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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**USE OF SOCIAL MEDIA BY JUDGES  
DEONTOLOGICAL RULES OR INSTRUCTIONS/  
RELEVANT CASE-LAW**

**Contribution by the Venice Commission  
to the Guidelines on judges' use of social media prepared by  
the UNODC Global Judicial Integrity Network**

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\* This document will be updated regularly. This version contains all opinions and reports adopted up to and including the Venice Commission's 117<sup>th</sup> Plenary Session (December 2018).

## I. Introduction

1. The Global Judicial Integrity Network, set up under the auspices of the United Nations, is a platform to assist judiciaries in strengthening judicial integrity and preventing corruption within the judicial system. At the end of the launch event of the Global Judicial Integrity Network in April 2018, judiciaries and judges from around the world adopted a Declaration on Judicial Integrity and identified the use of social media by judges as a priority topic for the Network. This priority issue is also included in the 2018-2019 work plan of the Network, adopted by its Advisory Board.
2. As a follow-up initiative, the United Nations Office on Drugs and Crime (UNODC) hosted an Expert Group Meeting in November 2018. During this meeting, judicial and legal experts from different regions drafted an initial proposal for a set of guidelines on judges' use of social media, based on existing regional and national standards and experiences, including the Bangalore Principles of Judicial Conduct and its Commentary.
3. UNODC is now in the process of collecting additional input and comments from the participants of the Global Judicial Integrity Network on the draft guidelines.
4. Through the network of Constitutional and Supreme Courts and equivalent bodies participating in the Joint Council on Constitutional Justice ([https://www.venice.coe.int/WebForms/pages/?p=01\\_Constitutional\\_Justice&lang=EN](https://www.venice.coe.int/WebForms/pages/?p=01_Constitutional_Justice&lang=EN)) in the Venice Commission's Member and Observer States, the Commission's Secretariat collected information on:
  - existing deontological rules or instructions issued by Constitutional Courts;
  - decisions issued by the Courts on issues related to the use of social media by (ordinary) judges.

## II. Overview of the replies received

5. Most of the contributions show that there are no specific rules on the use of social media but that the general deontological rules on judges' restraint in public expression apply also to social media.
6. Rules prohibiting certain uses of social media are being prepared in Costa Rica. In Switzerland, guidelines are being prepared according to which the use social networks is a matter of personal choice, which however requires particular attention in order not to raise doubts about the independence, impartiality and integrity of federal judges or to the reputation of the court.
7. Specific rules exist in the United Kingdom: "*judicial office-holders who blog ... must not identify themselves as members of the judiciary. They must also avoid expressing opinions which, were it to become known that they hold judicial office, could damage public confidence in their own impartiality or in the judiciary in general. This guidance also applies to blogs which purport to be anonymous. Failure to adhere to the guidance could ultimately result in disciplinary action.*" (see below)
8. The Judges' Ethics Committee of Israel adopted very detailed conclusions which *inter alia* provide that judges must refrain from viewing social media pages of parties or witnesses of pending proceedings (see below). Revised conclusions are expected to be published at the end of April 2019.

9. In Greece, the "Discussion Guide for the Expert Group Meeting" which was prepared in the framework of the Global Judicial Integrity Network in Vienna, on 5-7 November 2018, gives guidance to the judges.

10. The High Judicial Council of Belgium makes reference to guidelines of networks of judicial councils (European Network of Judicial Councils and Network of Francophone Councils of the Judiciary).

11. There is specific case-law on the use of social media in Costa Rica (freedom of expression of a judge criticizing journalists via the social media). The Federal Tribunal of Switzerland decided that judges can be present on social networks and make contacts there without their impartiality being *a priori* compromised.

12. Freedom of expression in social media was the subject of judgments in the Czech Republic (Facebook), Mexico (Twitter), Peru (Facebook, Instagram, Twitter).

13. In Ireland, judges generally are not present in social media.

14. Some courts point out that they are using social media to inform the public about the work of the court.

15. The European Court of Human Rights provided a very detailed research report on the general principles concerning "The Rights and Duties of Judges under Article 10 of the ECHR": [https://www.venice.coe.int/files/un\\_social\\_media/ech.pdf](https://www.venice.coe.int/files/un_social_media/ech.pdf)

16. In 2015, the Venice Commission adopted a Report on the Freedom of expression of Judges, CDL-AD(2015)018 ([https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2015\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)018-e)).

