

HATE CRIMES AS A CULTURAL PHENOMENON: THE EXPERIENCE OF LATVIAN SOCIETY

Docent Dr.iur. Ēriks Treļš

State Police College, Latvia

Rīga Stradiņš University, Latvia

Docent Dr.iur. Ivans Jānis Mihailovs

Rīga Stradiņš University, Latvia

Latvian Academy of Culture, Latvia

Abstract

Changes in the international situation during the last decades have become the reason for new conflicts and aggravations at the national level. The 2015 European migrant crisis (Refugee crisis), 2022 Russian invasion of Ukraine have become a catalyst for increase in hate crimes. In order to recognize the criminal offense as a hate crime in the sense of the Latvian regulatory framework, it is necessary to establish two criteria: (a) the composition of the criminal offence is included in the Criminal Law; (b) a motive of hatred against a particular protected group of society can be stated in the criminal offence. It is the motive – hate or prejudice – that distinguishes hate crimes from other types of crimes.

Prejudice is a negative assessment of a social group and its members. These are objectively unfounded assumptions and erroneous generalizations that, in the opinion of the offender, separate the representatives of this group from the rest of society. Persistent prejudices are called stereotypes. Unlike prejudice, stereotypes are not necessarily negative in nature. However, stereotypes are not based on objective truth either. It follows from court practice that hate crimes were directed against several groups of Latvian society: against ethnic groups (Latvians, Russians, Ukrainians, Jews, Gypsies or Roma, etc.), against representatives of various religious denominations, against asylum seekers, against people from other countries, against

Culture Crossroads

Volume 25, 2024, doi <https://doi.org/10.55877/cc.vol25.472>

© Latvian Academy of Culture, Ēriks Treļš, Ivans Jānis Mihailovs

All Rights Reserved.

ISSN: 2500-9974



sexual minorities as well as against other groups. Stereotypes are often based on personal or negative cultural experiences of previous generations.

In this context, it can be mentioned that it is specifically culture that is the basic factor according to which it is possible to understand, identify and reduce hate speech. Professor Aleksandrs Krugļevskis believed that with a change in cultural understanding, expanding public participation in cultural processes, the level of legal awareness will rise and tendencies, intentions to commit a criminal offense will disappear. Criminal law as a cultural factor creates a system that corresponds to the level of education and culture of the people. The above also corresponds to the vision of Latvia's cohesive society policy "Guidelines for Cohesive and Active Civil Society 2021–2027": mutual trust, participation, and cooperation between different social groups have improved among Latvian residents, and the level of tolerance has increased, stereotypes and prejudices against different social group representatives have decreased.

Statistical data show that since the start of the war in Ukraine, the number of registered hate crimes in Latvia has increased. These show the relevance of the chosen topic. The authors of the article offer their vision of the problem of hate crimes, studying hate crimes as a cultural phenomenon, paying special attention to the experience of Latvian society in this area.

Keywords: *Latvian society, culture, stereotypes, prejudice, hate crimes.*

Introduction

The Preamble of the Constitution (*Satversme*) of the Republic of Latvia notices: "The State of Latvia (..) has been established by uniting historical Latvian lands and on the basis of the unwavering will of the Latvian nation to have its own State and its inalienable right of self-determination in order to guarantee the existence and development of the Latvian nation, its language and culture throughout the centuries, to ensure freedom and promote welfare of the people of Latvia and each individual. (..) the identity of Latvia in the European cultural space has been shaped by Latvian and Liv traditions, Latvian folk wisdom, the Latvian language, universal human and Christian values. Loyalty to Latvia, the Latvian language as the only official language, freedom, equality, solidarity, justice, honesty, work ethic, and family are the foundations of a cohesive society" [Amendments to the Constitution of the Republic of Latvia 2014].

Commenting on this norm, Professor Ringolds Balodis pointed out that it contains various specific constitutional obligations of the individual, the purpose of which is to ensure the existence and functioning of the state [Balodis 2014]. Among

other things, this includes willingness to protect the state, to care about the growth of the state, the development of society and culture.

The invasion of Ukraine by the Russian Federation and the hostilities in its territory contributed to the activities of persons disloyal to the Republic of Latvia, including the dissemination of hostile content both in the Internet environment and in public places during unauthorised events [Treļs 2022]. Such illegal activities threaten public security in the country, divide the society of Latvia and can become a catalyst for violent crime. The topicality of the topic is determined both by the current situation in the world and in the Republic of Latvia.

