

# SPAIN 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution protects freedom of religion and states the government will 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 Roman Catholic Church special benefits. Three other religious groups have agreements with the state providing them with benefits. Other groups lacked agreements but received some benefits if registered with the government. Registration was not required. The government began a slow rollout of the law granting citizenship to expelled descendants of Sephardic Jews. The Ministry of Justice (MOJ) certified the new makeup of the Islamic Commission of Spain (CIE) and the naming of a single president, with the stated aim of facilitating government-community relations and resolving long-standing disagreements within the Muslim community. Muslims, however, reported continued discord within their community. The government generally provided funding for Catholic, Islamic, and Protestant instruction in public schools (Jewish groups declined the funding). Religious leaders said the state favored Catholicism in permitting citizens to allocate a portion of their taxes to the Catholic Church or charities, but not other religions, and retired Catholic priests to receive government pensions, while laws made it difficult for Protestant pastors to do so. Evangelical religious leaders also said regional and local governments applied unfair regulations to entities seeking religious or construction permits and the government failed to make religious accommodations in the armed forces. Religious minorities stated the government did not provide them with a sufficient number of public cemeteries. Authorities investigated and prosecuted several cases of anti-Semitic and anti-Muslim hate speech and reversed a Valencia regional government ban against a schoolgirl wearing a hijab to school.

According to nongovernmental organization (NGO) Observatory for Religious Freedom and Conscience (OLRC), there were 191 incidents, including approximately 61 it classified as crimes, against religious freedom, a slight increase over 2015. Three of the crimes involved violence. Most of the incidents were against Christians, including several attacks against priests. Authorities arrested two suspects in the beating of a pregnant Muslim woman wearing a hijab. Anti-Semitic and anti-Muslim statements in social media and public speech continued, and there were reports of vandalism against mosques and churches. The OLRC and other Muslim community representatives reported an increase in nonviolent hate crimes committed against Muslims.

U.S. embassy and consulate officials met regularly with the MOJ, Office of Religious Affairs, and the governmental Pluralism and Coexistence Foundation (the Foundation) to discuss anti-Semitism, anti-Muslim sentiment, anticlerical sentiment, the failure of some regional governments to comply with legal requirements pertaining to equal treatment of religious groups, and concerns about societal discrimination against religious minorities. In February the embassy organized a U.S.-funded joint conference on combating religious intolerance with the MOJ. The consulate general in Barcelona supported an afterschool program to prevent social exclusion of Muslim youth.

### **Section I. Religious Demography**

The U.S. government estimates the population at 48.5 million (July 2016 estimate). According to a survey conducted in July by the governmental Center for Sociological Research, 67.8 percent of respondents identified themselves as Catholic, and 2.2 percent as followers of other religious groups. In addition, 18.4 percent described themselves as “nonbelievers,” and 9.1 percent as atheists.

The (Catholic) Episcopal Conference of Spain estimates there are 32.2 million Catholics. The Federation of Evangelical Religious Entities (FEREDE) estimates there are 1.7 million evangelical Christians and other Protestants, 900,000 of whom are immigrants. The Union of Islamic Communities estimates there are 1.89 million Muslims, while other Islamic groups estimate a population of up to two million. The Federation of Jewish Communities of Spain (FCJE) estimates there are 40,000 Jews. According to the Episcopal Orthodox Assembly, there are 900,000 Orthodox Christians; the Jehovah’s Witnesses report 110,000 members; the Federation of Buddhist Communities estimates there are 85,000 Buddhists; and The Church of Jesus Christ of Latter-day Saints (Mormons) cites 54,000 members. Other religious groups include Christian Scientists, other Christian groups, Bahais, Scientologists (11,000 members), and Hindus. The regions of Catalonia, Andalusia, and Madrid, and the exclaves of Ceuta and Melilla in North Africa contain the majority of non-Christians.

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

#### **Legal Framework**

The constitution prohibits discrimination on the basis of religion and guarantees freedom of religion and worship for individuals and communities, but allows limits

on expression if “necessary to maintain public order,” e.g., to restrict overcrowding in small facilities or public spaces, according to the Foundation. A law restricts public protest, but neither it nor the constitutional limits on expression have been used against religious groups.

The constitution states no one may be compelled to testify about his or her religion or beliefs. The constitution also states, “No religion shall have a state character;” however, “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.

The government does not require religious groups to register, but registering endows religious groups with certain legal benefits. Groups registered in the MOJ’s Registry of Religious Entities have the right to self-autonomy; may buy, rent, and sell property; may act as a legal entity in civil proceedings; and are eligible for independently administered government grants. 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 registered as a religious entity or not.

Registration with the MOJ and *notorio arraigo* (“deeply rooted” or permanent) status allows groups to establish bilateral cooperation agreements with the state. The government has a bilateral agreement with the Holy See, which is executed in part by the Episcopal Conference. The government also has cooperation agreements with FEREDE, the CIE, and the 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.

