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RELIGIOUS FREEDOM AND COMMERCE: THE SPANISH LEGISLATION ON HALAL AND KOSHER

ABSTRACT

A point of connection between religion and commerce is the existence of religious precepts about food since a consumer which is a believer of a religion that has such demands, as long as the religious precepts respect public order, in addition to what each person should do on his part to meet the demands of his religion, they must have the security of consuming products that meet them. As a guarantee of this, there are specific brands that identify products that meet the Jewish and Muslim religious demands (kosher and halal). The right of religious freedom recognized by the Spanish Constitution makes possible the recognition of religious precepts of the religions that have signed a collaboration agreement with Spain, where the issue is regulated in detail. After the study of the Spanish legislation, the work stops in the contents of the religious precepts about food, going, respectively, to the Bible, Book of the Leviticus, and to the suras of Qur'an that treat this matter. The work ends with a reference to the main problems that the recognition and guarantee of these religious pose in current Spanish society, as the educational and penitentiary areas. This article has been written within the framework of the R+D+D project PID2023-147896OB-I00 Derechos humanos e inmigración: repensar la integración en tiempos oscuros (Human rights and immigration: rethinking integration in dark times), funded by the Ministerio de Ciencia, Innovación y Universidades of Spain.

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1. INTRODUCTION: THE SPANISH LEGISLATION ON RELIGIOUS FREEDOM

Food can be a very heterogeneous cultural phenomenon, which is linked to religious prescriptions and philosophical beliefs. In general, these prescriptions usually limit the consumption of certain foods and control the production process (García Ruíz, 2015, 137).

The recognition of this aspect of religion and its legal guarantee supposes the establishment of a control mechanism of which the food consumed meets the religious requirements. So, it is a point of connection between religion and commerce; an influence of the religious law about food in Spanish commercial norms, in short, an important influence of religion in (part of) trade. Consequently, it is a clear example of the integration of norms of religious origin, specifically Jewish and Muslim rights, into the Spanish legal system.

In Spanish law, religious freedom is recognized in article 16 of the Spanish Constitution of 1978 as a fundamental right of individuals and religious communities, and also as a guiding principle of Spanish legislation in religious matters.

This constitutional article was developed through the Ley Orgánica de Libertad Religiosa (Organic Law on Religious Freedom), or LOLR, of 5 July 1978. In its second article, this law recognizes, on the one hand the individual right to profess the religious beliefs that everyone can freely choose (article 2.1) and a non-exhaustive list of rights referring to the practice of religious acts, to receive religious assistance, and to practice rites. This paragraph expressly mentions marriage rites, but this does not prevent understanding that, implicitly, other types of rites are included, such as those relating to food. So, the right to fulfill the confessional requirements related to food is a specific type of ritual or religious assistance in a broad sense (article 2.1.b).

On the other hand, article 6 LOLR recognizes the autonomy of all the churches, confessions and religious communities in Spain when they establish its own rules for organizing themselves, where are also implicitly included the prescriptions regarding the food of each religious confession.

These are legal Spanish regulations of a common nature, which are applicable to any religious entity recognized as such in Spain, through its registration in the Registro de Entidades Religiosas (Religious Entities Registry), or RER, that depends on the Ministerio de Justicia (Ministry of Justice).

Indeed, article 7 of the Organic Law develops the constitutional provision of article 16.3 which provides that the Spanish public authorities will take into account the religious beliefs present in Spanish society and, consequently, maintain relations of cooperation with the Catholic Church, and, what interests us the most in our work, with the other religious confessions.

This principle of co-operation is concretized by the Law through the possibility of establishing agreements between the Spanish State and the religious groups that succeed in having recognized the so-called *notorio arraigo* (notorious or notable roots) in Spain, which will thus have a peculiar regulation, only for each of them. This is the legal basis for the agreements signed by Spain with, among others, Jews and Muslims.

2. FOOD IN SPANISH AGREEMENTS SIGNED WITH JEWS AND MUSLIMS

The Agreement signed by Spain and the Federación de Comunidades Judías de España (Federation of Jewish Communities of Spain in 1992) or FCJE, then known as FCIE, Federación de Comunidades Israelitas de España (Federation of Israelite Communities of Spain) approved by Law 25/1992, of 10 November, says that, according to the spiritual dimension and specific peculiarities of the Jewish tradition, the names *Casher* and its variants *Kasher*, *Kosher*, *Kasruth*² and these ones associated to the terms “U, K or Parve are used to distinguish food and cosmetic products processed according to Jewish Law (article 14, in its first paragraph).

