

## **Third Annual European Conference “Courts and Communication”**

**Budapest, 15-16 October 2015**

### **Questionnaire**

#### **Image and voice recording at courts**

##### **1. What type of legislation regulates the image and voice recording at courts in your country and in what way?**

The courts and the prosecutor's office should cooperate with the media representatives in fulfilling the latter's function to inform the public. The institutions also have the obligation to insure that no other rights, conferred upon individuals by virtue of national or international legal documents, have been violated. That is why the following regulations are relevant to video and audio recording in the courts:

##### **Constitution of the Republic of Bulgaria**

##### **Judiciary Act**

**Civil Procedure Code** - for civil cases

**Criminal Procedure Code** - for criminal cases

**Administrative Procedure Code** - for administrative cases

In the Republic of Bulgaria there is a permanently functioning body, which represents the judiciary and ensures its independence. This is the **Supreme Judicial Council**. This body determines the composition and the organization of the judiciary and manages its activity, without affecting the independence of its branches. The Supreme Judicial Council appoints, promotes, transfers and dismisses judges, prosecutors and investigators; imposes disciplinary sanctions upon judges, prosecutors and investigators; organizes the qualification of judges, prosecutors and investigators.

In 2013 the Supreme Judicial Council established **Communication Strategy for the Judiciary in Bulgaria** and adopted a **Guide on the Interaction between the Branches of the Judiciary and the Media**, which also contains rules, concerning video and audio recording in the courts.

##### **2. Is there a separate provision (legislation, recommendation, regulation, etc.) regarding image and sound recording at courts, court buildings, court hearings, court events?**

Constitution of the Republic of Bulgaria:

According to the Constitution, everyone has the right to seek, receive, and disseminate information. (art. 41, para 1).

All courts shall hear the cases in sessions open to the public, unless provided otherwise by law (art. 121, para 3).

A defendant shall be presumed innocent until otherwise proven by an effective sentence (art. 31, para 3).

No one shall be followed, photographed, filmed, recorded, or subjected to any other similar actions without their knowledge or despite their express disapproval, save in cases provided for in the law. (art. 32, para 2)

Judiciary Act:

According to the Judiciary Act, courts shall examine cases in public hearings. The publicity of trial may only be limited by law. In any event a sentence shall be publicly delivered (art. 132). The president of the panel shall conduct the court hearing, ensuring that the courtroom is called to order, and he may sanction offenders in accordance with the procedure provided for by procedural law. Orders issued by the president of the panel shall be binding on all persons attending the courtroom. Such orders may be repealed by the panel. (art. 135)

The Civil Procedure Code allows the court to audio record the hearing (art. 151).

In criminal cases the court may order that the court hearing is video or audio recorded in compliance with the provisions of the Criminal Procedure Code.

**3. Is the practise relatively uniform regarding image and sound recording at different courts in your country? If not, what characterises the types of recordings and what are the possibilities?**

The Guide on the Interaction between the Branches of the Judiciary and the Media aims at unifying the requirements and the restrictions for the use of audio and video recording in the courtrooms. Even before the adoption of the Guide the practice was relatively unified.

**4. If recording is permitted, how is this applied in practise? Where is it permitted (in front of the building, in the court room itself, on the corridor, etc.)?**

As already mentioned, the public nature of the court hearings is a fundamental legal principle, provided for in the Constitution. However, also pursuant to the Constitution, each person has the right to respect for his personal and family life. These two principles are of equal importance. It is up to the court, which hears the case, to find the balance between the free access to the courtroom and the protection of the other rights, since the public nature of the court hearings inevitably results in violation, to some extent, of the obligation to respect personal and family life.

In principle, the public court hearings are always open to journalists, who do not carry with them technical means of recording.

The court hearings are closed (not public), when this is prescribed by law or when the court announces that the hearing is closed and refers to the respective grounds for that in the law.

It is allowed to make recordings in front of the court buildings and in the corridors of the buildings.

Filming, taking pictures and audio recording in the courtroom is allowed only with the consent of the president of the court panel. Photo

reporters, radio and television crews have to obtain permission for access to the courtroom (preferably 24 hours before the session of the court) from the court office of information and public relations, where they have to state the cases which they want to record.

These rules are provided in the Guide on the Interaction between the Branches of the Judiciary and the Media.

If they are granted access to the courtroom the media representatives may make, with the consent of the president of the court panel, video or audio recording of one or several of the following parts of the court session: the members of the court panel enter the courtroom, the president of the panel opens the hearing.

The president of the panel decides to what extent other than the above-mentioned parts of the hearing may be recorded.

