

## Abstract

Thesis title: Hate speech throughout the continents

The aim of this thesis is to shed light on standings and rulings of the United States Supreme Court and the European Court of Human rights in hate speech cases. It defines the term “hate speech” and presents grounds used for its restrictions when it comes to freedom of expression. Through introducing established principles that govern the decision-making of both courts and analysing them in key judgments on both continents, the author is trying to determine possible alterations that may lead to enhancing the protection given by hate speech case-law.

The author also analyses historical and social impact on the case-law of both the Supreme Court and the ECHR and finds that this influence has led to establishment of crucial principles without which the hate speech cases could hardly be decided today. Both historical and social factors lead the author to the conclusion that the protection against hate speech could still use a tune-up.

In author’s point of view, the Supreme Court should ease the grip on the First Amendment and give the “true threats” principle, established in *Virginia v. Black*, leave to prohibit not only intimidating expressions but harmful expressions as well – both physical and mental. The Supreme Court should also strengthen the protection of privacy through inspiration in the European concept of human dignity and equality – an institute that would better the protection of minorities on the American soil.

This thesis also attempts to convince the ECHR not to utilize time and geographical factor used in the case *Perinçek v. Switzerland*, when it comes to decisions about criminalization of genocide denial, mainly for the reasons of respecting the identity and a right to self-determination of communities who were historically victims of these war crimes. The author also promotes the widening of States’ margin of appreciation when determining pressing social

need in hate speech cases where the European consensus is lacking, leaving the States to determine the nature of the interference for itself.