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2020 Report on International Religious Freedom: Spain

Executive Summary

The constitution guarantees freedom of religion and prohibits discrimination based on religion. It states that while no religion shall have a “state character,” the government shall 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. In January, the government moved responsibility for religious issues from the Ministry of Justice to the Ministry of the Presidency, Relations with Parliament, and Democratic Memory (Ministry of the Presidency). Several religious groups and nongovernmental organizations (NGOs) expressed satisfaction with the move, stating the reorganization gave religious issues increased prominence. In July, Amnesty International called on the government to decriminalize “offending religious sentiments,” which it said unduly restricted freedom of expression. Some religious groups and NGOs voiced concerns about government restrictions on places of worship during the COVID-19 pandemic. Several minority religious groups objected to unequal legal treatment, compared with the Catholic Church, on issues including tax allocations, access to cemeteries, public financing, and pensions for clergy. There were instances of members of parliament or local government officials using derogatory language against religious minorities. The governmental Pluralism and Coexistence Foundation continued outreach to various religious groups and organized events promoting religious freedom. The Ministry of the Interior’s Office on Hate Crimes offered assistance to victims of religiously motivated hate crimes and provided training to law enforcement.

The NGO Observatory for Religious Freedom and Conscience (OLRC) reported 181 religiously motivated incidents – including two assaults – in the first nine months of the year, six more than in the same period in 2019. Of the 181 cases, 75 percent were against Christians. The Ministry of the Interior documented 66 hate crimes with religious motivations in 2019, compared with 69 in 2018. The General Prosecutor’s 2019 annual report reported seven judicial processes opened during 2019 for hate crimes involving religion and two court rulings for crimes against religious sentiments. Some Christians, Muslims, and Jews reported increased hostility against them on social media and increased instances of vandalism.

U.S. embassy and consulate officials maintained communication with the Ministry of the Presidency’s Office of Religious Affairs, as well as with regional governments’ offices for religious affairs; topics discussed included access to permits for places of worship, religious education, cemeteries and burial, pensions, religiously motivated hate crimes, and hate speech. Embassy and consulate officials met with a wide range of religious groups and civil society members and discussed discrimination and the free exercise of their religious rights. The embassy and consulate posted social media messages commemorating various religious holidays and observances and highlighting the importance of religious freedom and the inclusion and respect for religious minority communities. In January, embassy officials cosponsored a series of events commemorating Holocaust Remembrance Month.

Section I. Religious Demography

The U.S. government estimates the total population at 50 million (midyear 2020 estimate). According to a survey conducted in September by the governmental Center for Sociological Research, 59.2 percent of respondents identified themselves as Catholics and 2.7 percent as followers of other religious groups. In addition, 10.6 percent described themselves as “nonbelievers,” 11.8 percent as agnostics, and 13.6 percent as atheists; the remaining 2 percent did not answer the question.

The (Catholic) Episcopal Conference of Spain previously estimated there are 32.6 million Catholics; it has not published any recent estimates. The Islamic Commission of Spain (CIE) estimates there are 1.95 million Muslims. The Federation of Evangelical Religious Entities (FEREDE) estimates there are 1.5 million Protestants, the majority of whom are immigrants. The Federation of Jewish Communities of Spain (FCJE) estimates there are between 40,000 and 45,000 Jews; the Episcopal Orthodox Assembly of Spain and Portugal, an umbrella organization for the various Orthodox churches, stated in 2014 there were 1.5 million Orthodox Christians; the Jehovah’s Witnesses report between 120,000 and 150,000 members; the Buddhist Union of Spain-Federation of Buddhist Entities (UBE-FEBE) estimates there are 100,000 Buddhists; and The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ) cites nearly 60,000 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. 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 or scorn religious beliefs, ceremonies, or practitioners. The constitution allows limits on expression if “necessary to maintain public order.”

The law imposes a sentence between eight to 12 months against an individual who, in order to offend the feelings of members of a religious group, publicly disparages the dogmas, beliefs, rights, or ceremonies of that religious group or who publicly insults members of the religious group. The law imposes the same penalties against an individual who publicly disparages those who do not profess any religion or belief. The law also imposes a six-month to one-year prison sentence or a fine against anyone who perpetrates “profane acts” that “offend the feelings” of legally protected religious confessions in a place of worship or at religious ceremonies.

