

中華民國法官協會會員參加國際法官協會 2021 年線上年會報名須知

一、報名日期：中華民國 110 年 4 月 23 日（星期五）前填妥報名表寄達或傳真至本會。

二、報名地點：臺北市中正區博愛路 127 號 中華民國法官協會

承辦人：劉怡暄、游青穎

電話：(02) 23830248 傳真：(02) 23830247（請來電確認傳真結果）

三、報名資格：

（一）代表（6 名）：1. 報名時為本會會員，且未積欠入會費、年費者。

2. 就研討組議題提出英文（或法文、西班牙文）書面報告並具參與小組討論之英語（或法語、西班牙語）能力者。如有相關語言能力證明或說明，並請檢附。

（二）隨員（至多 6 名）：本會會員且未積欠入會費、年費者。

四、遴選標準：

（一）代表：1. 團長：由理事長或經理事長指定之會員擔任。

2. 團員：報名人數逾同組別名額時，其中至多二人，由未曾參與國際法官協會年會（下稱年會）之會員，依下列第 3 至 5 款之順序遴選及定候補順序，其餘依下列順序遴選及定候補順序：

（1）擔任國際法官協會職務者優先。

（2）曾參與本會國際事務者優先。

（3）年會所需語言能力較佳者優先（需提出語言測驗成績）。

（4）會員年資長者優先。

（5）期別較早者優先。

（二）隨員（因本年年會採線上會議方式舉辦，若國際法官協會羅馬秘書處對參與人數有不同安排，則可能不另指派隨員）：

報名隨員之人數逾限額者（已報名代表而未獲遴選者，視為已報名為隨員），依下列順序遴選及定候補順序：

（1）未曾參與年會活動者優先。

（2）依代表團員之各款遴選標準。

五、經費及請假：

（一）本次年會由於採線上視訊會議方式，無法依往例向外交部及司法院申請補助，故代表及隨員費用均應自行負擔。

（二）本會將函請代表、隨員所屬法院，依往例給予公假。

六、出席會議：

- (一) 團長及其指定之代表一人出席中央會議。
- (二) 出席各研討組別之代表，依報名時所填志願定之。出席各研討組別之代表應就所參加組別指定之議題，依各組規定日期（目前四個研討組均已定為110年6月30日前），提出英文（或法文、西班牙文）書面報告，並將報告電子檔寄送本會秘書處轉送各組。

(三) 隨員應提供意見參與討論及必要之與會準備工作，並出席任一研討組之議程。

七、代表團之代表應於研討分組會議結束一個月內，提出經過報告及分組報告。

八、國際法官協會本年年會研討分組研究議題：

第一組：Access to Justice During the Covid-19 Pandemic:

- 1) The pandemic and the closing of the courthouses
- 2) The pandemic and the digital cases
- 3) The pandemic and judicial independence

第二組：How Data Protection Rules are Impacting on Civil Litigation?

第三組：Communication in the Criminal Courtrooms

- 1) Interpretation in criminal courts
- 2) The importance of good interpretation and good communication for the verdict
- 3) Nonverbal communication in the courtroom

第四組：Fraud and Corruption in the Workplace: How does it affect employees?

中華民國法官協會會員參加國際法官協會 2021 年線上年會
報名表

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

●裝

訂

●線

●裝

訂

●線

出生年月日

年 第 八 月 (共十頁) 日

● 裝

訂

● 線

●裝

訂

●線

●裝

訂

●線

●裝

訂

●線

擬選資格

○代表

○隨員

第十一頁(共十頁)

●裝

訂

●線

●裝

訂

●線

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

● 裝

訂

● 線

●裝

訂

●線

●裝

訂

●線

● 裝

訂

● 線

手機號碼

第二十三頁(共十頁)

●裝

訂

●線

●裝

訂

●線

● 裝

訂

● 線

●裝

訂

●線

入選資格

○代表

○隨員

第二十七頁(共十頁)

● 裝

訂

● 線

●裝

訂

●線

2021 QUESTIONNAIRE OF THE 1st STUDY COMMISSION OF THE IAJ-UIM

“ACCESS TO JUSTICE DURING THE COVID-19 PANDEMIC”

1) The pandemic and the closing of the courthouses

a) Please inform if the courthouses have been closed, fully or partially, for some time in your country due to the pandemic. If so, please inform for how long, approximately, they were closed (fully or partially). Who decided to close or restrict the courthouses?

b) During that period as mentioned above, were in-person operations maintained for urgent cases? Were the most vulnerable judges and officials excused from in-person work? What circumstances were taken into consideration for the judge(s) or court official(s) to be excused from in-person work?

c) While the Judiciary buildings remained closed (fully or partially), did the judges and officials work from home? If so, please state whether *all* judges and court officials worked from home or only a percentage of them; if only a percentage, please share which percentage exactly.

d) After the reopening of the courthouses, did all judicial activities return to being in-person or did part of the work continue to be done online?

e) What are the precautions that have been adopted by the Judiciary in your country due to the pandemic (such as hand sanitizer, masks, etc.) for the protection of judges, court officials, attorneys, parties and the public in general?

2) The pandemic and digital cases

a) Before the pandemic, were the cases already being handled digitally in your country? If not, please explain if this measure was taken after the start of the pandemic.

b) Before the pandemic, were procedural acts such as hearings, testimonies of witnesses and trials carried out by video conference? If not, please inform if this measure was taken after the start of the pandemic.

c) Were measures taken so that people who do not have regular access to the internet could participate in virtual procedural acts?

d) For the performance of the virtual judicial acts, were equipment and internet broadband provided to judges and court officials or did they have to use their own resources?

