

KINGDOM OF MOROCCO
HASSANIA ASSOCIATION OF
MAGISTRATES

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

To the attention of the President of the International Union of Judges,
Please find enclosed in this document, the answers to the 2023 Questionnaire - Fourth Study Commission.

1. Remote work of judges in your country

A) In Morocco, before the COVID-19 pandemic, it was not common for judges to work remotely. Hearings usually took place in person in the courts, and judges had to travel to the courts to study the case files.

However, during the COVID-19 pandemic, measures were taken to allow judges to work remotely when possible. Judges were allowed to study case files at home, to discuss cases with colleagues via video conferencing or phone instead of in-person meetings, and to have online hearings via video conferencing applications.

Judges also had access to technical equipment to allow them to work remotely. The Ministry of Justice provided judges with laptops and video conferencing equipment to allow them to work from home.

However, it should be noted that not all hearings were conducted remotely, and some courts continued to operate in person, especially for urgent cases. Additionally, some judges reported technical difficulties related to the use of video conferencing applications for hearings, particularly due to internet connectivity issues or equipment quality.

B) Currently, in Morocco, the remote work of judges depends on the evolution of the health situation and directives from the Ministry of Justice. Judges continue to work in person in the courts for most cases, but remote work remains an option for certain types of cases or for judges who have difficulties in traveling.

In general, not all judges work remotely, but only a percentage of them. The judges who work remotely are mainly those who are able to do so, that is, those who are not directly involved in in-person hearings or hearings that require the physical presence of the parties. Judges who work remotely may be assigned to different types of cases, depending on the needs of the judicial system.

Remote work of judges is more common in lower courts than in higher courts. However, even in lower courts, not all judges work remotely, as it depends on the needs of each court and the availability of technical resources.

In summary, while remote work of judges is possible in Morocco, it is not common for all judges and depends on the health situation and directives from the Ministry of Justice. Remote work is mainly used for types of cases that can be handled remotely, but for most cases, judges continue to work in person in the courts.

2. Effect on judicial work

A) The remote work of judges in Morocco has had both positive and negative impacts on judicial work.

On the positive side, remote work has allowed judges to save time and efficiency in certain aspects of their work. Judges can study case files at home or in alternative locations, allowing them to work at their own pace and avoid often long and tiring travel. In addition, remote work has also allowed judges to better coordinate and manage their time, allowing them to work remotely while ensuring their presence in court for important hearings and meetings.

However, remote work has also posed challenges for judges, particularly in terms of technology. Some judges have faced difficulties in familiarizing themselves with technological tools, such as video conferencing applications, which are necessary to conduct remote hearings. Additionally, there have been issues with internet connectivity that have affected the quality of audio and video communications during remote hearings.

Finally, remote work has also posed challenges in terms of access to justice for some litigants who have difficulty connecting to remote hearings or who do not have access to adequate technological resources.

B) In summary, remote work has had an impact on judicial work in Morocco, with advantages and disadvantages. Remote work has allowed judges to gain time and efficiency in some aspects of their work, but has also posed technological and access to justice challenges.

C) Remote work has led to significant changes in how employers manage their staff and operations. For judicial work, there are advantages and disadvantages associated with remote work.

On one hand, remote work can allow legal professionals, such as lawyers and judges, to work more flexibly and efficiently, with less travel and more flexible schedules. Communication technologies can also allow for more effective collaboration among legal professionals, particularly in rural and remote areas where access to justice may be limited.

On the other hand, remote work can pose challenges for courts, which may face issues of technology access, coordination, security, and confidentiality. Remote work can also pose challenges for lawyers who need to interact with clients remotely, which can make it more difficult to establish a relationship of trust and understand clients' needs.

In Morocco, judicial work has been affected by the COVID-19 pandemic, with increased use of communication technologies to allow for remote judicial activities. The Moroccan government has put in place measures to allow for greater flexibility for legal professionals, including authorizing certain hearings to be held remotely.

Overall, it is likely that remote work will continue to be used in judicial work in Morocco, but it is important for courts and legal professionals to work together to overcome the challenges associated with this transition. The advantages and disadvantages need to be taken into account to ensure that the rights of parties involved in legal cases are respected and that justice is rendered fairly and efficiently.

3. Effects on the administration of justice

A) Remote work presents advantages and disadvantages for the administration of justice in Morocco.

Advantages:

Flexibility: Remote work allows legal professionals, such as lawyers and judges, to work more flexibly and balance their work and personal life better.

Cost reduction: Courts can save money on expenses related to travel, premises, and office supplies.

Time-saving: Legal professionals can save time by avoiding travel and working more efficiently.

Accessibility: Remote work can allow easier access to justice for people living in rural or remote areas by enabling remote consultations and hearings.