Also, in the second paragraph, establishes that, in order to protect the correct use of these names, the Federation of Jewish Communities in Spain must request and obtain the registration in the Registro de la Propiedad Industrial (Industrial Property Registry) of the corresponding brand, in compliance with the regulations in force. And ensures that, once the above requirements are met, these products, for merchandising, import and export purposes, will be guaranteed to have been prepared in accordance with the Jewish Law and tradition when they carry the corresponding hallmark of the Federation of Jewish Communities in Spain in the package.

Finally, the last paragraph of this articles says that the sacrifice of animals carried out in accordance with Jewish laws must comply with the health regulations in force.

On its part, the Agreement signed by Spain and the Comisión Islámica de España (Islamic Commission of Spain), or CIE, approved by law 26/1992, of 10 November, regulates the same subject in a very similar way, parallel to that established in the agreement with the Jews one.

So, this agreement says that in accordance with the spiritual dimension and the specific characteristics of Islamic Law, the term *Halal* serves to distinguish processed food products in accordance with it (first paragraph of the article 14). And so on, in the second paragraph says that for the protection of the correct use of these names, the Islamic Commission of Spain must request and obtain from the Industrial Property Registry the registrations of the corresponding

brands, according to the current legal provisions; and also, that once the above requirements are met, these products, for merchandising, import and export purposes, will be guaranteed as prepared according to Islamic Law when they carry the corresponding hallmark of the Islamic Commission of Spain; and finally, that the sacrifice of animals that is carried out in accordance with the Islamic Laws, must respect the sanitary norms in force.

In these three paragraphs there are small changes between the two agreements. In addition to the denominations kosher or halal, the name of the corresponding religious federation (Jewish or Islamic ones) is changed; and, in the first paragraph the mention to the *Islamic Law* instead of the *Jewish tradition* or to *food products* instead of *food and cosmetics*.

By the other hand, as García Ruiz says, in multicultural societies as Spanish one, characterized by a religious plurality, the exercise of religious freedom *may clash with the rules intended to ensure and protect public health. Among other, there is a subject particularly relevant in this area (...) the confrontation of certain religious dietary requirements with the rules to ensure food safety and animal welfare.*

In the same direction, Rhazzali explains that *the uncertain and inconsistent response of institutions stands out: defenseless against the aggressiveness of the market and inclined to intermittent and often contradictory responses to challenges posed by cultural diversity and religious pluralism* (García Ruíz, 2014, p. 288).

So, as regards that established in the third paragraphs of both agreements, we must pay attention to the Regulation (EC) 1099/2009 of 24 September 2009, concerning the protection of animals at the time of slaughter, published in the Official Journal of the European Community L 303 of 18 November. European case law has ruled that Halal ritual sacrifice must be carried out in accordance with the provisions of European Union Regulation (EC) 1099/2009, as the Judgment of the Court of Justice of 29 May 2018: Case C-426/16: Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen and others (Salinas Mengual, 2020).

In the Spanish law in this matter, we must take into account the Real Decreto (Royal Decree) 54/1995, of 20 January, relating to the protection of animals at the time of sacrifice or slaughter, in particular, its second additional provision, entitled *Sacrifices made according to certain religious rites*, where it is said that

the religious authority recognized by current legislation, on whose behalf the sacrifices must be made, must be competent for the execution and control of the particular provisions applicable to the slaughterhouse in accordance with certain rites, and, with reference to these provisions, this authority acts under the responsibility of the official veterinarian, as defined in article 2 of the Real Decreto nr. 147/1993, of 29 January, which establishes the health conditions for the production and marketing of fresh meat.

Also, it's important in this subject the Spanish Law 32/2007, of 7 November, for the care of animals, in their exploitation, transport, experimentation and sacrifice, where is stated that, when the slaughter of animals is carried out according to the rites of the Churches, confessions or religious communities registered in the Registro de Entidades Religiosas and the religious obligations concerning stunning are contrary to the requirements of the respective religious rite, the competent authorities will not do requires compliance with these obligations provided that the practices do not exceed the limits set out in article 3 of the Organic Law 7/1980 of 5 July, on Religious Freedom (ie, safety, health and public morality, constitutive elements of Spanish public order).

