



## Costa Rica

### International Religious Freedom Report 2007

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 by the Government during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

There were no reports of societal abuses or discrimination based on religious belief or practice.

The U.S. Government discusses religious freedom issues 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 4.3 million, according to the National Institute of Census and Statistics. The most recent nationwide survey of religion, conducted in 2006 by the University of Costa Rica, found that 47.2 percent of the population identify themselves as practicing Roman Catholics, 27.3 percent consider themselves nonpracticing Roman Catholics, 12.8 percent state they are evangelical Protestants, 9.2 percent report that they do not have a religion, and 3.3 percent declare that they belong to "another religion."

Apart from the dominant Catholic religion, there are several other religious groups in the country. Methodist, Lutheran, Episcopal, Baptist, and other Protestant groups have significant membership. The Church of Jesus Christ of Latter-day Saints (Mormons) has a temple in San Jose that served as a regional worship center for Costa Rica, Panama, Nicaragua, and Honduras. 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 maintains its continental headquarters for Latin America in San Jose. Non-Christian religious groups, including followers of Judaism, 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 of the capital). While there is no general correlation between religion and ethnicity, indigenous peoples are more likely to practice animism than other religions.

Foreign missionaries and clergy of all denominations work and proselytize freely.

#### 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 Constitutional Chamber rejected periodic challenges to the state religion article of the Constitution. The Ministry of Foreign Affairs is responsible for managing the Government's relationship with the Catholic Church and other religious groups.

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 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 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 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 only a civil ceremony.

Various Christian 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 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 12 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 3,000 registered religious associations representing 200 religious groups.

In August 2006 a new immigration law went into effect that changed certain procedures for missionaries and resident religious workers seeking residency. The exact operating procedures and bylaws were not yet available at the time of this report, as the bill providing for implementation was still to be considered at the national legislature; however, certain interim guidelines have been developed. Under these guidelines, missionaries must apply for a residency permit in their country of origin and can no longer enter as tourists and then change status. The new law also stipulates that all foreign missionaries must be a part of a religious organization accredited by the Ministry of Foreign Affairs and Religion. Applications by foreign missionaries seeking permission to work are studied on a case-by-case basis. They may be given a temporary permit that is granted for a term of at least 90 days but not more than 2 years at the discretion of the General Directorate of Immigration. Foreign missionaries already working in the country must still apply for an annually renewable temporary residence permit. The General Directorate of Immigration office grants this status.

In September 2006 the Ministry of Security, which oversees the General Directorate of Immigration, and the Catholic Bishops' Conference signed an agreement that would allow the Catholic Bishops' Conference to present applications for visas or residency for Church personnel directly to Immigration and so avoid the lengthy delays for these services. This allows for Catholic priests, nuns, and other religious personnel to apply for the religious visas once they arrive in the country, rather than in the country of origin.

The Government, through the Ministry of Public Education (MEP), provides subsidies to Catholic schools, although the national legislature was considering some proposed laws to shift part of this subsidy to the students, rather than to the schools. These projects have met resistance and several challenges in the Constitutional Court, yet to be decided.

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, and the Ministry of Education estimates that 10 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 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 the sole authority to select teachers of religion for the public school system. The Church maintained 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 school.

In January 2007 the Supreme Court rejected an argument from an individual plaintiff that the law requiring religious education teachers in public schools to be certified by the Catholic Church was contrary to the Constitution's protection of

work as an individual right.

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

#### Restrictions on Religious Freedom

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

Religious organizations must submit applications to establish a place of worship 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 for alleged noise violations. 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.

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 no reports of societal abuses or discrimination based on religious belief or practice.

In July 2006 the director of the largest public hospital gave evangelical pastors the right to enter the hospital and minister to their followers. This action came after a legislator accused the hospital of discrimination since only Catholic priests had been allowed entry to minister previously.

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

The U.S. Government discusses religious freedom issues 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 to discuss specific issues.

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