The national replies received are listed below in alphabetical order:

Austria – Constitutional Court	No specific regulations on the use of social media.
Azerbaijan – Constitutional Court	There are no instructions regarding the use by the Judges of the Constitutional Court of the Republic of Azerbaijan. No decisions have been adopted by the Constitutional Court concerning this issue.
Belgium – Constitutional Court	The Belgian Constitutional Court has not issued any specific instructions on the use of social media, other than the general rule in the organic law that the dignity of the office should not be infringed. On the website of the High Judicial Council two documents (in French) relate to this topic: <a href="http://www.csj.be/sites/default/files/press_publications/o0036e.pdf">http://www.csj.be/sites/default/files/press_publications/o0036e.pdf</a> (Report of the European Network of the Councils of the Judiciary on "Justice, Society and the Media 2011-2012": individual judges who use social media shall recognise the general ethical codes and breach of these codes shall be handled with ordinary disciplinary actions. It is recommended to use the highest privacy settings) and <a href="http://www.hrj.be/sites/default/files/Rapport_RFCMJ_Colloque_Bruxelles_2018.pdf">http://www.hrj.be/sites/default/files/Rapport_RFCMJ_Colloque_Bruxelles_2018.pdf</a> (2018 symposium of the Network of Francophone Judicial Councils recommending to authorise the use of social networks with some restrictions (secrecy of deliberations, requirement not to interfere with on-going proceedings, preservation of impartiality and independence, etc.). The judicial councils should also provide awareness-raising, information and support mechanisms for the judges.

Bosnia and Herzegovina – Constitutional Court	Regarding the Constitutional Court of Bosnia and Herzegovina, there are no rules or decisions that relate to this subject.
Costa Rica – Supreme Court	<p>Recently, the Plenary Court that acts as the administrative and governing body of the judiciary, has adopted a set of rules to prevent, identify and adequately manage the different conflicts of interest among judges. In these provisions, there are references and prohibitions to certain uses of social media. These rules are applicable to judges and other Court officials. These rules are not yet available, as they are in their final stage of approval and therefore are not yet public.</p> <p>The Court Regulations concerning the Technological Department of Information contain restrictions of certain uses of the Court computers, mainly restricting certain sites and therefore impeding access to social media, chats, and others through the technological devices provided by the Court. Art. 60.b. <a href="https://dtic.poder-judicial.go.cr/index.php/Replamento">https://dtic.poder-judicial.go.cr/index.php/Replamento</a></p> <p>On the other hand, the Constitutional Chamber decided a case in favor of a judge who sharply criticized journalists for their work. The Court squashed the course of the disciplinary proceedings installed against him for improper behavior in his private life. In a split 4/3 decision, the Court protected his right to free speech and held that he could not be processed for expressing a personal opinion. The dissenting vote observed that a Judge is though free to participate in social media platforms, he as a Judge is constrained to a judicial code of conduct and should avoid putting in jeopardy the independence, integrity and impartiality of the duties entrusted to him. <a href="https://nexuspi.poder-judicial.go.cr/document/sen-1-0007-858516">https://nexuspi.poder-judicial.go.cr/document/sen-1-0007-858516</a> 5 (in Spanish).</p>
Croatia – Constitutional Court	<p>Neither deontological rules nor instructions nor decisions issued by the Constitutional Court on issues related to the use of social media by judges exist.</p> <p>On the other hand, the Code of Judicial Ethics (Official Gazette no. 131/2006, hereinafter: Code) and certain laws and sub-laws are relevant as regards to judges of ordinary (and specialised) courts. Although the notion "social media" is not explicitly mentioned in any of the relevant acts, it is covered by the part that defines relations to the public, i.e. public speaking and appearances of judges.</p> <p>Firstly, some of the relevant provisions of the Courts Act (Official Gazette nos. 28/2013, 33/2015, 82/2015, 82/2016 and 67/2018, hereinafter: CA) read:</p> <p><i>Article 106</i></p> <p><i>(1) The Judicial Code of Ethics (hereinafter: the Code) shall establish ethical principles and rules of behaviour for judges, for the purpose of protecting the dignity and respectability of judicial function.</i></p> <p><i>(2) In performing their duties and in their spare time, judges shall respect the laws and the Code.</i></p> <p>According to Article 107 of the Courts Act the Code is issued by the Ethical Committee which is composed of presidents of all judicial councils in the Republic of Croatia. The Committee also issues the Guidelines for interpretation of the Code in accordance with Article 107a.4 of the Courts Act.</p> <p>Infringements of the Code are decided by judicial councils (Article 107a.1 of the CA) in the first instance proceedings, while in the second instance proceedings the Ethical council decides on objections to the first instance rulings (Article 107a.2 of the CA).</p> <p>Secondly, relevant parts of the Code of Judicial Ethics read:</p> <p><b>12. Relation to the public</b></p> <p><i>In his or her public appearances, a judge shall promote the reputation of the judicial profession.</i></p>

