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**STATEMENT BY AMBASSADOR MERCEDES RICO,
DIRECTOR GENERAL OF RELIGIOUS AFFAIRS,
SPANISH MINISTRY OF JUSTICE, AT SESSION V OF THE
OSCE CONFERENCE ON ANTI-SEMITISM AND ON
OTHER FORMS OF INTOLERANCE**

Cordoba, 8 and 9 June 2005

Discrimination against Christians and members of other religions is a subject of particular relevance for the OSCE, a region with an extensive Christian tradition in general but one where historically all kinds of persecution and discrimination have also taken place against Christians, be they Catholic, Protestant since Luther's reform or members of the orthodox church.

The use of religion as a key factor in unification and political domination has been a consistent feature of the history of our continent. The enforcing of a single religion in a country, territory or national community has not only been a cause of bloodshed in past centuries but also, unfortunately, a widespread practice in the twentieth century — from the persecution of any type of religious expression or commitment in the former Social Realist bloc to the struggle for ethnic and religious unification in the 1990s during the dissolution of former Yugoslavia, not forgetting, of course, the culmination of exterminating frenzy that was Nazism and the Holocaust, which not only eliminated with particular brutality and success all those who could be considered Jewish but also persecuted, albeit not so obsessively, Christians, Muslims, Jehovah's Witnesses and members and followers of all confessions and denominations in the occupied countries. The valour of some religious leaders of the time and of the members of the churches of central and eastern Europe since, as symbolized most prominently by the late Pope John Paul II, without a doubt laid the foundations for reconciliation in Europe on the basis of the irrefutable humanist values that we share today.

In Europe today, there are plenty of examples of a general trend towards recognition of freedom of religion and worship as a fundamental right inseparable from freedom of conscience, and in this respect we cannot but acknowledge the role played by the OSCE in the progress that has been made. At the same time, there are still instances of discrimination in practice and sometimes also in legislation in some countries in the OSCE area, against which we need to continue fighting at every level, and — as has been noted during this Conference — the old anti-Semitism still exists and is re-emerging with new focuses, new proponents and new prejudices.

Bearing in mind that this Conference is taking place in Spain and referring to the second part of the title of this session, "respect for religious identity in a pluralistic society", I

should like to dwell at some length, in the time allowed to me by the moderator, on the current situation in a country like Spain, which, until 1978 when the current Constitution was approved and promulgated, was a Catholic State with very limited religious freedom.

As all of you are well aware, the enforcement of a single religion was one of the features of the creation of the modern State of Spain from 1492 onwards.

This enforced religion included not only the expulsion of the large Jewish population from Spain and the ongoing persecution of those who accepted forced conversion, but also a century later the Moors and Muslims still living on Spanish territory following political unification and then, from the middle of the sixteenth century, all members of the groups of reform Christians that were emerging in Spain, as in the other mainly Catholic countries of western Europe.

In this way the Catholic State dominated our recent and contemporary history with the exception of two brief Republican periods (1869-1874 and 1931-1936). The 1978 Constitution established the non-confessionality of the State and freedom of religion and worship as a fundamental right (article 16), while article 14 prohibits discrimination on account of religion, among other things, and article 9 commits the public authorities to ensuring that these rights are enforced.

In this respect, there are several comments to be made.

1. A law was passed in Spain in 1967 concerning religious freedom, which transformed the de facto tolerance with regard to non-Catholic minorities since the last decades of the nineteenth century into a legal fact. Thereafter small Jewish, Protestant and, later, Muslim communities that started to establish themselves were not in principle persecuted, although they were still socially marginalized.
2. The non-confessional constitutional status of Spain and the freedom of religion were possible in part thanks to the collaboration of the Catholic Church, which, under the prompting of the Second Vatican Council, supported the Constitution and put the seal, as you will remember, on the reconciliation of the Spanish fractions that had existed since the Civil War and the long period of dictatorship.
3. The Spanish Constitution, at the same time as proclaiming the non-confessionality of the State, stipulates that the public authorities should take into account the beliefs of Spanish society and urge them to co-operate with the Catholic Church and other confessions. Moreover, article 27 states that public authorities must guarantee the right of parents to ensure that their children receive religious and moral instruction in accordance with their own convictions, i.e., to create their own schools and receive religious education.

The Constitution therefore establishes the principle of non-confessionality or secularity (the authors regard the two terms as being equivalent) based on co-operation between religions. It recognizes religion as a social value and includes within the guaranteed freedom of religion the right not to make statements regarding ideology or beliefs. It also makes a particular reference to the Catholic Church, which is the only body to be mentioned by name.

Like the 1978 Constitution as a whole, this was the result of a basic political pact between the Catholic tradition and the secular tradition of the Spanish Left.

The development of these constitutional concepts was a long drawn-out process and their implementation has required a good deal of effort by all concerned, which continues to this day.

