



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Public Confidence and the Image of Justice

Annexes

2017-2018



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Annex 1 – overview of ENCJ and other sources

1. European Networks of Councils for the Judiciary

1.1 ENCJ Report on Judiciary and the Media 2005-2006¹

The ENCJ first began to deal with this issue in the season 2005-2006 at the initiative of Dutch colleagues. The working group was established to discover the dimensions of the relations between the Judiciary and the Media (hereinafter referred to as WGJM). The WGJM accepted **the idea that giving active information to the press is positive “manipulation”** to retain respect for the judiciary, but concluded that the situation in every country differs to such an extent that developing an European model for the organisation of the media relations within Judiciaries would be useless. Instead of a model the WGJM saw many advantages in **an inventory of best practices in the field of communication and press relations.**

Among other things the WGJM highlighted **two problems** that have a negative effect on the public confidence in judiciary:

1. The lack of sufficient knowledge of journalists. Some countries (Spain) has therefore launched a programme to inform journalists on the judiciary; founded media offices within courts with experienced journalists, who know exactly how journalists work and what kind of information they need; launched a programme ‘educating justice’, which focuses on school children and their teachers to provide information about the judiciary.
2. Politicians expressing their opinion on an individual court case in public, which is a growing phenomenon present in almost all European countries.

The Report also briefly addresses the issue of **the role of Judicial Councils** and other national organisations in the relations between the Judiciary and the Media. The general idea of the participants was that such role of JC must be limited and mainly supportive for the individual courts.

Results of the project:

No recommendations or minimal standards were adopted by the following General Assembly (hereinafter referred to as GA) on the basis of this Report at that time.

1.2 The Bucharest Resolution on Transparency and Access to Justice, Adopted in Bucharest, 29 May 2009²

¹ <https://www.encj.eu/images/stories/pdf/workinggroups/judiciaryandmedia20052006.pdf>

² https://www.encj.eu/images/stories/pdf/opinions/resolutionbucharest29may_final.pdf

Nevertheless, the ENCJ had adopted the idea of the WGJM that giving active information to the Press is positive and has set out in its Bucharest resolution on Transparency and Access to Justice in May 2009 that Councils for the Judiciary or similar independent bodies should, in discharging their responsibilities, provide sufficient information to the public and the media, to ensure the accurate perception of the administration of justice by the public.

1.3 ENCJ Report on Public Confidence 2009-2010³

Consequently, the working group on Public Confidence was established in a following season of 2009-2010 (hereinafter referred to as WGPC), which continued the work of the WGJM. In its report the WGJM also pointed out that for an effective approach to address this issue it must first be defined what Public Confidence in Judiciary means or what are the aspects of Public Confidence in Judiciary.

The WGPC therefore conducted a survey among a random, nationwide, representative sample of 1500 adult Poles aged 18-75, and on its basis **identified three different aspects of public trust in judiciary**, which compose a generalised level of trust in courts and the judiciary:

⤴ Personal trust is trust in judges and other representatives of the judiciary. The analysis of the study showed that this aspect of public trust is based on personal features (features that refer to the person's appearance, activity, conduct, whether the person commands respect, how the person behaved towards others in given circumstances) of main actors representing justice and to the culture of the court trial itself. This aspect of trust deep-rooted in reputation requires constant confirmation.

⤴ Procedural trust is trust in legal norms (court procedures and applicable provisions of law) regulating proceedings before the authorities of justice and the manner of their enforcement in everyday life. Procedural trust with respect to courts is the belief that application of relevant legal procedures is the best way to reach fair and objective judgments.

⤴ Trust in court instance is trust in various types of courts.

The analysis showed that trust in courts and the judiciary, in the order of the strength of effect, is influenced by procedural trust (0.84), personal trust (0.71) and trust in the court instance (0.55).

The WGPC also **identified some factors that are significant for the shaping the Public Confidence** in courts and judges:

- ⤴ Persons` experience connected with courts;
- ⤴ The final effect and satisfaction with the verdict;
- ⤴ Compliance with the principles of procedural justice (i.e. application of procedures by courts and fulfilment of procedural guarantees);

³ <https://www.encj.eu/images/stories/pdf/workinggroups/publicconfidence20092010.pdf>

- ⤴ “Soft” components of principles of procedural justice, such as appearance/architecture of court buildings, courtrooms arrangement, judges behaviour in the courtroom, mutual respect shown by participants before a court;
- ⤴ Particularly interesting appears to be the positive relation between religiousness of the respondents and the level of trust in law and justice.

These conclusions gave grounds to the WGPC to **formulate suggestions for future actions of ENCJ** in this area:

⤴ The WGPC` Report suggested that Judiciaries and Judicial Councils should carry a research on trust in judicial justice that would be of cyclic nature (e.g. once per three year) and would concentrate on three types of trust (procedural, instance and personal) in connection with the understanding of procedural justice. The results of this type of research would be a valuable tool for the National Councils of the Judiciary, as it would present "critical mirror" for constant and reliable verification of the image and assessment of judicial justice on one hand, and enable the analysis of the dynamics of the transformation of opinions and attitudes, which would, in turn, give grounds for the formulation of relevant strategies, mainly, within the scope of policy towards the media, as well as availability of courts, on the other hand. Such research should be (according to the Report) standardised European-wide so that EU States would assess and monitor public confidence in the same manner. The standardized assessment of public confidence could reveal similarities and differences in the perception of the European courts, as well as in the justice system of each country. The development of an efficient, effective and trustworthy justice system in each EU member state becomes more and more important in the light of the efforts to move to a strong Europe and hence the increasing mobility of citizens and economic activity in EU. Due to the above-mentioned mobility there is not only the need to be able to trust the own national justice system. Also the perception of the quality of the justice system in other member states becomes growingly significant. Furthermore European law is developing, which urges for more collaboration of the justice systems all across Europe.

⤴ The WGPC` Report further suggested to adopt/create measures/tools to asses, monitor and perserve mutual confidence for different stakeholders:

- The first group of stakeholders that can be identified are **the prosecutors and judges** themselves. Since the development of European law and regulations (e.g. European arrest warrant), there is an increasing need to collaborate simultaneously.
- The second group of stakeholders are **the private enterprises**. One major criterion for enterprises to determine the level of their investment is the perceived trust worthiness of the justice system and the effectiveness and efficiency of the administration of justice in a particular country. Therefore their opinion on the actual functioning of the justice system and its evolution may be used as an additional source of information to develop improvement actions.
- The third group of stakeholders are **the European citizens**. In the context of the increasing mobility on the one hand and the creation and enhancement of an EU area of trust and security on the other, knowledge about the EU citizens` confidence in the justice systems of other member states (apart from their own) becomes increasingly necessary.

⤴ Consequently the WGPC's Report also suggests to develop a Master Plan for the assessment and monitoring of public and mutual confidence in the justice system in the EU and on its basis to form a working group/project team that would monitor its implementation and report to the board and the GA with possible suggestions. Dependant on the reaction and support of the EU, the project team could also create a platform of EU univervisty opinion researches/experts for the development assessment instruments.

1.4 ENCJ Report on Measurement of National and Transnational Public Confidence 2010-2011⁴

The Project Team Measurement of National and Transnational Public Confidence (hereinafter referred to as PTM) continued the work of the previously mentioned working groups. It elaborated a thorough and very practical Report with many useful suggestions about possible further work of the ENCJ in this field.

The PTM **worked on four different tools** that could broaden our knowledge on the level of public and transnational confidence in the courts systems throughout the European Union, and could also offer a more valid basis for comparing the (public) opinion on the functioning of these court systems between the EU countries. In this the PTM had **an assistance of two experts** in the field of Public Confidence surveys.

The first tool:

⤴ On the basis of colleting existing surveys on public confidence in the national justice systems the PTM elaborated a common questionnaire for the monitoring and assessment of the in-country public confidence in courts, in order to enhance the validity of comparisons in monitoring public confidence.

