

Questionnaire

Images of Justice

European Conference on Courts and Communication
16-17 October 2014

Budapest, Hungary

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?

In the Bulgarian legislation the courts' obligation of informing the press and the public is regulated on both levels of primary and secondary legislation. There is no specific legal act which regulates the obligations of the courts but there are particular provisions in different legal acts which oblige the courts to provide information about all courts' activities, such as trials, courts' decisions, and courts' administrative and financial activities.

Rights to seek, receive and disseminate information

- Art. 41 (1) The Constitution of the Republic of Bulgaria (Promulgate in 1991);
- Art. 19 International Covenant on Civil and Political Rights (Promulgate in 1976);
- Art. 10 European Convention on Human Rights (Promulgate 1992).

Both International Legal Acts are directly applicable.

Rights and obligations when providing information to the National authorities

- Access to Public Information Act (Promulgate in 2000) according to the art.6 (1) from Decision of the Bulgarian Constitutional Court concerning Art. 41 from the Constitution of the Republic of Bulgaria;
- Law for the protection of the classified information (Promulgate in 2002) – “Classified information”;
- Law of protection of personal data (Promulgate in 2002) – “the processing of their personal data”;
- Law on protection of competition (Promulgate in 2008) – “Trade secret”.

Special rights limit the access to information among Judicial System

- Law of Judiciary (Promulgate in 2007);
- Civil Procedure Code (Promulgate in 2008);



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- *Criminal Procedure Code (Promulgate in 2005);*
- *Administrative Procedure Code (Promulgate in 2006);*
- *Statutory Instruments, Bylaws and Regulations.*

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?

The above-mentioned pieces of legislation do not stand-alone. There are particular provisions in different legal acts which regulate indirectly the relationship between the courts and the media.

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

There is no particular formal cooperation agreement on a primary or secondary legislation. In 2003 the Bulgarian Supreme Judicial Council adopts a Judicial Media strategy. On this base courts create their own Media Strategy. For example, in the District court of Varna there are rules which regulate the relationship and cooperation between the court and the press representatives. Those rules are created in collaboration with the media representatives and are updated annually.

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

See question 3.

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

Collaboration characteristics:

- *The rule of law;*
- *Legality;*
- *Access to public information;*
- *Equal Access to Justice;*
- *Fairness and impartiality of the media;*
- *Accuracy;*
- *Validity, reliability and accuracy of information;*
- *Transparency and accountability;*
- *Respect the rights of the parties to a lawsuit;*
- *Protection of personal data;*
- *Ethic, fairness and impartiality to the media representatives;*
- *Mutual respect;*
- *Dialogue with other judicial units, authorities press offices;*

Collaboration problems:

- *Legal limitations on information disclosure*



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/For example, in criminal cases that include the principle of publicity, the protection of privacy, the investigation secret, the pre-trial secret, etc./;

- *Lack of proper understanding on the legal matter and proceedings by some of the media representatives*

/For example, on the one hand, many Bulgarian journalists do not cover and publish court decisions accurately. On the other hand, some judges reject requests by the media representatives to explain the taken adjudication and in this way this contributes to this lack of understanding/;

- *Mutual distrust*

/Some of the local media are deeply dependent on their financial sponsors, which leads to certain trend of reflecting court's cases. For example, there are cases when the published information for judge-rapporteur is not accurate and is offensive on purpose. Owing to that, judges happen to be more careful and uncooperative when it comes to a particular lawsuit. They often turn down all requests of the journalists, regardless to the media they represent. In conclusion, all these circumstances lead to the impression that the court hides something.

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.)

In the Judicial Media Strategy there is a basic principal and that is the constitutional right of everyone to seek, receive and disseminate information, unless provided otherwise by the law.

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

The annual evaluation is made by NGOs, working in the field of Judicial System. For example, there is a specific programme called "Accesses to information" and has the annual practice to represent reports about the accesses to information for different Bulgarian institutions.

Only those courts which have signed make annual evaluations. The representatives of the courts are organizing a meeting with the representatives of the press and together they review the agreement, and on this base they preclude the outdated and inapplicable rules.

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?

There are sanctions for violations of the Code of Ethical Conduct of Bulgarian Medias but to only for those of the media representatives who have signed it.

It depends of the court what information should be disclosed about case of a public interest. In case there is a prohibition of disclosing information the court could not reveal it and there are only media negative comments.

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

Courts' statements are made on topics such as

- cases of public interest;
- courts projects



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- crises and questions of public interest.

