Information provision for the thematic issues to be discussed at the 13th UNCAC working group for preventive anti-corruption measures

① Information requested from States parties in relation to promoting the use of information and communications technologies (ICT) for the implementation of the Convention

Please describe (cite and summarise) the measures /steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to use ICT to ensure full compliance with the Convention.

<table>
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<th>Page</th>
<th>Points addressed for information collection</th>
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<tbody>
<tr>
<td>p.1</td>
<td>In relation to integrity in public procurement and management of public finances (article 9), States parties may wish to provide information on measures that:</td>
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<td>Utilize online platforms for the management and oversight of public procurement to prevent corruption, enhance transparency and ensure competition and objective criteria in decision-making.</td>
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<td>Utilize information and communications technologies to promote transparency in the management of public finances (art. 9 paragraph 2).</td>
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<td>Utilize information and communications technology to identify and analyze risks of corruption.</td>
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<td>In particular, information sought may include descriptions of good practices adopted and challenges faced in adopting these measures.</td>
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<td>Information not available</td>
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<td>p.2</td>
<td>In relation to public reporting (article 10), States parties may wish to provide information on measures that:</td>
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<td>• Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency;</td>
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<td>• Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.</td>
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<td>Information sought may include:</td>
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<td>• Use of websites, online libraries, online archives or other means by which information on the organization, functioning and decision-making processes of the public administration is made available to the general public;</td>
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<td>• Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies;</td>
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<td>• Description of the type of information to be proactively made available and automatically published by the government through online platforms and websites, including details of:</td>
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<td>• The types of bodies required to publish information;</td>
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<td>• The scope of the information that is published;</td>
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<td>• The means by which the information is published;</td>
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<td>• How often the information is updated;</td>
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<td></td>
<td>• Description of the types of information to be made available upon request by a member of the public (i.e. legislation on freedom of information or access to information);</td>
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<td></td>
<td>• Standards to protect privacy and personal data when considering the disclosure of such information;</td>
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<td></td>
<td>• Description of online initiatives to raise public awareness of the information available and how it can be accessed online;</td>
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<td></td>
<td>(Ministry of Internal Affairs and Communications)</td>
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<td></td>
<td>• The Act on Access to Information Held by Administrative Organs stipulates that administrative organs that have received requests for disclosure must disclose administrative documents except for non-disclosure information stipulated in each item of Article 5.</td>
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</table>
The term "administrative documents" as used in this Act shall mean documents, drawings and electromagnetic records prepared or acquired by officials of administrative organs in the course of their duties, which are held by such administrative organs as systematically used by the officials of said administrative organs.

Regarding the protection of the rights and interests of individuals in the disclosure of administrative information, Article 5, Item 1 of the Act stipulates that "information about individuals" is non-disclosure information.

Reference: Japanese Law Translation
http://www.japaneselawtranslation.go.jp/law/detail/?id=3765&vm=04&re=01

In relation to participation of society (article 13), States parties may wish to provide information on measures that:

- Use online platforms, smartphone applications, mobile telephone-based reporting, social media or other ICT tools to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- Enhance the transparency of, and promote the contribution of the public to, decision making processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;
- Respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, in particular through online mechanisms;
- Provide public access, including through online mechanisms, to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence established in accordance with the Convention.

Examples of the types of challenge that States parties may face include:

- Developing the appropriate legislative framework for using ICT to facilitate public sector transparency and combat corruption;
- Building ICT infrastructure, including development of software and hardware solutions, to serve a broad range of stakeholders;
- Low levels of usage of ICT systems by the public owing to limited Internet access or other reasons;
- Building the capacity of the relevant governmental authorities to effectively implement legislation on transparency and access to information;
- Availability and quality of data in open formats and difficulties in building accessible databases;
- Difficulties in the coordination of action taken by government agencies to implement adopted legislation and policies.

Do you require technical assistance for the implementation of these articles? If so, please specify the forms of technical assistance that would be required. For example:

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

Information not available
Is any technical assistance already being provided to you? If so, please provide a general description of the nature of assistance, including donor information.

When providing information on the use of ICT, States parties may wish to refer to their submissions for the sixth and seventh meetings of the Working Group, held in 2015 and 2016.

Information requested from States parties in relation to challenges to and good practices in anticorruption awareness-raising, education, training and research. (article 13, 1 (c))

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 13(1)(c) of the Convention and, in particular, anti-corruption awareness-raising programmes, education, training and research.

