

**General Report of the 1st Study Commission
of the International Association of Judges (“IAJ”) – 2025
“JUDICIAL RESOURCES AND THE IMPACT ON JUDICIAL
INDEPENDENCE”**

By September 2025, when this report was written, responses to the Questionnaire had been received¹ from the following:

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|---------------------|------------------------------|
| 1. Algeria | 21. Kazakhstan |
| 2. Angola | 22. Latvia |
| 3. Armenia | 23. Liberia |
| 4. Australia | 24. Moldova |
| 5. Austria | 25. Mongolia |
| 6. Bermuda | 26. Morocco |
| 7. Brazil | 27. Netherlands |
| 8. Burkina Faso | 28. New Zealand |
| 9. Canada | 29. Norway |
| 10. Cyprus | 30. Paraguay |
| 11. Denmark | 31. Philippines |
| 12. England & Wales | 32. Poland |
| 13. Estonia | 33. Portugal |
| 14. France | 34. Romania |
| 15. Georgia | 35. Serbia |
| 16. Germany | 36. Slovenia |
| 17. Greece | 37. Spain |
| 18. Iceland | 38. Switzerland |
| 19. Israel | 39. Taiwan |
| 20. Italy | 40. United States of America |

¹ The deadline to send in the responses was July 15, 2025.

In 2025, the 1st Study Commission of the International Association of Judges sent out a questionnaire on the topic of “Judicial Resources and the Impact on Judicial Independence.” We received 40 responses to the questionnaire. The following is a general report from those responses.

1) What is the process for securing judicial resources in your country?

In some countries, including Iceland, Mongolia, and Slovenia, the process for securing judicial resources is governed by statute. In others, including Armenia, the process is set forth in the country’s constitution.

In many countries, judicial resources are primarily secured through the overall state budget without the judiciary playing an active role in the process. These include Georgia, Italy, Latvia, Norway, the Philippines, and Spain. While many countries report that the judiciary’s budget must ultimately be approved by the legislature, countries differ as to what body is responsible for preparing the original draft budget for the judiciary. Often, a country’s Ministry of Justice plays a central role in securing resources. For example, in Greece, the Ministry of Justice drafts a budget that is ultimately submitted to or passed by Parliament. In Austria, the same is done by the Ministry of Finance. In Germany, both the Ministry of Finance and Ministry of Justice participate in the process. Other countries, such as Burkina Faso, specify that while the Ministry of Justice drafts the budget for financial resources, judges themselves express staffing and other human resource needs.

In other countries, the judiciary itself plays a more active role in preparing budget proposals. For example, the judiciary in Brazil and Switzerland prepare their own budgets, which must ultimately be approved by the legislature. In Switzerland, a bicameral body called the Judicial Commission of the Federal Assembly assesses courts’ budgetary requests and makes recommendations, especially regarding staffing levels. In the United States, the budget preparation process is conducted by the Judicial Conference, which is overseen by the Chief Justice of the Supreme Court, and the Administrative Office of the U.S. Courts. Georgia utilizes a High Council of Justice, which is comprised of both judicial and non-judicial members, to formulate the judiciary’s budgetary needs, and parliament must grant final approval. In Canada, the federal and provincial governments establish the annual budgets, and may or may not take into account requests for human or material resources from chief justices. In Australia, the judiciary provides consultation to the Attorney General, who prepares a budget proposal that will be considered by the Cabinet and approved by the legislature.

The process for obtaining judicial resources in Latvia is illustrative of a system that involves different stakeholders and multiple levels of review and approval. First, the Court Administration – an institution subordinate to the Ministry of Justice – prepares draft budgets for courts. Those budget requests are then sent to the Ministry of Justice, which

compiles them and forwards a summary to the Judicial Council. Pursuant to law, the Judicial Council gives an opinion on the budget requests, and then submits the finalized requests and opinion to the Ministry of Finance. Parliament then debates and formally votes on the budget as part of the annual State Budget Law.

When it comes to securing judicial personnel, some countries' laws set forth the number of positions for judges. These include Canada, Cyprus, and Denmark. In Greece, a body known as the National School of Judges ("ESDI") is responsible for recruiting, training, and appointing judges and prosecutors. EDSI is supervised by the Ministry of Justice but has operational autonomy. Its staff is composed of academic faculty, administrative personnel, and experienced judges and prosecutors serving as trainers. EDSI also selects and trains court registry staff and judicial clerks.

Many countries highlight the ways in which the principle of separation of powers affects the process of obtaining judicial resources. For example, Australia notes that because its budget proposals must be considered by the cabinet and the legislature for approval, the system has the potential to be exploited if a government wants to exercise influence over the judiciary. Some countries including Liberia and Paraguay note that while the constitution may include guarantees of judicial independence and adequate resources, in practice, the judiciary's dependence on other branches of government for approval can impose limitations on receiving the funding needed for proper functioning.

