
Disclosure of Information on Criminal Proceedings with Respect to the Presumption of Innocence: Minimum Standards for Judicial Authorities and Media



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Introduction

Balancing the right of the media to inform the public about criminal proceedings, due to the right of the public to receive information, against the accused's right to the presumption of innocence, privacy and a fair trial is a delicate process. The present report aims to evaluate the range of existing instruments – both national and international – that set minimum standards and provide recommendations for both judicial authorities and the media when reporting about a suspect or accused in criminal proceedings. Through this analysis, similar themes will be determined, as well as identifying national variations in their application. The issues identified will form the foundation for a new international instrument, which will set out a comprehensive guide for disclosure.

The development of a new instrument will have a two-fold purpose in supporting disclosure about a suspect or accused. Firstly, it will assist judicial authorities by directing them in how to properly communicate about criminal cases to the media without violating the presumption of innocence of those directly involved. Secondly, it will outline for media professionals the minimum standards for reporting on criminal proceedings while respecting the presumption of innocence and observing the privacy of suspects and accused, their families, other relatives and communities.

Communication guidelines for disclosure of information by judicial authorities

Protection of privacy of accused during criminal proceedings

Principle 8 of the Council of Europe Recommendation on the provision of information through the media in relation to criminal proceedings necessitates that any information provided about a suspect or an accused 'should respect their right to protection of privacy' and that 'particular consideration should be given to the harmful effect which the disclosure of information enabling their identification may have'.

Article 4(1) of the EU Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence holds that the obligation to uphold the presumption of innocence doesn't prevent authorities from 'publicly disseminating information on the criminal proceedings where strictly necessary for reasons relating to the criminal investigation or to the public interest'. Paragraph 18 of the Preamble to this Directive gives examples of such reasons as the release of video material to ask the public to assist in identifying the alleged perpetrator or for safety reasons for the public interest. However the use of these exceptions must be 'reasonable and proportionate' and the manner of dissemination of information should not



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create any impression of guilt. In addition, section 6.3.3. of the European Commission for the Efficiency of Justice Guide on Communication with the Media and the Public for Courts and Prosecution Authorities extends this protection to an accused's family, prohibiting 'unnecessary details on family situation, physical and psychological state or personal situations of the people concerned'.

The United Kingdom takes a different approach to these international regulations, upholding the 'principle of open justice',¹ by permitting the release of a variety of prosecution material which has been relied upon in court to the media. These include photographs of the defendant in custody, transcripts of interviews, CCTV footage of the accused and videos of the crime scenes after the event and of property seized.² Furthermore, pursuant to consultation with the police and relevant victims, witnesses and family members, the Crown Prosecution Service may release CCTV footage showing the defendant and victim, video tapes of police interviews with defendants, as well as victim and witness statements.³ In strict contrast, the Greek judicial authorities maintain a prohibition to 'mention a suspect's name or any other feature which may lead to their identification, as well as to broadcast their image'.⁴ This protection of privacy is extended to the relatives of the accused unless it is 'absolutely necessary' to divulge this information to 'narrate the events of the case'.⁵

However, photography and filming in courts and tribunals, as well as making a portrait or sketch of any person in court or in its precincts, is 'strictly forbidden' and is classified as a 'contempt of court' in the United Kingdom.⁶ Similarly, the Bulgarian Supreme Judicial Council creates the right for the presiding judge to explicitly prohibit the publication of any material that may reveal the identity of the accused during the trial.⁷ The Italian judicial authorities take this a step further by prohibiting the 'dissemination of photographs and images of people in handcuffs',⁸ demonstrating a high regard for the privacy of the accused while simultaneously upholding the presumption of innocence.

Some countries choose to make explicit reference to the right of the accused to know the full details and scope of the charges against them before the anyone else or the media is notified. The Italian Superior Council of the Judiciary makes a clear statement of the 'right of the

¹ Section 2(1), [Protocol for working together: Chief Police Officers, Chief Crown Prosecutors and the Media](#), 01 October, 2005.

² Ibid, section 2(2).

³ Ibid, section 2(3).

⁴ Article 11(5), Presidential Decree 77/2003 (O.G.G. Issue A' 75/28-3-2003).

⁵ Ibid, article 11(2).

⁶ HM Courts & Tribunals Service, 2020, [General guidance to staff on supporting media access to courts and tribunals](#).

⁷ Bulgaria, Supreme Judicial Council, 2015, [Handbook for interaction of the judiciary with the media](#), Chapter VI, (2015), section 6.2.

