



Alianza Evangélica  
Española

Universal Periodic Review 49<sup>th</sup> session – Stakeholders' Report

## Spain: Freedom of Religion or Belief

11 October 2024

### Joint Submission by:

**The World Evangelical Alliance (WEA)** was founded in 1846 and is a network of churches in over 140 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

**The European Evangelical Alliance (EEA)** is an alliance of more than 50 European grassroots national and transnational evangelical movements from all Protestant traditions in 35 European countries. The EEA serves as a platform for common action and a voice for Europe's 20+ million Evangelicals.

**The Alianza Evangélica Española (AEE)** was founded in 1877 and is a member of the World Evangelical Alliance (WEA) and the European Evangelical Alliance (EEA). Its focus lies in defending freedom of conscience and freedom of religion or belief, promoting Evangelical unity and offering biblical answers to contemporary societal challenges.

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## Introduction

1. This report explains why Spain must safeguard the rights to freedom of religion, freedom of association, and freedom of expression; specifically to end the discrimination Protestants face in pension treatment and to protect the places of worship of all religious communities.
2. Our organizations submitted a joint report to the 35<sup>th</sup> UPR in July 2019 focusing on the same issues.<sup>1</sup> Unfortunately, there has not been any significant change in the intervening years.

### (a) Freedom of Religion or Belief

3. Section 16 of the Spanish Constitution guarantees the freedom to religion and worship.<sup>2</sup>
4. Spain signed the International Covenant on Civil and Political Rights (“ICCPR”) in 1976 and ratified it in 1977. ICCPR Article 18 guarantees the right to freedom of religion or belief, including the right to manifest one’s religion or belief—whether in public or in private. Article 19 ensures that all people have the right to freedom of expression and to hold opinions without governmental interference. Lastly, Article 22 guarantees the right to freedom of association. Government discrimination towards certain religions is not sufficient justification for limiting this fundamental human right guaranteed under international law.
5. In a survey in 2023, 52% of Spain’s population identified as Roman Catholic.<sup>3</sup> Under Francisco Franco’s regime from 1939 to 1975, non-Catholic Christians faced discrimination, and non-Catholic ministers were not recognized.<sup>4</sup> The situation persisted until 1999, but dozens of pastors, unlike their Catholic Priest counterparts,<sup>5</sup> are still excluded from the pension system in Spain.
6. In 2004, the Alianza Evanélica Española supported the case of a pastor affected by this situation. The case of pastor Martín Manzanas went on to the European Court of Human Rights (ECtHR). The ECtHR issued its ruling in 2012.<sup>6</sup> The Court considered that Spain had violated art. 14 of the Convention (non-discrimination) in conjunction with art. 1 of Protocol No. 1 (protection of property).
7. Even after the ECtHR’s decision, the situation of the pastors has not been settled. This led to a Royal Decree adopted in 2015 in attempt to resolve the problem; however, the decree set requirements that not a single pastor was able to fulfill. It was annulled by the Supreme Court of Spain in 2017 on the basis that it was discriminatory against Protestant people compared to Catholics.<sup>7</sup> While Pastor Martín Manzanas received his full pension, other retired pastors in similar situations did not receive theirs.
8. The continuing absence of a more equal regulation and the resulting lack of pensions for retired evangelical Christian clergy has led them, and their widows, to live in poverty because their years of service as pastors prior to 1999 are not counted towards their pensions. Since then, the local churches or the respective Evangelical denominations have been paying pensions that should have been paid by the State.
9. In the 3<sup>rd</sup> cycle of UPR, Spain supported Recommendation 150.100, which reads:

*Ensure freedom of religion or belief in Spain, both in law and in practice, to members of religious minorities, with a view to realizing the right to social security for all, including protestant ministers who do not have access to the pension system (Haiti);<sup>8</sup>*

10. Despite ongoing negotiations with the Federación de Entidades Religiosas Evangélicas de España, Spain has yet to change its legislation effectively.<sup>9</sup> Such discrimination jeopardizes the ability of evangelical pastors and their congregations to operate on an equal footing with other religious denominations and hinders the maintenance of an open and free society.

