

## THE PLACE OF RELIGION IN EDUCATION IN SPAIN

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### I. Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools

**I.1 Question: Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools. Is – and if affirmative please refer to the provisions in the law (add the text separately) – the teaching of religion in your country organised during school time in public educational institutions: in primary education, in secondary education.**

**Answer:**

Teaching Catholic religion is compulsory for schools (*Centros docentes*) and attendance is optional for pupils at all levels of basic education (cf. *LOE, 2006, Disposición Adicional Segunda*). This is an obligation for all schools financed by the state. In denominational Centres under consortium (i.e., Centres which are under private ownership, but are financed by the state) there can be offered optional courses on minority religions might also exist, as long as they are not at odds with the beliefs of the Centre. Opt-out activities (called “educational assistance”) must be made available if parents require them. (cf. *Real Decreto 1513/2006, Disposición Adicional Primera, Art. 3*).

Concerning secondary education, the teaching of Catholic religion is compulsory for Centres; attendance is optional for pupils (cf. *LOE, 2006 Disposición Adicional Segunda*). A course on “History and Culture of Religions” for those pupils who do not wish to study Catholicism should be available as well. This is an obligation for all schools financed by the state. In denominational Centres under consortium (i.e. Centers under private-ownership, but financed by the state) options for offering courses on minority religions can be set up, if it is not contrary to the beliefs of the Center. Opt-out activities (“educational assistance”) must be designed if parents require them (cf. *Real Decreto 1631/2006 Disposición Adicional Primera, Art. 3*).

**I.2 Question: What choices amongst the religious education possibilities are offered in public educational institutions , e.g. catholic religion, Islamic teaching, ....**

**Answer:**

In primary schools, four religion courses can be offered: Catholicism, Judaism, Protestantism and Islam. Those students who do not wish to attend a religion course can opt out for alternative activities defined as “educational assistance”, which are organized by the schools themselves.

In secondary schools, four religion courses can be offered: Catholicism, Judaism, Protestantism, Islam. Furthermore, there can be offered a general course on “History and Culture of Religions”. Those students who do not wish to attend a religious course can opt out for alternative activities defined as “educational assistance” which are organized by the schools themselves.

All other denominations/religions that do not have an agreement with the Spanish state do not have access to religious education. An attempt to reform the *Ley Orgánica de la Libertad Religiosa, 7/1980* (Law of Religious Freedom, Annex 9) was promoted by the Socialist Party starting with in 2004, but it was blocked in 2010. According to this failed attempt of reform,

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the 1980 Law of Religious Freedom was extended so as to incorporate Agreements with Buddhists, Yehova's Witnesses, Mormons and Christian Orthodox believers.

## ***II. State funded denominational schools and state supervision***

**II.1. Question: Are there state funded denominational schools in your country? If affirmative, what is the numeric importance of state funded schools. If affirmative, what is the numeric importance of Islamic state funded schools. Please refer to statistical information on-line**

**Answer:**

Four types of private schools exist in Spain which offer compulsory schooling (primary and secondary, E.S.O): denominational under consortia, denominational under no consortia, secular under consortia and secular under consortia. The consortium is a legal model of public-private partnership aimed at running public services in several sectors in Spain. The state finances the services to provide citizens free access to them, yet the ownership of the facilities and the management of the services can be private (including religious foundations) or mixed.

The state finances denominational schools once they are under a consortium. The Catholic Church runs the vast majority of "concerted schools". There are a couple of Jewish schools in Melilla and Madrid, as well as several Protestant schools in Barcelona, Valencia and Madrid.

If affirmative, what is the proportion of state funded schools? There are no official statistics on the ownership of the centres, and their importance varies from region to region. However, secular schools are a minority in the concerted formula, and that minority religions' foundations which own a school are also in a small proportion. In Spain, private concerted schools are on average around 55% of the total of centres that offer compulsory schooling, private schools with no consortium are around 7%, and public-owned centres are about 38%. Some Autonomous Communities (A.A. C.C.) deviate from the mean, for example in Basque Country, Catalonia and La Rioja concerted centres are above 65%, while in Andalusia, Canary Islands and Melilla public centres are above 50%. See later Table 1, Ownership of Schools in Basic Education in Spain for detail data on each Spanish region.

If affirmative, what is the proportion of Islamic state funded schools? There are no Islamic schools funded by the state. The *Comisión Islámica de España* (Islamic Commission of Spain) entered negotiations so as to open the first Islamic primary school in Granada. The project started in 2009.

