



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Public Confidence and the Image of Justice

*Communication with other
Branches of Power*

ENCJ Report 2019-2020



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Executive Summary and Recommendations

It is acknowledged and recognised that for the judiciary to establish the best methods of communication with legal professionals and other branches of state power represents a significant topic of special interest. The Judiciaries throughout Europe face similar challenges in this area.

In 2019-2020 the ENCJ Project Team “Public Confidence and the Image of Justice” focused on the communication with other branches of power. The project sought to identify best practices and to set out guidelines and recommendations for councils for the judiciary. These practices, guidelines and recommendations focus on promoting strategies that contribute to raise trust in the judiciary by improving all kinds of communication by and for the judiciary. This communication shall aim at maintaining good relations with citizens, legal professionals and others who cooperate with judicial institutions, and also other branches of state power. In meetings of the Project Team, the participants elaborated what judiciaries, in particular councils for the judiciary, should do to raise public confidence and better understanding through communication. It was concluded that minimum requirements, general guidelines and principles can be distilled, however, the national councils should develop the most appropriate methods for their legal, political and cultural background.

The ENCJ adopted the Bratislava Manifesto on 7 June 2019 in which it calls for a European dialogue between the state powers as a means to achieve effective protection against intervention by other branches of state, and also calls for a formalised consultation status within the European Union for national Judiciaries through the ENCJ and other relevant EU level judicial networks.

The Project Team came to the following conclusions:

1. Communication is a good way of enhancing public confidence in justice that assures the public that state powers have a good understanding of each other. All state powers should support each other in carrying out their functions, and refrain from interfering with others’ competences. Independence is an essential principle of justice, but it shouldn’t discourage or prevent the judiciary from being open for dialogue.
2. The continuous dialogue between the branches of power can be maintained by structured and transparent communication channels. Councils for the judiciary should promote this dialogue and take the initiative in developing structured communication channels. Clear internal communication within the judiciary is a prerequisite of effective external communication.
3. Individual members of the judiciary might communicate with stakeholders of the other branches of power through various non-formal channels. This not only raises ethical issue but can also cause confusion. On the other hand, there are advantages as well: these non-formal channels can prepare and support structured dialogue. Councils for the judiciary should set up a strategy for communication with other branches of powers and encourage judges and prosecutors to communicate in accordance with it.

Based on these findings, this report makes a series of recommendations related to continuous dialogue, formal communication and communication by individual actors.

Chapter 1 – Introduction

A transparent and accountable judiciary of high integrity is one of the prerequisites for the proper functioning of the rule of law together with the right to a fair, timely, and efficient trial by an independent and impartial court established by law. Trust in the judiciary is an important part in guaranteeing this independence. The judiciary needs to be trusted by citizens as well as other state powers, legal professionals and influential actors. Communication is an important aspect for promoting trust and confidence in the judiciary. The principal aim of the Project was, therefore, to focus on the importance of communication by and for the judiciary as a base for public trust.

A dialogue with other state powers on a whole series of issues can in general be beneficial. The focus of our recommendations is communication with the other state powers as a mechanism for improving public trust in the judiciary. Councils for the judiciary influence significant state actors who in turn influence public understanding. If through this dialogue the judiciary can establish trust with other state powers, they will pass that confidence onto the citizens.

1.1. Adaptation to the ENCJ Strategic Plan

The ENCJ set up the following aims in its *Strategic Plan 2018-2021*¹

1. Within the framework of protecting the Rule of Law, to provide support for the independence, accountability and quality of judiciaries in Europe and to promote understanding of and respect for judicial independence
2. To promote access to justice in a digital age (measured in terms of efficiency, cost and timeliness) for the benefit of all citizens in the EU
3. To strengthen mutual trust among the judiciaries of Europe

In the first stage of the project, the ENCJ report 2017-2018² set out recommendations on establishing a communication strategy. Effective communication by the judicial system creates the opportunity to explain its role and activity, developing trust and the understanding that it is impartial and fair. A communication strategy for the judiciary must not only be merely informative but must be educational and answer to the needs of the public. Other topics addressed in the report are recommendations on surveys of public trust, the use of media and social media by the judiciaries, training in communication skills, having a judiciary branding approach, and communication with the general public.

