



REFERENCE:KF/fup-116

19 April 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the sixth periodic report of Japan.

At the end of its 111th session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 28 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 14, 16 and 18 of the concluding observations.

On 27 July 2015, the Committee received the reply of the State party. At its 116th session, held in March 2016, the Committee analysed this information and adopted the following decisions:

- **Paragraph 13: [E]:** With respect to paragraphs (a), (b), (d), and (e), the Committee notes that the State party repeated information provided in its Sixth Periodic Report (CCPR/C/JPN/6) and in its Replies to the List of Issues (CCPR/C/JPN/Q/6/Add.1) and regrets that, contrary to the Committee's recommendations, the State Party states that it does not intend to implement the recommendations. The Committee reiterates its recommendation.

[B2]:(c) The Committee regrets the State party's failure to strengthen the current discovery framework to ensure full access to all prosecution materials to the defence. It also regrets that no measures have been taken to guarantee that confessions obtained by torture or ill-treatment are not invoked as evidence. The Committee notes that a reform bill is under discussion to introduce a new system of disclosing a list of titles and other categories of information on evidence kept by the prosecutor. The Committee requires information on:

- (i) the progress in adopting this bill, including information on the involvement of civil society in these discussions;
- (ii) the planned criteria for applying the new system and whether it will be applied in all cases involving the death penalty; and

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(iii) whether the audio-recording of interrogations of suspects is included in this bill and how this will be applied in death penalty cases.

- **Paragraph 14: [B2]:** The Committee notes the information provided by the State party, but requests further information on measures taken after the adoption of the concluding observations on Japan, on 23 July 2014 (CCPR/C/JPN/6), including on the agreement made in December 2015 between the State party and the government of the Republic of Korea, in which the Prime Minister of Japan reportedly made an apology and the State party promised an 1 billion yen payment that would provide support for former comfort women. The Committee also requires information on measures taken to (a) investigate all cases and prosecute and punish perpetrators; (b) provide full reparation to victims and their families; (c) disclose all available evidence; (d) condemn attempts to defame victims or to deny the events; and (e) educate students through references in textbooks. The Committee reiterates its recommendation.
- **Paragraph 16: [B2]:** The Committee welcomes the proposed changes in the Bills submitted to the Diet in March 2015 and requests information on the content of the Bills, their progress toward adoption and the involvement of civil society in the discussions. The Committee also requires information on whether the Bills establish criminal penalties and a minimum intern's wage, to avoid the practice of recruiting low-paid labour.

[C2]: With respect to on-site inspections and measures taken to investigate, prosecute and sanction labour trafficking cases and other labour violations, the Committee acknowledges the efforts of the Labour Standards Inspection Office, the Immigration Bureau and the Ministry of Justice in conducting on-site inspections. The Committee requests information on measures taken to increase the number of on-site inspections since the Committee adopted its concluding observations on the sixth periodic report of Japan (CCPR/C/JPN/CO/6), in July 2014. The Committee also requires information on the number of inspections and results of investigations conducted in the last three years.

[C2]: Concerning the establishment of the independent complaint mechanism, the Committee reiterates its recommendation.

- **Paragraph 18: [C2]:(a)** The Committee regrets that no action has been taken to guarantee that alternatives to detention, such as bail, are duly considered during pre-indictment detention. The Committee reiterates its recommendation.

[B2]:(b) The Committee notes the Bill submitted to the Diet in March 2015. Further information on the progress of the Bill is required, including whether the Bill fully complies with the Committee's recommendations to ensure that the right to counsel is guaranteed in all cases from the moment of apprehension. The Committee requests the State party to reconsider its position with regard to defence counsel with a view to ensuring that defence counsel is present during all interrogations. The Committee also requires information on the participation of civil society in the discussions of the Bill.

[B2]:(c) The Committee notes that no actions appear to have been taken to set strict time limits for the duration and methods of interrogation. The Committee acknowledges the information provided on the Bill regarding the video recording of interrogations and requires information on the progress of the Bill, participation of civil society in the discussions and the conditions on video

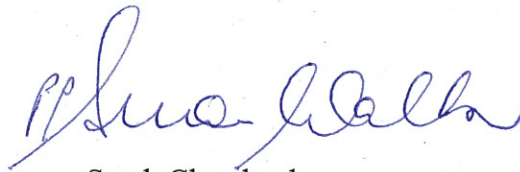
recording established by the Bill. Please also inform whether the Bill requiring the video recording will be applied in all interrogations.

[C2]:(d) The Committee reiterates its recommendation that the State party establish an independent complaint review mechanism.

The Committee would appreciate it if the information referred be forwarded to the Secretariat **by 10 June 2016**. The reply should be sent in Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: kfox@ohchr.org and Fernanda Santana: fsantana@ohchr.org). The information will then be scheduled for consideration at a future session.

The Committee looks forward to pursuing its constructive dialogue with the Japanese authorities on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.



Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee