

# Freedom of religion and worship places: visualization of religious pluralism at local level

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## Abstract

The visualization of religious pluralism in the public sphere is a growing phenomenon in all major European cities, and one of the elements that most clearly reflects it is the proliferation of worship places for religious minorities. In many cases, these situations have been quite conflictive, generating bases that make coexistence at local level more difficult. Attitudes coming from public opinion and the speeches by public administration representatives have clashed with the demands of religious communities. These tensions describe a situation where a greater effort should be made to accommodate basic demands related to a human right such as freedom of religion. This article, based on a particular case, pretends to identify the basic fundamentals that should be taken into account when the management of religious pluralism is faced at the local level.

**Key words:** Religious pluralism, worship places, human rights, coexistence.

## Resumen

La visualización del pluralismo religioso en la esfera pública es un fenómeno creciente en las principales ciudades europeas, y uno de los elementos que lo refleja más claramente es la proliferación de lugares de culto de las minorías religiosas. En muchos casos, estas situaciones han sido muy conflictivas, generando así las bases para que la convivencia en el ámbito local sea más difícil. Las actitudes por parte de la opinión pública y los discursos de los representantes de la administración pública han entrado en conflicto con las demandas de las comunidades religiosas. Estas tensiones describen una situación en la que se ha de realizar un mayor esfuerzo para acomodar las demandas básicas relacionadas con un derecho humano como es la libertad de culto. Este artículo, basado en un caso concreto, pretende identificar los fundamentos básicos que deben tenerse en cuenta a la hora de gestionar el pluralismo religioso en el ámbito local.

**Palabras clave:** Pluralismo religioso, lugares de culto, derechos humanos, convivencia.

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Consolider-Ingenio Project 2010 “*El tiempo de los derechos*” (CSD2008-00007), financed by the Ministry of Science and Innovation of the Spanish Government.

## Introduction

This article intends to offer a description and analysis of the current religious diversity existing in the Basque Country, on one hand, by determining the global scene of such plurality, identifying the main minority religious communities present in the Basque Autonomous Community (BAC), and on the other hand, by making a specific approach to worship places, which seems to be one of the main challenges of such diversity. There are scarcely any previous studies on this subject within the BAC, but its relevance and importance are growing from a public management perspective and as an element related to a fundamental right<sup>2</sup>. The purpose is to situate the main implications of worship places in relation to the public sphere of a democratic society and the response of its public powers in a society where religious diversity emerges as a current and future characteristic of it.

The article is structured in four parts. In the first place, we clarify the main legal-political elements that emerge when considering the establishment of worship places in relation to religious freedom. Secondly, a brief description of the evolution and actual (real?) situation of minority communities in the BAC and the metropolitan area of Bilbao is included. In third place, we highlight the main friction issues regarding worship places and the needs of religious minorities in the Basque context. Lastly, we conclude with some of the main challenges facing the management of this plurality from an inclusive perspective.

### 1. Religious Freedom and Worship Places

Religion is a complex phenomenon from the point of view of legal regulation and the design of public policies. Both Law and Politics have many difficulties when they have to regulate

or plan an element, such as the religious one, which is closely linked to individual and collective identity. It is also difficult to create a generally accepted and valid definition of religion as well as tracing a map of religious communities or groups. On the other hand, the religious fact has not disappeared for the sake of modernity; on the contrary, it has burst into the public debate<sup>3</sup>. This “resurrection” of the religious fact occurs, indeed, in much more plural circumstances, with a wider range of religions. Therefore, as regards the simple definition of religion, it is firstly necessary to broaden it progressively in order to include new phenomena and expressions that do not coincide with the great traditional religious facts<sup>4</sup>.

Nevertheless, it would be contradictory for democratic societies, which are based on the pluralism of opinions of any kind, to try to create a homogenous public space within the scope of the transcendental visions of life<sup>5</sup>. Therefore, leaving religious facts to the private sphere is neither convenient nor feasible from the point of view of the public administration, because religion participates in both the private and the public sphere simultaneously<sup>6</sup>, bringing up claims, needs and implications in the public space and resources<sup>7</sup>. To sum up, the settlement of worship places is one of the main public projections and basic needs of religious communities.

### 2. Religious freedom and the current regulatory framework

Freedom of religion may be regarded as one of the first human rights to be conceived and developed in international legal regulations. The origin of its success is related to the division undergone in Western Europe after/as a result of the Protestant Reformation. In the 20<sup>th</sup> century, with the appearance of Human Rights International Law, freedom of religion was universally recognized. The Universal Declaration of Human Rights, ap-

<sup>2</sup> This paper is based on some results obtained in the HU2009-30 project financed by the Department of Education, Universities and Research of the Basque Government, as well as by two research agreements entered into between the public Foundation Pluralism and Coexistence, the Social Foundation Ignacio Ellacuria and the Human Rights Institute of the University of Deusto.

