

Act No. 3/2002 Coll.

Act on Freedom of Religion and the Status of Churches and Religious Societies and on Amendments to Certain Acts (Act on Churches and Religious Societies)

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LAW

dated 27 November 2001

on freedom of religion and the status of churches and religious societies and on amendments to certain laws (Act on Churches and Religious Societies)

The Parliament has resolved on this law of the Czech Republic:

PART ONE

FREEDOM OF RELIGIOUS CONFESSION AND THE STATUS OF CHURCHES AND RELIGIOUS SOCIETIES

TITLE I

INTRODUCTORY PROVISIONS

§ 1

Subject of adjustment

This law regulates

- a) the position of churches and religious societies,
- b) maintaining publicly accessible lists of registered churches and religious societies, unions of churches and religious societies and registered legal entities,
- c) the competence of the Ministry of Culture (hereinafter referred to as the "Ministry") in matters of churches and religious societies.

§ 2

Freedom of religion

(1) Freedom of thought, conscience and religion is guaranteed. Everyone has the right, either alone or in community with others and in private or public, to manifest his religion or belief in worship, teaching, practice and observance. Everyone has the right to change his religion or belief or to have no religion.

(2) The right of minor children to freedom of religion or to be without religion is guaranteed. ¹ Legal representatives of minor children may regulate the exercise of this right in a manner consistent with the developing abilities of minor children.

(3) No one may be forced to join or leave a church or religious community, or to participate or not participate in religious acts or acts of a church or religious community.

(4) Everyone has the right to choose a spiritual or religious state and to decide to live in communities, orders and similar associations.

(5) No one may have their rights restricted because they belong to a church or religious community, participate in its activities or support it, or are without a religion.

§ 3

Basic concepts

For the purposes of this Act, the following shall be understood:

- a) a church and a religious society are voluntary associations of persons with their own structure, bodies, internal regulations, religious ceremonies and expressions of faith, established for the purpose of professing a certain religious faith, whether publicly or privately, and in particular the associated gatherings, worship, teaching, spiritual services and, where appropriate, publicly beneficial activities,
- b) a registered legal entity is an institution ^{14a}) established by a registered church and religious society for the purpose of professing religious faith or for the performance of charitable, social, health or other generally beneficial activities ²¹) and registered under this Act,
- c) a person affiliated with a church or religious community is a person who, according to their beliefs and the internal regulations of the church or religious community, belongs to it,
- d) identification data means the name, or names and surnames, personal identification number or date of birth, address of the place of residence in the Czech Republic, where the natural person has registered permanent or temporary residence, or place of residence if he or she has neither permanent nor temporary residence, in the case of foreigners also information about their citizenship, name and registered office of the legal entity,
- e) the registered office of a registered church and religious society, an association of churches and religious societies and a registered legal entity is the address of the headquarters of a registered church and religious society, an association of churches and religious societies and a registered legal entity in the territory of the Czech Republic.

TITLE II

CHURCHES AND RELIGIOUS SOCIETIES

§ 4

The position of churches and religious societies

- (1) A church and a religious society are established by voluntary association of natural persons and independently decide on matters related to the profession of faith, the organization of a religious community and the creation of institutions designated for this purpose.
- (2) The state, regions and municipalities may not carry out religious or anti-religious activities.
- (3) Churches and religious societies shall manage their affairs, in particular they shall establish and abolish their bodies, appoint and dismiss their clergy and establish and abolish church and other institutions in accordance with their regulations, independently of state authorities. ³)
- (4) A church and a religious society may not use a name that could make it, by its name, interchangeable with a registered church and a religious society or another legal entity.

§ 5

Conditions for the establishment and operation of churches and religious societies

A church or religious society whose teachings or activities seek to violate the law or achieve some goal in an illegal manner cannot be established and operate, especially if:

- a) denies or restricts the personal, political or other rights of natural persons on the basis of their nationality, gender, race, origin, political or other opinion, religious belief or social status,
- b) incites hatred and intolerance,
- c) promotes violence or violation of legal regulations,
- d) seriously violates public morality, public order or public health,
- e) restricts the personal freedom of persons, in particular by using psychological or physical pressure to create a dependency that leads to physical, psychological or economic harm to these persons or their family members, to damage their social ties, including limiting the psychological development of minors or limiting their right to education ⁴) , or prevents minors from receiving health care appropriate to their health needs, or
- f) its teachings are kept secret in whole or in some parts, as well as the organizational structure of the church and religious society and ties to foreign entities, if it is part of a church and religious society operating outside the territory of the Czech Republic.

§ 6

Registered churches and religious societies

- (1) A church and religious society shall become a legal entity upon registration under this Act, unless otherwise provided by this Act.
- (3) A registered church and religious society may, in particular, in order to fulfil its mission:
 - a) teach and educate its clergy and lay workers in its own schools and other facilities as well as at universities of theology and theological faculties under conditions pursuant to special legal regulations, ⁵)
 - b) obtain authorization to exercise special rights under this Act.

§ 7

Special rights of registered churches and religious societies

- (1) A registered church and religious society may, under the conditions set out in this Act, obtain authorisation to exercise the following special rights in order to fulfil its mission:
 - a) teach religion in state schools in accordance with a special legal regulation, ⁴)
 - b) to authorize persons performing clerical activities to perform clerical service in the armed forces of the Czech Republic, in places where detention, imprisonment, preventive detention, protective treatment and protective education are carried out,
 - c) perform ceremonies in which church marriages are concluded in accordance with a special legal regulation, ⁷)

d) establish church schools in accordance with a special legal regulation,⁴)

e) to maintain the duty of confidentiality by clergy in connection with the exercise of confessional secrecy or the exercise of a right similar to confessional secrecy, if this duty has been a traditional part of the teachings of the Church and religious community for at least 50 years; this does not affect the duty to prevent a criminal offence imposed by a special law.⁸)

(2) The exercise of special rights pursuant to paragraph 1 letters a) to d) shall be governed by special legal regulations.⁹)

(3) A registered church and religious society authorized to exercise special rights shall annually publish an annual report on the exercise of rights pursuant to paragraph 1 letters a) to d).

