EIP

World Mental Health Day 2021: Mental Health & Technology in an Unequal World

Every time I start talking about mental health, I always add a caveat. It varies in tone from regretful to wry, but it always carries the same message. "I do not speak for everyone," it says. "Mental health issues are experienced differently by different people. My experience is not universal, and should not be understood as such."

Typically, this is inserted either to make sure nobody relies on my advice to their own detriment, or to hide the fact that I rarely have a blind clue of what I'm talking about behind a veil of personal experience. In this piece, however, I intend to – after a fashion – explore the sentiment itself. Rather than focusing on any one mental health issue, this piece will discuss inequality in mental health issues and treatment, and seeks to analyse some reasons that experiences can be so wildly different.

Now, there are a few preliminary remarks I need to make.

First of all, this piece will be examining the issues surrounding mental health inequality from a perspective concerned with technology. There are others vastly more qualified than myself to discuss mental health treatment and attitudes around the world, so this piece seeks to provide a perspective less frequently encountered. Technology is, now more than ever, a fundamental part of the world we live in. Phones and computers are now practically ubiquitous, and we simply cannot ignore the ways that our increased use of and reliance on technology affects our mental health.

Second, though this piece will not focus on them, systemic inequality and prejudice play by far the greatest role in mental health inequality on both local and global scales. Sexist

attitudes in analysing moods and symptoms, racist prejudices about propensity for particular behaviour, homophobia and transphobia in listening and understanding specific concerns – these are all screeching brakepads on our efforts to reduce inequality in mental health treatment, festering gangrene on our collective societal limbs as we struggle to evolve. This is not an argument, a discussion, or any kind of invitation to debate. These are facts, simple and fundamental. Deal with it.

Third – I really am no expert. I'm neither a sociologist not a psychologist nor anything else that would actually qualify me to speak with authority here. Everything I say should be read through that lens, though I also stress that this doesn't mean I'm wrong.

Inequality in Treatment

These first sections will discuss the advantages offered by technological mental health solutions, and then touch on how inequalities still pervade these newer forms of treatment.

Access Technology, Access Treatment

As technology advances, and sophisticated communicative devices have become more commonplace, sufferers from mental health issues have increasingly turned to technological solutions to the problems we deal with day to day. This has become even more readily observable with the lockdowns imposed as a result of the COVID-19 pandemic – unable to conduct face-to-face sessions, we turned to Zoom calls and apps, seeking a way to further our own particular recovery journeys through technological means.

Though these methods, in particular mental health apps, are still an emerging field and have not been subjected to the same rigorous scrutiny as traditional therapies, there can be little doubt that they are becoming steadily more prevalent. Various studies have suggested that they can be beneficial, with various analyses suggesting that "Emerging research suggests that mobile apps can be used to effectively treat common mental illnesses like depression and anxiety". Of particular interest are applications seeking to provide Cognitive Behavioural Therapy (CBT) – with a focus on mindfulness training, mood monitoring, and cognitive skills training to treat depressive symptoms, this style of therapy appears particularly well-suited for delivery by mobile app. Studies appear to show at least a small-to-moderate improvement in depressive symptoms compared to control conditions. Here in the UK, the NHS has gone so far as to maintain an Apps

Library, demonstrating the increasing acceptance of such technology-based treatments. It does not seem an unlikely proposition that such apps will increasingly be used alongside traditional therapies, as an everyday treatment program to supplement face-to-face sessions.

However, as fantastic as these programs and applications may be, the unpleasant truth is that access to them is limited across various segments of society. Income inequality and geographic restrictions may mean that a great many users may be unable to use these resources. In segments of society without access to devices such as smartphones or laptops, these apps simply do not offer a feasible solution. Furthermore, several of these solutions are subscription-based, meaning that users who cannot afford the recurring fee are similarly barred from computerised therapies as from in-person ones.

In short, though technology-based solutions to mental health concerns should, in theory, make access to resources more immediate and available, as well as removing some of the societal stigma around "seeing a shrink," the truth of the matter is that access to technology itself is not equal. If we are moving closer towards widespread use of technology-based solutions, there is every reason to believe that we will still see inequalities in our society reflected back at us when dealing with mental health.

Google, Find My Community

Technology has more to offer mental health treatment than direct solutions. While therapies of varying sorts are wonderful, sufferers from mental health conditions often need a far more immediate form of help, well before they talk to a professional or seek therapeutic care.

We want to know that we're not alone.

It's a simple drive. Humans are, for better or worse, pack animals. We're not meant to be alone, and dealing with mental health conditions can be terribly ostracizing. When you know that you are not feeling or perceiving things the same as those around you, when you can tell just from the way that others act and live that you are different, it can be incredibly difficult and painful. You want to be part of a group, and it hurts that you aren't.

Enter the internet.