⤴ The questionnaire was elaborated as a minimal common assessment instrument, which every member Council would be free to supplement it with other questions in their own surveys.

⤴ The idea was to put a questionnaire on the ENCJ website in order to reach citizens of all member states. All the Councils would be invited to take active part in the survey and to ensure that this questionnaire would be included in the national surveys on public confidence that were yet be conducted on a recurrent basis in the ENCJ member countries.

⤴ The idea was also to start a facebook and/or twitter account on this topic in order to inform citizens about the web-poll and getting them to participate.

The second tool

⤴ In order to collect some data about the confidence of citizens in the functioning of other EU country systems (transnational trust of citizens), the PTM decided to take part in a survey that

⁴ https://www.encj.eu/images/stories/pdf/workinggroups/final_report_public_confidence_2010_2011.pdf

was meant to be conducted by the Euro-Justis consortium on public confidence in justice and collect data from the Euro-Justis NECTAR project aimed to develop policy responses to new forms of deviant behaviours (criminal acts) that have emerged as a consequence of technological developments and the increased mobility of populations across Europe.

The third tool

⤴ In order to examine the knowledge that judges and prosecutors have of European laws and regulations and in order to determine the difficulties that they experience when they are confronted with these laws and regulations, the PTM contributed in the development of the questionnaire for a survey that was intended to be carried out by ERA (Academy of European Law) in collaboration with EJTN (European Judicial Training Network).

⤴ Consequently a number of questions relating to the aims of the PTM were included in the ERA-EJTN questionnaire.

The fourth tool

⤴ In order to investigate the feasibility to assess the national and transnational trust of private enterprises in the court systems throughout the European Union the PTM did a preliminary research in three of the participating countries.

⤴ On the basis of this preliminary research the PTM concluded that the confidence of enterprises in the functioning of the court systems within the European Union can be a factor for making strategic decisions and could be an interesting topic for more in dept research in the future.

The PTM than elaborated **the follow-up steps??** of the four tools conceived by the Project:

A common questionnaire:

⤴ The web-poll to be launched in September 2011.

⤴ All member councils and observers to be invited to take part in the survey.

⤴ The data collecting to be stimulated via links on each participating member council's website and via a number of social network websites.

⤴ The web-poll will run for 6 months, until March 2011 as a testing phase. By the next General Assembly, in Dublin on May 9th November 2012, the data obtained from the poll to be analyzed and a preliminary report to be delivered.

⤴ To convince the European Commission to invest in creating a standard assessment on public confidence.

The measurement of transnational trust of citizens:

⤴ If the FP7 bid is not accepted, the ENCJ will have to decide whether to conduct a feasibility

study on measuring the transnational confidence of citizens in the courts throughout the European Union.

⤴ If the proposal of the Euro-Justis consortium is accepted, the NECTAR project can be launched in September 2011. The results of this project, will serve as a good indicator for the usefulness of assessing the transnational confidence of citizens.

The measurement of mutual confidence of judges and prosecutors

⤴ To wait for the results of the final report of the ERA-EJTN survey. Then discuss the usefulness of further activities in this field.

The final Report of the ERA-EJTN 2011 Survey, which was commissioned by European Parliament, is published on website.⁵ The Report does not analyse the public confidence in justice nor mutual trust between judges and prosecutors in EU. It gives an overview of the level of knowledge of EU law that judges and prosecutors have; analyses the forms of judicial training in the EU Member States and gives some recommendations.

⤴ The Study showed that a majority of judges (did not) do not have a very good knowledge of EU law⁶ and that judges and prosecutors (did not) do not deal with issues of EU law on a regular basis,⁷ although the number of cases involving EU law is increasing every year.⁸

⤴ The majority of respondents also expressed that they do not get support in finding out or understanding the applicable EU law and therefore find available training programmes helpful.⁹

1.5 ENCJ Report on Justice, Society and the Media 2011-2012¹⁰

In 2011 the ENCJ set up a project which aimed to study the best practices on how the judiciary could be better engaged with society and how the media could be used to achieve this goal.

The Project Team on Justice, Society and the Media (hereinafter referred to as PTJSM) focused on four subjects:

1. Spokespersons on behalf of the Judiciary: press judges and communications advisors;
2. Audiovisual recordings in the court and the use of social media;
3. Publication of judgments on the internet;
4. Press guidelines;
5. Proactive media approach by the Judiciary.

⁵ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET\(2011\)453198_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf)

⁶ page 113 of the Report

⁷ page 115 of the Report

⁸ page 116 of the Report

⁹ page 117 of the Report

¹⁰ https://www.encj.eu/images/stories/pdf/GA/Dublin/encj_report_justice_society_media_def.pdf

The PTJSM took stock of the current practices in the judiciaries and came up with a wide range of best practices and drafted a set of **recommendations, that were adopted by the General Assembly in Dublin in 2012.**

The main recommendations from the ENCJ Report on Justice, Society and the Media include:

- ⤴ the setting up of judicial spokespersons / press judges;
- ⤴ drafting regulations for the uses of audio and video recording in the courts;
- ⤴ having clear guidelines for use of smart phones and other communication devices;
- ⤴ the development of a strategy for the use of each social media;
- ⤴ the setting up of a website with information for professionals, the press and the general public and a freely accessible database of judgments;
- ⤴ regulation of the relations between the Judiciary and the media through press guidelines, they should state what the media may expect of the staff of the courts and how the courts should deal with the needs of the media before, during and after court proceedings;
- ⤴ the development of a proactive media approach focused on individual court cases as well as the entire judicial system.

1.6 The Rome Declaration on the occasion of ENCJ's 10th anniversary, Adopted in Rome 11-13 June 2014¹¹

The ENCJ reiterated in its Rome Declaration that one of its priorities for the future remains promoting public confidence in the justice systems in Europe.

1.7 The Paris Declaration on Resilient Justice, Adopted in Paris, 9 June 2017¹²

The ENCJ again emphasized in its Paris Declaration that it is essential that there is a proper and informed understanding of the respective roles and responsibilities of each of the branches of the state and the need for them to work together in an effective and mutually respectful manner in any democratic state. Judiciaries should therefore take action to ensure that the general public understands the central importance of justice to democracy and to the wellbeing and prosperity of the state. This can be achieved by **education and outreach initiatives**. Judiciaries should also adopt a focused **communication strategy to engage pro-actively with the media and the public.**

1.8 Some other thoughts on the issue of Public Confidence, expressed through ENCJ activities

¹¹ https://www.encj.eu/images/stories/pdf/GA/Rome/encj_rome_declaration_adopted.pdf

¹² https://www.encj.eu/images/stories/pdf/GA/Paris/encj_paris_declaration_adopted_ga.pdf

The ENCJ Report on Standards VI: Non judicial Members in Judicial Governance 2015/2016¹³

The Report says inter alia: „*In answering those questions, we have concluded that public confidence is reinforced when judges are appointed, promoted, and held to account by bodies which at least in part reflect the views of the society in which they work, giving an external perspective of what is appropriate.*“

The Judicial Ethics Report 2008-2009¹⁴ and The Judicial Ethics Report 2009-2010¹⁵

- ⤴ The affirmation of principles of professional conduct for judges strengthens public confidence and allows a better understanding of the role of the judge in society.
- ⤴ Diligence is necessary to obtain and increase public confidence in justice.
- ⤴ Information on the functioning of justice and the presence of the public at judicial proceedings contribute to their social acceptance. Equal access of individuals involved in claims or defence to civil and criminal proceedings promotes transparency and enhances public confidence.