During the second stage, the ENCJ report 2018-2019³ elaborated on how social media may be used by individual judges and public prosecutors and how the judiciaries could and should make use of social media to raise trust, to promote and defend the rule of law and the independence of the judiciary. Social media can assist in establishing and maintaining links with other branches of power,

¹ [ENCJ strategic plan 2018-2021](#),

² [Public confidence and the image of justice, ENCJ report 2017-2018](#),

³ [Public Confidence and the Image of Justice. Individual and Institutional use of Social Media within the Judiciary, ENCJ report 2018-2019](#)

institutions or individuals. The institutional use of social media by courts and judicial bodies was also discussed.

1.2. Objectives and expected results of the Project

The main objective of the project “Public confidence and the image of justice” is to identify best practices and to set out guidelines and recommendations. The purpose is to promote strategies that contribute to raise trust in the judiciary by improving all forms of communication by and for the judiciary. Additionally, to maintain and improve good relations with citizens, legal professionals (or others who cooperate with judicial institutions) and other branches of state power.

The expected immediate effect of the project is to support European dialogue between state powers, to improve knowledge on which actions should be undertaken to increase public confidence, and to improve the image of the judiciaries using the tools proposed in the project.

The projected long-term results are an improved public trust in public institutions, generally, and in the Judiciary, especially, and an enhanced image of the Judiciary.

1.3. Boundaries of the Project

The Project does not provide detailed analysis of the existing national systems on the topic, but it will take into consideration the national experiences of each of the participants. The national systems of judicial administration differ in each country. Even in those member states where a councils for the judiciary exists, these councils exercise various roles and competences.

The Project does not assess national judicial systems as to whether they comply with the guidelines and recommendations. An evaluation report on the implementation can only be done in the future.

Another topic was planned to be discussed in the Project Team: “using a clear language”. As this is a vast subject, the Project planned to focus on the communication to the public in a clear and understandable way about the role of the judges and the judiciary in the context of the rule of law. This topic, however, was not discussed due to the cancellation of the last group meeting.

1.4. Methods

The project team planned three meetings but was able to organize two of them. On the first meeting the participants of the Project discussed the topic “communication with other branches of power” in general and reviewed a previous draft based on our brainstorming in March 2019. Before the second meeting the project coordinators drafted a pre-text on the guideline that was discussed at the second meeting. The Project also involved an academic as external expert at the second meeting. The participants provided input on the final text via emails and since the third meeting was cancelled, a short videoconference for the members was organized.

The participants were asked to *share their experiences and national practices* on the topic in advance which was discussed in subgroups.

1.5. Results

The main outcome of the Project is the *general guidelines to councils for the judiciary* that we recommend adopting at the next General Assembly. First, there was a discussion about the question “Is it necessary to communicate with the other branches of power?” The answer was unanimously affirmative. Secondly, a distinction was made between formal and non-formal communication. Formal communication is structured, planned, and the actors have an official mandate to represent a body. Non-formal communication is non-structured, ‘ad hoc’, and the actors have no official role or mandate.

The Project Team also reviewed the *existing international documents* that were available on this topic. Because state power interrelation is a diversified subject, we focused on recommendations and guidelines that deal specifically with communication.

The Project Team also made a *detailed recommendation to councils for the judiciary* as to how they could take a leading role in the development of communication channels, the risks involved, the possibilities in terms of non-formal communication and how to deal with influential actors.

15 Members and Observers shared their *national experiences*. They are summarized in Chapter 5 of the Final Report.

Chapter 2 – General guidelines

ENCJ can adopt recommendations addressed to its members, but certain issues are addressed on a broader level: to all national and European stakeholders of justice. Communication with the other branches of powers is such an issue, therefore, that the Project Team recommends the ENCJ to adopt general guidelines promoting continuous dialogue and encouraging all state powers and EU institutions to act accordingly.

Why is it necessary to communicate with the other branches of power? Because the best way of enhancing public confidence in justice is constant and transparent communication that assures the public that the other powers have a good understanding of and respect for the judiciary.