Regarding the above situations the president of the court panel must ask the jurors, the court secretary, the parties in the case, the experts and the interpreters whether they object to the recording of the approved parts of the hearing. Such parts of the hearing, with respect to which there is an objection by any one of the persons mentioned, may not be recorded.

**5. Are there any common problems relating to image and sound recording and if so, what are these?**

No.

**6. Is a contribution required from the subject in order to record image and/or sound? Is there a difference in this aspect between public figures (judge, prosecutor, policemen, etc.) and others attending the trial (parties, witnesses)?**

No contribution is required.

There is no difference if the person is a public figure or not - everyone may express their will whether they want to be filmed or recorded or not.

**7. In case the recording takes place at the court room, who decides about how the recording is done (location and movement of the press in the court room, who can be recorded, what is the time frame of the recording)?**

At the beginning of the court session the president of the court panel decides how the recording is to be done and for how long it will last.

It is advisable that the video and audio recording, as well as the picture-taking, takes place from one and the same place in the courtroom. The court may ask the persons present at the hearing to be arranged in a particular manner in order to ensure good institutional environment. To ensure normal conduct of the proceedings the court may decide to allow only a limited number of television crews in the courtroom in accordance with the sequence in the list of the requests received.

No recordings or images may be broadcasted without the consent of the president of the court panel. In case of violation of this ban, the Council on Electronic Media should be notified.

It is not allowed to broadcast court hearings live.

If the media representatives are not allowed in the courtroom, photo reporters may take pictures and television crews may film before the start of the court session, if there is consent for taking pictures or filming, given in advance, by the above-mentioned parties.

**8. Do courts keep the press informed on current cases or substantive decisions? If so, are there any specific rules?**

The persons, appointed by the court and the prosecutor's office to liaise with the media, are in charge of providing the media with information of public interest. Judges and court officials are not allowed to provide information about cases, filed with the court or the prosecutor's office. They have to refer persons, seeking information, to the communicational structures of the court.

All court decisions must be published promptly on the court's web page and on the centralized information system of the Supreme Judicial Council, without publishing any personal data.

**9. Is the recorded material made available to the subjects before it is published? If yes, in what way?**

No.

**10. In case incorrect information is published about the courts, or the content of a statement changes in the course of post-production, are any measures taken? If yes, what are the means of correction?**

In accordance with the recommendations for effective communication with the media representatives, given in Section III of the Guide on the Interaction between the Branches of the Judiciary and the Media, in cases where the media publish incorrect information about court proceedings, about the work of the branches of the judiciary or of the Supreme Judicial Council, the speaker for the court or the public relations expert has to inform the president of the institution and after the necessary assessment is carried out to present to the public the correct information.

The speaker/public relations expert must exercise their right to reply or to make corrections, including by requesting the media, which has published the incorrect information, to grant right to reply or to allow the possibility for the information or data to be corrected.

Such request, together with the reply or correction, has to be published on the web page of the institution concerned.

## Strengthening of court PR: new trends of communication

### **1. What type of social programmes are organised by your court in order to bring the public closer to the court?**

From 2013, SJC held annually "Open Day" in the SJC and all bodies of the judiciary, as well as an internship program for students from law schools in the country; Pilot educational program "The judiciary - an informed choice and civil trust. Open courts and prosecution offices". The program was implemented within the academic period 2014/2015, by the district courts and prosecution offices in Bulgaria among students to prevent and to raise their awareness about the structure, function and importance of the judiciary in Bulgaria. The program, held on the basis of a cooperation agreement between the Supreme Judicial Council and Ministry of Education and Science, was implemented in Haskovo district court with 10th grade students of Foreign Language School "Prof. Dr. Zlatarov" Haskovo. During the academic year 2015/2016, implementation of the educational program is expanded in all bodies of the judiciary.

### **2. What kind of CSR programmes are organised by your court in the framework of corporate social responsibility?**

Court works on programs for juvenile justice, protection from domestic violence, as well as increasing legal literacy among students.

### **3. Are the programmes focused on a specific field of law? Are there significant programmes and events for a given field (e.g. domestic violence)?**

- A small project "My voice in court" within the Project "Justice - a friend of the child", implemented by the International Social Service - Bulgaria and Children's Legal Centre - Bulgaria. In 2014 District Court - Haskovo completed a Miniproject "My voice in court", which was implemented within the Project "Justice-friend of the child " by the International Social Service - Bulgaria and Children's Legal Centre Refunds with assistance of the Department "Child Protection" in "Social Assistance" - Haskovo. Subject of the miniproject was creation of a room for interviewing children involved in court proceedings, which affect their rights and interests in an inviting atmosphere.

