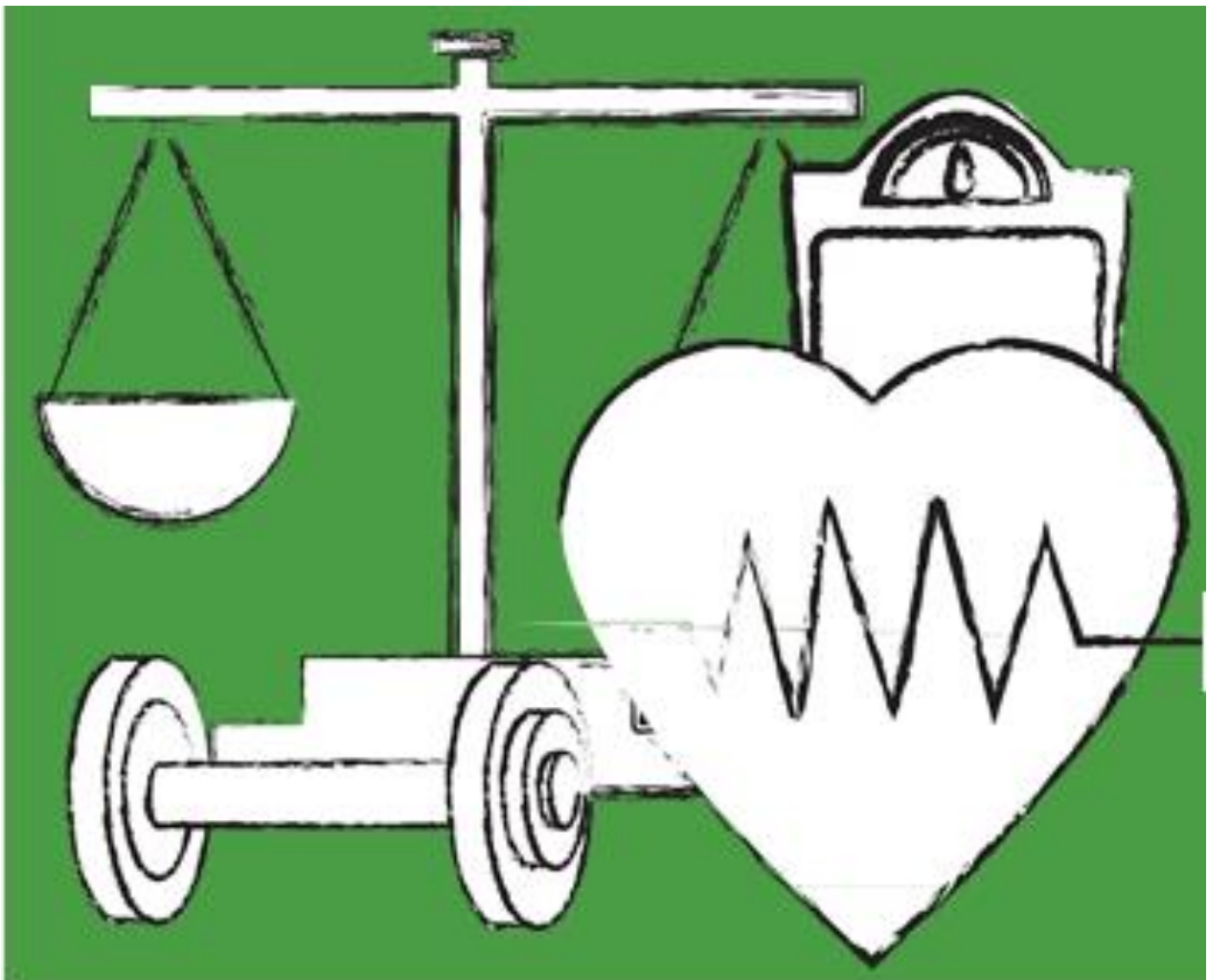


# Exploring Linkages between Judicial Well-Being and Judicial Integrity

**REPORT ON THE GLOBAL SURVEY CONDUCTED BY THE GLOBAL  
JUDICIAL INTEGRITY NETWORK**



March 2022

# EXPLORING LINKAGES BETWEEN JUDICIAL WELL-BEING AND JUDICIAL INTEGRITY



## ACKNOWLEDGMENTS

The present report was prepared by the Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime (UNODC) in its capacity as the secretariat of the Global Judicial Integrity Network.

The report was drafted by Tatiana Veress. It benefitted from the overall guidance by Brigitte Strobel-Shaw and the support by Cristina San Juan Serrano.

Special thanks are extended to the members of the Advisory Board of the Global Judicial Integrity Network for their valuable guidance and continued support, namely Hon. Adrian Saunders; Hon. Diego Garcia-Sayán; Hon. Duro Sessa; Hon. Dr Hassan bin Lahdan Alhassan Almohanadi; Hon. José Igreja Matos; Hon. Kashim Zannah; Hon. Lynne Leitch; Hon. Maria Thereza Moura; Hon. Mathilda Twomey; Dr Nihal Jayawickrama; Hon. Vanessa Ruiz; and Hon. Zainun Ali.

UNODC expresses its appreciation to all Network participants who took part in the global survey and without whom the present report would not have been possible.

## TABLE OF CONTENTS

About the global survey and the present report	4
<b>Key findings and takeaways</b>	6
Survey participants	9
1. Individual experiences in maintaining optimal physical and mental well-being	11
2. Existing judicial well-being-related responses and measures by the judiciary	18
3. Judicial well-being and the COVID-19 pandemic	22
4. Judicial well-being in the broader context of judicial integrity	28
5. Moving forward: Judges' needs in the area of well-being	33
◆ Possible actions and initiatives by the judiciary	35
◆ Possible actions and initiatives by the Global Judicial Integrity Network	41

## ABOUT THE GLOBAL SURVEY AND THE PRESENT REPORT

The key objective of the [Global Judicial Integrity Network](#) of the United Nations Office on Drugs and Crime (UNODC) is to serve as a platform for judges and judiciaries to share experiences and join forces in addressing emerging judicial integrity-related challenges.

Judicial well-being has been highlighted by many Network participants as a topic meriting closer attention, including in the context of the widespread consequences of the ongoing COVID-19 global pandemic. The recognition of this topic goes in line with the 2007 Commentary on the Bangalore Principles of Judicial Conduct which in paragraph 194 acknowledges the impact of judicial well-being on judicial performance and emphasizes that *“a judge should have sufficient time to permit the maintenance of physical and mental well-being [...]. The stress of fulfilling judicial duties is increasingly being recognized. [...]”*

Against this backdrop, the Global Judicial Integrity Network conducted a global survey with the aim of: (i) gaining insights into the experiences of judges and other members of the judiciary with respect to physical and mental well-being in connection to their judicial duties; and (ii) identifying ways in which the Global Judicial Integrity Network could help promote judicial well-being and raise awareness about the linkages between judicial well-being and judicial integrity.

### The **global survey**:

- ◆ Was widely disseminated to all participants of the Global Judicial Integrity Network and was open for completion from 14 September to 3 October 2021.
- ◆ Was hosted on the Survey Monkey platform and was conducted anonymously.
- ◆ Targeted primarily judges and magistrates but was also intended for other members of the judiciary, court staff and persons accessing, observing or working closely with judges and courts.
- ◆ Consisted of five (5) identification questions and twenty-nine (29) substantive questions, including multiple-choice questions and open-ended questions. Some parts of the survey were relevant for, and thus open only to, judges, magistrates and other members of the judiciary.
- ◆ Focused on the following themes:
  - ◆ Individual experiences in maintaining optimal physical and mental well-being;
  - ◆ Existing responses and measures by the judiciary;
  - ◆ Effects of the COVID-19 pandemic;
  - ◆ Views on judicial well-being in the broader context of judicial integrity; and
  - ◆ Moving forward: Existing needs in the area of judicial well-being and the role of the Global Judicial Integrity Network.

- ◆ Allowed the survey participants to share and upload existing resources on judicial well-being. Only two relevant documents were collected, and those were subsequently added to the [online library](#) of the Network. The limited number of available resources seems to support the common view that very little attention has been paid to this subject to date.
- ◆ Was completed by 758 judges and other members of the judiciary from 102 countries from all geographical regions. This is the highest response rate recorded by any global survey conducted by the Global Judicial Integrity Network to date, thus indicating that the topic is of great interest to the Network participants.

The **present survey report**:

- ◆ Provides a concise analysis of the collected quantitative and qualitative data, while protecting the anonymity of the survey responses. For the ease of reading the report, quantitative data represented in numerical figures have been rounded to whole numbers, except for the data on survey participants for which one decimal place has been used.
- ◆ Presents the survey results visually through various charts, identifies common areas of interest/concern and draws some conclusions from the answers provided. All conclusions and considerations are drawn only from the quantitative and qualitative data collected and are not intended to reflect the opinions of UNODC as the secretariat of the Global Judicial Integrity Network.
- ◆ Includes several boxes with verbatim quotes of the survey participants as part of their responses to open-ended questions. These quotes are completely anonymous and serve to exemplify and illustrate some of the survey participants' experiences with regard to the issues raised by the survey.

More information about the work of the Global Judicial Integrity Network on the topic of judicial well-being can be found at: [www.unodc.org/ji](http://www.unodc.org/ji).



## KEY FINDINGS AND TAKEAWAYS

**76 %** of judges and members of the judiciary **do not have sufficient time to maintain optimal physical and mental well-being.**

**92 %** indicate that **judicial work brings** them **stress** sometimes, frequently or always.

The most common contributing factor appears to be **excessive workloads**. Many survey participants explain that excessive workloads are a vicious circle, where judges and other members of the judiciary are under constant stress from excessive workloads, which in turn slows them down, causes them to take longer to process the cases, and creates further backlogs.