The Judicial Reform in Europe Report 2011-2012¹⁶

It is important that any reforms are not driven purely by financial considerations but by longer term factors. For fitting and effective reform and development any proposal must have stated and reasoned Aims and Objectives. The Aims of reform within justice systems and the judiciary must be predicated on sound principles that will overall improve the quality of justice for the citizens and should include such aspects as:

- ⤴ Improve the Quality of Access to Justice;
- ⤴ Increase public confidence in the judicial system;
- ⤴ Improve the image of the Judiciary;
- ⤴ Provide an efficient system that does not compromise the quality of justice and access to justice.

The ENCJ Report on Minimum Judicial Standards V: Disciplinary proceedings and liability of judges 2014-2015¹⁷

¹³https://www.ency.eu/images/stories/pdf/workinggroups/ency_standards_vi_2015_2016_adopted_ga_warsaw.docx.pdf

¹⁴ <https://www.ency.eu/images/stories/pdf/ethics/encyreportjudicialethics20082009.pdf>

¹⁵ <https://www.ency.eu/images/stories/pdf/ethics/judicialethicsdeontologiefinal.pdf>

¹⁶ https://www.ency.eu/images/stories/pdf/GA/Dublin/ency_report_judicial_reform_def.pdf

¹⁷https://www.ency.eu/images/stories/pdf/GA/Hague/ency_report_minimum_standards_v_adopted_ga_june_2015.pdf

The work of the Project Team has centred on the proposition that there is a need to have relevant standards and indicators in the field of disciplinary liability of judges, since appropriate conduct by judges in their professional activities (or even in some aspects of their personal life) can be seen by the public as essential to the credibility of the courts and can have an impact on public confidence in the Judiciary and the judicial system as a whole.

The ENCJ Report on Standards VI: Non Judicial Members in Judicial Governance 2015-2016:

The Project Team highlighted an importance of connection between judiciary and civil society. Non judicial members should be persons of high moral standing who bring to Judicial Governance acknowledged skills and experience from outside the judiciary. Possible categories include lawyers, academics, sociologists, economists etc. They should not be politicians or persons with political affiliations. Non judicial members can give external perspective of what is appropriate. They can hold up a mirror to the judiciary, showing a different side to certain issues. They can look at the issue from a broader perspective and they are not constrained by professional judicial habits or stereotypes. They can become a connecting bridge between judges and society. Their presence helps to promote a culture of trust and openness within the judicial system and promotes deeper discussion with better argument. Their life and professional experiences are brought into the process of evaluation, and they are interested generally in broader context of both the individual judge under evaluation, and the overall process of the court's decision making. Therefore their involvement in judicial self-governance should be considered necessary.

The Project Team considers that proportion of non-judicial members should be between 1/3 and 50 %. In that way they can contribute considerably to decision-making process. They should have the same rights and obligations as judicial members. The effective participation by non judicial members is only possible where Judicial Councils include sufficient non-judicial members with equal rights. In order to ensure effective participation of non-judicial members it is recommended that adequate quorum for the composition of the bodies and voting procedures be adopted to give effect to this aspiration.

2. Council of Europe

The topic on the relations between Judiciaries, Media and Society has also been addressed in several ways within the organs of the Council of Europe.

2.1 CCJE and CCPE

Consultative Council of European Judges (CCJE) has adopted several Opinions on the topic on the relations between Judiciaries, Media and Society.

The most significant Opinion that directly addresses this topic is **Opinion no 7 (2005) on Justice and Society**.¹⁸ The Opinion focuses on four subjects (1) The relations of the courts with the public; (2) The relations of the courts with participants in court proceedings; (3) The relation of the courts with the media; (4) Accessibility, simplification and clarity of the language, used by the courts in proceedings and decisions.

In this opinion CCJE stressed among other things:

- ⤴ The citizens should receive appropriate information on the organisation of public authorities and the conditions in which the laws are drafted. Furthermore, it is just as important for citizens to know how judicial institutions function.
- ⤴ The importance of creating direct relations between the courts and the public at large; Courts themselves should be recognised as a proper agency to organise programmes having the goal of improving the understanding and confidence of society with regard to its system of justice.
- ⤴ Judges should be given the opportunity to receive specific training as to relations with the public;
- ⤴ Adequate funding should be provided for activities explaining and making transparent the judicial system and the principles of justice in society by the court system itself, according to the principles stated in its Opinion No. 2 (2001).
- ⤴ The first way to make judicial institutions more accessible is to introduce general measures to inform the public about courts' activities:
 - the educative work of courts and the need to organise visits for schoolchildren and students or any other group with an interest in judicial activities
 - to take part in general framework programmes arranged by other state institutions (Ministries of Justice and Education, Universities, etc.).
- ⤴ The possible direct initiatives of the courts with the public (e.g. outreach programmes), not depending on the activity of the media and/or actions for which other institutions are responsible. The following measures were considered and recommended:
 - creation of offices in courts in charge of reception and information services;

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[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE\(2005\)OP7&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE(2005)OP7&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3&direct=true)

- distribution of printed materials, opening of Internet sites under the responsibility of courts;

- organisation by courts of a calendar of educational fora and/or regular meetings open in particular to citizens, public interest organisations, policy makers, students ("outreach programmes").

▲ The image that the public has of the justice system is not influenced only by the media, but is also very much shaped by the impressions gleaned by citizens who participate in trials as parties, jurors or witnesses. In order to foster better understanding of the role of the judiciary, an effort is required to ensure in so far as possible that the ideas that the public has about the justice system are accurate and reflect the efforts made by judges and court officials to gain their respect and trust concerning courts' ability to perform their function. The CCJE supports all the steps aiming at strengthening the public perception of impartiality of judges and enabling justice to be carried out. Such initiatives may include:

- training programmes in non-discrimination and equal treatment organised by courts for judges and court staff (in addition to the similar programmes organised by lawyers or for lawyers);
- court facilities and arrangements designed to avoid any impression of inequality of arms;
- procedures designed to avoid giving unintended offence and to ease the involvement of all concerned in judicial proceedings.

▲ An efficient mechanism be set up, which could take the form of an independent body to deal with problems caused by media accounts of a court case or difficulties encountered by a journalist in the accomplishment of his/her information task, to make general recommendations intended to prevent the recurrence of any problems observed. It is also necessary to encourage the setting up of reception and information services in courts under the supervision of the judges in order to help the media to get to understand the workings of the justice system better by communicating summaries of court decisions to the media; providing the media with factual information about court decisions; liaising with the media in relation to hearings in cases of particular public interest; providing factual clarification or correction with regard to cases reported in the media.

▲ When a judge or a court is challenged or attacked by the media for reasons connected with the administration of justice, the judge involved should refrain from reactions through the same channels. Bearing in mind the fact that the courts can rectify erroneous information diffused in the press, it would be desirable that the national judiciaries benefit from the support of persons or a body (e.g. the Higher Council for the Judiciary or judges' associations) able and ready to respond promptly and efficiently to such challenges;

▲ Accessibility, simplicity and clarity of the language of courts are desirable

▲ Judicial language should be concise and plain, avoiding - if unnecessary - Latin or other wordings that are difficult to understand for the general public.

▲ Judicial reasoning should always be precise and complete, though simplified reasoning may be appropriate in procedural matters, and judges may, where permissible, give their reasoning orally rather than in writing.

▲ At least all Supreme Court and other important court decisions be accessible through Internet sites at no expense, as well as in print upon reimbursement of the cost of reproduction only; however appropriate measures should be taken in disseminating court decisions, to protect privacy of interested persons, especially parties and witnesses.

The Opinion stresses several times a role of Judicial Councils or similar bodies:

⤴ Courts themselves should be recognised as a proper agency to organise programmes having the goal of improving the understanding and confidence of society with regard to its system of justice. In parallel, a role of co-ordinating the various local initiatives as well as promoting nationwide “outreach programmes” should be given to the Council for the Judiciary which, with the assistance of professionals, may also provide more sophisticated information.

