



INTERNATIONAL CONFERENCE OF COURTS AND COMMUNICATION 2016

**Conclusions of workshops on tackling attacks of press and media
against courts (WS2)**

In the framework of WS2 the groups have scrutinised the above mentioned topic alongside two case laws, which have aroused several additional, related questions and possible answers. The mayor findings and conclusions of the WSs' are as follows:

- ~ The interaction of media and courts has changed significantly in the last decade in the participating countries; earlier the courts were rather to think that the media is to serve the courts (“we answer when questioned”), while recently courts have realised the common interest in providing proactively information for the press and media. Some participant countries emphasised that media is not coincidentally mentioned sometimes as the 4th branch of power after Montesquieu’s separation of governments: courts need the media too, so as to meet their ultimate goal; to serve the public.
- ~ Being proactive with media minimises the contingently appearing false or deformed information, this way diminishes the chance for courts the be exposed for unfounded attacks
- ~ Fast and effective internal communication has an inevitable role in prevention, so as to avoid possible attacks and hereby crisis situations.
- ~ Centralisation regarding the communication of courtship is also a key. Issues that might easily escalate to crisis should be identified in due time and the centre is to be informed at once so as to enable the presidency and/or the centre in broader sense, when needed, to react on attacks swiftly and professionally.
- ~ For a professional reaction on possible attacks, spokespersons of courts should receive special trainings; those appointed from among judges are to be trained to communicate more simply, without legalising their message, while spokespersons with journalist profession and past should be trained on legal basics. The training of representatives of media organised by the court in some countries has positive proceeds either, as to the accurate communication of courts and media.
- ~ In case of “attacks” or when reacting on false information appearing in press and media the courts should consider the weight and significance of the actual case and the related allegation and after due deliberation decide on the



necessary reactions. In many cases, like negative comments on social media platforms generally speaking there is no need to react at all. When respond seems to be necessary, it is advisable for spokespersons to capitalise on their personal contacts and establish direct contact with the journalist or the representatives of the media to see whether the mistake is intentional or not and request informally for correction. Most of the participant countries reported that courts' such justified requests are always fulfilled by the representatives of press and media.

- ~ In case of delicate situations, when for instance courts' responsibility is repeatedly mentioned, while in fact partner organisations committed the error, it implies a possible solution for court spokespersons to provide additional information for the journalists in the form of questions, which are to be raised for the competent authorities so as to clear the debated issue.
- ~ Presidents of Courts and at higher institutional levels active defence in the media should come only into consideration if the foundations of democratic legal state are threatened.
- ~ Mostly due to the above mentioned well-working informal interaction channels between courts spokespersons and journalists, none of the participant countries has had a precedent so far of formal rectification lawsuit launched by courts. However all the countries would display the judgement of such lawsuits at least on their respective websites.
- ~ Cooperation agreements in relation of courts and media - in which the parties lay down their anyway existing rights and commitments - might make the relationship of the parties involved more conscious. The fundamental purpose of these cooperations is to fully provide the authentic, swift and precise information of the public within the law, in order to guarantee the transparency of the judiciary. At the same time cooperation agreements established between courts and partner organisations (e.g. police departments) might represent a solution for instance in the prevention of delicate, crisis-like situations escalating from lack of information flow among the parties.

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