**Please refer to statistical information on-line**

Table 1 shows the number of centres offering primary and secondary schooling by Autonomous Community divided in private centres under consortia (i.e. which are financed by the government), private under no consortia (i.e. that are financed by private sources) and public-owned Centres.

Table 1, Ownership of Schools in Basic Education in Spain										
Ámbito Territorial	Private under consortia			Private out of consortia			Public			TOTAL CENTROS
	E. Primaria	ESO	% CENTROS	E. Primaria	ESO	% CENTROS	E. Primaria	ESO	% CENTROS	
Andalucía	474	414	42%	49	50	5%	565	540	53%	2092
Aragón	81	79	59%	10	9	7%	11	79	33%	269
Asturias (Principado)	56	58	56%	5	5	5%	9	72	40%	205
Baleares (Illes)	83	78	60%	13	11	9%	21	61	31%	267
Canarias	83	82	33%	34	29	13%	106	164	54%	498
Cantabria	53	42	64%	2	3	3%	4	45	33%	149
Castilla y León	176	176	59%	6	9	3%	31	200	39%	598
Castilla-La Mancha	107	94	49%	5	10	4%	18	179	48%	413
Cataluña	573	482	65%	24	23	3%	64	454	32%	1620
C. Valenciana	335	320	59%	54	50	9%	27	315	31%	1101
Extremadura	61	57	49%	4	4	3%	7	107	48%	240
Galicia	177	160	55%	17	20	6%	14	224	39%	612
Madrid (Comunidad)	393	356	57%	133	122	19%	25	290	24%	1319
Murcia (Región)	97	92	56%	7	7	4%	36	100	40%	339
Navarra	47	41	56%	0	0	0%	37	33	44%	158
País Vasco	206	204	69%	4	4	1%	80	94	29%	592
Rioja (La)	22	23	65%	0	0	0%	4	20	35%	69
Ceuta	6	6	63%	0	0	0%	1	6	37%	19
Melilla	3	2	36%	1	0	7%	1	7	57%	14
<b>TOTAL CENTROS</b>	<b>3.033</b>	<b>2.766</b>	<b>55%</b>	<b>368</b>	<b>356</b>	<b>7%</b>	<b>1.061</b>	<b>2.990</b>	<b>38%</b>	<b>10574</b>

Source: The data come from the *Report 2008/2009* (our calculation)

**II.2. Question: Are there non-state funded denominational schools in your country (private)? If affirmative, what is the numeric importance of private schools. If affirmative, what is the numeric importance of Islamic private schools. Please refer to statistical information on-line**

**Answer:**

An important number of non-state funded denominational schools are run by the Catholic Church. A small number of centres are administered by representatives of minority religions. Approximate numbers account for one Jewish institute in Barcelona, and a couple of Protestant schools in Madrid and Barcelona. As a general rule, “concerted schools” initiate their activities at a purely private level. In accordance with the demand and to a wish of fulfilling specific criteria demanded by the educational authorities, they can opt for applying to be part of the network of schools under consortium.

The most conservative sector of the Catholic members normally attends private schools under no consortium. This has led to the fact that the confessional schools that are under the consortium model adopt a more secular character. The importance of the Catholic Church in the ownership of schools is, in part, a legacy of the dictatorship period, where the close ties between the Church and the state allowed the first to expand its network of services in the

geographic areas where the state ownership of facilities was small. Due to this historical legacy, many non-Catholic families send their children to “concerted schools” run by the Catholic Church.

In practice, there is a selection-bias in having access to schooling. The majority of lower social sectors attend public-owned schools. Middle-income families attend concerted schools, both confessional and secular, especially when the family does not belong to any denomination. And high income families tend to send their children to schools under consortia or private schools.

Another important criterion for selecting a school in Spain is home proximity. In those AA. CC. where the number of public-owned schools is historically low, children attend confessional schools regardless their affiliation to them. Members of minority religions, as well as non-confessional families, attend public or private schools under consortium. However, in some cases, parents have rejected confessional concerted schools and have asked the authorities to reallocate their children in secular or public ones.

If affirmative, what is the numeric importance of private schools. See Table 1, Ownership of Schools in Basic Education in Spain. However, no official statistics were found in the ownership of centres.

If affirmative, what is the numeric importance of Islamic private schools. There are no Islamic private schools in Spain.

