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HATE SPEECH IN LITHUANIA

SUMMARY OF THE SITUATION AND
REFUSALS TO OPEN PRE-TRIAL
INVESTIGATIONS

2023
Vilnius

Summary is based on the publication *Hate speech in Lithuania*. Overview of the situation and refusals to open pre-trial investigations.

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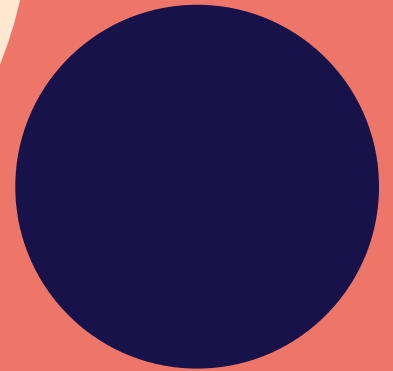
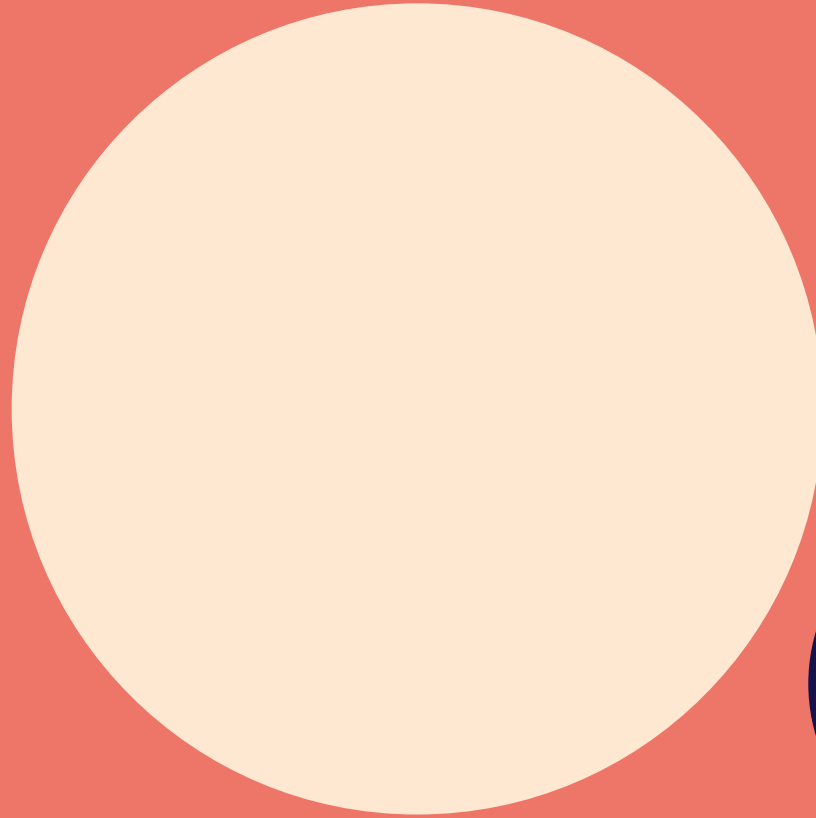
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INTRODUCTION



In 2022, Lithuanian law enforcement authorities registered 84 cases of incitement to hatred under Article 170(2) of the Criminal Code of the Republic of Lithuania (CC). However, various studies show that there is an obvious discrepancy between the official statistics and the actual incidence of hate speech in the country.

A large number of pre-trial investigations are refused or discontinued when the elements of a criminal offence or the perpetrator are not identified. The challenges to effectively investigate and prosecute hate speech are systemic, as highlighted by the European Court of Human Rights in 2020 in the case *Beizaras and Levickas v. Lithuania*. The Court concluded that there is no effective legal remedy against hate speech in Lithuania; as law enforcement authorities require hate speech to be „repeated“ and „systematic“ in order to qualify as unlawful criminal activity.