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, the CIE, and the FCJE cover the same issues.

Registered groups who wish to sign cooperative agreements with the state must be granted *notorio arraigo* status by the MOJ. To achieve this status, groups must

have an unspecified “relevant” number of followers; a presence in the country for a “considerable” length of time, defined as 30 years; and a “level of diffusion” that demonstrates a social presence, as defined by the MOJ. Groups must also submit documentation demonstrating the group is religious in nature to the MOJ Office of Religious Affairs, which maintains the Register of Religious Entities.

The Episcopal Conference 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. FEREDÉ represents Protestant groups, the CIE represents Muslims, and the FCJE represents Jews. Islam, Judaism, Jehovah’s Witnesses, Buddhism and the Mormon and Protestant and Orthodox Churches 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 group may be included in the Register of Associations maintained by the Ministry of Interior (MOI). Inclusion in the Register of Associations grants legal status as required by the law regulating the rights of associations but offers no other benefits. 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. Registration itself simply lists the association and its history in the government’s database.

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 the value added to the community, the city council must explain its decision to the requesting party.

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

As outlined in religious agreements, the government provides for funding for salaries for teachers for Catholic, Protestant, and Islamic instruction in public schools when at least 10 students request it. The Jewish community is also eligible

for government funding for Jewish instructors but has declined public school Judaism education. 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, La Rioja, 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 individual regional statutes. Religious groups that have an agreement with the state are responsible for providing a list of approved teachers for their particular religion. Either the national Ministry of Education or the regional entity responsible for education certifies teachers' credentials.

The CIE is the representative organ for Muslims in the country and the liaison to the government as established by state agreements with religious groups in 1992. The CIE meets regularly with the Office of Religious Affairs of the MOJ, and participates in an interreligious council that provides input to the administration. In March the government published new guidelines for teaching Islam in public schools. The CIE drafted the guidelines and the Ministry of Education approved them. The guidelines stress what they call moderate Islam in worship practices, with emphasis on plurality, understanding, religious tolerance, conflict resolution, and coexistence.

Requirements for Islamic education instructors are developed on a region-by-region basis, and call for personal data of the potential employee, proof that he or she has not been dismissed from the educational authority of the state where he or she is applying to work, a degree as required by the state, and a certificate of training in Islamic education.

In July 2015, the government changed the civil code to recognize religious marriages for all religious communities that have permanent status, not just those that had a specific signed agreement with the state.

In September 2015, the government passed a modified royal decree to permit Protestant pastors to receive social security benefits for the first time. Such benefits include health insurance, unemployment, and a government-provided retirement pension. The law allows ministers to count time worked prior to 1999, the date of a prior decree, toward retirement. It does not allow pastors who did not adjust their status in 1999 to count prior time toward retirement; does not allow pastors to count service abroad; or count the maximum of 38.5 years, but only

permits the minimum pension. Catholic clergy members may include time spent on missions abroad in calculations for social security, and to compute the maximum of 38.5 years of service. Clergy from other religious groups obtained eligibility for social security benefits through distinct royal decrees as follows: Russian Orthodox Church, 2005; Islamic Commission of Spain, 2006; Jehovah's Witness of Spain, 2007.

The government guarantees the access of religious practitioners to refugee centers, known as Foreign Internment Centers, so that religious groups with cooperative agreements may provide direct assistance to their followers, at the religious groups' expense, in the internment centers. The MOJ has said other religious practitioners may enter the internment centers upon request, but they have no formal agreement with the state.

The regions of Madrid and Catalonia have agreements with several religious groups which have accords with the national government that permit activities such as providing religious assistance in hospitals and prisons under regional jurisdiction. According to the MOJ, these agreements may not contradict the principles of the federal agreements, which take precedence. The Catalan government has agreements with three religious groups – Catholics, Protestants, and Muslims. The Madrid region's agreement is signed with Protestants, Jews, and Muslims.

The penal code definition of hate crimes includes acts of “humiliation or disrespect” against victims because of their religion with penalties of from one to four years in jail. By law, the authorities may also investigate and prosecute criminal offenses committed by neo-Nazi gangs as “terrorist crimes.” Genocide denial is a crime if it incites violent attitudes, such as aggressive, threatening behavior or language.

No local government has applied any laws or city ordinances restricting facial concealment since a 2013 Supreme Court ruling struck down such a municipal ordinance in the city of Lleida, Catalonia. The Supreme Court ruling stated cities did not have the right to override a citizen's fundamental rights such as freedom of religion, which is protected in the constitution. According to the MOJ, the Supreme Court's order declares municipalities do not have the power to make such ordinances, thus making them null. The remaining 12 ordinances, primarily in Catalonia, that banned niqabs in public buildings and imposed fines would be declared unconstitutional if they were challenged in court, according to the Catalan Office of Religious Affairs.

