

PROBLEMS OF LEGAL REGULATION AND ENSUREMENT OF THE RIGHT TO FREEDOM OF EXPRESSION

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Abstract. Freedom of expression was established in the last century, due to new technologies, the expansion of communication methods and everyone's inner need to express their thoughts and beliefs, the growth of the process of globalization and the dynamic way of life, the increase in opportunities to present their point of view without revealing their identity, requires re-examination of the concept of freedom of expression, the peculiarities, sufficiency and shortcomings of its legal regulation, established in a modern, digitized society. The implementation of freedom of expression, due to the insufficiently clearly defined boundaries of this right, may lead to a narrowing of the rights of others, or the violation of the rights of others.

This scientific article's aim is to reveal the concept of the right to self-expression, problematic aspects and reasons. After analyzing legal doctrine, court practice and the results of the empirical study, it was revealed that, the concept of freedom of expression is a heterogeneous concept that includes the ability to have and form one's own beliefs, the ability to share them in all ways and means. Freedom of expression must be seen both as a way of self-realization and as a fundamental condition for the existence of a harmonious democracy. However, the cornerstones that separate hate crimes from self-expression must be taken into account when assessing each situation individually. In particular, unjustifiably damaging and hateful information must be made public, directed at persons belonging to minority groups, and the content of the thoughts disseminated must be such as, albeit indirectly, to encourage discrimination and hatred towards persons belonging to minorities. Disseminated information should not simply disturb or shock, but should unreasonably denigrate a certain group of persons, often encouraging them to deal with them by using mental or physical violence. From the data obtained, it can be seen that when delimiting freedom of expression from a hate crime, police officers pay attention to the purpose of the perpetrator to incite hatred and other persons, the prejudice of the perpetrator and the publicity of the act committed.

Keywords: freedom of expression, freedom of speech, hate speech, legal regulation.

Introduction

The basis of modern democratic society is the natural right to freely express one's opinion, feelings and beliefs, to choose the desired lifestyle, work, faith and leisure time. It would be difficult to imagine a society and its individual members without the possibility for everyone to communicate and debate freely on both personally important and universally sensitive issues without fear of divergence of opinion or lack of a final consensus. However, although freedom of expression was established in the last century, due to new technologies, the expansion of communication methods and everyone's inner need to express their thoughts and beliefs, the growth of the process of globalization and the dynamic way of life, the increase in opportunities to present their point of view without revealing their identity, requires re-examination of the concept of freedom of expression, the peculiarities, sufficiency and shortcomings of its legal

regulation, established in a modern, digitized society. Among other things, the expansion of the limits and possibilities for freedom of expression leads to the risk of undermining the other natural rights of each person, including the right to freedom of thought, conscience and religion. This is also confirmed by statistical data – over the past five-year period, the growth of registered criminal offenses corresponding to the features of Article 170 of the Criminal Code of the Republic of Lithuania is observed, and in 2022, the number of criminal offenses qualified under the said article was recorded the most in the entire decade (*Mano teisės, 2023*).

Freedom of expression is not a new phenomenon. These are the widely established and applicable components of natural rights that are characteristic of most democracies. Due to the prevalence of this phenomenon, there are also many authors and scientific works that have dealt with these two fundamental rights. Freedom of expression and speech was examined by authors such as Algimantas Šindeikis (2010), who in his work examined the intersection of the implementation of freedom of expression and honor and dignity through the prism of the judicial practice of the Republic of Lithuania. Donatas Murauskas (2023) also wrote on this topic, analyzing the specifics of the implementation of freedom of expression in the case law of the European Court of Human Rights. Also, Eric Barendt (2005), who examined the importance of protecting freedom of speech and individual types of expression. However, most of the studies were limited to theoretical analysis of literature sources and review of various court practices. In addition to the interpretation of the courts on the issues of delimitation of rights, this study, unlike those mentioned, will examine the attitude of police officers who, in their day-to-day activities, are faced with statements of persons regarding the violation of specific rights, the measures they use to delimit the exercise of freedom of expression from hate speech or violations of human honor and dignity, and violations of public order.

Research problem of the scientific article. The implementation of freedom of expression, due to the insufficiently clearly defined boundaries of this right, may lead to a narrowing of the rights of others, or the violation of the rights of others.

The **purpose of this scientific article** is to reveal the concept of the right to self-expression, problematic aspects and reasons.

