

# **COSTA RICA 2021 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. The time limit to enact a draft 2009 bill that would reform the constitution to make the country a secular state expired in September 2020, and the Legislative Assembly did not advance a new bill on this issue during the year. In June, the Legislative Assembly passed its first vote on a public employment bill that included an article on conscientious objection. Some legislators, including those belonging to the government-affiliated Citizen Action Party and the National Liberation Party, objected to the inclusion of the article on conscientious objection and appealed before the Constitutional Court. In August, the Constitutional Court upheld as constitutional the article on conscientious objection, an article several religious groups had requested. Another first vote, required to pass the bill, was pending at year's end. Some non-Catholic religious leaders continued to state the constitution does not sufficiently address the specific concerns of their religious groups, particularly regarding registration processes.

Instances of anti-Catholic language on social media continued, reportedly spurred by high-level investigations of priests charged with sexual abuse. Negative comments against Catholic priest Mauricio Viquez, as well as the Catholic Church for reportedly attempting to prevent Viquez's case from going to trial, appeared on social media following his May extradition from Mexico on four charges of sexually abusing minors. Jewish community leaders continued to report anti-Israeli comments, some of which they considered antisemitic, although not directed at Jews living in the country. Interludio, 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 in person and virtually throughout the year and hosted a variety of events, including virtual talks. In September, it began hosting some in-person meetings.

On May 26, embassy officials hosted a virtual roundtable with representatives from the Ministries of Foreign Affairs and Education and with leaders of the Muslim, Jewish, Catholic, and Protestant communities and other religious groups

to discuss how to address the challenges of holding religious gatherings and celebrations during the COVID-19 pandemic. Embassy representatives also met with religious leaders throughout the year, including those representing religious minorities, to discuss the situation of religious congregations during the pandemic, and the impact of COVID-19 restrictions on the free exercise of religious beliefs. 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 5.2 million (midyear 2021). According to a University of Costa Rica (UCR) study released during the year, Catholics represent approximately 47 percent of the population (compared with 49 percent in 2019); no religious affiliation 27 percent (20 percent in 2019); evangelical Christians 19 percent; other Protestants 1.0 percent (the 2019 study estimated all Protestants combined at 36 percent); no response 6 percent, and others 2.7 percent.

Most 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 Worship 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 religious education assistance 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, but the government also provides funds to evangelical Christian groups. 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 Worship, 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 time limit to enact a draft 2009 bill that would reform the constitution to make the country a secular state expired in September 2020, and the Legislative Assembly did not advance a new bill on this issue during the year.

In June 17, the Legislative Assembly passed its first vote on a public employment bill that included an article on conscientious objection. Some legislators, including those belonging to the government-affiliated Citizen Action Party and the National Liberation Party, objected to the inclusion of the article and appealed before the Constitutional Court. On August 1, the Constitutional Court upheld as constitutional the article on conscientious objection. Some religious groups had requested this provision to allow public employees to be exempted from participating in government-required LGBTQ+ training courses. Another first vote, required to pass the bill, was pending 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, particularly regarding registration processes. Members of Protestant groups registered as secular associations continued to say they preferred a separate registration process 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. These Protestant groups continued to seek legislative reform to allow these changes through the passage of a religious freedom bill under

legislative review since 2018. 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.

During the year, the Constitutional Chamber received 12 claims of denial of the free exercise of religious freedom at educational institutions, Catholic institutions, or public places, compared with 24 claims in 2020. Of the 12 claims presented in during the year, seven were dismissed, three were accepted, and two were unresolved through year's end. Reportedly, the decrease in numbers of claims was partly due to COVID-19 restrictions on in-person learning during the year. The court dismissed seven claims due to insufficient evidence proving discrimination or because it found no basis for claiming discrimination. In some of these dismissed 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 200 worshippers, regardless of the size of the venue. For the purposes of limits on gatherings, religious organizations fell under the same category as sports, cultural and academic activities; the 200-person limit applied equally to all groups. The court dismissed the complaints, stating the pandemic-related restrictions were applied to all places of worship for health reasons.

Two claims pertaining to a requirement that public employees attend a course on equal rights for LGBTQ+ persons remained unresolved through year's end. The chamber ruled in favor of three other claims. In one case, a Jewish municipal employee filed a complaint seeking authorization to observe the Sabbath on Saturday. In another case, the chamber ruled in favor of a minor claimant who opted out of a religious course, stating the minor could not be obligated to take an unrequired course. The parents of children attending public schools filed the third claim against the Ministry of Education because the ministry had not replaced the school's religion teacher several months after his retirement. In its ruling, the chamber ordered the hiring of a new teacher of religion.