Moreover, law enforcement officials lack the ability and/or willingness to recognize and qualify certain incidents as incitement to hatred. It is likely that the negative attitudes prevailing in Lithuanian society towards certain social groups have an impact on professionals working in the police and prosecution services.

Moreover, while awareness of hate speech has been raised for some time, it is not yet well understood by society, both

in terms of vulnerable groups and in terms of restricting expression. It is clear that hate speech balances between two protected goods: freedom of expression and ensuring dignity. However, it is not always possible to assess hate speech properly.

This summary provides a brief overview of hate speech regulation and case law, the main reasons for refusing to open pre-trial investigations, and offers recommendations to improve the response to hate speech in Lithuania.



**WHAT
IS HATE
SPEECH?**

In Lithuania, hate speech is understood as publicly disseminated information that targets the (equal) existence of certain vulnerable groups in society, i.e. is intended to discriminate, incite violence or hatred. In practice, hate speech and incitement to hatred are treated and used synonymously.

The purpose of hate speech is to humiliate or insult a particular national, racial or other group of people or a member of such a group, i.e., to show the real or perceived vulnerability, inferiority, or limitations of such a group of people or of a particular member of it.

Acts of incitement to hatred are characterized by the fact that they are usually expressed through linguistic elements. It involves the use of various derogatory, discriminatory statements, inflammatory, discriminatory symbols or information that denigrate, disparage, ridicule or incite violence against a person or a group of persons based on their membership of a disadvantaged group.

Lithuanian courts have defined that hate speech include the following acts: defamation of honour and dignity, depicting a person or a group of people as an object of mock, making a negative and disrespectful remark about a person or a group of people, or rejoicing at a disaster that has befallen them or at a crime that has been committed against them, the imposition

on a person or group of persons or groups of persons stories that reflect negatively on them in the eyes of the public, or that arouses hostility or provokes intolerance towards a person or group of persons or groups of persons, as well as the direct invitation or indirect encouragement to restrict the rights and freedoms of a person or group of persons or groups of persons in relation to other people or groups.¹

Hate crime is an extreme form of prejudice that is more likely to occur in contexts of social and political change (e.g. economic hard times, election periods, increased migration, etc.). Often in public and political discourse, the negative consequences of such changes are associated with the presence, influence or behavior of unfamiliar members of minority groups.²

According to NGOs, as much as 90% of hate speech is committed online. Hateful comments can be often found in the comments sections of news portals, on social networks (Facebook, Tik Tok, YouTube, Twitter, etc.), in secret groups, forums, etc.

It is important to note that there is no single concept of hate speech in Europe or worldwide. For example, what is a crime in Lithuania may be an exercise of free speech in the United States. However, several international instruments have been adopted at European level that establish and define what constitutes hate speech.

1 Order of the Supreme Court of Lithuania of 1 March 2016 in criminal case No 2K-86-648/2016.

2 Aistė Šlajūtė and Monika Guliakaitė (2021). More love. Community action in cases of hate speech: how to recognize and report. *Training methodology, Vilnius*.

Legal regulation in Lithuania

Article 25 of the Constitution of the Republic of Lithuania states that a person shall have the right to hold and freely express his or her own convictions, and shall not be hindered in seeking, receiving and disseminating information and ideas. However, the freedom of expression enshrined in Article 25 is not absolute, and the freedom to hold opinions and disseminate information is incompatible with criminal acts of incitement to national, racial, religious or social hatred, violence and discrimination, defamation and disinformation.

Hate speech or incitement to hatred is punishable under Article 170 of the Criminal Code. According to it, anyone, who had intent to distribute, have produced, acquired, sent, transported, or possessed the things with intent to distribute, objects that mocks, despises, incite hatred, or incite discrimination, or publicly mocks, despises, incite hatred, or incites discrimination against a group of people or a person belonging to such a group, on the grounds of age, gender, sexual orientation, disability, race, skin colour, nationality, language, descent, origin, ethnicity, social origin, social status, religion, beliefs, or opinion is punished.

