

Monika MENKE 

Palacký University Olomouc, Czech Republic\*

## Contractual Model for the Participation of Churches in the Public Sphere in the Czech Republic

### • Abstract •

The article focuses on the model of legal regulation of relations between the church (churches) and the state in the Czech Republic. It is a specific model of agreement that regulates the activities of churches and religious societies in the public sphere (the army, healthcare, prisons, the police, etc.). The Czech model differs from the models commonly used in neighbouring countries. The Czech Republic has not yet ratified a concordat (although attempts were made in 2002 and 2024), and churches in a secularized environment are increasingly forced to cooperate and negotiate with the state. Churches thus act more in the dimension of serving society and less as a political force in society.

**Keywords:** Contractual Model, Concordat, Relationship Between Churches and the State, Religious Freedom, Public Sphere, Cooperation, Separation.

### Introduction

In the context of models of relations between church and state, the Czech Republic could currently be characterised by a certain degree of cooperation in areas of common interest, together with elements of separation, particularly in terms of respect for the autonomy of churches. As of January 2026, the Czech Republic has not yet ratified a concordat (i.e., a sui generis international treaty), although efforts to conclude one have been made repeatedly. The contractual model discussed in this article is a term used in the Czech Republic to describe the legal and institutional arrangement of relations between the state and churches, based on

---

\* ORCID ID: 0000-0002-2814-2524; address: Univerzitní 22, 771 11 Olomouc, Czech Republic; e-mail: [monika.menke@upol.cz](mailto:monika.menke@upol.cz)

contractual agreements between the state (its institutions) and multiple churches or religious societies. This model is an alternative to, on the one hand, mere state regulation of church-state relations through unilateral confessional law and, on the other hand, the still lacking regulation through international law or bilateral agreements with individual churches. In Czech secular society, it allows for cooperation between the state and churches through agreements without undermining the secular character of the state. It is also a tool that protects against potentially dangerous forms of religiosity.

### **Legal Framework for the Activities of Churches in the Czech Republic**

Churches pushed out of the public sphere after 1948 gradually returned to the public eye and into the consciousness of the Czech population after the Velvet Revolution in November 1989. They are also gradually searching for their identity and place in a changed society. Over the last twenty years, they have increasingly learned to act together in relation to the state, in an increasingly ecumenical manner, because the specific nature of the Czech environment requires such an approach. The Czech Republic (hereinafter CzR) describes itself as a religiously neutral state,<sup>1</sup> i.e. a state that is not bound to any religion or worldview, does not favour or disadvantage any church, religious society, or belief (including atheism), and interferes as little as possible in church affairs so that the rights of others or the law are not violated. Fundamental rights and freedoms, including religious freedom in both its individual and collective dimensions, are (apart from their enshrinement in international)<sup>2</sup> guaranteed by Czech law (in particular Articles 3, 15, and 16 of the Charter of Fundamental Rights and Freedoms, which is part of the constitutional order of the Czech Republic. Churches are separate from the state and are independent in their internal affairs, and the state may cooperate with them on an equal and non-discriminatory basis. The basic regulation govern-

---

<sup>1</sup> Cf. Charter of Fundamental Rights and Freedoms of the Czech Republic, Article 2. This formulation in the Czech constitutional law is a reaction to the experience of the totalitarian Communist State. It ruled Czechoslovakia for 41 years (1948–1989) and all this time the atheism of Marxist-Leninist provenance played the role of the State religion. Cf. Tretera, Horák, p. 37.

<sup>2</sup> Among the international treaties ratified by the Czech Republic are, for example, the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950, the International Covenant on Civil and Political Rights of 1966, the Convention on the Rights of the Child of November 20, 1989, and others. Many of these were only acceded to by the then Czechoslovakia after the fall of communism in 1990. According to Article 10 of the Constitution, international treaties take precedence over domestic law in the Czech Republic.

ing the status of churches and religious societies is currently Act No. 3/2002 Coll. on freedom of religious belief and the status of churches and religious societies and on amendments to certain acts (Act on Churches and Religious Societies), as amended (hereinafter referred to as the Act on Churches). Churches and religious societies in the Czech Republic are regarded as special entities under private law, and their activities before the state are subject to registration under the Act on Churches.

