

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY JAPAN**

ARTICLE 13 UNCAC

PARTICIPATION OF SOCIETY

JAPAN (SEVENTH MEETING)

In relation to participation of society (article 13),

- In relation to enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a)):

Regarding “enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a))”, in Japan, the Administrative Procedure Act (APA) requires that public comments are legally mandatory when national administrative agencies enact "Administrative Orders, etc." such as cabinet orders and ministerial orders.

- Description of the ways in which ICT is used to facilitate public consultations before regulations or other administrative policies are issued, and of any consequences of failure to adhere to the requirement to facilitate such public participation.

The public comment under the APA is publicly notified through online (e-gov : <http://www.g-gov.go.jp>). (Article 39, Article 43, and Article 45 of APA)

- (4) In relation to ensuring that the public has effective access to information (article 13 (1) (b))

- Description of staff or entity responsible for administering access to information requests;

In Act on Access to Information Held by Administrative Organs, it's prescribed that the head of an Administrative Organ shall receive Disclosure Request to Administrative Document held by the administrative Organ and make a decision to disclose it or refuse the Disclosure Request.

- (5) In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):

- Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

In the case the citizens have complaint to the administrative disposition (ex. a Disclosure Decision, etc. under the Act on Access to Information Held by Administrative Organs), they can appeal against the disposition under the Administrative Complaint Review Act.

- (6) In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2))

- Description of the operational mechanisms and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.

Relevant procedures are set out in the Article 239 and 241(1) of Code of

Criminal Procedures as shown below, which describes the operating mechanisms the questionnaire asks.

Article 239

(1) Any person who believes that an offense has been committed may file an accusation.

(2) A government official or local government official shall file an accusation when they believe an offense has been committed.

Article 241

(1) A complaint or an accusation shall be filed with a public prosecutor or a judicial police official in writing or orally.

*Please note that any person may file an accusation anonymously and investigative authority could take it as a lead to institute investigation.