



I. LEGAL BACKGROUND OF THE COURTS' RELATIONSHIP WITH THE PRESS

1. What level of legal acts regulate the courts' obligation of informing the press? Since when have these legal acts been in force?

Answers:

1.	Albania	
2.	Austria	Law (in force for a long time, e.g. principle of public trials), communication guidelines (since more than 30 years)
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	It is unknown that there is a law which strictly regulates relations between the media and the court, or, the obligation of the courts to inform the media. There is a Public Information Law (Official Gazette of the Socialist Republic of Bosnia and Herzegovina, 21/90; P.P for the Sarajevo Canton, "Official Gazette od Sarajevo Canton" 13/98-551) , and also the Freedom of Access to Information Act (FOIA) of the Federation of Bosnia and Herzegovina.
5.	Bulgaria	
6.	Czech Republic	general act, since 1999
7.	Cyprus	The Constitutional obligation is to have all court proceedings open to the press and general public and also have judgements of the Courts available to the press as public documents, except very few which are restricted by an order of the court for specific reasons. The Courts make announcements on important judgements or issues, if they consider it desirable. For these purposes a three member team is constituted in the Supreme Court (consisting of supreme court judges), responsible for press announcements and usually these are done by written announcements to the Public Information Office of the Republic.
8.	Denmark	There are several legislation about the courts' obligation of informing the press. These rules have been in force for several years. The rules define, that the court should tell the press and other about the cases of the day/week. There are other legislations about how to handle a court statement forward to the press, so the press can use it in informing the public.
9.	Estonia	Estonian legislation does not prescribe for courts to actively inform the press but set the requirement to grant access to information by complying with request of information and disclosing information. The requirement to disclose information related to the administration of justice is regulated by codes of administrative, civil and criminal court procedure in conjunction with the Public Information Act. There exist no specific regulation specifying the courts relationship with the press -rules that apply to the public also apply to the press. Pursuant to the Public Information Act holders of public information need to grant access to information by complying with request of information and disclosing information. § 28 of the Public Information Acts lists the types of information that need to be disclosed. § 28 does not expressis verbis mention the information related to the administration of justice. However, § 28 sub-section 1 p. 32 states that information holder has the requirement to disclose „ other information and documents concerning which the obligation to disclose is provided by an international agreement, an Act or legislation passed on the basis thereof or which the holder of information deems necessary to disclose.” Codes of Civil and Administrative Court procedure foresee that the time of holding the court session is published on the website of the court setting out the number of the civil/administrative matter, the names of the participants in the proceeding and the general description of the civil/administrative matter. If a court session is closed, only the time of holding the court session, the number of the



		<p>civil/administrative matter and a notation that the court session is closed are published.</p> <p>In civil and administrative law court sessions notes may be taken at a public court session if this does not interfere with the court session. A court session may be photographed or filmed, and audio recordings, radio, television or other broadcasts may be made in a court session only with the prior consent of the court.</p> <p>Codes of civil, penal and administrative procedure prescribe that A court judgment which has entered into force is published in the computer network at a place prescribed for such purpose. This does not affect the entry into force of the judgment.</p> <p>Public Information Act was adopted in year 2000 and entered into force in 2001. The current codes of procedure came into force at the following dates: The Code of Civil Procedure in 2006, the Code of Administrative Court Procedure in 2012 and the Code of Criminal Procedure in 2004.</p>
10.	Finland	<p>Actually, in Finland there is no obligation by the law to inform precisely the press. However, there are several acts concerning the publicity of the court proceedings and public administration:</p> <p>Act on the Publicity of Court Proceedings in General Courts, 2007 Act on the Openness of Government Activities, 1999 Personal Data Act, 1999</p>
11.	Greece	There are no legal acts regulating the Courts' obligation of informing the press.
12.	Georgia	Relation between court and press is regulated by Organic Law on Common courts of Georgia. The level of Organic Law in hierarchy of legal acts is N4 after Constitution, Constitutional Agreement and International Agreement. This Organic Law entered into force in 08.12.2009 after which Organic Law of same name, which was regulating same subject since 1997 year, was declared void.
13.	Hungary	The courts' and NOJ's basic responsibility on informing the public is regulated by the Act CIV. of 2010 on Freedom of the Press and the Fundamental Rules of Media Content. Additional framework provides the Act CXII. of 2011 on Informational Self-Determination and Freedom of Information ("Privacy Act"). Based on 76. § section 1/b of Act CLXI of 2011 on the Organisation and Administration of the Courts, the President of NOJ issued Directive 8/2012. (IV. 25.) and then later its modification, Directive 4/2014. (II. 27.) on the courts' and NOJ's press releases, press services of the courts' central website and the intranet website for the network of spokespersons.
14.	Italy	<p>Courts are not bound by law or legal acts to inform the press about the ongoing activities. On the contrary, spreading and sharing acts covered by secret and related to proceedings when, according to the law (art. 114 criminal procedure code), publication is forbidden, or just violating the obligation of confidentiality may result for judges and prosecutors in a disciplinary action (art. 2, lett. u d.lvo 109/2006).</p> <p>Moreover, law regulates the relationship between Prosecution Offices and the media: art. 5 d.lgs 106/2006 states that just the Chief of a Prosecution Office is entitled to deal with the media, unless he designs for this purpose a prosecutor within the Office. While informing press about given proceedings or ongoing investigations, the Chief of the Prosecution Office (or the designed prosecutor) must avoid making reference to the name of magistrates who deal with that particular case, referring generally to the Prosecution Office. Again, spreading information or issuing statements about the activities of the Office may result for a prosecutor not designed by the Chief to deal with the media, in a disciplinary action (art. 5 d.lvo 106/2006).</p>
15.	Latvia	<p>1) The law "On Judicial Power" (effective as from 01.01.1993): * Section 19 "Openness" (as one of fundamental principles of adjudication of cases) stipulates - cases shall be adjudicated openly in all courts of the Republic of Latvia. Adjudication of cases in a closed court hearing shall be admissible only in cases stipulated by the law, observing all other provisions of judicial proceedings. Judgments and decisions of a court shall always be pronounced publicly.</p>



		<p>* Chapter 3.¹ “Availability of Information” (effective as from 21.10.2005) – stipulates 1) Availability of court rulings; 2) Availability of case materials; 3) Procedure for contestation and appeal against information refusal; 4) Development and maintenance of the Court Information System.</p> <p>* Chapter 3.¹ “Availability of Information” supplemented with Section on publishing of the information on the Internet (effective as from 01.09.2013): court judgements adopted in open court hearings shall be published on the web site on the Internet after they shall become effective; court rulings shall be published in amount determined by the Cabinet of Ministers; when publishing a ruling, part of information disclosing identity of an individual shall be blotted out.</p> <p>2) Procedural laws</p> <p>* Section 11 of the Civil Procedure Law “Openness of Adjudication of a Civil Case”</p> <p>* Section 450 of the Criminal Procedure Law “Openness of Adjudication of a Criminal Case”</p> <p>* Section 108 of the Administrative Procedure Law “Openness of Adjudication of an Administrative Case”</p> <p>3) Regulations by the Cabinet of Ministers</p> <p>* On publishing of court information on the web site on the Internet and processing of court rulings before issue thereof (effective as from 18 February 2009) – in accordance with the law “On Judicial Power”</p> <p>* On paid services provided by a court (effective as from 19 February 2013) – preparation of derivation of court document and anonymisation are also paid services</p> <p>3) Freedom of Information Law (effective as from 20.11.1998) – the purpose of the law is to ensure that the public has access to information, which is at the disposal of institutions or which an institution in conformity with its competence has a duty to create. The law determines uniform procedure by which private persons are entitled to obtain information from an institution and to utilise it.</p> <p>4) Personal Data Protection Law (effective as from 20.04.2000)</p> <p>5) The law “On the Press and Other Mass Media” (effective as from 01.01.1991):</p> <p>* Media have the right to receive information from public and social organizations (including courts); provision of information may be refused only in cases stipulated by the law;</p> <p>* In respect of court cases, it is determined: materials of pre-trial investigation shall not be published without written permission of a prosecutor or an investigation officer; within reflection of a court proceedings publishing of such materials, which violate presumption of innocence, shall not be permissible; in open court hearings journalists are allowed to make technical records, if it does not hinder course of proceedings.</p>
16.	Lithuania	<p>The main act regulating relationship between the courts and media is Rules concerning the provision of information to the public information producers about courts’ activities and cases. These rules were approved by the Judicial Council in 2009.</p> <p>Basic principles can be also found in the Code of Civil Procedure of the Republic of Lithuania, Code of Criminal Procedure of the Republic of Lithuania, Code of Administrative Offences, Law on Administrative Proceedings, Law on Courts, Law on the Provision of Information to the Public, Law on Legal Protection of Personal Data, Law of the Republic of Lithuania on the Right to Obtain information From State and Municipal Institutions and Agencies.</p>
17.	Republic of Moldova	<p>The international acts are:</p> <ul style="list-style-type: none"> - Art.6 paragraph 1 and 2 and art.10 of European Convention on Human Rights (ECHR) drafted in 1950 and entered into force on 3 September 1953; - The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial



