

Lord Reed's address at the Judicial Forum in Bosnia and Herzegovina

The incoming President of the UK Supreme Court, Lord Robert Reed, addressed the Judicial Forum for Bosnia and Herzegovina (BiH) on 15 November in Jahorina. His keynote speech, delivered to a wide audience of presidents and judges of the highest courts and ministers of justice of BIH, focused on the transparency of the court proceedings.

He explained that ensuring the transparency of the courts is one of the strongest safeguards of an independent justice system, and helps to sustain the legitimacy of the democratic institutions that independent courts protect and support. He spoke about many steps that the UK Supreme Court took in recent years to secure public access to proceedings and make court decisions more accessible to the public, so that the public can see and understand how justice is administered.

I will begin with physical access to the Court. One of the consequences of establishing the Supreme Court was to make Britain's highest court much more accessible to members of the public walking through the doors than was previously the case when our highest court sat in a room deep inside the Houses of Parliament. We actively encourage visits and have become a recognised tourist attraction. We have a public café and an exhibition centre, and souvenirs are on sale.

We also have a front of house team who organise visits, open days and other events to encourage members of the public to visit the Court and learn about what it does. The open days have proved to be very popular. We also hold many events outside court hours, some of them intended for adults and others intended for schoolchildren and students. Bearing in mind the need to provide access to people with additional needs, we also hold tours designed for people with hearing problems, using sign language and are looking at ways to do more, for example for people with visual impairments.

Physical access to the Court was until recent years confined to people who could visit the Court in London. But we have established a practice of having the Court sit outside London for a week each year. This is important because the UK is a union of four older nations, and the Supreme Court must have the confidence of the people of all of those nations. So the Court sat in Scotland in 2017, in Northern Ireland in 2018 and in Wales this year. The judges of the Court also make frequent visits to the different parts of the UK to give lectures and take part in events there. In addition, we provide people in the rest of the UK with electronic access to the Court through the internet, as I will explain later.

Our sittings outside London have required us to obtain the use of suitable premises. When the Court sat in Edinburgh, we were able to use the headquarters of the local council. When we sat in Belfast, we sat in a legal

library. This year, in Cardiff, we sat in the building of the Welsh legislature, which was not in session at that time. On each occasion, the Court was well attended by local people, and our viewing figures on the internet also increased. Each of our visits was accompanied by a programme of events involving local legal organisations, universities and other bodies. We engaged with local media, and there was coverage of our presence in the local newspapers, television and radio as well as online.

We feel that the sittings outside London have been successful. They show that we are a court of the UK as a whole, and not only of England or indeed London. They have drawn attention to the Court's role in the different parts of the UK and allowed people there to see us "live". They have also allowed us to meet the legal and academic community locally, as well as other local institutions.

Online access

What has made the biggest impact on public accessibility, however, is our website. It is much the most effective means by which the Court can communicate with the public.

A particularly important feature is that we live stream all our hearings. The Court itself arranges and controls the filming. The proceedings are broadcast live, subject to a delay of a few seconds in case anything confidential is accidentally mentioned, for example in a case involving children. Footage from our proceedings is used by the media, both on television and on newspaper websites, subject to conditions which limit the ways in which it can be used. It is also uploaded on to the Supreme Court website, so that there is a film archive of all our proceedings which can be viewed at any time.

The importance of filming our proceedings was illustrated recently when we heard an appeal about whether the Government could suspend Parliament during the crucial period of negotiations before the deadline for the UK's withdrawal from the EU. The hearing was live streamed on our website in the usual way, and, with our permission, media organisations also live streamed the proceedings on their own websites. Our website was accessed almost 5 million times during the hearing, and a much greater number saw highlights on the television news.

At the opening of the hearing, which was shown on television, the President of the Court explained to people watching that the appeal was not concerned with the political questions concerning the UK's withdrawal from the EU, but with legal questions concerning the powers of the Government in relation to Parliament. When we issued our judgment, the President of the Court explained it live to camera, and that was broadcast on our television news programmes. This helped to improve public understanding, and will have played a part in public acceptance of the Court's decision. The case illustrates the potential of filming court proceedings to promote public understanding of our work.

In fact, we always give a short explanation of our judgments, live to camera, when a judgment is handed down, and these presentations are available on our

website and also on YouTube. The judge who has written the lead judgment gives a short explanation of the decision to camera, in lay language. The aim is to explain the essence of the decision to the general public in five minutes. The judges are given professional training in how to do this, and also media training of a wider kind.

There is another important way in which we use the Internet. There are many schools which are too far away to visit the Court. So we have established a scheme called "Ask A Justice", under which pupils can have a discussion with one of the judges of the Court using Skype, directly from their classroom. The pupils submit a list of questions in advance, and a judge spends 30 minutes discussing them with the pupils before the Court sits in the morning. These discussions have proved very popular. This scheme enables the Court to make direct contact with young people and their families and may be their only direct contact with the judiciary.