⁸ Italy, Superior Council of the Judiciary, 2018, [Guidelines on the institutional communication of judicial offices with society and the media](#), Guideline 2(b)(2), 11 July, 2018.



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accused not to learn from the press what should be communicated to him beforehand in a formal manner’,⁹ as does the Bulgarian Supreme Judicial Council.¹⁰

No public references to guilt

Principle 2 of the Council of Europe Recommendation on the provision of information through the media in relation to criminal proceedings holds that ‘respect for the principle of the presumption of innocence is an integral part of the right to a fair trial’. Any information in relation to criminal proceedings must, therefore, not prejudice this presumption. Furthermore, Principle 10 states that judicial authorities ‘should abstain from publicly providing information which bears a risk of substantial prejudice to the fairness of the proceedings’.

This is reinforced by Article 4(1) of EU Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence, which requires that ‘public statements made by public authorities...do no refer to that person as being guilty’. Article 4(2) indicates that appropriate measures should be available ‘in the event of a breach of the obligation’, while the requirement to maintain the presumption of innocence is further extended into ‘the digital environment’ by the Council of Europe Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet.

The Greek authorities have decreed a strict prohibition in this regard, mandating that ‘accused persons must not be referred to, directly or indirectly, as guilty’,¹¹ while the Italian judicial authorities require an additional emphasis on the compliance with the presumption of innocence when ‘the facts are of particular complexity or their reconstruction is entrusted to a circumstantial reasoning’.¹²

Privacy of children

Article 14(1) of the EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings upholds that their privacy must be ‘protected’. This protection is multi-faceted: Article 14(2) requires that court hearings should either be held in private or allow judges to make such a decision, while Article 14(3) instructs authorities to ensure that audiovisual recordings of questioning of child suspects ‘are not publicly disseminated’.

The United Kingdom replicates these restrictions in its legal framework, with Article 45(3) Youth Justice and Criminal Evidence Act 1999 permitting a court to prohibit the publication of any information that would identify a young person concerned in criminal proceedings. This is to include any particulars which could lead to the identification of the minor – for example,

⁹ Ibid.

¹⁰ Bulgaria, Supreme Judicial Council, 2015, [Handbook for interaction of the judiciary with the media](#), Chapter VI, section 2.6.

¹¹ Presidential Decree 77/2003 (O.G.G. Issue A’ 75/28-3-2003), Article 11(1).

¹² Italy, Superior Council of the Judiciary, 2018, [Guidelines on the institutional communication of judicial offices with society and the media](#), 2018 Guideline 2(b)(4), 11 July, 2018.



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their name, address, school or place of work – and any pictures.¹³ Similarly, the Italian judicial authorities mandate compliance with the relevant legal provisions that prohibit the publication of images and personal details of minors.¹⁴

Accuracy of information provided to the media

Principle 6 of the Council of Europe Recommendation on the provision of information through the media in relation to criminal proceedings requests that judicial authorities only provide ‘verified information’ about the accused and the proceedings to the media. Principle 9 permits a right of correction for suspects ‘with respect to press releases containing incorrect information which have been issued by judicial authorities or police services. Article 4 of the EU Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences similarly requires that the personal data be ‘accurate’, adding that it should be ‘where necessary, kept up to date’ and if inaccurate, ‘erased or rectified without delay’. This Directive does not appear to have been transposed into domestic legislation, with governments perhaps viewing this rule as an implicit requirement for their judicial authorities rather than an explicit one.

Support for journalistic regulatory frameworks

The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings calls upon judicial authorities to encourage responsible reporting ‘by supporting the training of journalists in the field of law and court procedure’ and to ‘support any self-regulatory initiatives by which the media define professional ethical standards with regard to media reports on criminal proceedings’ in order to ensure respect for the principles contained in the complementary Recommendation.¹⁵ This is upheld in the Appendix to the Council of Europe Recommendation on measures to promote the public service value of the Internet, which encourages the development of ‘self- and co-regulatory frameworks for journalists and media service providers’ in regards to reporting on court proceedings. However, it does not appear that judicial authorities in the member states have not taken this role upon themselves and have instead left it up to the national media organisations to construct their own code of ethics and regulatory frameworks.

Protection of vulnerable persons

Section 13, Article 15 of the European Commission Recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings states that

¹³ Article 45(8) Youth Justice and Criminal Evidence Act 1999.