The following **research methods** were used in the scientific study: the scientific literature research method aimed at analyzing the opinion of scientists on freedom of expression; qualitative research - a survey in the form of interview, with the aim, from a practical point of view, to investigate the opinion of specialists regarding the peculiarities and signs of the legal regulation of freedom of expression, which help distinguish the violation of the law from the implementation of the law.

The intersection of freedom of expression and hate speech

One way to implement a freedom of expression is the freedom of speech, the ability to express their views publicly, heard or seen by everyone, on various issues, regardless of whether they are supported or reprimanded. In modern society, where censorship is prohibited and almost every person has access to social spaces where information can be disseminated unhindered, there are various conflicts of views and values. Such disagreements flare up over issues that are being decided in the nation or around the world, new trends, for example, due to the large migration of the population and the arrival of foreigners, and the interweaving of religions and customs. Some adhere to traditional views, others, on the contrary, fight for a tolerant society that values diversity and pluralism, for a state where everyone has a place regardless of their views.

The internet opened wide avenues for communication between cultures, allowed information and ideas to be shared across borders, and offered vast spaces of knowledge to be visited from one link to another (Kaye, 2019). It is now becoming common to openly and publicly express one's position on the aforementioned aspects by posting it on various internet portals, social networks or live gatherings. However, often such expression of opinion, taking advantage of the natural freedom of speech, develops into incitement to hostility and causing real harm to other persons (Iganski, 2008). It is the comments published on websites that account for about 90% of all discord incitement in Lithuania (Human Rights Monitoring Institute, 2024). However, the question arises - where is the line, at which the freedom of speech and dissemination of information naturally belonging to each person ends and the criminal act - incitement of hatred – begins. On the one hand, freedom of expression is a fundamental element of human dignity and therefore deserves strong protection in the digital age but on the other hand, in order to preserve the value and importance of this right, it would be appropriate to exclude the cloak of hatred and other illegal expressions from freedom of expression (Susi, 2024). Since there is a small difference between a person exercising his / her positive right to express his / her point of view and active incitement to hatred, it is necessary to discuss the essential aspects of the existing separation between the two phenomena, failure to do so risks unlawfully and exaggeratedly limiting a person's ability to express his / her thoughts or the state failing to fulfill its positive duty to ensure the safety and protection of the rights of each person. As stated by Dovilė Murauskienė (2024), proper recognition and investigation of criminal acts motivated by hatred and/or prejudice helps to protect fundamental democratic values.

In order to distinguish the use of freedom of expression from incitement to hatred, the essence and meaning of incitement to hatred should be reviewed. Incitement to hatred is the public dissemination (verbally, in writing) of information (ideas, opinions, knowingly incorrect facts) that mocks, despises, encourages hatred, incites discrimination, violence, and physically confronts a group of people or a person belonging to it. This type of information usually causes tension in society, intolerance to traits other than those of the majority and thus creates a conflict-friendly space in society (Mano teisės, 2024). Thus, freedom of expression differs mainly from the dissemination of hatred in that the information provided is not only disturbing or unusual, unacceptable, but discriminates against a certain group of persons, usually belonging to minorities, among other things, society is encouraged to hate, insult and oppress, and in the end to cause physical harm to those belonging to that group of people. Therefore, although a state that unreasonably restricts the dissemination of information cannot be considered democratic and ensuring human dignity, as with many fundamental rights and freedoms, the implementation of self-expression must be limited in certain cases (Lankauskas, Mulevičius, Zaksaitė, 2013). Jeffrey W. Howard (2019) agree that by banning hate speech, the democracy of society decreases and part of the possibilities of this order are denied, but no valuable things are lost when introducing restrictions, on the contrary, it stops xenophobia, hateful discourse and discrimination. For this reason, democratic societies are often in favor of such restrictions and the abandonment of part of their democracy.