§ 8

Unions of churches and religious societies

(1) In order to exercise the right to religious freedom under this Act, registered churches and religious societies may establish a union of churches and religious societies. A union of churches and religious societies shall be established as a legal entity by registration under this Act.

(2) Only registered churches and religious societies may be members of the Union of Churches and Religious Societies.

TITLE III

REGISTRATION OF A CHURCH AND RELIGIOUS SOCIETY, UNION OF CHURCHES AND RELIGIOUS SOCIETIES AND GRANTING OF AUTHORIZATION TO EXERCISE SPECIAL RIGHTS

§ 9

Common provisions on registration

(1) A proposal for the registration of a church and religious society, an association of churches and religious societies, and a proposal for granting a registered church and religious society the right to exercise special rights shall be submitted to the Ministry by a person pursuant to this Act.

(2) A church and a religious society or an association of churches and religious societies are registered and the registered church and religious society is granted the right to exercise special rights on the date on which the decision on the registration of the church and a religious society or an association of churches and religious societies or the decision on the granting of the right to exercise special rights to a registered church and a religious society by the Ministry becomes legally effective.

§ 10

Proposal for registration of a church and religious society

(1) A proposal for the registration of a church and religious society shall be submitted to the Ministry by at least three natural persons who have reached the age of 18, are legally independent and are citizens of the Czech Republic or foreigners with permanent residence in the Czech Republic (hereinafter referred to as the "preparatory committee"). The members of the preparatory committee shall sign the proposal and state their identification data. In the proposal, the preparatory committee shall determine which of its members is authorized to act on behalf of the preparatory committee. The signatures of the members of the preparatory committee must be officially verified.¹⁰)

(2) The application for registration of a church and religious society must contain:

a) the basic characteristics of the church and religious community, its teachings and mission,

b) a record of the establishment of a church and religious society in the territory of the Czech Republic,

c) original signatures of at least 300 adult citizens of the Czech Republic or foreigners with permanent residence in the Czech Republic who are members of this church and religious society, stating their identification data in accordance with this Act and stating the same text on each signature sheet, which states the full name of the church and religious society collecting signatures for the purpose of its registration, from which it is evident that the signature sheet is signed only by a person who is members of this church and religious society,¹¹)

d) basic document and

e) identification data of members of the statutory body of the church and religious society, if they are established at the time of submitting the application for registration of the church and religious society.

(3) The basic document of a church and religious society submitted pursuant to paragraph 2 letter d) must contain:

a) the name of the church and religious society; the name of the church and religious society does not need to include an indication of its legal form,

b) the mission of the church and religious community and the fundamental articles of its faith,

c) the seat of a church or religious society in the territory of the Czech Republic,

d) the designation of the statutory body of the church and religious society, the method of its action and its establishment and dismissal, the length of the term of office of its members, or the designation of other bodies of the church and religious society or registered legal entities that are authorized to submit proposals under this Act, the scope of this authorization and the method of acting on behalf of the church and religious society,

e) the organizational structure of the church and religious society, including the supervisory body or bodies, their composition and scope of activity, if established, and a list of all types of registered legal entities that will be proposed for registration under this Act, the method of their establishment and dissolution, including any indication of a legal successor in the event of their dissolution, the designation of their statutory bodies, the method of their establishment and dismissal, the length of the term of office of members of the statutory bodies,

f) the method of appointing and dismissing clergy and a list of titles of clergy used in the church and religious society,

g) the method of approving changes to the basic document and those documents of the church and religious society and their changes that are attached to the basic document or from which data is entered into the basic document,

h) integration of the church and religious community into church and religious community structures outside the territory of the Czech Republic,

i) principles of management of the church and religious society, in particular the method of obtaining financial resources, including the scope of authorization of persons, bodies and other institutions of the church or religious society to manage property and data pursuant to Section 27, paragraph 2,

- j) the method of dealing with the liquidation balance resulting from the liquidation of a church and religious society,
 - k) rights and obligations of persons belonging to a church and religious society.
- (4) The preparatory committee shall act on behalf of the church and religious society until the establishment of a statutory body.
- (5) If at the time of submitting the application for registration of a church or religious society, the members of the statutory body have not been established, the church or religious society shall notify the Ministry of their identification data within 10 days of their establishment.

§ 11

Proposal for granting authorization to exercise special rights

- (1) A motion for authorization to exercise special rights may be filed by a registered church or religious society that:
- a) has been registered under this Act continuously for at least 10 years as of the date of submission of the application,
 - b) at least 10 years before submitting the proposal, it sent the Ministry an annual activity report and financial statements for the previous calendar year,
 - c) duly fulfills obligations towards the state¹²) and third parties,
 - d) is of good repute.
- (2) A motion for authorization to exercise special rights may be filed for the exercise of one or more special rights pursuant to Section 7(1).
- (3) The application for granting authorization to exercise special rights pursuant to Section 7, paragraph 1, letters a) to d) must contain:
- a) the original signatures of as many adult citizens of the Czech Republic or foreigners with permanent residence in the Czech Republic who are members of this church and religious society as constitute at least 1 per thousand of the population of the Czech Republic according to the last census,¹³) with their identification data according to this Act and with the same text on each signature sheet, which states the full name of the church and religious society that is collecting signatures for the purpose of granting authorization to exercise special rights, from which it is evident that the signature sheet is signed only by a person who is members of this church and religious society,¹¹)
 - b) a declaration that its previous activities as a legal entity under this Act do not contradict the conditions set out in this Act and that it complies with the conditions under paragraph 1 letter c).
- (4) The application for the granting of authorisation to exercise a special right pursuant to Section 7(1)(e) must contain the particulars pursuant to paragraph 3 and, in addition, a document confirming that the obligation of confidentiality of clergy in connection with the exercise of confessional secrecy or in connection with the exercise of a right similar to confessional secrecy has been a traditional part of the teachings of the Church and religious community for at least 50 years.
- (5) For the purposes of this Act, a registered church and religious society that has been finally convicted of a criminal offence related to the exercise of special rights or of a crime shall not be considered to be of good repute, unless it is regarded as having not been convicted.
- (6) Good conduct shall be proven by an extract from the criminal record. The Ministry shall request an extract from the criminal record in accordance with a special legal regulation²⁰). The application for the issuance of an extract from the criminal record and the extract from the criminal record shall be submitted in electronic form, in a manner enabling remote access.

