

## CONCLUSIONS AND RECOMMENDATIONS

### **Organising the activities of court communications teams**

The composition of court communications teams looks different in Ukrainian courts. The majority of them include a chairman of the court, a press secretary, a chief of staff, and judges/speakers. Most local courts (65.3%) did not have a communications strategy in 2020, but like most courts of appeal (75%), the Supreme Anti-Corruption Court does. The Supreme Court is guided by internal documents that form the communications strategy.

Only 26.2% of courts have a press secretary(ies) position as an independent role. In 73.4% of courts, the duties of the press secretary(ies) are assigned to another person (most often the deputy head(s) of the court staff).

The Supreme Court has a department of communications as an independent structural unit with the function of a press service. This department employs 25 people. In the Supreme Anti-Corruption Court, the press service is an independent structural unit. The press service is made up of three people (plus a vacancy) - the department head and two chief specialists. Among the courts of appeal, 5 out of 28 courts have a press service as an independent structural unit (that has been operating for over a year). The press services of the appellate courts consist of different numbers of people - from two to five. In local courts, only 8 of the 199 courts have a press service as an independent structural unit (operating for over a year). The local courts' press services consist of different numbers of people - from two to five.

To establish internal communication, courts do the following: meetings of court employees, working meetings - 62.9%; coordination of actions in case of consideration of a high-profile case - 60.7%; training with court employees - 59.4%.

The results of this study show the difference in organisational capacity between courts at different levels.

### Recommendations

- 1) Create a separate position of court press secretary(ies), particularly to avoid assigning these responsibilities to other staff member(s). This is most relevant for local courts.
- 2) Create separate press services for Courts of Appeal, and, if necessary, for courts of first instance.
- 3) Local courts should be more active in raising the issue of introducing the separate position of court press officer(s) and, if necessary, separate court press services.
- 4) Develop a quality system of internal communication within the courts, in particular to determine the composition of the communications team of the court and the system of information exchange with other representatives (s) of the court.
- 5) Develop a communications strategy covering the current working year.
- 6) Provide adequate funding for material and technical support to the communications activities of the courts, and fair payment to employees of the courts, not only judges.

### **The court premises**

The majority of respondents noted the absence of a separate room. Two thirds of the courts stated that they do not have a separate room for media representatives, and a third have another room if it is necessary. In 2020, only 3% of all surveyed courts indicated that they have a separate room exclusively for the work of media representatives. This figure is much lower than it was in 2019 (13%).

Most of the information published about the court premises is focused on the parties to the process. Almost half of the courts surveyed indicated the availability of advertisements and information for media representatives (48%). Not all courts have contact information for representatives of the courts' communications teams published on their information stands. Most often information about the press secretary(ies) of the court (their name, contacts, application procedure, office number(s), etc.) is available - 41% of the surveyed courts. In 2020, courts also provided additional information on their strategy regarding the COVID-19 pandemic.

72% of the surveyed courts indicated that the court security service was aware of the functions of the press secretary(ies) / press service and knew how to find them. In 24% of the courts surveyed, security guards are unaware of the press service and its functions.

Representatives of 69% of the courts surveyed stated that employees in their courts wear badges with their last name, first name and patronymic.

### **Recommendations**

1. Provide a separate room in the courthouses specifically for the media. If this is not possible, allow the use of other rooms on the court premises (free courtroom, etc.) for the same purposes and make the media aware of this.
2. Ensure the safety and maintenance of public order in all courts with the Judicial Protection Service. Keep the staff of the Judicial Protection Service informed of the composition and functions of the press service / communications team of the court, and how to find them. Provide all courts with adequate means of protection.

### **Court website**

The official web portal of the judiciary of Ukraine, "*Judiciary of Ukraine*", remains the main platform for information about the work of the courts. When updating it, 28.4% of courts are guided by internal court documents, 18.8% of courts - by regulatory documents of the judiciary (most often - by order of the State Judicial Administration of Ukraine of February 17, 2014 №30 "On organisational support of the web portal - *Judiciary of Ukraine*") and other resources.

