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The Control of Suicide Promotion over the Internet

There has been growing concern about the numerous reports of suicides and suicidal behaviours following contact with websites that incite people to suicide and provide detailed information on suicide methods, as well as exposing people to online suicide content (Alao *et al.*, 2006; Australian IT, 2004; Baeva, 2020; Baume *et al.*, 1997; Becker and Schmidt, 2004; Dobson, 1999; Mehlum, 2000; Paul *et al.*, 2017; Rajagopal, 2004; Reuter, 2004; Richard *et al.*, 2000; Totaro *et al.*, 2016). This phenomenon has inspired efforts to make the encouragement of suicide over the Internet illegal (e.g., Bychkova and Radnayeva, 2018; Phillips *et al.*, 2019; Rimmer, 2019; Taylor, 2019; Yaremko and Banakh, 2018). Surveys of the content of websites accessed by young people seeking information about suicide on the Internet found that 16% of sites provide specific advice on how to harm oneself and 7% encouraged self-harm (Singaravelu *et al.*, 2015). This chapter, which updates Mishara & Weisstub, (2007) focuses on the ethical, legal, and practical issues in the control and regulation of suicide promotion and assistance over the Internet.

4.1 Media Reports on Internet Encouragement of Suicide

In December 2021, the *New York Times* published a detailed investigative report on a website started in 2018 that encouraged people to kill themselves and provided detailed instructions and information on how to kill oneself (Twohey and Dance, 2021). The report documented that over 500 members, more than two a week, wrote 'goodbye threads' in which members indicated how and when they planned to end their lives. Some described their ongoing suicide in real time or live-streamed their deaths as others watched. The report identified at least 45 people who died by suicide in the United States (USA), Canada, the United Kingdom (UK), and Australia.

Multiple suicides by people who meet on chat sites appear to be increasing. One much-publicised early example concerned Louis Gillies from Glasgow, who met Michael Gooden from East Sussex (England) in May 2002 on a suicide 'newsgroup' (Innes, 2003). While on a cliff ready to jump, Gillies was talked out of killing himself by a friend speaking on his mobile phone, but Gooden refused to talk and jumped. Gillies was charged with aiding and abetting a suicide. Gillies killed himself in April 2003, just before his trial was about to begin. In Japan, the phenomenon in which people exchange suggestions about suicide and make suicide pacts is called *netto shinju.* Ikunaga *et al.* (2013) conducted a systematic analysis of popular Japanese suicide bulletin boards and found that 12% of the discussions were about suicide pacts. Lee and Kwon (2018) observed that social media in Japan such as Twitter (now X) frequently contain potentially 'dangerous' content. Each year, scientific journals have published case studies of suicide pacts where people met on the Internet (e.g., Tusiewicz *et al.*, 2022).

Meeting suicide companions online appears to be most prevalent in Japan, where the trend started over 20 years ago. Between February and early June 2003, at least 20 Japanese died in suicide pacts with companions they met on the Internet, many by strikingly similar carbon monoxide poisonings (Harding, 2004). This increased to 60 deaths in suicide pacts

by 2007 (Naito, 2007). In mainland China, 159 suicide pact deaths from 62 different pacts were reported (Jiang *et al.*, 2017). It is believed that in South Korea the first wave of internet suicide pacts occurred in 2000, when there were three cases. In March 2003, an Austrian teenager and a 40-year-old Italian who met on a suicide chat room jointly died by suicide near Vienna (Mishara and Weisstub, 2007). The man had also contacted two young Germans online, but police alerted their families before they could carry out their suicides. Cheng (2011) suggested that internet service providers could be held responsible for online suicide pacts, since they have permitted posts in which users seek someone to carry out a suicide with them.

4.2   Legal Provisions and Law Reform Projects

Many countries have laws prohibiting the aiding and abetting of suicide (see Chapter 7 for a list of laws by country). On 13 February 2005, Gerald Krein was arrested in Oregon for solicitation to commit murder after it was alleged that he used his internet chat room to entice up to 31 lonely single women to kill themselves on Valentine's Day (Booth, 2005). The arrest followed a report to police by a woman in the chat room who said another participant talked about killing her two children before taking her own life (Booth, 2005).