**89 %** know of **cases of judicial colleagues experiencing stress or anxiety.**

**69 %** feel that **talking about mental health or stress is a taboo** when it comes to judges and members of the judiciary.

**83 %** say that **the level of support available in their judiciary is not sufficient.**

**97 %** think that **more prominence should be given to promoting judicial well-being.**

Almost all survey participants believe that there is not enough awareness about the importance of judicial well-being and its impact on judicial integrity and on the perception of the judiciary. The concept of judicial well-being continues to be unheard of in many judiciaries. Moreover, even in those judiciaries that have put in place some measures aimed at promoting well-being, many participants explained the inadequacy or insufficiency of the available support and the existing stigma and stereotyping around mental health issues.

**46 %** have experienced **deterioration of both mental and physical well-being as a result of the COVID-19 pandemic.**

### Linkages between judicial well-being and judicial integrity

Judicial well-being is generally seen by the survey participants as a vital prerequisite for judges to carry out their judicial functions effectively. Optimal performance and competence on the part of judges and members of the judiciary depends not just on knowledge of the law and

analytical skills, but also on their well-being (physical, mental, emotional and psychological). Many survey participants are of the view that stress, burnout, fatigue and anxiety undermine impartiality, independence, efficiency and effectiveness of the judge and of the judicial system as a whole.

In particular, the survey participants believe that **the lack of optimal well-being of judges creates limitations to the efficiency of justice and court administration (80 % of the survey participants), quality of decisions and judgments (68 %), public trust and confidence in the judiciary (47 %), access to justice (40 %), integrity of judges and the judiciary (35 %) and procedural fairness (31 %).**

The most commonly reported negative consequences of the lack of well-being include: overall bad performance; procedural errors and errors in judgment; diminished cognitive abilities; lack of concentration; slowness; reduced reasoning skills and clarity of thought; decreased ability to stay open and be receptive to submissions; insufficient analysis of evidence; lack of empathy; indifference to the rights of parties; tendency to be biased or resort to stereotyping; hastily written, copy-pasted and not fully researched judgments; miscommunication; impatience; irritability; interpersonal problems; and anger.

## Possible actions and initiatives

Survey data suggests that the following actions and initiatives could be considered useful.

### By the judiciary:

- ◆ Acknowledge and raise awareness about the problem - not only within the judiciary but also with the other branches of the state;
- ◆ Remove existing stereotypes and stigmatization;
- ◆ Promote open dialogue and create a safe space for everyone to speak up and find a relief or remedy;
- ◆ Offer opportunities for peer support (such as mentoring and coaching), socializing and team building;
- ◆ Provide access to psychological support;
- ◆ Offer practical training, guidance and tips on how to maintain optimal well-being;
- ◆ Improve case management and workload distribution policies and systems, including, if possible, through investing in modern technology and adequate working infrastructure; and
- ◆ Explore ways to promote a better work-life balance and consider flexible approaches to doing judicial work.

### By the Global Judicial Integrity Network:

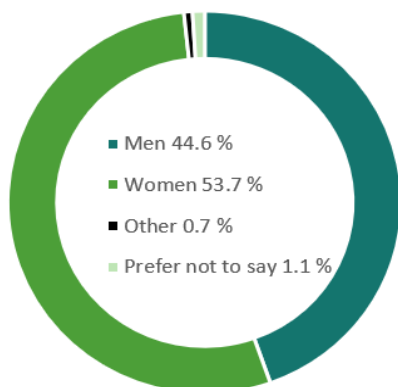
- ◆ Help raise awareness through promoting discussion and experience-sharing;
- ◆ Collect and disseminate good practices and existing resources;



- ◆ Work with and support judiciaries in the development of appropriate tools, materials and initiatives;
- ◆ Support and promote effective training and the dissemination of relevant training expertise; and
- ◆ Create and facilitate peer-support, mentoring and coaching opportunities.

## SURVEY PARTICIPANTS

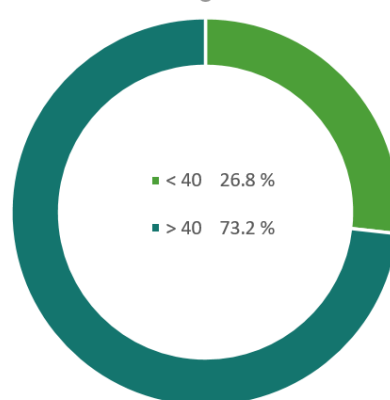
### Gender: How do you identify?



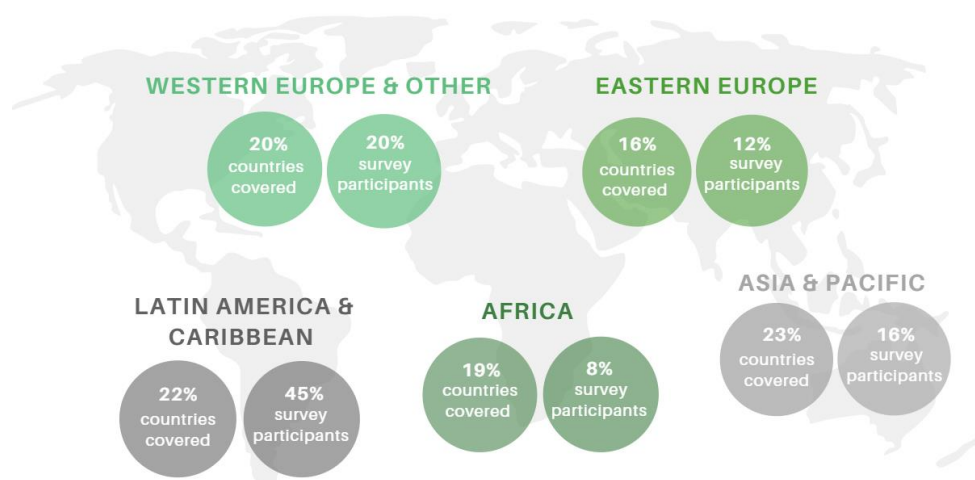
Of the 758 survey participants, 53.7 % were women, 44.6 % men, 0.7 % other and 1.1 % preferred not to say.

### Age

Of the 758 survey participants, 26.8 % were in the 40-below age group and 73.2 % in the 40-above age group. This distribution appears to reflect the fact that judges often assume their judicial position when falling into the latter group.



### Region



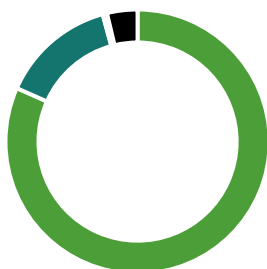
The 758 survey participants came from 102 countries. The geographical distribution of the survey responses was as follows:

45 % responses from 23 States (22 %) belonging to the Latin American and Caribbean Group;  
20 % responses from 20 States (20 %) belonging to the Western European and Others Group;  
16 % responses from 24 States (23 %) belonging to the Asia-Pacific Group;

12 % responses from 16 States (16 %) belonging to the Eastern European Group; and 8 % responses from 19 States (19 %) belonging to the African Group.

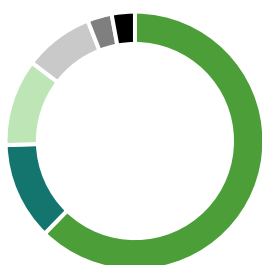
## Occupation

- Judges/Magistrates 80.9 %
- Court staff/public officials working for the judiciary 14.0 %
- Representatives of regional/international organizations 1.5 %
- Other 3.7 %



Most survey participants were also the main target audience of the survey, i.e. judges and magistrates (80.9 %), followed by court staff and public officials involved in the administration of the judiciary (14.0 %). The rest of the survey participants were representatives of relevant regional and international organizations and non-governmental organizations (1.5 %) and other relevant professions, including prosecutors, academics and lawyers (3.7 %).

- First instance court 62.3 %
- Court with the highest authority (Supreme/Constitutional) 12.2 %
- Appellate court 10.8 %
- Other (e.g. disciplinary or training bodies) 8.7 %
- Retired judges/magistrates 3.1 %
- Regional or international court 2.9 %



Of the judges and magistrates participating in the survey, 62.3 % were first instance judges; 12.2 % judges of courts with the highest authority (e.g. supreme or constitutional courts); 10.8 % appellate judges; 3.1 % retired judges/magistrates; and 2.9 % judges of regional or international courts. The remaining 8.7 % identified themselves as “other”; however, based on the explanations provided in an optional text field, it can be observed that most of these participants still held adjudicatory functions similar to those of judges, but according to the structure of their national system they were hesitant as to whether they fell into any of the prescribed categories.