All state powers have a common interest: all serve the public. The separation of powers is necessary for maintaining the rule of law and the independence of the judiciary which is a basic pillar of the democratic society. This is expressed in several international documents, and decisions of the European Court of Human Rights and the Court of Justice of the European Union. These principles serve the interests of the citizens and society and so it is the responsibility of both the judiciary and the other state powers to ensure they are protected and upheld. Judicial independence should not discourage or prevent the judiciary from being open to continuous dialogue and the basic principle of the separation of powers does not require that the branches of power work in total isolation. In democratic states there should be a proper understanding of the respective roles and responsibilities of each of the branches of the state and of the need for them to work together. This ‘interrelationship’ is based on mutual trust.

There is a lack of knowledge between the legislature and the judiciary: the politicians might not understand what judges are doing and how the judiciary works, and vice versa. Informing stakeholders is an important step to inform the general public and influence public opinion. *councils for the judiciary* have a crucial role promoting communication and they should encourage other branches of power to similarly promote communication. This is an effective way **to inform the public about what the judiciary does**. It is crucial that people understand the importance of judicial independence, and the rule of law. Through communication, the judiciary can explain what it does, how it does it and why it is doing it. At present, some of the national approaches don’t seem to be effective enough therefore it is recommended to continue developing new communication channels that are also promoted on a European level.

For this reason, it is recommended that all three branches of power work on **finding ways to cooperate and identify the best opportunities and methods of communication** with each other. All branches should strive for transparency unless it is in conflict with national security or in the interests of objective standards of confidentiality and always in accordance with constitutional principles. All three branches of power must respect each other, and act in harmony to uphold the rule of law.

Chapter 3 – Related International Sources

The **Recommendation CM/Rec(2010)12 of the Committee of Ministers** to Member States as follows:

[12] Without prejudice to their independence, judges and *the judiciary should maintain constructive working relations with institutions and public authorities* involved in the management and administration of the courts, as well as professionals whose tasks are related to the work of judges in order to facilitate an effective and efficient administration of justice

[18] If commenting on judges' decisions, *the executive and legislative powers should avoid criticism that would undermine the independence of or public confidence* in the judiciary. They should also avoid actions which may call into question their willingness to abide by judges' decisions, other than stating their intention to appeal.

[19] Judicial proceedings and matters concerning the administration of justice are of public interest. *The right to information about judicial matters* should, however, be exercised having regard to the limits imposed by judicial independence. The establishment of courts' spokespersons or press and communication services under the responsibility of the courts or under councils for the judiciary or other independent authorities is encouraged. Judges should exercise restraint in their relations with the media.⁴

The **Bureau of the Consultative Council of European Judges (CCJE)** in the 2017 Report on judicial independence and impartiality in the Council of Europe Member States, inter alia, states the following:

[42] Thus, there is a clear line between, on the one hand, *freedom of expression and legitimate criticism* which might even have positive effects, and, on the other hand, disrespect and undue pressure on judges. In some member States, politicians have made comments that showed little understanding of the role of independent judges and prosecutors. The ENCJ has concluded that many judges in the European Union member states do not feel that their independence is respected. Unbalanced comments are troublesome because they affect the public perception of judges and can affect the public trust in them. In some cases, such comments have apparently played a role in encouraging violent attacks against judges. Such behaviour is an attack on the legitimacy of another state power and thus affects the separation of powers necessary in a democratic state. The executive and legislative powers are under a duty to provide all necessary and adequate protection where the functions of the courts are endangered by attacks or intimidations.⁵

The Project Team found an interesting practice in Australia and New Zealand. In 2014, the **Council of Chief Justices of Australia and New Zealand** issued Guidelines for Communications and

⁴ [Public Confidence and the Image of Justice Individual and Institutional use of Social Media within the Judiciary](#),

⁵ Bureau Of The Consultative Council Of European Judges (CCJE). [Report on judicial independence and impartiality in the Council of Europe member States in 2017](#). Prepared by the Bureau of the CCJE following the proposal of the Secretary General of the Council of Europe,

Relationships between the Judicial Branch of Government and the Legislative and Executive Branches. The document makes the following recommendations:

[3] Such interactions require *effective and mutually respectful communications* in order to ensure that the courts are adequately resourced to discharge their functions efficiently and that they do so and to ensure that their institutional and decisional independence and their distinctive function as the third branch of government are maintained.

