

Third Annual European Conference on Courts and Communication

Budapest, 15-16 October 2015

Questionnaire

Image and sound recording at courts

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

The image and voice recording is regulated in the codes of procedure. The rules are more or less the same across the different procedures. Note-taking is allowed at public court sessions, other forms of gathering information require the prior consent of a judge. Below is the overview of the relevant legislation.

§ 42 of the Code of Civil Procedure (Transmission and recording of court session) states that:

(1) 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.

(2) In a closed court session, the court may decide that written notes only may be taken.

(3) The court may remove a person violating the provisions of subsection (1) or (2) of this section from the courtroom and impose a fine on him or her.

§ 77 of the Code of Administrative Court Procedure states that the broadcasting and recording of court sessions is subject to § 42 of the Code of Civil Procedure.

§ 13 of the Code of Criminal Procedure (Restrictions on recording of court sessions) states:

(1) As of the opening of a court session until the pronouncement of the decision, the persons present in the courtroom may take written notes.

(2) Other means for recording a court session may be used only with the permission of the court.

(3) If a court session is held in camera, the court may decide that only written notes may be taken.

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

There is no separate legislation that regulates the image and sound recording in court buildings and court events except for the ones stated in question 1.

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

The practice is uniform at different courts (county and administrative courts, circuit courts and the Supreme Court) in Estonia.

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

When the image and sound recording is permitted, the judge decides about how the recording is done. The court also decides where the recording is permitted (is it in front of the building, in the court room or on the corridor).

In cases (of public interests) the recording is not allowed at all, the information about restrictions is sent to the media. In practice we inform the press by e-mail.

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

There aren't any common problems relating to image and sound recording. Journalists understand when recording is allowed and when not and follow the ethics of journalism.

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)?*

The image and voice recording is regulated in the codes of procedure (question 1).

7. *In case 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)?*

The judge is responsible of things happening in the court room, which means he/she decides about how recording is done, what can be recorded and who can be recorded etc. Press-officers are there to help, when needed.

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

All judgements and times of the hearings are public and are stated at the courts' web-page. Courts' press-officers keep the press informed on cases which might be of the public interest. (In the Supreme Court we can see which cases in the first and second instance have had public interest)

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

Press usually doesn't make the material available to the subject before being published. In cases of written-media, press-officers may ask to see the articles to make sure the facts are correct. However, the journalists are not forced to share their work with anyone before it's published but may

do so if having/wanting to preserve good relations with the courts (judges and press-officers).

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 corrections?

The press-officers are obligated to inform the publishing house and editors about the incorrect information and journalists have to correct the mistakes.

Strengthening of court PR: new trends of communication

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

The courts organize different type of social programmes:

- we carry out tours for pupils and students and for other groups;
- we help to organize days for giving legal advice for free;
- we organize judicial contests for pupils and students;
- once a year, we organize a “judicial-week” where we bring focus on judicial system, on different judicial topics etc

2. What kind of CSR programmes are organized by court in the framework of corporate social responsibility?

In cooperation with the Court, Legal Service Office and Ministry of Justice, days for legal advice are organized.

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)?

No, the programmes aren't focused on a specific topic or a given field.

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

The “free-legal-advice” days are designed especially for the people with small income.

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

Yes, the “free-legal-advice” days are organized in cooperation with the Legal Advice Office.

The contests for student is organized in cooperation with different organizations – in 2014 it was organized with the Bar Association, in 2015 it is organized with the Chancellor of Justice.

The “judicial-week” is organized together with the Ministry of Justice.

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

- These programmes are communicated on different platforms. For example courts have their own web-page where information about different events and programmes is published.
- The courts also share a common Facebook page for more un-official information.
- When organizing programmes together with partner organizations, press-releases are sent out and interviews are agreed upon on TV and/or radio.

So to sum up – the courts use different kind of media to communicate the programmes.

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 general, the legal adviser to the chief justice is responsible for the international relations at the Supreme Court. Judges of the Supreme Court can take part in exchange programmes organised by ACA Europe (Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union) and the Network of the President of the Supreme Judicial Courts of the European Union. In addition, judges from other courts are hosted by the Supreme Court in the framework of exchange programmes organized by the above-mentioned organisations.

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

Yes, the judges of the Supreme Court participate in the exchange programmes in the framework of ACA Europe and the Network of the President of the Supreme Judicial Courts of the European Union.

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

The courts have their websites translated to different languages (English, Russian and French). There are also booklets and other print-materials translated into English.

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

The court-system has a common Facebook page where different contests, open days and other events are published.

Means and measures of crisis communication

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

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

Crisis communication strategy for Estonian courts is being developed.

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

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

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

An important thing is being proactive and preparing for crises as some of them might be preventable. It is also important to identify and train spokespersons.

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

Crisis communication strategy (with main messages) for Estonian courts is being developed.

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

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

The courts are using a monitoring platform where publications are documented and therefore easily followed.

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

Yes, there should be two different kind of communication after crisis. One that should be internal (chronological overview and summary of what happened, analyzes of things said and platforms used, feedback to the spokespersons and notes for the future.) The other type of communication should be external and depend on the crisis.

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

Crisis communication strategy for Estonian courts is being developed.