

COSTA RICA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution recognizes Roman Catholicism as the state religion; the law requires the state to contribute to the Catholic Church's maintenance. The constitution prohibits the state from impeding the free exercise of religions that do not impugn "universal morality or proper behavior" and provides for redress in cases of alleged violations of religious freedom. Some civil society leaders continued to state that the constitution did not sufficiently address the specific concerns of non-Catholic religious groups, in particular regarding registration processes. The Constitutional Chamber received 12 claims of denial of the free exercise of religious freedom at educational institutions and discrimination by some government entities. The chamber dismissed 10 of them, stating there was insufficient evidence or no basis for claiming discrimination. In the other two cases, the chamber ruled in favor of the claimants: a police officer who wanted to reschedule his work shift to observe the Jewish Sabbath and evangelical pastors denied access to a prison.

Instances of anti-Catholic language on social media continued. For example, an article posted on Facebook reporting on the Catholic Church's position on abortion received several comments with slurs against the Catholic clergy, calling them pedophiles and hypocrites in their views on social issues. There were also reports of anti-Semitism on social media, with the Jewish community reporting instances of stereotypes about Jews controlling the economy being perpetuated on social networks, as well as statements questioning Israel's right to exist. An interreligious forum created in December 2017, with participants from Catholic, evangelical Protestant, Lutheran, Jewish, Buddhist, Baha'i, Muslim, and indigenous communities, continued to promote dialogue among the country's faith communities. The group met periodically throughout the year.

Embassy representatives met with public officials and religious leaders throughout the year, including those representing religious minorities, to discuss their views on religious freedom. The outreach to religious groups included meetings with leaders of the Muslim, Jewish, Catholic, and Protestant communities; The Church of Jesus Christ of Latter Day Saints (Church of Jesus Christ); and other religious groups. In November the Ambassador hosted an interfaith Thanksgiving-themed meeting at her residence to promote interreligious dialogue with public officials and religious leaders. The embassy also nominated a Christian minister who participated in a U.S. government exchange program on religious freedom. The

embassy used social media to send congratulatory messages to religious groups on special religious occasions.

Section I. Religious Demography

The U.S. government estimates the total population at 5 million (July 2018 estimate). A March survey by the Center for Research and Political Studies of the University of Costa Rica (UCR) estimates 52 percent of the population is Catholic (compared with 71.8 percent in UCR's 2016 survey); 22 percent Protestant, including evangelical Protestants (compared with 12.3 percent in the 2016 survey); 9 percent other religious groups (compared with 2.9 percent in 2016); and 17 percent without religious affiliation (compared with 12.3 percent in 2016).

The majority of Protestants are Pentecostal, with smaller numbers of Lutherans and Baptists. There are an estimated 32,000 Jehovah's Witnesses, predominantly on the Caribbean coast. The Church of Jesus Christ estimates its membership at 50,000. The Jewish Zionist Center estimates there are between 3,000 and 3,500 Jews in the country. 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 Baha'i Faith. Some members of indigenous groups practice animism.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution establishes 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 to own property.

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.

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 ecumenical religious instruction by a person who is 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 must make a written request. The Ministry of Public Education provides assistance for religious education to private schools, both Catholic and non-Catholic, including directly hiring teachers and 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.

Immigration law requires foreign religious workers to belong to a religious group accredited for migration control purposes by the Ministry of Foreign Affairs and Religion, and it stipulates religious workers may receive permission to stay at least

90 days but not more than two years. The permission is renewable. To obtain accreditation, a religious group must present documentation about its organization, including its complete name, number of followers, bank information, number of houses of worship, and names of and information on the group's board of directors. Immigration regulations require religious workers to apply for temporary residence before arrival.

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

Government Practices

Some non-Catholic leaders continued to state the constitution did not sufficiently address the specific concerns of non-Catholic religious groups, in particular regarding registration processes. Members of Protestant groups registered as secular associations continued to state 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 members of 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.

The Constitutional Chamber received 12 claims of denial of the free exercise of religious freedom at educational institutions or public places. The court dismissed 10 claims due to lack of evidence proving discrimination or because it found no basis for claiming discrimination. In the other two claims, the chamber ruled in favor of the claimants. In one case, the chamber ordered that a Jewish police officer have his work hours rescheduled for his observation of the Sabbath. In the other case, the chamber ruled that evangelical pastors and other religious leaders could visit prisoners and provide spiritual support when requested – a right Ministry of Justice authorities had denied at a prison in the town of Perez Zeledon in 2017.

The government included support for the Catholic Church and evangelical groups in its annual budget. It earmarked approximately 20.2 million colones (\$33,500) for various projects requested by the Catholic Church and evangelical groups during the year, including funds to make improvements at churches and parish buildings in different parts of the country. This funding for religious groups was included in a supplemental budget for the year. A semiautonomous government institution sold lottery tickets and used the proceeds to support social programs, including some run by non-Catholic groups.