¹⁴ Italy, Superior Council of the Judiciary, 2018, [Guidelines on the institutional communication of judicial offices with society and the media](#), Guideline 2(b)(3), 11 July, 2018.

¹⁵ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers’ Deputies).



‘authorities should take appropriate measures to protect the privacy, personal integrity and personal data of vulnerable persons’. The Council of Europe, however, in their Declaration on the provision of information through the media in relation to criminal proceedings chose to place the onus for ensuring the protection of vulnerable persons on the media professionals rather than the judicial authorities. Member states have chosen to replicate this approach and have instead directed this responsibility to their domestic journalists.

Ethical standards for media professionals

Respect for the presumption of innocence

The key fundamental principle for judicial authorities is again reiterated for the work of the media. The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings invites journalists to respect the full enjoyment of the right to a fair trial under Article 6 of the European Convention on Human Rights by treating ‘both suspects and accused as innocent until found guilty by a court of law’.¹⁶ The United Kingdom expects the editorial group to justify any intrusions into an individual’s private life without consent, with the same requirement applicable to photographs.¹⁷ Furthermore, the Contempt of Court Act 1981 created a strict liability offence for the media to publish or broadcast any comments or information that could seriously prejudice active legal proceedings, particularly criminal proceedings heard before juries.¹⁸ An example of this would be the publication of the fact that a person charged with a criminal offence has an existing criminal record, as this information is often withheld from a jury during the trial because it is in fact deemed to be so prejudicial.¹⁹

In a similar vein, the Italian Charter of Duties of Journalists prohibits the publication of images that present, deliberately or artificially, people as offenders who have not been judged guilty in criminal proceedings.²⁰ Likewise in France, the presumption of innocence ‘must be mentioned in the story, either explicitly or indirectly in careful phrases’.²¹ The relevant descriptive language must be in the conditional tense and may employ phrases such as: ‘the defendant is accused of...’, ‘they will face the accusation of...’, ‘according to police...’. There is also an emphasis on the care that must be given to police sources, which are described as ‘over-confident’.²² In Germany, the aim of court reporting is to not punish the person socially, as well as criminally, and thus reports must make a clear distinction between suspicion and proven guilt. The Press may only refer to a suspect or accused as a perpetrator if they have made a

¹⁶ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers’ Deputies).

¹⁷ IPSO, 2018, [Editors’ Code of Practice](#), 1 January, 2018.

¹⁸ United Kingdom, 1981, [Contempt of Court Act](#), Article 1(1).

¹⁹ Channel 4, 2020, [Channel 4 Producer’s Handbook](#), Contempt or ‘Sub-Judice’ Rules.

²⁰ Italy, Tempere University, [Charter of Duties of Journalists](#).

²¹ Ouest-France, [Ouest-France Code for Reporting Crimes and Accidents](#), Section 3.

²² Ibid.



confession and there is also evidence against them in the public view that they have committed the crime.²³

In a unique extension, Bosnia and Herzegovina explicitly reinforces the presumption of innocence to prohibit the treatment of ‘any individual as a war criminal prior to a court verdict to that effect, treating such individuals as suspect and/or accused of war crimes’.²⁴

Protection of minors and vulnerable persons

The protection of minors and vulnerable persons is a particularly strong obligation for the media when reporting on criminal proceedings. With statutory protections in place as regards judicial authorities, the editorial board must follow the same rules to complement the existing safeguards. The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings appeals for sensitivity to the interests of minors and other vulnerable persons.²⁵ Article 3(3)(d) of the Greek Law 1730/1987 extends the protection of minors and vulnerable individuals to those accused of crimes against sexual liberty or of crimes related to the financial exploitation of sexual services,²⁶ while the Journalistic Code of Ethics reinforces the protection provided for international conventions.²⁷ In Albania, this protection is also extended to victims of migration and illegal human trafficking.²⁸

The Italian Treviso Charter for Journalists (1990) takes an interesting stance in the protections it offers. Although it requires that the anonymity of minors involved in legal proceedings be guaranteed, it states that such caution is not required whenever the publication is intended to place a positive emphasis on the minor, their family and the social environment in which they were raised.²⁹ However, the publication of all elements which may easily lead to their identification must be avoided. These can include the personal particulars of their parents, their home address and their school.

Objective reporting

The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings implores journalists to avoid prejudicing criminal investigations and court proceedings, as well as refraining from ‘prejudicial and pejorative references in their reports on criminal proceedings, by using language that is likely to incite

²³ Germany, Deutscher Presserat, 2017, [German Press Code](#), Section 13, Guideline 13.1.