Several countries highlight concerns about underfunding and lack of resources, and how such deficits impact their judicial systems. For example, Austria reports that while additional judgeships are needed, there is no budget to support such positions. Greece notes that chronic underfunding of clerical judicial personnel hinders efficiency and places excessive administrative burdens on judges. Brazil identifies a related separation of powers concern, which is that the executive branch has the power to reduce the judiciary's budget in the face of general budget restraints. Angola notes that judicial resources are at times impossible to obtain, which interferes with constitutional guarantees to access to justice.

Some countries identify alternative sources of funding and conserving judicial resources. For example, Brazil and the Philippines note that resources can be guaranteed through court fees. Israel emphasizes the importance of conserving resources through reliance on small claims court, alternative dispute resolution, and video conferencing.

2) What is the process for allocating judicial resources in your country?

Once judicial resources have been secured, countries differ as how those resources are allocated. Some countries, such as Armenia, Brazil and Paraguay, highlight that the same budget process used to obtain funding can also be used to determine the allocation of resources once they are disbursed. For example, in Armenia, the state budget itself contains separate lines for each court the Supreme Judicial Council, and resources are allocated

accordingly. In the Netherlands, the Minister of Justice is permitted to earmark funding in budget awards to the Council for the Judiciary to prioritize certain types of cases or promote specific legal programs.

In some countries, judges themselves bear primary responsibility for resource allocation. For example, in Australia and Liberia, the Chief Justice is ultimately responsible for allocating resources among the courts. In Slovenia and Cyprus, the Supreme Court distributes resources among individual courts. In France, at the decentralized level, the 36 courts of appeal assume prerogatives of court management.

In other countries, resource distribution is managed by bodies other than the judiciary itself. Often this responsibility falls to the Ministry of Justice. For example, in Algeria and Germany, the Ministry of Justice is responsible for allocating resources to each court depending on factors like size, caseload, local needs, and court requests for special expenditures. In Italy, the Ministry of Justice allocates administrative staff, infrastructure, and technology. The Ministry of Justice plays a similar role in Austria, Greece, and Portugal. In Israel, the Ministries of Justice and Finance are both involved in resource management. In Georgia, allocation is led by the High Council of Justice, which is comprised of both judicial and non-judicial members.

In Norway, the Courts Administration is responsible for the operational management of the courts, including managing the significant expense of renting and operating court facilities. Latvia's judicial spending is also planned by its Court Administration. Similarly, funding in the United States is distributed by the Administrative Office of the U.S. Courts.

Allocation of judges to individual courts may be accomplished differently than the allocation of financial resources. In some countries, such as Armenia, the constitution specifies the number of judges that must serve on each court. In others, such as New Zealand, allocation of judges across regions is handed by the Chief Justice and other high-ranking judges based on factors like caseload and regional demand. In Poland, the Minister of Justice decides in which courts vacancies will be announced each year. In Italy, the High Council of the Judiciary assigns judges and prosecutors. Greece allocates judges via a newly adopted judicial charter that establishes a data-driven system to allocate judges to jurisdictions depending on factors including volume of cases and population density. While the charter specifies the total number and type of courts in the country, it does not fix staffing numbers within those courts.

Countries use various mechanisms to ensure that judicial resources are being properly allocated. In Brazil, such a requirement is set forth in its constitution. In Kazakhstan, the constitution specifies that spending on the judiciary should comprise at least 6.5% of the budget for all state bodies. Taiwan has attempted to address imbalances

in access to justice across regions by mandating the establishment of circuit courts in areas with fewer resources. In Italy, the use of judicial funds is closely monitored by several public bodies, especially a court of auditors. In the Philippines, judicial resources are subject to regular audits from the Commission on Audit.

3) How does the allocation of judicial resources impact judicial independence?

There is strong consensus among the responses that the practical reality of financial dependence on the political branches of government for judicial budgets creates inherent vulnerabilities to judicial independence, even when judicial independence is legally guaranteed. Many of the responses note that the judicial independence of their courts is nominally guaranteed by a constitution or otherwise by law. But in many countries, such as Angola, Armenia, Burkina Faso, Liberia, and Paraguay, the judiciary does not have a role in budget allocation or administration and thus entirely relies on the political branches of their governments for the necessary resources to conduct the administration of justice. This financial reliance creates several risks, including the use of resources as political leverage to influence certain court decisions or practices; the inability to adequately recruit judges and judicial staff, the inefficient administration of justice; and the resulting negative perception of the judiciary by the public.

In some countries, the problem of financial reliance is mitigated by a mechanism for the judiciary to directly participate in the budget appropriation process. For instance, in Kazakhstan, the budget for the judiciary must constitute 6.5% of spending for all state bodies. As another example, in Brazil, the judiciary formulates its own budget, and the executive and legislative branches may only override the judiciary's budget if required by budget constraints or otherwise by law.

In other countries, this problem is mitigated by a mechanism allowing for the judiciary to administratively manage appropriated funds internally. In Canada, Greece, Norway, the Philippines, and the United States, the judiciary has administrative autonomy over funding after it is appropriated by the political branches. This administrative control allows the judiciary in these countries to be flexible, respond adequately to local court needs, and implement special programs and initiatives without interference from the political branches of government.