<sup>3</sup> López Camps, Jordi (2007): “La necesaria laicidad”, *Revista Cidob d’afers internacionals*, no. 77, p. 181.

<sup>4</sup> Human Rights Committee, General Comment number 22, *The right to freedom of thought, conscience and religion (article 18)*, 30 July 1993: Doc. CCPR/C/21/rev.1/Add.4, paragraph 2.

<sup>5</sup> Rovira i Llopart, Francesc (2007): “Espacio público y pluralidad de creencias”, *Revista Cidob d’afers internacionals*, no. 77, p. 139.

<sup>6</sup> *Ibidem*.

<sup>7</sup> Novak, David (2009): *In defense of religious liberty*, ISI Books, Wilmington, p. 89.

proved in 1948, refers to religion in Article 2 (prohibiting any distinction) and specifically recognizes the universal freedom of religion in Article 18<sup>8</sup> of the Declaration. This same right was included in the International Covenant of Civil and Political Rights of 1966, as well as the European Convention on Human Rights of 1950 in Article 9 (very similar to Article 18 of the UDHR)<sup>9</sup>.

One way or another, the religious fact is also present in the constitutional texts of the different European countries, according to each one's political tradition. As regards the Spanish legal system in force, the Constitution of 1978 includes an explicit acknowledgement of the freedom of religion as a fundamental right, a prohibition of discrimination based on religion and a declaration of absence of confession, which represents a mandate of fundamental separation between the State and religious entities. However, it is not opposed to institutional collaboration, explicitly recognizing the majority or traditional condition of the Catholic Church, which in turn does not impede State relations with other beliefs present in Spanish society<sup>10</sup>. The regulation of Article 16 of the Constitution is developed through two different channels: on the one hand, through the Parliamentary Law 7/1980, 5 July, on Freedom of Religion, and on the other hand, through the diverse cooperation agreements signed in 1992 between the State and certain churches or confessions, that is, with Muslims, Jews and Evangelists.

The **Parliamentary Law 7/1980**, of 5 July, on Freedom of Religion, is a rule approved in the early moments of the democratic period, and it lacks a development regulation. Concerning the content of the right to freedom of religion, Article 2 of the LOLR (in English, Parliamentary Law of Freedom of Religion) includes a series of individual capacities derived thereof. Col-

lectively, the LOLR also covers the right of religious communities to establish worship or meeting places with religious purposes (Article 2.2.).

For the public authorities, the guarantee of this right is projected in a double way. Negatively, they are compelled to refrain from any intervention in the essential content of law. Therefore, both the Constitution and the law itself provide the possible limits to exercising the right to religious freedom of individuals and communities: maintaining public order, established as the protection of the right of others to exercise their public freedoms and fundamental rights, and in the safeguard of public safety, health and morality. But state obligations also have a positive side because the LOLR itself obliges public authorities to adopt the necessary measures to provide religious assistance in public centres, military centres, hospitals, social aid centres, prisons and others institutions under their responsibility, as well as religious education in state education centres. The LOLR also regulates the legal personality of Churches, Confessions and religious Communities and their federations in Spain. The Ministry of Justice is in charge of a public registry where their denomination, identification data, operation regime and representative bodies are recorded, just on an informative basis. All of the confessions included in this second point are included in this official recognition, either individually or within the framework of the Cooperation Agreements with religious confessions.

As regards these cooperation agreements, the LOLR provides that the State, taking into account the existing confessions in Spanish society, may conclude, where applicable, the Cooperation Agreements or Conventions with the Churches, Confessions and religious Communities that are listed in the Registry, and

<sup>8</sup> Article 18: "freedom to change his religion or belief, and freedom, either in alone or in community and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

<sup>9</sup> It can also be highlighted the Declaration of the United Nations General Assembly on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed on 25 November 1981, or the Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe in 1994, which recognizes the right of the persons belonging to minorities to practise their own religion and the State's obligation to adopt the adequate measures to promote full and effective equality of minority groups in society. At an international level, the Canadian framework is interesting for this issue; see Ruiz Vieytes, E. (2007): "Constitución y

multiculturalismo. Una valoración del artículo 27 de la Carta Canadiense de Derechos y Libertades", *Revista Española de Derecho Constitucional*, no. 80, pp. 169-197.

<sup>10</sup> Article 16: "1. Freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law.

