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**CONSULTATIVE COUNCIL
OF EUROPEAN JUDGES
(CCJE)**

**Thematic study of the CCJE
on lessons learnt as a result of the COVID-19 pandemic
and their effect on the administration of justice**

Executive Summary

1. According to the CCJE's Terms of Reference for 2022-2025, the CCJE is entrusted with the task of preparing thematic studies covering identified or emerging issues of common interest relating to the independence, impartiality and competence of judges, as well as their status, career and effective exercise of the judicial profession, other aspects of a fair trial, challenges and good practices.
2. The CCJE accordingly selected the topic of lessons learnt as a result of the COVID-19 pandemic and their effect on the administration of justice for the purpose of a thematic study.
3. The Council of Europe Strategic Framework which guides the work of the Organisation and its committees stresses among its priority areas the independence, efficiency and resilience of the judicial systems of member States.¹ It goes on to point out that the COVID-19 crisis has further shown the importance of strengthening these, and that the overall preservation and further promotion of relevant European standards related to the rule of law, including in emergency situations, will be high on the Organisation's agenda.
4. Recommendation CM/Rec(2010)12 of the Committee of Ministers on judges: independence, efficiency and responsibilities, emphasises both external and internal independence of the judiciary and accordingly provides guiding principles concerning the status of judges, their selection and career, tenure and irremovability, duties and responsibilities, remuneration, training, assessment, ethics, liability and disciplinary proceedings. These guiding principles are applicable in all situations, including emergencies such as the COVID-19 pandemic.
5. All 25 Opinions of the CCJE adopted to date emphasise, in various areas and situations, the importance of judicial independence and impartiality and these guiding principles.
6. The thematic study is based on the responses of the CCJE members to a questionnaire regarding the lessons learnt as a result of the COVID-19 pandemic and their effect on the administration of justice. Respondents were invited to share their domestic practices as regards the use of technology during the pandemic, changes in the law, provision of better technical equipment, organisation of courts activities, interaction between courts and other institutions within and outside of the judiciary, as well as interaction with court users and the society, changes in the attitude or mindset of judges concerning the use of technology and other pertinent issues.
7. In total, 24 members of the CCJE provided responses, offering their insights into the relevant practices and procedures in their member States (Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Republic of Moldova, Norway, Romania, Slovenia, Spain, Ukraine).
8. Their responses to the questionnaire show that the most important lasting effect of the COVID-19 pandemic concerns the use of technology in judicial systems for which the pandemic seemed to act as an accelerator. This is no surprise given that most of

¹ Priority No. 6 of the Strategic Framework.

the academic discussion during and after the pandemic has focused on the use of technology in the judiciary.² In areas other than the use of technology, lasting effects were less visible in most member States.

9. At the same time, the CCJE wishes to signal certain parameters of this thematic study. First of all, it is not meant to assess the situation in member States. It does not contain ratings or rankings of member States' performance and does not constitute a monitoring process or mechanism.
10. Secondly, the thematic study does not claim to be a result of comprehensive and systematic research. For the preparation of the study, given the limited time and resources available, statistically representative surveys or similar exercises could not be conducted. The study is entirely based on the responses of the CCJE members to the above-mentioned questionnaire. Therefore, those member States in respect of which the CCJE members have not responded could not be mentioned in the study.
11. The CCJE wishes to thank the expert appointed by the Council of Europe, Prof. Dr Anne Sanders (University of Bielefeld, Germany, and University of Bergen, Norway) for preparing the preliminary version of the thematic study.

² E.g. Fabri, Kettiger, Lienhard, Sanders & Wallace (eds), *The Covid-19 crisis – Lessons for the Courts*, special issue of the *International Journal for Court Administration* (2021) 12 (2); see also Marco Fabri, *Will COVID-19 Accelerate Implementation of ICT in Courts* (2021)12 (2), *International Journal for Court Administration*; see also Gajda-Roszczyńska (ed) *Impact of the COVID-19 Pandemic on Justice Systems: Reconstruction or Erosion of Justice Systems - Case Study and Suggested Solution*, 2023.

