Questionnaire 2019 of the 1st study commission

1. In Finland the judges have discussed in various occasions on social media and ways to respond to comments of social media. In general, the judges have been reluctant to participate in discussions in media and mostly they are not active in social media. Therefore, examples of cases are not possible to give. According to my opinion it would be better if the judges themselves did not respond in social media, but it would be done by other means. Perhaps via media briefings, which are given by the court or by responses of “media spokespersons” on behalf of the court.

2. There are no rules concerning social media and the participation of judges to discussions in social media. These questions have been discussed actively in the courses of professional conduct for judges and it is evident that this kind of questions are more relevant to judges than before.

3. In Finland the courts are not active in using social media. The supreme court and supreme administrative court have their own Twitter accounts, which are used for short summaries of court cases.

4. There are no strict rules concerning the use of social media. In principle the judges are allowed to participate in discussions in social media, but the participation has not been very regular. According to the judges’ ethical principles, the decision of the court is the most important statement of the judge in their capacity as a member of the judiciary. When taking part in social or academic debate, the judge must consider their judicial obligations, such as the confidentiality of the meetings in which the judgements are decided (15th article). In Finland it is usually thought that the judges should not be active in participating discussions outside the court, especially when it concerns non-formal forums, such as social media. If the judge is involved, he/she should not comment on issues he/she has been involved as a judge.

5. There have been cases, where the judges have been criticized in discussions of social media. Since the judges are not usually actively commenting on such discussions or posting content on social media, there is no examples of disciplinary problems in this context.

Antti Tapanila
Doctor of law, president of the Finnish Association of Judges