		<p>Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, November 25-26, 2002;</p> <ul style="list-style-type: none"> - Recommendation Rec(2002)2 of the Committee of Ministers to member states on access to official documents, adopted by the Committee of Ministers on 21 February 2002 at the 784th meeting of the Ministers' Deputies; - Recommendation Rec(2003)13 of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings, adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies; - Recommendation Rec(2000)19 of the Ministers to member states on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers on 6 October 2000, at the 724th meeting of the Ministers' Deputies. <p>The national legal acts are:</p> <ul style="list-style-type: none"> - - The Constitution of the Republic of Moldova; - - Art. 8 from the Law of Republic of Moldova on the Judge Statute nr. 544-XIII adopted on 20.07.1995; - - Art.16¹ the Law of Republic of Moldova on Judicial Organization nr. 514-XIII adopted on 06.07.1995. - - The Law of Republic of Moldova on Supreme Council of Magistrates nr. 947-XIII adopted on 19.07.1996.
18.	Montenegro	<p>In Montenegro the court's obligation of informing the press is regulated by Law on Courts (which is in force from 2008) and Court Rules of Procedure (which is in force from 2009 - amended Articles in that respect) as well as Code of Judicial Ethics of Judges (in force from 2008 with the recent amendmends in 2014).</p>
19.	The Netherlands	<p>Every day each of the Dutch courts render dozens of decisions. It follows from various provisions of the law that virtually all decisions are pronounced in public after the hearing, regardless of whether they relate to a public hearing or closed hearing. However, decisions rendered by a court in chambers, known as 'orders' or 'rulings' (beschikkingen), in respect of which a closed hearing is stipulated are not pronounced in public, for example when a court rules in chambers with respect to the pre-trial detention of a suspect. This rule also applies in respect of decisions rendered by a delegated judge. It is increasingly common for the courts to publish the text of decisions that are noteworthy or that are known to be of interest to the press on the website www.rechtspraak.nl shortly after the decision is pronounced. In that context it is wise to also publish a brief summary in which legal terminology is avoided. The names of private persons are deleted from the text before publication so that the decision is published on the Internet in an anonymized form. The anonymization guidelines can be found on the website.</p> <p>The decisions that are published on www.rechtspraak.nl remain there. The anonymization prevents the site from becoming what is ultimately a collection of criminal and civil judicial data with respect to persons, and as a result a concealed form of their judicial documentation. Requests for copies of decisions must be submitted to the communications department.</p> <p>The law lays down rules that govern the provision of decisions (or copies of decisions) to parties other than those who are involved in a legal case, such as journalists. Those rules are laid down in Article 28 of the Dutch Code of Civil Procedure (Wetboek van Burgerlijke Rechtsvordering), Article 365 of the Dutch Code of Criminal Procedure (Wetboek van Strafvordering), Article 8:79 of the Dutch General Administrative Law Act (Algemene wet bestuursrecht) and Article 27g of the Dutch State Taxes Act (Algemene Wet inzake Rijksbelastingen). The common</p>



		<p>rule underlying those provisions is that a court will provide decisions to third parties who request them, unless the interests of a party who is involved in the case as a party to the proceedings or as a suspect, witness, victim or otherwise oppose the provision of the decision. It is possible that the publication of decisions could lead to many, possibly drastic details about peoples' private lives, their psychological condition and other aspects of their personal lives being made public. Obviously that could harm such persons' interests. That is another reason why decisions are anonymized before they are placed on www.rechtspraak.nl. Incidentally, journalists who follow a case closely are well aware of which case is involved, but it is not possible for other persons, who do not know the personal details of the parties involved, to infer who those parties are.</p> <p>On the ground of the above-mentioned legal provisions decisions that are not published on www.rechtspraak.nl or decisions that were rendered in the past may be requested. The interests that could be affected by such requests must be weighed as prescribed by law. That weighing of the interests becomes increasingly intractable - particularly in criminal cases - as time passes. At a certain point in time a convicted person has served his or her time and, in line with the intention of punishment in accordance with our legal system, has thus 'paid' for his or her crimes. A renewed publication of the old conviction would be contrary to that principle and could thus be experienced as a double punishment. That is somewhat less onerous in civil cases or cases decided in accordance with administrative law, but also in such cases it is possible that a person could continue to be followed by a judicial decision from the past, in spite of the fact that the situation has changed greatly in the intervening time.</p> <p>On the other hand, there are also situations in which journalists require information about earlier decisions with respect to a particular person. That could include the reports on a bankruptcy that was declared earlier in the event that the same person is involved in another bankruptcy, or a person who commits another crime after already having served a sentence of detention under a hospital order. In such cases it can be important, with a view to the monitoring of the courts, that it be clear in what manner supervision was conducted or it was decided that the measure could end. The circumstances of the particular case are entirely decisive in respect of such matters. Attempts are being made by the communications departments to collect concrete examples of requests and the decisions that were rendered in respect of them and to place them on Intro, so that the same general rules apply nationally in this respect.</p>
20.	Norway	
21.	Poland	<p>The courts' obligation of informing the press are set out in the Press Act of 26 January 1984 (hereinafter "the Press Act") - in force since 1984, and the Act on Access to Public Information of 6 September 2001 (hereinafter "the Public Information Act"), for the most part in force since 1 January 2002.</p> <p>Another important regulation in this regard is article 89 of the Act of 27 July 2001 Law on Common Courts Organisation, according to which, in matters related to the office of a judge, he must not make them public or come out to the institutions or the outsiders. Requests and complaints in these matters, the judge may request only through official channels.</p> <p>In addition, according to articles 29 and 31 of the Act Law on Common Courts Organisation, at the level of circuit courts and courts of appeal operates spokesman institution.</p>
22.	Romania	<p>Law no.544/2001, Government Decision no.123/2002, Law no. 304/2004, the Regulation of Internal Order of Courts passed in 2005, the Guide on the relationship between the Romanian judiciary and mass media passed in 2012 (also, a Guide previously existed since 2006).</p>
23.	Slovenia	<p>The main legal acts are the Law on Media (2001) and Law on Free Access to Public Information (2003).</p>



24.	Turkey	<p>- To inform the press by the courts' spokesmen is regulated by the "General Instruction" no:33 of The High Council of Judges and Prosecutors issued in 2011. This regulation is not currently in force.</p> <p>- This situation has been regulated by the Circular issued by the the Supreme Board of Judges and Prosecutors in our country. There is a legal gap regarding this issue nowadays, as the previous circulars were abolished and no new circulars have been issued.</p>
25.	Ukraine	<p>The Law of Ukraine "About access to public information". This act has been in force since 10.05.2011.</p> <p>The Law of Ukraine "About access to court decisions". This act has been in force since 01.06.2006.</p>

2. Are the above-mentioned pieces of legislation stand-alone or do several different legal acts regulate the relationship between the courts and the media?

