Social Media and Mental Health

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Task 1.1 United Kingdom

I Introduction

There has been extensive research into the effects of social media upon mental health and wellbeing in the United Kingdom. Although findings have often focused upon the negative effects of social media upon mental health, there has also been significant support for some positive effects.

II Profile of Social Media Use in the United Kingdom

A 2017 report by the Education Policy Institute (EPI Report) investigated existing research concerning the relationship between young people’s social media use and their mental wellbeing.¹ A 2016 OECD report found that young people are now going online at a younger age, and that this trend is happening earlier in the United Kingdom than other OECD countries.² 27.6% of young people in the United Kingdom were 6 years old or younger when they first used the internet.³ Most (47.6%) were aged 7–9.⁴ These findings placed the United Kingdom below the OECD average.

The OECD study also examined how much time young people spend online. 37.3% of 15-year-olds in the United Kingdom are “extreme internet users” (defined by the OECD as someone using the internet for more than six hours outside of school on a typical weekend day).⁵ This is significantly higher than the OECD average (only Chile had a higher rate of extreme internet use than the United Kingdom). 94.8% of 15-year-olds in the United Kingdom used social media before or after school in 2015.⁶ Young people with a lower socio-economic status were more likely to use social media before school, and girls were more likely to do so than boys.⁷ 11% of 10–15-year-old girls and 5% of boys in the United Kingdom spent over three hours using social media on a typical school day during 2012–2013.⁸ Girls were twice as likely as boys to spend over three hours on social media on a typical school day.⁹ The genders also differed in the kind of social media engaged in. 61.9% of boys played

¹ Emily Firth Social media and children’s mental health: a review of the evidence (Education Policy Institute, June 2017).
² OECD PISA 2015 Results Students’ Well-being Vol III (April 2016) as cited in Firth, above n 1, at 9.
³ At 9.
⁴ At 9.
⁵ At 9–10.
⁶ At 11.
⁷ At 11.
⁸ At 5.
⁹ At 12.
interactive online games every day or almost every day, compared to 13.5% of girls. However, boys were slightly less likely to participate in other forms of social media.

In 2016, the average 16–24-year-old reported spending 29 hours internet browsing every week. 99% of young adults reported using social networks at least once every week. On average, young adults spent two hours 26 minutes per day on social media, compared to one hour 16 minutes for all adults.

A Emerging Trends

Firth stated in the EPI Report that children and young people are increasingly likely to access the internet privately via either a computer in their own bedroom or a smartphone. By 2011, 49% of children in Europe were accessing the internet from their own bedrooms, with teenagers being particularly likely. In 2014, 56% of 9–16-year-olds in the United Kingdom used smartphones daily. This increase in private use is likely to hinder attempts to prevent young people from experiencing online risks.

Instant messaging is particularly popular amongst young people. 81% of 18–24-year-olds with smartphones used Facebook Messenger in April 2016. 36% of 16–24-year-olds considered instant messaging to be their most important means of communication, compared to only 2% of those aged 65 and over. This increase in instant messaging means that parents and teachers are often not aware of online activity because conversations in instant messaging are harder to monitor than, for example, a Facebook profile.

A third of young people aged 8–17 who responded to a 2016 survey by the UK Safer Internet Centre stated that they had livestreamed. This development carries associated risks for young people’s wellbeing, including the potential for their actions to be recorded and posted online without their consent. There have also been isolated incidents of livestreaming distressing content such as assaults suicide attempts.

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10 At 11.
11 At 11.
13 Ofcom, above n 12, at 181.
14 Ofcom, above n 12, at 181.
15 At 13.
16 At 13.
17 Giovanna Mascheroni and Andrea Cuman Net Children Go Mobile Final Report (with country fact sheets) (November 2014) at 7.
18 Ofcom, above n 12, at 180.
19 Ofcom, above n 12, at 27.
20 Firth, above n 1, at 13.
22 At 38.
23 Firth, above n 1, at 14.
III Positive Impacts of Social Media on Wellbeing

A Development of Social Skills, Social Networks and Personal Identity

The EPI Report stated that one important benefit of social media is that they enable increased connection with friends and families, especially across large geographical distances.24 This has a positive effect in addressing social isolation and loneliness.25 Social networking is also beneficial for making new friends (especially with people with shared interests) and boosting community involvement.26

Furthermore young people tend to view social media as a positive influence in their lives, especially citing its social benefits.27 Teenagers find social networks allow them to connect with friends online and provide avenues for creativity and self-expression.28 Further, social media can assist in allowing young people to develop an individual identity during adolescence.29 Young people are able to share their creative projects online via, for example, online videos, blogs and podcasts.30

Young people also considered social networks to help them hone their social skills and see them as a valuable source of advice and emotional support.31 In the PISA wellbeing study (PISA Report) of 15-year-olds, 90.5% of boys and 92.3% of girls in the United Kingdom agreed or strongly agreed with the statement “It is very useful to have social networks on the internet”.32 This was significantly higher than the OECD average.

B Access to Mental Health Information and Support

Social media also helps facilitate online access to health information and support, and allows people to find supportive networks of people with similar conditions and experiences. 78% of young people who contact Childline do so online,33 via email or online chat, and 59% of the counselling given from the service now takes place online.34 The Chief Medical Officer has noted that social media may improve access for groups who have difficulty accessing

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24 At 15.
25 At 15.
26 At 15.
27 At 15.
28 At 15.
29 At 15.
30 At 15.
31 At 15 citing American Psychological Association “Social Networking’s Good and Bad Impacts on Kids” (press release, 6 August 2011).
32 Cited in Firth, above n 1, at 15.
34 At 9.
traditional services by providing access outside of traditional hours and from within a young person’s own home.  

When young people are at risk of suicide, they often turn to the internet for support. While there are risks to this approach, there are also benefits – such as access to peer support groups. Studies have indicated that online suicide prevention may prove effective and that social media provide opportunities to identify and support those who are at risk.

**IV Negative Impacts**

The EPI report identified a range of risks associated with social media use. These included concerns about teenagers spending excessive time online, oversharing information, cyber-bullying, the influence of social media on body image, and the ability to source harmful content or advice (such as social networks or websites which promote self-harm or anorexia).

**A Excessive Time Spent Online**

The 2017 Ofcom study found that 59% of 16–24-year olds in the United Kingdom agreed that they spent too much time online. 25% stated that they feel nervous or anxious when they are offline. 37% stated that they had neglected their work or job in favour of being online. In comparison, however, teenagers were less likely to consider that they spent too much time online, with only 37% agreeing to that statement. Nevertheless, their responses to the other items provided evidence to the contrary: 78% had been told off by their parents for spending too much time online, 72% stated that they had missed out on sleep because of their online habits and 60% stated that they had neglected their studies due to their online habits. In the PISA Report, approximately 60% of 15-year-olds surveyed agreed with the statements “I forget about time when I’m using digital devices” and “I feel really bad if no internet connection is possible”.

**B Disinhibition Effect**

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35 Firth, above n 1, at 16.  
36 Childline, above n 33, at 33.  
38 At 17.  
39 Ofcom, above n 12, at 32.  
40 At 31.  
41 At 33.  
42 At 32.  
43 At 33.  
44 OECD, above n 2, cited in Firth, above n 1, at 18.
Research has described an “online disinhibition effect” whereby individuals are more likely to share personal information or exhibit intense behaviour (such as rude language and harsh criticisms) in the online environment than the offline world.\(^45\) The emergence of smartphones has expanded opportunities for people to access social media at times when they are vulnerable – for example, they are intoxicated or in a very emotional state.\(^46\) This has increased the opportunity and likelihood of young people oversharing personal information or livestreaming their activities.\(^47\)

The EPI Report also stated that while there are concerns about youth sending naked images online, evidence suggests that this is not a widespread issue.\(^48\) A 2016 Middlesex University study on behalf of the Children’s Commissioner and the National Society for the Prevention of Cruelty to Children found that only 2.9% of children aged 11–16 had taken pictures of themselves fully naked, of whom 55% had shared the image.\(^49\)

C Mental Health and Life Satisfaction

The \textit{PISA report} found that in the UK, extreme internet users scored 6.59 out of 10 for life satisfaction compared to 7.40 for moderate users.\(^50\) A decline in life satisfaction was associated with an additional hour spent online.\(^51\) This was considered to be statistically significant by the OECD, even allowing for socio-economic status.\(^52\)

The Office for National Statistics found a “clear association” between increased time spent on social media and mental health problems.\(^53\) 27% of children who used these sites for three or more hours per day showed symptoms of ill mental health compared to 12% of children who did not use social media on a typical school day.\(^54\)

Research has also linked excessive social media use with depression and reduced sleep quality,\(^55\) along with other social and emotional problems. Social media use has also been linked with heightened physiological arousal, reduced attention, aggression, hyperactivity, and...