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 Muslim prayer. The cooperation agreements of Jewish and Protestant groups with the government do not include this provision and are self-funded. Other religious groups registered as religious entities with the MOJ may provide services at their own expense and upon request of the prisoner during visiting hours.

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

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

### **Government Practices**

Representatives of FEREDE, the CIE, and the FCJE stated they did not receive all the benefits the cooperative agreements with the government stipulate they should. Protestant representatives stated the government favored Catholicism over other religious groups in various practices, including by permitting citizens to allocate 0.7 percent of their taxes due to the Church (the tax designation resulted in 250 million euros [\$263 million] in donations to the Catholic Church, according to news reports). The government also paid retirement pensions to Catholic priests under more favorable terms than to Protestant clergy. According to a report by FEREDE, in addition to being eligible for higher retirement pensions, Catholic clergy could split contribution rates and take monthly deductibles from their pensions to allow deferred payment of back taxes, while Protestants had to pay a lump sum retroactively in order to receive benefits. FEREDE reported no retired Protestant clergy member had yet been able to access social security because these back-taxes requirements were too burdensome financially. FEREDE said the cost of supporting these retirees out of church donations was “at times unsustainable.” Several religious groups, including Protestants and Muslims, continued to express their desire to have their denomination included on the tax form.

In October the Interagency Advisory Commission on Religious Freedom issued its annual report on freedom of religion for 2015. The commission was headed by the minister of justice and included representatives from the Office of the Presidency and the Ministries of Foreign Affairs, Finance, Interior, Education, Employment, and Health, academics, and religious leaders from the Catholic Church, the

Federation of Evangelical Entities, the Federation of Jewish Communities, the Islamic Commission, the Mormons, the Federation of Buddhist Communities, and the Orthodox Church. The report cited issues reported by religious groups, government steps to address them, and legal determinations pertaining to religious freedom.

The Church of the Flying Spaghetti Monster, or Pastafarianism, reapplied for registration as a religious group. On multiple occasions, the MOJ had previously denied the group recognition. The group elected not to file for registration as an association with the MOI. At year's end, the MOJ was reviewing the application.

State and local governments failed to universally guarantee accommodating the needs of religious minorities in hospitals, the military and public cemeteries, according to Jews, Muslims, and Protestants. Protestants stated that city governments imposed burdensome and unequal regulations on groups seeking religious licenses or construction permits for places of worship.

In some cases, municipalities required individual houses of worship of registered religious groups to receive authorization at the local level to hold public worship services. Every municipality set its own procedure for applying for authorization. FEREDE attorney Carolina Bueno said it was "very difficult to obtain legal status from cities," highlighting problems in Madrid. She said the process left many congregations in a precarious position, and FEREDE estimated that about half its places of worship did not have a religious permit because the process was so difficult. CIE Secretary Mohamed Ajana said the difficulty in obtaining religious licenses was "not necessarily [a result of] an internal racism, but an ignorance of the law." He also cited poor organization and leadership of the religious communities themselves. The MOJ said it had not taken action against any places of worship operating illegally without a license.

CIE Secretary Ajana cited difficulties in raising funds to open a new center of worship, stating there was an "excess of police security" when the community held fundraisers for the purchase or rental of a prayer space. He said there was "always suspicion" that such collections would be used to support domestic terrorism or the terrorist group ISIS and that the resulting intimidation prevented many followers from donating. MOJ affirmed that large donors desiring a tax benefit would be required to provide identification to the Ministry for the Treasury.

The director of the NGO Movement Against Intolerance, Esteban Ibarra, said there had not been many complaints about opening new places of worship, because



Muslims “accept being marginalized” and only open new mosques in industrial areas on the outskirts of cities. The Foundation said that many religious communities, including Muslims who worshipped at the Fuenlabrada Islamic Center Grand Mosque outside Madrid that opened in 2003, worked closely with local police on prayer days to maintain public order and prevent overcrowding by closing streets. CIE Secretary Ajana described the relationship between the mosque and city government as “natural” and similar to local churches on major religious holidays. Ajana also said that the mosque was “known for its cultural activities and good relations with the city government.” The city of Fuenlabrada joined the Strong Cities Network, which shares best practices to build social cohesion and community resilience to counter violent extremism.

In May the city of Las Palmas in the Canary Islands provided the land for the Muslim community to build a mosque on the outskirts of the city. The construction approval stirred protests among citizens, including spray painting anti-Muslim messages and leaving pigs’ heads in the area where the new mosque is to be built. Security forces told the media that the mosque would be financed and operated by the Islamic Cultural Center of Madrid, with funding from Saudi Arabia.

