

# SPAIN 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution provides for guarantees freedom of religion, prohibits discrimination based on religion, and permits only such limitations of those rights as necessary to maintain public order under the law. It states that while no religion shall have a “state character,” the government shall consider the religious beliefs of society and form cooperative relations with the Roman Catholic Church and other religious faiths. The government has a bilateral agreement with the Holy See that grants the Catholic Church additional benefits not available to three other groups with which the government has agreements: Protestants, Muslims, and Jews. Groups without agreements may register with the government and receive some benefits. Various politicians and civil society actors continued to criticize compulsory religious education, which is under the control of regional governments. The Ministry of Justice (MOJ) convened its annual interagency Religious Freedom Advisory Committee and agreed to draft a report focusing on religious freedom as it pertains to cemeteries, burials, the treatment of the body, and funeral rites. The committee delivered its recommendations to local and regional governments, urging greater attention to and awareness of religious diversity to ensure a dignified burial without religious discrimination, encouraging dialogue with religious faiths, and increasing training and awareness of personnel who operate funeral homes. Between January and September the government granted citizenship to 4,917 descendants of Jews expelled in 1492. Muslims, Jews, and especially Buddhists reported problems with cemetery access. Leaders of other religious groups objected to the fact that the state allowed citizens to allocate part of their taxes to the Catholic Church or its charities but not to other religious groups. The government continued its outreach to Muslims aimed at combating religious discrimination and promoting integration. The Federation of Evangelical Religious Entities (FEREDE) proposed the government create a hotline for victims of religious persecution and hate crimes. FEREDE also called for authorities to apply the criminal code pertaining to religiously motivated crimes more vigorously and stated public prosecutors and police remained unprepared to combat religious intolerance.

The nongovernmental organization (NGO) Observatory for Religious Freedom and Conscience (OLRC) reported 159 religiously motivated incidents – including three assaults – in the first nine months of the year, 18 more than in the same period in 2018. Of the 159 cases, 85 percent were against Christians. The Ministry of Interior (MOI) documented 69 hate crimes with religious motivations in 2018 (the

most recent year for which statistics were available), compared with 103 in 2017. The General Prosecutor reported 744 judicial processes open during 2018 for hate crimes, most of them related to racism, xenophobia, ideology, sexual orientation and religious beliefs. In 2018, the MOJ reported 43 hospitals throughout the country denied treatment to Jehovah's Witnesses who had refused to accept blood transfusions. Some Jehovah's Witnesses stated that some media reporting on cases involving their members who refused blood transfusions on religious grounds contained inaccurate information, and that court rulings protected this right. Some Christians, Muslims, and Jews reported increased hostility against them in media.

U.S. embassy and consulate officials maintained regular communication with the MOJ's Office of Religious Affairs, as well as with regional governments' offices for religious affairs. Embassy and consulate officials met with religious leaders to commemorate various religious holidays and observances, and they exchanged information with participants in the governmental Pluralism and Coexistence Foundation (the Foundation). Topics discussed included anti-Semitic, anti-Muslim, and anticlerical sentiment, the failure of some regional governments to comply with legal requirements to treat religious groups equally, concerns about societal discrimination against religious minorities, access to religious education and cemeteries for religious groups, and pensions for clergy. In May a senior embassy official hosted an iftar for Muslim activists, government officials, and Arab diplomats at which he promoted religious tolerance, freedom of worship, and cultural understanding. In Barcelona, the consulate hosted a roundtable with Muslim community leaders and organized meetings with the regional and Barcelona Offices for Religious Affairs, as well as with the Barcelona hate crimes prosecutor.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 49.7 million (midyear 2019 estimate). According to a survey conducted in October 2018 by the governmental Center for Sociological Research, 66.2 percent of respondents identified themselves as Catholic and 2.8 percent as followers of other religious groups. In addition, 17.2 percent described themselves as "nonbelievers" and 11.2 percent as atheists; the remaining 2.6 percent did not answer the question.

The (Catholic) Episcopal Conference of Spain estimates there are 32.6 million Catholics. The Federation of Evangelical Religious Entities (FEREDE) estimates there are 1.7 million Protestants, 900,000 of whom are immigrants. The Union of Islamic Communities of Spain (UCIDE), the largest member organization of the