***Overall, it can be said that the survey responses showed no significant differences between the different groups (gender, age, geographical region, occupation); however, some differences were observed and will be highlighted throughout the survey report.***



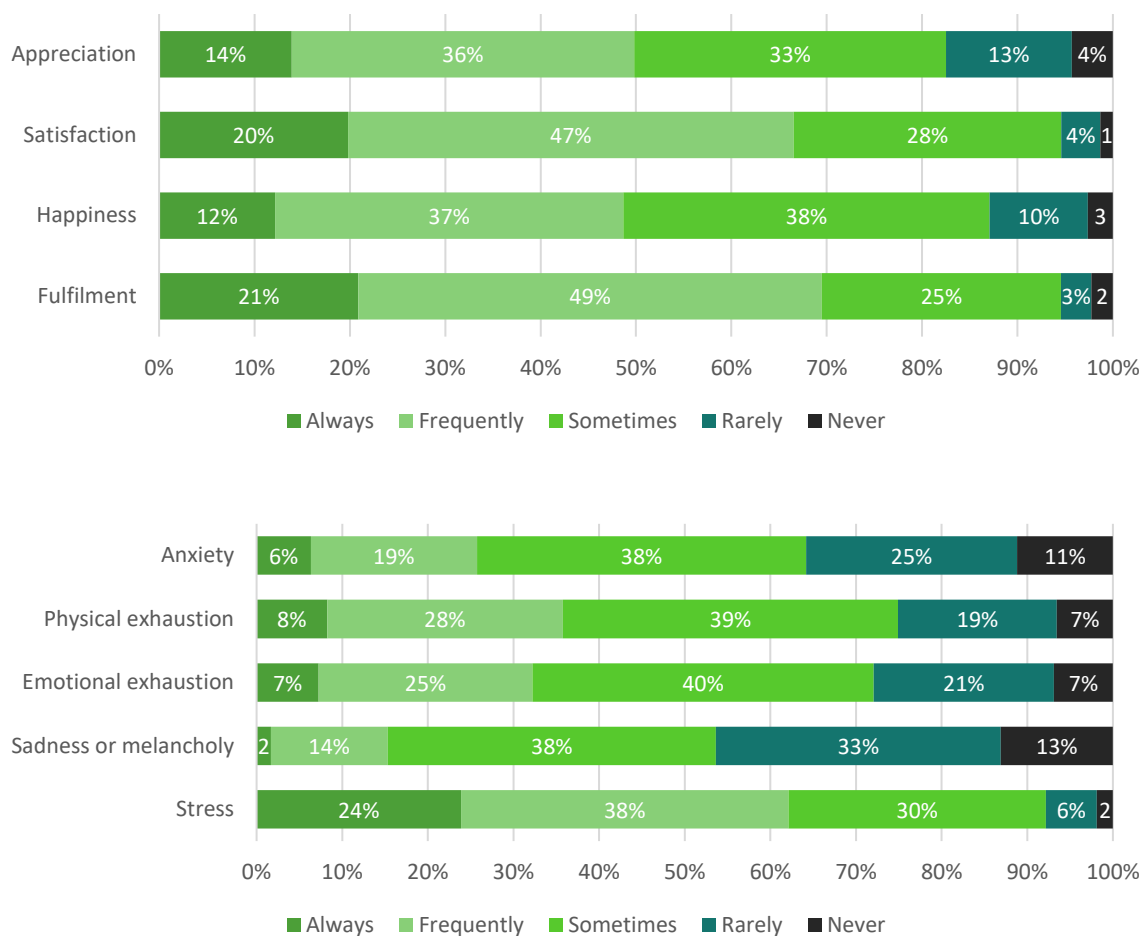
# 1. Individual experiences in maintaining optimal physical and mental well-being

*Overall, over 76 % of the survey participants feel that they do not have sufficient time to maintain optimal physical and mental well-being.*

Looking more closely at the survey data, it can be observed that this feeling is more prevalent in women than men (81 % women versus 67 % men), as well as in first instance judges in comparison to appellate judges and judges working for courts with the highest authority (81 % versus 73 %). Only a slightly higher prevalence can be observed in judges under 40 years of age than in judges over 40 years (78 % versus 75 %).

## **Degree to which judicial work contributes to or cultivates different positive and negative feelings**

The survey participants answered in the following way as to what degree their judicial work contributes to or cultivates in them the below positive and negative feelings:



An overwhelming majority of the survey participants across all categories (around 90 %) felt that their judicial works brings them sometimes, frequently or always the feelings of fulfilment, happiness and satisfaction. Feelings of appreciation were generally less frequent, with around 17 % of all survey participants experiencing appreciation rarely or never.

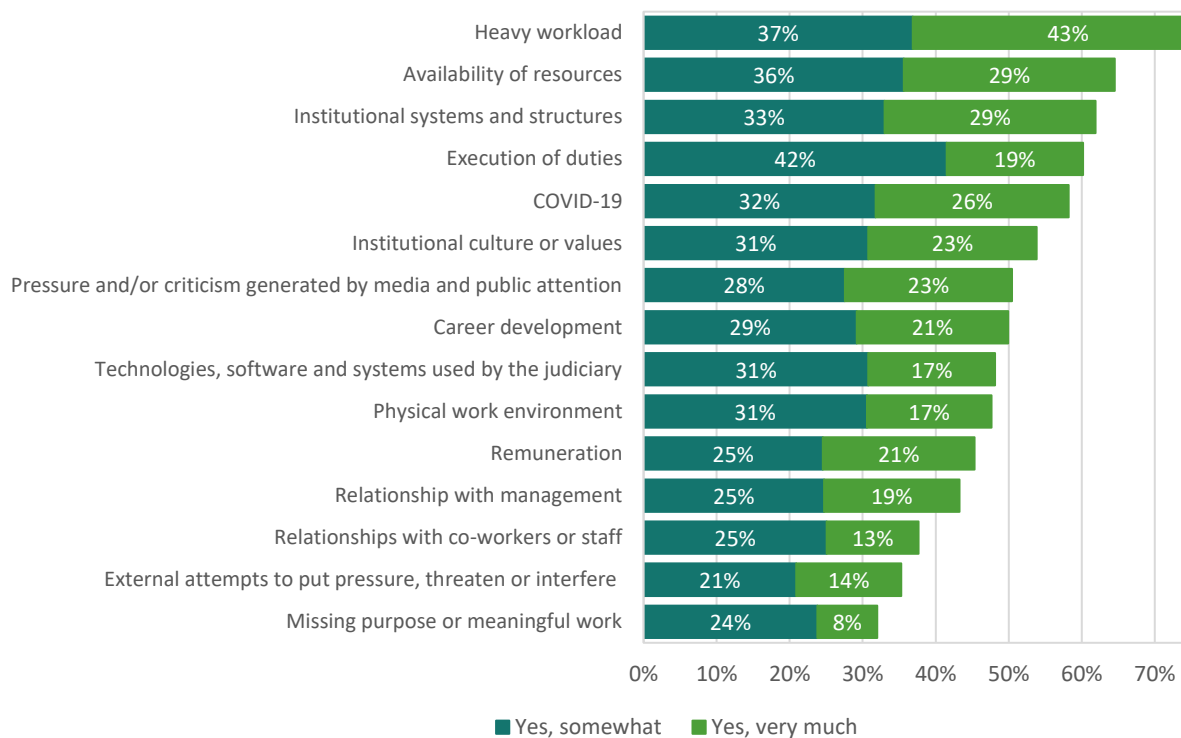
*Over 92 % of the survey participants indicated that judicial work brings them stress sometimes, frequently or always.*

Many survey participants also shared that their judicial work sometimes, frequently or always contributes to or cultivates in them physical exhaustion (75 % of the survey participants), emotional exhaustion (72 %), anxiety (63 %) and sadness and melancholy (54 %); however, while for these negative feelings the most prevalent answer was “sometimes”, for stress the most prevalent answer was “frequently”. In fact, for stress, “frequently” and “always” were cumulatively twice as common as “sometimes” (62 % in comparison to 30 %).



## Contributing factors to the negative feelings of stress, sadness and anxiety

The survey participants indicated the following factors as contributing very much or somewhat to the negative experiences of stress, sadness and anxiety in the context of their judicial work.

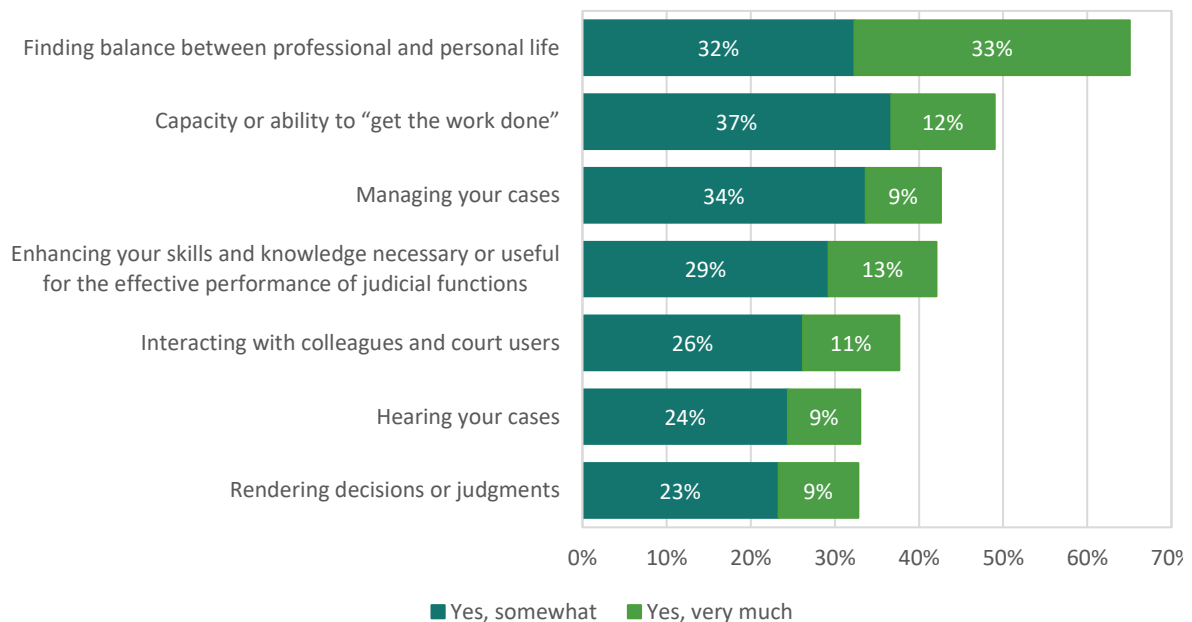


As can be observed, the most common contributing factors to the experiences of stress, sadness or anxiety were: heavy workload (80 % of the survey participants); availability of resources (65 %); institutional structures and systems (62 %); execution of duties (61 %); institutional culture or values (54 %); pressure and/or criticism generated by media and public attention (51 %); and career development (50 %). Around 58 % of the survey participants attributed some of the stress, anxiety and sadness to the COVID-19 pandemic.