§ 12

Proposal for registration of a union of churches and religious societies

- (1) The application for registration of a union of churches and religious societies must contain
- a) the name of the association of churches and religious societies; the name of the association of churches and religious societies does not need to include an indication of its legal form,
 - b) the seat of the union of churches and religious societies in the territory of the Czech Republic,
 - c) a written founding agreement concluded by the founding churches and religious societies, stating their names and registered offices,
 - d) the statutes of the association, which determine the subject of the association of churches and religious societies' activities, the regulation of property relations, the establishment and termination of membership, the rights and obligations of members, the statutory body of the association of churches and religious societies and other bodies of the association, the length of the term of office of members of its bodies, the method of their establishment and the scope of their authorization to act on behalf of the association, the method of dissolution of the association and the disposal of its liquidation balance,
 - e) identification data of persons authorized to act on behalf of the union of churches and religious societies until the bodies are formed (hereinafter referred to as the "union preparatory committee") and determination of which of its members is authorized to act on behalf of the union preparatory committee.
- (2) The written founding agreement on the establishment of an association of churches and religious societies shall be submitted in the form of a notarial deed.
- (3) The application for registration of an association of churches and religious societies shall be submitted by the preparatory committee of the association. The signatures of the members of the preparatory committee of the association must be officially verified.¹⁰)

§ 13

cancelled

§ 14

Ministry's procedure

- (1) In proceedings for the registration of a church and religious society, an association of churches and religious societies or in proceedings for the granting of authorisation to exercise special rights of registered churches and religious societies (hereinafter referred to as the "proposal for registration"), the Ministry shall examine:
- a) whether the application for registration is submitted by a person who meets the conditions set out in this Act,
 - b) whether the registration or granting of authorisation to exercise special rights is not in conflict with this Act,
 - c) in the case of proceedings for the registration of a church and a religious society and proceedings for the granting of authorization to exercise special rights, whether the activities of the church and religious society are not in conflict with its basic document and with the conditions set out in

this Act.

(2) If the information in the application for registration pursuant to paragraph 1 corresponds to the actual state of affairs and if the conditions pursuant to paragraph 1 are met, the Ministry shall decide that the church and religious society shall be registered or that the union of churches and religious societies shall be registered or that the authorization to exercise special rights shall be granted.

(3) If the data in the application for registration pursuant to paragraph 1 do not correspond to the actual state of affairs or if the conditions pursuant to paragraph 1 are not met, the Ministry shall decide that the registration of the church and religious society or the registration of their association or the granting of authorization to exercise special rights shall be rejected.

(4) The Ministry shall enter the registration of a church and religious society and the granting of authorization to exercise special rights in the Register of Registered Churches and Religious Societies on the date on which the decision becomes legally effective.

(5) The Ministry shall enter the registration of an association of churches and religious societies in the Register of Associations of Churches and Religious Societies on the date on which the decision on registration becomes legally effective.

(6) The Ministry shall be obliged to issue a decision pursuant to paragraph 2 or 3 or to decide to discontinue the proceedings within the period specified in the general regulations on administrative procedure. If, due to the nature of the matter, it is not possible to make a decision within this period, the Minister may extend it appropriately. The Ministry shall be obliged to inform the applicant of the extension of the period, stating the reasons.

§ 15

Registering changes

(1) Registration is also required for changes to the basic document of a church and religious society, for changes to the founding agreement of the union of churches and religious societies, its name, seat and statutes. A proposal for registration of changes shall be submitted to the Ministry by the church and religious society and the union of churches and religious societies no later than 10 days from the date on which the change occurred.

(2) The proposal for registration of changes must contain a new complete text of the document to which the changes relate.

(3) Changes in the composition of the statutory body of a registered church and religious society, statutory bodies of unions of churches and religious societies, or changes in the identification data of members of statutory bodies are not subject to registration. The Ministry shall register these changes in accordance with paragraph 5.

(4) The registered church and religious society and the union of churches and religious societies, including documents on the establishment of these persons by the competent authority pursuant to the basic document of the church and religious society pursuant to Section 10, paragraph 3, letter d) and the statutes of the union of churches and religious societies, are obliged to notify the Ministry of changes pursuant to paragraph 3 no later than 10 days from the date on which the change occurred.

(5) The Ministry shall make a record of the change pursuant to paragraph 3 within 5 working days from the date of delivery of a complete application for changes to the Register of Registered Churches and Religious Societies or the Register of Unions of Churches and Religious Societies. If the application for changes pursuant to paragraph 3 is incomplete or suffers from other defects, the Ministry shall within 5 working days invite the registered church and religious society or union of churches and religious societies to remove them within 10 days from the delivery of this invitation.

(6) The Ministry shall make a change to an entry in the Register of Registered Churches and Religious Societies or the Register of Unions of Churches and Religious Societies even without a proposal and without issuing a decision, if the change is caused by a change in reference data in the basic register, by a decision of a court or administrative authority, or a change consisting in the correction of errors in writing and numbers or other obvious inaccuracies in the entry. If such a change is reflected in the public part of the Register of Registered Churches and Religious Societies or the Register of Unions of Churches and Religious Societies, the Ministry shall notify the registered church and religious society or union of churches and religious societies to which the entry relates of the change to the entry by sending an extract from the public part of the register.

