

2023 Questionnaire of the 1st Study Commission IAJ-UIM
"The Effects of Remote Work in the Judicial Workplace and the
Administration of Justice"

1) Remote work of judges in your country

- a. The possibility of remote judicial work had not been seriously contemplated prior to the Covid - 19 pandemic, but the constraints imposed by the pandemic soon made it imperative to set up a remote work system. In order to continue their judicial work, the Courts at first had recourse to protection measures such as masks, glass panelling, distancing and reducing the number of persons in close proximity. At the same time, in the context of an ongoing digitalization of court administration and judicial procedures, a structure that made remote work possible was relatively swiftly put into place. That structure comprised hardware, software, network connections and, very importantly, the intensive training of judges, court staff and advocates. This made it possible for advocates to send to the court and to exchange between them written addresses on line. Interim rulings of the court would be communicated to the parties in the same way as would also the final decisions and judgments.

- b. At the present time judges may work from home where they face health problems or other impediments that do not allow them to be present at the workplace. However, remote work on line is increasingly carried out from the court premises unless the nature of the case does not lend itself to such a course. Remote work in such instances serves the needs of District Courts and other first instances Courts dealing with civil cases, as well as the Supreme Court. As a rule, it does not apply tough to criminal cases.

2) Effect on judicial work

- a. Remote work has introduced an important advantage to judicial procedures. This is, briefly, the awareness of the need for brevity, which has contributed

substantially to cases moving faster. At the same time, however, this has put an extra strain on judges.

- b. The judicial workplace constitutes an important focal point in the administration of justice. It brings judges together and promotes the immediacy of communication between judges, lawyers, staff, relevant authorities and members of the public. Interaction may often be little in any event but, being present on the court premises, makes a difference because it brings everyone together and thereby underlines the societal nature of justice. Carrying out judicial work in the courtroom has obvious benefits, not least because it provides flexibility as well as the opportunity for the judge to have a more immediate impression of witnesses when their credibility is at stake. It can therefore be described as very positive. On the other hand, there are many cases, often involving procedural points and arguments, where remote work on line can have tremendous benefits for carrying out work more expeditiously.
- c. It is still early days to make a prediction. We take the view that the remote work system has proved its worth and that, as people get used to it, the more they will appreciate its usefulness. However, it will have to be closely monitored for an assessment of its boundaries in connection with current needs, and for effecting improvements.

3) Effect on the administration of justice

- a. There are quite a number of pros, the full effect of which will be felt in time. We have already referred to some of the benefits such as increased speed. We have also referred to some of the cons which at present relate to an extra strain on judges but will, of course, diminish with experience. It has also been mentioned that we do not at present conduct hearings on line where witnesses are involved. If and when that happens we shall assess the drawbacks and examine whether and how they may be overcome.

- b. The view is generally held that remote work has had a positive impact on the administration of justice in Cyprus. One has already been underlined. It is the increase in speed partly because working online requires a certain degree of brevity which in turn, may be conducive to both clarity and accuracy. All that is in line with the quality of the administration of justice.
- c. There has been no indication of how, at the present time, the public views this development of judicial work by the judiciary. Discussion by the mass media and social media has been very little and neutral in tone.
- d. This question has already been answered. It is however worth repeating that, in so far as hearings are concerned, those conducted on line have not so far included hearing the taking of evidence of witnesses. That is an aspect which may be considered at a substituent stage of development. As to on line conferences, our experience is that though they may be convenient, yet their efficacy seems to us to be rather limited because they do not allow extensive interaction.

4) Remote work and judicial independence

- a. Our experience of remote work has not revealed any effects either positive or negative on judicial independence.

5) Limits on remote work for judges

- a. The limits of remote work is entirely in the hands of judicial authorities. There is no legislation limiting its scope. However, because remote work is relatively new in Cyprus, we proceed with caution from one stage to the next. More particularly, as far as criminal cases are concerned, they are not as yet included in a remote work program though there is in principle nothing to exclude it, at least in some parts of the procedure or for the whole of it in less serious or regulatory offences.
- b. There are at the present time no proposals for immediate change.

c. We take the view that we need to gain more experience on remote work before moving forward.

Proposal for 2024 topic: "Measures for Online Safety to Ensure the Integrity of Judicial Remote Work."