Other factors appeared to affect a lower, albeit still a very significant, number of judges: technologies, software and systems used by the judiciary (48 %); physical work environment (48 %); remuneration (46 %); relationships with management (44 %); relationships with co-workers and staff (38 %); external attempts to put pressure, threaten or interfere (35 %); and missing purpose or meaningful work (32 %).

## Impact of stress, sadness and anxiety on judicial work and performance

The survey further aimed to explore how exactly the negative feelings of stress, sadness and anxiety impact on judicial work and performance. The following areas were revealed to be very much or somewhat adversely impacted by stress, sadness or anxiety.



The survey answers indicate that stress, sadness or anxiety have somewhat or very much a negative or adverse impact on: finding balance between professional and personal life (65 % of participants); capacity or ability to get the work done (49 %); managing cases (43 %); enhancing skills and knowledge necessary or useful for the effective performance on judicial functions (42 %); interacting with colleagues and court users (37 %); hearing cases (33 %); and rendering decisions or judgments (32 %).

*Over 89 % of the survey participants know of cases of judicial colleagues in the judiciary experiencing stress, sadness or anxiety.*

More specifically, nearly 40 % responded that they knew many such cases, and nearly 50 % responded that they knew some cases. Survey participants in the age group 40-under appeared to be aware of more cases of colleagues experiencing stress, sadness or anxiety (50 % responded "many") than the participants in the age group 40-over (36 % responded "many"). The same goes for first instance judges (42 % responded "many") in comparison to appeal judges (33 %) and judges of courts with the highest authority (32 %).





*Nearly 67 % of the survey participants have concerns about physical or mental well-being of themselves or their colleagues in the judiciary.*

The concern about physical or mental well-being was again more prevalent in first instance judges (73 %) than appeal judges (61 %) and judges of courts with the highest authority (58 %). When comparing the two different age groups, judges under 40 years of age appeared to have less concerns (60 %) than judges over 40 years of age (68 %).

### **More about individual experiences of judges and members of the judiciary**

Many survey participants took an opportunity to elaborate further on their experiences and shared what they perceived as the main obstacles to achieving optimal mental and physical well-being of themselves or their judicial colleagues in their judiciary.

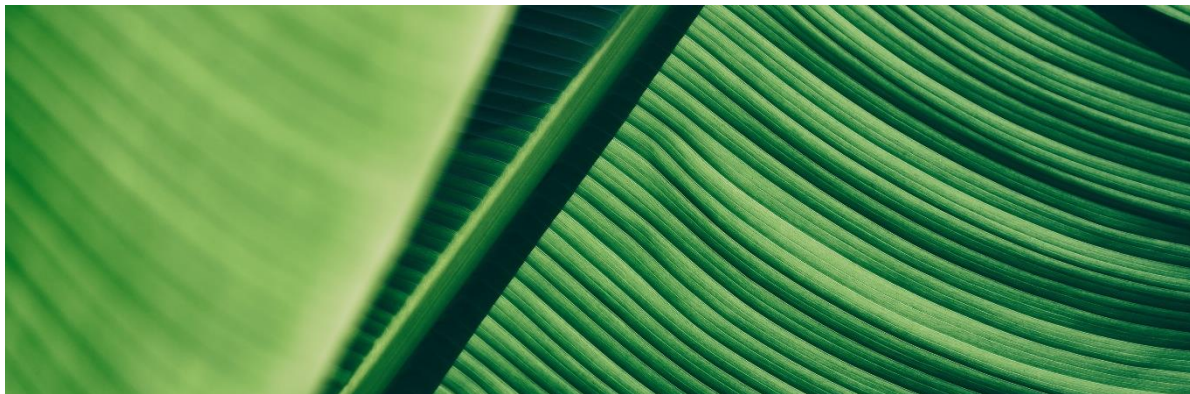
The vast majority of answers concerned **excessive workloads, growing backlogs and the inability to control the volume of work**. In this regard, the survey participants mentioned the following challenges:

- ◆ Increasing demands and pressure from the management to conclude more cases and prioritize quantity over quality;
- ◆ Unrecognized long and out-of-office working hours;
- ◆ Insufficient time to write judgments and research matters thoroughly;
- ◆ Feelings of being “always behind” and the ensuing lack of motivation;
- ◆ Inability to maintain work-life balance; and
- ◆ Inadequate judicial manpower.



Other commonly reported obstacles to achieving optimal mental and physical well-being were:

- ◆ Lack of trained personnel and support staff capable of providing meaningful administrative or technological assistance;
- ◆ Lack or poor distribution of material resources, IT-based solutions, equipment, physical spaces and supplies;
- ◆ Inefficient, faulty or ineffective case management, including excessive paperwork, meaningless formalism or lack of innovation tools and technological solutions;
- ◆ Pressure and criticism generated by outside sources (public, media, politicians, economic powers, etc.), as well as internal sources (management, colleagues, etc.);
- ◆ Non-supportive culture within the judiciary, including competitiveness, lack of empathy among colleagues and from supervisors, absence of respect, solidarity and trust, difficult relationships with management, feelings of isolation and loneliness; and
- ◆ COVID-19 related fears, uncertainties and isolation.



With regard to the different categories of respondents, it can be observed that the vast majority of answers provided by first instance judges touched upon excessive workloads, growing backlogs, the lack of manpower and the pressure from management to finish more cases. While the issue of excessive workloads was also mentioned by numerous survey participants from appeal courts or courts with the highest level of authority, the answer was not as prevalent as for first instance judges. For courts with the highest authority, many judges participating in the survey focused on: ineffectiveness and inefficiency of court management methods and judicial procedures; pressure from media, general public and political powers; constant hostile atmosphere created by media and politicians and unobjective media criticism; and the lack of appreciation of the judiciary's work. The answers provided by judges of appeal courts were somewhere in between, referring to both excessive workloads and pressure and attacks by media, politicians and general public, and also often mentioning: feelings of isolation and solitude; the existence of problematic procedural rules, legal obstacles and insufficiencies; and the lack of opportunities for promotion.

## **Quote Box**

“There are relentless and crushing workloads with no relief offered by having chambers days to write judgments and insufficient time to research matters properly - we are always behind and pushed into the next list.”

“We have to deal with many cases within the day and there is not enough time after work for studying and writing. All work of decision-making is done at home with the result that no time is left for personal well-being and family.”

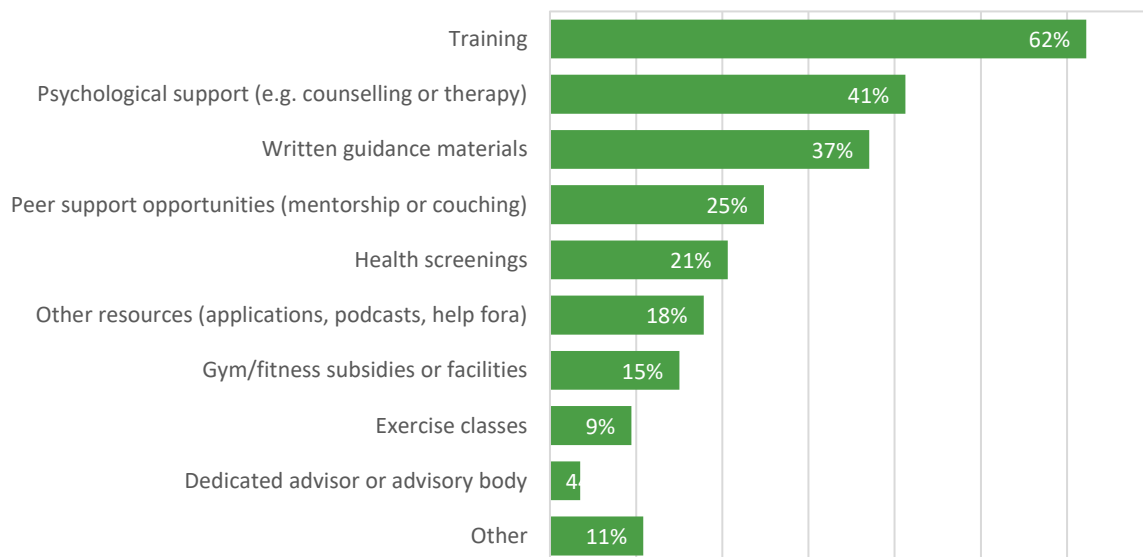
“Definitely if the work is stressful, the quality of the resolutions will not be the same as when you have time to dedicate to it. In addition, the excessive workload produces a decrease in efficiency and judicial delay, which becomes a vicious circle with respect to the stress that it produces in the judges and staff.”

“There is a lack of understanding and appreciation of the work that the judiciary does [...]. It is hard to communicate with colleagues as they feel the same way, so everyone keeps silent.”

## 2. Existing judicial well-being-related responses and measures by the judiciary

### Existing forms of support

Over 46 % of the survey participants indicated that their judiciary offered some form of support to promote well-being of judges.



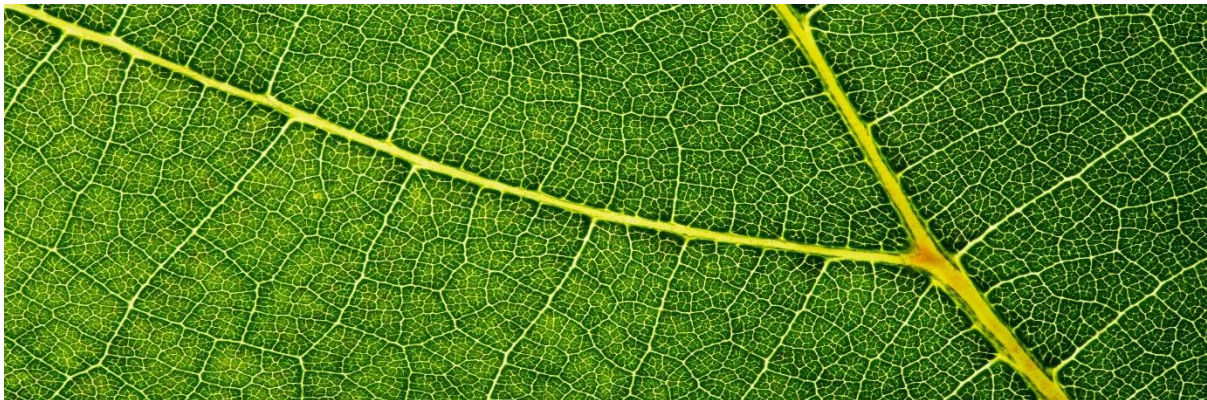
For those 46 % of the survey participants, the most prevalent form of the existing support is training (62 %), psychological support such as counselling and therapy (41 %), written guidance materials (37 %), opportunities for peer support (mentorship or coaching programmes (25 %), health screenings (21 %) and other resources such as applications,

podcasts or online help fora (18 %).

