



GUIDELINES FOR JUDGES ON MANAGING PRESSURES ON INDEPENDENCE

February 2024



ADVANCING THE RULE OF LAW

The CEELI Institute is a Czech public-benefit (not-for-profit) organization based in Prague, dedicated to the development and training of an international network of legal and judicial professionals committed to advancing the rule of law. Through innovative training programs and other activities, the Institute works with judges, lawyers, and civil society actors to build laws-based societies. The CEELI Institute prides itself on the diversity and quality of the programs it has developed, the peer-to-peer exchanges it fosters, the innovative nature of its programming, and its legacy of contributing to the advancement of the rule of law in vulnerable countries. Our efforts are focused on creating independent, transparent, and effective judiciaries, strengthening democratic institutions, fostering efforts to combat corruption, bridging difficult conflicts, promoting human rights, and supporting lawyers and civil society actors in repressive environments. The CEELI Institute is based at the Villa Grébovka in Prague, a historic nineteenth-century building now renovated into a state-of-the-art residence and conference center.



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FOREWORD

“Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects”.

Bangalore Principles, Principle 1

Justice is a cornerstone of the rule of law, and justice is administered by judges. For a proper administration of justice, judges must be independent and impartial at all times. Judges must be capable of discharging their professional duties without being influenced by either the executive, legislature, stakeholders, or their hierarchical superiors. However, the independence of judges as judicial personnel is sometimes put under pressure from either external or internal forces.

Therefore, these Guidelines have been developed by judges for judges to assist in managing pressures that can be imposed on a judge’s independence. They are a unique outcome of a CEELI Institute’s five-week online course entitled “Judicial Independence and Impartiality,” where a segment was dedicated to handling pressures and guarding against corruption. The training was attended by members of CEELI’s judicial exchange networks in Central and Eastern Europe and in Africa. A collaborative effort involving 12 judges from nine different countries, volunteering their time and expertise, was initiated to distill personal insights and conclusions drawn from the training’s discussion forums and online sessions into what is now known as the „Guidelines for Judges on Managing Pressures on Independence.”

This new resource aims to list examples of the types of pressures to which judges can be subject before outlining practical ways in which they can respond to them.

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These Guidelines have been developed by the members CEELI Institute's Central and Eastern European and African Judicial Networks, and the participants of the Institute's Judicial Independence and Impartiality course, held from October – December 2023.

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Judge Dorothy Alethea DeGabriele, Malawi

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Judge Hanna Kaflak-Januszko, Poland

Judge Violet Machika, Malawi

Judge Fatimah Nadoma, Nigeria

Judge Chukwuemeka Nweke, Nigeria

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PRESSURES ON JUDGES

Influences on judicial independence can come from many sources, both within the judiciary as well as from outside.

Internal pressures

There are a number of pressures that come from within the judiciary, from senior colleagues, including the president of the court, peers, and others. These include:

- Working conditions:
 - Unfair reassignment of cases
 - Preventing or not enabling judges to speak for themselves.
 - Pressure to retire.
 - Lack of appropriate work culture and respect for standards.
 - Changes to working conditions, transfer to another court, or threat of such, without the judge's consent.
 - Imposition of unrealistic performance targets and pressure to deliver to deadlines.
 - Long working hours and poor working conditions.
 - Low wages.
 - Inadequate working tools (e.g. research materials, stationary, etc.)
 - Not being provided with relevant information to enable efficient work.
- Discipline, evaluation, and promotion:
 - Lack of clarity or unfair processes on suspension, demotions, discipline, career, progression, performance management, and benefits and privileges.
 - Denial of promotion or threats of such.
 - Reliance on external stakeholders (e.g. lawyers) for recommendations for promotion.
- Lack of support from colleagues, senior judiciary, and president of the court:
 - Lack of support in the event of pressures being imposed by others.
 - Inadequate training.
 - Lack of consultation.
 - Lack of support from (sometimes inexperienced) administrative staff.
 - Attempts at intimidation in the context of promotion, disciplinary proceedings, etc.
 - Isolation or exclusion from the team; or showing disrespect, leading to depreciation in relationships with other employees.
 - Denial of transfer from one station to another even when there is need.
 - Verification of judgments in order to influence the judge.

External pressures

External pressures come from various sources outside the court, including the government, politicians, those before you in court, the police, and the media. They can be direct or indirect (see, e.g., [report from the Venice Commission](#)).

Issues that can arise include:

- Applying a model of managing and supervising the judiciary, which is unfair, lacks transparency, and has an overreliance on quantitative standards as tools for performance evaluation.
- Pressures from government or politicians, or other stakeholders, for example, influencing the appointment or progression of judges, selection of employees, or experts.
- Limitations and challenges imposed by legislation.
- Limiting the resources available to the court, for example, receiving inadequate resources, salaries, or infrastructure (staff, etc.) to be able to carry out one's work efficiently and effectively.
- Lack of financial support (e.g., cuts, inadequate salaries, or delays in payment.)
- Lack of respect for the judge's voice.
- Attacks on a judge's personal position and reputation, for example, by:
 - Damaging self-esteem;
 - Making allegations of corruption;
 - Putting a judge or judge's family in danger or insecurity;
 - Spreading false information;
 - Using social media to criticize a judge and the judiciary.
- Attempts to influence a judge's decision in a particular matter, for example:
 - Using family or friends;
 - Offering free services;
 - Making apparently innocent requests for favors, sometimes through others;
 - Intimidation by filing complaints against a judge;
 - Staging personal attacks;
 - Using knowledge of a judge's personal situation to try to gain attention;
 - Discussing cases in the media while they are pending, including criticizing the judge and raising public expectations of the outcome of certain decisions.