[17] It is appropriate that there be an *understanding between the heads of jurisdiction and the relevant Attorney-General* that if the Attorney-General becomes aware that a member of the executive government intends to voice a criticism of a court or of a particular decision or judge, the head of jurisdiction should, if practicable, be notified in advance.

[19] It is generally undesirable for a head of jurisdiction to become involved in public exchanges with the members of the executive government or members of parliament in relation to criticism of the court or individual judges. Where a public response is necessary the *preferable course is a formal statement by the head of jurisdiction on behalf of the court.*⁶

These three examples were discussed during the project. In addition, the following international examples for the project group were also mentioned:

- The Council Of Europe plan of action on strengthening judicial independence and impartiality⁷, CM(2016)36 final, states in its Action Plan that The Council of Europe will support all the efforts of its member States aimed at achieving the following results:
 - o C. Safeguarding and strengthening the judiciary in its relations with the executive and legislature by taking action to iv) ensure that members of the executive and legislature respect the authority of the judiciary and abstain from improper, non-objective or solely politically-motivated public criticism of individual judges and their judgements as well as of the judiciary in general;
 - o F. Building public trust in the judiciary and broader recognition of the value of its independence and impartiality, for example by ensuring transparency in the workings of the judiciary and in its relations with the executive and legislature, and by the judiciary or courts adopting a proactive approach towards the media and to the dissemination of general information, which must be respectful of the rights of the defence and of the dignity of victims.
- The international framework for court excellence⁸ mentions public trust and confidence as one of the seven areas of court excellence.

⁶ [Guidelines for Communications and Relationships between the Judicial Branch of Government and the Legislative and Executive Branches](#) Adopted by the Council of Chief Justices of Australia and New Zealand on 23 April 2014,

⁷ Council of Europe plan of action on strengthening judicial independence and impartiality, [CM\(2016\)36 final](#),

⁸ [International framework for court excellence](#),

Chapter 4 – Recommendation for councils for the judiciary

It is proposed that:

The ENCJ recommends:

4.1. Continuous dialogue

- [1] A continuous dialogue between the branches of power achieved by *developing communication channels developed with the representatives of all the other branches*. Simply relying on a 'gentlemen's agreement' is not recommended as it is unreliable.
- [2] All parties should be *adequately prepared with timely and objective information*. The fundamental aim of communication is to understand the other branches of powers and to ensure they understand the judiciary as a means of instilling confidence more widely.
- [3] There should *be regular meetings with a clear and agreed agenda*. None of the parties shall go beyond the agenda, but representatives from all branches of power may contribute agenda items.
- [4] All state powers should support each other carrying out their functions, and all should restrain from interfering with the competence of others. Since state powers shall cooperate on an equal basis the communication should be *based on mutual respect*, and each party shall give only constructive criticism.
- [5] Parties need to *accept some limitations*. For example, it would be inappropriate to seek an explanation in relation to any specific case or judicial decision. An explanation of the legal background of an issue may be acceptable. Members of the judiciary need to be cautious not to enter into the political arena during the discussions. All participants must be vigilant to maintain their role.

The ENCJ recommends:

4.2. Formal communication

- [6] The creation and use of *formal communication channels*. There should be a structure or a protocol for ongoing and regular dialogue between the communicators, to establish agreed procedures.
- [7] That all councils formulate *a strategy in advance* as to the use of all forms and channels of communication.
- [8] The strategy defines *who can be identified as actor*. If actors other than councils for the judiciary are involved for the judiciary their mandate must be made clear to them. They might be chosen depending on the circumstances and the topics to be discussed. Councils should take the initiative to lead the cooperation between participants from the judiciary.

- [9] to the benefits of agreeing and defining *a unified message*. Good internal communication is a precondition to that. A strategy should also clearly identify the subjects which are inappropriate to have on the agenda. Consideration should be given to permit the judiciary, in a pro-active manner, to comment on issues which may impact on the public perception of current issues.
- [10] *Public transparency* is always desirable where no confidentiality issue exists, it is important to give regular feedback about the discussions with other branches of power, at least the existence of the meeting, the agenda and the conclusions. There could be periodical reports on social concerns and thematical issues to show progresses to the society.