The term “registration of churches and religious societies” was introduced by the “first” Act on churches from the period after the Velvet Revolution, Act No. 308/1991 on freedom of religious belief and the status of churches and religious societies, effective as of September 1, 1991. According to this law, churches that were active in the country on the date of its entry into force were registered, and the annex to the law listed them (Tretera and Horák, p. 120). This act remained in force until the current Act on Churches No. 3/2002 Coll. came into effect, i.e. until January 6, 2002. This “second” Act on Churches expanded access to registration for numerically smaller churches and religious societies by reducing the census requirement for registration to a uniform 300 adult persons (Czech citizens or foreigners with permanent residence in the Czech Republic who profess membership in that church) but also removed from the existing set of common rights of churches certain so-called special rights that belong only to certain churches, i.e., those to which the state has granted the exercise of special rights.<sup>3</sup> Recognition of special rights is possible 10 years after registration, provided that the church publishes an annual report, has no obligations to the state or third parties, and meets the census requirement of 1‰ of the population of the Czech Republic according to the latest census of people, houses, and apartments, which currently amounts to 10,525 persons.<sup>4</sup>

The authorisations to exercise so-called special rights include the right to (a) teach religion in state schools (since 2005 referred to as “public schools” or, more precisely, “schools of public founders”) in accordance with a special legal regulation, (b) authorize persons performing religious activities to perform spiritual care in the armed forces of the Czech Republic, in places where detention, imprisonment, secure detention, protective treatment, and protective upbringing are carried out, (c) to perform ceremonies in which church marriages with state validity are concluded in accordance with a special legal regulation, (d) to establish church

---

<sup>3</sup> For more details on these special rights see Příbyl, 2007, pp. 86–99.

<sup>4</sup> According to the latest population census in 2021, the population of the Czech Republic was 10,524,167.

schools in accordance with a special legal regulation, (e) maintain the obligation of confidentiality by clergy in connection with the exercise of the seal of confession or the exercise of a right similar to the seal of confession, if this obligation has been a traditional part of the teaching of the church and religious society for at least 50 years; this does not affect the obligation to prevent a criminal offense imposed by a special law. The right to funding under a special legal regulation on the financial security of churches and religious societies, which was originally part of these special rights, ceased to exist on the basis of Act No. 428/2012 Coll. on property settlement with churches and religious societies, which sought to redress property injustices suffered by churches during the communist era and to create a new model on the basis of which churches would be able to finance themselves. The registers of churches and religious societies in the Czech Republic are administered by the Ministry of Culture as public lists. These are the Register of Registered Churches and Religious Societies, the Register of Unions of Churches and Religious Societies, and the Register of Registered Legal Entities of Churches (Section 17 of Act on Churches).<sup>5</sup>

In this article, we focus on the contractual system between churches and the state as it has gradually developed in the Czech Republic, even though the Czech legal system does not contain (nor does it exclude) any explicit provisions calling for such legal regulation on the basis of contracts. Experts in confessional law in the Czech Republic cite two possible areas of agreements: (1) a concordat (which the Czech Republic does not yet have) and (2) the conclusion of agreements of a domestic nature between state authorities and individual religious societies or their associations (Tretera and Horák, p. 106). These agreements then supplement state legislation on churches with provisions focused on specific areas of activity of churches and religious societies in the public sphere. The treaty system was thus created as a kind of practical “substitute,” as will be described below. Churches in the Czech Republic operate on the basis of state legislation—constitutional and statutory provisions (not only on the basis of concluded treaties)—in other areas as well, such as education, social services, and others, if they are covered by law.<sup>6</sup>

---

<sup>5</sup> The registers are publicly available online via the link: [https://www-cns.mkcr.cz/cns\\_internet/Default.aspx](https://www-cns.mkcr.cz/cns_internet/Default.aspx)

<sup>6</sup> For example, the legal status of church schools as part of the education system is enshrined directly in Act No. 561/2004 Coll. on preschool, primary, secondary, higher vocational, and other education (the Education Act), § 8 section 6, etc.

