



Costa Rica

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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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 2008 by the University of Costa Rica, found that 43.3 percent of the population identify themselves as practicing Roman Catholics, 31.2 percent nonpracticing Catholics, 15.2 percent evangelical Protestants, 5.7 percent report no religious affiliation, and 4.4 percent declare "another religion."

Methodist, Lutheran, Episcopal, Baptist, 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 Jose that serves the country and Panama. 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 attend Quaker meetings as nonmembers throughout the country. Although they represent fewer 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 Jose. Other groups, including followers of Islam, Taoism, Krishna Consciousness, Scientology, Tenrikyo, and the Baha'i Faith, claim membership throughout the country, with the majority of worshippers residing in the Central Valley (the area that includes San Jose). 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

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free

practice of religion.

Article 75 of the Constitution provides the right to practice the religion of one's choice, and the Government generally observed and enforced this provision. 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 receives 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 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.

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 via a civil union. Couples may also choose to have a civil ceremony only.

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

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 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, as 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.

Some non-Catholic leaders believed that the Law of Associations was not adequate for religious groups since it allowed 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.

In 2006 an immigration law was passed that changed certain procedures for missionaries and other religious workers seeking temporary residency. Under regulations enacted to implement the 2006 law, religious workers must apply for temporary residency before arrival rather than entering as tourists and changing status. 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 may grant authorization for religious workers to enter and stay in the country for at least 90 days but not more than two years.

In 2006 and 2007, representatives of the Catholic Bishops' Conference and the Evangelical Alliance Federation signed bilateral agreements with the Government that allowed them to present applications for temporary residency for their personnel directly to Immigration once missionaries arrived in the country. In 2007 Immigration published a guideline to extend benefits to other religious groups. An immigration official reportedly was assigned to receive applications from religious organizations; however, according to the Evangelical Alliance Federation, the process continued to take several months. One religious leader maintained that of 159 Evangelical Alliance Federation files presented to Immigration for permits during the reporting period, 84 cases were approved, 69 were denied, and six remained pending. Other non-Catholic leaders reported that they had not experienced problems with temporary residency applications.

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 2007 executive decree grants existing churches a grace period to update facilities to comply.

The Evangelical Alliance Federation asserted that the Ministry of Health continued to close churches without complying with the executive order and reported seven of its churches closed during the reporting period. According to the Federation, noise pollution and lack of municipal permits (related to the land-use law) were the main reasons for church closures. Other non-Catholic leaders did not complain of church closings, attributing the differences to location or to their quieter services.

The Government, through the Ministry of Public Education (MEP), provides subsidies to private schools (both Catholic and non-Catholic) so they can 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 education code as upheld by the Supreme Court, the Catholic Church has sole authority to select teachers of religion (catechists) for the public school system, including employment and dismissal authority. The Church maintains an office within the MEP expressly for this function. According to the Department of Religious Education of the MEP, only Catholic university graduates are eligible to teach religion in public schools. Religious education teachers in public schools must be certified by the Catholic Bishops' Conference. According to the education code and constitutional jurisprudence, students may obtain exemptions from religious education with the permission of their parents, and the Department of Religious Education estimated that 14 percent of students chose this option. 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.

On September 2, 2008, the Constitutional Chamber of the Supreme Court ruled in favor of a non-Catholic student who argued that a private Catholic school discriminated against her and denied her admission for the following year. In its ruling, the Court established that private schools cannot condition admittance on religious beliefs and ordered the private school to exempt the student from attending religion classes.

Private schools are free to offer any religious instruction they choose. Parents do not have the option of homeschooling their children.

On December 19, 2008, the Constitutional Chamber of the Supreme Court ruled in favor of a student whose school had a uniform policy requiring all students to wear trousers and prohibiting girls from wearing skirts. In accordance with her religious beliefs and practices, the Chamber ordered the school to allow her to attend classes wearing a skirt.

Restrictions on Religious Freedom

The Government generally respected religious freedom 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 religious detainees or prisoners in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, prominent societal leaders took positive steps to promote religious freedom.

The Jewish Community Center reported that some (approximately 10 in six months) observant Jews wearing a skullcap received verbal abuse in public during the reporting period. Additionally, there continued to be reports of occasional instances of anti-Semitic graffiti in San Jose.

Some non-Catholic leaders reported difficulties with the implementation of a 2003 executive order allowing non-Catholic pastors access to public hospitals and prisons. They maintained that public hospital and prison security staff continued to deny entry to non-Catholic pastors due to unfamiliarity with the executive order or failure to comply. The Evangelical Alliance Federation confirmed the case of a pastor who was initially denied access to a major public hospital until he raised the issue of the decree with the guard. The Lutheran bishop noted that it was often difficult for his pastors to gain access. Catholic clergy and chaplains also reported being denied entrance to public hospitals after visiting hours.

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. Non-governmental organizations, including the Jewish-Christian Confraternity 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 regular contact with the Ministry of Foreign Affairs and Religion's Director of Religion. The Embassy also maintained contact with the Catholic archbishop and dioceses, as well as with other religious leaders, to discuss specific concerns.