

Act No. 308/1991

(Digest) on freedom of religious faith and on the position of churches and religious societies

The Federal Assembly of the Czech and Slovak Federal Republic has resolved on the following Act:

PART ONE

GENERAL STIPULATIONS

§ 1

(1) All persons have the right to freely express their religion or faith, by themselves or jointly with other persons, privately or publicly, by divine service, tuition, devotional acts or maintenance of rites. All persons have the right to change their religion or faith or to remain undenominational¹⁾.

(2) All persons have the right to freely spread their religious faith or their conviction to remain undenominational.

(3) No person may be coerced into profession of a religious faith or into being undenominational.

(4) For the purposes of this Act each person professing a religious faith is a believer.

§ 2

(1) Profession of a religious faith shall not be used to restrict the constitutional rights and liberties of citizens, particularly the right to education, the right to select and execute a vocation and the right of access to information.

(2) Believers have the right to keep holidays and to celebrate religious service in accordance with requirements of their faiths and with generally binding legal regulations.

§ 3

(1) Religious education of children until reaching their 15th year of age is decided upon by their legal representatives³⁾.

PART TWO

CHURCHES AND RELIGIOUS SOCIETIES

§ 4

(1) For the purposes of this Act a church or a religious society shall be understood as a voluntary association of persons of the same religious faith within an organisation having its own structure, official bodies, internal regulations and rites.

(2) Churches and religious societies in the territory of the Czech and Slovak Federal Republic exist on the basis of registration.

(3) Churches and religious societies are legal persons. They may mutually associate, create communities, religious orders, congregations and similar unions.

(4) Churches and religious societies are recognised as such by the state only when registered in accordance with this Act.

§ 5

(1) Believers have the right to associate and to establish churches and religious societies, as well as to join up with churches and religious societies already established, and to participate in their existence. In particular, they are entitled as follows:

- a. To participate in devotional acts;
- b. To take part in divine service or other rites;
- c. To be educated in a religious spirit and - on fulfilment of conditions established by the internal rules of churches and religious societies as well as by generally binding legal regulations - to teach religion;
- d. To establish and maintain religious contacts, also internationally;
- e. To own religious literature in any language, and to spread it under conditions established by generally binding legal regulations;
- f. To opt for a clerical or monastic life and to decide to live in congregations, orders and similar associations.

(2) Churches and religious societies manage their own affairs; in particular, they establish their official bodies, appoint clerics and constitute orders and other institutions independently of the authorities of the state¹⁾.

§ 6

(1) Churches and religious societies may, while fulfilling their respective missions, act as follows in particular:

- a. Freely determine their religious teachings and rites;
- b. Issue internal rules unless inconsistent with generally binding legal regulations;
- c. Provide spiritual and material services;
- d. Teach religion;

e. Teach and educate their clerical and lay workers in their own schools and other establishments, including theological universities and theological faculties, in compliance with conditions set forth in generally binding legal regulations⁴⁾;

f. Organise their gatherings without notification⁵⁾;

g. Own tangible and intangible property and have other rights in property and incorporeal rights;

h. Establish and operate specific purpose facilities;

i. Operate press companies, publishing companies and printing houses;

j. Establish and operate their own cultural institutions and facilities;

k. Establish and operate their own health care and social care establishments, and participate in the provision of related services also at state establishments in accordance with generally binding legal regulations;

l. Delegate their representatives for visits abroad and accept visits of representatives of churches and religious societies from abroad.

(2) The execution of activities under par. 1 shall not be inconsistent with the Constitution and shall not endanger the safety of citizens, public order, health and morality, the rights and liberties of other persons, the independence and territorial integrity of the state.

§ 7

(1) Persons carrying out clerical activities do so by appointment of churches and religious societies made in accordance with their internal rules and with generally binding legal regulations⁶⁾.

(2) Churches and religious societies assess the qualification of persons to carry out clerical activities, and grant them the corresponding commissions accordingly.

(3) Churches and religious societies appoint persons carrying out clerical activities and religion teachers to functions and/or specific territorial districts.

§ 8

The state recognises the confidentiality obligation of persons appointed to carry out clerical activities.