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 specifically defined in the penal code as a hate crime. 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 law also provides for a declaration of personal recognition for those who experienced violence or persecution for political, ideological, or religious beliefs during the Spanish Civil War or the dictatorship of Francisco Franco.

The government does not require religious groups to register, but registering confers on religious groups certain legal benefits. Groups registered in the Registry of Religious Entities maintained by the Ministry of the Presidency may buy, rent, and sell property and may act as a legal entity in civil proceedings. Registration entails completing forms available on the ministry’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. All persons or groups have the right to practice their religion whether or not registered as a religious entity.

Registration with the Ministry of the Presidency, 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. The Episcopal Conference of Spain interacts with the government on behalf of the entire Catholic community. Per a 1979 agreement with the Holy See, individual Catholic dioceses and parishes are not required to register with the government. The Catholic Church is the only religious entity to which persons may voluntarily allocate 0.7 percent of their taxes. The government also has cooperation agreements with CIE, FCJE, and FEREDE. These agreements with the country’s four predominant religions – Catholicism, Islam, Protestantism, and Judaism – are legally binding and provide the religious groups with certain tax exemptions and the ability to buy and sell property, open a house of worship, and conduct other legal business. The agreements also grant civil validity to weddings clergy perform and permit the placement of teachers in schools and chaplains in hospitals, the military, and prisons. Groups with cooperation agreements are also eligible for independently administered government grants. The agreements cover 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.

Registered groups that wish to sign cooperation agreements with the state must acquire *notorio arraigo* status through the Ministry of the Presidency. 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 ministry considers demonstrates a “social presence” but is not further defined. Groups must also submit documentation demonstrating the group is religious in nature to the ministry’s Office of Religious Affairs, which maintains the Register of Religious Entities. Jehovah’s Witnesses, UBE-FEBE, the Church of Jesus Christ, and the Episcopal Orthodox Assembly of Spain and Portugal are registered religions with *notorio arraigo* status. New religious communities may register directly with the Ministry of the Presidency, or religious associations may register on their behalf.

If the Ministry of the Presidency considers an applicant for registration not to be a religious group, the latter may be included in the Register of Associations maintained by the Ministry of the Interior. Inclusion in the register 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 Pluralism and Coexistence Foundation is a public sector foundation attached to the Ministry of the Presidency that promotes religious freedom and diversity. It provides funding to non-Catholic religious denominations that have a cooperation agreement with the government in support of activities that promote cultural, educational, and social integration. It provides nonfinancial assistance to other religious groups registered with the government to increase public awareness. The foundation also promotes dialogue and rapprochement among religious groups and the integration of religion in society. It works closely with the Ministry of the Presidency’s 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 Islamic prayer. The cooperation agreements of FCJE and FEREDE 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 Ministry of the Presidency may provide services at their own expense during visiting hours upon the request of prisoners.

The government guarantees religious workers of groups with cooperation agreements with the state access to centers for asylum seekers and refugees so that these groups may provide direct assistance, at their expense, to their followers in the centers. Religious workers from groups without a cooperation agreement with the government may enter the internment centers upon request to the Ministry of the Presidency.

Military rules and cooperation agreements with the government 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 must be married in a civil ceremony.

The regions of Madrid and Catalonia maintain 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 central government, these subnational agreements may not contradict the principles of the federal agreements, which take precedence.

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. 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 Ministry of the Presidency 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 the cooperation 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. Ministry of Education-approved CIE guidelines stress “moderate Islam” in worship practices, with emphasis on pluralism, understanding, religious tolerance, conflict resolution, and coexistence. CIE also requires instructors to have a certificate of training in Islamic education. Private religiously based schools, whether or not they receive public funds, must comply with governmental education regulations. Private religiously based schools that do not receive public funds must additionally obtain authorization to function from regional educational authorities.

Catholic and Jewish 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. Muslim, Orthodox, and Jehovah’s Witnesses clergy are also eligible for social security benefits under the terms of separate social security agreements each of these groups negotiated with the state.

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

Government Practices

On July 16, Amnesty International called on the government to reform the part of the penal code that criminalizes offending “religious sentiments,” which it stated unduly restricted freedom of expression. There were several cases brought to court for crimes against religious sentiments during the year.