Information not available

- Description of relevant awareness-raising programmes aimed at the public at large or specific groups in society;
- Description of research programmes aimed at increasing knowledge of corruption in society;
- Description of educational courses or modules that have been introduced in primary and secondary schools that include elements of anti-corruption or related issues such as integrity, ethics, civic rights and duties, fiscal education or governance;
- Description of educational courses or modules that have been introduced in universities that include elements of anti-corruption or related issues such as public administration, public procurement, integrity, ethics, criminal or corporate law;
- Description of innovative teaching and learning tools and methodologies that have been used to foster and facilitate education programmes in schools and universities on anti-corruption;
- Description of interactive remote educational technologies and e-learning tools on anti-corruption, integrity and the rule of law in the institutions of secondary and higher education to create a virtual space for students and educators to engage in innovative learning;
- Description of training manuals, curricula, syllabi, course packets, websites and other materials related to anti-corruption education programmes in schools and universities;
- Description of the efforts to encourage the contribution of young people to the prevention of corruption and to promote a culture of respect for the law and integrity; and
- Statistics on number of students participating in anti-corruption education programmes in schools and universities.

Information not available

- Examples of the types of challenges States parties may face include:
  - Challenges related to the adoption or implementation of anti-corruption educational measures, the need to provide support following the introduction of new academic courses, including through training of academic staff responsible for delivering such courses; and
  - Challenges related to resource limitations, limited capacity or overloaded curriculum.

Information not available

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?

- **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

Information not available
**2. Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation**

(Note by the Secretary-General, Report of the Conference of the States Parties to the United Nations Convention against Corruption on its preparatory work for the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation)  (Ref.: N2113882.pdf (un.org))

<table>
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<th>Item No.</th>
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<tr>
<td><strong>1</strong></td>
<td>We recognize the need and reaffirm our responsibility to take urgent action to prevent corruption from occurring by putting in place preventive measures, policies and practices as outlined in chapter II of the United Nations Convention against Corruption and by strengthening practical tools, continuing to gather and share good practices and enhancing efforts and resources for education and training in the public and private sectors, while acknowledging the role of all individuals and groups outside the public sector engaged in prevention as one of the main pillars in the fight against corruption. We will promote transparency, accountability, integrity and a culture of rejection of corruption at all levels of society as a basis for preventing corruption and ending impunity.</td>
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<td><em>(Cabinet Bureau of Personnel Affairs, National Personnel Authority)</em></td>
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<td>The National Public Service Ethics Board (hereinafter referred to as the “Ethics Board”) encourages executive officials and personnel in charge of ethics administration of the Cabinet Office and each ministry to raise ethics awareness of the employees in their organization. In addition, the Ethics Board supports planning and implementation of training/educational activities carried out by the Cabinet Office and each ministry and implements cross-ministerial training and educational activities.</td>
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<td>The National Personnel Authority (hereinafter referred to as the “NPA”) also provides employees of the Cabinet Office and all ministries with training programs including studies on public service ethics.</td>
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<td><strong>2</strong></td>
<td>We welcome the efforts of the United Nations Office on Drugs and Crime to promote the implementation by States parties of chapter II of the Convention, on preventive measures, and invite the Office to reinforce its global outreach and information exchange in order to increase public awareness of and knowledge on preventing and combating corruption, including through public global corruption prevention campaigns, subject to the availability of extra-budgetary resources to that end. These efforts should bring together other relevant international and regional organizations with a mandate to fight corruption and should include an educational and research component and a component specifically addressing young people.</td>
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<td><strong>3</strong></td>
<td>We will continue to implement and, where appropriate, strengthen strategies, plans, policies and practices relating to prevention to ensure that they are evidence-based and focused on addressing root causes, vulnerabilities and risk factors at all levels of society, that they are responsive to the characteristics and risks of different economic sectors, that they are inclusive and interdisciplinary, deriving from a participatory process that involves all relevant stakeholders, including, where appropriate, the private sector, and that they have a measurable direct impact on individuals, organizations and institutions and undergo regular review, and we will do so in accordance with the fundamental principles of domestic law.</td>
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<td><strong>4</strong></td>
<td>We recognize the role of anti-corruption bodies and specialized authorities in implementing and monitoring these policies and practices, and we will grant them the necessary independence, in accordance with the fundamental principles of domestic law, to enable them to carry out their functions effectively and free from any undue influence and with integrity and accountability. We pledge to strengthen their capacity and provide them with the necessary resources to carry out their oversight functions and to facilitate strong cooperation among them at all levels.</td>
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Information not available
The NPA is established under the jurisdiction of the Cabinet as a neutral and third-party organization responsible for ensuring fairness in personnel administration. Commissioners of the NPA are not to be dismissed against their will except in cases like when the Commissioner's dismissal has been affirmed by public impeachment proceedings based on a prosecution filed by the Diet. The Ethics Board is established within the NPA as an independent agency specializing in maintenance of ethics pertaining to the duties of officials. The chairperson and Board members are not to be dismissed against their will except in cases like when the person is found incapable to perform duties due to a mental or physical disorder. The necessary material resources and specialized staff are provided for both the NPA and the Ethics Board.

