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Guidelines

Functioning of Courts in the Wake of COVID-19

Objective

To provide health and safety guidelines for the judiciary/courts for functioning during the COVID-19 pandemic while minimizing the risk of spread of disease. Along with recommendations on personal safety, the guidelines provide information on how to work and perform during the pandemic with reduced risk of COVID-19 infection and transmission.

Rationale

The COVID-19 pandemic and the rapid spread of the virus around the globe presents an unprecedented challenge to all those involved in the administration of justice. Courts around the world have swiftly limited hearings to only critical cases while embracing technology to conduct hearings in line with public health advice maintaining human safety. In Pakistan, the working of all courts was limited to cases of urgent and important nature. Recently, some district courts and tribunals resumed operations in the country.

Envisaging the challenges faced by the country, it is therefore, vital to maintain a functioning courts and tribunal system in support of the administration of justice and the rule of law in the face of this public health emergency. Cognizant of the situation, it is imperative to avert the potential threat of infection spread and to ensure the safety of Hon'ble Judges, staff, lawyers, litigants and security personnel in Court offices all over Pakistan.

Instructions

A) General Preventive Measures to Avoid Exposure

The best way to prevent illness and spread of infection is to avoid exposure to the virus. The Court staff need to adapt following preventive measures;

- Wash hands frequently, regularly and thoroughly with soap and water for at least 20 seconds or clean hands with an alcohol-based hand rub/sanitizer (70-90% alcohol content).
- Maintain at least 6 feet/2 meters distance between any two persons.
- Avoid touching eyes, nose and mouth.
- Wear a face mask (disposable/cloth face covering) at all times while in Court premises.
- Follow standard operating procedures for the containment and disposal of used PPE.
- Practice respiratory hygiene i.e. sneezing or coughing into a tissue/handkerchief followed by discarding it immediately and hand washing, OR coughing into own elbow.



- Avoid or limit direct contact with documents; use gloves if possible, or wash your hands immediately after handling a document.
- Suspend the Biometric attendance of the staff.
- Adhere to all operational, practical and hygiene instructions provided.
- Vulnerable group including elderly staff (age > 50) or with weakened immune systems and people with conditions such as diabetes, heart and lung disease should work remotely, if possible
- Consider voluntary isolation and seek early medical care if feeling unwell.

B) Measures for Court Premises

- Access to the Court premises should only be granted to relevant staff/persons who may be required to be physically present at the Court due to the holding of hearings onsite and/or in order to support the holding of hearings remotely.
- There should be designated entry points for any court building deputed with trained personnel for “Thermal screening” of all who enter the Court building.
- Individuals exhibiting fever (temperatures equal to or greater than 99°F) or having other prominent signs of COVID-19 (cough or shortness of breath) should not be allowed access into the Court.
- Install wash basins along with liquid soap dispensers or hand sanitizers at all entry points of court building so that people can enter into the building after washing/cleansing their hands.
- Sanitizer dispensers must be installed in nook and corner of the building. Ensure these dispensers are regularly refilled with an alcohol-based hand rub/sanitizer (70-90% alcohol content).
- Posters should be pasted at prominent places reflecting information regarding possible ways of exposure and preventive measures.
- Ensure distancing in public common areas, galleries of courtrooms, hallways, elevators, restrooms, or other such locations.
- Fumigate in order to dis-infect the building, if required.
- Surfaces that are frequently touched with hands should be cleaned often. This would include (but would not be limited to): Doors and handles in entrance/exiting areas, counters and shelves, desk surfaces, chairs (e.g. arm rests), tables, phones, computer keyboards (especially if shared), counters, light switches, copy machines, staplers, scissors etc.
- Before using the air conditioning and ventilation system, it should be cleaned and appropriate filters should be put in place (see guidelines for ventilation systems). It can be disinfected by spraying, soaking or wiping with chlorine (bromine), quaternary ammonium salts, or chlorine dioxide disinfectant.
- Natural ventilation should be encouraged.

C) Measures for Hearings inside the Courtroom

Essential proceedings should occur in person only if holding the proceeding remotely is not possible or practicable.

