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# **CITIZENS NEEDS FOR INFORMATION ON THE JUDICIAL REFORM**

*Conclusions and Suggestions*

Chisinau, 2015

# Study

## “Citizens Needs for Information on the Judicial Reform”

### Conclusions and Suggestions for Strengthening Communication on the Judicial Reforms

#### CONCLUSIONS

##### Level of Information about the Judicial Reforms

- Ordinary media consumers generally associate justice with only the Ministry of Justice and the courts. Apparently, the line authorities have failed to deliver to citizens, in a comprehensive and accessible way, the message that the *Judicial Reform Strategy for 2011-2016 (JRS)* focuses on the entire judicial sector, which is broader and includes a wide range of institutions and professions;
- Most media consumers are aware about that there is a judicial reform going on in Moldova; the main source of information about this is the media;
- A big share of the media consumers surveyed said they interacted with the justice sector, particularly the police;
- According to the media consumers, the reforms of the judiciary “are apparently carried out but unseen”; some said they are not interested in this subject, while some others stated that the reforms are simulated;
- Most of the interviewees representing the judiciary, experts from the civil society, and communicators reasserted the need for expanding the reforms in the judiciary; they are aware of the main elements of the reforms and the extent to which these are fulfilled;
- Almost all the persons surveyed are skeptical about the fulfilment of the objectives set in JRS and do not believe that JRS would meet its goals and will have the expected outcomes, maybe just partly in some narrow areas;
- Communication by the media to the judiciary has had some positive trends; however, these are not systemic but rather erratic. In addition, some media representatives say that MoJ, the main coordinator of the judicial reforms, is has a less intense communication on this topic, regardless of some success scored earlier.

##### Level of Confidence and Satisfaction with the judiciary:

- Most of the people interviewed/questioned said the judiciary is not independent or is partly independent; this opinion is shared even by the representatives of the judicial sector;
- The lack of independence seems to be caused by its vulnerability to the politics, as well as by the lack of integrity of some individuals who deliver made-to-order justice in a selective way, while the rule of law is still an intangible desideratum;
- Apparently the representatives of the judiciary have not realized yet the major role they play in the architecture of powers in a rule of law, and the judicial self-administration bodies fail to deliver this message both inside and outside the system;
- In some cases, the system itself prefers to stay dependent and it is only some people within it that are perceived as independent;



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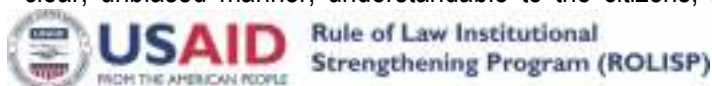
- Confidence in the judiciary is totally low; only in a small number of answers there was some dose of confidence, but those related to specific individuals rather than the system as a whole;
- Some respondents, particularly representatives of the judiciary, expressed a higher confidence in the justice system, highlighting the need for sound knowledge about human rights within trials;
- Some of the respondents are highly confident in judges, prosecutors and mediators. At the same time, prosecutors and judges are among the judiciary staff whom some respondents do not trust; the least trusted are bailiffs and criminal investigators;
- Expectations related to the judicial reforms are divided: some respondents have no more expectations, while some others hope the reform would produce long-term effects in maximum five years;
- The optimistic share of respondents still expect some comprehensive and tangible reforms to happen. A major expectation related to the judicial reforms is for the judiciary actors to work honestly in observance of the law, to become more responsible, and for the effects of justice to be seen;
- The authorities within the judiciary are encouraged to undertake a number of actions internally and externally. However, the biggest challenge for the authorities is to eliminate from the system all the persons having serious integrity problems;
- In addition, the authorities are encouraged to increase the transparency of their activity and the communication with the media, by using various means;
- Civil society should further demonstrate intransigency towards any deviations from the standards of fair justice, to constantly monitor and increase pressure on the judicial authorities;
- In its interaction with the judicial authorities, the media should be more pushing and to monitor constantly the resounding cases, from opening to closing.

#### Issues with Information and Communication about the Judicial reform:

- The general public pays attention rather to individual cases than to information relating to systemic issues;
- Along with the media, social networks have become one of the important sources of information for the public;
- Generally, the media delivers the information about the judiciary in a clear and understandable way;
- According to most of the respondents, the media fails to provide sufficient information about the judicial reform and the information provided does not contribute to developing the understanding about the reforms and educating citizens.

