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1) Press guidelines (Subgroup 1)

1.1 Questions

- Does the Judiciary in your country work with press guidelines?(If so, please send a translated version) Note: indicate or these guidelines also apply for the prosecution office. What is the primary goal of these guidelines?

- Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?

- Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?

- What problems does the Judiciary encounter in applying these guidelines in practice?

- Has there been any form of consultation with the media about these guidelines? If so,

in what form?

- Has there been any form of evaluation of the guidelines? If so, what were the main results?

1.2. Replies

Austria:

There are guidelines created by the Austrian Ministry of Justice. These guidelines regulate the responsibilities and duties of the spokespersons are to apply both from the spokespersons of the courts and the prosecution offices.

The primary goal is to give regulations to the spokespersons. The main problem is that journalists always want more information than the press - judge is allowed to give. They aim at the press-judges and not at the media.

There was no consultation with the media about these guidelines.

At the moment, these guidelines are evaluated.

Belgium:

- Does the Judiciary in your country work with press guidelines?

Yes (see included) ; they apply for the judges. There are other guidelines for the prosecution office (we'll send them later on)

- What is the primary goal of these guidelines?

To point out the role of press magistrates and to set out a number of basic rules and recommendations for the relations between media and the judiciary. They are very general and for special cases we make specific agreements.

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

They were developed in 2000, originally in consultation with representatives of the media. They need to be updated.

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

When we work with accreditation (f.e. in bigger cases with large media interest) we can withdraw the accreditation.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

Some of the guidelines are outdated and need to be reviewed. Our High Council is creating a working group (press judges, spokesmen, journalists) to deal with that. We will have this meeting on December 20 th.

In bigger cases or for documentaries specific arrangements are made.

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

See above

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

Not yet until now.

Bulgaria:

There is a media strategy of court in the Bulgarian legal system accepted by Concil of Judiciary. There is a media strategy which is accepted in the prosecutor's office aside from that.

The purpose of the strategy: The preserving of the people's right to be informed unless there is a law prohibiting of certain types of information. This strategy explains that the media seeks to explain that laws are the main protection of society and the average citizen and that it is an obligation of the court to equally apply the rules and not to comment on them.

According to the law the court of the Bulgarian republic accepts the strategy of media politics in court. There is a risk of violating image of the court if the information presented is incorrect and may confuse the society.

The sanctions are according to the order of the criminal code for aspersion.

There are plans for courses for reporters in seminars that include topics such as changes in the legislation of the Bulgarian republic.

Sometimes meetings are arranged with the media , informal contact with them and encouragements in the end of the year for legal reporters .

Denmark:

The rules and regulations regarding the mass media and court proceedings are laid down in the Danish Administration of Justice Act. The Act sets out the rules regarding reporting restrictions such as media blackout, naming bans and closed door proceedings, and regulations regarding public transmission of proceedings (recording of images or sound).

The Administration of Justice Act is a legal instrument. Breach or infringement of the rules set out in the Administration of Justice Act regarding the mass media and court proceedings is subject to fines.

The rules set out in the Administration of Justice Act have been recommended by a committee of judges, lawyers, journalists and representatives of the mass media in Denmark. No evaluation of the rules has been carried out. The Danish judiciary does not generally experience problems in applying the rules in practice. However, the media do from time to time challenge the rules as being out of date and request a revision in order to address the increasing use of online and social media by journalists. (Unfortunately the Administration of Justice Act is not available in English.)

The Danish Court Administration has a set of internal press guidelines that must be followed by managers and employees of the Administration who act as spokespersons in relation to the media. The main purpose of the guidelines is to ensure that employees know how to deal with press enquiries and are aware of the roles and responsibilities in the area of media relations. The guidelines have been drawn up by the Communications department of the Danish Court Administration and do not apply to individual courts. We are not aware of any courts having their own press guidelines. (A translated version of the guidelines of the Danish Court Administration is attached.)

England & Wales:

- **Does the Judiciary in your country work with press guidelines?**

No

- **What is the primary goal of these guidelines?**

Not applicable

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

Not applicable

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

Not applicable

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

Not applicable

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

Not applicable

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

Not applicable

Hungary:

- **Does the Judiciary in your country work with press guidelines?**

In Hungary there is a regulation on the information activity of courts. It doesn't apply for the prosecution office. It is created by the National Council of Justice and apply just for the courts.

- **What is the primary goal of these guidelines?**

The primary goal of Hungarian regulation / guidelines is to determine on regulating the information activities of the courts giving quick, expert, authentic and clear information to the publicity with concerning protection of data privacy and restriction of open hearings. The press guidelines clarifies main task of spokespersons, press judges, principles of the information activities. The press judges may not express their own opinion the current or finished individual cases. The court may not distinguish among the media organs.

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

It is created by the Judiciary.

In Hungary doesn't exist so called information act/law. The press-guidelines relates only to the judiciary. It was created by the National Council of Justice without contribution and assistance of media/press.

- **Are there any possibilities to apply sanctions against the media when it doesn't follow these guidelines?**

In Hungary there are no possibilities to apply sanctions against the media when it doesn't follow these guidelines. The rules of this regulation apply only for the judges, press judges, jurisdiction employees press assistant, the court and the Office of the National Council of Justice.

The activity of information should be regulated by act or code. In accordance with this law

the media's activities and their rights and possibilities should be regulated involving the sanctions.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

Hungarian regulation determines the main rules of the information activities. This is a frame rules. In practice the main problem is how to handle the main principles: dignity privacy safety of the administration of judiciary, safety of the proceedings. Lack of rules the using of the audiovisual recordings and social media can cause some problems.

- **Has there been any form of consultation with the media about these guidelines?**

There has not been any form of consultation with the media about this regulation. In Hungary the Office of the National Council of Justice organizes a meeting annually for the spokespersons. On these meetings there are some experts or journalists from different mediums. These seminars or meetings give a good possibility to consult with the media about the problems of the guidelines. Usually press judges tell their expectations and vice versa. The participants / journalist and spokespersons / speak about their experiences.

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

Before creating of these guidelines, - above mentioned Hungarian regulation -, the press judges on their annual meeting discussed the main topics of the information activities and tried to realise the necessary rules. It was a consultation on that what kind of rules can help their work, what is the scope of the rules. After it the group of press judges suggested their opinion which had been considered by the Council. The current regulations can be evaluated by press judges on their meeting seminars.

If it is necessary the press judges can suggest the modifications.

Ireland:

- **Does the Judiciary in your country work with press guidelines?**

The judiciary in Ireland works independently and tends not to interact with the media. It is rare for the judiciary to give opinions and there are no formal guidelines in place at present. However, the judiciary must always be mindful that any personal opinion expressed cannot lead to any perception or accusation of bias in the future.

- **(If so, please send a translated version) Note: indicate if these guidelines also apply for the prosecution office.**

n/a

- **What is the primary goal of these guidelines?**

n/a

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

Judicial independence ensures that any interaction with the media is on a case-by-case basis. Certain practices prevail, such as not commenting on controversial issues or issues that may come to be determined by judges in the future. The approach to dealing with the media is shaped by an awareness of the need to reinforce and ensure the independence of the judiciary.

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

As the interaction is at the discretion of each individual judge and tends to be limited to specific topics, with a practice not to comment on issues that may arise before the bench. In terms of sanctions, the Criminal Procedure Act 2010, which came into effect on 1st September, 2010, seeks to address some of the shortcomings in the area of media reporting in criminal court cases. Section 4 of the Act of 2010 amends section 5 of the Criminal Justice Act 1993 by

extending the categories of offences for which victim impact statements may be made. Under the Act of 2010 the court may, in the interests of justice, order that information relating to the evidence given or part of such evidence shall not be published or broadcast. A person in breach of this provision shall be liable on summary conviction to a fine not exceeding €5,000 and/or 12 months imprisonment or, on indictment to a €50,000 fine and/or a term not exceeding three years imprisonment. Bodies corporate are also liable for prosecution, and any offence committed with the consent, connivance or approval or due to the neglect of a director, manager, secretary or other officer of the body corporate or any other person, that person as well as the body corporate, shall be guilty of an offence.

In addition, the judges can hold elements of the media in contempt of court for publishing material which creates a serious risk of an unfair trial and in terms of pre-trial publicity, it is clear that individuals facing trial must not have that trial prejudiced by reason of matters not yet proved in evidence.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

n/a

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

There is ongoing consultation between the media and the Courts Service - as distinct from the judiciary - so as to ensure that a cooperative relationship exists between the administrative organ of the Courts and the media.

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

Relations between the media and the Courts Service – as distinct from the judiciary - are reviewed so as to ensure that judgments delivered and matters affecting the judiciary are reported accurately.

Italy CSM:

In the Italian judicial system there are no guidelines disciplining institutional communication with the press on the part of the order of judges.

Lithuania:

- **Does the Judiciary in your country work with press guidelines?**

Yes, it does. There are “Rules on the providing information about the courts activities for the society and media”. The Rules were implemented by the decision of the Judicial Council of Lithuania in 2007. However, this legal act is under review now and the new version should be accomplished until the end of November, 2011.

- **What is the primary goal of these guidelines?**

The primary goal of these guidelines is to ensure the beneficial conditions to the society and representatives of mass media to get information about the courts activities in respecting human rights and liberties.

- **Are these guidelines created by the Judiciary, imposed by law or developed by media themselves?**

The Guidelines are created by the Judiciary and should be approved by the Judicial Council after discussion with the judges and representatives of mass media.

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

There are no sanctions against the media foreseen in the existing draft of the Guidelines.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

The guidelines we have is not very informative. One of the problems the judiciary faces is the possibility to make video/audio recording in the court session/ before the court session/ after the court session. Recording always makes the disruptive influence on the parties and on the judge. The court should take the necessary measures to keep the atmosphere of silence, seriousness and duly respect to the court.

The media requires the comments of the judge himself after the decision was announced. However the judges are quite reluctant to provide the comments for the media because it is very tense activity, the judge need to prepare for it.

The challenge for the courts is to predict the attitude of the media for the certain decisions of the court in certain cases and to be prepared to explain the real reasons of the unpopular decision, give commentaries.

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

During the process of the improving of our guidelines there were organized 5 meetings with the representatives of media on the topic of creation of the more practical, informative guidelines. These meetings were organized in the 5 biggest courts of Lithuania where people from media could discuss the perspectives of new guidelines.

- **Has there been any form of evaluation of guidelines? If so, what were the main results?**

We didn't evaluate the guidelines which are in force from 2007 till now.

The Netherlands:

- **Does the Judiciary in your country work with press guidelines? (If so, please send a translated version) Note: indicate or these guidelines also apply for the prosecution office.**

Until the year 2000, each court had its own set of rules and practices dealing with the press, a situation that had great potential to confuse journalists who attended hearings throughout the country. In 2003, however, the press judges drew up a set of guidelines for the press. The Press Guideline aimed to safeguard the public nature of the court system and the privacy of all those involved, as well as to ensure the uninterrupted progress of the proceedings. The first Press Guideline was very strict and the whole document had a defensive character toward the press. For instance, the only visual recordings allowed were those of the entry of the judges and the clerk of court into the courtroom and the reading of the charges and the judge's

verdict. A few years ago a debate began concerning these guidelines. Some, such as legal professionals, questioned the judicial legitimacy of the Press Guideline which, in their opinion, appear to conflict with the right of the individual regarding the public release of his or her images. Others think that our guideline is too strict and prefer a broadening of the entry conditions for camera teams in the courtroom and are even considering giving permission for filming entire hearings. In response to these critics the Judiciary draws a new set of guidelines and presented these in 2008 to the press. (A translated version in English is enclosed). These guidelines apply exclusively for the Judiciary. The prosecution office has got its own Press Guideline concerning detection and prosecution of criminal facts. This Press Guideline also applies for the Dutch police.

- **What is the primary goal of these guidelines?**

The Press Guideline explains to the staff of the courts – and hence to the press as well – the interests involved in matters relating to the public nature of the administration of justice and how and by whom these interests are weighed. The Press Guideline also clarifies what the press may expect of the staff of the courts and how the courts should brief the press before, during and after court proceedings. It also regulates a number of practical matters.

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

These guidelines are created by a working group of the Judiciary and have no legal bias. The Dutch association of journalists, the prosecution office and the bar were consulted and had the opportunity to comment on a draft of the guidelines during the development phase. Their comments were implemented in the definite version.

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

Occasionally journalists violate the guidelines, for instance by not respecting the privacy of the defendants, filming public in the court building or by disrespecting embargo on information. There are no formal sanctions but usually the courts threaten with or actually take more or less symbolic measures by warning for exclusion for a short period out of the court building. Usually the conflict is settled during a meeting with the president of the court.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

The main problem in the Netherlands is that the Press Guideline still are not applied unambiguously. A recent study showed that the journalists experience differences between the courts. What is allowed in one court is forbidden in another court based upon the same Press Guideline. Some of the guidelines in the Press Guideline are not formulated clear enough and can be interpreted in several ways. To solve that problem a group of press judges and communication officers was asked to participate in an expertise group. This group made interpretations of the Press Guideline and this was very useful for interpreting these guidelines in practice.

Another problem is that the media are developing fast, for example for several years there were no guidelines on social media.

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

A delegation of journalists has been invited to give comments on a draft of the Press Guideline.

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

As indicated, the Press Guideline was object of a recent study. Journalists, press judges and communication officers from the courts received a questionnaire on the working of the Press Guideline in practice. In general, these groups were reasonable satisfied with the working of the Press Guideline in practice, only the journalists complained about the different ways the Press Guideline are applied in the Dutch courts.

Norway:

Norway has useful guidelines for judges, which are public and sometimes used by the media themselves. The prosecution and police has there own guidelines.

The guidelines in Norwegian are available here:

<http://www.juristforbundet.no/Global/Juristforbundet/Dokumenter/dommerbok.pdf>

The primary goal is to help judges to interpret the legislation on medias access to courts and to give some advice on how to handle it.

The guidelines are created by the judges association. Media has there own guidelines where parts are specifically related to the judiciary.

Sanctions against media are related to procedural law, not to the guidelines.

The main problems with applying the guidelines are related to a complex regulation, which is not collected in one act, but spread in many. Parts of the regulation are questions of judicial assessments. There have been discussions with media organizations about the guidelines. They are well accepted and sometimes used by the media themselves to make a court to change their routines.

We have had no evaluation, but have plans to audit and update the guidelines.

Poland:

In Polish judicial system guidelines of communicating with the press generally do not exist in any form. The content and quality of relationships of justice system and the press are formed individually and specifically for particular individuals.

Portugal:

Portugal has no guidelines for the relations with the press.

Romania:

- **Does the Judiciary in your country work with press guidelines? (If so, please send a translated version) Note: indicate or these guidelines also apply for the prosecution office. What is the primary goal of these guidelines?**

Yes.

The guide for best practices for the cooperation between courts, prosecutors' offices attached to them and mass media, approved by Decision of the Superior Council of Magistracy's Plenum no. 277 of the 13th of April 2006.

The guide for best practices for the cooperation between the spokesperson of the Superior Council of Magistracy, his/hers homologues from courts and prosecutors' offices attached to it and mass media, approved by Decision of the Superior Council of Magistracy's Plenum no. 542 of the 5th of June 2008.

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

The two guides were created by the judiciary, after the consultation of press institutions and the civil society.

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

No.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

Non-unitary application and interpretation of the guidelines, a high degree of interpretability of the included recommendations.

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

Debates/joint seminars and proposals to amend the guides.

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

From the experience of the courts and spokespersons, after the discussions held in conferences and debates, it was an agreement on the necessity to amend(improve) and update the guidelines.

Slovenia:

No, we do not have guidelines. In Courts Act is defined only which information are allowed to be given to the media in different parts of the proceedings.

Spain:

- **Work The judiciary in your country with guidelines of the press? (If so, please send a translated version) Note: These guidelines indicate or apply to the prosecution.**

There is a communication protocol, adopted in 2004, which is configured as a manual of good practices for relations with the media by the courts.

The prosecution is not part of the judiciary and is governed by its own organic statute. A Statement of Attorney General for relations with the press.

- **What is the main purpose of these guidelines?**

It is to reconcile the right to information to the judicial work and the preservation of security of all citizens, very significantly from the presumption of innocence. It is, in short, to regulate the information that, without reducing the required guarantees or secret, can and should be offered to citizens.

- **Are these guidelines created by the judiciary, imposed by law or developed by the same means of communication?**

There is no legal regulation in this regard beyond the provisions of the laws regarding the secret prosecution of the proceedings.

Regarding the media, there is also a legal vacuum, which is sometimes replaced by self-regulatory mechanisms are not always effective.

- **Is there any possibility of sanctions against the media when the media do not follow these guidelines?**

In the absence of specific legislation of the press, were covered by the ordinary law in force, as all other citizens.

- **What problems are the Judiciary in the implementation of these guidelines in practice?**

I insist on the absence of specific legislation. On the other Spanish judges apply the law equally to all and possible crimes stemming from a bad practice to do with an offense covered in our laws, libel, slander ...

- **Has there been some form of consultation with the media about these guidelines? If so, how?**

The General Council of the Judiciary holds meetings, conferences and seminars regularly with the media to harmonize views on the matter. Also in the moments before the holding of trials of social impact, are agreed a set of rules for the correct development of the process.

- **Has there been some form of evaluation of the guidelines? If so, what were the main results?**

In general, the guidelines contained in the Protocol of Communication have been well evaluated by members of the judiciary and journalists who regularly cover the courts information.

Turkey:

- **Does the Judiciary in your country work with press guidelines? (If so, please send a translated version) Note: indicate or these guidelines also apply for the prosecution office.**

Yes, Our Judiciary work with the guidelines.

One of them is a Circular called “Confidentiality Of The Investigation And Informing The Press” which accepted by the High Councils of Judges and Prosecutors. It isn’t special guidelines that regulates relations between judiciary and media. But, it is possible to find important information about these issues.

This guideline apply only for the prosecution office, not judges and courts. In our country, judges doesn’t have opportunity to communicate directly to the press. If necessary, the prosecution office give a press satatement on behalf of the courts. Before the press statements, officer of the prosecution office (the chief prosecutor) should be seen the judges so as to prevent possible problems.

There are another rules relating to the judiciary and media, For example;

The Article 157 on “Confidentiality of the Investigation” of Criminal Procedures Code No. 157 states that “(1) Provided that the rights of defense are not harmed and the provisions set forth by the Code at the beginning are reserved, the procedures at the stage of investigation are confidential.”

The Article 285 on “Violation of the Confidentiality of the Investigation” of Turkish Penal Code No. 5237 states that “(1) The person who commits an open breach of the confidentiality of the investigation shall be sentenced to imprisonment from one year to three years. Nevertheless, the openness of the breach of confidentiality is not sought with regard to the decisions taken at the stage of investigation which must be kept confidential in accordance with the Code and to the operations that pertain to those decisions.

(2) According to the Code, the person who openly breaches the confidentiality of the statements and images pertaining to trials which must be held confidentially or are decided to be held confidentially in accordance with the Code shall be punished according to the 1st paragraph. Nevertheless, for the constitution of this crime, the openness of the breach of confidentiality is not sought concerning the breach of the decision of confidentiality which is taken in order to protect the witness.

(3) In case these crimes are committed through press and media, the punishment shall be increased by half.

(4) In case images of persons which might result in their being labeled as criminals are published or broadcasted at investigation and prosecution stage, the offender shall be sentenced to imprisonment from six months to two years.”

The Article 3 on “Freedom of the Press” of the Press Law No. 5187 states that “Press is free. This freedom includes the right to demand, to disseminate, to criticize, to interpret information and to create works.”

In accordance with the requirements of a democratic society, freedom of the press can only be restricted so as to protect others’ reputation and rights, public health and morality, national security, public order, public safety and territorial integrity, to prevent the disclosure of State secrets or crime, and to ensure the authority and independence of the judiciary.”

The 1st paragraph of the Article 19 on “Influencing the Judiciary” states that “within the period beginning from the commencement of preliminary investigation until the decreeing of the decision for non-suit, a person who discloses the content of court documents and other documents that are related to Public Prosecutors, or judges shall be sentenced to a heavy fine from two billion [thousand] liras to fifty billion [thousand] liras. This fine cannot be less than ten billion [thousand] in regional temporary broadcasts or publishing and cannot be less than twenty billion [thousand] for permanent nationwide broadcasting or publishing.”

The Article 27 on “Implementation of confidentiality of the investigation” of the Instructions for Arrest, Detention and Statement-Taking states that “Unless being proven guilty by the law, everyone is innocent and the stage of investigation is confidential. Therefore, no one is allowed to declare the suspect “guilty” before the public, to put the suspect before the press, nor can the suspect be interviewed with questions and answers, suspect’s images cannot be taken and published/broadcasted and the investigation document cannot be disclosed by any means.”

- **What is the primary goal of these guidelines?**

The public has become increasingly interested in judicial events that take place across the country every day. The guidelines accepted to encounter these interests. The goal of these guidelines is to inform the society correctly, to give correct information to media and to protect confidential of investigation and personal rights.

- **Are these guidelines created by the Judiciary, imposed by law or developed by the media themselves?**

This guideline created by the Judiciary and the Parliament, not the media

- **Are there any possibilities to apply sanctions against the media when the media does not follow these guidelines?**

Yes there are some sanctions against the media, if it is possible.

- **What problems does the Judiciary encounter in applying these guidelines in practice?**

Usually the media in our country, does not act with caution regarding regulations to follow. Members of the press does not act carefully about the information and explanations of cases and protection of people rights and freedom. Despite press releases, they are not afraid to use unverified information.

- **Has there been any form of consultation with the media about these guidelines? If so, in what form?**

No

- **Has there been any form of evaluation of the guidelines? If so, what were the main results?**

No

2)Spokespersons on behalf of the judiciary: press judges/communication advisors

(Subgroup 2)

2.1 Questions

- **Does your country have spokespersons for the Judiciary in the form of press judges?**
- **If so, how are they selected and trained?**
- **What are their main tasks? On what topics do they speak to the press?**
- **How are they organized and is there any form of assembly for press judges?**
- **Do the courts in your country have communication advisors**

- If so, what are their main tasks?
- What is their relation with the press judges?
- Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?
- At what levels do press judges operate in your country?
- Do they include
 - a) national
 - b) regional
 - c) local?
- Do the functions and remit of the press judge vary in the different levels?

If so please give details of what areas the press judges cover and in what levels they operate?

- Are there standards applied to the appointment of press judges?

Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?

- What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?
- Do you agree that there should be an association or network of press judges both within a country and at a European level?
- Name best practices?

2.2. Replies

Austria:

The MoJ has one spokesperson and all regional courts and all district courts with more than ten judges have their own spokesperson, who is a judge. At the regional courts it is usually the Vice-President, at the district court it is the director. If the Vice-President is a judge for civil cases, a court can decide to have a criminal-judge as a spokesman for criminal cases.

There is a training for two days with journalists at the beginning and one or two years later a follow up for another two days.

Their main task is to provide the media with the wanted information about cases – most of all about criminal cases. There is no assembly for press judges.

We have no communication advisor.

- **Are there standards applied to the appointment of press judges?**

In common, the Vice-President of the court is appointed do be press judge, but there may be exceptions.

- **Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

The spokesperson should be able to explain the cases in a comprehensible way; should be within easy reach;

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

Vice-President

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

Yes

- **Name best practices?**

Regular meetings with the media at each court, offer information (f.e. in civil right cases; schedule of trials) in an easy way.

Belgium:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

We have press judges in almost every jurisdiction and spokesmen for the Prosecutors Office. For the Judiciary in general we don't have spokespersons. This is a serious lack.

- **If so, how are they selected and trained?**

They are mostly volunteers or appointed by their Presidents or Chief Prosecutors. It is a part time job for which they aren't set free of their normal functions. There is almost no support of any personnel.

