

**Institute on Religion and Public Policy:  
Religious Freedom in the Czech Republic**

**Executive Summary**

(1) The Czech Republic satisfies its constitutional promises of the “freedom of thought, conscience, and religious conviction” and works to maintain an atmosphere of tolerance. However, there are a few issues of concern. Several religious communities are favored over other smaller or non-traditional groups. The registration process hinders the ability of smaller religious communities to practice their faith. Furthermore, the required registration of church-sponsored organizations and the considerable government funding given to some groups threatens the autonomy of the religious communities.

**Institute on Religion and Public Policy**

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

**Introduction to the Legal Situation**

(3) The strong legal protections of religious freedom and freedom of conscience are laid down in the Czech Republic’s Constitutional Charter of Fundamental Rights and Basic Freedom. Article 3 maintains that “everyone is guaranteed the enjoyment of fundamental rights and basic freedoms without regard to gender, race, color of skin, language, faith and religion political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status”.

(4) Article 15 further establishes the “freedom of thought, conscience, and religious conviction” where in Section 1 it includes “the right to change religion or faith or to be non-denominational.” Article 15, Section 3, provides legal protection

to conscientious objectors stating that “no one may be compelled to perform military service if such is contrary to his conscience or religious conviction.”

(5) The constitutional charter also ensures individual and community rights of religious expression and practice. Article 16, Section 1 states that Everyone has the right to freely manifest her religious or faith, either alone or in community with others, in private or public, through worship, teaching, practice, and observance.” Article 16, Section 2 guarantees the autonomy of religious communities mandating that “Churches and religious societies govern their own bodies and appoint their clergy, as well as found religious orders and other church institution, free from state control.”

(6) The 2002 Law on Religious Freedom and the Position of Churches and Religious Associations organized a two-tier registration system for religious communities under the Ministry of Culture. The registration requirements discriminate based on population size rather than belief systems, unless a community’s beliefs may potentially jeopardize the safety, health, and rights of other citizens. First-tier eligibility requires a community of at least 300 permanent adult residents. Second-tier registration requires a community of at least 0.1 percent of the country’s total population, which would currently mean about 10,000 people. Benefits of second-tier communities include legally recognized marriages officiated by clergy, authorized prison and military chaplaincy, and eligibility to receive tax deductions, a privilege which some communities refuse due to moral beliefs. Communities registered before 1991, such as the Jewish community, hold second-tier status regardless of the size of their congregations. The registration system restricts smaller religious communities’ full ability to exercise and practice their religious beliefs by requiring them to meet the necessary population threshold.

(7) However, non-registered communities are not completely denied the freedom to observe their beliefs. They are encouraged to legally register as civic associations to effectively manage property and other financial transactions without government interference, but they do not enjoy the same privileges of a registered religious community.

### **Church and State Relations**

(8) The relationship between the Czech Republic and religious communities challenges the autonomy of these religious communities. A 2005 amendment to the Law on Churches allowed for state regulation of church-sponsored institutions, including charities and schools. Twenty-five senators unsuccessfully petitioned against the amendment, declaring that it was unconstitutional in accordance with Article 16, Section 2 of the Constitution. The state regulation of church-sponsored organizations not only challenges the religious communities’ rights to self-governance, but also directly affects the thousands of citizens

served by church-sponsored charities, schools, hospitals, shelters, and other establishments.

(9) Further threats to neutrality include the allocation of state funding for second-tier registered religious communities. Approximately \$54 million (1.1 billion Czech crowns) are distributed annually in shares proportionate to the number of clergy, with more than half of the funding used for clerical salary. The arrangement ultimately indicates that tax-payers are financing religious communities they may not support.

(10) In other areas, church-state relations are positive. The Czech Republic's restitution efforts provide an example of constructive church-state interactions. The state is making significant efforts to restore previously confiscated property through actual property return or financial reimbursement. Special attention is paid to the restitution of property seized from Jewish communities or individuals during the Holocaust. Most complaints regarding the restitution process concern the government's failure to reimburse because the state is unable to return property without proof of ownership.

(11) Overall, the Czech Republic is successful in promoting inter-religious awareness and tolerance. A designated Holocaust Remembrance Day discourages "public denial, questioning, approval of, or attempts to justify the Nazi genocide". The Ministry of Culture organizes many inter-faith community events through grants. One of the few exceptions of government tolerance is the April 2006 incident where some state schools advised students that "a number of state-recognized religions are harmful and dangerous to youth".

## **Conclusion**

(12) The Czech Republic faithfully practices and promotes religious tolerance, but not religious equality. Although the population-based registration practices are not designed to discriminate based on beliefs, the current system gives religious minorities little opportunity to obtain the privileges appreciated by second-tier communities, such as tax benefits and legally accepted marriages. To achieve true religious freedom, the Czech Republic must not only support inter-faith tolerance, but discard discriminatory registration laws that hinder the ability of religious minorities to practice their faith. Additionally, the Czech Republic should strive for greater religious autonomy and develop a more clearly defined separation of church and state, beginning with the issue of state funds and the regulation of church-sponsored institutions.