

THE HOMOPHOBIC HATE DISCOURSE IN THE INFORMATION SOCIETY: FROM THE IMPACTS TO THE BALANCE OF THE COMPUTER ENVIRONMENT AND TO HUMAN SEXUALITY

O DISCURSO DE ÓDIO HOMOFÓBICO NA SOCIEDADE DA INFORMAÇÃO: DOS IMPACTOS AO EQUILÍBRIO DO AMBIENTE INFORMÁTICO E À SEXUALIDADE HUMANA

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Abstract: The changes arising from the techno scientific evolution have impacted the social model, fomenting the emergence of the Information Society and a computer-based environment. Along with these novelties, the discourse of hate, especially homophobic, has gained a new platform for it to spread, becoming responsible for violating the rights of sexual minorities. The objective of this research was to analyze, through the theoretical method, the discourse of homophobic hate as a degrader of the computer's environmental balance, as well as towards the exercise of human sexuality. In order to do so, we explored the Computer Society within the juridical-constitutional realm of the digital scope, listing it as an extension of the cultural environment. In addition, freedom to sexuality was defined as a right of personality, where the heteronormativity, based on homophobia, is materialized in a discourse of hate, solidifying prejudice, intolerance and discrimination towards the LGBTQ community. For this, we verified that the abuse towards the right to freedom of expression constitutes discursive acts of hate, manifested in social exclusion of sexual minorities, far from being a mere opinion.

Keywords: Hate Speech. Personality Rights. Homophobia. Computer Environment.

Resumo: As mudanças advindas da evolução científico-tecnológica impactaram no modelo social, dando espaço ao surgimento da Sociedade da Informação e do ambiente informático. Juntamente a essas novidades, o discurso de ódio, em especial o homofóbico, ganhou um novo espaço para se propagar, sendo o responsável por violar diversos direitos de minorias sexuais. Diante disso, esta pesquisa teve por objetivo analisar, por meio do método teórico, o discurso de ódio homofóbico enquanto degradador do equilíbrio do meio ambiente informático, bem como ao exercício da sexualidade humana. Para tanto, explorou-se a Sociedade da Informação em face dos aspectos jurídico-constitucionais do âmbito digital, elencando-o como uma extensão do ambiente cultural. Ainda, delimitou-se a liberdade à sexualidade como um direito de personalidade, em que a heteronormatividade, a partir da homofobia materializada pelo discurso de ódio, solidifica o preconceito, a intolerância e a discriminação à comunidade LGBTI. Para isso, verificou-se que o abuso do direito à liberdade de expressão constitui os atos discursivos de ódio, revestindo-se como um fator de exclusão social das minorias sexuais, estando longe de serem meras opiniões.

Palavras-chave: Discurso de Ódio. Direitos de Personalidade. Homofobia. Meio Ambiente Informático.

1. INTRODUCTION

The emergence of information technologies (IT), especially computers and the Internet, have impacted on social organization, requiring a new legal stance regarding the conduct practiced in the virtual scenario.

The virtual world is a place full of interactivity, capable of providing its users anything from communication, entertainment, information, to even work. This achievement was due to the

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solidification of the Information Society, whose main symbols are the information and the World Wide Web.

On the other hand, computers have brought unprecedented conflicts to the legal order, such as the online homophobic discourse of hate, which is intimidating and incites hatred practiced in the digital sphere, affecting profoundly and limiting the balance of this new category of medium, as well as the exercise of the right to human sexuality.

The discourse of hate, when practiced against sexual minorities, materializes homophobia, which is a phenomenon of negative and hierarchical character responsible for the highest rates of illicit behavior practiced against the LGBTQ community in Brazil.

It materializes in various modes of intolerance, prejudice and violence, from the symbolic, the verbal, to the physical. They are conducts that violate the most basic rights of their victims, affecting both their physical, psychological and moral integrity.

The issue has resurfaced with more strength in recent times, due to the focus on the discussions regarding the limits of freedom of expression and sexual expression in the face of the virtual world, especially through the intense use of social networks such as Facebook, Twitter and Instagram.

