

2023 QUESTIONNAIRE OF THE 1ST STUDY COMMISSION IAJ-UIM

The effects of remote work on the judicial workplace and the administration of justice.

Response from Sweden

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 phone 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 early 2020 and the start of the pandemic remote work by judges in Sweden was possible but uncommon.

During the pandemic most of the judges in Sweden worked from their homes to some extent. They studied their cases, discussed cases via videoconference application and wrote judgments from home. But they had to hold hearings from the court since there is no provision in Swedish law that allows hearings to take place digitally. Judgments could not be signed or dispatched from home.

The technical equipment was made available for the judges to enable them to work remotely, for example our case management system was already digitalised and we got better video conference applications.

- 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 certain typex of cases? Only in lower courts or higher courts? Etc.)**

Remote work by judges in Sweden is more common now after the pandemic. It is possible if the situation at the workplace allows it. The use of this possibility is a matter of trust. It is both more common and possible in the administrative courts than in the general courts, and there more in the first instance than in the higher courts.

2) Effect on judicial work

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

No, it's the same work to be performed as before.

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

The working place is of course affected by the fact that staff spend less time there. The secretaries and law-clerks in the courts work regularly remotely. The communication of knowledge and the social environment can be affected negatively. There is a risk that fewer discussions among co-workers have a negative impact on results. The positive impact is that judges experience an increased freedom in being able to sometimes work remotely. Such a possibility is expected by a modern workplace. That trust is something that judges, and other staff, expect.

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

In the future there will be more and better digital tools. There will not be any technical obstacles to perform all work tasks remotely. Then it's important, and steering, to discuss what is appropriate from the perspectives of rule of law, education, communication of knowledge and work environment.

3) Effects on the administration of justice

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

A positive aspect is that such a possibility exists and that the staff perceives this as something positive. It is also positive that the recruitment base is widened geographically. A negative aspect can be the accessibility for the public, as well as the education, the communication of knowledge and the working environment. As I see it, it is important that the activities of the administration is not adjusted to remote work at the expense of its assignment.

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.

The possibility to work remotely has a positive impact on the staff in general, and when the coworkers are content, they tend to perform their work better. As the situation is new for the administration there is a need to find the right balance between what the individual needs and wants, and the needs of the workplace based on its purpose.

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

No. Since judges mostly work from the courts, and as the hearings take place at the courts, the remote work is not visible to the public.

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

In Sweden hearings are held at the courts, but the parties can attend via video conference if there is a reason for that – as if it would be more convenient for the party or cost-efficient. The court decides whether it is appropriate or not. Most important is that the hearing fulfils its purpose. The negative aspects are that technical problems can occur, and that it is more difficult to guide troublesome parties when they are not in the court room. The presiding judge is responsible for order in the court room. This is something the court needs to consider when they allow someone to attend via video conference.

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

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.

No

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

No

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, it's a question of trust and the state should trust the judges to be able to decide where they work, taking into consideration both the kind of work that is to be done and the need for the court and the rest of the staff to have judges present.