5

We stress the role played by the supreme audit institutions and other oversight bodies in preventing and combating corruption, in particular with regard to promoting integrity, accountability, transparency and the proper management of public affairs and public property, as well as the efficient use of public resources. We will preserve, in accordance with the fundamental principles of domestic law, the independence of supreme audit institutions and other oversight bodies in order to enable them to carry out their functions effectively and free from any undue influence, and we will implement policies for the effective operation of those institutions, considering the relevant provisions of the principles and standards formulated by the International Organization of Supreme Audit Institutions, as appropriate, in particular with regard to ensuring the proper management of public finances and public property and in areas such as public procurement. We will ensure that the findings and recommendations contained in the reports of those institutions and bodies are adequately addressed, including through corrective action where feasible and in accordance with domestic law, to enhance the fight against corruption for the benefit of society.

Information not available

6

We commit to fostering a culture of accountability, transparency, legality, integrity and fairness in the public sector, including by applying anti-corruption obligations and measures, codes of conduct and other ethical standards for all public officials, including executives and law enforcement officers, as well as prosecutors and members of parliaments and judicial bodies, bearing in mind their independence, and those subject or exposed to high corruption risks. We will promote the development of public ethics and integrity and other related programmes for public bodies, taking into consideration their institutional characteristics and domestic legal frameworks, and provide training to public officials, ensuring that, where appropriate, public bodies have the mandate and capacity to monitor the results of such programmes.

(Cabinet Bureau of Personnel Affairs, National Personnel Authority)

The National Public Service Act (Act No. 120 of 1947), the National Public Service Ethics Act (Act No. 129 of 1999) (hereinafter referred to as the "Ethics Act"), and the National Public Service Ethics Code (hereinafter referred to as the "Ethics Code") are basic standards which shall be applicable to all national public employees in regular service. In compliance with these laws, the Prime Minister, the NPA and the Ethics Board are responsible for maintaining ethics and ensuring citizens’ trust.

7

We will strengthen our efforts to prevent, identify and manage conflicts of interest, including by assessing and mitigating corruption risks and through effective and transparent financial disclosure systems, with information disclosed by appropriate public officials made available as widely as possible, and we will use innovative and digital technology in this field, with due regard for data protection and privacy rights.

(Cabinet Bureau of Personnel Affairs, National Personnel Authority)

The Ethics Act obliges officials at the rank of assistant director or higher at the headquarters to report gifts etc., exceeding 5,000 yen per instance from businesses etc. The Act also obliges officials at the rank of deputy director-general or higher at the headquarters etc. to submit a report on share trading and income, to the chief of each ministry or agency.
We recognize that an independent and transparent judicial system that is in line with the principles of judicial ethics, including integrity, plays a crucial role in preventing and combating corruption.

Information not available

We will promote the role of parliaments and other legislative bodies in the management of public finances and will ensure their capacity to exercise effective budget oversight, thus ensuring their role in preventing and combating corruption, including in areas where they have a mandate for review or oversight and in accordance with the fundamental principles of our legal systems. We will build and strengthen relations between national legislatures and supreme audit institutions and other oversight bodies and encourage national legislatures to be aware of the findings of such institutions and bodies.

Information not available

We commit to increasing transparency and accountability in the management of public finances and in government procurement, funding and contracting services to ensure transparency in government actions in the use of public funds and during the whole public procurement cycle. We commit to strengthening data-collection systems and open databases that are accessible and user-friendly, in accordance with domestic laws, and to better understanding and better enabling oversight and accountability, including by supreme audit institutions and oversight bodies.

Information not available

We recognize that public procurement is at serious risk of corruption, including in relation to our efforts to respond to and recover from the COVID-19 pandemic, and deserves focused and tailored measures for its whole cycle. We encourage, where appropriate, the inclusion of anti-corruption provisions in contracts and, when awarding public procurement contracts, will take into account whether natural or legal persons have been determined to have committed acts of corruption and any mitigating factors, as appropriate, and will consider establishing appropriate registries, in accordance with domestic law, while respecting the protection of personal data and privacy rights.

