**To the UN Special Rapporteur**

**on the promotion and protection**

**of the right to freedom of opinion and expression**

**Answer of the Republic of Latvia to the information request**

1. ***a) Please describe specific situations where disinformation, misinformation or propaganda have been used or restrictions have been placed on the media or access to the Internet in order to instigate, aggravate or sustain hatred, violence or conflict. What means and methods are used to manipulate information in such situations?***

The Electronic Communication Law states that the National Electronic Mass Media Council (hereinafter - NEPLP) after evaluating the information provided by the competent state authorities, has the right to adopt a decision restricting access to websites available on the territory of Latvia, which distribute content that threatens or may threaten national security or public order and security, denying access to the domain of these websites name or Internet Protocol (IP) address.

NEPLP has adopted decisions based on the Electronic Communication Law and information received from competent state authorities on websites, which distributes content with war propaganda in it. The decision in Latvian is available here: <https://www.neplp.lv/lv/media/2465/download>

For spread of disinformation and war propaganda the used methods are systematic, deliberate distortion of facts and provision of incomplete information, presenting information in a way preferred by the aggressor, as well as placement of influenced audio, audio-visual and written materials to stimulate audience interest in the specific materials.

***b) What role have States, armed groups or social media platforms played to instigate or mitigate such manipulation of information?***

***c) What has been the impact on human rights and the lives of people? Which groups of people have been particularly affected and in what ways?***

Currently we witness the negative impact of war propaganda that adversely affects the peaceful coexistence of various social groups in Latvia and creates risks for various negative provocations that pose a significant threat to Latvian national security and public order and security. Under current circumstances the war propaganda encompass spreading of information that deliberately deceives the public about the security situation in Latvia and the security organizations of which Latvia is also a member, as well as the true goals of the Russian Federation in Ukraine, by turning the public against the Ukrainian state and people.

***d) What has been the impact of such propaganda, disinformation or misinformation on the work of human rights defenders, journalists, civil society, humanitarian and development organizations?***

***Please provide written case-studies or reports on such situations where available.***

1. ***a) What are the legal, policy and practical challenges faced by States, companies, media and civil society organizations in upholding freedom of opinion and expression while countering hate speech, disinformation or other forms of information manipulation in situations of conflict and disturbances?***

There have been several amendments to the existing legal framework to empower the media regulator as independent authority to act in this situation. For the media regulator the main challenge in these situations is to analyse each particular case, to conclude whether the content is harmful and whether it is not an opinion and whether it is necessary to limit freedom of opinion and expression.

***b) Where do you see major legal and policy gaps or inconsistencies on these issues?  Please share your thoughts on how they could be best addressed.***

The regulation for online media and internet service providers is easier than for traditional ones (TV and radio), therefore there is an inconsistency with regulations for the same content.

There is no harmonized regulation throughout the EU and regulation variates in each country.

1. ***a) What legislative, administrative, policy or regulatory or other measures has the government in your country*** ***taken to protect online and offline freedom of expression or access to information in times of emergency, conflict, violence, disturbances?***

The Universal Declaration of Human Rights to which Latvia has acceded to, contains legal provisions to protect online and offline freedom of expression or access to information in times of emergency, conflict, violence, disturbances.

The Constitution of the Republic of Latvia states that:

Section 100: *Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited.*

Section 116: *The rights of persons set out in Articles ninety-six, ninety-seven, ninety-eight, one hundred, one hundred and two, one hundred and three, one hundred and six, and one hundred and eight of the Constitution may be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the State, and public safety, welfare and morals. On the basis of the conditions set forth in this Article, restrictions may also be imposed on the expression of religious beliefs.*

The Latvian Criminal Law states the following:

Section 48. Aggravating Circumstances

*(1) The following may be considered to be aggravating circumstances:*

*14) The criminal offence was committed due to racist, national, ethnic, or religious motives or due to social hatred;*

Section 71.1 Invitation to Genocide

*For a person who commits public invitation to genocide, the applicable punishment is the deprivation of liberty for a period of up to eight years.*

Section 74.1 Acquittal of Genocide, Crime against Humanity, Crime against Peace and War Crime