Why then have current laws against aiding and abetting suicide not been applied to internet activities, given the compelling nature of specific case histories in which people died by suicide in a manner communicated over the Internet, following a series of internet contacts in which they were encouraged to kill themselves? The high incidence of internet-related suicides in Japan has resulted in the publication of numerous calls for legislative reform (Hensel, 2020; Phillips *et al.*, 2019).

In order to understand the lack of legislation addressing this issue, it is helpful to examine jurisprudence regarding standards for determining causality in such matters. When individuals are deemed to be responsible for having caused harm to another person, their actions are usually in

close temporal and physical proximity to the victim and the victim's death. In addition, scientific and medical evidence must indicate, according to reasonable probabilities, that the action in question was causally related to the consequences (Bongar, 2002).

Scientific research on the influence of the media on suicides has concentrated on television and newspapers and their influence on population suicide rates. There are several excellent reviews of research in this area (e.g., Hawton and Williams, 2001; Pirkis, 2019; Pirkis *et al.*, 2014; Stack, 2003, 2005). It is clear that news media depictions of deaths by suicide have the risk of increasing suicides among those who have contact with those media. Generally, the more publicity, the higher the contagion effect. It has been estimated that the suicide of Marilyn Monroe resulted in 197 additional suicides (Phillips, 1974). However, there are no empirical data on changes in the risk of suicide that may be related to contact with internet sites. Nevertheless, it appears from numerous cases reported in the media that contact with internet sites and with chat rooms preceded some deaths by suicide and that the methods used were precisely those described in the internet contact. In sum, these case reports do not meet the requirements for scientific proof that internet sites cause suicide, but they suggest that a relationship may exist.

Despite the case reports that suggest an association, it can be argued that, had the victims not contacted a specific suicide site, they still might have killed themselves. The suicide risk of people who contact suicide sites may have pre-dated their contact, possibly prompting them to conduct a search for the sites or make contact on the sites. In addition, if a person had not used the method found on a site, other methods were easily available.

Another challenge in determining a causal relationship is the difficulty in generalising from epidemiological population statistics to individual cases. According to population statistics, it has been demonstrated that media publicity on suicide results in a small but significant increase in the number of people who die by suicide following the media reports. It is not possible, however, to generalise from these population data to determine if any one specific individual's death was facilitated by their having read

a newspaper article or having watched a specific television programme about suicide. The population-level data, given the great number of people at risk of attempting suicide and the very small number who actually die by suicide, do not permit researchers to determine that one specific individual is likely to have died as a result of media exposure and that the death could have been avoided by nonexposure. To date, we have only a small number of anecdotal case histories in which there appears to be a link. Without further research data, one cannot make a solid scientific or legal argument for the causal relationship between internet activities and suicide.

4.2.1   Self-regulation

In most countries, there is little or no control of internet content because of constitutional guarantees of freedom of expression and a reluctance to regulate speech. This may conflict with attempts to prevent suicide or regulate access to sites that promote suicide. European Union (EU) decision number 276–1999, 'The European Union Safer Internet Plan' (European Union, 1999), essentially proposes that internet organisations and internet service providers (ISPs) act responsibly to control what is available and limit or deny access to sites that are illegal or dangerous. Many countries, including Great Britain, Canada, the USA, and New Zealand, attempt to control internet content by self-regulation, since guarantees of freedom of speech apparently preclude censorship or government control of access to sites. As has been seen, self-regulation generally fails to limit what is available on the Internet, and the libertarian approach of many technology firms suggests little will change in this regard. Additionally, there is little agreement as to what content should or must be banned, and few legal mechanisms to enforce such bans.