Representatives of the Catalan Muslim community blamed religious discrimination for the failure of the community to build a single mosque in Barcelona. In July the Barcelona city government released a 141-page report commissioned by Mayor Ada Colau entitled “The Religious Practice of Muslim Communities in Barcelona” that acknowledged obstacles faced by Muslim communities, including insufficient places of worship and the absence of clear guidelines for educational centers regarding halal food and use of the hijab. The report found that the inability to construct a grand mosque in Barcelona was a longstanding grievance of the Muslim community, and recommended that the city support such construction. The regional government of Catalonia and the Barcelona City Council said there were no outstanding official requests to build a mosque in Barcelona. The officials added that the responsibility lay within the community to raise the necessary funding and submit a request to the city.

On the basis of the July report, the Barcelona administration with the public support of Mayor Colau planned to launch a 28-point action plan in January 2017 to address rising anti-Muslim sentiment. The Plan of Action against Islamophobia would be the first one of its kind and would promote a communications campaign to increase the profile of “Islamophobia” as a form of discrimination in close

coordination with the Muslim communities. The region of Catalonia, of which Barcelona is the capital, is home to some 800,000 Muslims.

Several newly constructed mosques were inaugurated in Catalonia, including in Salt and Cornellà de Llobregat.

In the government's 2015 report on religious freedom, Mormons and Jehovah's Witnesses cited restrictions on certain activities, such as handing out written religious materials or use of public spaces for cultural or educational activities because they would have been sponsored by a religious group. Mormons stated they sometimes could not put up posters or set up stands about their religion at book fairs. Jehovah's Witnesses reported that in 2015 more than 20 localities had banned them from or fined them for preaching, or confiscated their publications.

Federal and regional governments employed 50 Islamic education instructors nationwide, according to the CIE, which certified teachers. The CIE stated this number was far fewer than the more than 700 Islamic teachers it estimated would be required to meet demand, and called on regional governments to extend Islamic education to secondary schools. CIE representatives, however, commended the region of Castilla y León for adding its first Islamic education instructor in September. In response to Muslim community complaints about insufficient Islamic teachers, the MOJ stated the regions were responsible for providing instructors, since most regions oversee education. The MOJ said the CIE's prior governing structure of two secretaries general created an impasse for providing Islamic education instructors because the two secretaries general maintained separate lists of approved instructors. The MOJ said it expected the reorganization of the CIE in July under a single president would rectify the problem.

FEREDE representatives said the federal and some regional governments failed to fulfill legal and constitutional guarantees, such as providing religious education in public schools when minimum class requirements were met.

Implementation began of a 2015 requirement by the Ministry of Education, Culture, and Sport that Holocaust education take place in the fourth year of compulsory secondary education geography and history class, and the first year of high school contemporary history of the world class. Jewish community members described the Holocaust and Sephardi education provided in public schools as inadequate.

FCJE Director Carolina Aisen said the 2015 law allowing descendants of Sephardic Jews expelled in 1492 to claim citizenship was “functioning well,” despite prior technical problems with the online application. Overall interest in citizenship was high, and the government had received applications from more than 100 countries. Only one person – a French woman in her 80s – had been granted citizenship through the law by year’s end. Aisen commended the law’s clause allowing dual citizenship and said roughly 2,000 applicants were in the process of qualifying for citizenship. In addition, she said a separate but related royal decree also passed in 2015 ended the backlog of 4,300 Sephardis who had been seeking citizenship through a lengthy and complicated prior process. The royal decree granted those 4,300 Sephardis citizenship in a ceremony presided by King Felipe VI in November 2015.

Jewish community representatives praised the right of return law’s passage, but lamented the rise in anti-Semitic public statements from far-left political parties, which often conflated anti-Israel opinions with anti-Semitism. They also said Holocaust and Sephardi education in public schools was not yet far reaching enough to diminish historical anti-Semitism.

The MOJ reported the Bahai community had not yet submitted a formal request for *notorio arraigo* status.

The Foundation provided legal assistance to city and local governments upon request pertaining to the defense of religious freedom and protections outlined in the constitution and laws. In such cases, the Foundation researched and wrote a report about the community, conducted exchanges and group meetings with local religious leaders, and prepared reports for local authorities to help them understand the constitution and laws governing religious freedom. Communities could bring complaints about local and regional governments not fulfilling their obligations to the Office of Religious Affairs for mediation. If mediation was unsuccessful, religious community members could file a legal petition claiming a violation of fundamental rights. The CIE filed such a complaint against the region of La Rioja for not providing Islamic education in public schools. The case was under review at year’s end. Neither the Foundation nor the MOJ’s Office of Religious Affairs provided legal advice to citizens.