*For a person who commits public glorification of genocide, crime against humanity, crime against peace or war crime or who commits public glorification, denial, acquittal or gross trivialisation of committed genocide, crime against humanity, crime against peace or war crime, including genocide, crime against humanity, crime against peace or war crime against the Republic of Latvia and its inhabitants committed by the U.S.S.R. or Nazi Germany, 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.*

Section 78. Triggering of National, Ethnic and Racial Hatred

*(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, 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.*

Section 150. Incitement of Social Hatred and Enmity

*(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.*

Section 157. Defamation

*(1) For a person who knowingly commits intentional distribution of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly (defamation), the applicable punishment is the probationary supervision or community service, or fine.*

*(2) For defamation in mass media, the applicable punishment is the probationary supervision or community service.*

Section 231. Hooliganism

*(1) For a person who commits a gross disturbance of the public order, which is manifested in obvious disrespect for the public or in insolence, ignoring generally accepted standards of behaviour and disturbing the peace of persons or the work of institutions, undertakings (companies) or organisations (hooliganism), the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or probationary supervision, or community service, or fine.*

*(2) For a person who commits hooliganism, if it has been committed by a group of persons, or if it is related to bodily injuries to the victim, damage to or destruction of property, or resistance to representatives of public authority or to a person who is acting to prevent the violation of public order, or if it has been committed by using weapons or other objects which can be used to inflict bodily injuries, 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.*

Section 231.1 Knowingly Making a False Report on Placing or Locating of Explosive, Poisonous, Radioactive or Bacteriological Substances or Materials or Explosive Devices

*(1) For a person who knowingly commits making a false report on placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object, 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 commission of the same acts, if substantial harm has been caused thereby, 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 a person who commits the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby, 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.*

In addition, the Law of Electronic Mass Media states the following:

Section 26: *“The programmes and broadcasts of the electronic mass media may not contain:*

*1) stories which accentuate violence;*

*2) materials of a pornographic nature;*

*3) encouragement to violence or hatred or incitement to discrimination against a person or group of persons on the grounds of sex, race or ethnic origin, nationality, religious affiliation or faith, disability, age or any other motives;*

*4) incitement to war or the initiation of a military conflict;*

*5) incitement to overthrow State power, or to violently change the State political system, to destroy the territorial integrity of the State, or to commit any other crime;*

*6) stories which discredit the statehood and national symbols of Latvia;*

*7) incitement that endangers national security or significantly endangers public order or security;*

*8) public glorifying or condoning of terrorism or public incitement to terrorism, or materials containing glorification, condoning of terrorism or incitement to terrorism;*

*9) content which endangers public health or could cause serious and severe threat risks to it.*

*(2) The on-demand electronic mass media services and broadcasts may not be overlaid or modified for commercial purposes or without the consent of the relevant electronic mass medium, except for the cases when:*

*1) it is done by the recipient of the electronic mass media service for personal use;*

*2) it is a technical necessity for the use of the electronic mass media service or a device;*

*3) it is done to provide warning information or information of public interest;*

*4) it is done for subtitling purposes;*

*5) audio or audio-visual commercial communication is inserted by the electronic mass media service provider itself;*

*6) this is a way of adjusting the electronic mass media service to distribution means without changing the content.”*

Section 24: *“The electronic mass media shall ensure that facts and events are fairly, objectively, with due accuracy and impartiality reflected in broadcasts, promoting exchange of opinions, and comply with the generally accepted principles of journalism and ethics. Commentary and opinions shall be separated from news and the name of the author of the opinion or commentary shall be indicated. Facts shall be reflected in informative documentary and news broadcasts in a way not to intentionally mislead the audience.”*

Section 13.5 of the Law of Electronic Mass Media states that NEPLP after evaluating the information provided by the competent state authorities, has the right to adopt a decision restricting access to websites available on the territory of Latvia, which distribute content that threatens or may threaten national security or public order and security, denying access to the domain of these websites name or IP address.

