EUROPA LAICA. SPANISH ASSOCIATION.
PLAN OF ACTIONS AND CAMPAIGNS.

Last updated 2006.

INTRODUCTION.

The Plan of Actions and Campaigns is an initial document of agreement on the activities to be organised by our association. It also defines, along with our Statutes and especially in our Programme Letter included in the same, our ideological position as assumed and dictated by the General Assembly. First presented in December of 2004, this text was drawn up with the intention of being lasting but it is, however, subject to yearly revisions and updates when political and legislative changes may make these changes opportune.

The objective of our association is to promote secularism. **Secularism is understood to be the movement which makes possible the necessary judicial, political and social conditions for the development of complete freedom of conscience** as defined in our Programme Letter.

As a consequence of the abovementioned, all of our actions should be inspired by this basic underlying principal of freedom of conscience over the restrictive and exclusive notion of freedom of religion. The notion of freedom of religion has been brewing in our historical development since Early Modern Times, with the Protestant Reformation (One prince, one religion", according to Luther), with the Edict of Nante and the writings of Locke on toleration, and the influence, which we consider pernicious, on the formation of western democracies. We must also remember that in the 17th century, Pierre Bayle, author of the ***Dictionaire Historique et Critique*** (Historical and Critical Dictionary), firmly fought against the exclusion of atheists, the non-religious in general, and of the positive rights, opening the way to the formulation of freedom of conscience as an inalienable right of each and every human being independent of his or her religious ascription or no religious ascription, and above all, independent of what kind of convictions people have whether religious or not.

Secularism cannot be simply reduced to mere neutrality accommodating any type of political position. The existence of the citizen as a legal person, an individual – men and women considered as individuals – with free conscience, with free will, encompasses the content of secularism with the affirmation of the fundamental rights of the individual. Consequently, secularism tackles, within the confines of the State, government and civil society, whatever directly or indirectly undermines, these inalienable human rights and abolishes or limits this freedom of conscience.

On the other hand, for secularism , freedom of conscience in all its facets (ideological, of thought, of expression…) is not one among many of the human rights but the unavoidable condition that gives meaning to those very rights. If we do not recognise the individual human being as having free conscience, capable of claiming for him or herself these fundamental rights and of demanding their practice, we would be speaking of human rights in the same, perhaps absurd way, in that "animal rights" is spoken of today. This is to say that these rights are something granted, by whom it is not known, to protect those whose faculty to think and work freely is not recognised.

In the plan of our activities, we should be cautious of the meaning which the media has given to the term "laicity"[1] taken from the writings of authors who fall back on Locke's approach to demand

[1] Note from the translator: "laicidad" in the Spanish of the original text, intended to mean something different from secularism, i.e., "laicismo" in the Spanish text.

"equality for those of any faith" by arguing that we live in a society of "religious plurality". In opposition to "laicity" as a movement leading to the "religious plurality" of the State, our association supports secularism in the recognition of the plurality of convictions whether religious or non-religious and in the equality of every individual and for his or her rights to be guaranteed no matter what his or her world vision may be.

Nevertheless, on certain occasions the term "laicity" may be found in documents published by our association, above all with reference to areas of work which we share with the European Humanist Federation, of which we are a member, as well as in collaboration with various foreign organisations, where the term is used, but not in the way described above (i.e., "laïcité" in French). In order to avoid ambiguities, it must be remembered that the EHF fights for equality of atheists, agnostics and the indifferent, over the privileges given to those of a religious faith. In any case, when we speak of "laicity" in Europe, we are referring to the French institutional model born from the 1905 law which proclaimed separation of church and State.

INTERNATIONAL EVENTS.

Given the human resource and financial limitations of our association, our actions on an international level are necessarily in collaboration with other organisations which defend human rights from a similar position to ours. On the global level, we pay special attention to actions promoted or supported by the International Humanist Federation. In this way, the possibility of using this structure as a framework to regularise the contacts we maintain with various secularist organisations in South America is being studied.

There are specific actions that are explicitly mentioned in our Plan of Actions and Campaigns:

1) Continuation of the ***Campaign against the Statute of Privilege of the Holy See in the UN***, originally started by an American Catholic group who disagreed with the international policy of the Vatican. The campaign was taken up by the French movement "Europe et Laïcité" and "Ateus de Catalunya", among others. We shall ask the IHF and other international organisations to promote similar campaigns.

2) To propose a similar campaign to the EHF within the European Union.