In most courts (69% of respondents) one employee is responsible for updating the official court website. In every fifth court (20.5% of respondents), two employees are responsible for updating the official court website. In 8.3% of the courts surveyed, three employees are responsible for updating the official court website, and in 0.9% of the surveyed courts, the responsibility is shared by four employees. The court's official website liaison officer is most often responsible for updating the official website (42.8%). Content posted on

the website may require up to six approvals. Most often it requires 3 approvals (28.8% of courts). As in previous years, the material is often agreed upon by the head(s) of the court staff and the chairman of the court.

In 2020, 199 local courts that participated in the study posted a total of 24,654 news items on the *Judiciary of Ukraine* web portal. Thus, on average, each local court publishes 124 news items a year. A total of 28 appellate courts that participated in the study in 2020 posted 4,322 news items on the web portal "*Judiciary Of Ukraine*", i.e. on average one appellate court publishes 154 news items a year. In 2020, the Supreme Anti-Corruption Court published 469 news items on the *Judiciary of Ukraine* web portal. In 2020, the Supreme Court published 1,067 news items on the *Judiciary of Ukraine* web portal. The existence of a separate press secretary(ies) position and separate press service significantly affects the amount of news published on court websites. It should be noted that additional research on the content and quality of informative messages is needed.

It should also be noted that the problem with systematisation of the contact information on the individual pages of courts on the web portal "*Judiciary of Ukraine*" remains relevant. Currently, different contact details for the same position (for example, "judge-speaker"), of different courts, may be located in different structural units of the site (for example, in the "About the court", "Press centre", or "Other" sections). This makes it difficult for site visitors to find the information they need.

During the study, respondents had a number of recommendations regarding the usability of the administrative page of the court's website and entering information on it, namely: respondents want to be able to edit more sections and subsections of the court page; the majority of respondents want to improve the order of multimedia material placement (photos, videos, illustrations), as well as be able to edit the site not only from their workplace, but also remotely; most respondents would like an update of the site's design; most respondents suggest changes that will help visitors interact better with the site.

#### Recommendations

1. Develop an algorithm for matching information on the web portal "*Judiciary of Ukraine*" to correspond with content on the site;
2. Ensure prompt publication of information on court web portals.
3. Optimise the courts' web pages on the portal "*Judiciary of Ukraine*" for search engines, in particular, adding tags in the heading of the site's main page, which is not targeted or not optimised for search engines.
4. Courts should publish approved legal acts relating to interactions with the public and the media on their official websites.
5. Ensure automatic counting of publications posted on court websites, in particular in the News section, also accounting for the number of views, which will simplify the reporting process for those responsible for updating the web pages and improve the process of preparing content - planning, working with target audiences.
6. Ensure the standardisation of placement of contact details for the court communications teams' representatives. Positive examples also include photos of court communications teams' representatives, descriptions of responsibilities and questions that may be addressed to them. A good practice is to place landline numbers with city codes, mobile

phones and e-mail addresses which are used specifically for this type of communication.

7. Take into account complaints and suggestions of the courts regarding establishing text and visual editors for court websites on the portal "*Judiciary of Ukraine*", adapting sites for people with disabilities, access from non-workplace locations, and others.

### **Courts' social media presence**

In total, 72% of the surveyed courts are present on social media, with all of them registered on Facebook, and 17% also on other social media sites. Only the Supreme Court is present on all popular social media sites.

Compared to 2019, the overall percentage of surveyed courts that are present on social media, in particular on Facebook, has not changed, but the figures for other social networks have increased. Having Instagram and Telegram pages is becoming more popular among the courts.

The main reasons for courts not having pages on social media are the belief that a page on the *Judiciary of Ukraine* portal is sufficient for covering information about the court (65% of courts that are not on social networks), as well as lack of time to update and administer the page, owing to the lack of a separate press secretary(ies) position (57%).

All courts that shared their experience and impressions of running a page on social media for a court and that explained its effect on the communications work of the court, gave positive feedback; only one - negative.

Among the courts present on social media, in 80% of cases, administration of the court's social media is not directed by regulations.