In this context, the following questions will be explored: Does the Information Society represent the emergence of a new social and legal paradigm? Can the IT environment be classified as a category of environment? Does it deserve legal protection? What is its conceptualization and classification? Is its balance a fundamental right? With regard to online homophobic hate speeches, is this a violation of fundamental and personality rights of its victims? Can homophobia be considered an extension of heteronormativity? How can homophobic feelings be externalized? Is hate speech an exercise of freedom of expression? What are the boundaries between opinion, expression and hate speech? How is the computer environment affected by discursive acts of homophobic hatred?

These are the questions that the present research will seek to clarify through the theoretical method, which consists of analyzing what has already been produced and recorded on the subject, such as doctrinal works, the legislation, reports and electronic documents.

2. THE INFORMATION SOCIETY AS A NEW SOCIAL PARADIGM

With the advent of the technological revolution of the late twentieth century, based on a postmodern context, the use of computer devices, especially the computer connected to the internet,² has enabled the intensification of interpersonal relationships.

This intense rupture in the organization of society has information technology at its base, which is essential to the daily lives of the majority of the world population. This process is correlated with the exponential advances in science and technology, giving origin to the Information Society.

² One can define the internet as a worldwide network of users that simultaneously exchange information. According to the National Telecommunications Agency, ANATEL, in its Standard n. 004/95, it is the "generic name that designates the set of networks, the means of transmission and commutation, routers, equipment and protocols necessary for communication between computers, as well as the software and data contained in these computers" (ANATEL, 2015, translated by us).

This phenomenon was triggered, mainly, by the three Industrial Revolutions, whose products were, respectively, the replacement of human labor by machines, the creation of electric energy and technological improvement, giving way in the 1970s to the first computer devices capable of establishing distant and virtual communication (CRESPO, 2011, p. 32-33).

It was an intense mutation of social values which can be called, according to Manuel Castells, an informational model of development, which is related to the circulation and transformation of information (CASTELLS, 1999, p. 411-439). For him, this phenomenon was responsible for breaking dramatically with the political-economic system of previous times, valuing technology and information as the main sources of productivity and power.

The insertion in the academic circles of the idea of a society based on information was given by the economist Fritz Machlup through his 1966 book "The Production and Distribution of Knowledge in the United States". This concept was improved and disseminated by Peter Drucker, with his 1966 bestseller "The Age of Discontinuity", in which he worked on the influence of the economy on productive means, such as the evolution of agriculture for the industries, and from there to the services, and from those, to the information services (CRAWFORD, 1982, p. 380-385).

For Paulo Hamilton Siqueira Junior, it is impossible to delimit from this social arrangement using the term "Information Society" or any other similar one, because it would be too complex and difficult to adopt a unique and true terminology. For the author, any nomenclature would be incapable of expressing reality, since the search for knowledge and information has always been the center of human attention, though it has gotten stronger in the last decades, especially because of the faster equipment/machinery (SIQUEIRA JUNIOR, 2007, p. 252-253).

In spite of this, it is undeniable that information technology proves to be the mainstay of the current model of society, based on immaterial goods and structured in technologies that are related to production, processing and dissemination of information through electronic technologies, which justifies the use of the adopted terminology.

In this sense, the information society is based on knowledge and information, being connected to "[...] technological networks that provide new possibilities to an old form of social organization: the networks" (CASTELLS, 2005, p. 17, translated by us). It is these networks that transmit globally, in fractions of seconds, the product of today's social relations: information in a virtual environment.

Thus, the emergence of computers and the internet have triggered a new social paradigm, that is, the dependence of human experiences through the computer environment that is easily demonstrated from the profile of its users.

They use it both for communicating and expressing thoughts, through emails, social networks, chats, text messages, etc. It is used for work, as in a home office and for entertainment, such as online games, videos, movies, series, etc.

It is possible to verify that this configuration has its own structure, following specific moral and normative limits, as demonstrated by the sociologist Niklas Luhmann:

Every society, according to its own complexity, must anticipate a sufficient volume of diversity of normative expectations, and enable it structurally. In

this way it is perfectly normal for normative projections to conflict with each other, where one norm becomes the disappointment of the other. Current sociology is fully capable of regarding as normal the contradictions between expectations and even a tolerable degree of declared conflict, recognizing this even as a condition for the maintenance of the social system in an overly complex environment (LUHMANN, 1983, p. 57, translated by us).