## The Concordat Agreement and its Absence in the Czech Republic

A concordat agreement is a *sui generis* international treaty concluded between representatives of the state and the Catholic Church (represented by the Holy See), addressed to the benefit of both citizens and believers, as well as society as a whole, guaranteeing religious freedom (the status of the Church, its institutions, and representatives), autonomy (appointment of bishops, exercise of ecclesiastical power, relations with the Holy See and other international relations, church property), and cooperation (marriage and family, cultural and historical heritage, education, public service in the army, prisons, healthcare, etc.). Based on the principle of equal treatment, a modern democratic state should then treat the conclusion of agreements between the state and non-Catholic churches and religious societies (which, unlike the Catholic Church, do not have international legal representation)—however, this option is not yet available in the Czech legal system. Attempts to negotiate a concordat in the Czech Republic have been ongoing since the country's re-democratization. The interwar Czechoslovakia did not have a formal concordat, but rather a provisional concordat agreement that addressed the most pressing issues of common interest to the church and the state at the time: *Modus vivendi* concluded at the turn of 1927 and 1928.<sup>7</sup> The *modus vivendi* was not formally abolished after the communist coup in February 1948, but it was fundamentally violated by the legislation of the totalitarian regime and finally, after the Velvet Revolution in November 1989, ceased to exist on the basis of the customary principle of international law *pacta sunt servanda*—*rebus sic stantibus* (Cf. Němec, p. 85).

Attempts to conclude a concordat in the Czech Republic<sup>8</sup> have occurred repeatedly throughout the modern history of the state, both on the part of the Catholic Church and on the part of political representatives. Already during his visit to the Czech Republic in 1997, Pope John Paul II himself called for such an adjustment of relations at the international legal level. However, the situation is always highly dependent on the current political atmosphere and representation in the Czech Republic, which is why such a treaty has not yet been ratified. Gradually, on the basis of diplomatic negotiations, two drafts of such a concordat treaty were signed in the Czech Republic in 2002 and 2024, but the ratification process

---

<sup>7</sup> The text of the *Modus vivendi* is available in Czech at: <https://spcp.prf.cuni.cz/dokument/modus.htm>

<sup>8</sup> The author refers here to another article she has written on this issue: Menke, 2025, pp. 89–113.

for the first treaty was halted in the Chamber of Deputies of Parliament, which did not recommend ratification by a majority of 110 votes out of 200 deputies (177 deputies were present), and the treaty was therefore not submitted to the President of the Republic for ratification (Tretera and Horák, p. 109). In the second case, the text of the agreement was signed on October 24, 2024, at the Office of the Prime Minister of the Czech Republic in Prague. Cardinal Pietro Parolin, Secretary of State, signed on behalf of the Holy See. Petr Fiala, Prime Minister, signed on behalf of the Czech Republic. The process is currently on hold following recommendations for ratification by both chambers of the Czech Parliament: the Chamber of Deputies and the Senate. The Chamber of Deputies gave its consent to ratification on March 6, 2025, while the Senate gave its consent in November 2024 and did not request a constitutional review as a whole. However, in March 2025, a group of 17 senators subsequently requested a review and turned to the Constitutional Court of the Czech Republic, which should review whether this agreement is in accordance with the constitutional order of the Czech Republic. The Constitutional Court accepted the proposal for consideration under file number Pl. ÚS 8/25, and Judge Milan Hulmák was appointed as the reporting judge. President Petr Pavel expressed his doubts to the Constitutional Court, saying that the treaty undermines the fundamental constitutional principles of the Czech Republic as a sovereign, secular, and republican state. The Czech Bishops' Conference and the Ecumenical Council of Churches in the Czech Republic sent supporting opinions to the Constitutional Court.<sup>9</sup> The Constitutional Court of the Czech Republic has not yet (January 2026) ruled on the agreement, and so the ratification process has not continued (final ratification would then be carried out by the President of the Czech Republic and the Pope). Today, the Czech Republic is one of the few countries in Europe that has not yet ratified the concordat agreement (Csukás, 2024).<sup>10</sup> Although the Czech Republic is considered one of the most atheistic countries in Europe, I am convinced of the need for such an

---

<sup>9</sup> All documents related to the proceedings before the Constitutional Court of the Czech Republic are available at: [https://www.usoud.cz/projednavane-plenarni-veci?tx\\_odroom%5Bdetail%5D=5478&cHash=0fb79ed4db760ce41cfb6da76482b6b6](https://www.usoud.cz/projednavane-plenarni-veci?tx_odroom%5Bdetail%5D=5478&cHash=0fb79ed4db760ce41cfb6da76482b6b6)

