

PRESSURES ON JUDGES



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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

TAKING INDIVIDUAL ACTIONS

Asserting your Value and Integrity:

- 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

- 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 associations 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.

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