⤴ The CCJE also pointed out the role of an independent body – which could well be identified in the Council for the Judiciary or in one of its committees, if necessary with the participation of media professionals – in dealing with problems caused by media accounts of court cases, or difficulties encountered by journalists in carrying out their work.

⤴ Finally, the CCJE - dealing with the issue of judges or courts challenged or attacked by the media or by political or social figures through the media – considered that, while the judge or court involved should refrain from reacting through the same channels, the Council for the Judiciary or a judicial body should be able and ready to respond promptly and efficiently to such challenges or attacks in appropriate cases.

A similar document has been adopted by Consultative Council of European Prosecutors (CCPE) - **Opinion no 8 (2013) on Relations between Prosecutors and the Media**.¹⁹

The role of Judicial Council in the protections of the image of justice has been further defined in an **Opinion no 10 (2007) on the Council for the Judiciary at the service of society**:²⁰

⤴ The Council for the Judiciary should have the power not only to disclose its views publicly but should also take all necessary steps before the public, the political authorities and, where appropriate, the courts to defend the reputation of the judicial institution and/or its members.

⤴ The Council for the Judiciary may also be the appropriate body to play a broader role in the field of the promotion and protection of the image of justice, as the performance of such a function often requires striking a balance between conflicting freedom of individuals, social and political actors, and the media, on the one hand, and the public interest in an independent and efficiently functioning justice system, on the other hand.

⤴ In this framework, the Council for the Judiciary could also address court users' complaints. The CCJE recommends that the Council for the Judiciary can perform such a function by availing itself of the help of the necessary professional assistance, as its staff in this area should not be restricted to lawyers but should also include journalists, social scientists, statisticians, etc.

¹⁹[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCPE\(2013\)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCPE(2013)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

²⁰ <https://wcd.coe.int/ViewDoc.jsp?p=&id=1221839&direct=true>

In Opinion no 12 (2009) and Opinion no 4 (2009) on the Relations between Judges and Prosecutors in a democratic society CCJE and CCPE²¹ together once again stressed:

⤴ The perception in society of the quality of justice is heavily influenced by media accounts of how the justice system works. Publicity also contributes to the achievement of a fair trial, as it protects litigants and defendants against a non-transparent administration of justice.

⤴ The expanding public and media attention to criminal and civil proceedings has led to an increasing need for objective information to be provided to the media both from the courts and public prosecutors.

⤴ Media, as well as judges and public prosecutors, shall respect fundamental principles such as the presumption of innocence and the right to a fair trial, the right to private life of the persons concerned, the need to avoid an infringement of the principle and of the appearance of impartiality of judges and public prosecutors involved in a case.

⤴ Good professional skills, high ethical standards and strong self-restraint against premature comments on pending cases are needed for judges and public prosecutors to meet this challenge.

⤴ Media liaison personnel, for example public information officers or a pool of judges and prosecutors trained to have contact with the media, could help the media to give accurate information on the courts' work and decisions, and also assist judges and prosecutors.

⤴ Judges and prosecutors should mutually respect each other's specific role in the justice system.

In **Opinion no 16 (2013) on the Relations between Judges and Lawyers²²** CCJE stresses the importance of the development of dialogues and exchanges between judges and lawyers at an institutional level (both national and international) on the issue of their mutual relations, whilst taking full account of the ethical principles of both lawyers and judges. Such dialogue should facilitate mutual understanding of and respect for the role of each side, with respect for the independence of both judges and lawyers.

In **Opinion no 18 (2015) on The position of the Judiciary and its relation with the other powers of state in a modern democracy²³** the CCJE pointed out that:

⤴ With regard to the relations between the three powers of the state judges, like all other citizens, are entitled to take part in public debate, provided that it is consistent with maintaining their independence and impartiality.

⤴ Analyses and criticisms by one power of state of either of the other powers should be undertaken in a climate of mutual respect.

²¹[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE\(2009\)OP12&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE(2009)OP12&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

²²[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE\(2013\)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE(2013)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

²³[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE\(2015\)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CCJE(2015)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

⤴ The judiciary must be aware that there are limits to judicial and legal intervention in relation to political decisions that have to be made by the legislative and executive powers. Therefore, all courts within the judicial power must take care not to step outside the legitimate area for the exercise of judicial power.

The CCJE in **Opinion no 19 (2016) on The role of Court Presidents**²⁴ also stressed a role of court presidents in maintaining and developing relations with other bodies and institutions and with the general public.

⤴ In doing this the main duty of court presidents must remain to act at all times as guardians of the independence and impartiality of judges and of the court as a whole.

⤴ In their relations with the media, court presidents should keep in mind the interest of society in being informed, while also having due regard to the presumption of innocence, the right to a fair trial and the right to respect for private and family life of all persons involved in the proceedings, as well as to the preservation of the confidentiality of deliberations.

The CCJE in Report on judicial independence and impartiality in the Council of Europe member states in 2017 emphasises that the main purpose of councils for the judiciary is to safeguard the independence of the judiciary and of individual judges. The importance of institutions and procedures guaranteeing the independence of the judges has been recognised by the EctHR and the CCJE. Every decision relating to a judge's appointment, career and disciplinary action should be regulated by law and be taken by an independent authority.

Having in mind that one of the main competences of the Councils for the Judiciary is selecting candidates for judicial office it has to be underline that candidates should be selected to objective criteria. Therefore selection should be undertaken by an independent body. The executive power should not intervene in selection of judges or their dismissal. The influence of the political power on the appointment decisions should be limited in order to prevent appointments for political reasons. In order to assure Councils for Judiciary to be independent, elections of their members must be free from external influences. Establishment of a Council for the Judiciary is only useful if its members can work independently from the political power.

2.2 European Commission for the efficiency of Justice (CEPEJ)

It is interesting that CEPEJ also elaborated a handbook for conducting satisfaction surveys among court users. The latest version of that document was adopted in December 2016 at the plenary meeting and is published on its website (Handbook for conducting satisfaction surveys aimed at court users in Council of Europe Member States).²⁵

²⁴[https://wed.coe.int/ViewDoc.jsp?p=&Ref=CCJE\(2016\)2&Language=lanEnglish&Ver=original&BackColorInterne=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wed.coe.int/ViewDoc.jsp?p=&Ref=CCJE(2016)2&Language=lanEnglish&Ver=original&BackColorInterne=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

²⁵[https://wed.coe.int/ViewDoc.jsp?p=&Ref=CEPEJ\(2016\)15&Language=lanEnglish&Ver=original&BackColorInterne=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wed.coe.int/ViewDoc.jsp?p=&Ref=CEPEJ(2016)15&Language=lanEnglish&Ver=original&BackColorInterne=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

The handbook is intended for central court authorities and individual courts wishing to develop user satisfaction surveys. CEPEJ stresses in the document that satisfaction surveys are a key element of policies aimed at introducing a culture of quality. Taking into account public-satisfaction reflects a concept of justice focused more on the users of a service than on the internal performance of the judicial system.

In the document there are also two models of a questionnaire for court users and lawyers presented.

