

No. 18196

**SPAIN
and
HOLY SEE**

Agreement concerning education and cultural matters (with final protocol). Signed at Vatican City on 3 January 1979

Authentic texts: Spanish and Italian.

Registered by Spain on 20 December 1979.

**ESPAGNE
et
SAINT-SIÈGE**

Accord relatif à l'enseignement et aux affaires culturelles (avec protocole final). Signé à la Cité du Vatican le 3 janvier 1979

Textes authentiques: espagnol et italien.

Enregistré par l'Espagne le 20 décembre 1979.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE SPANISH STATE AND THE HOLY SEE CONCERNING EDUCATION AND CULTURAL MATTERS

The Spanish Government and the Holy See, intending further to revise the provisions of the Concordat² in the spirit of the Agreement of 28 July 1976,³ attach paramount importance to matters concerning education.

On the one hand, the State recognizes the fundamental right to religious education and has signed international covenants guaranteeing the exercise of that right.

On the other hand, the Church needs to co-ordinate its educational mission with the principles of civil liberty in religious matters and with the rights of families and of all pupils and teachers, avoiding any discrimination or privileged status.

The so-called “mass media” have become an effective school for the propagation of knowledge, opinions and attitudes. Their regulations must accordingly provide for the application of the same principles of religious freedom and unprivileged equality as Church and State profess in the matter of education.

Lastly, the historical, artistic and documentary heritage of the Church continues to form a most important part of the nation’s cultural assets and, therefore, the objectives of ensuring that that heritage is available for the service and enjoyment of society as a whole and of preserving and augmenting it, call for co-operation between Church and State.

Accordingly, the two Contracting Parties conclude the following:

AGREEMENT

Article I. In accordance with the principle of religious freedom, educational activities shall respect the fundamental right of parents concerning the moral and religious education of their children in the school system.

The education provided in public schools shall, in any case, respect the values of Christian ethics.

Article II. Educational programmes at the levels of pre-school education, General Basic Education (EGB) and the Baccalaureate (*Bachillerato Unificado Polivalente—BUP*) and in professional training schools for pupils of the same age shall include instruction in the Catholic religion at all educational centres, under conditions comparable to those applied in other basic disciplines.

In observance of the principle of freedom of conscience, such instruction shall not be compulsory for pupils. The right to receive it shall be guaranteed in any case.

The academic authorities shall take appropriate steps to ensure that the fact of receiving or not receiving religious instruction does not constitute a source of any discrimination in school activities.

¹ Came into force on 4 December 1979 by the exchange of the instruments of ratification, which took place at Madrid, in accordance with the provisions of the final protocol.

² Registered with the Secretariat of the United Nations on 27 March 1981 under No. I-19671.

³ United Nations, *Treaty Series*, vol. 1030, p. 357.

At the aforesaid educational levels, the competent academic authorities shall permit the ecclesiastical hierarchy, under specific conditions to be determined jointly, to arrange for other supplementary activities for the purpose of religious training and assistance.

Article III. At the educational levels referred to in the foregoing article, Catholic religious instruction shall be provided by persons who are appointed, for each school year, by the academic authorities from among those proposed by the bishop of the diocese for such instruction. At a sufficiently early date, the bishop of the diocese shall announce the names of the teachers and persons considered competent to provide such instruction.

At the public centres for pre-school education, EGB level education and professional training at the lower level, the persons appointed in accordance with the foregoing procedure shall, preferably, be applicants who are EGB teachers.

No one shall be under any obligation to provide religious instruction.

Teachers of religion shall, in all respects, form part of the teaching staff of their centre.

Article IV. Instruction in Catholic doctrine and in methods for teaching it provided at University teacher-training schools shall, under conditions comparable to those applicable to other basic disciplines, be optional for students.

Teachers in such schools shall be appointed in accordance with the procedure specified in article III and shall also form part of the teaching staff.

Article V. The State shall guarantee to the Church the opportunity to organize voluntary courses of instruction and other religious activities at public university centres, using the premises and resources of those centres. The ecclesiastical hierarchy shall reach agreement with the authorities of the centres concerning the suitable conduct of all aspects of such activities.

Article VI. The ecclesiastical hierarchy shall specify the content of Catholic religious courses of instruction and training and also propose the textbooks and teaching materials for that subject.

The ecclesiastical hierarchy and the organs of State, in their respective fields of competence, shall ensure that such instruction and training are provided in a suitable manner, teachers of religion being subject to the general disciplinary regulations of each centre.

Article VII. At the various educational levels, the remuneration rates for teachers of the Catholic religion who are not State teachers shall be established by agreement between the Central Administration and the Spanish Conference of Bishops so that they may be applied upon the entry into force of this Agreement.

Article VIII. The Catholic Church may establish Minor Seminaries both diocesan and religious, whose special character shall be respected by the State.