*A judge shall not express opinions on particular court proceedings that are pending and on the court decisions in these proceedings.*

*A judge may participate in public discussions on the law, the legal system and the functioning of the justice system.*

*When appearing in public, or when commenting on social phenomena through the public media, written articles, radio or TV programmes, at public conferences, lectures, etc., a judge shall endeavour to ensure that his or her appearance is based on regulations, and that the views the judge expresses and his or her overall conduct is in conformity with the provisions of this Code.*

*A judge shall avoid promoting himself or herself and expressing his or her views and opinions during the course of proceedings and in relation to these proceedings, especially through the media.*

#### **14. Infringements of the Code**

*Compliance with the Code is the obligation of a judge.*

*Anyone has the right to indicate a judge's conduct which is contrary to the provisions of this Code.*

*The president of the council of judges where the judge to whom the complaint relates*

*performs his or her office shall present the complaint to the council of judges.*

*The council of judges shall allow the judge to respond to the complaint. If the council of judges establishes that the complaint is founded, it shall render a decision establishing an infringement of this Code.*

*A judge shall have the right to object to the decision of the council on the infringement of this Code within eight days from the delivery of the decision. The Council referred to in Article 107 paragraph 2 of the Courts Act shall decide on the objection by a majority vote of all members of the Council.*

*The enforceable decision shall be delivered to the president of the court where the judge in question performs his or her office.*

*Provisions on the infringements of this Code have been in effect relating to infringements which occurred after its coming into force.*

Furthermore, **the Guidelines for interpretation and implementation of the Code of Judicial Ethics** (hereinafter: Guidelines) have been issued on 4 February 2016 by the Council of all judicial councils in the Republic of Croatia. The Guidelines are inseparable part of the Code, and they contain a commentary for the implementation of the Code. The Guidelines, as well as the Code, are based on the Bangalore Principles of Judicial Conduct and **the Instructions for the implementation of the Code** issued by the Associations of Croatian Judges.

Relevant part of the Guidelines read:

#### **12. Relation to the public**

(...)

*Judges should not be involved in public political polemics. The reason for that is obvious. The basis of the judicial vocation is to be impartial and objective, but also being seen like that in the eyes of the public. (...)*

*It is particularly emphasized that when a judge makes public appearances, or when he comments on social events through public media, written articles, radio or television programs, at public gatherings, lectures and the alike, he or she must strive to make its appearance based on regulations, overall behaviour in accordance with the provisions of this Code.*

*In any public appearance, the judge must keep in mind that his/her public opinion can be interpreted as an opinion of the judiciary as a whole, even when the judge emphasizes that this is his/her personal opinion.*

(...)

While the Guidelines (22 pages) are not translated in English, the Code is, so please find it at : [https://www.venice.coe.int/files/un\\_social\\_media/cro.pdf](https://www.venice.coe.int/files/un_social_media/cro.pdf).