- In 1980, the Organic Law or Basic Law on Religious Freedom was adopted; its twenty-fifth anniversary is being celebrated this year. It was an extremely important law, guaranteeing non-Catholics the right to establish places of worship, to disseminate and propagate their own beliefs, to appear in public, to train ministers and open teaching centres and, as the case may be, sign agreements with the State;
- The constitutional demand for co-operation developed very quickly with the Catholic Church: four co-operation agreements were signed in 1979 with the Holy See, which are still in force, replacing the old Concordat of 1953;
- With the other main religions, it was not until the symbolic year of 1992 that the three co-operation agreements were signed with the Federation of Jewish Communities of Spain (FCIE), the Islamic Commission of Spain (CIE), and the Evangelical Federation (FEREDE). They were historic agreements, recognized throughout the world as the end of the centuries-old failure by Spain to come to terms with the Jewish, Muslim and reform Protestant communities;
- These co-operation agreements with the minority religions, approved by Parliament with the status of laws, provide for co-operation in part inspired by the agreements with the Catholic Church. In particular, they grant similar tax benefits, give civil recognition to religious marriages, recognize the right to teaching these religions in school, to hold religious services in prisons, hospitals and for members of the armed forces, and to open religious teaching centres, among other things.

But as the leaders of these federations, who are in regular communication with the State, do not fail to remind us continually, not all of these points have yet been implemented with the same degree of intensity. It should be noted that this is due in part to the fact that in 1992 the Muslim, Protestant and Jewish communities in Spain were not very large and in some areas the need for co-operation was not seen as an urgent necessity once the rights had been guaranteed.

Today, 13 years later, however, the religious minorities in Spain have developed and constitute an important part of our society, in good measure as a result of immigration, which has transformed Spain in the last ten years.

The Government that came to power in April 2004 is therefore endeavouring to fully implement the 1992 agreements, put right the inequalities that still exist and prevent, in the difficult circumstances since the attacks in Madrid in March 2004, any sense of rejection or anti-Muslim public sentiment.

It should nevertheless be pointed out that there has not been a significant increase in xenophobic attitudes in Spanish society since those terrible attacks, although there are still fervent (and opportunist) anti-Islamic voices in the media, including the Internet, and

partisans of the clash of civilization, and there is still a certain amount of anti-Semitism in the very small number of groups on the extreme right, and on the extreme left, which use the Middle East conflict as a pretext to collect pictures and make stupid and obscene jokes, as has already been mentioned here. These groups must be closely watched. There have also been a few acts of desecration of religious sites including Catholic ones.

While remaining vigilant in the face of these acts, we believe that the fundamental problem facing Spain in this respect is to prevent the social marginalization of minority religions, especially immigrant groups — not least at this difficult time when, as in the rest of Europe, society is increasingly secularized and there are strong secular currents in Spain that would like to see a reduction in the influence of all forms of religious expression in society.

The Government has nevertheless determined that the best approach is to welcome religious minorities by developing the instruments available to us, i.e., the 1992 agreements, to the full and creating a genuinely pluralistic environment for coexistence in which the things that unite us — mutual respect and the human rights on which our legal system is based — are much stronger than those that divide us.

The Government also believed that it should take important steps in this direction by reducing the relative disadvantages under which the large minority religions, be they non-Catholic Christian, Jewish or Muslim, exist in Spain and has made efforts to give real and effective force to the agreements by including religious education in State schools under the same conditions offered to the Catholic religion, organizing religious services in prisons, helping local authorities to enable temples and mosques to be built where they are required, and providing burial grounds for the different religions, among other things.

Moreover, it has endeavoured in particular to send out a clear signal to the faithful, to the leaders of the communities and to the Spanish public as a whole that the State is aware of the difficulties in which the minority religions exist, that their congregations often have scant financial resources to support themselves adequately and that there is a large amount of ignorance in Spanish society, which is often a precursor to mistrust, insecurity and, as a result, rejection.

To put it bluntly, we don't want ghettos in Spain today, we don't want discrimination on account of belonging to a religious minority and we do believe that by strengthening the development capacity of these minorities, who are so closely linked to our history, we will help to improve society as a whole and its ability to coexist with respect for a plurality of cultural and religious traditions as they exist in our society today. I should like to point out that in this undertaking the Government has received the express and repeated support of the Catholic Church, which is the most important social actor in Spain after the State and has shown a continuous commitment to dialogue and inter-religious co-operation.

In late 2004, a public foundation was established, the *Fundación Pluralismo y Convivencia*, to finance social and cultural projects and programmes for the minority religions that have an agreement with the State, with initial State funding of 3 million euros, to be renewed every year and with the possibility in the future of private donations and funding from other Spanish or foreign foundations. The State funding is not intended for religious purposes, as we believe that this is the exclusive responsibility of the members of the communities.

This Foundation is directed by a board made up of representatives of the Government and persons nominated by the executive bodies of the Jewish, Protestant and Muslim communities.

We are all perfectly aware that the Foundation cannot solve all of the many problems experienced by the minority religions, but we hope that it will serve to alleviate some of them and also to stimulate awareness and respect by the whole of Spanish society, of which they are part.

The Foundation is currently in the process of issuing its first public invitation for the funding of projects and programmes, which are designed, among other things, to strengthen the self-help organizations in the communities, support cultural and education programmes, the communities' own communication and distribution media, the fight against prejudice, and greater understanding of the religions and their rights.

The other religions in Spain are protected by the Constitution and Organic Law on Religious Freedom and entered in the register of the Ministry of Justice. The Government is maintaining dialogue with them with a view to improving the conditions in which they exist in our country.