Answers:

1.	Albania	
2.	Austria	Several different legal acts regulate the relationship between the courts and the media.
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	Independent.
5.	Bulgaria	
6.	Czech Republic	As far as I am concerned, stand-alone
7.	Cyprus	No.
8.	Denmark	The above mentioned pieces of legislation a several different legal acts.
9.	Estonia	<p>The relationship between the courts and the media is regulated by the Public Information Acts and the codes of civil, criminal and administrative court procedure. In addition the Estonian Judges' Code of Ethics regulates the interaction of the courts and the media. For example: Section 22 of the Code of Ethics states that "In relations with the public and the press a judge shall avoid expressing his or her personal views on cases under scrutiny." Section 32 states that "A judge shall not exhibit himself or herself or his or her family in the press." The Estonian Judges' Code of Ethics can be found here: http://www.nc.ee/?id=682</p> <p>The Council for the administration of courts has also adopted recommendations for the Courts' Media Relations. The recommendations can be found here: http://www.nc.ee/?id=683</p>
10.	Finland	Yes, these all create the foundation for the regulation of relations.
11.	Greece	-
12.	Georgia	Organic Law on Common courts is central legal act on this subject and other legal acts such as Criminal or Civil Procedure Codes use norms of this legal act.
13.	Hungary	Basically several legal acts determine the framework of the cooperation, where implementation can be interpreted by the judicial organisation along the lines of the Directives issued by the President of NOJ.
14.	Italy	<p>In a nutshell, legal acts regulating the relationship between Courts and media are the following:</p> <ul style="list-style-type: none"> - Art. 114 criminal procedure code (mentioned above). - Art. 2, let. U) d.lvo 109/2006 (mentioned above). - Art. 5 d.lvo 106/2006 (mentioned above) - Art. 6 ANM (national association of magistrates) code of conduct: under this provision, moderation, balance and self-restraint are required when being interviewed or when issuing a statement. - Art. 147 annex to the criminal procedure code ("disposizioni di attuazione"):



		in order to safeguard the right to information, the Court, when the parties agree, can authorize the registration and the radio or TV broadcasting of the trial. In case of trials of public interest, the Court can authorize the registration and the broadcasting of the trial also when parties don't agree (but parties can always ask not to be filmed, registered or photographed).
15.	Latvia	These are particular laws. Courts ensure providing of information in accordance with provisions determined by the above mentioned laws and regulations by the Cabinet of Ministers.
16.	Lithuania	See answer 1.
17.	Republic of Moldova	Besides the acts mentioned below there are some acts that regulate the internal relationship of each court in Republic of Moldova. Also, there is a Regulation act of Supreme Council of Magistrates of Republic of Moldova on public information service and relations with mass-media nr. 740/31 adopted on 15.10.2013.
18.	Montenegro	Besides the abovementioned pieces of legislation there are several different legal acts which regulate relationship between the courts and the media depending of the substantive law (i.e.there are some general provision in this respect concerning general publicity and exlusion of public in criminal law, civil law, enforcement law, administrative law etc.). In any case, all this acts are compatible to each other.
19.	The Netherlands	See the 2. question
20.	Norway	
21.	Poland	Above-mentioned Acts contain also other regulations apart from those pertaining to the relationship between the courts and the media. Subject to regulations of the Press Act is to regulate the publishing and journalism. The Public Information Act regulates disclosure obligations towards the press and the public not only the courts but also other public administration bodies. Finally, the Act Law on Common Courts Organisation regulates the constitutional, administrative, and personnel matters in the field of common judiciary.
22.	Romania	The main legal norms regulating the relationship between the public institutions (namely the institutions of the judiciary) and mass media are the Law no.544/2001 and Government Decision no.123/2002.
23.	Slovenia	Several different acts regulate the relationship. Some aspects of access to information are also detailed in the procedural legislation (e.g. ,Criminal Procedure Act, Courts' Act), and personal information protection legislation is also taken into consideration.
24.	Turkey	Eventhough the regulation mentioned above is the only specific type of regulation concerning the relationships between courts and press,this regulation is closely related to principles determined by the Code of Criminal Procedure ,the Constitution and International Treaties.
25.	Ukraine	This is the only act so far.

3. Is there a formal cooperation agreement between the courts and media (e.g. contract of agreement)?

Answers:

1.	Albania	
2.	Austria	-
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	No.
5.	Bulgaria	
6.	Czech Republic	No.



7.	Cyprus	There is no form of agreement between the courts and the media and judges do not normally appear before journalists or participate in radio or television programs.
8.	Denmark	There is not a formal cooperation agreement between the courts and media, but in some courts, where are held meetings with the local press to make the relation work better.
9.	Estonia	No, there is no formal cooperation agreement between the courts and media.
10.	Finland	No, there isn't.
11.	Greece	No there is not a formal cooperation agreement between Courts and media.
12.	Georgia	No, there is not such agreement in my district. This is regulated only by law.
13.	Hungary	It is the legal acts that determine the framework of the cooperation. Although, it does occur that a cooperation agreement is drafted between a court and representatives of the press. For example, a contract got signed just least year by Szeged Regional Court of Appeal, Szeged Regional Court and selected representatives of the media, having close ties with the two courts.
14.	Italy	No, there isn't any formal cooperation agreement between courts and media.
15.	Latvia	The agreement does not exist. The court answers to daily requests filed by media and itself provides information on its work. The courts do not buy transmission time or space in printed media to distribute their information.
16.	Lithuania	There are no agreements between court and media, but some agreements are awarded by Lithuanian National Courts Administration.
17.	Republic of Moldova	There is no cooperation agreement between the courts and media in Republic of Moldova.
18.	Montenegro	There is no formal cooperation agreement between the courts and the media.
19.	The Netherlands	The Judiciary has developed specific Press Guidelines for the relation between courts and media (see http://www.rechtspraak.nl/actualiteiten/persinformatie/pages/default.aspx).
20.	Norway	
21.	Poland	There is no formal agreement between the judiciary and the media establishing a framework of mutual cooperation.
22.	Romania	The cooperation between courts and mass media is regulated by norms comprised in the Guide on the relationship between the judiciary and mass media, passed in 2012.
23.	Slovenia	No.
24.	Turkey	There is no formal contract stipulating the relationships between courts and press.
25.	Ukraine	Not in the court where I work, and not a common practice.

4. To what extent are the representatives of the press and those of the court involved in forming a cooperation?

Answers:

1.	Albania	
2.	Austria	No. Law and the communication guidelines regulate the cooperation between courts and the media. Transparency is a key component of the rule of law and one of the most important guarantees of a fair trial, also ensuring public confidence and trust in the judicial bodies. That is why the judicial bodies should - respecting the restrictions given by law - adopt both, a reactive approach, responding to the media requests, and a proactive approach, taking an initiative to inform the media about judicial agendas (press releases, press conferences, giving interviews). They should also make available, as appropriate, information to the media and the public in general in order to foster a better understanding and knowledge of the judicial system.
3.	Azerbaijan	
4.	Federation of Bosnia and	They are equally involved.