Possibly the main achievement of the internet – cat videos and shopping aside – has been to connect people on a scale that previous generations could have hardly dreamed of. We now have the capacity to almost instantaneously connect with people with whom we work, talk with family on the other side of the world, or send the word "rutabaga" to

thousands of strangers on Twitter at four in the morning. More than anything else, we have the ability to find people like us, even though they might be miles away.

This feeling, the feeling of belonging, of being able to say "there are others like me out there, **I am not alone!**" is hugely powerful. We find people with whom we can empathise, people who understand why we can't bring ourselves to get out of bed this week, people who can put their metaphorical hands on our shoulder and say "it's ok. I've been down this hole before. There's a way out." It's unutterably relieving.

The thing is, just as with apps and direct technological interventions, this global community still isn't accessible to everyone. There are simply too many people who cannot afford the technology needed to access this support, too many who have too much to do trying to survive, and too many who live in places where the infrastructure simply cannot support it.

We're getting better. Technology is helping in so many ways, and it really can bring us closer. Unfortunately, it widens an existing divide between those who can avail themselves of it, and those who can't. Technology may not be a key driver of this particular brand of inequality – it may be better to think of it as an accelerant, an exacerbating agent of the issues already present. For those who can access the treatments it offers, it reaches out beyond the bounds of existing therapies. For those who can't, it shuts them out, 'othering' them even more than before.

Inequality in Issues

The sections above covered some of the issues that technology can lead to when we look at solutions being offered. However, technology – in particular mass-media and communication – is a true double-edged sword. This section discusses some ways in which technology can drive mental health issues themselves.

Kids These Days, With Their ChatSnaps and Their TickedyTocks

It's no secret that we live online more than we used to. People are sharing and posting minute details of their lives on Facebook, Instagram, Snapchat, TikTok, Twitter, Tumblr, Reddit, and whichever 17 new companies that someone with the word "entrepreneur" or

"Sigma" in their Tinder bio has started since I began writing this sentence. Millions of users post, stream, share or comment, in a ceaseless stream of information.

It's also no secret that this exposes us to a nightmarish world of comparisons and judgment. You can open your app of choice and be confronted with millions of images and stories about people better-looking than you, richer than you, and obviously happier than you. If you weren't depressed before, you're heading there now. Or, if you need a bit of a push, you can share your own works – and have two hundred strangers from Vancouver to Vladivostok telling you why you suck at cooking, should throw all of your kitchen equipment away and go and live in a cave.

We're not even going to touch on the racism, sexism, homophobia et cetera that anonymity unleashes. It's just...way too much to deal with in this piece.

Technology, as I said, keeps us connected. Social media does a particularly good job of this, but it brings with it this unending torrent of content, and this takes a toll on users. In 2018, 89% of teenagers reported being online 'almost constantly' or 'several times a day.' People can spend hours scrolling through various sites, and do. I have.

This access, this constant stream, is bringing a new dimension to existing mental health concerns. Heavy use of platforms like Instagram and Facebook correlate strongly with increased anxiety and FOMO (fear of missing out). We constantly see people living what appear to be perfect lives, and it starts to eat away at us. It's well-known that social media posts lead to astounding body image issues. Young women and teenage girls are particularly affected, as recent evidence confirmed, with rates of anorexia and bulimia sky-rocketing. Young men and teenage boys are not exempt either, with rates of body dysmorphia (colloquially known as 'bigorexia') on the rise as well. Even when we **know** that what we're seeing isn't real, we still judge ourselves against it.

It's not even a long-term issue. A 2021 study found that the more you use a given platform on a given day, the worse your mental state the same day. That is **blindingly** fast – used to be you needed to be bullied for years to get depressed, now you can beat yourself up in the privacy of your own head with nothing more than a smartphone. Kids these days, I'm tellin' ya.

The culture of constant sharing is exacerbating other issues as well. More and more users – teenage girls especially – are increasingly seeing themselves, particularly their bodies, as objects of photos. Shame and guilt around appearance, attitude and presentation are rising. We're not even worrying about how we look in the mirror any more – we're worrying about how we look to other people. It seems like a small difference, and it's not even entirely new, but it's happening more and more, and it's

happening to younger people.

So where's the inequality?

Well, right there. It's happening to younger and younger people. The user demographics of these particular pieces of technology skew younger – teenagers and young adults. These generations are beginning to suffer from conditions that have not been observed in this particular context before. Depression and anxiety rates are on the rise, body image issues are becoming more and more widely reported. This is not a hypothetical, **this is happening now.**

Younger generations are reporting mental health conditions at higher rates than ever before. Optimists would say it's because we're having more open conversations about mental health. Some would say it's because we're accepting a wider range of behaviours as worrying symptoms. Idiots with no understanding of mental health or progress say it's because we're getting too sensitive. They don't count. Likely can't either.