Analysing the statistical data on the criminal offences that were recorded until 1 January 2024 it should be stated that within ten years (from 1 January 2014 to 1 January 2024) 88 criminal proceedings were initiated according to Section 78 “Triggering of National, Ethnic and Racial Hatred” of the Criminal Law (in 2014 – 8, in 2015 – 10, in 2016 – 6, in 2017 – 1, in 2018 – 7, in 2019 – 5, in 2020 – 5, in 2021 – 4, in 2022 – 32, in 2023 – 10), 34 criminal proceedings according to Section 150 “Incitement of Social Hatred and Enmity” of the Criminal Law (after 25 September, 2014) (in 2015 – 1, in 2016 – 5, in 2017 – 2, in 2018 – 0, in 2019 – 2, in 2020 – 11, in 2021 – 6, in 2022 – 6, in 2023 – 1). The data of the Information Centre of the Ministry of the Interior of the Republic of Latvia show that from 1 July 2009, when the amendments to the Criminal Law, which provided the responsibility for the public glorification of genocide, crime against humanity, crime against peace or war crime, came into force, until January 1, 2022, Section 74.¹

“Acquittal of Genocide, Crime against Humanity, Crime against Peace and War Crime” of the Criminal Law was applied in practice 7 times (in 2014 – 1, in 2018 – 2, in 2019 – 2, in 2020 – 1, in 2021 – 1). The situation changed in a very dramatic, negative direction, in 2022, when 28 regarding Section 74.¹, 32 – regarding Section 78, 6 – regarding Section 81 “Invitation Directed against the Republic of Latvia” and 6 – regarding Section 150 of the Criminal Law were initiated. In 2023, there has been a decline: 14 criminal proceedings were initiated under Section 74.¹, 10 – Section 78, 2 – Section 81 and 1 – Section 150.

The aim of the article is to study hate crimes as a cultural phenomenon, paying special attention to the experience of Latvian society in this area.

The central research question of the paper is: Does culture, cultural specificity matter in the identification of hate crimes?

The interdisciplinary analysis of the theme is performed using the following general research methods of analysis and comparison, causal discovery, analysis and synthesis. The authors conduct a study using methods of interpreting the rules of law adopted in legal science: grammatical, historical, comparative, teleological method.

Prejudice and Stereotypes as One of the Causes of Social Division

Prejudices and stereotypes, rooted in culture, traditions and origins, have existed in Latvian society since ancient times. For example, Latvian folklorist Krišjānis Barons (1835–1923) recorded the following Latvian folksongs (Latvian: *Latvju dainas*) in the 19th century:

33525

Gypsy taught me

(*Čigāns mani izmācīja*)

His cheap craft:

(*Savu lētu amatiņu:*)

To beat horses, to cheat people,

(*Zirgus mīt, ļaudis krāpt,*)

To catch lambs in the bushes

(*Pa krūmiem jērus ķert*)

[Barons, Vissendorfs 1915: 191].

34301

Jew has planted a radish

(*Židiņš rutku iestādījis*)

In his rose garden;

(*Savā rožu dārziņā;*)

The Russian comes, pulls out the radish,

(*Atnāk Krievs, izrauj rutku,*)

Hurts the Jew.

(*Žīdam skādi padarīja.*)

[Barons, Vissendorfs 1915: 433].

Prejudice today is defined as a negative assessment of a national, ethnic, racial, religious or social group and its members. These are objectively unfounded assumptions about a person, a group of people or a social phenomenon. Prejudices are based on incorrect or erroneous generalizations, as well as a strict and unwavering attitude, and their emergence is facilitated by social distance – the separation of the lives of groups that differ by social status, nationality, religion, etc. [Kolčanovs, Zankovska-Odiņa, Zālītis 2010].

Stereotypes, on the other hand, are persistent prejudices. Stereotypes are general, simplified, persistent ideas about various social, including ethnic groups, with their characteristics. Stereotypes are formed in the process of people's social cognition

and categorization of social phenomena. They are not based on objective truth, but on rather subjective, often unverifiable statements and assumptions. In public, stereotypes are quite common, for example, the belief that “all Gypsies are thieves” or that “all Muslims are terrorists”.

Although prejudices and stereotypes are generally not considered to be views deliberately aimed at inciting national, ethnic, racial, religious or social hatred or discord, they may become a motive for such a crime, and therefore the dissemination of such views is not desirable [Treļš 2016].