3) To initiate an inter-association campaign asking for the designation of an official freedom of conscience world day and European day. This initiative is to be taken due to the insufficiency and sometimes restrictive and repressive notions of "freedom of religion", "tolerance" and "respect for all faiths" which exclude the individual by considering him or her, in a one-dimensional manner, as necessarily integrated in a religious community.

ACTIONS AND CAMPAIGNS IN EUROPE

Our association has been a formal member of the European Humanist Federation since June 2004.

Within the framework of this Federation we have supported the rejection of Article 51 of the European Constitution (Article 52 in the last draft of the proposal) which would make those representing religious faiths privileged speakers, above democratic control and European institutions and organisations.

On the European scale, the long history of collaboration that exists between our association, *Europa Laica*, and the French movements such as "Europe et Laïcité" and "Libre Pensée" among

others stands out. To this we can also add the contacts with the German “bund gegen Anpassung” (Alliance against Conformity), the Italian “Unione degli Atei e degli Agnostici Razionalisti” (Union of Rationalist Atheists and Agnostics), the Portuguese “República e Laicidade” (Republic and Secularism), besides other organisations which little by little are incorporated in the network of organisations allowing us to create a common secularist policy within the European Union.

ACTIONS AND CAMPAIGNS IN SPAIN.

Within the nation of Spain, to which our association belongs, we face an obvious misinterpretation of human rights as well as insuperable internal contradictions in the 1978 Constitution. This situation, along with the currently in force Concordat and the development of the fundamental rights through the 1980 *Ley Orgánica de Libertad Religiosa* (Organic Law of Religious Freedom), annuls any positive consideration of freedom of conscience.

Denouncing this political and legislative corpus, both in a global and in a detailed manner , constitutes one of our priorities with regards to actions and campaigns. We aim to demonstrate the grave injustices which citizens who do not belong to a religious faith suffer and promote the necessary constitutional and legislative reforms to arrive at an absolute equality of fundamental human rights between believers, the indifferent, the eclectic and non-believers.

For this reason the actions set up in our Plan of Actions and Campaigns focus on the following issues in order of priority:

ARTICLE 10.2 OF THE SPANISH CONSTITUTION OF 1978:

In Article 10.2 of the Spanish Constitution we are given directly the 1948 Universal Declaration of Human Rights in which the interpretation of fundamental rights is referred to. Any other interpretation permitted by political powers should be considered as wilful and absolute corruption for a concerned citizen:

The norms relative to basic rights and liberties which are recognised by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements on those matters ratified by Spain.

In what terms freedom of conscience and freedom of religion are considered in such texts of obligatory reference may be seen as follows:

UD 1948, article 18: ***Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.***

By making the dichotomy of religion or belief it can be supposed that includes non-religious belief. The UD positively recognises any type of convictions including humanist atheist, agnosticism, deism not inscribed to any particular religious faith, religious eclecticism “à la carte” which is not subject to the tutelage of any clergy, etc…

And with reference to other international accords on this same matter, those of higher ranking are the 1950 European Convention on Human Rights and the 2000 Charter of Fundamental Human Rights of the European Union. What terms are used to describe religious convictions and non-religious convictions shall be looked at as follows:

EC 1950, Article 9.1: ***Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private to manifest his religion or belief, in worship, teaching, practice and observance.***

By establishing the dichotomy of "his religion or his belief", is there anything in this text that would permit the change of beliefs to merely "absences of beliefs"? And therefore grant the rights established by this article only to religious beliefs?

With reference to the 2000 Charter of Fundamental Human Rights of the European Union, the text is identical to that of 1950.

It has been through the abusive use of lower ranking regulations and thanks to the flagrant and intentional contradictions in our Constitution and in its development through the organic laws and Concordats that rights have been granted to religious convictions over those that are non-religious. This has come about despite the fact that strict equality is manifest even at the most elemental interpretation of the international texts cited.

It is from this point of departure that our association, *Europa Laica*, will use all means at its disposal to demand that the public authorities interpret the fundamental rights in virtue of the 1948 Universal Declaration of Human Rights.

SPANISH CONSTITUTION OF 1978 ARTICLE 14:

Spaniards are equal before the law, without any discrimination for reasons of birth, race, sex, religion, opinion, or any other personal or social condition or circumstance.

Making this article a daily practice in the Spanish society is also one of our priorities.

SPANISH CONSTITUTION OF 1978 ARTICLE 16:

1. Freedom of ideology, religion and cult of individuals and communities is guaranteed without any limitation in their demonstrations other than that which is necessary for the maintenance of public order protected by law.