With this reasoning, Castells points out the need for an innovative policy based “[...] on the promotion of cultural and organizational conditions for the creativity in which innovation, power, wealth and culture are inserted in a network society” (CASTELLS, 2005, p. 29, translated by us).

This is because, according to what Crawford supports, social participation in the digital world is increasing and is being used as a powerful political tool, deeply affecting the legal, social and cultural aspects (CRAWFORD, 1983, p. 382).

Within the paradox of the concentration of political, economic and social power in information, Severino Francisco warns of the emergence of what he calls the Society of Disinformation, which is mainly structured on distorted, false and concealed content in the digital world.

In this perspective, the author criticizes this social configuration, such as the lack of reading, concern only with entertainment, and the massification of its users towards common sense content, that is, of low educational and scientific content. According to him, “[...] information technologies should add ethical, educational, social, humanistic, cultural, artistic and spiritual values” (FRANCISCO, 2004, translated by us).

If on the one hand the computer world has solidified as an unlimited source of knowledge, on the other hand it has become a container of empty information and even of prejudiced and discriminatory behavior as in case of online homophobic hate discourse.

Thus, the Information Society has favored the reconfiguration of relationships established between individuals, based on an environment that, although not physical, produces material effects, including damage to individual rights, such as those of personality, which is why more analysis is justified regarding the digital space.

3. THE LEGAL-CONSTITUTIONAL ASPECTS OF THE COMPUTER ENVIRONMENT

The first constitutional support for the environment, in a broader sense, was done through art. 225, Chapter VI, Title VIII – of the 1988 Brazilian Federal Constitution on Social Order, at which time it was listed as a fundamental right, in view of being a common use and essential to a healthy quality of life as a whole.

The purpose for such legal protection of the environment was to preserve environmental resources and values, aiming at their quality and balance, as well as the health, well-being and safety of the population included in it (SILVA, 2003, p. 78).

In spite of being a trivial good for mankind, the Brazilian national legislation assigned a concept restricted to the term “environment”, limiting it to the “set of conditions, laws, influences,

alterations and interactions of physical, chemical and biological order, which shelters and rules life in all its forms.³

On the other hand, the Brazilian legal doctrine defends that the definition must be endowed with flexibility, always seeking to encompass the constant mutations and the social, cultural and axiological needs.

In order to remedy the lack of legislation on the subject, José Joaquim Gomes Canotilho argues that “the environment” is the “[...] set of elements that, in the complexity of their relations, constitutes the framework, the environment and the living conditions of the individual, as they are, or as they are felt” (CANOTILHO, 1995, p. 10, translated by us), as the lessons of José Afonso da Silva complement, having to do with “the interaction of the set of natural, artificial and cultural elements conducive to the balanced development of life in all its forms” (SILVA, 1995, p. 19, translated by us).

Following this reasoning, Celso Antonio Pacheco Fiorillo asserts that art. 225 of the Brazilian Federal Constitution has a biocentric/anthropocentric approach, directed at the satisfaction of human needs, which presupposes that its delimitation should not be rigid and/or static, since human beings are holders of the right to a balanced quality of life in which they are inserted, whatever it may be (FIORILLO, 2004, p. 19-20.).

Thus, it is possible to classify the environment not only by the elements of nature⁴, such as fauna and flora, but also through the construction and social relationships, as is the case of the artificial environment⁵, of work⁶ and especially the cultural one, which comes from the computer environment.

In order to analyze the digital medium, it is important to explore the cultural environment in more detail, given that it is there that lies its conceptual genesis.

In this sense, it is verified that the cultural environment is foreseen in art. 216, sections IV and V, of Law no. 6,938 / 81 and in art. 216, of the Brazilian Federal Constitution, which includes, in a non-categorical way, human creations such as: historical, archaeological, artistic, tourist, paleontological, landscape, ecological and scientific heritages.

This category consists of material or non-material human interventions that have cultural value related to the identity, action and memory of the different formative groups of Brazilian nationality.

For Paulo Affonso Leme Machado, the cultural environment holds the characteristics of a people, such as its upbringing, its culture and its other defining characters of its specificities

³ Cf. art. 3, I, of Law no. 6,938 / 81 (BRASIL, 1981).