§ 15a

General provisions on registered legal entities

(1) A registered church or religious society shall submit an application for registration of a registered legal entity. A registered legal entity shall become a legal entity on the date of registration under this Act.

(2) Other legal entities established by a registered church and religious society that are not registered under this Act may become legal entities by registration or entry under special legal regulations^{14b}).

(3) A registered church and religious society shall submit, within 10 days from the date on which the data kept about the registered legal entity in the Register of Registered Legal Entities has changed, a proposal for the registration of this change, to which it shall attach a new valid complete text of the articles of association, statute or similar document of the registered legal entity, if they have changed. The Ministry shall proceed analogously in accordance with Section 15, paragraphs 5 and 6. If there has been a change in the articles of association, statute or similar document of the registered legal entity, which does not lead to a change in the data kept about the registered legal entity in the Register of Registered Legal Entities, the registered church and religious society shall send their new valid complete text to the Ministry within 10 days from the date on which they have changed.

(4) Business and other gainful activities of registered legal entities may only be their secondary activities.

TITLE IV

REGISTERED LEGAL ENTITIES

§ 16

Registration of a registered legal entity

(1) The application for registration of a registered legal entity must contain:

- a) proof of its establishment by the competent authority of a registered church or religious society according to its founding document,
- b) the subject of the public benefit, entrepreneurial and other gainful activity and its articles of association, statute or similar document, if any,
- c) its name; the name of the registered legal entity does not need to include an indication of its legal form,
- d) its registered office is in the Czech Republic,
- e) designation of its statutory body in the territory of the Czech Republic,
- f) identification data of the members of its statutory body,
- g) the manner of conduct of its statutory body and

h) designation of the type of registered legal entity according to the list specified in the basic document pursuant to Section 10, paragraph 3, letter e).

(2) A registered church and religious society shall submit a proposal for registration of a registered legal entity within 10 days from the date of establishment of the registered legal entity. The Ministry shall register the legal entity by entering it in the Register of Registered Legal Entities within 5 working days from the date of delivery of the proposal. Registration shall be carried out by entering it on the date of its establishment in the registered church and religious society.

(3) If a registered church or religious society fails to comply with the deadline specified in paragraph 2, the registration shall be made by recording the date of delivery of the proposal pursuant to paragraph 1 to the Ministry.

(4) If the application for registration of a registered legal entity does not contain all the requirements pursuant to paragraph 1 or if it suffers from other defects, the Ministry shall, within 10 working days from the date of delivery of the application, invite the registered church and religious society to eliminate them, within a period of 30 days.

(5) If a registered church or religious society fails to eliminate the defects in the application for registration of a registered legal entity or if it is not a registered legal entity, the Ministry shall reject the application by a decision issued as the first step in the proceedings.

§ 16a
cancelled

TITLE V

REGISTERS OF REGISTERED CHURCHES AND RELIGIOUS SOCIETIES, UNIONS OF CHURCHES AND RELIGIOUS SOCIETIES AND REGISTERED LEGAL ENTITIES

§ 17

Common provisions on registers of registered churches and religious societies, unions of churches and religious societies and registered legal entities

(1) The Ministry shall keep a Register of Registered Churches and Religious Societies, a Register of Unions of Churches and Religious Societies and a Register of Registered Legal Entities, in which legal entities registered or registered under this Act and the data specified by this Act are entered. Each of these registers shall include a collection of documents documenting the facts entered in the register and other documents specified by this Act.

(2) The registers pursuant to paragraph 1 are public lists with the exception of data on the address of the place of residence or domicile, on the birth registration number and on the citizenship of foreigners and with the exception of documents pursuant to Section 10, Paragraph 2, Letter c) and Section 11, Paragraph 3, Letter a).

(3) Everyone has the right to inspect the registers referred to in paragraph 1 in the part in which they are a public list and to obtain extracts or copies from them. Upon written request, an official copy, extract or confirmation of a certain entry or that a certain entry is not included in them may be issued from the public part of the registers. Such a document may be issued from the non-public part of the registers only if the applicant proves a legal interest.

(4) The extract issued by the Ministry pursuant to paragraph 3, second sentence, shall contain data on a registered church and religious society pursuant to Section 18, paragraph 1, on a union of churches and religious societies pursuant to Section 19, paragraph 1 or on a registered legal entity pursuant to Section 20, paragraph 1. The extract shall be issued with this data valid on the date of its issue or on the requested date. A complete extract shall contain all of this data and any changes thereto.

(5) The facts entered in the registers pursuant to paragraph 1 shall be effective against everyone from the date of their entry. The person to whom the entry relates may not object to the fact that the entry does not correspond to the facts against the person who acts in reliance on the entry in the registers.

(6) The Ministry shall make entries in the registers pursuant to paragraph 1 on facts for which the Ministry issues a decision on the day on which the decision becomes legally effective. Entries and amendments thereto for which the Ministry does not issue a decision shall be made by the Ministry on the day specified by this Act.

(7) The Ministry shall assign an identification number to a registered church and religious society, a union of churches and religious societies and registered legal entities when entering these legal entities into the registers pursuant to paragraph 1; the identification number shall be provided to the Ministry by the administrator of the basic register of persons ¹⁵).

(8) The Ministry shall publish the parts of the registers referred to in paragraph 1, which are a public list, in a manner enabling remote access and shall enable obtaining an officially verified electronic extract with data valid on the date of its issue.

(9) The entry of the subject of activity in the registers pursuant to paragraph 1 does not replace the authorisation to perform it. This authorisation arises only upon fulfilment of the conditions pursuant to special legal regulations ^{15a}).