Their classification as general basic education (EGB) centres, BUP centres or university guidance courses shall be governed by the general legislation, except that a minimum number of pupils need not be required and that the admission of pupils need not be based on their geographical area of origin or family domicile.

Article IX. Teaching centres at the non-university level, regardless of level and specialization, which have already been established or are to be established in

future by the Church shall conform, in the conduct of their activities, to the general legislation that is enacted.

Article X. 1. The universities, university colleges, university schools and other university centres established by the Catholic Church shall conform, in matters concerning the conduct of such activities, to the general legislation that is enacted.

Recognition for civil purposes of studies pursued at such centres shall be governed by the provisions of the laws in force on the subject at the time.

2. The State shall recognize the legal existence of Church universities already established in Spain at the time of entry into force of this Agreement; their regulations shall be brought into conformity with the laws in force, except as provided in article XVII, paragraph 2.

3. Students at such universities shall enjoy the same health benefits, school insurance benefits, assistance for study and research and other facilities for the protection of students as are provided for students at State universities.

Article XI. The Catholic Church, in accordance with its own law, shall retain its freedom to establish universities, faculties, higher educational institutions and other centres for the ecclesiastical sciences intended for the training of priests, members of religious orders and the laity.

Validation of such study and recognition by the State of the civil effects of the diplomas granted at such higher educational centres shall be the subject of a specific agreement between the competent authorities of the Church and the State. Pending conclusion of the aforesaid agreement, any validation of such studies or attribution of civil effects to diplomas awarded shall be effected in accordance with the general regulations on the subject.

Validation and recognition of studies pursued and diplomas obtained by members of the clergy or the laity in the faculties approved by the Holy See outside Spain shall also be regulated by mutual agreement.

Article XII. State Universities, by agreement with the competent Church authority, may establish higher educational centres for the teaching of Catholic theology.

Article XIII. Church educational centres, regardless of level and specialization, and their students shall be entitled to receive grants, scholarships, tax benefits and other facilities granted by the State to non-State teaching centres and to students at such centres, in accordance with the principle of equality of opportunity.

Article XIV. Subject to the principles of freedom of religion and expression, the State shall ensure that the feelings of Catholics are respected in its communications media and shall draw up appropriate agreements on the subject with the Spanish Conference of Bishops.

Article XV. The Church reaffirms its intention to continue to make its historical, artistic and documentary heritage available for the service of society, and it shall reach agreement with the State on practical measures to promote their common interest and mutual co-operation in preserving, making known and cataloguing this cultural heritage in its possession, facilitating the exhibition and

study thereof, and ensuring the best possible preservation and the prevention of any loss, in accordance with article 46 of the Constitution.

To that end, and for any other purpose in connection with that heritage, a Mixed Commission shall be established within one year, at the most, after the date of entry into force in Spain of this Agreement.

Article XVI. The Holy See and the Spanish Government shall proceed by mutual agreement to resolve any doubts or difficulties that may arise concerning the interpretation or application of any provision in this Agreement, and, for that purpose, shall be guided by the principles underlying the Agreement.

Article XVII. 1. Articles XXVI, XXVII, XXVIII, XXIX, XXX and XXXI of the existing Concordat are hereby abrogated.

2. Notwithstanding the foregoing, the rights acquired by the Church universities already established in Spain at the time of signature of this Agreement shall not be affected; those institutions may, however, choose to conform to the general legislation on non-State universities.

TRANSITIONAL PROVISIONS

1. Recognition for civil purposes of studies pursued at Church universities now in existence shall continue to be governed, provisionally, by the rules currently in force until appropriate arrangements are made for such recognition in the case of each centre or faculty, in accordance with the general legislation, which shall not impose any requirements in excess of those applied to State universities or public entities.

2. Persons who, upon the entry into force of this Agreement in Spain, hold advanced degrees in the ecclesiastical sciences and, under article XXX, paragraph 3, of the Concordat, are regular teachers of subjects taught in the Department of Letters at teaching centres under the ecclesiastical authority, shall continue to be considered sufficiently qualified to teach at such centres, notwithstanding the abrogation of that article.

FINAL PROTOCOL

With regard to the designation of centres, educational levels, teaching staff and pupils, educational assistance, etc., the provisions of this Agreement shall continue to apply to equivalent situations in the field of education, developing as a result of reforms or changes in nomenclature in the official school system.

This Agreement, the texts of which, in the Spanish and Italian languages respectively, are equally authentic, shall enter into force upon the exchange of the instruments of ratification.

DONE in duplicate.

Vatican City, 3 January 1979

[*Signed*]

MARCELINO OREJA AGUIRRE
Minister for Foreign Affairs

[*Signed*]

Cardinal GIOVANNI VILLOT
Secretary of State
Prefect of the Council
for Church Affairs