**Regarding concrete activities and measures** in place, many survey participants used the opportunity to elaborate on this further and **noted as useful**:

- ◆ Sessions on emotional intelligence and well-being;
- ◆ Motivational conferences;
- ◆ Team building events;
- ◆ Social clubs;
- ◆ Gym subsidies and facilities;
- ◆ Exercise classes;
- ◆ Regular health checks;
- ◆ Counselling sessions with psychologists or psychiatrists; or
- ◆ Information bulletins on various health-related issues.

The participants also noted as helpful some of the COVID-19 related support, including webinars with medical doctors and psychologists, videos on appropriate physical exercises to perform at home, or information sheets on hygiene measures.



However, two caveats should be mentioned here based on the analysis of the answers provided:

- ◆ First, numerous survey participants explained that although they ticked “training” as an available form of support provided by their judiciary, such training was in reality only a very small segment of a larger training, a quick “health talk”, or a short or isolated course on a narrow topic (e.g. stress management). Moreover, several survey participants noted that unless the training was truly effective, they would prefer not to undergo any training as it actually only meant more work.
- ◆ Second, many participants explained that although they answered “yes” for certain categories of available support, such as psychological counselling or guidance



materials, they were only vaguely aware that there was some support available. They clarified, however, that they were not sure how to access the existing resources and that the information was not readily apparent. Several participants also shared that while some form of professional psychological help was available in big cities, it was not available in rural areas.

Nevertheless, several survey participants appreciated a positive shift in the recent years and more openness towards addressing this topic, in comparison to some years ago when nothing was being done to support judicial well-being.



*Around 54 % of the survey participants indicated that their judiciary did not offer any form of support to promote well-being of judges.*

It appears from the open-ended answers that the concept of judicial well-being is completely unheard of in many judiciaries. Many survey participants described how there was a total absence of systemized support in the area of judicial well-being, including a lack of awareness or of any available form of support and resources. The participants explained how there was an institutional blindness to the impact of excessive workloads and constant pressure on judges.

*Over 83 % of the survey participants were of a view that the level of support available in their judiciary is not sufficient.*

## **Quote Box**

“All of the above are urgently needed, especially psychological support, team building exercises and encouragement of physical exercise. There is a general absence of work-life balance among the judiciary, and this inadvertently affects behaviour from the bench and ultimately integrity. A mentor or coach would definitely help as being independent does not have to mean being alone.”

“On a regular basis, through email and the institutional social network, capsules or informative bulletins are sent on aspects of physical and emotional health, eating habits, hygiene in workspaces, among others. During the months of the first year of the pandemic, the services of a personal trainer were hired to record videos on appropriate physical exercises to perform in our homes. They are available on the institution's online platforms, as a way to help reduce the stress caused by confinement and distancing.”

“The best support would be good and supportive management. Training would simply increase workload and limit freedom.”

“Once a year there is a session (30-45 minutes) on health and well-being. It usually does not go much further than eat nutritious food and make sure you do some exercise. The session is usually provided by an external provider.”

“Training has been obtained largely on my own initiative and in response to a recognition that my work performance and personal (physical and mental) health/life were being adversely affected by on-the-job stress, demands, and expectations.”

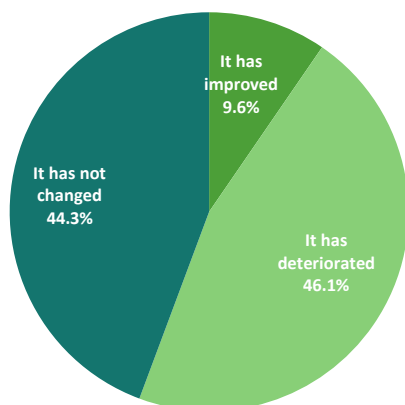
“The judiciary engaged psychologists to conduct sessions with all judicial officers. The yoga for judges was well received as it introduced practical tips for de-stressing during the workday.”

“Unfortunately, my single experience with the topic of judicial well-being is the webinar organized by the Global Judicial Integrity Network.”

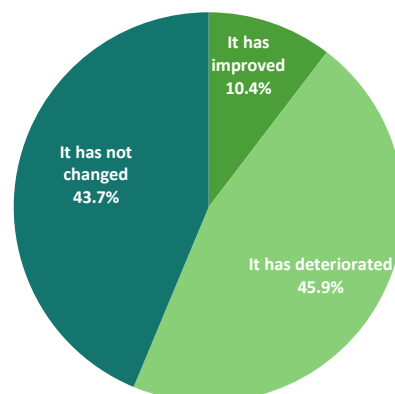
### 3. Judicial well-being and the COVID-19 pandemic

*46 % of the survey participants said their mental well-being deteriorated as a result of the pandemic. 10 % said it improved, and 44 % that it did not change. Very similar answers were provided for physical well-being.*

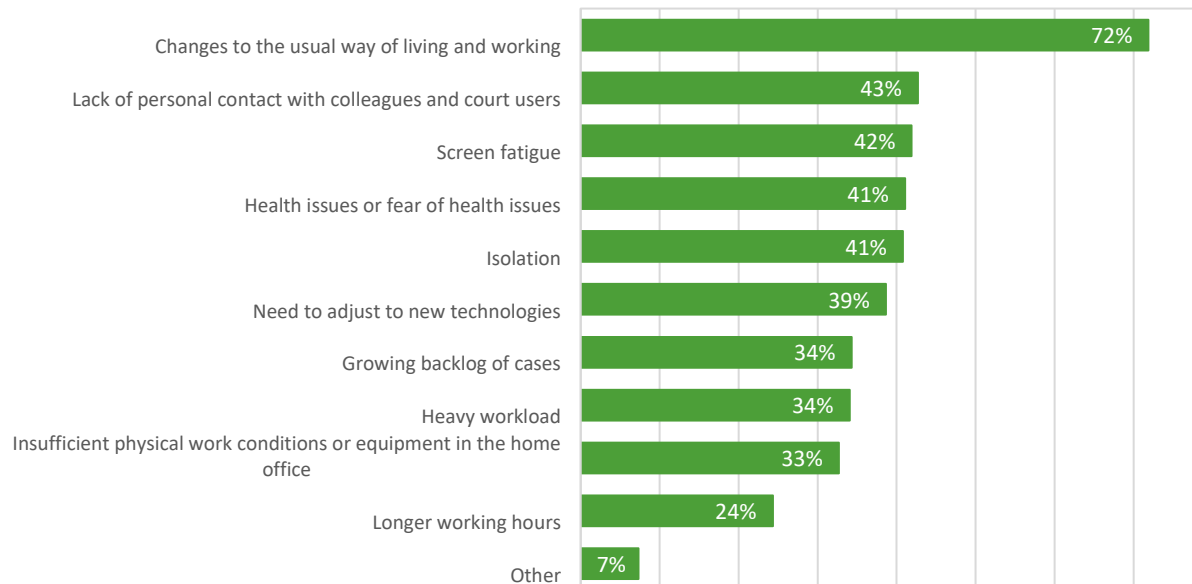
Mental well-being



Physical well-being

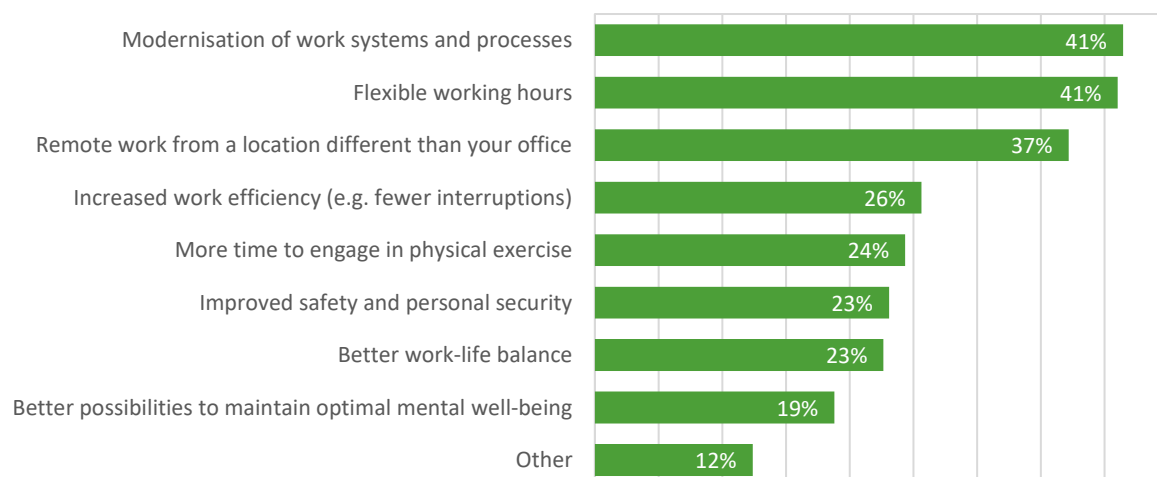


## Factors contributing to the deterioration of physical or mental well-being during the pandemic



The main contributing factors to the deterioration of physical or mental well-being were: changes to the usual way of living and working (72 %); lack of personal contact with colleagues and court users (43 %); screen fatigue (42 %); health issues or fear of health issues (41 %); and isolation (41 %). Many also reported the need to adjust to new technologies (39 %); growing backlog of cases (34 %); heavy workload (34 %); insufficient physical work conditions or equipment in the home office (33 %); and longer working hours (24 %).