2.3 European Court of Human Rights (EctHR)

The authority and impartiality of the judiciary is one of the grounds listed in Article 10(2) of the European Convention on Human Rights (ECHR) which may justify a restriction on freedom of expression. The ECtHR therefore stated in some cases that the authority and impartiality of the judiciary is in public interests of great importance and that, where they are truly under threat, it may be legitimate to limit freedom of expression.²⁶

Some cases of the ECtHR:

In the case **Sunday Times v. the United Kingdom** (1979) the ECtHR noted the importance of openness in relation to courts: *There is general recognition of the fact that the courts cannot operate in a vacuum. Whilst they are the forum for the settlement of disputes, this does not mean that there can be no prior discussion of disputes elsewhere, be it in specialised journals, in the general press or amongst the public at large. Furthermore, whilst the mass media must not overstep the bounds imposed in the interests of the proper administration of justice, it is incumbent on them to impart information and ideas concerning matters that come before the courts just as in other areas of public interest. Not only do the media have the task of imparting such information and ideas: the public also has a right to receive them.*

In the case of **De Haes and Gijssels v. Belgium** (1997) the Court recognised that members of the judiciary must enjoy public trust, stating: *The courts - the guarantors of justice, whose role is fundamental in a State based on the rule of law - must enjoy public confidence. They must accordingly be protected from destructive attacks that are unfounded, especially in view of the fact that judges are subject to a duty of discretion that precludes them from replying to criticism.*

In a case **Skalka v. Poland** the applicant disputed his conviction for insulting the judiciary after he had written a disparaging letter about the judges of a regional court. The Court held that protection of the proper administration of justice was important enough to justify limitations on

²⁶ Toby Mendel, Centre for Law and Democracy, A Guide to the Interpretation and Meaning of Article 10 of the European Convention on Human Rights: <https://rm.coe.int/16806f5bb3>

freedom of expression but that in the present case the prison sentence imposed was disproportionate: the attack on the authority of the judiciary had taken place in the context of an internal exchange of letters, of which the public had not been informed, and it was the first time the applicant had overstepped the bounds of permissible criticism.²⁷

In the **Kyprianou case** it examined an application from a lawyer who had received a prison sentence for contempt of court. He had claimed that member of the court before which he was conducting a cross-examination had been talking to each other and passing one another notes (ravasakia, a term that can mean, inter alia, “love letter” or “short written message normally of an unpleasant nature”). The Court found that the applicant’s comments, albeit discourteous, were confined to the manner in which the judges were conducting the case. The penalty imposed was disproportionately severe in relation to the aims pursued and capable of having a “chilling effect” on lawyers in similar situations. The Grand Chamber of the Court concluded that there had been a violation of Article 10.

In the case **Hurter v. Switzerland** (see also **Morice v. France**) the Court declared inadmissible an application concerning a fine imposed on a lawyer for stating, in the course of proceedings, that an Appeal Court had committed criminal offences. The Court again made the point that lawyers had a central position in the administration of justice as intermediaries between the public and the courts. It was therefore legitimate to expect them to play their part in proper administration of justice and in thus maintaining public confidence in the justice system. In the present case the seriousness and general nature of the charges were hardly compatible with that role. The penalty, not being excessively severe, was found to be necessary to maintaining the authority and impartiality of the judiciary.

In the case **Böhm v. Germany** (see also **A. v. Finland**) the Court ruled on an application concerning an accountant convicted of defaming a judge. Having established that the applicant’s duties in relation to the court had been comparable to that of a lawyer, the Court decided that, given the insulting tone of his comments and the seriousness of his accusations against the judge, he had failed in his obligation to contribute to the proper administration of justice. He had thereby overstepped the bounds of criticism acceptable in the circumstances of the case.

The judgment in **Pinto Coelho v. Portugal** concerned the unauthorised broadcasting of a report containing audio extracts from a court recording of a hearing. In the retransmission, the voices of the three judges sitting on the bench and of the witnesses were digitally altered. These extracts were followed by comments by the applicant, a journalist specialising in court cases, referring to a miscarriage of justice. The applicant was convicted of breaching the statutory prohibition on broadcasting audio-recordings of a hearing without permission from the court and ordered to pay a fine. The Court had regard to the determination of the superior courts of the member States of the Council of Europe to respond forcefully to the harmful pressure the media could put on civil parties and defendants and which was liable to undermine the presumption of innocence.

²⁷ Freedom of expression in Europe Case-law concerning Article 10 of the European Convention on Human Rights, pages 122-126: [http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-18\(2007\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-18(2007).pdf)

Nevertheless, a number of factors swayed the balance in favour of finding a violation of Article 10 of the Convention:(i) The trial was already over when the report was broadcast. (ii) The hearing had been public and none of those concerned had used the remedy available to them for an infringement of their right to be heard. For the Court, the onus had primarily been on them to ensure respect for that right. (iii) Additionally, the voices of those taking part in the hearing had been distorted to prevent them from being identified.

Annex 2 Overview of types of Communication strategies

Communication strategy alternatives

	SLOW Spontaneous image “Legal in communication, yet un- noticed”	MEDIUM Built image “Everyone should be able to watch SCM activity”	INTENSIVE Push-type image “Everyone should know how we operate and what we decide”	INTENSIVE Pull-type image “Let us introduce themes and educate the public opinion”
Primary target group	Represented/subordinated institutions	Represented/subordinated institutions Judicial institutions in the country Specialized mass-media Educational institutions	Represented/subordinated institutions Judicial institutions in the country Educational institutions Ministries and other public institutions Specialized mass-media Mass-media with positive affiliation and attitude	Represented/subordinated institutions Judicial institutions in the country Educational institutions Ministries and other public institutions Specialized mass-media Mass-media with positive affiliation and attitude Mass-media with a critical attitude
Secondary target group	Mass-media in general (those who are interested)	General mass media: public and commercial stations	General mass media, wide access Specialized EU professional organizations	General platforms of public life Specialized EU/non-EU professional organizations

	SLOW	MEDIUM	INTENSIVE	INTENSIVE
Representation level	<p>Infrequent appearances</p> <p>Represented by president, vice-presidents, spokesperson</p>	<p>Cyclic, pre-notified appearances</p> <p>Represented by president, vice-presidents, spokesperson</p> <p>Appearances of SCM members in the country and in the regional mass-media</p>	<p>Cyclic, pre-notified appearances</p> <p>Appearances in situations of general interest</p> <p>Represented by president, vice-presidents, spokesperson</p> <p>Represented by all members in the country and in the regional mass-media</p>	<p>Cyclic appearances and of general interest</p> <p>Appearances created by the Council in order to introduce a subject on the public agenda</p> <p>The public discourse is focused on themes</p> <p>Represented by president, vice-presidents, spokesperson</p> <p>Represented by all members according to a pre-established agenda</p>
Communication channels	<p>Own web-site: archive for descriptions, press releases, decisions</p> <p>Press releases:</p> <ul style="list-style-type: none"> - regular reports - regular decisions - decisions taken in critical/visible situations 	<p>Online: own web-page, Facebook/documents, news</p> <p>Press releases: web, FB, mass-media list</p>	<p>Online: own web-page, Facebook/documents, news, events</p> <p>Press releases: web, FB, mass-media list</p> <p>Mass-media: appearances from representatives and of the members/statements, broadcasts</p>	<p>Online: own web-page, Facebook/documents, news, events</p> <p>Press releases: web, FB, mass-media list</p> <p>Mass-media: appearances of representatives and of the members/statements, broadcasts</p>