	<p>Moreover, proceedings regarding infringements of the Code are <i>sui generis</i> proceedings regulated by <b>the Rules of Procedure for the Work of Judicial Councils no: Sv-3/09 of 21 May 2009</b>. According to Article 10 of the Rules of Procedure a judicial council will appropriately apply the Act on General Administrative Procedure (Official Gazette no. 47/09.). If infringements of the Code are found by judicial councils, decisions on infringement are of declaratory nature and there are no sanctions against a judge.</p> <p>The acts and rulings are available on the web site of the Supreme Court of the Republic of Croatia, but in Croatian language, at the end of the web page (link for the acts: <a href="http://www.vsrh.hr/EasyWeb.asp?pcpid=33">http://www.vsrh.hr/EasyWeb.asp?pcpid=33</a>, and link for first and second instance decisions: <a href="http://www.vsrh.hr/EasyWeb.asp?pcpid=3192">http://www.vsrh.hr/EasyWeb.asp?pcpid=3192</a>).</p> <p>Finally, <b>there are neither first instance nor second instance rulings</b> that explicitly relate to the use of social media by judges.</p>
Czech Republic – Constitutional Court	<p>The Constitutional Court of the Czech Republic has not issued any guidelines or instructions regarding the use of social media by Justices. However, its press officer resorts to social media on a daily basis.</p> <p>The Constitutional Court of the Czech Republic has not dealt with the case on the use of social media by judges. The only case regarding Facebook concerned a fine imposed on the applicant for his activities on Facebook allegedly reducing the authority of the Police. The case was reported to Codices under No. CZE-2014-3-009 (<a href="http://www.codices.coe.int/NXT/gateway.dll/CODICES/precis/eng/eur/cze/cze-2014-3-009?f=templates&amp;fn=default.htm">http://www.codices.coe.int/NXT/gateway.dll/CODICES/precis/eng/eur/cze/cze-2014-3-009?f=templates&amp;fn=default.htm</a>)</p>
Germany – Federal Constitutional Court	<p>1) In November 2017, the Federal Constitutional Court adopted its Code of Conduct (<a href="https://www.bundesverfassungsgericht.de/EN/Richter/Verhaltensleitlinie/Verhaltensleitlinien_node.html">https://www.bundesverfassungsgericht.de/EN/Richter/Verhaltensleitlinie/Verhaltensleitlinien_node.html</a>), which does not explicitly address the Justices' use of social media. However, the first of the Code's General Principles states that "in all matters, both official and unofficial, the Justices of the Federal Constitutional Court conduct themselves in a way that does not compromise the reputation of the Court, the dignity of their office or confidence in their independence, impartiality, neutrality and integrity".</p> <p>2) Until now, the Federal Constitutional Court has not decided on this particular matter.</p>
Greece Council of State	<p>The use of social media by judges is not regulated specifically by Greek law. The general provisions of the disciplinary law of judges apply on the matter, which stipulate that the disgraceful (undignified) or discreditable behavior of a judge acting either within or outside his duties constitutes a disciplinary offense, whereas the public expression of an opinion by a judge does not constitute a disciplinary offense, unless this public opinion is directed to undermine the authority of justice or to favor or disfavor a particular political party or other political organization. (See Art. 91 para. 2 d and para. 4b of the Greek Code of Courts and Judges [Statute 1756/1988] as this particular Article was replaced since 2.4.2012 by Art. 106 para. 3 of Statute 4055/2012).</p> <p>At the end of 2018, the President of the Council of State ordered the publication on the Internet page of the Council of a (summary) translation (in Greek) of the "Discussion Guide for the Expert Group Meeting" which was prepared in the framework of the Global Judicial Integrity Network in Vienna, on 5-7 November 2018. It would be safe to say that what was accepted during this meeting as regards the proper conduct of judges involved in the social media is for the moment considered as guidelines by the Council of State.</p> <p>Other than that there are no other judicial decisions or official administrative guidelines issued by the Council on the issue.</p>