The Constitutional Court of the Republic of Lithuania in its ruling interpreting Article 25 of the Constitution has argued that the provisions of Article 25, Part 2 of the Constitution, stating that a person must not be prevented from seeking, receiving and spreading information and ideas, cannot be interpreted as allowing the freedom of information to be used in such a way as to violate such values as: human health, honor and dignity, private life, morality or constitutional order (resolutions of January 26, 2004 and May 16, 2019). The list of protected constitutional values listed in Article 25 (3) of the Constitution cannot be interpreted as exhaustive, exhaustive, and therefore as preventing the restriction of freedom to receive and

disseminate information when it is necessary to protect other, not mentioned constitutional values (resolution of September 29, 2005). The constitutional concept of freedom of information (as well as freedom of expression of beliefs) does not include the alleged freedom to carry out the criminal acts specified in Article 25, Part 4 of the Constitution - to spread such thoughts, views, etc., which fundamentally negates constitutional values. i.e. which incite national, racial, religious or social hatred, coercion and discrimination, defame individuals or otherwise misinform the public or its individual members; the ban on disseminating information of the aforementioned content is absolute (resolutions of July 8, 2005, September 19, 2005, and May 16, 2019). According to the Constitution, the freedom to express beliefs and disseminate information is incompatible with any acts contrary to the law that incite national, racial, religious or social hatred, abuse and discrimination, defame or otherwise disinform society or its individual members (resolutions of September 19, 2005, and May 16, 2019). The freedom to express beliefs and disseminate information guaranteed by Article 25 of the Constitution cannot be interpreted as allowing the freedom of information to be used in such a way as to encroach not only on the values mentioned in Article 25, Part 3 of the Constitution, but also those enshrined in other provisions of the Constitution, *inter alia*, by publicly expressing such thoughts, beliefs or disseminating other information that denigrates, ridicules or otherwise humiliates persons, showing hatred towards these persons or their group due to their gender, race, nationality, language, origin, social status, faith, beliefs or views, as well as due to other characteristics.

In the case of criminal acts of hate speech, two fundamental values collide - the equality of individuals and freedom of expression. In order to strike a balance between two fundamentally equivalent values, the courts have introduced the concept of danger, which helps to assess whether a specific violation of the limits of freedom of expression by going beyond the limits of equality of persons is so dangerous that it would be proportionate and rational to apply the most severe – criminal liability (*Prosecutor General's Office of the Republic of Lithuania, 2020*).

In March 13, 2018, the Supreme Court of Lithuania, in the ruling of the criminal case ruling, stated its position between freedom of expression and the exclusion of incitement to hatred. The Supreme Court of Lithuania stated that, first of all, these acts are committed publicly – to an indefinite circle of people; directed against persons belonging to a minority group; the opinion expressed must not be just hurtful, unpleasant or despicable, but must be directly directed to the goal – to create an indefinite circle of people to hate, discriminate, form a derogatory attitude towards persons belonging to minorities, and, finally, to publicly promote crackdown, physical or mental abuse against those persons. Only in this case will the speeches made or written be considered dangerous enough to incite criminal liability and be classified as hate speech or incitement. If these specified points of view are not found in a person's act, the act committed can be considered an insult to honor and dignity, and if there are no signs of this act, it is a legitimate freedom of expression. Among other things, the ruling of the Supreme Court of Lithuania (2018), already mentioned, also emphasized the systematicity – a large amount of comments made by one person, from which all written comments are directed in the same directions – to discrimination, humiliation and contempt of persons belonging to minorities.

The European Court of Human Rights (ECHR) has also expressed in a number of cases the main signs of incitement to hatred and exclusion from freedom of expression. Incitement to hatred does not necessarily mean calling for violence or other criminal acts. Attacks on individuals by insulting, mocking or slandering specific groups of the population may prove sufficient for the authorities to tackle racist language through irresponsible use of freedom of

expression (*The European Court of Human Rights, 2020*). Among other things, the ECHR criticized the tendency of Lithuanian courts to emphasize the above-mentioned systematicity when assessing the amount of comments written. In this regard, the ECHR stated that Lithuanian judicial practice is not uniform, sometimes one comment of intense content is enough to bring a person to justice, in other cases, individuals are exempted from criminal liability by emphasizing that the comments were not written systematically. The ECHR points out that the number of comments can only be a circumstance that shows the gravity of the crime, but it is not a prerequisite (*The European Court of Human Rights, 2020*).

In the light of the foregoing, it can be seen that although there is a fine line between the protected and legitimate implementation of freedom of expression and its transformation into incitement to hatred, which is sometimes disputed by the courts themselves, the cornerstones that separate these two phenomena must be taken into account when assessing each situation individually. In particular, unjustifiably damaging and hateful information must be made public, directed at persons belonging to minority groups, and the content of the thoughts disseminated must be such as, albeit indirectly, to encourage discrimination and hatred towards persons belonging to minorities. Disseminated information should not simply disturb or shock, but should unreasonably denigrate a certain group of persons, often encouraging them to deal with them by using mental or physical violence. However, in the presence of inconsistent court practice and only abstract rules for distinguishing self-expression from hate speech, individuals may face situations in which, thinking that they are using freedom of expression, they actually exceed its limits and may face not just any, but the most severe - criminal liability.