Introduction

12. The COVID-19 pandemic required swift and decisive responses all over Europe by courts, the legislator and the executive. On 24 June 2020, the CCJE President in charge, judge Nina Betetto, underlined in her Statement³ the need for judiciaries to adapt to the unprecedented situation while keeping up the rule of law, protection of human rights and the CCJE standards.
13. The CCJE had already emphasised that the rule of law is guaranteed by fair, impartial and effective administration of justice,⁴ and an independent judiciary is a prerequisite for the operation of justice.⁵ These principles developed by the CCJE, as well as by the Council of Europe as a whole, notably including rights to access to a court and to an effective remedy, should be strictly safeguarded during emergency situations in general and a pandemic in particular.
14. The Opinions adopted by the CCJE are of great relevance in this context. The judiciary must be independent to fulfil its constitutional role in relation to the other powers of the state, society in general, and the parties to any particular dispute.⁶ This principle should not be called into question during pandemic or any other emergency situation.
15. In the context of the COVID-19 pandemic, new approaches were quickly put into practice which can be evaluated and adapted in the aftermath of the pandemic in order to improve the work of courts and access to justice in the interest of the society. Prof. Bridget McCormack, former Chief Justice of the US Michigan Supreme Court expressed the notion in an interview when saying “the pandemic was not the disruption we wanted but ... the disruption we needed.”⁷
16. In its first thematic study, the CCJE provides an insight into which lessons learnt during that time of the pandemic have proved so useful in member States as to have had a lasting effect on the work and mindset/attitude of judges and court staff and on the organisation of courts.
17. Development of new technologies and progressive improvement of videoconferencing in judicial systems across the Council of Europe’s member States created new possibilities for ensuring the hearing of witnesses, experts and defendants without the need to compel them to travel to different venues within the member State where the trial is being conducted.⁸ Obviously, as shown by some

³ Statement of the President of the CCJE on the role of judges during and in the aftermath of the COVID-19 pandemic: lessons and challenges (2020), CCJE(2020)2.

⁴ Opinion No. 12 (2009) of the CCJE on judges and prosecutors in a democratic society, Bordeaux Declaration, para 1.

⁵ Magna Carta of Judges (2010) adopted by the CCJE, para 2.

⁶ Opinion No. 18 (2015) of the CCJE on the position of the judiciary and its relation with the other powers of state in a modern democracy, Section VIII (3).

⁷ Interview of Prof. Bridget MacCormack with Cord Brüggmann, Podcast “Das Rechtsgespräch” 09.08.2023 min.12:50 accessible e.g. via all regular podcast providers.

⁸ Except, of course, certain cases where physical presence might be necessary, as in the case of habeas corpus.

examples in Europe,⁹ this approach could be of interest since it avoids or reduces limitations on the functioning of courts.

I. Use of technology

18. The responses to the questionnaire for the preparation of the CCJE Opinion No. 26 (2023) entitled “Moving forward: the use of assistive technology in the judiciary” show that the pandemic has served as an accelerator of the digitalisation and the use of technology in the judiciary in most member States of the Council of Europe.¹⁰ In this respect, the CCJE members point to legislative changes,¹¹ the purchase of necessary equipment¹² and a positive approach of judges to technological development.¹³

A. Legislative changes in relation to video hearings

19. The role of video hearings during and after the pandemic has been reflected in different publications¹⁴ including the academic literature.¹⁵ Video hearings also featured prominently in the responses of the CCJE members. Most of them agreed that their use has become more important during the pandemic. While legislative change has played a significant role, the purchase of the necessary equipment and the openness of judges reflected in the responses have been equally important.
20. Some CCJE members reported extensive legislative changes in civil, criminal and administrative procedural law to make video hearings, including the hearing of witnesses, possible.¹⁶ In this context, it is worth noting that physical absence does not necessarily constitute a violation of the right to a fair trial under Article 6 of the European Convention on Human Rights (ECHR).¹⁷ In some member States, such as

⁹ See [Guidelines](#) of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings (adopted by the Committee of Ministers on 30 January 2019 and explanatory memorandum); see also CEELI/ODIHR joint webinars series on access to justice during and after the pandemic, including [videoconferencing in support of remote access to courts](#).