2. No one may be compelled to make statements regarding his or her ideology, religion or beliefs.

3. No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions."

that, owing to their extent and number of believers, they have achieved a relevant influence in Spain. Such agreements must be regulatorily transformed into a Law, subsequently approved by the Spanish Parliament. However, the Agreements established between the Spanish State and the Holy See on 3 January 1979 are considered International Treaties. The Cooperation Agreements of the State with the Federation of Evangelical Religious Entities of Spain, the Federation of Israeli Communities of Spain and the Islamic Commission of Spain are settled in their respective ordinary laws 24/1992, 25/1992, and 26/1992, all of them on 10 November 1992. There are differences between these agreements and the ones with the Holy from both a formal and material perspective. From the first point of view, the most outstanding difference is that the State's agreements with the Holy See have, as International treaties, higher passive legal force than the laws approved by the other three agreements in force with Muslims, Jews and Evangelists. It is also true that the latter cannot be modified without the consent of both parties; therefore, their transformation into a law must be carried out understanding that the Parliament must not exercise its right to introduce amendments thereto<sup>11</sup>. The three agreements apply to every community inscribed in the Registry of Religious Entities that is part of its respective federation. Among other issues, the agreements do mention some minor issues on worship places.

There is another level of recognition of religious minorities<sup>12</sup>, which is defined as *"notorio arraigo"*<sup>13</sup>. This is a prerequisite for reaching agreements with the State, but does not necessarily mean a step towards obtaining them. In the case of the previous three confessions, they had obtained this recognition before establishing the Agreements. ?? In fact/ Nowadays??, there are four other religions with this recognition: the Church of Jesus Christ of the Latter-day Saints (2003), the Jehova's Witnesses (2006), the Buddhists (2007) and the Orthodox Church (2010).

Now, if we descend the legal pyramid down to the autonomous or local sphere, we soon identify the regulatory moderation existing in the Basque Autonomous Community (BAC) as to this<sup>14</sup>. In any case, it seems clear that autonomous and local institutions are unaware of the need to develop regulatory or administrative measures that allow the exercise of religious freedom by the citizens belonging to religious minorities, or at least of those belonging to confessions with which the State already has collaboration agreements or that have been recognized as having *"notorio arraigo"*, all of them with a relevant presence in the BAC.

As regards Basque public institutions, the ignorance on the matter seems to respond to an alleged lack of jurisdiction. If, on the one hand, the trend was to confuse the fact of religious diversity with immigration or foreigners, it must be observed that these matters correspond basically to the central authorities, which would explain the lack of interest on the part of the autonomous or local institutions.

Regarding worship places, the right to have one is included in all the legal and human rights framework, therefore building them should not be a major problem nor should difficulties be encountered when opening one. But, it is clear that these are one of the most visible manifestations of religion in public space and, with regard to some minority religions, the projection of their worship places, in opposition to Catholic worship places, causes difficulties and friction between the religious minorities, public administration and neighbours<sup>15</sup>.

In our particular case, if we look at the Spanish legal framework we see, on one hand, that under the municipal competences the possibility to transfer land for religious purposes exists, even though this has been happening mainly with the Catholic Church (which is the majority and with enough resources to purchase this kind of land). On the other hand and more closely related to minority confessions, another issue linked to the local

<sup>11</sup> Gimenez y Martínez de Carvajal, José (2001): "Las minorías Religiosas en España: Acuerdos de Cooperación como Marco Jurídico", in García Rodríguez, Isabel: *Las minorías en una sociedad democrática y pluricultural*, Universidad de Alcalá, Alcalá de Henares, p. 270.

<sup>12</sup> Díez de Velasco, Francisco (2010): "The Visibilization of Religious Minorities in Spain", in *Social Compass*, No. 57(2), pp. 246-249.

<sup>13</sup> Its meaning would be "those that have clearly taken root". To obtain this recognition two criteria are taken into account: the number of members and the spatial area of their presence.

<sup>14</sup> See a description of it in Labaca Zabala, Lourdes (2008): "La regulación del factor religioso en la Comunidad Autónoma del País Vasco", in García García; Ricardo (dir.): *La libertad religiosa en las Comunidades Autónomas. Veinticinco años de su regulación jurídica*, Institut d'Estudis Autonòmics, Barcelona, pp. 603-645.

<sup>15</sup> Ferrari, Silvio & Pastorelli, Sabrina (2010): "The Public Space: The Formal and Substantive Neutrality of the Public Sphere", RELIGARE WP No. 4.

legal framework are the licenses needed to open premises for religious uses and the licenses for these activities. In fact the truth is that beyond what Article 2.2. of LOLR establishes, no more regulation can be found on worship places. There is no specific framework for religious activities; instead there is a diverse type of municipal regulations that makes obtaining licenses more difficult for communities of religious minorities, and this is a crucial issue for religious freedom<sup>16</sup>. At a local level this competence has only been developed by the Autonomous Community of Cataluña<sup>17</sup>. The Basque Government has expressed its will to pass a law on worship places in the first months of 2012, but for the moment this issue is in its preliminary stages.