In June, the Spanish Association of Christian Lawyers was joined by eight other plaintiffs (the Catholic Bishops’ Conference of Spain, the European Center for Law and Justice, the Polish government, the Catholic Bishops’ Conference of Slovakia, and five other Christian organizations) in filing a brief to the European Court of Human Rights stating the government had infringed Christians’ religious freedom for failing to protect against hate speech and for providing public funding to an art exhibit that offended religious sentiments. The case was related to the Spanish Association of Christian Lawyers’ lawsuit for offenses against religious sentiments against artist Abel Azcona, whose 2015 photography exhibition featured the word “pederasty” formed by consecrated communion wafers. The European Court of Human Rights agreed to hear the complaint in October 2019 after a regional court in Pamplona had declined to hear the case and the national Constitutional Court declared it inadmissible.

In October, the Supreme Court agreed to hear a complaint filed by the Spanish Association of Christian Lawyers against Minister of the Interior Fernando Grande-Marlaska that accused security forces under the Minister’s purview of entering churches and interrupting religious celebrations in various incidents throughout the country during the period of confinement enacted during the March 14-June 20 COVID-19-related state of alarm, although the churches were following COVID-19-mandated capacity and health requirements outlined by the government. In April, the OLRC sent a letter to Grande-Marlaska expressing concerns regarding the suspensions or interruptions of religious celebrations during Lent and Holy Week in various instances throughout the country. The OLRC said the actions threatened religious freedom and requested an explanation from the government.

Representatives from FEREDÉ expressed concern regarding capacity and other restrictions on churches and said the government had failed to provide sufficient explanation for measures taken. For example, the government restricted singing in churches, which FEREDÉ representatives described as an important part of worship for Protestants.

On March 4, the grandchildren of former dictator Francisco Franco presented a complaint against the government in the European Court of Human Rights related to the government’s October 2019 exhumation of Franco’s remains from the Valley of the Fallen Basilica and reburial in a cemetery north of Madrid, despite the insistence of Franco’s family that the remains be interred in a cathedral, not in a cemetery. Franco’s heirs stated the exhumation and the Supreme Court ruling that allowed it infringed on the right to “family and private life,” the prohibition against discrimination, and the right to a fair trial. The OLRC previously said it did not consider removing Franco’s remains from the Valley of the Fallen as an attack on religious freedom. At year’s end, the European Court of Human Rights had not determined whether it would hear the case.

On January 12, the central government announced in an official state bulletin as part of the formation of the new government under President Pedro Sanchez that it was transferring responsibility for religious freedom issues and registration of religious groups from the Ministry of Justice to the Ministry of the Presidency under Vice President Carmen Calvo. The reorganization moved the Office of Religious Affairs and the Pluralism and Coexistence Foundation to the Ministry of the Presidency. Representatives from both organizations said the move reflected the cross-cutting nature of their work and said that registered religious groups were pleased with the move. Several of the religious groups and organizations promoting religious freedom expressed varying degrees of positive views of the move to the Ministry of the Presidency, noting that it gave religious issues increased prominence.

In her new role overseeing religious issues, Vice President Calvo agreed to meet with all religious groups with *notorio arraigo* status in the country. On June 24, Calvo met with the president of the Episcopal Conference of Spain, Cardinal and Archbishop of Barcelona Juan Jose Omella. On July 22, Calvo met with representatives from CIE, FCJE, and FEREDÉ, the three religious minority groups with cooperation agreements with the government. On July 23, Calvo met with representatives from UBE-FEBE, Jehovah’s Witnesses, and the Church of Jesus Christ, three of the religious groups with *notorio arraigo* status but without cooperation agreements. On December 15, Calvo met with leadership from the Greek, Romanian, and Russian Orthodox Churches, the remaining group with *notorio arraigo* status. According to the Office of Religious Affairs, this was the first time groups with *notorio arraigo* status, but without cooperation agreements, had met with a government official at this level. The Community of the Baha’i in Spain, which has been working to meet the requirements for *notorio arraigo* status since 2010, did not participate. The Office of Religious Affairs also said the Vice President had started technical discussions with the Catholic Church to resolve certain unreported outstanding issues and planned to launch similar discussions with each religious group with *notorio arraigo* status.

Several religious groups, including Protestants and Jews, expressed appreciation that King Felipe VI hosted a secular July 16 memorial service for the 30,000 Spaniards that lost their lives to the COVID-19 pandemic until that point. In the past, groups said, these types of events were often religious, specifically Catholic, in nature.