\(^45\) Firth, above n 1, at 18, citing John Suler “The Online Disinhibition Effect” (2004) 7 Cyberpsychology & Behavior 321.
\(^46\) Firth, above n 1, at 18.
\(^47\) Firth, above n 1, at 18.
\(^48\) At 18.
\(^49\) Elena Martellozzo and others “...I wasn’t sure it was normal to watch it...” (Middlesex University London, May 2017) at 48.
\(^50\) OECD, above n 2, cited in Firth, above n 1, at 22.
\(^51\) At 22.
\(^52\) At 22.
\(^54\) At [11].
\(^55\) Firth, above n 1, at 22.
social isolation, antisocial behaviour and “technological addiction”. Using mobile technologies such as smartphones has also been associated with anxiety about confronting social norms and need for external validation from friends for online content. Time spent online has also been linked with reduced academic achievement and offline social participation.

A 2016 study found that social media use in adolescence is correlated with poor sleep quality, depression, anxiety and low self-esteem. The researchers examined these factors in 467 Scottish adolescents. They found that adolescents who used social media more – both overall and at night – and those who were more emotionally invested in social media experienced poorer sleep quality, lower self-esteem and higher levels of anxiety and depression.

The EPI Report noted that this association does not prove causality. It may rather be the case that people already suffering from ill mental health are more likely to use social media internet as a coping mechanism.

**D Cyberbullying**

The EPI Report stated that cyberbullying occurs in many forms including:

- Sending or posting abusive or threatening messages
- Creating and sharing embarrassing photos or videos
- Sharing secrets about someone online without their consent
- Intentionally leaving someone out of an online activity or friendship group
- Voting on someone in an abusive poll
- Creating a website with mocking or critical content about someone
- Hijacking online identities or creating a fake profile to damage another’s reputation
- Sending explicit messages or encouraging a young person to send a text, then sharing that more widely
- Cyberstalking: Continuously harassing and denigration including threats of physical harm.

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57 Firth, above n 1, at 23–24.
58 At 24 citing American Psychological Association, above n 31.
60 At 45–48.
61 At 24.
62 At 24.
63 At 19.
The report identifies three particular features of cyberbullying which make it distinct from (and arguably potentially more damaging than) offline bullying: Firstly, young people are unable to escape online bullying on evening and weekends when they are not physically present at school. Secondly, a single cyberbullying incident can be shared more than once, and thirdly, technology provides anonymity and enables more frequent sexual, violent and cruel content compared to offline bullying. However, research has also indicated that a link exists between cyberbullying and offline bullying, with both forms often being used simultaneously. This indicates that, while cyberbullying is distinct in some respects, it forms part of a greater problem and cannot be addressed in isolation.

A 2014 study by Net Children Go Mobile found that the proportion of 9–16-year-olds in the United Kingdom who had experienced cyberbullying had increased from 8% in 2010 to 12% in 2014. Girls were more likely to have experienced bullying than boys (26% compared to 20%). Children surveyed in the study considered that this rise is due to mobile devices making it possible to consistently be online and available. Cyberbullying has been shown to have negative impacts upon wellbeing, such as reducing victims’ confidence and self-esteem.

Higher rates of social media use also appear to be positively correlated with occurrences of cyberbullying. The PISA Wellbeing study concluded that “extreme internet users” were more likely to report bullying than those whose internet use was moderate. 17.8% of extreme internet users asserted that “other students spread nasty rumours about me” compared to only 6.7% of moderate internet users.

### E Body Image

The EPI Report also stated that social media may have a negative impact upon body image and associated self-esteem through perpetuating idealistic and unrealistic images. A 2014 study by the University of the West of England supported this hypothesis, finding that the time spent by teenage girls using social media was positively associated with body image insecurity.

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65 At 20 citing Uwe Hasebrink and others Patterns of risk and safety online: in depth analyses from the EU Kids online survey of 9- to 16-year-olds and their parents in 25 European countries (EU Kids Online, November 2011).
66 Mascheroni and Cuman, above n 17, at 26.
67 At 27.
68 At 28.
70 OECD, above n 2, as cited in Firth, above n 1, at 6.
71 At 6.
72 At 20.
especially “higher levels of internalization of the thin ideal, body surveillance and dieting, and lower body esteem”.73

F Harmful Information and Advice Online

Another risk noted by the EPI Report is the access social media provides to harmful information as well as individuals and forums which encourage self-harm, anorexia or other unhealthy behaviours.74 Pro-suicide information, for example, such as detailed information on methods has been shown to be easy to find via the internet with 11% of 11–16-year-olds in Europe having seen websites where users discuss self-harm methods.75

The EPI Report also highlighted the risk of “contagion” whereby young people are encouraged to commit suicide after witnessing others describing suicidal thoughts or, more recently, livestreaming their suicides.76

G Comparing Social Media Platforms

The London-based Royal Society for Public Health conducted a survey of over 1,400 people aged 14 to 24.77 Participants were asked to score social media platforms for their negative impacts, citing anxiety, depression, loneliness, bullying and body image. Instagram rated highest for negative impacts, with users stating that it impacted on their body image and sleep pattern while also increasing “fomo” – the fear of missing out.78 It was followed by Snapchat, Facebook, Twitter and YouTube. The researchers asserted that social media sites such as Instagram, which primarily focus on peoples’ physical appearance and feature many digitally enhanced photographs of people, are “contributing to a generation of young people with poor body image and body confidence”.79

However, the survey also found instances where Instagram was viewed positively. It was ranked favourably for facilitating self-expression, community building and helping users find a sense of self-identity.80 In comparison, Facebook rated negatively for bullying and affecting

75 At 21 citing Lucy Biddle and others “Suicide and the Internet” (2008) 12 British Medical Journal 800.
76 Sam Dean “Facebook to use artificial intelligence to combat suicides” The Telegraph (online ed, United Kingdom, 1 March 2017).
77 Royal Society for Public Health #StatusOfMind: Social media and young people’s mental health and wellbeing (19 May 2017).
78 At 18.
79 At 24.
80 At 23.
sleep patterns but positively for emotional support and building online communities.\textsuperscript{81} YouTube was the only site felt to have a more positive than negative impact on users overall.\textsuperscript{82}

The report recommended that social media platforms introduce pop-up warnings to advise people when to rest after a period of heavy usage.\textsuperscript{83} Approximately 71\% of the young people surveyed said they would support such a system.\textsuperscript{84} The report also proposes that social media platforms identify those who may have mental health problems through the content they post and then “discretely signpost” where they can find support.\textsuperscript{85} A third recommendation calls on the sites to flag images that have been digitally manipulated in an attempt to avoid damaging a user’s body image.\textsuperscript{86}

\textit{V \quad Coping with Risks}

According to the EPI Report, young people cope with online risk in multiple ways, including blocking, changing privacy settings or taking a break from the internet.\textsuperscript{87} Many do not elect to talk about any issues with their parents or teachers.\textsuperscript{88} In one United Kingdom study, only 22\% of children who were upset by something they had seen online chose to talk to someone offline about the experience.\textsuperscript{89} Of those who did seek offline support, older children were more likely to discuss the experience with their friends, whilst younger children would turn to their parents for help.\textsuperscript{90}

Parents adopt a variety of approaches to attempt to regulate their children’s internet use. These include imposing time restrictions, banning certain sites, monitoring activity and engaging in open discussion with their children about the internet to help teach them how to be safe.\textsuperscript{91} According to the Net Children Go Mobile Report, 86\% of parents in the United Kingdom actively mediate their children’s internet safety (for example, having conversations about internet safety) while a smaller proportion (67\%) use restrictive mediation (for example, time limits or application restrictions).\textsuperscript{92} While studies have shown that limiting a child’s use of the internet reduces the chances of them experiencing online risks, such restrictions do not reduce the harm caused if the risks are experienced.\textsuperscript{93} Furthermore, these restrictions have also been linked to youth having less developed digital skills.\textsuperscript{94} The research examined in the EPI Report

\textsuperscript{81} At 21.
\textsuperscript{82} At 19.
\textsuperscript{83} At 24.
\textsuperscript{84} At 24.
\textsuperscript{85} At 26.
\textsuperscript{86} At 24.
\textsuperscript{87} Firth, above n 1, at 25.
\textsuperscript{88} At 25.
\textsuperscript{89} Claire Lilley, Ruth Ball and Heather Vernon \textit{The Experiences of 11-16 year olds on social networking sites} (NSPCC, 2014) at 5.
\textsuperscript{90} Firth, above n 1, at 19.
\textsuperscript{91} Firth, above n 1, at 7.
\textsuperscript{92} Mascheroni and Cuman, above n 17, at 40–41.
\textsuperscript{93} Firth, above n 1, at 7.
\textsuperscript{94} Firth, above n 1, at 7.
suggests that restricting a young person’s access to the internet can inhibit the development of the skills which are needed to cope with online risk.\textsuperscript{95}

The EPI report argues that the focus should be on developing resilience in young people to risks associated with social media use.\textsuperscript{96} This is because the ways in which young people connect with social media changes so rapidly in conjunction with technological innovation that it is inefficient and ineffective to attempt to protect them from all online risk.\textsuperscript{97} The report suggests that the government’s role should instead be to work alongside the industry, schools and families to help improve young people’s emotional wellbeing and resilience to social media risks, whilst also ensuring that children are assisted in learning appropriate digital skills.\textsuperscript{98}

\textbf{VI Existing Legislation}

The United Kingdom does not possess legislation explicitly dealing with online abuse like New Zealand’s Harmful Digital Communications Act 2015. There are, however, some relevant statutes:

- The Malicious Communications Act (UK) 1988: Section 1 makes it an offence to send a communication with the intention of causing distress or anxiety. The statute explicitly extends to electronic communications. However, the requirement of intending to cause distress or anxiety is often difficult to establish in the case of sexual grooming as abusers will often send messages for the purpose of building a rapport with the targeted child.