	<p>Mass media appearances in cases of general public interest or in case of conflicts</p>	<p>Mass-media: appearances from representatives / statements, broadcasts</p>	<p>Mass-media: high level of responsiveness to requests Appearances in specialized events Own professional events: conferences, visits</p>	<p>Mass-media: increased responsiveness to requests, design/proposal of new themes</p> <p>Mass-media: own broadcasts, focus on themes Appearances in specialized events</p> <p>Own professional events: conferences, visits, training sessions Attendance to specialized events</p> <p>Own professional events: conferences, visits, training sessions</p> <p>Attendance at international events</p> <p>Organization of one prestigious international event every 2 years</p>
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	SLOW	MEDIUM	INTENSIVE	INTENSIVE
Messages	<p>Single message, no more than three</p> <ul style="list-style-type: none"> - exposure to each contact - e.g.: mission, tasks, services provided 	<p>Specific, well designed messages, 1-2 messages repeated for each appearance</p> <p>Specific, technical messages, without interpretations and emotional elements</p> <p>Own identity elements: responsibility, responsiveness</p>	<p>List with the messages promoted, their further development</p> <p>Responsiveness to attacks or communication crises</p> <p>Specific messages, explanations</p>	<p>Design and placement of messages according to the agenda</p> <p>“Topic list”: problems, solutions for interventions and situations to avoid</p> <p>Specific, opinion-making and identity-making messages/messages defining professional membership</p>
Area of impact	<p>We can be identified by:</p> <ul style="list-style-type: none"> - legal institutions and legal professionals - partnering institutions 	<p>We can be identified by:</p> <ul style="list-style-type: none"> - professional bodies - specialized mass-media 	<p>We can be identified by:</p> <ul style="list-style-type: none"> - general mass-media - other public institutions 	<p>We can be identified by the:</p> <ul style="list-style-type: none"> - general public - international bodies
Training	<p>Internal workshop on communication and commitments</p>	<p>Training of representatives for debates and specific mass-media appearances</p> <p>Training the members for the distribution of messages</p>	<p>Training of representatives for debates and specific mass-media appearances</p> <p>Training of members for (organizational and image) crisis situations</p>	<p>Inclusion of and training for partner institutions</p> <p>Professional bodies, training sessions for mass-media representatives</p> <p>Training sessions for law students and young professionals</p>
Projected image and associations	<p>The image is context-based:</p>	<p>A professional own image is designed (own position and messages)</p>	<p>The image of SCM is clearly defined</p>	<p>The role, position and operation of SCM becomes</p>

	<ul style="list-style-type: none"> - decisions, reports (regular operation) - cases which involve SCM <p>Image associated with another institution, no characters involved</p>	<p>Own visual identity, PR handbook are developed and applied</p> <p>Web-page, FB, information materials and the headquarters are the primary carriers of visual identity</p>	<p>The image, the messages and the visual identity are presented and promoted</p> <p>Secondary channels and media appearances present a single image, no matter the subject</p> <p>Secondary channels become carriers of the message and of the visual identity</p>	<p>well known to the general public</p> <p>The image and activity of SCM contribute to the image of the Romanian judiciary</p> <p>Opinion-making could be linked to the institution itself</p> <p>Vision-based messages, themes from abroad are conveyed</p>
Resources and targets	<p>Restructuring and updating own web-page</p> <p>Spokesperson: mass-media appearances, PR and communication officer</p>	<p>The web page becomes a transparent, highly accessed information platform</p> <p>The web page complies with regulations regarding public institutions communication (see the study)</p> <p>Spokesperson: coordination of messages, image projected and media appearances</p> <p>Communication officer: web page and FB up-to-date, presentation materials</p>	<p>The web page shall be considered an information source</p> <p>Spokesperson: regular media appearances, training members for such appearances</p> <p>Communication officer: organization of own events</p> <p>“Crisis book”: procedures for avoiding/managing various crisis situations</p>	<p>Own web-page (message board), FB etc. are moderated in terms of discussions and opinions expressed</p> <p>Development of fluent communication using own and indirect channels</p> <p>Stable professional relations with the mass media</p> <p>Spokesperson: training for appearances abroad, moderation of message boards</p> <p>Communication officer 1: drafts information materials, maintains the media archive</p> <p>Communication officer 2: organizes own events, participates to visiting tours</p>



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

QUESTIONNAIRE

Public Confidence and the Image of Justice

1. In what ways do you obtain feedback from media and other stakeholders of the judiciary?

- Personal conversations
- Media monitoring
- Social media monitoring
- Web data
- Periodic surveys
- Scientific research
- Formal consultations

Comments:

2. Is there in your country a periodic survey on trust in the judiciary from the following stakeholders?

- Yes
 - 2.1. Judges
 - 2.2. Prosecutors
 - 2.3. Lawyers
 - 2.4. Any other legal professionals
 - 2.5. Court users

- 2.6. General public
- 2.7. Any other stakeholders (please identify them)

No

Comments:

3. If yes, what is the level of trust from each of the following categories:

- 3.1. Judges _____ %
- 3.2. Prosecutors _____ %
- 3.3. Lawyers _____ %
- 3.4. Any other legal professionals _____ %
- 3.5. Court users _____ %
- 3.6. General public _____ %
- 3.7. Any other stakeholders(please identify them) _____ %

Comments:

4. If yes, is the trust in other branches of power in comparison with the trust in the judiciary:

4.1. The Legislature

- Lower
- The same
- Higher

3.2 The Executive

- Lower
- The same
- Higher

Comments:

5. Who commissions the survey?

6. Who conducts it?

7. To what extent the feedback is used to decide on communications and organisation of the judiciary? And in which way?

- Large
- Some
- Not at all

Comments (*please give us some basic information about the way you use the feedback*)

8. Does your Judiciary have a system/strategy of communication?

8.1.

- Yes
- No

Comments:

8.2. If yes, what is it?

Comments (*please give us some basic information*):

9. Does the strategy of communication cover

- Council for judiciary
- Courts
- Judges
- Prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate
- Others, please specify

Comments:

10. Is there an integrated system/strategy of communication for all these institutions?

Yes

No

Comments (if yes, in which way?):

11. Are there different communication systems/strategies for each of these institutions?

Yes

No

Comments (if yes, is it possible to find some similarities or contradictions between them)

12. What type of image does your strategy promote, according to the alternatives in the Annex 2 of the Project Fiche?

SLOW - Spontaneous image - "Legal in communication, yet un-noticed"

MEDIUM - Built image - "Everyone should be able to watch SCM activity"

INTENSIVE - Push-type image - "Everyone should know how we operate and what we decide"

INTENSIVE - Pull-type image - "Let us introduce themes and educate the public opinion"

Comments:

13. Do you have press guidelines/protocols/other instruments of communication with Media?

Yes

No

Comments (if yes, please let us know some basic information about it)

14. Are there guides, codes of best practice or other instruments mutually agreed for communication with

Media

Other state powers

Other legal professions

Comments (if yes, please let us know some basic information about them)

15. Are there spokespersons within the judiciary at the level of:

- Council for judiciary
- Courts
- Prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate
- Others, please specify

Comments:

16. The spokesperson is:

12.1 A professional in communication

- Yes
- No

12.2 A judge/prosecutor trained in communication

- Yes
- No

12.2.1. A solely allocated judge/prosecutor

- Yes
- No

12.2.2. A judge/prosecutor cumulating both activities

- Yes
- No

12.3 Both

- Yes
- No

Comments:

17. Is there a profile for the role of spokesperson?

- Yes
- No

Comments (if yes, please let us know some basic information about this profile)

18. Is there a specialised communication department (please indicate the no. of the personnel) and what are its duties?

- Council for judiciary _____ persons
- Courts _____ persons
- Prosecution offices _____ persons
- Schools for training of judges, prosecutors and clerks _____ persons
- Judicial inspectorate _____ persons
- Others, please specify _____ persons

Comments (if yes, please specify the duties of each of these institutions)

19. Is there an agreement (protocol, regulation etc.) about who is responsible when an issue crosses different responsibilities (for instance between courts and the SCM)?