<sup>10</sup> All countries bordering the Czech Republic have concluded concordats with the Holy See; in Germany, these agreements are also concluded by individual states. Other European countries that have concluded concordats since the Second Vatican Council include Spain, Italy, Malta, Hungary, Croatia, Estonia, Lithuania, Latvia, Slovenia, Portugal, Bosnia and Herzegovina, and Albania (outside Europe, for example, Colombia, Ecuador, Peru, Bolivia, Brazil, Tunisia, Morocco, and Kazakhstan). It is clear that in many of these countries, Catholics constitute a minority of the population.

agreement in the Czech environment. Not only would the legal certainty of the Catholic Church and, equally, of other churches be reinforced by international law, but the proposed text of the 2024 concordat also enshrines the contractual principle described in the article (Csukás, 2024).<sup>11</sup>

If the concordat is ratified and published in the Collection of Laws and International Treaties, it will become an international treaty within the meaning of Article 10 of the Constitution and, in the event of a conflict with the law, will take precedence over the common acts, not over the constitutional ones. Since the concordat regulates religious freedom, the ratified and promulgated concordat will have the status of a special human rights convention in the legal system of the Czech Republic (Csukás, 2024).

For purposes of comparison, it should be noted that the Slovak Republic, as the second successor state of former Czechoslovakia, concluded concordat agreements. The Slovak model consists of a basic agreement from 2000 (*accordo di base*) with follow-up partial agreements: on spiritual service to Catholics in the armed forces and armed corps (from 2002) and on education and training (2004). The basic agreement provides for further partial agreements, which have not yet been signed: on the regulation of the right to conscientious objections and on property. In parallel with the text of the agreements, similar texts of agreements between the Slovak Republic and other churches and religious societies were prepared on the basis of the principle of parity and approved by parliament: the basic agreement of 2002 with a group of 11 non-Catholic churches operating in Slovakia, followed by partial agreements on spiritual service in the armed forces and corps of 2004 and on education and training of 2005. Other churches and religious societies may accede to the multilateral agreement with non-Catholic churches with the consent of all existing signatories, and individual current signatories may withdraw from this agreement.

---

<sup>11</sup> The concordat would not only strengthen the parity of churches and religious societies, but would also reinforce the principle of legal certainty, which Parliament occasionally undermines. An international treaty cannot be amended without the consent of the other party (i.e., the Holy See), and therefore the concordat would guarantee all believers and all churches and religious societies individual and collective religious freedom with all its consequences, regardless of changes in the composition of the government, the House of Representatives, or the Senate. Certainty that a “normal” (non-constitutional) law cannot provide.

## **The Contractual Model as a Form of Cooperation between Churches and the State**

The system of relations between churches and the state in post-secular Czech society can be characterized as cooperative to a certain extent, with elements of separation. The form and content of this cooperation are specified here by treaties and agreements between churches themselves, as well as by subsequent treaties with the state, its representative in a specific area of common interest, e.g., in the army, healthcare, prisons, etc. Czech secular society perceives it more positively when several churches act in harmony and ecumenically in the public sphere than when each of them pursues its own line independently of the others. In many areas, therefore, the model of denomination-based pastoral care (e.g., Catholic care only for its own believers, as required by Catholic Church regulations) is not applied, but rather a model of broad non-evangelical cooperation on an ecumenical basis. This model of tripartite agreements (state authority + Czech Bishops' Conference + Ecumenical Council of Churches in the Czech Republic) developed gradually as a necessity but also, to a certain extent, as a practical "substitution" for the non-existent concordat. The contracting parties in inter-church agreements are represented here by the Czech Bishops' Conference (CBC) as the representative of the Roman Catholic and Greek Catholic churches, and the Ecumenical Council of Churches in the Czech Republic (ECC) as the representative of member churches (the Apostolic Church, the Baptist Brethren Union, the Brethren Church, the Czechoslovak Hussite Church, the Evangelical Church of Czech Brethren, the Evangelical Church of the Augsburg Confession in the Czech Republic, the Evangelical Methodist Church, the Unity of Brethren, the Orthodox Church, the Silesian Evangelical Church of the Augsburg Confession, and the Old Catholic Church) and religious communities with observer status in the ECC (the Seventh-day Adventist Church, the Federation of Jewish Communities in the Czech Republic). The contracting parties in agreements between churches and the state are the CBC, the ECC, and representatives of the state (ministries, etc.) according to the area covered by the agreement. Usually, an agreement is first concluded between the churches and only then with the state, as will be described in more detail in the following chapter.

