

ARISA 2: Assessing the Risk of Isolation of Suspects and Accused: The Role of the Media

Disclosure of Information and Media Coverage of Criminal Cases

LIBRARY OF RESOURCES



This document was funded by the European Union's Justice Programme (2014-2020).

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ABBREVIATIONS USED:

s/a: suspects and accused

PII: personally identifiable information

a/v: audio/visual

j/p: judicial and policing

ICT: information and communication technology

j/mp: journalists and media professionals

LITERATURE REVIEW

Technological challenges to suspects and accused [s/a], his/her social circle, his/her family, law enforcement officials, the judiciary, representatives of the media, victims, legal representatives.

STUDIES AND REPORTS

Source	Reference /Link	Type of Information	Information
European Network for Councils of the Judiciary (ENCJ). Justice, Society and the Media Report 2011-2012.	PDF	Study/Report	<u>Study of the judiciary’s relationship with the media conducted by consulting with members of the judiciary in England, Wales, Spain, Turkey, Norway, Ireland, Italy, Lithuania, Belgium, Bulgaria, Romania, Portugal, Austria, Hungary, and Poland.</u> Discusses current practices and offers recommendations for improving the relationship and foster greater transparency between the judiciary, media, and public. Topics covered include <u>court spokespersons, use of audio/visual recording, use of social media, publications of case information on the Internet, press guidelines and protocols,</u> and the <u>relations between the judiciary and media.</u> More detail about each country’s practices are included in the table “LAW AND PRACTICES BY COUNTRY.”
Jackson, Brian A., Duren Banks, Dulani Woods, and Justin C. Dawson, Future-Proofing Justice: Building a Research Agenda to Address the Effects of Technological Change on the Protection of Constitutional Rights.	PDF	Study/Report	This report is based on a panel discussion with 13 members from law, academic, technology, and human-rights sectors/fields. Explores how new concerns arise over the guarantee and protection of individual rights, the use of technologies in courtrooms, and the immense volume of data that is transmitted and collected on individuals. More specifically, this study discusses <u>courtroom technologies, body-integrated technologies, carried devices, personal computing devices, home-integrated and household technologies, vehicle-integrated technologies, and societal-technology ecosystems;</u> the ways in which these technologies present challenges to the courts and criminal judiciary systems; and <u>how these technologies can be worked to benefit or support judiciary systems or how to mitigate the challenges posed</u> by these and ongoing developments.

<p>Santa Monica, CA: RAND Corporation. 2017.</p>			
<p>Nikoltchev S. (ed.). Media in the Courtroom, IRIS plus 2014-2. European Audiovisual Observatory, Strasbourg. 2014.</p>	<p>Weblink</p>	<p>Study/Report</p>	<p>Lead article “<i>Court Reporting by Audiovisual and Online Media in the Russian Federation</i>” summarises the <u>use of audio-visual and other technologies in Russian courts</u>, especially in reporting to the general public by the courts and reporting by the media. Summarises several <u>developing judiciary actions to accommodate for technological advances</u>. Article concluded with a discussion of relevant Russian court cases concerning the media, technologies, and breaches of rights. The report also describes current practices in Europe, highlighting multiple cases, notably those involving the media and relevant rights guaranteed under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Useful and informative, however, this section does not contribute to an understanding of practices/measures regarding ‘new media,’ i.e. Internet, social media, and other technological developments.</p>
<p>Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: see sections titled “Online Media”</i></p>	<p>Weblink</p>	<p>Study/Report</p>	<p>Investigates accuracy, objectivity, and fairness in media coverage and reporting via <u>broadcast, print, and online</u> media. Highlighted areas of inquiry include accountability to the reader via <u>right of reply, mechanisms for readers to file comments and complaints, standards and codes of ethics, defamation, rectification and redress</u> of nonfactual/inaccurate content, objectivity or <u>(un)biased coverage</u>, and <u>regulatory and legal frameworks</u>. This report positions its content by looking at European-wide standards, legislation, and policies before delving into country- or region-specific information; these countries are <u>Germany, Spain, Finland, France, the United Kingdom, Ireland, Italy, the Netherlands, Poland, the Russian Federation, and Slovakia</u>.</p>
<p>Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in</p>	<p>Weblink</p>	<p>Study/Report</p>	<p><u>EU Justice Programme-funded project investigating how s/a are presented in the courts and the media and the extent to which principles of presumption of innocence are protected in media coverage of criminal proceedings</u>. Project of collaborative efforts of seven countries: <u>Malta, Greece, France, Croatia, Hungary, Austria, and Spain</u>. This study collected information on criminal proceedings over the course of a month. Study analysed (2) Internet-based media, (2) television broadcasters, and (2) national newspapers of criminal proceedings of domestic</p>

<p>Public and in the Media: A Comparative Report. The University of Vienna, 2019.</p>			<p>cases. Information about findings from the study listed in respective countries in the section “LAW AND PRACTICES BY COUNTRY.”</p>
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GUIDANCE AND STANDARDS

Source	Reference /Link	Type of Information	Information
<p>Committee of Ministers of the Council of Europe. Recommendation No. R (81) 19 of the Committee of Ministers to member states on the access to information held by public authorities. 1981.</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p><u>Council of Europe recommendation on public access to information requests.</u></p> <p>Everyone within the jurisdiction of a member state holds the <u>right to obtain information, upon request, held by public authorities other than legislative or judicial authorities.</u> Means should be provided to ensure <u>equal access to information.</u> Requests must be decided within a <u>reasonable time.</u> <u>Refusal must indicate its reasons,</u> which cannot be based on the ground the requester does not have a specific interest in a matter; a <u>refusal is subject to review upon request.</u> <u>Exceptions are made as necessary</u> to the protection of public interests (national security, public order and safety, prevention of crime, protection of privacy).</p>
<p>Committee of Ministers of the Council of Europe. Recommendation No. R (94) 13 of the Committee of Ministers to member states on measures to promote media transparency.</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p><u>Council of Europe recommendation on transparency of media broadcasters and other operators to the public.</u></p> <p>The <u>public should have access to information that permits the ability to form an opinion on the value of information</u> disseminated by the media. <u>Services and authorities that collect data on media transparency should communicate with similar services or authorities in other member states,</u> as permitted under national and international legislation. <u>Justification for such communications and exchanges as well as requests to access these communications and exchanges should be</u></p>

1994.			<p>explicitly <u>stated in legislation</u>. <u>Broadcasters and media operators</u> should be obliged to <u>provide licence-granting services and authorities with information concerning the persons and bodies involved in the structure of the service, information on the nature and extent of the interests of these parties, and information on persons and bodies who may exercise influence on the broadcaster and its content</u>. <u>Services and authorities responsible for ensuring transparency</u> should be <u>legally granted the necessary powers and means to do so</u>. <u>Transparency of the media sector may be guaranteed through national legislation dictating the necessary disclosure of information to the public by media operators</u>. Such information may include the <u>identity of persons and bodies participating in publishing structures, the nature and extent of their participation, the nature and extent of their interests, persons and bodies who may exert influence over publications and published material, the editorial policies and political orientation of the publishing body, and financials regarding publishing structure and publication distribution</u>.</p>
<p>Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i> 1995.</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p><u>Council of Europe recommendation on searches and seizures, technical surveillance, electronic evidence, statistics and training, compliance with public authorities, and international cooperation given the unprecedented expansion of information technologies, their applicability to the criminal justice system, and the uneven extent to which member states have legislation regarding their use</u>. <u>Additionally, recommends publicity [discussion] amongst authorities and bodies for whom there is an acute interest in the intersection of information technologies and criminal justice systems</u>.</p> <p>Criminal procedure laws should be extended to permit authorities performing searches and seizures the same or similar powers as those held under traditional searches and seizures; <u>investigating authorities should be permitted to extend their search of a given system(s) to access other systems connected by a network (even in a foreign jurisdiction)</u>. Laws pertaining to technical surveillance for the purposes of criminal investigations should be amended to reflect technological advancements; the law should <u>permit investigating authorities the power to utilise all technical measures that enable the collection of data</u> in criminal investigations. Criminal procedural law should be amended to grant power to <u>investigating authorities to order persons to submit any data or systems under their control or to</u></p>

			<p><u>provide access</u> to such data and systems; a similar order can be given to those knowledgeable about the functioning of the system or measures applied to acquire access to the data or system. <u>Telecommunications and network operators should avail themselves</u> of all technical measures that <u>enable interception</u> by investigating authorities and these <u>operators should disclose personally identifiable information (PII)</u> on a user <u>when ordered by investigating authorities</u>. Collection, preservation, and presentation of electronic evidence should be ensured and done in a way that allows for interoperability/compatibility/cooperation between member states. <u>Minimisation of cryptography's negative effects</u> without impairing its legitimate use more than necessary. Member states should develop and promote <u>improved training, specialised investigation units, and collection of data relating to computer-related offences</u>.</p>
<p>Committee of Ministers of the Council of Europe. <i>Recommendation Rec (2003) 13 of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings.</i> 2003</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p><u>Council of Europe recommendation on 18 principles concerning media's coverage of criminal proceedings and protecting the rights of all interested parties, including, inter alia, the rights to information [public], the right to publish information [media], the right to a fair trial and presumption of innocence [s/a], and the right to privacy and private life [s/a, victims].</u></p> <p><u>The public must be able to receive information</u> about the <u>activities of judicial and police authorities</u> and the <u>media must be free to report and comment on these activities and criminal justice systems</u>. <u>Information concerning ongoing investigations and trials should only be disseminated to the media to the extent it does not threaten presumption of innocence</u>. J/p authorities should <u>only disclose verified information</u> to the public; wherein information is based on reasonable assumptions, this must be indicated to the media. <u>When journalists lawfully obtain information about criminal proceedings from j/p authorities</u>, this information should be <u>available to all journalists who make the same request</u>. When providing information to the media about criminal proceedings, the disclosure should be provided in a way that is non-discriminatory towards the media (i.e., <u>all journalists should be given the ability/opportunity to receive equal information</u>, such as through press releases or conferences). Whereby criminal proceedings are of particular interest to the public, j/p authorities should inform the media about their essential acts to the extent that doing so does not prejudice or impede</p>

			<p>investigations or proceedings (including the outcome). <u>J/p authorities should not exploit information about criminal proceedings for commercial purposes.</u> Disclosure of information concerning s/a and others involved in criminal proceedings should <u>respect the right to privacy and consider possible harmful effects</u> to the concerned person(s). Particular care should be exercised in the cases of minors or vulnerable persons. Everyone who is the subject of incorrect or defamatory reporting by the media or j/p authorities has the <u>right to correction</u>; in cases of remarks made by the media, the individual also has the <u>right to reply</u>. J/p authorities should abstain from disclosing information which risks prejudicing the fairness of trials and proceedings. Whereby s/he can demonstrate the disclosure of information is highly likely to result in or has resulted in a breach of a fair trial, the s/a should have an <u>effective legal remedy</u>. Journalists should be admitted to public court hearings and judgements without discrimination and without prior accreditation requirements. <u>Courtrooms should provide enough seating to sufficiently meet the demand for journalists and the public unless it is clearly impractical. Live reporting or media recordings should not be possible unless otherwise stipulated by law. Only whereby there is not a serious risk to involved parties or the proceedings may reporting be authorised. Announcements of criminal proceedings should be made available to journalists upon request and journalists should be free to make or receive copies of publicly announced judgements and to disseminate these to the public. The identity of witnesses should not be disclosed without his/her prior consent, where the identification of a witness is of public concern, or his/her testimony has been given in public.</u> Journalists should be permitted to have contact with persons serving prison sentences to the extent that this does not prejudice fair administration of justice, the rights of prisoners and prison officers, or the security of the establishment. <u>Right to privacy extends beyond the serving of a sentence as to not prejudice the ability to reintegrate back into society.</u></p>
<p>Committee of Ministers of the Council of Europe. <u>Declaration on the provision of</u></p>	<p><u>PDF</u></p>	<p>Guidance/Standards</p>	<p><u>Council of Europe declaration on the responsibilities, duties, and considerations of j/p authorities and j/mp with regards to reporting and media coverage of criminal proceedings.</u></p>

<p><i>information through the media in relation to criminal proceedings.</i> 2003.</p>			<p>The Council of Europe calls on member states to <u>ensure responsible media reporting</u> by supporting law and court procedural <u>training for journalists</u>; supporting media <u>self-regulatory bodies, initiatives, and codes of ethical standards and conduct</u>; and involving professional media associations in legislative processes about media reporting and criminal proceedings.</p> <p>The Council of Europe also calls upon the <u>media and journalists to develop professional associations</u>, foster pan-European cooperation; <u>develop ethical guidelines and standards</u>; <u>respect the presumption of innocence, dignity, privacy, and security</u> of parties involved in criminal proceedings; not recall a person's former offences; <u>be sensitive</u> in the cases of <u>minors and vulnerable persons</u>; avoid prejudicing trials; avoid referencing likely to incite xenophobia, discrimination, or violence; ensure those reporting on criminal proceedings are trained in the manner in which to do so.</p>
<p>Committee of Ministers of the Council of Europe. <i>Declaration on freedom of expression and information in the media in the context of the fight against terrorism.</i> 2005.</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p><u>Council of Europe declaration on the responsibilities, duties, and considerations of member states and j/mp with regards to media reporting and coverage of acts of terrorism.</u></p> <p>Council of Europe calls on member states to <u>not introduce new restrictions on freedom of expression and information</u> in the media unless strictly necessary; <u>refrain from equating media reporting on terrorism with support from terrorism</u>; <u>ensure journalists have access to regularly updated information</u>; protect the <u>rights of presumption of innocence and right to private life</u> when disclosing information; <u>refrain from creating obstacles that hinder media access</u> to scenes of terrorist acts where doing so does not risk investigation or the security and safety of involved parties; <u>guarantee the rights of the media to know and report on criminal proceedings</u>, charges, and sentencing; respect the <u>right of journalists to not disclose sources</u>; respect the <u>independence of the media</u>; and <u>encourage training of journalists</u> and other j/mp <u>about safety measures</u> when threatened by terrorists/terrorism.</p> <p>The Council of Europe also calls on the media and journalists to keep in mind their responsibilities under the context their reporting does not contribute to the aims of</p>

			<p><u>terrorists</u>, such as propagating fear; <u>refrain from self-censorship</u> to the extent its deprives the public of information; <u>adopt self-regulatory measures</u> allowing for effect response to ethical concerns; keep in mind their role in <u>preventing hate speech or incitement to violence</u>; be aware of the risk to the media which can serve as a vehicle for expressions of xenophobic or other hatred; <u>refrain from jeopardising the safety of j/p, antiterrorist, and investigating authorities and their operations</u>; respect the <u>safety, anonymity, and right to privacy of victims and their families</u>; respect the <u>right to presumption of innocence</u> for s/a; keep in mind the importance of <u>distinguishing s/a and convicted from groups</u> to which they belong (e.g. national, religious, ethnic, ideological); assess the way they inform the <u>public of questions concerning terrorism</u>; set up <u>training</u> for j/mp on <u>safety and the context of the events and topics</u> they cover.</p>
<p>Committee of Ministers of the Council of Europe. <u>Declaration on freedom of communication on the Internet.</u> 2003.</p>	<p><u>PDF</u></p>	<p>Guidance/Standards</p>	<p><u>Council of Europe declaration on 7 principles regarding communications on the Internet and the duties and rights of member states, network, service, and content operators and providers, and users.</u></p> <p>Council of Europe calls on member states to abide by Internet content rules by <u>not subjecting content to extra or additional content delivery rules than rules faced in other means of delivery</u> (i.e. the rules of content delivery/restrictions for the Internet cannot go further than content delivery/restrictions for television). Member states should encourage <u>self-regulation</u> in regards to content dissemination; should <u>not deny public access</u> such as through blocking or filtering except in the installation of measures to protect minors; <u>enforce the removal of identifying content following</u> national authorities taking <u>a decision on its illegality</u>; <u>encourage access</u> to the Internet at <u>affordable prices</u> and <u>promote pluralistic services</u>; not impose obligations for service providers to actively seek out circumstances of illegal activity; <u>limit the liability of service providers</u> for content whereby the providers' functions are limited. Whereby the functions are wider, however, service providers may be held co-responsible by not removing access when aware of illegal activity. Member states should also <u>respect the will of users to not disclose their identity</u>, however, this does not prevent members from taking measures to identify parties responsible for criminal acts.</p>