Please refer to statistical information on-line. See Table 1, Ownership of Schools in Basic Education in Spain. However, no official statistics were found in the ownership of centres. Other possible sources are:

**II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.**

**Answer:**

Primary education

The *LOE* (2006) and the *Real Decreto* 1513/2006 (Real Decree), establish a minimum of criteria for the contents of primary education (See Annex 1, for detailed articles in the Decree). Parents should declare at the beginning of each period if they wish or not that their children attend the different religious courses on offer at the school. The contents of religion courses are decided by each religious community according to an Agreement (Catholic, Jewish, Protestants and Islamic). Teachers are also appointed by the religious representatives of each community.

The *Comisión Episcopal Española* (Spanish Episcopal Commission) decides on the content of the course on Catholicism; the *Federación de Entidades Religiosas Evangélicas de España* (Protestant Federation of Spain) decides on the content of the course on Protestantism; the *Federación de Comunidades Israelitas de España* (Federation of Hebrew Communities of Spain) establishes the content of the course on Judaism and, the *Comisión Islámica de España* (Islamic Commission of Spain) establishes the content of the course on Islam.

The Law specifies that the evaluation of the course on Catholicism will be in the “same terms and with the same effects” of other areas of primary education. For courses on other religions, the *Royal Decree* establishes that they will follow Cooperation Agreements signed between the Spanish state and the recognized denominations. However, none of the existing

Agreements provides guidelines for the evaluation of religion courses (See Annex 4, Annex 5 and Annex 6 for full content of the Agreements).

### Secondary education

The *LOE* (2006) and the *Real Decreto* 1631/2006 (*Royal Decree*) establish the minimum criteria for the contents of secondary compulsory education (See Annex 2, for detailed articles in the Decree). The model of religion courses in secondary school is the same as in primary enrolment, except that in the later case, pupils who do not wish to study a specific religion, can still opt for a course on religion organized by the educational authorities on “History and Culture of Religions.” As in primary schools pupils can also opt for “educational assistance”, not clearly specified by the legal framework.

According to the existing regulations, on the minimum content of primary and secondary compulsory education the minimum hours are for each level: primary education: 105 hours; first three courses of secondary school: 140; fourth course of secondary school: 35; High school: 70.

### **II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.**

#### **Answer:**

The Decrees 1513/2006 and 1631/2006 have been largely debated as they did not establish clear and definite criteria for those pupils who choose opt out alternatives. At the primary school level, the Decree establishes that:

*“Los centros docentes dispondrán las medidas organizativas para que los alumnos y las alumnas cuyos padres o tutores no hayan optado por que cursen enseñanzas de religión reciban la debida atención educativa, a fin de que la elección de una u otra opción no suponga discriminación alguna. Dicha atención, en ningún caso, comportará el aprendizaje de contenidos curriculares asociados al conocimiento del hecho religioso ni a cualquier área de la etapa. Las medidas organizativas que dispongan los centros deberán ser incluidas en su proyecto educativo para que padres y tutores las conozcan con anterioridad.”* (Real Decreto 1513/2006 Disposición Adicional Primera, Art. 3; Real Decreto 1631/2006 Disposición Adicional Segunda, Art.4; )

According to the Law, the Centers will facilitate “educational assistance” for students who have opt out from religion courses. Schools interpret this mandate in different ways, and some of them have not clearly designed specific activities for students. There is a wide debate on the activities that students who do not choose religion courses in primary and secondary schooling might do. The range of options is wide: in many centres, the students spent the class doing “anything,” while in other centres the school organizes activities of local folklore. It depends on the region and on the Centre.

III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (Catholic) school.

### **III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (catholic) school**

#### **III.1. Question: Does the head of a state funded denominational (e.g. Catholic) school has the right to refuse pupils from other religious beliefs? Please refer to the provisions in the law.**

#### **Answer:**

Confessional schools (under consortia) which are financed by the state cannot discriminate students on the basis of their religious beliefs. However, there may be limitations in the offer

of religious courses. The Laws 24/1992, 25/1992 y 26/1992 (BOE 12.11.92) approved the *Acuerdos de Cooperación* signed between Spain and representatives of three religions. According to the Agreements, pupils have the right to receive in public and concerted centres religions education according with their conviction. The Agreements specify that in the Centres under consortia, this right will be implemented if there is no contradiction with their own beliefs.