The aforementioned Article 13 of the unratified concordat agreement of 2024 stipulates that: 1. In matters concerning the entire Catholic Church in the Czech Republic, the Czech Bishops' Conference shall negotiate with ministries and other central administrative authorities of the Czech Republic. This shall not affect the right of the contracting parties to negotiate these matters directly. The Czech

Bishops' Conference, with the consent of the Holy See and the relevant authorities of the Czech Republic, may conclude agreements on the matters referred to in the first paragraph. This shall not affect the existing practice of concluding multilateral agreements between the authorities of the Czech Republic and churches and religious societies.<sup>12</sup> This article attempts for the first time to enshrine in law the existing possibility for state authorities to conclude agreements with several churches and religious societies, i.e., including the Czech Bishops' Conference and the Ecumenical Council of Churches, on spiritual service in public institutions, which is an established practice dating back to 1994. This provision is the most significant innovation introduced by the concordat. Otherwise, it more or less recapitulates the rights of believers and religious communities scattered across various laws, clarifying them here and there, but providing them with greater legal protection through international law (Csukás, 2024).

### **Concrete Areas of Church Activity in the Public Sphere Based on Agreements**

In the sphere of the army, a contractual ecumenical non-missionary model was created after the first positive experience with the work of a military chaplain in the Czech IFOR/SFOR unit in Bosnia and Herzegovina in 1996. On June 3, 1998, an agreement was concluded between the Ministry of Defence of the Czech Republic, the Czech Bishops' Conference, and the Ecumenical Council of Churches in the Czech Republic on the conditions for the establishment and operation of spiritual services within the Ministry of Defence. On the basis of this agreement, the Minister of Defence of the Czech Republic issued Order No. 19/1998, establishing a chaplaincy within the Ministry of Defence on June 22, 1998. The specific conditions for the work of military chaplains were then laid down in the Agreement on Cooperation between the Ministry of Defence of the Czech Republic, the Ecumenical Council of Churches in the Czech Republic, and the Czech Bishops' Conference of June 28, 1999. An appendix to this agreement was then drawn up on January 26, 2012, between the Ministry of Defence of the Czech Republic, the Ecumenical Council of Churches in the Czech Republic, and the Czech Bishops' Conference. The latest (currently valid) Agreement on Spiri-

---

<sup>12</sup> Article 13 of the Concordat Agreement of 2024. The full text of the agreement is available at: [https://mzv.gov.cz/jnp/cz/zahranicni\\_vztahy/mezinarodni\\_smlouvy/aktualne/smlouva\\_mezi\\_cestskou\\_republikou\\_a\\_svatym.html](https://mzv.gov.cz/jnp/cz/zahranicni_vztahy/mezinarodni_smlouvy/aktualne/smlouva_mezi_cestskou_republikou_a_svatym.html)

tual Service in the Ministry of Defence was signed on December 18, 2024.<sup>13</sup> Military chaplains are clergymen sent into service by all Christian churches affiliated with the Ecumenical Council of Churches and the Czech Bishops' Conference to serve everyone in the military who requests their assistance (soldiers, their family members, commanders, and others). Since its reestablishment in 1998, more than 40 military chaplains from nine Christian churches have served in the Czech Army.<sup>14</sup> The inter-church platform for consultation in the field of spiritual service in the army was registered on February 4, 2002, as an association of churches and religious societies under the name Military Spiritual Service.

In the area of prisons, the first tripartite agreement between the Prison Service of the Czech Republic, the Czech Bishops' Conference, and the Ecumenical Council of Churches in the Czech Republic was concluded on January 7, 1994, to strengthen the powers of representatives of churches and religious societies. As more detailed specifications were needed, further agreements were gradually concluded: the second agreement on June 28, 1999, the third agreement on August 18, 2008, and the fourth, currently valid agreement on November 21, 2013.<sup>15</sup> Spiritual services in prisons are provided by prison chaplains and volunteer clergy. Spiritual services in Czech prisons are fundamentally ecumenical, and all churches registered in the Czech Republic with special rights to provide services in prisons may participate. Prison chaplains are sent by their own churches after consultation with other churches and religious societies. Chaplains are civil employees of the Prison Service, which currently employs 43 prison chaplains from 11 different churches in 34 prisons and remand centres. Chaplains are organizationally accountable to the director of their prison and, in terms of methodology, to the chief chaplain of the prison service and his deputy. In addition to providing spiritual services in local conditions, they also participate in the creation and implementation of educational programs leading to a change in the values of clients, devote themselves to their co-workers, and serve as advisors to the directors of their prisons in the areas of ethics and church and religious issues.<sup>16</sup>

