

# **COSTA RICA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution recognizes Roman Catholicism as the state religion, and the state is required to contribute to its maintenance. The constitution prohibits the state from impeding the free exercise of religions that do not impugn “universal morality or proper behavior.” It provides opportunity for redress in the case of an alleged violation of a citizen’s religious freedom. A debate continued between those who would remove Catholicism as the state religion and define the country as an explicitly secular state and those, including Catholic and non-Catholic Christians, who stated that this could erode religious values and freedoms and undermine the legal basis for their stances on issues such as abortion, same sex marriage, and in-vitro fertilization.

There were instances of anti-Catholic and anti-Semitic language on social media. Arguments on social media regarding same sex marriage and abortion were occasionally accompanied by insults and derogatory comments aimed at Catholic and Christian groups, according to a legislative advisor of one of the Christian parties in the National Assembly.

The U.S. Ambassador hosted a Rosh Hashanah dinner to promote religious freedom, in which members of the government participated alongside representatives from the Jewish, Muslim, Catholic, non-Catholic Christian, and other religious communities.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 4.9 million (July 2016). According to a 2013 survey by the Center for Investigations and Political Studies of the University of Costa Rica, an estimated 72.8 percent of the population is Catholic, 14.8 percent Protestant (including evangelical Protestants), 3.6 percent other religious groups, and 8.4 percent without religious affiliation. The majority of Protestants are Pentecostal, with smaller numbers of Lutherans and Baptists. There are an estimated 60,000 Jehovah’s Witnesses, predominantly on the Caribbean coast. The Church of Jesus Christ of Latter-day Saints (Mormons) estimates its membership at 35,000. The Jewish Zionist Center estimates there are between 3,000 and 3,500 Jews. Approximately 1,000 Quakers live near the cloud forest reserve of Monteverde, Puntarenas. Smaller groups include followers of

Islam, Taoism, the International Society of Krishna Consciousness, Scientology, Tenrikyo, and the Bahai Faith. Some indigenous people practice animism.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution establishes Roman Catholicism as the state religion and requires the state to contribute to its maintenance. The constitution prohibits the state from impeding the free exercise of other religions that do not undermine “universal morality or proper behavior.” Unlike other religious groups, the Catholic Church is not registered as an association and receives special legal recognition. Its assets and holdings are governed consistent with Catholic canon law.

The constitution recognizes the right to practice the religion of one’s choice. By law, a person claiming a violation of religious freedom may file suit with the Constitutional Chamber of the Supreme Court, and may also file a motion before the Constitutional Chamber to have a statute or regulation declared unconstitutional. Additionally, a person claiming a violation of religious freedom may appeal to the Administrative Court to sue the government for alleged discriminatory acts. Legal protections cover discrimination by private persons and entities.

The Ministry of Foreign Affairs and Religion is responsible for managing the government’s relationship with the Catholic Church and other religious groups. According to the law, a group with a minimum of 10 persons may incorporate as an association with judicial status by registering with the public registry of the Ministry of Justice. The government does not require religious groups to register; however, religious groups must register if they choose to engage in any type of fundraising. Registration also entitles them to obtain legal representation and standing or own property.

An executive order provides the legal framework for religious organizations to establish places of worship. Religious organizations must submit applications to the local municipality to establish a place of worship and to comply with safety and noise regulations established by law.

The law establishes that public schools must provide religious instruction by a person able to promote moral values and tolerance, and be respectful of human rights. If a parent on behalf of a child chooses to opt out of religious courses, the

parent needs to make a written request. The government allows non-Catholic religion courses in public schools in accordance with a 2010 Supreme Court ruling annulling a regulation limiting public school religious instruction to Catholic courses. The Ministry of Public Education provides assistance for religious education to private schools, both Catholic and non-Catholic, including directly hiring teachers, providing teacher salaries and other funds.

The law allows the government to provide land free of charge to the Catholic Church only. Government-to-church land transfers are typically granted through periodic legislation.

Only Catholic priests and public notaries may perform state-recognized marriages. Wedding ceremonies performed by other religious groups must be legalized through a civil union.

The constitution forbids Catholic clergy from serving in the capacity of president, vice president, cabinet member, or Supreme Court justice. This prohibition does not apply to non-Catholic clergy based on a decades-old ruling by the Supreme Elections Tribunal later confirmed by a Constitutional Chamber decision.

Immigration law requires foreign religious workers to belong to a religious group accredited by the Ministry of Foreign Affairs and Religion, and stipulates religious workers may receive permission to stay at least 90 days but not more than two years. The permission is renewable. Immigration regulations require religious workers to apply for temporary residency before arrival.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

Catholic leaders stated the Supreme Electoral Tribunal threatened civil penalties for sermons attempting to influence or specifying criteria influencing voting decisions. According to a representative of the Archdiocese of San Jose, such pressure was directed only towards Catholic leaders, while other religious groups did not face such threats even though they directly sponsored political parties.

The Constitutional Chamber ruled in favor of a Syrian woman who stated the freedom to exercise her religion was restricted while in prison. She stated authorities did not allow her to conduct Islamic prayers regularly and wear a veil

while doing so. The court ordered the chief of prisons to allow her to pray and wear a veil.

The government earmarked approximately 16,800,000 Colons (\$30,800) for construction or improvement projects for Catholic and non-Catholic churches around the country in the supplemental budget approved in November.

Some non-Catholic leaders continued to state the constitution did not sufficiently address the specific concerns of non-Catholic religious groups. Protestant groups registered as secular associations said they preferred a separate registration that would specifically cover church construction and operation, permits to organize events, and pastoral access to hospitals and jails for non-Catholic religious groups. In the case of the Catholic Church, the government continued to address such concerns through the special legal recognition afforded the Church under canon law.

Members of the Evangelical Alliance and Catholic Church criticized the government for supporting proposed legislation for a secular state, fearing it could erode rather than favor religious freedom for all faiths. Opponents argued a secular state would undermine the legal basis for traditional stances on issues such as abortion, same sex marriage, and in-vitro fertilization.

### **Section III. Status of Societal Respect for Religious Freedom**

Arguments over same sex marriage and abortion on social media networks were occasionally accompanied by insults and intolerance disparaging the beliefs of Catholics and other Christians, according to a legislative advisor from one of the Christian parties at the National Assembly.

The Jewish community reported instances of anti-Semitic comments on social media.

### **Section IV. U.S. Government Policy**

The U.S. Ambassador hosted a Rosh Hashanah dinner to promote mutual respect and tolerance. Jews, Muslims, evangelical Protestants, Catholics, other religious communities, and government representatives participated.