<p>Committee of Ministers of the Council of Europe. <u>Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society.</u> 2015.</p>	<p><u>PDF</u></p>	<p>Guidance/Standards</p>	<p><u>Council of Europe declaration on the protection of eight human rights in today's information- and technology- society and the roles member states, civil society, the private sector, and the Council of Europe have in preserving these and other human rights.</u></p> <p><u>Freedoms of speech, information, and communication should not be infringed upon or treated differently in the context of information communication technologies than in "nondigital" contexts or environments. Member states should enhance legal and practical measures and instruments to guarantee individuals in society wider access to information and content; legal and practical measures should be adopted to prevent private and/or state censorship while at the same time recognising the importance of preventing and combating illegal content (i.e. xenophobic content or hate speech, use of ICT for human trafficking, child pornography, etc.). ICTs should respect Article 8 of the ECHR which guarantees one's rights to privacy; in the context of data collection and processing by public and private actors, frameworks for self- and co- regulation should strive to protect rights guaranteed under Article 8. Promotion of pluralism, cultural and linguistic diversity in media and communication services and platforms; facilitation for wider access to ICTs in addition to promotion of education and training in computer literacy and utilising ICTs in recognising there can be cultural, social, and/or economic barriers to access. The digital environment or facilitation of human trafficking utilising ICTs should be treated in the same manner as breaches to Article 4 on forced labour and slavery in the ECHR. ICTs can facilitate discussion of and public scrutiny of criminal justice practices and systems, however, can also challenge the right to a fair trial. There are also acts enabled or facilitated by (or that utilise) ICTs; however, there are no explicit laws covering these acts as crimes; accordingly, the principle should be respected that one cannot be charged for a crime that is not defined as a crime by law (no punishment without law). Member states should develop legal frameworks to duly protect property (namely intellectual property, copyrights, patents, and trademarks) while also respecting access to content and information should not be infringed upon. Member states should consider the positive effects of e-voting and e-governance, such as greater public knowledge and participation in democratic processes and making services and governance bodies more transparent and</u></p>
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			<p>accountable; however, states must also consider the negative effects such as (in)security, reliability, accessibility (especially with regard to computer literacy in older populations or populations with social, cultural, or economic considerations that hinder access), and verifiability. <u>Freedom of assembly assisted by ICTs should be protected</u> and member states should adapt legal frameworks to accommodate for this right and also recognise <u>monitoring and surveillance of assembly and association should not take place</u> with exceptions only afforded under Article 11 of the ECHR. Member states should ensure <u>protection of rights afforded in the ECHR</u> and act upon threats and violations to these rights; <u>rights in the “digital” environment should not be subject to any exceptions or restrictions other than those provided for in the “non-digital” environment</u>. Cooperation between civil society actors, NGOs, the private sector, member states, and the Council of Europe should foster the protection and promotion of human rights in the context of ICTs and seek to address possible violations and infringements upon these rights. <u>All actors should recognise the need to account for social and legal challenges that present with new technologies and new uses for current technologies.</u></p>
<p>Committee of Ministers of the Council of Europe. <i>Declaration of the committee of Ministers on risks to fundamental rights stemming from digital tracking and other surveillance technologies.</i> 2013.</p>	PDF	Guidance/Standards	<p><u>Council of Europe declaration on risks to fundamental human rights (namely right to privacy and private life) exacerbated by ICTs which often accommodate for enhanced monitoring and surveillance; these risks include risk of collection and transmission of sensitive data and communications, risk of individual profiling, risk of data interception, risk of tracking and monitoring, and risk to individual safety.</u></p>
<p>European Commission for the Efficiency of Justice (CEPEJ) Working Group on quality of justice (CEPEJ-GT-QUAL).</p>	Weblink	Guidance/Standards	<p><u>European Commission for the Efficiency of Justice guidance for communication practices between the media and members of the public and j/p authorities (courts, prosecutors, judges, investigating authorities, police, etc.) through a variety of means, including press releases and press conferences, interviews, written statements, websites, social media, conferences, and filmed messages.</u></p>

[Guide on communication with the media and the public for courts and prosecution authorities.](#)
December 2018.

Media reporting on criminal justice systems promotes transparency, strengthening democracy and the public's confidence in the systems' functions and activities; it also offers avenues for critical review and improving mechanisms and practices of justice. The lack of coherent media and communications strategies and inconsistencies in implementing such strategies weaken the image (open them to criticism, lose public faith and confidence) of criminal justice systems and institutions in the eyes of the public. Each party in the criminal justice system has a specific, unique position regarding their communications with the media. Associations of judges and prosecutors should strive to defend the image of judiciary institutions to the public, in particular on issues concerning the general functioning of these institutions (budgets, facilities) and general principles that guide them (presumption of innocence, independence of justice). By contrast, individual judges should refrain from making public comments about the cases, proceedings, and judgements with which they are involved whereas public prosecutors should make public statements when the need for it arises, such as in promoting objectivity in the media and public discourse regarding ongoing proceedings. Courts and bodies of prosecutors should seek to provide the media and public information about their activities and operations, such as by providing statistical information on the number of cases, employees in specific positions, etc. or information about their facilities. Doing so might highlight gaps in the efficiency of the courts (e.g. high volumes of cases per judge leading to inconsistent or long delays) that the public can help close (e.g. spurring interest in job-seeking applicants). In concern to criminal proceedings, these parties should remind of court principles (presumption of justice) rather than commenting on specific cases. It is advised criminal justice institutions denote a single or few key spokespeople who will serve as the liaison and communicator between the judicial system and the media; a trained spokesperson will offer consistency in communications, an identifiable point of contact for the media and public, and will also be knowledgeable about judiciary functions and be able to balance the interests of the media and public with the interests and principles of criminal justice systems.

Press releases are an effective form of communication, however these should be kept with the latest technologies, such as through publication on official Facebook

			<p><u>or Twitter accounts</u>, which will <u>allow for instantaneous access and wider dissemination to a wider audience</u>, including the public (through faxing and emails, access was often limited to those on specific “subscription lists,” which were largely j/mp). <u>Press conferences</u> afford the opportunity for j/mp to receive the same equal information as is distributed in a press release, but also the chance to ask for clarification or inquire on specific concerns or subjects; however, press releases often <u>limit the ability of the wider public to engage and participate</u> first hand and there is the potential those making the statements may disclose information accidentally, demonstrate bias, or unintentionally/accidentally threaten principles such as presumption of innocence and fairness of justice or rights such as right to fair trial, right to privacy. Whereas traditional interviews bear the risk of misinterpreted or skewed statements, live/broadcast interviews can be effective ways of communicating information equally to audiences (public and media) while at the same time minimising the risk an individual’s interpretation is propagated into larger misunderstandings. However, <u>with live/broadcast interviews, the informing authority must be fully trained and exercise due care to protect the rights and interests of the judiciary as well as others involved in criminal proceedings (e.g. s/a, victims)</u>. Given the proliferation of and continuing reliance on the Internet, <u>websites</u> are key tools to communicate important information to both the public and the media, however, they <u>require significant investment and continual update</u>. <u>Apps are another option for these bodies to consider communication with the media and public</u>. <u>Social media platforms are crucial to reaching and disseminating information to younger populations</u>, however, there is <u>little ethical oversight with these platforms</u> and older generations may not have the general (including social) or technical knowledge to know how to effectively utilise these platforms successfully. <u>Public broadcasting</u> of criminal proceedings can provide for greater transparency into the workings of the criminal justice systems, however, risks individuals may act differently under the camera or may not wish to be recorded, that <u>proceedings can be jeopardised by a ‘media circus’ or by the perception of these recordings as a ‘show.’</u></p>
United Kingdom Ministry of Justice.	PDF	Guidance/Standards	Guidance published by the United Kingdom Ministry of Justice for <u>j/p and investigating authorities on how and when information about criminal proceedings should be publicised</u> . Offers useful <u>“Decision-making checklist”</u> at the end for

<p>Neighbourhood Justice and Courts Strategy. Publicising Sentencing Outcomes: Guidance for public authorities on publicising information (including via the Internet) about individual sentencing outcomes within the current legal framework. 2011.</p>			<p>individuals to <u>weigh the benefits and drawbacks when disclosing information</u> to the public by evaluating the <u>concerns/interests/rights of relevant parties</u> and potential <u>consequences</u> to them, the <u>objectives</u> associated with disseminating information, and the <u>ways</u> in which information will be disseminated, to <u>whom</u> it will be disseminated, and what <u>safeguards</u> are in place <u>to prevent the information's misuse</u>. Addresses the <u>concern</u> some content, especially <u>images, can be saved</u> by individuals reading the information and safeguards should be in place to prevent these images from a use other than their intended purpose.</p>
<p>Judiciary of the United Kingdom. Judicial College. Reporting Restrictions in the Criminal Courts. 2016.</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p>Guidance for <u>members of the judiciary regarding media reporting and coverage of criminal proceedings</u>. Covers automatic and discretionary reporting restrictions followed by additional notes related to court reporting; these rules include <u>restrictions on reporting of victims, witnesses, minors/juveniles</u>. Additional notes on court reporting address topics such as <u>live texted-based communications</u> (commonly likened to Twitter, though not exclusive), <u>media access to relevant files and court materials</u>, “<u>jigsaw identification</u>,” and the <u>identification of those involved in criminal proceedings</u>. Offers two “Ready Reference Guides” (one for automatic restrictions and one for discretionary restrictions) in the form of flowcharts posing questions and ending with a summary of the applicable law. See section below “<u>LAW AND PRACTICES BY COUNTRY: United Kingdom</u>” for detail on the applicable law regarding media reporting and restrictions in United Kingdom Courts.</p>
<p>Lord Chief Justice of England and Wales. Practice Guidance: The Use of Live Text-Based Forms of Communication (Including Twitter) From Court for the</p>	<p>PDF</p>	<p>Guidance/Standards</p>	<p>Implemented into Criminal Practice Direction 2015 Amendment No 3 [2015] EWCA Crim 430, Part 16C.</p> <p><u>Permits the use of silent mobile devices, small laptops, or a “similar piece of equipment” to produce live, text based reports of criminal proceedings</u> in the courts; <u>j/mp are permitted to do so without seeking permission</u> of the presiding judge, however, <u>members of the public who wish to do so must seek</u> informal or formal <u>approval from the judge</u>. While permitting live, text-based reporting, this</p>

<p><u>Purposes of Fair and Accurate Reporting.</u> 2011.</p>			<p>guidance reminds of <u>statutory rules that prohibit taking of photographs or a/v recordings.</u></p>
<p>The Law Commission. <u>Contempt of Court (2): Court Reporting.</u> 26 March 2014.</p>	<p><u>PDF</u></p>	<p>Guidance/Standards</p>	<p><u>Report on how the laws of contempt of court and uncertainty surrounding these laws challenge the media when reporting of criminal cases. One of the greatest challenges is finding out if there are orders in place regarding what the media may or may not report on with respect to ongoing proceedings; put differently, j/mp may be found to be in contempt of court simply due to the fact they were unaware there are reporting constraints in place.</u> The disorganised, inconsistent, and decentralised manner in which these orders are published makes it arduous for j/mp to report on the principles of fair and open justice while respecting the laws governing contempt of court and other judge-issued declarations. Report proposes the creation of a standardised order form for courts to complete; once completed, the form is sent to a centralised office where it is added to a primary database of all active orders. The primary database should be regularly updated as new cases and orders are added; added orders should have a date of expiry, and, either removed from the database when this date is reached, or, if necessary, amended to reflect the order is still in effect (or is modified). An additional option would be to allow users the ability to subscribe to a particular case updates (additions/removals of orders). This report advises the primary database should be publicly accessible, be limited in the amount of information disseminated, and contain links or contact information for the respective court so individuals may follow up for inquiries or clarification. A secondary database should also be developed which contains more details about the order in place, however, this secondary database should have restricted, paid access to minimise the likelihood a juror stumbles upon such details about the orders in effect.</p>
<p>The Law Commission. <u>Contempt of Court (1): Juror Misconduct and Internet Publications.</u> 28 November 2013.</p>	<p><u>PDF</u></p>	<p>Guidance/Standards</p>	<p><u>Report on current law and practices regarding jurors' contempt of court and how these laws and practices are either inadequate or unclear in the ages of "new media," especially the Internet.</u> The report consulted with "criminal prosecution and defence lawyers, media lawyers, the judiciary, other arms' length bodies, trade unions, non-governmental organisations, academics, the police and interested members of the public," about challenges and problems rooted in contempt of court legislation, with the objective to provide recommendations to make the law clearer</p>

			<p>and ensure fairness of justice and public confidence in the courts. Chapter 3 is of particular relevance, addressing the challenges of contempt of court with regards to new technologies, the Internet, and social media, and juror research. Chapter 3, titled “JURORS SEEKING EXTRANEIOUS INFORMATION“ covers several issues regarding the jury’s conduct of research or investigation and search for evidence or materials outside of those provided in the context of the courts. While juries are often told not to do so and that doing so finds them in contempt of court, juror’s may not understand what contempt of court is and/or what the consequences are to the juror as well as individuals involved in the proceedings (such as consequences to the defendant, victims, and witnesses). Additionally, despite warnings, some jurors may choose to disregard orders made by the courts and it is very challenging to enforce these orders and find out when or to what extent these orders were breached. Some courts issue verbal and written orders to the jury so members cannot feign ignorance or misunderstanding; some courts additionally prohibit the use of mobile devices by the jury or even collect and remove devices from members of the jury during the time they are in court. However, questions arise when returning these devices back to the jury, especially in the context of a case lasting several days or longer. The Law Commission recommends the creation of a criminal offence for jurors found to be deliberately researching a case s/he is trying, and the sentencing of this offence be a maximum of 2 years’ imprisonment and/or an unlimited fine.</p>
<p>National Association for Court Management. Managing the Message: The NACM Media Guide for Today’s Courts 2010 Mini Guide. 2010,</p>	<p>PDF</p>	<p>Guidance</p>	<p><u>Guide written by a consortium of solicited experts who write on their experiences and perspectives regarding the ways in which new technologies and the media both enhance/improve and challenge criminal justice systems.</u> Touches on topics such as court websites, court social media profiles, the use of electronic devices in the courtroom, speaking with the media, developing media relations plans, handling high-profile cases in emergency times.</p>

ACADEMIC PAPERS, JOURNAL ARTICLES, AND BULLETINS

Source	Reference /Link	Type of Information	Information
Agate, Jennifer and Ledward, Jocelyn. <i>Contempt and Social Media: Update.</i> Entertainment Law Review, Vol. 25, No. 2, pp. 52-54, 2014.	PDF	Academic Paper/Journal Article/Bulletin Publication	Summarises the UK Law Commission’s 2013 report “<i>Contempt of Court: Juror Misconduct and Internet Publications</i>” (see details below). Highlights several challenges posed by the Internet and social media with concern to archived online news content, juror research, and jury deliberations. This article also refers to several specific examples and cases where the principles and systems of the criminal justice system have been jeopardised or breached.
Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Doctoral Thesis, Bond University. 2009.	PDF	Doctoral Thesis	Doctoral thesis on the influence of the Internet in reporting of crimes in the media. This research was conducted by examining online television channels, radio stations, and newspapers; search engines; institutional (government, academic, and business) websites; and crime- reporting and related websites, including “user-generated content.” This examination is supplemented with elite interviews and three case studies: Madeleine McCann, Schapelle Corby, and Joanne Lees. The research finds online audiences seek shorter coverage, however, that this coverage be highly detailed, and, as is possible on the Internet, substantiated by a/v elements (e.g. photographs, videos, audio transcripts) and is linked to further information. This study argues there are increasing legal, ethical, and social concerns in media coverage of criminal cases when they are reported on the Internet, as media providers must adapt to their audiences and new advancements in technology.
Findlay, Leah. <i>Courting Social Media in Australia's Criminal Courtrooms: The Continuing Tension between Promoting Open Justice and</i>	Weblink	Academic Paper/Journal Article/Bulletin Publication	In conducting a comparison of UK and Australian courts regarding the use of electronic devices in the courtroom, this paper examines the at-times competing principles of open justice and procedural integrity. This paper concentrates on the use of devices for social media purposes by j/mp, recognising the profound ways in which social media has allowed j/mp to connect more intimately and immediately with their audiences and for their content to propagate to wider audiences at a faster rate. Article advocates for the development and implementation of an accreditation process for members of the public and “citizen journalists” who seek