4.2.2   Filtering Techniques

An alternative to self-regulation is a rating system that uses filtering techniques to block access to certain sites installed on personal computers,

for instance, parental controls, which allow parents to set filters for what their children can access. Software used to filter sites by blocking access is only effective if it is used, if it blocks target sites, and if it does not block other permissible sites. A primary issue is who actually rates the sites so that filter programs can identify which sites to block. The World Wide Web Consortium (W3C) developed the Platform for Internet Content Selection (PICS) standards (Swick, 2005), in which creators of sites rate their own sites according to specific criteria. This web platform and its successor are no longer maintained since they have been considered to be problematic and ineffective. The filters that have been developed to date have had limited success in discriminating between desirable and undesirable sites. Thus, if filters block access to certain words or topics, for example 'suicide methods', they may also block sites that provide helpful information on suicide prevention, such as the site of Befrienders Worldwide, which offers information and help over the Internet to suicidal individuals (www .befrienders.org).

4.2.3   Blocking Access to Sites

Social media, search engines, and chatbots today generally have software firewalls to block access to content that is illegal. A variety of countries, including Algeria, Bahrain, China, Germany, Iran, North Korea, Saudi Arabia, Singapore, South Korea, Sweden, the United Arab Emirates, and Vietnam, have passed legislation or have the practice of requiring internet service providers to block all access to specific internet sites. For example, in Saudi Arabia all 30 of the ISPs go through a central node, and material and sites containing pornography, material believed to cause religious offence, and information on bomb-making are blocked. Germany requires ISPs to block media that are morally harmful to youth, including those that are pornographic or depict extreme violence or warmongering, or have racist, fascist, or anti-Semitic content. They have had success in blocking German sites with this material but have been less successful in blocking sites originating outside of Germany. Sweden has laws that require blocking of information instigating rebellion, racial agitation, child pornography, illegal description of violence, and material that infringes

on copyright laws. In several countries, including the USA, Great Britain, and New Zealand, laws were passed to block certain internet content, but those laws were overturned by the courts because of constitutional guarantees of freedom of expression.

Australia is the only country that currently has laws to specifically restrict sites that promote suicide or provide information on suicide methods (Commonwealth of Australia, 2005). Public concern about the vulnerability of Australian youth gave rise to the enactment of amendments to the Australian federal criminal code, making intentional internet activity relating directly or indirectly to the incitement of suicide a distinct crime (Commonwealth of Australia, 2005). The Australian legislation also bars promotion of particular methods of suicide or providing instruction in them.

The parliamentary debate highlighted the vulnerability of young adults as a particular group, based on both their level of internet usage and their suicide rates (Commonwealth of Australia, 2005). It was argued that because of those factors there is a moral obligation on the part of society to provide protection. The legislators cited the failure of private ISPs to regulate themselves, thereby mandating government to do so. While acknowledging the division in public opinion, the Australian government argued that public protection trumped issues of liberty and freedom of expression.

There was strong vocal opposition, including from the Greens Party. The critics said that the ambiguity of 'intentionality' in the Australian criminal code could have unintended results and could render the law impossible to apply. The point was argued that, given the volume of suicide items incorporated into daily activity on the Internet, it could be foreseen that ISPs could readily find themselves vulnerable to the legislation despite their efforts to control content, if an aggressive pattern of verifications would take place. It was suggested that attacking the causes of suicide, rather than operating with a wide net of surveillance and intervention, would be more likely to succeed in reducing the threat.

Other criticisms addressed the foolhardiness of attempting to restrict information about matters such as suicide and voluntary euthanasia. The key issue, from the point of view of the opposition, was not the need to

control internet content, but the extent to which the government was prepared to devote resources to suicide prevention activities.

Five years after the Australian law banning pro-suicide websites was adopted, Pirkis *et al.* (2009) described a continuing 'heated' debate in Australian society. Opponents of the law contended that the law cast too wide a net in its ban of internet content, it interfered with the autonomy of those who wish to die, and, because of jurisdictional enforcement limitations, it had no effect on offshore sites that were accessible from Australia. Proponents of the law found it beneficial to limit access to domestic pro-suicide sites and felt that the law increased awareness of suicide in the community and served as an expression of societal social norms that condemned the promotion of suicidal behaviour.

