

Freedom of expression in the media environment and its limits. Protection of journalists.

Abstract

Freedom of expression is a fundamental pillar of democracy, as is independent journalism. Historically, freedom of expression has faced various threats, ranging from censorship under the communist regime to the challenges posed by social networks and current geopolitical conflicts such as the Russian aggression in Ukraine. The strength of democracy is reflected in how society and the judiciary protect freedom of expression and respond to offensive, hateful or controversial speech, or how they protect independent journalists.

This thesis examines freedom of expression in four parts. The first part focuses on defining the core of freedom of expression in various legal catalogues. The second part examines the nature and forms of speech, including criminal liability for unlawful speech. A key concept is proportionality, which plays a role in balancing freedom of expression with other rights such as the right to privacy or religious freedom.

The third part analyses case law, in particular decisions of the Supreme and Constitutional Courts of the Czech Republic and the European Court of Human Rights, and compares the approaches of different legal systems, such as the USA. It also discusses the protection of freedom of expression in times of crisis. The last part of the paper focuses on the protection of journalists, which is crucial for democracy in times of growing extremism and conflict. The paper critically assesses current EU initiatives to promote press independence and highlights their importance for the future of democracy.

The aim of this thesis is to present freedom of expression in the broadest possible sense, to define the boundaries of offensive, controversial and hateful statements, and to assess their impact on the right to freedom of expression based on judicial case law. The thesis also focuses on the analysis of the decisions of the Constitutional Court of the Czech Republic in terms of their consistency and approach to the protection of freedom of expression, and critically assesses whether the judicial practice is more directed towards the protection or restriction of this freedom. Another objective is to assess the protection of journalists and media independence, especially in the context of the current threats to democracy that are manifesting themselves not only in Europe but also globally.

Keywords

Freedom of expression, media environment, protection of journalists.