¹⁰ See the [compilation of responses](#) for the preparation of the CCJE Opinion No. 26 (2023). See also Wallace & Laster, Courts in Victoria, Australia, During COVID: Will Digital Innovation Stick? (2021) 12(2) International Journal for Court Administration.

¹¹ In Austria, Belgium, Bulgaria, Croatia, Estonia, Iceland, Ireland, Norway and Romania.

¹² In Austria, Azerbaijan, Bulgaria, Croatia, Estonia, Georgia, Hungary, Iceland, Ireland, Italy, Latvia, the Republic of Moldova, Norway (special funds), Romania, Slovenia and Spain.

¹³ In Azerbaijan, Bulgaria, Estonia, Iceland, Ireland, Republic of Moldova, Romania and Ukraine.

¹⁴ See, for example, the information collected at <https://remotecourts.org>.

¹⁵ See for further information: Sanders, Video-Hearings in Europe Before, During and After the COVID-19 pandemic (2021) 12 (2) International Journal for Court Administration, Susskind, The Future of Courts, The Practice (2020) 6(5); Sorabji, English and Welsh Courts in the Age of COVID-19 April 2021; Bannon & Keith, Remote Courts, Principles for Virtual Proceedings during the COVID-19 Pandemic and Beyond, (2020) 115 (6) Northwestern University Law Review, 1875; Puddister & Small, Trial by Zoom? The response to Covid-19 by Canada’s Courts Canadian Journal of Political Science (2020), 53, 373; Nir & Musial Zooming In: Courtrooms and Defendants’ Rights during the COVID-19 Pandemic (2022) 31(5); Baum, Beldowski & Dąbroś Online Commercial Courts and Judicial Efficiency: Evidence from the COVID-19 Pandemic in Poland, in Mathis & Tor (eds) Law and Economics of the Digital Transformation (2023); Krans & Nylund (eds) Civil Courts Coping with COVID-19, 2021.

¹⁶ In Azerbaijan, Bulgaria, Croatia and Romania.

¹⁷ ECtHR *Marcello Viola v. Italy*, 5 October 2006; *Sakhnovskiy v. Russia*, Grand Chamber, 2 November 2010; *Repashkin v. Russia* (No. 2), 16 December 2010; *Vladimir Vasilyev v. Russia*,

Austria, Estonia, Iceland and Norway, temporary laws were introduced for that purpose. After the pandemic, legislators introduced permanent legislation.¹⁸ In Norway, video hearings are therefore still possible if the court considers it necessary. In Croatia, judges were using video hearings even before legislation in that direction was introduced, finding that such possibility was not contrary to the law if all parties give their consent.

21. In other countries, video hearings had been introduced before but were extended during the pandemic. In Slovenia, video hearings were possible before the pandemic in criminal proceedings for the hearing of certain vulnerable witnesses and in civil procedures with the consent of the parties. During the pandemic, the use of video hearings was extended in criminal cases under certain conditions. In France, video hearings were possible to some extent before the pandemic as well, but temporary legislation extended these rules. In Italy, positive experiences during the pandemic led to the legislative reform in 2022 aimed at enhancing the use of technology in both civil and criminal proceedings. This reform is included in the framework of the objectives of the ongoing National Plan for the Implementation of the Next Generation EU Recovery Plan (P.N.R.R.). The Italian law also includes interesting rules on the remote hearing of witnesses in criminal trials. Judge's assistant, public prosecutor or police officer need to be present when a witness gives evidence remotely to ensure that necessary precautions are taken.
22. In other member States, video hearings were lawful even before the pandemic and there was consequently no need for legislative amendments during the pandemic. This is the case in Georgia, Germany, Latvia, the Republic of Moldova, Spain and Ukraine. However, in these countries, during the pandemic, video hearings were used much more than before. The Spanish Judicial Council published best practices for judges as guidelines. In Germany and Georgia, judges did not only use such technical means, but also tried to decide as many cases as possible through remote hearings.
23. In other member States, video hearings were not specifically regulated. In Belgium, even though there was no temporary law in place to allow video hearings during the pandemic, some judges used it with the consent of the parties. After the pandemic, video-hearing pilot experiments were carried out in two courts, and the government drafted a bill defining legal framework to enable the use of video-conferencing in all legal proceedings. The CCJE member in respect of Bosnia and Herzegovina also explained that there has not been a change in the law to allow video hearings. In Hungary, there were no lasting changes to the law as changes made during the pandemic were repealed afterwards.