In 2012, Russia modified its law 'On Protection of Children from Information Harmful to Their Health and Development' to ban sites that disseminate 'dangerous' content, including content that incites suicide and content that contains 'suicide instructions' (Maida, 2017), as Australia had done. Some contend that this law has been used to censure political content not related to suicide that does not pose a danger to children (Maida, 2017).

In 2018, the Ukraine modified its 2007 law condemning incitation to attempt suicide (Yaremko and Banakh, 2018). The original law recognised the crime of incitation to attempt suicide only in the following contexts: (1) Cruel treatment; (2) Blackmail; (3) Coercion for unlawful actions; or (4) the systematic humiliation of human dignity. In 2018 the Ukraine expanded the third and fourth criteria to systematic humiliation of dignity or systemic unlawful coercion of actions that are contrary to the person's will, predilection for suicide, as well as other actions that contribute to suicide. These modifications allow for a broad interpretation of what constitutes incitation to or aiding in suicide. They were enacted to facilitate criminal prosecution for online incitation to suicide, in reaction to what was perceived at the time to be an increase in suicides that the media associated with internet communications among youths inciting others to kill themselves.

4.3   Ethical Presuppositions

There are several ethical considerations concerning the control of internet content to prevent suicide. Those who adopt a libertarian perspective (see Chapter 1) might contend that people have the right to choose to end their life by suicide. Also, since suicide is not illegal in most countries, one could argue that suicidal people should have access to whatever suicide content they desire. If this libertarian position is adopted, it is not possible to justify controlling access to information encouraging suicide, or to control the provision of information or advice on how to exercise the right to end one's life by suicide.

If one adopts a moralist ethical position that suicide must always be prevented, and if controlling access to internet sites can save lives, then controls must be instituted. If one holds a relativist position that some suicides are acceptable and others are not, one may morally justify some form of internet control, although controlling access for only some people is practically impossible. For example, a relativist who believes that terminally ill people should be allowed to have access to means to end their lives, but people in good health who suffer from treatable psychiatric problems should not, would find it impossible to control access for some people and not others.

4.3.1   The Internet Versus Other Mass Media

One of the questions concerning the ethics of controlling access to the Internet is the specificity of the Internet compared with other mass media. The Internet has been characterised as a 'pull' technology, as opposed to the so-called 'push' technologies, including radio and television. Push technologies provide access to the media without the user engaging in any specific and explicit attempt to find a specific media content. Television content is available in every home, and because of its universal access, television has been regulated in most countries as to content. In contrast to the mass media of television and radio, internet users must actively seek out a specific content.

Also, anonymity of the provider can exist on the Internet, and it may be substantially more difficult to verify the authenticity of the information one finds on a website. Thus far, no government agencies are ensuring that Web content is appropriate and accurate (unlike television and radio, which are generally subject to government control). The Web can be extremely graphic in nature, and individuals who display their suicidal intentions and behaviours on the Internet can expect possible exposure to thousands throughout the world, providing glorification of their suicidal acts.

The differences between 'push' and 'pull' technologies may be used to defend the Internet against control by claiming that the Internet is a private service that does not invade people's homes, and that specific content must be sought out by individuals actively searching through cyberspace. The downside, of course, is that this same private status provides for a level of anonymity of both the person contacting the site and the person providing information on a site, which may lead to an 'anything goes' environment where there are no controls whatsoever about the authenticity and credibility of information transmitted or provided.

In addition to websites, people engage with others on the Internet in chat rooms and forums, which can be entirely unregulated. Such forums and chats may draw people in without explicitly describing themselves as focused on a topic. For instance, a person might post a question about suicide in a forum and receive detailed responses or end up in direct communication. This type of internet activity has been nearly impossible to regulate.

