

COSTA RICA 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution recognizes Roman Catholicism as the state religion; the law requires the state to contribute to the Catholic Church's maintenance. The constitution prohibits the state from impeding the free exercise of religions that does not impugn "universal morality or proper behavior," and it provides for redress in cases of alleged violations of religious freedom. In February, the Supreme Electoral Tribunal (TSE) rejected an accusation of political hostility filed against the Conference of Catholic Bishops. A draft 2019 bill that would reform the constitution to make the country a secular state remained on the Legislative Assembly's plenary agenda, but it was not on the priority list of bills for legislators during the year. In June, Catholic bishops, with the support of the Evangelical Alliance, stated their opposition to the proposal to remove Catholicism as the official state religion, stating doing so would erode religious freedom in the country. Some non-Catholic religious leaders continued to state the constitution did not sufficiently address the specific concerns of their religious groups, in particular regarding registration processes, expressing a preference for a separate registration procedure for religious groups rather than being obligated to register as associations. The Constitutional Chamber received 24 claims of denial of the free exercise of religious freedom in government institutions and discrimination by government entities, an increase related to cases based on COVID-19 restrictions, compared with 10 in 2019. The chamber dismissed 19 of the claims, stating there was insufficient evidence or no basis for claiming discrimination, compared with eight dismissals in 2019. Many of the dismissed claims involved government restrictions related to the COVID-19 pandemic. In the other five cases, the chamber ruled in favor of the claimants, including two Seventh-day Adventists – a student and a police officer – who defended their right to observe the Sabbath on Saturdays.

Instances of anti-Catholic language on social media continued, reportedly spurred by continued high level investigations of priests charged with sexual abuse. Jewish community leaders reported anti-Israeli comments, some of which they considered anti-Semitic, although not directed at Jews living in the country. Interludio, an interreligious forum created in 2017 and with participants from Catholic, evangelical Christian, Lutheran, Jewish, Buddhist, Baha'i, Muslim, and indigenous communities, continued to promote dialogue among the country's faith communities. The group met periodically throughout the year and hosted a variety

of events, including informative talks, concerts, and drive-through activities during the pandemic.

U.S. embassy representatives engaged with public officials to discuss religious freedom and tolerance. They also met with religious leaders throughout the year, including those representing religious minorities, to discuss their views on religious freedom, the situation of churches during the pandemic, and the impact of COVID-19 restrictions on the free exercise of religious beliefs. The embassy provided funding to the Resilience Academy, coordinated by the Museum of Empathy and providing psychological and spiritual support to those especially vulnerable due to the pandemic. On October 5, the embassy hosted a roundtable with leaders of the Muslim, Jewish, Catholic, and Protestant communities; representatives of the Ministry of Foreign Affairs and the Ministry of Education; and other religious groups to discuss religious freedom and their members' experiences during the pandemic. The embassy used social media to send congratulatory messages highlighting tolerance and respect for religious diversity to religious groups on special religious occasions.

Section I. Religious Demography

The U.S. government estimates the total population at 5.1 million (midyear 2020 estimate). A 2019 survey by the Center for Research and Political Studies of the University of Costa Rica (UCR) with other institutions estimates 40 percent of the population is Catholic (compared with 52 percent in the 2018 UCR survey); 36 percent Protestant, including evangelical Christians (22 percent in 2018); and 20 percent without religious affiliation (17 percent in 2018).

The majority of Protestants are Pentecostal, with smaller numbers of Lutherans and Baptists. There are an estimated 32,000 Jehovah's Witnesses, predominantly on the Caribbean coast. The Church of Jesus Christ of Latter-day Saints estimates its membership at 50,000. The Jewish Zionist Center estimates there are between 3,000 and 3,500 Jews in the country. Approximately 1,000 Quakers live near the cloud forest reserve of Monteverde, Puntarenas. Smaller groups include followers of Islam, Taoism, the International Society of Krishna Consciousness, Scientology, Tenrikyo, and the Baha'i Faith. Some members of indigenous groups practice animism.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution establishes Catholicism as the state religion and requires the state to contribute to its maintenance. The constitution prohibits the state from impeding the free exercise of other religions that do not undermine “universal morality or proper behavior.” Unlike other religious groups, the Catholic Church is not registered as an association and receives special legal recognition. Its assets and holdings are governed consistent with Catholic canon law.

The constitution recognizes the right to practice the religion of one’s choice. By law, a person claiming a violation of religious freedom may file suit with the Constitutional Chamber of the Supreme Court and may also file a motion before the Constitutional Chamber to have a statute or regulation declared unconstitutional. Additionally, a person claiming a violation of religious freedom may appeal to the Administrative Court to sue the government for alleged discriminatory acts. Legal protections cover discrimination by private persons and entities.