Article 170. Incitement against any national, racial, ethnic, religious or other group of people

1. Anyone, who had the intent to distribute, had produced, acquired, sent, transported, or possessed any matter that mocks, disparages, incites hatred or incites discrimination against a group of people or a person belonging to such a group on the grounds of age, gender, sexual orientation,

disability, race, colour, nationality, language, origin, ethnic origin, social status, faith, beliefs or opinions, or inciting violence, physical violence against such a group of people or a person belonging to such a group, or distributing them, shall be liable to a fine, or by restriction of liberty, or by arrest, or by imprisonment for up to one year.

2. Anyone, who publicly mocked, despised, incited hatred or incited discrimination against a group of people or a person belonging to such a group on the grounds of age, gender, sexual orientation, disability, race, color, nationality, language, descent, ethnic origin, social status, faith, convictions or opinions shall be liable to a fine, or to deprivation of liberty, or to arrest, or to deprivation of liberty for a term not exceeding two years.

3. Anyone, who publicly incited violence or physical violence against a group of people or a person belonging to such a group on the grounds of age, gender, sexual orientation, disability, race, color, nationality, language, descent, ethnic origin, social origin, social status, beliefs, faith, convictions, or opinions, or who has financed or otherwise financially supported such an activity, shall be liable to a fine, or to a restriction of liberty, or to arrest, or to up to three years of imprisonment.

4. A legal person shall also be liable for the acts provided for in this Article.

Currently, the Criminal Code provides for a finite list of characteristics of a person or groups of persons that would define groups (grounds) vulnerable to hate crimes:

- Age
- gender
- sexual orientation
- disability
- race
- skin color
- nationality
- language
- origin
- ethnic origin
- social status
- religion
- beliefs or attitudes.

It should be noted that a victim of incitement to hatred can be recognized not only a member of a vulnerable group, but also a person who has been wrongly classified as such. For example, an attack on two heterosexual men in a gay bar could be treated as a hate crime based on sexual orientation. The focus is on the

defendant's perception of the victim and his or her membership of a particular social group.

A person can be targeted by hate speech not only because of his or her direct membership of a particular social group, but also because of his or her relationship or association with another person belonging to a protected social group or vulnerable community. For example, a family with a child with a disability may be subject to hate speech because of his disability.

Case law

When interpreting the composition of incitement to hatred, the Supreme Court of Lithuania (SCL) has stated that the main object of the criminal offences provided for in Article 170 of the CC is the equality of a person and freedom of conscience. In specific cases, the honor, dignity and health of a person belonging to a particular group of people, may be the additional object. The prohibition in Article 170 of the CC is based on Article 25(4) of the Constitution of the Republic of Lithuania, according to which the freedom to express beliefs and to disseminate information is incompatible with criminal acts such as incitement to national, racial, religious or social hatred, violence and discrimination, defamation and disinformation.³

The action under Article 170(2) of the Criminal Code consists of one or more of the following alternative acts: (a) mock from a particular group or a person belonging to that group; (b) despising them; (c) inciting them to hatred; (d) inciting them to discrimination. These acts must be committed by means of public statements made to a wide and indefinite range of people, directed against a group of people or a person belonging to that group, on the grounds of sex, sexual orientation, race, nationality, language, origin, social status, religion, beliefs or opinions.⁴

In order to qualify the acts under Article 170(2) and (3) of the Criminal Code, it is necessary to establish that the offender's public statements of an insulting, contemptuous or discriminatory nature, as well as the calls to violence, were intended to directly incite an unspecified number of readers or listeners, i.e. to incite them against a particular group of people or a person belonging to such a group on grounds of sex, sexual orientation, race, nationality, language, origin, social status, religion, beliefs or opinions, to stir up hatred, or to form a contemptuous or discriminatory attitude towards them, or to incite them to use physical or mental violence against them.⁵

The offence is deemed to be completed from the moment of its commission, i.e. the offence is formal in nature and the consequences are irrelevant. The manner of commission of the act is a necessary element of the offence where the act must be committed in public, by means of some public statement. This offence is directed against a group of persons or a specific member of a group of persons individually identifiable by the commonality of the characteristics set out above. For the purposes of qualifying the offence, it is not necessary to identify the specific person against whom the offence was committed; it shall be sufficient to establish whether the offence was committed with the intent to mock, disparage, incite hatred or discrimination against a group of specific persons who share a

3 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K -86-648/2016.