- Yes
- No

Comments (if yes, please, give us some details)

20. Is there a budget allocated to communication?

- Yes
- No

Comments:

21. Is there continuous training in communication skills for?

- Spokespersons
- Judges
- Prosecutors
- Members of the judicial councils

Comments:

22. Who is in charge with the training in communication skills?

- Institute for Training Magistrates
- SCM
- Ministry of Justice
- External experts
- Courts' communication departments
- Prosecutor offices' communication departments
- Others (please, let us know)

Comments:

23. Are there social media platforms, blogs, vlogs used by:

- Council for judiciary
- Courts
- Prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate
- Judges
- Prosecutors

Comments:

24. Which are the most frequently used social media, blogs, vlogs (e.g. Facebook, Twitter, LinkedIn etc.)?

Council for judiciary

Courts

Prosecution offices

Schools for training of judges, prosecutors and clerks

Judicial inspectorate

Judges

Prosecutors

25. If yes, what is the purpose for using these platforms by:

Council for judiciary

Courts

Prosecution offices

Schools for training of judges, prosecutors and clerks

Judicial inspectorate

Judges

Prosecutors

26. What are your best practices of using social media?

27. Are the official websites translated in English (or other widespread languages)?:

- Yes, all the information
- Yes, partially (please indicate the type of information that is being translated)

Comments:

- No

Comments:

28. Are there brand guidelines/corporate designs used at the following levels?

- Council for judiciary
- Court
- Prosecution office
- Some of the courts / prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate

Comments (*if yes, please specify the main content*):

29. Are there crisis communication protocols in place at the following levels?

- Council for judiciary
- Courts
- Prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate

Comments (*if yes, please specify the main content*)

30. Are there online resources for communication and programs of communication (xmind) used at the following levels?

- Council for judiciary
- Courts
- Prosecution offices
- Schools for training of judges, prosecutors and clerks
- Judicial inspectorate

Comments:

31. Are there best practices for proactive communication in order to strengthen the trust in judiciary (media campaigns, advertising, documentaries, outreach activities etc.)?

32. Are there procedures for defending the independence and/or professional reputation of an individual judge or prosecutor?

- Yes
- No

Comments:

33. If yes, how effective do you communicate it externally (for the media and general public)? Please, let us know the ways you are doing it (e.g.: press releases, press conferences, public debates etc.)

34. How do the Councils promote their image abroad?

35. Who do you regard as most influential in your country in terms of public confidence and image of Justice? (politicians, reporters, some of the judges and prosecutors well known in social media, etc.)

36. Is there a protocol (not necessarily a written one) about how to communicate with them?

- Yes
- No

Comments (if yes, please let us know some basic information about it)

37. Do you have a core message/some core message(s) for improving the image of justice and increasing the public confidence in judiciary? If yes, please indicate it/them.

38. In case you do not have all these instruments for communication as suggested in the previous questions, which of these instruments would you implement in the future?

Annex 4 “CORE MESSAGES”

INTRODUCTION.

Core messages – plural as it is unlikely that just one will be sufficient have can play a significant role in communicating judicial independence and integrity.

Core messages assist in giving both coherence and guidance to a more detailed approach to communication and whilst they should not dictate the overall communication policy or strategy they can very much support it and should almost certainly will be drawn from or linked to it.

That means that it is necessary to establish the fundamental reasons for communication (and which may vary from audience to audience) and whilst that may well vary from jurisdiction to jurisdiction the Questionnaire responses show that there are common themes and aims around the central principle of “Public Confidence and the Image of Justice” stressing the Rule of Law, access to justice and independence of the judiciary as the right of citizens in all societies.

This part which deals with such core messages concentrates only on the judiciary/courts and not of judicial councils as that is where the bulk of responses to the questionnaire were directed. It should not however be too difficult to apply similar themes to judicial councils with the necessary changes in detail and form. Nor does this cover any crisis as, other than in the immediate when a general “independence/integrity” type core message might be a stop gap, that is likely to call for a specific response rather than a thematic core message.

CORE MESSAGES: THEMES AND EXAMPLES.

Examples of these themes, some with accompanying core messages given in the questionnaire responses follow, all drawn from those Questionnaire responses but amalgamated where concepts expressed are the same or similar.

- Judges shall be independent and subject only to the law. The rule of law is vital to the public and generated economic benefit;

For example;

The independent judicial system as we know it today is based on the key notion of the separation of powers. Every country needs a trustworthy government to implement laws, a critical parliament to check the government, and independent and impartial courts to settle disputes. These three powers cannot function without each other; they are the pillars of the rule of law. In cases where there is no independent court system, civil rights are compromised and there is danger of abuse of power.

- The core message must promote the basic principles of judiciary- independence, transparency, accountability, impartiality/equality, integrity and responsiveness

for example;

Our community cannot function without jurisdiction. Conflict is bound to arise wherever people live and work together: this includes both conflict between citizens and conflict between citizens and society. This is why there is a need for courts of law to settle these disputes and decide what is and is not authorised. Honest, independent and impartial jurisdiction is a condition for a fair society. This is defined as a society that is trusted by its people, because the rules are clear and it is evident that they apply to all; a society in which no one needs to be afraid of abuses of power, people who make their own justice, or justice only for the rich and powerful.

- The courts and judiciary display effectiveness/professionalism/quality,

for example;

The courts possess the relevant knowledge, with judges who study the facts of all cases assigned to them. Judges base their opinions on the law, established case law and international treaties.

For example;

Judges respect the interests of the parties in any case. For one, they do justice to all the parties involved, even if the judge rules in favour of only one of them. Judges are attuned to the opinions and sentiments of the public.

- The judiciary have /must have respect for the citizen.
- Citizens and the society should have good knowledge about the courts and a good knowledge about their rights and duties;

For example;

The legal system exists for us all, and not only those with wealth and power. Everyone has the opportunity to refer a dispute to the impartial courts. If someone does not agree with a ruling, they have the option to appeal the decision and take their case to a higher court, whose judge will review it from a different perspective.

- Decisions made are timely and high-quality jurisdiction by independent judges

For example;

Judges never have a personal interest in the cases they decide. Judges form their opinions irrespective of personal beliefs, sex or national origin.

- The judiciary seek to build trust

For example;

Judges are not afraid to make decisions; they are steadfast and able to handle external pressure. Although they may take some time to consider the merits of the case, they always arrive at a clear decision in the end.

For example;

The [Dutch] courts employ more than [2,500] judges. They do not perform their work alone, but are supported by nearly [7,500] employees, ranging from bailiffs to court registrars. Together, they feel great responsibility towards society, and they collectively make up the legal system. The judiciary hears [1.8 million] cases on an annual basis, ranging from [child custody suits to redundancy cases; from drunk-driving sentences to rape cases; and from evictions to large-scale financial losses caused by profiteering policies] our judiciary reflects our society. And serves us all. By being honest, independent and impartial, the judiciary makes the difference between justice and injustice, trust and distrust, and justice only for the rich and powerful versus justice for all.

- The judiciary operate within a consensus in society.

- The courts and judiciary do/must ensure a legitimacy of function;

For example;

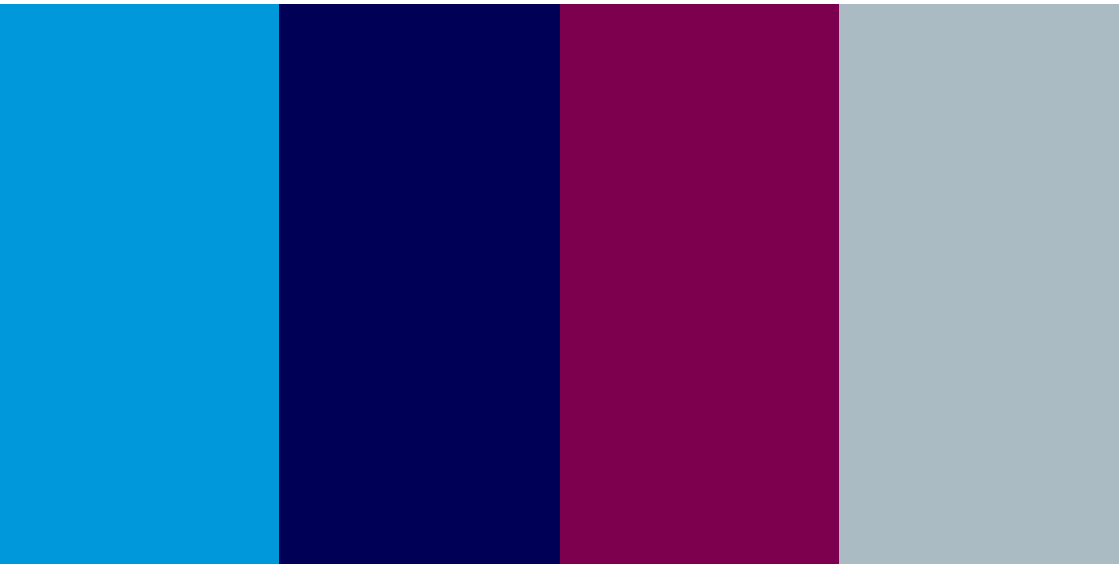
The courts are the embodiment of justice, serving as symbols of the rule of law in all their decisions, every day. The decisions made by the courts have a major impact on people's lives, which gives the judiciary substantial responsibility. Making fair decisions requires the judiciary to be professional, impartial, committed and steadfast.