B. Digital files and electronic filing

24. Digital files and electronic filing for the public were also an important part of many responses¹⁹ that indicated that electronic filing had been introduced,²⁰ was already

10 January 2012; *Yevdokimov and Others v. Russia*, 16 February 2016; *Gorbunov and Gorbachev v. Russia*, 1 March 2016; *Sakhnovskiy v Russia*, 27 November 2018.

¹⁸ In Austria, Estonia (criminal law and misdemeanours are still to follow), Iceland (legislation introduced for one year was repeatedly extended and is now expected to be made permanent) and Norway.

¹⁹ In Azerbaijan, Belgium, Croatia, Cyprus, Georgia, Italy, Norway and Romania.

²⁰ In Georgia, before the pandemic, electronic filing for the public was already possible, but it was not free of charge. During the whole period of the pandemic, e-filing system in courts (www.ecourt.ge) became available for citizens free of charge.

available²¹ or was on its way,²² and was even more accepted during and after the pandemic.²³ In Belgium, because of the lasting success of electronic filing of procedural documents, the legislator has decided that, on the proposal or after the opinion of the president of the court, it will be possible to derogate from the current rule whereby there is a physical registry in each building where a judge holds a hearing. While the response acknowledged the importance of digitalisation, it also pointed out that such reductions needed to be carefully evaluated from the point of view of the right to access to justice for everybody. In Germany, the introduction of electronic files had been on its way before. However, the pandemic speeded up the process because it increased interest in the topic and willingness to invest public resources.

C. Other legislative changes

25. The CCJE members also highlighted other legislative changes that helped courts coping with the pandemic, but did not foster the use of technology. The introduction of written procedures for higher courts was mentioned, for example, as a tool that proved useful during the pandemic.²⁴ The extension of deadlines for handling cases was also mentioned, but since court procedures were taken up again after the pandemic, this did not lead to lasting changes.²⁵ In Latvia, the relevant law is still in place so as to be used in future emergency situations. This is an interesting way of using the experience gained during the pandemic for the future, since it cannot be ruled out that other emergencies, including pandemics, occur in future.

D. Provision of better technical equipment (computers, cameras etc.)

26. Without the equipment needed, legislative changes supporting the use of technology cannot have any effect. The CCJE members responded that technical equipment, including cameras, laptops, screens in court rooms and software, was purchased²⁶ and received through donations²⁷ to enable judges to work from home and hold video hearings.
27. In Andorra, the equipment to record hearings and for electronic filing was already in place before the pandemic, so there was no need to purchase new equipment. Laptops for working at home were not purchased either, and judges worked from home with their personal devices. In France, laptops for all judges were purchased during the pandemic. In Austria, during the pandemic, courtrooms were gradually equipped with video-conferencing equipment and the court staff was provided with laptops.
28. Choosing the relevant video-conferencing system was also an important matter, in particular with respect to data security and user-friendliness.²⁸ The CCJE member in respect of Latvia reported changing video-conferencing systems from MS Teams and

²¹ In Belgium and Norway.

²² In Austria, Cyprus and Germany.

²³ In Austria, Belgium, Cyprus and Norway.

²⁴ In Azerbaijan, Italy, Latvia and Norway.

²⁵ In Bosnia and Herzegovina, France, Iceland and Latvia.

²⁶ In Austria, Azerbaijan, Bulgaria, Croatia, Estonia, Georgia, Hungary, Iceland, Ireland, Italy, Latvia, the Republic of Moldova, Norway (special funds), Romania, Slovenia and Spain.

²⁷ In the Republic of Moldova.

²⁸ See Sanders, Video-Hearings in Europe Before, During and After the COVID-19 pandemic (2021) 12 (1) International Journal for Court Administration, p. 12-14.

Webex to a system which the judiciary developed itself because of data security reasons. The CCJE member in respect of Norway mentioned a change to Webex.