The ENCJ recommends:

4.3. Individual actors

- [11] Councils for the judiciary should pay attention to *communications by individual members of the judiciary*, since judges and prosecutors speak with stakeholders through various, non-formal channels. This carries risks since it can have an impact on the relations between the state powers, raises ethical issues and can lead to confusion. However, there are advantages: non-formal channels can prepare and support a future structured dialogue.
- [12] *Individual judges* should be given guidelines and ethical rules for communication with representatives of other branches of power. Judges should be aware that they are accountable for whatever they say even if they communicate in a non-formal way. Members of the judiciary have a responsibility to promote a positive image of justice at all times. Balance is needed between freedom of expression and ethical rules.
- [13] Regular consultation with representatives of judicial associations who can have a key role, since they can give room for the opinion of individual members of the judiciary. If councils for the judiciary have regular consultation with representatives of judicial associations and prosecutors and can formulate a united message with these organizations, it may increase the effectiveness of the communication.
- [14] The provision of training course for judges and prosecutors on communication with other branches of power. The ongoing judicial training could use case studies and scenarios on the importance and potential consequences of judges communicating with other stakeholders, it can also include the risks associated with non-formal communication but also the positive benefits as individual judges can increase public trust through communication. The aim is to enhance trust not to inhibit discussions.

Chapter 5 – National Practices

In **Belgium**, there is formal consultation between the High Council and the Minister or the parliament: the council can, on its own initiative, advise the Minister or parliament on legal issues regarding the judiciary and its functioning, and the Minister or parliament can, in turn, request advice from the Council. There are also formal contacts between the council and the Minister's staff and administration in order to manage the procedures for appointing magistrates. Occasionally the Minister is invited to the Council's General Assembly, at which both parties can explain their policy. The Board of the High Council invited the members of the Justice Commission of Parliament to explain in detail the role of the High Council and ongoing projects. Finally, it is stipulated by law that the council must always communicate the results of e.g. special inquiries to the Minister and Parliament. In addition to these formal contacts, there are also informal contacts whose purpose is to exchange opinions.

There is continuous formal communication and cooperation between the general prosecutors and the Minister of Justice. The board of general prosecutors:

- advises the minister of Justice upon priorities and guidelines of criminal policy.
- submits an evaluation of the law and makes recommendations for improvement.

When the minister of Justice is questioned in Parliament about pending cases or the functioning of the Judiciary, the General Prosecutors' office prepares the answers.

Many preparatory discussions and an exchange of views take place in an informal manner.

There is also consultation between the board of general prosecutors and the board of courts and tribunals on legislative proposals and joint issues in order to ensure that everything runs smoothly.

In Bulgaria the Council published communication strategy on rules how to communicate with the public. Since 2013 there are regular "civil council" meeting once every couple of months to discuss issues that are important for the NGO's. There is also a partnership council for professional judges, prosecutors and officials of the investigation authority to discuss important topics. There is constant formal communication, since the Minister of Justice chairs the Council meetings without the right to vote. In some cases, the Ministry has to ask the opinion of the Council (can be binding or non-binding). There is a web streaming on each council session, which it is not always too efficient. If unity is needed, members need to have some room to manoeuvre, and live streaming narrows this possibility.

In Finland the communication and relationship with other branches of power has traditionally been informal. Stakeholders mainly used emails and phone calls for communication, and there were no formal rules about the representations. Having said that, courts (district courts, courts of appeal, administrative courts, special courts), though their heads, have jointly agreed, who shall be the spokesperson when communicating with other state powers or professionals on certain issues. The National Courts Administration (NCA) of Finland was established on 1 January 2020. One of the tasks of the NCA, explicitly stated in the law on Courts, is to support the courts in their communication activities.

In **France**, a continuous dialogue exists with the executive power, based on the Constitution⁹. The Council has regular meetings with the services of the Ministry of Justice in order to promote a constructive dialogue and make the appointment process more transparent for the Judiciary as a whole. The prime president and the general prosecutor of the Court of cassation, both presidents of the Council, meet regularly with the

⁹ The third last paragraph of article 65 of the French Constitution provides: "With the exception of disciplinary matters, the Minister of Justice may participate in meetings of the formations of the High Council for the Judiciary."