Practical approach to the peculiarities and issues of ensuring the legal regulation of freedom of expression

Research methodology. After discussing the problematic aspects of freedom of expression, which are partly related to the hard-to-see boundary between the natural use of freedom of expression and a hate crime or a violation of a person's honor and dignity, various questions arise regarding the delimitation of these phenomena in practice and the police officers who carry out the initial assessment of the situation and decide on an administrative offense or initiation of pre-trial investigation, practically applied rules and methods. *Purpose of the study* is to analyze the attitude of specialists in this field towards the situation of limitation of freedom of expression and violation of law in Lithuania from a practical point of view.

Research object. Peculiarities of legal regulation of freedom of expression and issues of ensuring it.

Research process and its logic. The conducted empirical research consists of the following stages of the process: selection of respondents according to the chosen selection criteria; creation and justification of research questions; collecting research data through interviews; analysis of research data; research results and their discussion. The study was conducted in March, 2024. In order to maximize the quality, completeness and validity of the data received, the study is carried out in writing, giving respondents interview questions.

Based on the fact that the qualitative content analysis strategy is related to the interpretation of the information obtained during the interview in the context of a specific field of science (*Bitinas, Rupšienė, Žydžiūnaitė, 2008*), this strategy was chosen for the study in order to be able to interpret the obtained information in the field of the individual's right to freedom of expression and to compare it with the theoretical material, to analyze the similarities and differences of the obtained data.

Research scope. When conducting a qualitative study-interview, it is not the number of subjects that is important, but their distinctive characteristics, according to which the authors of the scientific article select suitable persons for the study (*Žydžiūnaitė, 2011*), therefore, in the selection of subjects, the specifics of the topic under consideration were taken into account – this is a special topic that is relevant to the field of law, the analysis of which requires not only appropriate education, but also the practice of legal work, therefore, in order to obtain complete and valuable data that will help to examine the problematic aspects of the topic, a targeted critical sampling method was chosen, which, according to L. Rupšienė, is not only effective, but also helps to collect quality data (*Rupšienė, 2007*). Thus, for this study, police officers with higher legal education and at least five years of legal work experience were selected.

Data collection method. In order to obtain detailed and argumentative data, a qualitative study was chosen – a semi-structured interview. In preparation for the interview, eight interview questions were compiled, and it was also provided that, depending on the answers of the respondents, and in case of ambiguity or for a deeper analysis of the situation, the subjects could be presented with clarifying questions. This type of qualitative research is useful in that it provides an opportunity to obtain deep, related to the questions studied, open answers of the study participants, most revealing their points of view, opinions, feelings, knowledge, and experience (*Gaižauskaitė, Valavičienė, 2016*). In order to understand and analyze the topic under study, to see the fundamental problems and possible ways to solve them, or the necessary changes in the legal regulation itself, which will determine the situation and guarantee of human rights of the entire population of the country, detailed and deep legal knowledge is required. Among other things, in order to reflect the tools and experiences of each individual, decision-making police officer, they can only be conveyed in a broad narrative and through personal experience, in the opinion of the authors of the work, this type of qualitative research will best help to clarify the answers to the questions of concern and best depict the practices that have developed in the current legal system. Based on the fact that the method of a semi-structured interview helps to turn the study in the right direction – when the researchers learn new aspects about the object of study, the opportunity is left to inquire about them more widely, as a result of which more detailed and systematized information is obtained (*Bitinas, Rupšienė, Žydžiūnaitė, 2008*), researchers will ask questions that require a detailed answer, and in case of ambiguity, they will ask additional questions that will help to get detailed answers.