Islamic Commission of Spain (CIE), estimates there are 1.9 million Muslims, representing approximately 4 percent of the total population. The Federation of Jewish Communities of Spain (FCJE) estimated in 2017 there were 45,000 Jews; the Episcopal Orthodox Assembly stated in 2014 there were 1.5 million Orthodox Christians; the Jehovah's Witnesses report 188,000 members; the Federation of Buddhist Communities estimates there are 85,000 Buddhists; and The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ) cites 57,000 members. Other religious groups include Christian Scientists, other Christian groups, Baha'is (12,000 members), Scientologists (11,000 members), and Hindus. The autonomous communities of Catalonia, Andalusia, and Madrid and the autonomous cities of Ceuta and Melilla in North Africa contain the highest percentage of non-Christians, nearly 50 percent (mostly Muslims) in the latter two cities.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution prohibits discrimination based on religion and provides for freedom of religion and worship for individuals and communities; it allows limits on expression if “necessary to maintain public order.” According to the Foundation, reasons would include overcrowding in small facilities or public spaces. The constitution states no one may be compelled to testify about his or her religion or beliefs. It also states, “No religion shall have a state character,” but “public authorities shall take into account the religious beliefs of Spanish society and consequently maintain appropriate cooperative relations with the Catholic Church and other denominations.” The Catholic Church is the only religious group explicitly mentioned in the constitution. Under the penal code, it is a crime to prevent or disrupt religious services or to offend, scorn or blaspheme religious beliefs, ceremonies, or practitioners.

A law restricts unauthorized public protest, but authorities have not enforced it or the constitutional limits on expression against religious groups.

The government does not require religious groups to register, but registering confers on religious groups certain legal benefits. Groups registered in the MOJ's Registry of Religious Entities may buy, rent, and sell property, and may act as a legal entity in civil proceedings. Registration entails completing forms available on the MOJ's website and providing notarized documentation of the foundational and operational statutes of the religious group, its legal representatives, territorial

scope, religious purposes, and address. Any persons or groups have the right to practice their religion whether or not registered as a religious entity.

Registration with the MOJ, as well as *notorio arraigo* (“deeply rooted” or permanent) status, allows groups to establish bilateral cooperation agreements with the state. The government maintains a bilateral agreement with the Holy See, executed in part by the Episcopal Conference. It also has cooperation agreements with FEREDE, CIE, and FCJE. These agreements are legally binding and provide the religious groups with certain tax exemptions, the ability to buy and sell property, open a house of worship, and conduct other legal business; grant civil validity to the weddings they perform; and permit them to place teachers in schools and chaplains in hospitals, the military, and prisons. Groups with cooperation agreements are also eligible for independently administered government grants.

The agreement with the Holy See covers legal, educational, cultural, and economic affairs; religious observance by members of the armed forces; and the military service of clergy and members of religious orders. The later cooperative agreements with FEREDE, CIE, and FCJE cover the same issues.

Registered groups who wish to sign cooperative agreements with the state must acquire *notorio arraigo* status through the MOJ. To achieve this status, groups must have an unspecified “relevant” number of followers; a presence in the country for at least 30 years; and a “level of diffusion” the MOJ considers demonstrates a “social presence” but is not further defined. Groups must also submit documentation demonstrating the group is religious in nature to the MOJ’s Office of Religious Affairs, which maintains the Register of Religious Entities.

The Episcopal Conference of Spain deals with the government on behalf of the entire Catholic community. Per the state’s 1979 agreement with the Holy See, individual Catholic dioceses and parishes are not required to register with the government. The Jehovah’s Witnesses, Federation of Buddhist Communities (FCBE), Church of Jesus Christ, and Orthodox Church are registered religions with *notorio arraigo* status. New religious communities may register directly with the MOJ, or religious associations may register on their behalf.

If the MOJ considers an applicant for registration not to be a religious group, the latter may be included in the Register of Associations maintained by the MOJ. Inclusion in the Register of Associations grants legal status but offers no other benefits. Registration itself simply lists the association and its history in the government’s database. Registration as an association is a precursor to requesting

that the government deem the association to be of public benefit, which affords the same tax benefits as charities, including exemption from income tax and taxes on contributions. For such a classification, the association must be registered for two years and maintain a net positive fiscal balance.

The Foundation provides funding in support of activities that promote cultural, educational, and social integration among religious denominations that have a cooperation agreement with the state. It provides nonfinancial assistance to other religious groups to increase public awareness. The Foundation also promotes dialogue and rapprochement among religious groups and the integration of religion in society.

The government funds religious services within the prison system for Catholic and Muslim groups. Examples of religious services include Sunday Catholic Mass, Catholic confession, and Friday Islamic prayer. The cooperation agreements of FCJE and FEREDÉ with the government do not include this provision; these groups provide religious services in prisons but at their own expense. Other religious groups registered as religious entities with the MOJ may provide services at their own expense during visiting hours upon the request of prisoners.

The Regions of Madrid and Catalonia have agreements with several religious groups that have accords with the national government. These regional agreements permit activities such as providing religious assistance in hospitals and prisons under regional jurisdiction. The central government funds these services for prisons and the military, and the regional governments fund hospital services. According to the MOJ, these subnational agreements may not contradict the principles of the federal agreements, which take precedence.

The government guarantees religious workers of groups with cooperative agreements with the state access to refugee centers, known as foreign internment centers, so that these groups may provide direct assistance, at the groups' expense, to their followers in the centers. According to the MOJ, other religious practitioners may enter the internment centers upon request.

Military rules and prior signed agreements allow religious military funerals and chaplain services for Catholics, Protestants, Jews, and Muslims, should the family of the deceased request it. Other religious groups may conduct religious funerals upon request.

