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Costa Rica

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

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The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 19,730 square miles and a population of 4.5 million, according to the National Institute of Census and Statistics. The most recent countrywide survey of religion, conducted in 2009 by the University of Costa Rica, found that 42.8 percent of the population identify themselves as practicing Roman Catholics, 26.9 percent nonpracticing Catholics, 17 percent evangelical Protestants, 9.1 percent report no religious affiliation, and 4.1 percent declare "another religion."

Baptist, Episcopal, Lutheran, Methodist, and other Protestant groups have significant membership. The Church of Jesus Christ of Latter-day Saints (Mormons) claims membership of 35,000 and has a temple in San José. The Lutheran Church estimates it has 5,500 members in 30 communities (1,320 active members), and the Jewish Zionist Center of Costa Rica estimates there are 2,500 Orthodox Jews and 300 Reform Jews. An estimated 1,000 Quakers are found in the cloud forest reserve of Monteverde, Puntarenas, and an additional 1,000 persons attend Quaker meetings as nonmembers

throughout the country. Although they represent less than 1 percent of the population, Jehovah's Witnesses have a strong presence on the Caribbean coast. Seventh-day Adventists operate a university that attracts students from throughout the Caribbean Basin. The Unification Church has its continental headquarters for Latin America in San José. Other groups, including followers of Islam, Taoism, Krishna Consciousness, Scientology, Tenrikyo, and the Bahai Faith, claim membership throughout the country, with the majority of worshippers residing in the Central Valley (the area that includes San José). While there is no general correlation between religious affiliation and ethnicity, indigenous peoples are more likely to practice animism than other religions.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. Article 75 of the constitution provides the right to practice the religion of one's choice. In the event of a violation of religious freedom, a victim may file a lawsuit with the constitutional chamber of the Supreme Court. A victim may also file a motion before the constitutional chamber to have a statute or regulation declared unconstitutional. Additionally, a victim may appeal to the administrative court for permission to sue the government for alleged discriminatory acts. Laws are generally applied and enforced in a rigorous and nondiscriminatory fashion. Legal protections cover discrimination by private actors.

The constitution establishes Catholicism as the state religion and requires that the state contribute to its maintenance. The constitution also prohibits the state from impeding the free exercise of other religions that do not impugn universal morality or proper behavior. The Ministry of Foreign Affairs and Religion is responsible for managing the government's relationship with the Catholic Church and other religious groups. The ministry included funding in its annual budget for maintenance and repairs of some Catholic churches during the reporting period. The Catholic Church received exemptions from income and real estate taxes.

The law allows the government to provide land to the Catholic Church. This practice was established in part to restore land the government seized from the church during the 19th century. Land conveyance takes two forms: right of development grants with ownership retained by the state; and outright title grants, a method commonly used to provide land for the construction of local churches. These methods do not meet all the needs of the Catholic Church, which also buys some land. Government-to-church land transfers are not covered under any blanket legislation but by specific legislative action, typically once or twice per year. The latest legislative action, in 2007, provided for land to be donated by a local municipality to the Catholic Church for new church construction. Some evangelical leaders maintained that it was unfair for the government to provide land and tax exemptions only to the Catholic Church.

Besides notaries public only officials of the Catholic Church can perform marriages that are automatically recognized by the state. Other religious groups can perform wedding ceremonies, but the marriage must then be legalized through a civil union. Couples may also choose to have a civil ceremony only.

To address the separation of church and state, the constitution establishes that the president, vice president, cabinet members, and Supreme Court justices may not be Catholic clergy; however, clergy may serve in other political offices. The Supreme Elections Tribunal (TSE) upheld the position that the prohibition against serving in these high-level public offices did not apply to non-Catholic clergy.

The government does not require religious groups to register, nor does it inhibit the establishment of religious groups through taxation or special licensing requirements. According to the Law of Associations, a group with a minimum of 10 persons may incorporate as an association with juridical status (personeria juridica) by registering with the Public Registry of the Ministry of Justice. Religious groups, like any other association, must register with the Public Registry to engage in any type of fundraising activity. They must be accredited with the Ministry of Foreign Affairs and Religion to be eligible for temporary residency for their foreign missionaries and employees and to petition for legal recognition of religious holidays.