There is a basic training (camera training for ½ day, and exchange of experiences by peers)

- **What are their main tasks? On what topics do they speak to the press?**

Press judges mostly give comment on procedural matters, give information in general about the justice system, about ongoing cases (date of trial, of judgments), give copies of judgments, organization of the media in big cases,...

See also joint 'Guidelines'

- **How are they organized and is there any form of assembly for press judges?**

Until now, there is no organization. Our High Council starts a project on December 20 th.

- **Do the courts in your country have communication advisors**

No

- **Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?**

No there aren't any job profiles. It is completely on a voluntary basis

- **At what levels do press judges operate in your country?**

At national, although in Wallonia (French speaking part of Belgium) not very well organised

- **Do the functions and remit of the press judge vary in the different levels?**

No, the function of a press judge is in general the same at every level (first instance, appeal, cassation)

- **Are there standards applied to the appointment of press judges?**

No, not really: the president of the court appoints his press judge. The press judge answers, under the authority of the president of the court, for the communications and the contacts with the press, without prejudice to the President's right to communicate with the press directly and personally, although that is the exception.

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

The press-briefing judge shall abstain from any value judgments on court rulings. When giving an explanation, he shall refrain from "policy-specific" statements. He shall be very reticent when the decision is still subject to challenge or is being challenged.

He shall not speak to the press about the cases he is handling or he has handled himself.

Other members of the court and their employees shall refrain from press contacts on matters related to their own court division, unless special permission or order given by the Chief Justice.

For specific information the press-briefing judge may put the press in contact with a specific colleague. In that case, neither the latter shall be mentioned by name, nor filmed or spoken interviews with him shall be broadcasted.

For the practical implementation of his tasks, a member of the registry can assist the press-briefing judge. The interpretation and elaboration of that assistance can be the subject of an arrangement between the press-briefing judge and the chief registrar.

The press-briefing judge's job description may be the subject of an arrangement that has more detail or is geared on a particular incident, between the Chief Justice and the press-briefing judge.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

Yes. We started a platform for press judges and spokesmen for the prosecutor's office on December 20th last year. We will have our first meeting in March this year.

This should be organised on a regular basis (every 2 years?) at a European level because all over Europe we meet the same problems. (TAIEX could be the organisation to do so)

Bulgaria:

There is a spokesman in every court. They contact the legal system with the public. There are judges and prosecutors in court as well as in the prosecutor's office who have professional and administrative experience and take responsibility for the institution they represent.

They provide the media the needed information about cases of which the public is interested in, they keep the archive of dispatches of the media which have become available and they take responsibility of the content they present.

Press conferences are held in front of the media , periodic briefings , press messages that stress particular cases and events. Judge-spokesmen coordinate their actions with the leader only – the leader representing the respective court. There are no forms of association with other judge-spokesmen.

According to the media guideline there should be a press judge on a national level in the supreme juridical court, on a regional level and second instance courts.

Press judges are mediators between court and society and their functions are the same for all.

Press judges can be judges with high authority and enough professional experience who know how to communicate properly with the media.

The Bulgarian guideline recommends that the role of the press judge is to uplift the juridical culture and to inform the society .There is a press judge in each appeal court and district court.

Yes, there should be a network of press judges both within a country and European level.

All spokesmen have a media pool in Bulgaria and meet at least once annually. This is the first step in my country for creating a united informative center of the juridical power. On these meetings we find lectures given from magistrates and journalist in order to inform about what has been done.

Denmark:

The Courts of Denmark have spokespersons - press judges - in most courts. The press judge is appointed by the relevant presiding judge and is an ordinary judge who works at the court he/she represents.

This spokesperson concept was introduced in 2008, and in 2011 a list of spokespersons on topics of particular interest to the media was added (topics such as the Enforcement Court, land registration and the Probate Court).

The main task of the press judges is to respond to enquiries from journalists on judicial matters. The enquiries may be assumed to concern both specific cases and more general aspects surrounding the activities of the courts, and the enquiries may involve requests for both background information and statements for quotation. The press judge is able to give a journalist a general impression of legal practice in a number of areas. The press judges do not represent the judiciary in general, but expresses a personal “expert” opinion or assessment in his capacity as a judge. Furthermore press judges are often involved in the planning and publication of press releases regarding specific cases of the individual court.

Enquiries concerning administrative aspects are not responded by the press judges (those are directed to the presiding judge of the individual court or – where matters of nationwide significance are concerned – by the Danish Court Administration).

The press judges meet in a formal network twice a year to exchange experiences and discuss current challenges in the field of press contact. The network is run by the Danish Court Administration. In addition, media training courses for press judges are conducted twice a year. In 2011 – as part of the media training programme – we invited a couple of journalists from news media in for a dialogue on the relationship between the courts and the media.

Each court also has someone (often the head of administration) who is responsible for coordinating the day-to-day communications activities of the court such as press contacts, local websites, visitors, etc. These people do not act as spokespersons.

The Danish Court Administration employs communications advisors, who are responsible for the general and joint communications activities of the Courts of Denmark including a general communications and press strategy and plan, website, intranet, day-to-day media relations, employee communications, the annual report and general communications advice. To a limited extent the communications advisors are available to assist the courts on complicated media relations issues that require special preparation and advice. The courts do not have their own communications advisors and only use external communications consultancy to a limited extent.

- **At what levels do press judges operate in your country?**

a) national

b) regional

c) local?

The Danish press judges operate at a local level as each individual court has appointed one. The Chairman of the Association of Danish Judges acts on behalf of the judges at national level

- **Do the functions and remit of the press judge vary in the different levels? If so please give details of what areas the press judges cover and in what levels they operate?**

All press judges have the same functions and remit. The Chairman of the Association of Danish Judges covers a broader variety of subjects and is able to express opinions on relevant “political” issues relating to the profession. He also acts as an expert on broad judicial issues and is the most available and frequently used spokesperson.

- **Are there standards applied to the appointment of press judges? Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

No standards are applied. However, a description of the required qualifications exists and was used when appointing the press judges.

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

The main task of the press judges is to respond to enquiries from journalists on judicial matters. The enquiries may be assumed to concern both specific cases and more general aspects surrounding the activities of the courts, and the enquiries may involve requests for both background information and statements for quotation. The press judge is able to give a journalist a general impression of legal practice in a number of areas. The press judge does not represent the judiciary in general, but expresses a personal “expert” opinion or assessment in his capacity as a judge. Furthermore press judges are often involved in the planning and publication of press releases regarding specific cases of the individual court.

Press judges do not respond to enquiries concerning administrative aspects; these are directed to the presiding judge of the individual court or – where matters of national significance are concerned – the Danish Court Administration.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

In Denmark we have a network of press judges at national level, which is very useful. A network at European level is probably a good idea – for inspiration and benchmarking.

- **Best practices**

The press judges meet in a formal network twice a year to exchange experiences and discuss current challenges in the field of press contact. The network is run by the Danish Court Administration. In addition, media training courses for press judges are conducted twice a year. In 2011 – as part of the media training programme – we invited a couple of journalists from news media for a dialogue on the relationship between the courts and the media.

Each court also has someone (often the head of administration) who is responsible for coordinating the day-to-day communications activities of the court such as press contacts, local websites, visitors, etc. These people do not act as spokespersons.

England & Wales:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

Yes, since 2006 there has been a panel of judges who are media trained. But other Judges, particularly the senior judiciary, also speak to the press.

- **If so, how are they selected and trained?**

The panel of media trained judges was initially selected to provide a cross section of disciplines and geographical coverage and was not from either the High Court or the Court of Appeal. The media judges were trained by a media consultant, including time in professional tv and radio studio. The training is refreshed annually. Like other judges giving media interviews they would normally be briefed by the press office and if appropriate, discussed with senior judiciary.

- **What are their main tasks? On what topics do they speak to the press?**

The intention is that they would be among the first choices for interviews in their specialist areas, and to talk in general terms about the role of a judge. They are also a resource to advise the press office on the merits and risks of a media interview.

- **How are they organized and is there any form of assembly for press judges?**

They meet annually, but the grouping is informal and interview requests are channeled through the press office and HHJ Cutler, the lead judge on the panel.

- **Do the courts in your country have communication advisors?**

Yes. For the Courts and Tribunals judiciary [about 3000 in total] and the magistracy [about 28,000] there is one Head of News and two press officers. There is a small team of advisers on internal judicial communications, and providing a judicial internet.

- **If so, what are their main tasks?**

Facilitating accurate and fair coverage of court cases, rebutting and correcting errors, explaining and publicizing judicial policy, pro-actively and re-actively arranging (or considering requests for) interviews; rebutting errors in press coverage.

- **What is their relation with the press judges?**

The Press Office briefs and coordinates requests for media interviews from the press judges and prepares the judges.

- **Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?**

These are not available

Hungary:

- **Does your country have spokespersons for the judiciary in the form of press judges?**

In Hungary all County Court (second instance / second level court), Capitol Court and Regional Courts, High Court employ at least one press judge with the possibility of more being appointed when deemed necessary. In most cases these positions are assigned to fulltime judges of the given organization and in the minority of cases the court have the possibility to use the services of third-party experts the relevant criteria being a college degree and substantial experience in the field of communication and / or PR. The Capital Court and the Office of The National Council of Justice have their own communication departments that are responsible, together with relevant press judges , for speaking on behalf of given court on cases and judgements.

In certain cases press assistants aid the work of pressjudges. When deemed necessary, the various courts can appoint designated spokespersons to deal with civil and criminal cases respectively.

The High Court and the National Council of Justice have one spokesperson who is appointed by the president of the High Court. The reason of this situation is that the president of the High Court is also the president of the National Council of Justice. The spokesman is not a judge, but he has a wide range of experiences on communication fields. He organises the works of press-judges and helps them with their problems.

- **If so, how they are selected and trained?**

In Hungary the spokespersons are appointed by the president of the court.

Most of them are judges, either with relevant qualifications or ones with ambitions and skills in the field. No written selection criteria exist. Their appointments are for unspecified periods and can be terminated at anytime. The Office of The National Council of Justice organizes a minimum of one seminar for pressjudges annually with the possibility of providing briefing and ad-hoc courses several times. Press judges have access to a designated intranet providing them with a medium to consult their fellow spokespersons regarding their current problems.

- **What are their main tasks? On what topics do they speak to the press?**

They are responsible for speaking on behalf of the court . Hungary has regulations concerning the information activities of the courts. Press judges contact press organs and supply them with general , up-to-date information . Monitor proceedings with relevance to the public facilitate informing the press and the general populace supervise and aid the upgrading the court's onlinen publications (6. paragrafus)

The relevant regulations specify the various ways of informing the media (9 paragrafus)
These are as follows :

- Press release
- written or verbal interview
- Press Conference
- revealing information upon request

Characteristically, press releases are concerned with clarifying and upgrading information regarding cases published previously by the press, but can also describe operational changes or include general information of high importance

Press judges and /or press assistants are required to compile a report on upcoming cases that might be of interest to the public and send it to the press department of the Office of National Council of Justice which forwards the information included for all major press organs and also updates the organization's dedicated web page with it.

- **How are they organised and is there any form of assembly for press judges?**

Have mentioned above in Hungary the press judges meet minimum once annually. Although they lack a formal assembly, press judges convene at least once yearly at the above described training courses organized by the Office of the National Council of Justice. While there, press judges are required to act out life-like role plays and are provided with the necessary theoretical background to do so by PR experts, communication specialists and media professionals. The spokespersons are divided into different subgroups and participate in so called „role – playing situation” to practice of the various ways of informing the media.

- **Do the court in your country have communication advisors? If so, what are their main tasks?**

In Hungary the individual courts do not employ communication advisors in general but certain regional and county units and the High Court do. In the majority of these cases these specialists perform the tasks of the spokespersons or assist them in their work.

As above mentioned the High Court and National Council of Justice have the same spokesperson who is appointed by the president of the High Court. The spokesperson one-hand is responsible for speaking on behalf of the High Court, he contacts press-organs and supplies them with general update information under the Hungarian regulation of the information activity of judiciary. He gives information the private cases. On the other hand he speaks on behalf of the National Council of Justice also. In this sphere of authority he gives general information to the public about the questions relating to the organisation and structure of the Hungarian judiciary.

- **What is their relation with the pressjudges?**

They work as pressjudges so their tasks are the same than the spokespersons.

- **Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?**

In Hungary there is regulation on the information activity of the courts. It doesn't apply for the media, it is just a „guideline”, a frame rule for information activity.

I send you the translation of the summary of this regulation, it is not an official version.

[Hungarian Regulation of the information activity of the courts./no:2010/11./](#)

Preambulum

Under -the act 1997.LXVI.article 39§ q.- authorization The Council of National Judiciary creates the following regulation in the interest of publicity to get quick,expert,authentic and clear information about the activity of judicial organization.

The effect of regulation / 1.§ /

The rules of regulation into force/effect to the courts,the Council of National Judiciary,the Office of the National Council of Judiciary,the operating judges,judicial employees,the spokesman,the press assistant and the informations which are published upon this regulation.

The principals of the information activity/ 3.§ /

The information of the judiciary's activity must promote with its own initiative to get necessary information and datas to the press.

The person who gives the informations to the press must do it quick authentic.proper,in accordance with the facts taking into consideration the restrictions of privacy.safety of secrets and personal datas,and the rules of proceedings' laws.

The person who gives the informations to the press may not express his/her opinion on current or finished cases.

The courts may not distinguish among the media/press organs on their information activities.

The order of the information / 4.§ /

The president,the deputy president,spokesperson or press assistantof the county courts,Capitol Court ,regionals courts,and the High Court is entitled to give information to the press about the administrative's,organization's questions of judiciary,the public or professional events and current or finished cases.

The president,the deputy president may give permission to another person giving information to the press.

The National Council of Judiciary gives information to the public by its chairman or its spokesperson or its delegated member.

The Office of the National council of Judiciary gives information by its manager or its delegated member.

Informations about documents can be given untill expiration of custody / guardung / or expiration of handing over to the authorized archives.

The spokesman / 5,§ /

The president of the court fulfilment of informational entrust at least one spokesman with the possibility of more beeing appointed when deemed necessary.

Judicial spokesman is:

a, judge of the court or judicial employee of the court

b,the person who is employed under assigment contract.

Using the services of third party expert the relevant criterias are:

a colledge degree and substantial experiece in the field of comunacition and / or PR.

The spokesman is obliged to cooperate with eachothers and the press and communication department of Office of National Council of Judiciary.

The task of the spokesman / 6.§ /

The spokesperson performs the informational activities under this regulation, connects with the press, follows the general populace cases with attention provides for informational conditions, coordinates and helps the person who gives information, supervises and aids the upgrading the court's online publications.

The press assistant /7.§/

The president of the court can/may charge/mandate press assistant also.

The press assistant is

a/ the judge of the court, or judicial employee of the court

b/ the person who is delegated/ assigned by a contract

The press assistant helps the work of the spokesperson, commends with the press and collects the data for the information.

The various ways of informing the media /9.§/

press release

written or verbal interview

press conference

revealing information upon request

Press release /10.§/

It may be given by the president of the court or by his/her assignment another manager of the court by the spokesperson and by press assistant.

The another manager of the court, spokesperson and press assistant have to make the press release agree with the president of the court.

The chairman of the profession board may give information if the press release is concerning on professional questions (for example: practice of judicial activity or making sentence).

If there is a published public opinion which is connected with the affected court or concerned case the judge or judicial employee may take written initiative to the president of the court giving a press release or answer publication.

The spokesman who gives information is obliged to stipulate that his/her interview or statement or article which indicates his/her names only can be published after the spokesperson's contribution or/and checking to it (12.§).

Press conference can be called and controlled by the president, deputy-president, spokesperson or press assistant.

The person who organises the press conference is obliged to make written background documents/matters for the media/press (12.§).

If the media inquires for populace interest cases, the court is obliged to give information relating to the place and date of hearing. (13.§).

Information about hearings (14.§):

The press judge or press assistant informs written the Press Department of the National Council of Judiciary about the populace interest cases until the last workday of the week of hearing.

In the populace interest case the press judge or press assistant is obliged to informe the public after the checking it with the president of the court.

The press judge or press assistan collects and publishes the informations of the cases and if it is necessary informes the press the order of hearing.

It is necessary to aid making audiovisual recording by the press on the beginning of the hearing and declaration of the sentence with consideration of restrictions by the law.

After the declaration of sentence it may make a communique with the judge's assistant who decided.

The training of the spokespersons and press assistants (15.§):

The Office of the National Council of Justice organizes trainings for the spokespersons and press assistants annulity at the Academy of Hungarian Judges and holds discussion on the actual communication works/duties.

- **At what levels do press judges operate in your country? Do they include**
 - a) national
 - b) regional
 - c) local?

In Hungary the spokespersons operates at regional level. In Hungary all County Court (second instance/ second level court, Capital Court and Regional Courts, Curia employ at least one press judge with the possibility of more being appointed when deemed necessary.

- **Are there standards applied to the appointment of press judges? Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

In Hungary there are no written standards for appointment of press judges but in most cases the press judges position is assigned to full time judges and most of them has relevant qualifications or ones with ambitions and skills in the field.

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

Not applicable.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

Yes, it would be desirable, because it can give possibilities for sharing and discussing the different experiences among the press judges.

- **Name best practices?**

In Hungary the above mentioned practices are operating I think and I mean the cooperation among the press judges with in national level.

Ireland:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

No.

Our system does not have an official spokesperson for the judiciary at present and it is not the practice of the judiciary to comment publicly on decisions of the courts or other matters of public policy affecting the judiciary, although from time to time the judiciary may clarify matters of public interest.

The Courts Service, as distinct from the judiciary, engages a spokesman who can clarify administrative matters regarding the operation of the Courts Service.

The Information Office, a central component of the Courts Service fulfils a number of key tasks:

-Provides information on the court system to the public pursuant to section 5(c) of the Courts Service Act, 1998

-Maintains and develops the Courts Service website

-Co-ordinates, prepares and publishes material in relation to the work of the courts

-Develops programmes to enable schools and other community groups obtain easily assimilated information about the court system

-Addresses interest groups on matters relating to the work of the courts

-Collates statistics on the work of the courts

-Provides a report in writing to the Minister for Justice, Equality and Law Reform on the activities of the Courts Service pursuant to section 8 of the Courts Service Act, 1998.

In addition, the Media Relations Office, which is operated by a media relations company operating on a full-time basis on behalf of the Courts Service, provides information on the Courts Service and administration of the courts' system. The media do not contact the judiciary directly. The Media Relations Office deals with approximately 10,000 media-related queries per year.

The Media Relations Office liaises with the press operations, issues statements and press releases on behalf of the Board of the Courts Service and senior management, organises press briefings and photo calls, distributes public presentations and speeches, and fields queries on judicial actions and decisions, whilst acknowledging that that the judiciary operate independently.

- **If so, how are they selected and trained?**

Media Relations Office personnel would hold third-level qualifications and would have a minimum of 10 years' experience in the field of journalism, usually working as communication advisers in the private sector.

- **What are their main tasks? On what topics do they speak to the press?**

See above.

- **How are they organized and is there any form of assembly for press judges?**

Ireland does not have a system of press judges or the judiciary have no formal contact with the media.

- **Do the courts in your country have communication advisors**

See above.

- **If so, what are their main tasks?**

See above.

- **What is their relation with the press judges?**

n/a

- **Does your organization have job profiles for press judges and/or communication advisors?**

No. The Courts Service website has a summary of the roles of the Information Office and Media Relations Office on the Courts Service website.

- **If so could you please send a translated version?**

See above.

- **At what levels do press judges operate in your country? Do they include**

a) national

b) regional

c) local?

The following section does not apply to the Irish judiciary. As stated above, interaction between judges and the media in Ireland is minimal and is highly discouraged so as to avoid any impact on the public perception of the independence of the judiciary.

- **Do the functions and remit of the press judge vary in the different levels? If so please give details of what areas the press judges cover and in what levels they operate?**

n/a

- **Are there standards applied to the appointment of press judges? Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

n/a

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

n/a

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

n/a

- **Name best practices?**

See above.

Italy CSM:

Judicial offices do not have a spokesperson that is permanently entrusted with communicating with the media, in the form of a judge specifically assigned to this task or an expert consultant from outside the order of judges.

It should be stated that, with reference to the prosecutors' offices, art 5 of Legislative Decree n° 106 of 20th February 2006 regulates relations between public prosecutors offices and members of the press, stating that: «The Public Prosecutor sees personally or via a prosecutor in their office specifically delegated for the purpose, to relations with information bodies (comma 1); Any information relating to the activities of the Public Prosecutor's Office must be provided in an impersonal way as far as the office is concerned, and excluding any reference to the prosecutors assigned to the proceeding (comma 2); Prosecutors from the Public Prosecutors Office are forbidden to issue any statements or provide news to the information bodies related to the office's prosecuting activity (comma 3); The Public Prosecutor is obliged to inform the Judicial Council, to allow it to exercise its watchdog powers and to call for disciplinary action, of any conduct on the part of prosecutors in their office that is contrary to the prohibition established by comma 3 (comma 4)».

This norm significantly changed the regulation of relations between Public Prosecutors and information bodies, changing the previous system followed in practice (according to which relations were maintained, without prior organisation, between the individual prosecutor and the journalists). In particular, for the express purpose of avoiding any form of personalisation or attraction of attention, it assigns to a single manager of the requesting office, that is a prosecutor specifically delegated, the task of maintaining contacts with the mass media. The system therefore, as a closing provision, provides for a case of disciplinary responsibility arising if the prohibition is not respected and a prosecutor other than the manager, and not delegated by the latter, issues statements or provides news to the information bodies related to the prosecution activities of their office.

Italy CPGA:

We have no spokespersons for the press: N.A.

Lithuania:

- **Does your country have spokesperson for the Judiciary in the form of press judges?**

No it does not. As far as we don't have press judges we will not answer to the following questions on this subject:

- **Do the courts in your country have communication advisors?**

Yes, they do. There are established special offices for the sector of public relations in all the biggest courts of First instance of the Republic of Lithuania. There are 16 such offices and there are 60 people who are working in the sector of public relations. In smaller courts some staff is working as the representatives for the press or take just a part of these functions.

- **If so, what are their main tasks?**

The communication advisors are implementing the annual activity plan. They are involved in the purposeful activity by informing, explaining and presenting the activity of Courts. The communication advisors are responsible for the replies to the requests of mass media. They prepare the information that is requested by journalists and explain the issue that requires special knowledge. These specialists communicate with the representatives of mass media according to the plan of the public relation's activities made by courts. They organize communication between the judges and the journalists.

- **Does your organization have job profiles for press judges and/ or communication advisor? If so could you please send a translated version.**

Communication advisor must have:

1.university degree in social and/or humanitarian science (public communication, journalism, law would be advantaged);

2.good knowledge of the legal acts of the Republic of Lithuania on regulation of public administration, courts activity, autonomy of courts, its activity, informing the public, the methods of public relations, protection of person data, requirements of the office etiquette and protocol.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

Yes, because it's easier to share the best practises, experience in different situations.

The Netherlands:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

Since many years we have in the Netherlands press judges in every court. In most courts there are press judges for every section (criminal section, civil law section and administrative law section).

- **If so, how are they selected and trained?**

A press judge is selected by the president of the court and appointed by the board. The Council for the Judiciary coordinates special training courses for these judges, including on-camera training. The Committee of Press judges recently established the skills and qualifications required for the job as press judge. These include a good camera presence and the ability to write about matters of law in terms easily understood by laypeople.

- **What are their main tasks? On what topics do they speak to the press?**

The press judge is the spokesperson who answers to the media on behalf of the court. It is standard practice in the Netherlands that judges never have contact with the press about a case at hand. Rather, they provide information and explanations to the press judge who acts as a spokesperson to the media. Press judges are appointed at the district and appeals court levels. Their role is principally to communicate with the media about individual cases being

handled by the court. The press judge can give additional explanation to the public about decisions made, can explain and clarify issues of law and procedure, and answer general enquiries.

