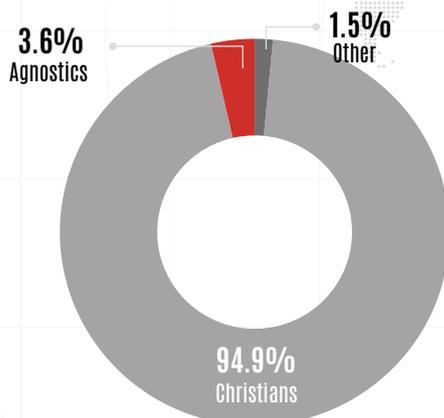




COSTA RICA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The name of God is invoked in the Preamble of Costa Rica's Constitution.¹

The Constitution grant citizens the right to assemble peacefully (Article 26), and to associate for lawful purposes (Article 25), though, "No one may be obligated to be a part of any association." Under Article 28, "No one may be disturbed [inquietado] or persecuted for the expression of their opinions". Members of the clergy or lay people cannot engage in political propaganda invoking "religious motives".

Article 75 of the Constitution stipulates that Roman Catholicism is the state religion, making Costa Rica the only confessional state in Spanish-speaking America, but it does not object to the free exercise of other beliefs provided they do not contravene universal moral standards and customs and are within the law.

In order to be elected president or vice-president, candidates must not be members of the clergy, in accordance with Article 131.

As indicated in Article 194, public officials must take an oath: "Do you swear to God and promise to the Fatherland, to observe and defend the constitution and the laws of the republic?"

Law No. 6062 grants the Catholic Bishops' Conference of Costa

Rica (CBCC) and each of its dioceses official legal status and full legal rights.²

Education Law No. 2160 stipulates that the school system should pursue, among other things, the development of ethical and religious values in accordance with Christian traditions. One goal of primary education is to nurture spiritual, moral and religious feelings (Article 13). All students are to be granted access to private tuition irrespective of religious differences (Article 36).³

The Labour Code (Article 90, b) bans children under the age of 15 from working, except for activities related to religious worship. The code goes on to establish that people who belong to religions other than Catholicism may ask for time off work to fulfil religious obligations. These must be previously registered with the Ministry of Foreign Affairs and Worship (Article 148). The code also stipulates that workers cannot carry out any coercive act against religious freedom (Article 72, b).⁴

Marriages celebrated by the Catholic Church in accordance with the Family Code are recognised as civil matrimonial contracts. Article 25 states: "Celebrating ministers [...] shall be considered public officials."⁵

A religious freedom bill introduced in 2018 is still under discussion by several stakeholders, who disagree mostly about the extent and overlap of conscientious objection and other limitations to the right, all taking place within a well-structured debate procedure.⁶

INCIDENTS AND DEVELOPMENTS

In August and September 2018, Costa Rican courts issued a number of rulings. The Constitutional Court ruled that a prison must adopt the necessary measures to ensure the entry of ministers of worship.⁷ The Constitutional Chamber of the Supreme Court accepted an amparo (protection) application from a police officer, so that he could have Saturday off to exercise his right to worship.⁸

In October 2018, the Catholic Church played a mediating role in a labour dispute between the government and trade unions during a strike by public sector workers.⁹

In May 2019, a draft bill went before Costa Rica's Legislative Assembly in order to remove the Catholic religion as the official state religion.¹⁰ Another bill was presented in order to require members of the clergy to report cases of abuse against minors they might hear during confession.¹¹ The Church criticised this proposal as contrary to religious freedom.¹²

In December 2019, the government issued a technical regulation on therapeutic abortion, banning conscientious objection in the event of an emergency, if the objecting professional was

the only one available in health facilities.¹³ In February 2020, the right to conscientious objection was granted to notaries.¹⁴

Following the outbreak of the COVID-19 pandemic in March 2020, the Catholic Bishops' Conference of Costa Rica (CBCC) suspended processions and retreats.¹⁵ Subsequently, the Ministry of Health ordered the closing of the largest churches.¹⁶ In May 2020, the government released new guidelines for the reopening of places of worship, without taking into account what the Churches might have to say. As a result, the CBCC requested that lockdown measures be reconsidered in light of the spiritual need of the faithful.¹⁷ In June 2020, the CBCC released a protocol for the gradual reopening of its places of worship. The bishops called for dialogue and collaboration with the authorities.¹⁸

PROSPECTS FOR RELIGIOUS FREEDOM

No episodes of religious intolerance or discrimination were reported. Unlike the previous period, relations between the state and religious groups appear to be good. The situation is stable and the debate around a new law on religious freedom and freedom of conscience continues within established parameters. The outlook for religious freedom in the future is positive.

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