§ 18

Register of registered churches and religious societies

(1) The following data and changes thereto shall be entered in the Register of Registered Churches and Religious Societies:

- a) the name and registered office of the registered church and religious society, indicating the date and number of registration,
- b) the name of the statutory body of the registered church and religious society,
- c) identification data of members of the statutory body and guardian of a registered church and religious society, the date of establishment and termination of their function,
- d) the subject of public benefit, entrepreneurial and other gainful activities, if they are carried out,
- e) identification number of the registered church and religious society,
- f) authorization to exercise special rights, stating the individual special rights granted pursuant to Section 7(1), the date of its granting and any changes to its scope,
- g) cancellation of the registration of a church and religious society, stating the legal reason, entry into liquidation and identification data of the liquidator, bankruptcy decision, cancellation of bankruptcy because the assets are completely insufficient, and identification data of the insolvency administrator, stating the date and number of the decision on these facts, dissolution of a registered church and religious society,
- h) identification data on the legal successor of the church and religious society, if they are dissolved with a legal successor,
- i) the manner of conduct of the statutory body of a registered church and religious society.

(2) The collection of documents of the Register of Registered Churches and Religious Societies shall include basic documents of churches and religious societies and annual reports and financial statements sent to the Ministry.

§ 19

Register of Church Unions and Religious Societies

(1) The following data and changes thereto shall be entered in the Register of Church Unions and Religious Societies:

- a) the name and registered office of the association of churches and religious societies, stating the date and registration number,
- b) names of members of the union of churches and religious societies and their registered offices,
- c) the name of the statutory body of the union of churches and religious societies,
- d) identification data of the members of the statutory body and the guardian of the union of churches and religious societies, the date of establishment and termination of their function,
- e) the subject of activity of the association of churches and religious societies,
- f) identification number of the union of churches and religious societies,
- g) cancellation of the registration of the association of churches and religious societies, stating the legal reason, entry into liquidation and identification data of the liquidator, bankruptcy decision, cancellation of bankruptcy because the assets are completely insufficient, and identification data of the insolvency administrator, stating the date and number of the decision on these facts, dissolution of the association of churches and religious societies,
- h) identification data on the legal successor of the union of churches and religious societies, if it is dissolved with a legal successor,
- i) the manner of action of the statutory body of the union of churches and religious societies.

(2) The founding agreements and statutes of unions of churches and religious societies shall be entered into the collection of documents of the Register of Unions of Churches and Religious Societies.

§ 20

Register of registered legal entities

(1) The following data and changes thereto regarding a registered legal entity shall be entered into the Register of Registered Legal Entities:

- a) name with date and registration number,
- b) registered office in the Czech Republic,
- c) the name of its statutory body in the territory of the Czech Republic,
- d) identification data of the members of its statutory body and the guardian and the date of commencement and termination of their functions,
- e) identification number,
- f) the subject of public benefit, entrepreneurial and other gainful activities, if they are carried out,
- g) cancellation of its registration with indication of the legal reason, entry into liquidation and identification data of the liquidator, bankruptcy decision, cancellation of bankruptcy because the assets are completely insufficient, and identification data of the insolvency administrator with indication of the date and number of the decision on these facts,
- h) identification data about its legal successor, if it is cancelled with a legal successor,
- i) the date of termination,
- j) the manner of action of the statutory body,
- k) the name, registered office and identification number of the registered church and the religious society that founded it.

(2) The collection of documents of the Register of Registered Legal Entities shall include articles of association, statutes or similar documents of registered legal entities.

TITLE VI

CANCELLATION AND EXTINCTION OF A REGISTERED CHURCH AND RELIGIOUS SOCIETY, UNION OF CHURCHES AND RELIGIOUS SOCIETIES AND REGISTERED LEGAL ENTITY, CANCELLATION AND CHANGE OF THE AUTHORIZATION OF A REGISTERED CHURCH AND RELIGIOUS SOCIETY TO EXERCISE SPECIAL RIGHTS

§ 21

Cancellation and change of authorization to exercise special rights

(1) The Ministry shall revoke the authorization to exercise special rights

- a) if a registered church or religious society seriously or repeatedly violates its obligations towards the state or third parties,
- b) based on a request from a registered church or religious society for the cancellation of authorization to exercise special rights,
- c) on the basis of an initiative of a state administration body within its competence as specified in a special legal regulation, which documents a serious or repeated violation of obligations for the operation of a registered church and religious society under a special legal regulation or an agreement with this state administration body, or
- d) if a registered church or religious society has ceased to be in good standing.

(2) The Ministry shall, on the basis of a proposal from a registered church or religious society, limit or extend the scope of the authorisation to exercise special rights. The provisions of this Act relating to the proposal for granting authorisation to exercise special rights shall apply mutatis mutandis to the proposal for extending the authorisation to exercise special rights and the proceedings thereon.

(3) The decision of the Ministry to revoke the authorization to exercise special rights of a registered church and religious society applies to all special rights pursuant to Section 7(1).

(4) The Ministry shall send the Ministry of the Interior a decision to revoke or change the scope of the authorization to exercise special rights of a registered church and religious society that has become legally binding.