Although attention usually focuses on criminal cases, civil and administrative cases also draw media coverage at times. The volume of work for press judges is usually determined by the size of the court. In larger courts, such as the courts of Amsterdam or Rotterdam, there is a considerable workload on a daily basis, whereas smaller courts deal with fewer cases of public interest. Most press judges fulfill this particular responsibility in addition to their own judicial work. There is no extra payment for this although there can be arrangements made for time in lieu of duties. A press judge would hold the position for several years and such a length of service is important as training and experience were essential attributes of the position.

- **How are they organized and is there any form of assembly for press judges?**

Twice a year, all press judges meet to discuss their experiences with the media during the previous six months. Typical topics include incidents with the press, where for example the privacy of a defendant or witness was violated.

- **Do the courts in your country have communication advisors? If so, what are their main tasks?**

Over the past five years, the profession of communication advisor has been introduced in the court system. In addition to handling internal communication and public information, these individuals are responsible for the initial contact with or from the press regarding matters, such as answering questions about hearing dates or the use of cameras in the courtroom. The communication advisors also have a task in internal communication within the court and giving information to the public.

- **What is their relation with the press judges?**

The introduction of communication advisors has been a welcome relief to press judges. In practice, most press judges lack sufficient knowledge of the media. By contrast, communication advisers usually do not have a professional legal background. As a result, both professions have become increasingly complementary, and are working in ever-closer collaboration.

- **Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?**

We have them but they are not translated.

- **At what levels do press judges operate in your country? Do they include**
 - a) national
 - b) regional
 - c) local?

The Dutch Judiciary has got press judges in every district court and press judges in the courts of appeal. The task of these press judges is to explain the procedure and the decisions in individual court cases.

There are also judges who speak on a national level. These so called 'pools of spokespersons' are divided in the different fields of the Judiciary (penal, civil, administrative law).

The chairman of the Council for the Judiciary is the spokesperson on behalf of the Judiciary as a whole.

- **Do the functions and remit of the press judge vary in the different levels? If so please give details of what areas the press judges cover and in what levels they operate?**

Officially there is no difference between the function of the press judges in the district courts and the press judges of the courts of appeal. But in practice there is some difference between the smaller and the bigger courts. The press judges in the bigger courts play an important role in stimulating the other judges to be more responsive to the press.

- **Are there standards applied to the appointment of press judges?**
- **Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

See the translated profile of press judges in The Netherlands (see attachment)

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

There is no difference in the task of the press judges in the District Courts, Courts of Appeal and Supreme Court.

The press judges who participate in the national pool of spokespersons must be able to speak to the press about general developments in the Judiciary and should be experienced in performing in front of camera's.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

We do think it is important to have such a European network, because European countries do have the same problem and it will be good to learn from each other.

In the Netherlands the press judges meet each other every 6 months. These meetings are used to discuss the new developments in the field of the media and the Judiciary and to exchange experiences with the Dutch media.

- **Best Practice**

To exempt press judges from their usual tasks for a couple of hours a week to have enough time to fulfil their task as spokesperson.

Norway:

In Norway, we have a group of Media Judges on a national level. 9 members at the moment. They are available for media who wants to have a comment or some explanation according to courts and court decisions.

The members are selected by the Judges Association, who has invited members to apply to be members. The training is managed by the Norwegian Courts Administration NCA, and includes roleplay, media action, expectations from the media, media trends, exchange of experience etc. The group works close together with NCA, who coordinates the work if the media doesn't take direct contact with one of the judges.

The main task is to be a voice about the courts and explain how things work in the courts, how a judge general will work or think about a topic. They will seldom discuss concrete cases, but can if its general and not about evidences in that case.

In Norway there is only to courts with fulltime communication advisors. The Supreme Court and Oslo district Court. NCA has also communication advisors to help court with special cases or general advice.

The main task for the communication advisors is to serve media.

These advisors do participate in a yearly meeting with the media judges and also in the mail exchange according to topics where media wants a statement from one of the media judges.

The media judges do work as fulltime judges and does not have any compensations for this extra work.

- **At what levels do press judges operate in your country? Do they include**
 - a) national
 - b) regional
 - c) local?

We have official media judges (members of The Courts Media Group) on a national level, but it is also possible for the judge who has a case to answer questions from media about this case.

- **Do the functions and remit of the press judge vary in the different levels? If so please give details of what areas the press judges cover and in what levels they operate?**

No

- **Are there standards applied to the appointment of press judges? Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

No. It is the Judges Association in Norway who choose the members.

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

In Norway members of The Courts Media Group are judges who have bind themselves to be available for journalist who wants to have contact with judges. They can supply media when they need comments or explanation from a judge. This is based on a wish to contribute to transparency and better public knowledge about the courts.

The members do not make declarations on behalf of the courts or judges, they are only giving their personal view.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

It could be helpful to have some kind of network for exchanging experiences.

- **Name best practices?**

We have a yearly seminar for the media judges. This is for training, exchanging experiences and discuss how we better can contribute to transparency and better public knowledge about the courts.

Poland:

The institution of spokesman exists at the level of circuit courts and courts of appeal. Spokesperson in court is always an acting judge, there is no legal possibility that it be a different person. Spokespersons for appellate courts inform about the operation of appellate courts and spokespersons of circuit courts inform about the operation of their court and also the district courts under the jurisdiction of the respective circuit court. In some courts there are two spokespersons - one responsible for civil and other for criminal branch of the court. In some courts they work individually, and in some they have one person or sometimes team of support staff. Please note that Poland has three levels of common courts: district courts (300+) - circuit courts (45) - appellate courts (11), plus the Supreme Court.

Press spokesman is appointed by the President of the court from among the applying candidates - judges of that court, after consulting the court college, which is a collective body composed solely of judges and chaired by the President of the court.

Training of spokespersons since 2010 has been organized by National School of Judges and Prosecutors, and the Ministry of Justice had also done so occasionally in the previous years. Individual court presidents have the ability to target their spokesmen to selected trainings, the court president and the vice-presidents undergo such a training, too.

Spokespersons' responsibilities are not dealt with in a general legislation. They are established by the court president, in cooperation with the court college. On the basis of the practice it can be said that the spokespersons' tasks come down to the provision of information – especially to the media - under the Act of 6 September 2001 on access to public information. Duties also include reacting to the criticism in press if it is unreasoned. In practice, the press spokespersons often also run websites, posting information about matters likely to generate media interest, or publishing interesting judgments.

Spokespersons of the common courts are not organized in any sort of structure, they usually meet on the occasion of the trainings organised by the National School of Judges and Prosecutors.

National Council of the Judiciary of Poland has a spokesperson, who is responsible for co-operation with the media and also is the judge. According to § 26 paragraph 3 of the detailed regulation of procedure for the National Judicial Council, spokesperson's tasks include in particular:

- o Informing the media about the cases being object of public interest;
- o Responding, if necessary, to the publications and broadcasts concerning the Council, the judiciary and judges;
- o Informing the Council on his/her activities at its plenary session;
- o Performing other activities commissioned by the Council or the Chairman of the Council with regard to the activities of the press offices of the courts.

Ad.B

In Poland there are spokespersons at both the circuit and appeal court level. The Supreme Court has its spokesperson, as well as the National Council of the Judiciary. Each of the spokespersons represents the entity that appointed him spokesman. Duties and functions are identical for all spokespersons.

Decision about who will become the spokesperson is taken by President of the court after consultation with the college of the competent court. This decision is a sovereign decision of these entities, which can be modified at any time. Press spokesmen are working judges in court, some courts, however, employ assistants of spokesperson.

Resolution to appoint the spokesperson of the National Council of the Judiciary is taken by the Council in gremio.

It seems reasonable that in the common court (in criminal and civil division) two spokespersons operate, one of which would be responsible for reporting on criminal trials, and the second on civil cases.

The administrative courts (in Poland, dedicated court) have no such need and the level of each voivodship court (regional level court) a spokesman operates.

It seems that there is no need to create an association or network of spokespersons, a good practice could be organising conferences at the national level, during which the judges acting as spokespersons would exchange experiences.

Portugal:

In Portugal there is no spokesperson for the judiciary, neither a press judge. Spokespersons or press Judges should report directly to the Council and follow its instructions.

Romania:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

The spokesperson of a court or of a prosecutors' office could be a judge or a prosecutor, respectively, or a specialist in public relations.

The Office for information and public relations is led by a judge appointed by the court's president, by a graduate of a Faculty of Journalism or by a specialist in communication, appointed through contest or examination. The leader of the office also fulfils the position as spokesperson.

- **If so, how are they selected and trained?**

The magistrate-spokesperson is designated by the court's president or, as the case may be, by the leader of the prosecutors' office, with the agreement of the concerned magistrate.

The spokesperson, specialist in communication, is designated through contest or examination in the conditions provided by law.

Their training is achieved through participation in professional training courses.

- **What are their main tasks? On what topics do they speak to the press?**

Their main attributions are:

- a) answers to the notifications and requests issued on the basis of Law no. 544/2001 on free access to information (as modified), related to their activity;
- b) inform the president of the court/chief of the prosecutors' office in which concerns important aspects related to Justice system, published in mass-media and communicate the official statements to the press;
- c) fulfill, according to the law, the tasks of public information;
- d) elaborate and update on an annually basis the Information Bulletin regarding free access to public information, according to the law;
- e) inform the public with regard to the activity of the court/prosecutors' office, by publishing those information on the website and answers to the press in the name of the institution;
- f) perform and documentation with regard to the judicial activity from which might result data and information of public interest;
- g) monitor articles from the central press and, with the support of the public information offices within courts and prosecutors' offices, those from the local press, in order to reflect the activity of the court/prosecutors' office;
- h) elaborate or participate at the elaboration of certain studies, evaluations, synthetic documents regarding the reflection of the activity of the court/prosecutors' office in mass-media;
- i) identify, receive and select the information from outside of the court, define the areas of interest, evaluate and select the useful information within the court/prosecutors' office which are of interest to the public opinion;
- j) prepare the necessary materials for the information of the press – draft and elaborate the press notes, press releases, press files and the text of press statements;
- k) organize and participate within press events – draft the invitations to the press conferences and organize the respective event (conference, briefing, press seminar, press journey, press visits etc.);
- l) maintain a permanent connection with the journalists, having periodical meetings with them, in order to ensure a constant information flux to the representatives of the press and to maintain their interest towards the activity of the institutions they represent, but also to ensure the correct and prompt information of the public opinion;
- m) mediate contacts between the court's leadership and journalists which request interviews and statements for a better documentation of the subject.

In the cases in which the press speaks about state of facts which may affect the reputation, independence or impartiality of magistrates, the spokesperson informs the president of the court/chief of the prosecutors' office as soon as possible.

The journalists may address the spokesperson with regard to all the problems which are related to the activity of the court/prosecutors' office.

- **How are they organized and is there any form of assembly for press judges?**

All the courts/prosecutors' offices have an Office for information and public relations.

- **Do the courts in your country have communication advisors? If so, what are their main tasks?**

The function is not defined sufficiently as to be able to answer the question. Within the office for information and public relations, at the level of courts and prosecutors' offices, there are counselors for public information and one or more clerks appointed by the courts' president.

- **What is their relation with the press judges?**

See the answer to the previous question. The relation is of hierarchical subordination.

- **At what levels do press judges operate in your country? Do they include**

a) national

b) regional

c) local

At local.

- **Do the functions and remit of the press judge vary in the different levels?**

No

- **Are there standards applied to the appointment of press judges?**

No – the assessment of the court president or of the head of the prosecutor office

- **Please could you give details of what qualities and abilities are sought in a judge applying to be a press judge?**

The court president and the head of the prosecutor office shall make a proposal of appointment which may be refused by the one to become the spokesperson (general criteria are used: openness to the mass-media activity, specialisation on public relations, communication abilities, diplomacy, availability for dialogue etc.)

- **What are the recommended guidelines as to the function and extent of the press judges' role at the different levels at which your country uses press judges?**

The guide for best practices for the cooperation between courts, prosecutors' offices attached to them and mass media, approved by Decision of the Superior Council of Magistracy's Plenum no. 277 of the 13th of April 2006.

The guide for best practices for the cooperation between the spokesperson of the Superior Council of Magistracy, his/hers homologues from courts and prosecutors' offices attached to it and mass media, approved by Decision of the Superior Council of Magistracy's Plenum no. 542 of the 5th of June 2008.

- **Do you agree that there should be an association or network of press judges both within a country and at a European level?**

Yes at national level. At European level we consider it without efficiency.

Slovenia:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

No, but there are communication advisors in the courts.

Their main tasks are following the media, organising press conferences, responding to reporters questions.

There are no job profiles for press judges and/or communication advisors.

Spain:

- **Does your country spokespersons of the Judiciary in the shape of the judges of the press?**

Will distinguish the one hand, the governing body of the judiciary, the Council, which has a Speaker and a Commission Communication. Moreover, the courts do not have specific Speaker, since this work is exercised by the Presidents of the Courts. Yes counted in each court with a Press Office.

- **If so, how selected and trained?**

As Spokesperson CGPJ, is a plenary appointment of this body.

There, on the other hand, the Council advisory department in training communicators of the Judiciary, which advises members not only the Council but also the Presidents of the Courts of Justice.

- **Does your organization have job profiles for the judges of the press and / or communications advisers? If so could you send a translated version?**

There is about a specific catalog. Natural spokesmen of the Courts are the presidents of those that have a term of five years.

As for communication consultants, respond to a profile of accredited professionals in the field, with extensive experience, especially in the audiovisual area.

- **At what levels do press judges operate in your country? Do they include**

a) national

b) regional

c) local?

At national level. The Spanish General Council of Judiciary has a spokeswoman that talks on behalf of the selfgovernment body of the Spanish Judiciary.

Sometimes, the presidents of the 17 Spanish Superior Courts of Justice –at the top we have the Supreme Court- assume the spokesman role as well as the presidents of the lower courts, but it is very rare for them to do so.

Turkey:

- **Does your country have spokespersons for the Judiciary in the form of press judges?**

Our country have spokespersons for the Judiciary, not in the form of press judges, but pres public prosecutors. Because, judges don't right to speak to the media directly about the cases in our country.

- **If so, how are they selected and trained?**

The pres prosecutors are selected directly by the High Councils of judges and Prosecutors and are trained in the special cours that organized together The Turkish Justice Academy, HCJP and the related organizations.

- **What are their main tasks? On what topics do they speak to the press?**

To give correct information directly on some judicial events that take place across the country and interested widely by the public.

- **How are they organized and is there any form of assembly for press judges?**

Every pres prosecutors are responsible for the specific area of our Country.

- **Do the courts in your country have communication advisors?**

No

- **Does your organization have job profiles for press judges and/or communication advisors? If so could you please send a translated version?**

No

- **At what levels do press judges operate in your country? Do they include**
 - a) national
 - b) regional
 - c) local?

We haven't got press judges but press prosecutors. They operate in local level.

- **Do the functions and remit of the press judge vary in the different levels?**

No.

3)Audiovisual recordings and the use of social media in the court rooms (Subgroup 3)

3.1 Questions

- **Is broadcasting of court sessions allowed in your country?**
- **If so, what parts of the proceedings can be registered by the (audio) visual media?**
- **And who does the recording of the court session?**

- Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?
- Is live broadcasting of court sessions allowed?
- What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?
- Is it desirable to have a unified European policy in these matters?
- It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?
- Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?
- What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?
- What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?
- Name best practices?

3.2. Replies

Austria:

In Austria broadcasting of court sessions is not allowed. The enactment which rules the cooperation with the media forbids film – broadcasting as well as radio-broadcasting during the session. The judge who governs the court session makes sure that all film cameras are switched off when the trial starts.

Even broadcasting outside the court sessions is forbidden. Inside the court building only the chairman of the court can allow broadcasting.

A common European policy in that particular case would be desirable, but it isn't easy to put this into practice. Therefore a lot of different laws would have to be standardized.

In Austria there are no general provisions concerning the abuse of cell phones. But every judge has the possibility to command special measures. For instance a judge can enact a ban to bring cell phones into the court room.

So far we have no experience in using social media for media strategy purposes.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

a. Main opportunities:

1. The most direct way to inform people about how a trial goes on.
2. Listeners and viewers can make an original opinion of a case of public interest
3. Maybe the manners in the courtroom will be better, because everybody knows, that he/she is recorded. (On the other hand maybe the parties or the lawyers play to the camera ☒ b.iv)

b. Main risks:

1. The records will maybe edit in a way, that the viewer or the listener gets a onesided opinion of a file or of the actors of a trail (judge, lawyer, witnes ...).
2. Everybody, who i spart of the trial (parties, witnesses, members of a jury....) becomes public and loses their privicy. There ist he danger that they put under pressur.
3. If the transmission is live, people from outside can influene trails in the way of email or sms. So everybody could have a large number of lawyers or other supporters.
4. The trail maybe becomes a „TV-show“ and so court can lose its respect.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

a. Advantages:

1. The judiciary could inform a lot of people, especially younger people who are using these media.
2. The costs are low
3. The service can have a good design, but it must be always updated.

b. Disadvantages:

1. Need manpower to keep it up to date

c. Suggestens:

1. There should be only one plattform for all courts. So it is easy to reach the information. Every spokesperson should have access to this plattform an can send informations. The reports and pressreleases inform professionals as well as the public as well as the media.

- **Name best practices?**

In Austria broadcasting during the courtsession is not allowed.

Belgium:

- **Is broadcasting of court sessions allowed in your country?**

Yes, under certain conditions (see guidelines)

- **If so, what parts of the proceedings can be registered by the (audio) visual media?**

Usually, the entrance of the court, the verdicts ((see guidelines)

For special cases, particular arrangements are made. During one court of assises we permitted to register three minutes of the pleadings, but both lawyers and press abused this possibility and afterwards we didn't do it again.

- **And who does the recording of the court session?**

There is no official recording by the Judiciary (it is something to think about)

We allow mostly a pool of cameras and photographers to take images, sound and pictures.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

See guidelines. These guidelines only count within the courthouse. Outside we have no control.

- **Is live broadcasting of court sessions allowed?**

If the verdict is pronounced, even in prime time, it is allowed for the audiovisual media to broadcast live.

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

We can make arrangements for a delay if necessary.

- **Is it desirable to have a unified European policy in these matters?**

We think so. This should be only a few standard guidelines with the possibility for the local courts/pressjudges to make specific arrangements, f.e. for documentary filming.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

By the modern means of communication everyone becomes a journalist. We can make arrangements and set out guidelines for the official media , but that is more difficult for civilians. Normally we ask everyone to put out their cell phones and there is supervision in the court rooms. When someone is seen making photos or recordings they will have to delete it and leave the courtroom. When there is a higher level of security other measures can be taken.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

As far as known there is no use of the modern social media for media strategy purpose. Individually judges should be reluctant, even in private, to be on facebook, twitter ... It still is considered to conflict with the deontology.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

- live reporting could hamper the normal case procedure (reluctance of witnesses to give statement when they know it will be live reported)

- In Belgium there is in principle no permission for filming and live sound recording. Deviations are possible with a view to shooting the reading of the verdicts or the entry of the members of the court, or filming, with his explicit consent, the accused in criminal cases such as assizes.

- Obtaining admission to film, photograph or make sound recordings inside the courthouse/ courtroom does not, in any way, affect the individual rights of persons with regard to the use of images, pictures or sounds in the media (e.g. the portrait right, as provided for in Article 10 of the Act of June 30, 1994 on copyright and related rights). The permission may be linked to compliance with precise modalities, which, if necessary, will be recorded in writing (e.g. the

place where images can be made, any agreements on how to obtain consent of the parties and counsels, etc.).

- in one court of assizes we gave permission, in consultation with the Barr, to film the first 3 minutes of the pleadings but this was abused by the lawyers in the case who began to act like actors in a movie... after this bad example the presidents of the Barr prohibited the lawyers to do so

- if we might think in a direction of live broadcasting, this should be done by the judiciary itself There could be a task for the judiciary to provide all the media on a equal basis with images, pictures of an ongoing trial.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see?**

Very dangerous to use it: no time for reflection... risk to breach independence, impartiality

On the other hand, courts could use Face Book to hand out general information and doing so reach a younger public.

- **Name best practices?**

Permission to live broadcasting is made on a case-by-case basis.

Bulgaria:

Media monitoring of a case is prohibited in Bulgaria. Sound recordings are presented by the court for the facilitation of the protocols later presented. Only the legal members can decide whether pictures can be taken during the case but not during the same one.

The chairman can allow the presence of journalists during a case if it's not held in closed doors. There needs to be a mutual European media politics about audio/video recordings of court cases but after all these are delicate topics.

There is a separate hall for monitoring journalists in which they can track whatever is happening in sessions of the high Council.

Mobile phones are prohibited because they interrupt and disturb the court's action.

Every court has its own media politics – politics which corresponds with the strategy accepted by the council. All courts have their own websites and some judges have Facebook profiles.

Audio recordings and photos are permitted in court only by permission of the judge in courtroom in the beginning of the case. After that only the journalists stay but without taking photographs.

The advantages of social media are the guarantees access to events in court, conversations with the press judge have a phone access to the reporters.

According to the Bulgarian guideline there is an organized training for the reporters in order initiation with the juridical terminology. The best reporters are given rewards.

Denmark:

The media are increasingly demanding the opportunity to televise from courtrooms. Although the judiciary wishes to be as open as possible, the Administration of Justice Act makes only very limited provision for TV recording of court cases.

Although the point of departure in the Administration of Justice Act is that it is not permitted to make TV or radio broadcasts from court cases, courtroom recordings may, however, be permitted in exceptional circumstances in connection with high-profile cases that have particular public interest. Several courts now offer the opportunity to make TV recordings in connection with such cases. This is carried out in accordance with the Administration of Justice Act and where it is not contrary to the interests of the parties.

In practice, agreement is reached with the media not to make recordings during the court case and they are only permitted to film the judge when the judgment is passed – not the non-professional participants. Recordings from court sessions are made by the media themselves, when agreed by the judge in charge. In general the recordings are not approved by the judge before they are broadcast.

It is likely that some synergies could be achieved by developing a unified European policy on these matters.

As mentioned, the Administration of Justice Act does not permit recording and broadcasting from the courtroom. This ban also includes recording directly from the courtroom using mobile phones. However, it is not prohibited to bring mobile phones into the courtroom. If the judge becomes aware that a mobile phone is being used in the courtroom, the journalist in question will be asked to turn it off.

The Danish judiciary has rather limited experience in using social media for communication purposes, including media communications. One court has a profile on Facebook. We have not discussed the topic in detail and do not have a joint strategy and approach regarding the social media. A discussion of how – and to what extent – to exploit the opportunities and deal with the challenges of the social media is expected to take place within the next year.

Audiovisual recording and the use of social media in the courtroom

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

The media are increasingly demanding the opportunity to televise from courtrooms. Although the judiciary wishes to be as open as possible, the Danish Administration of Justice Act makes only very limited provision for TV recording of court cases. The purpose of the restrictions is to protect the individual. Professional parties can to some extent participate in broadcasting outside and/or from the court room before/after and during the hearing.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see?**

Advantages: a way to reach a very broad target group; contributes to a modern image of the judiciary (open and interested in dialogue); requires consideration as to how and why to exploit the opportunities.

Disadvantages: risk of lack of control; less time to plan messages; obligation to deal with inconvenient issues and criticism (also goes for the press to some extent); demands for real-time availability – requires extra resources. The judicial culture is probably not ready for this.

- **Can you give us some suggestions about the use of social media for the judiciary?**

The Danish judiciary has rather limited experience in using social media for communication purposes, including media communications. One court has a page on Facebook but this profile is only used for publishing court lists. A discussion of how – and to what extent – to exploit the opportunities and deal with the challenges of the social media will take place in the coming year.

