

Ministerio de Justicia



**ORGANIC ACT 7/1980, OF 5 JULY,  
ON FREEDOM OF RELIGION**

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This translation coincides with the consolidated text extracted from the Official State Gazette which was last updated on July 24, 1980.

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## **ORGANIC ACT 7/1980, OF 5 JULY, ON FREEDOM OF RELIGION**

JUAN CARLOS I

KING OF SPAIN

To all whom this Act shall be seen and understood,

Be it known that: the Parliament has approved and I do enact this Organic Act as follows:

### **Article 1**

- 1.** The State guarantees the fundamental right to freedom of religion and worship recognised in the Constitution pursuant to the provisions provided in this Organic Act.
- 2.** The religious beliefs shall not be a reason of inequality or discrimination before the Law. Religious reasons shall not be alleged to prevent any person from exercising any employment, activity or public duties or tasks.
- 3.** There shall be no State religion.

### **Article 2**

- 1.** The freedom of religion and worship guaranteed by the Constitution includes, with the corresponding immunity of coercion, the right of any person to:
  - a) Practise a religious belief freely chosen or do not practise any religion, to change the denomination or leave the one practised, to freely express one's own religious beliefs or the absence of the same and to be abstained from declaring about one's beliefs.
  - b) Take part in religious ceremonies and to receive religious assistance in accordance with one's own belief, to commemorate the religious festivities, to commemorate the marriage ceremonies, to be buried with dignity without discrimination due to religious reasons and to not be forced to take part in religious ceremonies or receive religious assistance contrary to one's own religious belief.
  - c) Receive and teach religious education and information of all kind, either orally, in writing or by any other means, to choose for oneself and for the non-emancipated and disable children under one's responsibility, in and out of the school, the religious and moral education according with one's own religious beliefs.

d) Assemble and protest publicly with religious purposes and to congregate in order to engage in communal religious activities in accordance with the general legal system and the provisions provided in this Organic Act.

**2.** Likewise, the churches, denominations and religious communities have the right to establish worshipping or meeting places for religious purposes, to designate and instruct their ministers, to spread and propagate their creed and to establish relationships with their own organisations or with other national or international religious denominations.

**3.** For the real and effective application of these rights, the public authorities shall adopt the necessary measures to ease the religious assistance in public, military, hospital, assistance and penitentiary facilities and other establishments under their responsibility as well as to ease religious education in public educational institutions.

### **Article 3**

**1.** The exercise of the rights arisen from the freedom of religion and worship is subject to the limits for protecting the rights of the persons to exercise their public liberties and fundamental rights and safeguarding the public safety, health and moral, elements that constitute the public policy protected by Law within a democratic society.

**2.** The activities, purposes and entities relating to the study and experimentation of physic or parapsychologist phenomena, the spreading of humanistic or spiritualistic values or any other similar purpose unconnected with religious purposes are outside the scope of this Act.

### **Article 4**

The rights recognised in this Act exercised within the limits provided by the same shall be safeguarded under legal protection before the Courts and constitutional protection before the Constitutional Court pursuant to the terms established in their Organic Act.

### **Article 5**

**1.** Churches, denominations, religious communities and their federations shall have legal personality when registered in the corresponding Public Registry created for said purpose in the Ministry of Justice.

**2.** The registration shall be performed when the application for its registration is presented together with the supporting document which includes its foundation or establishment in Spain, expression of their religious purposes, name and other identification data, functioning system and representative bodies, their faculties and the requirements for their valid designation.

**3.** The cancellation of the entries relating to a certain religious entity shall only be carried out at the request of their representative bodies or in compliance with final judgement.

### **Article 6**

**1.** Registered churches, denominations and religious communities shall have full autonomy and may establish their own regulation for their organisation, internal system and personnel. On said regulation, as well as in the regulation of those organisations

created by the aforementioned for carrying out their proposes, clauses for safeguarding their religious identity and nature may be included as well as clauses relating to their beliefs, without prejudice to the respect of the rights and liberties recognized by the Constitution, specially the rights to freedom, equality and non-discrimination.

**2.** Churches, denominations and religious communities may create and promote associations, foundations and organisations for carrying out their purposes in accordance with the provisions provided in the general legal system.

#### **Article 7**

**1.** The State, taking into account the religious beliefs existing in Spanish society, shall establish, if appropriate, cooperation agreements and conventions with the churches, denominations and religious communities registered in the Registry which due to their scope and number of believers are well-established in Spain. In any case, said agreements shall be adopted by an Act approved by the Parliament.

**2.** In the agreements and conventions, always respecting the principle of equality, the churches, denominations and communities may adopt the fiscal benefits provided in the general legal system for non-profit making entities and other charities.

#### **Article 8**

An Advisory Commission on Freedom of Religion is created in the Ministry of Justice. The same has a permanent nature and it is composed, in equal number, of representatives of the State Administration and the churches, denominations or religious communities or federations of the same that are well-established in Spain. Said representatives are persons of well-known competence whose advice is considered of interest in the matter relating this Act. A Standing Commission, which has also parity of composition, may exist in the Advisory Commission.

The Advisory Commissions shall study, inform or make any suggestion about any of the issues relating to the application of this Act, especially and with mandatory nature, in the preparation and issuance of the cooperation agreements or conventions mentioned in the previous article.

### **Transitional Provision One**

The State recognises the legal personality and the full capacity to act of the religious entities which have the same in the date in which this Act enters into force. After three years, the religious entities shall only justify their legal personality through the certificate corresponding to their registration in the Registry mentioned in this Act.

### **Transitional Provision Two**

When applying for the legal recognition in accordance with Act 44/1967 of 28 June, the religious associations which have expressly declared to be owners of immovable properties or property of another kind subject to be publicly registered for the transfer of the same to be effective and which ownership is registered in name of a third party, or those associations which have already submitted said property declaration before the Administration and applied for their legal registration pursuant to this Act, may legalise, within one year, their asset position by granting the corresponding documents in which the ownership of the property in favour of a third party appears in favour of said association or by any other legal proceeding to duly justify the ownership until said documents are duly registered in the Property Registry. Said associations shall be exempted from the payment of any kind of fee, tax or excise tax that may encumber the transmission, documents or acts arisen from the aforementioned purpose.

### **Repealing provision**

Act 44/1967 of 28 June and any other provision contrary to what is provided in this Act shall be repealed.

### **Final provision**

At the request of the Ministry of Justice, the State shall adopt any necessary provisions for the organisation and development of the Registry and the Advisory Commission on Freedom of Religion.

Therefore,

I order all the Spaniards, private citizens and authorities, to abide by and enforce this Organic Act.

Palacio Real, Madrid, 5 July 1980

JUAN CARLOS R.

The President of the Government  
ADOLFO SUÁREZ GONZÁLEZ