§ 9

(1) Persons appointed to carry out clerical activities have the right to enter buildings of public social care and health care establishments and homes for children, as well as buildings designed to accommodate military units, to provide detention, or imprisonment, and places of mandatory curative treatment and protective education.

(2) Churches and religious societies shall, in absence of rules applying to the entry of such buildings and/or places under generally binding regulations, negotiate such rules with the respective establishments and/or units.

(3) All persons in such buildings and/or places have the right, particularly in cases endangering life and health, to spiritual service usually provided by a cleric of their own choice. In addition, they are entitled to keep spiritual and religious literature of their own choice.

PART THREE

REGISTRATION OF CHURCHES

AND RELIGIOUS SOCIETIES

§ 10

(1) Churches and religious societies are subject to registration by the applicable state administration body of the Czech Republic or of the Slovak Republic, depending on the territory which the church or religious society intends to carry out activities (hereinafter referred to as “registering authority”).

(2) The registration proposal shall be submitted by the preparatory body of the church or religious society consisting of at least three adult members. All members of the preparatory body shall sign the proposal, showing their full names, personal identification numbers and places of residence as well as specifying the member of the preparatory body authorised to act on their behalf.

§ 11

A registration proposal of a church or religious society may be submitted when it has been proven that the number of its adult followers is at least equal to the number specified by generally binding legal regulation of the Czech Republic and the Slovak Republic.

§ 12

The registration proposal shall specify the following:

- a. Designation and site of the church or religious society;
- b. Full names, residential addresses, signatures and personal identification numbers of the members of the preparatory body;
- c. Essential characteristics of the church or religious society, of its teachings and mission, and its intended territory of activities;
- d. Signatures of a number (see § 11) of adult persons professing the church or religious society, showing their full names, residential addresses and personal identification numbers,

e. Statement declaring that the church or religious society shall fully respect the laws and generally binding legal regulations and that it shall tolerate other churches and religious societies, as well as persons without a denomination.

§ 13

(1) The registration proposal shall be accompanied by the fundamental document of the church or religious society (statute, code, by-laws, etc.), specifying the following:

- a. Designation and central site of the church or religious society;
- b. Bodies and formations, method of their establishment and their powers;
- c. Method of appointment and dismissal of persons carrying out clerical activities;
- d. Essential articles of faith;
- e. Principles of economic management, including the method of appointment of a receiver for settlement of the property of the church or religious society in case of its extinction;
- f. Method of approval of the fundamental document and of its amendments;
- g. Units having legal autonomy, including the range of the latter and names of persons authorised to act on their behalf.

(2) The designation of the church or religious society shall differ from the designation of any legal person already carrying out activities in the territory of the Czech and Slovak Federal Republic.

§ 14

(1) In cases of registration proposals lacking all preconditions specified in §§12 – 13 of the Act the registering authority shall determine a deadline for supplements to be made, such a deadline being at least one month from the date of delivery of the respective invitation of the registering authority.

(2) The invitation shall be delivered to the person authorised by the preparatory body.

(3) In case of failure of the proponent to supplement data within the specified deadline the registering authority shall halt the proceedings.

§ 15

The registering authority shall examine, whether or not the establishment and activities of the church or religious society is inconsistent with this Act and with other laws, with the protection of safety of citizens and public order, health and morality, with the principles of humanity and tolerance, or whether or not the rights of other legal persons or citizens are endangered.

§ 16

(1) When the conditions pursuant to § 15 of the Act are fulfilled, the registering authority shall decide on registration of the church or religious society.

(2) In absence of fulfilment of the conditions the registering authority shall deny registration.

(3) The decision on registration or denial of registration shall be delivered to the person authorised by the preparatory body.

§ 17

In case of a denial of registration the preparatory body may, within 60 days from the date of delivery of the decision, submit a proposal for its examination to the Supreme Court of the respective Republic⁷⁾.

§ 18

(1) Registration is also required of amendments of the data specified in §§ 12 and 13 of the Act. The competent body of the church or religious society shall submit to the registering authority the registration proposal of such amendments within 30 days from their approval by the official body of the church or religious society.

(2) The stipulations of §§ 14 through 17 apply similarly to the registration of amendments.