The Foundation completed rounds of legal assistance with 10 municipalities, and initiated assistance meetings with another six, which were among the 25 most diverse in the country and included cities in the regions of Andalusia, Valencia, Madrid, Castilla y Leon, Galicia, and Castilla la Mancha. The Foundation

provided lists of local places of worship and religious cemeteries for Jewish and Muslim burial, and explained to local government officials the laws pertaining to the rights of minority religious groups. The Foundation informed local governments of their responsibilities towards minority religious groups, especially in cases of local regulations or restrictions interfering with the right to worship.

The Office of Religious Affairs maintained an online tool since 2015 to make information available about registered minority religious groups. The tool could be used by a new immigrant or citizen moving into a community to find his or her locally registered religious community and place of worship online. The MOJ reported the tool provided no personally identifiable information and abided by the information protection law.

Religious groups said government support for social programs through the Foundation remained at low levels. Religious representative bodies, including FERED, CIE, and FCJE, indicated that they depended heavily on governmental support through the Foundation (70 percent of their operating budget or more) to cover administrative and infrastructure costs. Some religious groups and NGOs complained that they lacked additional subsidies to support programming that might help counter stereotypes and discrimination in society. The Foundation had a budget of 1.5 million euros (\$1.58 million), up from 1.38 million euros (\$1.45 million) in 2015, attributed to carryover funds from canceled projects. Of the total 2016 budget, 992,000 euros (\$1.05 million) was granted to religious communities for social projects, with most (700,000 euros, or \$738,000) going to the federations representing religious groups with agreements with the state (Jewish, Muslim, and Protestants). Another 200,000 euros (\$211,000) was awarded in small grants of less than 5,000 euros (\$5,300) to dozens of local religious associations. Foundation grants to minority religious groups also covered social programming, including projects promoting tolerance and dialogue, conferences on religious diversity, research about religious minorities, and cultural projects to increase knowledge of minority religious groups.

In August the MOJ confirmed the results of the CIE's election of a new permanent commission, board of directors, and president. By agreement with the CIE, the MOJ reviewed and confirmed the new CIE-enacted statutes, approving them on October 20. The CIE reorganization followed a lengthy battle between the two secretaries general. The CIE had entered into a transition agreement with the government in September 2015. In July a majority of the CIE regional delegates present voted to overhaul the CIE statutes, including the establishment of a single president to replace the two existing secretaries general, part of an effort to

streamline decision making and bring it in line with the practices of other *notorio arraigo* religious associations in the country who have a single leader.

Approximately 30 percent of Muslim association leaders boycotted the vote because they disagreed with the move to confer authority to a single leader, according to a former secretary general. The move left vacant five of the CIE's 25 national seats.

Muslim and Jewish communities continued to report difficulties over cemetery access. The CIE awaited the implementation of a promise by the Madrid city government to designate a part of the Carabanchel Cemetery in Madrid for Muslim burials. The issue lay with a health code requirement that bodies must be interred in a casket, while Muslim religious practice was to wrap the bodies in cloth and bury them directly in the soil. According to the government's religious freedom report, the Muslim community said it needed cemeteries in each of the Balearic and Canary Islands and in each autonomous region. The FCJE also cited administrative delays in approving public land for Jewish cemeteries. The FCJE finalized an agreement for a new cemetery in the city of Valencia, and reported that, by year's end, it was still negotiating an agreement to dedicate a Jewish cemetery in Alicante. Buddhist Federation President Luis Morente said he still hoped health regulations governing mortuaries and the handling of bodies before burial would eventually change to allow Tibetan Buddhist burials, and was seeking such a change at the European level.

The government's report on religious freedom in 2015 said Orthodox Jews and Seventh-day Adventists had experienced problems because tests and civil service exams had been offered on their Sabbaths. The FCJE stated it was "very satisfied" with the decision to allow Jewish students to take the annual Saturday state medical board examination after sundown, when the Jewish Sabbath had ended.

According to the government's report on religious freedom, Muslim prisoners were sometimes reluctant to seek religious counsel because of fears the prison authorities might think the prisoners would be radicalized. The report also stated that Jehovah's Witnesses said they often could not counsel prisoners in private.

The government reported Protestants said they often could not access adequate worship spaces at hospitals and in military facilities and had to pay their own expenses while providing counseling; Roman Catholic military chaplains were funded by the government.

In July the Supreme Court ruled that freedom of expression could not be used as a legal defense to justify hate speech, including religious hate speech, because those crimes “humiliate the victims, affecting their honor and dignity and perpetuating their victimization.”

For the first time, a business entity was penalized in connection with a religious hate crime after authorities charged its owner, Pedro Varela, with such a crime in federal court in Barcelona. Authorities closed down Varela’s bookshop and websites, pending a verdict in his trial. Varela, whom the judge and the Barcelona Prosecutor Against Hate Crimes and Discrimination Miguel Angel Aguilar called an active neo-Nazi, and heir of the historic neo-Nazi group “Cedade,” had been arrested in Barcelona on July 14 on charges of distributing books promoting hate and discrimination through his Ediciones Ojeda publishing house. He was released on bail of 30,000 euros (\$31,600). The public prosecutor expected the case to be heard early in 2017.