The government recognizes marriages performed by all religious communities with *notorio arraigo* status. Members of religious groups without this status need to be married in a civil ceremony.

Religious groups must apply to local governments for a license to open a place of worship, as with other establishments intended for public use. Requirements for licenses vary from municipality to municipality. The MOJ states documentation required is usually the same as for other business establishments seeking to open a venue for public use and includes information such as architectural plans and maximum capacity. Religious groups must also inform the MOJ after opening new places of worship.

Local governments are obligated to consider requests for use of public land to open a place of worship. If a municipality decides to deny such a request after weighing factors such as availability and value added to the community, the city council must explain its decision to the requesting party.

As outlined in agreements with religious groups, the government provides funding for salaries for teachers of Catholic and, when at least 10 students request it, Protestant and Islamic religious education classes in public schools. The Jewish community is also eligible for government funding for Jewish instructors but has declined it. The courses are not mandatory. Those students who elect not to take religious education courses are required to take an alternative course covering general social, cultural, and religious themes. The development of curricula and the financing of teachers for religious education is the responsibility of the regional governments, with the exception of Andalusia, Aragon, the Canary Islands, Cantabria, and the two autonomous cities of Ceuta and Melilla, which leave the curricula and financing of education to the national government in accordance with their respective regional statutes.

Autonomous regions generally have the authority to develop the requirements for religious education instructors and certify their credentials, although some choose to defer to the national government. For example, prospective instructors must provide personal data, proof that the educational authority of the region where they are applying to work has never dismissed them, a degree as required by the region, and any other requirement as stipulated by the religious association to which they correspond. The religious associations are required to provide a list of approved instructors to the government. MOE-approved CIE guidelines stress “moderate Islam” in worship practices, with emphasis on plurality, understanding, religious

tolerance, conflict resolution, and coexistence. CIE also requires instructors to have a certificate of training in Islamic education.

Catholic clergy may include time spent on missions abroad in calculations for social security and may claim retirement pension credit for a maximum of 38.5 years of service. Protestant clergy are eligible to receive social security benefits, including health insurance and a government-provided retirement pension with a maximum credit of 15 years of service, but pension eligibility requirements for these clergy are stricter than for Catholic clergy. Clergy of the Russian Orthodox Church, CIE, and Jehovah's Witnesses are also eligible for social security benefits under the terms of separate social security agreements each of these groups negotiated with the state.

The penal code definition of hate crimes includes acts of "humiliation or disrespect" against victims because of their religion, with penalties of one to four years in prison. Anti-Semitism is distinguished as a hate crime. Those who do not profess any religion or belief are also protected under the penal code. By law, authorities may investigate and prosecute criminal offenses committed by neo-Nazi groups as "terrorist crimes." Genocide denial is a crime if it incites violent attitudes, such as aggressive, threatening behavior or language.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

Government and religious groups cited the ongoing political impasse, with no officially functioning government for much of the year, as an impediment to progress on issues of religious freedom, along with many others. For example, the Ministry of Justice's Religious Freedom Advisory Committee was unable to approve its 2018 annual report on religious freedom because of the lack of an official government.

On October 1, the enrollment period during which Sephardic Jews could apply for Spanish nationality ended after nearly four years. The FCJE Director said another extension was not possible, but applicants from countries such as Venezuela, with difficult documentation verification processes, would likely be granted a reprieve. According to the Ministry of Justice, during the four years the law was in force, 132,226 persons applied for citizenship. Most of the applicants originated from Mexico (20,000), Venezuela (14,600), and Colombia (13,600). By the end of September, nearly 26,000 applications had been processed, with 4,917 approvals

for citizenship. The government received more than 50,000 new applications in the last month of enrollment. FCJE Director Carolina Aisen attributed the sharp rise in applications to deteriorating humanitarian situation in countries such as Venezuela. The Jewish community said burdensome financial and administrative requirements, such as the requirement to self-fund a trip to the country for the personal interview, reduced the response to the law. In March the Latin American Jewish Congress awarded King Felipe VI the Shalom Prize for “his invaluable work that led to the restoration of civic rights for the descendants of Sephardic Jews.”

In October the European Court of Human Rights agreed to hear a complaint lodged by the Spanish Association of Christian Lawyers against an artist whose 2015 photography exhibition featured the word “pederasty,” formed by consecrated communion wafers. The Association of Christian Lawyers filed a lawsuit against the artist, alleging he committed an “offense against religious sentiments and desecration,” which is illegal under the country’s blasphemy laws. A regional court in Pamplona had previously declined to hear the case, and the country’s Constitutional Court declared it to be inadmissible.

In July the Madrid autonomous community regional Ministry of Education determined that schools had the authority to regulate students’ attire, including the hijab. The ministry responded that although there was no “specific regulation on the use of the Islamic veil” in municipal schools or institutes, schools retained the right to “exercise their organizational autonomy” in regulating a dress code. The ministry cited judicial precedents in prohibiting hijabs, provided the policy “does not violate the dignity or constitute an interference in [students’] religious freedom...and is equally applicable to all students.”