## Factors contributing to the improvement of physical or mental well-being during the pandemic





As for factors contributing to the improvement of physical or mental well-being during the COVID-19 pandemic, the survey participants reported: modernisation of work systems and processes (41 %); followed by flexible working hours (41 %); possibility to work from a location different than office (37 %); increased work efficiency (fewer interruptions, more control over your day) (26 %); more time to engage in physical exercise (24 %); improved safety and personal security (23 %); better work-life balance (23 %); and better possibilities to maintain optimal mental or physical well-being (19 %).



## Opportunities and challenges presented by the pandemic

The majority of the survey participants used the opportunity to share their concrete individual experiences during the pandemic. Many of the survey participants had mixed feelings and recognized both opportunities and challenges in relation to the pandemic-related measures.

With regard to **opportunities** and possible positive effects of some of the pandemic-related measures implemented by the judiciary, the survey participants emphasized in particular:

- ◆ Increased effectiveness and efficiency, including due to better time management, more flexible time schedule, fewer interruptions, more time to concentrate and catch up on paperwork and writing judgments or saving time by avoiding commuting;
- ◆ More opportunities to look after physical and mental well-being, greater attention to self-care, more time to prepare healthier meals or exercise, less stress and better work-life balance;
- ◆ Technological improvements and modernization, and the ensuing increased efficiency, reduced paperwork or innovative processes to dealing with various matters; and
- ◆ Increased personal safety while working remotely.

With regard to **challenges** experienced during the pandemic, the most frequent answers touched upon the following:

- ◆ Reduced work morale, lack of motivation, lack of feelings of fulfilment or work satisfaction, sadness and anxiety;
- ◆ Deteriorated mental and physical health due to COVID-19-related fear, decreased trust in people, isolation and lack of personal interaction with colleagues and friends;
- ◆ Difficulties to separate work from free time, including feelings that one needs to be “always” available and work taking over the safety and privacy of home environment;
- ◆ Longer working hours, cases taking longer to complete due to their online nature, increased administrative duties, new reporting tasks and a lot of unnecessary emails to check;
- ◆ Growing backlogs of cases, such as in the jury trials that have been unable to proceed, case rescheduling;
- ◆ Increased workload and anxiety due to the need to adapt to new technologies, limited or no support to learn how to use them, limited technological resources provided by the court, connectivity challenges during virtual hearings, unsuitable conditions for working at home; and
- ◆ Generally little or no care or support provided by the court regarding individual difficult situations experienced by members of the judiciary.



## Measures that could be maintained after the pandemic

Many survey participants appreciated the flexibility that some of the pandemic-related measures had created. They explained that the pandemic forced judiciaries to reconsider the effectiveness of their processes and in some instances helped introduce mechanisms and systems that significantly increased efficiency and effectiveness and thus could be maintained for the future.

The most frequently mentioned area was **flexibility in working arrangements** as a way to increase productivity and effectiveness. Many survey participants would welcome if at least some of the flexibility introduced during the pandemic could remain. While fully appreciating

the importance of in person court attendances, many participants noted that it would be helpful to be able to work partially remotely to catch up on pending chamber or administrative matters and applications and writing judgments, which is something that they struggle with when working from the office due to frequent interruptions and competing priorities. It was also mentioned that the pandemic helped reduce the number of administrative meetings. A hybrid model of both in-person and remote work was considered by many participants as a means to improve time management and allow more opportunities for well-being activities, such as exercising, mindfulness or family time.

The second most commonly addressed area was the **use of technologies**. Many participants welcomed the technological advancements and the modernisation of processes that took place in an accelerated manner in response to the needs stemming from the pandemic. In particular, the participants noted various improvements in the areas of e-filing, digital documents, online case management and virtual communication. While understanding the various limitations and challenges, many participants would welcome to continue, for at least some appropriate types of cases, with virtual/remote hearings. It was, however, recognized by many survey participants that the existing resources and capacities in this regard were inadequate, and it would therefore be important to first build better digital infrastructure and invest in new technologies, equipment, video-conference facilities, as well as digital security tools to ensure that the new technological support would serve the judicial system and its values, rather than undermine it.

Numerous survey participants appreciated their judiciary's efforts to promote well-being during the pandemic, and in that regard would welcome continued **online training opportunities** to promote work-life balance, wellness or mindfulness, various self-care courses, counselling and group support with colleagues.

Some survey participants said that the **hygiene standards** in their courts prior to the pandemic had not been satisfactory and in this regard some of the measures introduced by the pandemic should become the new standard, including hand sanitizers, more frequent sanitizing of the court premises and cleanliness of the physical space, as well as maintaining social distancing and allowing more personal space for judges and court staff.

## **Quote Box**

### **Opportunities and challenges:**

"There is some improvement to my mental and physical health because I have had the opportunity to "slow down" on court work. However, I foresee it to be temporary and there is a growing anxiety as there is a growing backlog of cases that have been affected due to lockdown and it only means we have to go full force as soon as

restrictions are eased.”

“There is greater use of technologies which modernise our approach in executing our functions, but at the same time, the close intimate interaction with colleagues and court staff that face-to-face connection brings is absent.”

“I approve of the use of video connections for hearings, but it is a steep learning curve for many stakeholders, and it does lengthen the workday.”

“There was enormous stress on judges in some jurisdictions, including due to the new technologies, with no acknowledgement or support to minimize the problems and therefore stress.”

“There was an increase in the backlog of cases which had already been alarming due to the little number of judges. I suffered mentally during the lockdown and a period of isolation.”

“COVID has made a lonely job even lonelier.”

“We had to reschedule cases, cut down on hours in court, learn about remote hearings and teach support staff in order for it to be successful. The employer did very little to support the process besides creating practice directives and creating staggered working arrangements. We also have to ensure we carry clients along, so that they develop confidence in the new changes.”

**Measures that could be maintained after the pandemic:**

“Investment in the use of technology and remote hearings of cases through video-conference facilities should continue. COVID-19 has transformed those averse to technology to embrace and fall in line.”

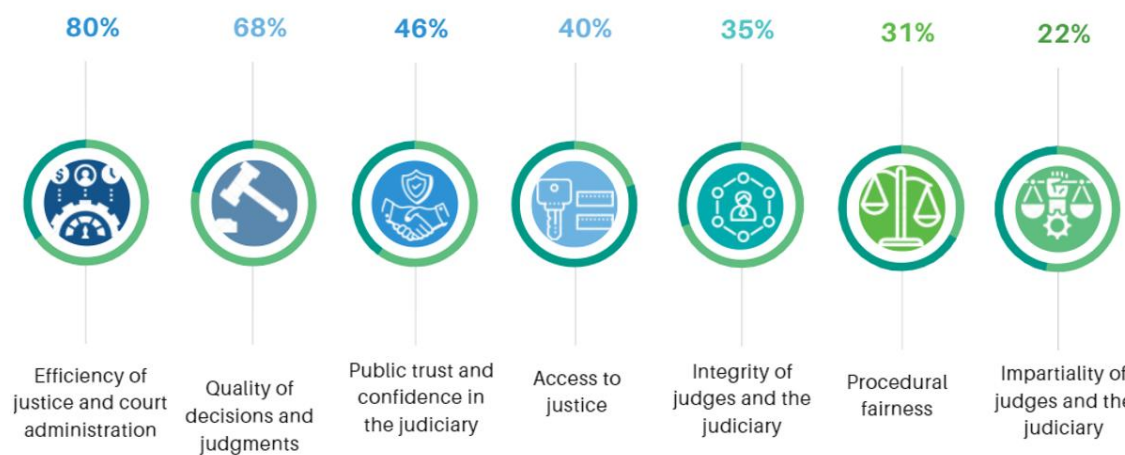
“Post-pandemic courts should operate with a hybrid approach that includes the best of remote work as well as in person court attendances.”

“A blended work-from-home as well as work-from-the-office approach, that is flexible and functional, will be welcomed.”



## 4. Judicial well-being in the broader context of judicial integrity

### Impact of the lack of judicial well-being on judicial integrity and other functions of the judiciary



Most survey participants believe that the lack of well-being of judges creates limitations to efficiency of justice and court administration (80 %), as well as quality of decisions and judgments (68 %), public trust and confidence in the judiciary (46 %), access to justice (40 %), integrity of judges and the judiciary (35 %) and procedural fairness (31 %). The least frequent answer was impartiality of judges and the judiciary (22 %), but it still showed a considerable number of 112 responses.

Numerous survey participants elaborated further on their responses. Most answers revolved around an idea that if judges are not functioning optimally, both physically and mentally, it is unlikely that they will be able to perform in an ideal manner and that their relationships with colleagues, court users and others will be optimal.

The most frequent concern touched upon **excessive workloads**. The stress suffered by judges and magistrates due to the number of cases they handle each day as well as the lack of opportunities for rest and recreation adversely affect mental and physical well-being. The survey participants explained that excessive workloads were a vicious circle, where judges and court staff are under constant stress from excessive workload, which in turn slows them down, causes them to take longer to process information or evidence, and creates further backlogs. Some participants noted that they are never able to be entirely up to date and are under constant pressure from their management to focus on quantity rather than quality.