4 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K -86-648/2016.

5 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K -86-648/2016.

particular gender, sexual orientation, race, ethnicity, language, origin, social status, faith, belief or opinion.⁶

In deciding whether to impose criminal liability for the offences provided for in Article 170(2) and (3) of the CC, it is also important to determine the **seriousness** of the acts for which the perpetrator is held liable. In order to recognize or exclude certain public statements as incitement against any national, racial, ethnic, religious or other group of people, it is necessary to establish the reality of the threat (or potential threat) to the values protected by the criminal law that they may pose. This leads to the conclusion that a **public statement of an insulting, derogatory nature is not sufficient** to give rise to criminal liability under Article 170(2) and, in particular, (3) of the Criminal Code, **provided that it does not contain a specific direct or indirect incitement to hatred, discrimination, incitement to violence or to physical violence** against a certain group of people, which could lead to a real threat to an object protected by this criminal law.⁷

The courts have also developed a criterion of **systematicity**, according to which individual comments do not pose a real threat to the values protected by the Criminal Code. In the view of the courts, a single online comment is considered to be

unethical, immoral, incorrect, contrary to the ethical exercise of the freedom of dissemination of information, and therefore negative and contemptuous, but it does not, however, meet the degree of seriousness of the offences laid down in Article 170(2) CC.⁸

This means that in many cases it is necessary to establish that the same person has acted systematically, more than once, to prove his or her direct intent and the seriousness of the act. The fact that a person systematically writes hateful comments presupposes that he is aware of the dangerous nature of the act, the contrary to the law, but wishes to act and acts in such a dangerous manner, with the possibility of directing his will and not committing an unlawful, dangerous act.⁹

6 Order of the Supreme Court of Lithuania of 18 December 2012 in criminal case No. 2K-677/2012.

7 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K -86-648/2016.

8 Order of Vilnius Regional Court of 30 September 2015 in Criminal Case No 1S -1377-487/2015.

9 Order of the Supreme Court of Lithuania of 18 December 2012 in criminal case No. 2K-677/2012.

Beizaras and Levickas v Lithuania

On 16 January 2020, the European Court of Human Rights handed down a landmark judgment in the case of Beizaras and Levickas v. Lithuania ¹⁰, in which it found that Lithuania had violated the European Convention on Human Rights.

The European Court of Human Rights (ECtHR) has noted that despite the high level of hate speech on the internet, pre-trial investigations are not being opened in Lithuania because they do not meet a number of the criteria of seriousness and systematicity established by case law. However, these criteria, which are based on case law, have been criticized by the ECtHR, which has argued that case law is not uniform in this respect, as sometimes the number of comments has a greater impact on the court's assessment, while sometimes a single hateful comment is sufficient. According to the ECtHR, even a single hateful comment would be enough to trigger action by law enforcement authorities.

At the same time, the European Court of Human Rights has noted that comments spreading hate speech and incitement to violence, which are manifestly unlawful, require in principle that Member States take appropriate affirmative action. The ECtHR noted that incitement to hatred does not necessarily call for violence or other criminal acts.

