16 percent as non-believers, 9 percent as atheists, and 3 percent as followers of another religion.

The Episcopal Conference of Spain estimates there are 35 million Catholics. The Federation of Evangelical Religious Entities (FEREDE) estimates there are 1.2 million evangelical Christians and other Protestants, 800,000 of whom are immigrants. According to the Islamic Commission of Spain, there are an estimated 1.4 million Muslims in the country. Approximately 72 percent are Muslim immigrants without Spanish nationality. The Federation of Jewish Communities (FCJE) estimates there are 48,000 Jews.

According to the Episcopal Conference of Spain, there are over 22,000 Catholic parishes. The Observatory of Religious Pluralism maintains an official directory of non-Catholic places of worship throughout the country. As of December, there were 5,320 other places of worship listed in the registry, an increase of over 1,000 entries from the previous year. There were 3,092 places of worship listed for evangelical and Protestant churches, amounting to over 50 percent of the directory's entries. The directory also included 1,032 Islamic places of worship, 746 places of worship for Jehovah's Witnesses, and 121 places of worship for

members of The Church of Jesus Christ of Latter-day Saints (Mormons). Religious groups reporting fewer than one hundred places of worship in the country included: Buddhist (99); Orthodox (96); Jewish (31); Baha'i (28), other Christian religions (26); other religions (19); Scientologist (14); Hindu (10); and Christian Science (6).

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

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

The constitution provides for religious freedom and the freedom of worship by individuals and groups. It also states, "No faith shall have the character of a state religion." Federal tax law, however, provides taxpayers the option of allocating a percentage of their income tax to the Catholic Church. This financing is also available for nongovernmental organizations (NGOs) but not to other religious entities. Taxpayers may select a box on their income tax forms to contribute up to 0.7 percent of their income taxes to the Catholic Church or an NGO. In 2011 taxpayers contributed approximately 248.2 million euros (\$328.9 million) to the Catholic Church.

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

The Autonomous Region of Madrid and the regional government of Catalonia appointed a special prosecutor to monitor hate crimes, which include certain religiously motivated crimes.

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

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

Criminal offenses committed by neo-Nazi gangs may be investigated and prosecuted as "terrorist crimes."

Based on Protestant, Jewish, and Islamic religious groups' "notorio arraigo" (deeply rooted) status, representatives of those groups have bilateral agreements with the government. These agreements provide certain tax benefits and give civil validity to weddings performed by these religious groups. They also permit these groups to place their teachers in schools and chaplains in hospitals, prisons, and the military. Protestant entities signed the accord as the FEREDE, Jewish entities signed as the FCJE, and Islamic entities as the Islamic Commission of Spain (CIE). The CIE is composed of the Spanish Federation of Islamic Religious Entities (FEERI) and the Union of Islamic Communities in Spain (UCIDE). In April, the Islamic Spanish Council was established and also belongs to the CIE.

The government has taken steps to integrate non-Catholic religious groups through the Foundation for Pluralism and Coexistence. The foundation provides funds to minority and religious groups to promote religious freedom and dialogue, but does not finance worship services. During the year, the Foundation funded projects such as conferences on religious diversity, research about minority religions in Spain, and cultural projects to increase knowledge of religions in society.

Some autonomous regions have agreements with religious groups to encourage social integration. The Catalan government, for example, has agreements with nine religious and ethnic communities--Catholics, Protestants, Muslims, Roma, Pentecostals, Jews, Buddhists, Baha'is, and Mormons--most of which are provided some level of financial support.

Municipal governments oversee the functioning of cemeteries and burials. The national FCJE created and shared with the Ministry of Justice (MOJ) a nonbinding protocol for the national and local governments to follow in addressing complaints from Jewish communities in regards to gaining access to Jewish cemeteries, and the satisfactory treatment and reburial of disinterred remains. According to the protocol, an agreement is reached with each municipality if it is determined that a cemetery contains Jewish remains, but within the framework agreed by the FCJE and the ministry.

Holocaust denial is permissible as freedom of speech; however, Holocaust denial for the justification or promotion of genocide is punishable by imprisonment.

In sporting events, the law establishes sanctions, including closure, suspension, and demotion in divisional standings, against teams and stadiums for prohibited actions committed by professional athletic clubs, players, or fans.

The government recognizes Jewish and Islamic holidays and allows members of both religious groups (upon agreement by their employer) to take Friday afternoons off from work, with pay, to observe the Sabbath. Also, the law establishes a legal framework and certain privileges for religious organizations.

Religious organizations voluntarily register in the Register of Religious Entities, maintained and regularly updated by the MOJ Office of Religious Affairs to have the legal ability to hold religious services. In order to register, religious groups must submit documentation supporting their claim to be religious in nature. If a group is judged by the MOJ not to be religious, it may be included on the Register of Associations maintained by the Ministry of Interior (MOI). Inclusion on the Register of Associations grants legal status as authorized by the law regulating the right of association. In certain cases, religious groups not officially recognized by the government have been treated as cultural associations and, as a result, cannot legally hold religious services.