In April the interagency Religious Freedom Advisory Committee agreed to change its annual reports from a general overview to one detailing specific issues of concern. Whereas in past years the committee had reviewed the overall state of religious freedom, noted issues of concern, and approved the MOJ’s annual report on religious freedom, for 2019, it agreed to produce a report focusing on religious freedom in cemeteries, burials, the treatment of the body, and funeral rites. Committee members reported that burials and related issues generated significant complications for religious groups and were a major topic of interest to address with the government. The committee gathered input from religious groups via a questionnaire and presented the report and recommendations to the government in December. The proposals, addressed to both local and regional governments, urge greater attention to and awareness of religious diversity in order to ensure dignified

burial without religious discrimination, encourage dialogue with religious faiths, and enhance the training and sensitivity of personnel who operate funeral homes. According to the MoJ, the committee's objective in future sessions is to make concrete suggestions to the government that would be translated into regulations.

FCJE Director Aisen said the cemetery debate was a priority for several religious groups, but not a leading concern for her organization. She said FCJE was mainly concerned with the preservation of existing Jewish cemeteries and had not experienced problems negotiating with autonomous community governments for the use of parts of civil cemeteries. She noted, however, the committee's report could help with future requests to open cemeteries.

In June the Islamic Community of Extremadura in the western part of the country signed an agreement with the autonomous government to open new plots for Islamic burials. A member of the Badajoz municipal government of the Vox political party denounced the decision, stating it was not necessary and that he was "not in favor of creating ghettos in a cemetery that is nondenominational."

The government exhumed the body of former dictator Francisco Franco from its resting place in the Valley of the Fallen Basilica on October 24, pursuant to a September Supreme Court ruling. Franco's remains were transported by helicopter and reburied at El Pardo-Mingorrubio cemetery, north of Madrid, despite the insistence of Franco's family that the remains be interred in a cathedral, and not in a cemetery. The prior of the Valley of the Fallen mausoleum initially threatened to restrict access to the basilica housing Franco's remains, but he acquiesced when the secretary general of the Episcopal Conference of Spain, Luis Arguello, declared the Spanish Church would "respect the decision of Spanish authorities and would therefore not oppose the exhumation of Franco." The OLRC said it did not consider removing Franco's remains from the Valley of the Fallen as an attack on religious freedom.

In March the Huesca Prosecutor's Office ruled against intervening in the case of a Jehovah's Witness who had declined a blood transfusion while in intensive care. The woman had been placed in a medically induced coma for three weeks after developing an infection following an appendectomy. The Prosecutor's Office ruled the woman was of legal age (20) and entitled to decide on her own medical treatment. In August a chamber of the Constitutional Court ruled against the country's social security administration argument that a Jehovah's Witness' refusal to receive a blood transfusion was counter to laws protecting the "preservation of the patient's life." The court ruled "a patient's right to autonomy must be respected

as long as [he/she] is not faced with a hypothesis of extreme gravity or imminent danger of death, in which case the right to life will prevail.”

The Department of Religious Affairs of the Catalan regional government, with the support of its Advisory Council for Religious Diversity, provided guidance and financial support to religious communities; disseminated information and knowledge on religious diversity; and worked on a map on the state of religious freedom in the region to update its 2018 report.

Several religious groups, especially Protestant ones, said burdensome and unequal regulations remained a principal obstacle to religious groups seeking licenses or permits for places of worship. For example, FEREDE cited continuing difficulties adhering to laws governing sound levels in places of worship. Although the government repealed certain laws to limit authorizations needed to open new places of worship, Bueno said municipal governments often imposed onerous regulations that require religious centers to maintain the same acoustic standards as bars and nightclubs. According to Calvo, such requirements, which are technically difficult to meet, made opening new centers of worship excessively expensive.

Several religious groups cited continuing obstacles to providing religious education and the integration of teachers of religion in schools. FEREDE reported it had developed an agreement with the government for a recognized master’s degree program in evangelical religious education, but political paralysis prevented it from being officially sanctioned.

Religious groups declared there was also a continued lack of information on classes or enrollment options for students. CIE stated that only six autonomous communities and Ceuta and Melilla had Islamic studies educators, despite the availability of eligible instructors in every region. In the Basque Country, there were reports some schools had actively discouraged parents from seeking Islamic classes for their children. In October the regional Ministry of Education of Balears (Balearic Islands) and the CIE signed an agreement by which 10 schools will include the teaching of Islam in their curricula starting in the 2020-21 school year.

There were no Jewish religious education classes in public schools, and FCJE reported schools were usually unaware of Jewish holidays provided for in the accord between FCJE and the state. The Church of Jesus Christ in 2018 proposed the right of religious education in public schools be extended to all religious groups with *notorio arraigo* status, not just to groups with agreements with the state.

Jehovah's Witnesses representatives said they chose not to seek their own religious instruction in schools, since they believed that religious training was the responsibility of the individual.