Other themes identified in the Questionnaire and for which a core message may be useful include;

- an accessible, affordable and equitable civil justice system, while in the criminal sphere the practical and effective enforcement of rights and the prosecution of alleged offenders, in a manner which delivers high quality decisions, within a reasonable time and at a reasonable cost.
- public confidence in the justice system requires understanding of the justice system and engagement not only between judges and professionals but between the public and the judiciary.
- responsibility, publicity and transparency within the powers provided by law;
- accuracy, comprehensibility and legal soundness of the information provided by the bodies of the Judiciary;
- predictability of the communications activities of the Judiciary;
- proactive management of the communication activity of the bodies of the Judiciary;
- ethics, equality and impartiality in the partnership with the media;
- respecting the rights of the parties in the trial;
- protection of personal information;
- respect for the professional capacity of officers in the bodies of the Judiciary;
- respect for the professional capacity of mass media officers;
- synchronising the communication of individual bodies of the Judiciary and a continuous dialogue between the press offices;
- establishment of uniform standards, communication channels and tools
- Transparency is the main objective in addition to its duty to provide truthful, unbiased, clear, objective, responsible information in the shortest possible time.
- A refusal to provide information can only be justified in exceptional circumstances,
- open relations with media and the public, proactive media approach between judicial council/courts and media/public, continuous informing about the functioning of the judiciary, not only in a case of attack
- the constitutionally established right to access to information;
- accuracy, comprehensibility and legal soundness of the information provided by the bodies of the Judiciary;
- predictability of the communications activities of the Judiciary;
- proactive management of the communication activity of the bodies of the Judiciary;
- ethics, equality and impartiality in the partnership with the media;
- respecting the rights of the parties in the trial;
- protection of personal information;
- loyal cooperation among institutions
- strengthening the dialogue with the other target groups, institutions and persons.



de Rechtspraak



Press judge profile

Function

The press judge's duties are performed alongside his regular work as a judge / senior judge. He does not receive any specific exemptions from other responsibilities for carrying out these duties.

Purpose

The press judge helps to clearly formulate / translate legal, complex language for citizens / others to assist them in understanding the background, context and assumptions surrounding a legal case. The judge also contributes to the development and implementation of communication policy, either aimed specifically at the media or at society in general.

Status and Position

The press judge acts within the frameworks for media policy as established by the court administration system and the Council for the Judiciary. The judge also coordinates all press briefing activities with the Communications Department in advance. Among other things, he prepares and develops external communications and identifies trends and potential issues.

The press judge reports to the Communications portfolio holder, who is a member of the court administration. The court administration is ultimately responsible should disagreements arise.

Performance Areas

Provision of information

- 1 The press judge:
 - a) Liaises with the media, providing them with information about court cases and further clarifications on court verdicts.
 - b) Anticipates and responds to publicity-sensitive issues and media coverage about court cases, the courts and the administration of justice in general.
- 2 Serves as the contact person and source of information for colleagues with regard to contact with the media. Coordinates in advance with colleagues on specific legal issues and questions.
- 3 Prepares and issues press releases.
- 4 Contributes proactively to internal and external communication activities within the framework of information for the general public (giving presentations, lectures and participating in round tables), including actively participating in these activities.

Performance indicators:

- 1 Satisfaction of court administration and staff.
- 2 Satisfaction of the media regarding the press judge's interventions and/or attitude.
- 3 The image of the court among the media and other external target groups.
- 4 Number of incidents involving miscommunication with the media.

Media Communications

- 1 Liaises with representatives of the media who wish to be present at court sessions.
- 2 Involved in establishing rules for the media regarding their presence in court.
- 3 Coordinates and maintains media contacts.
- 4 Prepares media visits and media contacts in publicity-sensitive cases.
- 5 Contributes to the development and implementation of communication policy, specifically aimed at the media or society in general.

Performance indicators:

- 1 Degree of satisfaction on the part of the media with regard to accessibility and guidance.
- 2 Degree of satisfaction on the part of colleagues and other staff with regard to media activities.
- 3 Clarity of the arrangements and agreements made with the media.
- 4 Effective action, both behind the scenes and in the public eye, in publicity-sensitive cases (with regard to the image of the judiciary in particular and the administration of justice in general).

Required expertise

- Knowledge of the role of all involved in the administration of justice
- Knowledge of the political landscape and social sensitivities
- Understanding of how the media work. Understanding of the realities of electronic information provision.
- Knowledge of current events
- Communication and media training.

Additional skills / qualifications

Competencies of a judge: Listening skills, oral and written communication skills, opinion forming, ability to prioritize, self-confidence, environmental awareness, self reflection, decisiveness. The following applies to senior judges: staff development (including colleagues on the bench). In addition to these competencies, the following also apply to the press judge:

Oral presentation Clear presentation of facts, ideas and opinions; use of relevant resources

- 1 presents a coherent and clear argument, in which main issues and side issues are distinguished
- 2 responds appropriately to reactions from listeners
- 3 makes use of clear examples / metaphors to support his argument
- 4 enlivens a presentation with humour, catchy examples or anecdotes, provides variation
- 5 adjusts the content of the presentation to the expectations of the audience
- 6 makes appropriate use of posture, gestures, facial expressions and voice to gain attention and keep listeners' attention during presentations
- 7 is able to establish positive contact with the public, the 'clients' or listeners, gives them his undivided attention.

Qualities The press judge communicates easily in all registers and in every setting. He rises to the challenge presented by the expectations of society and the media. The press judge is also aware of local and national developments. He anticipates and responds to these developments in clear and concise language. The press judge is aware of the impact of his work and is capable of captivating his audience and ensuring that they are provided with relevant information. The press judge shows initiative, is flexible and results-oriented. In addition, the press judge takes a hands-on approach and has a practical attitude toward matters.

Fundamental matters

- 1 With regard to publicity-sensitive cases, the press judge is expected to clearly express how the court handled the case and reached a verdict. He may be confronted with, and have to respond to inattentive or insensitive statements by third parties, information not (yet) known to him or emotional reactions from the public. He keeps his calm in such situations and is capable of informing the media and the public while avoiding negative consequences for the case in question or for the image of the judiciary.
- 2 The press judge acknowledges the media's sway with regard to the image of the judiciary in particular and the administration of justice in general. Despite differences of opinion which may occur as information on court cases is made available, the press judge works together with the Communications Department to build and maintain an open relationship with the media, contributing to a positive image of the administration of justice in general and of the judiciary in particular.
- 3 In urgent cases, the press judge also carries out his special duties outside of office hours.

Annex 6 - List of participating ENCJ Members and Observers

Coordinators

DSV Croatia

CSM Romania

Sodni Svet Slovenia

Members

HRJ/CSJ Belgium

VSS Bulgaria

DSV Croatia

Domstolsstyrelsen Denmark

SJC AJ Greece

OBT Hungary

Courts Service Ireland

CSM Italy

TT Lithuania

Rvdr Netherlands

CSM Romania

Sodni Svet Slovenia

CGPJ Spain

Judges Council UK - England and Wales

Judges Council UK - Northern Ireland

Judicial Council Scotland, UK

Observers

MoJ Austria

MoJ Finland

MoJ Germany

Courts Administration Norway