

PeopleACT

LAW REFORM CAMPAIGN AGAINST CYBER HARASSMENT AND OTHER HARMFUL CYBER BEHAVIOUR CONCEPT NOTE

Name of the Coalition

People Against Cyber Threats/Harassment (PeopleACT).

Title of the Campaign

Law Reform Campaign Against Cyber Harassment and Other Harmful Cyber Behaviour (the Campaign).

Context

The growing use of information and communication technologies (ICT) has become a double-edged sword – on one hand, ICT significantly increased access to information and opportunities and has made communication faster and easier. On the other hand, ICT has brought about unfavourable consequences – it has been used as a tool to inflict harm on others; harm in this instance refers to cyber communications that are abusive, threatening or invasive of privacy.¹

More and more reports of threats of violence, rape and killing have emerged in Malaysia – for example, a young woman (who was caught on video hitting the car of an elderly man after a motor vehicle accident) had her car registration number and other private information exposed and it went viral within 24 hours; a radio presenter received rape and death threats (when she asked on a YouTube video whether *hudud* law would be able to address the socio-economic issues in Kelantan); and a young man received thousands of death threats and other hateful messages when he organised a dog familiarisation event. This problem is not exclusive to Malaysia - according to the United Nations, 73 percent of women and girls have been exposed or have experienced some form of online violence.² In most of these cases, perpetrators of cyber harassment are rarely held accountable for their behaviour and the possibility of being anonymous in cyber space exacerbates this problem.

Threats of rape, death and exposure of private data, information and photographs are emotionally stressful and the damage they inflict on their victims can sometimes extend to physical trauma. In turn, this results in a direct and indirect cost to society and the economy – the need for health care increases and resort to judicial and social services rises, in turn driving up financial resources while productivity decreases once peace and personal security of a person is threatened.³

Rationale for the Campaign

Malaysia has the fourth highest proportion of youth Internet usage worldwide,⁴ and the use of ICT, including the Internet, will continue to grow exponentially, particularly, amongst the younger generation. As such, it is important that the Internet is made a safer, respectful and empowering space, for current and future generations.

To ensure this, the government, law makers, industry players and the general public must demand and act against the violence perpetrated in cyber space. As there are currently no specific laws that tackle cyber harassment and other harmful cyber behaviour in Malaysia, it is therefore necessary to establish relevant legal provisions (followed by monitoring efforts to ensure effective implementation) to tackle this growing problem.

¹ Issues Paper on Cyber-crime affecting personal safety, privacy and reputation including cyber-bullying' (LRC IP 6-2014, *Law Reform Commission*, <http://www.lawreform.ie/_fileupload/Issues%20Papers/ip6Cybercrime.pdf> accessed 24 Mar 2016.

² 'Cyber Violence Against Women and Girls – A World-Wide Wake-up Call', A Report by the UN Broadband Commission for Digital Development Working Group on Broadband and Gender, (2015), <http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf> accessed 24 Mar 2016.

³ 'Cyber Violence Against Women and Girls – A World-Wide Wake-up Call', A Report by the UN Broadband Commission for Digital Development Working Group on Broadband and Gender, (2015), <http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf> accessed 24 Mar 2016.

⁴ 'Exploring the Digital Landscape in Malaysia', UNICEF (Nov 2014), 41 <http://www.unicef.org/malaysia/UNICEF_Digital_Landscape_in_Malaysia-FINAL-lowres.pdf> accessed 4 Mar 2016.

Legal reform on its own is insufficient – there must be public awareness on the problem to ensure that not only harmful cyber behaviour is called out but that cyber users are able to ensure that they behave in a respectful manner when using cyber technologies. Increased public awareness will also ensure that legal reform will have a wider impact.

Campaign Goal

To make the cyber environment a safer, more respectful and empowering space for all, by reducing cyber threats and other harmful cyber behaviour, through law reform.

Campaign Objectives

- To reform the law to regulate cyber harassment and other harmful cyber behaviour affecting personal safety and privacy; and
- To get this issue of cyber harassment and other harmful cyber behaviour on the public agenda.

Campaign Strategy/ Listing of Project Activities

To achieve the above objectives, the PeopleACT will carry out the following activities:

Reform the law

- Establish an all-party committee to spearhead this Campaign;
- Document all relevant complaints and cases;
- Conduct research on Malaysian and international law on the subject matter;
- Draft a bill either to amend or promulgate a new law and seek to have the said bill tabled in Parliament;
- Carry out consultation with industry players, enforcement agencies and survivors on the said draft bill; and
- Carry out briefings to civil society organisations, government agencies and members of Parliament.

Raise public awareness

- Carry out a public discussion on the issue at least once a month;
- Organise town hall meetings in two states every month, with the participation of members of Parliament;
- Distribute information, education and communication (IEC) materials to the public on the subject matter; and
- Engage with the media, academicians and public figures.

Expected Results

- A legal framework that tackles cyber harassment and other harmful cyber behaviour affecting personal safety and privacy is established;
- The availability and accessibility of information on cyber harassment and other harmful cyber behaviour is increased.

Organisational Background, including the expertise and experience

The PeopleACT Coalition comprises individuals who have been working in the area of human rights and activism for more than 20 years. The coalition also comprises youth activists who are passionate about making the cyber environment a safer and more secure place for all.

The secretariat for the PeopleACT Coalition is the Malaysian Centre for Constitutionalism and Human Rights (MCCHR).

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