Research instruments. During the preliminary interview stage, eight specific questions were drawn up, which were asked to the respondents during the interview: 1) Based on what criteria do you distinguish hate crimes from the implementation of freedom of expression? In this matter, based on a practical point of view, the aim was to analyze one of the main observed problems - the hard-to-see boundary between the legally used freedom of expression and the violation of the law, for which an extreme measure is provided - criminal liability. 2) What is the difference between the use of freedom of speech and the violation of public order? The latter question is particularly related to social networks, which are inseparable from modern day-to-day life - they not only provide a wide opportunity to use freedom of expression, but also reach a large audience of people, as a result of which there is a need to find criteria on the basis of which self-expression would be distinguished from violation of public order. 3) Which minority groups are most often targeted by hate speech? This question aims to reveal the situation of ensuring the rights of persons belonging to various minorities, including religious ones, in Lithuania. 4) What measures are you taking to prevent hate speech? The question is aimed at revealing the preventive methods and measures used in practice in order to curb possible violations of natural human rights in advance. 5) How often do hate speech directed

against religious minorities occur? The latter issue is partly related to the two questions discussed above, but at the same time it is aimed at revealing the guarantee of the right to freedom of religion in Lithuania. 6) Which signs of hate speech are the most difficult to prove? This question seeks to conduct a more detailed analysis of the distinction between the use of free speech and hate speech. To establish that a person's utterances are prohibited by criminal law and understood as hate speech, it is necessary to disclose the composition of the criminal act. If it is not established that the committed act fully corresponds to the act specified in the criminal law, it shall be considered that the person used the freedom of speech. Therefore, it is very important to determine which signs of hate speech are the most difficult to prove. 7) In what way do violations of personal honor and dignity occur in practice? Violations of a person's honor and dignity are also related to the perverted use of freedom of speech, which often includes insulting a person by using obscene words, presenting information that does not correspond to reality, so this question seeks to learn the most common ways in practice. 8) Based on what criteria do you distinguish the violation of the honor and dignity of a person from the use of freedom of speech? This question was also raised when it was determined that the theory emphasizes the need for facts that correspond to reality in order not to violate human dignity, so we want to determine whether theoretical truths are applied in practice.

Research progress. The study began with a preparatory phase in which, in accordance with the above-mentioned criteria, respondents were contacted orally or by phone and offered to participate in the study. Police officers who agreed to be respondents to the study were presented in writing with the topic and objectives of the study, all respondents were also informed about the possibility of withdrawing from the study at any time, the volunteerism of participation and confidentiality of the study were emphasized. This information is followed by written e-mail or direct submission of prepared research questions to respondents, informing them that, if necessary, clarifying questions will also be presented in the course of the study. Each subject shall provide his / her prepared answers in writing.

Based on the four-step qualitative content analysis method proposed by V. Žydžiūnaitė (2008) the obtained data were analyzed in the following order: 1) reading the received answers to the interview questions; 2) observation of essential elements; 3) sorting of found elements into categories; 4) interpretation of the received data in the context of the analyzed literary sources related to the right to freedom of religion and expression.

Research results. With the first question ("*Based on what criteria do you distinguish hate crimes from the implementation of freedom of expression?*"), the authors of the work sought to find a constructive rule applied in practice, which would make it easier to delineate the legal use of natural expression from a hate crime, which is prohibited by the criminal law. As a result of the analysis of various literary sources, it was noticed that until now the delimitation of these two phenomena is not strictly defined, which makes it possible for individuals to interpret legal norms in accordance with their subjective perception. After conducting interviews and analyzing the data obtained, it was found that although the respondents named various elements of delimitation of these phenomena, but in their essence the answers of the respondents are similar, therefore, the resulting answers of the subjects can be distinguished into categories.

Table 1. Categorization of the separation criteria provided by respondents.

Category	Subcategory	Excerpt from the interview
1. Goal.	1. The striving to speak publicly. 2. The goal is to incite others to commit crimes or crimes out of hatred.	1. Excerpt from the second interview: "In my opinion, what distinguishes a hate crime from the implementation of freedom of expression is that the perpetrator's goal is to spread hatred in public."

		2. Excerpt from the third interview: „if<...> the opinion expressed is aimed at humiliating, discriminating, inciting others against a certain group – I regard it as hate crimes.“
2. Motive.	1. A person's internal extremely negative prejudice. 2. Motive to spread hatred.	1. Excerpt from the first interview: "The crime of hate is distinguished from the implementation of freedom of expression by the prior determination of the perpetrator to spread hatred." 2. Excerpt from the fourth interview: "the crime committed must be enshrined in law, and the act must be committed in the existence of a motive of hatred."