### 3. Religious Pluralism: Some Facts on the Local Context

#### 3.1. *The Basque Autonomous Community and religious diversity in the Metropolitan Area of Bilbao*

The presence of religious communities belonging to minority confessions in the BAC is a relatively recent phenomenon. Although in some cases the presence of such communities dates back thirty years, the last two decades have witnessed the appearance of most of the communities currently existing and the growth of the oldest ones. In spite of this, the invisibility of minority confessions remains a fact in our society. The possibility that in the following years the number of communities belonging to such confessions, and in a parallel way the number of members, keeps increasing is a fact that has a high probability of occurrence, as we can observe this same reality in other geographical areas of our environment. Therefore, we can state that the presence of these religious minorities is here to stay and will be part of the Basque society.

The analysis of minority religions in the BAC is difficult, given the lack of information thereon and the scarcity of surveys carried out on this reality<sup>18</sup>. The presence of religious minorities is a relatively new phenomenon, linked to the particular history of Spain. The historical, social and political evolution of these decades partially explains the perception of the religious plurality in the BAC, as well as its evolution and development. It was not until the arrival of democracy that spaces for freedom (of religion) started being opened. Such freedom was particularly developed with the Parliamentary Law of 1980 (LOLR, translated as, Parliamentary Law of Freedom of Religion). From that date Spanish society as a whole started its evolution “from a religiously Catholic society to a culturally Catholic society, where Catholic elements are part of the society’s culture, which is getting rid of religious elements; people consider themselves Catholic, but their behaviour does not have a religious character”<sup>19</sup>. The irruption of many minority churches is happening again today and the creation of others is being materialized, mainly Evangelical ones in first place and Muslim ones in second place<sup>20</sup>.

In addition to this, there are two phenomena that have promoted the growing religious plurality in the last years. The first one is secularization, both in terms of the separation of Church and State, and the reduction of practices and beliefs<sup>21</sup>. Secularization, among other aspects, affected the decline of Catholic population and its percentage in society. In that sense, many cultural elements linked to the Catholic Church gradually reduced their central presence in society; this fact brought about the decline in the number of Catholics. The second phenomenon, international migration movements, affects religious plurality in two ways. On the one hand, it causes an increase in the existing religious communities with the arrival of immigrants who previously share those beliefs of those communities. On the other hand, it “imports” new minority confessions, religions from the immigrants’

<sup>16</sup> Guardia Hernández, Juan José (2010): *Libertad religiosa y urbanismo. Estudio de los equipamientos de uso religioso en España*, Pamplona: Ed. Universidad de Navarra, pp. 303-308.

<sup>17</sup> Contreras, José María (2010): “El pluralismo religioso y los derechos de las minorías religiosas en España”, in *Bandue-Revista de la Sociedad Española de Ciencia de las Religiones*, No. IV, pp. 92-93.

<sup>18</sup> Some of the few and more recent studies are: Perea, Joaquín and Sáez de la Fuente, Izaskun (2008): *Inmigración, identidades religiosas y diálogo intercultural*, IDTP, Bilbao and Ruiz Vieitez, Eduardo J. (dir.) (2010): *Pluralidades latentes. Minorías religiosas en el País Vasco*, Icaria, Barcelona.

<sup>19</sup> Pérez-Agote, Alfonso. & Santiago, José (2009): *La nueva pluralidad religiosa*, Ministerio de Justicia, Madrid.

<sup>20</sup> Ver Gonzalez-Anleo, Juan (2007): “El postcatólico español y el pluralismo religioso”, in VV.AA. *El fenómeno religioso. Presencia de la religión y la religiosidad en las sociedades avanzadas*, Centro de Estudios Andaluces: Sevilla, pp. 57-77 and Urrutia, Víctor (2009): “Las minorías religiosas en España”, *Inguruak*, No. 46: 67-80.

<sup>21</sup> Esteban, Valeriano (2007): “La secularización en entredicho”, in VV.AA.: *El fenómeno religioso. Presencia de la religión y la religiosidad en las sociedades avanzadas*, Centro de Estudios Andaluces, Sevilla, p. 311.

places of origin that were previously inexistent in the host society. These two phenomena have occurred in a very brief lapse of time and, in that sense, the combination of both has produced a shift in the Basque society from being a homogeneously Catholic society to a majority Catholic one where greater plurality can be observed, in terms of a greater diversity of confessions as well as a larger number of people that do not profess any faith at all.