Non-Catholic religious groups described what they said was unequal legal treatment by the government, which several groups said they raised with Vice President Calvo. FEREDÉ representatives said that 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 based on 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. 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, and several groups described the system as legally discriminatory. They said they would rather receive voluntary contributions from taxpayers without preconditions rather than rely on funding from the Pluralism and Coexistence Foundation, which has specific conditions for use of its funds. One in three Spaniards elected to allocate some of their taxes to the Catholic Church in 2019, yielding 286 million euros (\$350.92 million), a 6.19 percent increase in donations compared with 2018, according to press.

FEREDE, CIE, and FCJE relied on government funds provided through the Pluralism and Coexistence Foundation to cover their administrative and infrastructure costs. The Ministry of the Presidency continued to allocate funding to different groups according to the number of registered entities and the approximate number of adherents. In addition to infrastructure and administrative funding, the Pluralism and Coexistence Foundation funds also covered small publicity projects and research projects. Several religious groups reported financial challenges due to COVID-19. Many of their members were unable to make the same levels of charitable donations as in previous years. FEREDE requested government unemployment benefits for its pastors but said it did not receive a response. FEREDE representatives said the lack of financial support for its pastors highlighted the unequal treatment of Protestant and Catholic clergy, with the former’s salaries paid by Protestant churches and the latter’s paid by the government.

FEREDE described additional measures that it said constituted unequal treatment, including public financing supporting visits by Catholic clergy to provide religious services in hospitals, military installations, and prisons, but Protestant clergy having to pay for their own visits. CIE also expressed concern that imams could not receive state financing to attend to the faithful in hospitals.

Several religious groups cited continuing obstacles to providing religious education and the integration of teachers of religion in schools. FEREDE reported it was still awaiting official approval to establish a certified master’s degree program in evangelical religious education two years after reaching an agreement with the government.

Islamic studies courses began in the Balearic Islands and Catalonia for the first time in 10 and eight schools, respectively, for the 2020-21 academic year. In September, CIE met with the regional Ministry of Education of Rioja, which pledged to increase the number of schools that teach Islamic studies. In February, CIE partnered with the Ceuta Ministry of Culture and the Cervantes Institute to launch Spanish language classes for imams in the North African enclave to enable the imams to conduct bilingual sermons for Spanish-speaking Muslims. In November 2019, the CIE expressed concern that there were no Islamic studies classes in schools in six regions – Asturias, Cantabria, Catalonia, Galicia, Murcia, and Navarre. CIE said this was sometimes due to decisions by local authorities or a lack of demand.

There were no Jewish religious education classes in public schools because schools lacked the 10 interested students required to request them, according to FCJE. FCJE officials said they did not consider the lack of Jewish education classes to be problematic because of the availability of private religious instruction for the Jewish community. FCJE reported schools were usually unaware of Jewish holidays as provided in the accord between FCJE and the state. In 2018, the Church of Jesus Christ 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. At year’s end, the government had not agreed to the request. 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.

Holocaust education in secondary school curricula continued in accordance with a Ministry of Education 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 the Ministry of Education to train teachers on the Holocaust, Judaism, and anti-Semitism remained in force, and the Sefarad-Israel Center took responsibility for its implementation.

In September, a school in Vallecas told several families their children must attend a Catholic religious studies class instead of the alternative social and civic values course the families selected. The school said the schedule modifications were required in order to maintain students in socially distant groups necessitated by the COVID-19 pandemic. The families complained to the school administration that the decision violated their right to not to enroll their children in a religious studies class, as allowed by law.

On October 21, Santiago Abascal, a member of Congress and leader of the opposition party Vox, stated in Congress during his censure motion against the government that Islam was a “danger” to European civilizations, saying, “Jihadism continues to decapitate people to the cry of ‘Allah is great.’” Abascal also said Catalonia was “closer to the horror” faced by other European countries because of Islam and predicted that “if the renegades succeed in breaking Spain,” they would “create a Catalan Islamic republic.”

The Valencia regional government anti-COVID-19 campaign originally compared the fight against the virus to King James I's conquest of Valencia against Muslim forces in 1238. Various political parties condemned the comparison, and the regional government removed the language on October 9. Valencian President Ximo Puig apologized for what he called “inappropriate” messaging.