Source: authors of this study

Analyzing the answers received from the interviews, two clear boundaries identified by all respondents can be seen, which allow us to distinguish a hate crime from the legitimate exercise of freedom of expression - the motive characteristic of such a criminal act, that is, prejudice and the desire to spread hatred, as well as the characteristic goal - one's own radically negative statements or other actions to be done in public, in the sight and hearing of others and with free access to extremely negative information, and also the goal is to create a certain circle of people so that the latter also begin to hate, oppress a certain group of persons belonging to minorities, use violence against the members of this group. Among other things, the respondents in their answers to the first question of the interview also revealed signs inherent exclusively in freedom of expression. The third respondent indicated that freedom of expression in her understanding is a subjective opinion expressed by a person and an assessment of the environment from the very aspect of perception of the worldview. The fourth respondent said that self-expression is the expression of an opinion without the moment of incitement from others to commit offenses or crimes.

It can be concluded that the main aspects of a hate crime are publicity, incitement to hate and discrimination against other persons and, among others, incitement to physical violence.

In accordance with legal regulation, freedom of expression may be restricted when it is intended to protect not only individuals or groups of individuals, but also public order, which is important for the coherence of society. However, recently, as social networks and cyberspace have become an integral part of the everyday life of many, the concept of public order has outgrown the boundaries of reality and is perceived, among other things, as a secure cyberspace that would be suitable for every member of society. Therefore, the need arose to discover the boundaries between the implementation of freedom of expression and the violation of public order, which is sought in the second question of the interview (*“What is the difference between the use of freedom of speech and violating public order?”*).

A review of the responses received during the interview shows that it is difficult to distinguish between the violation of public order and the use of freedom of expression. The first respondent stated that a public order violation "is an act committed in a public place - insolent behavior, threats, malicious mockery of another person or group of persons, acts showing disrespect to society." Meanwhile, the third respondent stressed "if the expression of an opinion manifests itself in a certain agitation, in a specific incitement, in discrimination, in the formation of a derogatory attitude" it is considered a violation of public order. The fourth respondent emphasized the existence of obscene words in case of violation of public order. It agrees with the answer of the first respondent that in order to classify certain actions as a violation of public order, it is necessary, first of all, that such actions be carried out in the sight and hearing of an

indefinite circle of persons, in public, and also in such actions a person must not only express his opinion and reveal his worldview, but act extremely insolent, despicable, show disrespect to others. Such acts include the obscene words mentioned by the fourth respondent, but they should be considered only as one of the constituent parts of the public policy violation and not as a whole. The answer of the third respondent is also partially supported in cases where the agitation and the formation of a derogatory attitude is related not to a group belonging to minorities, but to a person belonging to the majority and a group of persons who are being treated disrespectfully. Thus, from the responses received, it can be concluded that in practice, freedom of expression is delimited from public order when assessing whether personal information is made public and whether it offends, shocks and angers surrounding members of society, whether such actions show disrespect for others. Meanwhile, the vast majority of respondents, answering the second question, identified freedom of speech as expressing opinions, thoughts and views without seeking to offend anyone.

The third *the question ("Which minority groups are most often targeted by hate speech?")* the aim was to identify which groups of vulnerable persons are not sufficiently protected by the legislator, and against which groups of persons, using their freedom of expression, exceed the permissible limits and disseminate discriminatory data. According to interviews, two out of four respondents indicated that hate speech was mostly directed at groups belonging to sexual minorities. One respondent mentioned the frequency of hate speech in relation to Jewish communities, while the remaining respondent highlighted discrimination against national minorities. Thus, it can be seen from the received answers of the respondents that there is not exclusively one group of persons who experience contempt. Although the majority of respondents drew attention to the hate speech more often experienced by sexual minorities groups, it can be seen that such crimes against groups of persons are also experienced by persons belonging to religious communities. Two respondents highlighted the existence of hate speech on the internet, social networks and manifestation through various speeches, notes.

The fourth question (*"What measures are you taking to prevent hate speech?"*) sought to reveal the methods used in practice, which could be used to prevent human rights violations caused by the use of hate speech in advance. From the interview responses received, it follows that various methods of prevention are used in practice – the first respondent noticed the activities carried out by the "Virtualus Patrulis" ("Virtual Patrol") in one of the social networks. The second respondent highlighted various promotions in schools, other educational institutions, advertising posters promoting the reduction of hatred. The third respondent referred to preventive interviews with individuals as one of the measures taken, while the fourth respondent emphasized the ongoing monitoring of social networks and the awareness of the possible responsibilities of individuals, which could be attributed to the already mentioned preventive conversations with individuals. It is noteworthy that in practice, different preventive measures are applied, of a different spectrum, in order to combat hate speech and prevent radical, cross-cutting expression of opinion. Since in practice there is already a need not only to apply different types of responsibility, but also to take preventive measures, it is considered that cases of hate speech occur quite often, which is precisely due to the inability of the population to distinguish between the use of freedom of speech and the violation of the law. It should be considered that it is becoming more and more relevant to develop an educational program that integrates the awareness of individuals to the extent and limits of their natural freedoms. Such a preventive measure would not only prevent violations committed by individuals due to lack of information, but would allow those around them to recognize the violation of the boundaries of the person and take appropriate measures.