This provision means in practice that even if the students from minority religions have the right to receive religious education, this right might not be implemented in all public-financed Centres. If there is a tension between parents' requirements and the Centre, the educational authorities can reallocate the student. In addition, the school's authorities of concerted Centres have more freedom to select students. To illustrate, this is done through an order-point-list that enhances the status quo. This process of "adverse" or "conservative selection" does not automatically mean that schools' authorities apply discretionary criteria when they face religious differences, but this could very well occur.

According to Art. 84 of the *LOE* on Admission of Pupils (see Annex 8), the priority criteria for selecting pupils (when there is demand and scarcity of places) are as follows: 1) sibling attendance, or parents or tutors working on the Centre; 2) home proximity or parents' work place proximity; 3) annual income (large families); 4) disability in the student or in one of their siblings. The Law specifies that it is not possible to discriminate students for origin, race, sex, religion, opinion, etc. As the process of enhancing specific regulations is decentralized in the AA. CC., a variety of formulas are accepted, including, for instance, gendered schools financed by the state.

### **III.2. Question: Does the head of a state funded denominational (e.g. Catholic) school the authority to limit the number of pupils from other religious beliefs (e.g. Muslim pupils) in order to support the specificity of the project?**

#### **Answer:**

No. However, the Agreement signed between the Vatican authorities and Spain establishes that the education system in Spain will be respectful of the Christian principles. Due to the right of conscience, pupils belonging to other religions or non-confessional at all can attend to confessional private centres under consortia without discrimination, they can decide if they participate or not in the activities. Normally they are excluded of a large part of the network of public-financed centres (they attend public-owned schools) as they would have to accept attendance to a school against their convictions. Even if the Law does not discriminate attendance they should respect the educational project of the Centre. (*Report 2008-2009*). The confessional character of the majority of Centres under consortia, makes Catholic ideology present in other practices that religious course. Those practices include services organized by the school such as messes, the first Holy Communion and other worship rituals.

In addition, there is no provision that guarantees that the student will receive alternative religious education, if she opts for this choice and the school does not offer it, she can be reallocated to another Centre.

IV. Point of view of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (catholic) schools for (a number of pupils requesting it) and alternative course on ethics.

#### **IV. Point of views of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (catholic) schools for (a number of pupils requesting it) and alternative ethical course**

**IV.1. Question. Is there a legal obligation to organise, if parents ask for, classes of**

**Islamic religion in denominational (Catholic) education funded by public authorities? a. for any pupil for whom a request has been made? b. from a minimum number of pupils for whom a request has been made?**

**Answer:**

No. On the basis of the Agreements, the state guarantees the offer of religious education in four different options for primary education and in five options for secondary school. However, the state does not obligate all the Centres to provide it if it goes against the educational project of the Center.

There is lack of clarity in the Spanish system regarding religious education, given that the *LOE* (2006) specifies that the Centres are obliged to provide religious education and that it is optional for students, however the Agreements state that the right to religious education with respect to minority religions can be implemented when it does not contradict the educational project of the Centre. This has resulted in differences across centres and regions. This lack of clarity is due to the fact that, until 2006, another Law (@reference) stipulated the principles of religious education where the Catholic Church was clearly more favoured. The 2006 Law was a first step in the Reform process; however, the government has stopped the Reform project in 2010 so the current system lacks clarity. Until 2004, few denominational centres offer other religious courses than Catholicism except in Ceuta and Melilla where a large part of the population is Muslim. From 2004 onwards, more Centres offer several options. Centres that are more pluralistic (even when they have a denominational origin) normally offer different courses if parents require that. This stand could be explained by the density of public funded schools in addition to the migrant population in a specific community.

If a centre offers courses on minority religions, it normally offers them for one or a group of students, upon parental request. As a general rule, students are organized in “homogenous groups”, and students for confessional concerted Centres which do not offer this option might be reallocated.

**IV.2. Question. Does the same obligation exist for the offer of (a) other religions and/or philosophical convictions, (b) an alternative class of conception of life, philosophy, ethics**

**Answer:**

Only for Protestants and Jewish members. A Reform attempt initiated in 2004 but stopped in 2010 (see supra) attempted to formalize the links to Buddhism, Yehova’s Witnesses Christian Orthodox and Mormons by considering them recognized denominations by the state in the educational system.

Only in secondary level, the offer of the course on “History and Culture of Religions” is compulsory for all centres regardless their ownership and legal status.

**IV.3. Question. Can you shortly mention the pro and contra standpoints that have been expressed concerning the respect of fundamental rights (among others, freedom of education and right to education) in relation with this obligation?**

**Answer:**

There is an increasing debate between minority religions and secular sectors and the authorities on the prerogatives that the Catholic Church has in Spain.