Here, where the individual is an individual subject of the law, he or she cannot be at the same time the community and vice versa. It is only the individual who possesses these faculties we call conscience, mind, thought and character. These faculties are ontologically absent from any group whether it be "artificial", as in the case of an association, or "natural" as in a town, country or community which the individual belongs to either because of birth or residence. If freedom of conscience is attributed as a right of a community, it is really attributed to those who govern, or the hierarchy of the same, and these are who decide the religion or religions of those over whom they govern by being more or less tolerant with other beliefs.

Our association, Europa Laica, shall denounce the insuperable contradiction in article 16.1 in the Constitution since it makes impossible the practice of freedom of conscience as an inalienable right of human beings when taken as individuals.

2. Nobody shall be obliged to make declarations about his or her ideology, religion or beliefs.

We must take all the actions necessary in measure of what the events require so that article 16.2 of the Constitution is not taken as a joke. Spanish citizens are constantly obliged to declare their religious faiths either directly or indirectly:

-In their income tax (IRPF) declarations.
-Every time they enrol their children in a public school or a school supported by public funding.
-Every time a child attends a religion class whether catholic or other.
-Every time a child has to wait, in a marginalised situation, for a mass or other religious event held at school during class time to finish.
-Every time a citizen must expressly request that religious symbols or icons be removed from a public school or organisation.
-Every time that a member of the armed forces or police force must request to be excused from participating in a religious event.
-In all the situations which arrive to our association as either direct or indirect complaints making evident the infringement of this article.

3. No religion shall have official status. The governing powers shall bear in mind the religious beliefs of the Spanish society and maintain the resulting relations of cooperation with the Catholic Church and other beliefs.

Explicit mention of the Catholic Church calls attention in such a way that the essential damage to the fundamental rights contained in this article is forgotten. We fall into the trap of those who try to reform it just by suppressing this mention. The main problem, the first question that we must ask ourselves as secularists, even before the explicit mention of the Catholic Church, is why the governing powers have only in mind religious beliefs and completely ignore the non-religious in manifest opposition to article 10.2 of the Constitution and the higher ranking international regulations described above.

What the State must do is ignore all particular beliefs and guarantee to each and every citizen, without exception, their rights in coherence of article 14 cited above.

SPANISH CONSTITUTION OF 1978. ARTICLE 27.3:

The public authorities guarantee the right which will assist parents to have their children receive the religious and moral formation which is in keeping with their own convictions.

Religious and moral formation should be understood in light of the ratified article of the 1948 UD:

Article 26.3: Parents have a prior right to choose the kind of education that shall be given to their children.

There is no mandate in article 27.3 of the Constitution stating that religion must be taught in schools. Article 26.3 of the UD does not limit this right to parents with religious convictions and exclude parents with other types of moral beliefs.

If this right is to be exercised in schools, it should be done for everyone and include all types of moral convictions, without any restrictions, by making them subjects to be studied. This would

clearly be impossible. In any case, we are not speaking about what would be a universal right but rather an inadmissible privilege.

1976 AND 1979 AGREEMENTS WITH THE HOLY SEE.

The Spanish Agreements with the Holy See of 1976 and 1979 maintain in force the 1953 Concordat, although totally revised with regard to its articles. The 1953 Concordat outlines the existence of an Ecclesiastic Right of the State which is obviously contradictory to the first sentence of Article 16.3 of the Constitution: "No religion shall have a state character."

Our association, *Europa Laica*, shall support and join all secularist actions which denounce the unconstitutionality of the Concordat and demand, not simply a new revision, but its annulment.

1980 ORGANIC LAW OF RELIGIOUS FREEDOM.

The 1980 Organic Law of Religious Freedom eradicates with one stroke of the pen non-religious beliefs and convictions which had been given the same importance as religious beliefs and convictions in the 1948 UD and in the 1950 European Convention on Human Rights. And this damage was done in a procedure so clumsy as to cite, while flawing it, Article 16.1 of the Constitution.

The Law mentioned above declares in its Articles 1.1 and 2.1:

The State guarantees the fundamental right to religious freedom and worship, recognised in the Constitution…

The religious freedom and freedom of worship guaranteed by the Constitution…

In this way "freedom of ideology" magically disappears and in not any part of this legal text it is recognised that non-religious beliefs and convictions had any moral or ethical content, even any content at all. Non-religious beliefs and convictions are alluded to as "absence of beliefs" or "absence of convictions". From a political and legal point of view there is no greater and more brutal attempt on human thought and freedom of conscience.