	<p>Attached below are the following documents: 1) The aforementioned Discussion Guide for the Expert Group Meeting of 5-7 November 2018 (in English) 2) The study paper on the topic of "Judges and the Social Media", which was prepared by former students of the Greek National Judge School (civil and criminal jurisdiction) and was presented by them in June 2015, in the framework of the THEMIS European Competition of the European Judicial Training Network on Judicial Ethics and Professional Conduct</p> <p><a href="https://www.venice.coe.int/files/un_social_media/gre.pdf">https://www.venice.coe.int/files/un_social_media/gre.pdf</a>..</p> <p><a href="https://www.venice.coe.int/files/un_social_media/unodc.pdf">https://www.venice.coe.int/files/un_social_media/unodc.pdf</a>..</p>
<p>Hungary – Constitutional Court</p>	<p>At the Constitutional Court there is no specific regulation or code of conduct on this very issue. However, Section 16(3) of the Rules of Procedure is to be applied in these cases.</p> <p>It reads: "The judge of the Constitutional Court shall notify the President prior to any public appearance – in particular at professional, scientific and social events or programmes – in a topic related to the operation of the Constitutional Court and to the tasks and competences thereof, as well as before any publication in the above topics. In addition, the judge of the Constitutional Court shall notify the President if any staff member of the Constitutional Court appears in the general public in a topic related to the operation of the Constitutional Court and to the tasks and competences thereof, as well as any significant publication by the staff member in the above topics."</p> <p>The full text of the Rules of Procedure is available at: <a href="https://hunconcourt.hu/rules-of-procedure/">https://hunconcourt.hu/rules-of-procedure/</a></p>
<p>Ireland – Supreme Court</p>	<p>There are no guidelines in Ireland on judges' use of social media but it is worth mentioning that judges in Ireland generally do not have any public presence on social media.</p>
<p>Israel – Supreme Court</p>	<p>In 2013, the Israeli Judges' Ethics Committee adopted conclusions (summary attached) according to which Judges should not be prevented from using social media but they should not use their judicial title. "Friendship" with lawyers on social media, in and of itself, do not necessarily constitute a cause for automatic disqualification of judges. Judges must refrain from expressions on social media regarding a matter that is pending before them and they must refrain from viewing social media pages of parties or witnesses of pending proceedings. Judges must not post their judgments on social media and they should not express their positions on professional matters through social media and not provide responses to matters that were published about them. Judges' training on social media for judges was recommended. Revised conclusions are expected for the end of April 2019.</p> <p><a href="https://www.venice.coe.int/files/un_social_media/isr.pdf">https://www.venice.coe.int/files/un_social_media/isr.pdf</a>.</p>
<p>Kosovo – Constitutional Court</p>	<p>The Constitutional Court has not issued such rules and didn't have any cases or decisions related to this topic thus far.</p>
<p>Mexico – Supreme Court</p>	<p>Existing deontological rules or instructions issued by Constitutional Courts and equivalent bodies;</p> <p>The Supreme Court of Justice hasn't issued any deontological rules or instructions related to the use of social media by judges.</p> <p>Decisions issued by the Courts on issues related to the use of social media by (ordinary) judges.</p>

