



## U.S. DEPARTMENT of STATE

### Costa Rica

#### International Religious Freedom Report 2006

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

The constitution provides for freedom of religion, and the Government generally respected this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

The generally amicable relationship among religious groups in society contributed to religious freedom.

The U.S. government discusses religious freedom problems 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 approximately 4.25 million, according to the National Institute of Census and Statistics. The most recent nationwide survey of religion, conducted in 2004 by the University of Costa Rica, found that 47 percent of the population identified themselves as practicing Roman Catholics, 25 percent considered themselves nonpracticing Roman Catholics, 13 percent said they were evangelical Protestants, 10 percent reported that they did not have a religion, and 5 percent declared that they belonged to "another religion."

Apart from the dominant Catholic religion, there were several other religious groups in the country. Methodist, Lutheran, Baptist, and other Protestant groups had significant membership. The Church of Jesus Christ of the Latter-day Saints (Mormons) had a temple in San Jose that served as a regional worship center for Costa Rica, Panama, Nicaragua, and Honduras. Although they represented less than 1 percent of the population, Jehovah's Witnesses had a strong presence on the Caribbean coast. Seventh-day Adventists operated a university that attracted students from throughout the Caribbean Basin. The Unification Church maintained its continental headquarters for Latin America in San Jose. Non-Christian religious groups, including Judaism, Islam, Taoism, Hare Krishna, Scientology, Tenrikyo, and the Baha'i Faith, claimed membership throughout the country, with the majority of worshippers residing in the Central Valley (the area of the capital). While there was no general correlation between religion and ethnicity, indigenous peoples were more likely to practice animism than other religions.

Foreign missionaries and clergy of all denominations worked and proselytized freely. Mormons had the most active mission program, with 148 full-time missionaries. Many churches had short-term missions that could last a month or less and comprise up to twenty persons.

#### Section II. Status of Religious Freedom

##### Legal/Policy Framework

The constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors.

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.

While the constitution establishes Catholicism as the state religion and requires that the state contribute to its maintenance, it 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 is responsible for managing the Government's relationship with the Catholic Church and other religious groups in the country.

In September 2005 the constitutional court rejected a motion filed by a private citizen alleging that Article 75 of the constitution, which establishes Catholicism as the official state religion, was unconstitutional because it violated international instruments such as the Universal Declaration of Human Rights and the Inter-American Convention on Human Rights.

At the end of the period covered by this report, no legislative action had been taken on a 2003 proposed constitutional amendment to remove

language in the constitution declaring Roman Catholicism the official state religion.

The law allows for the Government to provide land to the Catholic Church. This practice was established in part to restore the Church's land seized by the Government during the nineteenth century. Although records of these seizures existed and were being relied upon for certain land restoration cases, the Government also has a constitutional obligation to support the Church as the official state religion. 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 did not meet all the needs of the Church, which also buys some land outright. Government-to-church land transfers are not covered under any blanket legislation but rather by specific legislative action once or twice per year.

Besides notary publics, 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 only a civil ceremony.

Various traditional Catholic religious holy days are considered national holidays; including Holy Thursday, Good Friday, and Our Lady of Los Angeles (August 2). Christmas is also a national holiday. However, if an individual wishes to observe another religious holy day, the labor code provides the necessary flexibility for that observance upon the employer's approval.

The Government does not require religious groups to register, nor does it inhibit the establishment of religious groups through taxation or special licensing requirements. Such groups may incorporate to acquire legal status and must have a minimum of twelve members to do so. As stipulated in the law governing associations, religious groups must register to be eligible for residence permits for their missionaries and employees and to petition for legal recognition of religious holidays. Also, religious groups, as any other association, must register with the Public Registry of the Justice Department if they are involved in any type of fundraising activity. At the end of the period covered by this report, there were 2,700 registered religious associations, representing 200 denominations.

According to the General Directorate of Immigration, applications by foreign missionaries seeking permission to work in the country are studied on a case-by-case basis. They may be given a temporary permit that is granted for a maximum, nonrenewable term of six months. The missionary may enter the country as a tourist and then apply for the permit upon arrival. Alternatively, foreign missionaries may apply for an annually renewable temporary residence. This status is granted by a special migration council that consists of representatives from the Ministries of Public Security, Foreign Affairs, Labor, and Justice. In either case, missionaries must be accredited to an officially recognized church to receive the permit.

Catholic religious instruction is provided in the public schools; however, it is not mandatory. Students may obtain exemptions from this instruction 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 instruction time. Religious education teachers in public schools must be certified by the Catholic Bishops' Conference, which does not certify teachers from other religious groups.

According to the education code, the Catholic Church has sole authority to select teachers of religion within the public school system. The Church maintains an office within the Ministry of Education expressly to carry out this function. According to the Department of Religious Education, only Catholic University graduates are eligible to teach religion in public school.

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

#### Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion.

Applications to establish a place of worship must be submitted to the local municipality and must comply with safety and noise regulations as established by the general health law. In the past, several evangelical churches were closed by municipalities, local health departments, or police as a result of noise violations. Representatives from the Evangelical Alliance Federation alleged that the noise pollution claims were baseless and that local officials closed down the churches simply because they did not like them. At the end of the period covered by this report, the President's Office was working with the Health and the Housing Ministries to draft regulations regarding the building codes for places of worship that would apply to all places of worship, regardless of their religious affiliation. The Human Rights Ombudsman reported that adequate regulations were already in place but stated that the Government must work on equitable enforcement of the regulations so as not to appear to favor any particular religion.

Despite the official status of the Catholic Church, the constitution prohibits clergymen or secular individuals from engaging in political propaganda motivated by religion. There is no prohibition on clergymen or other religious individuals serving in political office; however, the constitution establishes that the president, vice president, cabinet members, and Supreme Court justices may not be members of the clergy.

A Catholic priest who had been threatened with deportation for working without the proper visa was granted reprieve in July 2005, when the Supreme Court cancelled the deportation order.

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

The generally amicable relationship among religious groups in society contributed to religious freedom.

At the end of the period covered by this report, authorities had neither filed charges nor released information regarding potential suspects in the 2003 beating of a priest who was the spokesperson of the Catholic Bishops' Conference. The priest blamed the followers of a breakaway Catholic group, The Queen and Lady of All Creation, for the attack, claiming that it was in retaliation for the Church's decision to disavow the group.

### Section IV. U.S. Government Policy

The U.S. government discusses religious freedom problems 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 for situation-specific consultation.

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