

9 Summary

Application of the Assembly Law

The right to assemble in public places is one of the most important political rights. However, application process of the assembly law indicates a lot of interpretation problems. Therefore, the main topic of this thesis deals with the problematic fields of application of the assembly law by the administrative authorities.

In the introductory part the work considers a brief outline of historical roots of freedom of assembly in the Czech lands. Next part of the work refers to main international documents which deal with the freedom of assembly – the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms. Then, the importance of Constitution and Bill of Rights is stressed. The European Court of Human Rights (ECHR) gives guidelines on how the right of assembly should be treated. The Czech Supreme Administrative Court has also considered a number of important cases last years.

The article 19 of the Bill of Rights says: “the right of peaceful assembly is guaranteed. The exercise of this right may be limited by law in the case of assemblies held in public places, if it concerns measures that are necessary in a democratic society for the protection of the rights and freedoms of others, public order, health, morals, property, or the security of the state. However, an assembly shall not be made to depend on the grant of permission by a public administrative authority.” The restriction of the freedom of assembly is possible under strict condition. The Right of Assembly Act (Law no. 84/1990) regulates then assembly law in more detail.

The Assembly Act only applies to the assemblies in public places whose purpose is to express freedom of speech and other constitutional rights and freedoms, exchange information, opinions and to participate in solving public matters or on street parades and manifestations. On the other hand, the Assembly Act does not cover assemblies that are connected to

providing services, to the activity of state authorities, and whose aim is not the realisation of freedom of expression or other constitutional rights.

Assembly is not subjected to permission by the state authority. The convener of an assembly is obliged to announce it to the administrative authority at least 5 days and at most 6 months before the assembly is due to be held. However, the Assembly Act also includes exception for this duty. The announcement must contain all essentials as prescribed by law. Afterwards, the authority may propose another day and another place for the assembly, order that the assembly does not disturb hours of nightly peace, or in exceptional cases ban the assembly within 3 days, but only for one of the reasons enumerated by law. The reasons for banning the assembly are following: the aim of the assembly encourages the denial of human, political or other rights of the citizens, serves as inspiration for hate, insularity, violent behaviour, or violates the constitution or the law, or there is a real threat to the health of the participants; restricting traffic would be against the interest of people or another assembly was announced to take place at the same time and place and no agreement was reached. The ban is subject to the court's review; therefore the authority must give proper reasons for the ban.

During the assembly, it is possible to dissolve it under strict conditions. The representatives of the authority may disperse the assembly; where they are not present, the police may dissolve it.

The convener is responsible for a peaceful assembly, i.e. co-operation, ensuring a sufficient amount of organizers, administering a peaceful proceeding of the assembly, not diverting from the announced purpose of the assembly, giving instructions to the organizers. When the assembly is disturbed and the converter is not able to obtain reparation he should ask the authority or the police for help. The converter is obliged to be present at the assembly; however he can fulfil his duties though a deputy or organiser.

The importance of the cooperation between police and administrative authorities is stressed. In conclusion, some proposals to future possible amendments are discussed.

It must be emphasised that although the right of freedom of assembly is one of the fundamental human rights, the principle of proportionality must be always fully respected.