29. However, there were and still are challenges in this area. The CCJE member in respect of Croatia pointed out that more equipment would have been needed but purchasing it was economically impossible. The CCJE member in respect of Spain underlined that bringing equipment up to date was an ongoing process that requires more resources as, for example, old computers needed to be replaced.
30. In Ukraine, in the current situation, there is a lack of financial resources for technical equipment for the judiciary as all means are directed towards the defence of the country. The CCJE member in respect of Ukraine also pointed out that, after the end of war, public funds would be needed for the restoration of public buildings, including courts, and therefore, the funds will obviously be insufficient for purchasing technological equipment.
31. In Hungary, all necessary equipment that was installed in order to work from home, including telecommunications applications (Viber, Skype) and remote desktop connections provided on laptops, was also used after the end of the pandemic. The CCJE member in respect of Romania in particular mentioned the use of laptops during hearings in the High Court of Cassation in order to view the files and other documents electronically.

E. Lasting change in the attitude or mindset of judges

32. As a result of the COVID-19 pandemic, everybody including the executive, the legislator and the judiciary had to adapt quickly to the challenges of these changed circumstances. In order to reflect on future successful use of technological innovations in the judiciary, any lasting change in the attitude or mindset of judges in respect of the use of technology is an important factor.
33. Some CCJE members did report such a lasting change in their countries.²⁹ The CCJE member in respect of France mentioned that judges became more aware of the use of IT tools and video hearings. The CCJE member in respect of Iceland also responded that the use of technology, such as video hearings was more frequent in the pre-hearing stage than it was before the pandemic, particularly in district courts outside the Reykjavik area. The CCJE members in respect of Bulgaria and the Republic of Moldova noted that while after the pandemic, video hearings were not necessary anymore, they were used to make proceedings more efficient and convenient. Video-conferencing tools were also reported to be used in order to communicate with colleagues for deliberating (especially when some judges could not attend due to illness), organisational purposes and for training.
34. Moreover, electronic access to case law for judges and parties to the process has become increasingly common.³⁰ The CCJE member in respect of Romania also stressed that the pandemic brought lasting changes in the mindset of judges which was important for the future digitalisation of the courts. The CCJE member in respect of Ukraine underlined that the pandemic had increased an already positive approach of judges and parties to video hearings as effective and convenient way to keep up justice and transparency regardless of geographical location.

²⁹ In Belgium, Bulgaria, Estonia, Iceland, Ireland, the Republic of Moldova, Romania and Ukraine.

³⁰ In Bulgaria.

35. Other CCJE members highlighted the positive attitude of judges towards technology while also pointing out to some challenges. The CCJE member in respect of Croatia declared that judges had been open to new electronic tools even before the pandemic and acted quickly during the pandemic based on the necessities of the situation. After the end of the pandemic, they returned to hearings in person. The CCJE member in respect of Italy reported that judges expressed their openness to technology in annual meetings of the Judicial Council and reports. However, judges also underlined the need for effective technology and clear rules regulating its use. The CCJE member in respect of Spain also highlighted that judges are open to technology and they agree with further digitalisation as long as new tools work adequately and guarantee that the service of high quality can be provided to the public.
36. The CCJE members in respect of two countries reported empirical research on the use of video hearings among judges. The Judicial Council of Latvia has conducted surveys on the frequency of the use of remote hearings. These surveys show that most judges often use remote hearings. The most common reasons for not holding a remote hearing were that the parties did not have the necessary equipment or there were common technical problems and, to a lesser extent, that the judge did not consider the case suitable for a remote hearing. In Slovenia, there was also a survey among judges which shows that judges see the advantages of video hearing in cases where otherwise a hearing would not be possible at all.³¹ However, judges preferred hearing witnesses in person so that they present their testimonies to the judge as fully as possible.
37. Other CCJE members reported that no empirical studies had been undertaken to prove a change in judges' mindset in their countries.³² However, it was possible that there indeed was such a shift.³³ No lasting shift was also declared in respect of one member State.³⁴

