

THE ACT
on the freedom of religious faith
and the position of churches and
religious societies
Nr. 308 of 4th July 1991

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

PART ONE
GENERAL PROVISIONS

Article 1

(1) Everybody has the right to manifest freely one's religion or belief either alone or jointly with others, privately or public, in worship, teaching, religious acts or observance. Everybody has the right to change one's religion or belief or to be of no religious confession.¹

(2) Everybody has the right to spread freely one's religious faith or conviction or to be of no religious confession.

(3) Nobody must be forced to profess any religion or belief or to be of no religious confession.

(4) For the purpose of this Act, all who profess any religious faith, are referred to as the believers.

Article 2

(1) Profession of any religion must not impose limitations on one's constitutional rights and freedoms, especially the right of education, the right of choice and practice of one's profession and the right of access to information.

(2) The believers have the right to celebrate feasts and rites according to the requirements of their own religious faith in

¹ Constitutional Act Nr. 23/1991 instituting the Charter of Fundamental Rights and Freedoms.

compliance with general binding legal regulations.²

Article 3

The education of religion of children under 15 years of age is to be decided by their legal proxies.³

PART TWO
Churches and Religious societies

Article 4

(1) As per this Act, a church or religious society is to be understood as a voluntary association of persons professing the same religion in an organisation with its own structure, bodies, internal regulations and rites.

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

(3) Churches and religious societies are legal entities; they can associate with each other. They can establish communities, orders, societies and similar communions.

(4) The government recognises only those churches and religious societies that are registered in compliance with this Act.

Article 5

(1) The believers have the right to associate and establish churches and religious societies, as well as the right to join the existing churches and religious societies and be involved in their life, especially by:

- a) participating in religious ceremonies;
- b) participating in divine services or other religious rites;
- c) being educated in the spirit of their religion and/or teach religion after having met requirements specified in internal regulations of the

² Labour Code Nr. 65/1965 as amended in later provisions; Act Nr. 93/1951 on bank holidays, day of work rest and on memorable and important days as amended in later provisions.

³ Act Nr. 94/1963 on the family as amended in later provisions.

- respective churches and religious societies and in general binding legal regulations;⁴
- d) establishing and maintaining local and international relations;
- e) possessing religious literature in any language and propagating such literature in compliance with the requirements laid down in general binding legal regulations;
- f) joining the clergy or a holy order and opt for the life in communities, orders and similar communions.

(2) Churches and religious societies administer their own affairs, in particular they establish their bodies, appoint their priests, and establish, religious orders and other church institutions, independently from ot organs of the State.¹

Article 6

(1) To fulfill their mission, the churches and religious societies are especially entitled:

- a) determine freely their religious teaching and rites;
- b) issue internal regulations provided they are not at variance with the general binding legal regulations;
- c) provide spiritual and tangible services;
- d) teach religion;
- e) educate and train their own clergy and layman workers in their own schools or in educational facilities, as well as at theological universities and divine faculties in keeping with conditions laid down in general binding legal regulations;⁴
- f) organise their conventions without any notice;⁵
- g) possess movable and immovable property and have other property and intellectual rights;
- h) set up and operate special purpose facilities;

⁴ Act Nr. 29/1984 on the system of primary and secondary school (Educational Act) as amended in later provisions; Act Nr. 172/1990 on universities.

⁵ Article 4, Paragraph 1 of the Act Nr. 84/1990 on the Right of Assembly

- i) have their own press and publishing houses and printing offices;
- j) set up and operate their own cultural institutions and centres;
- k) set up and operate their own health-care facilities, social care facilities and also participate in the provision of such services in the government run facilities in compliance with general binding legal regulations;
- l) delegate their representatives abroad and have meetings with the representatives of churches and religious societies from abroad.

(2) The activities included In Paragraph 1 must not be at variance with the Constitution, must not pose any threats to the security of the population and/or public order, health and morality, to the rights and freedoms of the others and/or the independence and territorial integrity of the country.

Article 7

(1) The persons performing a clerical activity perform this activity upon the authorisation of the churches and religious societies according to their internal regulations and general binding legal regulations.⁶

(2) Churches and religious societies review the capabilities of the persons to perform religious activities and decide about their status accordingly.

(3) In compliance with their internal regulations the churches and religious societies install the persons who perform clerical activities and the teachers of religion into their offices or for a specific area.

