

## Questionnaire 2020 of the 1st Study Commission IAJ-UIM

### “Disciplinary proceedings and judicial independence”

#### Questions:

1) What kind of allegation can justify disciplinary proceedings against judges in your country: an individual's behavior only in the workplace or also in his or her private life? Give some examples, please. Can the content of the decisions taken by judges also lead to disciplinary proceedings? Can judges be charged criminally for the content of their judicial decisions under any circumstances?

Judges are subject to disciplinary action if they violate official duties or neglect duties, or behave disgracefully. Behavior in their private lives can also be grounds for disciplinary action. For example, if they behave disgracefully in their private lives, such behavior can also be grounds for disciplinary action. The content of the judicial decisions rendered by judges does not lead to disciplinary proceedings, and judges are not charged criminally for the content of their judicial decisions.

2) Which body is responsible for disciplinary proceedings against judges in your country? Is the body that carries out the disciplinary procedure the same one that imposes the penalties? What is the composition of the body responsible for disciplinary proceedings (as well as the one who must apply penalties to judges, when it is not the same)? Is it composed only by judges, does it have a mixed composition, or is it composed only by professionals outside the of the Judiciary Branch? Kindly describe the composition of that body (those bodies).

Courts are responsible for disciplinary proceedings against judges. Disciplinary proceedings against judges are carried out by the courts that have the power of supervision over the subject judges. The body responsible for disciplinary proceedings is composed only of judges. High courts have jurisdiction over judges of district courts, family courts, and summary courts, and the Supreme Court has jurisdiction over Justices of the Supreme Court and judges of high courts.

3) Which disciplinary penalties can be imposed on judges in your country? Is the disciplinary penalty of removal from office among them? Can a judicial conviction for a crime lead to a penalty of removal from office?

Disciplinary penalties to be imposed on judges are admonition or a civil fine of not more than 10,000 yen. Removal from office is not included in disciplinary penalties. A judge who is convicted for a crime may not be subject to dismissal as a disciplinary penalty but may be removed from office as decreed by an impeachment court.

4) In the disciplinary proceedings against judges in your country, is a fair trial granted? Is there an appeal against the decision imposing a disciplinary penalty on judges? During the disciplinary proceedings, can the judge be suspended from office? Does the judge who is suspended during disciplinary proceedings continue to earn a salary normally or does the judge suffer any reduction in income?

In the disciplinary proceedings against judges, a fair trial is granted through court proceedings. An appeal against a decision rendered by a high court imposing a disciplinary penalty on a judge may be filed with the Supreme Court. During the disciplinary proceedings, the judge cannot be suspended from office.

5) Were there any recent changes regarding disciplinary proceedings that may be considered to infringe upon judicial independence in your country? If so, were those changes introduced by legislation, or were existing laws applied differently? Please specify.

There have been no such changes regarding disciplinary proceedings that may be considered to infringe upon judicial independence.