

When personal opinion becomes public: EFHR fight against discrimination in the virtual space

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Life online never stops – internet provides more information about the surrounding world, facilitates access to relevant data and gives an opportunity to make public personal opinion and exchange views with other members of a society. Furthermore, internet becomes an arena where people can make not only money but also friends, this way affecting every contemporary individual. As it is widely used and easily accessible, internet creates new communication forms, ways in which groups of people can organize and introduces different activities. However, there is a tendency to forget that internet is a public sphere; therefore, some activities are considered to be against the law, for instance, when one imparts menace, incites inappropriate behavior and discriminates a particular group of people. Consequently, these offences are visible to everyone and not only contaminate public space existing on the internet but also may result in legal responsibility because such practices breach the law of the Republic of Lithuania.

Human dignity is protected under the Lithuanian law

Article 25 of Lithuanian Constitution sets out that everyone has the right to voice their convictions, notwithstanding, this is not compatible with a criminal offence: discrimination and hatred incitement on a basis of nationality, race and religion. Constitution as well protects human right to dignity (Art. 21).

The most common infringement of law present in comments found on the internet is described in Article 170 of the Republic of Lithuania Penal Code and claims that one who publicly sneer down, disdain, incite hatred or instigate discrimination of a certain group of people (2nd clause); or one who instigates violence against group of people or an individual who belongs to the group (3rd clause) is a subject to an administrative fine or liberty restriction or deprivation up to 3 years. According to Art. 11 of Penal Code, it is not a serious crime.

Internet delinquents are punished

European Foundation of Human Rights (EFHR) is actively pursuing a campaign against discriminative comments on the internet and aspires to punish individuals who commit web-based crimes in public space for already two years. Identities of these offenders are revealed more frequently than ever before. Due to EFHR efforts, more than 40 authors of discriminatory comments were punished as enforcement officials could find them without any difficulty. Examining similar cases, several patterns were observed.

Discriminatory comments and their authors: outrageous, although sometimes amusing

In Lithuania, those who incite national hatred through comments are usually men, Lithuanian nationals without higher education. Their contemptuous comments generally are full of grammatical mistakes; they cannot even write a simple sentence and make bizarre orthographic errors. Despite this fact, they express their frustration that foreign-born Lithuanian residents do not learn Lithuanian language.

Common feature of all these obnoxious commentators is that they do not give any logical explanation of their comment. For example, one who wrote: "Shitty Polish have to be beaten until they become blue. After that they should continue to be beaten. Because they are not humans [...] You will be swept off from the Earth's surface. We will take Kalashnikovs", when analyzing his case stated that he does not have any loathing for people of Polish origin and did not have an intention or a reason to incite violence against them, claiming that he generally wrote it because he felt anxious for reduced pension.

Another person who wrote: "Polish were always famous for being a nation of idiots and stupidly stubborn and coarse people" upheld that stating his opinion he did not want to insult anyone. Similarly, an individual who said: "mates, someone hit them [Polish] on their backs with a baseball bat because they deserve it", denied that he publicly incited abusive actions and such comment is only his personal opinion. This and other his comment where he spoke of Polish from Vilnius and suggested that they have to be taken to Auschwitz concentration camp were written because he was angry at Polish since they do not learn Lithuanian language. Yet, he himself typed without using Lithuanian letters and could not spell correctly various words.

Some of the comments are simply funny, for instance: "Do normal people shave their heads, do noses of normal people look like scythes (hooked), smashed noses, kicked in teeth. That is the portrait of Polish! [...] Whereas Lithuanians are closer to Aryans (Aryans – pure Europeans with blue eyes and blond hair, clean race)". Reading these comments one might think that all Polish men are toothless skinheads, while Lithuanians – without an exception are ideal blonds. Then you remember how everything looks in the reality and may laugh your heart out.

A crime is a crime

One of the common features of these commentators is that they do not think they have done something unlawful and claim that they did not know it was forbidden to express personal opinion in public which invites to use violence and incites hatred against foreign-born. The wrongdoers believe that it is only their point of view and do not see the difference among posting on the internet and sharing it among friends. However, ignorance of the law does not exempt us from its consequences and discrimination instigation in the comments might result in a fine of more than thousand Litass.

Even though discrimination on national/gender/sexual orientation basis arises from personal culture and absence of education which could be solved improving education, comments on the internet are only the top of an iceberg. Thus, we cannot tolerate public violence incitement and exhortation to sneer down. Everyone could contribute to a better internet environment by reporting any comment discriminating any group in a society to the European Foundation of Human Rights which is concerned about public order in a virtual space.

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