



## Costa Rica

### International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

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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 4.4 million, according to the National Institute of Census and Statistics. The most recent nationwide survey of religion, conducted in 2007 by the University of Costa Rica, found that 44.9 percent of the population identify themselves as practicing Roman Catholics, 25.6 percent non-practicing Roman Catholics, 13.8 percent evangelical Protestants, 11.3 percent report they do not have a religious affiliation, and 4.3 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 5,000 members in 30 communities, 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 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 Jose. Other groups, including followers of Islam, Taoism, Hare Krishna, 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 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. The law at all levels protects this right in full against abuse, either by governmental or private actors.

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 Government's administrative court for permission to sue the Government for alleged discriminatory acts. Laws are generally applied and enforced in a rigorous and nondiscriminatory fashion.

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 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: first, right of development grants with ownership retained by the state; and second, 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 rather by specific legislative action once or twice per year. The latest legislative action, in November 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 prohibits clergymen or secular individuals from engaging in political propaganda motivated by religion. In addition, 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 personality (*personeria juridica*) by registering with the Public Registry of the Justice Department. 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 permits for their foreign missionaries and employees, and to petition for legal recognition of religious holidays.

Some non-Catholic leaders believe that the Law of Associations is not adequate for religious groups since it only allows them to register 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. The country does not maintain armed forces.

In 2006 an immigration law was passed that changed certain procedures for missionaries and religious workers seeking temporary residency. Under interim guidelines, religious workers must apply for a temporary residency permit before arrival rather than entering as tourists and changing status. The 2006 law requires foreign religious workers to be a part of a religious organization accredited by the Ministry of Foreign Affairs and Religion. At the discretion of the General Directorate of Immigration, they may be given a temporary permit that is granted for at least 90 days but not more than 2 years. Foreign missionaries already in the country must apply to the General Directorate of Immigration for an annually renewable temporary residency permit.

In September 2006 the Ministry of Public Security (which oversees the General Directorate of Immigration) and the Catholic Bishops' Conference signed an agreement that would allow an exception to this procedure. It allows the Catholic Bishops' Conference to present applications for residency permits for Catholic Church personnel directly to Immigration and thus avoid lengthy delays for these services. Catholic religious workers may apply for religious visas once they arrive in the country, rather than before arrival.

In June 2007 the Ministry of Public Security signed an agreement with the Evangelical Alliance Federation to similarly facilitate the temporary residency application process for non-Catholics. However, some non-Catholic leaders asserted that the Immigration Office was not expediting non-Catholic applications for permits and that the process could take as long as 2 years or never be resolved, leaving the missionary in tourist status with fewer legal protections for the duration of his or her stay. One leader maintained that of 104 Evangelical Alliance Federation files presented to Immigration for permits during the reporting period, only 1 case was approved, 23 were denied, and the rest remained pending. These non-Catholic leaders also noted that if approved, the non-Catholic recipient of the religious temporary residency permit must pay as much as \$300 as an immigration deposit. Other non-Catholic leaders reported that they had not experienced problems with temporary residency permits.

On July 17, 2007, due to past closures of non-Catholic churches by the Ministry of Health for noise violations, President Oscar Arias and the Minister of Public Health signed an executive order to regulate health and safety standards for non-Catholic churches and places of worship. Evangelical churches that hold more "charismatic" services and are located in residential neighborhoods were the main targets for church closure. Religious organizations must now 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. Existing churches are given a grace period to update facilities to comply. The evangelical National Restoration Party legislator in the national legislature stated that the executive order was intended to protect non-Catholic churches from closure by giving them time to make modifications, such as adding secondary exits and wheelchair ramps, and to address underlying concerns (such as loud percussion music).

The Evangelical Alliance asserted that the Ministry of Health continued to close churches without complying with the executive order and reported 23 of its churches closed during the reporting period. The Alliance stated that it filed complaints with the National Ombudsman's Office for Human Rights about the church closures; however, the Ombudsman's Office claimed it had no record of such complaints from the Alliance, stating that it had received only noise complaints from church neighbors. 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) to reduce tuition. A subsidy can be monetary support, direct placement of a teacher, or a teacher's salary. When the MEP required schools to submit to Office of the Controller General supervision on the use of government funds, the measure met several challenges in the Constitutional Court. Plaintiffs argued that the Government was not respecting the right of students to religious freedom because, theoretically, the MEP could place MEP-hired teachers of one religious affiliation in a private school associated with another denomination. In November 2007 the Constitutional Court rejected the challenges, and the plaintiffs accepted the new regulations.

Catholic religious instruction (catechesis) is provided in public schools; however, it is not mandatory. According to the education code and constitutional jurisprudence, students may obtain exemptions with the permission of their parents, and the Department of Religious Education of the Ministry of Education estimated that 14 percent of students choose 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. Other non-Catholic leaders did not report problems.

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 Ministry of Education expressly for this function. According to the Department of Religious Education, 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.

On January 29, 2008, the Constitutional Court ruled in favor of a private university student who objected to taking tests on Saturdays for religious reasons. The student argued that the university denied students the right to observe religious practices by administratively considering them on a leave of absence or sick, and then charging them additional fees to reschedule their tests. The Court ordered the university to offer exams on other days at no additional cost. The Court further mandated a fine or imprisonment if the university director did not comply.

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

#### 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 period covered by this report.

There were no reports of religious prisoners or detainees 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 of the refusal to allow such citizens to be returned to the United States.

#### Section III. Societal Abuses and Discrimination

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

Anti-Semitic graffiti related to the contentious Dominican Republic-Central America-U.S. Free Trade Agreement public referendum in October 2007 was reportedly spray-painted in the city center of San Jose. The Jewish Zionist Center reported a second graffiti incident on a street sign in San Jose and reported that the Ministry of Public Works authorized its immediate removal. Following a worldwide Hezbollah threat in February 2008, the Jewish Zionist Center of Costa Rica reported that the Government authorized police to be stationed outside the Orthodox Jewish synagogue; the police were still present at the end of the reporting period.

Some non-Catholic leaders maintained that the implementation of a 2003 executive order allowing non-Catholic pastors access to public hospitals and prisons continued to be a problem. In general, visitor access to patients in public hospitals is highly restricted. According to the non-Catholic leaders, 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 Lutheran bishop reported that in some cases pastors had to find a Catholic chaplain at the facility to help them gain access and escort them inside to visit their church members.

Despite benefits accorded to the Catholic Church as the state religion, some non-Catholic Christian leaders preferred the status quo to that of a secular state, in which legislation, in their view, would be less likely to consider Christian morality.

The Ecumenical Affairs Committee of the Catholic Conference of Bishops met periodically with other religious groups. In April 2008 the first Lutheran bishop in the country was ordained. The bishop maintained that his ordination strengthened ecumenical relationships, particularly with the Catholic Church. Nongovernmental organizations (NGOs), including the Jewish-Christian Confraternity and the new Costa Rican-Jewish Cultural Association, helped promote 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' 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.

Released on September 19, 2008

[International Religious Freedom Report Home Page](#)



BACK TO TOP

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