The fifth question ("*How often do hate speech directed against religious minorities occur?*") and the question that specifies it ("*against which religious communities does it occur?*") sought to reveal the situation of ensuring the rights of religious communities in Lithuania and to see the most vulnerable religious communities. The third and fourth respondents noted that hate speech aimed specifically at religious communities is rare. The second respondent indicated that the most vulnerable religious communities are those of the Islamic religion. The fourth respondent emphasized the Jewish community, while the first respondent referred to both religious communities mentioned above. Other religious minorities were not mentioned in the responses. Among other things, the first respondent added to the response by pointing out that hate speech is increasing significantly after various terrorist acts, military attacks involving individuals associated with the relevant religious communities. Thus, an increase in intolerance after the events that have shaken the world – often the intolerance that prevails in society for a particular religious community changes in the course of time, and these changes are due to different processes taking place in the world and the relationship of individuals with religious communities.

The sixth question ("*Which signs of hate speech are the most difficult to prove?*") analyzed to a certain extent the separation of freedom of expression from hate speech, and aimed to determine what difficulties arise in practice in order to prove that a person committed an act prohibited by the law, and did not use self-expression legally. The data obtained during the interview can be distinguished into three categories, which are presented in the second table.

Table 2. Categorization of hate speech signs that are most difficult to prove.

Category	Subcategory	Excerpt from the interview
1. Goal.	1.The striving to incite others to spread hatred.	1. Excerpt from the first interview: "the most difficult thing to prove is that hate speech was intended to incite others, to encourage the spread of hatred against a person or group of individuals because of their identity, race, views, etc." 2. Excerpt from the third interview: "it is difficult to distinguish between expressing an opinion using freedom of speech and inciting hatred."
2. Motive.	1.Prejudice, bias.	1. Excerpt from the fourth interview: "it is difficult to prove that the prejudice, bias, hatred of the perpetrator went beyond the limits of freedom of expression." 2. Excerpt from the third interview: "it is difficult to prove the main purpose and motive in the hate speech aspect."
3. The way of committing the crime.	1.Used mental abuse.	1. Excerpt from the second interview: "In my opinion, the most difficult thing is to prove mental abuse."

Source: authors of this study

After analyzing the answers received during the interview and dividing them into three categories, it can be seen that in the practical situations experienced by the respondents, it was difficult to prove the purpose of the criminal act - that the suspect, with his words or actions, aimed specifically to make those around him hate a certain group of people, as well as the suspect's extreme prejudice and bias to members of a minority group, as well as the method of committing the criminal act, when the criminal act is committed using mental abuse, rather than outwardly noticeable and visible actions. It is noteworthy that two out of four respondents

mentioned that it is still difficult to distinguish the opinion expressed, that is, the use of freedom of speech, from hate speech, and a third respondent, highlighting the difficulty in proving mental abuse, which is often expressed in words, indirectly indicated that the words spoken are difficult to qualify as hate speech. Nevertheless, it is mentioned that one of the main signs of distinguishing a hate crime from freedom of expression is the purpose of inciting those around him to hate a certain group of people.

The seventh question of the interview ("*In what way do violations of personal honor and dignity occur in practice?*") aimed to reveal the main ways in which a person's honor and dignity are violated in practice, since the analysis of various literature and court practice showed that insults using obscene words are the most frequently mentioned, as well as spreading false information. After analyzing the data obtained during the interview, it was noticed that three out of four respondents emphasized the information presented on social networks when writing various comments. One of the respondents mentioned the manifestation of violation of honor and dignity through the prism of humiliations, information that does not correspond to reality, and the distribution of intimate photos and videos. One respondent highlighted insults, bullying and mobbing. Attention should be paid to the response of the third respondent, which mentions the dissemination of intimate photos and videos. Such disclosure is not only about the humiliation and trampling of a person's reputation and inherent human dignity acquired in the course of his life, but also about the violation of the right to private life of a person. Although such videos and photos do not involve information that does not correspond to reality, they obviously go beyond the interests of the person who shared such a photo with a certain person or group of persons and the desired addressee. Therefore, one sees not only the intersection of the use of self-expression with the violation of the honor and dignity of a person, but also the crossing of the boundaries of a person's private life.