§ 22

Cancellation of registration of a church and religious society and union of churches and religious societies

- (1) The Ministry shall cancel the registration of a church and religious society or an association of churches and religious societies
- a) based on a request from a registered church and religious society for the cancellation of its registration or based on a request from a union of churches and religious societies for the cancellation of its registration,
 - b) if the bankruptcy is cancelled after the schedule resolution has been fulfilled or if the bankruptcy is cancelled due to the fact that the assets of the church and religious society or the union of churches and religious societies are completely insufficient,
 - c) if a registered church and religious society or an association of churches and religious societies carries out activities in violation of Section 3 letter a), Section 5 or Section 27 paragraph 2,
 - d) if the statutory body of a registered church and religious society or the statutory bodies of an association of churches and religious societies have not been established for a period longer than 2 years, or the term of office of the existing statutory bodies ended more than 2 years ago and no new ones have been established.
- (2) In the case of an activity referred to in paragraph 1 letter c), the Ministry shall, before initiating proceedings, call on the registered church and religious society or association of churches and religious societies to cease the activity in question within a reasonable period of time. If the registered church and religious society or association of churches and religious societies continues its activities, the Ministry shall initiate proceedings for the cancellation of registration.
- (3) The Ministry shall proceed similarly to paragraph 2 if the situation referred to in paragraph 1 letter d) has arisen.
- (4) If criminal proceedings are being conducted against a registered church and religious society or against an association of churches and religious societies or if they are serving a sentence imposed under a special legal regulation, the application under paragraph 1 letter a) shall be accompanied by a copy of the decision by which the court authorised their annulment under a special legal regulation.

§ 23

Procedure according to special legal regulations

In the event of an insolvency petition or a petition for the liquidation of a registered church and religious society or an association of churches and religious societies or a registered legal entity under this Act, a special legal regulation shall apply accordingly, ¹⁶) unless otherwise provided for by this Act.

§ 24

Procedure for cancelling the registration of a church and religious society and an association of churches and religious societies

- (1) The registration of a church and religious society or an association of churches and religious societies shall be cancelled upon the entry into force of the decision to cancel their registration.
- (2) Upon deregistration of a church and religious society, liquidation and dissolution of all its registered legal entities must be carried out, unless otherwise provided by this Act.
- (3) Cancellation with liquidation is not required only if the registration of a church and religious society is cancelled pursuant to Section 22, Paragraph 1, Letter a) and the transfer of all its rights and obligations and the rights and obligations of its registered legal entities is conclusively documented by a written commitment of another registered church and religious society to take over all these rights and obligations.
- (4) The cancellation of the registration of an association of churches and religious societies shall be followed by its liquidation, which shall not be required if the registration is cancelled pursuant to Section 22(1)(a) and the transfer of all rights and obligations of the association of churches and religious societies whose registration has been cancelled is conclusively evidenced by a written undertaking of another registered association of churches and religious societies to take over all its rights and obligations.
- (5) The liquidator shall notify the Ministry of this fact within 5 working days of the end of the liquidation.
- (6) The liquidation balance from the liquidation pursuant to paragraph 2 shall be transferred to another registered church and religious society designated in its founding document. If this designation is not included in the founding document or if the registration of the church and religious society designated in this way has been cancelled or if the registered church and religious society rejects the liquidation balance, the liquidation balance shall be transferred to the state, which must use it for the benefit of registered churches and religious societies.

§ 25

Dissolution of a registered church and religious society or union of churches and religious societies

- (1) A registered church and religious society or an association of churches and religious societies ceases to exist as a legal entity on the date of its deletion from the registers pursuant to Section 18, Paragraph 1, Letter g) and Section 19, Paragraph 1, Letter g) of this Act.
- (2) The Ministry shall carry out the deletion pursuant to the preceding paragraph within 5 working days of the notification of the end of the liquidation by the liquidator or on the date of entry into force of the decision on the cancellation of registration, if the liquidation does not take place pursuant to this Act. A registered church and religious society shall not cease to exist before all of its registered legal entities have ceased to exist. Before carrying out the deletion, the Ministry shall examine whether its execution is not prevented by ongoing criminal prosecution against the registered church and religious society or against the union of churches and religious societies, or by the execution of a sentence imposed on them pursuant to a special legal regulation.

§ 26

Deregistration of a registered legal entity and its dissolution

- (1) The Ministry shall cancel the registration of a registered legal entity
- a) at the proposal of the registered church and the religious society that founded it, within 5 working days from the date of delivery of this proposal,
 - b) on its own initiative, if it finds that this legal entity is carrying out activities in violation of Section 3 letter a), Section 5 or Section 15a paragraph 4, and if the competent authority of the registered church and religious society that founded it does not remedy this, upon the request of the Ministry, on the date on which the decision to cancel the registration becomes legally effective,
 - c) on its own initiative, if the registration of the church and religious society that founded it was cancelled, on the date the decision to cancel the registration of the church and religious society becomes legally effective,
 - d) after the cancellation of bankruptcy after the fulfillment of the schedule resolution or after the cancellation of bankruptcy on the grounds that its assets are completely insufficient, on the date the court resolution becomes legally effective, or

- e) on its own initiative, if members of the statutory body have not been established and the term of office of all current members of the statutory body ended more than a year ago, on the date the decision to cancel the registration becomes legally effective.
- (2) A registered legal entity ceases to exist on the date of deletion from the Register of Registered Legal Entities.
- (3) After the deregistration of a registered legal entity, its liquidation must be carried out; liquidation shall not be carried out if its rights and obligations are transferred to a registered church and religious society or another registered legal entity.
- (4) The liquidation balance from the liquidation of a registered legal entity shall be transferred to the registered church and religious society that founded it.
- (5) If a registered legal entity ceases to exist through liquidation, the date of its deletion from the Register of Registered Legal Entities is identical to the date of completion of its liquidation.
- (6) The liquidator shall notify the Ministry of this fact within 5 working days of the end of the liquidation.
- (7) If a registered legal entity ceases to exist without liquidation and if no insolvency petition has been filed against its assets, the date of cancellation of its registration is identical to the date of its deletion from the Register of Registered Legal Entities.
- (8) If a registered legal entity is the subject of criminal prosecution or is serving a sentence imposed under a special legal regulation, the application pursuant to paragraph 1 letter a) shall be accompanied by a copy of the decision by which the court authorised its cancellation under a special legal regulation. Before deleting from the Register of Registered Legal Entities, the Ministry shall examine whether its execution is not prevented by ongoing criminal prosecution against the registered legal entity or by the serving of a sentence imposed on it under a special legal regulation.