The same rule indicates adds several health safety measures such as that in any case, the sacrifice according to the religious rite in question will be carried out under the supervision and in accordance with the instructions of the local veterinarian, and that the slaughterhouse must inform the competent authority that this type of slaughter will be carried out to be registered for this purpose, without prejudice to the authorization provided for by European Community legislation (article 6.3).

Nevertheless, in the agreement signed with the Muslims there is a big change at the end of this article, insofar as it adds a fourth non-existent paragraph in the agreement with the Jews, where it is established that the feeding of people admitted to public centers or institutions and military units, and to Muslim students in public schools and private ones supported with public funds (which are calle in Spanish 'escuelas concertadas') on request will try to adapt to the Islamic religious precepts as well as meal times during fasting month, that is the month of Ramadan.

In my opinion, due to the obligations it entails for the Spanish public authorities, this is a very important difference in relation to the agreement

with the Jews. But it should also be noted that it not an imperative precept since the agreement with the Muslims literally says that *will try to adapt to*.

It is always better if there is an explicit and specific mention, but the failure to refer to that question in the agreement with the Jews does not mean that they do not have the same right as Muslims, due to the constitutional and legal provisions of a common nature to all the religious entities already, included, as it has been said before, in the Spanish Constitution and in the Organic Law on Religious Freedom.

3. JEWISH RELIGIOUS PRECEPTS ABOUT FOOD

About the Kosher feeding rules, first of all, it must be said that the Jews religious prescriptions on food go back to the biblical texts, concretely, to the books Leviticus and Deuteronomy, where they are the limits between forbidden things and things allowed in this matter (Musoles Cubedo, 1994, p. 260-261, and Gardella Tedeschi, 2025 p. 11-27).

Therefore, in Leviticus chapter 11, verse 2 says that *these are the living things that you may eat among all the animals that are on the earth* (as said in the Bible's English version in <https://www.biblestudytools.com/esv/leviticus/11.html>).

Then, from verse 3 to 28, an exhaustive list of food precepts related to the animals that can be eaten by the Jews is detailed. In that list there are both terrestrial as aquatic animals, birds or insects. The possibility of serving as food for the Jews, that is, to be kosher food is given by details such as the need to ruminate and have the hooves broken, in the case of terrestrial animals and that have fins or scales for aquatic ones.

So, among animals, anything that has a split hoof and chews the cud may be eaten. However, among animals that chew the cud or have a split hoof, because they are considered unclean animals, the camel may not be eaten, because it chews the cud but does not have a split hoof, and because it is unclean. Nor may the rock badger be eaten, because it chews the cud but does not have a split hoof, nor the hare, because it chews the cud but does not have a split hoof, nor the pig, because it has a split hoof and has a split hoof but does not chew the cud. Of these animals, none of their flesh may be eaten, nor may

their carcasses be touched (These you may eat, of all that are in the waters). All this, in accordance with what is established in verses 3 to 8.

According to verses 9-12, the animals that live in water, whether in the sea or in rivers, in principle, it is admitted eat those with have fins or scales, so that, a contrario sensu, one may not eat animals that do not have fins or scales. Added to this prohibition are all reptiles, which are also considered abominable animals, so one may not eat their flesh or touch their carcasses.

As for birds, Jewish religious rules (verses 13 to 19) prohibit eating eagles, bearded vultures, black vultures, kites, falcons, crows, ostriches, nightjars, seagulls, sparrowhawks, little owls, cormorants, short-eared owls, barn owls, tawny owls, storks, herons, hoopoes and bats, all of them, of any species.

There are also rules regarding insects that may or may not be eaten, contained in verses 20 to 23. In this sense, in principle, all winged insects that walk on four legs are detestable. However, among winged insects that walk on four legs, those that have jointed legs in addition to their legs, with which they hop on the ground, may be eaten. Therefore, the consumption of locusts, bald locusts, crickets, and grasshoppers, all of them of any species, is permitted. But all other winged insects that have four legs are detestable.

Verses 24 and 25 confirm that the aforementioned animals, which are prohibited from being eaten, are unclean, and that anyone who touches or carries their carcasses or parts of them will also be unclean for the entire day and must wash their clothes.

Finally, verses 26-28 clarify some of the previous provisions: they emphasize that any animal that has separated hooves but does not have split hooves, or that does not chew the cud, will be unclean, just as all other animals may not be eaten. Those that walk on all fours may not be eaten, and, likewise, anyone who touches or carries their carcasses must wash their clothes and be unclean for the entire day.

