



Things to know before disclosing an experience of abuse on social media

Disclosing an experience of abuse can be a powerful step. For some, this can mean speaking to a loved one or to a support worker. For others it can also mean disclosing the abuse on social media.

No one can deny the value that social media has had in building solidarity among survivors. We only need to look at movements like #MeToo which have prompted survivors around the world to share their stories and collectively demand justice.

At the same time, when deciding whether to make a public disclosure, it is very important to consider the legal risks in full.

In this resource, we describe some legal considerations that should be taken into account before posting about an experience of abuse on social media. These can also apply if you are thinking of telling your story to a journalist.

We know some things on this list may seem daunting and may be concerning. This resource is not designed to discourage you from sharing your experience, but to make sure you are aware of the legal risks of doing so. Whether you choose to disclose your experience publicly or not, please know that support is available and [our Centre is here to help](#).

Before reading on, remember that this list is not exhaustive and is not a replacement for legal advice specific to your situation. Always make sure to get legal advice to help you understand your options. If you are in immediate danger, call the police on 999.

Posting on social media is considered publishing under the law

While posting on social media can feel like you are simply communicating with your close circles, in the eyes of the law it is considered publishing. This is relevant, because there may be legal implications when you share information on your social media accounts, especially if it is about another person.

It is very important that you are informed about any legal risks and consequences before sharing an experience of abuse in this way. This doesn't mean you shouldn't speak up or share what happened to you. What it does mean is that it's always a good

idea to consider the risks before going public and, if you have any concerns, seek advice.

When you post something online, it can be hard to control what happens to it later

Always keep in mind that anything that you post online can be shared more widely than you initially anticipated. This is true even if you have only a few followers or you are using less well known social media platforms.

Although you may delete your original post, in some cases it may live on. It can be captured in a screengrab, printed, downloaded, or copied. Sometimes it is also possible to recover it using an internet archive site.

It is not always easy to retract from something that you published online

Once you post your story on social media or speak about it to the press, the information is out in the public domain, and it cannot easily be retracted.

When speaking to a journalist, you can ask for your identity to be hidden. However, in Scotland there is no full guarantee that your identity will be protected. This is why it is always good to reflect on any impact that publishing your story could have on your personal life. This can include your work, school, relationships with family and friends, etc.

In Scotland, the law does not guarantee anonymity for victims of sexual crimes

When reporting on a court case, the media will usually respect the privacy of victims. This means they would not share the victim's name or any information that could lead to their identification. But because this is a convention rather than a right by law, anonymity is never fully guaranteed in Scotland. It is also worth considering that bloggers and smaller media outlets may not follow this convention.

You can request specific orders from the court to protect your identity. If a person breaches these orders, it could be what is known as 'contempt of court' (interfering with court proceedings).

However, when you share information online, others may be able to identify you from it. This could undermine efforts to protect your anonymity in later court proceedings. There is also a risk that it could undermine or even possibly breach an order.

A public disclosure could unintentionally reveal the identity of other survivors protected by the law in the rest of the UK

In England and Wales, survivors of sexual crimes are entitled to lifelong anonymity. If you publish the names of other victims who were abused by the same perpetrator outside of Scotland (or if your social media post could lead to their identification), you could be breaking the law.

Again, it is always good to consider carefully what information you disclose and how.

Workplace policies can limit what you can say about the abuse you experienced at work

If you are considering making a post about gender-based violence which took place at work, involved a colleague, or otherwise implicates your employer, this could have consequences for your employment. We suggest you check your employer's Social Media Policy and other relevant workplace policies before you publish your experience or share it with a journalist.

There could be an impact on any related court processes

Posting about your experience on social media, or speaking about it to the press, may have an impact on any related court proceedings. In some cases, the perpetrator could try to argue that the information which was shared publicly could limit their right to a fair trial.

We would recommend speaking with the police, the Procurator Fiscal or a solicitor if your case might go to court or is already in court and you are thinking of publishing your story.

Make sure to have these conversations before you decide to publish any information online or in the press.

There is a risk that the abuser could use your public disclosure against you

In some circumstances, a perpetrator might try to use what you post on social media or say to the press against you. For example, they could report you to the police. This is why it is essential that you get advice before posting anything.

Anything you post or say to the press could be used as evidence in court

What you share on social media or with the press could potentially be used to try to undermine your own evidence. In some cases your posts may be put to you in cross-examination, and potentially taken out of context. This could be a very upsetting experience.

This is why it is so important that you speak to a solicitor before sharing your experience online or with the media.

In some circumstances, a defamation action could be raised against you

If someone believes their reputation has been damaged by something that was posted about them on social media, they may bring a defamation action against you. This can be a complex area of the law, and whilst there may be defences to this type of action - including that what you said was a true statement - you may still end up involved in a court case. We would recommend speaking to a solicitor about this.

Not naming the perpetrator in your post will not necessarily protect you from legal consequences. Action can still be brought if the post has enough information to identify the individual.

If you have already made a disclosure on your social media

The information in this resource may feel overwhelming. If you have already made a disclosure on your social media and have any concerns about this there are options. Speaking to a solicitor will help you to understand your options and rights.

Ultimately, the decision to share your experience on a public platform is yours to make. We hope that the information here will help you make the decision that is right for you.

Where to get legal advice

- If you have questions about your rights or you need legal advice or information, you can contact our Legal Helpline on 08088 101 789 (see [opening times here](#)).
- You can also [find a solicitor](#) on the Law Society of Scotland's website or using our 'find a solicitor' tool (<https://www.scottishwomensrightscentre.org.uk/solicitors/>)

- If you need to talk to someone about your experience, know that you're not alone. Here you can find [organisations that can support you](#).