The courts' Facebook pages and pages on other social networks (if any) are most often the responsibility of the press secretary / specialist (media specialist) of the court - 68% of the surveyed courts that have pages on social networks. In 14% of cases, several people are responsible for the administration. 83% of courts have an approval process that involves approval from more than one person (apart from the person responsible for publishing materials on social networks). In addition, the material may be approved by 2–4 officials, in particular the chairman of the court, the judge-speaker(s), and the head of the court staff. For 52% of courts, the algorithm for matching content (data, visuals, etc.) published on a page on Facebook and/or other social networks is entirely satisfactory.

Respondents of 43% of the courts present on social networks indicated the need for strategy assistance / additional training on Facebook and/or other social networks.

The study analyzed in more detail the courts' communications activity on Facebook, one of the most popular of the courts' social media presences.

Registrations on Facebook peaked in 2017, but to this day the number of court Facebook pages continues to grow. In 2020, 4% of courts newly registered on Facebook.

91% of courts have an official Facebook page, but there are still courts that communicate on this network using a personal profile page (7%).

Almost half of the courts present on Facebook reported incorrect data in the information posted on the court's page (in the description of the page), overestimating the figures.

In most cases, Facebook users are able to send private messages to the court's Facebook page (88%). This indicates a high level of direct communication.

The highest activity on Facebook in terms of the number of publications in one month in 2020 was found on the page of the Supreme Court. The average number of publications per page where available and counted is 14 news items per month (including the Supreme Court).

### Recommendations

1. Continue the beneficial practice of using social media sites as platforms for communication between courts and the community.
2. To improve communications work on social media, in particular, communicating on Facebook, the use of accounts (functioning as an individual user, but instead has the court's name) should be ceased, and instead opt for the creation and maintenance of a page for the court.
3. Increase the activity of the court on Facebook in terms of quantity and quality. In particular, increase the overall number of publications as well as those that are created and/or adapted specifically for the particular social media site.
4. Provide additional training on social media for employees of communications teams.

### **Courts' technical capacity for broadcasting court proceedings**

In 2020, five years had passed since the introduction of the mechanism for broadcasting court proceedings using the courts' own technical capacity.

Among the advantages of using the technical capacity of courts for broadcasts seen this year has been increased opportunity for ensuring transparency of court proceedings and protecting the health of court employees, litigants, and court visitors, in the difficult circumstances created by the COVID-19 pandemic.

The YouTube channel "*Judiciary of Ukraine*" was created on July 2, 2015. Currently the channel has 5,008 subscribers, and 1,520,020 views. Since the inception of the channel, 4347 videos have been published on it. In 2020, court broadcasts were actively used. In 2020, the YouTube channel "*Judiciary of Ukraine*" published 1,116 hearing videos (Appendix 3), which is 26% of the total number of videos published in the last five years. In 2015, the channel published 35 court hearings; in 2016 - 185 court hearings; in 2017 - 344 court hearings; in 2019 - 588 court hearings. A total of 163 court cases were broadcast in 2020.

According to information from the State Enterprise "Judicial Information Systems", in 2020, 117 courts, which is 17.3% of all courts in Ukraine<sup>3</sup>, broadcast court hearings on the

"*Judiciary of Ukraine*" YouTube channel.

According to the current survey, 69 courts (30%) that participated in the survey<sup>4</sup> broadcast court hearings on the YouTube channel *Judiciary of Ukraine*. Taking into account previous similar studies, the number of active courts that participated in the survey and use this mechanism is constantly growing. In 2018, 17% of courts surveyed broadcast meetings using the technical capacity of the court, and in 2019 - 20%.

Surveyed courts in which court broadcasts were conducted indicated that 80% of the initiators of the process were parties to the proceedings, and 39% - the court itself.

As the main reason why a court did not broadcast court proceedings on the official portal "*Judiciary of Ukraine*" using the technical capacity of the court, the respondent(s) usually stated that litigants and other parties did not go to court (in particular, judges in the process) - 84% of surveyed courts that did not broadcast.

