Switzerland

Social media and the judiciary, notably:
1. How best to respond to unfair comments about judges made on social media;
2. Use of social media by judges and courts: opportunity or danger?

1. What is the best way to respond to unfair comments about judges made on social media?

First, there is to decide if there should be given an answer at all. The answer to this first question depends on the concrete situation. There is to consider that any response is a sort of “attention giving” to them who put the unfair comments. When it is clear that it should be given an answer, there is no reason not to respond through social media if the comment came through it. So it is guaranteed that the answer is as quick and in the same way as the unfair comment.

The judges in charge shouldn’t be responsible for the response. The response should be given through press office if ever possible.

Example: In Zurich the court had to intervene once in the past: A journal has put an online comment on a press article in the name of the President of the appeal court. The president himself did not know anything about it. The comment was deleted immediately after the intervention of the press office.

2. Are there rules in your country defining how to respond to unfair comments about judges made on social media?

No.

3. Do the courts of your country use social media as a means of communication? If so, which ones are used?

The appeal court of Zurich has a Twitter account, but there is no activity on it. It is a reserved account which allows to react quickly if it is necessary. The account has not been used yet. The appeal court also has a profile on Google platform to put reviews on it.
4. Are judges in your country allowed to use social media in their lives?

There are no written rules but guidelines, not only for judges but also for all employee in court. The guidelines refer to individual responsibility, confidence official secret and adequate behaviour. Neglecting the rules can have consequences: responsibility under criminal law, disciplinary measures or according to civil law. Judges and all employee are expected to behave appropriate in private. This includes avoiding everything which could be tangent to their independence. Whenever one could see a connection to court/profession the behaviour cannot be taken as private any more.

5. Have there ever been cases in your country where judges were criticized by the press or had disciplinary problems because of the content of their posts on social media?

In 2013, a prosecutor in the county of Zurich had published several letters to the editor on subjects which touched his job in general or certain themes he has to handle with. The comments were published in his private name without any mentioning of profession or prosecution. The authorities taxed this behaviour as admissible as long the comments/informations were public (no official secret), private without any references to the job. Nevertheless there was some discussion on the behaviour of this prosecutor and correct behaviour in general.