---

<sup>13</sup> Text of the Agreement on Spiritual Services in the Ministry of Defence, signed on December 12, 2024, available at: <https://spcp.prf.cuni.cz/rcp/97/06-dohoda-o-duchovni-sluzbe-v-rezortu-ministerstva-obrani.pdf>

<sup>14</sup> Information retrieved February 13, 2026, from: <https://kaplani.mo.gov.cz/aktuality/zakladni-informace>

<sup>15</sup> The text of the current Agreement on Spiritual Service in Prisons is available at: <https://www.vs.gov.cz/media/organizacni-jednotky/generalni-reditelstvi/ostatni/dohoda-o-duchovni-sluzbe.pdf>

<sup>16</sup> Information retrieved February 13, 2026, from: <https://www.vs.gov.cz/sekce/duchovni-sluzba-1>

Contractual cooperation is also gradually developing in the area of post-traumatic care for victims of crime and disasters (police, fire brigade). The first trilateral agreement on the provision of post-traumatic intervention care for members of the Czech Police was concluded on October 7, 2002, between the Ministry of the Interior, the Czech Bishops' Conference and the Ecumenical Council of Churches in the Czech Republic, and the first similar cooperation agreement with the General Directorate of the Fire and Rescue Service at the beginning of 2003 (Tretera and Horák, p. 217). Comprehensive regulation of this area was established by the Agreement on the Participation of Persons Performing Spiritual Services in the System of Providing Post-Traumatic Intervention Care between the Ministry of the Interior, the Czech Bishops' Conference, and the Ecumenical Council of Churches in the Czech Republic dated October 6, 2011. The conditions for the provision of spiritual services were then regulated by the Police President's Instruction of June 7, 2019, on the provision of spiritual services No. 121/2019. On April 14, 2020, an "inter-church" Agreement on the conditions for the establishment and operation of spiritual services in the Czech Police and other security forces was signed between the Czech Bishops' Conference and the Ecumenical Council of Churches,<sup>17</sup> and followed by the Agreement on Spiritual Service in the Czech Police Force of December 16, 2024, concluded between the Czech Police Force, the Czech Bishops' Conference, and the Ecumenical Council of Churches in the Czech Republic, which currently regulates spiritual service in the police force. The agreement defines the competences and scope of activities of police chaplains, who are appointed by individual churches represented in the Czech Bishops' Conference and the ERC. Their activities are coordinated by the Council for Spiritual Service in the Czech Police, which addresses fundamental issues related to spiritual service, comments on current affairs, and cooperates with experts and other institutions. There are currently only two chaplains working for the Czech Police – one for the Roman Catholic Church and one for the Old Catholic Church. These chaplains perform their service to police employees voluntarily and completely free of charge.<sup>18</sup>

The last area in which a contractual model of cooperation between churches and the state has gradually been established is *health care*. The Inter-Church Agreement on Spiritual Care in Health Care was concluded on November 20, 2006, and has been gradually refined by two amendments: the first amendment

---

<sup>17</sup> The text of this inter-church agreement is available here: [https://www.cirkev.cz/public/media/cp\\_news\\_archive/dohoda-u-policie.pdf](https://www.cirkev.cz/public/media/cp_news_archive/dohoda-u-policie.pdf)

<sup>18</sup> Information retrieved February 13, 2026, from: <https://www.ado.cz/2024/12/18/podepsana-dohoda-o-duchovni-sluzbe-u-policie-cr/>

of December 12, 2011, and the second amendment of January 15, 2019, defining the qualification requirements for healthcare chaplains and volunteers. In 2017, the Ministry of Health issued a methodological guideline on spiritual care in inpatient healthcare facilities provided by healthcare service providers as a recommendation. It was not until July 11, 2019, that a tripartite agreement was concluded between the Czech Republic, represented by the Ministry of Health of the Czech Republic, and Christian churches represented by the Czech Bishops' Conference and the Ecumenical Council of Churches on the provision of spiritual care in healthcare facilities. A healthcare chaplain is a person who provides pastoral care in healthcare or social services and hospices. They work on the basis of a mandate from their church and a contract with the hospital in hospital teams regardless of religion, offering a listening ear, human closeness, prayer or sacraments, and are bound by confidentiality. The position of healthcare chaplains is also enshrined in state legislation in Section 113h and 113i of Act No. 372/2011 Coll. on health services and conditions for their provision (the Health Services Act).