⁴ Natural space is seen as the resources that encompass “the atmosphere, the internal, superficial and subterranean waters, the estuaries, the territorial sea, the soil, the subsoil, the elements of the biosphere, the fauna and the flora”, according to art. 3, item V, of Law no. 6,938 / 81, as well as art. 225, §1, items I, II, III and IV, of the Brazilian Federal Constitution

⁵ The artificial environment can be understood by the one constructed by man in substitution to the natural spaces, such as the urbanistic and rural constructions, protected in art. 21, item XX, of Law no. 6.938 / 81, and art. 182, of the Brazilian Federal Constitution.

⁶ In the work environment, regulated by arts. 7, sections XXII and XXIII, and 200, item VIII, of the Brazilian Federal Constitution, Amauri Mascaro Nascimento points it out as a space structured by the complexity between machine and worker, that is, it is constituted by the construction of installations, instruments of individual use, salubrity, hazardousness, workday, vacation, employee-employer relationship, among other factors (NASCIMENTO, 2011, p. 846).

(MACHADO, 2006, p. 1081), including the technological communicational innovations, such as the digital world.

On the subject, Fiorillo maintains that:

[...] the various revealing vehicles of a new civilizing process adapted to the information society, namely, a new way of living related to a culture of convergence in which radio, television, cinema, video games, the internet, communication via landlines and mobiles, etc. shape a "new life" revealing a new facet of the cultural environment, namely, the digital environment (FIORILLO, 2015, p. 53, translated by us).

In this context, the computer world should be understood as an extension of the cultural scope, which can be seen as the channel for multicultural manifestations, in which the human being, through the internet and computer tools, such as cell phones, tablets, notebooks, puts into practice his/her social process of creation and manipulation of symbols.

With the recognition of the environment as a fundamental right, new values come to support this institution, in which everyone assumes the obligation to defend and preserve his/her "goods" especially in what concerns its balance, in order to fulfill its social function. Fiorillo alets that, just like any other environmental classification, those that use the computer space are the holders of:

[...] duties, rights, obligations and systems of inherent responsibility in the manifestation of thought, creation, expression and information carried out by the human person with the help of computers (Article 220 of the Federal Constitution) within the full exercise of cultural rights guaranteed to Brazilians and foreigners residing in the country (FIORILLO, 2015, p. 23, translated by us).

It is a matter of giving the digital space a new perspective of respect, protection and promotion, with the duty to keep it healthy and balanced, given that "The fundamental right for an ecologically balanced environment is an important element to obtain dignified and healthy standards of life [...]" (FIORILLO, 2004, p. 328, translated by us).

Ensuring the balance of cyberspace, to which the community carries out its most basic activities, is, in fact, to protect life, equality, freedom and collective dignity, since these rights undoubtedly depend on that environment (CAZELATTO; MORENO, 2016, p. 153-154). It is true that by losing its balance, a number of other fundamental rights that permeate the computer environment also become unbalanced.

In this sense, Luciane Mascarenhas maintains that:

A balanced environment therefore brings a new dimension to the fundamental right to life and the principle of the dignity of the human person,

since human life develops in the environment. Thus, the human being is inserted in the environment, of which he is also a part of, which is why, in order for the fundamental rights to life and the principle of human dignity to be effective, it is necessary to recognize their connection and interaction with the environment and that it be ecologically balanced, in order to provide the necessary well-being (MASCARENHAS, 2008, p. 53-54, translated by us).

In reality homophobic hate discourse, when spread throughout social networks, e-mails, mobile applications, etc., cause a disorder to the computer environment, inciting prejudice, discrimination and intimidation towards others, radiating harmful effects to the rights and to the dignity of its users, such as their sexual freedom, which materialize in real life, that is, outside the screens of computerized devices.

4. THE DISCOURSE OF HOMOPHOBIC HATE AND ITS IMPACT ON THE COMPUTER ENVIRONMENT AND HUMAN SEXUALITY

It is true that over the course of time, different discourses have been built around human sexuality, in which some were more accepted than others, depending on the culture and the period analyzed.