Other unclean animals are mentioned in the following verses (29 to 31) and, also in the verses 39 to 44 other, although in this case it can not be said to be a religious precept about food because the list contains animals do not serve as human food. Therefore, implicitly, they can not be taken as food, either.

Thus, verses 29-31 mention several crawling animals, such as the mole rat, the mouse, the large lizard, the gecko, the monitor lizard, the gecko, the sand lizard, and the chameleon. They establish, as we have seen in relation to

all unclean animals, that whoever touches them when they are dead will be unclean until evening.

Verses 39 and 40, on the other hand, establish that whoever touches the carcass of a dead animal that can be eaten will also be unclean until evening. Whoever eats of its carcass will also be unclean until evening, as well as whoever carries it. They must wash their clothes and be unclean until evening. Finally, verses 41-44 reiterate the prohibition against eating any animal that crawls on the ground, that walks on its belly, that goes on all fours, and anything with many feet, urging people not to be contaminated by their consumption.

There are, also, some religious prescriptions about the consequences of contact with unclean animals in various utensils or objects (verses 32 to 38). In this regard, it is established that anything on which any of the forbidden animals fall when dead will be unclean, whether it be a wooden article, a piece of clothing, a skin or a sack, or any article used for any purpose. To be cleansed of their impurity, any of these objects must be placed in water. However, if any of these animals, or part of it, falls into a clay vessel, everything in it is considered unclean, and the vessel must be broken, because any food that may be eaten from it and any drink that may be drunk from any of these vessels will be unclean. However, a spring or cistern containing water will be clean, but anyone who touches a carcass in them will be unclean, and if any part of their carcasses falls on any seed that is to be sown, it will be clean; but if water is put on the seed and any part of their carcasses falls on it, it will be unclean and could not be eaten.

Finally, the verses 45 to 47 emphasize that the indicated religious precepts about food are established by the will of God, and that it *is the law concerning animals, birds, every living thing that moves in the waters, and every creature that creeps on the earth, to distinguish between the unclean and the clean, and between what may be eaten and what may not.*

By the other hand, in Leviticus 17 there is the prohibition of eating blood, because it is thought that the life of the flesh is blood, and this cannot be eaten because it must return to God when the animal dies. And its alimentary practices tend to distinguish them of the idolaters, for this the animal cannot be made to suffer and a very sharp knife must be used: the trachea and the esophagus must be cut in a precise point.

There are also particular precepts about food on holidays or festivals, based in the remembering the origins of the Jews. Thus, during the *Pesaj* (Easter in Hebrew), only unleavened bread (said *pan ácimo* in Spanish) is allowed, that it is without yeast or salt, as was done when leaving Egypt.

4. ISLAMIC RELIGIOUS PRECEPTS ABOUT FOOD

As for the precepts of the Islamic Law (Sharia) on food, we would go to different suras of the Qur'an, although it must also take into account the tradition, the *Sunna*, the tradition. We are interested in some verse of the suras II, *al-Baqarah* (The Heifer, in Arab); V, *al-Ma'idah* (The Table); VI, *al-An'am* (Livestock); and XVI, *an-Nahl* (The Bee), as said in the Qur'an's English texts (taken in <https://www.clearquran.com>). To sum up we can say that the rules on food belong to two categories: the one that is forbidden or harmful to health (*haram*) and the one allowed or acceptable (*halal*), categories, on the other, which are applicable to any Islamic practice outside food.

As Rhazzali says, *the term halal has spread to the everyday language of non-Muslims. Originally connected to a complex theological-doctrinal practice, the word has taken on new meanings from usages growing out of Muslim immigration and the consequent development of commercial halal markets* (Rhazzali, 2019, p. 175, and Benarafa, 2025, p. 40).

We must eat what God has made available to man. But it's not permitted eat the flesh of an animal that has died, the blood, the pork and what has been immolated in the name of someone other than God. It is not allowed to eat sheep or beef fat except that of the back of the viscera or that is mixed with the bone.

The most extensive reference of the Qur'an to religious precepts concerning food is found in the sura V (The Table), verses 2 to 4, specially the verse 3. Thus, according to the Quran, it is forbidden, as immoral, to eat carrion, blood, pork, and animals sacred to anyone other than God. It is also forbidden to eat the meat of animals that have been strangled, killed violently, killed by falls, gored, or torn to pieces by wild beasts, except for those that have been rescued and those sacrificed on altars. Regarding this prescription, the Quran considers

some exceptions: it establishes that God is forgiving and merciful to anyone who is forced by hunger, without the intention of doing evil.