Regarding the awareness of the parties to the process, the media, NGOs and others, it should be noted that in the same survey only 15% of courts reported information being available about broadcasting open court hearings with the technical capacity of courts in Ukraine on information stands on court premises. At the same time, owing to quarantine restrictions in 2020, employees of 39% of the surveyed courts informed parties to the proceedings of the possibility of initiating the broadcast of the court hearing with the technical capacity of the court.

The interviewed representative(s) of the courts expressed a request for methodological and educational assistance regarding the organisation and broadcasting of court hearings with the technical capacity of the court.

### Recommendations

1. In order to secure the right to open hearings, accessibility of courts, continue the positive practice of broadcasting court hearings of socially important, high-profile cases on the Internet (the YouTube channel "*Judiciary of Ukraine*") using the technical capacity of the court, importantly, at the initiative of the court itself.
2. Disseminate information on court information platforms (court premises, website, social networks) about the ability to broadcast court proceedings using the technical capacity of the court, during direct contacts and through the media. It should be noted that media representatives are also one of the target audiences for this information, as they are able to initiate court broadcasts with the technical capacity of the court.
3. Provide training for court staff on the organisation and conduct of court broadcasts with the technical capacity of the court.

### **Events and activities organised by the court**

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<sup>4</sup> This figure refers to the courts that started operating after the reform of the judicial system in 2017-2018. Some courts carried out court broadcasts before liquidation, such as: Vinnytsia Administrative Court of Appeal, Luhansk Regional Court of Appeal, Volyn Regional Court of Appeal. However, after the establishment of the Seventh Administrative Court of Appeal in their place, the Luhansk Court of Appeal and the Volyn Court of Appeal have not yet broadcast court hearings using the technical capacity of the courts.

Despite the limitations associated with COVID-19, in 2020 the courts managed to organise a variety of events and activities. The most frequently conducted were: interviews, comments - 82 courts (35.8% of the surveyed courts); open days - 79 courts (34.5% of the surveyed courts); and field trips - 75 courts (32.8% of surveyed courts). At the same time, 61 courts (26.6%) out of 229 respondents indicated that in 2020 they did not go through with any of their planned activities. In most cases, this was explained by quarantine restrictions.

The most frequently court-organised events and activities in 2020 were aimed at **school students** - 100 courts (43.75%); second - participants of litigation and court visitors (97) - 97 courts (42.4%), and the third is shared between **students** and the media - 86 courts (37.6%).

It should be noted that, compared to 2019, the percentage of courts surveyed that carried out certain activities decreased in 2020:

- press conferences: from 8.8% in 2019 to 4.4% in 2020;
- briefings: from 11.5% in 2019 to 3.9% in 2020;
- meetings with the media (press breakfasts, press coffees, excursions for journalists, etc.): from 14.7% in 2019 to 7.4% in 2020;
- round tables: from 31.3% in 2019 to 21.8% in 2020;
- open days for young people: from 75.1% in 2019 to 31.9% in 2020;
- educational lectures and/or meetings with representatives of the courts: from 58.5% in 2019 to 29.3% in 2020;
- organisation of internships for students: from 92% in 2019 to 73.3% in 2020;

The only indicator that has improved somewhat is the interviewing of court staff for the media. Compared to the previous year's figures, 29.5% of the surveyed courts indicated that they had interviewed court employees for the media in 2019, while in 2020 this figure rose slightly to 33.2%.

Most courts do not keep separate accounting of appeals and inquiries from the media, but the percentage of courts that say they received the latter is growing slightly - 54.6% in 2020.

16.2% of the surveyed courts do not monitor media reporting on the court. 52.8% perform this monitoring constantly, and 31% - periodically.

Only 8 courts (3.5% of respondents) were able to provide links to publicly-posted results of their own communications and educational activities.

### Recommendations

1. Maintain and develop cooperation with regional, national and international media, in particular through press events and online means.
2. Maintain and develop cooperation with regional, national and international NGOs.
3. Under quarantine restrictions, hold press events and educational activities online.
4. Expand the range of target audiences for educational activities.
5. Constantly monitor court mentions in the media.
6. Keep accounting of appeals and inquiries from the media.

