

6.) Engel a ostatní proti Nizozemsku, rozsudek z 8.6.1976, Series A, no. 22.

## Resumé (English)

This thesis named „Freedom of speech: Its guarantees and limits“ attempts to look at the issue from different perspectives, that is Czech, European and International law.

Its main part consists of the analysis of the freedom of speech in Czech constitutional system and the limits imposed by the statutes. According to Czech „Charter of Fundamental Rights and Basic Freedoms“ (Listina základních práv a svobod), freedom of speech may be limited by the statutes for various reasons. However, this procedure is strictly limited and the freedom of speech cannot be taken away totally.

The constitutional test for limiting the freedom of speech consists of three steps:

*a)* limitation made by the act of Parliament only, *b)* the inevitability of such a measure in democratic society and *c)* measure has to be made for one of constitutional reasons:

security of the right and freedoms of the people or security of the state or public security or security of the public health and morality.

The body which plays a vital role in defining the constitutional limits of the freedom of speech in the Constitutional Court of the Czech Republic. Its core decisions are mentioned in the thesis.

Another part of the work is dedicated to the fundamental international documents on the topic – International Declaration of Human Rights, The European Convention on Human Rights, International Covenant on Civil and Political Rights and The Convention on the Rights of the Child. The Czech Republic is nowadays a member state of all these key treaties.

Last part of the work deals with the European Court of Human Rights in Strasbourg, which gives important judgments on this topic in European context. Cases such as *Handyside v. the United Kingdom* or *Lingens v. Austria* helped to define the current borders of the freedom of speech.

The objective of this thesis is not to give a full-range analysis, as this issue is a very topical one and I would need a thousand of pages to cover all the details. However, I tried to trace a reasonably short explanation of all the core problems.

Freedom of speech is one of the most important legal issues in democratic society. The shape and extension of the freedom is not a definite one, it is something everlastingly open and frangible.

**Klíčová slova:** svoboda projevu – limity - záruky

**Key words:** freedom of speech – limits - guarantees