- **Best practices**

Although the point of departure in the Administration of Justice Act is that it is not permitted to make TV or radio broadcasts from court cases, courtroom recordings may, however, be permitted in exceptional circumstances in connection with high-profile cases that have particular public interest. Several courts now offer the opportunity to make TV recordings in connection with such cases. This is carried out in accordance with the Administration of Justice Act and where it is not contrary to the interests of the parties.

In practice the media are not allowed to make recordings during the court case. They are only permitted to film the judge when delivering the judgment – not the non-professional participants. Recordings from court sessions are made by the media themselves, when agreed by the judge in charge. The recordings are not approved by the judge before they are broadcast.

England & Wales:

- **Is broadcasting of court sessions allowed in your country?**

No, save that the Supreme Court has its proceedings and judgments broadcast. This is the superior court and only deals with cases of national importance where an important point of law or constitutional issue needs to be ruled upon.

- **If so, what parts of the proceedings can be registered by the (audio) visual media?**

The hearings which consist of the legal arguments and the delivery of judgments (although these are mostly delivered in writing only).

- **And who does the recording of the court session?**

This is all managed by the Supreme Court internal communications team.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

The Supreme Court does not hear evidence from parties or witnesses, so only the judges and the lawyers are filmed

- **Is live broadcasting of court sessions allowed?**

At the moment this is only allowed in the Supreme Court. There are discussions underway which might also permit the broadcasting of certain parts of proceedings in the Court of

Appeal (which in the hierarchy of courts sits above the High Court but below the Supreme Court)

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quiet the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

The proceedings in the Supreme Court are broadcast live, with no delay between recording and broadcasting

- **Is it desirable to have a unified European policy in these matters?**

Yes

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

The use of cell phones is forbidden. Jurors have to surrender their phones before entering court. To use a phone in court - whether as a witness or member of the public - is an offence.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (i.e. Twitter, Facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

Whilst individual judges may use social media for private purposes (although the use of social networking sites by individual judges is not encouraged) social media is not used by the judiciary as a whole for any media strategy purposes.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

Advantages – accuracy of reports and transparency in broadcasting

Disadvantages – lack of editorial control by the judiciary, risks that inappropriate material is broadcast, also risk that vulnerable witnesses, victims or even defendant and parties could be identified.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

In England and Wales the use of social media by the judiciary is not encouraged. The judiciary have an adequate system of secure emails, intranet etc which serves the purpose of electronic contact between judges and the sharing of relevant information.

Hungary:

In Hungary there is two different regulations concerning open hearings at the court in criminal and civil cases.

The Criminal Proceeding Code doesn't regulate the broadcasting of the court sessions. In the practice the photographic and audio visual devices/tools/ can be used but only if authorized by the judge. It is necessary to give contributions of all parties including witnesses and experts to broadcast. If this activity /broadcasting/ disturbs the hearing it can be restricted by the judge. Usually it can be registered by the audiovisual media the first part of the hearing.

In accordance with the Criminal Proceeding Code/1998, XIX paragraph 237/ the hearings is open to the public but the chair of the 3-member panel/ 1 judge 2 laymen/ can restrict the number of spectators present if it is necessary in order to maintain and ensure the safety dignity and the proper operation of the court. Those under the age 14 are banned from visiting hearings. People between the age of 14 - 18 can be restricted from entry by the chair of the panel/ by the presiding judge.

The judge by his own discretion or upon the proposition of the prosecutor, the defendant's lawyer a witness or offended party can close the hearing partially or totally when justified the following: ethical considerations, protection of a minor participants or a witness or danger of compromising, information classified by the state or any of its authorities

It would be necessary to introduce these rules because the possibilities of restrictions of open hearing are limited by the mentioned act.

Among the participants the judge, laymen, lawyers and the prosecutor can be filmed during the open court session but it is necessary to give contributions of the other participants witness victim. There are no expressed rules of safeguard the privacy of non professional participants but the judge can save it by the rules concerning on preserving proceeding order.

Above mentioned differences between criminal and civil cases.

In accordance with the Civil Proceeding Act/1953/ the hearings are open. There is an expressed rule about using of photographic and audiovisual devices. They can be used without time limit restriction but the judge determines the way of using. The press media can make photo and audio recording about the judge / or 3 member panel / , clerk and prosecutor but there needs expressed contribution of the parties witnesses lawyers experts interpreters. Harassing noisily behaviour are not allowed.

The use of other external communication tools such as computer connections with network of electronic information is not prohibited. In Hungary it is not usual to use them. The problem can be how will it be used by the media after hearing. In Hungary there is no practice of using twitter in the court room therefore we don't have any rules and regulations on the matter.

The live broadcasting of court session is not allowed except the delivery of judgement. In practice the media organs broadcast some part of open hearings but the judge has to warn the parties and participants their rights asking their expressed contributions to film them. Above mentioned proceeding acts, the judge / the chair of the 3-judge panel / has responsibility for keeping the order of hearing. If it is necessary the judge may quit the broadcasting before the public seen it because of certain interest ex: if coming up reasons for close hearing help us to keep balance between transparency and safe protect of privacy.

In Hungary there is no practice of using cellphones to communicate directly from court room but we would regard the other countries experiences.

So far using social media such as twitter has not been trend among the journalist. We don't have any experiences we didn't handle with it. In Hungary there are just general rules about open hearings as I've mentioned above. Directly communication with the readers or public is

their web-site during the court hearing can be restricted for safety reasons ex: disturbing proceeding or witnesses can modify their explanations.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

Media has big power to handle and reach the public I think that in Hungary but in the other countries the majority of the people can get information by the TV or the press. It can be a good possibilities to introduce the courts' activities and to safe the transparency but we have to pay attention that the justice and the work of the courts is not a show and it is a special professional "workshop" where the judges have to keep the different proceeding rules and the privacy of the parties and the interest of the judiciary.

Ireland:

- **Is broadcasting of court sessions allowed in your country?**

Broadcasts are not permitted.

- **If so, what parts of the proceedings can be registered by the (audio) visual media?**

There are very strict rules in relation to recording equipment and cameras being brought into the courts in Ireland. No photographs or videos may be taken either within the courtrooms or within the courthouses themselves.

- **And who does the recording of the court session?**

Digital audio recording (DAR) of court proceedings has introduced great efficiencies in 159 courtrooms across Ireland, however it is for the purposes of producing a court record. There are a number of highly sensitive microphones are provided around the court (including on Counsels' benches) and are equipped with a "hold down mute button". The mute button only affects the particular microphone of which it forms part, and the microphones for judge, registrar, witness, jury foreman and opposing counsel remain in operation. It is intended that this system will operate during times when the court is sitting.

In addition there is an "ambient" microphone which will operate at all times, even before and after the court sits. This microphone is said to be a "backup" for the other system. It is capable of recording everything, and we are advised that it's being switched off is not possible.

In any court where either of these systems operates, counsel should advise their solicitor and client against holding any conversation of a privileged or confidential nature. In the event of such a conversation being required, counsel must seek to prevent the possibility of it being recorded, and if necessary, ask the court to rise for a time so that such conversation may take place outside the court.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

There is no video recording in court sessions thus there are no safeguards required.

Video conferencing facilities are now available in 25 courtrooms across the country – lessening the need for some defendants to be transported from prison and witnesses to travel long distances.

As part of an ongoing project it is intended that all court rooms will be equipped with digital sound recording equipment. In addition to this, we have a number of high-tech courtrooms that allow for the admission of video-link evidence, especially where experts and witnesses are located outside of the jurisdiction. The advanced technology in these rooms also permits the display of digital and video evidence to all parties to the case, including, where necessary, jury members.

- **Is live broadcasting of court sessions allowed?**

No.

- **Is it desirable to have a unified European policy in these matters?**

Given that each jurisdiction has its own laws and customs it may be difficult to enforce a unified policy in relation to this matter.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

There are contempt of court procedures that can be invoked by the judiciary if a mobile phone continuously interrupts procedure. However, this is rarely used and the majority of the general public respect the sanctity of the courtroom. The judges' ushers also act to prevent the use and/or abuse of mobile phones in the courtroom.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (i.e. twitter, facebook, hyves) for 7**

No the judiciary in Ireland do not use social media for media strategy purposes. It may provide a forum for the Courts Service to promulgate information to the general public in the future but does not act as such at present.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

At present, audio and video recording in Irish courtrooms is limited and is designed to have a reliable court record of proceedings so as to ensure the rights of the parties, in particular where there is an appeal of the decision of the court, and so as to have a court record should the judge face judicial review proceedings in the future in relation to his conduct of the trial.

Video link recording is also used for the purposes of affording a means for vulnerable witnesses (such as children, victims of sexual crime, etc.) or witnesses who may be at risk, to give their evidence without having to face their alleged attacker, or in the latter case, to preserve their anonymity. The introduction of video and audio recording was never envisaged to enable the broadcasting of court matters.

While the Irish Constitution guarantees that justice shall be administered in public, the adversarial nature of our system affords the accused the constitutional right to a fair trial and guarantees the presumption of innocence of the accused in that respect. Any consideration as to the broadcasting of trials would have to balance the interests of the public against those of the accused and it is likely that such a development may be considered to be unduly prejudicial to the rights of the accused.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

There is no official use of social media by members of the judiciary. The Courts Service, as distinct from the judiciary (i.e. the Board of the Courts Service represents the administrative needs of the Courts in terms of personnel, administration of courts, etc) now has a Facebook page, however interaction with the public is limited to the announcement of any news concerning sitting dates, jury notices, Courts Service news, news of the official opening of court premises and any notices as to court closures and relocations accompanied by photographs of same.

Italy CSM:

The penal procedural law expressly allows (art 147 of the provisions implementing the penal procedural code) for audio-visual recording of the hearing, for the purposes of exercising the right of coverage: the judge may authorise, by means of an ordinance, if the parties agree, all or partial photographic, sound or audio-visual recording or radio or television transmission of the hearing, provided this does not prejudice the clam and regular running of the hearing or the decision. Authorisation can be given without the agreement of the parties when there is particularly relevant social interest in knowledge of the trial. Even when they do authorise recording, the head judge forbids video recording of images of the parties, witnesses, experts, technical consultants, interpreters, and any other subject that has to be present, if they do not agree or if the law forbids. In any case it is not possible to authorise recording or transmission of hearings that take place behind closed doors (for example, when gathering evidence that may be prejudicial to the confidentiality of the witnesses or when it is necessary to protect the safety of witnesses or accused, or when minors are examined (art 472 of the penal procedural code).

The use of other means of communicating with the outside, such as mobile phones or any form of connection to computer networks, is not forbidden or subject to restrictions. However, the conduct of the public must always be orderly and respectful of the venue and activities of the procedure in progress, which means that no bothersome noisy behaviour is allowed or anything that may mar the orderly, calm carrying out of the proceeding.

Discipline is entrusted to the presiding judge that has the police force available to them and can order removal and identification of people that behave inappropriately, also in relation to the use of means of communication.

Italy – CPGA:

- **Is broadcasting of court sessions allowed in your country?**

It can be authorized by the judge, if the parties allow. The authorization may be given without the consent of the parties when there is a social interest particularly relevant to the knowledge of the hearing.

- **If so, what parts of the proceedings can be registered by the (audio) visual media?**

As a general rule, each part can be registered, within the limits imposed by the judge.

- **And who does the recording of the court session?**

The registrations are made by broadcasters which have had permission by the court. Because of principle of equal conditions more broadcasters can be allowed.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

The judge, even when he authorizes broadcasting of hearings, prohibits taking pictures of parties, witnesses, experts, interpreters and other persons who must be present, if they do not allow or the law prohibits broadcast of their picture.

In any case, it is not allowed filming or broadcasting the trials that take place behind closed doors.

The judge orders that hearings take place behind closed doors when advertising can be harmful to public morality, or, if this is requested by the competent authority, when advertising can involve the spread of news to keep secret in the interest of the State.

At the instance of interested party, the judge orders that taking of evidence takes place behind closed doors when it may cause prejudice to the confidentiality of witnesses or of private parties in relation to facts that are the subject of imputation.

The court also provides that the hearing or certain acts of this take place behind closed doors when advertising can be detrimental to public health, when there are by the public behaviors that disturb the regular running of the hearings or when it is necessary to protect the safety of witnesses or of defendants.

- **Is live broadcasting of court sessions allowed?**

No, it is not allowed. According to decisions of courts, live broadcasting is likely to affect the regular running of process and, in particular, the authenticity of evidence.

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

There is no specific regulation of the phenomenon, but the judge, exercising its normal power to regulate the hearing, can impose restrictions such as these.

- **Is it desirable to have a unified European policy in these matters?**

Yes, sure.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

There is no specific regulation of the phenomenon, but the judge, exercising its normal power to regulate the hearing, may limit the use of mobile phones.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

Social media are not very popular among the judges.

Looking ahead, they could be used to bring citizens closer to justice, to let them know how the judges work, and, therefore, to improve the image of justice.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

The main risk is the spread of confidential information or violating the privacy of individuals involved in the process

The main opportunity is a better understanding of the functioning of justice

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

Use of social media by judges and employed in the courts is now fairly widespread in all countries.

Certainly, we can not forbid judges to use social media, as such use falls in the freedom of thought which they hold themselves.

However, the importance of the role played by the judges implies, necessarily, limits to the contents.

The limitations to the use of social media are greater than those encountered when the judge uses other means of communication, more traditional? Probably not: the problem is not the means, but the content. Although social media has a capacity of diffusive and an immediacy that can make suitable specific rules.

- **Name best practices?**

About this matter, the problem is not so much whether it is allowed to use social media, but what limits the judge meets using social media.

This is a particular aspect of a broader problem: what are the limits of the freedom of expression and communication of the judge?

It should certainly be excluded that the judge uses social media to spread information about the processes he is charged.

Communication with the public about the trial must be regulated and carry out by an official spokesperson. It is important to ensure that any judge can not do it individually.

Still, given the role, it should be excluded that the judge can use social media to spread messages of political content or, however, such as to compromise the impartial image that must always identify him.

Judge must not only be impartial but also appear so. Spread, through social media, political messages could affect this image of impartiality.

Lithuania:

- **Is broadcasting of court session allowed in your country?**

The term “to broadcast” we understand as transmitting programs or signals intended to be received by the public through radio, television, or similar means. In this case the answer is that no broadcasting is allowed in the court sessions of Lithuania.

It’s essential to add that cases are under public hearing in all courts of Lithuania except for special type of cases when the court session is established as private by a motivated decision of the court.

Audio recording is allowable if it is made by people who are participating in the case and have the permission to do that of the chairman of the session. The audio recordings of every court session are made by the court itself during civil, criminal and administrative process. Such record is the part of all the litigation and any person involved in that case can get known with it after the court session.

- **If so, what parts of the proceedings can be registered by the (audio) visual media?**

As it is mentioned earlier the audio and video recording is forbidden to the media- it is the general rule. Recently the Judiciary of Lithuania decided to meet the needs of the media and allows the media to do some video/audio recording before the court session begins, i.e. up to the moment when the judge come into the court room and declare the beginning of the session or after the court session when the judge left the court room. This rule will be implemented in the text of the Guidelines hopefully.

- **And who does the recording of the court session?**

The recording of the court session can be made by the court, moreover, by the people who are participants of the case in a public hearing and have such a permission of the head of the court session. Such records couldn’t be used by the media.

- **Which participant can be filmed during court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non- professional participants?**

Neither the people who are participating in the court session nor the others are allowed to film or be filmed during the court session. Court does not have an equipment to film and does not film the court sessions too though it could use any technology for its everyday functions.

- **Is live broadcasting of court sessions allowed?**

As far as it is the type of broadcasting, it is not allowed in Lithuania. See also answer to previous question about broadcasting.

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

It is not regulated in the legal acts of the Republic of Lithuania.

- **Is it desirable to have a unified European policy in these matters?**

Yes, it is.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be**

violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?

The people who are participating in the case and have the permission of the head of the court session to make an audio record can make an audio record by cell phone because it is not regulated what measures should be used for the audio recordings of the court session. Therefore people could use cell phones for it. The video recording is not allowed even for the participants of the case.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

Courts do not use any social media as twitter, facebook, hyves. However, National courts administration that is administrating the courts has created an account on the facebook that could inform society about the courts activity and other relevant issues.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

A total ban of filming in a court room creates a negative attitude among journalists, fuels suspicions that something is wrong, if a journalist cannot use a camera. The banning of camera use also shows that the judiciary fears something. The main opportunity is to allow filming in a courtroom before the beginning of the case and then the decision in case is read. If it is not allowed to film at all, journalists will still be waiting behind the door of the courtroom, but the news broadcast to the viewer will not be so good because the judge who is trying to break into the courtroom is shown.

Video recording advantages: better treatment of journalists,
a better image of the judiciary
disadvantages: personal data protection

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see?**

Advantages:

Social media includes society, people addicted to it.

Feedback from society

Communication with society in real time

Interactivity: you can comment on photos, videos, give questions, play games, and receive awards

A sense of community.

Not so official talking style

Opportunity to ask society about something

If people like your social media, they share it with others

Disadvantages:

Lack of human resources

Bad feedback control or lack of control

The majority of users are young people

- **Can you give us some suggestions about the use of social media for the judiciary?**

Social media can be used for posting photo albums from events in courts, videos about courts' work, you can create discussions, organise games, and ask an opinion about some events.

The Netherlands:

- **Is broadcasting of court sessions allowed in your country? If so, what parts of the proceedings can be registered by the (audio) visual media?**

During the hearings the press may in any event make video and sound recordings of the entry of the members of the court, the opening of the hearing by the presiding judge, the reading out of the charges, the closing speech of the public prosecutor in criminal cases, counsel's speeches and the delivery of the judgment, save in exceptional circumstances. The judge determines in response to a request to this effect to what extent the press can make recordings of other parts of the hearing

- **And who does the recording of the court session?**

Usually the public and commercial broadcast companies do the recording. To aid the orderly course of the proceedings, the court may determine that a limited number of camera crews will be admitted to the hearing and may impose as a condition that they take part in a pooling arrangement.

To aid the orderly course of the proceedings, film recordings are always made from a fixed position. On very rare occasions the court can decide to make the recordings self and give the images to the broadcasting companies.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

The judge will hardly ever grant consent for defendants in criminal cases to be shown on film. An exception may be made if the defendant himself does not object. The most basic tenet of criminal law is that someone is innocent until proven guilty by a court (the presumption of innocence). When a criminal case is heard, the assumption should therefore be that the defendant is innocent. If recordings from which the identity of the defendant can be inferred were to be circulated before any conviction is pronounced, this would anticipate the judgment. If the person concerned were ultimately acquitted by the court, he might already have been convicted in the court of public opinion by the images in the media. Here too, the interests of a fair trial therefore prevail.

The victims in criminal cases may almost never be filmed. They are, after all, by definition vulnerable participants in the proceedings who generally give evidence of a very personal nature. In order to protect their private and family life and also to ensure the proper and fair course of the criminal proceedings, no recordings may be made of them.

Professional participants in the proceedings (judges, clerks of the court, public prosecutors and lawyers) are always present at a hearing in their official capacity, not their private capacity. It is assumed in principle that professional participants in court proceedings have no objection to their public actions being recorded. This applies above all to judges and public prosecutors since it is their functioning that is subject to scrutiny by the press. It is only logical, therefore, that they should be shown on film in any recordings of the hearing or parts of the hearing. In exceptional cases there may be reasons for departing from this principle. Lawyers may always object to being included in film and sound recordings.

The public must feel free to attend a hearing without the chance of being filmed. This is why it is provided that the public may not be filmed in the court room or in other parts of the court building. If members of the public wish to talk to the press, they have every opportunity to do so outside the court building.

The above also applies to the making of sound recordings, although this medium is regarded as less intrusive than film recordings. This can result in a different decision.

- **Is live broadcasting of court sessions allowed?**

Direct broadcasting is not, in principle, permitted. Sound fragments in which names of the defendant, victims or witnesses appear should be modified by erasing the names or replacing them by a sound signal. In extraordinary cases where none of the participants objects being filmed direct broadcasting is possible. That was recently the case in the court procedure against Mr. Wilders a Dutch politician.

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quote the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

To aid the orderly course of the proceedings, the court may determine that a limited number of camera crews will be admitted to the hearing and may impose as a condition that they take part in a pooling arrangement.

To aid the orderly course of the proceedings, film recordings are always made from a fixed position.

- **Is it desirable to have a unified European policy in these matters?**

It is desirable to work on unified press guidelines for the members of the ENCJ. But one should be aware of the differences in the European countries concerning the judiciary and the attitude of the press. Fundamental differences can be a handicap in the making of common guidelines.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

In normal court cases cell phones are permitted in the courtroom. It is prohibited to make pictures in the courtroom with cell phones. Guards in the courtroom can confiscate the cell phone and remove the picture. There are a growing number of journalists who twitter in the courtroom and make live reporting from the courtroom in a way possible. Only in the two extra secured courtrooms in Rotterdam and Amsterdam cell phones are forbidden.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

There are one or two judges who publish blogs on the internet. They write about their work and experiences in the courtroom. Although these blogs contribute to the transparency of the Judiciary in general there are also risks involved for instance by giving personal opinions which can be seen as bias.

Other judges publish their personal profile on LinkedIn or Hyves. It is not forbidden for judges to do so but the general advice is to avoid these social media because they can easily be misused by others. It has occurred that in a very high profile case 'fake' profiles of the judges have been made by the court on Hyves and Facebook to avoid that others could misuse their names in the social media.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

Opportunities:

- educating the public
- to enhance public confidence in the Judiciary

Risks:

- camera's can affect the participants in a negative way
- broadcasting court hearings can have a negative effect on the prestige/ authority of the Judiciary
- most people can't follow the court hearing: an expert in the studio should explain the procedure (like a commentator during a football match).

For a thorough overview concerning the advantages and disadvantage of audio- and video broadcasting see the article: Court on Camera: Electronic Broadcast Coverage of the Legal Proceedings by Paul Mason. (see attachment)

- **What kinds of advantages and disadvantages of using social media by the Judiciary do you see?**

Advantages:

- twittering by journalists form some kind of live reporting from the courtroom
- in high profile cases twitter can be used as an instrument to inform journalists quick and directly

Disadvantages:

- judges who twitter their personal opinions form a risk

Norway:

Broadcasting is basically allowed in civil cases and can be allowed by the court in penal cases.

The judge can decide which parts of the proceedings that can be broadcasted. Without a few exceptions it is only allowed to register professional participants like a prosecutor, lawyers and the judge.

The recordings is made by the broadcasters. The court can, and do often, decide that one TV-channel can make the recording and that they do have to share it with other broadcasters.

If live broadcasting is allowed it is often given a restriction that they should send it with for example. 30 seconds delay, and during the delay "beep out" names of private parties like victims, witnesses etc.

A unified European policy is desirable - if it can be fitted in to each countries rather different legislation. If its not possible it is still important to know good practice in different countries.

There is no special regulations on the use of cell phones except general parts about not disturbing the case and the dignity of the court.

The Norwegian Courts Administration has started with using Facebook, Twitter, Flickr and will probably develop this further. The twitter account is used to share information about news, pressreleases, practical information in mediafocused cases, retweeting court information. Oslo district Court has also started up using Twitter. It has a useful channel to inform international media about The Oslo terror case.

Both Twitter and Facebook is useful to communication with public, but this has not yet been the main activity. NCA are discussing to start several Facebook accounts, more sharpen to target groups like lay judges, witnesses, users of special courts etc.

NCA have made guidelines on the use of social media.