	Herzegovina	
5.	Bulgaria	
6.	Czech Republic	Probably only partially.
7.	Cyprus	There is no form of agreement between the courts and the media and judges do not normally appear before journalists or participate in radio or television programs.
8.	Denmark	Not possible to answer, as there is no cooperation between the press and the court.
9.	Estonia	No, there is no formal cooperation agreement between the courts and media.
10.	Finland	The cooperation between the courts and the press is solely informal. E.g. at Helsinki District Court, the officials of the court meet the representatives of the media once a year to discuss the development of the cooperation and improving the methods.
11.	Greece	There is no provision in the Courts' regulation for a spokesperson. Such a person is only provided by the regulation of Public Prosecutor's Office of Athens Court of First Instance, to whom the representatives of the press may address.
12.	Georgia	Representatives of court and press are not involved in cooperation in my district.
13.	Hungary	Drafting of the act was essentially done by the Parliament.
14.	Italy	There is no involvement of the representatives of the press and those of the Courts in forming a cooperation.
15.	Latvia	There is no official form of communication.
16.	Lithuania	Spokespersons are in bigger courts. Mostly they are civil servants, PR specialists. There is also the Communication division in National Courts Administration.
17.	Republic of Moldova	The cooperation between the press and the court has place through a special spokespersons or the chief of the court and the cooperation is strictly regulated by the legal acts.
18.	Montenegro	There is no formal cooperation agreement between the courts and the media.
19.	The Netherlands	See the 3. question.
20.	Norway	
21.	Poland	The Polish legal system lacks a legal framework for the courts to conclude cooperation agreements with the media.
22.	Romania	A permanent cooperation exists between the judiciary and the representatives of mass media, expressed also by the collaboration of the two areas in elaborating, during the time, of the guides for the relation between the judiciary and mass media for the benefit of citizens.
23.	Slovenia	Not applicable.
24.	Turkey	They have cooperation that is drawn by the circumstances respecting the protection of some legal principles like privacy, confidentiality of investigations, presumption of innocence and so on.
25.	Ukraine	It generally depends of the willingness of either side. Generally, the media shows more interest in cooperation.

5. What are the characteristics of the cooperation between press and court? What are the main problems in the course of cooperation?

Answers:

1.	Albania	
2.	Austria	-
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	The collaboration between journalists and this court is fairly good. The court regularly organizes press conferences which informs the media and the public of developments within the court, work results, planned activities, etc. Also, through the Court Bulletin and the court webpage, the journalists can be informed of the court developments, judicial timetables etc. There are no problems in collaboration,



		except regarding the cases in which the media demand information related to hearings which are closed to public (juvenile delinquency and similar).
5.	Bulgaria	
6.	Czech Republic	The characteristics of cooperation are : mostly informal cooperation, journalists care only about negative cases Main problems : media usually describe courts in a negative way, they do not understand the cases and make quick conclusions
7.	Cyprus	There is no form of agreement between the courts and the media and judges do not normally appear before journalists or participate in radio or television programs.
8.	Denmark	The press must ask the court to have access to legal files from the court. The press must ask for a specific legal file, not just any file in general about a certain subject.
9.	Estonia	The cooperation between the media and the courts is in good shape. The main characteristics are trustworthiness (reliability of the information provided by the courts is not put under question) and high ethical standards (courts expect the media to have the knowledge of what is and what is not allowed). Sometimes problems/misunderstandings are caused by the fact that Estonian judges do not comment their decisions (this is prohibited by the Estonian Judges' Code of Ethics). At times it is difficult for media to understand why judges refuse to do so. In the opinion of the media the news/story would be more attractive did someone from the court system commented on the judgment.
10.	Finland	Practicality is probably the main characteristics of the cooperation between the court and the media. Helsinki District Court sends a daily list of the coercive measures handled at the court for media. Monthly the court sends the statistics of the incoming matters (civil and criminal). Besides, if a certain handling or a verdict seems to be of interest to the media, the court even sends a media release (= "understandable" version of the judgement) and the judgement (whole text or public parts, if the verdict is announced secret) automatically to media. Problems are very rare, but mostly there might be some minor disagreements what can be told at the moment in question.
11.	Greece	Cooperation between press and Courts is not regulated by legal acts, so it is informal and depends on the abilities of the evolved persons. The main problems in the course of cooperation are: - the protection of the private life of the defendant and his family - the violation of the right of the presumption of innocence - lack of impartiality and incorrect presentation of situation by the press - risk of exercising pressure on the jury
12.	Georgia	This is the procedure: Journalist requests to record a court hearing and encloses a copy of his/her certificate given from his TV channel. Nothing more is required. After that Judge gives to him/her a right to record a hearing from the static Video camera which stands on a place, where he/she is allowed to record from. But if Journalist does not want to record a video and wishes only to write down process of hearing on paper, than he/she is free from any procedure, does not need any kind of document or application. He/she can enter the court room and write down anything he/she wants. The main characteristic of interest of press to record the hearing is that it is based on the interest of the party (mainly of the defence). That's why the report is mainly unilateral, partial, unobjective. Frequent biased and incompetent reportages and articles are the main problem.
13.	Hungary	The cooperation can be characterised as correct. The current problem is the regulatory disorder regarding the use of personal data. It is not entirely clear when picture and sound can be recorded, in case origin is mentioned during the trial is it regarded as public information or not, etc. The act regarding court publicity and legal data management should contain specific regulations for each area, that could provoke social or professional debates in connection with the work of courts. NOJ has organised several conferences, where courts, legal professions and journalists were invited to share their opinion for the professional concept in making. The press is mostly interested in criminal cases, public cases and other news are of less interest.



14.	Italy	There is no involvement of the representatives of the press and those of the Courts in forming a cooperation.
15.	Latvia	Mainly, the courts answer to questions of media. Only the Supreme Court distributes information by its own initiative, the other courts perform such action rarely. Key problems: <ul style="list-style-type: none"> • Negative stereotypes and distrust in courts • Journalists' poor knowledge about justice and high fluidity • Uncertain and unclear legal regulation regarding availability of information in court system • Actions performed by parties to a case and their representatives to affect social opinion
16.	Lithuania	We have good relations with media in the District court of Vilnius city. The main problem in general – not all the courts have a spokesperson.
17.	Republic of Moldova	In the Republic of Moldova it is characteristic usual attacks from press on courts, judges and judicial system. In these cases the courts, judges and the Supreme Council of Magistrates are passive, and only in some outstanding cases there are manifested reactions for the defence of honor and dignity. The other situation exists in Romania, where the Supreme Council of Magistrates represent judges in order to defend their honor and dignity.
18.	Montenegro	There is no formal cooperation agreement between the courts and the media.
19.	The Netherlands	See answer to question 1.
20.	Norway	
21.	Poland	Judges and journalists, are in fact obliged to cooperate. Citizens have the right to fast, competent and reliable information about the activities of the judiciary. The role of the media in this case is not only providing information, but also to educate citizens and a mediation in the social supervision over the administration of justice. It is obvious that often needs or expectations of judges and journalists are not consistent with each other and often lead to confusion. While the judges would prefer that information about the course of proceeding and judgment were presented in detail and taking into account all the relevant circumstances, journalists are forced to present short and synthetic reports. Judges expect journalists to use the legal language and the use of precise concepts. On the other hand journalists are aware of that they have to use intelligible language while communicating with the readers or listeners. Journalists would like to have the widest access to the information possibly, while judges - conscious of procedural restrictions - are sometimes forced to limit the access to the information and the access to court records. The idea is that, while preserving all the procedural requirements, both environments shall notice mutual needs and restrictions, and to not unduly hinder the work.
22.	Romania	The relations between mass media and courts are defined and clarified by mandatory legal provisions and are carried out within a proper framework. After the entering into force of the new Criminal Procedural Code some problems existed as related to the enforcement of the provisions of the Guide on the relationship between the judiciary in Romania and mass media, as amended in 2014, on the issue of limits of notification of acts and measures passed in the criminal trials.
23.	Slovenia	Media does not seem to require additional cooperation, as the rights provided to them by laws are already quite wide.
24.	Turkey	- The relationship is quite formal and distant .No investigation is publicly reported to the press at random except the cases which highly have public interest. - What is aimed is to ensure that the public has been informed properly regarding the legal subjects. It has been aimed to prevent public's being informed partially with wrong information which put the courts into a tough situation.
25.	Ukraine	The main problem of communication to my opinion would be the lack of it. Also, not every such cooperation is productive. The press is usually interested in scandals in which courts are not.



