GUIDELINES ON THE USE OF SOCIAL MEDIA WITHIN THE SCOPE OF THE DECLARATION OF ETHICS FOR TURKISH JUDICIARY

COUNCİL OF JUDGES AND PROSECUTORS

Safeguard of an Independent, Impartial and Fair Judiciary

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Modern digital age has brought with it the social media and other networks as the new communication platforms. This has created a new situation in terms of professional ethics also for the judiciary. As a result, the need arose for developing more detailed ethics guide on the use of social media particularly by the judges and prosecutors along with the specific ethical principles for the judiciary at both national and international levels.

Freedom of expression of the judges and prosecutors is guaranteed at both national and international levels. Judges and prosecutors enjoy their right to freedom of expression within the professional boundaries and framework of the Declaration of the Ethics for Turkish Judiciary. While using social networks lies in the spheres of the rights to private life and freedom of expression, it requires being prudent and well informed of the terms and conditions of use and working. It may apply to the professional discussion forums which are used exclusively by the judges and prosecutors for exchanging the views and professional experiences on the judicial matters.

Although the judges and prosecutors do not actively use the social media and network sites, they should act more meticulously against the risk of their decisions, statements and behaviours being distortedly disseminated in the digital world.

Declaration of Ethics for Turkish Judiciary which entered into force on the day of its publication on the Official Gazette No. 30714 of 14.03.2019, defines the binding ethical values and principles to be a guide for building and maintaining the public confidence in an independent and impartial judiciary. Having been developed in the Guideline *on the use of social media for the judges and prosecutors*, the ethical codes of conduct are intended to preserve the balance between the freedom of expression and the principles of the independence and impartiality of the judges and prosecutors.

The Guideline has been worked out to help remove any uncertainty that the judges and prosecutors might feel while using social media and networks and to lead them, in accordance with the principle of the Declaration of the Ethics for Turkish Judiciary stating that "(they) act in accordance with the ethical principles of the profession while sharing their comments or explaining their opinions in print, audio-visual, or social media within the framework of their freedom of expression."

1) THE MATTERS TO CONSIDER IN VIRTUAL IDENDITY CONSTRUCTION ON THE SOCIAL MEDIA AND NETWORKS

Judges and prosecutors;

1.1 preserve their professional honour by taking care in choosing the social media platforms to join. This consideration involves the content of the relevant platform.

1.2 may create social media accounts on the network sites for communication or the professional, academic or other similar purposes as well as staying abreast of the news.

1.3 may use their real names in creating social media identities. And they are aware that the use of pseudonyms on social media could not remove their obligation to conduct in line with codes of ethics.

1.4 refrain from creating fake accounts sharing on social media as a person pretending to have a public esteem.

1.5 may enter the position titles and the institution they work for, into their social media profiles

1.6 carefully choose their profile pictures in a way not to make debatable the appearance of independence and impartiality and the professional honour and public confidence in the judiciary in general.

1.7 do not use their e-mail addresses assigned on their official duties, in creating a social media identity.

1.8 unsubscribe in the case that the social media platforms and networking sites that turn into a sort of media likely to make debatable their appearance of impartiality and independence, professional esteem, and the confidence in the judiciary in general debatable.

1.9 ensure that their professional identities are not referred to by the immediate family members in their personal accounts in the social media and networks.

2) THE VIRTUAL FRIENDSHIP, INTERACTION AND RELATIONSHIP ON THE SOCIAL MEDIA AND NETWORKS

Judges and prosecutors;

2.1 act in selective, prudent and attentive manner while sending or accepting a friendship or follow request on social media.

2.2 refrain from giving the impression that they may be influenced in their decisions and actions by their colleagues, the lawyers, legal experts or the persons whom they are in contact with in their private lives, while establishing friendship on the social media and networks with them.

2.3 do not establish any friendship and interact with the people including the litigants, lawyers, experts, witnesses, mediators and reconcilers who might be involved in the dispute that they hear.

2.4 unfollow, ending the friendships and interactions, in the case of any perception, doubt or hesitation likely to damage their independence and impartiality.

2.5 do not establish any contacts with political figures who may make disputable their judicial impartiality and independence, and damage the public confidence in the judiciary in general.

2.6 do not join or follow the groups having a content full of hate speech and the violent, discriminatory, socially polarising and racial discourses and not establish friendship with the people having this kind of sharing.