Minister of Justice in order to discuss the major issues. Meeting with all the Council can be held when there is a need.

In the same way, the presidents of the Council have a meeting with the President of the Republic once a year, on the occasion of the submission of the activity report. According to the subjects on the agenda, other encounter can be organised.

The discussion of the annual finance bill is the occasion of a meeting between the legislative power and the Council. In the organization of its work - discussion of laws or commissions - Parliament shall regularly called upon the Judiciary to participate in the preparatory work.

The Council assists the President of the Republic in his role as guarantor of the independence of the Judiciary (Article 64 of the Constitution). The plenary session shall respond to requests for opinions formulated by the President of the Republic. The plenary shall also give its opinion on questions relating to the ethics of magistrates and on any question relating to the functioning of justice referred to it by the Minister of Justice (8th paragraph of Article 65 of the Constitution). This instance is seldom seized and the text does not provide that it can issue an opinion on its own initiative. The High Council for the Judiciary considers that it is within its competence to drive the attention of the others powers or of public opinion in case of a subject of major interest for the independence of the Judiciary. These statements are published on the Council's website and on social networks.

In **Greece** a committee, comprising members of the Council of State, draws up an annual report on the activities of the Council. Proposals for substantive, organizational or procedural changes in legislation are included in the report, based on the Court's case-law. The report is submitted to the Plenum for approval and is then communicated to the Prime Minister and the Minister of Justice. Bills concerning the organization of Justice are usually sent to the Council of State, which, in Plenum, gives its opinion. Judges and prosecutors who are seconded from the Courts to the Presidency of the Republic and the Ministry of Justice work closely with the President and the Minister respectively and offer advice on relevant issues.

In **Hungary** the Minister of Justice, the General Prosecutor, the President of the National Judicial Office, the President of the Bar Association and the President of the Chamber of Public Notaries are invited to each session of the Council with a right to consultate. Also the president of the largest association of judges is present on the sessions. The Hungarian Association of Judges (MABIE) has an 'agreement on strategy' with the Ministry of Justice that also includes frequent meetings, consultation on legislation. This agreement is publicly known, and the president of the association reports the Board on the issues discussed on these meetings. The non-formal communication is delicate matter in a politically tense situation where there are opposing interests. In some cases, it is useful to overcome this situation with the help of a mediator where representatives of other legal professionals can be very helpful. Influential actors are very rare in the Hungarian Judiciary, judges are traditionally introverted.

In **Italy** there are different high Councils for the Judiciary. Two of them are represented as members of ENCJ: CSM for the Ordinary judiciary and CPGA for the Administrative judiciary. In CSM, there are 8 lay members in the Council chosen by the Parliament among full professors of law and lawyers admitted to the bar since at least 15 years. The President of the Republic chairs the High Council. The CSM is called to express an opinion on government bills that affect the judiciary and the administration of justice; it can also make proposals for the modification of judicial districts and on all matters concerning the organization of services related to justice. The Council can also submit to the Parliament, through the Minister of justice, an annual report on the state of justice, reporting problems and making proposals. CPGA, counts 4 lay members appointed by the two Chambers of Parliament. They are chosen from distinguished law professors and senior lawyers and usually they are not directly related to any political party. Lack of political links is a guaranty of independence, but it can be a disadvantage in respect to informal communication with the government or

with opposition parties. While the independence of lay members may potentially strengthen the institutional connection with the Parliament, there are not structural channels (such as periodical meetings) to develop the exchange of information and experience.

In **Latvia** the communication with the other branches happens in the council itself, because politicians are also present in the council meetings with the right to vote. The legislation has an obligation to ask the opinion of the Council and the Parliament invites the Council to meetings and sends the draft law before the second reading. There are informal networks (social media, WhatsApp group) and most lawyers graduated in the same university, so non-formal communication are very strong in Latvia. There are guidelines to handle this. There is also a possibility for crisis communication: council cooperate in this on an expert level, but the institutions make decisions.

In **Lithuania** the non-formal communication is very important in the practise. The Council usually contacts the President's advisor to clarify something or to get or give information before decision making has started. The previous President of Lithuania invited the Council, discussed the common goals and strategies, and there were regular meetings on certain topics, where all actors were involved.