**IV.4. Question. Reference to the legal basis, with Website address, and also if possible to the parliamentary preparation of texts.**

**Answer:**

***V. Teaching of Islam in denominational (e.g. Catholic) schools at their own initiative***

**V.1. Question: Is there in your country a general guideline for teaching of Islam in denominational (e.g. Catholic) schools at their own initiative defined by (a) the Bishops’ Conference, (b) another body, namely. . .**

**Answer:**

There is no general guideline defined by the Bishops' Conference. Centres have autonomy (which depend on the Order that owns the School) to decide if they offer or not courses on Islam.

Other bodies can define guidelines. The contents of courses of minority religions are regulated by the Agreements signed by Spain and each minority religion representative body/board. Those boards decide the contents of the courses and appoint professors, who have to participate in a public competition.

**V.2. Question: If affirmative, does the guideline implies that (a) the teaching of other religions is organised when: one parent asks for, or a sufficient number of parents ask for (how many?), (b) only teaching of Islam is offered as alternative religion when one parent asks for or a sufficient number of parents ask for (how many?)**

**Answer:**

**There is no** information found on these issues. See also 9. b

**There is no guideline and in fact.** Some of these schools are more plural-oriented and offer courses on minority religions. It depends on the number of students from other religions settle in the community.

**The teaching of Islam is organised in some schools, which have taken themselves the initiative.** It depends on the options of other public-funded schools and in the density of migrant population.



Table 2. describes the number of students attending each option for each educational level by type of school

**E3.1. Distribución porcentual del alumnado según religión/actividad que cursa**

	E. PRIMARIA	E. SECUNDARIA OBLIGATORIA
<b>TODOS LOS CENTROS</b>		
<b>Total</b>	<b>100,00</b>	<b>100,00</b>
Católica	76,44	61,50
Evangélica	0,27	0,09
Islámica	0,40	0,04
Judía	0,01	0,01
Historia y cultura de la religiones	-	2,65
Actividades de estudio	22,88	35,71
<b>CENTROS PÚBLICOS</b>		
<b>Total</b>	<b>100,00</b>	<b>100,00</b>
Católica	71,61	49,30
Evangélica	0,37	0,11
Islámica	0,58	0,04
Judía	0,00	0,01
Historia y cultura de la religiones	-	3,04
Actividades de estudio	27,44	47,49
<b>CENTROS PRIVADOS</b>		
<b>Total</b>	<b>100,00</b>	<b>100,00</b>
Católica	86,41	83,62
Evangélica	0,06	0,08
Islámica	0,05	0,04
Judía	0,02	0,01
Historia y cultura de la religiones	-	1,54
Actividades de estudio	13,46	14,72
<b>CENTROS PRIVADOS-ENSEÑANZA CONCERTADA</b>		
<b>Total</b>	<b>100,00</b>	<b>100,00</b>
Católica	88,16	85,56
Evangélica	0,06	0,06
Islámica	0,04	0,02
Judía	0,02	0,02
Historia y cultura de la religiones	-	1,10
Actividades de estudio	11,73	13,24
<b>CENTROS PRIVADOS-ENSEÑANZA NO CONCERTADA</b>		
<b>Total</b>	<b>100,00</b>	<b>100,00</b>
Católica	70,76	63,50
Evangélica	0,05	0,29
Islámica	0,14	0,17
Judía	0,05	0,00
Historia y cultura de la religiones	-	6,10
Actividades de estudio	28,99	29,93

Table 3. describes the number of students attending each option for each educational level by type of school