#### Subjects to be covered by the media in order to ensure higher awareness/understanding of the judicial reforms; actions to be conducted by the judicial institutions in order to establish/improve communication with citizens about the reforms and the best information methods or means:

- The public is primarily interested in information about the exercise of individual rights, information about the conclusion of the cases initiated by the courts, as well as general subjects about the judiciary;
- According to the experts and the communicators, the public is interested in and should know information related to the legal culture, individual-level justice, results of the reforms in the areas of judiciary, Prosecutor's office, as well as general subjects about the judiciary;
- The information about the reforms of the judiciary should be presented by the media in simple, clear, unbiased manner, understandable to the citizens, and journalists should not use



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scandal elements;

- In the opinion of the media consumers, the institutions of the judiciary should have an active role in debating issues related to the judiciary and should hire spokespersons; the main means of communication could be the courts' websites, with permanently updated information, weekly/monthly press conferences; participations in TV programs/talk-shows, newsletters;
- According to most of the experts, communication with citizens could be improved through efficient exercise of job duties by the professionals in the judiciary and the will for reform by the judicial institutions, followed by specific actions to implement such reform;
- Apart from the media, which is one of the easiest ways to inform citizens about the reforms in the judiciary, some other communication tools could be used, such as social networks, monthly publications, leaflets, roundtables, conferences, interviews, stories, press releases, etc.

### RECOMMENDATIONS:

#### Recommendations for the judicial institutions

1. Maximal openness by the judicial institutions towards the media, undertaking an active role in debating the problems in the judiciary and constantly providing to the media subjects to be covered;
2. Adopt a strategy for communication about the reform of the judiciary;
3. Employ spokespersons within the judicial institutions and provide continuous training to them;
4. The websites of the judicial institutions should be interactive, provide relevant statistics, and allow finding the necessary and useful information for the press. The institutions should pay special attention to the dynamics of posting information on the websites and within the courthouses (information boards, social advertising displayed on a screen within the courts). Sharing information and promoting the activity of courts by means of social media should also be considered.
5. Ensure qualitative training, based on practical exercises, of the persons responsible for communication within the judicial institutions;
6. Participate in programs and provide opinions and interviews when these are requested; provide necessary methodical support to the representatives of the judiciary for this purpose;
7. Conduct periodical formal and informal meetings with the press, including by organizing press clubs with the representatives of the judiciary, in which problems would be discussed and solutions would be identified, contributing to a better communication;
8. Ensure accurate coverage of the events taking place within the judiciary, through briefings or discussion clubs, in which certain processes and issues would be explained, or through publication of as much information as possible about the latter;
9. Prepare press kits for the media to help it better understand the complicated concepts and specifics of some proceedings;
10. Organize weekly (or fortnightly) briefings at the Ministry of Justice – the institution responsible for the reform – in which journalists could learn about the events taking place in this area and could address questions to the responsible people.



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### Recommendations for the media

1. With a view to ensuring qualitative information of the citizens about the judiciary, it is advisable to specialize journalists and create a network of journalists specialized in covering subjects related to the reform of the judiciary;
2. Mass-media should provide more good quality information about the reform of the judiciary;
3. Since media consumers pay more attention to individual cases, the systemic problems in the judiciary should be treated through the prism of individual examples;
4. The media should focus on subjects of high interest to the public, as a “minimal information offer” (information about the exercise of individual rights, regarding the conclusion of the cases initiated by the law enforcement bodies and general subjects about the judiciary), which should be covered in a simple, clear, and fair way, understandable for the citizens and without any scandal elements;
5. In order to increase civic enlightenment of citizens, it would be good for the journalists to cover the following topics related to the reform of the judiciary:
  - i) Legal culture (legal enlightening programs; access to justice; information about the operation of the judiciary, in general; quality of the justice delivered; random case assignment; transparency of the trials);
  - ii) Individual justice (objective coverage of notorious cases; conclusion of cases initiated by the law enforcement bodies);
  - iii) The results of the judicial reforms (successful reform actions and initiatives; impact of reform on ordinary citizens; costs for the national economy and lack of investments as a result of corruption in the judiciary);
  - iv) The judiciary (optimization of the map of judiciary; funding of the judiciary, including the expenses aimed at increasing the salaries and the number of court staff, the amount of investments in the courts and the benefits for the society; the appointment, evaluation and promotion of judges; initial and continuous training for judges; liability of judges; role of judges in a rule of law);
  - v) Reform of the Prosecutor’s Office (goal of the prosecutor’s office; benefits of the society as a result of the Reform of the Prosecutor’s Office; appointment, evaluation and promotion of prosecutors; liability of prosecutors; initial and continuous training for prosecutors);
  - v) Overall issues about the judiciary (criminality; juvenile justice; ECHR; alternatives to custodial punishment and implementation thereof – mediation, probation; mediation and advantages thereof).
6. Conduct joint press clubs with the representatives of the judiciary to discuss the issues and identify solutions that could contribute to better communication.

The integral version of the study in Romanian language may be accessed on API's website at the following URL:

[http://www.api.md/upload/Studiu\\_necesitati\\_informare\\_reforma\\_justitiei\\_14.12.2015\\_SUPERFINAL.pdf](http://www.api.md/upload/Studiu_necesitati_informare_reforma_justitiei_14.12.2015_SUPERFINAL.pdf)



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