<p><u>Protecting Procedural Integrity.</u> Current Issues in Criminal Justice, Vol. 27, No. 2, pp. 237-245. 2015. DOI: 10.1080/10345329.2015.12036043.</p>			<p><u>to report on criminal proceedings and cases</u> to gain permission from the courts to be able to do so, as currently, those without already formalised accreditations must seek the permission of judges to do so. This article also argues the <u>same process should be used for members of the public and “citizen journalists” who seek permission to use electronic devices or real-time based reporting (e.g. Twitter) in the courts.</u></p>
<p>Fox, Richard L. and Rose, Michelle. <u>Public Engagement with the Criminal Justice System in the Age of Social Media.</u> Oñati Socio-Legal Series, Vol. 4, No. 4, pp. 771-798. 2014.</p>	<p><u>Weblink</u></p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Journal article on the public’s perceptions of and degree of confidence in the criminal justice system owing to their interactions with the system and cases through social media.</u> This study surveyed the American public on their social media and networking habits as well as perceptions of the criminal justice system, confidence in the criminal justice system, knowledge of criminal cases, and opinions of criminal cases. The study finds that <u>social media does not appear to enhance knowledge of or confidence in criminal justice systems, however, social media engagement relating to criminal cases leads to stronger feelings for vengeance and support for vigilante behaviours.</u></p>
<p>Janoski-Haehlen, Emily. H. <u>The Courts Are All A ‘Twitter’: The Implications of Social Media Use in the Courts.</u> Valparaiso University Law Review, Vol. 46, No. 1, pp. 43-68. 2011.</p>	<p><u>Weblink</u></p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p>This journal article studies the <u>implications of social media on the courts by examining jurors’ use of Twitter and Facebook and judges’ use of Twitter and Facebook;</u> this study then investigates the ethical ramifications of the use of such technologies and responses to mitigate challenges posed by social media, such as by issuing court rules and instructions, and the extent to which these are effective and to what extent these are problematic. This study argues <u>in the interests of preserving the right to a fair trial, impartial juries, and improving the public’s confidence and trust in the judicial system, courts need to clearly develop explicit rules and punishments regarding the use of social media technologies</u> in the contexts of the courts and communicate these clearly to relevant parties.</p>
<p>McDonald, Laura W.; Tait, David; Gelb, Karen; Rossner,</p>	<p><u>Weblink</u></p>	<p>Academic Paper/Journal</p>	<p><u>Pilot study on the positive and negative impacts of the use of tablets/iPads in courtroom settings, in particular in the context of jury deliberations.</u> The study sought to test if by using tablets in jury deliberations, juror’s verdicts and</p>

<p>Meredith; and McKimmie, Blake. Digital Evidence in the Jury Room: The Impact of Mobile Technology on the Jury. Current Issues in Criminal Justice, Vol. 27, No. 2, pp. 179-194. 2015. DOI: 10.1080/10345329.2015.12036040.</p>		<p>Article/Bulletin Publication</p>	<p>perceptions of cases were different from verdicts and perceptions whereby the same information was distributed via paper. The study was conducted by engaging 152 members of the community in sample trials; after being shown a video simulation of a trial, participants were asked to deliberate the evidence which was either provided on paper or electronically via iPad. <u>Results from the pilot study inform that there appear “no major differences between the paper and tablet conditions” with respect to the quality of jury deliberations, nor the final verdicts.</u> The <u>use of iPads corresponding with financial and time savings; however, the authors note potential problems with juries demanding more electronic evidence and juries affording greater credence or affording more attention to electronic evidence opposed to “physical evidence” or oral testimony.</u></p>
<p>Patrick, Erika. Protecting the Defendant's Right to a Fair Trial in the Information Age. Capital Defense Journal, Vol. 15, No. 1, pp. 71-91. 2002.</p>	<p>Weblink</p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Albeit somewhat outdated (2002)</u> (article references to the fact “some” members of the population use the Internet; arguably, eighteen years later, the Internet has had a significantly more profound impact in terms of the number of users and extent of use), this article highlights two key considerations other research discovered has not acknowledged in such depth. First, the <u>ability to order a change of venire for trials is challenged or even ineffective.</u> due to the ubiquity of information on the Internet, available across jurisdictions. Put differently, in the past, when a case received higher publicity, it was possible to order a change of venire to find a more impartial jury; nowadays, “members of bordering localities can access information regarding a case of regional interest on the Internet even though their local news outlets do not cover the story.” Second, this article highlights the <u>importance of including questions in voir dire explicitly about Internet use/exposure to assess the extent to which the juror is unbiased/unprejudiced and/or has not been “tainted by pre-trial publicity accessible on the Internet.”</u></p>
<p>Paver, Chris. The Courts v Twitter: The Future of Live Court Reporting in NSW. Communications and Media Law</p>	<p>PDF</p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Short bulletin about the use of Twitter in the courts.</u> Raises an important question about the extent to which the courts can prevent or control the use of Twitter by members of the public after they are granted permission to do so in the courts. The bulletin highlights a particular example that members of the public may use Twitter (although this could likely also be done through other social media apps or even through the use to send live information about what a witness says in the courts to</p>

<p>Association. Communications Law Bulletin, Vol. 32, No. 1, pp. 6-9. 2013.</p>			<p>other witnesses waiting to testify. <u>“How, for example, can the courts ensure the due administration of justice when any member of the public, armed only with a mobile phone, could easily transmit live what one witness says in court to another witness waiting outside to give evidence?”</u> Other challenges the use of Twitter in courtroom settings pose to the courts include interruptions to proceedings, the extent to which 140 characters can provide accurate information and context, temptation to use cameras or a/v recording, contempt of court or defamation due to ignorance of the applicable law.</p>
<p>Winn, Peter A. <i>Online Court Records: Balancing Judicial Accountability and Privacy in an Age of Electronic Information</i> (1 February 2004). Washington Law Review, Vol. 79, No. 1. 2004.</p>	<p>Weblink</p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Article about how U.S. courts traditionally handled the dichotomy between disclosure of information relating to criminal proceedings in the interests of freedom of information and the need to sometimes limit the amount or timing of disclosed information;</u> the article argues that in the age of new technology and disclosing information online, courts must adapt to establish new rules and practices. Highlighted are <u>issues concerning the ease with which wider populations have instantaneous access to information</u> (previously, limited numbers of people would go to the effort of specifically tracking down a case and filing for access to the information; now, with algorithms, search engines, and aggregators, this is much easier for anyone; “practical obscurity”); the <u>increased risk of commercialisation of information</u> relating to criminal proceedings; the <u>extent to which privacy is challenged</u> by online information; and the question that arises as <u>to what extent a person</u> (e.g. s/a, victims) <u>can be rehabilitated or move forward from criminal proceedings when information is not removed from the Internet.</u> Recommends that before information about criminal proceedings is disclosed online, courts should assess the information through a “test” or questionnaire, which includes, <i>inter alia</i>, evaluating: the type and degree of harm disclosed information may have on respective parties, what safeguards are in place to protect the information and the respective individuals and their privacy; what procedures are in place to limit access to the information; what is the nature of the need for this information to be online and to be disclosed to the press and wider public?</p>
<p>Vance, Emily Anne. <i>Should Prosecutors Blog, Post, or Tweet?: The Need for New</i></p>	<p>PDF</p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Journal article discussing the differences between traditional and “new” media, specifically social media and specifically how the use of social media by members of the prosecution threatens the reputation of s/a, challenges the public’s perception of and confidence in the criminal justice system, and poses concerns relating to</u></p>

<p><i>Restraints in Light of Social Media.</i> Fordham Law Review, Vol. 84, No. 1. 2015.</p>			<p><u>rights to a fair trial, impartial juries, presumption of innocence, and so forth especially in the context of pending cases.</u> Discusses several cases and instances when prosecutors have used Twitter in their personal and professional capacity. Argues that in the interests of the criminal justice system and protecting all stakeholders (victims, s/a, witnesses, lawyers, j/p authorities, etc.), prosecutors should not editorialise when posting about pending cases; should be restrained in terms of time, content, and the amount of information they are permitted to disclose; should demonstrate professionalism when posting; should not post without sufficient oversight and prior authorisation.</p>
<p>Luca, Dara Lee. <i>The Digital Scarlet Letter: The Effect of Online Criminal Records on Crime</i> (1 November 2018).</p>	<p>Weblink</p>	<p>Academic Paper/Journal Article/Bulletin Publication</p>	<p><u>Drawing from economic theory, this paper is an empirical study investigating deterrence and recidivism in the context of criminal records posted online.</u> On the one hand, the ease with which a future employer may find information relating to criminal proceedings may act as a deterrent to would-be offenders; on the other hand, offenders may be also less likely to recommit offences, marred by a digital “scarlet letter,” however, because of this digital “scarlet letter,” offenders may also be more likely to commit further offences because employment opportunities have diminished. <u>The paper finds putting criminal records online corresponds with a reduction in property crime rates for first time offenders;</u> however, the presence of online criminal records <u>also corresponds with a higher probability of recidivism for ex-offenders.</u></p>

SPEECHES AND PRESENTATIONS

Source	Reference /Link	Type of Information	Information
<p>Spigelman, James J. <i>The Internet and the Right to a Fair Trial.</i> Criminal Law Journal, Vol. 29, No. 6, p. 331.</p>	<p>Weblink</p>	<p>Speech</p>	<p>Speech by Chief Justice of New South Wales (Australia) warning about the challenges and dangers the Internet poses to the right to a fair trial, highlighting in particular juror misconduct (conducting outside research on a case/participants/law), media coverage of criminal proceedings, and the amount of information published online about criminal proceedings. With regard to juror</p>

2005.			<p>misconduct, notes several examples in which members of the jury were found to have conducted Internet searches on defendants and witnesses, evidence, applicable law, expert opinions and advice. As for media coverage of criminal proceedings, the author recommends prosecution teams conduct Internet searches prior to trials and order media publishers to take down content for the duration of trials. In the context of the amount of information available online about criminal proceedings, in particular content posted on court websites, the author suggests courts anonymise cases or, at the very least, use initials when referring to individuals involved. Courts should also critically assess the extent to which information shared is necessary to provide in the contexts of open justice, or if disclosure of this information threatens the rights of the s/a, in particular rights to privacy.</p>
<p>McColl, Ruth. IT In The Courtroom From Both Sides Of The Bench - The Transformation Of Justice. 5th Conference on Computerisation of Law Via the Internet, New South Wales, Australia. 2004.</p>	<p>PDF</p>	<p>Speech/Presentation</p>	<p><u>Speech on how the Internet transforms justice by affording greater transparency and access to the courts and information by members of the public. This increases public awareness and confidence in the courts and the criminal justice system.</u></p>
<p>Mullins, Debra. <i>Judicial Writing in an Electronic Age</i> (26 January 2005). Speech delivered at the Supreme and Federal Courts Judges' Conference.</p>	<p>PDF</p>	<p>Speech</p>	<p>This speech highlights several problems stemming from the publication of judgements and sentencing remarks online. These problems include the public's ease of access to information (and "practical obscurity;" see also P. Winn, <i>Online Court Records: Balancing Judicial Accountability and Privacy in an Age of Electronic Information</i>), increased risks of identity theft, the amount of time information is kept online or accessible (spent convictions), and threats to personal life and privacy. Advises that before courts publish judgements or sentencing online, they consider if victim/witness names need to be published online, avoid publishing information relating to residential addresses, avoid disclosing information about family relationships when such information is not of importance to the sentencing, consider if it is necessary to publish birth dates, and consider the extent to which</p>

			(or even if) personal information is supportive to a judgement or necessary to include in statements.
Mullins, Debra. Update on “Judicial Writing in an Electronic Age” – Five Years On (3 December 2009). Speech delivered at the South Australian Judicial Development Day.	PDF	Speech	In a follow up to her speech released five years prior (see above), this speech reiterates some of the challenges arising from online publication of sentencing and judgements. Highlighted concerns again include privacy, personally identifiable information, identity theft, spent convictions. Additionally, this speech emphasises the lack of court protocols and policies in place to effectively mitigate the aforementioned challenges.

MEDIA AND NEWS

Source	Reference /Link	Type of Information	Information
<i>What Role Does Media Play in Criminal Trials?</i> ISHI News. 10 April 2017.	Weblink	Media/News	<u>Shorter attention spans of online audiences push media publishers to produce quick, “sensational” content. New media is susceptible to bias, a lack of fact-checking, and more opinion than fact reporting.</u> The media also plays a stronger role in juries and their knowledge of cases (pre-trial publicity); while problematic in traditional media, the ubiquity of coverage across the Internet and social media platforms increases the probability a juror has prior exposure to a case pre-trial.
Casciani, Dominic. <i>Do media reports influence juries?</i> BBC News. 17 February 2010	Weblink	Media/News	<u>Short news article about how juries are affected by exposure to media coverage of criminal proceedings.</u> Discusses that in a UK Ministry of Justice study, <u>more jurors admit to seeing information about cases online rather than actively seeking information about the case, however, for those who do actively seek information, they do so through the Internet.</u> More high-profile cases see both more frequent juror research and more frequent exposure to media coverage.

EXPERT GROUPS, BODIES, AND PANELS

Source	Reference /Link	Type of Information	Information
CDMSI Steering Committee on Media and Information Society	Weblink	Groups/Bodies Panels/Experts	Council of Europe committee dedicated to freedom of expression, the media, and Internet governance.
Council of Europe European Commission for the Efficiency of Justice (CEPEJ)	Weblink	Groups/Bodies Panels/Experts	Council of Europe commission tasked with developing tools for judicial practitioners to assess the functioning of their judicial systems, optimise judicial procedures and time management, promote the quality of justice, and facilitate the implementation of European standards with respect to concerns for law and justice.
Council of Europe European Commission for the Efficiency of Justice Working Group on Cyber-Justice (CEPEJ-GT-CYBERJUST)	Weblink	Groups/Bodies Panels/Experts	Council of Europe working group tasked to develop tools that combine artificial intelligence and information and communications technology with the judicial systems, with the intent of improving the efficiency and quality of justice and justice mechanisms.

ONLINE PRESENTATIONS

Source	Reference /Link	Type of Information	Information
Canadian Resource Centre for Victims of Crime. <i>High Profile</i>	PDF	Presentation	Short presentation about how media coverage of high-profile cases poses threats to victims. Addresses that new technologies, in particular the Internet and social media, promote a culture hungry for sensational stories and demanding for

<p><i>Cases in the Media: Invasion of Privacy or Society's Right to Know?</i> 2011.</p>			<p>immediate, 24/7 coverage. Furthermore, these new platforms make it easier for people to post their opinions on criminal cases/proceedings, and the fact they can do so anonymously allows for the posting of cruel or hateful messages directed towards victims (although these messages can also be directed towards other case participants).</p>
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WEBSITES, WEB PAGES, AND WEB ARTICLES

Source	Reference /Link	Type of Information	Information
<p>Frederick, Jeffrey T. <i>Using Social Media News Posts in Jury Selection (and More)</i>. National Legal Research Group, Inc. 12 June 2019.</p>	<p>Weblink</p>	<p>Webpage/Web Article</p>	<p>Interesting “deconstruction” of a media posting about criminal proceedings made on Facebook. Demonstrates how social media posts can reveal possible juror exposure to information about criminal proceedings, such as through direct interaction with a post (e.g. likes, reactions, comments, sharing), or indirectly, for instance, if the post is shared through their contacts/network. Argues this type of deconstruction is important when selecting participants of a jury.</p>

LAW AND PRACTICES BY COUNTRY

Internet law, media law, technological law, and practices as applicable in criminal investigations and the courts.

ALBANIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Albania	<u>Albania Law No. 7905, 1995: Albanian Criminal Procedure Code, Article 103, Par. 4.</u>	It is against the law to publish photographs and personal details of juvenile defendants and witnesses.		Kastrati, Rovena. <i>Mass Media and Their Relationship with Criminal Law in Albania.</i> European Journal of Multidisciplinary Studies, Vol. 1, No. 1, pp. 309-314. 2016.
Albania	<u>Albanian Criminal Procedure Code, Article 279</u>	“Investigative actions are generally confidential and only the prosecutor is allowed to publish them with a reasonable decision.”		Kastrati, Rovena. <i>Mass Media and Their Relationship with Criminal Law in Albania.</i> European Journal of Multidisciplinary Studies, Vol. 1, No. 1, pp. 309-314. 2016.

AUSTRALIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Australia	<u>Court Security Act 2005 No 1.</u>	A/v recording on court premises is a punishable offence, although this is subject to the judiciary's discretion/exceptions.	2005	Court Security Act 2005 No 1.
Australia	Cell phones are permitted, however, are prohibited from being used for a/v recording.		2005	Court Security Act 2005 No 1.
Australia	<u>9A Court Security Act 2005 No 1.</u>	Devices may not be used to transmit a/v data or other information from the courts to anyone outside the courts, including postings on the Internet and social media.	2005	9A Court Security Act 2005 No 1.
Australia <i>New South Wales</i>	<u>Media Policy</u> Details the relationship between members of the NSW police force and the media. Dictates policies and procedures for communicating with the media about police work, investigations, and criminal cases [who may release information, under what circumstances, and which information may be released]. Includes information about publication of information online and the use of social media.	<ul style="list-style-type: none"> • “Personnel authorised to do so may release information to the media (including social media) about day-to-day operational matters...for which they have direct responsibility and/or expertise.” (2016 Media Policy) • <u>Images of Wanted Persons:</u> Images of wanted persons posted on official Police Force social media sites must be removed immediately after a person has been apprehended, or in the event the warrant has been withdrawn/suspended. 	2016	New South Wales Police. Media Policy 2016: New South Wales Police Force

		<ul style="list-style-type: none"> • <u>Images of Persons of Interest:</u> As soon as persons of interest have been located, any images or text relating to that person posted on official Police Force social media sites must be immediately removed. • Offers recommendations to give victims of crimes about their personal social media • <u>Interviews:</u> Members of the Police Force are directed to not express private opinions on policing issues on social media, especially on do social media sites where they have identified themselves as a police employee. 		
Australia <i>New South Wales</i>	<u>Official Use of Social Media Policy and Procedures</u>	Details the Social Media policies of the NSW police force	2018	<u>Official Use of Social Media Policy and Procedures</u>
Australia	In some Australian states, juror conduct of outside research using the Internet is a criminal offence.			Spigelman, James J. <u><i>The Internet and the Right to a Fair Trial.</i></u> Criminal Law Journal, Vol. 29, No. 6, p. 331. 2005.

AUSTRIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Austria	Broadcasting outside the courtroom, but still in the court, is forbidden.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Austria	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Austria	Communication between individual judges and the media is prohibited.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Austria	Mistrust in the media; phrase “lying press” is common	Growing mistrust in the mainstream media, especially following the 2015 refugee crisis. Social media platforms, especially in the contexts of the far right, engage in hostile discourse with traditional media and j/mp.		Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public

				and in the Media: A Comparative Report. The University of Vienna, 2019.
Austria	The “guilt of suspects or arrested persons is often implied or stated as fact in the headline” in media coverage of criminal proceedings.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Austria	Tabloid journalism most frequently breaches the principle of presumption of innocence; weeklies and dailies as well as the public broadcaster more often respect presumption of innocence. Publishers often do not clearly state the s/a is “alleged,” “suspected,” etc.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Austria	Violations of presumption of innocence in media coverage of criminal proceedings “primarily dominant with regard to refugees and asylum seekers;” deliberate mentions of characteristics such as race, ethnicity, religion, when this information is unnecessary.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public

	Photos in media coverage of criminal proceedings of s/a also more frequent when s/a is a “foreigner” (non-Austrian), “refugee,” or asylum seeker.			and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Austria	Tabloids often publish identifiable photos of s/a.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
Austria	Law prohibits naming s/a with their surname in the media.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
Austria	Right-leaning and far-right media outlets significantly breach principles of presumption of innocence and emphasise characteristics of the s/a that			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How

	denote the s/a's "foreignness" or "otherness."			Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019.
Austria	<p>Statements about presumption of innocence in media coverage of criminal proceedings sometimes feature, however, when they do, are more frequently added at the end as almost an offhand remark.</p> <p>Often "...included as a throwaway final sentence following repeated infringement on the right to the presumption of innocence in the headline and throughout the article."</p>			Study/Report Media Governance & Industries Research Lab. "The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report." The University of Vienna, 2019.
Austria	Television media is far less likely to breach presumption of innocence principles than other forms of media (e.g. online and print publications).			Study/Report Media Governance & Industries Research Lab. "The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report." The University of Vienna, 2019.
Austria	Emphasis violating the presumption of innocence is placed on "otherness,"	Emphasis on religious and nationality differences, especially when the s/a is not a		Study/Report Media Governance & Industries Research Lab.

	“foreignness,” or “outsideress” in media coverage of criminal proceedings	citizen of Austria. Also applicable when the s/a’s family members are not citizens.		“The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
Austria	Media reporting construe the s/a’s right to remain silent as a clear indication of guilt.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
Austria	Austrian Press Council monitors compliance with Austrian Press Codes of Ethics, however, it does not have oversight over the tabloids, which refuse to adhere to these principles/codes of ethics. The tabloids are the primary violators of presumption of innocence when reporting on criminal proceedings.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.

BELGIUM

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Belgium	A/v recording is not permitted; however, judges may make exceptions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Belgium	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Belgium	National platform created for all press judges and spokespersons of the prosecution office. Objectives are to ensure easy and information communications between relevant parties and review existing guidelines and practices.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Belgium	Judges may give media interviews about their work.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

BULGARIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Bulgaria	Cell phones banned in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Bulgaria	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

CROATIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Croatia	Photos of victims, sensationalist terminology, and archived material are sometimes included			Study/Report Media Governance & Industries Research Lab. “The Importance of

	when reporting on suspects in television media.			Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019.
Croatia	Footage of arrests of s/a are commonly reported on television. This can include archived footage which is not noted as such.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Croatia	Failure to explicitly state suspects are “suspected,” “alleged,” etc. largely in television reporting; print publications include this terminology with greater frequency, although the terminology is often used later in the text, after making statements that breach presumption of innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Croatia	Media usually only publish the initials of s/a or the first name and first initial of the surname, however, there are instances			Study/Report Media Governance & Industries Research Lab. “ The Importance of

	where the s/a's full name is published.			Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019.
Croatia	Photos of s/a in handcuffs and with police visible in online and print publications are common in media coverage of criminal proceedings.			Study/Report Media Governance & Industries Research Lab. "The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report." The University of Vienna, 2019.
Croatia	Presumption of innocence in media coverage of criminal proceedings is also violated by referring to previous convictions or allegations.			Study/Report Media Governance & Industries Research Lab. "The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report." The University of Vienna, 2019.
Croatia	Victims' photos are often published in media coverage of criminal proceedings, although			Study/Report Media Governance & Industries Research Lab. "The Importance of

	<p>sometimes these photos are blurred.</p> <p>Injuries sustained during an alleged attack are often clearly depicted.</p>			<p>Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.</p>
Croatia	<p>Television media is far less likely to breach presumption of innocence principles than other forms of media (e.g. online and print publications).</p>			<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.</p>
Croatia	<p>Journalist Association, a self-regulatory body, contains codes of ethics and principles for journalists when reporting on criminal proceedings. However, this body has not exercised reprimands or sanctions in the past four years.</p>			<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>

DENMARK

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Denmark	The Judiciary maintains Facebook and Twitter accounts to communicate with the public about cases and judiciary work.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Denmark	Relations between judiciary and media regulated by law [Danish Administration of Justice Act].			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

ENGLAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
England	Practice Guidance: The Use of Live Text-Based Forms Of Communication (Including Twitter) From Court For The	Implemented into Criminal Practice Direction 2015 Amendment No 3 [2015] EWCA Crim 430, Part 16C.	December 2011	Guidance Lord Chief Justice of England and Wales <i>Practice Guidance: The Use of Live Text-Based Forms</i>

	<u>Purposes Of Fair And Accurate Reporting</u>	<u>Permits the use of silent mobile devices, small laptops, or a “similar piece of equipment” to produce live, text based reports of criminal proceedings in the courts; j/mp are permitted to do so without seeking permission of the presiding judge, however, members of the public who wish to do so must seek informal or formal approval from the judge. While permitting live, text-based reporting, this guidance reminds of statutory rules that prohibit taking of photographs or a/v recordings.</u>		<i>Of Communication (Including Twitter) From Court For The Purposes Of Fair And Accurate Reporting.</i>
England	Use of a cell phone in the courtroom is an offence.			<u>Study/Report</u> European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
England	All names and places are published on the Internet [no anonymization].			<u>Study/Report</u> European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
England	Filming is permitted in the Court of Appeal beginning 2013.		2013	<u>Media/News</u> BBC. <i>Crown Courts to allow filming for first time. 20 March 2016.</i>
England	Filming is permitted in the Supreme Court beginning 2009.		2009	<u>Media/News</u> BBC. <i>Crown Courts to allow filming for first time. 20 March 2016.</i>

FINLAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Finland	Electronic media is significantly more popular than traditional, esp. print, media.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Finland"</i>
Finland	Small percentage utilise social media as the main source of news; "strong polarisation according to age groups."			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Finland"</i>
Finland	<u>Act on the Exercise of Freedom of Expression in Mass Media (460/2003)</u>	Right to correction. Individuals may have false information corrected in the same publication.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Finland"</i>

FRANCE

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
France	Television is the primary source for news.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "France"</i>
France	Growing mistrust of information online.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "France"</i>
France	2004 Confidence in the Digital Economy Act Section 6-V	Criminal offence to disseminate false news or defamatory remarks.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "France"</i>

France	Online media publishers are more likely to violate principles of presumption of innocence compared to television broadcasters or print publishers			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
France	Greatest deviations from principles surrounding presumption of innocence in media coverage of criminal proceedings involve coverage of terrorism-related offenses and sexual assault and/or harassment-related offences.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.
France	In the context of criminal proceedings involving Islamist terrorism-related offences, full names are often published in the media, or photographs are published when s/a are referred to by initials.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019.

France	In the context of Islamist terrorism-related offences, publication of the s/a's place of residence and/or work are frequent in media coverage of criminal proceedings.			Study/Report Media Governance & Industries Research Lab. " The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. " The University of Vienna, 2019.
France	Victims are commonly identified both by full name and by photographs in media coverage of criminal proceedings.			Study/Report Media Governance & Industries Research Lab. " The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. " The University of Vienna, 2019
France	S/a are frequently photographed in handcuffs or in the context/positioning of j/p authorities in media coverage of criminal proceedings.			Study/Report Media Governance & Industries Research Lab. " The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. " The University of Vienna, 2019

France	Media emphasis violating the presumption of innocence is placed on “otherness,” “foreignness,” or “outsideress.”	Emphasis on religious and nationality differences, especially when the s/a is not a citizen of France. Also applicable when the s/a’s family members are not citizens.		Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
France	Media makes clear reference to the s/a’s religious affiliation only when s/he is Muslim.	Suggestions and implications that because of religious affiliation, the s/a is guilty (put differently, reporting urges strong correlations between Muslim-affiliation, criminality, and guilt).		Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
France	Media coverage make clear reference to prior criminal proceedings, investigations, charges, and/or convictions, irrespective of found guilt or innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019

France	Media frequently implies guilt by association (family members or friends for whom there are suspicions or charges) or guilt through inference (i.e. if a person defends someone else suspected of an offence, the former are deemed guilty).			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019
France	Media reporting favours the accusations/prosecution.	Little to no coverage is offered for the defence; often, reporting covering the defence is in a mocking manner or tone.		Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019
France	Media reporting construe the s/a’s right to remain silent as a clear indication of guilt.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019

France	National Union of Journalists has a code of ethics for journalists when covering criminal proceedings.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019
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GERMANY

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Germany	Television is the main source of information and news for many Germans, across age groups. Higher confidence in the reporting of public service broadcasters compared to news and information from social media, which are treated with scepticism.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg, 2018. <i>Note: See section “Germany”</i>
Germany	Legal regulations/requirements apply to the extent the content provider is perceived as a “journalistic-editorial service.”			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS

				Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Germany"</i>
Germany	Media authorities are focusing attention on social media, chiefly YouTube channels, considering rules relating to advertising and the need for the owners of channels to apply for broadcasting licences.	<p><u>Positive impact</u></p> <ul style="list-style-type: none"> ● transparency, ● accountability, ● legitimacy <p><u>Negative impact:</u></p> <ul style="list-style-type: none"> ● freedom(s), ● commercialisation 		<p><u>Study/Report</u></p> <p>Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Germany"</i></p>
Germany	German Code of Criminal Procedure (Strafprozeßordnung -StPO), Chapter 4. Section 32	Federal and State (<i>Land</i>) governments may restrict the introduction of electronic management of files to individual courts, prosecuting authorities or general proceedings or may decide which files will and which will not be kept electronically once electronic filing systems have been introduced.		German Code of Criminal Procedure (Strafprozeßordnung --StPO) Chapter 4, Section 32
Germany	German Code of Criminal Procedure (Strafprozeßordnung -StPO), Chapter 4. Section 32	The federal government shall determine the technical parameters which are suitable for the transmission and processing of files between prosecuting authorities and the courts.		German Code of Criminal Procedure (Strafprozeßordnung --StPO) Chapter 4, Section 32
Germany	German Code of Criminal Procedure (Strafprozeßordnung -StPO), Chapter 4. Section 32	Paper documents that bear written forms or signatures must bear a qualified electronic signature of the person responsible for them when they are kept as electronic documents. Or these documents must be signed by the person responsible for them and be		German Code of Criminal Procedure (Strafprozeßordnung --StPO) Chapter 4, Section 32

		submitted via secure methods of transmission.		
Germany	German Code of Criminal Procedure (Strafprozeßordnung - StPO), Chapter 4. Section 32	“Secure methods of transmission,” as referred to above, means: 1. A post box and mailing service linked to a De-Mail account; 2. The method of transmission between special, secure legal mailbox and the prosecuting authority’s or court’s electronic mailroom; 3. The method of transmission between an authority’s mailbox established as a means of identification and the authority’s or court’s electronic mailroom; 4. Other methods standardised across Germany decided and approved by the Federal government and the Bundesrat.		German Code of Criminal Procedure (Strafprozeßordnung -- StPO) Chapter 4, Section 32

GREECE

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Greece	Media reporting presents allegations of criminal offences as fact.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A

				Comparative Report. ” The University of Vienna, 2019
Greece	Media discloses full identities of s/a and justifies doing so as in the public’s best interests.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Self-regulatory Mass Media codes and voluntary participation in Press Council.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Media reporting highlights s/a’s religion, race, and ethnicity when these are irrelevant to the criminal proceedings and/or the public interest.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A

				Comparative Report. ” The University of Vienna, 2019
Greece	Media coverage of criminal proceedings construe the s/a’s right to remain silent as evidence of guilt.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Media coverage of criminal proceedings favour prosecution and often do not mention or balance with defence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Media portrayal of s/a through photographs is often of the s/a in physical restraints or in a manner that implies guilt.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A

				Comparative Report. ” The University of Vienna, 2019
Greece	Media does not often include information or statements about presumption of innocence when covering criminal cases or criminal proceedings.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Greek media coverage makes clear reference to prior criminal proceedings, investigations, charges, and/or convictions, irrespective of found guilt or innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Greece	Media is highly politicised and this impacts coverage of criminal proceedings, especially when parties involved are of political significance.	“...a right-wing media outlet is more likely to violate the right to presumption of innocence for a suspect of a left-wing political stature, than for a right wing one, and vice versa.”		Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A

				Comparative Report. ” The University of Vienna, 2019
Greece	Greece has journalist codes of ethics for newspaper publishers and an oversight body for broadcasters, both recognised across the industry as well as a self-regulatory digital media code of conduct. However, these are highly politicised.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019

HUNGARY

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Hungary	A/v recording is not permitted; however, judges may make exceptions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Hungary	Cell phones permitted in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
Hungary	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Hungary	Presumption of innocence is likely to be violated when the s/a is not a citizen of Hungary and in particular if the person is a refugee, asylum seeker, or Muslim.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019
Hungary	Hungary has a “self-regulatory complaints handling system” and several oversight organisations/councils/bodies. However, these are highly politicised.			Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019
Hungary				Study/Report Media Governance & Industries Research Lab.