Those reasons may be correct. However, the issues raised about social media aren't theories. We know these are happening, and we're seeing the result. It seems disingenuous to suggest that the rise in use of technology – especially social media – is not at least partially responsible for the disparity between generations. The amount of information and, more importantly, **misinformation**, that we're exposed to has exploded, and the damage is becoming increasingly visible.

A range of solutions have been proposed to deal with this. Content tags warning of manipulated images, warnings of heavy use of a platform, age restrictions. It's hard to say how useful they will be, and whether – in the face of opposition from the platform owners – they will ever be enacted. Educating newer generations on these dangers may go some way towards fixing the problem, but it's still a shot in the dark.

There is every chance these issues are here to stay, and we're all going to have to learn to deal with it.

Isn't This Where We Come In?

Talking about mental health issues from the standpoint of the legal industry is always a little tricky. Laws are very broad, overarching things – they sort of have to be, if they're going to work – and applying them to something like mental health is very hard, because mental health is such an intensely personal thing. This problem is only exacerbated when we look at it from with an IP perspective. At its basic level, IP is concerned with things; we use patents for technical inventions, copyright for aesthetic creations, trademarks to

distinguish businesses and brands. We don't really delve into the personal realm too much. Mental health is always something that deals with people instead.

However, throwing up our hands and saying "this isn't our field" has **never** been a good reason to avoid taking action, and it's not one I'm willing to put my name to.

Perhaps the most obvious solution, in terms of IP and the law, to spread the beneficial technologies discussed above would be to encourage licensing programs for these apps and systems around the world. Where cost and accessibility are barriers, active licensing and development programs to provide these devices, applications and possibilities to a wider audience could be a key to expanding these potential therapies. The same goes for expanding access to the infrastructure necessary to use the available technology. There are already a whole range of charities and foundations that try to spread technology around the world, trying to connect more people to the global community previously mentioned; encouraging partnerships between such foundations and the developers of the relevant technology may provide an invaluable boost to the availability of powerful tools for well-being.

When it comes to the negative effects of technology on our mental health, perhaps a more aggressive solution would be beneficial. There's a very old maxim that says the health of the people should be the highest law – the rapid expansion of technology has made it hard to hang onto that where mass media and mass communication is concerned. We're scrabbling to identify the effects that these advances have had on our collective health, so our laws are constantly in a state of catchup. It seems as though more regulation is required in order to protect this collective health, especially when we deal with younger and more vulnerable users. Laws to prevent the spreading of misinformation, to limit certain data collection to avoid larger corporate and political entities targeting vulnerable users, or to impose harsher penalties on malicious use of social media to harass, shame or stalk other users. These are all things that are being floated but that are still behind the curve; if we are going to uphold that highest law, then these laws likely need to be pushed harder, accelerated so that we're at least **trying** to keep pace with the rapid technological advance. We can no longer sit back and wait, so that in five or ten years we're sitting going "if only we'd done something sooner."

If we – as conscientious professionals in this industry – want to see actual change, then we should be doing what we can to make sure the rights deal in are being used to care for those who need it. I'll stress that this is neither order nor command from on high – it's not for me to tell others their duty, that would be morally presumptuous – but merely an expression of need as I see it.

We have power, knowledge, and skills that others do not. If we care about these issues,

we can do more than those others to change them.

Conclusion

There's little more to conclude, unfortunately. Technology may present these issues, but it's not the root cause of any of them. We have so much to do in the sphere of mental health education and acceptance, let alone treatment, that trying to fix the technological manifestations of existing problems is like draining Loch Ness through a straw. There's a lot we need to get through. Even when we look at the ways that legal professionals and IP practitioners can help, it's an uphill struggle – the slope made steeper by the fact that so many don't even know there's a struggle to begin with.

Bluntly put, we already know what we have to do with mental health. We need education, and we need awareness. These issues cannot only show up once a year for World Mental Health Day and then fade into the background. The issues are not going away; we need to accept that this fight is going to be constant, ever-changing, and never easy. One law won't fix this, one tech development scheme isn't going to magically teleport life-changing devices and apps into the hands of children around the world.

Education is key – whether that's educating children on the dangers of social media, or educating our colleagues and peers about the issues we face each day, or shining a light onto the extra troubles placed on those sufferers who are already disadvantaged. We in the legal industry can do more to help than the average person, perhaps, but we still need to actually start making these changes. We need to push awareness of theses issues and the laws, rules and regulations being proposed, and we need to educate **ourselves** about the situation in which we find ourselves.

The real conclusion?

Articles like this don't mean anything on their own.

Articles like this don't mean anything without action.

Articles like this don't mean anything unless I work to bring these lessons into the real world.

Articles like this don't mean anything unless you read this, understand it, take it on board and **go and do something about it. All of you. All of us.**

Ladies, gentlemen, anyone reading this.

Let's get to work.