Nearly 60 associations, educational unions, and political parties presented a petition in April demanding an end to religious instruction in public schools. The statement criticized "religious indoctrination" financed with public funds and called on the government to repeal its agreements signed with the Vatican in 1979 and with other religious denominations that contained references to education. The document was signed by officials from the Podemos, United Left, ERC, and Communist parties, as well as members of the Workers' Commissions, Lay Europe, the Student Union, and the Christian Networks associations.

In June the Council of the European Union sponsored a workshop in Madrid on best practices for combating racism and anti-Muslim sentiment. The objective of the workshop was to foster concrete cooperation between public authorities and civil society organizations, with the goals of tracking anti-Muslim hate crime data and support to victims; responding to anti-Muslim rhetoric and "Islamophobic narratives" in public opinion, politics, and the media, in particular online; and addressing discrimination against Muslims, especially women, in access to jobs and services.

Holocaust education in secondary school curricula continued in accordance with an MOE mandate contained in two royal decrees. The subject was included in a fourth-year compulsory geography and history class and a first-year contemporary world history class. A 2017 agreement between the FCJE and MOE to train teachers on the Holocaust, Judaism, and anti-Semitism remained in force, and the Sefarad-Israel Center took responsibility for its implementation. During the summer, the center organized a seminar for 24 teachers at the Yad Vashem World Holocaust Remembrance Center in Jerusalem.

The former Israeli ambassador to Spain told the media the country could not be considered anti-Semitic, but there are sectors where prejudice still existed, and extreme anti-Israel sentiments are found in some political circles.

In January in conjunction with the FCJE, the Senate commemorated International Holocaust Remembrance Day in a ceremony led by the president of the Senate which included speeches by the minister of justice, minister of foreign affairs, and FCJE president. Senators, members of the Jewish Communities led by Rabbi Moshe Bendahan, and diplomats also took part. In addition, the President of the

Roma community and the vice president of the Friends of Mauthausen organization gave speeches in the memory of Holocaust victims. In April the government approved an executive decree establishing an annual commemoration for Spanish victims of the Holocaust. In May the minister of justice visited the Mauthausen concentration camp “to honor and recognize the injustice caused by the exile of many Spaniards and their internment in Nazi concentration camps.”

The FCJE estimated there were very few survivors of the Holocaust residing in the country and said for this reason, the government only considered restitution on a case-by-case basis. The FCJE reported no restitution cases during the year. In April a U.S. court ruled that the Thyssen Museum in Madrid had legal ownership of a Camille Pissarro painting originally owned by a Jewish woman, Lilly Cassirer, and extorted from her by Nazi officials in return for safe passage from Germany in 1939. The court ruled the plaintiffs failed to demonstrate that Baron Thyssen Bornemisza, who donated the painting to the museum, had actual knowledge the painting was stolen. In his decision the judge wrote the court had “no alternative but to apply Spanish law and cannot force the Kingdom of Spain or the Thyssen Museum to comply with its moral commitments.” The Cassirer family was likely to appeal the ruling, according to media reports.

The Movement Against Intolerance, a non-religiously affiliated NGO that compiles instances of religiously motivated hate crimes, criticized government and religious leaders for not working together to combat all forms of religious intolerance. Director Esteban Ibarra again stated the authorities should apply the criminal code pertaining to religiously motivated crimes more widely and public prosecutors and police remained unprepared to combat religious intolerance. Ibarra also pointed to a lack of preventive education in schools. According to Ibarra, anti-Semitism and anti-Muslim sentiment were on the rise, partly due to the actions of some members of political parties on the far left and right, such as Podemos and Vox. Ibarra said although membership in ultraright parties remained small, they had gradually expanded their online and public presence over the previous year, including through public meetings, marches, and statements in the press. Ibarra stated that support for Boycott, Divestment, and Sanctions (BDS) policies among some parties like Podemos contributed to the further isolation of Israel and an increase in anti-Semitism. FEREDE proposed the government create a hotline for victims of religious persecution and hate crimes.

The Foundation provided training on preventing anti-Islamic sentiment and other forms of religious discrimination and worked with the Ramon Llull University to provide knowledge, tools, and spaces to counteract it in online and offline spaces.

Despite a 2017 Supreme Court ruling making government pension eligibility requirements for Protestant clergy the same as those for Catholic priests, no Protestant clergy had yet begun receiving a government pension because the ruling was not retroactive. The government did not issue a royal decree, per FEREDE's request, to allow retired Protestant clergy to collect pensions from their time in service prior to 1999 and to allow survivor benefits for spouses and children of clergy.

The Catholic Church remained the only religious entity to which persons could voluntarily allocate 0.7 percent of their taxes. Other religious groups were not listed on the tax form as potential recipients of funds. FEREDE and CIE requested that the government include the option in tax forms to donate 0.7 percent of taxes to other, non-Catholic, groups. This was FEREDE's and CIE's second such request since 1999. Several religious groups, including Protestants, Muslims, Buddhists, and the Church of Jesus Christ, continued to express their desire to have their groups included on the tax form. The tax designation yielded 267.8 million euros (\$300.9 million) in donations to the Catholic Church in 2018, according to news reports.