²⁴ Bosnia and Herzegovina, Recommendations for court media reporters.

²⁵ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers’ Deputies).

²⁶ Greece, 1987, [Law 1730/1987 \(O.G.G. A’ 145/18-8-1987\)](#), Article 3(3)(d).

²⁷ Greece, Association of Editors of Athens Daily Newspapers, [Code of Ethics for Professional Journalists](#), Article 2(d).

²⁸ Albania, 2018, [Code of Ethics of Journalists](#), Section 13.

²⁹ National Federation of Italian Press, 1990, [Order of Journalists’ National Council and FSNI \(Treviso Charter\)](#).



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xenophobia, discrimination or violence'.³⁰ Italian journalists are required to adhere to a strict differentiation between the objective and subjective facts in their reports. Such distinctions include the clear differences between documentation and representation, between news and commentary, between investigated, accused and convicted, between public prosecutor and judge, between accusation and defence, between non-definitive and definitive nature of the measures and decisions in the evolution of the phases and the degrees of proceedings and judgments.³¹ In Bosnia and Herzegovina, this journalistic objectivity is defined as reporting 'free from strong emotional expressions that might indirectly influence the public'.³²

Avoid mentions of earlier convictions

The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings requests that journalists do not 'recall a former offence of a person, unless it is of public concern or has become of public concern again'.³³ In France, journalists are advised to be wary of the police recalling previous convictions of the accused before the trial opens as, in the early phase, 'these are sometimes used to hide a lack of evidence'.³⁴ In Germany, the interest of resocialisation takes precedence over renewed reporting on past criminal proceedings. As a rule, no name or picture of the accused should be published, with the resocialisation interest being greater the longer the time period that has passed since the conviction.³⁵

Respect for privacy of accused

Article 3(3)(c) of the Greek Law 1730/1987 prohibits the broadcast of photographs or evidence unless it is necessary to solve the crime or 'if the crime committed is a crime against democracy'.³⁶ Although a crime against democracy remains undefined, these crimes may include offences such as voter fraud and voter manipulation. In addition, The Greek Code of Ethics for Digital Media makes an interesting exception in the case of a complete and documented removal of an arrest from a person's criminal record. The Code advises caution if the criminal charges are against a prominent and well-known member of society or if there is the suspicion of an intervention from a higher authority to clean the criminal record.³⁷

³⁰ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies).

³¹ Italy, 2016, [Testo unico dei doveri del giornalista](#) (Consolidated text on the duties of the journalist), Article 8(e), 27 January, 2016.

³² Bosnia and Herzegovina Recommendations for court media reporters

³³ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies).

³⁴ Ouest-France, [Ouest-France Code for Reporting Crimes and Accidents](#), Section 3.

³⁵ Germany, Deutscher Presserat, 2017, [German Press Code](#), Section 8, Guideline 8.1.

³⁶ Greece, 1987, [Law 1730/1987 \(O.G.G. A' 145/18-8-1987\)](#), Article 3(3)(c).

³⁷ Greece, [Code of Ethics for Digital Media](#).



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Italy has also codified a unique addition to the necessity to respect the privacy of the accused. Article 8(2) of the Deontological rules concerning journalistic activity prohibits the reproduction of photographs of people in detention without their consent, while Article 8(3) states that ‘individuals may not be presented with irons or handcuffs on their wrists’³⁸ to protect the dignity of the accused and could also be another link to the principle of presumption of innocence. The high regard for such privacy can be further observed through hesitation in journalistic guidelines in the dissemination of names and images of ‘persons indicted for minor offences or sentences to very light penalties, except in cases of particular social importance’.³⁹

In Germany, ‘sensational interests alone do not justify identifying reporting’⁴⁰ and a strict assessment between the relevant public interest in the information and the protection of the suspect or accused must be made. Several factors can play a key role in the assessment of a prevailing public interest:

- The crime in question is extremely serious or special in terms of its type;
- There is a connection in respect of a contradiction between office, mandate, social role or function of a person and the action they are accused of;
- There is a connection between a famous person’s position and the crime they are accused of or if the crime of which they are accused is contrary to their public image;
- A serious crime was committed publicly;
- An arrest warrant has been applied for by the investigating authorities.⁴¹

Correction of mistakes

Although unregulated at an international level, a variety of national instruments demonstrate a general consensus that a journalist should not delete published content; instead they should be more precise by updating the text. The Greek Code of Ethics for Digital Media states that the best practice on social media is for the journalist to create a new post with the correct information, indicating that they are correcting a previous post and quoting the incorrect statement. Furthermore, the Code maintains that the original post must not be erased for reasons of transparency ‘unless it can raise questions of slander, insult, or to be proven, by any means, legally problematic’.⁴² In such case, it is suggested that the journalist add a note at the end of the article explaining the mistake and why the article was removed.