Since this summer one of the Media judges has his own blog (The Judge blog) in which he describes his work, what reflections he makes during cases etc. It is appreciated among Court staff, lawyers and media.. <http://dommere.blogspot.com/>

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

Risk and disadvantages:

- It may disturb the hearing.
- It may impact the dignity of court in a negative way.
- It may make judges and other participant nervous and impact their behavior.
- Parties and witnesses can be more reluctant to testify.
- The risk for breach of public privacy
- It will raise vagueness on when such a recording is allowed and the terms for it.

Oppurtunities and advantages:

- It gains transparency of the power executed by the courts.
- It will increase the knowledge about the judiciary
- Public will learn more about courts.
- It will hopefully contribute to public confidence in the courts.
- It is possible to have restrictions to reduce disturbance and to not record non-professionals.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

Advantages:

- The possibility of communicate directly with public and with concrete target groups like lay judges and media.
- The possibility of directing more people to fruitful information to websites of the judiciary.
- Blogs is a possibility to explain topics in a more accessible way.

Disadvantages:

- The risk of publishing not well-considered statements.

- **Name best practices?**

The Norwegian Courts Administration has started with using Facebook, Twitter, Flickr and will probably develop this further. The twitter account is used to share information about news, pressreleases, practical information in mediafocused cases, retweeting court information. Some courts has also started up using Twitter. It has for example been a useful channel to inform international media about The Oslo terror case.

Both Twitter and Facebook is useful to communication with public, but this has not yet been the main activity. NCA are discussing to start several Facebook accounts, more sharpen to target groups like lay judges, witnesses, users of special courts etc.

NCA have made guidelines on the use of social media.

Poland:

The court may allow representatives of radio, television, film and the press to make video or audio recording of the course of the hearing by means of appropriate equipment, when the legitimate interest of society argues for that, assuming that these activities will not impede the conduct of proceeding, and a valid interest of participant does not object that. In criminal proceedings the court may specify conditions on which the court makes the authorization, as mentioned above (Article 357 § 1 and 2 of Code of Criminal Procedure [CCP]).

Moreover, if it does not conflict with the correctness of the proceedings, the court, on application by a party, agrees to record its trial run using sound recording equipment (Article 358 CCP). The civil and administrative procedures are analogical to the criminal, in this regard.

A live broadcast may also be included in the above framework.

- Due to importance of the right to the disclosure of a trial and a public hearing, some form of recommendations to Member States as a result of collecting European experience, might be useful.

- Polish constitutional provisions relating to the judiciary general contain provisions for the "session policy". On their basis, the court may for instance expel audience from the courtroom because of its misconduct; in the case of: serious breach of privilege, peace, or order of court action, as well as insulting court or persons participating in the hearing, the court may punish the guilty with ordinal penalty fines of up to 10 000 PLN (ca. 2300 €) or imprisonment of up to fourteen days (Article 49 § 1 and 2 of the Act of 27 July 2001 - Law on Common Courts).

- In the reality of Polish judiciary, electronic social media are not used for strategic purposes by the judges (however, some judges, or "representatives of judges" - like prominent members of judges' associations - use blogs etc.).

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In Poland there is no practice of transmitting the whole court session. The transmission consists of for example the fragments of speeches of witness, party or experts and representatives of the parties. The most frequent form is a transmission of announcing a judgment with the reasons (in short form).

The court room admission is free for the public and also media (during the court sessions which are open). The decision about the transmission is of concern of the proceeding judges but the transmission should not be disturbing for the session.

In the court room in Poland the audiovisual facilities are currently being installed. The system would be owned by the court. There are no experiences with this system, yet. The Minister of Justice is at the moment still preparing the act that will regulate this matter.

It should although be of use of the justice and judiciary, because live transmissions evoke the questions of the author rights, personal rights and the security of the court proceeding (the possibility of persuading some participants of the proceeding to say some particular things) and personal security of the participants.

It is difficult to say whether the social media are of use for the judiciary because we do not have experience in this matter.

In the case of transmission we cannot speak about its educational role because the audiovisual transmission alone has no such content. The audience of such transmission would have to know the material and procedural law. Without that, the court decisions have no meaning for the audience. A commentary explaining legal complexities would be needed, but the costs of providing the commentator to each transmission could be too high.

The other problem is that of the time of the transmission. It is impossible to predict how long will the court session lasting. So the negative points of the live transmission are significant which would be an argument against this kind of the transmission.

Portugal:

The broadcasting of sound or image from trial hearings is not prohibited by law, but it's also not free. It is the presiding judge who decides whether to authorize the recollection of image and/or sound. The most common practice is to not allow any recollection.

In the latest case, by agreement negotiated by the Judge who presided and the media, one television recorded the image and supplied the signal to the other, reducing the technical means in the courtroom.

Prior to the image capture, is asked to the intervenient who does not want to be exposed, so the media can't film or photograph them.

There were cases where media has been allowed to live broadcast or record the public reading of the sentence. But there's no case of recording the trial itself (inquiries, testimonials, allegations).

In the latest case, and to prevent the transmission of any incidents that might occur during the session, was also agreed a delay of several seconds.

Given the different realities of either judicial or media, among EU countries, I believe there should not have a unified policy on these matters.

In Portugal it is forbidden to use mobile phones in courtrooms.

We've recently experienced the beginning of the use of Facebook as a tool for disseminating information, by judges or groups related. But that use is personal or restricted and not public. Through websites, CSM, and the MP (prosecutors) issue information and statements.

- When people know that they are being recorded for broadcasting purposes lose their spontaneity and start to act.
This has to be kept away from the courtroom because it will interfere with the search for truth and realization of Justice.
Justice is not a show.
Judges are trained to examine evidence and pass judgements. You still can't put their activity "on air" and expect to reach the citizen. In fact, by not having that specific training, he will only pass "common sense" judgements in prejudice of Justice's trust.
And I see no opportunities here to achieve.
- Social media is a reality in constant change. Caution is due in the use of these tools. For now, I would keep them out of use by the judiciary.
- Occasional recollection of images from the courtroom, after the evidence is produced, and with the consent of all the people exposed.

Romania:

Filming and taking pictures is allowed outside the court room. Using the laptop in the court session is allowed when the session is public.

- **Is broadcasting of court sessions allowed in your country?**

Yes.

- **If so, what parts of the proceedings can be registered by the (audio) visual media? And who does the recording of the court session?**

The president of the judging panel has the obligation to allow the reporters to film the court room for an interval between 1-3 minutes, with the respect of prior provisions.

Filming and photographing within court rooms will be made only with the agreement of the panel president and of the parties.

The audio or video recording of non-public sessions is excluded, by application of the provisions included in special laws with regard to the character of the court session, or as a result of the decision of the court, taken into consideration of art. 290 of the Criminal Procedural Code.

The audio recording within the court room is allowed when the court session is public.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

The present regulations do not distinguish between participants to the act of justice. At the request of the person, defender or prosecutor, or by own initiative, the court may forbid the access of the press in the court room.

- **Is live broadcasting of court sessions allowed?**

There are no legal provisions in this matter.

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible**

to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?

The restrictions differ from case to case, based on the disposition of the panel's president, or according to provisions stated in the regulation for the organization of courts. There is no general provision in this matter.

- **Is it desirable to have a unified European policy in these matters?**

Yes.

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

Yes.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

Isolated, at the level of some central institutions (Ministry of Justice, SCM).

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

Advantage: a higher impact on the general public, increasing the confidence in justice

Risks: concerning the rights to private life, to image

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see? Can you give us some suggestions about the use of social media for the judiciary?**

Advantages: the presence of the judiciary in social media assures the dissemination of information having in mind that the number of persons using social media is very high

Slovenia:

- **Is broadcasting of court sessions allowed in your country?**

Only partially, before the actual proceeding and only with special permission of the president of the Supreme Court. Once the court sessions have started it is not allowed to be recorded by the media.

- **Which participants can be filmed during the court session (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and public)? How do you safeguard the privacy of the non-professional participants?**

Procecutor, lawyers, suspest, defendant, public.

Judges can prohibit the use of mobile phone and other technical devices during the proceeding.

- **Is it desirable to have a unified European policy in these matters?**

No.

- **Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

Yes, we operate with the device that blocks mobile phone signal during the proceeding in the court room.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes?**

No.

Spain:

- **Is the dissemination of court sessions allowed in your country?**

Following the jurisprudence of the Constitutional Court in Spain, the presence of media in courtrooms is allowed as a general rule, to ensure the principle of public prosecutions. However, the court may limit this right in terms of circumstances of each case and the reasons for the decision.

- **If so, what parts of the process can be recorded by the media (audio) visual?**

In principle, unless court's refusal, the whole conduct of the trial can be recorded, except for statements of minors, victims of sexual crimes and witness protection (in this case, the prohibition only to capture his image, no sound).

- **And who does the recording session of the court?**

The audiovisual media interested y. in some places, the judiciary itself through an official signal.

- **Participants may be filmed during the session of the court (judge, prosecutor, jury, lawyers, suspect, victim, witness, plaintiff, defendant, and the public)? How do you protect the privacy of the participants did not professionals?**

In principle, with the exceptions I noted, the conduct of the trial is public and therefore is not prohibited capturing images of those who testify.

- **Do you allow live coverage of the sessions of the court?**

If requested in early preventions are authorized above.

- **What are the restrictions for audiovisual media in the room? For example, it may be a delay between the recording and distribution so it is quite possible the transmission by the judiciary to the public has seen, because of some interest?**

Sometimes, for the President of the Court to control the session, has forced a delay in the dissemination of images.

- **Is it desirable to have a unified European policy on these issues?**

Is a complex issue for the specificity of each country, but would be good, at least, a minimum of cohesion between the Member States of the Union.

- **It's a habit that visitors increasingly use their mobile phones to communicate directly from the courtroom. The privacy of the accused, witnesses and jurors may be violated by the use of cell phones during court sessions. Is the judiciary in your country taking any measures against the abuse of cell phones? If so, how?**

The order of the Board by the President of the Court. And is widespread ban on the use of mobile phones. There are even mobile courts where they are removed before entering the courtroom.

- **The judiciary as a whole or individual judges his country has some experience in using social networking (eg Twitter, Facebook, Hyves) for purposes of media strategy? If so, how do these networks can help improve the image of the judiciary?**

The experiences in this area are still scarce, although the CGPJ is aware that, in fact, can not be neglected social networks to promote the image of the judiciary, the power of a close and transparent.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

TV is the great tool to reach the citizens. The majority of the Spanish citizenship get the information from the television. As a matter of fact, television media has been covering the Spanish Courtrooms for more than 25 years. In the Judiciary we have learnt to use it to our advantage.

Today, after three rulings from the Spanish Constitutional Court, television media as well as radio are allowed to enter in the courtrooms to cover the trials. However, in some cases the magistrate-president of the case can allow the tv cameras at the beginning of the trial or to remain only for 10 or 15 minutes after the trial has started.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see?**

As long as we –from the Judiciary- run the television production, as long as we can control the image that the people will watch from their tv sets, image distributes by the tv channels, we only find advantages. After the 11th march Madrid bombing trial celebrated for four months and a half in 2007 –it was broadcasted live- we raised the citizenship trust on justice from 4 points to almost 6 out of a 10 points scale.

- **Can you give us some suggestions about the use of social media for the judiciary?**

We could organize a seminary to explain it all.

- **Name best practices?**

Permission to live broadcasting.

Turkey:

- **Is broadcasting of court sessions allowed in your country?**

No

- **Is live broadcasting of court sessions allowed?**

No

- **What are the restrictions for the audiovisual media in the courtroom? For instance, is it possible to have a delay between recording and broadcasting so that it is possible to quite the broadcasting by the Judiciary before the public has seen it, because of certain interest?**

At the hearing, and in no way photo taken for audio and video recordings made. However, the case file recording can be made up by the court without prejudice to cases where the proceedings mandated by the court. All documents and records obtained in this way can not be published anywhere else without the express permission of the court and persons concerned.

- **Is it desirable to have a unified European policy in these matters?**

Yes

- **It is an increasing habit that visitors use their cell phones to communicate directly from the courtroom. The privacy of the defendant, witnesses and jurors can be violated by the use of cell phones during court sessions. Does the Judiciary in your country take any measures against the abuse of cell phones? If so, in what way?**

Mobile phone using in the court is considered to be distorting act the layout of the trial. If there is a person distorts the layout of the trial using mobile phone, the judge has the authority to ordere removed from the court room except lawyers.

A person who despite the warning and the court's order continues to make inappropriate behavior is captured and applied to a disciplinary process. These process shall not apply to lawyers.

- **Does the Judiciary as whole or individual judges in your country have any experience in using social media (f.e. twitter, facebook, hyves) for media strategy purposes? If so, in what way can social media be used to improve the image of the Judiciary?**

Our Judiciary doesn't have any experience in using social media for media purposes. But Our Councils have a plan about the using social media to give information the decisions, the prosecuders and to answer some questions that are asked the people in online.

- **What are the main opportunities/ risks and (dis)advantages with audio and video recording for broadcasting?**

TV is comprehansive tools to give information about the judiciary works to reach the citisens. It is forbidden audio and video recording for broadcasting or another aim in the courtroom in Turkey.

It should be useful to see how the judicial system works live. Many people dont any idea the places of courtroom or how the works the judicial system.

- **What kinds of advantages and disadvantages of using social media by the judiciary do you see?**

If something wrong is done, it will not be easy to correct. You don't control the image.

4) Publications of judgments on the internet (Subgroup 4)

4.1 Questions

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**
- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**
- **Has the judiciary as a whole an internet site in your country?**

If so, can you please send the link?

If not, on which internet site are the decisions of the judiciary published?

- **Has each court in your country an internet site?**

If so, are they uniform and which information is published? Please give one link as an example.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**
- **Who makes the decisions to publish on internet?**
- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**
- **For whom do you publish the decisions, professionals or public?**
- **Do you publish an abstract on the internet?**
- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**
- **Who is editing the abstracts?**
- **Name best practices?**

4.2.Replies

Austria:

In Austria not all the judgements but especially the ones of the courts of appeal or the Supreme Court are published on the internet. The topic of the decision must be either a matter of consequence or of common interest and has to be legally binding.

website: www.ris.bka.gv.at

All judgements which are published on the internet have to be anonymous. For this process we don't have a special tool.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

Website: www.ris.bka.gv.at

- **Has the judiciary as a whole an internet site in your country? If so, are they uniform and which information is published? Please give one link as an example.**

There is only one website for all courts and one for the supremecourt (www.ogh.gv.at)

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

The internet site is focused on professionals, but everybody can call this site.

- **Who makes the decisions to publish on internet?**

Every court itself.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

The most meaningful ones, but they are often also the most interesting.

- **For whom do you publish the decisions, professionals or public?**

Mainly for professionals.

- **Do you publish an abstract on the internet?**

We publish an abstract.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

It is mended for professionals.

- **Who is editing the abstracts?**

The court, usually the judge who made the judgement.

- **Name best practices?**

We have only one internet-plattform for all courts and publish judgements especially for professionals. We publish an abstract.

Belgium:

Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.

There are initiatives to publish judgments on the internet site of the court as soon as they are pronounced. There is also a national website on which judgments are published but then only if selected because of their value and when in force (www.juridat.be and <http://jure.juridat.just.fgov.be>)

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

When a copy of a judgment is handed out to the media we (court of appeal of Antwerp) leave it to the journalists to anonymize according to their own deontology.

However, there are legal restrictions (victims of sexual offences, minors,...)

When a person is taken in custody and during the investigation only the initials of his name may be used (with exceptions)

- **Has the judiciary as a whole an internet site in your country?**

Yes

- **If so, can you please send the link?**

www.juridat.be and <http://jure.juridat.just.fgov.be/?lang=nl>

Some of the courts have their own website on which some judgments are published.

- **Has each court in your country an internet site?**

Not all yet

- **If so, are they uniform and which information is published? Please give one link as an example.**

www.juridat.be

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

Everyone can access this website.

- **Who makes the decisions to publish on internet?**

The president of a chamber in a court decides if a judgment has to be published on juridat. This could be because of the special interest of the verdict (specific juridical problem)

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Mostly yes (see above)

- **For whom do you publish the decisions, professionals or public?**

Both

- **Do you publish an abstract on the internet?**

Some courts have intentions to do so in the future. I think this would be an active approach towards the media in doing so.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

When it is an abstract of a judgment it is a quote of the judgment.

If it is to be meant for the media the press judge or his clerk could make a resume in 'normal' language.

- **Who is editing the abstracts?**

A court clerk or juridical assistant under the authority of the judge who made the verdict.

Bulgaria:

All decisions made by the court are usually published on the web – decisions put into power but with the initials of both sides.

Confidential criteria prohibits the publication of children adoption.

There is a criminal pursuit in case of revealing of hidden adoptions.

There are no anonymous publications of decisions , but only of the presence of initials.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

The Bulgarian judiciary site is: www.vss.justice.bg

Decisions made by the judiciary court are published in www.legalacts.justice.bg

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

Each court in Bulgaria has its own site. They are united and they publish the history of court, annually working reports of cases etc.

exemple: vratsa-rs.court-bg-org /regional court in Vratsa/

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

The site is focused on professionals and the press.

- **Who makes the decisions to publish on internet?**

The software product of the court system has its own sign and it is used by all judges, who decide published of decisions.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

There isn't a criteria about which decisions should be publishes except for confidential criteria prohibits the publication of children adoption, because there is a criminal pursuit in case of revealing of hidden adoptions.

There are private firms in Bulgaria which publish decisions of court but have a group of jurists.

- **For whom do you publish the decisions, professionals or public?**

Decisions are published on the net for all to see.

- **Do you publish an abstract on the internet?**

An abstract is not always published. Usually only motives of the decision are published instead of the whole decision. This part concentrates everything.

- **Who is editing the abstracts?**

Private firms decide what to publish from the decision. They have group of jurists who decide what abstract to publish in internet.

- **Name best practices?**

There are in Bulgaria 2 or 3 private firms in competition which publish court decisions. In their software product, in each legal norm, in the beginning of every article we find a sign which opens the decisions(practices) of all level of courts.

Denmark:

Currently, Danish case law is generally published in case law databases provided by private publishers and only available by subscription. The most well known and extensive source for Danish case law today is Ugeskrift for Retsvæsen (UfR) published since 1867 by the private publisher Karnov Group. It is published both as a printed weekly magazine and as an online database.

This database publishes all judgments from the Danish Supreme Court, few judgments from the two high courts, and the Maritime and Commercial Court, but no judgments from the district courts. All together Ugeskrift for Retsvæsen yearly publishes about 8-10 percent of all Danish judgments. The judgments are published as an abbreviated version in a subject index with an abstract written by an editorial body of judges. The magazine and database also publishes judicial articles and book reviews.

The Danish Supreme Court publishes all its judgments on its website and High Courts and the Danish Maritime and Commercial Court regularly publish judgments on their websites. Other Danish courts only publish certain judgments of public interest or summaries of such decisions on the website of the specific court.

There are plans pending to establish a national online case law database that would allow free access for the public and include case law from the Supreme Court and the High Courts. At a later stage, case law from district courts may be added as well. The database will, besides a "Google type" search facility, be published in a user friendly subject index, but will not be added an abstract of each judgment.

Judgments are published anonymously in accordance with Danish law (leaving out names and other personal information that reveals the identity of the persons involved). This is currently dealt with manually before publication but a future national online case law database would use special IT tools.

A new judicial case management system for all the Danish courts will be developed and implemented over the next couple of years. As part of the metadata applied in the case

management system, it is planned to add the EU e-Justice ECLI identifier to all Danish decisions so that, in future, ECLI information will be available for all new Danish case law published by Danish courts.

- **Has the judiciary as a whole an internet site in your country?**

<http://www.domstol.dk/Pages/default.aspx>

- **Has each court in your country an internet site?**

Yes.

- **If so, are they uniform and which information is published? Please give one link as an example.**

<http://www.domstol.dk/roskilde/Pages/default.aspx>

Yes, they are uniform. Examples of information published include: general information about the court and the services it provides, press releases and summaries of judgments (some/most courts), court lists, and a number of forms available to download.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

Both professionals and the general public.

- **Who makes the decisions to publish on internet?**

The Communications department of the Danish Court Administration is responsible for the content of and decisions concerning the judiciary's general website. The individual courts decide what to publish on their website. However, a number of fixed content categories have been laid down in collaboration between the Communications department and the courts to ensure uniformity in terms of all the websites providing the same information and structuring content in the same way.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Both; see also the previous answer. We publish information and material that is useful and essential for users of the courts – from professional users such as lawyers to the press and the general public, as well as information that the judiciary considers important to put in the public domain.

- **For whom do you publish the decisions, professionals or public?**

Both.

- **Do you publish an abstract on the internet?**

Some courts publish selected summaries of judgments (abstracts) on their websites and most publish press releases on judgments. The Maritime and Commercial Court publishes all its judgments.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

Wherever possible, the summaries of judgments are written in plain language so that all users can understand them.

- **Who is editing the abstracts?**

It varies: either the press judge or the person responsible for communications in the specific court, and in some cases the judge who heard the case.

- **Best practices Publication of judgments on the Internet**

Currently, Danish case law is generally published in case law databases provided by private publishers and only available by subscription. The best-known and extensive source for Danish case law today is Ugeskrift for Retsvæsen (UfR), published since 1867 by the private publisher Karnov Group. It is published both as a printed weekly magazine and as an online database.

This database publishes all judgments from the Supreme Court, some judgments from the two High Courts and the Maritime and Commercial Court, but no judgments from the district courts. Altogether, each year Ugeskrift for Retsvæsen publishes about 8-10 percent of all Danish judgments. The judgments are published in full text together with an abstract for quick reference written by an editorial body of judges. The editors also specify the relevant subject index and a few reference words that may within the subject group identify the problems addressed for easy finding. The magazine and database also publish judicial articles and book reviews.

The Supreme Court publishes all its judgments on its website together with an abstract written in a non professional wording meant for informing the media and the public. The abstract and the full text judgement are published at the homepage simultaneously with passing the judgement. The High Courts and the Maritime and Commercial Court regularly publish judgments on their websites. Other Danish courts only publish certain judgments of public interest or summaries of such decisions on the website of the specific court.

There are plans pending to establish a national online case law database that would allow free access for the public and include all case law from the Supreme Court and the High Courts. At a later stage, case law from district courts may be added as well. As well as providing a "Google-style" search facility, the database will be published in a user-friendly subject index, but will not include an abstract of each judgment.

Judgments are published anonymously in accordance with Danish law (leaving out names and other personal information that reveals the identity of the persons involved). This is currently dealt with manually before publication but a future national online case law database would use special IT tools.

A new judicial case management system for all the Danish courts will be developed and implemented over the next couple of years. As part of the metadata applied in the case management system, it is planned to add the EU e-Justice ECLI identifier to all Danish decisions so that, in future, ECLI information will be available for all new Danish case law published by Danish courts.

England & Wales:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

Newsworthy judgments are published on the Judicial internet. Legally significant judgments are published on the not-for-profit Bailii site <http://www.bailii.org/> Tribunals publish decisions usually of the Upper Tribunals but not of the tribunal First Tier

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

Where appropriate (for instance in cases involving children) the judgments are anonymised under the direction of the judge

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

Yes. www.judiciary.gov.uk

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

No. we only have the central site.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

Both – although more directed to the press and public. The reporting of court decisions as legal precedents is primarily done on other sites and in hard printed form.

- **Who makes the decisions to publish on internet?**

The Judicial Communications Office – sometimes after consultations with the judiciary.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Internet reports tend to be the interesting ones – especially those which are high profile and will attract media attention.

- **For whom do you publish the decisions, professionals or public?**

Mostly for the press and public – to ensure they have the facts and the details of the decision, correct.

- **Do you publish an abstract on the internet?**

Only of the full sentencing remarks. Other full reports are usually for the professionals published elsewhere.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

It is an abstract – thus for the professionals. There is no editing or simplifying for the public.

- **Name best practices?**

We have none.