Despite the various feminist movements and the LGBTQ community in favor of gender equality and the free exercise of human sexuality, the heteronormative ideology, which regulates hetero-cis-affectivity as dominant, natural and correct, is still deeply entrenched in our Information Society, giving rise to the spread of discriminatory discursive conduct against sexual minorities, especially in the computer world.

The sexual dimension must be understood as an identity issue, which encompasses the psychic, moral and social sphere of its holder, which is present from the most intimate to the most exposed essence of the person, and its exercise constitutes a fundamental right and personality. It is inseparable from the minimum development of life and human dignity.

According to Roger Raupp Rios, the right to sexual freedom:

[...] can be seen as the ramification of the general rights of privacy, freedom, intimacy, free development of personality, equality, all of which are bases on which the legal protection of the sexuality of so-called "minorities" have developed (RIOS, 2006, translated by us).

It is important to point out that one understands that by personality rights, according to the lessons of Carlos Alberto Bittar, refer to those recognized by the person in his/her individual and social projections, related to the essentiality of his/her existence. Generally the legal system defends innate human values that are threatened by third-party transgressions (BITTAR, 2015, p. 29).

The author, following the current natural law, emphasizes that, because they have by nature natural rights, that is, for being inherent to the human condition, do not need positive law. This is why, although they are significantly present in the Brazilian Civil Code and in the Brazilian Federal Constitution, it is the State's responsibility to recognize and sanction the transgressors (BITTAR, 2015, p. 37).

Similarly, Roxana Borges argues that personality rights are in a category mostly related to the maintenance of the value of dignity (BORGES, 2012, p. 152), whose objective is the protection of the essentiality of the person, as well as its main characteristics when involving horizontal relationship conflicts.

In this sense, although the national legislation does not explicitly mention the right to sexual freedom, it must be understood as an essential guarantee for full human development, deserving protection in any environment, including the computer world.

One of the behaviors that violates this right is the discourse of hate, which is understood as the act of verbal or symbolic speech, such as talk, gestures, music, cinema, video, painting, dance, books, with the purpose, as Winfreid Brugger reports, of "[...] insulting, intimidating or harassing people because of their race, color, ethnicity, nationality, gender or religion", which in turn may "[...] instigate violence, hatred or discrimination against such persons" (BRUGGER, 2007, p. 151, translated by us) belonging to "[...] certain groups, most often minorities" (MEYER-PFLUG, 2009, p. 97, translated by us).

One of the minority groups most affected by such hate speech is the sexual one, considered as a group who suffers from prejudice, discrimination and intolerance because its sexual orientation differs from the one presented by the majority of the population or because those in it show a gender identity conflicting with the socially expected patterns for their biological sex (SILVA JUNIOR; SEVERINO, 2013, p. 99).

In this sense, hate speeches take on a homophobic bias, which is the term used generically to refer to the abuses practiced not only against gays or lesbians, but towards any subject included in this minority, such as intersex, bisexuals, pansexual, asexual and transgender people (VIEIRA, 2012, p. 37).

It should be noted that heterosexuals can also be included in this category when confused with someone from the LGBTQ community, when they don't follow the hetero-cis-sexual standards (dress, appearance, behavior, among others).

For some scholars, such as John Stuart Mill (MILL, 1992), hate speech is not an instrument violating rights, but rather the free development of the right to freedom of expression. Freedom of expression can be understood, in a broader sense, as the right to exteriorize thought, freedom of conscience and belief, as well as the right to inform and be informed, as foreseen in art. 5, items IV, VIII, IX and XIV of the Brazilian Federal Constitution.

This individual liberty, after the liberal revolutions, has taken on one of the most important foundations of the Democratic Rule of Law, since it assures every person the right to expose his/her opinions, convictions and beliefs, without state or third-party censorship.

Some of the most important international protections for the exercise of freedom of expression, to which Brazil is a signatory, come from art. 19 of the Universal Declaration of Human Rights:

[...] everyone shall have the right to freedom of expressions; this right shall include freedom to seek, receive and impart information's and ideas of all kinds, regardless of frontiers (UNITED NATIONS HUMAN RIGHTS, 1948, translated by us).