In the **Netherlands** there are regular meetings with the Parliament, Committees of Parliament, the Minister of Justice (three times a year) and other government organisations. These stakeholders also work together in specific projects. Before the formal meeting usually there are preparatory meetings too. The Parliament can invite the Council or even judges as experts. A couple of times a year the Council answers questions to the 'Kamer' and the 'Senaat' and the Council also invites members of Parliament to visit courts. In the beginning it was a non-formal movement: for certain topics (workload, independence etc.) the judiciary were seeking contact with members of the Parliament, because otherwise they couldn't get any attention. Now such meetings of members of the Councils for the judiciary/judiciary are coordinated by communication teams. On individual cases the spokesperson can explain the case supported by the communication team. The council is not there to defend the judges, but to explain. In 2018 the 'Trias conference' was organized together by the Supreme Court, the Council of State and the Council for the Judiciary. All members of the States General, the government, senior civil servants from all departments, members of the judiciary and a few academics and journalists were invited. The participants discussed the tensions between the branches of state.

In **Norway** there are formal meetings twice a year with the Minister of Justice, and once with the Legal Affairs Committee of the Parliament. When there is a new Committee, after a general election, they are invited to a seminar to learn more about the judiciary, status and challenges.

Non-formal communication also exists with the president, some members of Parliament and the Minister of Justice. In Norway there is a good confidence in state powers and branches are quite respectful with each other.

Concerning the Judges Council of the Judiciary for **Northern Ireland**:

The Lord Chief Justice (LCJ) has contact with the Executives and Legislature in Northern Ireland (NI) and the United Kingdom (UK).

The LCJ has meetings with the Lord Chancellor on matters such as judicial terms, conditions and remuneration. He also has meetings with the Secretary of State for NI and the Shadow Secretary of State for NI, the most recent topic being legacy. On occasion, the LCJ will agree to meet with an elected representative to discuss matters of interest. The OLCJ (Office of the Lord Chief Justice of Northern Ireland) will also have regular contact with elected representatives to discuss matters of interest. The OLCJ will have regular contact

with elected representatives generally in the form of correspondence although no comment will be made on individual cases.

The LCJ will attend the Justice Committee from time to time but is not required to do so. He has spoken to them about judicial appointments, devolution and budgets but makes it clear that he cannot discuss individual cases. In the absence of an Assembly he invited representatives of the political parties to meet some Heads of Division and Presiding Judges. There were two such meetings in 2018 and 2019. This provided the LCJ with an opportunity to set out what initiatives the judiciary were taken forward in the absence of legislation.

The LCJ and the judiciary have regular engagement with the Justice Minister and the Department of Justice. The LCJ is a member of the Criminal Justice Board which is chaired by the Minister. There are judicial representatives on the NICTS Board and its Finance and Audit and Risk Committees. They are not members of the Board but attend to provide a judicial perspective. The LCJ also has regular meetings with the Permanent Secretary and other senior officials in the Department.

In the absence of an Assembly, the LCJ established a shadow Civil Justice Council (sCJC), and shadow Family Justice board (sFJB), as an interim step until such time as these can be made statutory, and appointed a High Court Judge as Chair of each. These bodies involve representatives from the judiciary across all tiers and business areas, together with the legal profession, government departments and other key organisations involved with civil and family justice to prioritise and co-ordinate plans to implement recommendations of the Civil and Family Justice reports. They are supported by Advisory Groups which include representatives from the private and voluntary sectors, together with academics and Litigant in Person Group established by the DOJ.

In Romania if the reputation of a judge or the judiciary has been attacked by false information, the Council should defend the judiciary. There is a certain body responsible for the media that can give statements, publishes press release etc. The Romanian Superior Council of Magistracy has published 3 guidelines in the field of communication for the Judiciary (please find them in the Annexes, translated in EN), namely: a Guideline on the relationship of the judicial system with media, a Guideline on the relationship of the judicial system with the other legal professions especially lawyers and a Guideline on the activity of judges and prosecutors in social media/online platforms. Moreover, of the Judiciary with media and a Guideline about communication between the judiciary and other powers has already been drafted and is about to be discussed for approval with the representatives of the other branches of power. The aim of these guideline is to increase public trust.

