

Conclusions of the 1st Study Commission

Social Media and the Judiciary

Preamble

Due to the diversity of approaches and taking into consideration each judiciaries' circumstances in relation to the use of social media as a means of communication, the discussions showed that there is no universal set of solutions that apply likewise to each and every judiciary. Taking this into account, the First Study Commission, nonetheless, came to the following conclusions:

1. Judges should be free to use social media in their private lives. When making such use, they should exercise caution and adhere to any existing or generally accepted ethical guidelines or codes of judicial conduct.
2. A careful line should be drawn between unfair comments about judges, on the one hand, and legitimate criticism of judicial decisions or the judiciary, on the other.
3. Reactions to unfair comments concerning judges made on social media may be appropriate, or even necessary, when such comments risk danger to the judge or risk endangering public trust in the judiciary.
4. In general, judges should consider refraining from responding in person to unfair comments made on social media. This could diminish the public perception of judges. A direct response from a judge could also infringe upon judicial ethics and principles of judicial conduct, such as neutrality and self-restraint.

5. If judges do decide to respond in person, they should adhere to the judicial ethics and principles of judicial conduct applicable or generally accepted in their jurisdiction.

6. It is important that a judicial body or association responds to unfair comments made on social media on behalf of an individual judge if those comments have the potential to threaten public trust in the judiciary.

7. If a response is given to unfair comments on social media, this should be done in a timely fashion but nonetheless only based on solid factual grounds. If uncertainties remain, no response should be given.

8. The use of social media by the judiciary can enhance the understanding of the judiciary by the public if conducted professionally and in line with any applicable codes of judicial conduct or ethical guidelines.

9. Social media enables two-way communication. As such, it may be a useful tool to enable the judiciary to interact directly with the public. A judicial entity contemplating the use of social media should consider whether it intends to use social media for such interaction, or only in order to disseminate information.

10. Media specialists can significantly contribute to the professional and appropriate appearance of any content published on social media by the judiciary.

Adequate financial and personal resources must be allocated to the courts for this purpose.

11. Judges should have the opportunity to be trained in judicial ethics as well as in the use and functioning of social media.