

HATE SPEECH IN PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS

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Summary: In this article, the author's goal was to analyse the most illustrative cases in the jurisprudence of the European Court of Human Rights that are relative to the problem of hate speech as one of the most complex and difficult forms of freedom of expression abuse. At the same time, a brief overview is made of the sources of law which are most important for the ECHR jurisprudence within the subject of hate speech. Through the basic postulates adopted in the mentioned jurisprudence, the author shows the evolutionary path of regulation, and moreover, the understanding of the problem of hate speech as an omnipresent issue. Its contemporary forms of manifestation are also the subject of analysis. It is in fact precisely them that represent a special challenge not only to the judicial bodies, but also to the lawmakers. By analysing the relevant case-law, the author strives to answer the dilemma arising from the attempt to the equitable and just balance of the guaranteed freedom and its necessary limitations imposed in cases of social need. This basic question leaves one without the possibility to take an exclusive position, save in the fact that through the analysis of the case-law, the author concludes that the freedom of expression, even though a universal and omni-guaranteed rights of every human, cannot be an absolute right. For the sake of precision, the author limits this conclusion solely to the situations when the abuse of freedom of expression is in question, and hate speech as its most severe form.

Keywords: hate speech, abuse, freedom of expression, source of law, jurisprudence of ECHR, *opinio iuris*.

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