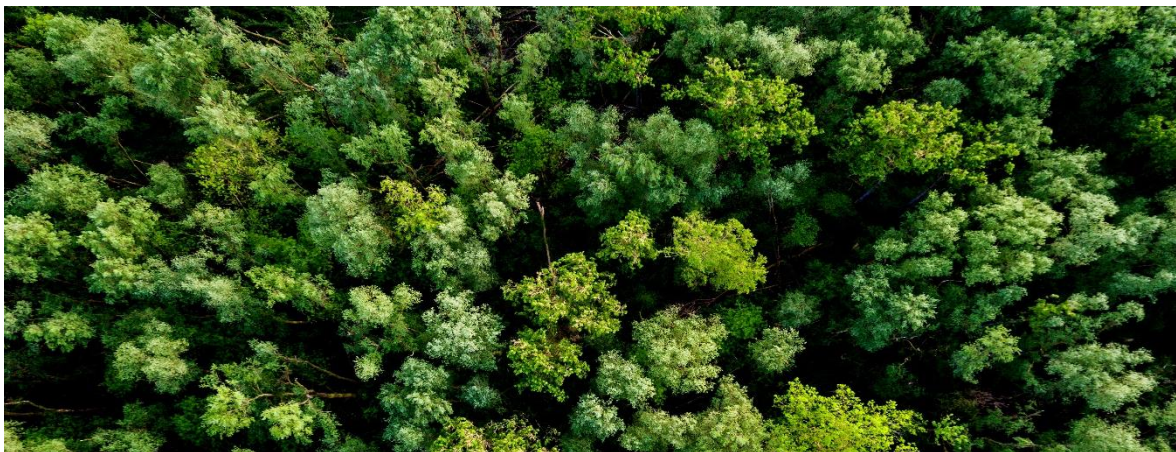
It was also underlined by many participants that when one is under constant stress, such as stress brought about by tight deadlines of successive and simultaneous cases, it will ultimately have negative effects on the efficiency and quality of judicial work as well as on the perception of fairness. Among others, the survey participants observed the following **negative effects of the lack of optimal well-being, including:**

- ◆ overall bad performance;
- ◆ procedural errors and errors in judgment;
- ◆ diminished cognitive abilities;
- ◆ lack of concentration;
- ◆ slowness;
- ◆ reduced reasoning skills and clarity of thought;
- ◆ decreased ability to stay open and be receptive to submissions;
- ◆ insufficient analysis of the evidence;
- ◆ lack of empathy;
- ◆ indifference to the rights of parties;
- ◆ tendency to be biased or resort to stereotyping;
- ◆ issuing a decision at all costs in due time – hastily written, copy-pasted and not fully researched judgments;

- ◆ miscommunication;
- ◆ impatience;
- ◆ irritability;
- ◆ interpersonal problems; and
- ◆ anger.

Judicial stress negatively affects the efficiency of justice and the court administration and can lead to delays in decision-making and a decreased quality and timeliness of reasons. If that occurs consistently, then **public trust and confidence in the judiciary may be eroded**. Therefore, the well-being of judges directly determines the integrity of the judiciary as a whole. Some participants also emphasized that stressed out judges might have no energy or availability for making efforts to maintain good relationships with public, such as through educational activities.

Overall, many participants emphasized that optimal performance and competence on the part of judges and members of the judiciary depends not just on knowledge of the law and analytical skills, but also on their well-being - physical, mental, emotional and psychological. All of these aspects working together constitute judicial integrity. It was emphasized by many survey participants that stress, burnout, fatigue and anxiety were incompatible with impartiality, independence, efficiency and effectiveness of the judge and of the judicial system as a whole.



## **Quote Box**

“A judge who is stressed and over-stretched may lead to more decisions being reserved or for a longer period. He/she may have little inclination or allowance for parties to fully present their arguments as there are other matters to be dealt with.”

“The stress suffered by judges and magistrates due to the number of cases they handle each day and the lack of rest and recreation would adversely affect their mental and physical well-being. Pressures brought about by deadlines of successive and simultaneous cases would create physical and mental stress upon the judge or magistrate that would definitely affect the efficiency of justice and court administration as well as the quality of decisions and judgments. Once there is inefficiency in the administration of justice, public trust and confidence in the judiciary lessens.”

“Stress is contagious from personal life to social and work relationships, when a work unit is stressed, its capacities and efficiency decrease, there is more opportunity for mistakes and miscommunication, for lack of concentration and interpersonal problems.”

“I consider that judicial stress and lack of well-being cannot and should not affect the integrity of judges, their impartiality or people's access to the system, but it can affect the efficiency of decision-making through a sentence, which it can be reflected in the loss of confidence in the judicial system.”

“Judicial stress in my observation has an inverse relationship with the quality of decision-making - whether acknowledged or not. To get through the work, shortcuts are adopted, and parties, especially unrepresented parties, are likely to get a short shrift. There might be no or little time or opportunity to be heard or be provided with explanation.”

“Judges are under constant scrutiny, stressed or mentally unwell. Judges then do not make good decisions nor are they able to articulate reasons to the best of their ability.”



“Burnout results in cognitive impairment and lack of empathy which naturally impacts on efficiency and quality and therefore public confidence.”

“When under constant pressure, judges may become more prone to different bias, e.g. stereotyping people, which may be particularly harmful for defendants in criminal cases.”

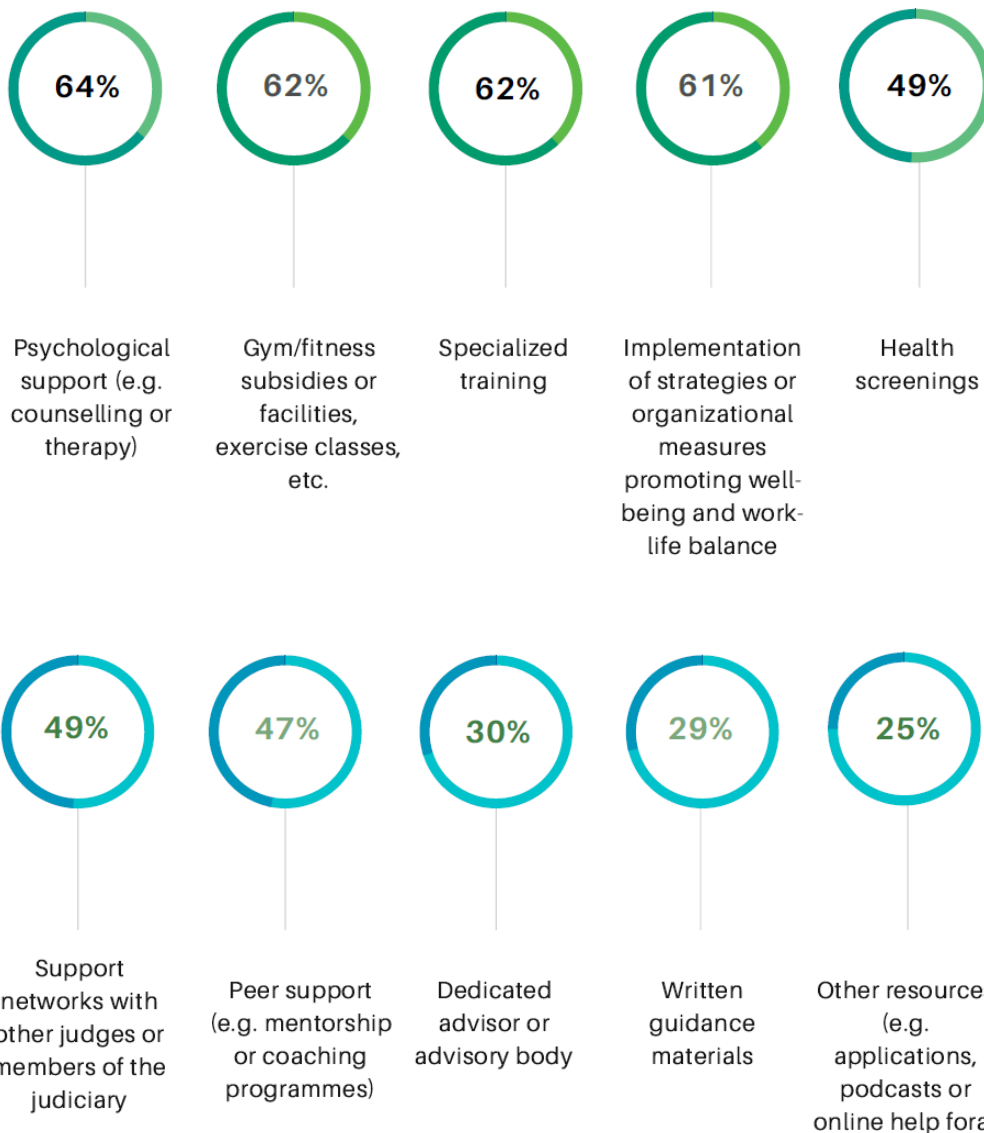


## 5. Moving forward: Judges' needs in the area of well-being

*Over 69 % of the survey participants think that talking about mental health or stress is a taboo when it comes to judges and members of the judiciary.*

*Over 97 % of the survey participants think that more attention should be paid to the importance of promoting judicial well-being.*

The survey participants indicated that, with a view to maintaining or improving their physical or mental health, they would find the following services or support by their judiciary to be most beneficial:



Many survey participants explained that they were more interested in practical help and tips than in theory. Nevertheless, some survey participants noted that they were not receiving any form of assistance from their judiciary, and as such they would actually welcome any and every form of support in whatever form available.

## Possible actions and initiatives by the judiciary

**1.** Many survey participants emphasized that the first step should be to **acknowledge the problem and raise awareness** about the negative impact of stress and mental health issues on carrying out judicial functions, with a view to increasing institutional awareness about the topic and removing existing stereotypes and stigmatization. To do so, the judiciary should promote open dialogue, help alleviate feelings of isolation and create a safe space for everyone to speak up. Numerous survey participants emphasized the importance of an **enabling work environment and a positive working culture**, reminding that when people work with peace and happiness, they can concentrate better and achieve better performance. Moreover, it was also highlighted by some survey participants that **other branches of the state** should also be involved in the discussion about judicial stress and overload with a view to helping them become at least more sensitive to their role in contributing to the solutions. It was noted that very often some of the main sources of stress include objective factors that relate to the provision of human and material resources for the judiciary by the state.

