

Freedom of expression in the context of online content regulation

Abstract

This thesis deals with the constitutional aspects of freedom of expression in the Czech Republic, especially in relation to the possibilities and limits of blocking websites that disseminate harmful or disinformation content. We consider freedom of expression to be one of the most important fundamental rights in a modern democratic state governed by the rule of law. Its protection is enshrined at constitutional level in the Charter of Fundamental Rights and Freedoms and is further supported by a number of international human rights documents. However, with the massive development of digital technologies and their increasing importance in the lives of most people, there are significant changes and challenges in the way this right is exercised and how it can be restricted.

The thesis examines the legal boundaries of freedom of expression in the online environment, what tools exist to regulate harmful content, and in particular how and under what conditions the state or another entity can restrict access to certain websites. In particular, the paper takes a closer look at the cases of blocking so-called disinformation websites in response to the Russian military aggression against Ukraine in 2022 and the related steps taken to block certain websites - it examines specific court proceedings, but also the proposals of possible legislation or the views of the institutions involved. Thus, the subject of examination is also the jurisprudence of the Municipal Court in Prague, the Supreme Administrative Court and the Constitutional Court, which relates to questions of the legitimacy of interference with freedom of expression in the context of calls by state authorities to make specific domains inaccessible.

In addition to the purely legal aspect, the work also reflects the social and political context, including the ethical dimension of freedom of expression, the responsibility of Internet service providers and the issue of self-regulation. It discusses the difference between censorship and legitimate regulation of content and analyses different types of expression - from political to artistic to commercial. The work also reflects international comparisons and the approach of European institutions including the European Parliament, the Council of Europe and the European Court of Human Rights.

The paper concludes with *de lege ferenda* proposals aimed at defining clear rules for interventions in the online space in order to preserve the constitutional core of freedom of expression and at the same time to effectively limit the dissemination of disinformation, hate speech and propaganda content. The author draws attention to the importance of transparency, reviewability and proportionality in any intervention restricting this right, as well as the need

for any new legislation to be based on the values of the constitutional order and to gain the trust of the general public.

Klíčová slova: freedom of expression, regulation of online content, disabling websites