

QUESTIONNAIRE

1. Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?

Judges in Japan are subject to be disciplined by means of fines or reprimand by the status trial or be dismissed by public impeachment trial. From May 2010 to April 2020, three judges were moved to commence status trial, and one judge was moved to commence public impeachment trial.

All four judges were recognized to have delinquent behaviours which is to be disciplined or impeached. One of them is dismissed through the public impeachment trial.

2. Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).

No such case exists.

3. Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).

No such measures or cases exists.

4. What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?

According to the Constitution, independence of judicial power is strongly guaranteed. All judicial powers belong to courts under the Constitution (Article 76 paragraph1), final trials by administrative agencies are prohibited (paragraph 2 of the same article). Judicial administration belongs to the Supreme Court and the personnel, budget, etc. are managed by the court itself (Article 77). Independence of judicial enforcement and status of judges are also guaranteed in Constitution (Article 78 to 80).

In this way, judges can make a fair decision without pressure or interference.