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## Session Report Template for Substantive Sessions

### Launch of the Global Judicial Integrity Network

(9-10 April 2018, United Nations Vienna)

This form provides guidance to the organizations that will coordinate sessions to address one of the conference's work streams.

The Conference's main goal is to officially launch the Global Network and to kick-start its activities by engaging participants in substantive exchanges and discussions on topics, approaches and emerging good practices, related to the strengthening of judicial integrity and preventing corruption in the justice system.

As such, the Conference will work under three streams:

- **Strengthening Judicial Integrity & Accountability**
- **Preventing Corruption in the Justice System**
- **Assessing and Monitoring Integrity**

Each organization coordinating a session is required to prepare a **3-6 page report** about their sessions (Times New Roman, 12 pt, single space).

The objective of this document is to provide an account of the presentations made and discussions carried out during the session. The report will be shared with all participants of the Conference, as well as disseminated more widely on the Global Judicial Integrity Network website.

The Session Report should cover the following areas:

1. **Introduction of the topic** – providing background information on the issue addressed in the session. The information should include, whenever possible, reference to academic materials, surveys, publications or other reference material, as well as an overall summary of the experiences, practices and challenges to date under the topic. This information may be the same as included in the discussion guide of the session;
2. **How the session supports the overall objective of the Global Judicial Integrity Network on strengthening judicial integrity and preventing corruption in the justice system** – this information may be an update/amendment from the initial session proposal submitted;
3. **Outline the issues addressed during the session by the panellists** – information on what aspects of the topic each panellist addressed in his/her presentation;
4. **Outline the issues raised by the audience and discussed with the panel;**



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5. **Proposed outcomes of the session and whether they were achieved** – a summary of what the outcomes of the session were when it was initially proposed and whether they were achieved during the session. The report should also include a summary of the outcomes achieved.
6. **Conclusions and Recommendations** – any recommendations or observations that come out of the discussions and relate to priority areas for action and suggestions of activities or services to be provided by the Global Judicial Integrity Network.

All reports will be incorporated to the library of resources of the Global Judicial Integrity Network and made available through the Network's website, as relevant resources on judicial integrity and the prevention of corruption within the justice system.

### **Background**

With a view to provide sustained support and technical assistance to Member States, in implementing the Doha Declaration's goals, UNODC launched in 2016 a **Global Programme for Promoting a Culture of Lawfulness**, with the support of the State of Qatar. The **four-year programme** covers specific areas addressed in the Doha Declaration, including strengthening judicial integrity and the prevention of corruption in the justice system. One of the key objectives of the Global Programme is the establishment of a **Global Judicial Integrity Network**.

### **Deadline for Submissions:**

Discussion guides should be submitted by **30 April 2018**.

### **How to Submit:**

**By email addressed to [oliver.stolpe@unodc.org](mailto:oliver.stolpe@unodc.org) and [roberta.solis@un.org](mailto:roberta.solis@un.org)**

In case of further questions, please contact:

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**Global Judicial Integrity Network  
Substantive Breakout Session Report**

**I. TITLE OF THE SESSION:**

|   |   |
|---|---|
| Title of the Session:                           | <b>Managing the Risks and Benefits of Use of Social Media by Judges</b>   |
| Date and time of the Session:                   | April 10, 2018 at 9:00  |
| Topic of the session:                           | Use of social media by judges: A tool for Strengthening Public Accountability of the Judiciary, or a Threat to Judicial Ethics? |
| Organizer(s):                                   | CEELI Institute   |
| Contact information of the session coordinator: | Barbora Jungova, Project Manager, CEELI Institute<br>Cell: +420 606617643   |

**II. RAPPORTEUR<sup>1</sup>**

|               |                 |
|---------------|-----------------|
| Rapporteur:   | Barbora Jungova |
| Position:     | Project Manager |
| Organization: | CEELI Institute |

**III. MODERATOR AND PANELLISTS:**

|               |                     |
|---------------|---------------------|
| Moderator:    | Christopher Lehmann |
| Position:     | Executive Director  |
| Organization: | CEELI Institute     |

**PANELLISTS**

|                        |  |
|------------------------|--|
| Name:                  | Hon. Ladislav Derka  |
| Position:              | Judge  |
| Organization:          | High Court, Prague, Czech Republic                                     |
| Topic of presentation: | Process of creating guidelines on use of social media by judges in the |

<sup>1</sup> Responsible for drafting the session report.