Hungary:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

In Hungary judgements are published on the internet. There is not selection but some criteria have been carried out. First of all making of the judgements anonymous, and becoming in force of sentence. All of decisions which are became into force are published. In Hungary the judgements are published on the web site: www.Birosag.hu

It is a central portal the title Judicial Decisions.

In Hungary there is a regulation on proceeding of judgements anonymous of the National Council of Judiciary (2007. 3 regulation) This regulation came into force 2007.07.01.

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgements anonymous?**

Above mentioned Hungarian regulation determine the criteria of the anonymous.

The decesion can not include in it the privacy datas of the parties, the names and datas must be cancelled. From the reasons part of the decisions must be cancelled the names of those natural or legal partions who are not involved in the proceeding. On the anyonomous proceeding there should be considered on the protect of state and other authority's secret.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

In Hungary the judgments are published on the website: www.birosag.hu. It is a central portal the title Judicial decisions.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

In Hungary the most of the courts Internet site focus on not only professionals but the main public and the press also.

- **Who makes the decisions to publish on internet?**

After the making of judgments' anonymous the Hungarian National Office of the Judiciary publishes them on Internet.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

In Hungary the main criteria of the publishing are: The decision can not include in it the privacy data of the parties, the names and data must be cancelled. From the reasons part of the decisions must be cancelled the names of those natural or legal persons who are not involved in the proceeding. On the anonymous proceeding there should be considered on the protect of state and other authority's secret.

- **For whom do you publish the decisions, professionals or public?**

For both professionals and public and press.

- **Do you publish an abstract on the internet?**

No, In Hungary the whole decisions are published it means that both of the decision and the reasons of the decisions.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

Above mentioned.

Ireland:

Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.

Yes, the majority of judgments are published on the Courts service website. Ex tempore judgments, however, are not published. Approval of the individual judges must be sought before judgments can be published on the website. Judgments are available online at this link.

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

Yes, once approved by individual judges, judgments concerning sensitive family law or in camera matters will be redacted in order to protect their privacy. In all other matters judgments are available to the public with full details as to the parties. Court documents exchanged between the parties are not published, however, and any precedent drafting documents used by the Courts Service are heavily redacted to comply with data protection legislation.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

The Supreme Court of Ireland has its own website: <http://www.supremecourt.ie> however this website gives rather general information about the judges sitting on the court and background on the Supreme Court's functions and history.

The Courts Service website <http://www.courts.ie> is a more informative website which publishes information of use to the public in relation to day-to-day courts sittings. Amongst the useful tools on this website includes:

A legal diary of upcoming cases

Practice Directions

Rules of Court

Scheduling information and any changes in terms of scheduling

A facility for verifying the status of High Court judgements

A catalogue of recently delivered court decisions, which are published online with the approval of the respective judges involved.

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

No. The Courts Service published information of general importance to all tiers of court and the Supreme Court website is largely biographical.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

The Courts Service website provides information which is of use to the general public (such as information for jury duty, general information on the courts in user friendly language), practitioners (such as the legal diary, court rules and judgments catalogue) and from time to time would have press releases on it, however, these come from the Courts Service as distinct from representing the views of the judiciary which are never made known in the public domain.

- **Who makes the decisions to publish on internet?**

The Information Office and the Media Relations team at the Courts Service would be responsible for verifying all web content.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

All decisions must be deemed to be approved by the judge before publication. In practice the judge will often send his or her judgment to the Judicial Researchers' Office for it to be publication.

- **For whom do you publish the decisions, professionals or public?**

Decisions are published in order to facilitate the needs of the general public and those of practitioners.

- **Do you publish an abstract on the internet?**

No abstracts are published, only complete judgments.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

n/a

- **Who is editing the abstracts?**

n/a

- **Name best practices?**

See above.

Italy CSM:

The Italian system does not provide for institutional publication of judgements on the internet.

Some judicial bodies (e.g. Court of Cassation, Constitutional Court, First and Second level Administrative Judges, and the Council for the Judiciary in relation to decisions on disciplinary matters) have their own internet website on which decisions taken are published purely for divulging purposes.

Normally, publication covers all judgements made by the judicial body without distinguishing between final decisions and decisions still subject to appeal - when final appeal judges are not involved.

In order to protect privacy, provision is made for eliminating - by means of material deletion - any personal reference that makes it possible to identify private parties.

Finally, information is gathered on judgements published by private managers for scientific purposes and professional services, sometimes with access subject to payment.

Numerous magazines publish the most significant judgements, with notes and comments.

Italy CPGA:

- **Has the judiciary as a whole an internet site in your country?**

Yes.

- **If so, can you please send the link?**

www.giustizia-amministrativa.it

- **Has each court in your country an internet site?**

No, some court have not an internet site.

- **If so, are they uniform and which information is published? Please give one link as an example.**

For administrative justice, there is a site where all the decisions of all administrative judges are published. For the ordinary justice (civil and penal), I think there is only the site of the Supreme Court (www.cortedicassazione.it) where only the most important decisions are published.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

The site of administrative justice is mainly focused on professionals.

- **Who makes the decisions to publish on internet?**

There is an appropriate office, composed of judges, charged of tasks of study and legal research who will select and summarize the judgments.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Normally, each decisions is published. Currently, the judgments are not in evidence, meaning that people can find them only through a search engine.

- **For whom do you publish the decisions, professionals or public?**

Mainly, professionals.

- **Do you publish an abstract on the internet?**

Currently not, but the idea is to point out the most important judgments, also published an abstract.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

For professionals

- **Who is editing the abstracts?**

There is an office, composed of judges who will select and summarize the judgments

Lithuania:

- **Are all judgments published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

Yes, all the final judgments are published on the internet when the decision of the courts comes into force and there is no time left for subjecting it to the upper instance.

<http://www.lat.lt/default.aspx?item=tpbiul&lang=1>

<http://www.lvat.lt/teismo-praktika.aspx>

<http://www.infolex.lt/tp/>

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

The information about the cases is published in the special websites, but this information is impersonal.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

The whole internet site in our country is National Courts Administration site www.teismai.lt. And all the decisions of the judiciary are published in the special part of this page <http://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx?detali=2> but the decisions can see only journalists. People who do not have access to it see only the impersonal decisions.

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

Each court had its own internet site till this year (different style, different location for the information and different presentation). Now we have a project after which (approximately in May) all the courts will have their internet pages in the same style, the same location of information.

For example, the court internet pages now look like <http://www.lat.lt/?item=home>

Contacts information, information about the activity of the court are published in the internet site: financial statements, statistics, information about payments for work, public purchases, career possibilities, decisions in cases, press release, cases schedules, etc.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

It isn't structured for specific target groups. All the information on the page is for professionals, also for media and for the society.

- **Who makes the decisions to publish on internet?**

Article 39 of the Republic of Lithuania law provides that in accordance with the Judicial Council all final acts of the judiciary are published on the internet, except for some exceptions which do not have the right interpretation.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Society and media interest in the case are the criteria for publishing. If it is a resonant case then it is published (when we talk about press releases which are made from decisions).

- **For whom do you publish the decisions, professionals or public?**

To the public to know the case law and legal interpretation.

- **Do you publish an abstract on the internet?**

Yes, we publish an abstract, but only in resonant cases and this abstract is press release.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

No, our abstracts are written in simple language. When we write abstracts we focus on old people from villages, who don't have legal knowledge and often do not have higher education.

- **Who is editing the abstracts?**

Abstracts are edited by the chairman of the court

The Netherlands:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection?**

Each year the courts publish a selection of judgments on the internet. Usually judges themselves decide or these judgments are interesting enough.

- **What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

In the Netherlands there are two important criteria:

1. The interest of society (press and public) in the decision of the court.
2. The importance of the juridical aspects of the judgment.

Decisions can be published directly after the hearing or – in case of a written procedure- the moment all parties are informed.

Website: www.rechtspraak.nl

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

All judgments are anonymized before being published on the internet with the help of guidelines. Usually all the names of the defendant, victim(s) and witnesses are to be removed. This can be done with a special developed software program.

- **Has got the Judiciary as a whole an Internet site in your country? If so, can you please send the link? If not, on which Internet site are the decisions of the Judiciary published?**

The Judiciary in the Netherlands has his own website: www.rechtspraak.nl. This website can be considered as a portal: under the general umbrella of the Council for the Judiciary one can find the individual website of each Dutch court.

This website contains a database of decisions of the courts with an extended search system. Last year there were almost 27.000 decisions (1% of total) published on the Internet. Every decision has to be anonymized which costs a lot of time.

- **Has each court in your country an Internet site? If so, are they uniform and which information is published? Please give one link as an example.**

Every court has got its own Internet site. The structure of each site is uniform.

The link to the court of Amsterdam is:

www.rechtspraak.nl/Organisatie/Rechtbanken/Amsterdam

On the sites of the Dutch court you can find information such as:

- news
- agenda of court hearings
- general information about the court
- information for visitors
- map of the jurisdiction of the court of Amsterdam
- rules and procedures
- frequently asked questions
- contact (telephone numbers and addresses)
- database with published decisions

- **Is the Internet site of the Judiciary focused on professionals or the main public and the press?**

The Internet site is focused on both groups.

- **Who makes the decisions to publish on Internet?**

Usually the judge himself decides whether the decision will be published or not. If a journalist asks for a specific decision, it will be published on the Internet.

- **What are the criteria for the court decisions for Internet publishing? The most meaningful ones or the most interesting ones?**

We use the following criteria:

- There is interest from the media for the decision;
- the decision is of general importance for society;
- the decision can have influence upon the interpretation of the law or other regulations;
- there is interest from a special group of people
- the decision is important for the specialized press in the field of justice and law

In general no decisions will be published:

- in small and ordinary cases;
- in small civil cases where the defendant does not attend the hearing;
- in family law cases.

- **For whom do you publish the decisions, professionals or public?**

Both groups

- **Do you publish an abstract on the Internet?**

Yes

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

There are two forms of abstracts. Each decisions starts with a very short summary meant for professionals. Besides that we make abstracts in the form of press releases in comprehensible language for the public.

- **Who is editing the abstracts?**

The abstracts are sometimes made by the judges, but it is the task of the public information officer of each court to write these press releases.

- **Name best practices?**

- Handing out the decisions to the press in the courtroom direct after the hearing

- In high profile cases we publish the decision ca. 30 minutes after the hearing

Norway:

The Supreme Court decisions are published on internet for the public. <http://www.lovdato.no/hr/index.html> (Only in norwegian) So are most appeal court decisions. <http://www.lovdato.no/lr/lrb/index.html> (Only in norwegian)

NCA has made a web-solution where courts can publish all decisions at webpages only available to the media. <http://www.domstol.no/presse> (Only in norwegian and you do need a password) Appr. 25 of 70 courts use this channel and the number will increase. The parties, witnesses etc. are not anonymous in this version but there is restrictions on what cases can be published on websites.

We don't have any tools to make the judgments anonymous.

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

There is a general website for the courts, <http://www.domstol.no/en/>

The main courts publish their decisions on an accessed area for the press.

There is also a website where decisions from higher courts are published for professionals and public. These are anonymous.

<http://www.lovdato.no/info/lawdata.html>

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

Every court has their own website, in a uniformed solution. For the smaller courts this is mostly an site with contact information. Other courts has a web site with a lot of information about the court.

<http://www.domstol.no/en/Enkelt-domstol/Oslo-District-Court/>

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

Main public and the press

- **Who makes the decisions to publish on internet?**

Each court and for the general website, the Norwegian Courts Administration.

- **For whom do you publish the decisions, professionals or public?**

For media.

- **Do you publish an abstract on the internet?**

The Supreme Court publish abstract on their own site. Other courts can do this in cases with huge media focus.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

It is written for the public.

- **Who is editing the abstracts?**

The courts themselves. But as mentioned earlier this is mostly for the higher courts. The courts don't have resources to do this for all cases.

Poland:

Selected decisions of common courts are published on courts' websites. The selection criteria are determined by person editing the page - in practice it is a spokesman. The only courts publishing all of the judgments are administrative courts and the Constitutional Tribunal. There are projects of legislation that provides publication of the whole jurisprudence of all courts.

Anonymisation of judgments involves the removal of the of any sensitive content (like personal data etc.).

Please find below links to several examples of jurisprudence databases (in Polish):

http://www.trybunal.gov.pl/OTK/otk_dpr.htm - Constitutional Tribunal

<http://orzeczenia.nsa.gov.pl/cbo/query> - Central Base of Administrative Courts' Jurisprudence

<http://www.sn.pl/orzecznictwo/index.html> - Supreme Court (current judgments)

<http://pub.sn.pl/orzeczenia.nsf/wybor?openform> – Supreme Court (archival judgments)

<http://www.wroclaw.sa.gov.pl/pl/dokumenty/orzecznictwo> - judgments of Court of Appeal in Wrocław.

Portugal:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**
- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

A large part of the decisions of the appeal courts is published on the Internet. Each Court of Appeal has a commission composed of judges who decide which judgments to publish, taking into account their technical interest. The publication is independent of the enforcement of the decision, but if there is further appeal is possible to determine whether the published sentence was confirmed.

There's no publication of the first instance courts.

Before the publication the names of the parties or any elements that identify them are removed from the decisions.

They are available at: <http://www.dgsi.pt/>

- **Has the judiciary as a whole an internet site in your country? If so, can you please send the link? If not, on which internet site are the decisions of the judiciary published?**

A large part of the decisions of the appeal courts is published on the Internet. There's no publication of the first instance courts.

They are available at: <http://www.dgsi.pt/>

This site is managed by the Ministry of Justice.

- **Has each court in your country an internet site? If so, are they uniform and which information is published? Please give one link as an example.**

Only Appeal Courts and the Supreme Court have sites of their own.

The Supreme Court site is: <http://www.stj.pt/>

In the page <http://www.stj.pt/funcionalidades/links> you will find links to the Appeal Courts sites.

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

The internet site mentioned in the answer n.º 1 is mainly intended for professionals.

- **Who makes the decisions to publish on internet?**

Each Court of Appeal has a commission composed of judges who decide which judgments to publish.

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

The criteria take into account their technical interest. The intention is to show how every question is discussed and decided.

The publication is independent of the enforcement of the decision, but if there is further appeal is possible to determine whether the published sentence was confirmed.

Before the publication the names of the parties or any elements that identify them are removed from the decisions.

- **For whom do you publish the decisions, professionals or public?**

The publication is intended mainly for professionals.

- **Do you publish an abstract on the internet?**

Yes.

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

The abstract is also written directed mainly for professionals.

- **Who is editing the abstracts?**

The Judge who writes the decision.

- **Name best practices?**

In spite of the publication that is done for professional purposes, there should be created another kind of publication, intended for the common citizen in search of answers.

That will involve a communication expert, able to simplify the summary of the decision without altering it's reasons or effects.

Romania:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

Yes. Only a selection of judgments is published.

- **What is the policy in your country concerning the privacy of the parties? If so, do you have any tools to make the judgments anonymous?**

Art. 26 of the Romanian Constitution

(1) The public authorities shall respect and protect the intimate, family and private life.

(2) Any natural person has the right to freely dispose of himself unless by this he infringes on the rights and freedoms of others, on public order or morals.

Art. 30 of the Romanian Constitution

(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.

(2) Any censorship shall be prohibited.

(3) Freedom of the press also involves the free setting up of publications.

(4) No publication shall be suppressed.

(5) The law may impose upon the mass media the obligation to make public their financing source.

(6) Freedom of expression shall not be prejudicial to the dignity, honor, privacy of a person, and to the right to one's own image.

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.

(8) Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offences of the press shall be established by law.

Civil Code

Art. 71 – Right to private life

(1) Everyone has the right to respect for his private life.

(2) No one shall be subjected to any interference in private life, personal or family or domicile, residence or correspondence, without his consent or without compliance with the limits laid down in art. 75.

(3) It is also prohibited from using, in any way, correspondence, manuscripts or other personal documents and information from the privacy of a person without consent or without compliance with the limits laid down in art. 75.

Art. 75 - Limitations

(1) It is a violation of the rights provided in this section touches that are permitted by law or international conventions and covenants on human rights to which Romania is party.

(2) The exercise of constitutional rights and freedoms in good faith and in compliance with international covenants and conventions to which Romania is not a violation of the rights provided in this section.

Art. 77 – Processing of personal data

Any processing of personal data by automated means or otherwise, is possible only in the cases and conditions provided for by special law.

Law no. 677/2001 on the protection of persons concerning the processing of personal data and free circulation of such data

Art. 10 - Processing of personal data relating to criminal offenses or offenses

(1) processing of personal data relating to criminal offenses committed by the person concerned or criminal convictions, administrative safeguards or penalties or offenses, applied to the data subject, may be performed only by or under the control of public authorities, within the powers conferred upon them by law and as determined by special laws governing these matters.

(2) The supervisory authority may establish other cases in which the processing of data provided in par. (1), only if the imposition of adequate safeguards for the rights of data subjects.

(3) A complete record of criminal convictions may be kept only under the control of public authorities, within the powers conferred by law.

- **Has the judiciary as a whole an internet site in your country?**

JURINDEX – jurisprudence portal; separate websites for courts (including jurisprudence) and prosecutor offices

- **If so, can you please send the link?**

<http://www.jurisprudenta.org/>

<http://portal.just.ro/> - the portal of the Romanian courts, except the High court of cassation and justice

http://www.scj.ro/monogr_en.asp - the website of the High Court

<http://www.mpublic.ro/> - the website of the Public Ministry including all prosecutor offices

If not, on which internet site are the decisions of the judiciary published?

- **Has each court in your country an internet site?**

YES (within the courts' portal)

- **If so, are they uniform and which information is published?**

YES, general information [presentation, organization, contact details, pending files, court hearings lists, jurisprudence]

- **Please give one link as an example.**

<http://portal.just.ro/InstantaInformatiiStatistice.aspx?idInstitutie=33>

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

All of them

- **Who makes the decisions to publish on internet?**

The court president/ head of the prosecutor office or the appointed judge/prosecutor

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

Both of them

- **For whom do you publish the decisions, professionals or public?**

Both

- **Do you publish an abstract on the internet?**

Yes – on the courts portal only abstracts are published while on the High Court' website are published both abstracts and the full text. On the jurindex portal is published the full text of the judgments

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

The abstract are written for both categories.

- **Who is editing the abstracts?**

Judges/Clerks

Slovenia:

Just a selection (high and Supreme court practice. The decisions are in force before published.

Link: http://www.sodisce.si/znanje/sodna_praksa/

Yes, erasing personal data.

Spain:

- **Is it customary in your country publishing judgments on the Internet? If so, are all published or only a selection? What are the criteria that need to be matched before posting? For example, decisions have to be in force? Please send the link to the website in which decisions are published**

The website is the official website www.poderjudicial.es the Spanish judicial authority and, indeed, are published in the section of jurisprudence, all judgments of the main Spanish courts. All published Supreme Court decisions, as they are firm, and a wide range of dictating the Superior Courts (primarily those that have become final). The body responsible for its publication is the Judicial Documentation Center and, prior to publication, is responsible primarily on treatment decisions, involving the removal of personal data.

- **What is the policy of his country regarding the privacy of the parties? If so, do you have any tool to make anonymous judgments?**

(Answered in previous replies)

- **Has the judiciary as a whole an internet site in your country?**

Yes, we have.

- **If so, can you please send the link?**

www.poderjudicial.es

- **Has each court in your country an internet site?**

No, only the Supreme Court, the National Audience and the Superior Courts of Justice. All of them are in www.poderjudicial.es.

- **If so, are they uniform and which information is published? Please give one link as an example.**

<http://www.poderjudicial.es/cgpj/es/Servicios>

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

It has been thought for all of them: professionals, public and press.

- **Who makes the decisions to publish on internet?**

The Spanish General Council of Judiciary Communication Department and the Center of Judicial Documentation of the Spanish General Council of Judiciary (CENDOJ).

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

<http://www.poderjudicial.es/cgpj/es/Servicios>

- **For whom do you publish the decisions, professionals or public?**

For both, professionals and public, and press.

- **Who is editing the abstracts?**

Our people in CENDOJ.

Turkey:

- **Is it custom in your country to publish judgments on the Internet? If so, are all of them published or just a selection? What are the criteria that need to be matched before publishing? For instance have the decisions to be in force? Please send the link of the website on which the decisions are published.**

In our country, the decisions of the first instance courts not running on the internet. The decisions of the Constitutional Court, the Supreme Court and the Council of State are published on the internet. Not all the decisions of these courts, but only sample decisions are published.

- **Has the judiciary as a whole an internet site in your country?**

Yes, we have.

- **If so, can you please send the link?**

www.yargitay.gov.tr ; www.danistay.gov.tr, www.anayasa.gov.tr.

- **Has each court in your country an internet site?**

Not all of them, but big ones

- **If so, are they uniform and which information is published? Please give one link as an example.**

- **Is the internet site of the judiciary focused on professionals or the main public and the press?**

It has been thought for all of them: professionals, public and press.

- **Who makes the decisions to publish on internet?**

The prosecution office for the own activities,

- **What are the criteria for the court decisions for internet publishing? The most meaningful ones or the most interesting ones?**

The meaningful, interesting and useful ones for judges and prosecutors or citizens. Especially court decisions in the public interest.

- **For whom do you publish the decisions, professionals or public?**

Public.

- **Do you publish an abstract on the internet?**

No

- **Is the abstract also mended for professionals or is it written in comprehensible language for the public?**

No

- **Who is editing the abstracts?**

There is a special unit for editing the decisions.

5) Pro active media approach by the Judiciary (Subgroup 5)

5.1 Questions

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**
- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**
- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

The answers from questionnaire nr.1 indicate, that most members of the working group agree that the judiciary should actively approach the media but there are limits.

It is important to try to find a general opinion about the possibilities of an active media approach.

Concerning this topic we can divide three different approaches:

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

- Is it appropriated for the judiciary to ask attention from the press for certain court cases?
- How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.
- Name best practices?

2. Pro active media approach by the courts as an institution

- What are the possibilities of the courts to get better contacts with the press?
- Do you have any examples of activities organised by the courts for the press?
- What were the most important results of these activities?
- The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public.
For instance education programs for schools, debating with focus groups about special topics, open days, etc.
In that regard, can you give examples from your country?
- Name best practices?

3. Individual performance of judges in the press

- Is the press in your country interested in the individual opinion of the judges (no being press judges)?
- If so, can you give some examples in what ways individual judges perform in the media?
- What is your opinion about individual judges speaking out in the media on their own behalf?
- Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?
- What are in your opinion the advantages and what are the risks?
- Name best practices?

5.2.Replies

Austria:

Yes, the Judiciary should be more active in the press or in the media.

One way of how to improve the image of the Judiciary is to inform the media about the proceedings of common interest. This could happen in press conferences or in press releases. The regional court of Linz for instance organizes a “breakfast for reporters” once a year. In the course of this event the reporters are informed about the achievements and work of the court in the last year, the state of interesting cases and about the way of how proceedings in different fields work. Finally the reporters were invited to have a look behind the scene. So they were able to get a feeling of how the court works. In addition we send every week a schedule of criminal sessions to the media.

But there is a limit to media work – because at all times the independence of the Judiciary and the protection of the privacy of all parties, witnesses and jurors must be guaranteed.

1. Pro active media approach concerning court cases

- In what ways does the judiciary in your country inform the press concerning the agenda of the court?

We send the trial-schelder to the media, make press-releases and press-conferences sometimes as a special event, like a „media-breakfast“.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

Sometimes it is ok, when the court asks for attention, but only when it wants to inform about cases of common interests.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**
- **Do you have any examples of activities organised by the courts for the press?**

Examples: Events like „media-breakfast“, open day for reportes,

- **What were the most important results of these activities?**

Results: The spokespersons have the change to introduce themselfe to the reporters and they get „faces to the names of the different reporters“.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

We have educational programms for schools and programms with driver-schools (Don't drink and drive – the consequences of an accident with an druncen driver). Pupils can come the court to watch different trails.

