

COSTA RICA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution recognizes the right to practice the religion of one's choice and prohibits the state from impeding the free exercise of religions that do not impugn "universal morality or proper behavior." Roman Catholicism is the state religion and the government continued to favor the Catholic Church in law and practice. In a break from tradition, however, the newly elected president publicly emphasized the separation of church and state and did not take part in traditional religious activities in his presidential role. The appointment of a Lutheran Bishop as minister of the presidency, a cabinet level position that advises the president and coordinates legislation, was challenged by a local citizen. The Supreme Court ruled that anyone not currently serving as a clergy in the Catholic Church may serve in the government.

Members of the Jewish community linked demonstrations against the Jews with activities involving the Islamic State in Iraq and the Levant (ISIL) and the Gaza conflict.

U.S. embassy representatives met with Muslims, Jews, evangelicals, members of The Church of Jesus Christ of Latter-day Saints (Mormons), and others to discuss religious freedom issues including concerns around the closing of evangelical churches and temples due to zoning issues. The groups stated the Ministry of Health, authorized by the government to enforce safety, had not met with representatives of evangelical churches to discuss these zoning issues.

Section I. Religious Demography

The U.S. government estimates the total population at 4.8 million (July 2014 estimate). An estimated 76.3 percent of the population is Roman Catholic, 13.7 percent is Protestant, including evangelicals, and 3.2 percent has no religious affiliation. The majority of Protestants are Pentecostal, with smaller numbers of Baptists and others. The Church of Jesus Christ of Latter-day Saints (Mormons) estimates its membership at 35,000. The Lutheran Church estimates it has 5,500 members. The Jewish Zionist Center estimates that there between 3,000 and 3,500 Jews. Approximately 1,000 Quakers live in the cloud forest reserve of Monteverde, Puntarenas, and an additional 1,000 individuals attend Quaker meetings as nonmembers throughout the country. Jehovah's Witnesses represent 1.3 percent of the population and have a strong presence on the Caribbean coast.

COSTA RICA

Other religious groups represented include followers of Islam, Taoism, Krishna Consciousness, Scientology, Tenrikyo, and the Bahai Faith. Some indigenous people practice animism.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution establishes Roman Catholicism as the state religion and requires that the state contribute to its maintenance. The constitution prohibits the state from impeding the free exercise of other religions that do not impugn “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 Roman 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. The ministry’s budget includes funding for maintenance and repairs of some Catholic churches. All religious groups receive exemptions from income and real estate taxes for buildings devoted to services and religious activities.

The law allows the government to provide land to the Catholic Church without charge. Government-to-church land transfers are typically granted through periodic legislation.

Only Catholic priests and public notaries can perform state-recognized marriages. Wedding ceremonies performed by other religious groups must be legalized through a civil union. Couples may also choose to have a civil ceremony only.

COSTA RICA

The constitution forbids Catholic clergy from serving as president, vice president, cabinet members, or Supreme Court justices. This prohibition does not apply to non-Catholic clergy based on a decades old ruling by the Supreme Elections Tribunal.

According to the law, a group with a minimum of 10 persons may incorporate as an association with juridical status by registering with the public registry of the Ministry of Justice. The government does not require religious groups to register, nor does it inhibit the establishment of religious groups through taxation or special licensing requirements. However, religious groups must register if they choose to engage in any type of fundraising activity. Also, in order to have legal representation and standing, religious groups must register with the government.

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 comply with the safety and noise regulations established by law. A revision of the executive order, signed in 2009, modifies the allowable distance between places of worship and their surroundings, but some religious organizations still need to make modifications to achieve compliance with the Ministry of Health regulations.

Immigration law requires foreign religious workers to belong to a religious group accredited by the Ministry of Foreign Affairs and Religion, and stipulates that religious workers may receive permission to stay at least 90 days but not more than two years, and the permission is renewable. Immigration regulations require religious workers to apply for temporary residency before arrival.

The Ministry of Public Education provides assistance to private schools, both Catholic and non-Catholic, that includes directly hiring teachers, providing teacher salaries, and assisting with monetary support.

The law establishes that public schools must provide religious instruction given by a person able to promote moral values, tolerance, and be respectful of human rights. If a parent, on behalf of a child chooses to opt out of religious courses, the parent needs to make a written request. The government allows non-Catholic religion courses in public schools to conform with a 2010 Supreme Court ruling annulling a regulation that limited public school religious instruction to Catholic courses.

COSTA RICA

Government Practices

The government earmarked funding for construction or improvement projects of Catholic churches around the country. Some evangelical leaders protested to legislators and government officials that it was unfair for the government to provide land and tax exemptions exclusively to the Catholic Church, no church should receive government funding, and the Catholic Church should be funded by its own members. In fiscal year 2013, the government allocated 300 million colones (\$562,600) for repairs on Catholic churches and for salaries of Catholic sisters and priests who taught at semi-public schools. Evangelicals stated that Catholics should have obtained funding from members to make these repairs rather than receiving it from the government.

Some non-Catholic leaders stated the constitution did not sufficiently address the specific concerns of non-Catholic religious groups. Protestants are currently registered as a secular association, but expressed a preference for a separate registration that would specifically cover church construction and operation, permits to organize events, and pastoral access to hospitals and jails for 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.

President Luis Guillermo Solis assumed office in May and publicly emphasized the division between the Catholic Church and the government. The president did not participate in the annual Catholic pilgrimage to the country's principal church, nor did he allow Catholic bishops to speak during the Inauguration Day ceremony.

Since May approximately 40 temples and chapels were temporarily closed due to non-compliance with Ministry of Health's regulations. Some made arrangements to comply with the regulations and were able to reopen.

The Supreme Court in June denied an appeal filed by a citizen, in August 2013, protesting religious statements read by the leaders of the three branches of government during an official ceremony. The court stated the act was not imputable to government officials, as it was a part of the rite of a Catholic Mass.

In May a citizen appealed the nomination of Lutheran Bishop Melvin Jimenez as minister of the presidency to the Supreme Court, stating that it was against the constitution for a practicing member of the clergy to serve as a government

COSTA RICA

minister. The Supreme Court ruled the applicable article of the constitution only applied to Catholic clergy who would be serving in a dual role as government officials and clergymen. The court ruled that since Jimenez was Lutheran, the article did not apply to him.

In April the Supreme Court heard a citizen's challenge to the constitutionality of the registration of two political parties, the Costa Rican Renovation and the National Restoration, because both referred to the existence of God, Christian principles, and the Holy Scripture to attract political supporters. The court found that the political parties' references did not violate the constitution.

Section III. Status of Societal Respect for Religious Freedom

Members of the Jewish community linked demonstrations in front of Jewish religious centers with world events involving ISIL and the conflict in Gaza.

Section IV. U.S. Government Policy

U.S. embassy representatives met with Muslims, Jews, evangelicals, Mormons, and others to discuss religious freedom issues including concerns surrounding the closing of evangelical churches and temples due to zoning issues.