

**MINISTERIAL ADDRESS**  
**Empowering Citizens Online:**  
**Regulating Online Harms**

**By**

**Dato' Sri Azalina Othman Said**  
**Minister in the Prime Minister's Department**  
**(Law and Institutional Reform)**

***International Legal Conference on***  
***Online Harms 2024***  
**5 September 2024**

## **GLOBAL CHALLENGES AT PRESENT**

There are a **few questions** running through my mind.

**First, do we need to regulate online space, especially those enabling content sharing that causes various types of threats?**

**Second, who ought to be responsible for the harm stemming online in this borderless world?**

**Third, what should the law encompass? What kind of responsibilities should be introduced?**

**What are the means and mechanisms to empower users in a transparent manner?**

**Will this encroach on the freedom of speech and expression?**

**Lastly, is it solely the role of the Government to address online harms?**

The pervasive nature of online harms ranging from cyberbullying, misinformation, exploitation, radicalization demands comprehensive legal frameworks and collaboration between Governments, civil society and the society at large. It cannot be the sole responsibility of platform providers; instead, it should be a collective duty for everyone involved.

## **Growing Threat to National Security**

We have seen how online platforms have been exploited, sharing of harmful content that threatens national security; ethnic strife resulting in bloodshed in many parts of the world. In **New Zealand**, if you all still remember, the **Christchurch Mosque shootings** were livestreamed on Facebook and then almost immediately reposted on **Reddit, YouTube** and **Twitter** by other platform users.

## **Growing threat to children and families**

The rapid advancement of technology and the rise in hyperconnectivity, accelerated by the COVID-19 pandemic, have shifted many aspects of life, including education online. **As children increasingly navigate the Internet for school and other activities, digital connectivity has become essential to their development.**

If you look at kids, even your kids, many are glued to their phones, tablets or computers. Many are always scrolling away, deeply immersed in the online world. Many of us here would not know what they are surfing. **According to a study led by Harvard University, social media platforms have generated 11 billion dollars in ad revenue from U.S based users aged 18 and below.** Young users are profitable to these platform providers. **According to Disrupting Harm in 2022, 9% of young people in the world have allowed themselves to be taken an image or video whilst naked.**

With all these youngsters roaming around online, it opens doors to predators as well. They roam around on the same gaming sites our children are on, like **Fortnite, Midnite and Roblox.** Children are impressionable and can potentially be manipulated by predators into exploitation. **We cannot cure this; we need to prevent this.**

Harmful content doesn't just extend to child sexual abuse materials, but also other contents can cause irreparable harm to children. **This includes cyberbullying and harassment as well.**

Apart from the death of **Esha due to cyberbullying**, as shared by the Deputy Prime Minister just now, there are instances where it affects minors as well. A tragic example is the 16-year-old girl from Sarawak who took her life after a distressing Instagram poll, highlighting our collective failure to protect her. This is a child who was clearly going through hardship, to which we all have a collective responsibility to protect and help her. **This tragedy highlights the critical need for society to improve its efforts in safeguarding and caring for our young people, especially in digital spaces.**

We cannot keep our children away from the Internet forever, it is a part of their lives too, as it is a great tool to help them thrive in life. **Therefore, we need to make sure transparent safeguards are there instead to protect them in these essential spaces.**

### **Online Scams**

Let's look at another harm: online scams. In July 2023, **the former Ministry of Communications and Digital said Malaysians suffered a total loss of RM302 million due to online scams on Meta platforms from 2021 to June 2023. The elderly, another vulnerable group, are prone to online scams, unfortunately. Earlier in March, the Royal Malaysia Police said 326 Malaysian job scam victims who were stranded overseas have been rescued since 2021.** Most of them fell for fake job advertisements on social media offering jobs in casinos or resorts overseas and some were even being forced to work as scammers themselves. **Scammers are becoming more sophisticated, employing tactics that can deceive even the most vigilant.**

### **Doxing**

I would also like to highlight another issue: doxing. What is doxing? It is a harmful practice **where your personal information is maliciously shared without consent**, often to harass or intimidate. How scary is that? This does not only invade your privacy but also puts your safety at risk. While some view doxing as a form of vigilante justice, it often leads to harassment and intimidation.

### **The use of artificial intelligence (AI) for malicious activities**

Artificial Intelligence (AI) is increasingly being weaponized for malicious activities, posing significant threats across various regions. Technologies like deepfakes and bots are being exploited to create and distribute harmful content, including AI-generated child sexual abuse material (CSAM) and AI pornography. **It was reported that a US man used AI to generate over 13,000 child sexual abuse images.** It was also found that **personal photos of Australian children are being used to train AI**, exposing them to even more risks. **It is appalling to hear such news,**

and how progressive technology like AI has been abused for such sinister matters.