10 Europos Žmogaus Teisių Teismo 2020 m. sausio 14 d. sprendimas byloje *Beizaras ir Levickas prieš Lietuvą*, pareiškimo Nr. 41288/15. Prieiga per internetą: <http://hudoc.echr.coe.int/eng?i=001-200344>



**OVERVIEW
OF PRE-TRIAL
INVESTIGATIONS**

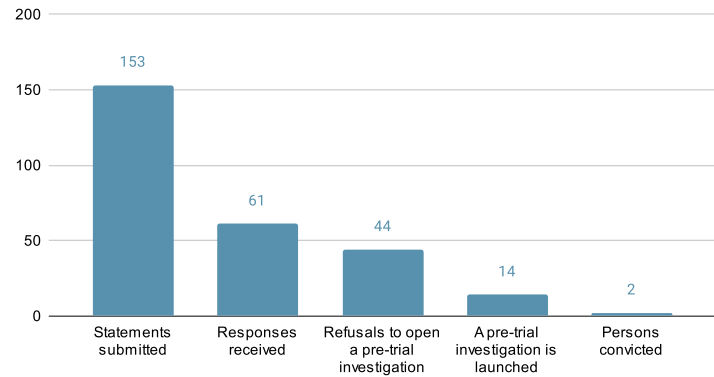
Warning. This section contains unedited hateful comments, which may contain obscene content or has a negative impact.

In 2021 and 2022, during the implementation of the Be Hate-Free project, the European Foundation of Human Rights (EFHR) submitted 153 statements to the law enforcement authorities concerning the initiation of a pre-trial investigation under Article 170 of the Criminal Code (incitement to hatred).

Given that, the organization is not the victim, the progress and outcome of the process is not always communicated by the pre-investigation authorities, which can lead to differences in the number of pre-investigations opened/terminated or convictions. However, the 61 responses received allow an analysis of the arguments used to justify refusals to open a pre-trial investigation.

Out of 153 submissions, the European Foundation of Human Rights was informed of 14 pre-trial investigations opened; received 44 decisions on refusal to open a pre-trial investigation, 3 investigations were suspended.

Progress of pre-trial investigations



Information from the European Foundation of Human Rights

Two people were convicted on the basis of sent statements for comments posted online, and another was released on bail.

For example, on 5 May 2022, V.S. was found guilty (criminal case No. e1-1569-827/2022), of committing a criminal act, provided for in Article 170(2) of the Criminal Code, after writing a comment under the post related to the „Kaunas Pride“ march:

„Maybe you are everywhere, but we'll see how long. You need to be shot on sight, without words, together with the authorities “

The Lithuanian Forensic Science Centre found that the commentary publicly humiliates and stigmatizes LGBTQ+ persons on the basis of their sexual orientation, as well as publicly propagates ideas against the LGBTQ+ group. According to the expert, the negative information about LGBTQ+ persons in the comments is not formulated as an information of a recital nature, but as an opinion (assessment, subjective view, reflection).

After examining and assessing the evidence in the case, the Court concluded that V.S. publicly disparaged a group of people on the basis of their sexual orientation. The accused agreed to the conclusion of the proceedings by way of a criminal court order, and accepted the type and amount of the proposed penalty.

The sentence is 4 months' imprisonment, with an obligation to stay at home between 10 p.m. and 6 a.m. during the period of imprisonment, if it's not related to work, education or a visit to a medical institution.

Although, as discussed in the previous section, there is still no administrative liability for hate speech in the Code of Administrative Offences. Law enforcement officials have started to look for ways to make it compatible with the current legal framework. During the reporting period, two decisions were received refusing to open a pre-trial investigation, while indicating that the investigation into an administrative offence for breach of public order was continuing.

Analysis of refusals to open pre-trial investigations

The analysis of the documents received during the period of submission of the applications shows that there is a certain inconsistency in the assessment of hate speech cases, which was also pointed out by the European Court of Human Rights (EctHR) in the case of *Beizaras and Levickas v. Lithuania* in 2020. For example, the comments of a similar nature are treated differently by pre-trial investigators, some as dangerous, and others as mere expressions of opinion. Sometimes only one comment is sufficient, and sometimes it is argued that one comment is considered in case law as not having the characteristics of a dangerous act.

Specific examples of incitement to hatred¹¹

In May 2022, A. D. posted a comment on the Facebook account of the news portal Delfi.lt:

Opa, pederasts attacked the Seimas, immediately grab the balls and hit them to the tree

The interviewee stated that he had „joked“ about a dispute in the Seimas between MP Petras Gražulis and activists from the LGBTQ+ community, and the comment was directed at Mr P.Gražulis because his behavior seemed ridiculous and stupid. The commentator stated that he did not intend to offend A.D.

