

**2023 Questionnaire of the 1st Study Commission IAJ-UIM  
“The Effects of Remote Work on the Judicial Workplace and the  
Administration of Justice”**

**Answers from Iceland**

In the following answers regarding Iceland to the Questionnaire of the 1st Study Commission IAJ-UIM: *The Effects of Remote Work on the Judicial Workplace and the Administration of Justice* are set forth. In preparing the answers, information was also sought from the Judicial Administration, an independent agency for the joint administration of the courts in Iceland.

1) Remote work of judges in your country

- a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?

Prior to COVID-19 pandemic judges were permitted to work at home and this was done to some extent by some judges with respect to reading and studying cases and writing judgments. However, discussing cases with colleagues via videoconference or in formal meetings via telephone was very rare. Oral hearings in cases online via video conference applications were not possible as this was not allowed by procedural law.

During the pandemic the situation changed in this respect. Amendments were made in procedural law in the spring of 2020 to enable courts to handle cases, both civil and criminal, in the special circumstances during the pandemic which evolved in March that year. Accordingly, on 28 April 2020 the Act No. 32/2020 on amendment of various laws to allow extension of deadlines and electronic processing of cases by magistrates and courts was adopted. Among other provisions, the Act added new temporary provisions into the Act on Civil Procedure No. 91/1991 and the Act on Criminal Procedure No. 88/2008.

These amendments which were in force until 1 October 2020 provided for the possibility in civil cases that a judge could decide until the main oral hearing, pre-hearings could take place with a teleconference technique, as long as they were conducted in such a way that all relevant parties could hear the communications. This should be considered sufficient attendance by the parties in the case. Reporting by parties and witnesses could be made via teleconference with audio and video if possible. Furthermore, documents and visible evidence were considered delivered to the court if they verifiably reached it electronically within the prescribed deadline, provided that the court was sent by post and without undue delay the required number of copies of the documents and other visible evidence. The litigant was obliged to deliver to the other party simultaneously and in the same way documents and visible evidence that were thus delivered to the court. The provision applied to hearings and the presentation of documents and visible evidence in civil cases in court pursuant to authorization in other laws.

Similar temporary provision was added to the Act on Criminal Procedure providing for electronic solutions such as through video in the process of pre-hearings in criminal cases, in more limited circumstances though than in civil cases.

These measures turned out to be very practical in the time of the pandemic. By Act No. 121/2020 the temporary validity of these provisions was extended until 31 December 2021 and by Act No. 136/2021 it was extended again to be in force until 31 December 2023.

To enable the courts to apply the legislative provisions described above, necessary technical equipment, such as cameras, were set up in court rooms of the district courts and the Court of Appeal. Such technical arrangements were not considered necessary in the Supreme Court, which operated at the time of the pandemic without any major disturbance. Certain Covid-measures based on regulations issued by the Minister of Health such as limitations on gatherings due to the epidemic were taken in the Supreme Court as in all the other courts, without affecting the work of the Court in the processing of cases.

b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)

The status has largely changed back to what it was prior to the pandemic. Judges rarely work remotely in Iceland. This is probably more common among district court judges as there usually sits one in each case and less need for meetings with colleagues to discuss cases. In the Court of Appeal and in the Supreme Court three or five judges are sitting in each case which calls for more collaboration in working on the cases. Video meetings between judges to discuss cases are held only in exceptional situations.

## 2) Effect on judicial work

a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

The measures taken in COVID-19 were meant to be temporary and have not led to any major changes on the general rule that judges work in their workplaces in court houses. It is expected that permanent amendments as those discussed above will be made to legislation in court procedure as to provide for the continuing possibility to use technical facilities in court rooms. Therefore, one can say that the pandemic brought lasting changes in this respect, or at least accelerated these technical changes in the court system. Accordingly, the use of technology, such as video meetings in pre-hearing of court cases is more frequent now than before the pandemic, particularly in district courts outside the Reykjavik area. They will however not affect the possibility of remote work of judges from their home.

b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

Apparently, the remote work of judges had not had any specific impact on the judicial workplaces in Iceland. At least no surveys have been made among judges or other court staff to identify such impact.

c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

There is no special debate within the judiciary regarding the need to increase the remote work on judicial workplaces and it seems unlikely that remote work will be more common in the close future. From my point of view, no specific future effects of remote work can be predicted.

## 3) Effects on the administration of justice

a. What are the pros and cons of remote work on the administration of justice?

A special institution, the Judicial Administration, is responsible for the joint administration of the courts, engaging governmental authorities, mass media and others on behalf of the courts, supervising information on technical matters involving the courts. There has not been any general debate about the need to increase the remote work on the administration of justice. However, its employees can to some extent work remotely, and they all have access to the technical equipment for video- and telephone meetings from home.

b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.

No negative impacts have been identified but some positive aspects could be mentioned. Among the tasks of the Judicial Administration is organising the judges' and other employees' continuing education. One positive impact of remote conferences is that they open the possibility of wider participation of judges and other employees in educational courses organised by the Judicial Administration. A variety of such courses are offered every year, a number of judges participate on remote conferences.

c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.

Neither positive nor negative perceptions can be mentioned in this respect. This has not been a specific issue of a public concern.

d. What are the positive and/or negative effects of holding remote hearings/conferences?

The positive effect could possibly be that it saves time for participants, as they do not need to travel to and from the meeting place. The negative effect is possibly that the lack of direct contact with other participants makes it more unlikely to stay focussed during a long meeting and actively take part in discussion.

4) Remote work and judicial independence. Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

No special positive or negative effects have been established in relation to remote work of judges and judicial independence.

5) Limits on remote work for judges.

a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

Yes, according to the legislative amendments discussed under question 1 a) there are limitations set with respect to hearings with a teleconference technique. Accordingly, this technique can only be used in certain pre-hearings in the courts, and as long as they are conducted in such a way that all relevant parties can hear the communications. Reporting by parties and witnesses can accordingly under certain circumstances be made via teleconference with audio and video. The general rule is nevertheless that they should give their reports in the court room. The main oral hearing both in civil and criminal cases shall always take place in the court room.

b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

As mentioned above, the legislative amendments made in 2020 due to the COVID-19 pandemic which enabled the courts to handle cases partly through electronic processing have been extended. There are pending proposals for permanent amendments on legislation in court procedure as to provide for the continuing possibility to use these technical facilities such as such as video meetings in pre-hearing of court cases. As regards specifically remote work by judges from home, no specific changes in legislation are foreseen.

c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

No specific necessity has been established for changing rules or statutes in this respect in Iceland.