In May Benet Salellas of the far left Candidacy of Popular Unity (CUP) Party in Catalonia called Uriel Benguigui, president of the Jewish Community of Barcelona, a “foreign agent” belonging to a “Zionist lobby” that defined the agenda of parliament. Esteban Ibarra, director of the NGO Movement Against Intolerance, said the statement was indicative of the rising permissiveness of the government toward such public, anti-Semitic discourse.

In July the communist United Left (IU) party in Madrid posted a cartoon on its Twitter feed during a visit by President Obama showing President Obama accepting money from an Orthodox Jewish man while explosions were taking place nearby. The party later tweeted a picture of the Israeli prime minister visiting terrorist victims, with a caption that read: “But if only there was an opportunity to visit wounded soldiers of the Islamic State.” The FCJE denounced the cartoons as anti-Semitic. An unidentified IU source reported in the press that the cartoons were not meant to offend Jews but to demonstrate the party’s opposition to Israeli policies.

In August Madrid Mayor Manuela Carmena became the first Spanish mayor to sign the Mayors United Against Anti-Semitism statement initiated by the American Jewish Committee, against anti-Semitism in Europe. The Madrid Municipality promised to condemn hatred against Jews in all its manifestations and to broaden educational programs, among them Holocaust studies, in order to create an increased awareness of acts and attitudes of intolerance and discrimination.

On December 14, 2015, the first practical manual for the investigation and prosecution of hate crimes was released at an international conference in Barcelona attended by judicial officials, lawyers, academics, and the general public. The manual was prepared by prosecutors, magistrates, and academics and coordinated by Barcelona Prosecutor Against Hate Crimes and Discrimination Miguel Angel Aguilar. It defined hate crimes and the obstacles to prosecuting such crimes. The publicly available manual cited best practices and called for more training for judges, legal aides, law enforcement, and others, greater institutional coordination, the updating of protocols, and the tracking of statistics.

Protestants reported difficulty obtaining visas for family members of foreign religious workers, according to the government's report on religious freedom. They stated the problem appeared to be that visas for foreign religious workers did not extend to family members. Tibetan Buddhists also reported "serious difficulties" obtaining any kind of official documentation from the government, including religious worker visas, residence permits, and Spanish nationality when the applicant was of Tibetan origin, according to Buddhist Federation President Luis Morente. Morente attributed the difficulties to pressure from the Chinese embassy and commercial ties to China.

In its 10 years in existence, the Foundation stated it had made contact with approximately 58 percent of Muslim communities, or some 870 of the 1,500 registered, to offer services and assistance protecting their religious rights. In some cases, the Foundation provided grants to communities and religious associations. Foundation representatives said that they did not discriminate with regard to religious affiliation, but stated that communities that were better financed – from abroad or domestically – tended to request less assistance. The Foundation also said it did not have relationships with Salafi communities, which it said were perceived to be a threat by security forces and often described as such by the media.

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

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

In a preliminary report, the OLRC cited 191 acts against religious freedom in the country, compared to the 187 in 2015. The group classified 63 of these incidents as hate crimes and 128 as other forms of noncriminal infringement on religious freedom. Three of the hate crimes involved physical violence against individuals,

including two attacks against Christians, and one against a Muslim. Other crimes included 38 attacks on places of worship, of which 33 were against Christian churches and five against mosques. Another 22 cases involved “humiliating individuals for their faith,” with 20 cases being targeted against Christians, one against a Jew, and one against a Muslim. Non-criminal incidents, according to the OLRC, consisted of 39 cases of mocking religion and 89 cases of marginalization of religion from public life, including hindering the right to publicly express religious beliefs. According to the OLRC, the increase in the number of incidents was caused by the “aggressive secularism of some radical leftist political parties,” that aimed to “marginalize religion from public life and ridicule believers.” The OLRC did not cite examples of such secularism. Other NGOs and the MOJ and its Foundation made similar statements about the growing rejection of religion in public forums. The OLRC and Muslim community representatives reported an increase in nonviolent hate crimes against Muslims.

On August 29, according to Hate Crimes Prosecutor Miguel Angel Aguilar, two individuals, one of whom he described as a neo-Nazi and member of the Brigadas Blanquiazules (White and Blue Brigades), an ultraright group of followers of a Barcelona soccer club, insulted and beat a pregnant Muslim woman wearing a niqab in Barcelona. Authorities were still investigating the other suspect’s connection to outside groups at year’s end. Police arrested the suspects and charged them with discrimination and a hate crime. At year’s end, the two were free on bail.

