



For immediate release – 20 May 2011

PRESS RELEASE

UK: Review Calls for Limits on “Super-Injunctions”

London 20.05.11: A special review released today by a UK panel has recommended that limitations be placed on “super-injunctions” which prohibit all discussion of gagging orders.

The review, chaired by Lord Neuberger, the Master of the Rolls -the most senior civil law judge in the UK - provides new procedures on how to balance open justice and the right to privacy and other rights. However, it does not recommend that they should be banned but rather only be more regulated. The report also does not address the issue of the use of social media such as Twitter to break injunctions.

“The Lord Neuberger report sets important guidelines that judges should follow. It is now time for the use of super injunctions to be stopped,” said Dr Agnes Callamard, ARTICLE 19 Executive Director.

An informal review by ARTICLE 19 of international practice found that the use of “super-injunctions” was not supported in other Commonwealth jurisdictions and did not seem to be a common practice in any jurisdiction.

“ARTICLE 19 believes that super injunctions are illegitimate limits to freedom of expression and that they should be prohibited,” continued Dr Callamard. *“Continued misuse of these orders encourages dictators globally to use them.”*

Under international law, prior censorship such as injunctions can only be used in the most limited circumstances. Super-injunctions are an extreme version of prior censorship. The Committee distinguished them as orders “which prohibit the publicising or informing others of the existence of the order and the proceedings” and contrasted them from anonymised injunctions which allow reporting of proceedings while banning the identification of one or both of the parties and specific confidential information. The committee report found that following the public controversies in 2009 over their misuse, only a few super-injunctions have actually been issued recently.

Super-injunctions have mostly been used in the context of cases involving the release of information about an individual’s personal life but also in other cases involving dubious activities by companies.

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NOTES TO EDITORS:

- The full text of the report is available is available here:
<http://www.judiciary.gov.uk/media/media-releases/2011/committee-reports-findings-super-injunctions-20052011>
- For more information please contact: David Banisar, Senior Legal Counsel, ARTICLE 19, banisar@article19.org, +44 207 324 2500
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.