

I. OVERVIEW

Approach

The Panel sought, and received, information and opinions on many sides of the issues before it: some emphasized the right to a fair trial; others, the rights of a free press; still others, the balancing of competing interests of the public's right to know and privacy interests.

Much of the dialogue focused on ways that these two pillars of a modern society – the justice system and the media – can and should co-exist.

The Panel was also informed by legislation, case law and policies in Ontario and Canada (please see Appendix C). It heard of the special needs of children at risk, victims of crime and other vulnerable individuals interacting with the justice system.

It was apparent that the “current reality” is one with a certain amount of doubt and with outcomes that are frequently dissatisfying. The “preferred future” might be characterized by greater trust, with outcomes that are respectful to each other, leading to greater confidence in the administration of justice.

The Panel's report focuses on bridging the gap between current reality and a preferred future. In writing this report and making its recommendations, the Panel has aimed for a balanced approach that:

- considers the many dimensions of the public interest;
- recognizes that professionals in both “solitudes” have legitimate functions to play in a modern society;
- respects the significance of individuals and individual events in the justice system;

- keeps in mind that the cumulative impact of justice reporting is not about a single case, charge or encounter but rather the extent of the public's confidence in the administration of justice;
- acknowledges the effect of the electronic age on justice reporting.

Using this approach, the Panel has developed an overarching vision statement with accompanying principles that together form the basis for advancing understanding between the media and the justice system. Specific recommendations that address many aspects of systemic change – strategy, structures, people, systems and culture – are developed in chapters on Openness, Education, the Electronic Age and Ongoing Activities.

Each chapter includes recommendations on issues followed by a discussion of those issues.

Vision

The Panel's vision is that:

Ontario's justice system and the media should set the standard for excellence and leadership, in both form and practice, for fair trials, open courts, respect for privacy, communications between the justice system and the media, informed reporting and public education.

Principles

The Panel builds on that vision statement by articulating the five principles or values that have informed its discussions and underlie its recommendations.

1. Openness: The administration of justice must be open. This means open access by the media and the public to court proceedings and court records, subject only to restrictions imposed by law.
2. Access: Procedures regarding access to information must be clear, consistent and timely.
3. Education: A high degree of information, understanding and education across the two professions is essential.
4. Equal yet independent players: The justice system and the media should not be perceived as partners, but rather as a relationship of equals. Each should respect the other's role in a constitutional democracy.
5. Respect for privacy rights: The privacy rights of children, victims of crime and other vulnerable people must be respected by both the media and the justice system.