

Abstract

The aim of thesis *Freedom of Expression in Czech republic* is to provide an up-to-date approach to one of the most important human rights. The thesis focuses more on the application side, so we do not find the historical genesis of the right or its sources of thought. On the contrary, we will find theoretical backgrounds reflected in the normative development, as well as in the application practice of courts and administrative authorities. Application means, in particular, the judicial balancing of the right to freedom of expression, most often with personality rights, as well as the implementation of various repressive measures across the legal order. In certain sub-topics, it should introduce the upcoming legislation and draw attention to some problems that the legislators are dragging their feet in solving.

The thesis is structured in ten chapters. The first five chapters discuss the general background of freedom of expression and put it in the context of domestic and European case law. The first chapter defines speech, summarises its sub-aspects and points out the difference between conduct and speech. The second chapter defines what is meant by freedom. The third chapter provides a summary of the most important international treaties that guarantee freedom of expression and describes their influence on the practice of application. The fourth chapter examines the limits of freedom of expression as enshrined in the limitation clause of Article 17 of the Charter of Fundamental Rights and Freedoms, comparing it with the limitation clause contained in the Convention for the Protection of Human Rights and Fundamental Freedoms. Chapter 5 explains the constitutional requirements for the construction of measures restricting freedom of expression. The second half of the thesis is devoted to certain social phenomena, as a result of which we are forced to restrict freedom of expression. This part deals with the phenomena of extremism, hate crime, hate speech, terrorism and disinformation. In addition to the defining features of each phenomenon, it provides a view of their legal regulation with a focus on criminal law.

Key words

Freedom of expression, limitation to freedom of expression, restrictive measures