- The Communications Act (UK) 2003: Section 127 makes it an offence to send an electronic message that is grossly offensive or of an indecent, obscene or menacing character. Many cases of online grooming will be difficult to prosecute under this section given that groomers often send messages aimed to build up the child’s trust.

- The Protection from Harassment Act (UK) 1997: Section 1 includes an offence of repeated bullying where it amounts to harassment.

- The Criminal Justice and Public Order Act (UK) 1994: Section 154 includes an offence for all forms of harassment, including written messages.

- The Criminal Justice and Courts Act (UK) 2015: Section 33 criminalises revenge porn by making it an offence to “disclose private sexual photographs and films with intent to cause distress”.

- The Digital Economy Act (UK) 2017 requires the Secretary of State to publish a code of practice for social media providers about responding to cyberbullying and online harassment.

\textsuperscript{95} Firth, above n 1, at 26.
\textsuperscript{96} At 27–28.
\textsuperscript{97} At 29.
\textsuperscript{98} At 3.
• The Defamation Act (UK) 2013: Section 13 imposes responsibility upon the website host for the removal of defamatory material posted to a site.
• The Education Act (UK) 2011: Section 2 gives teachers the power to search for and delete inappropriate images or data from mobile phones and other electronic devices.
• The Sexual Offences Act (UK) 2003 includes the offence of sexual grooming (section 15). An important limitation of the statute, however, is that action can only be taken by the authorities where it can be proven that an adult intended to meet a child. Increasingly online abusers have no intention of meeting the child physically, instead persuading them, for example to perform sexual acts via a webcam.

VII Cases Concerning Cyberbullying

There are few cases directly concerning social media offences in the United Kingdom. In Johnson v Steele the plaintiff was awarded 70,000 pounds in libel damages over a cyberbullying campaign against him on Twitter and blogs. Numerous slurs were made against him between November 2011 and June 2013, including 129 tweets during a single 24 hour period. Steele also created fake accounts in Johnson’s name, which would have been seen when people googled Johnson or his business. He used approximately six computers and established multiple accounts to launch the attacks and attempt to conceal his identity. Sir Eady stated that the allegations would have been read by thousands if not tens of thousands of people over the period. Sir Eady stated:

Various serious allegations of dishonesty, misconduct, criminal offences, and so on, were made, which had no basis and which I do not propose to repeat in the course of this judgment, which would only give them further currency. Suffice to say they are allegations of the most serious and distressing kind.

VIII Conclusion

Research from the United Kingdom has highlighted some serious negative impacts associated with social media usage in young people. It is important to note that positive consequences have also been identified, and that it is difficult to determine the causal link between these effects. It may be that people who are already dealing with mental health issues use social media more. Research has suggested that teaching young people resilience online is one of the best ways to help them cope with online risks.

100 At [11].
101 At [8].
X Bibliography

A Cases


B Legislation

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Malicious Communications Act (UK) 1988.
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Sexual Offences Act (UK) 2003.

C Books and Book Chapters


D Journal Articles


Lucy Biddle and others “Suicide and the Internet” (2008) 12 British Medical Journal 800.


E Newspaper Articles

Sam Dean “Facebook to use artificial intelligence to combat suicides” The Telegraph (online ed, United Kingdom, 1 March 2017).

F Press Releases

American Psychological Association “Social Networking’s Good and Bad Impacts on Kids” (press release, 6 August 2011).

G Reports


Emily Firth Social media and children’s mental health: a review of the evidence (Education Policy Institute, June 2017).

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Elena Martellozzo and others I wasn’t sure it was normal to watch it (Middlesex University London, May 2017).


OECD PISA 2015 Results Students’ Well-being Vol III (April 2016).

Ofcom The Communications Market Report (Ofcom, August 2016).


Task 1.2 United States of America

I Introduction

Research in the United States shows that social media has an array of positive and negative effects on wellbeing/mental health. This report looks at three overarching ideas: the positive effects of social media, the negative effects of social media and Internet addiction.

II Caveat about Interpreting Research on Social Media

Caution must be taken when interpreting the effects of social media because the use of it is complex. For instance, some teenagers use social media to connect with close friends, whilst others use it to view strangers’ lives. In this way, two teenagers might spend the same amount of time on social media, but for different purposes. Thus, their usage has different effects on their wellbeing.

III Positive Effects of Social Media

A Strengthening Social Connections between Adolescents

Social media can strengthen social connections between adolescents. Danah Boyd argues that previous generations of teenagers had more freedom to socialise with friends compared to the current generation for a number of reasons; they had more free time, their parents were not concerned about stranger danger and their friends lived in the same neighbourhood. Teenagers of today are faced with a variety of barriers to creating and maintaining social connections. For this reason, teenagers enjoy using social media. Boyd argues that social media has a positive impact on adolescents in this respect.

B Support for Depressed Teenagers

In 2017, Ana Radovic and her colleagues found that depressed teenagers liked to use social media because they could talk to people who were their age and had their mental illness. Individuals found comfort in conversing with others who shared their situation and enjoyed getting support and advice from them. In this way, social media positively impacted wellbeing.

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1 Ana Radovic and others “Depressed adolescents’ positive and negative use of social media” (2017) 55 Journal of Adolescence 5 at 14.
2 At 6.
4 At 77–89.
5 At 77–89.
6 Radovic and others, above n 1.
7 Radovic and others, above n 1, at 7.
Therapeutic for Emotionally Unstable People

Emotionally unstable people “experience emotions more intensely” and find it difficult to regulate their feelings.\(^8\) Eva Buechel and Joan Berger’s research found that these individuals were more likely to share information online.\(^9\) Moreover, online sharing encouraged social support and bolstered wellbeing.\(^10\) Emotionally unstable individuals felt encouraged knowing that close friends would read their posts and might comment on them (making them feel socially supported).\(^11\) Overall, Buechel and Berger likened Facebook to therapy for emotionally unstable people.\(^12\)

IV Negative Effects of Social Media

A Cyberbullying

There is no doubt that cyberbullying has a negative effect on wellbeing, as victims of online bullying are more likely to experience depression and suicide.\(^13\) Legislation in America has attempted to address the issue of cyberbullying, however, the laws have generally “been limited to the public school setting”.\(^14\) Legislation should be widened to apply to more contexts because adults are also impacted by cyberbullying.\(^15\)

B The Effects of Oversharing on Social Media

Some adolescents have stated that they ‘overshare’ their lives on the Internet in order to gain ‘likes’ on their posts.\(^16\) The desire for ‘likes’ can be addictive and shows a hidden desire for social approval. If one gains a high number of ‘likes’ on a post, they feel happy and if they did not, they feel sad. In this way, social media directly impacts one’s mood and view of their popularity (and thus, their social standing).

C Sleep Disturbance

Sleep has a direct impact on one’s health and wellbeing.\(^17\) A 2016 study found sleep disturbance was positively associated with social media use.\(^18\) The study measured sleep disturbance against two variables: volume of social media use and frequency of social media use. The

\(^9\) At 4.
\(^10\) At 6.
\(^11\) At 6.
\(^12\) At 1–10.
\(^14\) Enoch, above n 13, at 437.
\(^15\) Enoch, above n 13, at 437.
\(^16\) Radovich, above n 1, at 9.
\(^17\) Jessica C Levenson and others “The association between social media use and sleep disturbance among young adults” (2016) 8 Preventative Medicine 36 at 36.
\(^18\) At 39.
researchers found that sleep disturbance had a higher association with frequency of visits to social media, compared to the amount of time spent on it. Comments on causation could not be made because the research was cross-sectional.\(^{19}\)

### D Depression and Anxiety

Depression and anxiety are strongly correlated with “increased morbidity and mortality”.\(^{20}\) A 2016 study, by Brian A Primack and others, found that people with a large number of social media platforms (seven to eleven) were more likely to experience depression and anxiety compared to those with few social media platforms (zero to two).\(^{21}\) There was a strong positive linear association between number of social media platforms and depression and anxiety.\(^{22}\) Primack and his colleagues could not comment on causal links because the study was cross-sectional.\(^{23}\) There could have been a strong positive association because individuals with depression and anxiety were more inclined to have a larger number of social media platforms.\(^{24}\) Alternatively, individuals use of multiple platforms may have caused depression and anxiety.\(^{25}\)

### E Social Isolation

Social isolation refers to “a state in which an individual lacks a sense of social belonging, true engagement with others, and fulfilling relationships”.\(^{26}\) It is correlated with “morbidity and mortality”.\(^{27}\) A 2017 study, by Brian A Primack and others, found that an increase in social media use was associated with an increase in perceived feelings of social isolation.\(^{28}\) Comments on causation could not be made due to the nature of the research.