The Albanian Code of Ethics of Journalists holds that, in the case of a mistake, the media should provide an apology and an appropriate remedy to the affected individual where it is necessary. Moreover, it enshrines the right of response for the criticised party.⁴³ In Georgia, the correction must be made in reasonable time. The timeframe is dependent upon the type of

³⁸ Italy, 2018, [Deontological rules relating to the processing of personal data in the exercise of journalistic activity](#) (published pursuant to art. 20, paragraph 4, of Legislative Decree 10 August 2018, n. 101 – 290 November 2018).

³⁹ Italy, [Testo unico dei doveri del giornalista](#) (Consolidated text on the duties of the journalist), Article 8(b).

⁴⁰ Germany, (2017), Deutscher Presserat, [German Press Code](#), Section 8.

⁴¹ Germany, (2017), Deutscher Presserat, [German Press Code](#), Section 8, Guideline 8.1.

⁴² [Code of Ethics for Digital Media](#).

⁴³ Albania, 2018, [Code of Ethics of Journalists](#), Section 3.



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the media and scale of the audience, meaning that it is individual and according to the specific context.⁴⁴ In addition, it is stated that it is considered a violation of the correction rule if it becomes known that the journalist or the editorial group knew after publishing the information that it was not true but did not correct it.⁴⁵ In this regard, the responsibility for the mistake is to be shared between both the author of the article and the editorial group. Finnish Guidelines suggest that the media outlet's official website should have a special section where its readers can send information regarding mistakes.⁴⁶

It can be inferred that the form of media is relevant to the correction of the mistake. For example, if the mistake was made on broadcasting media, then the broadcaster must openly state that a mistake was made and correct it in equal form. Therefore, if the mistake was made during a prime time news broadcast, then it must be corrected in the same show the next day. Similarly, if the mistake was made on the front page of a newspaper, then the correction should appear on the first page as well.⁴⁷

Protection of relatives of accused

The Council of Europe Declaration on the provision of information through the media in relation to criminal proceedings advocates for respect of 'the dignity, the security and, unless the information is of public concern, the right to privacy' for the accused and their families.⁴⁸ In the United Kingdom, any identification of the relatives or friends of the accused should generally not be done without their consent, unless it is 'genuinely relevant to the story'.⁴⁹

Disclosure of suspect's name only by authorities

The Greek Code of Ethics for Digital Media mandates that the naming a suspect or making accusations can only be done by the authorities or third parties, whether formally or informally.⁵⁰ It is thus vital for journalists to critically consider the source of the accusation – for example, police or citizens – and the extent of their veracity. Moreover, with the exception of public figures, persons who have disclosed their identity themselves or if the facts of the criminal proceedings are well-known, names of suspects or accused should not be disclosed. Similarly in Denmark, the name or identification of a suspect or accused should be omitted if no public interest calls for the publication of the name.⁵¹

⁴⁴ Section 1, Council of the Georgian Charter of Journalistic Ethics, Correction Standards for Media (June 2018) [<https://www.qartia.ge/en/component/content/article/59659-correction-standards-for-media-guideline>]

⁴⁵ Ibid.

⁴⁶ Finland, [Annex to Guidelines for Journalists: Material Generated by the Public on a Media Website](#), Paragraph 4, 1 October, 2011.

⁴⁷ Ibid, section 4.

⁴⁸ Council of Europe, 2003, Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies).

⁴⁹ United Kingdom, IPSO, 2018, [Editors' Code of Practice](#), Section 9, 1 January, 2018.

⁵⁰ [Code of Ethics for Digital Media](#), Chapter 5.4.

⁵¹ Denmark, Danish Press Council, 2013, [The Press Ethical Rules](#), Section C, paragraph 6, 22 May, 2013.



Monitoring of editorial websites

In Finland, it is the responsibility of the editorial office to monitor their websites and to try to prevent the publication of content that violates human dignity and privacy.⁵² In addition to discriminatory comments, the violation of human dignity would include comments that incite violence and stir up hatred towards a suspect or an accused. The editorial office must therefore promptly delete any content that comes to its attention that violates either of these rights. This is particularly important for online forums directed at children and the young. Furthermore, there must be a clear demarcation on media websites between editorial content and forums reserved for the public.