4.3.2   Different Internet Activities

Internet situations involving suicide vary. Some sites passively provide information that encourages suicide in texts that suggest it is a good idea to end one's life. Other sites provide information on suicide methods, and many include specific details about what medications to mix, how to hang oneself, and the strengths and weaknesses of alternative methods with respect to side effects and risks of failure. Still other sites involve the exchange of messages from 'suicide encouragers' who interact with suicidal

people, trying to stimulate them to proceed with their suicidal plans in chat rooms or in email correspondence. 'Suicide predators' seek out people who post messages that suggest they may be feeling suicidal but who are not explicitly asking for information or encouragement. These predators offer unsolicited incitation to suicide and may provide information about how to carry out suicide without being asked. If one is considering some form of control of internet activity, it is important to decide which of the above activities one would like to limit.

4.3.3   Vulnerable Populations

One of the major issues in control of the Internet to prevent suicides is the protection of minors and other vulnerable populations, such as people with psychiatric disorders. Thus far, very little has been done to protect minors from suicide promotion sites. In the area of the exposure of minors to extreme violence on the Internet, research has shown that media exposure to violence is related to increased violent behaviour (Bushman and Anderson, 2001; Scharrer, 2015); however, there has been little success in attempts to control violence on the Internet.

4.3.4   The Jurisdictional Challenge

Even if one were able to resolve the legal and ethical issues, there are several practical considerations that make control of internet suicide promotion activities extremely difficult (Geist, 2002; Mishara and Weisstub, 2007; Rimmer, 2019; Smith, 2002). The first is the issue of cross-border jurisdiction. Although countries may be able to control activities of internet sites that originate within their borders, international jurisprudence makes it difficult to obtain jurisdiction over sites that originate outside the country. Jurisprudence generally distinguishes between passive internet activity, such as simply operating a website that may be accessed from different countries, and active endeavours, which involve sending information, interacting (e.g., in a chat room), and doing business in a country. Furthermore, jurisprudence has favoured limiting claims of harm to actual impact rather than claims of potential damage.

Two important cases underline the difficulties in cross-border jurisdiction issues. The first case in Canada, *Braintech, Inc. v. Kostiuk* (1999), involved a libel complaint concerning a site originating or hosted in Canada. In denying jurisdiction, the judge found that there is a 'need for better proof the defendant entered Texas than the mere possibility that someone in Texas may have reached to cyberspace to bring defamation material to a screen in Texas'. The ability to access material from an internet site hosted outside a given jurisdiction from within that jurisdiction was not sufficient to allow for regulation by entities outside that jurisdiction (Geist, 2002).

The Calder test, based on the US case of *Calder v. Jones* (1984), is often used to determine jurisdiction in internet cases. This test requires that the defendant's intentional tortuous actions: (1) are expressly aimed at the forum state and (2) cause harm to the plaintiff in the forum state, which the defendant knows is likely to be suffered. This test provides protection for internet sites and activities that do not explicitly attempt to have an effect outside of their own jurisdiction or intentionally cause harm to an individual in another jurisdiction. Certainly, it is both wise and practical to protect individuals from being liable in every country in the world for actions that may be perfectly legal in their own jurisdiction. Still, jurisdiction issues make attempts to control internet activity extremely difficult.

4.4   Suicide and the Darknet

So far our discussion in this chapter has concerned internet content that is considered to be public, information that is accessible by conventional search engines such as Google. The Internet also contains private content that is only accessible to users who install specific software, such as Tor ('The Onion Router'), referred to as the Darknet or the 'Deep Web'. This software makes it almost impossible to identify the users. The Darknet is therefore a host to various illegal activities such as the sale of drugs and illegal weapons, and access to illegal pornographic content. Although there has been much research on suicide content available on the public Surface Web, there has been much less research and discussion of the

suicide content on the Darknet. Because of their secret private content, sites and information on the Darknet are not referenced or indexed, and their content, the software used to access the Darknet, circumvents attempts at censorship because of the relative anonymity of users and avoids restrictions imposed on search engines by government regulators. Therefore, the discussions about control of access to internet content do not apply to the Darknet.