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|   | Czech Republic  |
| Outline of presentation (max. 1000 characters): | <p>Judge Derka noted that current judicial ethical principles are well formulated in the Bangalore principles compiled in 2002 by a meeting of chief justices now known as the Judicial Integrity Group. However they do not take in the consideration the specific issues involved in the use of social media. There are no official international guidelines (and few national ones) on how to behave on social media and the judges have to interpret this issue by themselves. The activities of judges on social media can raise conflicts of interest and can undermine the public trust in the judiciary. He also pointed out that the judges should be aware of the fact that all posts on social networks are permanent - even after you delete them. Everything that is ever published and written on social networks remains there forever. So the traces of any social media activities can be used to discredit the judge even after they have been deleted.</p> <p>In this regard, it makes sense to develop a special guidance concerning social media. Judge Derka then presented and reviewed the Guidelines that he created for the Czech Union of Judges. The Guidelines provide concrete recommendations about how Facebook and other social media should be used by judges in order that their activities will not interfere with their independence and impartiality.</p> |

|   |  |
|---|--|
| Name:   | Hon. Cristi Danilet  |
| Position:                                       | Judge  |
| Organization:                                   | Municipal Court in Cluj, Romania   |
| Topic of presentation:                          | Active approach to social media  |
| Outline of presentation (max. 1000 characters): | <p>Judge Cristi Danilet from Romania is one of the few examples of judges who extensively use social media to promote the judiciary and to comment about social issues in Romania. His goal is to educate citizens and youth about the judiciary and to present judges as normal people who have their own personal lives. He is trying to get people to understand that judges have the right to a private life. He also likes to share information about himself so as to prevent the media from making up false stories about him. Of course the publicity and use of social media have caused him trouble in the past. He has therefore set himself rules that he uses in his communication with the public. He stresses that it is impossible to stay away from social media in this day and age, as judges need to know what is going on in society. Thus he believes that national codes as well as judicial national</p> |



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|  | communication strategies on this issue should be developed. |
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|   |   |
|---|---|
| Name:   | Hon. Barry Clarke   |
| Position:                                       | Regional Employment Judge   |
| Organization:                                   | Wales Employment Tribunal, United Kingdom   |
| Topic of presentation:                          | Security issues connected with the use of online media by judges  |
| Outline of presentation (max. 1000 characters): | <p>Judge Barry Clarke stressed in his presentation the fact that even when judges are not present on social media, this issue concerns them because anyone can easily find their pictures or information. If this happens then it is possible for it to be used to influence their decision-making. Given the sensitive, confidential and sometimes life-changing nature of the work judges do, they need to learn how to protect themselves. They need to get proper training about how they should interact with new technology. Judges need to educate their friends and family members too, since their use of technology and social media also creates a digital footprint that can incorporate the lives of their judicial relatives.</p> <p>He also pointed out that judges have to understand that all online services including social media, and the way we use them, leave lasting digital footprints online for each of us. Those footprints are analysed by advanced algorithms, they are repackaged and sold for profit.</p> <p>Judges should be familiar with the way technology and social media are transforming all aspects of life. If they choose to stay away from social media they should at least be aware of its influence.</p> <p>Effective judicial training is essential to protect judges and to maintain compliance with ethical standards.</p> |

|   |   |
|---|---|
| Name:   | Ksenija Renko   |
| Position:                                       | Communications Consultant   |
| Organization:                                   | JUPITER Strategic Consulting Ltd.   |
| Topic of presentation:                          | Judicial dos and don'ts on social media   |
| Outline of presentation (max. 1000 characters): | <p>Ksenija Renko mentioned in her presentation that judges cannot stay away from the social media. It is the most effective way of communication because it provides real time news, increases public understanding and public trust and increases transparency and</p> |



accountability. To use the media effectively, judges need to learn how to present their work in the media. Judges must carefully navigate their ethical concerns when communicating on social networks. That is not simple because the social media landscape is constantly shifting and there is often still no official guidance for judge’s communication on Social Media. Judges are forced to interpret rules on their own. To begin with, a judge must conduct all extrajudicial activities in a manner that does not interfere with applicable judicial codes of ethics.