TITLE VII

COMMON, TRANSITIONAL, EMPLOYING AND FINAL PROVISIONS

§ 27

Common provisions

- (1) The income of the church and religious society consists mainly of:
 - a) contributions from natural and legal persons,
 - b) income from the sale and rental of movable, immovable and intangible property of churches and religious societies,
 - c) interest on deposits,
 - d) gifts and inheritances,
 - e) collections and contributions from part of the proceeds under a special law, ¹⁸)
 - f) loans and credits,
 - g) income from business or other gainful activity,
 - h) subsidies.
- (2) The subject of business and other gainful activities must be defined in the basic document of a registered church and religious society. Business and other gainful activities of a church and religious society may only be its secondary activities.

§ 27a
cancelled

§ 28

Transitional provisions

- (1) Churches and religious societies which, on the date of entry into force of this Act, were carrying out their activities as registered by law shall be deemed to be registered under this Act. Their list is given in the Annex to this Act. The scope of the authorisation to exercise special rights under Section 7(1) which these churches and religious societies had on the date of entry into force of this Act shall remain intact.
- (2) Until the adoption of special legal regulations pursuant to Section 7(2), special rights may be exercised in accordance with the existing legal regulations. Agreements on the exercise of these rights by registered churches and religious societies concluded before the entry into force of this Act shall remain in force until that time.
- (3) Church legal entities registered on the date of entry into force of this Act shall be deemed to be registered under this Act. The date of their registration under the previous legal regulations shall be retained.
- (4) Registered churches and religious societies pursuant to paragraph 1 are obliged to supplement the data required for their registration or record keeping to the Ministry pursuant to this Act within 1 year from the date of entry into force of this Act. If a registered church and religious society fails to supplement this data, the Ministry shall invite it to supplement the data within a period of at least 30 days from the date of delivery of the invitation. If a registered church and religious society fails to supplement the data within this period, the Ministry may, depending on the nature of the incomplete data, initiate proceedings to cancel its registration.
- (6) The Ministry shall, within 2 years from the date of entry into force of this Act, conduct a check of the identification numbers assigned to legal entities pursuant to this Act and, by that time, ensure their assignment or change in accordance with special legal regulations. ¹⁵)

§ 29
cancelled

§ 30

Cancellation clause

The following are cancelled:

- 1. Act No. 308/1991 Coll., on freedom of religious belief and the status of churches and religious societies.
- 2. Act No. 161/1992 Coll., on the registration of churches and religious societies.

§ 31
cancelled

PART THREE

Amendment to the Act on the Execution of Prison Sentences and Amendment to Certain Related Acts

§ 32

In Section 20, paragraph 3 of Act No. 169/1999 Coll., on the execution of prison sentences, a comma and the words "which have been granted authorization to exercise special rights" are inserted after the word "companies".

PART FOUR

Amendment to the Act on Custody

§ 33

1. In Section 15, paragraph 2 of Act No. 293/1993 Coll., on the enforcement of custody, as amended by Act No. 208/2000 Coll., a comma and the words "which have been granted authorisation to exercise special rights" are inserted after the word "companies".

2. Footnote No. 5) reads:

⁵
") Act No. 3/2002 Coll., on freedom of religion and the status of churches and religious societies and on amending certain acts (Act on Churches and Religious Societies).
Section 91 of Act No. 100/1988 Coll., on social security, as amended by Act No. 180/1990 Coll."

PART FIVE

cancelled

§ 34
cancelled

PART SIX

cancelled

§ 35
cancelled

PART SEVEN

EFFICIENCY

§ 36

This Act shall enter into force on the date of its promulgation.

Transitional provisions introduced by Act No. 495/2005 Coll. Art. II

1. The current Register of Church Legal Entities shall, on the date of entry into force of this Act, be changed to the Register of Registered Legal Entities pursuant to Act No. 3/2002 Coll., as amended by the Constitutional Court ruling promulgated under No. 4/2003 Coll., and Act No. 562/2004 Coll., as amended by this Act.

2. Church legal entities registered in the Register of Church Legal Entities shall, on the date of entry into force of this Act, become registered legal entities pursuant to Act No. 3/2002 Coll., as amended by the Constitutional Court ruling promulgated under No. 4/2003 Coll., and Act No. 562/2004 Coll., as amended by this Act. The date of their registration pursuant to the previous legal regulations shall be retained.

3. The body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act, is obliged to supplement, within 1 year from the date of entry into force of this Act, the data on registered legal entities pursuant to Act No. 3/2002 Coll., as amended by the Constitutional Court ruling promulgated under No. 4/2003 Coll., as amended by this Act, with the exception of data pursuant to Section 16, Paragraph 2, Letter a) of Act No. 3/2002 Coll., as amended by this Act, if this data has not already been supplemented. If the data is not supplemented within this period, the Ministry shall invite the body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act, to supplement them within a period of at least 30 days from the date of delivery of the request. The specified period may be extended upon a written request from the body of a registered church or religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act. If the registered church or religious society fails to complete the data within this period, the Ministry may, depending on the nature of the incomplete data, initiate proceedings to cancel the registration of the registered legal entity.

4. The body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act, is obliged to supplement the data pursuant to Section 10, Paragraph 3, Letters d) to h) of Act No. 3/2002 Coll., as amended by this Act, within a period of 1 year from the date of entry into force of this Act. If the data is not supplemented within this period, the Ministry shall invite the body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act, to supplement them within a period of at least 30 days from the date of delivery of the invitation. This period may be extended on the basis of a written request from the body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act. If the registered church and religious society fail to complete this information within this period, the Ministry may, depending on the nature of the incomplete information, initiate proceedings to cancel the registration of this registered church and religious society.