Purported audio recordings of Juan Sergio Redondo, member of Congress and Vox leader in Ceuta, that were released in July included disparaging language and derogatory names for Muslims. Redondo also allegedly called the city's president an expletive for promoting “the role of multiculturalism” in hosting public events for Hindus. Vox released a statement denying Redondo had “ever made a public statement against Hindus” and saying he had “always shown profound respect and consideration for the Hindu community.”

On July 21, Silvia Orriols, Ripoll city councilor and former president of the National Front for Catalonia party, was charged with a hate crime for comments she made in a January plenary session opposing the opening of a new mosque and accusing the Annour Association, which manages the mosque, of “consenting to religious fanaticism” and “discriminatory segregation by sex.”

In May, the Calafell city council agreed unanimously to file a court case for hate crimes and crimes against religious sentiments against city councilor Javier Alvarez. Alvarez, who was suspended from the Ciudadanos party in April, posted expletives on his social media account about “those who pray to Allah.” The Ciudadanos spokesperson in Calafell contacted imams of local mosques to apologize and publicly condemned Alvarez's words.

Popular Party Senator Rafael Hernando on April 27 posted on his social media account a video purporting to show Muslims staging a protest in the streets in contravention of the government-decreed confinement due to the state of alarm. In his post he wrote, “So if you are Catholic you cannot go to church and Holy Week is prohibited...but if you are Muslim you go out to streets for a demonstration staying closely together, without masks or gloves.” The video was determined to be from 2018. Hernando removed the post after several media outlets reported the senator had spread an unfounded rumor against Muslims.

In February, the group Movement for Dignity and Citizenship requested that the provincial court in Ceuta keep open a hate crimes case against several members of the Vox party for leaked messages from a group social media chat described as “xenophobic, Islamophobic, and racist.” The purported group chat – in which member of Congress Juan Sergio Redondo, local assembly spokesperson Carlos Verdejo, and city council members Francisco Ruiz and Ana Belen Cifuentes took part – included references to the “Islamicization of Ceuta” and the “Palestinianization of the territory,” and referred to Muslims as “Moors.” The accused individuals stated the chat had been manipulated.

The Ministry of Justice continued processing applications under the law that provided descendants of Sephardic Jews expelled from the country 500 years ago the right of return as full Spanish citizens as long as the applications were submitted before the law's expiration in September 2019. Since 2015, the government received 132,226 petitions, with 72,000 new cases in the final month of applications. The Ministry of Justice processed cases from more than 60 countries, with Venezuelans representing the largest block of applicants.

In August, the Military Chamber of the Supreme Court overturned a Central Military Court decision that sanctioned and revoked the salary of a Muslim noncommissioned officer who accused his commanders of discrimination and not promoting him. The officer stated that he experienced hostile and cynical treatment and that official briefs were submitted maintaining he was unfit for promotion because he is Muslim.

King Felipe VI in January represented Spain at a memorial event in Jerusalem commemorating the victims of the Holocaust on the 75th anniversary of the liberation of Auschwitz. The King, who holds the honorary title of King of Jerusalem, stated “There is no room for indifference in the presence of racism, xenophobia, hate speech, and anti-Semitism.” President of the Senate Pilar Llop hosted the official International Holocaust Remembrance Day ceremony on January 27, which was attended by Vice President Calvo, Minister of Education Isabel Celaa, deputies and senators, members of the diplomatic corps, members of the Jewish community, and others. Then-FCJE President Isaac Querub and Holocaust survivor Ita Bartuv delivered remarks. On May 5, Vice President Calvo presided over a ceremony honoring the Spaniards deported and killed in Mauthausen and other Nazi concentration camps, and the Council of Ministers approved an institutional declaration of their “ethical and democratic legacy.”

Following a July 20 meeting with the FCJE, Vice President Calvo announced on July 22 that the government reaffirmed the country's 2016 vote to adopt the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism agreed under the previous government. In a separate action, the parliament of the Balearic Islands voted in June to adopt the IHRA working definition of anti-Semitism. In September, Foreign Minister Arancha Gonzalez Laya warned against anti-Semitism and totalitarianism when she participated in a Rosh Hashanah celebration at the Sefarad Center in Madrid. Gonzalez Laya closed the ceremony by emphasizing that the decision to endorse the IHRA working definition of anti-Semitism “was not taken lightly, but as a result of the commitment to fight anti-Semitism with all the forces and against totalitarianism, which are two phenomena that threaten us.”

