

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY JAPAN
ARTICLE 8, PARAGRAPH 5
ASSET AND INTEREST DISCLOSURE SYSTEMS
JAPAN (NINTH SESSION)**

II - Information requested from States parties in relation to asset and interest disclosure (art. 8, para. 5)

1. Please describe (cite and summarize) the measures your country has taken, if any, (or is planning to take, together with the related envisaged time frame) to ensure full compliance with article 8 (5) of the Convention, and in particular to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

(1) National Public Employees

The National Public Service Act, Article 103 stipulates the exclusion of the national public employees in regular service from private enterprises, and Article 104 stipulates the restriction of the national public employees in regular service on participation in other undertaking or business.

In addition, the National Public Service Ethics Act obliges officials at the rank of deputy-director or higher at the headquarters to report gifts etc., exceeding 5,000 yen per instance from the business operator etc., , The Act also obliges to share dealings pertaining and income pertaining to officials at the rank of deputy director-general or higher at the headquarters etc., to the chief of each ministry or agency.

(2) Local Public Employees

Regarding local public employees in regular service, relevant provisions of the Local Public Service Act (for example the Article 38) and the bylaws of each local government stipulate necessary measures for ensuring compliance with the said provision of the Convention.

(3) Judges

Article 52 of the Court Act stipulates the prohibition of commercial business, etc by a judge.

(References)

National Public Service Ethics Act (full text in English)

<http://www.vl-japaneselaws-translation.go.jp/law/detail/?id=104&vm=04&re=01&new=1>

National Public Service Ethics Code (full text in English)

<http://www.jpapaneselaws-translation.go.jp/law/detail/?id=2952&vm=04&re=01&new=>

Information sought may include:

- Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system]).
- Where such a declaration system is in place, you may wish to provide information on the following:
 - Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations;
 - Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc.);
 - Frequency of declarations required;

- How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;
- Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);
- Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided;
- What mechanisms are in place for ensuring compliance with the obligation to disclose;
- Whether there is public access to any of this information;

- Any mechanism in place to carry out the verification/monitoring of the content of declarations; including information on the verification mechanism, such as:
 - How many disclosures are verified (all, a certain percentage, etc.); - What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.);
 - What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);
 - What information can be accessed during the verification/review process (from public officials or public and private sector entities);
 - What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);

- Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);
- Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment, etc.).

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 related to developing and adoption of the legal framework of the assets and interest disclosure system;
- Challenges related to the functioning of the asset and interest disclosure system and in particular:
 - Challenges related to submission of the declarations;
 - Challenges related to verification of the declarations;
 - Challenges related to the follow up and to imposing sanctions; - Challenges related to the transparency of the regime; and
 - Challenges related to resources limitations, lack of capacity, etc.

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.