In **Scotland** the Judiciary is consulted, along with many other interested parties, in relation to proposed legislation. Taking no active part in the law-making process (policy), the contribution from the judiciary is restricted and might include discussion on the application of law. The distinction is not always clearly understood by the legislature, sometimes expecting the judiciary to become involved in policy matters. To become so involved would be to blur the lines between the two branches of power. It is necessary to have a clear structure and clear lines on interrelations. The Council is an internal advisory body and comprised only of judges. There are regular invitees, including a standing invitation to a member of the England and Wales judiciary.

In **Slovenia** the Judicial Council (JC) due to law provides the State Assembly (SA) with an opinion of the draft budget and an opinion on the laws governing the status, rights and duties of judges and judicial personnel; once a year reports to the SA (the annual report must contain the data's of JC's activities in the previous year and review of the state in the judiciary with prediction for the next year); defines its view on the efficiency and the successfulness of all courts; gives the opinions to the annual report of the Supreme court (SC) on the efficiency and the successfulness of all courts; gives the opinions to the SA and the Ministry of

Justice (MJ) about the legislation that regulates courts and judicial office; provides the opinions of the Minister of Justice before appointments the presidents of courts other than the President of the SC; the JC can invite the Minister of Justice to its sessions when: decides on judicial or judicial administrative matters, opinions on principle related to the state and conditions in judiciary, discusses the draft budget; the MJ can demand from the JC to stipulate opinions to inform public, to provide answers on questions of the SA, State Council, Court of Auditors, Constitutional Court, Ombudsman, or for implementing its powers specified by law. The JC also exercises some practices that could lead to improving trust in Judiciary too, but they are not directly written down in the laws, as: “semiformal” or “non-formal” meetings of the President or/and the members of the JC with the Minister of Justice, the President of the SC and presidents of other courts on various actual topics (judiciary legislation, judiciary reforms, methods how to maintain judicial administration etc.), where stakeholders have the opportunity to express critical or commendatory statements and standpoints, to discuss issues related to Justice and of common interest - to achieve the good relationship, to clear or resolve moot questions or points of controversy, exchanging various opinions in written form, etc.

Some examples:

- On September 2019 was on the initiative of the President of the SC the round table in the SA titled „The foundations of the law state“- with the participation of (besides the mentioned president), the Minister of Justice, the President of the Constitutional Court, the President of the SA, the Vice president of the JC, the Vice president of the SC, the State secretary of the MJ and some others stakeholders - also from the faculties of law, about various issues concerning the relations between the branches of power. Among other the stakeholders pointed out the following topics: the separation of powers, the enforcement of the decisions of the Constitutional Court and the human rights in the system of the separation of powers. The event was broadcasted on TV.
- On January 2020 JC organized meeting with the MJ, the President of the SC and the presidents of the courts of the second degree on two main topics: the work of the Personal councils on promotion and evaluation of judges and on the question of assignations of judges to the posts and duties which do not constitute the judging but are also very important to help and support the better functioning of the Judiciary.
- A judge had been invited by the President of the Committee of Justice of the SA to a discussion about pending criminal cases. The judge accepted the invitation and attended the session, but he wasn't commenting the procedure of the pending cases, just drew the attention to the principles of independency and the principle of transparency of the judicial procedures. The Commission of the Judicial Ethics and Integrity of the JC passed an opinion and declared the participation of this judge not interfering with the Code of Judicial Ethics. The event was broadcasted on TV, too.

In Spain there is a possibility for judges to participate an internship in the government. The Council has the capacity to propose to other branches of power actions necessary to improve the administration of justice. It is possible to propose measures and initiatives to contribute the better functioning of the Spanish judicial bodies either by presenting the annual report to the Cortes Generales or directly addressing the Ministry of Justice or the Autonomous Communities with jurisdiction over justice. In addition, the Council participates in the forums in which the most relevant decisions that affect the administration of justice are made.

In the **United Kingdom** the Judicial Office and a communication team together with a University College took an online course “The modern judiciary” to answer the questions: who they are, what do they do and why does it matter to cooperate. The council has social media channels notwithstanding social media is only for people who have enough time for it. Council is a member of networks that support the way the judiciary do their job.