### F Compromised Wellbeing

People flourish when they have strong positive social relationships with others.\(^{29}\) They are less likely to experience mental health problems, to drink excessive amounts of alcohol and to experience mortality and morbidity from a broad range of causes. Holly B Shakya and Nicholas A Christakis’ research found that “use of Facebook was negatively associated with overall well-being”.\(^{30}\) Shakya and Christakis noted that the results might be due to individuals with

\(^{19}\) At 39.
\(^{21}\) At 1.
\(^{22}\) At 4.
\(^{23}\) At 4.
\(^{24}\) At 4-5.
\(^{25}\) At 4.
\(^{27}\) At 1.
\(^{28}\) At 5.
\(^{29}\) Holly B Shakya and Nicholas A Christakis “Association of Facebook Use with Compromised Well-Being: A Longitudinal Study” (2016) 185 American Journal of Epidemiology 203.
\(^{30}\) At 208.
compromised wellbeings having a greater tendency to use Facebook. However, because the study looked at both cross-sectional data and longitudinal data, the researchers were able to control the well-being variable. They found that even when this was done, Facebook use was correlated with “diminished future well-being”.

V Internet Addiction

A variety of sources discuss the addictive nature of social media. Some scholars exhibit concern about the time-consuming character of social media and the act of logging into sites frequently. Danah Boyd’s book on the topic is particularly insightful because she considers teenagers’ personal experiences of social media. Boyd’s analysis is based on interviews with American adolescents (which she conducted for seven years, from 2005 to 2012). In her chapter on addiction, Boyd argues that teenagers are not addicted to the Internet, rather they are addicted to connecting with each other (which is part of the human condition). Her research shows that teenagers use the Internet to connect with others. Teenagers generally prefer to meet with friends face to face but practical boundaries, such as time and transport, prevent them from doing so. Boyd argues that the ability for people to spend hours on social media without realising can be explained by the psychological concept of flow. Boyd argues that the term ‘Internet addiction’ is problematic and that excessive hours spent on social media should not readily be named an addiction. She argues that adults should carefully question why teenagers use the Internet in the first place in order to understand why they are supposedly ‘addicted’ to the social media.

VI Legislation and Case Law

With the exception of cyberbullying, the United States has not legislated on the relationship between social media and wellbeing. Legislation and cases concerning social media generally discuss the topic in relation to employment.

VII Conclusion

Overall, social media has both positive and negative effects on wellbeing/mental health. Research on the topic in America is vast. Social media can create positive social connections

31 At 208.
32 At 210.
34 Robert Kittinger, Christopher J Correia, and Jessica G Irons “Relationship Between Facebook Use and Problematic Internet Use Among College Students” (2012) 15 Cyberpsychology, Behavior, and Social Networking 324 at 324.
35 Boyd, above n 3, at 77–89.
36 Boyd, above n 3, at 77–89.
between adolescents provide social support to depressed teenagers and be therapeutic for emotionally unstable individuals. Alternatively, social media can cause sleep disturbance and may contribute to depression, anxiety, and one’s overall wellbeing. Internet addiction has been a concern for many scholars; however, Boyd’s book on the topic offers an insightful viewpoint.
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Ana Radovic and others “Depressed adolescents’ positive and negative use of social media” (2017) 55 Journal of Adolescence 5.


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I Introduction

Canadian-specific research on the impacts of social media on mental health is relatively scarce, but findings have consistently suggested that social media poses threats to mental well-being.

II Definitions

*Social media* refers to online platforms that facilitate and/or encourage social connectivity. These include:

a. Platforms that have networking as their primary utility (Facebook, Twitter, Snapchat, Instagram, LinkedIn);

b. Platforms that allow networking and connecting with other users, though not its prime use (YouTube, though it is often deemed a ‘mass media’ platform, allows social interaction between users through viewership communities, vlogs, comments, like/dislike function, and trend-forming);

c. Dating platforms (Tinder, Grindr);

d. Forums (Reddit, Stack Exchange).

*Mental health* includes mental and emotional well-being, the ability to cope with stressors, maintaining healthy cognitive and physiological functions, and behaviours.

III Social Media Use in Canada

Social media is prominent among Canadian online users. A survey showed that 94% of Canadian adults who are regularly online have at least one social media account. Facebook is the most popular platform, used by 84% of Canadian online users, followed by YouTube, LinkedIn and Twitter (consisting of 59%, 46% and 42% users respectively). Usage frequency varies depending on the online platform. Sites like Facebook, Instagram, Snapchat, and Reddit have high rates of daily usage; sites like LinkedIn and Pinterest tend to have less frequent usage. Adolescents were reported to have considerable frequency of social media usage: among a

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1 Anatoliy Gruzd and others *The State of Social Media in Canada 2017* (Ryerson University Social Media Lab, February 2018) at 4.
2 At 5.
3 At 6.
4 At 4.
sample of 753 respondents, over a quarter were found to visit social media for more than 2 hours daily.\(^5\)

**IV  Effects of Social Media**

**A  Adolescent Psychological Distress**

There is a perceived correlation between social media exposure and symptoms of psychological distress among Canadian adolescents. One study from Ottawa showed that those who used social media for 2 hours or more a day were likely to have symptoms of depression and anxiety, and poor (self-reported) mental health.\(^6\) They were also likely to report unmet needs for mental and emotional support.\(^7\) The study does not show findings on the temporality of these symptoms, nor does it establish whether social media indeed caused them (or whether the converse is true – that the symptoms cause heavy social media usage). Nevertheless, these findings are consistent with previous findings from overseas.

There are findings suggesting a relationship between the size of one’s social media network and stress hormones. Another study showed that cortisol systemic output in adolescents positively correlated with the number of Facebook friends they had.\(^8\) This could suggest that a greater social media network leads to stress, rather than social support, for it may pressure adolescent users to maintain all their online connections. Interestingly, this study did not find positive associations between Facebook use frequency and depression, in contrast to the Ottawa study, and in cyberpsychology literature generally.\(^9\) More research is required to confirm the relationship between adolescent psychological wellbeing and social media.

**B  Self-Esteem**

Some studies portray a hostile image of the social media landscape due to the prevalence of cyberbullying. A survey which aimed to understand how youth sought information on mental health touched on the problematic aspects of social media as a platform for such discussions.\(^10\) Respondents discussed a range of Facebook behaviours – status updates, stalking people, creating groups, deciding whether to appear online or not – and expressed troubles about being judged by other users.\(^11\) Though they expressed a desire for interactive online tools for mental

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\(^5\) Hugues Sampasa-Kanyinga and Rosamund F Lewis “Frequent Use of Social Networking Sites is Associated with Poor Psychological Functioning Among Children and Adolescents” (2015) 18 CyberPsychology, Behavior and Social Networking 380 at 382.

\(^6\) Sampasa-Kanyinga and Lewis, above n 5, at 382.

\(^7\) At 382.


\(^9\) At 244.

\(^10\) Diane M Rasmussen-Pennington and others “‘I Could Be on Facebook by Now’: Insights from Canadian Youth on Online Mental Health Information Resources” (2013) 37 Canadian Journal of Information and Library Sciences 183.

\(^11\) At 191.
health help, they rejected social media as an effective medium for such discourse because of its widespread bullying and stigma. Another study on adolescents showed that 18% of male respondents and 26.4% of female respondents reported to have been victims of cyberbullying within the year the survey was conducted. These results emphasise the significance of cyberbullying as a threat to Canadian social media users.

C Self-Harm ‘Support’ Groups

There are concerns that online platforms have been used to encourage self-harming behaviours. Self-identified “pro-anorexic” and “pro-bulimic” communities have attracted concerns from the health profession. Non-suicidal self-injury online groups also exist, and findings suggest that those who self-harm may be online more than those who do not.

Online support groups can have benefits to mental health in some cases. For example, research has suggested that online Facebook groups for individuals with Attention Deficit/Hyperactivity Disorder (ADHD) provided support by creating a collective group identity and a positive community. But because of the nature of self-harming disorders, such groups may do more harm than good, by introducing and encouraging harmful habits, facilitating sensitive discussion through anonymity, and sharing triggering information that could perpetuate such harmful behaviours.

D Suicidal Ideation

Suicidal tendencies were not uncommon effects associated with social media usage. Even among adolescents, those with more than 2 hours of daily social media usage were more likely to report contemplations of suicide within the year that the survey was held. Internet communities for suicide are also a concern, particularly those that conduct online suicide pacts or offer instructions for effective methods. One must also appreciate social media’s contributions to deteriorating self-esteem and rates of self-harm which can eventually lead to incidents of suicide.

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12 At 183.
13 Jude Mary Cénat and others “Cyberbullying, psychological distress and self-esteem among youth in Quebec schools” (2014) 169 Journal of Affective Disorders 7 at 8.
17 Sampasa-Kanyinga and Lewis, above n 5, at 382.
18 Kirmayer, Raikhel and Rahimi, above n 14, at 176.
E  “Shallowing Hypothesis”

A study tested the validity of Nicholas Carr’s “shallowing hypothesis”: the claim that technologies like social media and portable entertainment have led to a “dramatic decline” in reflective thought, and an increased importance placed on ‘moral shallowness’, exhibited through life goals related to hedonism and image. It revealed that texting frequency was positively linked with hedonistic and image-centred life goals, but negatively linked to those based on morality. Social media usage was positively linked with hedonistic life goals, but negatively linked to goals concerning morality and aesthetics (and – perhaps interestingly – to traits of openness and neuroticism).