On October 8, several people attacked and robbed a Catholic priest in a church in Vigo. While still hospitalized in critical condition, the priest was able to identify his attackers from photos. Police arrested and charged two Brazilian youths with the crime. The two suspects remained in custody at year’s end.

On December 1, a man attacked a Catholic priest celebrating Mass in a church in Madrid. The perpetrator threw the priest to the ground, kicked and insulted him, and hurled religious items from the altar. Police arrested the alleged perpetrator.

On August 2, a man attacked a Catholic priest at a cafe in Cartagena after warning him, “You should be afraid of me, I’m an Arab.” The suspect attempted to grab the priest’s crucifix around his neck before insulting and threatening to kill him. The priest told a local paper he believed the attack was ideologically-motivated “Christianophobia.” Police sought a Moroccan man but had made no arrests by year’s end.



In September Takwa Rejeb, a citizen, was not allowed to attend her new school in Valencia wearing a hijab. The school argued that the headscarf violated the school's dress code. After the student appealed the decision to the regional directorate of education, the regional minister of education ordered that she be allowed to attend classes wearing the hijab. The regional government followed with an announcement that it would draft updated regulations regarding student dress. Foundation representatives cited the case as indicative of the government's rapid response to cases involving religious freedom.

FCJE maintained and updated the Anti-Semitism Observatory, an online tally of anti-Semitic statements, social media posts, and articles. According to FCJE, most anti-Semitism appeared in social media and the press. For example, Hispan TV, a Spanish-language television network, accused Israeli intelligence of being behind the terrorist attacks in Nice and Germany. At a parliamentary session on November 8, a spokesman for the organization Sodepaz, a development NGO, stated Zionism and Israelis were taking over the media and that, "all the great Zionist magnates control more than 90 percent of the mass media."

In July a community group in Corella, Navarre mobilized to prevent the use of public land for the construction of a Salafist mosque. Muslim associations and government officials stated the Salafist community was closed to outsiders and they did not have contact with its leaders. The Foundation said it was open to assisting all religious groups with the protection of religious freedom and integration, but the groups were not required to interact with the Foundation.

In June the Union of Islamic Communities, through its Andalusí Observatory "Islamophobia in Spain" report, stated Muslim school children did not have the same rights as Catholics. The report specifically cited the lack of Islamic education beyond the elementary school level, the "absolute lack of interest" of administrations in responding to requests for such education, inconsistent availability of halal food, and lack of alternative arrangements for Muslim students during Ramadan or for those who missed class for religious holidays.

In February a boycott and demonstration at the Autonomous University of Madrid forced the cancellation of a lecture on preschool education by Israeli professor Haim Eshach. A pro-Palestinian group protested the presence of the professor with a demonstration, signs, and flags, and by encircling the professor on the university campus. NGOs, FCJE, and MOJ officials pointed to the incident as indicative of the continued conflation of anti-Israel sentiment and anti-Semitism.

On March 23, the group Hogar Social Madrid (Madrid Social Home) lit flares on a highway overpass facing a major mosque in the city and hung signs asking, “Today Brussels, tomorrow Madrid?” The group used Twitter hashtag “#TerroristWelcome” and posted “Mosques out of Europe.” Hussam Khoja, Imam of a mosque in Madrid, denounced the Brussels terrorist attacks and the demonstration. The mayor of Madrid denounced on social media the actions against the mosque.

In August a journalist covering the Muslim community stated anti-Muslim sentiment was on the rise, although it was not as great as in other European countries. He said at events where Muslims were present, he noticed “fear and hostility” towards them. Imam Moneir El Messery of the city of Leganes stated it was logical there was fear in the community, “fear of the reaction from another community.” Muslim association leader Mounir Benjoleen stated it had changed for the worse, when asked about fear in Muslim communities. “It’s difficult to feel safe and live in comfort,” he said.

In May the private Galician Observatory for the Defense of Rights and Liberties obtained the support of eight city councils for a document outlining measures to promote acceptance of, and reduce discrimination against, Muslims. The group cited increasing anti-Islamic sentiment in Galicia and received vocal support from the city mayors.

In February *El Jueves*, a left-wing satirical magazine based in Barcelona, published a cartoon portraying “hook-nosed” Israeli troops urinating on Palestinians and abusing Jesus. The Jewish community called the representation unacceptable and threatened legal action.

In May Lorenzo Rodriguez Perez, Mayor of Castrillo Mota de Judios, Burgos Province, filed a police complaint after his village’s signposts were sprayed with anti-Semitic and fascist graffiti. The town has incurred repeated incidents of vandalism since it changed its name in 2014 from “Castrillo Matajudios” or “Little Hill Fort of Jew Killers.” The mayor attributed the vandalism to far right extremist groups opposed to the name change and the town’s efforts to promote its Jewish roots.

