

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

**REPLIES OF THE ASSOCIATION OF JUDGES OF THE REPUBLIC OF ARMENIA**

**Questions:**

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?

**The law provides the investigation of cases not only through a written procedure without convening a court hearing, but also remotely in the civil sphere, and such provisions have acted even before the COVID-19 pandemic. However, it should be highlighted that this order is provided for both judge and parties, that is, the judge can convene a court hearing from the place of work, ensuring remote participation of the parties in the court hearing. During the COVID-19 pandemic, judges could not work remotely (that is, outside the court building), but showed up for work on a daily basis. During the COVID-19 pandemic, one piece of equipment was installed in the buildings of courts examining civil cases in order to convene the court hearings remotely, but it was insufficient for the number of judges in one court, and due to the lack of technical equipment, the examination of cases using this measure was ineffective. The law does not provide for the possibility of convening remote court hearings using a personal mobile phone.**

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 procedure for remotely examining cases in the civil sphere in the Republic of Armenia is used by very limited judges, it is not used at all in the Court of Cassation.**

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.

**Since remote investigation of cases is mostly not carried out, therefore this process does not have any impact on judicial work.**

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 law does not provide for the procedure for examining remote cases in terms of the work of judges, therefore it is not enforced and has no effect.**

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

**First of all, such an opportunity should be provided by law, the physical absence of a judge from the place of work is currently allowed only on the basis of disability, in case of the presence of a relevant medical document. If such an opportunity is provided by law, it can have a positive effect and make the judge's work more efficient, why not also relieve the burden of the courts in the civil sphere.**

3) Effects on the administration of justice

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

**It will definitely have a positive effect on both the examination of cases in reasonable terms and the increase of the efficiency of the judge's work in terms of the introduction of remote work, and it will also be useful in terms of preventing the spread of diseases.**

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.

**As it have been already mentioned above, remote work for judges is not provided by the law in force, but if it is introduced, it can positively affect the quality of justice administration.**

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

**There has not been carried out a study of the public's perceptions of the implementation of remote justice in the society of the Republic of Armenia, but if certain actions are carried out in this direction, it may have positive reactions, as it will significantly reduce the time of examination of cases.**

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

**The advantage of convening remote court hearings is that it is possible to ensure the participation of the parties in court hearings more effectively, which will make it possible to avoid unnecessary delays in the examination of court cases. In addition, it will also save the working time of the**

judge and the judicial staff, more effective work will be done on judicial acts /study, interpretation, analysis, detailed reasoning and drafting of judicial acts/, which will indisputably contribute to the improvement of the quality of justice in general.

#### 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.

Yes, one of the important conditions for the independence of judges is to relieve the burden, to ensure normal working conditions for the judge, while the ever-increasing overload of judges in the civil sphere in our country has become unmanageable and has reached an insurmountable and irreversible threshold. In the last period, the number of disciplinary proceedings initiated by the Minister of Justice of the Republic of Armenia (including on the basis of violation of trial terms) has increased fivefold on an annual basis, compared to 2018, which forces judges not to think anymore in terms of administering justice and issuing judicial acts and in the case of the proceedings before them (up to 5000 per year civil proceedings), strive only for the formal observance of the deadlines stipulated by the law. It deprives judges of the opportunity to administer justice using their professional knowledge and all their skills, and if judges get the opportunity to work remotely, it will assume that they will have additional working hours, so they will be able to devote more time to improving the quality of judicial acts.

#### 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.

A judge can conduct a remote court hearing from his workplace in the civil sphere with the participation of the parties only with the consent of all persons participating in the case. The courts are not equipped with the appropriate technical means so that every judge can conduct a remote examination in any case. So, for example, in the Arabkir residence of Yerevan, there is a suitable equipment for remote examination in only one courtroom, and the number of judges in the given residence is 12.

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

The Civil Procedure Code provides for remote hearings for parties, but both the Civil Procedure Code and the Judicial Code exclude the possibility of remote work by judges.

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

There are no such laws or other regulations.

**Proposal for 2024 topic:**

- Independence of judges and judiciary (discussion of solutions: strict limitation of the grounds for initiating disciplinary proceedings by the Minister of Justice, changing the ratio of judges and academic members in the Supreme Judicial Council and increasing the number of judges to at least  $\frac{3}{4}$  of the total number, limitation of powers of the Supreme Judicial Council, increase of posts, prevention of persecution of judges, large number and effective involvement of judges in judicial reform legislative initiatives),
- Development of mechanisms to reduce the workload of judges (introduction of e-justice, introduction of alternative means in the civil and administrative spheres with the active involvement of notaries, arbitrators and enforcement of judicial acts).