

Freedom with Limitations: The Nature of Free Expression in the European Case-Law

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Abstract : In the digital age, the spread of the mobile world and the nature of the cyberspace, offers many new opportunities for the prevalence of the fundamental right to free expression, and therefore, for free speech and freedom of the press; however, these new information communication technologies carry many new challenges. Defamation, censorship, fake news, misleading information, hate speech, breach of copyright etc., are only some of the violations, all of which can be derived from the harmful exercise of freedom of expression, all which become more salient in the internet. Here raises the question: how can we eliminate these problems, and practice our fundamental freedom rightfully? To answer this question, we should understand the elements and the characteristic of the nature of freedom of expression, and the role of the actors whose duties and responsibilities are crucial in the prevalence of this fundamental freedom. To achieve this goal, this paper will explore the European practice to understand instructions found in the case-law of the European Court of Human rights for the rightful exercise of freedom of expression.

Keywords : collision of rights, European case-law, freedom opinion and expression, media law, freedom of information, online expression

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