The Ministry of Foreign Affairs and Religion is responsible for managing the government’s relationship with the Catholic Church and other religious groups. According to the law, a group with a minimum of 10 persons may incorporate as an association with judicial status by registering with the public registry of the Ministry of Justice. The government does not require religious groups to register; however, religious groups must register if they choose to engage in any type of fundraising. Registration also entitles them to obtain legal representation and standing to own property.

The constitution forbids Catholic clergy from serving in the capacity of president, vice president, cabinet member, or Supreme Court justice. This prohibition does not apply to non-Catholic clergy.

An executive order provides the legal framework for religious organizations to establish places of worship. Religious organizations must submit applications to the local municipality to establish a place of worship and to comply with safety and noise regulations established by law.

According to the law, public schools must provide nonsectarian Christian religious instruction by a person who is able to promote moral values and tolerance and be respectful of human rights. If a parent on behalf of a child chooses to opt out of religious courses, the parent must make a written request. The Ministry of Public Education provides assistance for religious education to private schools, both

Catholic and non-Catholic, including directly hiring teachers and providing teacher salaries and other funds.

The law allows the government to provide land free of charge to the Catholic Church only. Government-to-church land transfers are typically granted through periodic legislation.

Only Catholic priests and public notaries may perform state-recognized marriages. Wedding ceremonies performed by other religious groups must be legalized through a civil union.

Immigration law requires foreign religious workers to belong to a religious group accredited for migration control purposes by the Ministry of Foreign Affairs and Religion, and it stipulates religious workers may receive permission to stay at least 90 days, but not more than two years. The permission is renewable. To obtain accreditation, a religious group must present documentation about its organization, including its complete name, number of followers, bank information, number of houses of worship, and names of and information on the group's board of directors. Immigration regulations require religious workers to apply for temporary residence before arrival.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The TSE rejected an accusation of political hostility that an individual filed against the Conference of Catholic Bishops in February. On January 6, the Conference of Catholic Bishops released a message stating the importance of participating in the electoral process and reaffirming the importance of elections for a strong democracy. The TSE concluded that the January 6 message did not violate the legal prohibition against introducing religious criteria in politics and did not affect the fundamental rights of voters because the Conference of Catholic Bishops expressed no clear preference for a candidate or particular political position.

A draft 2019 bill that would reform the constitution to make the country a secular state remained on the Legislative Assembly's plenary agenda, but at year's end, legislators had not reviewed it. In June, Catholic bishops, with the support of the Evangelical Alliance, stated their opposition to the proposal to remove Catholicism as the official state religion in the constitution, stating the removal of an official

state religion would remove all reference to religion, transforming the country into a secular state and eroding religious freedom.

Some non-Catholic leaders continued to state the constitution did not sufficiently address the specific concerns of non-Catholic religious groups, in particular regarding registration processes. Members of Protestant groups registered as secular associations continued to state they preferred a separate registration that would specifically cover church construction and operation, permits to organize events, and pastoral access to hospitals and prisons for members of non-Catholic religious groups. In the case of the Catholic Church, the government continued to address such concerns through the special legal recognition afforded the Church under canon law.

The Constitutional Chamber received 24 claims of denial of the free exercise of religious freedom at educational institutions, Catholic institutions, or public places, compared with 10 claims in 2019. The court dismissed 19 claims due to insufficient evidence proving discrimination or because it found no basis for claiming discrimination. In the majority of these cases, the claimants stated they experienced discrimination because of the government's closure of places of worship during the COVID-19 pandemic and because of a pandemic-related restriction limiting the number of attendees at a religious service to 75 worshippers, regardless of the size of the venue. The court dismissed the complaints, stating the pandemic-related restrictions were applied to all places of worship for reasons of health and sanitation. The chamber ruled in favor of five other claims; in two of the cases, members of the Seventh-day Adventist Church filed a complaint seeking authorization to observe their Sabbath on Saturdays. In another case, the chamber ruled in favor of three claimants, stating employees could not be required to attend an LGBTI sensitization course in order to assume new responsibilities or continue in their current positions.

The government again included financial support for the Catholic Church and evangelical Christian groups in its annual budget. It earmarked approximately 55 million colones (\$90,300), 45.9 million colones (\$75,400) for the Catholic Church and 9 million colones (\$14,800) for evangelical Christian groups, for various projects requested by the religious groups, including funds to make improvements at churches and parish buildings in different parts of the country. This funding for religious groups was included in a supplemental budget for the year, and compares with 72.7 million colones (\$119,000) earmarked in the 2019 budget. A semiautonomous government institution again sold lottery tickets and used the

proceeds to support social programs sponsored by both Catholic and non-Catholic religious groups.