3. Individual performance of judges in the press

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

That is not a good idea.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

The contact-person should be the spokesmen. The judge who makes the judgement should not talk about this in public.

In Austria only spokesperson hold contact to the media, individual performance of judges is not allowed.

Belgium:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

We think so. Now we see that 95% of the press is interested in criminal cases which represent themselves only ca. 25 % of all cases. Nowadays most media (due to commercialization?) are

only interested in sensational cases. By being more pro active we could give more information about interesting civil cases. We also could try to avoid leaks from the files by handing out photo material and images taken by the judiciary itself.

Being pro active will also help the media in their daily work.

Therefore press judges should be more aware of the needs of the media (deadlines, need for images, sound,...)

In this matter we could think of using the modern social media.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

By giving more, but controlled, insight in the working of the Judiciary we can reach more openness.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

Judges don't have to become journalists. They don't speak about their own cases nor do they criticize the judgments of other judges. They leave the talking to well trained and organized press judges. The appearance of cameras/photographers in the courtrooms doesn't influence the integrity and independence but makes the Judiciary more transparent. The media should respect the values of the judiciary and vice versa: it will always remain dancing on a slack rope.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Journalists have in general access to the case lists

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

I feel very strong for a pro active way of dealing with the press: in doing so you can also attract their interest towards civil cases.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

By pointing out cases with special interest (juridical, social,...)

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

Be more interactive, exchange of information, meetings with journalists, building up trust and confidentiality

Do press releases about the working of the court (year reports)

- **Do you have any examples of activities organised by the courts for the press?**

For some courts of assizes with large media interest we organize a press conference to establish specific guidelines

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

Our High Council has a programme for education in association with the Barr

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Very much...! luckily most judges restrain themselves Normally a judge speaks by his judgment.

- **If so, can you give some examples in what ways individual judges perform in the media?**

Some judges (a minority) feel compelled to give interviews about their work. If this is in general, not linked with a certain case, it can be acceptable. Then they act as an expert. However they are asked mostly for interviews linked to a certain case and then they should be very reluctant to do so. Mostly it are always the same retired judges (who don't fall anymore under the rules of deontology) who are asked by the media. Sometimes they lost contact with reality...

Therefore there should be national spokespersons for the judiciary who can give actual and precise general information not linked to a specific court or a specific case.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

Don't do it !!!

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

Leave it up to spokesmen or press judges.

- **What are in your opinion the advantages and what are the risks?**

There is no advantage in commenting your own decisions..

Bulgaria:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

Yes, courts can be more active media-wise and it's recommended for a wider spectre of information regarding the court's work and for it's transparence in front of society.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

The communication process in the legal system is in need of corrections in order to face the challenges of the new age.

Example: in order for an announcement regarding an “open day” and the knowing of people about what they can do and how to do it without having a problem.

Example : the introduction of the non-government organizations , in co-working on projects. Disputes regarding voting results have been tracked and monitored over the Internet in the administratif court city of Varna during a project in 2011.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency?**

There should be a barrier between court and media. The full transparence isn't recommended for it leads to many risks. Abused information which harms the image of the system. Every court seeks transparence to open it self to the public regarding its works.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court? Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

Dates are published in the supreme court and the number of each case which is said. Every court has its own site and every event is published. The press are usually interested in cases with massive interest.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

The court can inform the media about important cases. Civil cases with big social interest exist which are followed by the press. Press judges often give briefings in front of the media.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

For a better contact with the press - conferences are held as well as briefings.

- **Do you have any examples of activities organised by the courts for the press?**
- **What were the most important results of these activities?**

In the prosecutor's office we find notifications which are sent to the media . Sometimes judges and prosecutors give answers on the phone on live broadcasts. The most important result about this activity is giving information by the court to the press.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

As stated above, special topic conferences are held in which trainings are made for journalists about juridical terminology as well as opinions about materials published.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

According to the media guideline in Bulgaria magistrates can give interviews about certain cases or to give answers.

It is recommendable that they know who they are talking to in advance and what questions they could be asked and everything should be known in advance.

The spokesman should arrange the meeting in advance (with the media)

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

Every judge makes a decision about what he/she should talk in front of the media. Motives of each decision shows what the judge thinks so he can discuss only principal topics with the media.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**
- **What are in your opinion the advantages and what are the risks?**

Usually only the press judges can give interviews about cases with massive interest but not the judges and prosecutors. The advantages of the opinion is that the society is informed professional press judge and the risk is that the judges ends up in a confusing situation.

- **Name best practices?**

In Bulgaria judges don't give interviews to the media . This is done by the spokesmen in the supreme courts and press judges in the others courts. The prosecutors explain facts from the conviction . There are cases in which prosecutors don't give information to the media about cases if it is a government secret or if it is a risk to the investigation. The prosecutors cannot give predictions about the case nor can they give an opinion about the proofs . They can give the media opinion the prediction of the time elapsed in court. In critical situations the prosecutor's office can announce information about mutual measures with the police.

Denmark:

In 2010 the Courts of Denmark decided to develop and implement a more proactive Communications strategy focusing on communications efforts directed at members of the public, the media and other external stakeholders.

The strategy is based on surveys of the Danish people's views of Danish courts, media coverage of the Courts of Denmark and a survey of journalists' views of the courts. Analysis shows that the credibility of the courts is very high. However, it also shows that the courts themselves are "invisible" and rarely contribute to court-related press stories. Furthermore, analysis shows that public knowledge about the court system is very limited and that there is a

gap between public perception of the level of sentencing on the one hand and actual case law on the other.

From time to time, we also find that some media contribute to an image of the judiciary as a closed and inaccessible world.

The overall purpose of the strategy and the communications efforts is to increase knowledge of, interest in and thus understanding of the courts and the judiciary among the population.

Given the boundaries with regard to influencing the media, the courts are not able to interpret or comment on specific judgments. However, it is considered that the courts can make a more useful contribution by providing explanations of the background to and premises for case law, and share more information about the general work of the judiciary. While the press judges only act "on demand" as a service to the press, a more proactive press effort is to ensure that sources from the courts are incorporated in the press stories to a greater degree, providing the best opportunity of influencing the media coverage. This may be by means of statements by representatives from the courts or by means of press releases or other court sources.

More clarifications and explanations of the work of the courts may help to reduce the gap between public perception of the level of sentencing on the one hand and actual case law on the other. At the same time, increased visibility will enhance public knowledge of the courts.

Examples of the activities are:

Sharing stories of the courts today

Sharing positive stories about the Danish courts today involves the Courts of Denmark being more proactive than at present when it comes to reaching out to the media and talking about what it is like to work in the courts, the pioneering work being carried out within digital administration, etc. By seeking out and sharing positive stories about the work and the people who work in the courts, we will help to strengthen knowledge of and thus the reputation of the courts.

Press releases

In cases of particular press interest, the individual court shall publish a press release/summary of the judgment on its website as soon as possible after judgment is passed. In the case of the district courts, the aim is that this happens two to four times a month depending on the size of the court, while for High Courts and the Supreme Court it may happen a few times a week. The Danish Court Administration will provide advice and training at courses and meetings.

Press forum

A press forum will be established, comprising a number of presiding judges, the Chairman of the Board of Governors and the Director of the Danish Court Administration, and the Chairman of the Danish Judges Association. The press forum will be called in when there is a need to consider the best way to react collectively to specific issues on behalf of the courts.

Improved opportunities online

An extranet for journalists will be set up at the homepage of the Danish Courts www.domstol.dk, where, among other things, they can download court lists.

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

The courts publish court lists, which are available to the press. Previously the courts have published, on a daily basis, anonymous court lists for the cases that day. From 1 February we are launching a joint extranet for the press, to which only the press will have access, with non-

anonymous court lists. Individual media apply for access and sign an agreement not to publish personal information from the lists. The court lists on the new extranet will be updated four times a day.

- **Is it appropriate for the judiciary to ask attention from the press for certain court cases?**

This is a frequent subject of discussion at the Courts of Denmark. Who decides whether a case is of interest? However, we publish, on an ongoing basis, press releases on judgments in cases that are the subject of particular media attention. In addition, the courts select cases that are considered to be of interest to the public and issue press releases on these. In general, we do not inform the press of specific cases before they come to court. However, some courts provide information to local journalists on a more informal basis.

- **How can you stimulate the press to attend other court cases besides penal court cases? - Especially civil and administrative law cases.**

The cases chosen as the subject of press releases also include civil cases. A special effort to stimulate the press is not undertaken.

- **Best practices**

See above answer.

- **What are the possibilities of the courts to get better contacts with the press?**

See also best practices concerning the Communications strategy for the Courts of Denmark. The courts can step up communication about activities and cases, for example by means of increased use of press releases and inviting the press to visit the court. Furthermore, by seeking out and sharing positive stories about the work and the people who work in the courts, we will help to strengthen knowledge of and thus the reputation of the courts.

- **Do you have any examples of activities organised by the courts for the press?**

See previous answer. Court lists, press releases, press visits.

- **What were the most important results of these activities?**

There are no concrete results as yet, although the increased communication to and with the press should result in the courts having an enhanced presence in and being able to influence the discussion of court-related subjects to a greater extent, and in the press perceiving the courts as accommodating and accessible. The overall purpose of the strategy and the communications efforts is to increase knowledge of, interest in and thus understanding of the courts and the judiciary among the population. The press is an important channel of communication in achieving this goal.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

As well as a number of initiatives relating to the press, the Courts of Denmark's Communications strategy for the period 2011-2013 provides for planned activities targeted at schools and educational establishments. In concrete terms, work is currently under way to complete online teaching materials about the court system for use in the top classes of the municipal primary and lower-secondary school and to support the courts in connection with

visits by schools. This is expected to be ready for use in the summer. The Danish Court Administration is also in dialogue with journalism programmes on the possibility of providing training on the courts to journalism students.

Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Yes.

- **If so, can you give some examples in what ways individual judges perform in the media?**

Usually only the press judges and other spokespersons appear in the media.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

This happens very rarely in Denmark. Generally judges do not wish to interpret or comment on their judgments, which are said to “speak for themselves”. There also seems to be an unwritten rule that judges should not express opinions, as there is a wish to emerge as neutral and impartial. In practice this means that judges’ opinions are usually expressed by the chair of the Association of Danish Judges.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

Never before or during a case; once the judgment has been passed, the press judge or the judge who has heard the case can typically read the judgment aloud or explain and elaborate on general judicial aspects relating to the judgment.

- **What are in your opinion the advantages and what are the risks?**

We see no advantages. The judge must be independent and objective and appear as such in order to safeguard the credibility of the judiciary, which is crucial. The risk is that the judge could appear subjective and biased towards one of the parties, or could be accused of trying to influence the outcome of the case.

England & Wales:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

There would be advantages but resources are presently being cut and not expanded.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

The image of the judiciary in the media is not a bad one and many believe that no proactive work is needed to improve it. Others feel that this needs monitoring and that when a particular news story about an individual judge becomes newsworthy, then action is needed to counter it or explain it.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

Again this is an important and interesting topic. It is thought vital that the media should be correctly and accurately informed. It is noted that the principles of integrity and independence are well understood by most media outlets. One particular task is to ensure that politicians also understand the principles so that news stories are not diverted into ill-informed political attacks on the judiciary

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

By publishing a court list which is primarily directed at the parties, witnesses and prison etc.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

Yes – this can be done especially in high profile cases, but this should come from court staff rather than the judge.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

We do not. The press are under staffed and rarely attend court for any case other than high profile criminal cases.

- **Name best practices?**

We have none.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**
- **Do you have any examples of activities organised by the courts for the press?**

We encourage local judges to meet with local editors. We have open days for the public at which the press are invited albeit rarely attend.

- **What were the most important results of these activities?**
- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public.**

For instance education programs for schools, debating with focus groups about special topics, open days, etc.

- **In that regard, can you give examples from your country?**

We do all this but there are time restraints and concerns about confidentiality of material. Indeed it seems that we are doing less of this – fewer open days and student visits, in the past year or two.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Yes.

- **If so, can you give some examples in what ways individual judges perform in the media?**

This is very restricted and is mostly the author of these answers – thus the performance is of the highest quality! In fact we are looking into this and will be developing the press judge role over the next few years.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

We would not allow individual judges to speak on their own behalf. We are of the view that judges should only speak through their decisions and rulings.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

No – this should not be done.

- **Name best practices?**

We have none.

Hungary:

In Hungary the relationship between media and the courts works well. All courts publish the lists of general / public interest cases on their own websites and until the last work day of the week (Friday) the press judges or press assistants send them to the Press Department of the Office of the National Council of Justice. The office publishes them on its website and sends them to the different media organs and editors. So, the list of cases can reach by not only the local media organs but the all ones.

The list of the cases includes the matters of cases and names of the parties.

This pro-active work is typical in criminal cases. The publicity of civil matters is sensitive question because of the privacy.

The media have a role to play in ensuring that people are given a fair trial but it can influence the public trust in the judiciary also. The transparency of the judiciary is very important. In Hungary the judges don't speak with the press just the spokespersons do it. The press judges comment the finished and current cases, but they may not form their opinions of the cases.

Some points of improving the image of the Judiciary in the media:

to introduce business Judiciary in different ways for example : TV, or papers

to stress the independency and integrity of judiciary in the individual cases.

to interpretate the individual judgements if it is necessary but only by professional form.

to cooperate with media organs and their's professional associations

to make publicity realise/ understand trust in the judiciary.

to educate, publish and give information about the possibilities of the assertion of the right.

It is difficult to determine what is the public confidence. In Hungary there is public opinion poll annually considering the activities of the different government institutions, authorities, Judiciary, Police, Prosecutor Office.

I don't know how does it work in another countries but the result of this poll was very useful. If this special object the judiciary business should be more opened to the media it can improve the public trust. There are some risks: how can protect of safety of proceedings and the basic values. We would be very grateful if you could share with us your experiences.

In Hungary it is typical that the people is interested mainly in the criminal cases. I think that it will be useful if the public get possibilities to know some special or typical civil cases and situations with cooperating with the media. For example : labour contract labour rules, consumers' rights, tax rules, social insurance rules. I can imagine keeping some professional column on which the spokesperson or professional can explain certain situations, phenomena legal practise naturally taking privacy into consideration.

In Hungary the relationship between media and the courts works well. All courts publish the lists of general / public interest cases on their own websites and until the last work day of the week (Friday) the press judges or press assistance send them to the Press Department of the Office of the National Council of Justice. The office publishes them on its website and sends them to the different media organs and editors. So, the list of cases can reach by not only the local media organs but the all ones .

Agenda of the court cases includes the object of the cases and the names of the parties.

This pro-active work is typical in criminal cases. The publicity of civil matters is sensitive question because of the privacy.

The press can access the cases' lists. In Hungary it is typical that the people is interested mainly in the criminal cases. I think that it will be useful if the public get possibilities to know some special or typical civil cases co-operation with the media. For example : labour contract, labour rules, consumers' rights, tax rules, social insurance rules. I can imagine keeping some professional column on which the spokesperson or professional can explain certain situations, phenomena legal practice naturally taking privacy into consideration.

In Hungary the press judges has one training per year with co-operation with the media and sometimes we organize different education programs. It is a good solution to invite the press organs for round tables talking and conferences where both of the "parties" can share their problems and practices or ideas.

In my county there was special program on the local radio, where different judges were invited to talk to the public as an individual person. It was a very good initiative, because the judges can close up to the public. In Hungary it is not typical that a judge speak in the media on its own behalf. There is an protocol that the judges can not speak or give interviews about their cases.

Ireland:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

Yes, as social media becomes increasingly popular a new media strategy will have to be devised for Courts Service in this regard. Judges' dealing with the public, via social media or otherwise is essentially a matter of personal choice but they would have to engage in such activities fully mindful of the implications on their independence in court.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

Judicial engagement with the media on a more direct basis, and affording judges the right to speak to the media in certain situations might assist in maintaining good channels of communication and reinforcing trust between the media and the judiciary.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

Judicial independence is a primary concern and it is essential that judges approach this area fully mindful of the implications of their comments or reflections on future trials. If judges interact more frequently with the media, a clear message must be communicated by all judges and they must be unified in terms of their approach. Any deviation from this by individual judges would harm such initiatives. Judges must avoid giving their personal opinions on a particular matter so as to avoid ambiguity in the message given to the public, or any criticism of judicial colleagues.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Court sittings are made available through the Legal Diary on the Courts Service websites and any changes or news in relation to sittings is published on the homepage in the news section, as well as on the Courts Service Facebook page.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

No.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

The Irish judiciary does not seek to do so.

- **Name best practices?**

n/a

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

The Irish judiciary does not seek to do so.

- **Do you have any examples of activities organised by the courts for the press?**

n/a

- **What were the most important results of these activities?**

n/a

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

The Courts Service contains an Information division dealing with the distribution of information relating the Irish courts system to the public. Booklets for members of the public on areas such as coming to court, jury duty, etc are available on the Courts Service website.

In addition, the Protocol Officer often meets with group of visitors to the courts, comprising dignitaries, students, visiting judges etc. They are given tours of the Supreme Court by Courts Service staff and are often met on arrival by judges where they are available.

Finally, as the Irish Supreme Court is a public building, it formed part of "Culture Night" in 2011, a nuit blanche where public buildings were opened to the public for tours and general information.

- **Name best practices?**

See above.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Whilst the press may be interest, members of the judiciary are discouraged from giving their opinions in this regard so as not to affect the administration of justice.

Italy CSM:

The Italian judicial system does not provide for any direct or indirect participation by judicial offices in debate relating to the judicial activities.

Informing the public on questions of judicial decisions as well as debate on the same constitute a useful tool for exercising the right to reporting and criticism, and are an expression of the right to free expression of thought and go towards forming the collective consciousness of how the administration of justice works in the country.

On the other hand, any part in such debate by the judicial offices themselves or other bodies that represent the administration of justice, risks blurring the image of absolute impartiality of the judiciary itself, due to involvement in discussions that can often generate dispute and conflicting opinions.

For this reason it is said that the judge, in that capacity, expresses their technical opinions exclusively by means of the judgements issued in exercising their functions, specifically to avoid any role that may cast doubt on their independence and autonomy in exercising their jurisdiction.

Informing of the public is therefore left up entirely to journalists, columnists, and commentators. Safeguarding of the correctness of the information provided, as well as loyalty to the debate is, on the part of those involved, left up to the penal and civil laws, as well as the code of ethics of the professional orders to which they belong.

Naturally, there is a risk of partial information or incorrect or inappropriate comments being spread - sometimes on purpose for reasons of private interest as well - in order to provide public opinion with a representation of the facts that does not conform to reality, and to influence the judgement in a way that is not transparent.

The remedy to these risks is left up to the information and communication system itself that, due to the range of representations and comments, in free debate, must be such that overall it provides all citizens with the means to inform themselves fully, autonomously, and free of undue conditioning.

The only case in which formal intervention by the judicial system in the public debate is allowed is when judgements and appraisals are handed down that, due to their content or the source from which they come, are such that they cast doubt on the image of impartiality and prestige of the judicial bodies.

In this case, the Council for the Judiciary, as the institutional representative of all the judicial bodies can intervene by activating the so-called "protective practices".

This is done to publicly re-establish the credibility and dignity of the judicial function, when judgements have been spread in public opinion that blur that image.

The President of the Republic, Chairperson of the Council for the Judiciary, has stated in this regard that "The intervention of the Council is justified when it is essential to safeguard the prestige and credibility of the judicial institution as a whole".

Protective practices consist of the autonomous governing body of the judiciary takes a formal position that reconstructs the matter and censures the expression of unjustified opinions and judgements that are harmful to the dignity of the judicial function.

Information related to the organisational and administrative activities of the Council are a different matter, in which it expresses its autonomous governing of the judiciary.

In relation to its own competence, the Council has dealt with the question of correct, complete information on the decision of 26/7/2010 in which it states that "The Council for the Judiciary, in exercising the activities that the Constitution assigns to it, from the outset has made the greatest effort to achieve the goal of making the decision-making mechanisms transparent as well as the related choices adopted in the administration of jurisdiction. The need for transparency finds the greatest sense of its reason for existing in the very nature of the competence attributed to the Council for the Judiciary: guaranteeing an autonomous, independent judicial order requires the Body, assigned the task of administering the Order, in turn to have the same characteristics of "internal and external impartiality" and therefore, acts ensuring maximum knowledge about the procedural and motivational path taken in relation to its own decisions.

In fact, transparency of the council's activities allows judges, as directly administrated persons and all the citizens, as users of the Judicial service, to have an awareness of the reasons behind the Council's actions, to allow them to appreciate - also in a critical context - the fact that they comply with criteria of logic and rationality. In this way, on the other hand, the guarantees that are part and parcel of the democratic ordinance are achieved that presuppose and, at the same time, lead to full knowledge of the decision-making mechanisms used by the Institutions.

...In this regard it appears necessary for the Council for the Judiciary to pay particular attention to communicating its activities to the outside, using means and language that is able to simply and effectively transmit the reasons for the council's individual decisions and the sense of the overall action of the Council in maintaining a balance between the State's powers”

The same provision also states that “trust in justice is in some way connected with the representation of the same given via the means of information. And for this reason too, more than in the past, it is necessary to create structures that are able to see to communication, orientation, and representation that is useful for reconstructing or strengthening the relationship of trust between judges and citizens that, for various reasons, has been greatly weakened in recent years”.

The decision concludes that “...In this regard, it appears useful for the Council for the Judiciary to see to setting up a Press Office that sees to its outside relationships, seeing to diffusing its decisions and publicising its activities, using professional means of communication that make it possible to convey simple, effective messages that, above all, are a tool for ensuring the accessibility, independence, and correct representation of the positions”.

The Council for the Judiciary therefore has a Press Office, made up of professional personnel that specialise in the communication sector and that see to maintaining relations with information bodies providing them with the official version of news about the body's activities.

Naturally, communications by the press office relate only to deeds and proceedings activated by the Council as part of its task of governing the judiciary, and do not in any case relate to the judicial activities entrusted to offices and judges.

Italy CPGA:

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

For administrative justice, the agenda of the court is published on internet web site.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

It may be inappropriate. Justice may require the attention of the press not on the individual case, but on the functioning of justice in general.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

It can be explained the importance and the impact that decision of civil and administrative law cases may have for the community.

2. Pro active media approach by the courts as an institution

The average level of knowledge about the functioning of the judicial system is quite poor.

Even the information that the press gives about the justice system are often superficial and inaccurate.

Initiatives should be taken also to train journalists who deal with justice, who often show an inadequate knowledge of the law.

3. Individual performance of judges in the press

It happens that magistrates (usually prosecutors) give interviews to the press on political issues or have taken part in political initiatives (conferences organized by political parties), specifically criticizing government policy. In my opinion, the magistrate should not talk to the press, except in exceptional cases, and especially should not spread his political opinion, because this could affect his image of impartiality.

Lithuania:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude toward the media?**

Yes, it should.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

The Judiciary should act in a few directions: to educate the society explaining the law itself; to predict the point of media interest and prepare to give the answers; to explain the decisions of the courts.

Of course, there could be more directions for the judiciary to act.

According to the annual activity plan of the public relations in the courts of Lithuania we have a number of events concerning the education of school pupils: the open days in courts, the day of the Constitution. Young people can meet the judges who tell about their daily job, answer the questions.

- **What are the boundaries concerning influencing the media in the light of the basic value of the Judiciary: integrity and independency? And what are the risk involved?**

It's unavoidable that some court decisions find no support from the media side. What are the reasons of this phenomenon it's more philosophical question. We need to do a lot of education to reduce the criticism from the media and from the society to the judiciary. We still face a huge problem from our soviet past that people refuse to respect the law and refuse to believe in the rule of law.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Every court has electronic agenda of cases on its own internet page. The agenda of all Lithuanian courts' cases is on the National Courts Administration internet page. Also, the agenda of cases is placed in every court, near the courtroom.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

We think it is not appropriate.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

In Lithuania, the press attends not only penal cases, civil and administrative cases get attention too, especially if the case is related to well-known people or public sector.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

Organise meetings with press: to talk about the relations between the press and the courts, to ask the press what it expects from the judiciary, what is done in a wrong way, to invite journalists from different press to read lectures for the judges.