From this mutilation, the text immediately goes on to the recognition of privileges presented as rights in areas as important as education. Based on article 26.3 of the 1948 UD and the article 27.3 of the 1978 Constitution, which are both cited above, the Organic Law of Religious Freedom arrives to the following conclusion:

To receive or impart religious teaching and information of any type, whether orally, written or by any other means ; to be able to elect for oneself, dependent minors and disabled under one's tutelage the religious and moral education received both inside and outside the educational system according to one's own convictions.

Not only is the phrasing of "**inside and outside the educational system**" a sleight of hand but all of the text of the 1980 Organic Law. It denies the possibility of non-religious moral contents and its interpretation was immediately transferred to the organic laws which regulate the right to education.

Our association has carried out a campaign for years calling for the repeal of the 1980 Organic Law of Religious Freedom and to replace it with an Organic Law of Freedom of Conscience which would completely embrace this fundamental right.

CONSEQUENCES OF THIS LEGISLATIVE BODY.

These flagrant contradictions in our constitutional text, which are mentioned above , oblige the public powers to make a confessional reading of the text, supported by the currently in force Concordat and by the 1980 Organic Law of Religious Freedom. They void any possible consideration of freedom of conscience and turn the Spanish Nation, de facto, into a tendentious secular branch of a "spiritual power" which pawns our fundamental rights and is no longer under the democratic control. The existence of said "spiritual power" is undeniable when we examine the development of this legislative body, the intervention of the public authorities in matters of freedom of conscience and the jurisprudence generated by the Supreme Court and the Constitutional Court in cases that affect us. Yet the Spanish people under the UD and the elemental principles of our Constitution can only recognise as executive powers that which is legislative or judicial. The evident presence of this “spiritual power” can be considered as a political and legal fraud. It is invisible in our Magna Carta but intervenes in the life of each and every one of us under the tendentiousness of the State.

THE ACTUAL DENOMINATION OF STATE INSTITUTIONS AND AGENCIES AND FUNDAMENTAL PUBLIC SERVICES:

The Spanish State tendentiously and outside all higher ranking legal regulation ascribes to the historical notion of freedom of religion which excludes freedom of conscience, as well as to the Vatican conception of separation of Church and State.

For the Catholic Church nowadays, the “laicity” of the State is based on the distinction between secular and religious levels. According to the Second Vatican Council there must exist a mutual respect for the autonomy of the State and of the Church. It is in this way, by inserting the historical concept of religious freedom in opposition to the concept of freedom of conscience, that the role of “temporal powers” is perpetuated as secular branches of the “spiritual powers”. This “spiritual power” has been monopolised by the Catholic Church since Theodosius and is today resignedly shared with other faiths. So it arrives to concordat formulas in which a curious formal separation - of a univocal sense - between Church and State is produced in such a way that the Church is situated above the law and can therefore exercise complete impunity.

In all the jurisprudence examined by our association until now the Supreme Court and the Constitutional Court always accept, de facto, the possibility that government-run organisations such as the local councils, public schools, armed forces or police force can in fact be denominational, appearing , for example, as members of a brotherhood, or actively participating – even in the capacity as organisers - in religious events and liturgies. Any citizen who belongs to a public organisation or service can only withdraw from these previously described events via expressive request which in many cases, after going to court, is only recognised as a negative consideration of “religious freedom” – never as an option of freedom of conscience. This turns article 16.2 of the Constitution into an absolute joke. Besides, the court decisions we have knowledge of exempt the organisations which have exercised this illegitimate coercion from paying the judicial costs and the “negative consideration of religious freedom” is an option only available for wealthy citizens.

The annual offering to the Apostle St. James, popularly known as the killer of Moors, where support of the Catholic Church is demonstrated by the Royal House and thus, by the Head of the State, the

oath taken by the President of the Government and governmental ministers before the crucifix, the expression: “I swear or promise…”, used in courts, and the routine participation of official at any level in religious events are the daily bread for the Spanish people in an obviously tendentious and denominational nation which ignores if not scorns freedom of conscience.