Because of COVID-19 restrictions, there was no implementation of a 2019 Ministry of Education directive stating school directors should make decisions on whether to place religious images in educational institutions based on “mutual respect for the rights and liberties of all, as well as the values and principles under which the education system functions.” At the time, the director of religious education in the Ministry of Education stated he objected to the directive because the criteria were too subjective and broad and would have a chilling effect on school directors displaying any religious material.

The place of religion in the electoral process continued to be a subject of much public discussion. Representatives from political parties that defined themselves as evangelical Christian filled 14 of the country’s 57 legislative seats, and evangelical Christian parties contested the February municipal election. No evangelical Christian mayors were elected, but 38 evangelical Christians were elected as representatives in 82 municipal governments. The president of the Evangelical Alliance again instructed pastors to refrain from electoral politics, while Catholic leaders defended the right of the Catholic Church to engage in the political process.

Religious groups, including the Catholic Church and Evangelical Alliance, continued to state their opposition to same-sex partnerships, citing moral grounds. A Constitutional Court ruling published in November, 2018 held that the Legislative Assembly must pass legislation affirmatively recognizing same-sex partnerships before May, 2020. In May, the Legislative Assembly passed legislation affirmatively recognizing same-sex partnership. The law went into effect on May 26. A group of legislators, including members of the evangelical Christian party Nueva Republica, attempted to pass a bill in September that would regulate civil unions while prohibiting same-sex marriages, but they were unsuccessful.

Abortion also continued to be a frequent topic of public debate involving religious groups. According to a December, 2019 technical disposition (executive order) requiring hospitals to develop protocols for doctors to perform an abortion when the life and health of the woman was in danger signed by President Carlos Alvarado and the Minister of Health, the therapeutic interruption of pregnancy in cases where the life or health of the woman is in danger was allowed, in accordance with the penal code. All private and public hospitals developed their own protocols to comply with the new order, which also accorded the right to

health personnel to refuse to participate in abortion procedures for religious reasons. Reaction from the Catholic Church to the therapeutic abortions was negative. According to media, in December, the Costa Rican bishops said, “We believe this protocol goes beyond article 121 of the penal code, and that this approval would make abortions a right. As we have stated on several occasions, this “technical norm” leaves the unborn child defenseless throughout the pregnancy.”

Section III. Status of Societal Respect for Religious Freedom

According to UCR polling, the demographic shift to fewer adherents of the Catholic Church continued. Approximately half of those who left the Catholic Church joined evangelical Christian groups, while the other half gave up religious affiliation altogether.

Catholic leaders noted during the year they again received a significant increase in requests from members seeking to formally disaffiliate with the Catholic Church, including removal from baptism ledgers, because of their disagreements with the Church on social policy.

In contrast with 2019, the Israelite Zionist Center of Costa Rica reported remarks on social media regarding Israel posted by anonymous users, some of which they considered anti-Semitic. In August, the Israelite Zionist Center of Costa Rica reported it was conducting a pilot project called “Antidiscrimination Web Observatory,” which compiles anti-Semitic incidents and messages from social networks.

Interludio, established by the Ombudsman’s Office in 2017 to promote interreligious dialogue among the country’s religious groups, continued to promote interfaith dialogue among religious leaders, with participation of representatives from the Catholic, evangelical Christian, Protestant, Lutheran, Jewish, Baha’i, and Buddhist faiths. The group met periodically throughout the year and hosted a variety of events, including informative talks, concerts, and drive-through activities during the pandemic.

A personal project at the Museum of Empathy begun by an Interludio leader became a permanent exhibition of the history of the different ethnic and religious minorities settled in the country, in collaboration with the Ministry of Culture and directors from the country’s other museums. During the year, the Museum of Empathy promoted a Resilience Academy, which provided psychological and

spiritual support to populations especially vulnerable due to the COVID-19 pandemic, with a focus on the elderly and on single mothers. The academy held its first session in July.

Section IV. U.S. Government Policy and Engagement

Embassy officials discussed the situation of churches under the pandemic, and the impact of COVID-19 restrictions on the free exercise of religious beliefs, with responsible officials from the Ministry of Foreign Affairs. On October 5, embassy officials hosted a virtual roundtable with representatives from the Ministries of Foreign Affairs and Education and leaders of the Muslim, Jewish, Catholic, and Protestant communities, and other religious groups to discuss religious freedom and their members' experiences during the COVID-19 pandemic. The embassy also provided funding to the Museum of Empathy-coordinated Resilience Academy, which provided psychological and spiritual support to those especially vulnerable due to the pandemic.

The embassy used social media to send congratulatory messages highlighting tolerance and respect for religious diversity to religious groups on special religious occasions. Examples included messages sent to celebrate Rosh Hashanah, the evangelical Christian celebration of Month of the Bible, and the Catholic commemoration of the Day of the Virgin of Los Angeles.