It should be noted, however, that the study did not quite ‘prove’ Carr’s causative hypothesis as much as it exhibited a correlation between social media usage and shallow thinking. Further, the sample was overwhelmingly female (86.5%) which should be taken into account before making generalised conclusions from the results.

F  Risk-Taking Behaviour

A literature review explored the potential impacts on YouTube clips that feature risky driving on viewer driving behaviour. While there are no definitive findings on this yet, there were findings that risky behaviours featured on YouTube (like non-suicidal self-injury, intoxication) had high viewership, and frequently depicted dangerous behaviours positively. As such, there is a real risk that these videos model and promote risky behaviour through a “social contagion effect”.

V  Interventions

There seems to be no policies or initiatives that explicitly target and address the mental harms of social media. This may be a result of the scarcity of research on the field.

But this should not at all be interpreted as Canada falling behind in innovative strategies to target this issue. Several developments have attempted to utilise social media and online platforms as solutions to the harms that they have likely perpetuated. The Canadian government

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20 Annisette and Lafreniere, above n 19.
21 At 156.
22 At 157.
23 At 155.
25 At 611.
26 At 611.
expressed intentions to find solutions to mental health issues through a Commission report in 2014 on developing e-Mental health.  

A Social Media

Rather than dwelling on the harms that online social interactions may inflict on mental health, a few initiatives have attempted to use it to promote mental health, either by raising awareness of mental disorders or offering helpful information. A study examined the effectiveness of a media campaign that involved a promotional video and a link to an online informative tool about dealing with mental health issues (mindcheck.ca). It revealed that, although immediate impacts were not noticeable, improved attitudes towards mental health, improved capabilities of helping someone, and improved motivation to engage with those experiencing mental health issues were found a year after the campaign. The strength of this campaign lies in the nature of social media: even after the campaign ‘ended’, its content remained accessible online for users to find. The study found that, over the course of a year, there was a greater awareness of mindcheck.ca and a reported increase in ability to help others. However, there were no significant changes in the willingness to discuss mental health or efforts in learning the signs and symptoms after one year – although significant impacts were discernible a month after the campaign. This highlights the limits of social media campaigns in retaining sustainable change.

Online platforms also encourage a dialogue and a supportive community among those with mental health conditions. Big White Wall is an online platform where one can express their thoughts safely or anonymously, find a supportive community, and learn how to enhance mental health. However, it comes with a monthly subscription (£9.99) which disadvantages many sufferers who are unable to afford such a service.

B Online tools

Mindcheck has been replaced by Foundry (foundrybc.ca), which is a website offering comprehensive information on mental health conditions, signs of a disorder, and locations for professional help. Bell Let’s Talk (letstalk.bell.ca) is another platform that offers specific information targeted at reducing the stigma around mental illness. It reported that 87% of Canadians have had more awareness of mental health issues since its conception.

27 Mental Health Commission of Canada E-Mental Health in Canada: Transforming the Mental Health System Using Technology (2014).
28 James D Livingston and others “Another time point, a different story: one year effects of a social media intervention on the attitudes of young people towards mental health issues” (2014) 49 Social Psychiatry and Psychiatric Epidemiology 985.
29 At 987-988.
30 At 989.
31 At 987.
32 At 989.
33 Bell Let’s Talk (Results and Impact) <https://letstalk.bell.ca/>
C Big Data

Big Data refers to the data and information used to predict future behaviours; it is used, for example, as a tool to recommend similar items to those they have clicked in online shopping platforms.

The government has partnered with a major firm to develop technology that will analyse posts from social media accounts that will identify suicidal trends (such as attempts, self-harm, plans), to determine how to improve the provision of suicide-prevention resources.34 Another potential way to use Big Data is to ‘predict’ one’s propensity towards suicidal behaviours by analysing one’s online ‘signatures’ on social media, and offer an intervention.35 Though the use of Big Data reflects ingenuity, the monitoring of data usage is controversial and raises concerns around privacy.

VI Conclusion

Overall, data from Canadian research highlights the threats that social networks pose on mental health. Social media has grown to become a prominent feature among many Canadians’ lifestyles, so it is imperative that more research on its potential harms on individuals is conducted, in order to find effective methods of prevention. While online social media platforms have shown to cause dangers to mental wellbeing, recent inventions show its impressive potential to ameliorate the harms it has caused.

34 Mallory Locklear “Canada will track suicide risk through social media with AI” (1 January 2018) Endgadget <www.engadget.com>
35 Mental Health Commission of Canada, above n 27, at 12.
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Nicholas Carr The Shallows: What the Internet is doing to our brains (W W Norton, New York, 2010).

D  Internet Resources
Bell Let’s Talk (Results and Impact) <https://letstalk.bell.ca>
Foundry <https://foundrybc.ca>.
Task 1.4 Australia

I Introduction

Given the ubiquity of social media in Australia, there are concerns about how it is being used by individuals and the impact it is having on mental health and wellbeing.\(^1\) I will outline the effects of social media on mental health and wellbeing, the methodologies and scope of relevant studies, and the extent to which Australian government bodies have responded to the impact of social media.

II Overview: Effects of Social Media on Health and Wellbeing

There are concerns about how social media is detrimental to Australian individuals. For one, social media is known to be an avenue for cyberbullying; it may facilitate destructive behaviours, especially when the network allows for anonymity. Moreover, individuals may struggle to control their social media usage, which is linked to difficulties with relaxing and sleeping.\(^2\) Users may also experience a “fear of missing out” (FOMO), which describes their anxiety upon discovering that their friends are socialising without them.\(^3\) All of these factors may contribute to anxiety and depression.\(^4\)

However, there is also evidence that social media can be used to have positive outcomes for mental health and wellbeing. For some individuals, these networks provide a source of interpersonal support, social connectedness and useful social interaction.\(^5\) Indeed, there is evidence that these experiences are linked to lower levels of anxiety and depression.\(^6\) As such, social media can be useful for individuals, especially those with social anxiety, who would otherwise struggle to access these resources in person.

Furthermore, additional research has demonstrated that social media can be used by government bodies to address mental health problems. One literature review highlights that it is possible for technology to detect the posts that relate to suicidal ideation and depression,

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\(^2\) Australian Psychological Society "Stress & wellbeing - How Australians are Coping with Life" (8 November 2015) at 6.

\(^3\) Australian Psychological Society, above n 2, at 6.

\(^4\) Elizabeth Seabrook, Margaret Kern and Nikki Rickard "Social Networking Sites, Depression, and Anxiety: A Systematic Review" (2016) 3(4) JMIR Mental Health 59 at 68.

\(^5\) Seabrook, Kern and Rickard, above n 4 at 59.

\(^6\) Seabrook, Kern and Rickard, above n 4, at 59.
which could be used for effective interventions.\textsuperscript{7} For example, advertisements could be targeted at troubled individuals to influence them into seeking help.

As a whole, the Australian literature suggests that social media is capable of having both positive and negative influences on mental health and wellbeing.

\section*{II Body of Research}

\subsection*{A The Social and Psychological Impact of Online Social Networking}

Dr Rebecca Mathews, a member of the Australian Psychology Society, conducted an online survey to identify the social and psychological effects of social networks on Australians.\textsuperscript{8} The survey was distributed to Australians by way of advertisements on social media sites and in local newspapers. It received a total of 1,834 responses.

The results of the survey indicated that over a quarter (28\%) of respondents had at least one negative online experience, especially those who were younger.\textsuperscript{9} The most cited experiences were having had unwanted contact, upsetting or inappropriate content being posted, and receiving abusive messages.\textsuperscript{10}

However, a large proportion of the participants (53\%) reported they felt that social media allowed to communicate with others more often\textsuperscript{11}, especially with those who live a distance away or would not contact face-to-face.\textsuperscript{12}

\subsection*{B Teens Suffer Highest Rates of FOMO}

In another study, the Australian Psychological Society created a questionnaire to examine the impact of social media on stress and wellbeing in Australia.\textsuperscript{13} The study consisted of 210 teenage participants, as well as a number of adults.\textsuperscript{14}

The results of the study show that social media is a significant source of stress for adolescents. In particular, over half of the teenage participants (57\%) reported having difficulties with relaxing and sleep after using social media and even more (60\%) felt overwhelmed by the constant engagement.\textsuperscript{15} These reports of negative experiences were more common for teenagers compared to adults.\textsuperscript{16} These findings suggest that young people may benefit from assistance in monitoring their use of social media.

\textsuperscript{7} Helen Christensen "Social media: The new e-mental health tool" (2014) 36(3) InPsych: The Bulletin of the Australian Psychological Society Ltd 12.

\textsuperscript{8} Mathews, above n 1.

\textsuperscript{9} At 36.

\textsuperscript{10} At 37.

\textsuperscript{11} At 36.

\textsuperscript{12} At 38.

\textsuperscript{13} Australian Psychological Society, above n 2.

\textsuperscript{14} At 7.

\textsuperscript{15} At 6.