The FCJE estimated there were very few survivors of the Holocaust residing in the country and said for this reason, the government only considered property restitution on a case-by-case basis. The FCJE reported no restitution cases during the year. On August 18, the U.S. Ninth Circuit Court of Appeals upheld the ruling that the Thyssen-Bornemisza Collection Foundation in Spain was the rightful owner of the painting Rue Saint-Honore by Camille Pizarro. The family of Lilly Cassirer, a Jewish woman who fled Germany in 1939, had filed a court case in the

United States, stating the painting was seized by Nazi officials in 1939 and incorporated into the Thyssen Museum’s collection in 1993 following a 1976 private purchase by the museum’s benefactor. A judge in April 2019 ruled that the Thyssen Museum was the lawful owner of the painting because under Spanish law, buyers retain works purchased if they do not possess “actual knowledge” that the works had been stolen. The family appealed that ruling.

Courts continued to rule against municipal and provincial government resolutions supporting the Boycott, Divestment, and Sanctions (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.” On February 20, the Madrid assembly approved an institutional declaration condemning “any display of discrimination, incitement to hatred or violence, and other forms of racism and xenophobia against Jews.” Catalonia’s regional parliament passed a similar measure in January, and it approved a resolution specifically condemning BDS on October 15. On September 3, a judge in Santander annulled the proclamations of the municipalities of Torrelavega and Cabezon de la Sal as “spaces free of Israeli apartheid,” approved in those municipalities in 2017 and 2016, respectively. The judge ruled that the declarations were not generic and included programmatic agreements and that they “exceeded a mere declaration of principles and the specific local problems of the neighbors, which means assuming international powers that the City Council lacks.”

The Pluralism and Coexistence Foundation conducted several outreach campaigns, including hosting virtual events, aimed at promoting a better understanding of different religions and respect for religious freedom. It continued working with religious groups in three working groups on the opening and operation of places of worship, the impact of religious education, and the effects of discrimination and limits to religious freedom in the workplace. During the year, it provided FEREDE with 462,800 euros (\$568,000), CIE with 330,000 euros (\$405,000), and FCJE with 169,405 euros (\$208,000). The Ministry of the Presidency’s Office of Religious Affairs maintained 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 Ministry of the Interior’s Office on Hate Crimes provided assistance to victims of religiously motivated hate crimes and training for law enforcement.

Several regional and municipal government offices conducted outreach to promote religious diversity. For example, the Catalan regional government’s Department of Religious Affairs provided guidance and financial support to religious communities and disseminated information promoting religious diversity. The Barcelona city council’s Office for Religious Affairs and Office for Non-Discrimination supported various religious groups by facilitating and promoting religious celebrations, providing grants for their projects, and organizing roundtables to discuss the status of religious freedom in the city. The municipal government also led workshops and training events on the fight against anti-Muslim sentiment for municipal employees, as well as for teachers, law enforcement agents, and human rights organizations.

The government is a member of the IHRA.

Section III. Status of Societal Respect for Religious Freedom

According to the OLRC, there were 181 incidents it described as violating religious freedom in the first nine months of the year, six more than in the same period in 2019. OLRC statistics, which include media reporting, showed that the number of incidents had increased every year since 2014. Of the incidents, 136 targeted Christians, six were against Muslims, three against Jews, and 36 classified as against all faiths. There were two incidents of violence (both assaults on Catholics), 26 attacks on places of worship, 70 cases of harassment, and 83 cases of “public marginalization of religion.” According to the OLRC’s 2019 annual report published in June, Andalusia was the region with the most attacks on religious freedom in 2019, followed by Madrid and then Catalonia.

According to the Ministry of the Interior’s 2019 annual report on hate crimes, the most recent available, there were 66 hate crimes based on religious beliefs or practices and, separately, five motivated by anti-Semitism, in 2019, compared with 69 and eight such crimes, respectively, in 2018. Only crimes involving anti-Semitism are disaggregated, as they are treated as specific offenses in the penal code. Most of the religiously motivated crimes occurred in Catalonia (17 hate crimes based on religious beliefs, three specifically for anti-Semitism), followed by Madrid (8, 1), Basque Country (8, 0), and Andalusia (7, 0). The ministry’s report did not cite specific examples or provide a breakdown of religiously motivated incidents by type of crime. According to a ministry official, the figures in the annual report only included officially filed complaints and not incidents gathered from press reports.