Representatives of FEREDE, CIE, and FCJE continued to state they did not receive all of the benefits to which they were entitled under their cooperative agreements with the government. As an example, they cited their inability to make use of the same tax allocation financing system the Catholic Church used. These groups say they would prefer to collect voluntary funds from taxpayers without preconditions as the Catholic Church does, and not to have to depend on the Foundation, which has very specific conditions for the use of its funds. In November CIE President Riay Tatari formally requested from the MOJ the ability to receive funding through income tax returns, similar to the country's agreement with the Catholic Church.

Many religious groups, such as FEREDE, CIE, and FCJE, said they relied on government funds, provided through the Foundation, to cover their administrative and infrastructure costs. The Ministry of Justice continued to allocate funding to different groups according to the number of registered entities and the approximate number of adherents. Religious representative bodies, such as FEREDE, CIE, and FCJE, received funding from the Foundation. In addition to infrastructure and administrative funding, the Foundation funds also cover small publicity projects and research projects. CIE reported the funding it receives from the Foundation was insufficient for the group's needs. FEREDE reported that Foundation funds

were used to finance its small projects, but burdensome requirements made it more difficult to apply for these funds.

During the year FEREDÉ received 462,000 euros (\$519,000), FCJE received 169,405 euros (\$190,000), and CIE received 330,000 euros (\$371,000). In 2018, these three groups received a total of 780,000 euros (\$876,000), approximately 180,000 euros (\$202,000) more than the current year. The Foundation also provided 205,957 euros (\$231,000) in small grants to dozens of local religious associations for educational and cultural projects aimed at promoting religious integration, 71 percent more than in 2018 (120,000 euros).

Numerous local, municipal, or provincial governments continued to pass resolutions supporting the BDS movement against Israel. Such resolutions usually entailed a nonbinding declaration calling on the central government to “support any initiative promoted by the international BDS campaign” and to “suspend relations with Israel until that country stops its criminal and repressive policies against the Palestinian population.” Some pro-BDS-movement legislation also contained language in support of a “space free of Israeli apartheid.” In June a court declared that a measure passed in support of BDS by the Valencia city council had violated the fundamental right to equality in the constitution, since it included ideological criteria in the selection of contractors for the municipality. In September a Pamplona court ruled its municipal government had “violated the principles of neutrality and objectivity that must govern the management of the public interest” when it adopted a pro-BDS measure in 2018. The court also determined the BDS declaration “creates an unjustified discrimination against the State of Israel and Israelis; a discrimination that violates the right to equality expressed in Article 14 of the Spanish Constitution.” In September a court ordered Cadiz Mayor Jose María “Kichi” Gonzalez to appear in his personal capacity on charges of perpetrating a hate crime against Israel. The case related to an incident from 2016, when the Cadiz municipal government pledged support to a network of “Israeli apartheid-free municipalities.” In 2017, a local court ruled that the Cadiz municipal government’s support for BDS policies went against the constitution.

The city of Barcelona’s Office for Religious Affairs supported religious community activities, including by facilitating and promoting their religious celebrations; provided grants for their projects; and gave guidance on the establishment of places of worship. The municipal government also led training events on the right to religious freedom and religious diversity to municipal employees, as well as to schools and to the public at large.

The Office of Religious Affairs continued to maintain an online portal for information to aid new immigrants or citizens moving into a community to find his or her locally registered religious community and place of worship. The MOJ stated the tool provided no personally identifiable information and complied with laws protecting personal information.

The government is a member of the International Holocaust Remembrance Alliance.

### **Section III. Status of Societal Respect for Religious Freedom**

In April the prosecutor general issued official guidance on hate crimes requiring prosecutors to prove not only that a crime occurred and the defendant participated in the crime, but also that there was intent on the part of the alleged perpetrator.

According to the OLRC, there were 159 incidents it described as violating religious freedom in the first nine months of the year, 17 more than in the same period in 2018, or a 12 percent increase. OLRC statistics showed that the number of incidents increased every year since 2014. Of the incidents, 137 targeted Christians (including 131 against Catholics), six were against Muslims, two against Jews, and 14 classified as against all faiths. There were three incidents of violence (all assaults on Catholic clergy), 46 attacks on places of worship, 43 cases of harassment, and 67 cases of public marginalization of religion. As described in the report, many incidents had political as well as religious motivations. Some involved protests of government actions perceived as favoring or disfavoring religious groups or were declarations or resolutions by civil society groups or political parties calling for the cessation of religion classes in schools, a strict separation of religion and state, or a renegotiation of the government's agreement with the Holy See.