In parallel to these phenomena and as an evident result, a proliferation of non-Catholic worship places has been taken place in recent decades, a fact which projects this new religious diversity in the BAC. As can be observed in the table below, the number of communities is distributed very unequally among the different confessions. There are a total of 214 communities, associations or congregations of each religious minority. In contrast to this, and to illustrate the presence of religious worship places in global terms, there are over 900 parishes of the Catholic Church in the same territory<sup>22</sup>. The number of members of each confession (Catholic Church and religious minorities) varies significantly, but the number of worship places helps to visualize the global picture.

**Table 1**

Distribution of minority religious communities with worship centres in the BAC by religious confession<sup>23</sup>

Confession	Number
Eastern and Orthodox Christianity	8
Reformed and Evangelical Christianity	96
Seventh-day Adventist Church	9
Jehova's Witnesses Church	32
CJCLDS-Mormons	4
Lectorium Rosacrucianum	1
Islam	38
Buddhism	15
Bahá'í Faith	9
Church of Scientology	2
<b>Total</b>	<b>214</b>

<sup>22</sup> This does not include chapels, monasteries or other religious institutions.

<sup>23</sup> Source: Ruíz Vieyetz, Eduardo J. (dir.) (2010): *Pluralidades latentes. Minorías religiosas en el País Vasco*, Icaria, Barcelona.

<sup>24</sup> Source: Ruíz Vieyetz, Eduardo J. (2010): *Idem*.

<sup>25</sup> The information contained in this section is mainly based on Ruíz Vieyetz, Eduardo J. (2010): *Idem.*; on the "GESDIVERE (municipal Manage-

If the focus is applied more locally, precisely in the metropolitan area of Bilbao, it can be seen that the distribution of these religious communities is very similar to the BAC, as can be appreciated in the following table.

**Table 2**

Distribution of minority religious communities with worship centres in the metropolitan area of Bilbao by religious confession<sup>24</sup>

Confession	Number
Eastern and Orthodox Christianity	1
Reformed and Evangelical Christianity	57
Seventh-day Adventist Church	4
Jehova's Witnesses Church	14
CJCLDS-Mormons	2
Islam	12
Buddhism	6
Bahá'í Faith	3
Church of Scientology	1
<b>Total</b>	<b>100</b>

### 3.2. Some characteristics of the communities of religious minorities<sup>25</sup>

Beyond the quantitative data on communities of religious minorities, it is necessary to highlight some of the main facts concerning these communities. In order to complete their picture, the following pages provide a brief description of their main characteristics.

#### a) EASTERN AND ORTHODOX CHRISTIANITY

The presence of Eastern and Orthodox communities and churches is tightly linked to the migration phenomenon, as the origin of their membership is strictly linked to their country

(ment of the Religious Diversity)" project, promoted by the Fundación Pluralismo y Convivencia (Pluralism and Coexistence Foundation) throughout 2009, as well as on the empiric work carried out in the research project: "La diversidad religiosa en el País Vasco: nuevos retos sociales y culturales para las políticas públicas" (Religious Diversity in the Basque Country: new social and cultural challenges for public policies), promoted by the Pedro Arrupe Human Rights Institute throughout 2009 and 2010.

of origin, basically: Serbia, Romania, Georgia and Russia. The most settled and largest community is the Orthodox Church of Romania. In the particular case of Bilbao, the Romanian parish meets in the nearby town of Derio, in a chapel transferred by the Catholic Diocese of Bizkaia.

#### b) REFORMED AND EVANGELICAL CHRISTIANITY

The high number of Protestant or Evangelical Churches included in tables 1 and 2 proves their importance among all the Basque minority confessions. An element that helps us to understand this wide range of communities is the fact that from its beginning Protestantism has been a plural and diverse confession, and this is also characteristic of the Evangelical community of Bilbao and the Basque Country.

The origins of the most ancient churches (Trinity Anglican Church and Spanish Evangelical Church) date from the end of the 19<sup>th</sup> century, when some foreign families moved to Bilbao for reasons of work and as a consequence of the industrialisation of the region. But it was not until the 1970s that these Churches started to grow. The different communities of Reformed and Evangelical Christianity included in the previous tables can be classified according to the following scheme:

**Table 3**

Reformed and Evangelical Christianity  
in the Basque Autonomous Country

Denomination
Episcopal Reformed Church of Spain
Brethren Assembly
Evangelical Church of Spain
Baptist Churches
Pentecostal Churches:
— <i>Pentecostal Churches (FADE in Spanish, Federation of God's Assemblies of Spain)</i>
— <i>Evangelical Church of Philadelphia</i>
— <i>Other Pentecostal Churches and of recent implantation</i>