## Conclusions

We can therefore summarize that the legal definition of the activities of churches in the Czech public sphere is determined by a combination of legislation and contractual provisions. The approach of drawing up an inter-church agreement, which became a prerequisite for a later agreement with the ministry or other representative of the state administration in the relevant area, has proven successful. The aforementioned tripartite contractual model of legal regulation of church activities in the Czech public sphere is specific. It effectively replaces other models: primarily the frequent model of a concordat agreement in the case of the Catholic Church (as is the case, for example, in Poland, Slovakia, and other countries) or another contractual model of state agreements with non-Catholic churches and religious societies (used in a certain form, for example, in Slovakia or Germany). In a secular state, this allows for cooperation between churches and the state without significant polarization or privileging of certain churches and religious societies. The Czech experience shows how churches, after the end of the totalitarian regime in 1989, which had prevented them from engaging in many activities, sought to re-engage in public life. Churches in the Czech Republic were gradually forced to find their position in ecumenical dialogue, rather in an attitude of service in the public sphere and in joint agreement with public authorities. The consensus of the majority of society regarding churches as a necessary and good

partner in the Czech Republic is lacking after the long-term devastation of values from the times of oppression. We can say that this model is cautiously cooperative (unlike, for example, the long-term and systematic cooperation between churches and the state as established in Germany, where churches can have the status of public corporations and are institutional partners of the state). However, the differences are determined by the context of historical and social developments in individual countries, and the Czech Republic takes a very cautious approach to anything that could even hint at a violation of the secularity or neutrality of the state. This can also be seen in the reserved attitude of Czech society towards the concordat agreement, which has not yet been ratified in the Czech Republic, even though two texts of this agreement have already been drafted. In the Czech environment (even 60 years after its conclusion), the message of the Second Vatican Council concerning modern relations between the Church and the state has not yet resonated sufficiently: “The Church and the political community in their own fields are autonomous and independent from each other. Yet both, under different titles, are devoted to the personal and social vocation of the same men. The more that both foster sounder cooperation between themselves with due consideration for the circumstances of time and place, the more effective will their service be exercised for the good of all.”<sup>19</sup> This also shows how deeply the lack of freedom affects the history and culture of a nation.

## References

- Csukás, A. (2024). Smlouva s Apoštolským stolcem má chránit náboženskou svobodu (The agreement with the Apostolic See is intended to protect religious freedom). Retrieved February 13, 2026, from: <https://e-cirkev.cz/aktuality/smlouva-s-apostolskym-stolcem-ma-chranit-nabozenskou-svobodu/>
- Menke, M. (2025). *Starania o zawarcie konkordatu w Republice Czeskiej* (Efforts to conclude a concordat in the Czech Republic). *Kościół i Prawo*, 14(2), pp. 89–113. <https://doi.org/10.18290/kip2025.19>
- Němec, D. (2010). *Konkordátní smlouvy svatého stolce s postkomunistickými zeměmi (1990–2008)* (Concordat agreements of the Holy See with post-communist countries 1990–2008). Bratislava: Ústav pre vzťahy štátu a cirkví.
- Příbyl, S. (2007). *Konfesionálněprávní studie* (Confessional law study). Brno: L. Marek.
- Tretera, J. R., Horák, Z. (2015). *Konfesionální právo* (Confessional law). Praha: Leges.

---

<sup>19</sup> *Gaudium et spes* (Pastoral Constitution on the Church in the Modern World) promulgated by His Holiness Pope Paul VI on December 7, 1965, no. 76.

Tretera, J. R., Horák, Z. (2023). Tax Law, Religion, Philosophical and Non-Confessional Organisations in the Czech Republic. In: M. Rodríguez Blanco (Eds.). *Taxation, Religions and Philosophical and Non-Confessional Organisations in Europe Fiscalité, religions et organisations philosophiques ou non confessionnelles en Europe Proceedings of the XXXIst Annual Conference Luxembourg, 14-16 November 2019* (pp. 37–42). Granada: Editorial Comares.