3) The pandemic and Judicial Independence

a) Has the Judiciary in your country been called upon to decide on the legality of restrictions on fundamental rights imposed due to the pandemic? If so, give an example of government measures that have been challenged in court.

b) Have the judges who have made the judicial decisions that analyzed restrictive measures imposed by the government of your country been criticized and/or attacked by authorities or even by the public due to their decisions?

c) Has any judge undergone disciplinary proceedings in your country because of a decision that he/she has made about the restrictive measures adopted by the government due to the pandemic?

d) Have judges and court officials in your country suffered a decrease in wages or a delay in the payment of their salaries due to the pandemic? If so, did this measure occur only with the judges and court officials or with the public sector as a whole?

4) Regarding the topic of 2022, you are kindly requested to choose between the following options:

a) Maintain the topic that was decided upon in 2019 – “Disciplinary Proceedings and Judicial Independence”. ()

b) Choose a new topic entirely. ()

If you select this option, please share your topic suggestion: _____

裝

訂

線

Second Study Commission

Civil Law and Procedure

63rd Annual Meeting of the IAJ – San José (Costa Rica)

Questionnaire 2020

HOW DATA PROTECTION RULES

ARE IMPACTING ON CIVIL LITIGATION

In Nur-Sultan Kazakhstan we decided that in 2020, our Second Study Commission will focus on how data protection rules are impacting on civil litigation. We have limited the questionnaire to five questions and we expect to receive short but concise answers. The questions are as follows:

1. Do you store digital data in your jurisdiction?
2. How is it stored and for how long?
3. Who has access to the digital data in your jurisdiction?
4. Are there digital data protection rules in place in your jurisdiction?
5. Who covers the costs relating to the storage and protection of the digital data in your jurisdiction?

Third Study Commission Questionnaire 2020 Costa Rica

For 2020, the Third Study Commission, which focuses on Criminal Law, decided to study "Communication in the criminal courtrooms". This topic should cover different aspects of communication including questions related to interpreters and the communication of judges with non-legally educated participants to the procedure.

In order to facilitate discussion and to assist us in learning from colleagues, we ask that each country answer the following questions:

A. Interpretation in criminal courts

1. What criteria must be met for an interpreter to be appointed? Does this differ if it is for a party to the case, or a witness?
2. Is the interpretation limited to certain languages?
3. Who appoints the interpreter?
4. Are there standard requirements for the quality of the interpretation or qualifications of the interpreter?

If so, how does the judge ensure compliance?

In any event, how does the judge ensure that the interpretation is accurate and meets good standards?

5. Are there legal obligations for court interpreters?
6. For the main hearing of the case is the translation for the whole hearing or only part of the hearing?
If it is only part, which parts, and why is the whole hearing not translated?

B. The importance of good interpretation and good communication for the verdict?

7. Assuming that the quality of interpretation could affect the outcome of a case:

7.1 Do you consider this applies more in certain types of cases than others and, if so, what types of cases?

7.2 Is it a problem that can be remedied, or a problem that the judiciary must live with? And if yes, how do we secure that no one is wrongfully convicted?

8. Is there a risk that people who have difficulty explaining themselves, possibly due to low intelligence or poor education, suffer disadvantages at the court? If yes, what remedies exist?
9. Is intercultural communication a subject of training for judges or part of the instruction of juries?

C. Nonverbal communication in the courtroom

10. Can the body language of accused persons, victims or witnesses influence the outcome of a case?
11. Is nonverbal communication a subject of training for judges or part of the instruction of juries?

Please send your answer to:

Lene Sigvardt, Co-President

LES@domstol.dk

Dieter Freiburghaus, Co-President

dafreibi@protonmail.com

Sally Cahill, Vice President

HHJ.Sally.Cahill.QC@ejudiciary.net

Secretariat of the IAJ/UIM

secretariat@iaj-uim.org

Thank you for your participation.

IAJ/UIM
Study Group Four—2020
Costa Rica

Fraud and Corruption in the workplace: How does it affect employees?

Fraud and corruption are universal problems that exist in all spheres of society, including in the workplace, whether in the employer's business, in unions, or in outside contractors. Fraud and corruption greatly impact employees. Some employees are ready to fight and denounce this problem, but others fear retaliation.

Fraud and corruption are closely related concepts but address different issues:

Fraud generally involves deliberate misrepresentation of facts and/or significant information to obtain undue or illegal financial advantage.

Corruption involves effort to influence and/or the abuse of public authority through the giving or the acceptance of inducement or illegal reward for undue personal or private advantage.

The 4th Study Commission will examine these questions this year. What kind of fraud and corruption is found in the workplace? What are the consequences? What protection can be offered to whistleblowers?

Questions :

- (1) Does your country have any legislation, or rules, that deal with fraud and corruption in the workplace? If so, please briefly describe them.**
- (2) Do you have one example of fraud or corruption in the workplace and its consequences on employees?**

- (3) Do you have any specific laws protecting whistleblowing by employees, and, if so, what are they? Do these laws cover wrongdoing, fraud and corruption by third parties (who are not employers)? What remedies are available to whistleblowers.
- (4) Do non-government agencies, such as civil society organizations, play any part in fighting corruption in the workplace, and if so, how do they interact with the administrative agencies or courts in your country?

Thank you for your participation.

● 裝

訂

● 線