Prejudices and stereotypes are characteristic of all groups of society, including law enforcement officers. As an example of such a phenomenon, the authors of the study “Social Emotional Competence and Professional Ethics: Professional Challenges of the Police Officer in a Multicultural Society” cite a situation in which representatives of a certain nationality, especially if they avoid communication with other groups in society, are perceived as potential offenders, solely based on historically and culturally formed prejudices [Treļš, Mihailovs, Matisāns 2023]. At the same time, when receiving information from representatives of the same nationality about a crime committed against them, such a report is not properly evaluated, assuming that the crime was caused by the victim’s own behaviour. The study concludes that the detection of racism and other forms of intentional discrimination is not possible if the culture of the institution allows the preservation of stereotypes within the police and the practices based not on objective data, but on prejudices.

Prejudice against or hatred towards individuals or groups because of their ethnic origin, race, religion, sexual orientation, language, disability or other features, according to representatives of Latvian Centre for Human Rights, is the basis of hate crimes [LCHR 2008]. A victim of a criminal offense can be one, several persons or a group of people who are combined with one of the mentioned characteristics. An intentional tortfeasor (Latin: *animus injuriandi*) chooses these persons based on one of these characteristics. Hate crimes are criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes [ODIHR 2009].

In the Latvian Literary Language Dictionary, a term “hate” is explained as follows: 1. Deep and persistent feelings, which are characterized by an unfavourable, condemning, even combative attitude (usually towards people, phenomena in society). (..) 2. Quarrels, disagreements, also infidelity [LLLD 1984]. In the comments of the Criminal Law, “hate is described as feelings characterized by malice, intense dislike, enmity, unfavorability (towards someone), while intolerance is defined as an unjustified negative attitude towards people, their way of life, beliefs, feelings, customs” [Krastiņš, Liholaja 2022].

Hate Crimes Term and its Definition in Latvia

The term “hate crime” can be traced back to 1985, when United States Representatives John Conyers, Barbara Kennelly, and Mario Biaggi, who cosponsored the bill that became the federal “Hate Crime Statistics Act”. This term is often used these days.

The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) provided a working definition of Hate Crime:

A) any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence is selected because of a real or perceived connection, attachment, affiliation, support, or membership of a group as defined in part B.

B) A group may be based upon a characteristic common to its members, such as real or perceived “race”, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or others similar factor [ODIHR 2008].

To assess the severity of the hatred, possible elements may include the cruelty or intent of the statement or harm advocated, the frequency, quantity and extent of the communication [HCHR 2013]. In this regard, a six-part threshold test was proposed by the United Nations High Commissioner for Human Rights for expressions considered as criminal offences: (a) context, (b) speaker, (c) intent, (d) content and form, (e) extent of the speech act, and (f) likelihood, including imminence.

As associate professor Kristīne Dupate rightly points out, the countries of the European Union use different characteristics and classifications for the typology of hate crimes and they are determined by the cultural context and the social structure of the society [Dupate 2023]. The term “hate crimes” is not legally established in the Republic of Latvia [Treļš 2019]. This means that application of these crimes cannot go beyond the Criminal Law: Only a person who is guilty of committing a criminal offence, that is, one who deliberately (intentionally) or through negligence has committed an offence which is set out in the Criminal Law and which has all the constituent elements of a criminal offence, may be held criminally liable and punished [Section 1].

It is indicated in the study carried out by the office of the Ombudsman of the Republic of Latvia that if it necessary to identify whether the particular criminal offence is a “hate crime” within the meaning of Latvian laws and regulations, it is necessary to establish two criteria: (a) the composition of the criminal offence is included in the Criminal Law; (b) a motive of hatred against a particular protected group of society can be stated in the criminal offence [Ombudsman 2016].

The term “hate crimes” is usually used in Latvia in a narrower sense with regard to Section 78 and Section 150 of the Criminal Law. The term “hate crimes” in addition to mentioned Sections 78 and 150 of the Criminal Law in a broader sense is made by Section 71.¹ “Invitation to Genocide”, Section 74.¹, Section 77 “Invitation to War of Aggression”, Section 79.⁶ “Justification of Terrorism, Invitation to Terrorism and Terrorism Threats”, Section 81 “Invitation Directed against the Republic of Latvia”, Section 149.¹ “Violation of the Prohibition of Discrimination” etc. norms of the Criminal Law. Some of the sections referred to may be regarded as “hate crimes” with the reservation that the motive for a criminal offence qualified by the relevant section was hatred, for example, against the people of Latvia, or any other social group. In addition, Section 48 (1) “Aggravating Circumstances” paragraph 14 of the Criminal Law gives the possibility to apply the term “hate crimes” also to other sections of the Criminal Law: The following may be considered to be aggravating circumstances (..) the criminal offence was committed due to racist, national, ethnic, or religious motives or due to social hatred. At the same time, it should be noted that the opinions of Latvian scientists and experts on the scope of hate crimes in the sense of the Criminal Law differ.