Information not available

We recognize that Member States are responsible for ensuring transparent, free and fair elections, in accordance with domestic law and our ambition to ensure responsive, inclusive, participatory and representative decision-making at the national level. We will maintain, strengthen, develop and implement measures that protect the integrity of the electoral process and promote its accountability to voters, transparency and impartiality in domestic electoral institutions and oversight mechanisms, and transparency in the funding of candidatures for elected public office, political parties and electoral campaigns, where applicable, with a view to preventing corruption, ensuring accountability, promoting good governance and reinforcing trust in public institutions.

(Ministry of Internal Affairs and Communications)

With regard to the management and execution of the election affairs, the Election Management Committee, which is an executive body of the council system that is independent of prefectural governors and mayors of municipalities, is responsible for ensuring political neutrality. In addition, we have various witness systems such as polling witnesses, vote-counting witnesses and election witnesses, and the fairness of elections is to be ensured by having electors present in election affairs.

In addition, all the campaign costs of individual candidates are reported and published, and the political funds of political parties are reported and published annually.
We will take measures to prevent corruption involving the private sector and set and communicate high standards regarding anti-corruption policies. We will encourage ethical behaviour, anti-corruption and anti-bribery compliance efforts, integrity, accountability and transparency measures in all enterprises. We will support and promote initiatives to ensure that private sector entities are well equipped to conduct business with integrity and transparency, particularly in their relations with the public sector, and in fair competition, and will encourage the private sector to take collective action in this regard, including through the establishment of public-private partnerships in the prevention of and fight against corruption. We commit to enforcing proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures, as appropriate.

(Fair Trade Commission)

In order to prevent violations of the Antimonopoly Act in relation to public procurement, the Fair Trade Commission (FTC) orders private sector entities that have committed such violations as bid rigging to develop their compliance systems as necessary.

In addition, the FTC provides consultations to private sector entities as to whether their specific conducts in relation to future public procurement fall under violations of the Antimonopoly Act.

(Ministry of Economy, Trade and Industry)

Bribery of foreign public officials is a crime under the Unfair Competition Prevention Act (UCPA): Article 21 Paragraph 2 Item 7 and Article 22 Paragraph 1 Item 3, for natural persons and legal persons, respectively, stipulate the penal provisions with respect to violations of Article 18, Paragraph 1.

UCPA: http://www.japaneselawtranslation.go.jp/law/detail/?vm=04&re=01&lvm=02&id=3629

Ministry of Economy, Trade and Industry (METI) provides “Guidelines for the Prevention of Bribery of Foreign Public Officials” to support company involved in international commercial transactions in voluntarily taking a preventative approach to the prevention of bribery of foreign public officials. In addition, in May 2021, METI published “Guidance to Guidelines for the Prevention of Bribery of Foreign Public Officials”, which briefly explains the main points of the guidelines for Small and Medium-sized Enterprises (SMEs). METI has also held awareness-raising seminars on preventing foreign bribery for private companies.

“Guidelines for the Prevention of Bribery of Foreign Public Officials”:

“Guidance to Guidelines for the Prevention of Bribery of Foreign Public Officials” (available only in Japanese):

We note the positive role of international investments and the importance of minimizing opportunities for all acts of corruption.

Information not available

We will prevent the misuse of procedures regulating private entities and mitigate corruption risks when granting subsidies, contracts, and licenses and when engaging in privatization and public-private partnerships.

Information not available

We commit to making efforts in international cooperation and taking appropriate measures to enhance beneficial ownership transparency by ensuring that adequate, accurate, reliable and timely beneficial ownership information is available and accessible to competent authorities and by promoting beneficial ownership disclosures and transparency, such as through appropriate registries, where consistent with the fundamental principles of domestic legal systems and using as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering. To this end, we will develop and implement the measures necessary to collect and share such information on the beneficial ownership of companies, legal structures and other complex legal mechanisms, and we will enhance the ability of competent authorities in this regard.

Information not available
We will take measures to prevent the financial system from being abused to hide, move and launder assets stemming from corruption, including when vast quantities of assets are involved. Those crimes undermine the integrity of the financial system, and we commit to promoting the implementation of the Convention and our respective applicable international obligations.