	E. PRIMARIA			E. SECUNDARIA OBLIGATORIA (1)			
	Católica	Otras religiones	Actividades de estudio	Católica	Otras religiones	Historia y cultura de las religiones	Actividades de estudio
<b>TODOS LOS CENTROS</b>							
<b>TOTAL</b>	<b>76,4</b>	<b>0,7</b>	<b>22,9</b>	<b>61,5</b>	<b>0,1</b>	<b>2,7</b>	<b>35,7</b>
Andalucía	90,6	0,9	8,5	69,5	0,3	0,0	30,2
Aragón	80,4	1,1	18,5	56,3	0,1	2,2	41,3
Asturias (Principado de)	85,0	0,3	14,7	58,5	0,0	0,9	40,6
Baleares (Illes)	71,8	0,1	28,2	42,7	0,0	2,1	55,2
Canarias	83,8	0,0	16,2	59,0	0,0	0,7	40,3
Cantabria	86,4	0,2	13,4	63,3	0,4	3,9	32,4
Castilla y León	87,5	0,7	11,8	63,7	0,2	1,7	34,4
Castilla-La Mancha	90,4	0,0	9,6	62,6	0,0	3,1	34,3
Cataluña	46,0	0,5	53,5	--	--	--	--
Comunitat Valenciana	74,6	0,0	25,4	65,1	0,0	0,2	34,7
Extremadura	94,2	0,1	5,7	62,9	0,0	2,2	34,9
Gallcia	86,1	0,6	13,4	64,8	0,2	16,5	18,6
Madrid (Comunidad de)	76,0	0,5	23,6	52,2	0,1	5,0	42,6
Murcia (Región de )	87,3	0,1	12,6	58,1	0,0	1,4	40,6
Navarra (Comunidad Foral de)	75,9	0,0	24,1	63,2	0,0	0,4	36,4
País Vasco	55,5	0,0	44,5	51,4	0,0	0,2	48,4
Rioja (La)	84,6	0,0	15,4	67,2	0,0	2,6	30,2
Ceuta	43,3	50,8	5,9	50,8	0,4	25,0	23,8
Mejilla	30,4	55,0	14,5	38,9	1,3	31,0	28,7
<b>CENTROS PÚBLICOS</b>							
<b>TOTAL</b>	<b>71,6</b>	<b>1,0</b>	<b>27,4</b>	<b>49,3</b>	<b>0,2</b>	<b>3,0</b>	<b>47,5</b>
Andalucía	88,8	1,2	10,0	61,8	0,4	0,0	37,8
Aragón	74,0	1,5	24,5	34,6	0,2	3,0	62,3
Asturias (Principado de)	79,5	0,4	20,1	39,0	0,0	1,3	59,6
Baleares (Illes)	60,3	0,1	39,6	14,7	0,0	3,3	82,0
Canarias	88,8	0,0	11,2	56,4	0,0	0,6	43,0
Cantabria	85,4	0,3	14,3	46,7	0,7	5,4	47,3
Castilla y León	81,9	1,1	17,0	43,3	0,2	2,5	54,0
Castilla-La Mancha	88,7	0,0	11,3	54,9	0,0	3,5	41,6
Cataluña	30,0	0,6	69,4	--	--	--	--
Comunitat Valenciana	66,9	0,0	33,0	48,4	0,0	0,1	51,5
Extremadura	93,0	0,2	6,9	53,1	0,0	2,3	44,6
Gallcia	83,3	0,8	15,9	56,3	0,2	21,8	21,7
Madrid (Comunidad de)	68,8	0,6	30,6	30,4	0,0	4,3	65,2
Murcia (Región de )	85,0	0,1	14,9	48,1	0,0	1,8	50,1
Navarra (Comunidad Foral de)	70,4	0,0	29,6	48,1	0,0	0,5	51,3
País Vasco	36,2	0,0	63,8	24,1	0,0	0,0	75,9
Rioja (La)	77,3	0,0	22,7	48,6	0,0	4,1	47,3
Ceuta	28,7	69,4	1,9	36,0	0,0	32,0	32,0
Mejilla	27,2	67,3	5,4	32,3	0,0	35,1	32,6

Table 3. Cont.