II. Home office after the pandemic

38. During the pandemic, working from home was necessary for most judges and court staff. The CCJE questionnaire therefore asked whether more judges and court staff were working from home than before the pandemic.
39. The responses to the questionnaire on this point were mixed. Some CCJE members, such as those in respect of Andorra, Austria, Germany, Norway, Slovenia and Spain, replied that working from home had probably become more common, but there was no empirical evidence to establish this assumption. The CCJE members in respect of Estonia and Romania mentioned that there was a change towards more work from home.³⁵ The CCJE member in respect of Hungary also admitted such change and declared that judges can still hold meetings remotely and that for other court staff, working from home became the norm once a week. However, such absences needed to be organised in advance. The CCJE member in respect of Italy underlined that a massive digitalisation effort during the pandemic made working from home more common. In Belgium, remote working for judges was available before the pandemic,

³¹ The CCJE member in respect of Spain also mentioned this point.

³² In Denmark, Germany and Iceland.

³³ In Germany.

³⁴ In Hungary.

³⁵ In Estonia.

but was introduced for court staff during the pandemic as well. Some CCJE members also reported that judges who got used to working from home continued doing so after the pandemic.³⁶ The CCJE member in respect of Norway noted that while the change might lead to a somewhat impaired work environment, he also recognised that additional flexibility was a positive effect. The CCJE member in respect of Slovenia mentioned that the necessary equipment for working from home was only provided during the pandemic. Now, judges and court staff work from home at least once a week depending on the work and the internal rules of the court. However, the CCJE member in respect of Spain underlined, that judges still needed to carry out many activities in the courts and therefore, working from home remained marginal.

40. Other CCJE members reported that there was no lasting change.³⁷ In Bosnia and Herzegovina, judges came to courts in shifts during the pandemic and they could not hold trials from home. After the pandemic, everything returned to pre-pandemic levels. In Cyprus, judges had always worked a lot from home even before the pandemic. In France, judges worked from home during the pandemic but returned to working at the courts afterwards. In Georgia, working from home is no more in use, and everything returned to the pre-pandemic levels.
41. In still other member States, working from home, after the pandemic, was no option or only a limited option. In Andorra, court hearings and meetings have to be held face to face. The law demands that judges clock in at the court. In Azerbaijan, the electronic court system can only be used from within the courts. In the Republic of Moldova, working from home was only permissible for a short time during the pandemic. In Ukraine, judges had to work from the courts during the pandemic. However, the parliament is currently discussing a draft law that would allow judges to work from home for safety reasons during the war.

III. Organisation of courts

42. The questionnaire also inquired as to whether the pandemic led to changes in the courts' organisation and their work. This includes, for example, sharing information and fostering communications between the court leadership, the Council for the Judiciary, judges and court staff, the use of courtrooms and the organisation of the work of the court staff.
43. Many CCJE members replied that the necessary measures securing e.g. social distancing were taken during the pandemic and removed afterwards.³⁸ The CCJE member in respect of Hungary remarked that hand sanitizers remained in place. The CCJE member in respect of Romania explained that changes made during the pandemic were assessed and that some of them were kept in order to improve the functioning of courts. Accelerating the digitalisation process remained an important goal.
44. Some CCJE members replied that there were no changes.³⁹ They explained, however, that more communication happened via electronic means such as

³⁶ In Belgium, Bulgaria, Croatia, Cyprus and Iceland.

³⁷ In Andorra, Bosnia and Herzegovina, Cyprus, France, Georgia, the Republic of Moldova and Ukraine.

³⁸ In Azerbaijan, Bosnia and Herzegovina, Germany, Ireland, Romania, Spain and Ukraine.

³⁹ In Andorra, Denmark, Estonia, Georgia, Germany and Iceland.

videoconferencing tools or e-mail⁴⁰. In Cyprus, email communication between lawyers and courts was made possible during the pandemic and continued after the pandemic as well. In Latvia, more options were provided during the pandemic in order to hold video meetings among members of the judiciary. In Austria, more decisions were taken in courts by circulation of draft judgments rather than after deliberations in person. Despite the lack of empirical research on this issue, there was some concern that this might lead to less in-depth legal analysis. In Cyprus, meetings via online tools were not held after the pandemic.