The first section of the Register of Religious Entities is called the “special section.” Catholic entities and those non-Catholic churches, denominations, and communities (Jews, Muslims, and Protestants) that have a cooperation agreement with the state register in the special section. Catholic dioceses and parishes are not required to register to gain benefits under the 1979 cooperation agreement between the Holy See and the government, since the Episcopal Conference manages the relationship with the government on behalf of the entire Catholic community.

Representatives of minority religious groups sometimes had difficulty opening places of worship, most frequently because of resistance from neighborhood groups. Several municipalities in Catalonia imposed a one-year ban on the opening of any new religious spaces, arguing that the city council needed more time to study the impact. Muslim organizations in those municipalities felt that the ban was directly targeted against their communities.

Ordinances ban wearing the burqa (a full length garment covering a woman from head to foot) and niqab (a Muslim woman’s face veil) in public buildings in

several cities and prescribe fines of up to 600 euros (\$795.50). There were, however, no reports of arrests or fines under the legislation. Pending the Supreme Court decision on a case in Lleida, all bans on Islamic garb were suspended in 2011.

There were isolated instances of local and regional government policies that had the effect of restricting some religious groups. Islamic federations continued to report that obtaining a building permit for new mosque construction could be difficult and lengthy, especially in central urban locations. Leaders of the Jewish community and some evangelical religious groups also complained about difficulties in securing permits and approvals to construct new places of worship.

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

The government funds teachers for Catholic, Islamic, Protestant, and Judaic instruction in public schools when at least 10 students request it. The courses are not mandatory. Those students who elect not to take confessional courses are obliged to take an alternative course covering general social, cultural, and religious themes. The development of curricula and the financing of teachers for religious education, however, is the responsibility of the autonomous communities, with the exception of Andalucía, Aragon, the Basque Country, Las Canarias, Cantabria, and La Rioja, and the two autonomous cities of Ceuta and Melilla, which under their individual regional statutes keep religious education under the responsibility of the national government. The national entities registered with the MOJ are responsible for the selection of teachers for their particular religion. Either the national Ministry of Education or the regional entity responsible for education certifies teachers' credentials. Teachers must hold teaching degrees, have training in Spanish law, and be fluent in Spanish.

According to the MOI, Muslim, Protestant, and Jewish religious services were offered within prisons and, in its 2011 budget, the government allocated 681,590 euros (\$903,778) for Catholic religious services and 9,000 euros (\$11,933) for minority religious services for inmates. The government funds religious services

for Catholic and Muslim groups within the prison system, but not for Jewish or Protestant groups as per cooperation agreements between the government and Jewish and Protestant groups. Under the terms of the Muslim cooperation agreement, the government provides funding for religious services. Muslim leaders reported that prison officials generally provided access for prayer assistants to visit Muslim prisoners and, during the year, eight imams provided religious services to prison inmates.

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

The government observes the following religious holidays as national holidays: Epiphany, Holy Thursday, Good Friday, Assumption, All Saints' Day, Immaculate Conception, and Christmas. Many regional governments also establish local religious holidays. The cities of Melilla and Ceuta also observe Eid el Kebir (Eid al-Adha).

Government Practices

There were no reports of abuses of religious freedom.

In June Catalonia's highest court ruled in favor of the city of Lleida's prohibition of the burqa, niqab and other clothing that covers the face in public buildings. However, in October the Spanish Supreme Court admitted an appeal of the Catalonian court's decision raised by a Muslim association in Lleida. Muslim leaders and other observers have noted that very few women in Catalonia wear the burqa or niqab and have indicated that the proposed legislation was primarily politically motivated.

In Lleida, the Calle del Nord Muslim center, which the city council closed in 2010, remained closed. The city offered the Calle del Nord community use of a space in an industrial district; however, the community's imam refused the offer. A different Muslim organization announced in December it would move into the new space. The Islamic Commission reported that sometimes new mosque construction was forced into less visible suburban areas, due to resistance from neighborhood groups.

The lack of a formal mosque remained a significant issue in Catalonia because it had the highest concentration of Muslims, and none of the approximately 200 prayer centers in the region were actual mosques. Catalonia does not have a

formal mosque due to a combination of factors, including lack of coordination between the different Muslim communities, lack of funding, and opposition from neighborhood groups and some political parties.

During the year Muslims reported difficulty in gaining satisfactory treatment and reburial of disinterred remains, as well as gaining access to cemeteries designated for their religious group.

Improvements and Positive Developments in Respect for Religious Freedom

In October the Council of Ministers approved a process for Muslim entities entered in the Register of Religious Entities to be included in the Islamic Commission of Spain (CIE), the highest representative body of Islam in Spain. As a result, over 300 Muslim organizations registered with the MOJ will be able to join the CIE and will have the right to state benefits afforded to the CIE.

In July the government-supported Observatory of Religious Pluralism launched a Web site about religious diversity in the country's municipalities to promote better understanding of religious diversity, coexistence, and mutual respect. The Web site includes information on all recognized religions in the country, a directory of places of worship, and glossary of religious terms. At the inauguration of the Web site on July 5, Justice Minister Francisco Caamano said that the online initiative demonstrated the government's "interest in deepening human rights and, in particular, the standardization and promotion of freedom of religion and conscience."