The MOI reported 69 hate crimes based on religious beliefs or practices and, separately, nine motivated by anti-Semitism in 2018, the most recent year for which data is available, compared with 103 and six such crimes, respectively, in 2017. Over half of religiously motivated crimes (37 of 69) occurred in Catalonia. Four of the nine anti-Semitic attacks from 2018 occurred in Madrid. The MOI's report did not cite specific examples or provide a breakdown of religiously motivated incidents by type of crime.

The Citizens' Platform against Islamophobia reported 546 anti-Muslim incidents in 2017. The NGO said because its methodology had changed, this figure should not

be compared to the 573 incidents in 2016. Of the total reported cases, which it said represented “only the tip of the iceberg,” 386 incidents were media or internet based, while 48 percent comprised verbal insults or derogatory statements against Islam and Muslims. Incidents occurred most often in Catalonia (51), Andalusia (22), Valencia (20) and Madrid (17). The NGO said it believed the large number of incidents in Catalonia was related to August 2017 terrorist attacks. The government characterized these attacks as “jihad terrorism.” According to the NGO, the targets were Muslims and Islam in general, women (21 percent), children (7 percent), and mosques (7 percent). The most frequent type of incidents after online hate speech, it reported, was discrimination against women wearing hijabs, at 21 percent.

In June, the Citizens’ Platform against Islamophobia published its second report, “Islamophobia in the Media,” incorporating data gathered in 2018. An analysis of 1,905 press articles in which Islam was mentioned showed a “considerable improvement” in comparison with the data from 2017. As detailed in the report, more than half of the analyzed articles (57 percent) did not use Islamophobic language, compared to 38 percent from the prior year. The report cites continuing issues of bias with reporting on Muslim women, as well as clear linkages in articles on Islam to radicalization and terrorism.

The General Prosecutor 2018 Year Book reported 16 judicial processes were opened during 2018 for hate crimes involving religion. The corresponding figure for 2017 was 14.

In November the Anti-Defamation League released the results of a survey on anti-Semitic views of the country’s residents. The survey cited stereotypical statements about Jews and asked respondents whether they believed such statements were “probably true” or “probably false.” The proportion agreeing that various statements were “probably true” was: 62 percent that Jews are more loyal to Israel than to Spain; 44 percent that Jews have too much power in the business world; and 37 percent that Jews talk too much about the Holocaust.

In January the European Commission published a Special Eurobarometer survey of perceptions of anti-Semitism based on interviews it conducted in December 2018 in each EU-member state. According to the survey, 71 percent of residents believed anti-Semitism was not a problem in Spain, and 58 percent believed it had stayed the same over the previous five years. The percentage who believed that anti-Semitism was a problem in nine different categories was as follows: Holocaust denial, 21 percent; on the internet, 26 percent; anti-Semitic graffiti or

vandalism, 21 percent; expression of hostility or threats against Jews in public places, 21 percent; desecration of Jewish cemeteries, 16 percent; physical attacks against Jews, 21 percent; anti-Semitism in schools and universities, 20 percent; anti-Semitism in political life, 19 percent; and anti-Semitism in the media, 19 percent.

In May the European Commission carried out a study in each EU-member state on perceptions of discrimination and published the results in September. According to the findings, 40 percent of respondents believed discrimination on the basis of religion or belief was widespread in Spain, while 58 percent said it was rare; 92 percent would be comfortable with having a person of a different religion than the majority of the population occupy the highest elected political position in the country. In addition, 95 percent said they would be comfortable working closely with a Christian, and 94 percent said they would be with an atheist, 92 percent with a Jew, 94 percent with a Buddhist, and 91 percent with a Muslim. Asked how they would feel if their child were in a “love relationship” with an individual belonging to various groups, 96 percent said they would be comfortable if the partner were Christian, 92 percent if atheist, 89 percent if Jewish, 89 percent if Buddhist, and 80 percent if Muslim.

In September the Community of Sant’Egidio and the Archdiocese of Madrid gathered more than 400 religious leaders and government officials from 60 countries representing five continents to Madrid. The 33rd international meeting of Sant’Egidio, entitled “Peace without Borders: Religions and Cultures in Dialogue,” sought to promote an open dialogue among representatives of the world’s major religions, intellectual leaders, and representatives of civil society.

OLRC and the Nicolaus Copernicus University of Turun, Poland initiated a two-year joint project to analyze religious freedom in Europe.

In June two persons on motorcycles fired several shots at the Muley al-Mehdi Mosque in Ceuta while worshippers were inside the building. No injuries were reported, and a police investigation determined the shooting did not have a religious motivation.

Many incidents of vandalism of houses of worship involved elements of political motivation and could not be characterized as only religious in nature, according to the OLRC. In September vandals painted the facade of a church in Fuencarral with graffiti saying “fascist” and “You are stained with blood.” Vandals also painted part of a memorial for victims of the Spanish Civil War with the slogans “Nazis”

and “Murderers.” The media reported the graffiti was thought to be in response to the decision to exhume the body of former dictator Francisco Franco. Vandals sprayed graffiti on a convent in Olivenza in August and set fire to a door in September. The convent was declared a building of public interest and had been recently restored.