Disadvantages:

Technical issues: Technical issues such as internet connectivity problems, hardware failures, or security issues can prevent remote judicial work.

Lack of in-person interaction: In-person interactions may be more effective for establishing a relationship of trust between legal professionals and their clients or for understanding the emotions of parties involved in a case.

Security and confidentiality risks: Technologies used for remote work may be vulnerable to cyber-attacks, putting sensitive information related to a case at risk.

Reduced efficiency: Remote work can lead to reduced efficiency and productivity, particularly when legal professionals are not equipped to work remotely.

In summary, remote work can offer many advantages for the administration of justice in Morocco, but it is important to consider the associated disadvantages and find ways to overcome them to ensure efficiency and fairness in the handling of legal cases.

B) Remote work can have a positive and negative impact on the administration of justice in Morocco. Here are some examples:

Positive impact:

Using videoconferencing for remote hearings can improve access to justice for people living in remote areas or who cannot easily travel.

Remote work can help reduce operating costs for courts, by avoiding expenses related to travel, premises, and office supplies.

4. Remote work and judicial independence

The transition to remote work in the judicial sector can have both positive and negative impacts on judicial independence. On the one hand, the ability to work remotely can help reduce external influences and pressures on judges, such as interference from politicians or powerful individuals in the community. It can also help protect judges from physical threats or intimidation.

On the other hand, remote work can also raise concerns about the potential for increased surveillance and monitoring of judges' activities by external parties, such as government agencies or private companies providing technology services. This could have a chilling effect on judicial decision-making and undermine the principle of judicial independence.

To mitigate these risks, it is important to establish clear protocols and guidelines for remote work in the judicial sector, including robust security measures to protect sensitive information, and to ensure that judges have access to the necessary resources and support to carry out their work effectively and independently. This may involve investing in training and technology infrastructure to facilitate remote work, as well as establishing policies to address potential conflicts of interest or other ethical concerns that may arise in a remote work environment.

Overall, while remote work has the potential to enhance efficiency and accessibility in the judicial sector, it is important to carefully consider the potential risks and challenges associated with this transition, particularly with regard to protecting judicial independence and ensuring the fair administration of justice.

Remote work can have both positive and negative effects on judicial independence. Here are a few examples:

Positive effects:

Reduction of external influence: Judges working remotely may be less exposed to external pressures such as political pressures, community pressures, or economic pressures.

Enhanced neutrality: Remote work can help preserve the neutrality of judges by eliminating inappropriate contacts with parties involved in a case or reducing the risk of bias.

Autonomy: Remote work can give judges more autonomy by allowing them to work at their own pace and manage their own schedule.

Negative effects:

Isolation: Remote work can lead to professional isolation, which can make judges more vulnerable to external influences or political pressures.

Difficulty in maintaining confidentiality: Remote work can make it difficult to preserve confidentiality and protect sensitive information, which can have a negative impact on judicial independence.

Lack of in-person interaction: Remote work can reduce opportunities for judges to meet with parties involved in a case, ask questions, and observe emotions, which can make it more difficult to make objective decisions.

In conclusion, remote work can offer benefits to judicial independence by reducing external influences and enhancing neutrality and autonomy, but it can also present drawbacks such as professional isolation, difficulty in maintaining confidentiality, and lack of in-person interaction. It is important to take these factors into account when implementing remote work practices in the judicial system.

5. Limitations of 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.

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

C) The question of whether to make changes to the rules or statutes in Morocco to allow or limit remote work for judges depends on the priorities and objectives of the judicial authorities and society as a whole. It is important to consider the advantages and disadvantages of remote work for judges, as well as the challenges and opportunities associated with it.

If the benefits of remote work for judges outweigh the disadvantages and if the challenges associated with implementing this practice can be overcome, it could be useful to allow judges to work remotely more often. Remote work could offer greater flexibility for judges and parties involved in judicial proceedings, as well as a reduction in travel costs for courts and parties involved.

However, if the disadvantages of remote work for judges outweigh the benefits and if the challenges associated with this practice cannot be resolved, it may be necessary to limit remote work for judges. Potential drawbacks could include a loss of quality and efficiency in judicial proceedings, a reduction in in-person interaction between judges, lawyers, and parties involved, as well as security and confidentiality issues with information exchanged remotely.

In conclusion, the question of whether to make changes to the rules or statutes in Morocco to allow or limit remote work for judges depends on the overall assessment of the advantages and disadvantages of this practice. This assessment should take into account the perspectives of the various actors involved in the judicial system and the specific challenges faced in the Moroccan context.

Thank you for your attention.

Best regards,

Mohamed Redouane, Vice President of the Hassania Magistrates' Association.

