

Abstract

This thesis concerns the current legislation and practical issues of the right to assemble in the Czech Republic. In the introduction is described the development of the right of assembly from the year 1948 until the adoption of the current law, the Right of Assembly Act. The present legislation is based on the notifying principle. An Assembly shall therefore not be subject to permission of public authority.

The legal framework of the right to assemble at national level consists primarily of Article 19 of the Charter of Rights and Freedoms and the Act No. 84/1990 Coll., on the Right of Assembly. In the field of international law is the respective regulation included mainly in the article 21 of the International Covenant on Civil and Political Rights and Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The work describes the most important institutes of the right of assembly, such as the convening of the assembly and the convening person, the rights and obligations of the convener, participants and the authority, spontaneous gatherings, prohibition and dissolution of an assembly. More attention is paid to situations where there are conflicts between the convener and the authority, which strives to prevent some assemblies. This was also the question of so-called "announced purpose" of an assembly, examination of the convening person or in the case of relation of the time and place of an assembly to specific historical events. These contradictions are gradually addressed and clarified in the case law of national courts and the European Court of Human Rights. However, a number of questions is still waiting for answers.

The paper also analyses in detail the reasons for the prohibition of the assembly. The attention is stepwise paid to the *ex lege* prohibition, prohibition due to a collision with the Constitution and laws, threat to the health of participants, transport and supply constraints and a prior notification of a competing assembly, as well as the procedure of deciding on the ban. Interpretation is again supplemented by specific cases from the decision-making practice of courts.

Attention is also paid to protection of the right to assemble in the criminal law and offenses against the right to assemble, where there are concerned both a punitive

sanction to participants of an assembly and the protection of an assembly from intruders. The conclusion describes some of the contentious and controversial issues relating to the right to assemble.

In several places, the author of this thesis also suggests some changes in the current legislation, as well as more permissive approach on issues limiting the right of assembly.