We will reinforce and enhance inter-agency cooperation at all levels to prevent individuals and companies, other legal entities, and systems used to transfer money, as well as non-regulated or unregistered financial or commercial or non-commercial entities at serious risk of being abused for corruption and money-laundering, from committing or being used to facilitate acts of corruption, and will encourage and support companies and financial institutions in this regard, including to make better use of resources already expended. We will, in accordance with the fundamental principles of domestic law, take measures to prevent corruption involving the private sector, including by promoting the development of standards and procedures designed to safeguard business integrity and promote transparency and the use of good commercial practices among businesses and in the contractual relations of businesses with States, and in accordance with domestic laws and regulations, where required, including through measures regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards.

**Ministry of Finance**

In August 2021, the Government of Japan established the “Inter-Ministerial Council for AML/CFT/CPF Policy” chaired by the National Police Agency and Ministry of Finance consisting of senior ranks of government officials, in order to strongly promote the overall Government’s actions. Also, the Government of Japan developed the “National AML/CFT/CPF Action Plan” over the next 3 years. The Chief Cabinet Secretary stated that the government will robustly tackle for AML/CFT/CPF, including advancing legislative reforms, in cooperation and coordination among relevant ministries.

**Financial Services Agency**

Japan has domestic regulatory and supervisory frameworks on deposit-taking institutions and non-bank financial institutions (See table1.8 FI Supervisors in Japan, FATF’s Mutual Evaluation Report Japan, Aug 2021).

In particular, in 2018, the Financial Services Agency (JFSA) established the AML/CFT (Anti-Money Laundering and Combating the Financing of Terrorism) Planning Office, a dedicated AML/CFT department, through which the JFSA conducts AML/CFT supervision of financial institutions and facilitates their implementation of risk mitigation measures in line with the Act on Prevention of Transfer of Criminal Proceeds (APTCP) and enforceable AML/ CFT guidelines.

In the field of crypto assets, Japan has introduced the registration requirement for Virtual currency exchange providers (VCEPs) in 2017 and has since taken targeted and timely policy and supervisory measures (including enhancing VCEPs’ ML/TF risk mitigation measures) through a dedicated monitoring team. In the registration screening processes of VCEPs, the JFSA and the Local Finance Bureaus examine internal control measures including ML/TF risk mitigation measures and conducts “fit and proper” reviews for the managers and board members. The JFSA also identifies and publicizes the names of unregistered entities.
(National Policy Agency)

The number of suspicious transaction reports received by Japan Financial Intelligence Center (JAFIC) through competent administrative authorities in 2021 was 530,150, exceeding 500,000 for the first time.

As possible underlying factors of this increasing trend, financial institutions’ efforts to apply stringent monitoring for their measures against illegal money transfers, etc. and the effects of seminars, etc. held for financial institutions by JAFIC, etc. can be raised.

The number of suspicious transaction reports disseminated to law enforcement authorities in 2021 reached a record high of 524,462, and the number of analysis reports disseminated to them in 2021 also reached a record high of 12,769.

JAFIC has been handling the negotiations for establishing the frameworks for information exchange with numerous foreign FIUs in order to enable constructive exchanges of information with them. From its establishment in April 2007 until the end of December 2021, JAFIC set the frameworks for information exchange with the FIUs of 107 jurisdictions.

20 We acknowledge the importance of raising public awareness regarding the existence, causes, gravity and negative consequences of corruption, and the appropriate tools available to prevent and combat it, including undertaking public information activities that contribute to non-tolerance of corruption and through education and training programmes. We commit to developing integrated, balanced and comprehensive approaches to promoting the rule of law at all levels, including through the full and effective use of the Convention.

Information not available

21 We note with appreciation the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption, and we will take appropriate measures, within our means and in accordance with the fundamental principles of domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, community-based organizations and the private sector, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. We will respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals. We will consider inviting those individuals and groups to contribute to the development and implementation of our technical assistance programmes, at our request, and based on the needs identified for the implementation of the provisions of the Convention. To promote such participation, we will also make efforts so that the conditions are present for their effective contribution to achieving the objectives of the Convention, including the ability to operate independently and without fear of reprisal because of their efforts in that regard, in accordance with domestic law and our respective applicable international obligations.

Information not available

22 We will respect, promote and protect the freedom to seek, receive, disseminate and publish information concerning corruption, and ensure that the public has effective access to information, in accordance with the domestic laws of States. We commit to increasing the transparency of decision-making processes, in accordance with the fundamental principles of domestic law, as a means to prevent and combat corruption and facilitate efficient processes, including by adopting appropriate and necessary procedures or regulations and designating and enhancing bodies responsible for facilitating access to information, as well as through the use of digital tools, open data and Internet-based portals to help make information more accessible, with due regard for data protection and privacy rights.

Information not available

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