

The issue of so called hate speech in the context of freedom of speech

Abstract

This thesis titled *The issue of so-called hate speech in the context of freedom of speech* deals with the legal regulation of hate speech at the international and national level. The thesis contains a comprehensive analysis of legal instruments regulating hate speech in civil, anti-discrimination, administrative and criminal law. This thesis combines the theoretical basis of hate speech regulation with practical knowledge about the applicability of individual legal norms and is supplemented by relevant case law of the Czech courts and the European Court of Human Rights. The aim of this work is to describe the phenomenon of hate speech, provide an analysis of legal instruments regulating hate speech and also to analyse legal arguments for hate speech regulation. The thesis attempts to find the boundary between protected speech and speech that is unprotected by the international and constitutional framework of freedom of speech protection, by means of an analysis of individual court decisions. The thesis also contains a critical reflection of the current legal framework of hate speech regulation and suggests possible variants of legislative changes in the future.

The thesis is structured into five chapters. The first part introduces the concept of protection of freedom of speech as a political right and describes its enshrinement in international and national law, supplemented by the differentiation of individual types of speech and accompanied by the description of different boundaries of freedom of speech that the law recognizes. The second chapter analyses the concept of hate speech in detail and various starting points for its regulation are introduced. This chapter discusses various approaches to hate speech regulation and basic arguments are also discussed in detail. The chapter is supplemented by a legal conceptualization of hatred and, last but not least, it also deals with proportionality when restricting freedom of speech due to hate speech. The third chapter deals with a very current topic, namely the issue of hate speech in cyberspace. This chapter provides an insight into the legal regulation of hate speech on the Internet, presents possible risks associated with it and anticipates the future development of uniform regulation of the liability of network operators at the European level. The fourth chapter provides an international legal overview of the regulation of hate speech in universal and regional international law. The fifth chapter discusses the various instruments of the Czech legal system, with an emphasis on the regulation of hate speech in criminal law. This subchapter describes the format of the Czech regulation of hate speech in the Criminal Code and relevant prejudicial characteristics. The subchapter is supplemented by relevant case law and a critical reflection on the current Czech and international regulation of hate speech.

Key words

hate speech, freedom of speech, limits of freedom of speech