				<p>“The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>
Hungary				<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>
Hungary				<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>
Hungary				<p>Study/Report Media Governance & Industries Research Lab.</p>

				<p>“The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>
Hungary				<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>
Hungary				<p>Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.” The University of Vienna, 2019</p>

IRELAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Ireland	Chief Justice announces a ban on the use of social media in courtroom settings, stating its use in the courtroom is restricted to journalists, lawyers and persons with special permission from the presiding judge in the interests of preserving an impartial jury, presumption of innocence, and the right to a fair trial.		2018	Media/News McIntyre, TJ. 'The compelling case against the blanket ban on social media in our courtrooms.' Media/News National Union of Journalists. "Seminar on courts and court reporting, Dublin."
Ireland	Higher percentage express preference for traditional media forums opposed to 'new media.' Print media is the most frequently utilised forum of traditional media.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg, 2018. <i>Note: See section "Ireland"</i>
Ireland	<u>2009 Broadcasting Act furthermore obliges the Broadcasting Authority of Ireland (BAI)</u>	Broadcasters must have policies and procedures regarding the use of social media for news content and publication	2009	Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European

				Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Ireland"</i>
Ireland	<u>Press Council of Ireland's Code of Practice</u>	Voluntary code of practice for members of the Press Council of Ireland, a regulatory body overseeing online media publishers		<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Ireland"</i>
Ireland	Preference for self-regulatory/self-initiative practices and voluntary frameworks.	Lack of legally binding regulations regarding media publications online.		<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Ireland"</i>

ITALY

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Italy	Cases by High Council broadcast by radio.			<u>Study/Report</u> European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
Italy	Cell phones permitted in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Italy	Television remains the primary source for information/news.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Italy"</i>
Italy	Increasing numbers using the Internet as a source to access news, however there is scepticism about the reliability of online content.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Italy"</i>
Italy	<u>DDL Gambaro</u>	Proposed bill about criminalising the publication and circulation on the Internet of fake news or biased information rooted in false facts/circumstances.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Italy"</i>

Italy	Lack of consensus over the applicability of defamation laws to online publications			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Italy"</i>
Italy	"Generally, codes of conduct, policies and best practices have a limited role and application in Italy."			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Italy"</i>

LITHUANIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Lithuania	Broadcasting from courts is prohibited; recordings for personal use is permitted.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012</i> .
Lithuania	Cell phones permitted in the courtroom.			Study/Report

				European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Lithuania	Use of cell phones for audio recording by parties participating in cases is permitted; video recording is not permitted.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Lithuania	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

MALTA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Malta	Emphasis violating the presumption of innocence is placed on “otherness,” “foreignness,” or “outsideress.”	Emphasis on religious and nationality differences, especially when the s/a is not a citizen of Malta. Also applicable when the s/a’s family members are not citizens.		Study/Report Media Governance & Industries Research Lab. “The Importance of Appearances: How Suspects and Accused Persons are Presented in

				the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019.
Malta	Media make clear, consistent reference to nationality and ethnicity of s/a, particularly when the s/a is not a citizen of Malta.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta	Media coverage of criminal proceedings often use photos of s/an in handcuffs or in the context of police in breach of principles of presumption of innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta	Malta has several oversight organisations/councils/bodies which issue ethical codes of conduct. Many ethical codes mention the importance of privacy and reporting facts; however, little attention is			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in

	afforded to presumption of innocence and the portrayal of s/a in the media.			the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in

				the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Malta				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019

NETHERLANDS

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Netherlands	Recording is permitted at opening, inclusive of reading of the charges, closing pleadings, and passing of the sentence. Recording of other parts of the hearing requires permission of the judge.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Netherlands	Cell phones permitted in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Netherlands	Cell phone usage permitted; however, visual recording/photos prohibited.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Netherlands	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

Netherlands	Most people prefer traditional news sources opposed to 'new media' platforms. Television is most popular.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Netherlands"</i>
Netherlands	"All legislation that is applicable to broadcasting media is applicable to online media as well."			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Netherlands"</i>
Netherlands	There are additional guidelines and codes for journalists and the media, such as the Guidelines of the Netherlands Press Council. However, adherence to these guidelines and codes are voluntary.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Netherlands"</i>
Netherlands	Some online media providers have developed their own ethical guidelines, frameworks, and codes of conduct; however, these are self-initiated.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European

				Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Netherlands"</i>
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NORTHERN IRELAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Northern Ireland	Filming is permitted in the Court of Appeal beginning 2013.		2013	Media/News BBC. <i>Crown Courts to allow filming for first time.</i> 20 March 2016.
Northern Ireland	Filming is permitted in the Supreme Court beginning 2009.		2009	Media/News BBC. <i>Crown Courts to allow filming for first time.</i> 20 March 2016.

NORWAY

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Norway	A/v recording is not permitted; however, judges may make exceptions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
Norway	Recording may be permitted for civil cases; however, generally not in criminal cases.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Norway	The Judiciary maintains Facebook and Twitter accounts to communicate with the public about cases and judiciary work.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Norway	Norwegian Courts Administration uses Facebook, Twitter, and Flickr and has guidelines regarding the use of these social media platforms. These platforms are primarily used to communicate with the media and law sectors, however, can also be used to communicate with the public.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Norway	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

POLAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Poland	A/v recording is not permitted; however, judges may make exceptions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Poland	Courts are obliged to maintain their own websites.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Poland	Courts are increasingly participating in a contest organised by local newspapers and human rights foundations. Winners are awarded a special award from the Ministry of Justice. Objectives are to <u>promote best practices, advocate transparency, improve relations with public and media, and ensure updated, responsive communications.</u>			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Poland	Television is the most popular forum for accessing news.			Study/Report Cappello M. (ed.).

				Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Poland"</i>
Poland	<u>1984 Press Law Act</u>	All online media must adhere to this law, unless it is an on-demand service as well, in which case it must also adhere to the 1992 <u>Broadcasting Act</u> .	1984, 1992	Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Poland"</i>
Poland	<u>1984 Press Law Act</u>	Editor-in-chief of an online news publication is obliged to publish corrections within three days of receiving the correction.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Poland"</i>
Poland	Most online news publishers develop their own codes of conduct, ethical guidelines for practice.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Poland"</i>

PORTUGAL

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Portugal	A/v recording is not permitted; however, judges may make exceptions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Portugal	Cell phones banned in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

ROMANIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Romania	A/v recording permitted outside the courtroom; may be permitted the first few minutes of case.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
Romania	Cell phones banned in the courtroom.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Romania	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

RUSSIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Russia	Audio recording is permitted. One does not need to seek the permission of the courts before recording.			Nikoltchev S. <i>Media in the Courtroom.</i> 2014.
Russia	<u>2001 Criminal Procedural Code of the Russian Federation, Article 241</u>	Photography, video recording, and other a/v shooting/filming is only admissible with the permission of the presiding judge.	2001	Nikoltchev S. <i>Media in the Courtroom.</i> 2014.
Russia	<u>2002 Civil Procedural Code of the Russian Federation, Article 10</u>	Taking photographs, video recording, and broadcasting [radio and television] is	2002	Nikoltchev S. <i>Media in the Courtroom.</i> 2014.

		admissible following a written request and the subsequent permission of the courts.		
Russia	<u>2010 Federal Statute “On the Provision of Access to Information on the Activity of Courts in the Russian Federation</u>	Full texts on decisions and verdicts are posted on the Internet on official court Internet websites, however, there are many exceptions.	2010	<u>Federal Statute “On the Provision of Access to Information on the Activity of Courts in the Russian Federation</u>
Russia	<u>2010 Federal Statute “On the Provision of Access to Information on the Activity of Courts in the Russian Federation</u>	Laws governing the publication online of personally identifiable information (PII), including first, patronymic, and last names; dates of birth; phone numbers; addresses.	2010	<u>Federal Statute “On the Provision of Access to Information on the Activity of Courts in the Russian Federation</u>
Russia	Online media publishers are subject to mass media law if they register as a mass media outlet.			<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section “Russia”</i>
Russia	No evidence of media publishers posting or adopting policies and procedures to ensure accuracy and transparency in reporting.			<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section “Poland”</i>

SCOTLAND

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Scotland	Role of the Media in Criminal Trials			
Scotland	Broadcasters permitted to televise court proceedings since 1992.		1992	Media/News BBC. <i>Crown Courts to allow filming for first time</i> . 20 March 2016.
Scotland	Courts publish an online list of orders in place regarding media restrictions in the coverage of ongoing criminal proceedings	Allows j/mp and media publishers the ability to easily find if there are orders in place preventing them from reporting on an ongoing criminal case, so that they may not accidentally or in ignorance risk the liability of contempt of court		Guidance/Standards The Law Commission. Contempt of Court (2): Court Reporting - Executive Summary. 25 March 2014.

SLOVAKIA

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Slovakia	Television is the most popular news source. Growing numbers obtaining news from online sources.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European

				Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Slovakia"</i>
Slovakia	Notably high degree of mistrust in traditional news reporting and journalism.			<u>Study/Report</u> Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Slovakia"</i>
Slovakia	Currently no legal framework/legislation regarding online media.			<u>Study/Report</u> Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Slovakia"</i>
Slovakia	Many online media outlets are members of the Print-Digital Council, which provides an ethical code for journalists. Most online outlets do not develop their own guidelines/policies and procedures.			<u>Study/Report</u> Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Slovakia"</i>

SPAIN

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Spain	Television recording is permitted; however, this can be restricted to only the first fifteen minutes in accordance with judge's permissions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Spain	Recording is not permitted for statements of minors, victims of sexual crimes, or protected witnesses.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Spain	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Spain	Traditional forms of media, notably television, take precedence over "new media." Scepticism over content published on the Internet or via social media.			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Spain"</i>

Spain	<u>Act 34/2002 on Information Society Services and Electronic Commerce</u>	Online media regulations		<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Spain"</i>
Spain	For news/media sources that engage in print or televised broadcasting, the same ethical frameworks and guidelines apply to their online presence/websites.			<u>Study/Report</u> Cappello M. (ed.). <u>Media reporting: facts, nothing but facts?</u> IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "Spain"</i>
Spain	S/a are often identified using their full name and photo, particularly when the s/a is a political or social figure.			<u>Study/Report</u> Media Governance & Industries Research Lab. <u>"The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report."</u> The University of Vienna, 2019
Spain	Television media coverage of criminal proceedings violates presumption of innocence less frequently than online or print publications.			<u>Study/Report</u> Media Governance & Industries Research Lab. <u>"The Importance of Appearances: How Suspects and Accused</u>

				Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019
Spain	Media coverage of criminal proceedings often use photos of s/a in handcuffs or in the context of police in breach of principles of presumption of innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain	Spanish media consistently refer to s/a as “criminals” rather than using terminology such as “suspect” or “accused.”			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain	Spanish media coverage makes clear reference to prior criminal proceedings, investigations, charges, and/or convictions, irrespective of found guilt or innocence.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused

				Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019
Spain	Spain has several oversight organisations/councils/bodies. Its newspaper publishers issue their own codes of ethical conduct.			Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused

				Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019
Spain				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. ” The University of Vienna, 2019
Spain				Study/Report Media Governance & Industries Research Lab. “ The Importance of Appearances: How Suspects and Accused

				Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report. The University of Vienna, 2019
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SWEDEN

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Sweden	Audio recording permitted in public sessions.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>

TURKEY

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Turkey	Communications guidelines/protocols regarding relations between judiciary and media.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
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UNITED KINGDOM

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
United Kingdom	Criminal Procedure Rules 2015, rule 6.2(3)	Before imposing reporting restrictions on the media during a public hearing, the court must ensure each party affected directly (such as j/mp) is present or has had the opportunity to attend or to make representations.	2015	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts</i> . 2016.
United Kingdom	Contempt of Court (1): Juror Misconduct and Internet Publications.	Law Commission report on jury misconduct and contempt of court as made possible by use of the Internet and Internet publications. The report recommends the creation of a new criminal offence for individuals found to have or be “conducting prohibited research;” an exemption to contempt of court charges for those who publish “archived online material” before criminal proceedings are active; and an exception permitting jurors to speak with court officials or the police about juror deliberations post-trial, where the juror believes there has been a miscarriage of justice. The report stresses legislation and legislative instruments need to be updated to reflect advances in ICT and other	2012	The Law Commission. Contempt of Court (1): Juror Misconduct and Internet Publications. 28 November 2013.

		technologies, however, there is also a great need to improve education within the public and especially those involved in criminal proceedings (such as jurors) about the challenges ICT pose to the criminal justice system.	
United Kingdom	Contempt of Court. Includes disobeying or ignoring a court order, taking photographs in court, refusing to answer questions when called upon as a witness, publicly commenting on a court case, including on social media or online news articles.		United Kingdom Law. Contempt of Court Act of 1981.
United Kingdom	Contempt of Court is punishable by up to two years in prison, fine, or both.		Weblink United Kingdom. Contempt of court. United Kingdom Law. Contempt of Court Act of 1981.
United Kingdom	Television remains the most-used source of news, however, online sources are rising in popularity. Increasing use of social media as a news source.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "United Kingdom"</i>
United Kingdom	IPSO's Editors' Code of Practice	Code of conduct and ethics for online publications, however, this is not a legally binding regulatory framework	Study/Report Cappello M. (ed.).

				Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "United Kingdom"</i>
United Kingdom	Online content is subject to other applicable general law, e.g. defamation, privacy law			Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "United Kingdom"</i>
United Kingdom	<u>2013 Defamation Act</u>	Protects website operators when they are not personally responsible for the publication of defaming content.	2013	Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018. <i>Note: See section "United Kingdom"</i>
United Kingdom	Media operators generally operate under self-regulatory frameworks and publish their own codes of conduct, ethical and reporting guidelines, etc.	Legislation regarding online content and conduct by the media is largely absent in favour of self-regulation.		Study/Report Cappello M. (ed.). Media reporting: facts, nothing but facts? IRIS Special, European Audiovisual Observatory, Strasbourg. 2018.