	E. PRIMARIA			E. SECUNDARIA OBLIGATORIA (1)			
	Católica	Otras religiones	Actividades de estudio	Católica	Otras religiones	Historia y cultura de las	Actividades de estudio
<b>CENTROS PRIVADOS</b>							
TOTAL	86,4	0,1	13,5	83,6	0,1	1,5	14,7
Andalucía	96,3	0,0	3,7	93,4	0,0	0,0	6,5
Aragón	92,9	0,2	6,8	93,3	0,0	1,0	5,7
Asturias (Principado de)	96,8	0,0	3,2	94,9	0,0	0,1	5,0
Baleares (Illes)	91,4	0,0	8,6	85,8	0,1	0,2	13,9
Canarias	68,7	0,0	31,3	67,0	0,0	1,0	32,0
Cantabria	88,1	0,0	11,9	90,6	0,0	1,4	8,1
Castilla y León	98,8	0,0	1,2	98,6	0,1	0,4	0,9
Castilla-La Mancha	98,0	0,0	2,0	95,0	0,0	1,3	3,7
Cataluña	74,0	0,2	25,8	72,5	0,3	0,0	27,2
Comunitat Valenciana	90,9	0,0	9,0	92,4	0,0	0,3	7,4
Extremadura	98,6	0,0	1,4	95,4	0,0	1,8	2,8
Galicia	92,0	0,1	8,0	84,2	0,0	4,4	11,4
Madrid (Comunidad de)	84,1	0,3	15,5	76,5	0,3	5,8	17,5
Murcia (Región de)	93,3	0,0	6,6	83,4	0,0	0,4	16,2
Navarra (Comunidad Foral de)	85,5	0,0	14,5	86,7	0,0	0,2	13,1
País Vasco	74,2	0,0	25,8	72,8	0,0	0,4	26,8
Rioja (La)	98,6	0,0	1,4	99,8	0,0	0,0	0,2
Ceuta	79,4	4,6	16,0	82,0	1,2	10,2	6,6
Melilla	42,6	8,0	49,4	82,5	10,2	4,1	3,2
<b>CENTROS PRIVADOS-ENSEÑANZA CONCERTADA</b>							
TOTAL	88,2	0,1	11,7	85,6	0,1	1,1	13,2
Andalucía	96,9	0,0	3,0	94,8	0,0	0,0	5,2
Aragón	96,7	0,1	3,2	96,9	0,0	1,1	2,0
Asturias (Principado de)	98,4	0,0	1,6	96,3	0,0	0,1	3,6
Baleares (Illes)	92,5	0,0	7,5	88,2	0,1	0,2	11,4
Canarias	78,2	0,0	21,8	73,8	0,0	0,9	25,3
Cantabria	88,0	0,0	12,0	90,5	0,0	1,4	8,1
Castilla y León	99,3	0,0	0,7	98,7	0,1	0,4	0,8
Castilla-La Mancha	98,2	0,0	1,8	95,0	0,0	1,2	3,9
Cataluña	73,7	0,2	26,1	72,3	0,2	0,0	27,6
Comunitat Valenciana	92,9	0,0	7,0	93,4	0,0	0,3	6,3
Extremadura	98,7	0,0	1,3	95,4	0,0	1,9	2,8
Galicia	93,4	0,1	6,5	86,6	0,0	3,8	9,6
Madrid (Comunidad de)	89,0	0,3	10,7	81,7	0,2	4,2	13,8
Murcia (Región de)	95,3	0,0	4,7	85,9	0,0	0,4	13,6
Navarra (Comunidad Foral de)	85,5	0,0	14,5	86,7	0,0	0,2	13,1
País Vasco	75,3	0,0	24,7	73,7	0,0	0,4	25,9
Rioja (La)	98,6	0,0	1,4	99,8	0,0	0,0	0,2
Ceuta	79,4	4,6	16,0	82,0	1,2	10,2	6,6
Melilla	44,1	4,8	51,1	82,5	10,2	4,1	3,2
<b>CENTROS PRIVADOS-ENSEÑANZA NO CONCERTADA</b>							
TOTAL	70,8	0,2	29,0	63,5	0,5	6,1	29,9
Andalucía	90,6	0,0	9,4	80,7	0,0	0,0	19,3
Aragón	52,4	2,2	45,5	43,0	0,0	0,0	57,0
Asturias (Principado de)	77,6	0,0	22,4	76,1	0,3	0,0	23,6
Baleares (Illes)	77,0	0,0	23,0	52,0	0,0	0,0	48,0
Canarias	33,0	0,0	67,0	33,5	0,0	1,4	65,2
Cantabria	100,0	0,0	0,0	100,0	0,0	0,0	0,0
Castilla y León	60,5	0,0	39,5	92,7	0,0	0,0	7,3
Castilla-La Mancha	93,8	0,0	6,2	96,3	0,0	3,7	0,0
Cataluña	99,9	0,1	0,0	88,6	11,4	0,0	0,0
Comunitat Valenciana	67,9	0,0	32,1	75,1	0,0	0,0	24,9
Extremadura	92,7	0,0	7,3	95,5	0,0	0,0	4,5
Galicia	69,9	0,0	30,1	53,3	0,0	12,0	34,6
Madrid (Comunidad de)	71,4	0,3	28,3	60,8	0,3	10,5	28,4
Murcia (Región de)	60,0	0,0	40,0	31,0	0,0	0,0	69,0
Navarra (Comunidad Foral de)	-	-	-	-	-	-	-
País Vasco	15,4	0,0	84,6	14,5	0,0	0,0	85,5
Rioja (La)	-	-	-	100,0	0,0	0,0	0,0
Ceuta	-	-	-	-	-	-	-
Melilla	0,0	100,0	0,0	-	-	-	-