Verse 2 contains some references related to food. Among other things, it states that the Sacred Month (i.e., the month of Ramadan, during which a strict daytime fast must be observed) should not be desecrated, and that hunting may be done when the sanctity of the pilgrimage has been abandoned, i.e., when one is not performing the pilgrimage to Mecca. Verse 4, for its part, states that all good things are permissible, even what trained dogs and falcons catch, and exhorts that they be trained according to what God has taught, so that whatever these animals catch may be eaten, pronouncing the name of God over it.

Other religious precepts linked to food or fast in this sura are in the verses 88 to 90. According to these verses, it should be eaten only the lawful and good things that God has provided; on the other hand, to atone for oaths sworn consciously, one should (among other possibilities) feed ten needy people with the average amount they feed their families, and whoever lacks resources should fast for three days. Finally, intoxicants (such as alcohol) are abominations of Satan, and should therefore be avoided.

Also, the sura VI (The Livestock), verse 145, referring to the sheep and camels mentioned in previous verses (specifically, verses 143 and 144), he considers that divine revelation contains no prohibition for those who eat them, except if one eats carrion, spilled blood, or pork, because it is impure. And, alluding to Jewish religious prescriptions regarding food, the following verse, 146, adds that Jews are prohibited from eating anything with claws, as well as the fat of cattle and sheep, except for that which adheres to their loins, entrails, or whatever is mixed with bone, stating categorically that *this is how We punish them for their iniquity*.

All this is framed in a general precept about what can be eaten from the livestock, established in a previous verse, the 142, where it is said that among the livestock are some for transportation, and some for clothing, and ends by stating that you can eat what God has provided for you, and do not follow the footsteps of Satan.

In the same sense, the sura XVI (The Bee), says (verse 114) that you can eat of the lawful and good things God has provided for you, and be thankful for God's

blessings. Also, the verse 115, similarly to what has been said before, indicates that God has forbidden eating carrion, and blood, and the flesh of swine, and anything consecrated to other than God. But if anyone is compelled by necessity, without being deliberate or malicious, then God is forgiving and merciful.

As it has been said, God is indulgent and merciful to anyone who acts illicitly by eating the forbidden foods in a forced way, without the intention of transgressing; the same sura says that *if someone is compelled by necessity, without being deliberate or malicious, your Lord is forgiving and merciful*. Also, in the same verse it's said that it should not be eaten what the name of God has not pronounced, because this is considered perverse, due to that, it's forbidden to eat what has been the object of *a sinful offering dedicated to other than God*.

As a summary of what has been said, from a negative perspective, the list of illicit foods or haram made by the Codex Alimentarium Commission of the FAO (Food and Agriculture Organization): A first group includes food of animal origin: a) pigs and boars; b) dogs, snakes and monkeys; c) carnivorous animals with claws and fangs, such as lions, tigers, bears, and other similar animals; d) birds of prey with claws, such as eagles, vultures and other similar birds; e) harmful animals, such as rats, centipedes, scorpions and other similar animals; h) animals that Islam prohibits killing; for example, ants, bees and woodpeckers; g) animals that are generally considered repulsive, such as lice, flies, worms and other similar animals; h) animals that live both on land and in water, such as frogs, crocodiles and other similar animals; i) domestic mules and donkeys; j) all poisonous and dangerous aquatic animals; k) any animal that has not been slaughtered in accordance with Islamic Law; l) the blood. A second group includes foods of plant origin: plants and narcotic and dangerous substances, except when the toxin or risk can be eliminated during its preparation. A third group includes some drinks: a) alcoholic beverages; b) all types of narcotic and dangerous beverages. Finally, a fourth group includes all food additives derived the other three groups (Rossell Granados, 2012, p. 440).

Finally, the celebration of Ramadam, which as we have seen, is mentioned in the Spanish agreement with the Muslims. It has some particular prescriptions, for the fast that must be done throughout the month, during daylight hours when there is the sun, from dawn to sunset. Verses 183 to 185 of sura II (The Heifer) states about the fasting month of Ramandan saying, in summary, that it

indicates that fasting is prescribed for all believers for a set number of days; that this fast must be observed during the month of Ramadan, which is the month in which the Quran was revealed, which is the guidance and criterion for humanity. However, if someone is sick or traveling, then fasting may be observed on other days, for God desires ease for the believers and does not wish them hardship, so that they may complete the number of days of fasting and may celebrate and thank God for having guided them.