				<i>Note: See section "United Kingdom"</i>
United Kingdom	Sexual Offences (Amendment) Act 1992	<p>Lifetime ban on reporting of material that makes it likely for victims of sexual offences to be identified [anonymity rule].</p> <p>However, this may be lifted in the instances: the victim (if over the age of 16) provides written consent; or the media reports on criminal proceedings other than criminal proceedings relating to the sexual offence (e.g. if the victim is being charged with a separate criminal offence); or lifting the ban would persuade individuals to come forward in the defendant's defence; or the courts are satisfied this is a substantial and unreasonable restriction going against the public interest.</p>	1992	<p>Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts</i>. 2016.</p>
United Kingdom	Sexual Offences (Amendment) Act 1992	<p>There is no provision in the 1992 Act preventing or restricting the identification/naming of a defendant or witness. Identifying/naming the defendants and/or witnesses is subject to the discretion of j/mp, however, j/mp must consider the possibility or likelihood identification of the victim will be made possible from disclosure of the defendants' and/or witnesses' identities.</p>	1992	<p>Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts</i>. 2016.</p>
United Kingdom	Serious Crime Act 2015, Section 71	<p>Reporting restriction prohibiting the lifetime identification of victims of female genital mutilation.</p>	2015	<p>Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts</i>.</p>

				2016.
United Kingdom	Criminal Procedure and Investigations Act 1996, Section 41	Reporting is banned in pre-trial hearings in the Crown Court until conclusion of the trial.	1996	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Youth Justice and Criminal Evidence Act 1999, Section 45	A criminal court may make an order preventing the publication of material that allows for identification of victims, witnesses, and defendants under the age of 18; this order ceases to be in effect when the subject turns 18. In certain cases, a criminal court may make a lifetime anonymity order preventing lifetime identification of young victims or witnesses.	1999	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Youth Justice and Criminal Evidence Act 1999, Section 46	A criminal court may prohibit the publication of material that would allow for identification of an adult witness in criminal proceedings during his/her lifetime.	1999	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Contempt of Court Act of 1981, Section 4	A court may order the media to postpone publishing material until a specified date or event or after a certain period of time.	1981	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Criminal Practice Direction 2015 Amendment No 3 [2015] EWCA Crim 430, Part 16C	Legal commentators and j/mp are permitted to use live text-based communications in the courtroom without making an application to	2015	Guidance/Standards Judiciary of the United Kingdom. Judicial College.

		the courts. Members of the public who wish to do the same must make an application for permission, such as by communicating a request to the judge through court staff. Devices must be in silent mode and further restrictions are subject to the discretion of the presiding judge.		<i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Contempt of Court Act of 1981	Taking of photographs and sound recordings are banned in the courts.	1981	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Juries Act 1974, Section 20D	It is a criminal offence to obtain, solicit, or disclose information relating to statements, opinions, or arguments made by members of the jury during the deliberations of criminal proceedings. This applies to members of the jury and j/mp.	1974	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.
United Kingdom	Publicity and the Criminal Justice System Protocol 2005	Protocol developed by the Association of Chief Police Officers, the Crown Prosecution Service, the Attorney General's Office, and senior representatives of the media outlining what prosecution materials (e.g. photographs, video footage, maps) may be provided to j/mp and when.	2005	Guidance/Standards Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.

WALES

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
Wales	<i>Practice Guidance: The Use of Live Text-Based Forms Of Communication (Including Twitter) From Court For The Purposes Of Fair And Accurate Reporting</i>	Implemented into Criminal Practice Direction 2015 Amendment No 3 [2015] EWCA Crim 430, Part 16C. <u>Permits the use of silent mobile devices, small laptops, or a “similar piece of equipment” to produce live, text based reports of criminal proceedings in the courts; j/mp are permitted to do so without seeking permission of the presiding judge, however, members of the public who wish to do so must seek informal or formal approval from the judge. While permitting live, text-based reporting, this guidance reminds of statutory rules that prohibit taking of photographs or a/v recordings.</u>	December 2011	Guidance Lord Chief Justice of England and Wales <i>Practice Guidance: The Use of Live Text-Based Forms Of Communication (Including Twitter) From Court For The Purposes Of Fair And Accurate Reporting.</i>
Wales	Use of a cell phone in the courtroom is an offence.			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and the Media Report 2011-2012.</i>
Wales	All names and places are published on the Internet [no anonymization].			Study/Report European Network for Councils of the Judiciary (ENCJ). <i>Justice, Society and</i>

				<i>the Media Report 2011-2012.</i>
Wales	Photographs and a/v recording in courtrooms is a criminal offence under the Criminal Justice Act of 1925. <i>Note: This is currently changing.</i>			United Kingdom Law.
Wales	Filming is permitted in the Court of Appeal beginning 2013.		2013	Media/News BBC. <i>Crown Courts to allow filming for first time.</i> 20 March 2016.
Wales	Filming is permitted in the Supreme Court beginning 2009.		2009	Media/News BBC. <i>Crown Courts to allow filming for first time.</i> 20 March 2016.

EUROPEAN UNION

Country/Region Jurisdiction	Law/Rule/Practice	Additional Notes/Comments/Details	Year	Source
European Union	<i>Recommendation No. R (81) 19 of the Committee of Ministers to member states on the access to information held by public authorities.</i>	Council of Europe recommendation on public access to information requests.	1981	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Recommendation No. R (81) 19 of the Committee of Ministers to member states on the access to information held by public authorities.</i>

European Union	<i>Recommendation No. R (94) 13 of the Committee of Ministers to member states on measures to promote media transparency.</i>	Council of Europe recommendation on transparency of media broadcasters and other operators to the public.	1994	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Recommendation No. R (94) 13 of the Committee of Ministers to member states on measures to promote media transparency.</i>
European Union	<i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i>	<p>Council of Europe recommendation on:</p> <ul style="list-style-type: none"> ● searches and seizures, ● technical surveillance, ● electronic evidence, ● statistics and training, ● compliance with public authorities, ● international cooperation <p>given the unprecedented expansion of information technologies, their applicability to the criminal justice system, and the uneven extent to which member states have legislation regarding their use.</p> <p>Additionally recommends publicity [discussion] amongst authorities and bodies for whom there is an acute interest in the intersection of information technologies and criminal justice systems.</p>	1995	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i>
European Union	<i>Recommendation Rec (2003) 13 of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings.</i>	Council of Europe recommendation on 18 principles concerning media's coverage of criminal proceedings and protecting the rights of all interested parties, including, inter alia, the rights to information [public], the right to publish information [media], the	2003	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Recommendation Rec (2003) 13 of the Committee of Ministers to member</i>

		right to a fair trial and presumption of innocence [s/a], and the right to privacy and private life [s/a, victims].		<i>states on the provision of information through the media in relation to criminal proceedings.</i>
European Union	<i>Declaration on the provision of information through the media in relation to criminal proceedings.</i>	Council of Europe declaration on the responsibilities, duties, and considerations of j/p authorities and j/mp with regards to reporting and media coverage of criminal proceedings.	2003	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Declaration on the provision of information through the media in relation to criminal proceedings.</i>
European Union	<i>Declaration on freedom of expression and information in the media in the context of the fight against terrorism.</i>	Council of Europe declaration on the responsibilities, duties, and considerations of member states and j/mp with regards to media reporting and coverage of acts of terrorism.	2005	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Declaration on freedom of expression and information in the media in the context of the fight against terrorism.</i>
European Union	<i>Declaration on freedom of communication on the Internet.</i>	Council of Europe declaration on 7 principles regarding communications on the Internet and the duties and rights of member states, network, service, and content operators and providers, and users.	2003	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Declaration on freedom of communication on the Internet.</i>
European Union	<i>Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society.</i>	Council of Europe declaration on the protection of eight human rights in today's information- and technology- society and the roles member states, civil society, the private sector, and the Council of Europe have in preserving these and other human rights.		Guidance/Standards Committee of Ministers of the Council of Europe. <i>Declaration of the Committee of Ministers on human rights and the rule</i>

				<i>of law in the Information Society.</i>
European Union	<i>Declaration of the committee of Ministers on risks to fundamental rights stemming from digital tracking and other surveillance technologies.</i>	Council of Europe declaration on risks to fundamental human rights (namely right to privacy and private life) exacerbated by ICTs which often accommodate for enhanced monitoring and surveillance; these risks include risk of collection and transmission of sensitive data and communications, risk of individual profiling, risk of data interception, risk of tracking and monitoring, and risk to individual safety.	2013	Guidance/Standards Committee of Ministers of the Council of Europe. <i>Declaration of the committee of Ministers on risks to fundamental rights stemming from digital tracking and other surveillance technologies.</i>
European Union	<i>Guide on communication with the media and the public for courts and prosecution authorities.</i>	European Commission for the Efficiency of Justice guidance for communication practices between the media and members of the public and j/p authorities (courts, prosecutors, judges, investigating authorities, police, etc.) through a variety of means, including press releases and press conferences, interviews, written statements, websites, social media, conferences, and filmed messages.	2018	Guidance/Standards European Commission for the Efficiency of Justice (CEPEJ) Working Group on quality of justice (CEPEJ-GT-QUAL). <i>Guide on communication with the media and the public for courts and prosecution authorities.</i> December 2018.
European Union	<i>Directive 2016/343/EU on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.</i>		2016	Guidance/Standards European Parliament and Council. <i>Directive 2016/343/EU on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.</i>

European Union	<i>Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.</i>		2012	<p>March 2016.</p> <p>Guidance/Standards European Parliament and Council. <i>Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.</i> 25 October 2012.</p>
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TECHNOLOGICAL CHALLENGES TO THE CRIMINAL JUSTICE SYSTEM

This section includes information about how technology can pose challenges to the criminal justice systems, laws, judges, j/mp, policing and investigating authorities, s/a, victims, witnesses, juries and jurors, protected individuals.

VIDEO

Technology/ Problem/Challenge	Comment	Source
Video	<p><u>Video communication between defendants and lawyers</u></p> <ul style="list-style-type: none"> • + Save costs, traveling time • – Will the relationships between a defendant and his/her lawyer that are developed through physical interaction be the same as relationships developed through technologies? • – Is it possible to build depth of relationships between defendants and their representatives/lawyers when the nature of interaction is purely or significantly virtual? 	<p><u>Study/Report</u> RAND Corporation. Future-Proofing Justice: Building a Research Agenda to Address the Effects of Technological Change on the Protection of Constitutional Rights. 2017.</p>
Video	<p><u>Use in crime reporting, Internet</u></p> <ul style="list-style-type: none"> • Combination of audio, text, and image detail bring “audience ever closer to the scene of the crime and, in many instances, to the perpetrator and victim” • See also “Internet: <u>Media reporting on criminal proceedings</u>” 	<p><u>Doctoral Thesis</u> Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Bond University. 2009.</p>

SOCIAL MEDIA

Technology/ Problem/Challenge	Comment	Source
Social Media	<p><u>Social networking</u></p> <ul style="list-style-type: none"> ● Guilt by association <ul style="list-style-type: none"> ○ Association with an individual involved in criminal proceedings (particularly s/a, convicted) can also have implications for those in his/her social network. These social networks are easier to identify thanks to social media networking platforms such as Instagram and Facebook ● Influencers <ul style="list-style-type: none"> ○ Commenting on court cases or criminal proceedings and the possibilities of reaching large audiences & influencing/prejudicing the courts, juries ● J/p authorities and their networks <ul style="list-style-type: none"> ○ See also “CASES AND CASE STUDIES: United States v Sierra Pacific Industries Inc. et. al.” 	<p><u>Guidance/Standards</u> European Commission for the Efficiency of Justice (CEPEJ) Working Group on quality of justice (CEPEJ-GT-QUAL). <i>Guide on communication with the media and the public for courts and prosecution authorities.</i> December 2018.</p> <p><u>Journal Article</u> Agate, Jennifer and Ledward, Jocelyn. “Social Media: How the Net is Closing in on Cyber Bullies.” <i>Entertainment Law Review</i>, Vol. 24, No. 8, pp. 1-6, 2013.</p>
Social Media	<p><u>Monitoring and policing of social media</u></p> <ul style="list-style-type: none"> ● Active monitoring and policing of social media. <ul style="list-style-type: none"> ○ Interception before a crime has occurred? 	<p><u>Academic Paper/Journal Article/Bulletin Publication</u> Trottier, Daniel. Police and user-led investigations on social media. <i>Journal of Law, Information and Science</i>, Vol. 23, No. 1, pp. 75-96, 2014.</p> <p><u>Academic Paper/Journal Article/Bulletin Publication</u></p>

		Trottier, Daniel. 'Fear of contact': Police surveillance through social networks, <i>European Journal of Cultural and Political Sociology</i> , Vol. 4, No. 4, pp. 457-477, 2017. DOI: 10.1080/23254823.2017.1333442
Social Media	<p><u>Crowd-sourcing information</u></p> <ul style="list-style-type: none"> Asking the public for help in identifying persons of interest can lead to misidentification of individuals and subjecting them to scorn, smear campaigns, defamation, and, in some cases, even threaten the lives of these individuals. Notably, see "The Boston bombing's forgotten victim" or "Should Reddit Be Blamed for the Spreading of a Smear" about an individual who, following police release of photographs of persons of interest, was wrongly identified as one of the individuals. He and his family were the subject of scorn, smear campaigns, house visits, and even death threats by the media and members of the general public. Tragically, the subjected individual had committed suicide (this was prior to being named/investigated). Nevertheless, the family was subject to unwarranted public scrutiny and harassment. 	<p><u>Academic Paper/Journal Article/Bulletin Publication</u></p> <p>Trottier, Daniel. Police and user-led investigations on social media, <i>Journal of Law, Information and Science</i>, Vol. 23, No. 1, pp. 75-96, 2014.</p> <p><u>Media/News</u></p> <p>Nark, Jason. The Boston bombing's forgotten victim. 30 April 2014. The Philadelphia Inquirer.</p> <p><u>Media/News</u></p> <p>Kang, Jay Caspian. Should Reddit Be Blamed for the Spreading of a Smear? 25 July 2013. The New York Times.</p>
Social Media	<p><u>Contempt of Court</u></p> <p>"Trial by Social Media"</p> <ul style="list-style-type: none"> Facebook hate groups; hashtags attributing guilt/innocence jeopardise juries, courts, and their neutrality. Threatens presumption of innocence, right to a fair trial. 	
Social Media	<u>Freedom of speech</u>	<p><u>Journal Article</u></p> <p>Agate, Jennifer and Leward, Jocelyn. "Social Media: How the Net is Closing</p>

	<ul style="list-style-type: none"> • Freedom of speech, especially in the context where “speech” is via social media, where it can quickly spread (reaches a large audience and can be propagated past its intended audience(s)). <ul style="list-style-type: none"> ○ E.g. publishing material of protected individuals (convicted), see: Two men in the UK received suspended jail sentences after publishing photos on social media said to depict killers in a high-profile case; there is a global ban on publishing anything about these individuals’ identities. ○ E.g. publishing material of protected individuals (victims), see: Nine people were charged after publishing material on social media that identified a victim in a rape case. Under UK law, rape victims are afforded lifetime anonymity. ○ E.g. defamation ○ See also “Jury’s Use of Technologies” 	<p>in on Cyber Bullies.” Entertainment Law Review, Vol. 24, No. 8, pp. 1-6, 2013.</p>
<p>Social Media</p>	<p><u>Use of social media by individuals as members of the public vs in their authoritative/professional capacity</u></p> <ul style="list-style-type: none"> • Use of social media by judges, prosecutors, lawyers, policing and investigative authorities • What lines should be drawn regarding the way j/p and investigative authorities present themselves online and to what extent are the ways these individuals present themselves reflective of the institutions they serve? <ul style="list-style-type: none"> ○ Put differently, if a judge makes a personal comment on a social media platform, to what extent is this reflective of his/her court? • Data, especially in the form of content posted by an individual on their social media, can help create profiles of people. However, there is the possibility these profiles can help or harm criminal justice systems. For example, if a prosecuting attorney has a case regarding minors or children victims, s/he may attempt to seek out judges who have posted pictures online of themselves with their own children, who accordingly might be more sympathetic to the prosecution. 	<p><u>Court Case</u> Supreme Court of the United States of America. <i>United States V Sierra Pacific Industries Inc. et. al.</i> 14 February 2018.</p> <p><u>Journal Article</u> Vance, Emily Anne. Should Prosecutors Blog, Post, or Tweet?: The Need for New Restraints in Light of Social Media. Fordham Law Review, Vol. 84, No. 1. 2015.</p>

