

Preventive measures taken by Japan
(Efforts related to Article 5, 7, 8, 10, 12 and 13 of UNCAC)

1 Legal framework for National Public Servant

The National Public Service Act provides legal framework for appointment, employment and remuneration for national public servant.

- National Public Service Act (NPSA) Article 1 states the purpose of the Act and provides that officials shall be selected and guided, through democratic means, as to achieve maximum efficiency in the performance of public duties, thereby ensuring the democratic and efficient performance of those duties for the citizens of Japan.
- NPSA Article 27 provides that in the application of the Act, all citizens shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, political opinions or affiliation except those who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or organization which advocated the subversion by force of the Constitution of Japan or the government established thereunder.
- NPSA Article 33 provides that the appointment of any official shall be entirely based on their demonstrated abilities, and matters necessary for enforcing this basic standard shall be prescribed by the laws and the rules of the National Personnel Authority (NPA).
- The appointment of officials shall be entirely based on abilities demonstrated through open and equal recruitment examinations.
- The remuneration of national public officials in Japan is maintained at an appropriate level by comparing and setting it in line with the remuneration level of employees in the private sector through the National Personnel Authority Remuneration Recommendation.

2 Measures taken by Japan related to article 5, 7, 12 and 13 of UNCAC

- The NPA carries out training courses for each level of positions (from officer-level positions to senior-management-level positions), the basic objective of which is to improve the capabilities held by each employee and which are required for their work such as a sense of mission and the mindset that they are servants of all citizens. The NPA also carries

out Instructor Training to improve training programs on ethics for public employees and foster a sense of ethics in the Cabinet Office and each Ministry.

- In FY 2010, a total of 200,000 people out of about 300,000 National Public Employees in the Regular Service attended some kind of ethics training organized by the National Public Service Ethics Board (NPSEB), the Cabinet Office or Each Ministry. In order to promote well-planned training to maintain ethics, NPSEB carries out leadership training on ethics and supports initiatives by the Cabinet Office or Each Ministry to carry out effective training to maintain ethics by developing training materials such as presentations, case study DVDs and e-learning materials for executive officers.

3 Measures taken by Japan related to article 8 and 10 of UNCAC

To enhance integrity, honesty and responsibility among public officials preventive measures have been taken as follows;

- The NPA makes pamphlets (55,000 copies in total during 2010 and 2011) to ensure that discipline is thoroughly maintained, and distributes these pamphlets to each ministry.
- In 2000, the NPA issued a guideline that is prepared to help the Cabinet Office and each Ministry determine the quantitative severity of punishments and ensure that disciplinary actions are taken appropriately.
- Every first week of December since 2002 NPSEB has organized a "National Public Service Ethic Week" and made efforts for activities to raise the ethical level of National Public Employees. The Ethics Supervisory Officer of the Cabinet Office or Each Ministry holds lecture and sends e-mails to all employees on the topic during this week.
- NPSEB has promoted a whistle-blowing system since 2005, and at present, whistle-blowing contact points are installed in the Cabinet Office, all ministries and NPSEB. In addition, to address the low utilization rate of this system, NPSEB works to ensure that whistle-blowers are thoroughly protected and that public employees are aware of the aforementioned contact points.

4 Supporting Anti-Corruption Efforts by Developing Countries

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), established by agreement between the United Nations and the Government of Japan, places high priority on anti-corruption measures including prevention and awareness-raising in the planning and the delivery of its training programmes. The outputs from these programmes as well as lecture papers by experts are compiled in its periodical publication, which are distributed in print format and posted on its website (<http://www.unafei.or.jp/english/>) for wider use by interested countries, organizations, and individuals. Training courses and seminars that dealt with anti-corruption measures in the last 3 years are as follows;

(1) International Training Course

Various issues related to anti-corruption were chosen as main topics for UNAFEI's regular training programmes.

- **138th International Senior Seminar on “Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response”** (Jan-Feb 2008, JAPAN)
Subject: Preventive measures, appropriate system for appointment of public servant, code of conducts, reporting system by public officials of acts of corruption, investigation and prosecution of corruption (related to Article 5, 7, 8, 10, 12 and 13)
- **143rd International Training Course on “Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials”** (Sep-Nov 2009, JAPAN)
Subject: Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement official (related to Article 5, 7, 8 and 10)
- **146th International Training Course on “Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures”**(Aug-Oct 2010, JAPAN)
Subject: Declaration system regarding public official's asset (related to Article 8)

(2) Training Course on “The Criminal Justice Response to Corruption

This is UNAFEI's annual UNCAC programme.

Subject: Preventive measures, appropriate system for appointment of public servant, code of conducts, reporting system by public officials of acts of corruption, investigation and prosecution of corruption (related to Article 5, 7, 8, 10, 12 and 13)

(3) Regional Seminar on Good Governance for Southeast Asian Countries

Since 2007, UNAFEI has held an annual “Good Governance Seminar” that aims to promote the rule of law and good governance in the Southeast Asian countries. Main topics of the seminars are as follows;

- **GG1: “Corruption Control in the Judiciary and Prosecutorial Authorities”** (Dec 2007, Bangkok)
Subject: Corruption Control in the Judiciary and Prosecutorial Authorities (related to Article 7 and 8)
- **GG2: “Corruption Control in Public Procurement”** (July 2008, Bangkok)
Subject: Effective legal frameworks and practical measures to detect corruption in public procurement (related to Article 8 and 9)
- **GG3: “Measures to Freeze, Confiscate and Recover Proceeds of Corruption, including Prevention of Money-Laundering”** (Dec 2009, Manila)
Subject: Financial disclosure system for public officials (related to Article 8)
- **GG4: “Securing Protection and Co-operation of Witnesses and Whistle-blowers”** (Dec 2010, Manila)
Subject: Securing Protection and Co-operation of Witnesses and Whistle-blowers (related to Article 13)
- **GG5:** (to be held in Tokyo, Dec 2011)
The main topic is “Preventing Corruption: Administrative and Criminal Justice Measures” (related to Article 5, 7, 8, 12 and 13)