6. Where are the limits of the cooperation between the two parties? (e.g. principle of publicity, protection of privacy, case of public interest, etc.)

Answers:

1.	Albania	
2.	Austria	When communicating with the media, the judicial bodies have to respect the restrictions given by law. They have to ensure that information provided to the media does not undermine the integrity or influence the outcome of particular legal proceedings (e.g. investigations and prosecution or the purpose of the investigations). Neither should it breach the rights of third parties or the right of the defence. Judicial bodies can provide information to the media with due respect for legal provisions concerning the protection of personal data, privacy, dignity, the presumption of innocence, as well as the legal provisions precluding or restricting disclosure of certain information.
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	The Municipal Court of Sarajevo allows the journalists to access to all hearings which are not legally closed to public. Regarding that the Protection of Personal Information Law is effective, during the judgement releases, or giving journalist the information relating to the charged/accused, we provide them only with the initials and judgements do not consist personal information (date and place of birth, the address and similar), neither the explanation of judgement (except in cases when the judgement is non-appealable). As the public interest, the court is aware not to inform the media of the exact date of the hearings which are of interest to the public (for instance the case "Energopetrol", "Feroelektro" and similar).
5.	Bulgaria	
6.	Czech Republic	Probably the protection of privacy.
7.	Cyprus	There is no form of agreement between the courts and the media and judges do not normally appear before journalists or participate in radio or television programs.
8.	Denmark	-
9.	Estonia	The limits of the cooperation between the courts and the media are marked by the Public Information Act, Personal Data Protection Act and the Code of Ethics of Judges and the Code of Ethics of Journalists.
10.	Finland	As mentioned above, the main limit is the line between publicity and secrecy. Sometimes the media also tries to gain information before the information is public. These only mean that the court must be very careful when replying.
11.	Greece	The limits are set by the law: - protection of privacy of the defendant - privacy of primarily interrogations and interrogations (article 241 Code of Penal Procedure) - open Court's sessions with the exception of cases of crimes against sexual freedom, crimes against minors etc. (article 93 par. 2 Constitution and 329, 330 Code of Penal Procedure) - television and radio coverage of sessions require prior permission of the Court (law no. 3090/2002, 3315/1955)
12.	Georgia	The only limit for press in common is a closed hearing (because of protection of privacy in very rear circumstances). Also the limit is in particular that it is allowed only one video camera in the court room, which is obliged to spread recorded material to other channels.
13.	Hungary	It is difficult to separate them. A high standard of ruling is the constitutional obligation of the courts. In order to do so their working and communication is transparent. The obligation of the press is to inform the public in an objective manner on hand of the information provided to them. Courts provide a wide range



		of information in compliance with the legal framework for data protection and personal rights. The previously mentioned conference on publicity was aimed to search for answers regarding these questions.
14.	Italy	The role media can play as a watchdog is indispensable for democracy, enabling people to have informed opinions and ensuring governments are scrutinised, hopefully becoming more transparent and accountable. There is no involvement of the representatives of the press and those of the Courts in forming a cooperation.
15.	Latvia	Borders of cooperation are set out in laws and regulations by the Cabinet of Ministers mentioned in the answer to Question 1.
16.	Lithuania	The above mentioned Rules concerning the provision of information to the public information producers about courts' activities and cases set: Balance between principle of publicity and protection of privacy; It is forbidden to disclose the information: about one's private life. Personal data and information about one's private life may be disclosed only if it is allowed according to the law, or if a person and circumstances are well known to the public; which, under the laws of the Republic of Lithuania consists of state service, professional, commercial or bank secret; degrades person's honor and dignity; personal data, identifying a minor; disclosing the pre-trial details in criminal cases; disclosure of which would interfere the court to hear the case.
17.	Republic of Moldova	In Republic of Moldova these limits are stipulated in the Civil and Criminal Procedure Codes, which regulate that all the cases are public, with exceptions provided by these codes (for example: on the cases of adoption the hearing must take place behind closed doors). Another limit is regulated by the art. 8 from the Law of Republic of Moldova on The Judge Statute, which forbids a judge to present for mass-media any information about the cases in the court's procedure and permits this only via a special spokespersons.
18.	Montenegro	There is no formal cooperation agreement between the courts and the media.
19.	The Netherlands	See answer to question 1.
20.	Norway	
21.	Poland	The limits of the cooperation between the courts and the press determines the provision of Article 89 of the Act Law on Common Courts Organisation, forbidding judges to give one's opinion in the press. In contacts with the press a president or a vice-president of the court, a judge appointed by them or the spokespersons are representing the court. Moreover courts cannot supply information in the scope, in which they are classified, as determined by the Act on the Protection of Classified Information of 2010 or contain personal details as defined in the Act on the Personal Data Protection of 1997. With regard to access media representatives to each of the proceedings, Article 45 paragraph 1 of the Polish Constitution establishes the principle of transparent hearing before the court, and thus with participation of the public - including media representatives. At the same time, paragraph 2 stipulates an exception to this rule, according to which the exclusion of a public hearing may be made for reasons of morality, national security and public order or for the protection of the private life of the parties or other important private interest. However, judgment, or other decision terminating the case, are always pronounced publicly. It is worth to mentioned, that article 6 section 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which is considered as a part of the domestic Polish law system, stipulates that the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly



		necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
22.	Romania	The relations between courts and institutions of mass media are governed by the observance of the principle of the freedom of press in a democratic society, thus ensuring the balance between the right of the public to be informed and the fundamental rights of the persons involved in the judicial proceedings. The relations are limited only by the legal provisions into force, e.g. Law no.677/2001 on the protection of persons concerning the processing of personal data and the free circulation of such data, article 12 of Law no.544/2001 on the free access to the information of public interest. The concrete development of those relations is carried out according to the provisions of the guide on the relation between the Romanian judiciary and mass media, which was drafted according to the national legislation and the principles comprised in the international and regional legal instruments (e.g. articles 6, 8 and 10 of ECHR, Recommendation (2002) 2 of the Committee of Ministers to member states on access to official documents, Recommendation Rec(2003)13 of the Committee of Ministers to member states on the provision of Information through the media in relation to criminal proceedings, Recommendation Rec(2000)19 of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system.
23.	Slovenia	Additional widening of access is mostly limited by protection of ongoing investigations and privacy/personal information issues.
24.	Turkey	- Some legal principles like privacy, confidentiality of investigations and presumption of innocence are some of the limits that determine the length of the cooperation. - The most important one is to remain in the legal framework, not to affect the cases being heard and, to protect the private life etc.
25.	Ukraine	I think the balance could be found in the proportionality between privacy and public interest. However, there are certain limits provided for by the law. Those have to do mainly with classified information and protection of private data. The press cannot attend a closed court hearing if the case concerns such circumstances. The decisions in these cases are disclosed partly or not disclosed at all.

