

Czech Republic

The Czech Republic, or Czechia, is one of the least religious countries in the world where - depending on the metrics - at least 60% of the population can be identified as irreligious and 37% as atheists. It is a constitutionally secular state. Beneath the secular surface, however, there are a number of systemic privileges and special permissions granted to religious groups.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
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| <u>There is systematic religious privilege</u> <u>Preferential treatment is given to a religion or religion in general</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u> | <u>There is state funding of at least some religious schools</u> | | |
| <u>Official symbolic deference to religion</u> | <u>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</u> | | <u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u> |
| | | <u>Insufficient information or detail not included in this report</u> | |

Legend

Constitution and government

The constitution of the Czech Republic protects the rights of the individual and guarantees that the state will be secular.

The Charter of Fundamental Rights and Freedoms, a supplementary constitutional document, states in Chapter 1, Article 2(1) that "Democratic values constitute the foundation of the state, so that it may not be bound either to an exclusive ideology or to a particular religious faith." Articles 15 and 16 protect freedom of religion, freedom from religion, freedom to change religion, and determines that religious education in schools shall be set by law.

Article 17 protects free speech and specifically prohibits censorship. Other articles in the Charter protect freedom of assembly and other fundamental rights. The Charter also guarantees the independence of religious societies from the state, stipulates conscientious objectors cannot be compelled to perform military service and it states that religious freedom may be limited by law in the event of threats to "public safety and order, health and morals, or the rights and freedoms of others."

<usoud.cz/en/charter-of-fundamental-rights-and-freedoms/>
<state.gov/documents/organization/238584.pdf>

However, the state funds religious groups including clergy salaries and cultural activities in the billions of Czech crowns (tens of millions of dollars US). The government paid 3.5 billion koruna (\$157 million) to religious groups in 2014, of which 1.4 billion koruna (\$63 million) went to second-tier churches and 2.1 billion (\$63 million) were paid “as part of compensation for communal property in state hands that would not be returned to churches.” Although the religious communal property restitution started in the 1990s, there are still unresolved property claims of religious organizations, because the government disputes their church ownership prior to nationalization.
<state.gov/documents/organization/238584.pdf>

A specific piece of legislation was passed in 2002 that grants special conditions and privileges to religious groups and organizations: 3/2002 Coll.: on freedom of religious confession and the position of churches and religious societies.
<host.uniroma3.it/progetti/cedir/cedir/Lex-doc/Cz_l-01.pdf>

The Act establishes a two-tiered system of registration for religious groups, although churches can operate without registration. For limited tax benefits, they have to register in the first tier, which is relatively easy to qualify for. While first tier churches have to meet definitely stricter requirements to be registered in the second tier, they are fair and reasonable. At the introduction of this two-tier system, religious groups registered before 2002 received second-tier status automatically regardless of their meeting the necessary requirements.
<state.gov/documents/organization/238584.pdf>

Under article 6, a church is formed as a legal entity by registration of the Department of Churches at the Ministry of Culture). A registered second-tier church may then obtain special permissions under article 7 (provided they meet the criteria set out in article 11), these special permissions include:

- “a) to teach religion in state schools in accordance with specific law;*
- b) to delegate persons who perform the clerical activities of conducting religious services in the military of the Czech Republic, and in institutions for detention, imprisonment, and reformative treatment and training;*
- c) to be financed pursuant to specific law concerning the financial security of churches;*
- d) to perform marriage ceremonies in accordance with specific law;*
- e) to establish church schools in accordance with specific law;”*

Using the term “specific law”, this Act establishes specific privileges and provisions to be granted to churches and religious groups with regards to education and faith schools, chaplains in the military and in prisons, the performing of marriage ceremonies and financial benefits including tax exemptions and state funding.

Education and children’s rights

The Charter of Fundamental Rights and Freedoms determines that religious education in schools shall be set by law.

Of the dozens of religious groups recognised by the state (i.e. registered with the Ministry) at least nine have been granted special permissions under Article 7(1)(a) to teach religion in state schools. The law still clarifies that religious instruction is optional in state schools, but that “school directors must introduce religious education choices if seven or more students of the same religious group in a class request such instruction.” Unregistered and first-tier churches cannot give religious

education in public schools.

state.gov/documents/organization/208518.pdf

Family, community and society

After the fall of communism many East-Central European nations experienced a backlash against atheism, which had been the made official state ideology. The Czech Republic hasn't seen a comparable return to religion, however, with only 21% of its citizens considering religion an important part of their daily lives, while at least 60% of them can be considered as irreligious.

The Czech Republic is an exception in another respect as well: it is the 28th most developed nation in the world based on the United Nation's Human Development Index (which measures stability and average standard of living in a given country), where only Slovenia ranks higher (25th) within the region. According to one commentator: "It seems that the government's demonstration of faith in its people and commitment to their well-being has gone a long way towards keeping the citizens from rekindling religious faith, whereas in places like Russia, where citizens are more desperate, looking to God for answers perhaps becomes more appealing."

alternet.org/8-countries-where-atheism-accepted-even-celebrated-instead-demonized

While the constitution grants equal rights to each religion, anti-Muslim sentiment has been growing. Politicians including President Zeman have regularly made public statements that equate Islam with terrorism. A movement called *Islám v České republice nechceme* ("We don't want Islam in the Czech Republic") held rallies against Muslims regularly, especially after the influx of refugees and immigrants started intensifying in the summer of 2015.

Freedom of expression, advocacy of humanist values

Article 17(4) of the Charter of Fundamental Rights and Freedoms lays out freedom of expression, and Article 355 of the Criminal Code limits this only in cases of defamation against "a group of people for" a range of traits including "religion" or, notably, "because they are actually or allegedly without religion, shall be punished by imprisonment of up to two years." Analysis suggests this does not constitute a "defamation of religion" or de facto blasphemy law and could only be used to limit incitement against a group of people so defined.

Article 356 of the Criminal Code further outlaws incitement of hatred towards a religious group. Article 404 criminalises sympathy for hate groups/movements and article 405 protects against "public denial, questioning, endorsement or vindication of genocide".

portal.gov.cz/app/zakony/zakonPar.jsp?page=3&idBiblio=68040&recShow=362&fulltext=trestn~C3~AD~20z~C3~A1kon~C3~ADk&nr=40~2F2009&part=&name=&rpp=100#parCnt