

Freedom of Expression in the Czech Republic

This master thesis deals with freedom of expression in the Czech Republic while focusing on the issues of hate speech. It is not only Czech legal code this thesis takes into consideration, because there is an inspiration coming from foreign decisions as well. The thesis is divided into five chapters.

The first chapter explains the term "freedom of expression": it deals with the terminology of "right" and "freedom", categorizes it into the hierarchy of other rights and elaborates the aspects in which freedom of expression is included. This chapter also deals with the arguments supporting freedom of expression.

The second chapter describes how freedom of expression is regulated in the Czech legal code. It briefly summarises the evolution, then it deals with individual legal acts: Charter of Fundamental Rights and Freedoms and the international conventions (The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms). An idea is also put forward: Does restricting freedom of expression imply the restriction of freedom of thought?

The third chapter deals with the restrictions, with the relation between Charter of Fundamental Rights and Freedoms and the Convention for the Protection of Human Rights and Fundamental Freedoms, with the requisites of the restrictive law, with the forms of interference and with the necessity of differentiation between the assertion of facts and the judging opinion.

The fourth chapter explains the term "hate speech", outlines the problems of hate crimes and extremism and deals with the practice of the courts: Supreme Court of the United States (for its liberal attitude), Federal Constitutional Court (for its significance), European Court of Human Rights (for its impact on the practice of the Czech courts) and the czech courts – The Constitutional Court, The Supreme Court and The Supreme Administrative Court.

The last chapter deals with thoughts about law de lege ferenda, with pros and cons of the legislation persecuting hate crimes.

The conclusion summarises the reasearched problems and based upon the opinions produced, it asks about the necessity of restriction of free speech.