

Press release: Attorney General seeks evidence on the impact of social media on criminal trials

Judges, solicitors and victims' groups are being asked to submit evidence about the impact of social media on criminal trials in a Call for Evidence launched by Attorney General Jeremy Wright QC MP today. The Call for Evidence asks for experience of trials being affected by social media commentary and evidence of anonymity orders and reporting restrictions being breached on social media. The purpose of the Call for Evidence is to ascertain whether the risks posed by social media to the administration of justice are increasing, and whether any further action needs to be taken.

The Attorney General Jeremy Wright QC MP said:

“Every defendant in this country is entitled to a fair trial where a verdict is delivered based on the evidence heard in court. Our Contempt of Court laws are designed to prevent trial by media, however, are they able to protect against trials by social media? I am looking for expert evidence on whether the increasing influence and ubiquity of social media is having an impact on criminal trials and if so, whether the criminal justice system has the tools it needs to manage that risk.”

The Contempt of Court Act 1981 sets out what can be published in order to ensure that legal proceedings are fair and that the rights of those involved in them are properly protected. It is a Contempt of Court to publish anything that creates a “substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced, even if there is no intent to cause such prejudice”.

Social media platforms allow individuals to reach thousands of people via a single post, making their views readily accessible to a potentially vast audience. Whilst the traditional mainstream media are well aware of the boundaries set out in the 1981 Act and the consequences of stepping outside them, social media presents new challenges to these fair trial protections.

The evidence submitted to this Call for Evidence will form the basis of a report prepared by the Attorney General's Office and inform a consideration of what changes, if any, are needed to strike a balance between the rights of the individual to express their views via social media and the protection of fairness in criminal proceedings.

The Call for Evidence is open until 8 December 2017.