3) THE ETHICAL CONDUCT MODEL AND CRITERIA FOR THE SHARING IN THE SOCIAL MEDIA AND NETWORKS

Judges and prosecutors;

3.1 act with consciousness and responsibility of representing the judiciary in their sharing from personal or institutional accounts on social media and networks. They are aware that their expressions and posts on the social media and networks have a direct impact on the reputation of the judiciary.

3.2 act in a selective, prudent and attentive manner, foreseeing that their likes, comments and shares on the social media and networks might remain intact even after deleted and easily lead to consequences beyond purpose, and render their impartiality questionable.

3.3 foresee that all the photos, videos and other shares on the social media and networks could spread outside the platforms that they use, even if they configure the security and privacy settings as needed, and act accordingly.

3.4 take into consideration the human dignity and human rights in their sharing and interactions. They refrain from giving immediate, reactive responses, making disrespectful and discourteous comments and engaging in any argument.

3.5 formalize their posts on the social media and networks with due regard and tolerance. They bear in mind that their sharing and comments or replies to the questions and criticisms may well be taken out of context, distorted and misled by third parties

3.6 act with a common sense and in an even-tempered manner. They pay attention to have decency and courtesy in the contents of their sharing on social media and networks. They avoid using any destructive, repulsive, unkind, offensive rhetoric.

3.7 do not use the freedom of expression in a way that might have political message or be perceived such that

3.8 refrain from any sharing or interactions that might contain discrimination, hate speech, racism, cyberbullying and violence or violation of children's rights and freedoms or disturbing in any other way.

3.9 do not comment on the ongoing or pending cases or the judicial decisions given. They do not share on social media or networks any information or official documents which they obtain in the course of the cases and prosecutions before them or by other means.

3.10 do not share any personal opinion, consideration or content that might create a perception of bias for the future disputes likely to come before them.

3.11 do not express views as a legal consultancy. They refrain from any sharing that might be understood that way.

3.12 do not bring into discussion the competence and dignity of their colleagues.

3.13 refrain from giving an impression of the social media posts being shared on behalf of their institution. They know that the public is informed on judicial services via institutional social media accounts.

3.14 are aware that any disclaimer of liability as such "the posts shared do not necessarily reflect their own opinions" does not remove their obligation to conduct ethically in their sharing, likes, retweet and the other similar interactions.

3.15 choose with a great care the setting for creating the images including photos and videos before sharing them on the social media and networks.

3.16 do not share or tag the images or information of third parties without their consent in accordance with the principle of respect to private life.

3.17 do not share or like the social media and network contents that are insulting social values and might damage their images of impartiality and independence, even if shared in the name of art, literary or scientific works.

3.18 select the images like photos and videos with a great care while sharing on social media and networks to avoid the disclosure of any official documents.

3.19 do not share posts on social media and networks by means of equipment provided for public services and within the office hours.

3.20 avoid acting in a way to support the dissemination of the posts with a commercial or advertising purpose.

3.21 do not contribute to the dissemination of any news about which they are unsure and might mislead the public or arouse public indignation and disorder.

3.22 delete their posts, while unobjectionable the moment they share, upon realising that they become likely to make disputable their images of impartiality and independence, professional honour and public confidence in the judiciary in general.

3.23 ensure that social media posts shared by the immediate family members are not such as to make questionable their appearances of impartiality and independence, professional honour and the public confidence in the judiciary.

4) SIGNIFICANCE OF SECURITY AND PRIVACY SETTINGS ON THE SOCIAL MEDIA AND NETWORKS AGAINST CYBER RISKS

Judges and prosecutors;

4.1 learn about the security and privacy settings of the social media platform that they will use. They do not share without adjusting the settings as needed and regularly check the security and privacy settings of their accounts.

4.2 watch for the possibility that their digitally stored data could be seized by some others, despite all the needed security and privacy settings configured. Considering that any deleted data might remain intact, they remain wary about sharing the personal information, correspondences and private pictures or images on these platforms.

4.3 keep the personal information minimal in their social media accounts and beware of those who could view them.

4.4 refrain from sharing the pictures, address and geographic location that could compromise the security for themselves, their colleagues and courts.

5) TRAINING AND AWARENESS CREATION ON THE USE OF SOCIAL MEDIA

Judges and prosecutors;

5.1 get the proper information by researching the purpose, scope, member profile and what sorts of personal data is required for the membership in the social media platform and group that they planned to join.

5.2 endeavour to get the necessary training and pursue the social media developments to be able to stay informed about the use of it.

5.3 are obliged to inform their family members about the security and privacy issues.



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