The fact that this kind of communication poses some risks does not mean that judges should stay away from social media. On the contrary, judges must maintain contact with the world in which they are asked to adjudicate. They must have an understanding of social circumstances, problems and dilemmas of people who appear before them. Social media is just one of the new communication tools and it is the behaviour and statements made by judges that can violate ethical duties - not the fact they are expressed on social media.

Mrs. Renko shared with participants an extensive list of concrete recommendations on how to behave on social media.

#### IV. BACKGROUND INFORMATION ON THE TOPIC:

Social media is a significant presence in the daily lives of people all over the world, including judges and judicial officials. This is especially true for younger judges, who have come of age in a digital world. Participation in various forms of new media forms by judges, however, gives rise to special ethical concerns and challenges. These include the propriety of content posted by judges, the unintended demonstration of bias or interest by a judge via his or her posts, and the unintended consequences arising from judicial interaction with third parties. The behaviour of judges on social media is visible to the public and therefore the activities of judges in their private life can harm the public trust in the judiciary as well as raise the question on impartiality and fairness of judge’s trials. On the flip side, social media can be an effective tool for outreach and public education. The use of social media may also challenge the public’s traditional perception of courts and judicial officers. At the end of the day, social media is also just a fact of modern life. A blanket instruction to judges to simply “stay off social media” is not a realistic directive in the current age.

The aim of this panel was to identify and address some of the fundamental ethical implications for members of the judiciary of maintaining an on-line presence or using social networking, and to also provide practical recommendations and guidelines for judges on how to use social media ethically and responsibly.

Contrary to some current guidance, we do not believe that an admonition to simply stay off of social media is realistic in today’s world. Limiting the use of social media by judges has been



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a recurring topic for discussion at the CEELI Institute, particularly within its Central and Eastern European Judicial Exchange Network, which is a platform for rising judges from the region, committed to addressing challenges related to strengthening the independence, integrity and accountability of the judiciary. The Network has identified examples and good practices that can be applicable beyond Central and Eastern Europe. These include the “Guidelines on Social Media Use for Judges,” developed by the Czech Union of Judges. To our knowledge, these guidelines remain among the few existing formal recommendations for judges issued in any jurisdiction, to date.

The topic was presented by Network members who have significant expertise in this field. Included on this panel were Czech judge Ladislav Derka who is an author of the Czech guidelines on the use of social media by judges; Romanian judge Cristi Danilet who has significant experience with promoting and presenting his opinion on the judiciary and judicial issues via social media platforms, and who himself has thousands of followers on Facebook; and public relations expert Ksenija Renko, from Croatia, who has recently cooperated on judicial communication strategy with Croatian Ministry of Justice and has developed a series of recommendations for judges on how to behave on social media. Judge Barry Clarke, of the United Kingdom, who has spoken widely on this topic, also joined the panel.

The outcome of the session is relevant to anyone responsible for setting guidelines for judicial conduct, including members of Judicial Councils, Court Presidents, officials from judicial associations, and any other members of the judiciary who need to set regulation on the behavior of judges on social media. Those who are in the process of drafting or are thinking about drafting the Guidelines on Use of Social Media for Judges, Court spokespersons, or others responsible for public outreach and fostering better public understanding of the work of the courts.

## **V. SUMMARY OF THE SESSION:**

The panellists pointed out that judges cannot completely stay disengaged from social media as it is a globally present part of life for a large number of the world's population. Judges need to have an understanding of how social media influences public dialogue and communication in this day and age. The courts and national judiciaries should use this tool for outreach to the public, educating them and building trust in the judiciary. In this regard, the panellists encouraged the national judiciaries to elaborate judicial communication strategies, as well as guidelines on the use of social media.