Article 8

The government recognises the confidentiality duty of persons authorised to perform clerical activities.

Article 9

⁶ Labour Code Nr. 65/1965 as amended in later provisions

(1) The persons authorised to perform clerical activities have the right of entry into public social care facilities, health-care facilities and children's homes, as well as into dwelling facilities of military units, into such places where either the custody or sentence is served, as well as where protective treatment and protective training are received.

(2) The churches and religious societies shall agree with those facilities or units the rules of entry into their premises and the execution of religious acts in them, if the procedure is not specified in other general binding legal regulations.

(3) In those facilities and units everybody has the right to be provided with clerical services, generally as a matter of a rule, by the clergyman of his own choice, especially in the case of jeopardy of one's life and/or health. Everybody is also entitled to have on him spiritual and religious literature of his own choice.

PART THREE REGISTRATION OF CHURCHES AND RELIGIOUS SOCIETIES

Article 10

(1) Churches and religious societies are to be registered by the pertinent central authority of the state administration of the Czech or Slovak Republics, on the territory of which the church or religious society intends to operate ("registering body").

(2) The registration application is to be submitted by a preparatory body of the church or religious society consisting of a minimum of three members of full age. The application is to be signed by all the members of the preparatory body, stating their first and family names, birthday codes and domiciles. They are also to state who of the preparatory body is the mandatary who acts on their behalf.

Article 11

The application for the registration of a church or religious society can be presented, if it is proved that at least as many persons of full age support it as laid down in the general binding legal regulations of the

Czech and Slovak Republics. (*note of translator: for the Czech Republic it is the Act Nr. 161/1992 on registration of churches and religious societies, for the Slovak Republic it is the Act Nr. 192/1992 with the same name*)

Article 12

The application for the registration includes:

- a) the name and address of the church or religious society;
- b) names, family names, addresses, signatures and birthday codes of the members of the preparatory body;
- c) a general characteristic of the church or religious society to be established, its teaching, mission and the territory on which it intends to operate;
- d) signatures of persons of full age supporting the church or religious society in the prescribed number (see Article 11), including their names, family names, addresses and birthday codes;
- e) a statement that the church or religious society will fully respect the Acts and general binding rules, and that it will be tolerant towards the other churches and/or religious societies and towards persons of no religious confession.

Article 13

(1) Attached to the application for the registration is to be a basic document of the church or the religious society to be established (i.e. the Statutes, Rules, Articles), from which must be obvious the following:

- a) the name and address of the centre of the church or the religious society;
- b) bodies and units, the way how they are to be established and their authorisation;
- c) the way how the persons performing clerical activities are to be installed and removed;
- d) the basic articles of the faith;
- e) the principals of economy, including the way how a liquidator is to be appointed for the purpose of property settlement should the

- church or religious society cease to exist;
- f) the way how the basic document is to be approved and amended;
 - g) the units that are legal entities, as well as to what extent and who is authorised to act on their behalf.

(2) The name of the church or religious society must be different from the name of the legal person which already operates on the territory of the Czech and Slovak Federal Republic.

Article 14

(1) In case the application for registration does not include all the data specified in Articles 12 and 13 of the Act, the registering body shall determine the term within which such data must be completed, of the duration of minimum one month, from the date of delivery of the notice by the registering body.

(2) The notice is to be delivered into the hands of the mandatary of the preparatory body.

(3) Should the applicant not add the details within the given time, the registering body shall terminate the procedure.

Article 15

The registering body shall examine whether the establishing and operation of the church or religious society are not at variance with this Act and/or other Acts, with the safety of the population and of the public order, health and morality, principles of humanity and tolerance, and/or whether the rights of other legal persons and population are not threatened.

Article 16

(1) When all the conditions specified in Article 15 of the Act are met, the registering body decides, that the church or religious society becomes registered.

(2) Should those conditions not be met, the registering body denies the registration.

(3) The decision about registration or its denial are to be delivered to the mandatary of the preparatory body.

Article 17

The preparatory body can submit to the Supreme Court of the Republic an application for the review of the decision of a registration denial within 60 days of its delivery.⁷

Article 18

(1) Registration is also necessary for the changes of the data specified in Articles 12 and 13 of the Act. The proposal for registration of those changes is to be presented by the pertinent body of the church or the religious society to the registering body within 30 days from the day of the approval of their change by the body of the church or the religious society.