HOW JUDGES CAN MANAGE AND RESPOND TO THESE PRESSURES

There are a number of ways in which judges can, individually as well as collectively, respond to these pressures and thereby safeguard their independence.

Actions we can take individually

There are a number of things judges can do personally to protect our independence.

- ✓ Stand firm.
- ✓ Be watchful.
- ✓ Ignore attempts to influence you or your decision-making.
- ✓ Respect yourself.
- ✓ Have courage.
- ✓ Rely on standards.
- ✓ Do not express your political or religious views.
- ✓ Stick to your values and insist on the delivery of effective and independent justice.

Managing your workload:

- ✓ Set realistic goals and milestones for yourself.
- ✓ Monitor your workload to ensure it is not manipulated by others.
- ✓ Make use of the FIFO (first in, fast out) rule for all the assignments you receive.
- ✓ Learn to say no when your in-tray of cases is full.
- ✓ Try to obtain a balanced life, take time to relax, and have time for yourself to avoid becoming subject to pressure. Ensure you take your annual leave.
- ✓ Be cautious if you have concerns that someone is trying to influence you, especially if this comes from within the judiciary. Do not auto-censor yourself.
- ✓ Where possible, have a senior judge with impeccable character as mentor.
- ✓ Undertake training on how to manage pressures.
- ✓ Review CEELI Institute's practical [Guidelines on Case Management](#)
- ✓ Be careful what invitations you accept to engage in public activity.

In court proceedings:

- ✓ Respect yourself and all of those who create a court with you.
- ✓ Ensure timely decisions in order to avoid complaints and misconceptions.
- ✓ In conducting judicial processes, be impartial at all times.
- ✓ Be an individual of higher integrity and ability (be competent.)
- ✓ Use every opportunity to explain the court process and procedure and the impact on society if your independence is undermined.
- ✓ Stay focused on the decision and your role as a judge: ask yourself, "Why did I become a judge?"

- ✓ Remind parties of the opportunity to appeal the decision.
- ✓ Protect yourself: don't be alone in chambers when someone is visiting you. Do not meet parties to the case alone: ensure the other party is present or properly represented. Document every discussion.
- ✓ Ensure your judgments are clear and easy to understand. Focus on the obligation to inform. Proofread carefully to ensure documents have not been amended.

With family and friends:

- ✓ Build a wall around yourself, including from family and friends, and make it clear that you will not tolerate interference. Develop a reputation as someone who is not influenced.
- ✓ Clearly separate personal and family affairs and your role as a judge.
- ✓ In any social engagements, particularly involving political officer holders or politicians, set clear boundaries.
- ✓ Do not ask favors of others nor give favors in return.
- ✓ Let your family and close friends know the importance of your independence and shielding you from undue influence, to avoid them being used to influence your decision.

In engaging with the media:

- ✓ Use the [CEELI Practical Guidelines on the Use of Social Media by Judges](#) and ensure that you:
 - Represent the judiciary well.
 - Do not comment on pending cases or use social media to investigate parties.
 - Mind who you 'friend' and 'like.'
 - Avoid political and commercial comments.
 - Consider your online visibility.
 - Protect your data.
 - Educate yourself, your family, and friends.
 - Use social media to educate the public.

Supporting each other

There are also things that judges can do for each other to protect judicial independence:

- ✓ Set up and engage with independent, accountable, and legitimate [judicial councils](#).
- ✓ Encourage judicial councils and courts to support judges in handling the media, through training, the development of standards, and the creation of specialist departments, as well as regular interaction with the media.

- ✓ Encourage judicial councils to respond robustly to attacks on judges and the judiciary.
- ✓ Protect each other, including through independent judges' associations.
- ✓ Share practices and, where appropriate, concerns, with each other.
- ✓ Be understanding, tolerant and open to dialogue.
- ✓ Inform and draw upon the support of senior colleagues, such as the president of the court or presidents of other courts, judicial council or independent association of judges.
- ✓ Raise concerns at meetings with other judges.
- ✓ Set fair and transparent standards for discipline, career progression, and evaluation.
- ✓ Consider establishing a special fund to support judges.
- ✓ Call for funding for courts to be ring-fenced.
- ✓ Engage with local leaders to raise awareness in the community about the judiciary.

RESOURCES

[Bangalore Principles of Judicial Conduct](#)

[Brijuni Statement of Principles of the Independence of the Judiciary](#)

CCJE, [Magna Carta of Judges](#)

CCJE, [Opinion No.18 Preventing Corruption among Judges](#)

CCJE, [Opinion No.17 on evaluation of judge's work](#)

CCJ, [Opinion No.1 on the independence of the judiciary](#)

CEELI, [Judicial Manual on Independence, Impartiality and Integrity of Justice](#)

ENCJ, [Minimum Judicial Standards V Disciplinary proceedings and liability of judges](#)

ENCJ, [Development of Minimal Judicial Standards](#)

ENCJ, [Sofia Declaration on judicial independence and accountability](#)

ENCJ, [Dublin Declaration on standards for the recruitment and appointment of members of the judiciary](#)

Judicial Media Council Of The Association Of Judges Of The Republic Of North Macedonia Transparent Judiciary, [Guidebook For Judges And Journalists](#)

CEPEJ, [CEPEJ Guidelines on Communication with the Media and the Public for Courts and Prosecution Authorities](#)

Venice Commission, [Use of Social Media by Judges](#)

Venice Commission, [Report of the Independence of the Judicial System](#); and [European standards](#)



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