45. Some members of the CCJE pointed to lasting changes in communication within the courts and with the parties to the proceedings.⁴¹ In Bulgaria, adjustments made during the pandemic such as changes in procedural law, the introduction of video hearings, internet platforms and electronic filing systems, continued to be used after the pandemic. In Cyprus, the communication with the Supreme Court was made possible digitally for the first time. In Slovenia and Romania, the pandemic accelerated the digitalisation of the judiciary. In Spain, video hearings have made it easier to deal with cases where a witness is abroad. In Ukraine, it was felt that the pandemic had become a catalyst for the introduction of technological innovations into the judicial system, which can improve the work of courts and ensure more effective access to justice for citizens.
46. Many CCJE members mentioned that e-filing, as a rule, was introduced during the pandemic and that this changed the organisation of the courts.⁴² In Andorra, the digital filing is used now and all communications with the parties to the process happen via an electronic platform. In Bulgaria, an electronic platform has been introduced which not only provides access to information on courts, including relevant case law, but also allows registered parties to access the complete electronic file of their case, including all documents contained therein. This platform provides new opportunities for carrying out procedural actions and requests for certification statements in electronic form, initiation of lawsuits, submission of documents on pending proceedings, delivery of documents to citizens and lawyers in a fully electronic way with a built-in service for authenticating the exact time of delivery, electronic payments through a virtual POS terminal, etc. In Georgia, the parties to the case were also able to access all relevant documents relating to their case through a web portal.

IV. Interaction between courts, Ministry of Justice and society

47. There were significant changes in the functioning of courts during the pandemic and their interaction with other powers of state and society at large. Therefore, the questionnaire for the preparation of the present thematic study enquired about whether lasting changes in such interactions could be identified.
48. Many CCJE members replied that there was no lasting change.⁴³ However, some members mentioned an increased use of electronic means of communication, e.g. video meetings and e-mails with the ministries and electronic communication via the internet including electronic filing with the public.⁴⁴ It is indeed likely that the

⁴⁰ In Austria, Belgium, Hungary, Ireland, Latvia, Republic of Moldova, Norway and Spain.

⁴¹ In Andorra, Bulgaria, Cyprus, Georgia, Romania, Slovenia, Spain and Ukraine.

⁴² In Andorra, Azerbaijan, Bulgaria and Croatia.

⁴³ In Andorra, Austria, Bosnia and Herzegovina, Bulgaria, Cyprus, Denmark, Georgia, Germany, Hungary, Iceland, Republic of Moldova, Slovenia and Spain.

⁴⁴ In Belgium, Bulgaria, Croatia, Romania and Ukraine.

digitalisation of court information, access to courts and hearings will fundamentally change public perceptions of the judiciary and the interaction of society with the judiciary in the long run. In this context, it is also interesting to note that the Councils for the Judiciary⁴⁵ and the Supreme Courts⁴⁶ have actively engaged in public debate about the position of the judiciary during and after the pandemic and thus stepped up to their role as defenders of judicial independence and the work of courts in the society.

49. The CCJE member in respect of Austria referred to the video hearing technology used for communication with parties to the case, their representatives and (partially) with witnesses. The CCJE member in respect of Croatia mentioned public access to hearings as a challenge during the pandemic, but noted that not much interest had been expressed on court hearings. The CCJE member in respect of Estonia noted that communication had been electronic even before the pandemic and that public access to electronic hearings was still an unsolved problem. The CCJE member in respect of France mentioned that public access was restricted during the pandemic, but returned to pre-pandemic standards afterwards. The CCJE member in respect of Belgium pointed out that access to judicial information became possible online to a larger extent, and also explained that the Judicial Council had evaluated the response to the pandemic and concluded that there was a need for digitalisation of the judiciary and a plan for another pandemic. The CCJE members in respect of Bulgaria and Georgia also stressed the importance of their electronic platforms as a means of communication with society. The CCJE members in respect of Croatia and Romania also referred to the e-filing. The CCJE member in respect of Ukraine summarised that the pandemic caused changes in the interaction between courts/judiciary and executive power and society. One of the most significant changes was the transition to online court hearings and electronic access to court information. The CCJE member in respect of Romania mentioned that the pandemic contributed to important steps bringing digitalisation to the work of the judiciary in general and of the Supreme Court in particular.
50. Some members of the CCJE referred to statements the judiciary had made to highlight shortcomings that the government needed to address. The CCJE members in respect of Croatia and Italy mentioned the openness of judges to the use of technology and the need for sufficient equipment. The CCJE member in respect of Italy underlined that the use of technology made justice more accessible to the public, but that reliable equipment and regulation was required to use it effectively. The CCJE member in respect of Latvia referred to a decision of the Plenary of the Supreme Court stating that the principle of fair trial required that the Ministry of Justice introduce new technology which is working. In that respect, the Ministry of Justice needed to take into consideration the information provided by the judiciary.
51. The CCJE member in respect of Norway drew an overall positive conclusion, praising the adjusted legislation together with the new and improved technology during the pandemic as a result of well-organised communication between the Judicial Council, the Norwegian Courts Administration, the Norwegian Association of Judges, judges and court staff. Substantial funding was provided by the Parliament, and proposal for legislation was efficiently provided by the Ministry of Justice and the Parliament. In relation to the public, more hearings of public interest are streamed by the Supreme Court of Norway.