Following the March terrorist attack in Brussels, there were incidents of vandalism, particularly spray-painted anti-Muslim messages, on mosques in seven cities (Denia, Catalonia, Granada, Madrid, Salamanca, Soria, and Zamora), and a dozen

municipalities, including at the Islamic Cultural Center of Madrid, one of the largest mosques in Europe. There were no reports of arrests.

In June vandals painted insults and threats on a Catholic chapel at the Autonomous University of Madrid.

On September 17, the United Nations Educational, Scientific, and Cultural Organization Association for Interreligious Dialogue organized in Barcelona the “Night of Religions,” with the participation of 24 religious centers representing 12 different faiths. The groups shared their religious traditions with the public. During Ramadan, more than 30 Muslim prayer centers organized iftars open to other faiths and the general public.

In October Scientologists conducted their third annual Religious Freedom Award Ceremony. The year’s award recipients were a professor of Ecclesiastical Law at Carlos III University of Madrid, the Foundation, and a legal expert in international affairs, immigration, and religious freedom, who was also Professor of Ecclesiastical Law at the Autonomous University of Barcelona. Scientologist President Ivan Arjona explained the growing importance of the awards ceremony as it drew important religious, public, and academic figures together to discuss problems of religious freedom in the country. Arjona credited the dialogue at the awards ceremony with helping to change views so that, beginning in 2015, the government began to elicit Scientologist input on policy decisions. He stated the government consulted the Church prior to issuing the decree that defined clear parameters for a religion to obtain *notorio arraigo* status and that Madrid also consulted the Church in working on its Human Rights Plan for 2016-2020. According to Arjona, “It really made a difference in having better acceptance from local governments that our view matters.”

In Catalonia, the Stable Working Group on Religions, which encompasses the Jewish, Protestant, Muslim, Catholic, and Orthodox religious communities, continued to meet weekly to promote interfaith cooperation.

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

U.S. embassy and consulate representatives met regularly with MOJ officials to discuss anti-Semitism, anti-Muslim sentiment, anticlericalism, and concerns about societal discrimination against religious minorities. The MOJ pointed to its 2015 religious freedom report, which acknowledged many of the same complaints and the government’s efforts to resolve them. The MOJ and the Foundation

underscored their effort to protect religious freedom and educate regional and municipal governments on the application of laws that protect religious freedom and the improved integration of minority religious communities. The MOJ also expressed regret the country was in a caretaker government status for most of the year and was unable to pass more legislation.

Embassy officials met and held phone conversations with leaders of the CIE, FEREDE, FCJE, Federation of Buddhist Communities, Scientologists, Jehovah's Witness, and other community members, including imams of local mosques, Muslim youth leaders, NGOs, politicians, and business leaders in Madrid, Barcelona, Malaga, and Ceuta. The embassy held several meetings with the CIE, FCJE, and Jewish Community of Madrid leaders and youth. Embassy and consulate officials heard 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, and transmitted those to the appropriate government officials.

In February the embassy and the MOJ held a joint workshop on combating religious intolerance, funded by the U.S. government and organized by multiple U.S. government agencies, including the Department of State. The workshop included presentations by and participation from the Ambassador, Minister of Justice Rafael Catala, and several of the 65 attendees, including government, law enforcement, and civil society, and covered the legal foundations of religious freedom, the building of trust with minority religious communities, protection against discrimination and hate crimes, media bias, the role of government and NGOs, and best practices, and included analysis of case studies in breakout sessions. Muslim, Jewish, and Protestant representatives praised the event, calling for more like it. Some of the Muslim attendees said it was the first time Muslim civil society was able to interact directly with policymakers. Muslim representatives in particular said they left better informed about issues such as citizen security, and working groups formed to address the issues important to them. The workshop prompted subsequent, ongoing informal exchanges and networking among speakers and participants to outline future actions to address intolerance and discrimination, as evidenced by embassy officials' interactions with various participants following the event.

The consulate general in Barcelona cofinanced, attended, and promoted on social media a project of the Ibn Rochd Intercultural Association, a Moroccan cultural association, to prevent social exclusion among Muslim youth through sports. The

consulate general provided a grant to the association to support an after-school program.

In September the embassy hosted a gathering for a visiting delegation of 50 Jewish leaders from the Jewish Federation of North America with business and faith leaders from the country's Jewish community. The two groups and embassy officials exchanged ideas and views on government practices, anti-Semitism in society and the media, Holocaust and Sephardi education, and the progress of the law granting citizenship to descendants of Sephardic Jews.

In December the Ambassador hosted an interactive culinary class for Muslim immigrant women in Rivas-Vaciamadrid. The Ambassador encouraged the women to continue developing their skills and to integrate more fully into society by interacting more with native born Spaniards at their children's schools to help break down negative stereotypes about Muslims. The class was organized with the support of the embassy and NGO Arab Delicatessen.