There are a number of concepts that are closely related to hate crime: genocide, terrorism and violent extremism, anti-discrimination laws, hate speech that denigrates a person’s honour or dignity [ODIHR 2022]. Nevertheless, according to experts of the ODIHR’s, these are distinct concepts, and legislation or policies related to these concepts should not be confused with hate crime laws. Although the mentioned explanation from ODIHR’s drew the line between hate crimes and other criminal offences, this line is not always clearly visible. As Associate Professor of Law Lu-in Wang has observed, “Each of these areas is a context in which, as with hate crimes, the law has tended to exceptionalize the motivations and conduct of perpetrators” [Wang 2002]. According to the authors of the article, the motive of the offence plays a decisive role here. In addition, responsibility for violating the prohibition of discrimination is provided for in another section – Section 149.¹ of the Criminal Law.

One of the sections of the Criminal Law, which is usually mentioned in Latvia as a hate crime in a narrower sense is Section 78, which states:

(1) For a person who commits acts directed towards triggering national, ethnic, racial or religious hatred or enmity, the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or probationary supervision, or community service, or fine.

(2) For a person who commits the same acts, if they have been committed by a group of persons or a public official, or a responsible employee of an undertaking (company) or organisation, or if they have been committed using an automated data

processing system (i. e., the Internet – *Authors' note*), the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision, or community service, or fine.

(3) For committing the act provided for in Paragraph one of this Section, if it is related to violence or threats or if it is committed by an organised group, the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without probationary supervision for a period of up to three years.

The second section of the Criminal Law which is usually mentioned in Latvia as a hate crime in a narrower sense is Section 150, which states:

(1) For a person who commits an act oriented towards inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics, if substantial harm has been caused thereby, the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or probationary supervision, or community service, or fine.

(2) For the criminal offence provided for in Paragraph one of this Section, if it has been committed by a public official, or a responsible employee of an undertaking (company) or organisation, or a group of persons, or if it is committed using an automated data processing system, the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or probationary supervision, or community service, or fine.

(3) For the act provided for in Paragraph one of this Section, if it is related to violence or threats, or the criminal offence provided for in Paragraph one of this Section, if it has been committed by an organised group, the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or probationary supervision, or community service, or fine.

It is indicated in the study carried out by the office of the Ombudsman of the Republic of Latvia that the groups of persons protected by Section 150 of the Criminal Law, against whom it is most often possible to state actions aimed at incitement of social hatred and enmity, are LGBT+ people, asylum seekers, refugees, homeless people and other vulnerable groups [Ombudsman 2016]. In addition to the social groups mentioned, other social groups are also protected by the current regulatory framework, with the reservation that they are endangered and the need for their protection is stipulated in the regulatory acts.

Determining the criteria not mentioned in Section 150 of the Criminal Law is possible through interpretation methods [Treļš 2017]. Thus, in the interpretation, it should be taken into account that Latvia is a member of the European Union (hereinafter referred to as the EU), which is bound by EU law. When creating a catalogue of criteria with interpretation methods, the regulatory framework binding on Latvia, which reflects the EU countries' common understanding of

human rights, must be followed. No EU member state can afford such rights or such an understanding that would be in sharp conflict with this common legal basis. Moreover, it is culture, cultural characteristics and differences that can form the basis of the criteria that would allow more precise identification of groups against which unlawful acts based on hatred and discord are carried out.