### **Court communication during the COVID-19 pandemic**

In 2020, the judiciary of Ukraine, like the rest of the world, faced new challenges in the pandemic caused by the spread of coronavirus (COVID-19). Branches of the judiciary took turns responding to the situation and advising the courts on improving organisation of the courts, their online interaction with citizens, and restricting the presence of people in courts, including restricting access to court hearings by non-participants to proceedings.

An analysis of reports by the "Media Openness of the Courts of Ukraine" research team about the websites of a number of courts in the period after the publication of the judiciary's recommendations shows that most courts took them into account, establishing specialised processes at their individual court level. In some cases, restrictions on access to court hearings for people who are not participants in the proceedings are enforced in the form of a

recommendation, in some of them an order, particularly where it is possible for the court management to independently consider the admission of citizens who require it.

Further legislative changes and materials published by courts regarding public access to courts have concerned the human rights community, as these actions could limit the opportunities not only for journalists to cover trials, but also for judicial observers / monitors to verify compliance with the right to a fair trial, as they were not able to attend meetings and monitor their progress.

The courts have taken a number of steps to ensure access to litigation and publicity of court processes. As already mentioned, court broadcasts with the courts' technical capacity and/or online hearings were also employed.

92% of respondents said that there were changes in the court's communications activities in connection with the COVID-19 pandemic and quarantine restrictions in Ukraine. During the quarantine period in the courts, the most common measures, according to the respondents, were: publication of announcements of restrictive measures - 96% on the court website and in the court premises - 95%. 92% mentioned the establishment of a specialised strategy for the court, and 87% said that parties should note the possibility to request consideration of cases without their participation. 83% commented on the regulation of the court's work under the conditions of COVID-19 by a separate document (regulations, orders, etc.), informing the parties on the possibility of considering the case in video format - 81%.

50% of respondents reported changes in media and community communication channels in the wake of the COVID-19 pandemic. Respondents reported either a full transition to the format of online communications or a significant increase in online communications activities. Others focused on reduction of offline activities, restrictions on court visits, and more.

Respondents reported a number of challenges they faced in the new working environment, including working online and keeping social distance. Respondents also noted that future activities should be taken into account, such as the introduction of clear and unified contingency plans for all courts, coordinated communication between courts, particularly at the oblast level, speeding up the implementation of "electronic court", and more.

Respondents to the Council of Judges of Ukraine and the High Council of Justice praised the timeliness, the value of the recommendations, as well as the assistance to the courts in connection with COVID-19 from the judiciary and municipalities.

The surveyed courts stated that they need multi-vector assistance, including: 50% of respondents indicated the need for logistical assistance to ensure proper performance of official duties during COVID-19 or similar challenges; another 17% - with the ability to work remotely; and 8% - with measures to overcome burnout and additional training.

### Recommendations

1. Develop recommendations agreed upon by the judiciary for court action in emergency situations, taking into account the experience of courts in the conditions caused by the COVID-19 pandemic.



2. Provide adequate logistical, methodological support to the courts, training and support for working in the conditions caused by the COVID-19 pandemic and overcoming the negative consequences.
3. Utilise court broadcasts with the technical capacity of courts, actively develop online communications activity to ensure the transparency of court proceedings, informing about the work of the court.

### **Increasing the competence levels of court communications teams**

2020 saw an increase in competency of court communications teams under the conditions of COVID-19. On the one hand, this affected learning formats, and on the other hand, there arose a need for new knowledge and skills. In addition to self-education, the main way to improve the professional qualities of members of the courts' communications teams is for them to participate in various educational activities. These events are organized by the judiciary and municipality bodies, as well as NGOs and international networks.

Representatives of the courts noted that it is very important to conduct joint educational activities on communications for the entire communications team of the court, as well as for other employees of the court and judges.

The preferred form of educational activities is short online activities, and the distance course is the most inconvenient form. Offline events are rated almost equally.

The interviewed court representatives repeatedly mentioned the need for material and technical assistance for the communications activities of the courts.

### **Recommendations**

1. Pay attention to coverage of local courts with educational programs.
2. Ensuring the exchange of communications best practices between courts, in particular between representatives of court communications teams.
3. To continue the study of the court press services' functioning with the involvement of organizations and institutions independent of the judiciary and municipality.