5. SOME SPECIFIC PROBLEMS ABOUT RELIGIOUS FREEDOM IN FEEDING

In my opinión, the main problem is the possibility of supplying alternative menus for religious reasons in special areas such as schools, hospitals, prisons and detention centers for foreigners.

In educational field, as Moreno Antón says, in a intercultural society, the right to religious freedom must pay attention to family requests for specific adaptations in school menus for religious reasons. The adequacy of food to religious convictions is part of the essential content of that fundamental right, but it is not always possible to the large amount of families using school canteens, due to the difficulties for the organisations who operates that service. The origin of the problema is the absence of a common regulation about that subject in Spain and, also, the insensitivity of the courts. So, it is not possible the exercising of a right which the public authorities have undertaken to guarantee effectively. So, *any solution in this regard requires taking into account and weighing the best interests of the child, whose assessment is a right of the child but also a criterion of inexcusable application by any body or institution that must relate to it* (Moreno Antón, 2019).

Thr different Spanish autonomous communities have given four different types of solutions to the question of the elaboration of school menus, where the religious requirements in matters of food are not always taken into account: a) Those that only take into account that the school menus meet hygienic and hygienic conditions and nutritionally balanced; b) those that also consider that there are special alternative menus for students who, due to health problems,

can not eat the regular menu; c) those in addition to the special menus for medical reasons, consider other justified reasons without specifying, at the request of the parents (where religious reasons would implicitly apply to request a different menu), and d) the only one that admits a different menu by religious reasons, which is Andalusia (Gorrotxategui Azurmendi, 2001, p. 391, and Solanes Corella, 2018, p. 209-210).

The Valencian Community is currently in the third group, although recently it has been announced that in the future it will admit the differentiated school menu for medical, religious or cultural reasons (see Levante, newspaper of Valencia city, of July 3, 2019: <https://www.levante-emv.com/comunitat-valenciana/2019/07/03/colegios-ofrecer-menus-alternativos-creencias/1896505.html>. July 3, 2019).

With regard to the hospitals, as Solanes Corella points out, in this case there is no regulation at the state or regional level that contemplates the possibility of a diet according to religion, although some Autonomous Communities, such as Catalonia, have developed guidelines on this subject (Solanes Corella, 2018, p. 2016).

In the penitentiary field, article 21.2 of Royal Decree 190/1996, of February 9, which approves the Prison Regulations, and which develops Organic Law 1/1979, of September 26, General Penitentiary, establishes that the administration will provide the inmates with a diet controlled by the doctor and that corresponds, as far as possible, to their philosophical and religious convictions, an issue that is repeated again in article 226.1 of the same Royal Decree. It is necessary to emphasize that the possibility of providing to the inmates of the prisons a menu in agreement with its religious convictions is not an obligation for the Spanish administration, because such thing will be done in the measurement of the possible thing. These legal provisions have not always been taken into account and Spanish jurisprudence has not been in favor of recognizing the right of inmates to an alternative menu for religious reasons (Solanes Corella, 2018, p. 229).

Finally, regarding the interns in detention centers for foreigners, Royal Decree 162/2014, of 14 March, follows a line similar to the aforementioned, in its article 45 establishes that the direction of the center will guarantee and respect the religious freedom of foreigners interned, facilitating the means for

their practice. Also, it will facilitate that foreigners can respect the food of their respective confession, as long as the security and activities of the center and the fundamental rights of the other foreigners interned (Bonet Navarro, 35-53).

On the other hand the religious norms on the control of the food production process, which allow the use of certain techniques that usually generate a waste, for example, the ritual for the sacrifice of animals, without forgetting the possibility that these slaughter technician may violate the public order of the state regarding public hygiene.

6. CONCLUSIONS

The guarantee of the effective practice of religious precepts on food is in the basis of the Spanish legislation in this subject. The religious prescriptions that limit the consumption of certain foods are not, really, a great problem: anyone who is a believer will be free to adapt their acts to these prescriptions. There is a problem or there may be one side in ensuring that religious premises on food can be implemented, even in special centers: prisons, schools, hospitals, etc., because in Spain the guarantee of this right is found scattered in several instances: the obligation to take into account the religious beliefs present in society is not only for the Central Administration of the State, but also for the Spanish Autonomous Communities, and these, in the use of its competences in school matters or health care, can give, and in fact they give, different solutions. The main problem is the possibility of supplying alternative menus for religious reasons in special areas such as hospitals, military barracks, schools and prisons.

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