In May vandals sprayed a Catholic church in Sevilla with graffiti that stated, “Death to the male” and “Legal Abortion Now.” OLRC reported at least 11 incidents of vandalism of Catholic churches tied to March 8 International Women’s Day demonstrations. Graffiti included phrases such as “The brightest church is the one that burns the most” and “Death to the patriarchy.” OLRC also reported on separate events in February tied to the women’s movement, including a feminist group burning a church door in Barcelona and a feminist demonstration in Valladolid in which participants sang, “Let’s burn the [Catholic] Episcopal Conference.”

In April protestors gathered outside of the Catholic cathedral in Alcala de Henares following reports it offered “therapies” to “cure” LGBT people. Approximately 50 individuals protested inside the cathedral.

The FCJE reported that while social networks contained significant anti-Semitic content, anti-Semitism in traditional media remained at the same level as in the past.

In April fans of the Barcelona soccer team RCD Espanyol displayed images of Anne Frank wearing the jersey of club rival FC Barcelona. After the FCJE asked RCD Espanyol to condemn the act, team officials denounced the incident and the regional police opened an investigation.

In September the UNESCO Association for Interreligious Dialogue (AUDIR), a Catalan NGO, organized its fourth “Night of Religions” in Barcelona, in which 54 religious centers representing 20 different religious groups opened their doors and invited local residents. More than 3,500 persons took part. AUDIR continued to implement the “Building Bridges” project, in which 30 youths from different faiths attended courses on interfaith dialogue, among other topics. As part of the program, the participants visited places of worship in their neighborhoods.

#### **Section IV. U.S. Government Policy and Engagement**

U.S. embassy and consulate representatives met regularly with the MOJ, MOI, regional officials, and politicians to discuss anti-Semitism, anti-Muslim sentiment, anticlericalism, and concerns about societal discrimination against religious minorities. Issues discussed included access to permits for places of worship, religious education, cemeteries and burial, pensions, religiously motivated hate crimes and hate speech, and public statements and campaigns to promote tolerance. Embassy officers also raised these issues with religious leaders who participated in the Foundation.

Embassy officials met with leaders of CIE, FEREDE, FCJE, Jehovah's Witnesses, and other religious and civil society members, including imams of local mosques, Muslim youth leaders, NGOs, and business leaders in Madrid, Barcelona, Ceuta, and Melilla. Embassy and consulate officials discussed the concerns of community members regarding discrimination and the free exercise of their religious rights, including anti-Semitism, anti-Muslim sentiment, lack of religious education, and access to permits for places of worship.

To celebrate Religious Freedom Day in January, the embassy again invited representatives from several faiths and the coordinator of the coexistence pact – a group of Catholic, Protestant, and Jewish representatives, and academics and psychologists, which included as one of its goals the promotion of religious tolerance – for a discussion on the state of religious freedom and equality in the country. During the discussion, the Ambassador underscored U.S. commitment to religious freedom and asked how the embassy could assist religious leaders in promoting these goals.

In March the embassy sponsored the participation of Noha El-Haddad, President of the Association of Spanish Muslim Girls, in an exchange program in the United States focused on youth and civic engagement.

In April the Ambassador visited the Spanish North African enclave cities of Ceuta and Melilla, each of which shares a land border with Morocco and whose populations are 35-40 percent Muslim. As the meeting point of Europe and Africa, the two enclaves are at the center of a political debate on culture and religion, according to observers. Muslims residing in the enclave cities experience societal prejudice, with some citizens blaming immigration for rising crime rates and warning against a loss of “traditional culture” to Islamic beliefs and customs. The trip sought to deepen the respect for multiculturalism and religious diversity by highlighting community leaders from various faiths. In Ceuta, the Ambassador met with a former exchange program participant who is a Muslim community

leader. In Melilla, the Ambassador toured a majority-Muslim school and met with a local non-profit that trains majority Muslim women on the production of textiles and clothing.

In May a senior embassy official hosted an iftar attended by Muslim activists, government officials, and Arab diplomats at which the embassy highlighted the work of young Muslim leaders. A series of follow-on meetings with embassy officers provided opportunities for the youth leaders to share insights about the challenges they faced as a religious minority community and ideas for strengthening U.S. efforts to help the Muslim community address those challenges.

In May a representative of the Department of State Office of International Religious Freedom met with representatives of the Ministries of Justice and Foreign Affairs to discuss the country's efforts at ensuring religious freedom and respect for diversity. On the same visit, the consulate in Barcelona hosted a roundtable with Muslim community leaders and organized meetings with the regional and Barcelona offices for religious affairs, as well as with the Barcelona hate crimes prosecutor.

In June the embassy sponsored the visit of a U.S. Muslim leader to Madrid and Barcelona to discuss leadership strategies and ways to counter extremism related to religion. The visitor also discussed his organization with the Muslim community, NGOs, and Casa Arabe, the government's organization for outreach to the Arab world.