(2) Provisions of the Articles 14 through 17 of the Act are valid for the registration of changes in the similar way.

Article 19

(1) The registering body keeps records of all the legal persons in compliance with this Act, including those, which derive their legal status from the churches or the religious societies, provided they are not subject to any other record keeping or registration, and specifies its conditions.

(2) The registering body notifies the statistical offices of the Republics of the establishing of a church or a religious society or its ceasing to exist.

Article 20

(1) Should the church or the religious society act in variance with this Act or conditions for registration, the registering body accomplishes a proceedings to abolish the registration.

(2) The church or the religious society can ask the Supreme Court of the Republic

⁷ Articles 244 through 250 of Act Nr. 99/1963 on the Civil Court Proceedings as amended in later provisions.

to review the decision about the registration abolishment.

Article 21

The proceedings as per this Act is to be governed by the general binding legal regulations on the administrative proceedings,⁸ providing the present Act does not specify otherwise.

PART FOUR CLOSING PROVISIONS

Article 22

(1) The churches or the religious societies that were operating by law or based on the government approval to the effective date of this Act, are considered to be registered in compliance with this Act: their list is attached in the Appendix to this Act, which constitutes an integral part of the Act.

(2) Those churches and religious societies shall give the registering body the details in accordance with Article 13 of the Act within 6 months from the effective date of this Act.

Article 23

The Acts of the National Assemblies (Parliaments) shall specify the registering bodies in accordance with Article 10, the number of persons professing the religion of associated with the religious society according to Article 11 of the Act, as well as the way how the registering bodies shall notify the statistical offices of the Republics of the establishing and ceasing to exist of a church or a religious society according to Article 19, Paragraph 2, of the Act. *(note of translator: for the Czech Republic it is the Act Nr. 161/1992 on registration of churches and religious societies, for the Slovak Republic it is the Act Nr. 192/1992 with the same name)*

Article 24

Abolished are:

1. The Act Nr. 217/1949, by which the State Office for Religious Affairs is established

⁸ Act Nr. 71/1967 on the administrative proceedings (Administrative Rules)

2. The Government Ruling Nr. 228/1949 on the operation and organisation of the State Office for Religious Affairs, as amended in later provisions.

Article 25

This Act becomes effective as of 1st September 1991.

Havel, signed in my own hand.
Dubček, signed in my own hand.
Čalfa, signed In my own hand.

Appendix to Act Nr. 308/1991

The list of churches and religious societies that operate on the territory of the Czech Republic (Article 22):

- 1) Apostolic Church in the Czech Republic
- 2) Baptist Union
- 3) Church of the Seventh-day Adventists
- 4) Brethren Church
- 5) Czechoslovak Hussite Church
- 6) Church of Jesus Christ of Later-day Saints
- 7) Greek Catholic Church
- 8) Roman Catholic Church
- 9) Evangelical Church of Czech Brethren
- 10) United Methodist Church
- 11) Federation of Jewish Communities in the Czech Republic
- 12) Unity of Brethren
- 13) Open Brethren
- 14) Religious Society in the Czechoslovak Unitarians
- 15) New Apostolic Church
- 16) Orthodox Czechoslovak Church
- 17) Silesian Evangelical Church of the Augsburg Confession
- 18) Old Catholic Church in the ČSFR
- 19) Slovak Church of the Evangelists of Augsburg Confession in the ČSFR

The list of churches and religious societies that operate on the territory of the Slovak Republic (Article 22):

- 1) Apostolic Church in Slovakia
- 2) Baptist Union

- 3) Church of the Seventh-day Adventists
- 4) Brethren Church in Slovakia
- 5) Czechoslovak Hussite Church
- 6) United Methodist Church
- 7) Open Brethren
- 8) Orthodox Church
- 9) Reformed Christian Church in Slovakia
- 10) Greek Catholic Church in Slovakia
- 11) Roman Catholic Church in Slovakia
- 12) Slovak Church of the Evangelists of Augsburg Confession in the ČSFR
- 13) Jewish Religious Communities
- 14) Old Catholic Church in the ČSFR

Comment [KJ1]:

This Act was published in official Collection of Laws of The Czech and Slovak Federal Republic of the year 1991 under Nr. 308. Collection Section was 57. In force entered this Act on 1st of September 1991