Situation in Latvia

The Constitutional Court of the Republic of Latvia concluded: Latvia is the only place in the world where the existence and development of the Latvian language and together with it the existence of the main nation may be guaranteed [Constitutional Court 2001]. The Department of Administrative Cases of the Supreme Court of the Republic of Latvia also states that the people of Latvia include both citizens of Latvia and members of the Latvian nation [Supreme Court 2014]. Explaining this opinion, Ringolds Balodis points out that the people of Latvia should be understood as all citizens of Latvia, regardless of nationality, and members of the Latvian nation, regardless of citizenship [Balodis 2014]. Moreover, the two groups largely but not completely overlap. In addition to the above, R. Balodis concludes that the manifestations of Latvia's Latvian national character are connected especially with the institute of citizenship, with the state's constitutional obligation to guarantee the existence and development of the Latvian nation, its language and culture, with the constitutional status of the state language, accordingly summarizing that the Constitution (*Satversme*) of the Republic of Latvia is a national phenomenon connected, firstly, with Latvian statehood, secondly, with the great stabilizing influence on civil society, and thirdly, with national identity. And it is the Latvian language and cultural space that form the basis of national identity [Sustainable Development Strategy of Latvia until 2030].

The Constitutional Court of the Republic of Latvia rightly states, freedom of expression is not absolute and does not mean permissiveness [Constitutional Court, October 2003]. The Constitution (*Satversme*) of the Republic of Latvia and the international instruments on human rights allow restrictions to the right. The State may determine restrictions to freedom of expression in cases when the right of the persons to freedom of expression may affect rights of other persons as well as in cases when freedom of expression creates clear and direct threat to the society [Constitutional Court, June 2003].

The Supreme Court of the Republic of Latvia's judicial practice compilation "Hate speech and freedom of expression (Case-law in criminal cases on Sections 74.¹, 78, 150 of the Criminal Law)" analyses 42 Latvian court rulings: 39 rulings (in 25 criminal cases) on Article 78 of the Criminal Law and 2 judgments on Article 150 of the Criminal Law, at the same time stating that in the mentioned period one court

judgment was made according to Article 74.¹ of the Criminal Law [Supreme Court 2018].

Analysing Case-law in criminal cases on Sections 74.¹, 78, 150 of the Criminal Law the authors come to the conclusion that the main source of spreading hate speech is the Internet. Out of 25 examined criminal cases, 24 were about bringing persons to criminal responsibility according to the second part of Article 78 of the Criminal Law for actions aimed at inciting national, ethnic, racial or religious hatred or discord using an automated data processing system. Hatred was directed against various ethnic and religious groups: 10 – Jews, 8 – Latvians, 3 – Russians, 1 – Roma, 1 – Muslims, 1 – Blacks [Supreme Court 2018].

23 persons were found guilty of the criminal offense provided for in the second part of Article 78 of the Criminal Law: 1 woman and 22 men. Thus, this crime is committed by a statistically average 41-year-old man, which contradicts the prevailing beliefs in society that this type of crime is more often committed by teenagers.

In the following years, the list of groups that were victims of hate crimes was supplemented with other groups, and after the year 2018, the issue of inciting hatred against LGBTQ+ people came to the fore. Non-governmental organizations' representatives were confused by the cases when, while investigating these incidents, State Police officials evaluated comments of similar content differently. Thus, on August 6, 2020, a criminal trial was initiated under Section 150 of the Criminal Law for the comment "those [*expletive*] need to put a bullet in their heads", but for the comment "On the wall, a bullet in the head of [*expletive*]" on May 10, 2019, a decision was made to refuse to initiate criminal proceedings due to the absence of a criminal offense. Due to the first of the mentioned cases, on August 26, 2021, the Zemgale District Court found the person who wrote this comment guilty and sentenced him to imprisonment for four months, with a probationary period of six months [Zemgale District Court 26.08.2021]. Solutions of a similar nature also appear regarding the comments: "Two [*expletive*] – shoot (gun icon)" – on August 12, 2020, criminal proceedings were initiated under Section 150 of the Criminal Law and "to shoot and peace, there's nothing to do with those [*expletive*]" – On November 4, 2020, a decision was made to refuse to initiate criminal proceedings. In the first case, the court verdict also followed: on February 2, 2021, the Zemgale District Court applied a similar punishment – sentenced to imprisonment for four months, with a probationary period for six months [Zemgale District Court 02.02.2021]. Therefore, it can be concluded that, unlike the practice of the State Police, the court has been consistent in its judgments.

The situation on national and international level changed on February 24, 2022, when Russia's armed forces invaded Ukraine. The events in Ukraine are a catalyst for the fact that some Latvian scientists and legal practitioners have begun to look at the

phenomenon of hate crimes much more broadly than before, applying this concept to several articles of the Criminal Law, and defining this event in the context of, for example, such social groups as “Ukrainian people” [Treļš 2022]. In the opinion of the authors, one should not confuse “Ukraine’s people” and “Ukrainian people”, especially considering that the first of the mentioned concepts is broader and includes Ukrainian citizens of all nationalities. The constitutionally established concept of “Latvia’s nation” and the concept of “Latvian nation” included in it should be evaluated by analogy.