11 Due to the limited scope of the summary, only some of the cases of incitement to hatred are analyzed.

*In the decision of 10 June 2022 to refuse to open a pre-trial investigation, the pre-trial investigation officer stated that, although the constituent elements of the offence under Article 170 of the CC of the Republic of Lithuania are formal, an unspecified statement or expression of a person's attitude is not sufficient for the assessment of the subjective and objective elements. The courts acknowledge that the authors of the comments do not exercise their freedom of expression properly, but such statements are not **dangerous**, i.e. such statements do not constitute a real threat to the values protected by the criminal law in question, i.e. a violation of the dignity and equality of a group of individuals, a community.*¹²

*According to case law, it is necessary to assess on a case-by-case basis whether a person's actions were of such a serious nature as to warrant criminal liability. The case law clearly shows that a single online comment is unethical and immoral, incorrect, contrary to the ethical exercise of the freedom of dissemination of information, and therefore negative and contemptible, but does not, however, however, it does not correspond in its degree of **seriousness** to the elements of the offences set out in Article 170(2) of the CC.*

Moreover, when assessing the statements of readers and commentators on an internet portal, it is not enough to conclude that such statements are against morality or merely negative or contemptuous. However, it is important to establish whether

such statements are actually likely to incite the portal's readers to commit violence against a particular group of people. Proof of the totality of a person's actions requires a **systematic** pattern of actions. Attention must be paid to the number of positions expressed by the person, thereby defining the nature of the act committed with direct intent. Repeated and systematic actions indicate not only a negative but also a deliberate attitude of the person towards the object of the comment. A large number of written comments indicates that the person acted not randomly but in a premeditated manner, and, therefore, it cannot be considered that such a person made a mistake or acted thoughtlessly, unintentionally and spontaneously (Supreme Court Case No 2K-206-693/2017); on the contrary, the practice shows that a single act incriminated under Article 170 of the Criminal Code of the Republic of Lithuania is often assessed as lacking the characteristics of a dangerous offence.

However, even a few comments are not necessarily considered dangerous or systematic offence. For example, in May 2022, possibly the same person, under the name „Lauris“, posted four comments under an article on the news portal Diena.lt:

Yes, Petras, LGBTs are degenerates perverts

12 Excerpts from the rulings of pre-trial investigation officers are written in italic.

What LGBT mental perverts

Those LGBT mental patients need to be locked up in a psychiatric hospital for treatment

What Homosexuals, there are mental perverts with mental perversion, they need to be locked up in a mental hospital in order to cure all those LGBT

However, the pre-trial investigation officer, without identifying and interviewing the person who had written the comments, and without seeking an expert opinion, found that the person was merely expressing his or her opinion and was not inciting hatred:

*The above comments can be regarded as an expression of an opinion, but their degree of **seriousness** does not correspond to the offence of incitement to active acts against the nation, mockery, contempt, hatred or discrimination, as set out in Article 170(2) of the CC. The following applies, that the author did not incite hatred by expressing his opinion in the press, and that therefore **the expression of his opinion does not constitute grounds for criminal liability** under Article 170(2) of the CC.*

In the light of the above, the pre-trial investigation officer concluded that there was no point in carrying out further inspections and in opening a pre-trial investigation, and that the data obtained in the course of such inspections and investigations

would not be of relevance in the context of the circumstances under investigation.

On 9 September 2022, a person under the name „Romas-gërimas \\\\.../////“ posted a comment under an article about widespread discrimination against the Roma community:

Since when did Gypsies become Roma community? If you see a gypsy, give up or run away, because you will 100% be robbed or shafted. This is the garbage of the Earth. For a Gypsy to work is the greatest shame, to steal (and not to be attacked) is an honor. ___It is not yet clear what they live on. ___They have earned that „honor“ by their „work“.