The place of religion in the political process was a subject of much public discussion during the election season. In January, one month before national legislative elections and the presidential primary, the Inter-American Court for Human Rights (IACHR) issued an advisory opinion recommending the country legalize same-sex partnerships, making this a central issue of public debate. The Catholic Church and the Evangelical Alliance stated their opposition to same-sex partnerships and urged their followers to vote in line with their moral values. In response to the groups' public statements near the time of the election, the Supreme Electoral Tribunal (TSE) issued a directive in February ordering religious groups to refrain from influencing the vote of their parishioners, in line with a constitutional prohibition on the involvement of religious groups in political activities. The Episcopal Conference of Costa Rica and Evangelical Alliance appealed the TSE's directive on freedom of expression grounds, which the TSE denied.

After the election, same-sex partnerships continued to be a topic of public debate, as officials considered whether, and if so, how to implement the IACHR decision. In August the Constitutional Chamber of the Supreme Court ruled that the Family Code definition of marriage as between a man and a woman was unconstitutional. The chamber gave the National Assembly 18 months to take action before the law would be automatically repealed by the court. This would legalize same-sex partnerships de facto. At year's end, two bills were pending in the National Assembly: one that would recognize same-sex civil unions and another that would give same-sex couples full marriage rights. The Catholic Church, the Evangelical Alliance, and legislators of the evangelical National Restoration Party (PRN) opposed any recognition of same-sex partnerships.

Abortion was also a frequent topic of public debate involving religious groups during the year. In the National Assembly, members of the Citizens' Action Party sought to legalize abortion in limited cases, such as when the mother's life is in danger. PRN legislators presented a bill penalizing abortion as homicide. The director of the Evangelical Alliance and the president of the Catholic Conference of Bishops supported PRN efforts and criticized any legislation that would permit abortion.

Section III. Status of Societal Respect for Religious Freedom

According to polling done by the University of Costa Rica, over the last two years, there was a demographic shift to fewer adherents of the Catholic Church.

Approximately half of those who left the Catholic Church joined evangelical groups, while the other half gave up religious affiliation altogether. Political observers and religious leaders said that reaction to the IACHR's advisory opinion on same-sex partnerships and the consequent public debate about the place of religion in the state may have contributed to this shift. Catholic leaders noted that during the year they received a significant increase in requests from former members seeking to disaffiliate with the Catholic Church due to disagreements on social policy.

Arguments over same-sex partnerships and abortion on social media networks were occasionally accompanied by insults and remarks disparaging the beliefs of Catholics, other Christians, and nonbelievers. For example, an article posted on Facebook reporting on the Catholic Church's position on abortion received several comments with slurs targeting Catholic clergy, calling them pedophiles and hypocrites for their stance on social issues. Both issues continued to prompt polarizing public debate, both in social and traditional media outlets.

The Jewish community reported instances of anti-Semitic comments on social media, in particular posts that questioned Israel's right to exist and posts featuring anti-Semitic stereotypes of the Jewish people, stating that they controlled the economy, were accumulating excess wealth, and were practicing a new form of Nazism against Palestinians.

An interfaith dialogue among religious leaders continued, with participation of representatives from the Catholic, evangelical Protestant, Lutheran, Jewish, Baha'i, and Buddhist faiths. Established in December 2017 as an initiative of the Ombudsman's Office, the objective of the group was to promote interreligious dialogue among the country's religious groups. The group met in June at the Latin American Bible University for a forum focusing on Buddhism and Judaism. In September the group met at the Buddhist Cultural Center to discuss the importance of nonviolent dialogue in the education system, with examples from the various religious traditions. In November the group hosted an interfaith dialogue with indigenous groups.

Section IV. U.S. Government Policy and Engagement

Embassy officials discussed issues of religious freedom throughout the year with public officials, including legislators, presidential candidates, TSE officials, and officials from the Ministry of Foreign Affairs. Many of these conversations

included discussion of the national elections, specifically, the role of religious expression and its place in the electoral process.

Embassy representatives also spoke frequently with civil society leaders and with a wide range of religious leaders from the Muslim, Jewish, Catholic, Protestant, Church of Jesus Christ, and other religious communities to discuss their views on religious freedom in the country, including the free expression of religious beliefs. In November the Ambassador hosted an interfaith Thanksgiving-themed meeting at her residence to promote interreligious dialogue with public officials and religious leaders. The embassy supported the nomination of a Christian minister who participated in a U.S. government exchange program on religious freedom. The embassy used social media to send congratulatory messages to religious groups on special religious occasions and highlight tolerance and respect for religious diversity.