The court statements are not regulated and there is no separate specification concerning the comments on court news published by the media.

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

There is no change in the legal conditions of cooperation between the court and the media.

II. Internal regulation of press and communication activities of the judicial organisations

1. Are press and communications activities of courts regulated in your country within the organisations? By what level of legal acts? Are they regulated centrally or separately at courts (e.g. by way of organisational and operational regulation)?

Provision from Law of Judicial:

- Under Article 358 from the Law of Judicial the activity of judicial system bodies for provisioning of information to the public and for ensuring relations with the mass media shall be assisted by press offices.

There is also Media Strategy of the Bulgarian Supreme Judicial Council which has been promulgated in 2003.

2. Are there any court spokespersons or judges who appear before press?

Yes, there are. In some courts /mainly in District and Appeal courts/ there are Public Relations experts, which are not judges. In others /mainly small Regionals courts/ the Chairperson of the relevant court takes this role. Among the Prosecution authorities there are spokespersons.

3. If yes, how are they selected and prepared? Is their training organised centrally or locally?

See question 2.

4. What are their main tasks? In what topics do they disclose information?

The main tasks of the courts Public Relation expert are:

- to create and sustain the media strategy/policy of the court;*
- to inform the press representatives about the schedule of hearings of public interest and the conclusion of the trial;*



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- to maintain the court's web page and Facebook-page, update the information, conduct discussions and information campaigns;
- to organise and manage press conferences and briefings;
- to organise the education of the judge about Media knowledge;
- to assist and consult the Chairperson of the court and the judges by their media presence;
- to conduct daily media monitoring;
- to communicate with Bulgarian and foreign journalists, NGO representatives, representatives of Bulgarian and foreign state authorities;
- to keep track of all media presence of the management of the court.

5. How are they organised/do they have an organisation?

No, they do not have an organisation. Two times per year the Commission of Public affairs of the Bulgarian Supreme Judicial Council holds a meeting at which all Public Relations experts participate. The purpose of these meetings is the creation of a Centralised unit which in the future shall coordinate the activities of the PR experts, the analysis of the mistakes and provision of information about all good practices in the system.

6. Do the courts have communication advisors? If yes, what are their main tasks?

In the Bulgarian courts there is no specific position of communication advisor. As it was mentioned above, the Public Relations Expert has the duties of a communication advisor. The court officer is an expert in the field of Public Relations. It is his/her duties to mediate the processes between the Judicial System and the public. Moreover, they are responsible to select what type of information shall be presented to the public and to assist in the relationship between the magistrates and journalists.

7. What is the work relationship of the spokespersons and judges like? What is the proceeding in regulation and in practice between court spokespersons and judges like, who either appear before the press or handle cases of public interest? Are cases of public interest handled with special attention during case allocation (e.g. special case number, statistics of these types of cases)? Is there a possibility to assign these cases to special „media sensitive“ judges?

7.1 What is the work relationship of spokespersons and judges like?

Daily work based on exchanging information about lawsuits of public interest. Duties are:

- to follow the main principles of the Media Strategy and the Law when proving an information;
- to provide appropriate information about the court which shall collaborate to the public image of the institution;
- to inform the Chairperson of the court about all significant news about the function of the Judicial System;
- to inform the press representatives about the cases of public interest, according to the Law;



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- to assist the Chairperson and the judges about their media present in case there is a lawsuit of public interests;
- to assist the communication process between the magistrates and the journalists , following the instruction given from the chairperson;
- to organize press conference according to the purposes of the Media policy and the instruction of the Chairperson;
- to keep track of the news in the media and in case there is need to write a rebuttal letter.

7.2 What is the proceeding in regulation and in practice between court spokespersons and judges like, who either appear before the press or handle cases of public interest?

- the PR experts have the right to require and gather information which should be made public;
- the PR experts take the responsibility for the information which has been made public. Moreover, to take the responsibility of the type of the information, the amount and the ways of dissemination of the information;
- the PR experts have the right to consult the chairperson of the court, the judges and the court officers by their media presence.

7.3 Are cases of public interest handled with special attention during case allocation (e.g. special case number, statistics of these types of cases)?

There is no special attention to the cases of public interest. In Bulgarian courts there is special computer software which randomly assigns which case should be taken by which judge.

7.4 Is there a possibility to assign these cases to special „media sensitive“ judges?

There is no possibility to assign these cases to special “media sensitive” judges.

