

“The Effects of Remote Work on the Judicial Workplace and the Administration of Justice”

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?

In the Republic of Serbia, judges weren't formally permitted to work remotely prior or during the COVID-19 pandemic, nor were they equipped with technical equipment for remote work at their homes. During the pandemic, remote hearings of defendants in custody via Skype were enabled, however, in these cases, judges were still located at their respective courts (and not their homes).

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.)

In this moment, remote work of judges is not formally permitted, nor regulated. The fact is that many judges analyze their cases at home, and that they are not paid for that work.

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.

Given the fact that judges only factually work from home, and that this form of extra-office work is not regulated by any laws, judges are overloaded with work at home, for which they are not even paid.

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

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

Should judges' remote work be regulated by a law in the future, positive effects might consist of more efficient procedure conducting in cases that would be eligible for such a method of adjudication, especially in cases when the parties' arrival before the court is troublesome for whatever reason.

3) Effects on the administration of justice

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

Efficiency and speed of concluding proceedings and reduction of legal expenses of the proceedings would be pros of this type of work. Possible cons, on the other hand, would reflect the quality of evidence, especially remote interrogation of witnesses, and endangering of equity of the procedure and the rights of parties to the procedure, especially in criminal procedure.

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.

Remote work of judges is not permitted in the Republic of Serbia.

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

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

Faster conclusion of procedures and reduction of their legal expenses could be viewed as positive, and possible evaluation of evidence, especially defendants' and witness' statements, as negative effects.

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.

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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.

In the Republic of Serbia, there is a possibility in criminal proceedings for especially vulnerable witnesses to be interrogated via technical means for transfer of sound and image, meaning, that they don't have to be present in the courtroom. This means that these witnesses would be remotely interrogated.

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

Not that I am aware of.

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

Legislation should be amended and remote work of judges should be enabled, and such work should be regulated by laws. Bearing in mind that judges, in fact, do work from home, by getting acquainted with their cases, outside of working hours, for what they do not get paid, by regulating this form of work, they would be allowed to receive remuneration, and at the same time, proceedings would accelerate.