Guidelines on the use of social media are especially important for individual judges who have decided to be present on social media platforms. As there is no particular standard on these issues, judges often have to come up with their own individual solutions and approaches -- which might lead them into situations involving conflicts of interests. Guidelines should set the limits on how to behave on social media in order to not undermine



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the integrity and independence of the judiciary. Guidelines should be developed based on good examples and best experiences that the judges have so far with the use of social media.

It has been emphasized that all judges need to understand that although they might not be present on social media, their digital foot print might still be present in the virtual world and thus they need to take steps to secure their personal information in a way that will not have any influence on their independence and integrity. In this regard, effective judicial trainings should be provided on how to ensure the safe virtual environment for judges in order that they comply with judicial ethics.

#### **VI. HOW THE SESSION SUPPORTS THE OVERALL OBJECTIVE OF THE GLOBAL JUDICIAL INTEGRITY NETWORK OF STRENGTHENING JUDICIAL INTEGRITY AND PREVENTING CORRUPTION IN THE JUSTICE SYSTEM:**

Promotion of judicial impartiality and integrity are key objectives of the Global Network. The use of social media by judges poses challenges in meeting those objectives. While judges living in a modern world seek to conduct normal lives in a digital age, and try to balance their personal freedoms with their professional accountability, social media presents them with dangerous potential traps. Candid remarks on social media can indicate preferences and bias that undermine impartiality, and may even highlight potential conflicts that impact a judge's integrity. As seen during the meeting of the Expert Group on Judicial Ethics Training Tools, judiciaries from around the world are looking for good practices and effective standards that can be implemented by their national judiciaries regarding the use of social media. During the panel, the participants discussed such recommendations based on collected best practices. They also heard first-hand about the positive aspects of social media, including its use for effective social outreach. Participation in such outreach activities is increasingly essential for the judiciary in building public support for their work.

#### **VII. PROPOSED OUTCOME(S) OF THE SESSION AND THEIR ACHIEVEMENTS:**

The proposed outcome has been achieved. The participants confirmed that judiciaries from around the world are looking for good practices and effective standards that can be implemented by their national judiciaries regarding the use of social media. Best practice guidelines will need to be developed which can suggest practices that will outline both the dangers and the value of social media usage. The CEELI Institute and the panel members and session participants are all among those willing to actively contribute to the creation of such a document.





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The participants recognized that the participation in social media platforms is an intrinsic part of modern life and that participation in such outreach activities is increasingly normal for judges.

They also recognized that social media is an effective tool for the judiciary and individual judges to communicate with the public and to build public support and trust in their work.

### VIII. CONCLUSIONS OF THE SESSION AND RECOMMENDATIONS TO THE GLOBAL JUDICIAL INTEGRITY NETWORK:

We live in a world where social media has become the main means of communication and it continues to develop rapidly. New possibilities for extended communication on the web and social media allow courts to communicate in completely new, creative and innovative ways and to ensure that courts are open, accessible and understandable to everyone. Social media actually offers a great opportunity for courts to meet the needs of their public and promote transparency for the purpose of supporting trust and confidence. Because of that, judges and courts should board that train. But they should also bear in mind that communication on social networks is neither simple nor harmless and that constant education of judges on a broad range of new media, on new communication principles, and about the technologies that make them possible is an imperative. Also, there should be clear rules that reflect common understanding of social media. These elements are of crucial importance for impartiality, integrity and transparency of judging in the 21st century.

1. Overall the judges agreed that global guidelines for judges on how to behave on social media are necessary. The CEELI Institute suggests creating a working group composed of judges, along with communication and legal experts, which will work on drafting Guidelines on use of social media by judges.
2. The presenters and participants also agreed that judicial training on the security risks arising from their digital footprints has to be developed and introduced to judges globally. The judges should also be encouraged to educate their family members and friends about how their online activities can cause security risks for their relatives who are judges.
3. The national judiciaries should be supported in the development and introduction of national communication strategies for the judiciaries. Social media is a useful tool to promote the judiciary and to exchange, effectively, information with the general public. Strategic approaches to this issue can help to improve public trust in the judiciary. Effective judicial training is essential to protect judges and to maintain compliance with ethical standards.