5. The body of a registered church and religious society pursuant to Section 10, Paragraph 3, Letter d) of Act No. 3/2002 Coll., as amended by this Act, shall, within one year from the date of entry into force of this Act, bring the statutes and founding documents of registered legal entities that it has proposed for registration into compliance with Act No. 3/2002 Coll., as amended by the ruling of the Constitutional Court promulgated under No. 4/2003 Coll., as amended by this Act.

Transitional provision introduced by Act No. 420/2011 Coll. Art. XXVIII

Proceedings initiated before the date of entry into force of this Act and not concluded by that date shall be completed and the rights and obligations related to them shall be assessed in accordance with the current legal regulations.

Transitional provisions introduced by Act No. 237/2024 Coll. Art. II

1. The Ministry of Culture shall enter the data pursuant to Section 20, Paragraph 1, Letter k) of Act No. 3/2002 Coll., as amended from the date of entry into force of this Act, into the Register of Registered Legal Entities without a proposal within 6 months from the date of entry into force of this Act.
2. If a registered church and religious society submits a proposal for the granting of authorization to exercise special rights or for the extension of authorization to exercise special rights within 10 years from the date of entry into force of this Act, the obligation set out in Section 11, paragraph 1, letter b) of Act No. 3/2002 Coll., as amended from the date of entry into force of this Act, shall be deemed to have been fulfilled within the scope of the calendar years preceding the date of entry into force of this Act, if the annual reports were published and the financial statements were compiled in accordance with the current legal regulations and at the same time they are sent by the registered church and religious society to the Ministry of Culture no later than together with the proposal for the granting of authorization to exercise special rights or with the proposal for the extension of authorization to exercise special rights.
3. If the liquidation of a legal entity registered in the Register of Registered Legal Entities, initiated before the date of entry into force of this Act, has not been completed before the date of entry into force of this Act and the assets of this legal entity are insufficient to cover its debts, the registered church and religious society that founded it shall be liable for these debts.

Klaus in
Zeman in

Annex to Act No. 3/2002 Coll.

List of registered churches and religious societies in the Czech Republic

1. Apostolic Church
2. Baptist Brotherhood
3. Seventh-day Adventist Church
4. Church of the Brethren
5. Czechoslovak Hussite Church
6. The Church of Jesus Christ of Latter-day Saints
7. Greek Catholic Church
8. Roman Catholic Church
9. Evangelical Church of Czech Brethren
10. Evangelical Church of the Augsburg Confession in the Czech Republic
11. Evangelical Methodist Church
12. Federation of Jewish Communities in the Czech Republic
13. Brotherhood
14. Christian congregations
15. Lutheran Evangelical Church in the Czech Republic
16. Religious Society of Czech Unitarians
17. Religious Society Jehovah's Witnesses
18. New Apostolic Church in the Czech Republic
19. Orthodox Church in the Czech lands
20. Silesian Evangelical Church of the Augsburg Confession
21. Old Catholic Church in the Czech Republic

Footnotes

- 1) Convention on the Rights of the Child, promulgated under No. 104/1991 Coll.
- 3) Article 16(2) of the Charter of Fundamental Rights and Freedoms.
- 4) Act No. 561/2004 Coll., on pre-school, primary, secondary, higher vocational and other education (Education Act), as amended.
- 5) Act No. 29/1984 Coll.
Act No. 111/1998 Coll., on higher education institutions and on amendments and supplements to other acts (Higher Education Act), as amended.
- 7) Act No. 94/1963 Coll., on the family, as amended.
- 8) Section 167 of the Criminal Code.
- 9) For example, Act No. 94/1963 Coll., Act No. 29/1984 Coll., Act No. 564/1990 Coll., on state administration and self-government in education, as amended, Act No. 293/1993 Coll., on the execution of detention, as amended, Act No. 169/1999 Coll., on the execution of a prison sentence and on the amendment of certain related acts, as amended by Act No. 359/1999 Coll., Act No. 220/1999 Coll., on the course of basic or alternative service and military exercises and on certain legal relations of soldiers in reserve, Act No. 221/1999 Coll., on professional soldiers, as amended by Act No. 155/2000 Coll.

10

) Act No. 41/1993 Coll., on verification of conformity of copies or transcripts with a document and on verification of the authenticity of signatures by municipal authorities and on issuing certificates by municipal authorities and district authorities, as amended.
Act No. 358/1992 Coll., on notaries and their activities (Notarial Code), as amended.

11

) Act No. 85/1990 Coll., on the right to petition.

12

) For example, Act No. 337/1992 Coll., on the administration of taxes and fees, as amended.

13

) Act No. 158/1999 Coll., on the 2001 Population and Housing Census.

14a

) Article 16(2) of the Charter of Fundamental Rights and Freedoms.

14b

) For example, the Civil Code, the Commercial Code, Act No. 227/1997 Coll., on foundations and endowment funds, as amended, Act No. 248/1995 Coll., on public benefit companies, as amended.

15

) Act No. 111/2009 Coll., on basic registers.

15a

) For example, the Trade Licensing Act, Act No. 160/1992 Coll., on health care in non-state health facilities, as amended, Act No. 561/2004 Coll., on pre-school, primary, secondary, higher vocational and other education (School Act).

16

) Commercial Code.

Act No. 182/2006 Coll., on bankruptcy and methods of its resolution (Insolvency Act), as amended.

17

) Act No. 71/1967 Coll., on administrative procedure (Administrative Procedure Code), as amended.

18

) Act No. 37/1973 Coll., on public collections and lotteries and other similar games, as amended.

19

) Act No. 328/1999 Coll., on identity cards, as amended.

Act No. 329/1999 Coll., on travel documents and amending Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended, (Act on Travel Documents), as amended.

20

) Act No. 269/1994 Coll., on the Criminal Record, as amended.

21

) For example, Act No. 372/2011 Coll., on health services and conditions for their provision (Act on Health Services), as amended, Act No. 108/2006 Coll., on social services, as amended.