\textsuperscript{16} At 6.
Social Media: The New e-Mental Health Tool

Helen Christensen, a member of the Australian Psychological Society, investigated how social media can be used as a means of enhancing mental health and wellbeing. This brief study comprises of a literature review of relevant studies.

This study had a large focus on the ability for social media to influence the behaviour of individuals. Christensen proposed that technology may be useful in identifying and responding to Twitter messages which involve suicidal ideation. She cited a project being undertaken by the Black Dog Institute, an Australian mental health organisation, that is capable of identifying and capturing these messages. However, as it is not entirely clear how effective this intervention will be, Christensen recommends further research.

Social Networking Sites, Depression, and Anxiety: A Systematic Review

A further literature review by Elizabeth Seabrook, Margaret Kern and Nikki Richard of Monash University examined the totality of the research on the use of social media, depression, and anxiety. It reviewed 70 articles that address the mediating role of social networking sites in depression and anxiety.

The results of the study indicated that the use of social media is negatively and positively correlated with depression and anxiety. In other words, there are cases where the networks seem to contribute to mental illness, whereas there are other instances in which mental illness is mitigated by the use of social media.

In terms of negative effects, the study attributes the role of negative interactions, the act of comparing oneself to others, and the habitual use of social media. However, the researchers also note that social media may also provide interpersonal support, social connectedness and useful social interaction.

The Government Response

The Enhancing Online Safety for Children Act 2015 was implemented by the Australian government in order to promote positive online experiences. It creates the Office of the e-Safety Commissioner, which is empowered to investigate complaints about cyberbullying material of a serious nature that is targeted at Australian children. In addressing the complaint, the Commissioner can order the social media provider to remove the material and order legally binding notices and/or civil penalties if the demands are not complied with.

17 Christensen, above n 7, at 13.
18 At 13.
19 Seabrook, Kern and Rickard, above n 4.
20 At 67.
21 At 70.
22 Sections 5-13.
23 Sections 23-37.
Commissioner can also directly contact the individual who posted the material and request that he or she takes the post(s) down, refrains from posting further malicious content and apologises to the victim.24

The Office of the e-Safety Commissioner also works with a range of agencies to educate Australian citizens about having safe and enjoyable online experiences. For example, the official e-Safety Commissioner website provides useful information about how to use the safety, support and privacy features for a range of social network websites.25 Moreover, the website has a dedicated “Wellbeing Hub” that lists several avenues for receiving support for mental health issues and preventing the distress that can arise from social media use, including “FOMO”.26 The website also provides information and advice on dealing with “image-based abuse”, which relates to the exchange of intimate images without the consent of an individual.27

**IV Conclusion**

As a whole, the Australian government has taken steps to address the issue of social media and mental health. The Office of the e-Safety Commissioner is indeed a useful means of providing support to Australian citizens without limiting their rights to use social networks. Nevertheless, it is still possible for the government to take additional measures; the use of technology may allow for the detection of suicidal ideation and other mental health problems in social media posts.28

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24 Section 41.


28 Christensen, above n 7.
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Task 2 New Zealand Specific Research

I Introduction

In New Zealand, 1.3 million homes had some form of Internet connection in 2012. With over 80% of New Zealanders connected to the Internet, we rank as the 11th most connected nation on Earth. Ninety percent of New Zealanders aged between 15 and 24 used social networking in 2012, and this age group are the largest users of social media. The latest official report of Mental Health in New Zealand was published online on 12 December 2017. The words ‘social media’ are not mentioned once. Similarly, Te Rau Hinengaro: The New Zealand Mental Health Survey, conducted between 2004 to 2005, does not mention the words internet, social-media, cyber-bullying or technology. This can be explained as a reflection of the time, as social networking sites such as MSN, Aim, Bebo, MySpace and Facebook began emerging roughly around the early 2000s.

Since the explosion of social networking sites, there has been an increase in academia both supporting and discouraging the use of social media, and investigating its impact on mental health. There is however, a significant lack of academic research pertaining to social media use and mental illness in New Zealand. Despite this it is a topic that is receiving worldwide recognition. Our media sites such as Stuff NZ, The Herald and TVNZ have all expressed concern over the impact of social media on mental health, especially on younger people. The New Zealand Mental Health Foundation has similarly acknowledged the potential harm and advantages that social media can have.

II Harmful Online Behaviour

Berson and Berson conducted a comparative analysis study between youth from the United States and New Zealand. The objectives of both research initiatives included the identification of online activities of children and youth that may contribute to risk of exploitation and abuse;

2 Gilly Wright “Internet Users by Country & Gender” Global Finance (2014) <www.gfmag.com>
3 Juana Diesing “Social Media: A solution to declining youth engagement in politics?” (Master of Arts Thesis, University of Otago, 2013); and Bascand, above n 1.
5 Ministry of Health Te Rau Hinengaro: The New Zealand Mental Health Survey (September 2006).
6 John Paul “Social media giant Facebook admits it can be bad for mental health” (19 December 2017) Stuff NZ <www.stuff.co.nz>; and Kieran Gair “Instagram is the worst social network for young people’s mental health” (21 May 2017) Stuff NZ <www.stuff.co.nz>
7 Katherine Weare “What works in promoting social and emotional well-being to mental health problems in schools?” (2015) Mental Health Foundation <www.mentalhealth.org.nz>
discussion of the differential role of mediating factors in protecting young people’s well-being in cyberspace, and a clarification of policies and practices that may contribute to safety for children online.\textsuperscript{9} The study highlighted the potential online risks of exposure to threatening behaviors such as online stalking, obscene interactions including unsolicited exposure to pornographic material, spamming, flaming (online verbal abuse), hate speech, threats of violence, unwanted advances, consumer exploitation, and sexual predation. They also considered that the exposure to Internet violence may also transcend into real-life abuse in which victims experience stalking, vandalism, threatening or obscene mail, physical assault, and sexual exploitation.\textsuperscript{10}

The New Zealand survey conducted in 2004 elicited responses from the 14-16 year old age group. The study identified that 44\% of New Zealand girls spent less than 6 hours online, and 33\% spent more than 10 hours per week.\textsuperscript{11} Despite being less likely to disclose personal information online, New Zealand girls were alarmingly twice as likely than US girls to meet someone as a result of online interaction (24\% vs. 12\%).\textsuperscript{12} They identified that instant messaging was universally identifiable as the most popular activity.\textsuperscript{13} Girls considered that online the pressures to fit in and act a certain way were moderated by pseudoanonymity and a perceived security of being protected behind the computer screen.\textsuperscript{14} The cyberspace became a place where traditional expectations could be shed and alternative aspects of themselves could be explored.\textsuperscript{15}

\textit{III Cyber Bullying and the Harmful Digital Communication Act.}

The Mental Health Foundation has a partnership with schools for well-being and mental health promotion. Professor Katherine Weare commented that social media and cyberbullying are increasingly suggested as part of the cause for the rise in emotional disorders.\textsuperscript{16} The accelerating pace of social change, the rise of IT and social media are associated with problems of isolation, dependency and cyberbullying.\textsuperscript{17}

The Ministry of Education’s (MOE’s) responsibility under the New Zealand Suicide Prevention Action Plan 2013-2016 was to ensure information, tools and resources on good cyber citizenship and reducing cyber-bullying continue to be available to schools, parents and young people.\textsuperscript{18} To achieve this goal, MoE sponsored and worked extensively with NetSafe to

\textsuperscript{9} At 31.
\textsuperscript{10} At 31.
\textsuperscript{11} At 24.
\textsuperscript{12} At 32.
\textsuperscript{13} At 32.
\textsuperscript{14} At 33.
\textsuperscript{15} At 33.
\textsuperscript{16} Katherine Weare, above n 7, at 3.
\textsuperscript{17} At 3.
\textsuperscript{18} Ministry of Health \textit{New Zealand Suicide Prevention Action Plan 2013-2016} (May 2013) at 8.
promote cybersafety education to schools. A resource for schools, the NetSafe Kit for Schools, has been developed and disseminated.

NetSafe New Zealand is a non-profit organisation, founded in 1998, to encourage internet users to stay safe online. Martin Cocker, the executive director, considered that the research was in “early days” on “how the use of digital technology can affect our mental health”. He considered that the social and cultural impacts of ubiquitous use of social media can range from too much screen time, bullying and self-perception. Cocker, however concluded that we cannot blame the medium of message, but instead we must ask ourselves what how we present and manage the risks it may present.

NetSafe has an ongoing relationship with the government, law enforcement, industry and community organisations. Due to its expertise and experience it has been appointed as the agency that assesses complaints about online bullying, harassment and abuse under the Harmful Digital Communications Act. This Act will be discussed in more detail below.

IV Self Perception and Facebook

Stronge conducted research of the phenomena of Facebook, and explored its impact on social belonging and personality in New Zealand. The sample consisted of 6428 people from the New Zealand Attitudes and Values Study. Its findings revealed that Facebook was not equally beneficial to everyone; introverted people with Facebook had lower levels of social capital than those without a profile. Extroverted people however, had higher levels of social capital regardless of whether they used Facebook or not. The research raised concerns that mediums of social media and networking may be detrimental to those who were not highly orientated toward sociability. It noted that Facebook worked best for extraverted peoples to manage larger social circles and weak ties, and introverted people would fare better by focusing on a smaller circle of friends that they know better.