Mörch *et al.* (2018) published the first investigation of the nature and accessibility of suicide-related information available on the Darknet, using nine different search engines designed to access the Darknet. They searched for 'suicide' and 'suicide method' and identified 476 sites, with very few (4%) specifically dedicated to the topic of suicide. Over half the sites were not accessible or did not contain suicide content. However, they identified several forums ('chat boards') where suicide was a topic. These sites usually had content encouraging suicide and discussing suicide methods, and access to the sites was blocked in Surface Web search engines.

The presence of suicide content on the Darknet is important to consider in the context of any discussion of controlling access to content on the public Surface Web. The Darknet's presence indicates that, regardless of attempts to control access to suicide content by search engines, social media, or government legislation, any suicide content imaginable can exist on the Darknet and can be accessible to anyone who installs one of the free Darknet search engines that are readily available. The authors of this study suggest that Darknet content needs further study and must be considered when developing suicide prevention strategies for internet content.

4.5   Conclusions

There remains a great need for scientifically valid data on the extent to which exposure to and/or participation on pro-suicide internet sites contributes to the risk of suicide. Before developing national or international standards to protect the public from dangerous pro-suicide sites, we need to determine if specific internet activities increase suicide risk

and, if so, which subpopulations are particularly vulnerable. Sensational media reports of suicides following internet activities, and dramatic case reports of individuals who died by suicide using methods they found on the Internet or in pacts with people they met over the Internet, do not constitute scientific proof that internet activities provoke suicides. One could investigate the relationship between internet activities and suicide using psychological autopsy methods. Qualitative assessments of the content of internet contacts where seemingly vulnerable individuals appear to have been forcefully encouraged to kill themselves have high face validity, that is, they appear so to most observers. However, we need to develop more creative methodologies, perhaps inspired by the studies of the relationship between suicide reporting in other media and suicide rates. One of the greatest challenges is to determine the likelihood that individuals who kill themselves after internet contacts would have died by suicide if they had not used the Internet.

It is also important to clarify the ethical basis on which any form of suicide prevention activity is undertaken before applying one's beliefs to controlling internet suicide promotion. Furthermore, any action to control internet suicide promotion must consider the different forms of internet activities, which range from passive posting of information on a website, to interacting in a chat room, to seeking out vulnerable individuals as an internet predator.

Any attempt to control the Internet must be viewed along with the control and freedom of other media, unless special characteristics of the Internet are judged to lead to special laws or consideration. It can be argued that the Internet lacks quality control, and this may justify legislative intervention. We must keep in mind, however, that editors of newspapers, like webmasters, are free to publish what they please, even if it may incite suicides. If a journalist publishes a 'dangerous' article, they may invoke the ire of readers and sales may decline (or increase due to the controversy). When a website or chat does something people do not like, users can simply not frequent that site. In this regard it is interesting to compare the Internet to published works. If one were to publish the philosopher David Hume's writings recommending suicide on an Australian internet site, would this

be banned? If so, would it be considered more dangerous than publishing his book and selling it in a bookstore? Internet sites provide information on means to kill oneself in an often clear but informal manner. However, if the same information is available in medical textbooks, what would justify control of this information over the Internet while the sale of medical textbooks and their availability in libraries are permitted?

The fact that the Internet allows for global access leads to complex jurisdictional issues and practical difficulties. Given the rapidly changing state of technology, which has continually led to the rapid development of new ways to circumvent control, it may not be feasible to ban sites, censor material, or limit access. Even if data to document that high risks of suicide are related to specific internet activities were available, and even if a country decides to prevent access to pro-suicide sites, the only way to ensure even a minimal level of success would be to install draconian censorship measures. Since the likelihood of effective control of access to pro-suicide material is not certain to be effective, alternatives to control and censorship should be considered, such as developing and disseminating increased suicide prevention activities on the Internet to counteract internet suicide promotion activities. Persons trained in suicide prevention could be deployed to enter chat discussions to dissuade suicidal people from killing themselves and encourage them to seek help. Finally, public education could be enhanced to facilitate access to ways and means to obtain help from the Internet in the interest of suicide prevention.