

The Thesis Summary

Permissible restrictions on the right of free and peaceful assembly within the human rights system

The research subject of the doctoral dissertation is permissible restrictions of the right of free and peaceful assembly within the human rights system. The basic goal of the paper is to show dualistic nature of the limitations of the human right in question. The whole study on the right, as seen from the viewpoint of a subject entitled to it, allowed to acknowledge the fact that restrictions result not only from the normative structure adopted by the human rights system; the right also has limitations pertaining to its essence as an individual right fulfilled collectively.

The doctoral dissertation consists of the introduction, four substantive chapters and the conclusion.

The first chapter shows that the phenomenon of an assembly needs to be classified as the exercise of a right, but not the freedom of man, and it describes the right to gather from the point of view of its collective execution. This part contains the description of the mechanisms of human rights limitation in particular protective systems along with the specificity of the limitation clause itself.

The second chapter of the dissertation concerns the essence of peaceful assemblies and includes the analysis of manifestations of restrictions on the right of free and peaceful assembly resulting from the characteristics of the right. The chapter points to the necessity to retain collectivity of an assembly and the consistency of its time and place while implementing the right to gather. It also shows the impact of the right on exercising the freedom of speech as well as the freedom of thought, conscience and religion.

As part of the third chapter, a general analysis of the limitation clause of the right of free and peaceful assembly was conducted. The requirements of statutory restriction on the right of assembly and the necessity to implement the restrictions in a democratic society were also investigated. This part of the paper includes the description of the conditions that need to be fulfilled if the restriction on the right to gather were possible to implement.

The fourth chapter of the dissertation presents specific and permissible conditions for restrictions on free and peaceful assembly, developed by the system of human rights protection. The present part is devoted to an in-depth analysis of the issue related to justification for restrictions by means of such factors as public and national security interests, public order and safety and crime prevention. Individual restrictions on the right of assembly were discussed as well.

The research conducted within the framework of the doctoral dissertation allowed for the formulation of a number of conclusions, which show the characteristics of the restriction to assemble in a free and peaceful way.

Firstly, the phenomenon of an assembly is the exercise of a human right, which determines specific guarantee responsibilities of the state in relation to an individual willing to participate in a peaceful assembly and, consequently, makes it possible to restrict. The right in question shares a lot of characteristics and connections with other human rights, especially with the right to freedom of speech. By its very nature, the right of assembly can interfere with rights and liberties of third parties. The relationship between the right of assembly and other human rights causes the confluence of the bases of peaceful assembly protection and its curtailment. The responsibilities of the state regarding the provision of the right are definitely far-reaching and they interfere, to a larger extent, with an individual's rights due to the expansion of the catalogue of their protection and permissible restrictions to include the bases of other human rights, whose execution manifests itself in the essence of an assembly. The aim of limitation clause on the right of free, peaceful assembly is to de facto ensure the safety of assembly members, which is the state's responsibility. The limitation clause of the right defines powers of the state to intervene with the form of the assembly, excluding the message carried by the collective, and it has its basis in the limitation of other human rights, which are exercised as an assembly.

Secondly, the right of assembly includes limitations of its execution. The above mentioned limitation constitutes of the necessity to exercise the right of peaceful assembly collectively and the specification of assembly's goal. The source of limitation resulting from the essence of the right is concentration of the members. Collective and individual character of the right determines the range and boundary of its curtailment. Individuality in juxtaposition with collectivity will be the determinant and the reason for existence of restrictions resulting from the very essence of the right of assembly.

Thirdly, the general clause normativizes accessibility directives for limitation on the right of peaceful assembly. The legal construct quoted has a protective and guarantee role in relation to the human right in question. The above stems from the essence of the right, which protects democratic values. A Democratic society itself is characterized by pluralism and the ability to present views as a part of peaceful assemblies. They are thus nothing else than a manifestation of a democratic society. The general clause directives are inviolable and they define the extent of permissible interference with the right of peaceful assembly. The boundary of limitation arises from the rule of pluralism and, being of dualistic nature, it also rises from democracy.

Fourthly, a peaceful assembly draws influence from a collective presentation of particular views. A much broader message of the issue raised by the collective gives rise to a larger assembly, also affecting the rights and liberties of other people who may receive the promoted content. At the same time, the number of an assembly influences the level of interference with the rights of third parties, which is

characteristic of it, though. The impact on the rights and liberties of other individuals is not the goal of the assembly, but an inherent outcome. By the nature of its mass character, the right of assembly can interfere with the rights and liberties of third parties.

The above considerations became the basis for the formulation of the main thesis, which is: the restrictions on the right of free and peaceful assembly are of dualistic nature, resulting from the very essence of the right and the premises included in the human rights system.

The right of peaceful assembly is of great importance in a democratic society and is an inseparable part of pluralist landscape, while retaining strong beyond-normative limitations lying in the essence of the right. On the other hand, the introduction of complexity of a limitation process protects indirectly and directly the rights and liberties of other people, while it also safeguards the right of a peaceful assembly, hindering excessive interference and the destruction of its execution.