The General Prosecutor’s 2019 annual report reported seven judicial processes opened during 2019 for hate crimes involving religion, compared with 16 such cases in 2018. The annual report noted two court rulings for crimes against religious sentiments.

In June, the Barcelona Hate Crimes Prosecutor’s Office asked for five years’ imprisonment for three neo-Nazis for assaulting a Sikh vendor in Barcelona in 2017. The perpetrators were charged with violent robbery and intimidation, with an added charge of discriminatory motives. This was the first case prosecutors brought to court of a hate crime against a Sikh.

In July, Catalan regional police arrested a man who unsuccessfully tried to burn an Islamic prayer room in Manlleu, and another man for attacking the alleged arsonist with a knife in revenge.

In May, police arrested a man in Esplugues de Llobregat for inciting hatred, violence, and discrimination after he suggested on a radio program with a large Muslim audience in Spain and Morocco that a Moroccan teacher and women’s rights activist would be beheaded if she lived in a different country because of her political beliefs and for disrespecting the Prophet Muhammad. The Barcelona Hate Crimes Prosecutor’s Office opened a case and police initiated deportation proceedings against the man, who was living in Spain in irregular status.

On October 14, the trial began of a woman accused of offending religious sentiments. The prosecutor sought a fine of 3,000 euros (\$3,700) for the woman’s participation in a public procession on International Women’s Day in March 2013 in which she and unnamed others marched through the streets of Malaga with a large plastic vagina fashioned to look like the Virgin Mary, which the prosecutor stated was intended to mock the symbols and dogmas of the Catholic faith and its adherents. The Spanish Association of Christian Lawyers originally filed the complaint and sought a prison sentence of one year and a fine imposed over 24 months. A November verdict gave the woman a 2,700-euro fine (\$3,300). She stated that she would appeal the ruling.

On September 9, representatives from Netflix Spain appeared in a court in Colmenar Viejo to testify in a lawsuit filed against it by the Spanish Association of Christian Lawyers for offending religious sentiments related to its December 2019 release in the country of the Brazilian satire film *The First Temptation of Christ*. The Spanish Association of Christian Lawyers said the film depicted Jesus Christ as “inept and homosexual” and called for its removal from Netflix’s streaming platform. The court had not delivered its judgment by year’s end.

On February 21, a judge in Madrid acquitted actor Willy Toledo of crimes against religious sentiments and obstruction of justice, a decision ratified by the Provincial Court of Madrid on November 21. The Spanish Association of Christian Lawyers had brought a case against Toledo for posts he had made on his social media account in 2017 that it considered offensive to God and the Virgin Mary. In her judgment, the judge noted the comments were “in bad taste,” but ruled that the manner in which they were published on Toledo’s personal social media account did not constitute a crime.

In January, the University of Lleida announced it would review its nondiscrimination policies after a fourth-year nursing student was expelled from one of its centers for refusing to remove her hijab. The university readmitted the student to another of its centers.

A representative of the Movement Against Intolerance, a non-religiously affiliated NGO that compiles instances of religiously motivated hate crimes, said there was an increase in religiously motivated hate speech against Jews, Christians, and Muslims on social media sites. The FCJE’s Observatory of Anti-Semitism and the Movement Against Intolerance noted an increase in anti-Semitic speech on social media, including blaming Jews for creating the COVID-19 pandemic.

In May, a regional court in Ceuta sentenced a man convicted of inciting hatred against Israel and Jewish communities on social networks to a year’s imprisonment (suspended due to lack of prior convictions), a fine, and a three-year prohibition from working in education or sports.

In February, during separate carnival celebrations, participants dressed as Nazis and Holocaust victims participated in town parades. In Badajoz, a 160-member group paraded dressed in suits that were split down the middle (half Nazi soldier and half concentration camp prisoner), choreographed to march and dance together to pop music. Props included a tank, metal fences, and a banner that displayed a swastika and Star of David together and signaled the gateway to the Auschwitz camp. In Campo de Criptana, a 130-member group dressed as Jewish prisoners, Nazi officers, and women in red coats resembling costumes from the movie *Schindler’s List* danced to disco music with props that included a gas chamber float embellished with two crematorium chimneys. The Israeli embassy condemned the Campo de Criptana parade, stating it made a mockery of the six million Jews killed by the Nazis. The Campo de Criptana City Council issued a statement condemning the parade. Both groups of participants stated their intention was to pay tribute to Holocaust victims.

