

**Uladzislau BELAVUSAU**

***Freedom of Expression:***

***European and American Constitutional Models for Central and Eastern Europe***

**ABSTRACT:**

This doctoral thesis inquires into the role and perspectives of the ‘European’ (mandatory) and ‘USA’ (persuasive) constitutional models of the right to freedom of expression for the constitutional debate in Central and Eastern Europe (CEE). The survey is based on the study of socio-legal developments in the Czech Republic, Hungary, and Poland, embracing the period of post-communist transition until 2010. The research focuses on three controversial issues in the realm of freedom of speech, namely (1) hate speech, (2) historical revisionism, and (3) pornography, before the U.S. Supreme Court and European Court of Human Rights.

The essential novelty of the project is an assessment of European standards of free speech and non-discrimination beyond the mechanisms of the Council of Europe, encompassing the relevant aspects of EU law (judgements of the European Court of Justice and harmonised instruments) as mandatory standards for courts and legislators, including those in CEE.

The research methodology transcends a standard case law assessment (comparative constitutional, public international, and EU law), normative jurisprudence and analytical philosophy, incorporating critical approaches stemming from post-structuralist scrutiny, rhetoric, sociology, legal history, history of ideas, and art criticism.