

ADDRESSING ONLINE HARM

Moderating Digital Platforms' course

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OVERVIEW

1. What “harm” means in the legal realm
2. How online harm can be defined and understood
3. The nature, significance, and impact of online harm
4. Legal responses in the EU and the UK

Broadening the concept of harm

- ❑ Historically, harm focused on **physical injury**, especially in criminal law contexts.
- ❑ Recognition has expanded to include:
 - *Psychological, emotional, and relational harm,*
 - *Economic losses*
- ❑ Increasing attention to **potential or remote harm**, balancing protection with overreach.
- ❑ Harm now considered **beyond the individual**, encompassing societal, cultural, environmental, and animal dimensions.

Defining & understanding online harm

- ❑ Lack of consensus: No precise definition or classification, complicating identification and response.
- ❑ Working definition: Any harm caused, facilitated, or amplified — wholly or partially — through ICTs.
- ❑ Rationale:
 - *Avoiding restrictive terms;*
 - *Capturing emerging technologies and their evolving harmful practices.*
- ❑ Its implications:
 - *Enabling flexible analysis;*
 - *Informing future regulation.*

Online harm manifestations

- ❑ **Facilitation:** Domestic surveillance via spyware
- ❑ **Amplification:** Secondary distribution of non-consensual sexual imagery
- ❑ **Creation:** Sexual digital forgeries
- ❑ **Enablement:** Online fora for misogynistic and non-consensual sexual content
- ❑ **Moderation:** Labour conditions of content moderators

Online harm is...

N.B. The role of bystanders

[Gender-based]

Intersectional

Continuous

Individual impact of online harm

- ❑ **Emotional responses:** Confusion, discomfort, frustration, vulnerability, and isolation.
- ❑ **Psychological toll:** Anxiety, anger, depression, humiliation → Long-term erosion of well-being and self-worth.
- ❑ **Offline spillover:** Impact on education, work, and relationships, creating disconnection between online and offline identity.
- ❑ **Coping mechanisms:** Self-censorship or withdrawal from digital spaces, often deepening exclusion and helplessness.

Social impact of online harm

❑ Societal effects:

- *Eroding diversity and richness of online discourse;*
- *Creating echo chambers and homogenised voices.*

❑ Structural inequality: Digital divide deepens existing forms of oppression.

❑ Economic costs: Lost productivity, rising mental health expenses, strain on public health and social systems.

Online platform response to online harm

Common measures

- Referral to local authorities;
- Content moderation and removal;
- Inaction.

Common criticism

- Over- and under-removal;
- Downplaying design choices that amplify harm;
- Prioritising engagement and profit over user safety.

Policymakers increasingly respond to online harm through:

- ☐ **Criminalisation of specific content and conduct;**
- ☐ **Platform governance.**



**Regulation (EU) 2022/2065
(Digital Services Act)**

UK Online Safety Act 2023

Both aim to ensure user safety by holding private intermediaries accountable for the content they host and the risks they pose to users.
But their understanding of harm diverges!

How does the Digital Services Act work?

Online harm

What is illegal offline should also be illegal online.

Target entities

- All intermediary services operating in the EU, even if based outside its borders.
- The larger their size and societal relevance, the stricter the rules that apply,

Key pillars

- Liability exemptions → The intermediary service's role is limited to the purely technical and automatic processing of user information.
- (Independent) due diligence obligations that concern the design and operation of intermediary services.

How does the Online Safety Act work?

Online harm

...the risk from:

- i. Illegal content and activity, and
- ii. content and activity that is harmful to children...

Target entities

- All intermediary services operating in the UK or targeting UK users must comply.
- It categorises services by size, reach and risk.

Key pillar

Duties of care
to assess and
mitigate
harm on their
platforms

**THANK
YOU**

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