FINANCING OF THE CATHOLIC CHURCH:

It is only from the actual denomination of the State and from the exclusive Vatican notion of “freedom of religion” that the consensus we have today can be understood. This consensus, with the exception of a few nuances, between the two most important political powers and the Spanish Episcopal Conference was reached to justify the economic support to the Catholic Church:

They say that the State is “secular” but not “secularist”. Or rather, The State is “non-denominational” but not “secular”. And so the language is forced to such an extent that one or more dichotomies emerge -where “secular” becomes the opposite of “secularist” or “non-denominational” the opposite of “secular” to support the same argument- when stating the following:

The State is, of course, separate from the Church or Churches, but not ignorant of their existence nor of the universal right to freedom of religion, and so, it must put all in its powers, first and foremost financial support, for the development of this fundamental right.

Yet again in this approach it is forgotten that the universal right is the freedom of conscience, which does not exclude any option, and not that of the freedom of religion, which is necessarily restrictive and therefore only holder of privileges.

The attempted legitimacy with which priests and bishops appeal to for financing their salaries and activities with this public money can only be – forgive the repetition - “legitimate” if it is at the same time accompanied by the request that the State economically supports all organisations of beliefs of any kind to which citizens may belong. And the only acceptable discrimination or limitation in this case, from the presumptive universality of the law, would be merely quantitative: number of affiliates and those who express freely their will. It should never be of a qualitative character since that would suppose, or better yet considering our current situation supposes, an obvious tendentiousness from the public authorities which directly act in contrary to the fundamental principles of liberty and equality on which democracy is founded.

To the average citizen whose convictions are ignored it is ethically, legally and politically offensive that priests, bishops and their loyal followers are supported by public money. Here, there is no development of a fundamental right but in its stead the establishment of an inadmissible privilege inherited from a situation imposed by force since Emperor Theodosius.

From this first distorted interpretation of what a universal or fundamental right is, we shall also try to analyse two other arguments of lesser character:

The State is, in effect, “secular” or “non-denominational”, they say, and it is separate from the “temporal powers” of the Church -which attributes to itself the “spiritual power”-,.but society is religious or pluri-religious and that is something which cannot be ignored by the State… So the presumed Catholicism of the Spanish society appears in the number of baptisms and public opinion polls.

Here the terms “Catholic” or “Christian”, which are of a markedly polysemous character, are used as if a free and explicit vow or affiliation were matters of social and political judgement for the Spanish

Episcopal Conference, as if a citizens declarations, with reference to a certain philosophical or humanistic tendency, could allow him or her to be claimed as "spiritual property" by the hierarchies of an association which has claimed as their own such corresponding postulates.

Although it does not appear to be a matter ethically and legally correct to resort to the number of followers a religion has in order to recognise a fundamental right, if what we really want to value is the "Catholicism" of the Spanish society, as this term is understood by the bishops with all its political implications, what should really be looked at are the direct facts and not through polysemous declarations of opinion:

-In annual tax declarations (IRPF), 2/3 of Spanish tax payers – in an assembly that is a qualified majority – opt to not finance the Catholic Church, and this is explicitly stated.

-Spanish society recognises civil marriage and divorce, including the numerous "Catholics" who were married by the church and later resort to divorce and civil services to remarry.

-Spanish society profusely uses contraception and abortion either for reasons of hygiene and/or to ensure a more responsible maternity/paternity despite pressure from bishops on public authorities to make these means impossible or limit access to them.

-Spanish society strongly recognises the individual's right to the pursuit of happiness and wherever it may be believed to be found by allowing identical civil recognition to both heterosexual and homosexual couples.

-Spanish society does not stigmatise single mothers or children born out off wedlock.

The alleged "Catholicism" of Spanish society, susceptible to objective observation via many examples of situations similar to those cited, is nothing or very little like the catholic behaviour claimed by the bishops. What is completely unintelligible is that, if 80% to 90% of the population – according to the data facilitated by the Church – is of the Catholic faith, why is the Catholic church unable to self-finance itself, as other private organisations do, without any intervention from the State? This is the authentic social reality without ambivalence or ambiguities.

And here appears the third argument preferred by the followers of the Spanish Episcopal Conference. The salaries earned by priests and bishops have been paid thanks to the contributions made by their followers in their annual tax declarations (IRPF) since 1987.

This is a fallacy easy to unveil because the budget entry destined to this end is subtracted from what all the Spanish people contribute. It would be true to say that the allocation comes from Catholic followers if it were possible for the rest off citizens to deduct 0.5239% from their income tax declaration or demand that it be destined to an organisation freely chosen by each of them.