In July, the Moroccan Association of Immigrant Rights (AMDI) of Puertollano filed two complaints with the local prosecutor for alleged hate crimes against three individuals who published social media posts that AMDI said “incited hatred against the Muslim community.” AMDI said the posts were prompted by its request that the city council permit a section of the cemetery be used by the Muslim community, as deaths were increasing due to the COVID-19 pandemic. AMDI cited posts that suggested there was burial room for Muslims “in a gutter.”

An FCJE representative said the group was particularly concerned about the rise of BDS support campaigns in university student organizations. The FCJE representative said student organizations sometimes promoted exhibitions that focused more on attacking Israel and Jews than on supporting the Palestinian cause. In May, the Valencia regional government cancelled plans to have the group “BDS Valencia Country” host a teacher training course on anti-Semitism and Islamophobia after FCJE and others complained the group promoted hatred and discrimination against Jews. In September, the FCJE and the Simon Wiesenthal Center called for the cancellation of an online course offered by the Public University of Navarre entitled “Apartheid in Palestine and the Criminalization of Solidarity.” The center denounced inclusion of the leader of the international BDS movement in the course and said it had the potential to incite attacks against Jewish institutions in Spain.

There were several incidents of religiously motivated vandalism, many of which were referred to the courts. In December, the FCJE, the Jewish Community of Madrid, and the Movement against Intolerance denounced and vowed to take legal action against the defacement of a Jewish cemetery in Madrid with graffiti saying, “Good Jew,

Dead Jew.” In September, the Cartagena Association for Historic Memory denounced the defacement with swastikas, stars of David, and “Jews out” graffiti of a municipal monument dedicated to exiled Spanish Republicans from Cartagena who were deported to Nazi concentration camps. In July, police in Malaga arrested a man for vandalizing a Catholic chapel and injuring a woman nearby. Also in July, the Alcazar de San Juan city council condemned graffiti that included the words “fascists,” “Christians,” and “pandemic” that appeared on three different Catholic religious buildings. In June, the Association of Christian Lawyers filed a complaint against the individuals who removed the head and feet of a statue of Jesus Christ in La Roda. In March, a judge in Segovia agreed to open an investigation against a leftist group for vandalizing a church with graffiti that said, “For historic memory, against Francoism.” In January, a building at Alfonso X the Wise University in Villanueva de la Canada was defaced with graffiti that said, “I command, kill Jews” and a swastika. A wall at a nearby park was defaced with swastikas and graffiti that said, “Free Palestine” and “Kill a Jew.”

In September, the UNESCO Association for Interreligious Dialogue (AUDIR), a Catalan NGO, organized its fifth “Night of Religions” in Barcelona, in which 36 places of worship representing 15 different religious groups opened their doors and invited local residents. More than 1,200 persons took part in the activities, which were conducted both in person and online. 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 and schools in their neighborhoods and gave talks on religious diversity to students and community members.

Section IV. U.S. Government Policy and Engagement

U.S. embassy and consulate representatives met with government officials 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. Embassy officers also raised these issues with religious leaders who participated in the Pluralism and Coexistence Foundation.

Embassy and consulate officials met with leaders of Catholic, Protestant, Muslim, Jewish, Jehovah’s Witnesses, Buddhist, and other religious groups and civil society members. Embassy and consulate officials discussed the concerns of community members regarding discrimination and the free exercise of their religious rights.

In January, the embassy participated in a series of events commemorating Holocaust Remembrance Month. Among them was the embassy’s partnership with the Sefarad-Israel Center on a film series on the Holocaust. Embassy officers addressed the audience before the screenings of *Mr. Klein* and *The Diary of Anne Frank*, highlighting the need for the next generation to learn about the Holocaust to prevent any similar atrocities in the future.

In April, the Ambassador posted a series of messages on social media celebrating the beginning of Ramadan and highlighting the importance of religious freedom, as well as the inclusion of and respect for religious minority communities. The Ambassador’s messages underscored U.S. commitment to tolerance and coexistence around the world. In lieu of hosting the annual iftar celebration, the Ambassador also sent personal letters to leaders of religious groups, government offices, diplomatic missions, and NGOs commemorating Ramadan and promoting religious diversity and tolerance. The Consul General in Barcelona also promoted religious freedom and diversity on social media throughout the year.

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