- Maintain 6 feet/2 metres physical distancing among all persons present inside Courtroom.
- Reduce the number of designated seats available to the minimum required (Judges’ bench, parties and participants’ bar tables and Registry seating).



- Ensure that at the parties and participants' bar tables, only one person sit per three-seat bar table.
- Installation of speaker systems in the court room to summon cases, arguments for the lawyers and dictation by honourable judges will help ensuring smooth functioning while maintaining social distancing.
- Ensure staggered entrance to, and exit from the courtroom by parties and participants so as to maintain required physical distancing at all times.
- Provide sufficient arrangements for cleaning of all flat surfaces touched by people in the courtroom during in-session breaks, regularly.
- Clean the Courtroom(s) thoroughly on a daily basis. The bench and bar tables should be cleaned after each use.
- Ensure the availability of hand sanitizer, antibacterial wipes, gloves and masks in Courtroom.
- Paste readily visible signage reminding individuals of best hygiene protocols in Courtrooms
- Use alternative document handling methods in presenting the evidence (Necessary changes/modification in current rules of procedure may be considered in this regard)
- Where a physical exchange of documents/evidences cannot be avoided;
 - ✓ Use disposable gloves
 - ✓ Use hand sanitizer (70% alcohol) or wash entirely often (including nails and back of hand) with soap and water for at least 20 seconds after exchanging/ touching papers.
 - ✓ Assign a tray to deposit files/documents
- Limit the Courtroom attendees (no more than 10 persons) and ensure them wearing personal protective equipment (face masks and gloves where needed) in the courtroom during the court hearings.
- Essential proceedings may occur in person in excess of the 10-person maximum if the law requires more than 10 persons for the proceedings, however with distancing of more than 6 feet observed at all times.
- Screen the inmates or detainees from jail and juvenile facilities, transported to a courtroom, considering threshold temperature of 99°F as an indicator of symptoms.
- Provide Screeners with appropriate face protection and gloves.
- In buildings with multiple courtrooms, judges must coordinate for scheduling of any in person proceedings to reduce the number of people in the courthouse at one time.

D) Suspension of “Non-Urgent” Cases

- Keeping in view the current scenario of COVID-19, all matters should be suspended except those deemed ‘urgent and important’.
- Consider the potential for interim injunctions or other forms of immediate relief, based on relatively brief and summary procedures, to preserve the situation and particularly to prevent irreparable harm, until a complex matter can be given a full hearing.

E) Onsite Medical SOPs and First Aid

It is prudent to put in place facilities, personal and SOPs in all the judicial complexes/court rooms to manage COVID-19 related medical situations and emergencies at all times.



- A separate dedicated area (with First Aid facilities and trained HR) to be ear marked where symptomatic individuals or those suspected of fever/symptoms should be detained for further referral.
- Linkage to a nearby health facility/hospital for referring symptomatic persons for further management must be in place with formal commitments of service
- Access to dedicated vehicle/ambulance for transporting suspected persons to health facility if needed
- Printed SOPs for management of persons with fever/symptoms of COVID-19 like illnesses, detected on site, available with all courts and admin officers.
- All courts/judicial complexes should nominate one person for overseeing and ensuring follow up of above SOPs

Note: The above recommendations are being regularly reviewed by the Ministry of National Health Services, Regulations & Coordination and will be updated based on the international & national recommendations and best practices.

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References:

1. Guidelines for the judiciary concerning the holding of court hearings during the covid-19 pandemic, International Criminal Court, 23 June 2020
2. Guidance for All Court Proceedings during COVID-19 Pandemic (For Proceedings on or after June 1, 2020), Texas Judicial Branch.
3. ICJ Guidance on the Courts and COVID-19, “The Courts and COVID-19”, 5 May 2020
4. Virtual Justice in the Time of COVID-19, Faculty of Law, University of Oxford, 16 Mar 2020

For more information, please contact:

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<http://covid.gov.pk/>

<http://nhsrcofficial.gov.pk/>

<https://www.facebook.com/NHSRCOfficial>

<http://www.hsa.edu.pk/>

<https://twitter.com/nhsrcofficial>

<https://www.nih.org.pk/>

https://www.youtube.com/channel/UCdYuzeSP4Ug1f_ZZKI