The ecclesiastical organization of these communities depends on the religious family they belong to and it is arranged into three basic structures, depending on the degree of cen-

tralization: Episcopal (greater centralization), Presbyterian and Congregational (greater decentralization). The former are hierarchically organized under the supervision of a bishop, and in the case of Bilbao and the Basque Country churches of this kind belong to the Reformed Episcopal Church of Spain (IERE, in Spanish), which is linked either to the Anglican Communion or the Lutheran Church. The second, the Presbyterian communities are governed by a qualified body (Presbiterium), comprised of the pastor and a group of priests. The priests hold meetings in national or regional synods in order to make decisions for common actions. The Evangelical Church of Spain in the Basque Country has great similarities with this organization. The third kind, similar to the last one, is the Evangelical Church of Philadelphia. Lastly, the most extended organization system in the Basque Country is the congregational model, characterized by assemblies. On the other hand, the Evangelical Council of the Basque Country also exists (*Euskal Herriko Kontseilu Ebangelikoa*, CEPV-EHKE), founded in the 1980s and is run/works as a federation of various Basque Evangelical Churches. The doubts shared by the federated churches are processed through this Council. Some examples are the position adopted regarding regulation on the opening of premises to be used by churches and the use of worship places in public spaces such as hospitals, prisons, airports, etc. There are differences between the religious families in their particular reality in relation to their year of creation, origin of members and profile of their members.

As regards the worship places, each community has its own particularity and situations therefore vary. There are communities that own the premises, while others have rental contracts. This usually depends on the degree of settlement of the community.

#### c) OTHER CHRISTIANITY-BASED COMMUNITIES

The **Seventh-day Adventist Church** is a confession with relative tradition and whose first community emerged in the Basque Country in 1936, and currently has nine worship places located in different towns of the Basque geography (in the area of Bilbao, four). All of their worship places are of their own property and have been purchased by their own resources. The Adventist Church, apart from being registered with the Ministry of Justice, is part of the FEREDÉ.

The origin of the **Jehova's Witnesses Church** in the Basque Country dates from the end of the 1950s, when some precursors started preaching in San Sebastian and Bilbao, with discretion owing to the difficulties of those years. Currently there are 14 groups in the area of Bilbao and, regarding their worship places, the situation varies from one to another as some congregations own the property and others are renting the premises of the Kingdom Halls. In any case, they fund themselves and do not receive any funds from public institutions. Its degree of institutionalization and federation is high, mainly due to its own organization structure, which depends on central bodies. In 2006, this confession was recognised as "*notorio arraigo*" by the Ministry of Justice.

Finally, the **Church of Jesus Christ of Latter-day Saints (LDS)** was firstly implanted in the Basque Country towards/ at the end of the 1970s. Since then it has grown slowly but constantly, and today is composed of 2 communities in Bilbao and Getxo. The worship places of this Church are their own property, having been acquired by their own private resources. The LDS's institutionalization degree is relatively high, mainly due to its highly organizational character. Its relative settlement is recognized by its acknowledgement as "*notorio arraigo*" from the Ministry of Justice.

#### d) ISLAM

Historical references offer little information on the presence of Muslim communities in the Basque Country before the 20<sup>th</sup> century. The first modern signs date from the 1970s, when some families from Maghreb settled in the industrial areas of Gipuzkoa and created the first Muslim community of the Basque Country. Since then, the main Muslim communities have been promoted by immigrants from Morocco and Algeria; therefore, *Sunni Islam* prevails among Basque Muslims. The presence of Islamic communities did not take off until the end of the 1980s and the beginning of the 1990s, with the growth of immigration. That is how the first Islamic community appeared in Bilbao (mosque *Badr*), and from the end of the 90s the first Islamic communities are registered as such in the Religious Entity Registry of the Ministry of Justice.

It is worth giving special mention to the Socio-cultural Islamic Centre of the Basque Country, *Assabil*, the seed of the Union of Islamic Communities of the Basque Country (UCIPV, in

Spanish, *Unión de Comunidades Islámicas del País Vasco/Euskal Herriko Islamiar Komunitateen Batasuna*), and regional member of the UCIDE (Union of Islamic Communities of Spain). This entity is part of the Islamic Council of Spain, a body in charge of the communications with the Spanish State.

There is a total of 12 worship centres of the Muslim community in the area of Bilbao, most of them in rental contract. The type of property, the neighbourhood where the premise is settled, the size of the space and the tidiness of the worship place will depend mostly on the degree of settlement of their members. In recent years some difficulties have been encountered in relation to the space of the premises and also the possibility of obtaining new premises.

#### e) OTHER MINORITY CONFESSIONS

As for **Buddhism**, the branch existing in the Basque Country is called Tibetan Buddhism and Zen Buddhism. These schools belong to the Mahayana tradition and their origin dates back to the 1980s when, after several years travelling to Buddhist centres in France, some Basque pioneers managed to establish the first associations in their own country. This confession was recognised as "*notorio arraigo*" by the Ministry of Justice in 2007. There are 6 centres in Bilbao, most of their members being native ones. These are small groups that grow very slowly, and as a result of this, their worship places are rented and not privately owned.

