

RELIGIOUS FREEDOM

## Spain: Supreme Court attacks Church with principle of non-discrimination verdict

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The Spanish Supreme Court, blatantly **manipulated** by Socialist Prime Minister Pedro Sanchez, has ruled to protect a female Catholic excluded from an all-male **fraternity** in Tenerife by imposing a dangerous principle of non-discrimination, which could

potentially lead to the rewriting of the thousands of statutes of secular fraternities, the violation of monastic rules, the abolition of all-male or all-female schools and even, in principle, the request to accept women into the church as deaconesses and priestesses.

**The Spanish Constitutional Court, largely in tune with the socialists** in recent years, in a disconcerting and scandalous decision on 5 November last, found that the decision of the '*Pontifical, Royal and Venerable Slavery of the Holy Christ*' brotherhood in La Laguna, on the island of Tenerife, not to allow the incorporation of María Teresita Laborda among its members, is contrary to the right to non-discrimination.

**The plaintiff had been fighting against the women's veto in religious associations** since 2008, representing 35 women who were excluded from both the confraternity and the bishopric's subsequent judgement. Four centuries after its creation in 1545, the confraternity is a Public Association of the Faithful. Its members have strongly defended its history and tradition of being created by and exclusively for 'gentlemen'. The first article of its statutes specifies, it is 'a religious association of knights, constituted to promote among its members a more perfect Christian life, the exercise of works of evangelical piety and the increase of devotion and worship to the Sacred Image of Our Lord Crucified' and therefore prohibits women from joining.

**Ms. Laborda, the plaintiff, had previously presented and had had her arguments approved** with her appeals in the local courts, by both the **Magistrate's Court** of Santa Cruz de Tenerife and the Provincial Court. Both courts had issued rulings recognising the right of women to join the secular religious organisation without discrimination. Subsequently, the Supreme Court had upheld an appeal by the fraternity in 2021. At that time, the Court had found that the **plaintiff's right to non-discrimination** on the grounds of sex had not been violated, nor had her right to association and no harm had been caused to her by the decision not to accept her as a member of the sorority, proposing that the women create their own religious association with the same aims.

**Three years later, however, the Constitutional Court agreed with Ms. Laborda,** and the women she represented, concluding that the Supreme Court ruling 'is contrary to the right to non-discrimination on the basis of gender and the right of association' enshrined in the Constitution. In this **ruling**, the Court, while recognising a private association's right to freely choose its members, also states that 'this power cannot imply discrimination on the basis of gender when the association holds a "privileged" or "dominant" position in the economic, cultural, social or professional fields, so that non-membership results in an objective violation of women's interests in these areas'.

**This is what is happening,** according to the socialist and constitutional judges, in the case of the Brotherhood of the 'Slavery of the Holy Christ' in La Laguna, given its importance in Tenerife.

**At this point, it is still possible for the brothers and the diocese of Tenerife to appeal** against the Constitutional Court's ruling at the European Court of Human Rights, although an appeal would not suspend the execution of the judicial decision. But, the extreme gravity of this *woke judgment*, marked by an absolutely *creative* application of the law, lies in the Court's decision to extend the prohibition of non-discrimination already very clear in the public sphere, the private sphere and to religious associations and organisations of a private nature.

**The Daily Compass contacted Maria Garcia,** president of Spain's *Osservatorio libertad religiosa*'. She confirmed her serious concerns about the ruling stating it 'may violate the right to religious freedom if a precedent is set forcing only male or only female religious institutions to admit the opposite sex. Even some single-sex religious schools are being forced to become mixed or otherwise will lose their subsidy (most are subsidised, i.e. private institutions that receive public money). This ruling can have a negative impact on other religious fraternities and organisations and is a danger to their autonomy and freedom'.