	<p>In the session held on the 20<sup>th</sup> March 2019, the Second Chamber of the Mexican Supreme Court of Justice seized the <i>Amparo in Review</i> 1005/2018. The case concerned the <i>blocking</i> of a journalist's Twitter account by the Attorney General of the State of Veracruz. In 2017, the said authority prevented the journalist from knowing general interest data related to the exercise of his public assignment. The interaction of two rights is raised in the analysis of the case: the right to privacy (in the case of public servants) and the right of access to information. The Second Chamber of the MSCJ determined that the journalist's right of access to information should prevail over the right to privacy of the public servant. Also, the Second Chamber reiterated that the obligation for the public servant to <i>unblock</i> the journalist's Twitter account was not disproportionate nor did it unduly affect his rights. In addition, it should be noted that the Attorney General voluntarily used this account to disseminate information regarding the performance of his administration.</p> <p>The public version of the sentence is available at: <a href="https://bit.ly/2Crlq3e">https://bit.ly/2Crlq3e</a>.</p>
Moldova, Republic – Constitutional Court	<p>The Constitutional Court of the Republic of Moldova has no deontological rules or instructions on its judges' use of social media.</p>
Norway – Supreme Court	<p>The Supreme Court of Norway has not issued any decisions or any deontological rules regarding judges' use of social media.</p>
Peru – Constitutional Court	<p>The Constitutional Court of Peru has in process the case of Iriarte vs. Cateriano, also called the "Twitter Case" and its process is as follows</p> <ul style="list-style-type: none"> <li>□ Mr. Iriarte alleges that his constitutional rights of access to public information, freedom of speech and freedom of information have been infringed. Mr. Iriarte claims that blocking his account will not allow him to have access to information which is of public and general interest, since the account is (@PcaterianoB) is used as both a personal account and a professional account.</li> <li>□ The former president of the Council of Ministers Pedro Cateriano (lawyer graduated by the Pontificia Universidad Católica del Perú) holds a Twitter account (@PcaterianoB) in which he informed the citizens about events related to the accomplishes of his functions and official activities of the public position he had.</li> <li>□ Erick Américo Iriarte Ahon files an action of protection against the judicial resolution issued by the First Jury Specialized in Constitutional topics which declared UNFOUNDED the claim. Arguing that social media such as Facebook, Instagram, Twitter have limited access, also that Mr. Cateriano has the right to interact in social media with whom he considers convenient. In addition, the blockage does not preclude Mr. Iriarte from receiving and emitting news of public interest. Therefore blocking Mr. Iriarte Twitter account does not violate the constitutional rights mentioned.</li> <li>□ Mr. Iriarte appealed to the Superior Court of Justice which declared the claim unfounded. First the Superior Court argues that Mr. Cateriano does not hold the charge of President of the Council of Ministers. Finally the Court argues that Mr. Cateriano has the right to choose the people with which he will interact.</li> <li>□ Finally, with date 22 May 2015 Mr. Iriarte files an action of protection against Pedro Álvaro Cateriano Bellido, in his quality of ex president of the Council of Ministers. He alleges that his constitutional rights of access to public information, freedom of speech and freedom of information have been infringed.</li> <li>□ This sentence has been received by the Constitutional Court, and is currently being analyzed and worked upon hardly, since this is a case of importance and it represents a challenge of the judiciary to evolve and adapt itself regarding technological matters.</li> </ul>



<p>Russian Federation – Constitutional Court</p>	<p>The legislation of the Russian Federation on the judicial system does not contain rules governing the use of social media by judges. At the same time, there is a Code of Judicial Ethics, which regulates the general issues of the conduct of judges. The Council of Judges of the Russian Federation recommends the use of social networks, taking into account the principles contained in the Code. A judge should exercise her/his right to freedom of opinion in a way that is compatible with the limitations related to the judge's status. Extracts of the Code of Judicial Ethics are attached below.</p> <p><a href="https://www.venice.coe.int/files/un_social_media/rus.pdf">https://www.venice.coe.int/files/un_social_media/rus.pdf</a></p>
<p>Serbia – Constitutional Court</p>	<p>So far, the Constitutional Court of the Republic of Serbia has not issued deontological rules or instructions, or decisions on issues related to the use of social media by (ordinary) judges.</p>
<p>Slovakia – Constitutional Court</p>	<p>The Constitutional Court does not have any deontological rules or case-law regarding the use of social media by judges. The Judicial Council has issued a deontological code for judges, but it is silent about social media.</p>
<p>Slovenia – Constitutional Court</p>	<p>The Slovenian Constitutional Court does not have any rules for the judges' use of social media. We also have no case law on the use of social media by judges.</p> <p>There has been some discussion on whether the Court should become more active on social media, but up to now no decision has been reached.</p>
<p>South Africa – Constitutional Court</p>	<p>In the Code of Judicial Conduct (attached below) adopted in terms of section 12 of the JSC Act, on 18 October 2012 there is no explicit reference to social media in the Code. However, Article 11, which is titled restraint (potentially 12 and 14 titled Association and Extra-judicial activities on active service, respectively – depending on the context) could cover a judge's conduct on or use of social media and other public media platforms.</p> <p><a href="https://www.venice.coe.int/files/un_social_media/rsa.pdf">https://www.venice.coe.int/files/un_social_media/rsa.pdf</a>.</p>