The origins of the **Bahá'í Faith** in the Basque Country go back to the 1970s when two families from Zaragoza settled in Bizkaia and created the first community. At present, there are three communities in the area of Bilbao, none of which is officially registered as such. They meet each in their own private houses and they have difficulties when trying to make reservations of public places for bigger meetings. This community is basically composed of native members.

Finally, in 2008 a centre of the **Church of Scientology** was founded in Bilbao, although its first appearance in the BAC dates from 1982. They have two premises in the Basque Country, both in rental contract. In relation to its public recognition, this Church was not acknowledged by the Ministry of Justice as a religious group until 2007, when it was finally officially registered.



#### 4. Needs and Limitations Regarding Worship Places

The claims and needs of the minority confessions identified throughout the research provide some similarities for the different communities as a whole<sup>26</sup>. In that sense, with the exception of very few communities, the majority of them stress particular difficulties regarding worship places, especially in relation to finding a premises to house the worship place, obtaining licences to open the sites for their activities, and having special difficulties to obtain enough resources to open and maintain the worship place, among others. These needs and limitations of the communities and the legal framework can be divided into the following two aspects:

##### 4.1. General aspects

The main general aspect related to the current legal framework and the difficulties of religious communities regarding worship places is the generalized ignorance of the existing regulatory framework. Such ignorance does not only occur among members of religious minorities, but also within the Basque public institutions, for whom religious diversity still seems to constitute an unaccepted phenomenon, or an issue simply concerning immigration and foreigners. The existing ignorance about minority communities may be explained chiefly by the structural weakness in some of them, the high presence of immigrant population in others or the lack of people trained in legal matters. However, the fact that the legal system is not specially detailed as to it is also important; therefore, the scarce existing rules do not offer solutions to the specific problems that appear in daily life. Minor initiatives have been taken in the last few years to fill this gap, but in our particular case, they still have not been widely spread<sup>27</sup>.

In relation to this issue, one of the concerns expressed by the minority religious communities in the Basque Country is the

absence of a clear speaker in the different public administrations (neither in the autonomic sphere nor in the regional or local spheres). Again, the certainty that the subject does not belong to their jurisdiction seems to prevail, and therefore, in case of a particular necessity, attention may be derived??? to religious communities, to units without any jurisdiction on the subject, especially the ones related to the management of immigration or the social integration of immigrants<sup>28</sup>, which demonstrates the hasty connection established by administrations between the plural religious fact and modern migration movements. Undoubtedly, this relation exists, but limiting these claims to the tight management sphere handled by immigration technicians does not seem the most adequate policy. In this context of religious pluralism it is necessary to design new cooperation strategies among the public administrations, because municipalities do not normally have the necessary capacities to respond to some of the claims or situations submitted.

In any case, there is a repeated claim regarding the vagueness of functions and competences, which, according to many representatives, leads to arbitrary actions from the different administrations. The lack of specific regulations in the local and autonomic spheres increases the lack of both inter- and intra-administrative coordination. Within this framework, public employees' ignorance on how a specific theme must be addressed leads to diverging decisions; at least this is perceived as so. It could be said that the largest regulation problem existing for religious minorities is the legal insecurity caused by all the above mentioned.

##### 4.2. Specific aspects

The shortage of worship places is one of the specific and possibly most urgent problems with a tough solution for many communities. Even though there is a global legal framework

existence Foundation), which, among other issues, has established an Observatory on religious pluralism in Spain, with many resources for communities and public administrations. Recently a Guide on worship places at local level has been edited to offer elements and good practices for public management.

<sup>28</sup> This is a position created by the Basque Government and which is present in several Basque town councils, as in the case of Bilbao.

<sup>26</sup> The sources are included in the publication, Ruiz Vieitez, Eduardo J. (dir.) (2010): *Pluralidades latentes. Minorías religiosas en el País Vasco*, Icaria, Barcelona; The research project "GESDIVERE (municipal Management of Religious Diversity)"; the results of a debate group comprising immigration technicians from Basque municipalities with a high percentage of immigrant population; and the participation in different workshops and discussion forums on religious diversity).

<sup>27</sup> The main step in this question is the activities and initiatives promoted by the Fundación Pluralismo y Convivencia (Pluralism and Co-

for religious freedom rights, this does not focus on/deal with specific issues, and therefore makes it very difficult for religious minorities to carry out their basic activities and worship. As was previously mentioned, the Basque Government has taken an initiative to propose a Law on worship places, which still has not been presented to parliament and its scope is unknown. Hitherto, several specific difficulties have been identified among religious minorities in the Basque Country.