	<ul style="list-style-type: none"> • Concerns to impartiality and fairness of justice, contempt of court, right to a fair trial • Social networks of j/p authorities <ul style="list-style-type: none"> ◦ See also United States v Sierra Pacific Industries Inc. et. al. Case regarding a judge’s use of social media (Twitter) to post a link to a faulty news article as well as his social network (followers) and questions of his impartiality and bias. Courts found that although a user may follow another user, this does not constitute as evidence of a personal relationship and “certainly not one that, without more, would require recusal.” • Through social media, lawyers, judges, and prosecutors who post on social media might informally share their opinions or views with regards to certain issues that have legal aspects, and this may undermine the public’s confidence in the criminal justice system, its impartiality, and its professionalism 	
Social Media	<p><u>Use of social media to broadcast/record crimes</u></p> <ul style="list-style-type: none"> • Increases in offenders recording their crimes or broadcasting their crimes “live” through social media; “performance crime” • Offenders as their own media coverage/reporters • See also “Citizen Journalism” 	<p><u>Media/News</u> Solon, Olivia. “Why a rising number of criminals are using Facebook Live to film their acts.” <i>The Guardian</i>. 27 January 2017.</p> <p><u>Journal Article</u> Raymond Surette. “Performance Crime and Justice.” <i>Current Issues in Criminal Justice</i>, 27:2, 195-216, DOI: 10.1080/10345329.2015.12036041</p>

BIG DATA

Technology/ Problem/Challenge	Comment	Source
[Big] Data	<p><u>Risk assessments, predictive modelling, machine learning/artificial intelligence and algorithms</u></p> <ul style="list-style-type: none"> Evaluating the likelihood of re-committing an offence Biases, trained from data input 	<p>Weblink Barry-Jester, Anna Maria, Ben Casselman, and Dana Goldstein, “The New Science of Sentencing” The Marshall Project, August 4, 2015.</p>
[Big] Data	<p><u>Data quality</u></p> <ul style="list-style-type: none"> Is the data accurate or has it been distorted in some way or does it contain inaccuracies potentially due to input errors, bias, or a lack of certainty? 	<p>Study/Report RAND Corporation. Future-Proofing Justice: Building a Research Agenda to Address the Effects of Technological Change on the Protection of Constitutional Rights. 2017.</p>
[Big] Data	<p><u>Lack of transparency</u></p> <ul style="list-style-type: none"> How algorithms and technologies work or how data is collected. 	<p>Weblink UPTURN: Towards Justice in Technology. Study/Report RAND Corporation. Future-Proofing Justice: Building a Research Agenda to Address the Effects of Technological Change on the Protection of Constitutional Rights. 2017.</p>
[Big] Data	<p><u>Data stored on personal devices</u></p> <ul style="list-style-type: none"> Legislation (or lack of) regarding access to devices, access to data 	<p>Guidance/Standards Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to</i></p>

		<i>member states concerning problems of criminal procedural law connected with information technology.</i>
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<h2>PRIVACY</h2>		
Technology/ Problem/Challenge	Comment	Source
Privacy	<p><u>Personally Identifiable Information (PII)</u></p> <ul style="list-style-type: none"> ● Online publication of the identifiable information [names, residential addresses, dates of birth, etc.] of s/a, witnesses, attorneys, members of the judiciary when publishing on criminal proceedings, court cases, hearings, decisions ● Publication of PII in the media ● Some PII is published about individuals prior to criminal proceedings (e.g. phone books or legal records) that may still be accessible during criminal proceedings 	<p><u>Academic Paper/Journal Article/Bulletin Publication</u></p> <p>Spigelman, James J., The Internet and the Right to a Fair Trial (June 1, 2005). Criminal Law Journal, Vol. 29, No. 6, p. 331, 2005.</p>
Privacy	<p><u>Private v Public Communications on Criminal Proceedings</u></p> <ul style="list-style-type: none"> ● Which online communications can be considered public and which can be considered private? Does communication on a social media platform where one has a network of 400 followers constitute a private or public communication? <ul style="list-style-type: none"> ○ This has implications relating to prejudicing a trial, publishing, presumption of innocence, right to a fair trial, rights of the s/a, victims, and witnesses, contempt of court ● See also “Privacy; <u>Private Life Online</u>” ● See also “Social Media: <u>Social networking</u>” 	<p><u>Guidance/Standards</u></p> <p>The Law Commission. Contempt of Court (1): Juror Misconduct and Internet Publications. 28 November 2013.</p>

- See also “[Social Media: Use of social media by individuals as members of the public vs in their authoritative/professional capacity](#)”

MONITORING AND SURVEILLANCE

Technology/ Problem/Challenge	Comment	Source
Monitoring and Surveillance	<p><u>Geolocation data (as used by prosecution)</u></p> <ul style="list-style-type: none"> • Use of geolocation data to place individuals (namely s/a) at the scene of a criminal offence presents challenges to the right against self-incrimination. This is also a threat if s/he is not permitted to testify in her/her defence or remark on the evidence, e.g. whereas an individual’s mobile device may have been in the vicinity where a criminal offence occurred, to what extent can this be extended to prove the individual was also present? 	<p><u>Study/Report</u> RAND Corporation. <i>Future-Proofing Justice: Building a Research Agenda to Address the Effects of Technological Change on the Protection of Constitutional Rights.</i> 2017.</p>
Monitoring and Surveillance	<p><u>Geolocation data (as used by others)</u></p> <ul style="list-style-type: none"> • ICTs and geolocation data have also made it easier to track, stalk, and/or harass victims and witnesses. 	<p><u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Declaration of the committee of Ministers on risks to fundamental rights stemming from digital tracking and other surveillance technologies.</i></p>

JURY'S USE OF TECHNOLOGIES

Technology/ Problem/Challenge	Comment	Source
Jury's Use of Technologies	<p><u>Freedom of information v. right to fair trial</u></p> <ul style="list-style-type: none"> The Internet has made it faster and easier for jurors, intentionally or unintentionally, to acquire knowledge of a case and conduct his or her own investigations, which have implications for presumption of justice and the right to a fair trial. 	<p>Academic Paper/Journal Article/Bulletin Publication Spigelman, James J., The Internet and the Right to a Fair Trial (June 1, 2005). Criminal Law Journal, Vol. 29, No. 6, p. 331, 2005.</p> <p>Court Case; Court Case R v K (2003) NSWCCA 406 59 NSWLR 431</p>
Jury's Use of Technologies	<p><u>Ease of access to information</u></p> <ul style="list-style-type: none"> Publications by the press, which may shape a juror's bias or prejudice concerning an individual and cloud his/her ability in fair judgement, prior cases/convictions regarding the s/a, or evidence and information that is not presented in the courts. This is likened to a juror speaking to individuals about a case outside the courtroom, but with inherently quicker access to larger volumes of information. 	<p>Academic Paper/Journal Article/Bulletin Publication Spigelman, James J., The Internet and the Right to a Fair Trial (June 1, 2005). Criminal Law Journal, Vol. 29, No. 6, p. 331, 2005.</p> <p>Academic Paper Agate, Jennifer and Ledward, Jocelyn. <i>Contempt and Social Media: Update</i>. Entertainment Law Review, Vol. 25, No. 2, pp. 52-54, 2014.</p>
Jury's Use of Technologies	<p><u>Research</u></p> <ul style="list-style-type: none"> Contempt of Court Jurors conducting research 	<p>Case Study Dallas v. United Kingdom</p>

	<ul style="list-style-type: none"> ○ E.g. Uncertainty over terminology used in the courts, see: Juror researches a the translation of a charge facing the defendant, finds information about the defendant's prior convictions, and is then found to be in contempt of court ● Should mobile devices be taken from the jury to prevent contempt of court and the conduct of outside research? If so, for how long should these devices be removed? What is to happen when a case lasts days, weeks, or longer? 	<p>Academic Paper Agate, Jennifer and Ledward, Jocelyn. <i>Contempt and Social Media: Update</i>. Entertainment Law Review, Vol. 25, No. 2, pp. 52-54, 2014.</p> <p>Guidance/Standards The Law Commission. Contempt of Court (1): Juror Misconduct and Internet Publications. 28 November 2013.</p>
<p>Jury's Use of Technologies</p>	<p><u>Contempt of Court</u></p> <ul style="list-style-type: none"> ● Being disobedient or disrespectful toward a court of law and its officials, however, could also include influencing a trial, <ul style="list-style-type: none"> ○ E.g. Posting on social media about a person's guilt or innocence ○ E.g. Threatening fairness of justice, see: Two jurors jailed after posting on social media about ongoing criminal trial 	<p>Law U.K. Contempt of Court Act of 1981</p> <p>Guidance/Standards The Law Commission. Contempt of Court (1): Juror Misconduct and Internet Publications. 28 November 2013.</p> <p>Academic Paper Agate, Jennifer and Ledward, Jocelyn. <i>Contempt and Social Media: Update</i>. Entertainment Law Review, Vol. 25, No. 2, pp. 52-54, 2014.</p>

INTERNET

Technology/ Problem/Challenge	Comment	Source
Internet	<p><u>Authorship of Content & Credibility</u></p> <ul style="list-style-type: none"> ● Publishing <ul style="list-style-type: none"> ○ When anyone can post information, even without fact checking, how do readers know the validity or bias of information (often associated with the concept that “nowadays, everyone is a reporter/journalist/investigator,” also called “citizen-journalism”). ○ Individuals posting information on criminal proceedings may not have the training or sufficient knowledge about the risks they pose to s/a, victims, and their respective interests and rights. Journalists are often trained with regards to what content can and cannot be published online. ○ Also applicable to postings on Social Media ○ See also “Social Media: <u>Crowd-sourcing information</u>” ○ See also “Social Media: <u>Contempt of court</u>” 	<p><u>Guidance/Standards</u> European Commission for the Efficiency of Justice (CEPEJ) Working Group on quality of justice (CEPEJ-GT-QUAL). <i>Guide on communication with the media and the public for courts and prosecution authorities</i>. December 2018.</p> <p><u>Journal Article</u> Beale, Sara Sun. <i>The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness</i>. William and Mary Law Review, Vol. 48, No. 2, pp. 397-481. 2006.</p>
Internet	<p><u>Speed and breadth</u></p> <ul style="list-style-type: none"> ● Challenging the courts in both positive and negative respects. ● Jurisdictional challenges of the Internet <ul style="list-style-type: none"> ○ See also “Filtering & Blocking Content: <u>Removal of content from the Internet</u>” ○ See also “Filtering & Blocking Content: <u>Jurisdiction</u>” 	<p><u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology</i>.</p>

	<ul style="list-style-type: none"> ○ Courts do not have control over other jurisdictions and rules and legislation regarding the coverage of criminal cases, for instance the naming of victims, may not be equal. ● Instantaneous information and access <ul style="list-style-type: none"> ○ Initial fact checking may not be as frequent with the need to publish immediately ○ Erroneous information can be shared and spread much more quickly ○ Easier and faster ability to edit/change/revise and update content/material as more information is gathered 	<p>Doctoral Thesis Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Bond University. 2009.</p>
Internet	<p><u>Timing of Publications</u></p> <ul style="list-style-type: none"> ● Material may be published online before criminal proceedings are active, e.g. reporting of alleged criminal activity. The publishing of such material can jeopardise prejudice, presumption of innocence, and the right to a fair trial. While accessing this material was possible before the Internet, in print publications, it is much easier for anyone to access these reports via the Internet. <ul style="list-style-type: none"> ○ Possibilities future members of a jury engage with material published online before criminal proceedings are active and have conducted prior research or are biased/prejudiced and they do not disclose these biases/prejudices during voir dire ○ Questions arise if these publications should be removed when criminal proceedings are underway. However, who should be responsible for the takedown of the material? Publishers, search engines, individuals? ● See also “Filtering & Blocking Content: <u>Removal of content from the Internet</u>” ● See also “Jury’s Use of Technologies: <u>Ease of access to information</u>” ● See also “Internet: <u>Speed and breadth</u>” 	<p>Guidance/Standards The Law Commission. <i>Contempt of Court (1): Juror Misconduct and Internet Publications.</i> 28 November 2013.</p> <p>Journal Article Patrick, Erika. <i>Protecting the Defendant's Right to a Fair Trial in the Information Age.</i> Capital Defense Journal, Vol. 15, No. 1, pp. 71-91. 2002.</p>

	<ul style="list-style-type: none"> Content reported “live” or shortly after criminal incidents may not be subject to rigorous fact-checking or verification, resulting in the possibility of incorrect or false information being published or lack of diligence in guaranteeing presumption of innocence, protection of victims, privacy, etc. 	
Internet	<p><u>Media reporting on criminal proceedings</u></p> <ul style="list-style-type: none"> Need to disseminate news that generates reader/viewership that has short attention span or lack of time; result is highly detailed, concise publications with links to further information or details. To maintain reader/viewership, there is the need to publish content that will garner interest, such as particularly abhorrent, complicated, “sensational or spectacular,” or confusing stories; cases involving children; cases outside the “norm” See also “Video: <u>Use in crime reporting, Internet</u>” See also “Images: <u>Use in crime reporting, Internet</u>” 	<p><u>Doctoral Thesis</u> Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Bond University. 2009.</p>

FAKE NEWS AND INFORMATION

Technology/ Problem/Challenge	Comment	Source
Fake News and Misinformation	<p><u>Smear campaigns</u></p> <ul style="list-style-type: none"> The publication of false information such as through a smear campaign can have devastating consequences for s/a (including threatening presumption of innocence, right to a fair trial) 	n/a

ENCRYPTION

Technology/ Problem/Challenge	Comment	Source
Encryption	<p><u>Encryption Standards</u></p> <ul style="list-style-type: none"> • Council of Europe recommends that the “negative effects” of encryption should be minimised 	<p><u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i></p>
Encryption	<p><u>Access to Encrypted Devices</u></p> <ul style="list-style-type: none"> • Council of Europe recommends that telecommunications operators in Member States maintain the ability to intercept communications whereby in criminal proceedings these operators are ordered to do so. Also recommends that Member States should be able to enlist the professional assistance of individuals knowledgeable about technological devices and their operations during criminal proceedings where necessary. 	<p><u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i></p>

ANONYMITY

Technology/ Problem/Challenge	Comment	Source
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Anonymity	<u>Attribution: Identifying the person(s) behind the devices or act in the cases of cybercrime</u>	<u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i>
Anonymity	<p><u>“Jigsaw Identification”</u></p> <ul style="list-style-type: none"> • Term used to refer to the ability to piece together information that allows for identification of a protected person • While it was possible to do so before the Internet, it has become much easier and faster due to the amount of information online, the ease of access to this information, and speed with which it can be retrieved. • Furthermore, it is possible to not only piece together a protected person’s identity, but also other sensitive information about them, e.g. addresses, places of work • See also “Privacy: <u>Personally Identifiable Information (PII)</u>” 	<p><u>Guidance/Standards</u> Judiciary of the United Kingdom. Judicial College. <i>Reporting Restrictions in the Criminal Courts.</i> 2016.</p>

FILTERING & BLOCKING CONTENT

Technology/ Problem/Challenge	Comment	Source
Filtering & Blocking Content	<p><u>Removal of content from the Internet</u></p> <ul style="list-style-type: none"> • “Content on the Internet stays on the Internet.” There could be information about an offender (such as his/her past and criminal history) that can be found online and is not taken down upon request or can be retrieved after takedown. This can pose challenges when s/he attempts to reintegrate back into society. This can also be applicable to 	<p><u>Guidance/Standards</u> Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of</i></p>

	all parties involved in criminal proceedings (such as victims) who are identifiable by content (e.g. names, photographs) posted online.	<i>criminal procedural law connected with information technology.</i>
Filtering & Blocking Content	<p><u>Jurisdiction</u></p> <ul style="list-style-type: none"> • To what extent can courts in one jurisdiction demand a publisher in another jurisdiction block or remove content online? • Variety of jurisdictional challenges as there are a variety of national differences. Whereas traditional media more often reached local or national audiences, the Internet has no borders. “...when they [reporters] are reaching the world, in whose jurisdiction are they operating?” <ul style="list-style-type: none"> ○ Differences in local law, customs, practices, standards, guidelines, codes of ethics <ul style="list-style-type: none"> ▪ Naming and treatment of s/a, victims, witnesses in media coverage ○ Content could threaten principles such as presumption of justice, impartiality, fairness of justice 	<p><u>Guidance/Standards</u></p> <p>The Law Commission. Contempt of Court (1): Juror Misconduct and Internet Publications. 28 November 2013.</p> <p><u>Guidance/Standards</u></p> <p>Committee of Ministers of the Council of Europe. <i>Recommendation No. R (95) 13 of the Committee of Ministers to member states concerning problems of criminal procedural law connected with information technology.</i></p> <p><u>Doctoral Thesis</u></p> <p>Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Bond University.</p>