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## IX. ADDITIONAL OBSERVATIONS, IF APPLICABLE

The judges discussed practical recommendations on how to behave on social media. Please see some of the recommendation below:

Mrs. Renko presented about general tips for social media participation developed by experienced judges, mostly on US courts:

- Judges can use social media e.g. Facebook and even identify themselves as judges - so long as they do not comment on their work or on pending cases. Also, they can use social media so long as they don't do anything that looks like an ex parte communication or suggest that anyone is in position to influence the judge.
- But, judges who use Facebook should never make political or commercial comments or endorsements and should never post or share anything that conflicts with the dignity of their judicial office or which affects the judiciary as an institution.
- Also, in order to preserve their impartiality, judges should never use social media with the aim to investigate parties or facts of the case – because judges are generally not allowed to use information that is outside the record of the case.
- Furthermore, a judge should not be friends with lawyers or parties in disputes who have cases pending in their courtroom or who might appear before the judge. That is generally prohibited because it may be viewed as giving the attorney an unfair advantage and also may give the appearance of impropriety. It would create issues that can't be overcome even by disclosure - and if this occurs, the judge should “unfriend” the attorney and disclose this fact in the case.
- When it comes to the judge's personal information, photos and private life, their comments on Facebook should be modest and decent. A useful test is whether the comment could be published on the cover page of a respectable daily newspaper or broadcast at prime-time on national television!
- Furthermore, a judges should be allowed to use sites like Linked In, which is a professional version of Facebook and a business-oriented social networking site - so long as the judge is not connected with any attorney who is reasonably likely to appear before the judge. A judge must avoid connecting with such attorneys.
- The same goes for Twitter and other social media: judges are not barred from using them when they follow these unwritten guidelines. However, use of Twitter raises some particular issues because a Twitter account in question identifies the user as a judge and *“when a judge is posting publicly as a judge, he must be very cautious because the public may perceive the judge's communication to have the authority and imprimatur of the courts.”* The public Twitter account of an identified judge should be used only for informational and educational purposes and for activities strictly



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connected with his/her work - including advising lawyers on effective trial practice techniques.

- Judges should also avoid the temptation to respond to comments on social media for all of the reasons I have stated.

List of recommendations for how judges can avoid common mistakes and pitfalls in using social media. Judges should always be aware that:

1. All posts on social networks are permanent - even after you delete them. So, bear in mind that everything you publish and write on social networks remains there forever. "*Verba volant, scripta manent*".

2. Information published on social networks is easy to access and share at any time. And despite the strongest privacy and security settings - it is very likely that it will not remain in the private domain. E.g. if as a Facebook user you choose to keep your "friend list" private, you do not have the control over your friend's decision to make their "friend list" publicly available. In the same way you have to be careful who you accept as your friends – and bear in mind that you cannot prevent your "friends" from sharing their posts with their "friends" - or even with the wider public.

3. So, nothing is private on social network, and you are not very likely to keep your personal information private. If you use pseudonyms to avoid being identified there is no guarantee that you will remain anonymous. There was a case of a Greek judge who allegedly published a racist comment on her blog under a pseudonym. However, her identity was soon discovered.

4. When you have agreed to use a social network, each of your announcements become a form of public speaking. It means that you have accepted the risk that your statement will be freely interpreted or even taken out of context. Remember that expressing your opinions in a virtual environment, where information is disseminated fast and sometimes carelessly, is completely different from common interpersonal communication.

5. Consequently, this increases the risk of misinterpreting your statements or even malicious interpretations. So, even when you are very careful, you cannot stop others from publishing annoying comments on your site. And that is not all. These comments will stay linked to your social network account forever, even if you delete them.