

**SURVEY OF ANTI-CORRUPTION MEASURES IN THE PUBLIC SECTOR IN OECD  
COUNTRIES: JAPAN**

**1. What anti-corruption mechanisms exist for the public sector in your country?**

**a) *Legislation proscribing corrupt activities and establishing sanctions***

The National Public Service Law provides legislation relating to the discipline of national public employees in the regular service. It includes the prohibition of any act which may cause discredit to the public service. The violation of this legislation is punishable under the disciplinary punishment rules provided by the National Public Service Law.

**b) *Other anti-corruption regulations or orders***

The Public Service Officials Ethics Codes of conduct: They are established by every ministry and agency and applied to its public service officials. They prescribe prohibited matters about contacts with concerned businessmen.

**c) *Oversight by the legislature or parliament (directly or through scrutiny committees)***

Based on the Constitutional right of the Diet to investigations in relation to government, the standing committees and the special committees of the House of Representatives and the House of Councillors may, for the purpose of administrative supervision, request the presence of state ministers or government officials for explanation or interpellation on matters within their jurisdiction, and demand the presence and testimony of sworn or unsworn witnesses and request the Cabinet, government and public entities' offices and others to produce reports and documents, etc. The joint examination committees set up by the standing committees of both the Houses of Representatives and House of Councillors have similar authorities as stated above.

No committee has been set up specifically for the purpose of preventing corruption of national public officials within neither of the two Houses, although the Cabinet Committees of both Houses handle matters related to public officials. Other standing committees and special committees also take up corruption cases in the ministries and agencies of their jurisdiction for investigation.

At present, the Committee on Audit of the House of Representatives plays the role of administrative supervision by examining the audit of the national accounts, but a plan is being considered to restructure it and establish a committee on audit and administrative supervision with supervisory and advisory authorities.

The deliberative councils on political ethics of each House may, for the purpose of establishing political ethics, examine whether Members of the respective Houses have considerably violated the laws, rules or

regulations designated by the Speaker of the House of Representatives (or the President of the House of Councillors) for the purpose of establishing political ethics. When Members of the respective House are deemed responsible politically and ethically, the deliberative councils may recommend the Members etc. in question against whom the action has been brought for the examination proceedings to refrain from attending Diet sessions for a specified period of time.

Members of the Diet must abide by the principles of political ethics to be established by a decision of each House in carrying out political activities with the conscience and the responsibility as politicians. In addition, Members of the Diet are obliged to submit reports on their financial assets based on the law on Disclosure of Financial Assets of the Members of the Diet for the Establishment of Political Ethics.

**d) *Investigation systems or bodies with powers to investigate corrupt activity***

No.

**e) *Supreme financial audit authority***

As a Supreme Audit Institution, the Board of Audit audits public sector agencies according to provisions of the Board of Audit Law. Established by Article 90 of the Constitution of Japan, the Board of Audit is independent of the Executive, Legislature and Judicature.

The Board's audit viewpoints comprise accuracy, regularity, economy/efficiency and effectiveness of public sector operation. Although the primary purpose of the Board's audit is not crime prevention/investigation, the Board can check and prevent accounting crimes and other illegalities particularly by checking accuracy and regularity. For these purposes, the Board co-operates with internal audit departments of auditee agencies.

The Board of Audit Law provides the Board with other relevant authorities such as:

- adjudicating liability of accounting officials;
- demanding accounting officials to take disciplinary action;
- notifying accounting crimes to the Public Prosecutor's Office;
- settling claims for government accounting.

**f) *Ombudsman***

No

**g) *Bodies to enforce sanctions and prosecute corrupt activity, e.g. specialised prosecutors, investigators, courts, tribunals, etc.***

No

***h) Human resources management procedures intended to prevent corruption***

There is a policy, based on a cabinet decision, that due consideration should be given in the appointment of national public employees so that an individual officer shall not occupy a post responsible for budget implementation or licenses for a long period of time. In addition, various kinds of training for ethics awareness are provided.

***i) Financial management controls intended to prevent or deter corrupt practices***

Yes. The Board of Audit makes external audit controls of public organisations' financial management, co-operating with internal audit departments.

***j) Organisational management policies, systems and controls intended to minimise opportunities for corrupt activity***

Every ministry and agency has managers of the public service discipline and a general manager of the public service discipline.

***k) Transparency mechanisms e.g. independent or public scrutiny, systems for declaring or reporting potential conflicting interests or corrupt activity***

No. Such a system does not exist for national public employees in the regular service.

***l) Guidance and training for public officials or politicians (e.g. codes of conduct, ethics)***

The National Public Service Law provides legislation relating to the discipline of national public employees in the regular service. Based on an agreement reached by Administrative Vice-Ministers Meeting in 1996, each ministry and agency has since established the code of conduct.

With regard to training of public officials, in order to maintain high standard of ethics, lectures on and discussions of pertinent ethical issues are included inter-departmental training courses conducted by the National Personnel Authority and in ethics training programmes conducted by each departmental office for its own personnel.

***m) Other measures intended to control, detect or deter corruption.***

No.

**2. Which anti-corruption mechanisms are regarded as most effective (in terms of implementation and impact)?**

Comprehensive measures are indispensable to maintain a high standard of ethics in the public sector.

**3. Is the effectiveness of these mechanisms formally evaluated? If so, what evaluation methods are used?**

Those are evaluated as a part of evaluation of activities of the Executive Branch of the Government.

**4. What if any new actions against corruption in the public sector is your country currently considering?**

As one of the measures to enhance the high level of ethical standards in the national public service, the National Personnel Authority is currently reviewing the disciplinary punishment system.

**5. Is there an official awareness or a policy position on the part of your government about which areas are of most concern in terms of corrupt or questionable activities involving the public sector?**

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