The eighth question ("*Based on what criteria do you distinguish the violation of the honor and dignity of a person from the use of freedom of speech?*") it was sought to verify the information obtained from the analysis of literary sources. It is from various sources of theory and jurisprudence that the violation of the honor and dignity of a person is distinguished from freedom of expression, first of all, by separating opinions from knowledge presented as true facts, and, second, by applying the criterion of truth to knowledge and assessing whether the facts presented correspond to reality. So we want to know if in practice, police officers who assess real life situations through the prism of violation of law apply the same rules of separation, or perhaps they have other principles of separation that are not analyzed in theory. After reviewing the questions of the respondents, it was noticed that all four respondents indicated that it is important to evaluate both the person's purpose and the content expressed or otherwise presented - whether the person was only trying to express his opinion, as the fourth respondent indicated - to present a subjective assessment of the person, or to mislead those around him, to present reality inconsistent information as true facts. The first respondent noted, among other things, the importance of readers, listeners – whether they perceived the information presented as the opinion of the writer, speaker or as real, indisputable information presented. Thus, from the data obtained, it can be said that the objective criterion – the perception of readers or listeners – and the subjective criterion – the purpose of the writer himself and, as indicated by the first respondent - his own perception, knowledge of the injustice of the facts are important in separating freedom of speech from the violation of the honor and dignity of a person. Among other things, as indicated by the fourth respondent, if the information is presented as real data it can be verifiable, therefore, in order to delimit these two phenomena, the data of the comment itself should be checked with reality.

Summing up the information obtained during the interview, it can be said that although the opinions of the police officers involved in the study were divided on certain issues, but the main trends in the problematic issues under consideration are noted. When separating freedom of expression from hate crime, police officers pay attention to the purpose of the perpetrator to incite hatred of other persons as well as to the motive of prejudice towards a certain group. Among other things, police officers also mentioned these important signs of demarcation as most difficult to prove in practice. Also, police officers unanimously spoke out on the separation of the violation of the honor and dignity of a person from freedom of expression, emphasized the differences of opinion and fact, which were also discovered in the analyzed theory. Although the respondents' responses to questions such as the most vulnerable minority groups and religious communities against which hate speech is used diverged, these questions are exclusively related to their subjective experiences and the practical situations examined, so it is natural that each of the respondents gave different insights into the trends studied. The study also found that police officers use very different measures to prevent hate crimes in practice, but this only ensures wider public reach and informing individuals from different groups of possible responsibility. Thus, it can be concluded that the separation of hate crimes from self-expression, as well as the separation of public order violations, proving the elements of composition is a complex process, which depends on the police officer himself, who chooses the most suitable means in his opinion for the elements of composition, to prove the motive of hatred.

Conclusions

The concept of freedom of expression is a heterogeneous concept that includes the ability to have and form one's own beliefs, the ability to share them in all ways and means. Freedom of expression must be seen both as a way of self-realization and as a fundamental condition for the existence of a harmonious democracy.

Only abstract rules for the separation of self-expression and hate speech are discernible, associated with the publicity of extreme negative information, targeting minority groups, encouraging them to deal with them. A similar situation can also be seen when restricting self-expression from the violation of a person's honor and dignity, in this case only the guidelines created by court practice were observed, which mention the validity of the expressed content with evidence, correspondence with reality, the intensity of the information itself when assessing its impact on the person's reputation, the separation of fact and opinion. However, the existence of only abstract rules can lead either to too severe and disproportionate restriction of freedom of expression, or to violation of other rights of a person.

The results of the study confirmed, the separation of hate crimes from self-expression, as well as the separation of the violation of the honor and dignity of a person, proving the signs of composition is a complex process, depending on the police officer himself and his practical experience. However, from the data obtained, it can be seen that when delimiting freedom of expression from a hate crime, police officers pay attention to the purpose of the perpetrator to incite hatred and other persons, the prejudice of the perpetrator and the publicity of the act committed. In distinguishing between the delimitation of personal honor and dignity from freedom of expression, the respondents emphasized the differences between opinion and fact that were also discovered in the analyzed theory.

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