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Some non-Catholic leaders believed that the Law of Associations was not adequate for religious groups since it allows them to register only in the same manner as businesses, sports groups, or other kinds of associations. They would prefer registration specifically for religious groups, thereby facilitating church construction and operation, event organizing permits, and pastoral access to hospitals and jails. Representatives of various religious groups reported that hospital and prison security personnel occasionally denied them access for pastoral care to their members in public hospitals and prisons.

Under regulations enacted to implement the 2006 immigration law, religious workers must apply for temporary residency before arrival. The 2006 law requires foreign religious workers to belong to a religious organization accredited by the Ministry of Foreign Affairs and Religion. Article 75 of the 2006 immigration law stipulates that immigration officials may grant authorization for religious workers to enter and stay in the country for at least 90 days but not more than two years.

The 2007 executive decree that provides a legal framework for religious organizations to establish churches and other places of worship remained in effect. Religious organizations must submit applications to the local municipality to establish a place of worship and comply with safety and noise regulations as established by the General Health Law. The Evangelical Alliance Federation asserted that the Ministry of Health continued to close churches that were not in compliance with the executive order. According to the federation, noise pollution and lack of municipal permits (related to the land-use law) were the main reasons for church closures. In July an executive decree granted an additional year for compliance.

The Ministry of Public Education provides subsidies to private schools (both Catholic and non-Catholic) to reduce tuition. A subsidy can be direct placement of a teacher, provision of a teacher's salary, or other monetary support.

Catholic religious instruction (catechesis) is provided in public schools; however, it is not mandatory. According to the educational code, the Catholic Church has sole authority to select teachers of religion (catechists) for the public school system, including employment and dismissal authority. In February the constitutional chamber annulled this authority. At the end of the year, the constitutional chamber had not issued the final text of its ruling or notified the Catholic Church.

According to the educational code and constitutional jurisprudence, students may obtain exemptions from religious education with the permission of their parents. The school director, the student's parents, and the student's teacher must agree on an alternative course of instruction for the exempted student during religious instruction time. Some non-Catholic leaders complained that exemptions sometimes required a letter from the child's pastor also and that, occasionally, students were required to remain in the classroom while Catholic doctrine was taught, in some cases due to lack of resources for alternate activities.

Private schools were free to offer any religious instruction they chose. Parents did not have the option of homeschooling their children.

The government observes the following religious holidays as national holidays: Holy Thursday, Good Friday, Our Lady of the Angels Day (August 2), and Christmas. However, the labor code provides the necessary flexibility for observance of a different religious holy day upon the employer's approval.

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

In September 2009 members of the Costa Rican Association of Secular Humanists filed a complaint with the TSE against the Catholic bishop of Cartago, José Francisco Ulloa. In a September 2009 sermon he urged parishioners not to vote for candidates in the February 2010 presidential elections that "denied God and defend principles that go against life, matrimony and family." In May the TSE found Bishop Ulloa guilty of violating article 28 of the constitution, which prohibits members of the clergy from making political pronouncements for religious reasons. The TSE directed him to refrain from such actions and ordered him to pay damages; the amount and recipient(s) of the payments were to be determined at a separate hearing that had not occurred by the end of the year.

There were no reports of abuses, including religious prisoners or detainees, in the country.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

The Catholic Church met periodically with other religious groups through the Ecumenical Affairs Committee of the Catholic Conference of Bishops and the Commission on Interfaith Dialogue. Nongovernmental organizations, including the Jewish-Christian Fraternity and the Costa Rican-Jewish Cultural Institute, promoted religious understanding.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Embassy representatives had contact with the director of religion of the Ministry of Foreign Affairs and Religion and with representatives of the Catholic Church, the Muslim Cultural Center, and other religious communities.

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