From the beginning of the war in Ukraine Latvian State Security Service initiated several criminal proceedings following both Section 74.¹ and Section 78 of the Criminal Law. Sometimes an offence committed by a person constitutes the ideal common set of offences, i. e., corresponds to the characteristics of a number of different interrelated criminal offences. For example, one comment includes information that glorifies and justifies aggression of Russia against Ukraine and at the same time triggers hatred against Ukrainian nationals.

On May 21, 2022, the Latvian State Security Service informed the society, that since February 24, 2022, when Russia’s armed forces invaded Ukraine, the Latvian State Security Service has initiated 17 criminal proceedings in relation to hate speech, while two proceedings were taken over from the State Police [VDD 2022]. From these 19 proceedings, eight were initiated pursuant to two Sections of the Criminal Law, i. e., for public glorifying and acquittal of genocide, crimes against humanity and peace and war crimes (Section 74.¹) and activities aimed at triggering national hatred or enmity (Section 78). Six proceedings were enacted pursuant to elements constituting the crime stipulated in Section 74.¹ of the Criminal Law, whereas five – pursuant to elements constituting the crime stipulated in Section 78 of the Criminal Law. From February 24, 2022, the situation has also changed regarding the application of Section 74.¹ of the Criminal Law, and the number of criminal proceedings initiated in three months exceeded the statistical indicators of the last thirteen years twice.

In the territory of the Republic of Latvia, hate crimes are mainly manifested in the form of hate speech, posting offensive comments and publications on the Internet, by using an automated data processing system to carry out actions aimed at triggering hatred or enmity.

Conclusion

The concept of “hate crime” is not legally established in the Republic of Latvia. Therefore, for the identification of hate crimes in the countries of the European Union, different characteristics and classifications for the typology of hate crimes are used. The authors of the article join K. Dupate’s conclusions that the determination

of the mentioned conditions depends on the cultural context and the social structure of the society. This means that only by evaluating the specified offense or statement in the wider cultural context, it is possible to qualify it as criminal. In order to recognize the criminal offense as a hate crime in the sense of the Latvian regulatory framework, it is necessary to establish two criteria: (a) the composition of the criminal offence is included in the Criminal Law; (b) a motive of hatred against a particular protected group of society can be stated in the criminal offence.

Therefore, when evaluating hate crimes, the cultural context is important, i. e. the action is evaluated by analysing a wide set of (cultural) circumstances, which include cultural and historical peculiarities, the specifics of public life, the level of tolerance towards violence and expressions of hatred, etc. The place and time when certain statements are made or a criminal act is committed is also relevant. In addition to the above, the Rabat Plan offers six-part for national courts to consider when assessing whether a specific instance of speech ought to be prohibited or punished as incitement. These factors are the context, speaker, intent, content and form, extent of the speech act, and likelihood, including imminence.

Freedom of speech encompasses several aspects, including the right to debate, comment on events, be a journalist and operate on social media, as well as freedom of cultural expression. However, it is not absolute and may be limited in order to protect the rights of others, including cultural rights. In this context, a situation may arise that a statement or action depending on society, place, time will be evaluated as a norm in some cultural circumstances, and as a violation in others. In addition, when evaluating hate crimes, the theories and practices of intercultural communication should also be taken into account, characterizing the cooperation of representatives of different cultures.

In this context, it can be mentioned that it is specifically culture that is the basic factor according to which it is possible to understand, identify and reduce hate speech. Professor Aleksandrs Krugļevskis believed that with a change in cultural understanding, expanding public participation in cultural processes, the level of legal awareness will rise and tendencies, intentions to commit a criminal offense will disappear [Mihailovs 2004]. Criminal law as a cultural factor creates a system that corresponds to the level of education and culture of the people.

Sources

- Amendments to the Constitution of the Republic of Latvia (2014). *Latvijas Vēstnesis*, 131. Available: <https://likumi.lv/ta/id/267428> (viewed 01.10.2023.)
- Balodis, R. (2014). Introduction to the Satversme of the Republic of Latvia. In: R. Balodis, (sc. ed). *Commentaries on the Satversme of the Republic of Latvia*. Introduction.

