

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
JAPAN
ARTICLE 7, PARAGRAPH 4
CONFLICT OF INTEREST**

JAPAN (NINTH MEETING)

I - Information requested from States parties in relation to preventing and managing conflicts of interest (art. 7, para. 4)

1. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention, and in particular to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

(1) National Public Employees

Regarding the national public employees in regular service, they are obliged to serve the public interest as servants of all citizens and devote their effort in the performance of duties in the National Public Service Act. Also, the act disciplines duties such as prohibiting acts that cause discredit to their government positions or bring dishonor upon the entire government positions. As a concrete measure, we try to

cultivate and maintain the sense of ethics of employees in various training and call attention etc.

In addition, the National Public Service Ethics Act and the National Public Service Ethics Code provide the rules to prevent the acts that may bring about suspicion and distrust from the citizens, such as the contact with the interested parties. According to the rules, the employees are prohibited or restricted from receiving gifts from the interested parties. Also, the Cabinet reports to the National Diet every year regarding the measures concerning the preservation of ethics and the measures taken concerning the maintenance of ethics, and when there is the establishment or revision or abolition of the National Public Service Ethics Code and the rules concerning ethics, the Cabinet will transfer it to the Diet Reporting.

(2) Local public employees

Regarding local public employees in regular service, relevant provisions of the Local Public Service Act (for example the Article 15 and 30) stipulate necessary measures for ensuring compliance with the said provision of the Convention.

(3) Political Parties and Political Organizations

Regarding political organizations, Japan takes necessary measures to ensure compliance with the aforementioned provision of the Convention, by enacting relevant provisions of the Political Funds Control Act, for example Article 12 and 20 of the Act.

Regarding political parties which receive public party subsidiary, Japan takes necessary measures to ensure compliance with the aforementioned provisions of the Convention, by enacting relevant provisions of the Political Party Subsidies Act, for example Article 17 and 31 of the Act.

(4) Judges

Article 20 to 25 of the Code of Criminal Procedure stipulates the disqualification and recusal of a judge, and Article 13 of the Rules of Criminal Procedure stipulates the avoidance of the judge on criminal cases. Article 23 to 26 of the Code of Civil Procedure stipulates the disqualification and challenge of a judge, and Article 12 of the Rules of Civil Procedure stipulates the withdrawal of a judge on civil cases.

(References)

National Public Service Act (full text in English)

<http://www.japaneselawtranslation.go.jp/law/detail/?id=104&vm=04&re=01&new=1>)

National Public Service Ethics Act (full text in English)

<http://www.japaneselawtranslation.go.jp/law/detail/?id=2952&vm=04&re=01&new=1>)

National Public Service Ethics Code (full text in English)

Information sought may include:

- Description of specific conflict of interest standard(s), indicating if these standards:
 - Are publicized widely;
 - Regulate the outside activities of public officials;
 - Prohibit the holding by public officials of certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on the board of a company;
 - Limit the official actions a public official may take because of a conflict of interest;
 - Apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations;
- Description of training or advisory services to public officials regarding relevant conflicts of interest regulations;
- Description of public access to information on government processes in which there is a higher risk of conflict of interest between the interests and activities of a public official and the particular type of government process;
- Description of the specific duties and responsibilities of the specialized staff or bodies given responsibility to strengthen transparency and prevent conflicts of interest in government;
- Description of the institutional structure and procedures to oversee the compliance with conflict of interest legislation and apply respective sanctions.
- Description of the measures aimed at preventing conflicts of interest concerning former public officials in private entities, such as:
 - Restrictions, for a reasonable period of time, on the professional activities of former public officials;
 - Restrictions, for a reasonable period of time, on the employment of former public officials by the private sector after resignation or retirement;

2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect.

N/A

Examples of the types of challenges States parties may face include:

- Challenges in developing the proper legislative or regulatory framework for managing or preventing conflicts of interest;
- Challenges in administering conflict of interest systems;
- Challenges in relation to specific recruitment, selection or training requirements for categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest;
- Challenges in providing ethical guidance or advice to public officials; and - Challenges in communication, and in particular in raising awareness and disseminating information about new standards of conflict of interest or in developing training manuals, courses, curricula or other related material, including online initiatives, used in training programmes for public officials.

3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

No. Japan does not require technical assistance to implement this provision.

- Legislative assistance: Please describe the type of assistance

- Institution-building: Please describe the type of assistance

- Policymaking: Please describe the type of assistance

- Capacity-building: Please describe the type of assistance

- Research/data-gathering and analysis: Please describe the type of assistance

- Facilitation of international cooperation with other countries: Please describe the type of assistance

- Others: Please specify

States parties are also encouraged to provide a description of any such assistance already being provided, including donor information.

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BY JAPAN**

ARTICLE 7, PARAGRAPH 4 UNCAC

CONFLICT OF INTEREST

JAPAN (SECOND MEETING)

【Related legislation】 -Provisional translation of the articles: Attached

- National Public Service Act, Article 103, (Exclusion from Private Enterprise)
- National Public Service Act, Article 104 (Restriction on Participation in Other Undertaking or Business)

【Related measures】

- The National Personnel Authority (NPA) makes pamphlets (105,000 copies in total from 2010 to 2012) to ensure that discipline is thoroughly maintained, and distributes these pamphlets to each Ministry.
- In 2000, the NPA issued a guideline that was prepared to help the Cabinet Office and each Ministry determine the quantitative severity of punishments, and ensure that disciplinary actions are taken appropriately