7. Do the parties regularly evaluate the cooperation and its legal framework?

Answers:

1.	Albania	
2.	Austria	Yes. The communication guidelines of the Austrian judiciary and law is reviewed and adapted when necessary.
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	No.
5.	Bulgaria	
6.	Czech Republic	No.
7.	Cyprus	There is no form of agreement between the courts and the media and judges do not normally appear before journalists or participate in radio or television programs.
8.	Denmark	No, as there is not a cooperation.
9.	Estonia	No, parties do not regularly evaluate the cooperation and its legal framework.
10.	Finland	Evaluation is done once a year at the informal meetings with the representatives of the press. Mainly the practical matters of the cooperation are handled at those meetings, whereas questions about the legal framework are rare.
11.	Greece	-
12.	Georgia	Not in my district.
13.	Hungary	Courts share their information on programs with each other on conferences,



		consultations and also during informal discussions.
14.	Italy	There is no involvement of the representatives of the press and those of the Courts in forming a cooperation.
15.	Latvia	There is no regular assessment. Courts had performed particular research: <ul style="list-style-type: none"> • In 2010, Latvian Judicial Training Centre and the Supreme Court performed surveys of court customers, which included questions on availability of information as well; • In 2013, the Council for the Judiciary performed research “Reliability of courts and corruption perception in work of courts in Latvia”, which also includes analysis of court communication.
16.	Lithuania	Yes. The National Courts Administration is responsible for that.
17.	Republic of Moldova	The parties regularly do not evaluate this kind of cooperation and its legal framework because as a rule it doesn't exist.
18.	Montenegro	There is no formal cooperation agreement between the courts and the media.
19.	The Netherlands	The Press Guidelines 2013 will be evaluated after 1 year.
20.	Norway	
21.	Poland	There is no platform for regular evaluation of judicial cooperation with the media, as well as the practical functioning of regulations limiting that sphere.
22.	Romania	According to the provisions of Law no. 544/2001 on the free access to the information of public interest and Government Decision no.123/2002 for approval of the Methodological Norms for enforcing the law, the public institutions have a legal duty of yearly drafting and publishing a Report on the activity in the area of public relations and relations with mass media. The Guide was evaluated and amended in May 2014, subsequently to the amendment of the legal framework after the entering into force of the new Criminal Procedural Force.
23.	Slovenia	Parties (at least judiciary) have little influence on the legal framework.
24.	Turkey	There is not a regular evaluation.
25.	Ukraine	No.

8. How sanctionable is a medium if it doesn't proceed according to the legislation? What happens if the court doesn't disclose information on a public case?

Answers:

1.	Albania	
2.	Austria	There are different options, but it depends on the facts. There can be consequences in civil or penal law, “soft law” (ethic code of the press); consequences during the trial (if e.g. a journalist takes photos in the court room during the trial, he can be expelled from the court room by the judge)
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	The court is not authorised to sancion the media (except in the defamation cases). For such cases, there is Communications Regulatory Agency and Press Council.
5.	Bulgaria	
6.	Czech Republic	Penalty, compensation for damage. Both cases.
7.	Cyprus	No.
8.	Denmark	The rules of access to legal files are sanctioned. If the press do not proceed according to the legislation it is possible to punish the media by giving a fine. If the court does not give the press access to legal files, the press can bring that decision to the Appel Court.
9.	Estonia	In Estonia, the journalist who report on court cases ought to respect the Code of Ethics of the Estonian Press. ¹ The complaints of the violations of the code can be

¹ More about Code of Ethics of the Press <http://www.eall.ee/code.html>



		<p>addressed to the Estonian Press Council (Pressinõukogu), which is a voluntary body of media self-regulation to handle complaints from the public about material in the media. The Council provides the public with a possibility to find solutions to disagreements with the media without the need to go to court.²</p> <p>Pursuant to the Public Information Act the Data Inspection Directorate exercises state and administrative supervision over holders of information during compliance with requests for information and the disclosure of information. The Data Protection Inspectorate may initiate supervision proceedings on the basis of a challenge or on its own initiative. For example, upon the exercise of supervision, the Data Protection Inspectorate shall ascertain whether a holder of information performs the obligation to disclose information; and a holder of information performs the obligation to maintain a website pursuant to the procedure provided by law.</p> <p>A person whose rights provided for in the Public Information Act are violated may file a challenge with a supervisory body (the Inspection Directorate) or an action with an administrative court either personally or through a representative.</p>
10.	Finland	<p>A due course of reporting on proceedings of a court is safeguarded in “Guidelines of Journalism”. Any person who considers that there has been a breach of good professional practice by media may appeal to the Council for Mass Media in Finland (self-regulatory body by publishers and journalists). If media breaches the penal code in any way, it is of course possible to proceed against the media.</p> <p>Finland has two independent supreme guardians of law and the courts: the Chancellor of Justice of the Government, appointed by the President of the Republic, and the Parliamentary Ombudsman elected by the Parliament, to whom you can file a complaint if public authority or an official has not observed the law e.g. regarding the publicity of a proceeding or documents.</p>
11.	Greece	<p>There is no specific legislation but the general penal rules are applied e.g. protection of privacy (personal data).</p> <p>The Courts do not have any legal obligation to disclose any information even concerning a public case, but in such cases the Prosecutor has the right to order the disclosure of certain information, such as the identity and photographs of the offender. On the other hand, Police has the obligation to make simple and laconic press releases, in order to inform the press (presidential decree no. 538/1989)</p>
12.	Georgia	<p>If representative of a press does not proceed according to the legislation, he/she is not allowed to record a hearing. If judge violates right of press to record or freely attend and write down process of the hearing, Journalist can complain against it.</p>
13.	Hungary	<p>Sanctioning the media is the responsibility of the Media Authority. Courts, in compliance with the legal framework provide all the information of public interest.</p>
14.	Italy	<p>A journalist who doesn't obey the rules set forth by art. 114 criminal procedure code (mentioned above) is sanctionable under art. 684 criminal code. Publishing the name or the picture of a child victim of sexual abuses is, as well, a criminal offence (art. 734 bis criminal code).</p> <p>Trials are public with the exceptions listed in art. 472 criminal procedure code (for example, in case of: sexual abuses; State's interest; when a minor must be heard). Even if the limitation of public hearings may be decided by the Court according to the law, the final decision is always pronounced in a public hearing (art. 545 criminal procedure code). The lack of publicity is a cause of nullity.</p>
15.	Latvia	<p>* Media can be a party to a case in all proceedings – in civil proceedings, in criminal proceedings or in administrative proceedings, and their responsibility does not differ from that of other respondents. The court may impose an obligation to recall information, which insults honour and dignity and to recover compensation for moral injury. Section 1635 of the Civil Law: every offence (also</p>

² Further about Estonian Press Council <http://www.eall.ee/pressinoukogu/index-eng.html>



		<p>moral injury), shall give the injured person the right to claim satisfaction from the infringer, insofar as he or she may be held at fault for such act. Section 157 of the Criminal Law: Defamation: for defamation in mass media the person shall be punished with temporary deprivation of liberty or community service, or a fine.</p> <p>* The law "On the Press and Other Mass Media" stipulates that the Prosecutor General, the Chief State Notary of the Register of Enterprises and the Minister of Finance are entitled to file a motion to the court regarding termination of activity of a media, if the latter: 1) published a call to use violent or any other illegal methods; 2) published a call to disobey laws of the Republic of Latvia; 3) had not paid taxes stipulated by laws of the Republic of Latvia and defies control of public financial authorities; 4) published information recognised as defamation by a court judgement rendered in a criminal case, disclosure of a state secret, war propaganda, violation of racial and national equality and children pornography.</p> <p>* Refusal of a court to issue requested information may be appealed to the Ministry of Justice under procedure stipulated by the Administrative Procedure Law. Decision of the Ministry of Justice may be appealed to the administrative court. The court may impose an obligation to provide requested information.</p>
16.	Lithuania	<p>The National Court Administration has the right to require the denial of information.</p> <p>If the court does not give information to the media it has the right to appeal to National Courts Administration.</p>
17.	Republic of Moldova	<p>The sanctions for the breach of law are regulated by the Civil and Legal Procedure Codes in order depending on its character.</p> <p>In case of when a court doesn't disclose information on a public case the judge or even the court that is responsible for this will be punished in accordance with the law.</p>
18.	Montenegro	<p>If the medium doesn't proceed according to the legislation, in concrete Law on Media, it could be punished with the fine, but in any case any private or legal person has a right to institute a damage proceeding against it.</p> <p>If the media doesn't proceed according to the above mentioned legal acts (Law on Courts or Court Rules of Procedure), in concrete, if the disclosed information has not been truthfully presented in the media or if the disclosed information depicts the court operation in a biased way, the chief judge shall request that a response or a correction be published.</p> <p>If a court deems it necessary to prepare an official position on the issue, it shall report it to the Supreme Court.</p> <p>In a situation when the court does not disclose information on a public case, everyone have right to be informed whether a public authority holds specific information of public importance i.e. whether it is otherwise accessible in accordance with the Law on Free Access to Information. Of course, there are provisions within this law which prescribes limitations of this right.</p>
19.	The Netherlands	<p>The medium needs to respect the rules as laid down in the Press guidelines.</p> <p>The judge may rule in any case that the hearing will be held in a closed session, if the judge is of the opinion that this is in the interest of public morals, public order or the security of the State, or if the interests of minors or respect for the privacy of the participants in the proceedings so dictate, or if public access would seriously impede the proper administration of justice.</p>
20.	Norway	
21.	Poland	<p>In accordance with article 37 of the Press Act, for the responsibility for the violation of the law caused by the publication of press material general rules apply, unless the law provides otherwise. Another words, criminally liable for offenses referred to in the Press Act is subject to the provisions of the Criminal Code and the Criminal Procedure Code, and civil liability is considered according to the provisions of the Civil Code and the Code of Civil Procedure, unless the press law contains norms governing separately, both the principle of civil and criminal liability.</p>