Proportional treatment of dismissal or acquittal to case at outset

This is a particularly important guideline, bearing close ties to the presumption of innocence, and yet is unregulated at an international level. The Danish Press Council requires that any coverage of a criminal case should be followed up an account of its conclusion, regardless of whether this takes place in the form of a withdrawal of the charge, an acquittal or a conviction.⁵³ In France, a ‘rigorous follow-up’ is demanded, particularly in a case of a dismissal which is held as deserving of an editorial treatment in proportion to that which was given to the case at its outset.⁵⁴ In Germany, the requirement of proportional treatment would also be applicable to a ‘marked lessening of charges’.⁵⁵

Prohibition on publication of information on pre-trial investigations

This guideline is specific to the model of judiciary system adopted by each country. As France employs an inquisitorial system, any pre-trial story would contain incomplete and biased information, as well as constituting an implicit contradiction with the principle that the judicial investigation should remain secret.⁵⁶ Any pre-trial story must therefore contain great precautions with the wording and maintain a great distance from sources, so as to uphold the right of an accused to a fair trial. Similarly in Lithuania, only a great public interest in the proceedings would permit the publication of data on pre-trial investigations.⁵⁷

Prohibition on use of identifying features.

In Bosnia and Herzegovina, journalists are required to take specific care ‘not to arouse national, religious, ethnic and racial intolerance and hatred’ in their reports, nor ‘any sort of discrimination based on gender, sex, identity and sexual orientation, physical or mental illness

⁵² Finland, 2011, [Annex to Guidelines for Journalists: Material Generated by the Public on a Media Website](#), 1 October, 2011.

⁵³ Denmark, Danish Press Council, 2019, [The Press Ethical Rules](#), Section C, paragraph 3, 22 May, 2013.

⁵⁴ Ouest-France, [Ouest-France Code for Reporting Crimes and Accidents](#), Section 3.

⁵⁵ Germany, Deutscher Presserat, 2017, [German Press Code](#), Section 13, Guideline 13.2.

⁵⁶ Ouest-France, [Ouest-France Code for Reporting Crimes and Accidents](#), Section 3.

⁵⁷ Lithuania, [Code of Ethics of Lithuanian Journalists and Publishers](#), Article 39.



or incapability'.⁵⁸ A similar prohibition is adhered to in Bulgaria, with the exception being if the facts are material to the meaning of the information.⁵⁹

Conclusion

This review of both existing international and national instruments has demonstrated an unequivocal need for a singular, coordinated instrument to provide harmonisation across the European Union on the issues surrounding reporting on criminal proceedings. Some rights such as the protection of an accused's privacy and the presumption of innocence, as well as protection of minors and vulnerable persons, have been widely and consistently replicated across the instruments evaluated, while others have yet to be accounted for owing to the modernisation of journalism.

Guidelines for judicial authorities are regulated to a greater extent at the international level than for media professionals, with these instruments placing a particular focus on respect for a suspect's rights and procedural rights. However, such instruments are often short and limited in scope, failing to account for situations in which the judiciary reports about a suspect or an accused incorrectly and the procedures for remedying such an action. In addition, some guidelines suggested by these international instruments have not been transposed into national instruments. Most importantly, the requirement for support for journalistic frameworks was not identified at a domestic level. It could be suggested that this is a result of a perception that media professionals should self-regulate their practice. Although this may be an effective method, judicial authorities should still play a role in supervising the activities of the media in relation to criminal proceedings over which they preside.

In contrast, there are remarkably few international instruments for media professionals, with the few that exist failing to account for the significant modern developments of online reporting and the consequential necessity for guidance for correction of mistakes. The rarity of these international instruments has led to the development of a wide array of national journalistic codes. This signifies that ethical standards for media professionals are a matter for domestic regulation. Although these charters generally address the same issues and codify the same standards, there are variations within these issues, for example, concerning how much information may be revealed about a suspect or accused in reporting. As some charters are more specific and restrictive than others, this demonstrates a great need for a singular instrument which sets minimum standards for States to adhere to.

⁵⁸ Bosnia and Herzegovina Recommendations for court media reporters

⁵⁹ Bulgaria, National Council for Journalism Ethics, 2005, [Code of Ethics of Bulgarian Media](#), Section 2.5.2.