Maybe we can start carrying out some social actions and show the judges for the press in another light.

- **Do you have any examples of activities organised by the courts for the press?**

Last year, open doors were organised in Lithuania during the week of courts and the Constitution day celebration for schoolchildren, students, and the press. On that special occasion, the judges invited schoolchildren to the appeal court of Lithuania where judges played roles in Lithuanian tales during their lunch time. Children had to name the criminal acts. The media and the society were interested in that very much and congratulated with such openness. Young people met the judges who told them about their daily responsibilities and answered their questions.

- **What were the most important results of these activities?**

All the TV news programmes and all the newspapers and news portals showed reportage or wrote articles about that event. Probably, that was the first time when all the articles and comments were so positive.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

As we wrote earlier, we had a week of courts' open days. For better understanding the way it looked like, we recommend you to visit our National Courts Administration Facebook profile <http://lt-lt.facebook.com/pages/Nacionalin%C4%97-teism%C5%B3-administracija/148416898589266>

- **Name best practices?**

For example, the Ministry of National Defence of the Republic of Lithuania once a year organises contest for the press: journalists present their articles or TV reportages about the defence system and the jury gives them different nominations. The ministry publishes lots of comic books and games for children on their internet page.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Yes, the press in Lithuania is interested in individual opinions, especially when we talk about concrete decision in concrete cases.

- **If so, can you give some examples in what ways individual judges perform in the media?**

The judges in Lithuania don't want to perform in an individual way. Sometimes, it is just a few telephone comments for the journalists or one or two answers after the announcement of the decision.

- **What is your opinion about individual judges speaking out in the media on their own behalf? If the judge speaks about his/her decision in his/her case everything is fine.**

The journalists in Lithuania really want that. They often don't get any comments, therefore they get angry and make their own interpretations after that. So why not to speak yourself, if you know the situation in case best, you know your arguments and there are no barriers for public understanding.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

We think that in cases that attract massive interest, it would be good for the judges and prosecutors to give interviews, but all the actions should be matched with the spokesmen.

- **What are in your opinion the advantages and what are the risks?**

Advantage: journalists like to get information from first lips, information is reliable, it is less chance to distort the facts.

Risks: judge knows a lot, sometimes he / she could say too much information.

The Netherlands:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

The Judiciary can be more pro active towards the media but has to be aware of the boundaries in their media performance. The risk to make a political statement or to reveal details of the secret debate of judges in the council room is always there.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

Personal performance of judges should be permanent part of the training of judges.

Appoint general spokespersons for the Judiciary who can participate in talk shows to explain decisions in high profile cases to the public. It is important that they are fully trained for this job.

Allow more camera's in the courtroom.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

See above

1. **Pro active media approach concerning court cases**

- **In what ways does the Judiciary in your country inform the press concerning the case list of the court?**

The case list of criminal hearings and summary proceedings (civil law) can be consulted by journalists every week in the court building. The journalists have to identify themselves with a press card. Few courts make a special case list with criminal cases which the press can subscribe to.

- **Is it appropriated for the Judiciary to ask attention from the press for certain court cases?**

Yes, it is appropriate. Especially, in cases concerning civil law or administrative cases about principal questions which affects large groups of society.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

One of the simple actions is just informing them! In practice we notice that journalists are very grateful that we inform them and the judges are happy they get attention in the media.

- **Name best practices?**

The court of Amsterdam is preparing a weekly newsletter with alerts for interesting cases for the next week and publication of abstracts of interesting decisions. The newsletter will not only select criminal law cases, but especially also civil and administrative hearings.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

- Organize regular meetings with the press
- Ask the press what they need from the courts to do their work
- Explain complex procedures
- Incorporate the topic 'Judiciary and the media' in the education of new judges
- Offer to pay visits to the schools of journalism

- **Do you have any examples of activities organised by the courts for the press?**

We have good experiences with meetings with the press by the individual courts. Journalists meet the judges and the judges meet (local and regional) journalists. The possibility to ask questions and to get to know each other better, works in a positive way.

- **What were the most important results of these activities?**

Better understanding between Judiciary and the media about their work.

- **The Judiciary seeks in several countries other forms to bridge the gap between the Judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

In addition to inform the public through the media, the Judiciary in the Netherlands considers it of great importance to inform the public more directly. Journalists have their own interests and communicate their own views via their reports. In recent years, the need to inform the public directly, without the “translation” of journalists has grown. One of the Judiciary’s short-term aims is to improve the transparency of the Judiciary system and to explain how it functions. This aim includes the active provision of information to the public via the Internet, schools and other media.

Groups receiving in the court room Every year around 30.000 students from secondary and higher education visit a court hearing. One third are law school students, one third are high school students and the rest consists of other groups, such as of policeman in training, and scientific forensic students. To prepare students for their visit, we are at this moment developing a manual for classes to prepare their court visit. We explain the students in advance the role of the judge, the lawyer and the code of conduct in the courtroom, so that they can concentrate fully upon the case. Another project focuses on providing special information about the Judiciary for young people via a website, using quizzes and cartoons.

Open day of the Judiciary Every three years the Dutch Judiciary organizes an Open Day of the Judiciary. All courts in the Netherlands, from Groningen in the north till Maastricht in the south, organizes that day various activities for the general public. Visitors for example could attend re-enacted court hearings, or ask questions to the court president and visit the cells of suspects in the court buildings. The last open day was a big success. In total 33.000 people paid a visit to one of the courts and we had a lot of media coverage. Previous to this Open Day there was publicity campaign with advertisements in the newspapers, on the radio with postcards and on billboards everywhere in the country. The motto of this campaign was ‘in dialogue with the judge’ and we tried to attract the attention of the public with general opinions about the Judiciary.

Meet the judge The last two years the Judiciary organized a public event called ‘Meet the judge’. On a specific date judges all over the country meet people like students or other groups. Participants have the possibility to ask questions to judges.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Yes

- **If so, can you give some examples in what ways individual judges perform in the media?**

Some retired judges perform in talk shows to comment upon developments in the Judiciary and the relations between the Judiciary and politics.

There are also judges who publish letters in the newspapers under personal capacity.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

Judges must realize that their opinion is of interest for the media because they are a judge. Also they must be aware of the fact that the general public considers a personal opinion of a judge as an opinion shared by the professional group. It is important that they discuss their media performance with colleagues and/or the president of the court. They can also ask advice at the public information office of the court.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

Although it never occurred, it is thinkable that a judge explains a decision to the press in high profile cases. For example during a press conference. But this will only be when it was a one bench panel and therefore he was the only judge in the panel. In a three bench panel, it wouldn't be thinkable, because we haven't got dissenting opinions. Therefore it is a secret what was discussed in chambers among the three judges.

- **What are in your opinion the advantages and what are the risks?**

The advantage is that a judge himself is who can explain the best the verdict of a case and the evidence and the motivation behind the verdict. The risk could be that a judge reveals aspects of the secret of the council room (we don't publish dissenting opinions) and gives information which can be used in appeal.

- **Name best practices?**

To hold a survey under judges to ask their opinion about individual media performance. The outcome of the inquiry was the basis of a fruitful internal discussion in the court.

Norway:

The NCA want to be proactive towards media and they encourage judges and courts to be as well. For example NCA produce 2-3 times a week a media review on all courts intranet with the most important articles. One of the reasons for this is that court staff could take initiatives towards media. It is the opinion in NCA that we can give a hint to media on an interesting topic for an article or feature.

The image is one thing, the reality might be another. It is important that Judicial Council, courts and judges see it is as natural to be monitored and scrutinized. They help the society to reveal mistakes and develop courts. Transparency is a key word. Court staff or judges does not need to know why media is interested, just give them the information they have right to know. Suggest that The Council or a judge give a comment so they have access to a judicial point of view.

In cases where it will be a lot of media at the court hearing, do have a communication with media on how practical matters can be solved. (Broadcasting, practical information during the case, possibility to wireless connection, media center? etc.)

Of Course the Judiciary can never take any steps that can put questions to the independence of the courts and the Judiciary. Whatever initiatives we take must stand day-light and we must be able to take the responsibility for what we done. Our advice to ourselves is to not do anything that we would be afraid of will be a news story on the front page of our main newspapers.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Information about all cases is available for the media on our website. But this is only a limited information about who's involved, when and where the hearing take place.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

There are no restrictions for the Judiciary to tell the press about a special case. However this is not done systematically and it does not occur very often.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**
- **Name best practices?**

We would like to stimulate the press to more often report from civil cases. It happens that a judge, or a court president, tells media directly about an interesting case. Otherwise the best practice is to have an easy access to an overview over all cases on the website.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

In Norway we have good experience with dialogue with media.

- **Do you have any examples of activities organised by the courts for the press?**

A) Some courts have annual meetings with representatives from “their” media. In this meetings the court may present statistics, highlight some cases from the past and cases that will come. They also can discuss how things can be practically solved to fit both the court and the request / needs for the media.

B) In cases with a lot of media interest, the courts will have meetings with representatives from the media, when planning how to manage the case. Even if it is the court who decides, these meetings can be fruitful to solve practical questions and give information about, time schedule, if recording will be allowed, if there will be wi-fi, etc.

C) Use of twitter and blogs from the Judiciary or judges has resulted in some articles to enlighten a current problem.

D) When The Norwegian Courts Administration get questions about statistics etc. we often ask if they want a comment from one of the media judges. Some courts also practice this more or less systematically.

E) The general manager of the The Norwegian Court Administration is, in connection with the terror-case in Oslo, having a regular part in a popular radio program. There he tells about tasks the court has to decide upon and answer questions.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)? If so, can you give some examples in what ways individual judges perform in the media?**

Sometimes media are interested in comments from individual judges. It happens, but is not very common, that the judge who has a case can give interviews. We have also had examples of judges who has sent chronicles / comments in a paper when the paper have misunderstood a judgement. Not by arguing in the case, but with pointing out the grounds for the decision. It works.

In very high profiled cases some courts has started to have press conferences. This has for example been done several times in connection with the terror-case in Oslo. When the

question of custody was in court, the court president had a press conference to answer all possible questions from national and international media. When the judges was chosen, they had a press conference to answer questions about themselves and how they will deal with the case.

After the first genocide case (Former Yugoslavia) the judge had a press conference and told media about the progress of the case, what rules he had based the decisions upon etc. Questions about how he had evaluated evidence, he did not answer.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

It's an advantage if judges more often speak to media on their own behalf. The society needs the voices from judges to explain the judiciary. Of course this must be done in a trustful way, within the limits of impartiality.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**
- **What are in your opinion the advantages and what are the risks?**

There will always be a risk that someone says something not suitable, but we think the risk for lack of confidence is higher if the Judiciary doesn't give interviews or never are available for media.

- **Name best practices?**

In Sweden, judges who has the case, quite often are reading a press release or a short version of the decision in front of TV- cameras. In this way the media gets a cut that works on TV and the courts decisions is broadcasted more

Poland:

It seems that in Poland there are considerable reserves in terms of pro-active approach to media justice. This topic is currently being discussed in Poland and a wide range of standpoints are being presented: from the view that the courts should fulfill their statutory duties and not pay that much attention to their image and the media, to the opinion that the courts are doing much too little in this regard and should maintain more active information and PR policy, and open itself more to the society and the media, etc.

The observation of social life suggests that the crucial element for creating image for the institution is its personalization. In this situation it is advisable to broaden the scope of appearance of eminent lawyers in the public media, rather not (e.g.) in broadcasting simulated trials, but first of all by taking part in the discussions, in which the issues like: the role of courts and judges in a democratic state as well as the importance respect the law for the country and its citizens, may occur.

The courts in any case should avoid submitting to any influence that undermines the independence of courts and judges. Inverse relationship appears to be abstract especially when considering an obvious gap between the media-created image of the judiciary and the self-created image.

An important, although still underestimated in Poland, would be the institution of judicial reporter - a journalist who knows not only the right but also the problems of the judiciary and in a wider scope – of the whole justice system.

Portugal:

No doubt there should be more proactivity, especially by the Councils.

But the media do not work at the same speed as the judiciary, neither is governed by principles of consistency, having replaced information by performance, by entertainment. Thus, it is difficult to establish and maintain a channel of functional information, because what is important for the media nowadays, tomorrow is of no interest. On the contrary, for the judiciary everything keeps the same interest.

It is difficult to improve the image of the judiciary with the media when they do not seek facts but emotions as these are more profitable. However, accessibility and transparency are the way to go forward. And the accessibility can be achieved granting access for the media, by an identified and available speaker, by the transparency of the decision with clarity and simple language, and by explaining the procedures and legal regimes.

However, the judiciary should not confuse the media as a vehicle for its own message. It must remain equidistant and independent enough. It should stand by itself, explain itself, and reach their recipients in accordance with the legal means.

The biggest risk is the simplification of the message by the media, distorting it and broadcasting it as if it was approved by the judiciary, when in fact, it was not that content the message that was given to the media.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

The judiciary does not inform about its agenda, unless the court is directly questioned by any media.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**
- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

I don't believe it's appropriate for the judiciary to ask the media to focus on any particular case.

However, regular workshops involving specialized media reporters and Judges, in order to discuss these questions and share reciprocal information, could widen the media interest in other kind of cases.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

The Courts need some distance from the public.

Not too much distance that the public won't understand what really happens there. But that distance can't be so little in order to allow Court to lose its equidistance and authority.

Direct contacts of the Courts with the press are a risk to this last limit, so I do not agree with them.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

But the Councils should have means of divulgation and information about the judiciary. Starting with schools, passing by the media themselves, and when possible reaching out the all community.

In Portugal, the Judges Association (Associação Sindical dos Juizes Portugueses – ASJP) has already developed some of these initiatives. But, the lack of regularity limits the appreciation of its consequences.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)? If so, can you give some examples in what ways individual judges perform in the media?**

Yes, the press is interested.

But, as said before, Judges express their own opinions in the decisions they pass, which should have all the arguments properly stated, and value by itself, without the need of any explanation afterwards.

In fact, the Judge should write his decision in order it explains itself to everyone who reads it.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

So, in the CSM opinion, Judges should not speak in the media by themselves concerning cases they have in their hands. They should also not comment real cases, by themselves. And the judiciary response must be put through by the Council, via press Judges or its spokesperson.

Romania:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

Yes, by the following tools:

- Promotion of the unitary practice and predictability of judgments.
- Unitary approach of the relationship with mass-media and the implementation of the principle of respecting the right to image and private life.
- Respecting the presumption of innocence.

- Eliminating the transmission of “informal’ information from judiciary sources to the press.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

Development of the necessary tools in order to achieve a more efficient communication and to enhance transparency, such as:

-Implementing the Communication and PR Strategy for the Romanian judiciary and other strategic documents.

-Creating internal newsletters for facilitating the exchange of best practices among the stakeholders of the judiciary system.

-Enforcement of the Code of ethics for judges and prosecutors and elaboration and enforcement of the Code of ethics for the clerks.

-Developing intranet network.

-Organizing workshops and training sessions for the magistrates and clerks focused on communication and transparency.

-Increasing the professionalism (professional training) of spokespersons, communication and PR’ staff within judiciary institutions (courts, prosecutorial offices, SCM, HCCJ, PHCCJ etc.), including the elaboration of best practices guides and other guidelines.

Raising awareness among the general public regarding the functioning of the judiciary and their related rights. For ex:

-Establishing information centers for the public within all courts and prosecutors offices in the country.

-Creating portals and websites of the courts for informing the population on their rights and procedures to be followed

-Elaborating and disseminating of brochures, leaflets and posters for the general public.

-Organizing round tables/meetings/ workshops for representatives of NGOs, mass media, business community.

- **What are the boundaries concerning influencing the media in the light of the basic values of the Judiciary: integrity and independency? And what are the risks involved?**

The limitations of the influence of mass-media are regulated by:

-Law no. 303/2004 on the Statute of judges and prosecutors, republished, further amended and completed

-Law no.544/2001 on free access to public interest information

-Law no. 677/2001 on the protection of persons concerning the processing of personal data and free circulation of such data

Internal order regulation for courts

On the other hand, the implementation of the provisions of the Statute of judges and prosecutors, in which concerns the spokespersons of courts and prosecutors' office (all of them being magistrates), must consider at least a partial relief of his/her legal duties (reducing his/her daily duties as magistrates in an adequate manner), during the exercise of the function of spokesperson. Also, such measure should be accompanied by providing, in the personnel scheme of institutions with higher PR activity, of positions of counselor or expert in public relations. The counselor or the expert would support the spokesperson in collecting primary information (activity that requires too much time out of the activity of spokespersons-magistrates), and also in developing more efficient activities of planning and implementing pro-active relations with mass-media.

Other relevant aspect, in terms of the existing legal provisions, concerns the methods (more or less effective) of protecting the reputation of magistrates, while lacking a Press Law in Romania. It is questionable if the provisions of Law no. 317/2004 (Law concerning the Superior Council of Magistracy, republished), which provides the SCM with attributions for protecting the reputation of magistrates, effectively creates practical tools for correcting the public image of magistrates attacked in mass-media. It is obvious that, in the absence of a Press Law and of practical tools, offered by the existing legal provisions, in order to restore the reputation, magistrates must cultivate relationships of trust and partnership with mass-media.

As for the application of Law no. 544/2001 on free access to information, and bearing in mind the essential values of the judicial system (integrity and independence), a future "de lege ferenda" proposal (a future draft law) might consider a clearer definition of the term "public information", so that all actors of the judicial system (magistrates, clerks, lawyers, etc) understand the necessity to publicly communicate and to use all the communication channels offered by mass-media.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Court hearings lists available on the court portal [for each court] and at the premises of the court

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

NO

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

Press releases concerning the settlement of specific cases in other matters than criminal/penal cases, press conferences

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

Informal/formal meetings may be organised on a regular basis

- **Do you have any examples of activities organised by the courts for the press?**

The usual and exceptional press conferences concerning cases with great social impact

- **What were the most important results of these activities?**

The press used the official information transmitted by the prosecutor offices and police representatives

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

Open doors day is organised annually at the CSM, courts and prosecutor offices premises. Groups of students, auditors of justice and court users are invited and presented relevant information on activities carried out by the judiciary.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

YES, but the judges refrain in expressing opinion on pending cases

- **If so, can you give some examples in what ways individual judges perform in the media?**

Some judges participate in talk-shows, concerning the activity of the judiciary, gave interviews to the press etc.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

Due to deontological and disciplinary liability provisions, judges are not able to make comments on pending cases or on the activity of other colleagues or express their political beliefs.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

Is the attribution of the spokespersons

- **What are in your opinion the advantages and what are the risks?**

Spokespersons: Advantages: the information is presented in a neutral and official manner and observing the publicity limits. Disadvantages: delays in collecting the requested information

Slovenia:

- **Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?**

Yes.

- **What can the Judiciary do to improve the image of the Judiciary in the media? Please illustrate this answer with examples.**

Present good court practice, reacting to media publications about different proceedings, answering to reporter questions, publishing information on the court's internet site.

Spain:

- **If the Judiciary (Courts and Judicial Branch Councils) can be more proactive in their attitude towards the media?**

The CGPJ finds it necessary to address political and active communication strategies in relation to society, mainly through the media. Therefore, initiatives promoting meetings and seminars between judges and journalists, institutional campaigns in the media, in order to create a better climate in relations between the judiciary and the media.

- **What can the judiciary to improve the image of the judiciary in the media? Please answer with examples illustrate this.**

The concern of the Spanish Judiciary is not to improve its image in the media, is to improve your reality, and his image, to society and it wants to improve its work in defending the interests of citizens and wants to know the work done for the benefit of the community.

That's why not so, mind policies are closer to the press but there are activities for the dissemination of judicial work in schools, universities and social organizations.

And open the doors of our courts, as with the Open Week of the Supreme Court building that can be visited by all citizens who wish to know not only its history and and artistic values, but also the organization and operation of the entire Spanish justice.

- **What are the limits for influencing the media in light of the basic values of the Judiciary: Integrity and independence? And what are the risks?**

Clearly, any policy or communication strategy involving a judicial approach to the media can include some risk. In any case, it is clear that the press should be aware not to jeopardize the independence of judges, which is the core of the democratic state. In general, and fortunately, Spain has not experienced such serious situations.

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

Journalists have access to the case lists.

- Is it appropriated for the judiciary to ask attention from the press for certain court cases?

Yes it is. We have a strong bet for transparency.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

During the last years, there have been an interest on those cases because they were high profile. We have not need to do it.

- **Name best practices?**

We allow journalists to access to legal documents, such as sentences.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

We organize in Spain a program called Informing in Justice that is an education program especially design for journalists. We invite the media editors to conferences and round tables to talk about Justice and we promote meetings between judges and journalist through the Communication and Justice yearly seminars.

- **What were the most important results of these activities?**

We know each other much better, therefore there is more communication and understanding.

The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?

We have the program “Educating in Justice”. It is a role playing program. We organize mock trials with the children assuming all the roles but the judge which it is done by a real judge. We have been doing it for seven years.

Now we are implementing a new format called Peace Judge for Education. The aim is to solve the problems and conflicts teenagers have at school through mediation, mediation that it is done by mediators that are companions of those who have the problems.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

Yes, they are.

- **If so, can you give some examples in what ways individual judges perform in the media?**

Some judges –a minority- do like the contact with the press and know how to control what they say, which is an art.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

It depends. When they go on their own, usually they put their foot in it. They do not know how media works; it is a mystery for them.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

Judges try to avoid the contact with the press when they have high profile cases.

- **What are in your opinion the advantages and what are the risks?**

It is difficult to find any advantage in talking about a case which is alive for a judge.

Turkey:

Should the Judiciary (Courts as well as the Councils for the Judiciary) be more pro active in their attitude towards the media?

No

1. Pro active media approach concerning court cases

- **In what ways does the judiciary in your country inform the press concerning the agenda of the court?**

There is not certain ways to inform the press concerning the agenda of the court, except the some important cases.

- **Is it appropriated for the judiciary to ask attention from the press for certain court cases?**

No.

- **How can you stimulate the press to attend other court cases besides penal court cases? Especially civil and administrative law cases.**

We have not need to do it.

2. Pro active media approach by the courts as an institution

- **What are the possibilities of the courts to get better contacts with the press?**

Our Ministry of Justice and Councils for the judiciary organize some program for the court reporters to give information how works the judicial system in Turkey and to explain some terms of law using generally.

- **What were the most important results of these activities?**

After the program, we find the understand what we do, which our aim, how we works.

So, the courts reporter began to make more communications for judicial matters.

- **The judiciary in several countries seeks other forms to bridge the gap between the judiciary and the public. For instance education programs for schools, debating with focus groups about special topics, open days, etc. In that regard, can you give examples from your country?**

We have a plan to educate court reporters the context of the judicial matters working with together Judicial Academy of Turkey.

As a High Council of Judges and Prosecutors organize some informational meetings for school with local courts judges and prosecutors. For example, every year, the first week of the

September, we task to the prosecution office to contact schools, universities to explain how the judiciary of Turkey works and answers their questions.

3. Individual performance of judges in the press

- **Is the press in your country interested in the individual opinion of the judges (no being press judges)?**

No.

- **What is your opinion about individual judges speaking out in the media on their own behalf?**

If I am speaking to the conditions of Turkey, there are lots of drawbacks if judges communicate directly with the press.

- **Is it all right for judges and prosecutors to give interviews about cases at hand with massive interest from the public or via spokesmen?**

I think it isn't right.