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Country:

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Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

91

Freedom Rating:

1.0

Overview:

Costa Rica has a long history of democratic stability, with a multiparty political system and regular rotations of power through credible elections. Freedoms of expression and association are robust. The rule of law is generally strong, though presidents have often been implicated in corruption scandals, and prisons remain overcrowded. Among other ongoing concerns, the LGBT (lesbian, gay, bisexual, and transgender) community and indigenous people face discrimination, and land disputes involving indigenous communities persist.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is directly elected for a four-year term and can seek a nonconsecutive second term. Presidential candidates must win 40 percent of the vote to avoid a runoff. In

2014, Luis Guillermo Solís of the Citizen Action Party (PAC) was elected president in the second round of voting. Solís faced Johnny Araya of the National Liberation Party (PLN) in the runoff, and proceeded to win 78 percent of the vote. The election was considered credible by international election observers, including the Organization of American States (OAS).

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Elections for the 57-seat unicameral Legislative Assembly occur every four years, and deputies are elected by proportional representation. Deputies may not run for two consecutive terms, but may run again after skipping a term. In the 2014 legislative elections, the PLN won the most seats, followed by the PAC. Legislative elections were held concurrently with the presidential election and were deemed credible by international observers.

The PAC lost control of the legislature in 2015 following elections for the chamber's directorate, which gave the opposition five of six seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

A special chamber of the Supreme Court appoints the independent national election commission, the Supreme Electoral Tribunal (TSE), which is responsible for administering elections. The TSE carries out its functions impartially and the electoral framework is fair. In the 2014 elections, Costa Ricans residing abroad were allowed to vote for the first time.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

People have the right to organize in different political parties without undue obstacles. Power in Costa Rica has long alternated between the two dominant parties, the PLN and the PUSC. However, dissatisfaction with party politics and political scandals resulted in defections from the PLN in the early 2000s. PAC, formed in 2002 as an anticorruption party, has become a rising force in Costa Rican politics, winning the presidency and 13 seats in the legislature in 2014, while the PUSC has been damaged by corruption scandals. By the 2014 elections, it appeared that Costa Rica's traditional two-party system had collapsed, as nine parties won representation in the legislature.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power regularly alternates in Costa Rica, and opposition parties compete fiercely in presidential and legislative elections. Most recently, Luis Guillermo Solís won the 2014 presidential election as the candidate of PAC, an opposition party at the time. Parties along a wide spectrum of the political order are freely competing in the upcoming 2018

elections. At the end of 2017, there were many undecided voters, as the incumbent government is unpopular due to corruption scandals.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Citizens' political choices are free from domination by unelected elites and foreign powers, though the Roman Catholic Church can be influential on some issues.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

In 2015, the legislature passed a constitutional amendment declaring Costa Rica to be "multiethnic and plurinational." However, indigenous rights have not historically been prioritized by politicians, and there are no indigenous representatives in the legislature. Women are represented in government—over 30 percent of seats in the Legislative Assembly are held by women, but this number is a decrease from the previous legislature. Few women are appointed to high-level government positions. The government has introduced some initiatives to increase women's political participation, such as the institution of gender quotas in order to ensure gender parity in political parties. The legislature has also passed several key bills to advance women's rights, including a 2016 law that ended discrimination against women in divorce proceedings.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Costa Rica's freely elected government and lawmakers set and implement state policy without interference. However, legislative gridlock was an issue in 2017. The opposition continued to control the Legislative Assembly in 2017 and blocked President Solís's attempts to pass legislation that would address the country's worrisome annual fiscal deficits.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Costa Rica has effective laws against corruption, which are generally well enforced. In a positive sign for transparency and accountability, President Solís compelled Labor Minister Víctor Morales to resign in 2016 after the newspaper *La Nación* reported that the minister's niece had been hired by the ministry in violation of an ethics code. In July 2017, Costa Rica became a member of the Organization for Economic Co-operation and Development (OECD) Anti-Bribery Convention to help prevent corruption.

Despite its functioning anticorruption mechanisms, nearly every president since 1990 has been accused of corruption after leaving office. In September 2017, President Solís was implicated in the Cementazo scandal, involving influence peddling related to Chinese cement exports to Costa Rica. In December, a legislative commission stated that close to 30 people, including the president and other prominent officials from all three branches of

government, were involved in the scandal. Cementazo loomed large over the nascent presidential campaign in late 2017, and public opinion surveys have revealed that many Costa Ricans viewed corruption as a key issue in the 2018 elections.

C3. Does the government operate with openness and transparency? 3 / 4

Citizens generally have access to government information. However, there are some deficiencies in the reporting of budgets to the public, including a lack of transparency in communicating the objectives of the annual budget. Senior government officials are required to make financial disclosures, but that information is not available to the public.