		<p>As far as the civil liability is concerned, article 28 of the Press Act provides that the civil liability for breach the law caused by the publication of press material bear the author, the editor or the other person who caused the publication of this material, which does not exclude the publisher. In terms of financial liability abovementioned persons are jointly and severally liable.</p> <p>In accordance with article 37 of the Press Act, if a violation of personal rights has been caused by the press release, there is a concurrence of the protection measures provided for in the Civil Code and in the Press Act, and the choice is up to the aggrieved party. It is worth to note that the Press Act introduced specific measures of protection, for example a claim for publication of a rectification or reply (article 39).</p> <p>On the criminal liability of individuals, doctrine introduces the concept of press offences, which are divided into two groups: the proper press offences - typified by the provisions of the Press Act (e.g. issuing of journal or magazine without registration) and common press offences, committed in the content of the published press material (e.g. defamation, insulting).</p> <p>In addition it shall be noted that, in accordance with article 22 of the Press Act, the registration authority may suspend the issuance of a daily or periodical for a specified period, not exceeding one year, if during the last year at least three times in that particular journal has been committed the offense.</p> <p>Regarding the scope of the consequences of refusal to disclose information on the case by the court, the law provides for a number of possible solutions.</p> <p>In accordance with article 11 paragraph 2 of the Press Act, information on behalf of the organizational units shall provide the managers of these entities, their deputies, spokespersons or other authorized person, within the limits of their duties in this regard. Refusal to provide information by persons referred to in the said provision, except as where the information can not be given, because the subject is classified, or a provision would undermine the right to privacy, is an offense classified in article 49 of the Press Act and is punishable by a fine or penalty of restriction of liberty. In addition, if the required information has characteristics of public information referred to in the Public Information Act, refusing to provide such information might be considered as a crime stipulated in the article 23 of the Public Information Act (punishable by a fine, restriction of liberty, as well as imprisonment for up to a year).</p> <p>Violation of procedural regulations by the referee, leading to the illegal refusal of access of the media to participate in the proceeding, may give rise to disciplinary proceedings.</p> <p>These actions may also be the basis for a complaint filed to the President of the competent court, on the activities of the judicial unit.</p>
22.	Romania	<p>The institution within the legal system which considers that was harmed may proceed to the annulment of the accreditation of a journalist and also has the possibility to notify the National Audiovisual Council of Romania.</p> <p>Also, the citizens and the representatives of mass media have the possibility to use the instruments provided for by Law no. 544/2001, further developed and clarified by Government Decision no.123/2002, namely the administrative claim and the courts where they may notify and solve such problems</p>
23.	Slovenia	<p>Media are mostly not sanctioned. They are, however, required to publish rebuttals in case information they provide is inaccurate.</p> <p>On the other hand, if the court (or an institution in general) does not disclose public information when such is requested by a representative of the media, it can be fined by a fine from about 2.000 to 20.000 EUR, and the person responsible can be fined by 500 EUR.</p>
24.	Turkey	<p>- Any person or organisation violating the principles mentioned above while covering news related to a case on either visual or written media are surely subject to civil suits and criminal charges. Any rejection of disclosure of information by a court on a public case is always objectionable by the parties of</p>



		the case but not by the press. - a complaint to the Supreme Board of Radio and Television may be made, an action may be brought if there is an attack on personal rights. Judicial inquiry could be conducted against the people making the news.)
25.	Ukraine	A medium can be a subject to a civil lawsuit for defamation. If a serious breach of law occurs, even their license to public broadcast can be withdrawn. If the court does not disclose such information, the clerk responsible for the disclosure is usually a subject to the administrative fine.

9. Are court statements regulated in any way? Is there a separate specification concerning the comments on court news published by the media?

Answers:

1.	Albania	
2.	Austria	The communication of the courts/offices of public prosecutors has to be channeled through a spokesperson to avoid the risk of having the activities being presented in a personalized manner and to minimize the risks of personal criticisms. Therefore every court/ office of public prosecutors is provided with a spokesperson (judge/prosecutor with special training for the communication with the media). The spokesperson has to respect the regulations (given by law and the communication guidelines).
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	Unknown.
5.	Bulgaria	
6.	Czech Republic	Only recommendations.
7.	Cyprus	Court statements are not regulated in anyway.
8.	Denmark	Court Statements are regulated by a legislation concerning legal proceedings.
9.	Estonia	Recommendations for the Courts' Media Relations adopted by the Council for Administration of Courts regulate the communication between the courts and the media during the different stages of the judicial proceedings. The type and the amount of information provided by the courts often depends on the stage of the proceedings. Pursuant to the recommendations the Court employees have the right to refuse to disclose information without restriction to access to the media if the publication of such information may be in conflict with the interests of the administration of justice or the legitimate interests of the parties to a proceeding. Pursuant to the Courts Communication Strategy adopted in 2011 judges can spokespersons in questions concerning the application of law. Only court cases that have attracted a lot of publicity, are important or educative are to be commented by judges in order to clarify the situation or to protect the reputation of judges and/or the court system. There exists no specification concerning the comments on court news published by the media.
10.	Finland	Main rule and regulation is that only public information can be given to the media. Naturally, the act on the Openness of Government Activities obliges the courts of law to foster openness and inform on their activities on their own initiative.
11.	Greece	There is no provision of spokesperson in the Courts' regulation, only the regulation of the Public Prosecutor's Office of Athens Court of First Instance provides such a position. Only the general rules of journalistic ethics.
12.	Georgia	Some courts have spokespersons like speaker judge or press speaker, but there is none in my district. There are not special rules concerning the comments on court news published by the media.