One of the first specific issues is the possibility of accessing a premise as it implies an economic capacity that the recently born communities cannot guarantee. This is a two-sided issue: on the one hand, there are communities wishing to open a premises for worship but are not able to meet all expenses required to adequate premises to the especial requirements demanded by urbanism departments of the municipalities; on the other hand, a very similar situation occurs with those communities whose worship places have become too small to hold all its new members and have special difficulties finding or obtaining a new place for worship.

Secondly, and in relation to this last issue, the communities consider the usual regulation to be unfair when applied to worship places. In that sense, the extent of license granting for the opening of sites for religious purposes is complex because there is not a specific regulation thereto. Particular difficulties have Muslim Communities, which cannot escape from prejudice in the new neighbourhoods where they find premises.

Additionally, in the specific case of some special celebrations where the use of public spaces is necessary for specific ceremonies such as weddings or baptisms<sup>29</sup>, or important holidays belonging to the religious tradition of each community, these encounter additional difficulties when searching for public premises.

Despite all these difficulties, the cases in which the majority religion (Catholic) is in charge of providing adequate spaces for different confessions so that they can celebrate their worship are not few, and this is obvious as regards Orthodox communities<sup>30</sup>. Another example of accommodation of a particular need, especially for the Muslim Community, can be observed with the case of cemeteries. In the specific case of Bizkaia this

claim was submitted through the Union of Islamic Communities of the Basque Country (UCIPV) before the Town Council of Bilbao and the Regional Government. Finally, the municipality of Bilbao agreed to the use of their own space in the cemetery of Derio for the Muslim community settled in Bilbao. However, this positive accommodation practice has not extended to other municipalities as yet.

## 5. Final Considerations

As previously stated, the public experience of religious diversity in the Basque Country can still be described as a recent one. This plural scenario that is already changing the face of Basque society as regards religious identity tends to consolidate itself and become deeper. This requires, from a human rights and an inclusive perspective, special attention being paid to minority religious communities, as religious Freedom is a fundamental right with broad recognition at state and international level.

Furthermore, to a great extent it can be supported that religious plurality has not been assumed by a politically relevant reality, neither by the society as a whole nor by the majority of the institutions representing it. Nevertheless, the accommodation of different religious identities, especially some of them which are a source of conflict owing to their number of members or their particular characteristics, is one of the most relevant challenges that European democratic societies must face urgently, and the Basque society is no exception. Therefore, a space for deeper thought must be presented in order to search for the keys to working out an alternative for accommodation or integration. As a result, it will first be necessary to take into consideration and assume religious pluralism as a natural and healthy condition of a democratic society.

Regarding the need for knowledge, the role played by the **social communication media** acquires great importance. Unfortunately, directly or indirectly discriminatory and stigmatizing discourses on some religious minorities add to the sparse information that the most widely broadcasted media usually provide on the minority religious reality. Discursive strategies of discrimi-

<sup>29</sup> It must be taken into account that celebrations such as weddings or baptisms have a highly communitarian character in some confessions, which increases the need for wide spaces.

<sup>30</sup> In this case it is worth highlighting the work carried out by the Ignacio Ellacuría Social Centre in Bilbao, from the Society of Jesus, leaving spaces both for prayer and other kinds of related activities.

natory potential are frequently detected and they strengthen the possible social prejudices existing against such minority religions. Religious diversity should not be exposed in media as something strange, but as an expression of cultural and identity richness in a modern, developed and complex society.

Concerning **recognition**, it points mainly towards the need to accommodate the existing institutions, rules and practices for the exercise of religious freedom of every person and group conforming society, without any limitation but respect for public order and others' rights<sup>31</sup>. The present reality, however, shows that the current legal and institutional framework is not especially useful for religious minorities because, in practice, these condemn many situations in which there is a high degree of doubt as regards the external manifestation of their religious freedom. A certain lack of institutional interest or information, added to a not very specific regulation framework, is the reason why its implementation may be unequal among institutions (for example municipalities), which in theory should follow the same action line.

In any case, **local public authorities** have not assumed the religious minority reality and their public responsibility towards it at all. It is necessary to avoid the mistaken confusion between the management of religious diversity and different phenomena such as immigration. It is also necessary to foster experiences of socio-institutional dialogue and mutual knowledge, as a participative process will undoubtedly produce benefits in the mid-long term, ensuring a better guarantee of the exercise of religious freedom and non-discrimination.

Finally, it is necessary to assume that at least some religious expressions cannot be reduced to private spheres or to institutional indifference, and due to their public projection worship places are a clear example of it.

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<sup>31</sup> In this sense, it may be interesting to consider the potentialities of Canadian experience in relation to accommodation; see Ruiz Vieytez, E. (2009): "Crítica del acomodo razonable como instrumento jurídico del

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