As with art. 19 of the International Covenant on Civil and Political Rights:

Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. (CEDIN, 1966, translated by us)

Similarly, from art. 13 of the Inter-American Convention on Human Rights, also known as the Pact of San José, Costa Rica:

Everyone has the right to freedom of thought and expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, verbally or in writing, or in print or in artistic form, or through any other medium of one's choice (ROLIM, 1969, translated by us).

As Vidal Serrano Nunes puts it, it's a right aimed at the "[...] exteriorizing sensations, such as music, painting, theater, photography, etc." (NUNES JUNIOR, 1997, p. 28, translated by us).

It is thus a generic right that seeks to achieve a multitude of forms and related rights, which cannot be restricted to a mere manifestation of sensations or intuitions, unrelated to intellectual activity.

On the freedom to exercise this right, John Stuart Mill argues that every social nucleus is driven by certain "truths", that is, by postulates endorsed by the majority (MILL, 1992, p. 58-61).

According to this theory, by protecting the right to freely express new "truths" in relation to previous ones, freedom of expression qualifies as a social duty, since such are exposed to the public for analysis of their contents. If they are consistent, people will accept them, otherwise, they will be repudiated. Thus, it is justified to never censor that right.

On the other hand, there are those like Daniel Sarmento who maintain that hate speech symbolizes a hostile rather than a discursive behavior, given that it is the most aggressive and disrespectful way to find answers to the conflicts that afflict society:

Faced with a manifestation of hatred, there are two probable behaviors from the victim: to retaliate with the same violence, or to withdraw from the discussion, frightened and humiliated. None of them contribute minimally to “the pursuit of truth” (SARMENTO, 2006, p. 236, translated by us).

Therefore, in spite of the free and wide manifestation of the freedom of expression defended by some doctrinaires, in particular John Stuart Mill, it is understood that all freedom has logical limits, which are embodied in the generic conception of freedom, so that it preserves, protects and promotes the personality rights of others (MACHADO, 1996, p. 360).

Thus, the manifestations of hatred and repudiation towards a certain group is incompatible with the respect for the dignity of the people, since it tends to disapprove and diminish the self-esteem of the victim and represses him/her from participating freely of the collective life.

The Internet connected to computer devices becomes an environment conducive to the propagation of these behaviors, which can produce both individual and mass victimization, given that internet access has evolved significantly with globalization (CAZELATTO; SEGATTO, 2014, p. 397).

According to The Brazilian Secretariat of Social Communication, based on the 2015 Brazilian Media Research, almost half of all Brazilians, 48%, use the internet (BRAZIL, 2015).

The percentage of people who use the internet everyday grew from 26% in 2014 to 37% in 2015. Users of the new media are connected, on average, 4:59 hours a day during the week and 4:24 hours on weekends. Within this data, 92% of Internet users are connected through social networks, where Facebook is used the most (83%), followed by Whatsapp (58%) and Youtube (17%) (BRAZIL, 2015).

It is a significant number of users for whom computer tools are inseparable from their daily lives. Evidently, the more it is used, the greater the chances of committing discursive acts of hate and other illicit acts, strengthening the incitement for hatred, as highlighted by Rosane Silva et. al:

When one person addresses a hate speech towards another, dignity is violated in its intersubjective dimension, in that each human being owes to the other. But not only that. In the case of hate discourse, it goes beyond that: the dignity of a whole social group is attacked, not just of an individual. Even if this individual has been directly attacked, those who share the discriminating characteristic, by coming into contact with the discourse of hate, share the violating situation. What is produced here is what we call diffused victimization. It's not possible to distinguish, nominally and numerically, who the victims are. What we know is that people are affected

and it's due a belonging to a particular social group (SILVA et al., 2011, p. 449, translated by us).

This is due mainly to the causative agent of the discourse, which, to a certain extent, feels protected by a computer screen and, many times, by being anonymous, at which point that person seizes the opportunity to express anger and hate.

It is essential to contextualize this phenomenon considering its manifestation, as when false profiles are created containing the victim's personal data, or when passwords are violated and there is name calling, jokes and humiliating behavior, among others. In addition, one must also consider the environment in which it occurs, such as social network sites, e-mails, text messages, mobile applications, and others.

This perspective avoids restricting the concept of online homophobic hate speech to a simplistic and reductionist view. In turn, it helps to clarify the etiology and the respective impacts of these behaviors committed among peers in the digital environment.