Switzerland – Federal Court	<p>Meeting in plenum on 18 November 2018, the Judges of the Swiss Federal Court have decided to express in written form guidelines (<i>usages</i>) to which they conform. The guidelines relate to the participation of judges in social networks and state that the use of social networks is a matter of personal choice, which however requires particular attention in order not to raise doubts about the independence, impartiality and integrity of federal judges or to the reputation of the court.</p> <p>The final text of the guidelines is currently the subject of linguistic fine tuning. As soon as the document is available in the three official languages (German / French / Italian), it will be submitted once again to the plenum. Subsequently, probably in the summer of 2019, the official and final version of the guidelines uses will be published on the Tribunal's website in the three official languages.</p> <p>Attached below (in French) is a judgment of the Federal Court (ATF 144 I 159) which addresses the issue whether a Facebook "friendship" between a party to the proceedings and a judge of first instance leads to a challenge of the latter.</p> <p>According to this decision, the mere fact of being a "friend" on Facebook - in the absence of other elements - does not in itself make it possible to conclude that there is a friendly relationship excluding the judge. Thus, judges can be present on social networks and make contacts there without their impartiality being <i>a priori</i> compromised. Otherwise, the Federal Court has not yet had the opportunity to examine the ethical obligations of judges who use social media.</p> <p><a href="https://www.venice.coe.int/files/un_social_media/swz.pdf">https://www.venice.coe.int/files/un_social_media/swz.pdf</a>.</p>
United Kingdom – Supreme Court	<p>The current Judicial Conduct Guidance is available here: <a href="https://www.judiciary.uk/wp-content/uploads/2016/07/judicial-conduct-v2018-final-2.pdf">https://www.judiciary.uk/wp-content/uploads/2016/07/judicial-conduct-v2018-final-2.pdf</a>. It contains guidance on social media use at page 20:</p> <p><b><i>“Social networking, blogging and Twitter</i></b></p> <p><i>Whilst the use of social networking is a matter of personal choice, judges’ attention is drawn to the following guidance that the Judicial Technology Committee has issued on the security aspects of this medium.<sup>26</sup></i></p> <p><i>Although there is no specific guidance on this matter, members of the judiciary are encouraged to bear in mind that the spread of information and use of technology means it is increasingly easy to undertake ‘jigsaw’ research which allows individuals to piece together information from various independent sources. Judges should try to ensure that information about their personal life and home address are not available online. A simple way for judges to check is to type their name into an internet search engine such as Google. Care should also be taken both by the judge and their close family members and friends to avoid the judge’s personal details from entering the public domain through social networking systems such as Facebook or Twitter.</i></p> <p><i>Judges should also be wary of:</i></p> <ol style="list-style-type: none"> <li><i>1. Publishing more personal information than is necessary (particular with a view to the risk of fraud.)</i></li> <li><i>2. Posting information which could result in a risk to personal safety. For example, details of holiday plans and information about family.</i></li> <li><i>3. Automatic privacy settings. Often it is possible to raise privacy settings within social media forums.</i></li> <li><i>4. Lack of control over data once posted.</i></li> <li><i>5. Posting photographs of themselves in casual settings whether alone or with family members and/ or friends.</i></li> </ol> <p><i>Attention is also drawn to the guidance on blogging by judicial office-holders issued on behalf of the Senior Presiding Judge and the Senior President of Tribunals on 8 August 2012. The guidance is also available on the judicial intranet.<sup>27</sup></i></p> <p><i>In short, the guidance states that whilst blogging by members of the judiciary is not prohibited, judicial office-holders who blog (or who post comments on other people’s</i></p>

*blogs) must not identify themselves as members of the judiciary. They must also avoid expressing opinions which, were it to become known that they hold judicial office, could damage public confidence in their own impartiality or in the judiciary in general. This guidance also applies to blogs which purport to be anonymous. Failure to adhere to the guidance could ultimately result in disciplinary action.”*

<sup>26</sup> <https://intranet.judiciary.gov.uk/wp-content/uploads/2012/09/data-responsibilities-2015-final.pdf>

<sup>27</sup> <https://intranet.judiciary.gov.uk/practical-matters/it/it-guidance/blogging-guidance/>

Judicial Conduct Guidance also refer to Guidance on Judicial Blogging, however, that isn't in the public domain.