Some of the responses, such as those of Australia, Cyprus, and Serbia, noted that inadequate salaries or benefits for judges and other court staff or heavy workloads can have a significant negative effect on recruitment and retention. These responses note that shortages in human resources can result in significant backlogs and in a reduction in the quality of decision-making.

In some countries, funds and salaries are tied to job performance metrics in order to incentivize efficiency. For example, in the Netherlands, courts receive money based on

the number of cases decided by a court. And in Greece, judicial salaries are reduced if judges fail to meet preset case completion deadlines. The responses of the Netherlands and Greece note that these types of incentive programs can risk prioritizing efficiency over the quality of decision-making and the deliberative process.

In other countries, judicial positions, salaries, and benefits are guaranteed by law. For example, Canada's courts have produced a body of case law indicating that the financial benefits needed to adequately ensure judicial independence, including, for example, the maintenance of judicial assistant positions, are constitutionally required. In Canada, such required benefits range from parking spaces to the maintenance of judge's assistant positions. In Australia and New Zealand, their constitutions provide that judicial salaries may not be reduced during a judge's commission or tenure, and the New Zealand constitution sets high bars for removal from office. Finally, in Taiwan and the United States, judges have life tenure and cannot be removed from office except for certain prescribed reasons. In Brazil, the financial autonomy and budgetary self-organization of the Judicial Branch are guaranteed by the constitution.

Whatever the solution, most responses agree that adequate resource allocation is essential to protect judicial independence and to insulate the judiciary from political pressures.

4) How does the allocation of judicial resources impact the administration of justice?

a) How does the allocation of judicial resources impact access to justice?

There is strong consensus among the responses that the allocation of judicial resources has a direct impact on access to justice. The adequate distribution of resources impacts the recruitment and retention of judicial officers and administrative staff, as well as the availability of continuing education/professional development courses, legal aid services, interpretive services, accommodations for the disabled, alternative dispute resolution, and physical and digital infrastructure. These resources are key to providing quick and efficient access to justice for all, regardless of location, social status, or economic means. When delays are reduced, justice is more accessible to all. In contrast, when judicial resources are insufficient or unevenly allocated, justice can be delayed and vulnerable or marginalized groups may face disproportionate obstacles in accessing justice, undermining the principle of equal access to justice for all.

Many countries, including Cyprus, noted that lack of funding for judicial salaries and administrative staff leads to vacancies which overburden sitting judges with administrative work that prevents them from focusing their attention on legal issues. This in turn creates case delays and backlogs, which deters the public from accessing the justice system. When the public no longer has trust in the justice system to quickly resolve their

disputes, they will increasingly seek private means of dispute resolution, which often do not provide sufficient protections for citizens' rights and are often too expensive to use for all but the wealthiest.

Some countries noted that a lack of physical infrastructure can limit access to justice in rural areas as well as impair access to procedural protections. For example, Mongolia's response noted that its lack of permanent courthouses can sometimes make it impossible to sequester witnesses or to keep crime victims separated from defendants. Many responses noted that courthouse closures done for the sake of cost savings makes it difficult for those in rural areas to participate in court proceedings.

Several countries noted that digitalization, including electronic filing, electronic dockets and case management systems, and remote proceedings increase access for rural, low income, and marginalized litigants. This technology also increases productivity of the judiciary and their staff, speeding up case resolution times. Some countries, such as Paraguay, noted that digitalization can increase barriers to access justice for rural communities with no internet connectivity or technological training.

Some countries, such as England & Wales and the United States, have active efforts to increase the judiciary through recruitment to increase the number of judges vacancies on certain courts. Other countries, such as Greece, Norway, and Serbia, have in place or have proposed a needs-based allocation system for resources that are sensitive to local needs, which would allow resources to go to the most needy and overburdened communities.

b) How does the allocation of judicial resources impact the speedy and efficient resolution of cases?

The majority of responses note that the allocation of judicial resources directly impacts the speedy and efficient resolution of cases. Inadequate distribution of resources, especially an insufficient number of judges and administrative staff, creates large case backlogs and lengthy delays. And, in some cases, it can even cause the abandonment of cases as noted by Angola. The strong consensus across the responses is that backlogs and delays undermine the public trust and the legitimacy of the justice system.

Most responses stated that the number of judges has a direct impact on the speedy resolution of cases. If judicial vacancies are allowed to increase and if recruitment efforts suffer from low judicial salaries or budget cuts, the caseloads of existing judges increase, causing delay. Furthermore, if judges do not have adequate administrative staff, they often must perform administrative work themselves, which leaves them with less time to devote to their judicial work.

Conversely, if the number of judges, law clerks, and staff are allocated in adequate proportion to the caseloads of local courts, speed and efficiency increases. For example, Italy's Ministry of Justice has recently increased recruitment of support staff for their judges, which has been effective at reducing time to case resolution. Many countries have expressed support for a flexible system for the allocation of resources that accounts for local needs and caseloads.

In sum, most countries agree that the adequate allocation of resources is necessary for the speedy and efficient resolution of cases, which in turn increases access to justice for all and enhances the legitimacy of the judiciary.

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