

Abstract in English

Protection of the freedom of speech by the European Court of Human Rights

The purpose of my thesis is to analyze multiple aspects of freedom of speech as protected by European Court of Human Rights. The reason for my research is to follow the development in this particular area and to produce basic reference material for students and other human rights enthusiasts concerning freedom of speech and its extensive case law.

Firstly, there is brief introduction to this thesis, followed by two logically divided chapter. Chapter one is divided into 2 logical clusters, first covering quick introduction into history of European Court of Human Rights, second mainly focused on development of doctrines concerning freedom of speech case law. There are specifically covered doctrines of evolutive interpretation, limitation clause and proportionality test, margin of appreciation.

Chapter two is divided into five subsection, covering general and specific aspects of freedom of speech. Subsection one is focused on history of freedom of speech and it's common background with other freedoms protected under European Convention on Human Rights. Subsection two function as introduction of freedom of speech and its general influence on European Court of Human Rights. Three following subsection are logically dividing case law of freedom of speech based on specific reasons to limit this freedom. Subsection three discusses limiting freedom of speech in the interest of national security, territory integrity and public order. There is also outlined difference in approach between publicly known persons (as government officials), media, soldiers and common people. Subsection four covers limiting freedom of speech in interest of protection of health and moral, showing problems of missing common standards throughout the member States. Last subsection deals with limiting freedom of speech in interest of protection of reputation and rights of others and also summarize a bit differences between the three limit reasons.

Lastly, the arguments used throughout the thesis are summarized to show basic aspects influencing judgments of freedom of speech and also influence of freedom of speech case law on general doctrines and development of European Court of Human Rights.