## ***VI. Religious symbols in public schools***

### **VI.1. Question: Are religious symbols (e.g. crucifix) in public schools compulsory, allowed, or forbidden?**

#### **Answer:**

In confessional Catholic schools financed by the state, they are allowed. After the ECtHR's *Lautsi v Italy*, the Law Chamber in Spain insisted in translating this jurisprudence on religious symbols in public schools (2009@). This proposition was built in the context of an initiative prepared by the PSOE (party in government) to reform the Law on Religious Liberty (approved in 1981).

The initiative attempted to limit some of the prerogatives that the Catholic church has, especially in the educational system where its presence is larger. The initiative also attempted to recognize four religions through Agreements: Yehova's Witnesses, Mormons, Buddhists and Christian Orthodox believers; however, most of the benefits of the Catholic Church agreed on in 1979 remain in place.

One relevant case concerning religious symbols was sentenced by the Court of Justice in an AC where a group of parents demanded the school (private confessional under consortia) to ban crucifixes. They appealed inter alia to Article 9 of the European Convention of Human Rights. The Tribunal Superior de Justicia de Castilla y León (TSJCyL, Court of Justice of Castilla y León) supported the ban of the crucifix in a school financed by the state (even if confessional). However, the decision established that the school must ban the religious symbols only in the classrooms and common spaces where children attend classes and spend their free time. The Tribunal Superior argued that the jurisprudence of the ECtHR served as one of the basis of its argumentation.

### **VI.2. Question: Is a teacher allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.**

#### **Answer:**

There is no common ground or norm in Spain concerning the dressing code in schools. This function is decentralized in the AA. CC. and they have given the Centres the mandate/authority to establish rules on dressing, as part of their autonomy. Normally, children of public schools do not wear uniform, although some private schools ask for it. Some schools allow the headscarf, while others do not.

### **VI.3. Question: Is a pupil allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.**

#### **Answer:**

Schools establish rules on dress coding, thus it depends on the Centre, some of them allow pupils to wear the Islamic headscarf; others do not. After the *Najwas* case the Spanish Ministry of Education stated that Spain will not regulate the dress code in schools, and the decision on this issue is part of the autonomy of Centres. Presidents of some AA. CC. supported publicly this statement.

### **VI.4. Question: Who decides on the dress code in schools. Please refer to the law.**

#### **Answer:**

The schools themselves,. There is no prohibition or norm in this respect. Dressing codes are part of the autonomy of schools.

### **VI.5. Question: Can a pupil and/or a teacher be exempted from the dress code when she considers it her religious duty to wear the Islamic headscarf?**

#### **Answer:**

It depends on the school.

### **VI.6. Question: Who is the regulatory authority in this sphere?**

**Answer:**

The academic authorities of schools, and educational authorities of the AA. CC. (Consejerías de Educación) attempt to solve tensions when they emerge.

**VI.7. Question: What kind of disciplinary measures and proceedings are taken if the pupil or teacher fails to comply with the rules on dress codes?**

**Answer:**

Pupils can be expelled from the centre. The state authorities should reallocate students in other Centres where there is no prohibition of the Islamic headscarf.

**VI.8. Question: Please describe the case-law in your country.**

**Answer:**

***VII. After-school education in private religious institutions. Islamic instruction organised after the school hours (age 6-18)***

**VII.1. Question: Is there any form of Islamic teaching (for children and youngsters of age 6-18) in your country organised after school time in private religious institutions:**

**Answer:**

**VII.2. Question: Is there any form of Islamic teaching in your country organised in primary education age (6-12)**

**Answer:**

**VII.3. Question: Is there any form of Islamic teaching in your country organised in secondary education age (12-18)**

**Answer:**

**VII.4. Question: How many such institutions are there in your country providing Islamic instruction organised after the school hours?**

**Answer:**

**VII.5. Question: How many children take part in the activities of Islamic instruction organised after the school hours?**

**Answer:**

**VII.6. Question: How is the pedagogical quality of Islamic instruction organised after the school hours safeguarded?**

**Answer:**

**VII.7. Question: How would you characterize the public debate about this form of Islamic instruction organised after the school hours?**

**Answer:**

***VIII. Additional comments***

***XI. Bibliography***