- Chapter I. General Provisions. Collective of authors. Riga: Latvijas Vēstnesis, pp. 91–135. Available: https://www.saeima.lv/satversme/Ievads_Balodis.pdf (viewed 01.10.2023.)
- Barons, K., Vissendorfs, H. (1915). *Latvju dainas* [Latvian dainas]. Vol. 5. Petrograd: Imperial Academy of Science Publishers.
- Dupate, K. (2023). *Naida noziegumi un naida runa. Starptautiskie standarti un Latvijas tiesiskais regulējums un prakse*. (“Hate crimes and hate speech. International standards and Latvian legal regulation and practice”). Riga: LU Akadēmiskais apgāds.
- Guidelines for Cohesive and Active Civil Society 2021–2027. Cabinet of Ministers Order No. 72 of 05.02.2021. *Latvijas Vēstnesis*, 28. Available: <https://likumi.lv/ta/id/320841> (viewed 01.10.2023.)
- Hate Crimes (2008). Riga: Latvian Centre for Human Rights. Available: https://cilvektiesibas.org.lv/media/attachments/30/01/2012/Hate_Crimes.pdf (viewed 01.10.2023.)
- Judgement of the Constitutional Court of the Republic of Latvia in case No. 2003-02-0106. (June 2003). Available: https://www.satv.tiesa.gov.lv/wp-content/uploads/2003/01/2003-02-0106_Spriedums_ENG.pdf (viewed 01.10.2023.)
- Judgement of the Constitutional Court of the Republic of Latvia in case No. 2003-05-01. (October 2003). Available: https://www.satv.tiesa.gov.lv/wp-content/uploads/2003/02/2003-05-01_Spriedums_ENG.pdf (viewed 01.10.2023.)
- Judgement of the Constitutional Court of the Republic of Latvia in case No. 2001-04-0103. (2001). Available: https://www.satv.tiesa.gov.lv/wp-content/uploads/2001/06/2001-04-0103_Spriedums_ENG.pdf (viewed 01.10.2023.)
- Judgement of the Department of Administrative Cases of the Supreme Court of the Republic of Latvia in case No. A420577912, SA-1/2014. (2014). Available: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/355724.pdf> (viewed 01.10.2023.)
- Judgement of the Zemgale District Court of the Republic of Latvia in case No. K73-1613-21/41. (26.08.2021). Available: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/457589.pdf> (viewed 01.10.2023.)
- Judgement of the Zemgale District Court of the Republic of Latvia in case No. K73-0797-21. (02.02.2021). Available: <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/440081.pdf> (viewed 01.10.2023.)
- Kolčanovs, B., Zankovska-Odiņa, S., Zālītis, K. (2010). Different Client in Diverse Latvia. Riga: Latvian Centre for Human Rights. Available: https://cilvektiesibas.org.lv/media/attachments/29/01/2012/001-144_GRAMATA_preview_encr.pdf (viewed 01.10.2023.)
- Krašņiņš, U., Liholaja, V. (2022). *Krimināllikuma komentāri*. Otrā daļa (IX–XVII

- nodaļa). (Comments on the Criminal Law. The second part (Chapters IX–XVII)). 3rd ed. Rīga: Tiesu namu aģentūra.
- Latviešu literārās valodas vārdnīca*. (Dictionary of the Literary Latvian Language.) (1984). The 5th volume. L–N. Rīga: Zinātne.
- Mihailovs, I. (2004). Aleksandrs Krugļevskis: dzīve un darbi [Aleksandrs Krugļevskis: Life and Works]. *Likums un Tiesības*, 9 (61), pp. 281–287.
- Supreme Court of the Republic of Latvia (2018). *Hate speech and freedom of expression* (Case-law in criminal cases on Sections 74.¹, 78, 150 of the Criminal Law). October 2012 – May 2018. Available: http://at.gov.lv/files/uploads/files/6_Judikatura/Tiesu_prakses_apkopojumi/2018/Naida_runa_un_varda_briviba_Apkopojums_2018_22_10_2018.doc (viewed 01.10.2023.)
- Sustainable Development Strategy of Latvia until 2030. Available: https://www.varam.gov.lv/sites/varam/files/content/files/lias_2030_en.pdf (viewed 01.10.2023.)
- The Constitutional Assembly (1922). *The Constitution of the Republic of Latvia*. Available: <https://likumi.lv/ta/en/en/id/57980> (viewed 01.10.2023.)
- The Information Centre of the Ministry of the Interior (2023). *Statistics*. Available: <https://www.ic.iem.gov.lv/lv/kriminala-statistika> (viewed 01.10.2023.)
- The Office for Democratic Institutions and Human Rights (2008). *Hate Crimes in the OSCE Region – Incidents and Responses*. Warsaw: Organisation on Security and Cooperation in Europe.
- The Office for Democratic Institutions and Human Rights (2009). *Hate Crime Laws: A Practical Guide*. Warsaw: Organization on Security and Cooperation in Europe.
- The Office for Democratic Institutions and Human Rights (2022). *Hate Crime Laws: A Practical Guide*. 2nd edition. Warsaw: Organization on Security and Cooperation in Europe.
- The Ombudsman of the Republic of Latvia (2016). *Issues of Investigating Hate Crimes and Hate Speech in the Republic of Latvia*. Available: https://www.tiesibsargs.lv/wp-content/uploads/2022/07/naida_noziegumu_un_naida_runas_izmeklesana_lv_2016_1496214733.pdf (viewed 01.10.2023.)
- The Parliament of the Republic of Latvia (1998). *The Criminal Law*. Available: <https://likumi.lv/ta/en/en/id/88966> (viewed 01.10.2023.)
- The Latvian State Security Service (2022). *VDD initiates three criminal proceedings regarding hate speech*. Available: <https://vdd.gov.lv/en/news/press-releases/vdd-initiates-three-criminal-proceedings-regarding-hate-speech> (viewed 01.10.2023.)
- The United Nations High Commissioner for Human Rights (2013). *Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred*. Available: <https://>