But it is not true. What is certain is that in the General State Budget a proportion, deducted from the public treasury - which each and every tax payer pays into - goes to the salaries of the diocesan clergy as if they were civil servants of the State, to other social interests – without stating exactly what these are, but going in its greatest proportion to *Manos Unidas* (United Hands) and *Caritas Española*, both religious organizations–, and to the general budget of the State, which gives 3,000 million euros to schools financed by public funds, not to speak of additional Church subventions and the salary of 30,000 catechists (Religion teachers) in both public and private education, and also the contact hours of other teachers responsible for students who are taken like hostages to the so-called "alternative to religion" subject.

Taking this into account,, the contribution stated in the tax declarations is not sufficient to satisfy the salaries of this sacred parasitism. Since the invention of the system the number of tax payers who choose “for the support of the Catholic Church” scarcely reaches 30%. This demonstrates that the supposed Catholicism of the Spanish people is a myth and that actually our society is strongly secularised.

Nevertheless, the percentage that a supposedly “non-denominational” nation (in Spanish “aconfesional” meaning not having a particular religious belief) allocates to the salaries of priests and bishops is not enough to pay the sinecure of these “almost civil servants”. Every year the Parliament has to approve additional financing for those who cannot or do not earn a living working like the rest of us. Priests who do so as “religion teachers” also earn a salary equivalent to temporary teachers.

Even so, Lluís Martínez Sistach, Archbishop of Barcelona, proposed in November of 2005 that the spoliation of the tax revenue be increased to 0.8%. We reiterate that this would only be acceptable if every Spanish person were allowed to deduct this 0.8% from their declaration to contribute it to an organisation of their free choosing. If not , whatever the percentage is, it is pillage.

For the moment, the only thing that is debated is the method of financing, renegotiating acceptable formulas for the European Union regarding VAT or real estate tax; but establishing beforehand the unquestionable nature of this financing under the slogan "freedom of religion". In terms of universal rights this is simply and plainly obvious religious preference and tendentiousness by the State.

THE IMPOSSIBILITY FOR A SPANISH CITIZEN TO CHANGE HIS OR HER CONVICTIONS AND LEAVE THE CATHOLIC CHURCH:

And to further lay the grounds for the myth of a Catholic Spain, the Church can count on the tendentious complicity of the State and of the greater political forces to make it an impossible mission for any citizen to wilfully give up the religious faith into which he or she was baptised.

Although our association, *Europa laica*, is not calling for a campaign of apostasy, in the sense that we do not invite nor suggest that citizens embrace or abandon a particular conviction, we do maintain the compromise to support the right described in Article 18 of the UD:

…freedom to change his religion or belief.

Faced with the great quantity of complaints about this matter which arrive to our office and to the media, we have been working to try to make the public more aware of the issue and find ways to make exercising this right easier.

The Parliamentary Group IU-ICV (United Left Party IU, which includes the Communist Party, and the Catolonian Green Party, ICV) defended a bill to regulate "the procedure of expressly revoking one’s belonging to a religious faith" in the Congressional Commission of Justice in June of 2006. The bill was flatly rejected by both the Partido Popular (Popular Party, which is a right-wing party) and the PSOE (Spanish Socialist Party).

THE ANOMALOUS STATUTE OF RELIGIOUS ASSOCIATIONS AND FOUNDATIONS. THE 2002 ORGANIC LAW REGULATING THE RIGHTS OF ASSOCIATION.

Article 1.Objective and field of application.

1 .The objective of the present Organic Law is to develop the right of association recognised in Article 22 of the Constitution and to establish the legal system norms of association as dictated by the State.

2. The right of association shall be controlled, in a general character, within the framework of the present Organic Law which includes all non-profit associations that are not subject to a specific associative regime.

3. Political parties; trade unions and business organisations; churches, denominations and religious communities; sports federations; consumer organisations; as well as any other organisations are regulated by specific laws.

Associations established for exclusively religious purposes by churches, denominations and religious communities are regulated by the according in international treaties and specific laws without prejudice to the additional application of the provisions found in the current Organic Law.

The 2002 Organic Law regulating the right of association consecrates in a definitive manner the existence of an Ecclesiastic Right of State which has been brewing since the survival of the 1953 Concordat through the Agreements of 1976 and 1979. It grants complete impunity to the Catholic Church even after the scandals and financial crimes (such as tax evasion after being involved in a pyramid investment scheme) immediately prior to the approval of this same law. It also allows the denial of human rights in the running of certain religious organisations.