- Agreement for cooperation between the Regional Court - Haskovo and NGO "H & D Gender Perspectives Foundation" - Dimitrovgrad, which aims to regulate the partnership in the field of prevention and protection from domestic violence within the Project "Together Against Domestic Violence" - providing specialized services for victims of domestic violence, their families and perpetrators of violence and sensitize the magistrates to provide timely and adequate protection of victims of domestic violence. "

- "Open Day" in the framework of the SJC, as was held event "Chairman of the court for a Day" in 2014 and 2015 and simulated trials.

In 2015, it was developed in a criminal case – simulated trial, presented by students from the Foreign language school "Prof. Dr. Asen Zlatarov" - Haskovo and Mathematics High School Acad. Bojan Petkanchin" - Haskovo.

- Participation of the judge in the District Court - Haskovo meeting "Local Commission for Combating Juvenile Delinquency" in Haskovo municipality.

**4. Are there programmes designed for specific groups of society (e.g. rights of children, helping the disabled)?**

- Haskovo district court has speech synthesis software SpeechLab 2.0, which converts written text to speech, provided by NGO "Program for development of the judicial system." It is useful to the category of people with special needs - blind and the visually impaired, illiterate and elderly people to be provided with easier access to justice. Using the software they are able to receive the necessary information on the trial by themselves, as well as to get acquainted with the court decision as listen to court documents.

- Within the project "Justice - a friend of the child", the District court - Haskovo in 2014 prepared a brochure, containing information for separately living parents. Brochures with certain guidelines are being attached to the court summons sending to the parents - party in the trial, which affect the rights and interests of children. The intended effect is to support and assist parents in their relations with their children, not only in the judicial proceedings, and beyond

**5. Is there cooperation with partner organisations, non-governmental organisations relating to these programmes?**

The Law faculties of universities in Bulgaria, The Ministry of Education and Science, Regional education inspectorate, Haskovo, Educational institutions in city Haskovo like Foreign Languages School "Prof. Dr. Zlatarov" - Haskovo, Mathematics High School" Acad. Bojan Petkanchin" - Haskovo, Financial and Business High School "Atanas Burov" - Haskovo and volunteers of Preventive - informative center on drugs at the Youth Center - Haskovo," Local Commission for Combating Juvenile Delinquency" - Haskovo municipality NGO "H and D Gender Perspectives Foundation" - Dimitrovgrad.

**6. How and where are said programmes and results communicated?**

Posts on SJC's and court's internet sites, national and regional media information campaigns.

**7. What are your courts international relations? In order to maintain them, do you have programmes, invite partner judges or send your own judges and experts to partner courts?**

In many courts there are established partnership relations, especially in border areas. Local judges participate in exchanges.

**8. Is your country or court involved in international scholarship programmes, exchange programmes or study visits?**

In 2014/2015 for a period of eight months, a judge from the District Court - Haskovo was seconded in European Court of Human Rights in Strasbourg within the implementation of Objective 2 of predefined project of The Supreme Judicial Council of the Republic of Bulgaria "Support for the Supreme Judicial Council related to capacity building and improving the efficiency of the judicial system", funded by the Norwegian Financial Mechanism 2009-2014 /Norway Grants/.

**9. Is there a separate platform for the communication of international relations - foreign website, etc.?**

There is a separate section "International Activities" on the Supreme Judicial Council's internet site. There is no such section in the current moment on the District Court - Haskovo's internet site.

**10. Does your country or court use social media surfaces, if yes, what type of events are published?**

Since 2014 The Supreme Judicial Council supports own page on Facebook. All publications by Directorate "Public Communication and Protocol" on the website of the SJC are published. Some courts, such as those in Courthouse Varna, also have a social network page. At the current moment District Court - Haskovo does not support such

Means and measures of crisis communication

**1. How is a crisis defined in the life of a court?**

The definition of crisis in the life of a court is made according to the Communication Strategy of the Judiciary 2014-2020 Appendix 9 Crisis communication. Depending on the causes and the effects that crisis can cause, they are: functional crisis, negative campaign and image crisis.

Functional crisis is the result of serious problems in the operation and processes of the institution that lead to inability to perform its functions - mismanagement, incompetence, poor logistical, congestion, corruption, etc.

In the language of crisis communication "negative campaign" is to be deliberately attacked for something you do well. Politicians and public institutions often make the mistake of blaming the media that carried

"negative campaign". According to the audience it seems like an inability to accept criticism and even attempt to silence the media or opponents.