*The pre-trial investigation officer found that the comment written by the author of the comment, who calls himself „Romas-gërimas“, is offensive, and the chosen manner of speech is possibly debatable, in order to express his opinion about the event described in the article. When evaluating this comment, it should be noted that the author of the comment chooses the manner of speech when expressing his opinion, possibly with the aim of insulting „gypsies“, but **when expressing his opinion, it is not specified what exactly the person has in mind**. It can also be understood from the content of the comment that when commenting, the person singles out the way of life of Roma community (bewitchment, looting, and theft) by expressing*

*hatred for their way of life, but does not mean **contempt for the entire nation or race**. Although the expression is presented immorally, in violation of universal ethical norms, the statements expressed do not cause such a **danger** that the act would be considered criminal.*

In assessment of material, the person who wrote the commentary was not identified and interviewed, and no linguistic or legal conclusion was sought from experts.

It is clear from the text of the comment (contrary to what the pre-trial investigation officer claims) that the comment is directed against the Roma community. The offence under Article 170(2) of the Criminal Code consists of one or more of the following alternative acts: (a) mockery of a particular group or person belonging to a particular group; (b) despising them; (c) inciting them to hatred; (d) inciting them to discrimination .¹³The fact that „no contempt is expressed (as an alternative action) towards an entire nation or race“ does not mean that the comment cannot be dealt with on the basis of mockery or incitement to discrimination. In order to qualify an offence under the article in question, it is sufficient to identify at least one of the alternative acts mentioned.

The Supreme Court notes that incitement to hatred is the imposition on a person or group of persons of stories, which negatively characterizes them in the eyes of the public, causes

hostility or provokes intolerance towards the person or group.¹⁴ The comment encourages people to „hit or run away“ from the persons of Roma community because they are the „garbage of the Earth“, steal and do not work. The text of the comment clearly speaks in general terms about the people of Roma community and seeks to humiliate and denigrate them.

13 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K-86-648/2016.

14 Order of the Supreme Court of Lithuania of 1 March 2016 in Criminal Case No 2K-86-648/2016.

Summary

Looking at the refusals to open a pre-trial investigation received in the period 2021-2023 it can be concluded that, although the statistics show a slight increase in the number of registered cases of incitement to hatred, the main problems highlighted in the ECtHR's judgment in the case of *Beizaras and Levickas v. Lithuania* still remain.

Pre-trial investigation authorities continue to use the systematic and dangerous criteria criticized by the ECtHR. Lithuanian case law requires systematic incitement to hatred, i.e. that the comment written is not a single one, but one of many instances of incitement to hatred by a person, which would justify the person's intent and dangerousness. However, in certain cases of incitement to violence or reprisals, even a single comment may be sufficient for a case of incitement to be taken seriously.

Moreover, as the ECtHR has also noted, the criteria of Lithuanian case law continue to be applied unevenly by pre-trial investigation officers. This means that sometimes a systematic approach is required, indicating that a single comment cannot be dangerous, while in other cases criminal liability is imposed for a single comment.

There are cases where law enforcement authorities do not take action, even when the authors of the comments directly incite violence and reprisals against a particular

group of people (usually the LGBTQ+ community). In this case, the ECtHR has indicated that even a single hateful comment, especially if it suggests that individuals should be „killed“, should be taken seriously.

It should also be noted that pre-trial investigators often assess both the content of the text and the purpose of the commentator themselves, i.e. they do not interview the person who wrote the commentary and do not refer the content of the commentary to experts for evaluation.