Our association, *Europa Laica*, demands that, regarding financing and regarding the guarantee of internal democracy and respect for the fundamental rights of its members, religious organisations be regulated by the same common norms valid for non-religious organisations.

THE EDUCATIONAL FRAMEWORK. ORGANIC LAWS THAT DEAL WITH THE RIGHT TO EDUCATION.

With regards to educational matters, our association, in accordance with what has been stated before, firmly rejects all interpretations derived from the 1976 and 1979 Agreements and the 1980 Organic Law of Religious Freedom due to the contradictions examined above in the text of the Constitution.

Our association, *Europa Laica*, has supported and supports different actions and campaigns calling for a public and secular school. This is reflected in the different texts, manifestos and press releases issued by our organisation in the last few years and in those which we have subscribed.

The Organic Law of Education (LOE), approved in 2006, does not satisfy even the most minimum demands for the establishment of a public and secular school. For this reason our association shall continue to mobilise ourselves against it.

In reference to the most flagrant anti-secularist points in the Organic Law of Education (LOE) the following can be highlighted:

1) The LOE generates confusion between the public and private school sector, by placing both at the same level. This promotes the privatisation of the educational system and implies granting greater power to religious congregations, which control around 80% of the state-assisted schools.

Moreover, the law does not prohibit the segregation of sexes in centres financed with public funds or question this religious practice despite the growing demand for equality between men and women in a greatly secular society.

2) With reference to the teaching of the Catholic religion, the LOE incorporates, as rules, the Concordat Agreements – from the text of an Organic Law – something which no government formed after the 1978 Constitution has dared to do.

Here is what the 1979 Agreement on education and cultural affairs requires:

-To start with, the teaching of the Catholic religion shall be an obligatory subject in all schools, whether public or private, from primary until secondary and at equal level with other compulsory subjects

-The Catholic religious doctrine makes it compulsory for all of the educational community, according to Article 1 of the 1979 Agreement: "The education given in public education centres shall be respectful of Christian ethics and values in all cases".
This does not leave any doubt about the role of the State as a "secular branch" of the illegitimate "spiritual power" and therefore, of the State's obvious confession of faith and tendentiousness.

-According to Article 3 of the aforementioned agreement, teachers of the Catholic religion make up part, as members with full rights, of the faculty. This gives a catechist, religion teacher, named by a bishop but paid from public funds, the possibility to participate in any decisions taken by the education community and not only in matters concerning students who have elected to take a Catholic religion class. What is even more serious is that this person can be allowed to tutor of students whose parents may not wish any influence from clergy on their children. And here the possibility for undue influence is enormous.

-There is not yet a solution for the problem generated by the students who do not study religion and are left in limbo during the holy class hours , as well as for those teachers responsible for them during these hours. The so-called "Alternative to religion" option is left in the hands of the autonomous communities where the bishops take for granted that they also must decide what to do with our children during these hours.

-To make even worse the situation which already existed with the former *Ley de Ordenación General del Sistema Educativo* (Law of General Order in the Educational System, LOGSE according to the Spanish abbreviation) the catechists are granted full rights in the educational system and the contracting of Catholic religion teachers is, since now, subject to the Workers' Statute. Here again is demonstrated the tendentiousness of the State and its contempt of Article 14 of the Constitution and the Workers' Statute, which, adapting to the working world declares in Article 4.2.c that it is a basic right of all workers: "**not to be discriminated against within the Spanish State when applying for a job or when already employed for reasons of sex, marital status, age when within the limits set by this law, race, social condition, religious or political ideology, affiliation of not to a trade union as well as for reasons of language."**. Why is it that these catechists are employees of the State if it is not for having very concrete religious ideas and living the lives of "good Catholics" as guaranteed by the bishops? How can trade unions defend such a thing when they are supposed to protect the rights of workers? How can public authorities so flagrantly corrupt justice? Would it be permissible to offer any other job either publicly or privately on the condition that the job candidate were of a specific race, homosexual or heterosexual, etc.? And if it is the State itself that must protect the fundamental rights, who makes the job offer of some

30,000 teaching posts under these conditions? And is this infringement on workers' rights agreed to and guaranteed by the large trade unions?

CRIMINAL LAW. THE 1995 ORGANIC LAW OF PROTECTION OF FREEDOM OF CONSCIENCE.

The interpretation covered by Article 16.3 of the Constitution and developed from the 1980 Organic Law of Religious Freedom also transfers to the Criminal Code through the 1995 **Organic Law of Crimes against Freedom of Conscience and Respect to the Deceased**, which it modifies.