The government again included financial support for the Catholic Church and evangelical Christian groups in its annual budget. It earmarked approximately 32.6 million colones (\$51,100), 23 million colones (\$36,000) for the Catholic Church and 9.5 million colones (\$14,900) 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 total funding of 32.6 million colones (\$51,100) for religious groups was included in supplemental budgets for the year and compared with 55 million colones (\$86,200)

earmarked in the 2020 budget. According to a legislative aide, the decrease in allocation for religious groups was because of the overall decrease in the budget due to the impact of COVID-19 on the economy. A semiautonomous government institution again sold lottery tickets, using the proceeds to support social programs sponsored by religious groups.

In June, Marco A. Fernandez Picado became the new director of religious education in the Ministry of Public Education. According to Fernandez Picado, because most classes were virtual during the year due to continuing 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.”

According to political observers and opinion polls, in the lead-up to the 2018 national election, religious issues such as same-sex marriage were polarizing campaign topics that impacted voters’ decisions. According to press reports, during the February 2022 election campaign, candidates tended to avoid raising these topics, likely to avoid repeating such polarization.

Representatives of political parties that defined themselves as evangelical Christian continued to occupy 14 of the country’s 57 legislative seats, and evangelical Christian parties contested the municipal election in February. 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 continued to defend the right of the Catholic Church to engage in the political process. At year’s end, 30 political parties had registered for the 2022 general election; seven of these parties stated a Catholic or evangelical Christian religious affiliation.

Religious groups, including the Catholic Church and Evangelical Alliance, continued to state their opposition to same-sex partnerships and to legislation passed and implemented in 2020 that recognizes same-sex marriages, citing moral grounds. In July, evangelical Christian groups belonging to the Evangelical Alliance, including its president, organized a prayer night broadcast on radio “in favor of families, life, and children.” Other Christian radio stations joined the program.

Abortion continued to be a frequent topic of public debate involving religious groups. According to a December 2019 executive order requiring hospitals to develop protocols for doctors to perform an abortion when the life and health of the woman was in danger, abortion was permitted in such cases in accordance with the penal code. The order also allowed health personnel to refuse to participate in abortion procedures for religious reasons. Media reported that opposition of the Catholic Church and evangelical Christian groups to abortions continued. From March 22 to April 4, legislator Nidia Cespedes of evangelical Christian party New Republic (Nueva Republica), protested barefoot in the Legislative Assembly's plenary room, expressing her opposition to a proposed bill decriminalizing abortion, which was later introduced in August. The same month, the Catholic Church organized its members to sign a letter requesting the government keep abortion illegal. By year's end, the Legislative Assembly did not vote on the bill.

In July, the Ministry of Public Education organized a National Week of Religious Education to present a preview of the ministry's new religious education programs to be offered as part of basic general education and diversified education levels. As a result of the July meeting, the ministry drafted an Interreligious Declaration for a Religious Education for A Culture of Peace, which the ministry presented at a Ministry of Education conference on September 22.

### **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. According to Catholic Chancellor Rafael Sandi, however, there were fewer requests to formally disaffiliate with the Catholic Church during the year compared with the number of requests made in 2020, 2019, and 2018.

An increase in instances of anti-Catholic language on social media was noted after media reports detailed the continued high-level investigations of Catholic priests charged with sexual abuse. In May, the extradition from Mexico of Catholic priest Mauricio Viquez on four charges of sexually abusing minors prompted negative comments on social media against Viquez, his alleged enablers, and the Catholic Church, the latter for attempting to prevent Viquez' case from going to trial. At year's end, Viquez remained in preventive detention. In 2019, the statute of limitation ended for three of the four accusations.

Jewish community leaders continued to report anti-Israeli comments appearing on social media, some of which, they said, were antisemitic, although not directed at Jews living in the country. In September, the Israelite Zionist Center of Costa Rica reported antisemitic comments it detected online through its Antidiscrimination Web Observatory, which compiles antisemitic incidents and messages posted on social networks. Some messages combined negative comments against Jews with actions taken by Israel. For example, some messages compared former Israeli Prime Minister Netanyahu with former Nazi officer Heinrich Himmler. Another online comment accused Israeli citizens of using their religion and the Holocaust to repeat their experience with Palestinians. One social media post stated, “Israel does not exist. Not only do they appropriate a territory that does not belong to them, but also...most of these people are not even Semites, but rather, central European Aryans.”

Interludio, a forum of religious groups established by Pastor Jose Castro in 2017 to encourage interreligious dialogue among the country’s religious groups, continued to promote 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 talks on spiritual growth and moral values.

The Museum of Empathy, associated with Interludio, continued to promote 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.

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

Embassy representatives raised with the Director of Religion Cyrus Alpizar of the Ministry of Foreign Affairs and Worship the request of some religious groups to register through a church-specific registration process. On May 26, embassy officials hosted a virtual roundtable with the Director of Religious Issues from the Ministry of Foreign Affairs and Worship, the Director of Religious Education from the Ministry of Education, leaders of the Muslim, Jewish, Catholic, and Protestant communities, and other religious groups to discuss how to address the challenges of holding religious gatherings and celebrations during the pandemic.

The embassy again 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 the Month of the Bible, and the celebration of Religious Freedom Day on January 16.