#### **(b) Houses of worship**

11. The regulations in this respect depend to a large extent on the local councils. Consequently, the situation varies from one municipality to another. Some are unproblematic, but others have unreasonable regulations, which establish requisites that are difficult for evangelical churches to meet. For example, in the Basque Country, there is a requirement to obtain an environmental license prior to opening a place of worship, subjecting places of worship to the same requirements as nuclear and radioactive activities, fish farms, slaughterhouses and discotheques. In 2024, the Castelldefels City Council suspended the processing of licenses for building places of worship for one year. A church in Portugalete that wishes to relocate in the municipality in order to build a larger house of worship was told in 2024 by city officials that there is no other place in the municipality that allows religious use so it cannot relocate.
12. It is likely that these regulations are not specifically aimed at controlling the evangelical community, but other religious communities, but evangelical Christian communities suffer from them in exactly the same way. The regulations are discriminatory in comparison to the Catholic majority community, which does not suffer the consequences of these regulations.

#### **(c) Recommendations**

13. In light of the foregoing, we suggest the following recommendations be made to the government of Spain:
  - a. Ensure the freedom of religion or belief in Spain, both in law and in practice, for adherents of all religions, and root out all cases of religious discrimination in laws against members of religious minorities;
  - b. Fulfill the right to social security of protestant pastors who were discriminated during and after Franco's regime and who have been excluded from access to the pension system, and compensate the pastors or their heirs for these non-received pensions, at least from the ECtHR decision in 2012;
  - c. Foster an environment of religious harmony and cooperation, and cease discriminating against individuals or communities on the basis of their religious denominations;
  - d. Regulate a framework of reference that refrains from discriminating against non-Catholic places of worship, and bring current legislation in conformity with international human rights instruments pertaining to the

protection of the right to freedom of religion or belief, which includes the right to worship in community with others, in public or in private and refrain from any discriminatory provisions targeting religious minorities.

<sup>1</sup> [https://un.worldidea.org/wp-content/uploads/2020/07/UPR35\\_Spain.pdf](https://un.worldidea.org/wp-content/uploads/2020/07/UPR35_Spain.pdf)

<sup>2</sup> Constitution of Spain, Art 16.

<sup>3</sup> Centro de Investigaciones Sociológicas, "Barómetro de Septiembre 2023," p. 18. Available at: [https://www.cis.es/documents/d/cis/3420mar%20\(1\)](https://www.cis.es/documents/d/cis/3420mar%20(1)).

<sup>4</sup> Vincent, M.M., *Ungodly Citizens: Protestants in National-Catholic Spain, 1939-53*, 45 *European History Quarterly* (1) (2015).

<sup>5</sup> Evangelical Focus, *Pension for Retired Pastors Recognised*, (19 May 2015).

<sup>6</sup> *Manzanas Martín v. Spain*, App. No 17966/10, 3 April 2012, ECTHR. Available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-110180%22%7D>.

<sup>7</sup> Poder Judicial España, 21 November 2017. Available at:

[https://www.poderjudicial.es/portal/site/cgpj/menuitem.65d2c4456b6ddb628e635fc1dc432ea0/?vgnextoid=0416c3076bedf510VgnVCM1000006f48ac0aRCRD&vgnnextchannel=d060f20408619210VgnVCM100000cb34e20aRCRD&vgnnextfmt=default&vgnnextlocale=es\\_ES](https://www.poderjudicial.es/portal/site/cgpj/menuitem.65d2c4456b6ddb628e635fc1dc432ea0/?vgnextoid=0416c3076bedf510VgnVCM1000006f48ac0aRCRD&vgnnextchannel=d060f20408619210VgnVCM100000cb34e20aRCRD&vgnnextfmt=default&vgnnextlocale=es_ES).

<sup>8</sup> A/HRC/44/7/Add.1 - Para.10.

<sup>9</sup> Video Launch: Justice for Spanish Pastors, a short documentary that sheds light on the fate of Protestant pastors seeking justice and equal treatment in Spain <https://www.ceceurope.org/video-launch-justice-for-spanish-pastors>.