- www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf (viewed 01.10.2023.)
- Treļš, Ē. (2016). Legal Expertise Features of the Text in Cases of Hatred Triggering. *Socrates. Rīga Stradiņš University Faculty of Law Electronic Scientific Journal of Law*, 1 (4), pp. 46–56. DOI: doi.org/10.25143/socr.04.2016.1.46-56. Available: https://dspace.rsu.lv/jspui/bitstream/123456789/987/1/16-091_Socrates_4_2016_05_Treļš_046-056_.pdf (viewed 01.10.2023.)
- Treļš, Ē. (2017). Endangered social groups in cases of causing social hate and discord. In: J. Rozenfelds (sc. ed). *Latvijas Republikas Satversmei – 95: Latvijas Universitātes 75. zinātniskās konferences rakstu krājums*. (The Constitution of the Republic of Latvia – 95. Papers of the 75th Scientific Conference of the University of Latvia.) Rīga: LU Akadēmiskais apgāds, pp. 305–313. Available: http://dspace.lu.lv/dspace/bitstream/handle/7/37227/Latvijas_satversmei_95_LU_konferences_krajums.pdf?sequence=2&isAllowed=y (viewed 01.10.2023.)
- Treļš, Ē. (2019). Hate Crime in Latvia: Criminal Liability and Punishment. *Socrates. Rīga Stradiņš University Faculty of Law Electronic Scientific Journal of Law*, 1 (13), pp. 30–41. DOI: <https://doi.org/10.25143/socr.13.2019.1.030-041> Available: https://dspace.rsu.lv/jspui/bitstream/123456789/925/1/IPD-84-210_Socrates-13_2019_03_Treļš_030-041_.pdf (viewed 01.10.2023.)
- Treļš, Ē. (2022). Normatīvā regulējuma problēmjaudājumi lietās par naida izraisīšanu. (Problems of the legal framework in cases of incitement to hatred). *Jurista Vārds*, 25/26 (1239/1240). Available: <https://juristavards.lv/doc/281551-normativa-regulejuma-problemjautajumi-lietas-par-naida-izraisisanu/> (viewed 01.10.2023.)
- Treļš, Ē., Mihailovs, I. J., Matisāns, J. (2023). Social Emotional Competence and Professional Ethics: Professional Challenges of the Police Officer in a Multicultural Society. In: L. Danilāne, D. Znotiņa, (eds). *Society. Integration. Education*. Proceedings of the International Scientific Conference. Volume II, Rēzekne: Rēzeknes Tehnoloģiju akadēmija, pp. 453–466. DOI: <https://doi.org/10.17770/sie2023vol2.7142>, Available: <http://journals.rta.lv/index.php/SIE/article/view/7142/6155> (viewed 01.10.2023.)
- Wang, L. (2002). Hate Crimes and Everyday Discrimination: Influences of and on the Social Context. *Rutgers Race & The Law Review*, 4. Available: https://scholarship.law.pitt.edu/fac_articles/162 (viewed 01.03.2024.)