8. At what judicial level are spokespersons employed? First instance court, court of appeal, regional or local level?

- In Bulgaria the judicial spokespersons are employed only in the Prosecutors authority.
- In the Bulgarian courts there are Public Relations experts few on the first instance, 12 on the District court level and 4 on the Appeal level.

9. What is the suggested proceeding and code of conduct for judges who appear in the press? Are trainings or centralised courses organised in this subject?

There is no specific proceeding for Media presence, but there is a Code of Ethical Conduct of Bulgarian Magistrates which the judges must follow. The relevant trainings and courses are organized by the National Institute of Justice, NGOs and the Public Relations expert.



10. Are there good practises, examples to follow?

Yes, there are. For example, the District court Varna which happens to have a good Media policy collaborating to the process of improving the public confidence and cooperation with the media representatives.

III. III. New trends in court communication (Facebook, Twitter, Youtube, etc.)

1. What new means or channels of communication does your court use? What advantages and disadvantages are you experiencing?

-Facebook - at this stage up-to-date with the newest trends in the contemporary society there are only 3 judicial units which have Facebook- pages - the Supreme Judicial Council, the District court Varna and District court Tyrgoviste;

- New interactive forms for communication with the external audience - Online platform for discussions on which the topics are planned in advanced;

- New model of communication with the internal audience - Platform for internal communication among the courts' units;

- Implementation of appropriate infrastructure - smart network technologies for communication among the institutions.

Advantages:

- Digitally, Interactivity, Cyber communication /blogs, chats, newsgroups/, Increasing the amount of information about the institutions' activity, Extending the accesses to the New Technologies, Transparency and Accountability in real time.

The main online communication channel among the Bulgarian courts is the webpage.

Advantages:

- the information is reachable free from the barriers of distance and time;*
- up-to-date information;*
- one-to-many communication;*
- user friendly.*

Disadvantages:

- limits by law of disclosure of information.*

2. Does your court have its own Facebook-page? If not, why? Do judges use/are they allowed to use social media? If yes, within what framework?



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In Bulgaria, judges are not restricted to have a personal Facebook-page. They could freely use all social media such as Facebook, Twitter, Google+, YouTube and etc..

3. Do you find it useful that courts open towards those citizens who can primarily be reached on Facebook/Twitter/blogs? If not, why?

Yes, having social media channel for communication is definitely useful because the information is shared easily and on many levels, established effective methods of cooperation and understanding with the media, improving the courts' image among the media.

The social media are useful for the communication process. It makes the work progress of the court reachable, especially towards young people, more transparent as well as easier to spread out public events, such as seminars, conferences, etc.

4. Can one leave comments on these surfaces? If yes, on what level? Are such suggestions taken into account?

The Access is limited to those who have been approved as "friends" in the Facebook friends list.

5. Do you see a possibility for official bodies to communicate with each other using these surfaces?

There is no problem official body to communicate with one another via these surfaces. As for now, it is necessary to have a strong access control.

6. Does the court have its own homepage? What kind of content is featured on it? If not, why not?

In Bulgaria all courts have their own homepages. In 2008 the Bulgarian Supreme Judicial Council has decided what kind of information every webpage should contain.

The webpage must provide Court Jurisdiction, Schedule of the Hearings, Court Judgments, the Organizational internal acts, Vacancies, Court history, Courts' social events and campaigns.

7. Are communication training courses or programs organised for judges, assistant judges and trainee judges?

If yes, how regularly and in what topics?

If not, why?

The communication training courses are organized annually by the Bulgarian National institute of Justice. The main topics are Public perceptions of Judicial System; The relationship between the judge and the media; How to act before camera; How to conduct an interview.

8. Are these training courses organised hand in hand with the media?

Yes, two of the lectors are well-known journalists with more than 7 years' experience working in the Bulgarian National Media.



9. Are there press-breakfasts, briefings and round-table sessions organised for the members of the press?

Yes, there is an annual press-breakfast. On this meeting there are Head representative of the media and journalists. In cooperation the rules which are out-dated are revised and the communication problems solved.

There are also briefings.

10. What kind of social programs are organised in order to bring the public/citizens closer to the court? (e.g. open days, exhibitions, conferences, etc.)

In 2002 The Bulgarian Supreme Judicial Council has decided to start an initiative "Open door day" among the Judicial System. Furthermore, there are different projects which main topics are "Improving the legal literacy among the young people", "Improving the courts' working processes".