Other notable findings from the national sample, in which 60% used Facebook, were that having a Facebook profile was associated with higher levels of extraversion and neuroticism, and lower agreeableness. Women were also more likely to use Facebook (two thirds of the women compared to less than half of men). Although Facebook users were generally younger than those that did not use Facebook, the average age of those participating in the study and

20 TVNZ “‘It’s so dangerous’ - social media driving force behind mental illness according to experts” (15 October 2017) <www.tvnz.co.nz>.
23 At 4.
24 At 4.
25 At 10.
26 At 10.
27 At 6.
28 At 8.
using Facebook was 45.\textsuperscript{29} This highlights the importance of assessing the effects of Facebook usage on the non-student population.

\textbf{V \hspace{1em} Loneliness, Connectivity in New Zealand}

In her theses on loneliness in New Zealand, Smith presents evidence of the ‘displacement effect’ of youth having net friends.\textsuperscript{30} Having net friends lowers the reducing effect on loneliness because it takes time away from face-to-face connections.\textsuperscript{31} The analysis of the New Zealand General Social Survey (2012) showed that being in contact with friends through non-face-to-face mediums remained negatively correlated with loneliness.\textsuperscript{32} Online friendships (never met face-to-face) for youth, identified in the 2006 Youth Connectedness Project (YCP),\textsuperscript{33} were found to be associated with higher levels of loneliness.\textsuperscript{34} The findings from this research were consistent with what some call the ‘new social frontier’ of online communication lowering youth wellbeing and reducing human connectedness, and time that may otherwise be spent with friends in-person is reduced.\textsuperscript{35} Smith also indicated that the YCP study was taken at the beginning of the social networking era, thus the result could be skewered if taken today where social networking has become more common-place.\textsuperscript{36} This highlights the need for more research to be done within New Zealand.\textsuperscript{37}

\textbf{VI \hspace{1em} Responsible Journalism}

The Mental Health Foundation provides information about reporting and portrayal of mental health for sensible journalism and legislative reform,\textsuperscript{38} to protect vulnerable people and the reporting of suicide.\textsuperscript{39}

For example, the Foundation provides information about how language may contribute to discrimination and reinforce negative stereotypes. The use of sensationalism in reporting can influence suicidal behaviour.\textsuperscript{40} The Foundation provides alternate ways of describing people who are living with a mental illness e.g. instead of “Jack is a schizophrenic”, saying “Jack has schizophrenia”, or “Jack has a diagnosis of schizophrenia”. Rephrasing removes the emphasis from Jack being his mental illness, to Jack being a person living with a mental illness. Similarly,

\textsuperscript{29} At 8.
\textsuperscript{30} Rebekah Smith “Loneliness, Connectivity, and Place in New Zealand” (Master of Science Thesis, Victoria University of Wellington, 2015) at 162.
\textsuperscript{31} At 136.
\textsuperscript{33} Paul E Jose and Jan Pryor “Does social connectedness lead to a greater sense of well-being in New Zealand adolescents?” (2010) 2 Psychology Aotearoa 94.
\textsuperscript{34} Smith, above n 30, at 163.
\textsuperscript{35} At 163.
\textsuperscript{36} At 163.
\textsuperscript{37} At 163.
\textsuperscript{38} Coroner’s Amendment Act 2016, s 71.
\textsuperscript{39} Mental Health Foundation “Reporting and Portraying of Mental Illness” <www.mentalhealth.org.nz>.
\textsuperscript{40} Thorn and others “Suicide online: Portrayal of website-related suicide by the New Zealand media” (2011) 13 New Media & Society 1355.
the Foundation highlights implications of visual images when reporting such stories, and the need for sensitivity to avoid reinforcing negative stereotypes.41

VII  Digital Innovation in Health

The Mental Health Foundation also provides resources and practical guides to health and social care practitioners in the mental health field on how social media can be used in mental health practice as an online network tool for recovery and living well.42 This discusses how social media can support practitioners. It is worth noting that this is a UK based resource, that has been shared on a mutual platform.

The resource highlights the benefits of social media, and how it can be used as a tool to break barriers between people experiencing mental health issues and providers, and as a means to meet others with a similar diagnosis where there is limited opportunity to do so in real life. It also provides numerous case studies and research and exemplars of social media platforms and uses.

VIII  Conclusion

To conclude, there is a significant need for more academia pertaining to the effects of social media on Mental Health. Going forwards, social media is going to continue to be an important tool that enables connectivity, and has many beneficial aspects when used appropriately. Sites like NetSafe, remain at the forefront at equipping our population with resources to enable with internet citizenship, identify risky behaviours and encourage safe online behaviour.

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41 Mental Health Foundation, above n 39.
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Task 3 Harmful Digital Communications Act 2015

I Introduction

The cases that have been brought under the Harmful Digital Communications Act 2015 (HDCA) have been vengeful acts by an individual known to the victim through a romantic and sexual relationship.\(^1\) The cases show that social media was used as a tool to enable offending. The threshold set by the courts shows that the harm incurred by the victim must have been substantial. This high threshold implies that there must have been damage to the victim’s mental health.

II A Summary of the Act

This Act aims to reduce and prevent harmful digital communications such as cyber bullying, harassment and revenge porn posted by digital applications such as email, text, and any social media platforms. The behaviour criminalised by the HDCA includes sending or publishing threats or offensive material, spreading harmful rumours among an online audience and sending or publishing sensitive personal information. The Act defines “Digital Communication” broadly, to include various forms of electronic messages, such as texts, photos, videos and recordings.\(^2\) The test for what kind of communication is “harmful” requires an assessment of whether it caused “serious emotional distress”.\(^3\)

III Police v B

A Facts

In Police v B, the defendant, who was estranged from his wife, used photographs he had taken of her with another man to try and coerce her into staying away from other men and cancelling an existing protection order.\(^4\) The defendant proceeded to post two “not very nice pictures” of the victim undressed online.\(^5\) The victim and her friend gave evidence that the defendant’s acts had caused considerable emotional distress. She described these various forms as frustration, anger, anxiety and humiliation, all of which she endured for “a long time”.\(^6\) The victim was unable to work and said that she felt “scared and anxious” as a result of the defendant’s actions.\(^7\) The defendant was charged under s 22 of the HDCA with causing the victim harm through

\(^1\) Harmful Digital Communications Act 2015.
\(^2\) Section 4.
\(^3\) Section 4.
\(^5\) At [6].
\(^6\) At [29].
\(^7\) Police v B, above n 4, at [29].
posting a digital communication. The District Court held that the charge could not be fulfilled because the evidence did not establish “harm” in line with its intended statutory meaning.\(^8\)

**B** **Issues**

The issue before the High Court was whether the District Court erred in its finding.

**C** **Application, Holdings and Rationale**

The intended harm needed to cause harm to the ordinary reasonable person in the position of the victim and that it did cause harm to the victim. Furthermore, section 4 of the HDCA defined “harm” as “serious emotional distress”. The High Court found that the District Court erred in its finding by failing to consider the evidence as a whole and without reference to its surrounding context.\(^9\) When the descriptions of the effects on the plaintiff were viewed as a whole and not as individual accounts, the threshold of serious emotional distress was reached. Of significance to Sylvia Bell’s project, the High Court went on to affirm that serious emotional distress did not require mental injury or a recognised psychiatric disorder but it did require something more than trivial emotional distress.\(^10\) The appeal was allowed and the District Court decision was quashed.\(^11\)

**D** **Comments on the Intended Meaning**

Downs J discussed the Law Commission’s work that contributed to the formation of the HDCA.\(^12\) The Law Commission emphasised that harm could be seen as “a full range of serious negative consequences which can result from offensive communication, including physical fear, humiliation, mental and emotional distress”.\(^13\)

**IV** **R v Iyer**

**A** **Facts**

The facts of *R v Iyer* in relation to the HDCA are as follows:\(^14\) the defendant anonymously posted semi-nude photos of his wife, the victim, on Facebook.\(^15\) The photos were taken for the purpose of being private intimate recordings during the relationship between the defendant and the victim.\(^16\) They were posted during the breakdown of the relationship.\(^17\)

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\(^8\) At 204.

\(^9\) At [35].

\(^10\) At [33].

\(^11\) At [44].

\(^12\) At [18]-[20].


\(^15\) At [3].

\(^16\) At [32].

\(^17\) At [70].
B Issues

The Court considered whether the definition of harmful digital communication in the HDCA was intended to be broad.

C Application, Holdings and Rationale

The Court held that in respect of the breach of s 22 of the HDCA charge, the definition of “harmful digital communication” in the Act was intended to be broad.\textsuperscript{18} There was no intention to limit ‘communication’ to certain types of media or certain platforms.\textsuperscript{19} The intimate photos posted onto a Facebook account constituted the posting of a digital communication for the purposes of s 22.\textsuperscript{20} The Law Commission created their definition for the term “digital communications” in work that led to the drafting of the Bill that became the HDCA.\textsuperscript{21} It said that the term encompasses not only communication between two individuals but “more broadly the range of digital publishing which occurs in cyberspace” across different platforms that disseminate information and opinions.\textsuperscript{22} Most importantly, the Law Commission outlined a key characteristic of the “digital communication” being its capacity to publicised beyond the original sender and recipient.\textsuperscript{23} This characteristic aligns with the nature of modern social media.