CONCLUSIONS

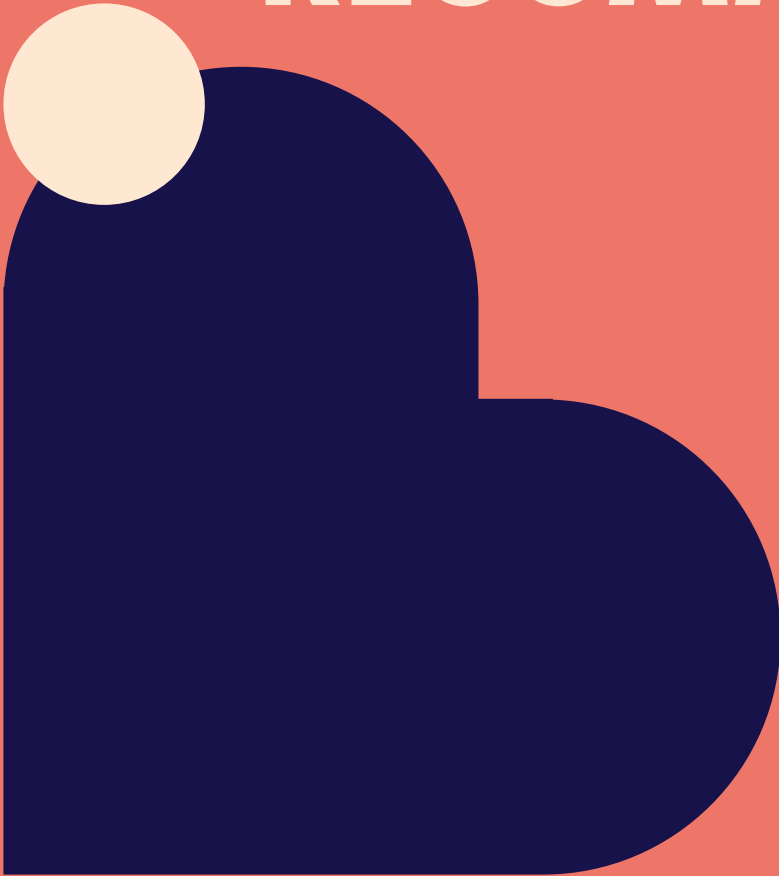
An analysis of the decisions to refuse to open a pre-trial investigation for incitement to hatred received in the period of 2021 - 2023 leads to the following conclusions:

1. The practice of pre-trial investigation authorities and courts in assessing cases of hate speech of a similar nature is uneven and inconsistent. In some cases, a systematic approach is required to substantiate the direct intent of the perpetrator and the dangerousness of the comment. In other cases, a single comment is sufficient to give rise to criminal liability.
2. Although the European Court of Human Rights in case of *Beizaras and Levickas* criticized the inconsistency of the practice and the criteria of organization and dangerousness, the pre-trial investigation authorities still apply and follow these criteria when assessing cases of hate speech.
3. Pre-trial investigators often do not seek expert opinion to assess whether a particular comment can be considered as contemptuous or degrading to the vulnerable community concerned.

4. When clarifying the circumstances, pre-trial investigators may decide to interview the person who wrote the comment in certain cases. In most cases, however, the officers themselves decide that the comment is merely an opinion and does not give rise to criminal liability.

5. Once it has been established that one instance of hate speech is not so dangerous as to give rise to criminal liability, the inciter is free to continue to do so, and no other liability for incitement to hatred is provided. However, two cases have been noted where the refusal to open a pre-trial investigation has led to the extension of an investigation in the context of an administrative offence (public order offence)

RECOMMENDATIONS



In the light of the above comments, the following recommendations are made:

1. Update the Methodological Guidelines on Hate Speech to take into account the criticism of the criteria developed in the case law of the ECtHR in the case of *Beizaras and Levickas*.
2. Establish an algorithm for when pre-trial investigators should seek an expert opinion to determine whether a particular comment is likely to stigmatize, humiliate or discriminate against a particular vulnerable community.
3. Ensure that experts are properly trained to assess the content of hate speech, in line with international case law.
4. Supplement the Criminal Code including the motive of bias and the basis of victim characteristics - gender identity and gender expression
5. Sensitize law enforcement officials on human rights issues, provide regular training to law enforcement and judicial officials at various levels, and ensure voluntary participation in training.

6. Initiate the preparation of legislation on administrative liability for hate speech.