

プレナリーセッション（司法） Plenary (Judiciary)			
司法権の独立と法の支配		9 / 19 Tue	
Independence of Judiciary and Rule of Law		19 September	
		11:00-12:30	
		芙蓉の間	
		Fuyo	
<p>司法の独立は、法の支配を維持するための不可欠の前提です。しかし、今日の世界では司法の独立に対する課題が多く、司法の独立を揺るがす事態がいくつも生じています。例えば、裁判官の任命権限を通じ、司法権による人権保障に対して政府が介入を行うような場合から裁判所そのものが機能せず司法的支援がおよそできない内戦状態のような場合もあります。他方で、司法内部の汚職や政治的権利の保護に対する司法権の謙抑的姿勢など司法権を司る裁判所や法曹界にも司法権の独立を揺るがす内在的問題が散見されます。さらに、こうした内在的問題は、司法の独立の基礎となる司法に対する国民の信頼を損なうものです。また、司法へのアクセスが十分でないことも司法に対する信頼を揺るがす契機となり得ます。世界で生じているこのような司法の独立に対する課題についてアジアの法曹が討論します。</p>		<p>"Independence of the judiciary" is indispensable to the rule of law. However, there are many issues concerning judicial independence in the world today, and a number of incidents compromising judicial independence have occurred. These include cases of government intervention in the protection of human rights by the judiciary through the exercise of the power to appoint judges, and civil war where the relevant judiciary does not function at all. Moreover, within certain judiciaries, corruption and excessive self-restraint toward the protection of political rights have compromised judicial independence. These internal issues have resulted in lower public confidence in judicial independence. In addition, insufficient access to justice may contribute to lower public confidence in the judiciary. In this session, various judges and lawyers throughout the Asia-Pacific region will discuss issues relating to independence of the judiciary that have arisen in jurisdictions around the globe.</p>	
Moderator	Mr Thomas F Bathurst	Australia	Chief Justice, Supreme Court of New South Wales
Speakers	Mr Kohei Nasu	Japan	Former Justice, Supreme Court of Japan
	Mr Wenxian Zhang	China	Vice President, China Law Society /Chairman, Academic Committee, China Law Society
	Mr Geoffrey Ma	Hong Kong	Chief Justice, Hong Kong Court of Final Appeal
	Mr Mah Weng Kwai	Malaysia	Former Judge, Court of Appeal; Former President, LAWASIA
	Dr Oliver Stolpe	Austria	Senior Programme Officer, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime