

# **COSTA RICA 2019 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 do not impugn "universal morality or proper behavior" and provides for redress in cases of alleged violations of religious freedom. In May a legislator presented a bill that would reform the constitution to make the country a secular state. According to media reports, the bill engendered significant public debate between a growing constituency calling for official secularism in the constitution and members of the Catholic community opposing the change. The bill was pending in the National Assembly at year's end. Some civil society leaders continued to state that the constitution did not sufficiently address the specific concerns of non-Catholic religious groups, in particular regarding organizational registration processes. The Constitutional Chamber received 10 claims of denial of the free exercise of religious freedom at government institutions and discrimination by government entities. The chamber dismissed eight of the claims, stating there was insufficient evidence or no basis for claiming discrimination. In the other two cases, the chamber ruled in favor of the claimants: a student who wanted to reschedule her exams to observe the Jewish Sabbath and a non-Catholic teacher who did not want to participate in a Catholic Mass.

Instances of anti-Catholic language on social media continued, reportedly spurred by high-level investigations into priests charged with sexual abuse. There were also reports of anti-Semitism on social media, with Juan Diego Castro, a former presidential candidate and former minister of security, making anti-Semitic comments about an owner of a major media outlet. An interreligious forum created in 2017, 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 a visit from Sagi Shalev, an interfaith dialogue activist from Israel, and the signing of a declaration to promote fraternity among Latin American and Caribbean cultural and religious traditions.

U.S. embassy representatives engaged with public officials to discuss religious freedom and tolerance. They also engaged religious leaders throughout the year, including those representing religious minorities, to discuss their views on

religious freedom. The embassy conducted outreach with leaders of the Muslim, Jewish, Catholic, and Protestant communities; The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ); and other religious groups. The embassy drew on the July Ministerial to Advance Religious Freedom hosted by the Department of State to share messages of tolerance and understanding with religious leaders and government officials. The embassy used social media to send congratulatory messages to religious groups on special religious occasions.

## **Section I. Religious Demography**

The U.S. government estimates the total population at five million (midyear 2019 estimate). A 2018 survey by the Center for Research and Political Studies of the University of Costa Rica (UCR) estimates 52 percent of the population is Catholic (compared with 71.8 percent in the UCR 2016 survey); 22 percent Protestant, including evangelical Christians (12.3 percent in 2016); 9 percent other religious groups (2.9 percent in 2016); and 17 percent without religious affiliation (12.3 percent in 2016).

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 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 ecumenical 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**

In May a legislator presented a bill that would reform the constitution to make the country a secular state. According to media reports, the bill engendered significant public debate between a growing constituency calling for official secularism in the constitution and members of the Catholic community opposing the change. The bill was pending in the National Assembly at year's end.

Some non-Catholic leaders continued to state the constitution did not sufficiently address the specific concerns of non-Catholic religious groups, in particular regarding organizational 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 jails 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 10 claims of denial of the free exercise of religious freedom at educational institutions, Catholic institutions, or public places. The court dismissed eight claims due to insufficient evidence proving discrimination or because it found no basis for claiming discrimination. One of the claims dismissed regarded a police raid on the headquarters of the Catholic Church in search of evidence for an alleged sexual abuse case involving a priest. The court

dismissed the complaint after finding the evidence did not support the claim. In the other two claims sustained, the chamber ruled in favor of the claimants. In one case, the chamber ordered the Ministry of Education to reschedule exams for a Jewish minor for her observation of the Sabbath. In the other case, the chamber ruled that a non-Catholic teacher should be excused from attending a Mass to celebrate the end of the school year.

The government again included financial support for the Catholic Church and evangelical Christian groups in its annual budget. It earmarked approximately 72.7 million colones (\$128,000), compared with 20.2 million colones (\$35,000) in 2018, for various projects requested by the Catholic Church and evangelical Christian groups during the year, 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. 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.

In April the Ministry of Education issued a directive stating that 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.” The director of religious education for 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 parties prepared to contest municipal elections in 2020. The president of the Evangelical Alliance 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 National Assembly must pass legislation affirmatively recognizing same-sex partnerships before May 2020 or else all prohibitions against the practice would become null and void. In response, a group of legislators – including members of the major

evangelical party Nueva Republica – presented a bill in September to regulate civil unions but prohibit marriage for same-sex partnerships. The bill was still in draft form at year’s end.

Abortion also continued to be a frequent topic of public debate involving religious groups. In the National Assembly, members of the ruling Citizens’ Action Party sought to legalize abortion in limited cases, including when the mother’s life is in danger. Opposition legislators presented a bill penalizing abortion as homicide. The president of the Evangelical Alliance and the president of the Conference of Catholic Bishops supported these opposition-led efforts and criticized any legislation that would permit abortion.

In response to growing concern around sexual abuse cases involving priests and pastors, a legislator proposed a bill to amend the law to require clergy and other religious leaders who have contact with minors to report to the Public Ministry allegations of sexual abuse of minors. The bill stipulates fines for priests who do not report child sex abuses cases heard in confession. According to media reports, Catholic leaders opposed the bill, stating it would violate canon law and Catholic religious practices. Those favoring the bill said Catholic priests should be obligated to help protect minors in “vulnerable situations,” as in the case of teachers and social workers, who must report child abuse.

### **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.

A UCR poll conducted in April showed a decrease in affiliation with the Catholic Church by almost 1 percent from the last poll in November 2018. Political observers and religious leaders said the shift stemmed from continuing public debate about the place of religion in politics. Catholic leaders noted that during the year they 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. Political observers also noted favorable public perception of the Church declined; they said it was likely because of several high-profile accusations of pedophilia and sexual abuse against Catholic priests and evangelical Christian pastors. In one case reported in media outlets, Catholic Priest Mauricio Viquez was accused of sexually

abusing minors, which led to government authorities raiding the Catholic archbishop's office to seek evidence. Viquez fled to Mexico to try and avoid prosecution and was apprehended by Mexican authorities and faced extradition to Costa Rica. In October the government approved Viquez's extradition, but later in the month, Viquez appealed; the case was still pending at year's end in Mexico. In another case, an evangelical Christian pastor, Mario Chacon Leandro, was sentenced in October to 14 years in prison after being found guilty of aggravated sexual abuse of a minor. According to media reports, evangelical pastor Carlos Manuel Chavarria Fonseca was arrested in August on five accounts of sexually abusing women.

Debates on same-sex partnerships and abortion on social media networks were occasionally accompanied by insults and remarks disparaging the beliefs of Catholics, other Christians, and nonbelievers. For example, an article posted on Facebook reporting on the Catholic Church's position on abortion received several comments with slurs directed at Catholic clergy, calling them pedophiles and hypocrites for their stance on social issues. Both issues continued to prompt public debate, both in social and traditional media outlets.

In a public video posted on social media, Juan Diego Castro, a former presidential candidate and former minister of security, used anti-Semitic language in questioning the commercial strategy of a news outlet owned by a Jewish individual, alluding to the Holocaust and calling him an "evil banker." Government officials, religious leaders, and civil society members all condemned his remarks. In addition to this incident, the Jewish community reported isolated instances of anti-Semitic comments on social media, particularly posts in three Facebook groups making statements that Jews controlled the Costa Rican economy and attacking Israel's right to exist.

The Interreligious Forum of Costa Rica, an interfaith dialogue among religious leaders, continued, with participation of representatives from the Catholic, evangelical Christian, Protestant, Lutheran, Jewish, Baha'i, and Buddhist faiths. The group hosted the visit of Sagi Shalev, an interfaith dialogue activist from Israel, to participate in a public event on religious liberty. In March members of the interfaith dialogue signed a declaration to promote fraternity among Latin American and Caribbean cultural traditions. One of the interfaith dialogue leaders, a former participant in a U.S. government-sponsored program, started a project to create a Museum of Empathy with an emphasis on interfaith dialogue, in collaboration with the Ministry of Culture and directors from the country's museums. The objective of the project, which was established in 2017 as an

initiative of the Ombudsman's Office, was to promote interreligious dialogue among the country's religious groups.

#### **Section IV. U.S. Government Policy and Engagement**

Embassy officials discussed issues of religious freedom throughout the year with public officials, including legislators and officials from the Ministry of Foreign Affairs. As an outcome of the embassy's initiative to promote conversations among religious leaders, the Ministry of Foreign Affairs organized a meeting with all religious leaders registered in the country to discuss issues of interest for the religious organizations and the current legal framework regulating them.

Embassy representatives also engaged with civil society leaders and with a wide range of religious leaders from the Muslim, Jewish, Catholic, Protestant, Church of Jesus Christ, and other religious communities to discuss their views on religious freedom in the country, including the free expression of religious beliefs. Religious leaders were invited to participate in major embassy events and receptions. The Embassy drew on the Department of State Ministerial to Advance Religious Freedom to share messages of tolerance and understanding with religious leaders and government officials.

The embassy used social media to send congratulatory messages to religious groups on special religious occasions and highlight tolerance and respect for religious diversity. 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. The embassy also used social media to amplify messages from the Ministerial to Advance Religious Freedom.