IMAGES

Technology/ Problem/Challenge	Comment	Source
Images	<u>Misuse of images</u>	<u>Guidance/Standards</u>

	<ul style="list-style-type: none"> Once photographs are published online, the publisher has little control over their spread. Individuals could download and save photos of s/a, convicted, victims, or others and utilise these photos for purposes other than their intended use See also “Filtering & Blocking Content: Removal of content from the Internet” See also “Internet: Once on the Internet, always on the Internet.” 	<p>United Kingdom Ministry of Justice. Neighbourhood Justice and Courts Strategy. <i>Publicising Sentencing Outcomes: Guidance for public authorities on publicising information (including via the Internet) about individual sentencing outcomes within the current legal framework.</i> 2011.</p>
Images	<p>Use in crime reporting, Internet</p> <ul style="list-style-type: none"> Combination of audio, text, and image detail bring “audience ever closer to the scene of the crime and, in many instances, to the perpetrator and victim” See also “Internet: Media reporting on criminal proceedings” 	<p>Doctoral Thesis Cameron-Dow, Joy. <i>Spinning the web: the influence of the Internet on the reporting of crime and criminal justice in traditional media.</i> Bond University. 2009.</p>

CITIZEN JOURNALISM

Technology/ Problem/Challenge	Comment	Source
“Citizen journalism”	<p>So you want to be a reporter?</p> <ul style="list-style-type: none"> Anyone can report on criminal proceedings; these “reporting” may be biased, derogatory, discriminatory Lack of fact checking or verification/validity <ul style="list-style-type: none"> Individuals posting information on criminal proceedings may not have the training or sufficient knowledge about the risks they pose to s/a, victims, and their respective interests and 	<p>Guidance/Standards European Commission for the Efficiency of Justice (CEPEJ) Working Group on quality of justice (CEPEJ-GT-QUAL). <i>Guide on communication with the media and the public for courts and</i></p>

	<p>rights. Journalists are often trained with regards to what content can and cannot be published online.</p> <ul style="list-style-type: none"> ○ Also applicable to postings on Social Media ○ See also “Social Media: <u>Crowd-sourcing information</u>” ○ See also “Social Media: <u>Contempt of court</u>” ● See also “Internet <u>Authorship of Content & Credibility</u>” 	<p><i>prosecution authorities</i>. December 2018.</p> <p>Journal Article Beale, Sara Sun. <i>The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness</i>. William and Mary Law Review, Vol. 48, No. 2, pp. 397-481. 2006.</p>
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DEVICES IN THE COURTS

Technology/ Problem/Challenge	Comment	Source
Devices in the Courts	<p><u>Public's use of technology in the courts</u></p> <ul style="list-style-type: none"> ● See also “Social Media” ● Use of technologies to communicate with others outside the courtroom, e.g. disclosing information to victims, witnesses, defendants, lawyers, etc. about prior testimony 	<p>Bulletin Paver, Chris. <i>The Courts v Twitter: The Future of Live Court Reporting in NSW</i>. Communications and Media Law Association. Communications Law Bulletin, Vol. 32, No. 1, pp. 6-9. 2013.</p>
Devices in the Courts	<p><u>Jury's use of technologies in the courts</u></p> <ul style="list-style-type: none"> ● See also “Jury's Use of Technologies” ● Electronic evidence; possibility evidence shared electronically is weighed differently than other physical evidence or oral testimony 	<p>Journal Article McDonald, Laura W.; Tait, David; Gelb, Karen; Rossner, Meredith; and McKimmie, Blake.</p>

		<p><i>Digital Evidence in the Jury Room: The Impact of Mobile Technology on the Jury.</i> Current Issues in Criminal Justice, Vol. 27, No. 2, pp. 179-194. 2015. DOI: 10.1080/10345329.2015.12036040.</p>
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RELEVANT RIGHTS

DUE PROCESS, FAIR TRIAL			
Right(s)/Principle(s)	Law	Name of Law	Source
Due Process, Fair Trial	"Right to an effective remedy and to a fair trial."	Article 47 of the Charter of Fundamental Rights of the European Union (the Charter)	<u>European Parliament, European Council, and European Commission. <i>Charter of Fundamental Rights of the European Union. (2000/C 364/01)</i>. 18 December 2000.</u>
Due Process, Fair Trial	All persons are equal before the courts and entitled to a fair and public trial by a competent, independent, and impartial legal tribunal.	Article 14 of the International Covenant on Civil and Political Rights (ICCPR)	<u>United Nations Office of the High Commissioner. <i>International Covenant on Civil and Political Rights</i>. 23 March 1976.</u>

Due Process, Fair Trial	“Everyone is entitled to a fair and public hearing within a reasonable amount of time by an independent and impartial tribunal established by law.”	Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<u>European Court of Human Rights. European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16. 17 July 2013.</u>
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SELF-INCRIMINATION

Right(s)/Principle(s)	Law	Name of Law	Source
Self-Incrimination	Right: <ul style="list-style-type: none"> to examine witnesses and present evidence to not be compelled to testify or to confess guilt to remain silent 	United Nations International Criminal Court, Rome Statute Rights of Defendant	<u>International Criminal Court. Defence. https://www.icc-cpi.int/about/defence; Rome Statute of the International Criminal Court. 17 July 1998.</u>
Self-Incrimination	Right: <ul style="list-style-type: none"> Not be compelled to testify against himself or confess guilt 	Article 14 of the International Covenant on Civil and Political Rights (ICCPR)	<u>United Nations Office of the High Commissioner. International Covenant on Civil and Political Rights. 23 March 1976.</u>

PRESUMPTION OF INNOCENCE

Right(s)/Principle(s)	Law	Name of Law	Source
Presumption of Innocence	“Presumption of innocence and right to defence.”	Article 48 of the Charter of Fundamental Rights of the European Union (the Charter)	<u>European Parliament, European Council, and European Commission. <i>Charter of Fundamental Rights of the European Union. (2000/C 364/01)</i>. 18 December 2000.</u>
Presumption of Innocence	Everyone charged with a criminal offence is presumed innocent until proven guilty by a court of law.	Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<u>European Court of Human Rights. <i>European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16</i>. 17 July 2013.</u>
Presumption of Innocence	Member States shall take measures to ensure s/a are presumed innocent until proven guilty by law.	Article 3 of the EU Directive 2016/343	<u>European Parliament and Council of the European Union. <i>Directive (EU) 2016/343 of the European Parliament and of the Council</i>. 9 March 2016.</u>
Presumption of Innocence	Right to be presumed innocent and be present at trial.	EU Rights of Suspects and the Accused	<u>Weblink</u>
Presumption of Innocence	All persons have the right to be presumed innocent until proven guilty by a court of law.	Article 14 of the International Covenant on Civil and Political Rights (ICCPR)	<u>United Nations Office of the High Commissioner. <i>International Covenant on Civil and Political Rights</i>. 23 March 1976.</u>

Presumption of Innocence	Everyone charged with an offence has the right to be presumed innocent until proven guilty by a court of law at a public trial.	Article 11 of the Universal Declaration of Human Rights	<u>The United Nations General Assembly. <i>The Universal Declaration of Human Rights</i>. 10 December 1948.</u>
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PRIVACY AND SURVEILLANCE

Right(s)/Principle(s)	Law	Name of Law	Source
Privacy and Surveillance	Everyone has the right to respect for his private and family life, home, and correspondence. There shall be no interference by a public authority except as such is in accordance with law and is necessary in the interests of “national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”	Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<u>European Court of Human Rights. <i>European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16</i>. 17 July 2013.</u>
Privacy and Surveillance	No one is subject to arbitrary interference with his “privacy, family, home, or	Article 12 of the Universal Declaration of Human Rights	<u>The United Nations General Assembly. <i>The Universal Declaration of Human Rights</i>. 10 December 1948.</u>

	correspondence” or to attacks on his reputation.		
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PHYSICAL PRESENCE

Right(s)/Principle(s)	Law	Name of Law	Source
Physical Presence	Right to be presumed innocent and be present at trial	EU Rights of Suspects and the Accused	Weblink
Physical Presence	Right to: <ul style="list-style-type: none"> be tried in presence and represent himself, appoint legal assistance of his choice, or be assigned public legal assistance. 	Article 14 of the International Covenant on Civil and Political Rights (ICCPR)	United Nations Office of the High Commissioner. <i>International Covenant on Civil and Political Rights</i>. 23 March 1976.

RIGHT TO BE FORGOTTEN

Right(s)/Principle(s)	Law	Name of Law	Source
Right to be forgotten	Right to erasure. Data subjects have the right to have personal data erased where: <ul style="list-style-type: none"> the personal data is no longer necessary in 	Article 17 of the GDPR	European Union. General Data Protection Regulation. 2016/679 . 25 May 2018.

	<p>relation to the purposes for which they were collected/processed</p> <ul style="list-style-type: none">• the data subject withdraws his/her consent on which processing is based• the data subject objects to processing and there are no overriding legitimate grounds for processing• the data have been unlawfully processed• the data have to be erased for compliance with legal obligations• the data concerns a child under the age of 16 whereby consent was not granted by a parental guardian <p>However, the right to be forgotten is limited “when colliding with the right of freedom of expression and information”</p>		
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RIGHT OF REPLY

Right(s)/Principle(s)	Law	Name of Law	Source
Right of reply	Right to have published content corrected without undue delay	United Nations Convention on the International Right of Correction	United Nations. <i>Convention on the International Right of Correction</i> . 24 August 1962.
Right of reply	Right to correct published content	Resolution (74) 26 on the right of reply - position of the individual in relation to the press	Council of Europe. <i>Resolution (74) 26 on the right of reply - position of the individual in relation to the press</i> . 2 July 1974.
Right of reply	Right to correct published content	Recommendation Rec (2004) 161 of the Committee of Ministers to member states on the right of reply in the new media environment	Council of Europe. <i>Recommendation Rec (2004) 161 of the Committee of Ministers to member states on the right of reply in the new media environment</i> . 15 December 2004.

RIGHT TO INFORMATION

Right(s)/Principle(s)	Law	Name of Law	Source
Right to information	Right to “receive and impart information and ideas without interference by public authority and regardless of frontiers.”	Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<i>European Court of Human Rights. European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1,</i>

			<u>4, 6, 7, 12, 13 and 16. 17 July 2013.</u>
Right to information	Right to access documents in the Registrar	Article 40 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<u>European Court of Human Rights. <i>European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16.</i> 17 July 2013.</u>

PUBLIC HEARINGS

Right(s)/Principle(s)	Law	Name of Law	Source
Public Hearings	Public hearings are to be held in public unless the Court in exceptional circumstances	Article 40 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	<u>European Court of Human Rights. <i>European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16.</i> 17 July 2013.</u>

NO PUNISHMENT WITHOUT LAW

Right(s)/Principle(s)	Law	Name of Law	Source
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No punishment without law	You cannot be punished for a crime for which there is no law defining the offence as a crime. "Nullum crimen, nulla poena sine lege"	Article 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR)	European Court of Human Rights. <i>European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16.</i> 17 July 2013.
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CASES AND CASE STUDIES¹

Case Name	Year; Jurisdiction; Court	Relevant Information/Notes	Source
United States v Sierra Pacific Industries Inc. et. al.	2018 United States of America United States Supreme Court	Case regarding a judge's use of social media (Twitter) to post a link to a faulty news article. Additionally, covers his social network (followers) and questions of his impartiality and bias. Courts found that although the judge posted a link to the faulty article, he did not make an opinion or comment on the case nor the article and as such, recusal was not required. Additionally, the courts found that although a user may follow another user, this does not constitute as evidence of a personal relationship and "certainly not one that, without more, would require recusal."	United States Supreme Court
Dallas v. The United Kingdom	European Court of Human Rights 2016	Juror found to be in contempt of court after researching information about an ongoing criminal case for which she was a presiding juror, despite warnings issued by the judge which reminded jurors of the consequences of conducting outside research. After being convicted of contempt of court, the juror argued there was a breach of Article 7 of the ECHR, "no punishment without law." Courts found there was no violation of Article 7.	European Convention on Human Rights Swarb.co.uk

¹ European Court of Human Rights. *Guide on Article 6 of the European Convention on Human Rights. Right to a Fair Trial (Criminal Limb)*. 30 April 2020. Retrieved from: https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf

OUTSTANDING CHALLENGES

Challenges	Summary/Description	Comments
The State	Abuse of rights of s/a, victims, convicted	<ul style="list-style-type: none"> ● See Lifecycle of Hate crime country report for the Czech Republic. <ul style="list-style-type: none"> ○ S/a face abuse/violence by police officers
The State	State abuse of big data	<ul style="list-style-type: none"> ● See Recommendation No. R (95) 13. ● Profiling <ul style="list-style-type: none"> ○ See Barry-Jester, Anna Maria, Ben Casselman, and Dana Goldstein, "The New Science of Sentencing"
The State	<p>Many Council of Europe recommendations, declarations, and resolutions do not account for the state as a potentially harmful actor.</p> <p>State abuse(s) of power</p>	<ul style="list-style-type: none"> ● See Recommendation No. R (95) 13. ● State abuse of power in surveillance ● "The technology is not dangerous; the technology becomes dangerous in the hands of its user." <ul style="list-style-type: none"> ○ A person has not committed a crime, but is deemed to be an enemy of the state or a criminal ● State use of hackers <ul style="list-style-type: none"> ○ See Recommendation No. R (95) 13.
The State	State control of the media; freedom of the press	<ul style="list-style-type: none"> ● Media controlled by the state or media bias conforming to state officials & their agenda

Challenges	Summary/Description	Comments
Victims	Discovery of victims/witnesses following searches of a technological device	<ul style="list-style-type: none"> Hypothetical situation: J/p authorities legally gain access to a device and on the device, they find evidence of victims or witnesses in a criminal offence. Should they attempt to identify these individuals? Would such investigation breach their right to privacy?
Victims	Minority victims struggle to have their cases acknowledged and/or taken on by j/p authorities	<ul style="list-style-type: none"> See Lifecycle of Hate crime country report for the Czech Republic <ul style="list-style-type: none"> Romani, Muslims, and LGBT victims in particular in the Czech Republic faced significant challenges when reporting crimes

Challenges	Summary/Description	Comments
Witnesses	Discovery of victims/witnesses following searches of a technological device	<ul style="list-style-type: none"> Hypothetical situation: J/p authorities legally gain access to a device and on the device, they find evidence of victims or witnesses in a criminal offence. Should they attempt to identify these individuals? Would such investigation breach their right to privacy?

Witnesses	Increased use of mobile devices used to film criminal offences.	<ul style="list-style-type: none"> Does this make the person filming a participant in a criminal offence, i.e. by the act of <i>not</i> intervening?
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Challenges	Summary/Description	Comments
S/A	“Foreignness,” “outsider,” and “otherness” features of s/a are included or emphasised unnecessarily in the media, e.g. ethnicity, religion, race	<ul style="list-style-type: none"> Fuels the erroneous fire that there are direct correlations between foreigners, migrants, etc. and crime <ul style="list-style-type: none"> See The Importance of Appearances: How Suspects and Accused Persons are Presented in the Courtroom, in Public and in the Media: A Comparative Report.

Challenges	Summary/Description	Comments
Terrorism Coverage in the Media	Freedoms and abilities when reporting on/covering acts of terrorism	<ul style="list-style-type: none"> Does the media have more freedoms when covering acts of terrorism? Are “rules” that apply to the media when covering other criminal offences, the same that apply to the media when covering terrorism offences? Do j/mp duly respect the rights of s/a? Presumption of innocence in the media, protection of privacy, protection of right to a fair trial, naming individuals, photographs of s/a, photographs of victims, etc.

		<ul style="list-style-type: none"> • See Declaration on freedom of expression and information in the media in the context of the fight against terrorism. • See Guidelines on news coverage of terrorism
Terrorism Coverage in the Media	Presumption of innocence is not always upheld regarding s/a and alleged terrorism-related offences.	n/a