***b) What legislative, administrative, policy or regulatory or other measures exist in your country to address online or offline:***

* + ***Propaganda for war;***
  + ***Disinformation and misinformation; and***
  + ***Incitement to violence, discrimination or hatred***

In addition to the aforementioned information, the first paragraph of Article 231 of the Criminal Law provides for criminal liability for gross distortion of public order, manifested in obvious disrespect to the public or in dishonesty, by ignoring generally accepted behavioural norms and by interfering with human peace, the work of institutions or companies (companies) or organisations. The phrase of Article 231 of the Criminal Law *“expressed in obvious disrespect for the public or in dishonesty, ignoring generally accepted behavioural norms”* also includes activities related to the public dissemination of knowingly false messages or fictions, thereby hindering the peace of the people, the institutions or companies (companies) or the work of organisations.

Latvia would like to reiterate that Article 231 of the Criminal Law is not applicable for the purpose of restricting the free expression of opinions and views, but for gross disruption of public order by publicly spreading deliberately false information or fiction. It must be also considered that we are currently living in an era of deliberate and purposeful dissemination of disinformation to purposefully influence the geopolitical situation, mood and division in society, as well as to achieve certain goals related to instability and creating panic in the country.

***c) Is there recent jurisprudence or decisions in relation to these laws, policies or practices?***

Yes, in some cases legal proceedings have been initiated after NEPLP decision to restrict specific television programmes or websites due to the violations of law. The final decision of the court is still pending.

***d) What has been the impact of these measures on human rights and international humanitarian law?***

***e) Do you have any suggestions on how these measures can be improved to uphold human rights while countering war propaganda, disinformation, misinformation and incitement?***

1. ***a) How do internet intermediaries address:***
   * ***Propaganda for war;***
   * ***Incitement to violence, discrimination or hatred***
   * ***Disinformation and misinformation that instigates or aggravates violence, instability or conflicts***

False news is also used as a political weapon that threatens not only individuals but the whole nation. Public disinformation is an easy and effective way to manipulate people and their views and positions on the various issues that false news creators need. The most frequently published articles with headlines on areas of public challenges – politics, health and Latvia's future are made to collect as many “*clicks*” as possible. Such topics often appear to be unifying to the public, because almost everyone has had contact with the activities of dishonest politicians or speculation about Latvia's future, so the public may see this information as true. False news creators intentionally publish such news because they are confident that they will gain popularity and earn from it, even though they themselves often disagree with the information provided in the articles. It is important to be educated in the area of news literacy and to be able to critically assess the information available on social media. (see: <https://lv.wikipedia.org/wiki/Zi%C5%86u_prat%C4%ABba>).

***b) In your view are the companies’ policies and measures in line with international human rights and humanitarian law standards, and are they being implemented effectively?***

***c) What improvements would you suggest?***

Disinformation may have serious consequences: it can lead to people ignoring official advice and engaging in risky behaviour, or negatively affecting democratic institutions, society and economic and financial situation. In addition to targeted disinformation campaigns by foreign and local actors aimed at undermining democracy, the disinformation crisis has opened up opportunities for new risks that could lead to citizens being exploited or suffering from criminal practices.

In order to combat disinformation, misleading information and foreign coercion operations and to improve the resilience of citizens, including through proactive and positive communication, we must foster great cooperation with the competent authorities of the state, civil society, social media platforms and international level. This work must be done in full respect of freedom of expression and other fundamental rights and democratic values.

***d) What good practices have been developed by companies?***

Internet service providers in Latvia restrict access to pages only after the decision of the competent authority.

1. ***What role has legacy media played in addressing disinformation, misinformation and propaganda in situations of conflict, violence and disturbances? What challenges do legacy media faced in combating such information manipulation?***

Media has regularly informed the public about current affairs, reported on events, as well as disseminated accurate, fact-based info.

1. ***Please provide examples of good practices, including at the community level, to fight disinformation and hate speech during conflicts and disturbances.***

Media literacy is a key aspect to fight disinformation. There is a need for more media literacy projects, especially considering current events. In order to make informed decision the cooperation with other state institutions is necessary.

1. ***Please share any suggestions or recommendations you may have for the Special Rapporteur on how to protect and promote freedom of opinion and expression while countering the manipulation of information in times of conflict, disturbances or tensions.***
2. ***What other issues in relation to freedom of opinion and expression in the context of conflict do you feel should be given attention by the Special Rapporteur and why?***