## **GLOBAL LEGISLATIVE MOVEMENT: REGULATING CONTENT MODERATION.**

Malaysia is not alone in recognising the need for online safety law. A growing number of countries have legislated or are legislating online safety laws, and the need to have one is certainly not lost to us. The recent investigation on the **Telegram founder for complicity of distributing narcotics, Child Sexual Abuse Materials and money laundering** is also telling of the **increasing concern governments across the world have for events and acts that transpire online.**

**Let's talk about Profit vs. Public Safety. The role of the government is to protect public safety, not profit. How do we do this? By ensuring safe environments and policies that uphold the public rights and safety.**

**These issues require a robust legal framework and proactive strategies** to strike a balance between protecting vulnerable citizens and at the same time, preserving freedom of expression. There is a **dire need for regulation on online harms**, as it is to enhance online safety and protect our society.

We however take cognisance that the regulation must be holistic and effective, incorporating the "safety by design" approach. We are taking a leaf out of the **Online Harms Bill of Canada, United States of America's Kids' Online Safety Act, European Union's Digital Services Act and the Online Safety Acts of Australia and the UK**; we look into what works, are the challenges they are presently facing, and we adopt it to our own circumstances.

There are many ways to skin a cat, but we must acknowledge that the most effective laws are those that prevent issues before they occur, rather than addressing them after the fact. **The global regulatory environment is rapid evolving, with newer regulatory schemes focusing on systemic protections, rather than episode-based interventions for**

particular types of online content, namely, some governments such as Australia, Republic of Korea, and recently, Canada have adopted a hybrid approach for individuals to lodge complaints about specific types of online contents as well as placing systemic requirements on digital platforms.

This is because content moderation by way of taking down harmful content is inefficient due to the sheer volume of user-generated content on platforms, and the challenge is further compounded by new content formats including those generated by AI, as I mentioned earlier.

Hence, the **Malaysian Online Safety Act** currently being considered by the Government, which adopts a hybrid model, aims to require the implementation of effective safety measures, coupled with positive duties, within applications services and content applications services to facilitate healthy and safe exercise of freedom of expression in the country without compromising the privacy of individuals.

Secondly, it would minimize exposure of users to certain types of content, with specific requirements when children are likely to access them. The third objective is to provide for more robust complaints and redress mechanisms, to empower the users and transparent sharing of data, which includes the establishment of a watchdog. Fourth, it would provide for distinct measures to strengthen protection to child users.

## **BALANCING FREEDOM OF EXPRESSION AND PROVIDING SAFE PLATFORMS FOR ALL**

The online sphere has become a powerful platform for expression which enables voices to be heard across the globe. **The right to freedom of expression** as enshrined in **Article 10 of the Federal Constitution of Malaysia** and protected by **Article 19 of the Universal Declaration of Human Rights** is a fundamental right that we all cherish. This right is the cornerstone of democracy for as it has been said which I quote "*freedom of speech is more important than democracy, for democracy does not necessarily guarantee freedom of speech. The first step to the creation or*

*onset of a greater democracy and equity is always the phenomenon of letting the people's voice be better heard."*

Freedom of speech and expression is crucial, yet it is fragile and can easily be compromised if not carefully protected. It enables us to make informed decisions about laws, policies, and products. Therefore, we must defend this freedom while also preventing the spread of misinformation online.

Balancing the protection of free speech and expression with the need for sensible online safety measures is essential. When platforms are misused to spread harm or create unsafe environments, we must remember that freedom of speech and expression does not include the right to spread harmful content. Today, let's work together to ensure the online space remains one where voices are heard, but respect, safety, and responsibility are upheld.

## **CONCLUDING REMARKS**

We come together from various corners of the world, representing **diverse cultures, experiences, and perspectives**, united by a common goal: **to ensure that the rights of every USER is upheld and safeguarded.**

The welfare and protection of the rakyat, especially children, is an issue close to my heart. I am heartened that the MADANI government has committed to spearheading efforts in this space to ensure everyone, including children in Malaysia, who make up almost 30% of our population, continue to remain central to our agenda and can grow up in our country feeling secure and protected.

In closing, let us remember that the fight against online harms is not just a legal challenge but a moral one. We must strive to create an online space that upholds the dignity, safety, and rights of every individual. This is our duty, and I am confident that together, we can achieve it.