13.	Hungary	NOJ's Presidential Directive 8/2012. (IV. 25.) and later its modification, Directive 4/2014. (II. 27.) count as normative in this matter. There is no specific regulation regarding comments on court news, the media law applies to every comment.
14.	Italy	Apart from what already said about art. 6 National Association of Magistrates code of conduct and about art 5 d.lvo 106/2006, there isn't any other regulation of courts' statements. Generally speaking, newspapers have specific sections concerning news about trials or investigations of public interest.
15.	Latvia	No.
16.	Lithuania	All decisions of the courts are open to the public. Court is not required to comment the decisions to the media. But usually the reports about cases of public interest are placed in court's website.
17.	Republic of Moldova	There is a negative regulation from the art. 8 stipulated in the Law of Republic of Moldova on The Judge Statute that forbids a judge to present for mass-media any information about the cases in the court's procedure and the positive regulation from Art.16 ¹ the Law of Republic of Moldova on Judicial Organization which permits the chief of the court to represent it in the relationship with press.
18.	Montenegro	The court will give an information to the press in the cases where the private character is not prescribed and if it is about information that could not effect the conduct of judicial proceedings. The disclosure of such information is considered as harming the reputation of judicial office. Anyway, any disclosure of information on individual cases shall be subject to the provisions governing confidentiality of procedure, reputation, privacy and business interest if the parties and other participants in the proceedings. Also, there are provision of the Code of Judicial Ethics of Judges which have to be respect by any judge in this respect. In example, in accordance with the Article 9, which concerns Public and Media Relations, a judge shall promote reputation of judicial profession. Outside of court sittings and hearings, a judge shall abstain from expressing opinion about the case he/she has been assigned, as well as about the other pending cases and court decisions. A judge may participate in public debates on law, legal system and functioning of the judiciary. Judge shall not participate on political cases, or cases of political nature except in the cases that have direct impact on the work of courts, independence of judiciary or fundamental aspects of justice administration. In his/her public appearance and when commenting on social phenomena in the media, written articles, public events, lectures etc., a judge shall strive for his/her appearance to be based on regulations and for the expressed views and the the overall conduct to be in accordance with provisions of this Code. Also, a judge shall abstain from giving any information to the media and interested persons regarding specific cases if he/she has not been authorised to do so. A president of the court or a judge authorised to provide information to the media shall give the most objective information, while ensuring that such information at the moment of communicating if justified and permitted, given the stage of proceedings and taking into account all the circumstances of the case and particularly the need to protect personal and family life of parties and other participants in the proceedings, interests of juveniles as well as to protect personal and family of a victim and defendant so as not to violate their right.
19.	The Netherlands	On the date of the decision, immediately after the decision is pronounced, the courts will publish on the website www.rechtspraak.nl all decisions, in an anonymized form, in respect of which it is known that there is interest on the part of the press. However, such decisions may not be published in whole or in part in cases in which the law stipulates an exception in connection with weighty interests of other parties. The court will provide journalists with an anonymized copy of decisions upon request, insofar as it is permitted to do so under the law.
20.	Norway	
21.	Poland	There is no separate regulation pertaining to the court statements.



		There is no separate specification concerning the comments on court news published by the media.
22.	Romania	All those issues are systematized, clarified and mentioned within the Guide for the relationship of the judiciary with mass media.
23.	Slovenia	Court statements are partly regulated by Court Rules (a by-law). Most rules concern criminal proceedings. Courts are also limited by the protection of privacy, etc. On the other hand, court news published by the media are not regulated. The only exception may be that the media must apply for a permit for recording of individual criminal hearings.
24.	Turkey	- Every media has a general space on its website concerning the comments on court news published by the media like any other reported news. - There is no legislative framework regarding this issue.
25.	Ukraine	No.

10. In what way has technological development (smartphones, wifi, etc.) changed the legal conditions of cooperation?

Answers:

1.	Albania	
2.	Austria	The legal conditions didn't change. They are applicable to the new technological development as well.
3.	Azerbaijan	
4.	Federation of Bosnia and Herzegovina	We are unfamiliar with it, because the only method of communication to the media in this court is written communication (e-mail, fax machine and the telephone).
5.	Bulgaria	
6.	Czech Republic	I do not know.
7.	Cyprus	-
8.	Denmark	It is possible for the press to attend a hearing in court, and during the oral proceedings make liveblogging. Wherefore it is possible to use a smartphone or a computer while the hearing is going on.
9.	Estonia	The cooperation between the media and the courts has become less formal. It is often that journalists submit their requests for information via e-mail (instead of print out formulae). Pursuant to the Public Information Act courts have the obligation to maintain a website for the disclosure of information.
10.	Finland	We don't see any changes vis-à-vis legal conditions of cooperation.
11.	Greece	In no way.
12.	Georgia	Technological development did not change the legal conditions of cooperation in my district.
13.	Hungary	Picture and sound recording has evolved. Sensitive data has to be protected, since no one can know what gets recorded with a smart phone or a camera during a trial. There was an incident for example, when a photograph, taken of a judge during a foreign currency loan case trial appeared on Facebook. The judge of course asked for it to be removed. The President of NOJ assigned the Working Group on Communication the task of 2013 to be the preparation work for drafting an act on legal data management and information (see question 5). The aim of the act is to sort out the regulatory disorder regarding the use of personal data. The act regarding court publicity and legal data management should contain specific regulations for each area, that could provoke social or professional debates in connection with the work of courts. NOJ has organised several conferences, where courts, legal professions and journalists were invited to share their opinion for the professional concept in making.



14.	Italy	There is no involvement of the representatives of the press and those of the Courts in forming a cooperation.
15.	Latvia	Court judgements have been published on the courts' web site on the Internet. There are no other changes.
16.	Lithuania	Has not changed thus far.
17.	Republic of Moldova	Due to technological development the works of the courts of justice become easier and more efficient. As examples: the possibility of audio registration of court hearings, the unique case management program that gives access for all the citizens about date/place/time of legal hearings, decisions on criminal and civil cases. It's important to mention about the internal court network, which makes the internal court cooperation easier and more dynamic.
18.	Montenegro	There is no change in this respect.
19.	The Netherlands	In the last Press Guidelines (2013) it was decided that journalists could make visual and audio recordings during the hearings. In almost all courts journalists are allowed to use twitter. Criminal hearings During criminal hearings journalists may in any event make visual and audio recordings of the arrival of the judges, the opening of the hearing by the chairperson, the statement of the charges, the handling of the facts, the public prosecutor's closing speech demanding the sentence, the oral pleadings, the reply and the rejoinder, and the pronouncement of the judgment, except under exceptional circumstances. Journalists may submit requests to be allowed to make recordings of other parts of a criminal hearing. During the hearing visual and audio recordings may be made of the professional participants in the proceedings. It is not permitted to make visual or audio recordings of witnesses, experts, victims or the public. Journalists may request such persons personally for permission to make visual and audio recordings of them. In exceptional circumstances the judge may nonetheless prohibit the making of such visual and audio recordings. It also is not permitted to request the suspect for his or her permission to make visual images. His or her voice may be recorded. In the event that the suspect objects to his or her voice being recorded, the judge may prohibit the making of recordings of the suspect's voice or may rule that the suspect's voice must be distorted. Other hearings Journalists may make visual and sound recordings of the entire hearing, except under exceptional circumstances. During the hearing visual and audio recordings may be made of the professional participants in the proceedings. It is not permitted to make visual and audio recordings of the parties without their permission. Journalists may request such persons personally for permission to make visual and audio recordings. In exceptional circumstances the judge may nonetheless prohibit the making of visual and audio recordings of non-professional parties to the proceedings.
20.	Norway	
21.	Poland	The main element of the new technologies used to communicate information between public bodies and the public, including the media, is the internet. Based on article 8 of the Public Information Act, the official telecomputer publication - Public Information Bulletin - has been created, for universal access to public information, in the form of a unified system in the telecommunication net. Each public authority bodies, including the courts, are required to publish on the web sites information concerning in particular: their legal status, organization, its objects and powers, bodies and individuals in the exercise of their functions and their competence, rules of functioning, including ways of accepting and dealings, the state of affairs adopted, order of settlements, as well as documentation of the

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		course and effects of controls. On the pages of the newsletter, any other information having the nature of public information, i.e. any information about public affairs, may be posted.
22.	Romania	Providing the modern logistics contributed to the improvement of the informational circuit.
23.	Slovenia	As of yet, legal conditions of cooperation have not been changed since mid 90s due to the technological developments.
24.	Turkey	- Empowered spokesman may hold a conference before the media or the information may be presented on website of the court as well. Beside these two ways, there is no other specific technological development that concerns publication of court's news. - It has provided positive contribution significantly. The communication has become fast.
25.	Ukraine	No.