⁴⁵ In Azerbaijan, Belgium, Italy, Latvia, Norway and Spain.

⁴⁶ In Azerbaijan and Latvia.

V. Well-being and mental support

52. Given the great challenges that the pandemic posed on the society in respect of the mental and physical health, the questionnaire for the preparation of the present thematic study also inquired whether member States took any steps to support judges and court staff in this way.
53. The CCJE members mostly did not report about any measures for the improvement of the mental and/or physical health of judges and court staff in response to the pandemic.⁴⁷ The CCJE member in respect of Azerbaijan replied that there was renewed interest in the physical well-being of judges and court staff, who were expected to leave the court when feeling ill. The CCJE member in respect of Belgium pointed out that there were courses for members of the judiciary for better coping with stress and for maintaining their well-being. The CCJE member in respect of Germany assumed that there had been more offers in courts for judges and staff to support health and psychological well-being, but that its extent could not be reported exactly. The CCJE member in respect of Latvia depicted the discussion on the legality of a duty of court staff and judges to get vaccinated. The Latvian Judicial Council considered that to be legal.

VI. Other

54. Most CCJE members did not add any additional remarks or information to the questionnaire for the preparation of the present thematic study.⁴⁸
55. However, the CCJE member in respect of Belgium mentioned that the initial and continued training of judges by the Judicial Training Institute (IFJ) was conducted online to a larger extent than before the pandemic. The CCJE member in respect of France reported that personal greetings became less common. The CCJE member in respect of Latvia stated impressive goals for further developing electronic tools for access to justice. The CCJE member in respect of Romania mentioned the importance of exchanging best practices on emergency situations between courts internationally.

Conclusions

56. The responses of the CCJE members to the questionnaire for the preparation of the present thematic study highlighted that the COVID-19 pandemic brought some lasting changes to the administration of justice in member States of the Council of Europe and provided lessons to be learnt.
- The greatest lasting effect can be seen in the use of technology on the basis of improved legislative framework, better technical equipment and a positive mindset of judges and court staff towards the use of technology.

⁴⁷ In Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Georgia, Hungary, Italy, the Republic of Moldova, Norway, Romania, Slovenia, Spain and Ukraine.

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- Closely linked to this digital transformation of the courts, accelerated by the COVID-19 pandemic, are changes in the way courts interact with society. Digital filing, online information and video hearings are likely to change the perception of and interaction with courts in a fundamental way. When done in line with the principles of the rule of law, human rights and fair trial, these changes can be used as first steps for improving access to justice.
- The CCJE members also reported challenges faced by the judiciaries in different member States. First, they stressed the need for technological solutions that function and respect the requirements of high-quality judicial services and access to justice for all members of society. Secondly, they pointed out the need for continuing public investment in digital innovations. Thirdly, less obvious challenges such as maintaining a motivating working environment with trusting exchanges between peer judges and with other relevant actors, despite working more remotely, should not be overlooked.
- The responses of the CCJE members also demonstrated that the lessons learnt during the pandemic can and should be used not only to accelerate technological changes, but also to make judicial systems more resilient to new challenges such as the possibility of new pandemics and even – as the response of the CCJE member in respect of Ukraine demonstrated – to military aggression.