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Many challenges faced by religious groups relate to integration and addressing prejudices and perceptions. The growth of the immigrant population has led at times to social friction, which in isolated instances had a religious component. Muslims, for example, continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates.

Authorities monitored Web sites for material containing hate speech and advocating anti-Semitism. At year's end the Barcelona court had several open investigations involving hate crimes on the Internet and one case against a music group for spreading neo-Nazi messages through their music.

While violence against members of the Jewish community was rare, anti-Semitic incidents, including graffiti against Jewish institutions, continued. For example, at the International Seminar about Anti-Semitism, held in Madrid November 31-December 1, graffiti of a crossed-out Star of David and anti-Israel slogans appeared on the building where the event was being held. Some Jewish community groups expressed concern over perceived anti-Semitic cartoons in newspapers and anti-Semitic innuendo in some media. The Civil Network Against Anti-Semitism and other groups monitor this activity, while most media have suggested that their reporting focused on criticism of Israeli policies rather than anti-Semitic attacks.

In November Juan Carlos Fuentes Linares of the extreme right party Platform for Catalonia was sentenced to one-and-a-half years in jail for inciting hate, after distributing xenophobic campaign materials in 2007. The leader of the party, Josep Anglada, was found not guilty of the same charges.

In November legal proceedings began against the head of the neo-Nazi political party Estado Nacional Europeo (National European State) and two collaborators for distributing materials that justified the Holocaust and for inciting hate, violence, and discrimination. Barcelona's hate crimes prosecutor sought a four-and-a-half year prison sentence against the party leader for inciting hate through a bimonthly magazine called *Intemperie* (Outdoor), and two-and-a-half year sentences for each collaborator. In addition to anti-Semitic writings, the group also wrote against homosexuals and immigrants. During his trial, the head of the party told the court "it's not racism, it's hate."

Ahead of Pope Benedict XVI's visit to Madrid in August, there were media reports that patrons at public libraries could not access Web pages with information about planned protests during the Pope's participation at World Youth Day on August 18; the municipality of Madrid denied restricting access to electronic pages.

In June 2011, the Supreme Court overturned the conviction of four members of an alleged neo-Nazi group, Circle for Indo-European Studies, including the owner of Kalki bookstore in Barcelona. All four were convicted in September 2009 for disseminating pro-genocidal material through the store. The Supreme Court ruled an individual could not be penalized for justifying genocide unless the material "implies a certain danger of creating a climate of hostility that may materialize in" violent acts. The hate crimes prosecutor in Barcelona denounced the decision as

being “directly opposed” to past rulings, and in his 2010 annual report called for the law to be amended to avoid decisions that run counter to the intent of the law.

In June the Supreme Court upheld the National Court ruling of June 30, 2010 that ordered the dissolving of the neo-Nazi group “Blood and Honor.” The Supreme Court considered proven that the country’s branch of its British homonym spread and promoted Nazi’s ideology through a magazine and that organized proselytism concerts and events to raise funds.

In March a Barcelona Court ordered the Mossos d’Esquadra to destroy 2,038 copies of 17 literary works containing genocide ideas that were seized in the Librería Europa of Barcelona, owned by Pedro Varela. The Court considered these 17 literary works to have “a denigrating content against Jewish people and other ethnical minorities, women, homosexuals, and people with some type of homosexuality.” A Hitler bust, a swastika, military helmets, pictures and posters were also ordered to be destroyed. In 2010, Pedro Varela was sentenced to one year and three months in jail for spreading genocide ideas.

In March the NGO Movement against Intolerance estimated 4,000 racist incidents occur per year in the country, of which 400 were anti-Semitic. In the same month, the Observatory on anti-Semitism in Spain released a report of 28 incidents of anti-Semitic acts that occurred in the country in 2010, relating to attacks against people, anti-Semitism in the media and on the internet, trivialization of the Holocaust, neo-Nazism, and dissemination of anti-Semitic literature.

In February the Barcelona Provincial Court Prosecutor requested a five-year-jail sentence for Marc Mora García, administrator of a Web page, accusing him of spreading Nazi ideology and of “hate speech.”

Section IV. U.S. Government Policy

U.S. embassy officials met with leaders of various religious groups and attended conferences that addressed religious and minority problems throughout the year. Embassy officers and several U.S. speakers, sponsored by the embassy, participated in roundtables and conferences on religious freedom, tolerance, and integration of minority and religious communities in the United States and Spain.

In March Special Representative to Muslim Communication Farah Pandith and Special Envoy to Monitor and Combat Anti-Semitism Hannah Rosenthal launched the “2011 Hours Against Hate” virtual campaign in Cordoba. In June the

Consulate General in Barcelona organized, together with the UNESCO Center of Catalonia, a seminar on democracy and religious freedom, where the UN Special Rapporteur on Freedom of Religion spoke. During the month of Ramadan, the ambassador hosted the annual embassy iftar (evening meal during Ramadan) with members of Muslim communities and interfaith contacts.