Turning next to communication with the public via traditional media, the Supreme Court recognises the importance of the media as a means by which the public obtain information about the work of the courts, and as a source of criticism and comment about the courts which can influence public opinion. The Court's approach to the media has three elements: informing the media about court business, considering media requests for access to the judges, and rebuttals and corrections of media coverage.

In relation to the first of these, we recognise that the Court operates in an intensive media environment. Our communications team seek to develop good relationships with the journalists who cover our work, and to assist them in reporting it accurately. So they give journalists lists of future decisions, highlighting those which are likely to be of the greatest interest to the public. The communications team then issue the judgments to journalists as soon as they are delivered in court. The journalists also receive summaries of the appeals and of our judgments.

All this material, together with information about future hearings, is also published on social media and on our website. Shortly before we hand down a judgment in which there is likely to be media interest, our communications team may hold a confidential media briefing, explaining the judgment and its implications and answering the journalists' questions. We do this because we recognise the pressure that the media are under to provide an instant response to our judgments. The confidentiality has never been broken, but we would not follow that practice in high profile or price-sensitive cases. There, we may provide a media briefing simultaneously with the delivery of the judgment.

We also inform the media about important events, such as sittings outside London, celebratory events, the recruitment of new judges or major speeches. For important events a media plan is prepared by our communications team, identifying objectives, the target audience and the key messages. Coverage is evaluated after the event. Our communications team also inform the media about the outreach activities of the Court, such as tours and the Ask a Justice scheme.

I said that the second element of our media strategy was the consideration of media requests for access to the judges. It is not unusual for the Court to receive one or two requests per week from the national media. These are considered on a case by case basis, and only a few are granted. It is very important that judges should not become celebrities, and that justice should continue to be regarded as impersonal.

Consideration is of course also given to the appropriateness of the subject for interview – for example, whether it is non-political, and in line with the Court's values – and to its timing. For example, this year we have given interviews which marked the Court's tenth anniversary, and the centenary of women's entry into the legal professions in Britain. The communications team also guide the judges through the interview process.

The third element of our media strategy involves our communications team in correcting mistaken assertions by the media or defending the reputation of the Court. If there is an article that misrepresents a judgment or the views of the Court, we will consider with the communications team whether it is worth taking the matter up. If there is inaccuracy, that may well be pointed out. If a judge is misquoted or misrepresented in the media, that can also be handled by the Court's communications team in consultation with the judge.

Turning finally to communication via social media, the Court recognises that social media enable it to communicate more widely with members of the public, particularly younger people. So, through our communications team, we tweet and post images on Instagram. We currently have over a quarter of a million followers on Twitter and several thousand on Instagram.

The tweets contain news about the Court and are informal in style. Almost all the illustrations I have been using this morning have been taken from our Twitter account. Our Instagram account contains pictures of our activities outside the Court, for example when speaking to students. It enables the public to see that the judges mix with a wide range of people of all ages and backgrounds. Our communications team also maintain relationships with bloggers who cover our work, recognising the significance of their role.

The question of whether judges should make personal use of social media is different. Helpful guidelines on this issue were issued earlier this month by the Global Judicial Integrity Network of the United Nations Office on Drugs and Crime. They support my own view that it would not be appropriate, even if it were practicable, to prohibit the use of social media by judges. Judges are not expected to become isolated from the ordinary life of the community in which they live, and social media platforms have become a part of ordinary life. Indeed, it is only through active participation in social life that judges acquire direct experience of its problems: problems which they may be called upon to confront in their professional capacity.

Our Court heard an appeal recently, for example, concerned with defamation on Facebook, where an understanding of the nature of Facebook communication was relevant to the interpretation of the words used. Nevertheless, there are aspects of social media which present risks to a judicial user: risks to their perceived independence and impartiality, reputational risks, and risks

to their personal wellbeing and safety. It is important that judges should understand those risks, and that their behaviour on social media should reflect that understanding.

Judges also need to be aware of potential problems arising from other people's social media accounts. In the UK, the media have examined the social media accounts of judges' wives, children and grandchildren, and even those of people more remotely connected to the members of the Supreme Court, for any comments which they might have made about Brexit. Those comments have then been used to question the impartiality of the judge concerned.

Conclusion

In relation to all the topics I have discussed this morning, I do not suggest that there are direct parallels between Britain and Bosnia and Herzegovina. But, in both countries, we are aware of the importance of public access to the courts, and of communication with the public, in promoting understanding of our role and our work, and in maintaining public confidence in the judiciary. I hope you have found something of interest in what I have told you about how these matters are developing on the UK Supreme Court.