

Don't feed the trolls—how to stop online harassment - AvvoStories

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If you have any internet presence, it's likely that you've noticed the web's most unfortunate side effect: internet trolls. While cases involving well-known people, like author [Lindy West](#) or former Reddit CEO [Ellen Pao](#), get the most attention, trolls don't exclusively target visible, successful women. Racial and sexual minorities, people with disabilities, and up to a quarter of all [teenagers](#) are among those most victimized by cyberbullies. According to the Pew Research Center, [four in ten](#) Internet users have experienced some form of online harassment—and that rate feels conservative.

Despite the saying about "sticks and stones", the effects of cyberbullying are not limited to virtual spaces. Cyberbullying has been connected to increased rates of depression, anxiety, and even suicide in [teens](#) and [adults](#). A [U.N. report](#)

found that 73 percent of women have experienced cyberviolence, which often carries the same real-life repercussions as physical violence.

New approach in New Zealand

In an attempt to protect its citizens from cyberbullying, New Zealand banned trolling, or, “causing harm by posting digital communication”. The Harmful Digital Communications Act passed last year defines harm as “serious emotional distress” and harmful communications as those that threaten, intimidate, or menace a victim, as well as statements that are grossly offensive, indecent or obscene, or denigrate a person’s race, gender, sexual orientation, or disability. Other banned digital communications are “doxing,” (the disclosure of sensitive personal information about someone), harassment, and encouraging others to send harmful messages to a victim.

The “safe harbour” clause reduces content hosts’ liability for what users post, provided that the hosts follow a prescribed process for handling complaints. This process is designed to make it easier to remove harmful posts and requires companies to be easily accessible and quickly responsive to complaints.

Beginning next year, there will be a new government agency dedicated to enforcing the New Zealand act and bringing offenders to district court, which will establish a new civil process. No new criminal penalties exist, but failure to comply with a court takedown order, publish a required retraction, or reveal the true identity of an offender will be punishable by up to six months in prison or a \$5,000 fine for individuals, and fines of up to \$20,000 for companies.

What about free speech?

Naturally, opponents claim that freedom of speech is compromised by the new act. In New Zealand, Section 14 of the New Zealand Bill of Rights Act 1990 guarantees the right to freedom of expression. Defenders of the Harmful Digital Communications Act, however, assert that it is not an absolute right, and that freedom of speech does not automatically override other laws. Many activists claim that trolling is itself an attack on free speech, as the intent most often seems to be silencing the victim.

In the United Kingdom, which has a more restrictive definition of free speech than the United States and New Zealand, an obscure pre-existing law resulted in the prosecution of 1,500 trolls in 2014. There was no outcry in defense of free speech. Of those convicted, 155 of the trolls were sentenced to jail time.

Safe at home?

For better or for worse, free speech laws in the United States are among the broadest in the world. The First Amendment protects even hateful speech. In this country, however, we do have laws protecting people from online harassment (though legal recourse can be costly, time consuming, and sometimes ineffective). When a single person is responsible, victims can use tort law to sue their cyberbully for defamation, intentional infliction of emotional distress, harassment, or public disclosure of private fact. Federal stalking laws U.S. Title 18 Chapter 110A § 2261A were amended in 2011 to include digital offenses.

It’s worth noting that researchers who’ve studied cyberbullying distinguish between two kinds of online harassers: trolls, who pursue their victim for sadistic pleasure, and cyberstalkers, who go after a person out of pathological anger toward the victim. The latter are potentially far more dangerous, according to the experts.

Congresswoman Katherine Clark (D. Mass.) is spearheading efforts to make enforcement of laws prohibiting online threats a greater priority for the Department of Justice. In a public statement she said:

“Too many women have had their lives upended by the severe threats & harassment that they’ve received online, and they often feel they have nowhere to turn for help. These threats cause fear for personal safety, create a chilling effect

on free speech, and have a negative economic impact for women conducting business online.”

Even a dramatic increase in prosecutions, however, won't affect the vast majority of cyberstalking cases. Only 10 related cases were prosecuted between 2010 and 2013. At current, the law is incapable of addressing situations where dozens or even hundreds of trolls join in a cyberattack.

While law enforcement and platforms like [Twitter](#) take baby steps to address user safety, some tech companies have looked for an [entrepreneurial solution](#) by developing software solutions that gaming and social media communities can use to identify and manage trolls just as they do spam. But for the most part, the Internet is still a free-for-all, where everyone must be out for themselves.

Are you being harassed online?

Victims of online harassment are [advised](#) to:

- Respond to the harasser once—to tell them to stop—and then refuse any further engagement with the cyberbully.
- Notify law enforcement and the platform they are using.
- Block the harasser if the abuse is taking place on a platform with that capability.
- Resist the urge to delete the harmful messages; instead, save them both inside the platform and with screenshots or printed copies so that you have proof even if the posts are later deleted.

And as for the other side of the equation? Remember that what happens online does not stay online. There is a real, live person at the other end of your Internet communication, so don't hit “send” on anything you wouldn't say to their face. Not only is trolling bad manners, but increasingly, it could get you into [legal trouble](#).

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