Our association denounces the articles of this currently in force Criminal Code as direct attacks on the 1948 UD and Article 14 of the Constitution.

Criminal Code, article 522.
Punishable under penalty of four to ten months:
1st. Anyone who, by means of violence, intimidation, force or any other illegitimate coercion, impedes that a member or members of a religious faith practise or assist in acts accorded to their beliefs.

We ask ourselves why the members of a non-religious association do not receive the same protection if we assemble and are subject to violence at, for example, an act of celebration to republican values or to pay homage to a martyr of freedom of thought such as Giordano Bruno, etc. We will be told that other articles of the Criminal Code protect us. And in turn we ask why these same articles do not provide enough protection for the members of a religious faith. Where in Article 14 of the Constitution and where is it acceptable in the Criminal Code that the same behaviour is a criminal offence for one type of citizen and not for another?

2nd. Anyone who forces another or others to practise or attend acts of worship or rites, or to participate in acts to reveal the profession of faith or not, of a religion; or to change the one to which one professes.

Here modern clericalism has left a gap as regards acts to reveal the profession of faith or not, of a religion. And we should resort to making criminal charges every time a situation like this arises.

Article 523: Anyone who with violence, threat, riot, or in process of such acts , impedes, interrupts or disturbs the events, activities, ceremonies or worship services of any religion registered in the corresponding public registry of the Ministry of Justice and the Home Office, shall be punishable with a prison sentence of 6 months to 6 years if the crime was committed in a place of worship, and a sentence of four to ten months in any other location.

Again we return to the discrimination – in criminal matters – in favour of citizens with religious convictions but against those without, as recognised by the Registry of the Ministry of Justice. Why should a public event, such as Gay Pride or a demonstration against the bust of Manuel Azaña, not receive the same protection in compliance with the above cited articles of the UD which is what our laws are based on? What would happen if a holy week silent procession stopped under the open window of a citizen who was holding a party in his or her house and the high volume of the music "disturbed" the event? This article is a direct offence on the elemental principles of freedom and equality.

Article 524: Anyone who, in a church or other place of worship or religious ceremonies engages in acts of profanity against the religious sentiments legally under protection, shall be punishable with a prison sentence of six months to a year or of four to ten months.

It would not occur to any normal citizen to enter into a church in order to impede the worship of the followers of a religious faith. But why do the headquarters of an atheist conference, a lesbian association, or even a theatre where an irreverent play is being performed not receive the same protection? In light of the fundamental rights, the articles in the Criminal Code with reference to freedom of religion and freedom of conscience are absurd foolishness.

Article 525.

1. Anyone who, offends the sentiments of the members of a religious faith; ridicules in public either in speech or in written text of any kind, the dogmas, beliefs, rites or ceremonies; or humiliates publicly those who profess or practise a religion, shall be punishable with a sentence of eight of twelve months.

What about the sentiments of the agnostics, the atheists, the indifferent, those who have profoundly rooted in their way of feeling and thinking the scientific and humanistic tradition of thought which, since the Age of Enlightenment and its later developments, has given place to values as dear to us as democracy and human rights? Of course, it does not occur to us to ask that these offences and insults to our beliefs and ideology be taken as a criminal offence because this would lead to the death of freedom of expression. However, we cannot "respectfully" accept as legitimate the fact that certain ideologies – those of the religious entourage – are armour-plated; and, when the time comes to express our thoughts and feelings, we are constantly placed on the verge of having committed a criminal offence. Recent cases such as: the condemnatory sentence for a video game with Nazarenes and a website with the Virgin Mary, as well as the scandalous play "Me Cago en Dios" ("I shit on God") or the performances by Leo Bassi illustrate this additional offence against the principles of liberty and equality in issues of convictions. Blasphemy as a criminal offence is hidden behind the offences to the sentiments of a certain kind of citizen who appears to have more rights than the rest of us.

2. The same sentences shall be incurred by anyone who publicly insults either in speech or written text those who do not profess any religion or belief.

In this case the only protection is an "absence of religion or belief". Meaning that, from the point of view of the 1980 Organic Law whose interpretation arrives to the Criminal Code via the 1995 Organic Law, non-religious beliefs and/or convictions do not exist. We are nothing, we do not think, we do not feel and we do not have ethical or moral values, and this is in direct opposition to the international texts which are referred to in Article 10.2 of the Constitution.

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