“It is important to take the 'genie out of the bottle' and create safe spaces to discuss the issue. The workspace culture should be sensitive to, accommodating of, and responsive to the effects of workplace stress, anxiety, and mental health issues.”

“We work solving the conflicts of other people, we have work contact with very varied crimes, unpleasant and even horrible actions, we need a work environment that helps us minimize the effect of that reality.”



**2.** In this regard, the survey participants recognized the **crucial role of judicial leadership in promoting judicial well-being**. It was emphasized that judicial leadership should: (i) recognize the importance of addressing the topic and tackling the existing taboos around it; and (ii) show compassion, listen and be committed to supporting and guiding their staff.

Some participants noted that judges should feel that their voices are heard, and that judicial institutions should be humanized and give their employees the same care that they give to their users. Linked to that, it was underlined that the judiciary should be **proactive in identifying existing risks in the judiciary** and should be ready to provide prompt responses and modify strategies and policies in place with a view to guaranteeing the optimal physical, psychological and emotional well-being of all members of the judiciary.

“More compassion may be needed by the leadership.”

“The judges are under intense stress because of the judicial mistakes. They are being heavily criticized, told off and even yelled at and punished in front of all other judges by the court administrators if their decisions are amended in appeal courts.”

**3. Peer support** has been recognized by many survey participants as of key value, **including mentoring, coaching opportunities, informal discussions with colleagues and support networks** to speak about the issues in a safe environment. Many participants expressed their wish to be able to talk to peers without the fear of being misjudged as incapable of doing their job.

“Ongoing (mutual) mentoring or peer groups would be welcomed to discuss how things are going, and how each person is coping.”

“Well planned interactions with other peers, locally and abroad, would be welcome.”

“We need peer meetings and conferences to share experiences.”



**4. Psychological support** was emphasized by many survey participants as an effective and much needed measure to maintain or improve mental well-being. With this in mind, psychologists and therapists involved should be experts on the specific stressors linked to judicial functions. In addition, several participants underscored that any counselling or

therapy should be confidential and that it would be helpful to have an easily and confidentially accessible list of support service providers for counselling and therapy.

“The experiences of judges are very particular and different, and the stressful situations that occur are different too. Any mental health and wellness plan must be adjusted to that reality.”

“There is a need for competent, accessible and trustworthy experts to counsel, diagnose and treat the issues.”

**5.** Many survey participants highlighted the importance of **informative and continuing training** on a variety of well-being-related subjects that would be led by true experts who are aware of the specificities of judicial office. Some of the subjects that the participants considered of interest include stress-management, healthy nutrition, physical fitness or work productivity. Several participants also emphasized the importance of tailoring training activities to different judicial roles, for instance acknowledging the different needs of criminal judges as opposed to labour judges.

“I would welcome personal growth courses and emotional resilience courses.”

“Judicial well-being should be a priority in the recruitment process, in orientation programmes for new judges as well as through the career of a judge.”

“I would welcome more training and programs to assist in de-stressing. Do not just do a seminar once a year and think that is enough.”



**6.** In addition to training-oriented events, many participants shared that being a judge was a lonely life with an extremely heavy workload, and in this regard would welcome more **social events and team-building activities aimed at promoting a culture of sharing and removing feelings of isolation or embarrassment**. Some concrete ideas included exercise



groups/clubs, yoga classes, collective sports, mind and body balance programmes, sessions on mindfulness or relaxation techniques, art classes or events, nature trips or retreats focused on the promotion of wellness. Linked to that, some participants would welcome the provision of health facilities or periodic health checks by their judiciary. Moreover, some participants would consider of value any efforts aimed at building social solidarity and compassion of judges and members of the judiciary, such as activities to support environmental protection, vulnerable members of the society, or youth and schools.

“I would welcome social events for classical music or group sport activities to promote bonding among colleagues.”

“In my judiciary, we bring in people to assist in all areas like this and also try and have team building exercises and down time to just chat to each other”

“To organize activities outside of the strict scope of the managing judicial files can be a major element to a better well-being, reinforcing concepts like cooperation, solidarity, togetherness, teamwork, openness to civil society for a better physical (and mental) health. [...] All these activities could be built based on strong partnerships with academia, civil society organizations, bar associations, etc.”

**7.** Numerous survey participants said that they would benefit from **practical guidance materials** providing concrete tips and recommendations that judges could implement to promote and optimize their well-being. Some survey participants emphasized that they would welcome an active role of the Global Judicial Integrity Network in this regard, in particular in developing and disseminating various international and universally applicable guidelines or recommendations that would be available for permanent use by judiciaries.

“Facilitating practical exercises and tips like the yoga for judges which can be practised by judicial officers. The webinars attended so far are theoretical. We know that we need to address work-life balance, but how to do so and getting it done is what is now needed - The practical aspect.”

“It would be helpful to have more seminars and guidance to promote judges to come together and talk with one another about these situations, so we do not feel like we are the only ones feeling this way.”



**8.** Other suggestions made by the survey participants touched upon improving policies for annual leave and work-life balance and **exploring more flexible approaches to doing judicial work**, such as being allowed to take more leave or time to rest, having the option of taking a sabbatical, working one or more days per week remotely, removing the requirement to continue working after working hours or on weekends, encouraging small active breaks during working hours or controlled rest times for mental and physical exercises, promoting work-life balance and lifestyle.

“Judges should be provided with ‘wellness leave’ or approved leave of absences that would give judges and other members of the judiciary some time to rest and reflect in order to refresh their mental and physical health.”

**9.** Many survey participants again reiterated that judiciaries should be concerned with a **better distribution of workloads** and not promote unhealthy efficiency that forces people to sacrifice their health to meet production standards. The importance of good management, workload monitoring, equitable distribution of caseload among courts and judges and effective case scheduling were also mentioned.

“It should be recognized that our workloads as being very difficult. It is important to allow us to have chambers days (one per month would be nice) and not to see such days as ‘slacking off’ or ‘doing nothing’ – because they are not.”

“Legislative changes are needed to reduce the workload and relieve judges of unnecessary obligations and meaningless descriptions in their acts.”





**10.** The survey participants also underlined the importance of **efficient and credible support staff, court personnel or research assistants** who are able to assist the judges properly and effectively. In this regard, the survey participants emphasized the importance of adequate staffing, simplification of administrative procedures and effective training for court staff.

“I need a peaceful environment with efficient court staff and knowledgeable persons who can assist the judge properly and effectively.”

“We have inadequate judicial manpower and grossly under-resourced administration and support staff.”

**11.** The increasing role of **modern technology** in the delivery of justice was repeated by numerous survey participants, including in case administration and case management. In particular in light of the changes brought upon by the pandemic, the judiciary should consider investing in adequate office equipment and working infrastructure for judges and staff, better access to technology and training in the use of it, as well as possible technological solutions to strengthen or restore access to justice and allow more actions to be carried out remotely.

“There is a lack of up-to-date technology to enhance faster determination of cases.”

## Possible actions and initiatives by the Global Judicial Integrity Network

*Over 91 % of the survey participants would be interested in receiving training on judicial well-being.*



Many participants offered suggestions as to what the Global Judicial Integrity Network could do to help address the topic of judicial well-being, with most contributions revolving around similar themes. In particular, the participants proposed that the Network could:

**1. Raise awareness about the issue of judicial well-being through promoting discussion and experience-sharing.** The survey participants noted that judicial stress and its consequences on judicial performance and judicial trust have not been recognized as a problem by many judiciaries. Therefore, the Network could strive to increase the understanding around the various issues globally, including through organizing conferences, webinars or information sessions on the topic.

**2. Collect and disseminate good practices and information about existing measures and resources related to judicial well-being.** It was acknowledged by many survey participants that their judiciaries were generally unaware about the importance of putting in place well-being-related measures. In this regard, several participants noted the great potential of the Network and its website to serve as a global knowledge base on the topic, giving access to the existing resources and good practices on the topic.

**3. Work with and support judiciaries in the development of appropriate tools, materials and initiatives with the aim to effectively address existing challenges in the area of judicial well-being and to build expertise on the topic.** Many participants saw a value in the development of new guidance materials with a view to assisting judiciaries in the development of strategies, policies and programmes dedicated to the issue. New tools could include, for example, checklists, manuals, guidelines or training curricula.

**4. Organize practical activities with a view to disseminating readily applicable tips on improving judicial well-being.** Many participants noted in their responses that while they might already know the “theory” about the importance of judicial well-being and work-life balance, they do not know how to achieve them. In this regard, the participants explained that the Global Judicial Integrity Network could:

**(i) Support and promote effective training activities on judicial well-being.** The Network could play a role in organizing such activities, or in collecting and disseminating good practices on the development and delivery of training programmes on judicial well-being at the national level. Several participants noted that their judicial schools and judicial trainers had insufficient knowledge and expertise on the topic and would benefit from participating in train-the-trainers workshops or global experience-sharing activities or from receiving case scenarios or other practical advice that could be used during training activities. It was also suggested to create a global pool of tutors/experts on the topic who would be able to advise judiciaries wishing to embark on the implementation of judicial well-being training activities.

**(ii) Create and facilitate peer-support, mentorship or coaching opportunities.** Many survey participants expressed their wish to have more opportunities for sharing their problems with and learning from other like-minded judges. In this regard, both national as well as inter-jurisdictional exchanges were noted as valuable. Some participants noted that in fact all meetings of the Global Judicial Integrity Network, such as the high-level meetings, served to fulfil this purpose and helped enhance social interaction among judges.

\*\*\*



**UNODC**

United Nations Office on Drugs and Crime



**GLOBAL JUDICIAL  
INTEGRITY NETWORK**