Image crisis of the bodies of judicial system, including the courts, casts doubt on the ability of individuals or institutions to work for the benefit of society. It occurs as a result of inefficiencies in addressing the functional problems of the judicial system and tackling the negative campaigns and political pressure against it over a long period of time.

The image crisis of the judiciary in Bulgaria is related to the low public trust in the judiciary, resulting from the lack of efficiency in dealing with negative campaigns against and political pressure on the judiciary for a long period of time. Crises are defined in accordance with the directions given in the **Communication Strategy for the Judiciary 2014-2020**, adopted by the Supreme Judicial Council (Appendix 9 to the Strategy deals with crisis communication).

## 2. **Is there a crisis communication plan at your court?**

The Communication Strategy for the Judiciary 2014-2020 provides directions for actions in crisis situations as follows, which include the drafting of a crisis communication plan, establishment of a team to work in crisis situations (including determining the leader and the speaker for the team), establishment of an action plan and active communication with the media.

The Supreme Judicial Council has adopted a plan for crisis PR, which suggests particular actions regarding the communication between the Council and the media in a situation of a media crisis. The courts also have general plans and in times of a particular crisis, they would adopt specific measures.

## 3. **If you do have a plan for crisis communication, what is the content?**

The crisis communication plan generally includes the following main principles for action: (i) convening of the anticrisis team; (ii) defining the type of crisis and determining reaction strategy; (iii) presenting of all information on the measures taken and the results obtained; (iv) constant proactive contact with the media; (v) no information should be withheld from the media; (vi) the information should be presented to the media in plain (as opposed to legal) language, so it can be easily understood; (vii) if mistakes have been made, they should be admitted.

## 4. **Is there a declaration order in case of a crisis? If so, what is this order?**

The following actions are taken: (i) convening the team; (ii) the president of the court presents the facts and the initial information; (iii) involve people who have information and know how to use it; (iv) appoint an official speaker for the court; (v) initial assessment of the situation; (vi) establishment of an action plan, which includes steps to put the crisis



under control and analysis of the facts and the particular circumstances, including their impact on the public opinion.

**5. What are the primary surfaces for the communication in case of a crisis?**

In a crisis situation a press conference should not be convened in the first minutes. Initially a statement or declaration for the media should be discussed and once approved, it should be presented to the media by the person, appointed as a speaker for the court. The statement should be concise and plain, stating the known facts, the actions already undertaken and the court's position on the matter. If mistakes have been made, they have to be admitted without unnecessary excuses, but any incorrect information needs to be disproved.

**6. What are the main messages in case of a crisis?**

- Court recognizes the problem
- Court is ready for an open dialogue on the issue
- Court assumes responsibility for resolving the crisis
- Court has an action plan for resolving the crisis
- Court implemented specific actions to overcome the crisis
- Inform the public at any time for Court's action

**7. What basic principles need to be followed during crisis communication?**

- Professionally organized communication with the media. Information is provided only by an authorized person. It is not allowed leakage of diverse information.

- Right of access to information
- Act quickly!
- Devise not over-explanations!
- Share public!
- Open, active and equal attitude towards the media!
- Legal precision /soundness/ in an accessible language!
- Accuracy and completeness of information!
- Admit errors /mistakes/! Take responsibility!
- Respect the rights of the parties (if any)

**8. How are the publications documented and followed during a crisis?**

PR expert or media consultant, whose daily duties include review and analysis of media publications related to the work of the court is involved in anti-crisis headquarters.

Draw up a report /protocol, minutes/ for the activity of the anti-crisis headquarters.

Prepare interim analysis of the effect of actions undertaken and an analysis of the measures taken after mastering the crisis.

Applicable orders of the administrative head in copying with the functional crises.

**9. Is there any communication after the crisis and if yes, what is it like?**

Final press conference to present the full analysis of the facts and circumstances leading to the emergence of the crisis, measures and actions to overcome it, and conclusions (lessons) that the court does and any changes in work organization if necessary in order to avoid repetition of the crisis.

**10. How can a crisis be prevented? What crisis preventing strategies are used?**

A guiding principle of The Communication Strategy of the judiciary 2014-2020 years is to conduct proactive communication of the judiciary and its bodies.

An active communications policy requires the judiciary to take the communication initiative and become the main source of information on the priorities, progress and results of the reform.

Conducting relevant information campaigns and initiating interviews and publications in the media problematic topic, can help to eliminate the generation of crisis.

Even the most serious communication efforts can not replace the measures that the institution is required to take to deal with functional problems. Communicating with the media is an important part, but only part of coping with functional crisis. Media relations must go hand in hand with real practical measures for dealing with organizational problems.