In order to do so, it is the duty of the State and/or of any person to take preventive and sustainable measures in the digital environment, not only to prevent its degradation, but also to protect the various fundamental rights that are linked to it, such as sexual minorities, because, according to the Human Rights Secretariat of the Ministry of Justice and Citizenship, through the 2013 Homophobic Violence Report in Brazil, at least five cases of homophobic violence are registered every day in Brazil (BRAZIL, 2013), including those committed within the computer environment.

According to the Grupo Gay da Bahia database (GGB), updated daily on their website titled "Who has homotransphobia killed today?", in 2015 alone 318 homicides of sexual minorities were registered in Brazil. This number amounts to one hate crime every 27 hours, of which 52% were against gays, 37% against transvestites, 16% against lesbians, and 10% against bisexuals, as well as 7% of heterosexuals murdered for wrongly being mistaken for gay and, finally, another 1% towards partners of transvestite (GRUPO GAY DA BAHIA, 2015).

These numbers, however frightening as they may seem, still do not reflect reality, because most of these crimes are classified and registered by the competent agents as ordinary crimes without homophobic bias. There are also sexual offenses that are not even reported and get lost as an unrecorded crime rate.

In this way, ensuring that this environment is free from any risk, threat or prejudice while navigating online, means to ensure respect for and protection of the right to life, health, freedom, privacy and, especially, to sexual freedom, free of prejudice and/or discrimination.

In addition, the preservation of the virtual world is of a collective interest, where promoting its sustainable development, through public and private controls, such as fighting against online homophobic hate speech, is to establish a balance for its preservation.

5. FINAL CONSIDERATIONS

We can conclude that computer devices emerged in order to meet the basic needs of human beings and to maximize their capacity and communicative extension, modifying the conception of social, economic, cultural and political relations, which have become networked, thus, solidifying what is conceived as an Information Society.

This new social arrangement was deeply marked by technological revolutions, especially the Industrial revolutions, drastically breaking, as the theory of informationalism proposes, with previous times and imposing a new social paradigm based on information and computer technologies.

It is a structural reorganization of society based on notions of limits: territorial, moral, normative and one's own knowledge, which is why it is seen as a new category of environment, originating as an extension of the cultural environment.

Cyberspace holds the cultural patrimony of people; it's a product of human creation, with multiple aspects, alive and mutant, full of particularities, deserving a proper and a specific legal protection.

It has become, therefore, a mechanism that facilitates the exercise of civil, social and political rights. However, because it is a virtual environment full of particularities, it deserves a proper and specific legal protection for this category.

Although computer tools are essential to human daily life, enabling information exchange, freedom of expression, leisure, education, work and commerce, as well as being a mechanism that facilitates the exercise of civil, social and political rights, it was observed, on the other hand, that the virtual world is conducive to the practice of various illicit acts and harmful conduct, such as homophobic hate speech.

It is possible to verify, further, that human sexuality is one of the central elements of any individual's life, integrating personality, transcending the historical-cultural standardization imposed by sex, gender, gender identity and sexual orientation, taking into account that it involves identity issues that are expressed psychologically, morally and socially.

Regarding the exercise of sexuality, it is as much a fundamental right as it is a personality right, which is enforceable against the State and third parties, as it is inseparable from the minimum development of life and dignity of the human being.

On the other hand, it appears that homophobia, the generic term used to refer to abuses of the LGBTQ community, is the ideology that most restricts and violates the rights of sexual minorities. It is based on the hierarchy of sexualities, in which heterosexuality is defined as the dominant, natural and correct position.

For this, homophobia relies on instruments such as online hate speech, which is a manifestation of hatred, contempt and intolerance against characteristics pertaining to minority groups, such as those related to religion, nationality and human sexuality.

They are intimidating acts hidden behind what is claimed to be the right to freedom of speech, but in fact are more of an abuse of this right, far removed from being a mere opinion. They are behaviors that result in harmful effects to a range of people, as well as against the balance of the environment in which it is spread.

Thus, homophobic hate speech is an instrument that limits the exercise of free human sexuality and the healthy balance of the computer environment. Its practice is not a mere opinion, because its results damaging to the digital space and its users and should therefore be banned.

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