The word “serious” in the statute implies that the harm be more than trivial.\textsuperscript{24} Merely upsetting or offensive conduct would not be sufficient.\textsuperscript{25} Notably, the word “distress” implies that the intended harm need not to extend as far as a mental injury or a psychiatric disorder.\textsuperscript{26}

The reasoning behind the Court’s decision that the post would cause harm to an ordinary reasonable person in the victim’s position is the nature of her relationship with the defendant.\textsuperscript{27} The defendant used the digital communication to control his former wife in the context of the breakdown of their relationship. He made threats to the victim with her knowledge that he possessed intimate photos of her. The anonymity of the communication and the concerns associated with the rapid circulation of material on Facebook would have caused “serious anxiety, stress and insecurity” to an ordinary person in this situation.\textsuperscript{28}

However, the Court held that the emotional distress experienced by the victim did not amount to serious emotional distress.\textsuperscript{29} The lack of specific evidence that identified the root cause of
her need to have support following the incident led the Court to conclude the prosecution had not provided evidence to show serious emotional distress on the facts.\(^{30}\)

\(V\)  \(\mathrm{R\ v\ Faulkner}\)

\(A\)  \(\text{Facts}\)

The fact of \(\mathrm{R\ v\ Faulkner}\) in relation to the charge under the HDCA are as follows:\(^{31}\) the defendant had been in a relationship for a period of time with the complainant. The relationship broke down and there was ongoing hostility between the parties, shown through abusive messages that were exchanged on social media. The defendant told the complainant that he had nude photos of her, however she did not take this threat seriously. On three occasions after the initial threat, the defendant sent the complainant seven intimate photos of herself on Facebook. Following these messages, the defendant said that he was going to put them on social media and had already done so and that people were mocking her. He had not actually done so. The complainant told the police that she did not permit the photographs to be taken and was not aware of their existence. The defendant denied this and asserted that the photographs were taken with her consent. The defendant plead guilty to the charge under the HDCA. He went on to appeal his sentence.

\(B\)  \(\text{Issues}\)

The Court considered whether the sentence imposed was appropriate.

\(C\)  \(\text{Application, Holdings and Rationale}\)

The judge considered the fact that there was no actual publication of the photographs to anyone else other than the complainant who was the subject of the photographs.\(^{32}\) However, the judge did affirm that the threats had caused “considerable distress and [were] intended to cause distress”.\(^{33}\) The judge referred to the Sentencing Act 2002 to show that the Court must choose the least restrictive sentence that is appropriate in consideration of the less harmful nature of the defendant’s actions.\(^{34}\)

\(VI\)  \(\mathrm{Brittin\ v\ Police}\)

\(A\)  \(\text{Facts}\)

The facts of \(\mathrm{Brittin\ v\ Police}\) are as follows:\(^{35}\) the defendant met the victim through a Facebook dating site in November 2015 and was in contact with the victim for two weeks by phone and

\(^{30}\) At [74].
\(^{31}\) \(\mathrm{R\ v\ Faulkner\ [2017]\ NZDC\ 10417,\ [2018]\ DCR\ 164\ at\ [30]}\).
\(^{32}\) At [42].
\(^{33}\) At [42].
\(^{34}\) At [44].
\(^{35}\) \(\mathrm{Brittin\ v\ Police\ [2017]\ NZHC\ 2410,\ [2018]\ 2\ NZLR\ 147\ at\ [3]-[4]}\).
text message. She had sent intimate photos of herself. On the two occasions they had met, they were intimate but she made it clear she did not want to have sex with him. In December 2015, the victim communicated by text and phone that she wished to end the relationship. The defendant then posted the intimate photos on a number of websites with a message suggesting that she was available for sex. As a result, the victim was contacted several times, including being approached in the street, with requests for sex. This caused her to become mentally and emotionally distressed. Mr Britten went on to appeal his 12 month prison sentence to the High Court.

B  Issues

The High Court considered whether the District Court erred in the sentencing of Mr Britten.

C  Application, Holdings and Rationale

The Court found that it was an error of law for the District Court to give the purpose of deterrence in the HDCA complete priority, without considering other purposes of sentencing. Inadequate consideration was given to the mitigating factors, such as the low likelihood of re-offending, the impulsiveness and the young age of the defendant. A new sentence of seven months was imposed.

This case focused on appropriate sentencing for breaches of the Act. The case shows that the focus of sentencing must not be the harm done to the victim (and the psychological scars of the offending) and efforts to deter this harm.

VII  Police v Tamihana

A  Facts

The facts of Police v Tamihana are as follows: the defendant had a volatile relationship with the family of his ex-partner. After a series of attempts by the mother of the defendant’s ex-partner to end the relationship, there was a period of separation and reconciliation between the couple. The defendant knew of the mother’s intentions in ending the relationship. He sent a Facebook request to the mother and a message which included a video with the message “What your daughter’s really up to.” The mother played the video which depicted a sexual scene involving the mother’s daughter and another. The defendant was appearing for sentencing in the District Court.

B  Issues

The District Court was sentencing the defendant with the lead charge being under the HDCA.

36 At [33]-[34].
37 At [42]-[45].
38 At [63].
40 At 240.
C  Application, Holdings and Rationale

The Court held that the nature of the defendant’s behaviour was to have the maximum impact on the mother and was motivated by his desire to enforce “retributive malice” upon her.\(^{41}\) The Court then concluded that the purpose of sentencing in this case was not only denunciation and creating accountability but a wider interest of the public and deterrence of this kind of behaviour.\(^{42}\) The defendant was sentenced to 11 months in prison.\(^{43}\)

VIII  Police v Kelly

A  Facts

The facts of Police v Kelly are as follows:\(^{44}\) the defendant was appearing for sentencing after pleading guilty to a charge under the HDCA. The defendant took photos of his ex-partner in the shower when she was fully naked. He posted these on Facebook with degrading comments about her without her consent.

B  Issues

The District Court was sentencing the defendant under the HDCA.

C  Application, Holdings and Rationale

The Court considered that the information posted about the victim was of a less personal nature than in Police v Tamihana.\(^{45}\) However, the court balanced this with the post being public on Facebook and therefore being exposed to a larger audience, as well as the loss of control over who the image could be sent to from that point.\(^{46}\) The Court asserted that there had been a “gross invasion of the victim’s privacy” and the publishing of this personal material on social media would not be tolerated.\(^{47}\) The defendant was sentenced to three months home detention.\(^{48}\)

The Court in this case, gave weight to the ongoing effects on the victim because there was no way in controlling who had access to these photos.\(^{49}\) The widely accessible nature of social media and the ability for posts to be shared beyond a defined group heightens the seriousness of posting private information on a public platform.

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\(^{41}\) At [17].
\(^{42}\) At [19].
\(^{43}\) At [22].
\(^{44}\) Police v Kelly [2016] NZDC 12912, [2017] DCR 553 at 553.
\(^{45}\) At [7].
\(^{46}\) At [7].
\(^{47}\) At [7].
\(^{48}\) At [11].
\(^{49}\) At [7].
IX Waine v R

A Facts

The facts of Waine v R are as follows:50 the defendant’s relationship with the victim had broken down. During the relationship, the defendant had taken several intimate photos of the victim. Before the relationship ended, the victim asked the defendant to delete the photos and she believed he had. However, after the end of the relationship, the defendant initiated contact with the victim and told her that he still had the photos and would not delete them. He asked the victim to perform sexual acts on him and then he would delete the photos. He followed this message with an ultimatum: he told her that if she did not comply with his demands, he would publish the photos publicly. The victim believed that the defendant’s threats were real and she agreed to his demands to prevent him from sending the photos. She then went to the police. The defendant admitted to sending the messages but said that he did not intend to follow through with the threats. Mr Waine is appealing his conviction and sentence.

B Issues

The Court considered whether the District Court erred in its finding of a conviction and the sentence it imposed.

C Application, Holdings and Rationale

The appeal against conviction and sentence was dismissed.51 The Court concluded that the consequences of a conviction in this case were not “out of all proportion” with the seriousness of the offending.52

It is evident in this case that a threat to post intimate material on social media can be mentally and emotionally damaging due to social media’s ability to broadcast content to a wide audience in a short amount of time.

X Conclusion

The HDCA intends to address the unique and powerful ability for digital communications, especially those on social media platforms, to show material to a public audience. Simultaneously, it intends to address the way in which one’s presence online means that they are more readily contactable and threats can be made without ever being in physical proximity. What is evident in these cases is that harmful digital communications can entrap an individual and make them feel helpless, often with ensuing mental and emotional damage. The injury caused to a victim of a harmful digital communication can be of a different nature compared

50 Waine v R [2017] NZCA 287 at [4]-[9].
51 At [38].
52 At [35].
to other harmful communications, which has warranted the use of the HDCA to punish and deter any use of digital communications to cause harm to others.
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