§ 19

(1) The registering authority keeps records of all legal persons under this Act, including those, whose legal autonomy is derived from churches and religious societies, except for those, which are subject to different recording or registration, and establishes the conditions of keeping such records.

(2) The registering authority shall notify the statistical offices of the respective Republics on the foundation of a church or religious society.

§ 20

(1) The registering authority shall, by cancellation proceedings, cancel registration of the church or religious society acting in violation of this Act or with the conditions of registration.

(2) The church or religious society may apply to the Supreme Court of the respective Republic for examination of the decision to cancel the registration.

§ 21

The proceedings under this Act are governed by the general rules on administrative proceedings (8), unless this Act stipulates special regulations.

PART FOUR CONCLUDING STIPULATIONS

§ 22

(1) Churches and religious societies which on the date of effect of this Act carried out their activities on a statutory basis or with state consent shall be deemed registered in accordance with this Act; their list is shown in the Annex, forming a part of this Act.

(2) Such churches and religious societies shall, within six months from the date of effect of this Act, submit to the registering authority the data specified in §13 of the Act.

§ 23

Statutes of the individual National Councils shall specify the registering authorities pursuant to §10 of the Act, the number of followers of the church or religious society pursuant to §11 of the Act, and the method of notification of the statistical offices of the individual republics on the foundation of a church or religious society pursuant to §19, par. 2 of the Act.

§ 24

The following legislation is abrogated:

1. Act No. 217:1949 (Digest), establishing the State Office for Church Affairs;
2. No. 228:1949 governmental Decree on the jurisdiction and organisation of the State Office for Church Affairs, as amended by later legislation.

§ 25

This Act shall assume effect on 1 September 1991.

Signed by hand

**Havel
Dubček
Čalfa**

- 1) Constitutional Act No. 23:1991 (Digest), introducing the List of Fundamental Rights and Liberties.
- 2) Labour Code [Act No. 65:1965 (Digest), as amended by later legislation]. Act No. 93:1951 (Digest) on official holidays, work-free days and memorable and significant days, as amended by later legislation.
- 3) Act No. 94:1963 on the family, as amended by later legislation.
- 4) Act No. 29:1984 (Digest) on the system of primary and secondary schools (the Schools Act), as amended by later legislation. Act No. 172:1990 (Digest) on universities.
- 5) §4, par. 1 of the Act No. 84:1990 (Digest) on the right of assembly.
- 6) Labour Code [Act No. 65:1965 (Digest), as amended by later legislation].
- 7) §§244 – 250 of the Act No. 99:1963 (Digest) on the Code of Civil Procedure, as amended by later legislation.
- 8) Act No. 71:1967 (Digest) on administrative proceedings.

Annex

to the Act No. 308:1991 (Digest)

List of churches and religious societies carrying out activities in the territory of the Czech Republic on a statutory basis or with state consent (§ 22):

1. Apostolic Church in the Czech Republic
2. Brotherhood of Baptists
3. Seventh Day Adventist Church
4. Church of Brethren
5. Czecho-Slovak Hussite Church
6. Church of Jesus Christ of Latter-day Saints
7. Uniate Church
8. Roman Catholic Church
9. Evangelical Unity of Czech Brethren
10. Evangelical Methodist Church
11. Federation of Jewish Communities in the Czech Republic
12. Union of Brethren
13. Christian Corps
14. Religious Society of Czecho-Slovak Unitarians
15. New Apostolic Church
16. Orthodox Church of Czecho-Slovakia
17. Silesian Evangelical Lutheran Church
18. Old Catholic Church in the ČSFR
19. Slovak Evangelical Lutheran Church in the ČSFR.

List of churches and religious societies carrying out activities in the territory of the Slovak Republic on statutory basis or with state consent (§ 22):

1. Apostolic Church in Slovakia
2. Brotherhood of Baptists
3. Seventh Day Adventist Church
4. Church of Brethren in Slovakia
5. Czecho-Slovak Hussite Church
6. Evangelical Methodist Church
7. Christian Corps
8. Orthodox Church
9. Reformed Christian Church in Slovakia
10. Uniate Church
11. Roman Catholic Church
12. Slovak Evangelical Lutheran Church in the ČSFR
13. Jewish religious communities
14. Old Catholic Church in the ČSFR

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