In April 2017, two executive decrees were signed with the goal of ensuring transparency compliance with the law across the government and facilitating access to information. In November, the legislature passed a law to increase efficiency and establish an information access office in every public institution.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is largely respected in Costa Rica. Defamation laws are on the books, but imprisonment was removed as a punishment for defamation in 2010. A new freedom of expression and press draft law was presented to the legislature in April 2017 which further narrowed the definition of defamation.

There are six privately owned daily newspapers. Both public and commercial broadcast outlets are available, including at least six private television stations and more than 100 private radio stations.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Roman Catholicism is the official religion, but the constitution guarantees the freedom of religion, which is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is constitutionally protected and generally upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is generally free and the government is not known to surveil the electronic communications of Costa Ricans.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected, and this right is generally upheld in practice. A diverse range of groups, including LGBT and environmental organizations, hold regular rallies and protests without government interference.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), including those engaged in human rights work, are active and do not encounter undue obstacles.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Although labor unions are free to organize, and mount frequent protests with minimal governmental interference, the law requires a minimum of 12 employees to form a union, which may negatively impact union rights at small enterprises. Some cases of employers firing employees who attempted to organize unions were recorded in 2017.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judicial branch is generally independent and impartial. Supreme Court judges are elected by a supermajority of the legislature.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are provided for in the constitution, and they are protected for the most part. However, there are often substantial delays in the judicial process, resulting in sometimes lengthy pretrial detention—approximately 16 percent of the prison population consisted of inmates awaiting trial in 2017.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violence in Costa Rica has increased in recent years and in 2017 the country documented over 600 murders, or a rate of 12.1 murders per 100,000 people, a record high. The Pacific coast serves as a drug transshipment route and the government has reported that most homicides are related to organized crime and drug trafficking. There are reports of occasional police abuse, including violence and degrading treatment—confirmed cases are investigated and prosecuted.

Overcrowding, poor sanitation, insufficient access to healthcare, and violence remain serious problems in Costa Rica's prisons. Recurrent abuse by prison police has not been thoroughly investigated due to victims' reluctance to file formal complaints.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution outlines general equal rights for all people, but those rights are not always respected. Indigenous people, who comprise 3 percent of the population, continue to face discrimination, particularly in regard to land rights and access to basic services. Costa Ricans of African descent have also faced discrimination in access to healthcare, education, and employment.

Women experience discrimination due to entrenched gender stereotypes, which can limit their equal access to employment, health services, and the justice system. Executive orders prohibit discrimination on the basis of sexual orientation and gender identity and the government has expressed commitment to the protection of the LGBT community. However, law enforcement officials have displayed persistent discriminatory attitudes and practices toward the LGBT community, including attacks on transgender sex workers. Additionally, the legislature has delayed the passage of several bills that would advance LGBT rights in the country, including a bill that would strengthen antidiscrimination measures.

In 2016, a new law provided disabled people greater personal autonomy—prior to the law's passage, family members often had legal guardianship over some disabled people. A number of asylum seekers arrived in Costa Rica in 2017, and although the law entitles them to access public services, discrimination sometimes prevented them from taking advantage of those benefits.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Freedom of movement is constitutionally guaranteed and Costa Ricans enjoy relative freedom in their choice of residence and employment.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are generally protected, with the exception of intellectual property rights. Laws protecting intellectual property are not always adequately enforced in practice.

Individuals are free to establish businesses, and the business and investment climate is generally open, although the complicated bureaucracy can deter entrepreneurs.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Despite the existence of domestic violence legislation, violence against women and children remains a problem and reportedly increased in 2017. In June 2017, in response to a public assault of a woman on a San José street that garnered national media attention, the National Women's Institute, a government agency committed to advancing

women's rights, revealed a plan to combat violence against women and address the social and cultural factors that contribute to it.

A court decision in 2015 granted common-law marital status to same-sex couples for the first time, though the legislature has not legalized same-sex marriage. Abortions are illegal in Costa Rica except when the health of the mother is in danger. Health professionals' lack of knowledge of the law and fear of repercussions for performing even legal procedures has left many women without access to that right.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Despite legal protections, domestic workers, particularly migrant workers, are subject to exploitation and forced labor. Employers often ignore minimum wage and social security laws, and the resulting fines for violations are insignificant. Child labor is a problem in the informal economy. According to a 2016 government report, over three percent of minors were employed.

Sex trafficking and child sex tourism are also serious problems. A law that took effect in 2013 established penalties for human trafficking and organ trafficking, as well as a fund for victims and prevention efforts. The U.S. State Department's 2017 *Trafficking in Persons Report* found that government antitrafficking efforts were improving, noting that antitrafficking funds were being disbursed for the first time and more trafficking victims were identified. However, there was only one trafficking conviction during the reporting period and the government did not provide adequate victim care services.

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