Additional information in accordance with Article 29, paragraph 4, of the International Convention for the Protection of All Persons from Enforced Disappearance

Part I. Introduction

1. Following the consideration of a report submitted by Japan at the 257th and 258th meetings of the Committee on Enforced Disappearances (hereinafter "the CED") held respectively on 5 and 6 November 2018, the CED adopted its concluding observations (CED/C/JPN/CO/1) during its 271st meeting, held on 14 November 2018, regarding the report in accordance with Article 29, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter "the Convention").

2. In compliance with the request in paragraph 48 of the concluding observations, Japan submitted information to the CED on the implementation of the recommendations contained in paragraphs 12 (prohibition of enforced disappearance), 14 (the offence of enforced disappearance), and 32 (fundamental legal safeguards) in December 2019 (CED/C/JPN/FCO/1). Additionally, a factsheet accompanying a letter to the Chair of the CED submitted on 30 November 2018 expressed Japan's position on several other recommendations.

3. In paragraph 49 of its concluding observations, in accordance with Article 29, paragraph 4, of the Convention, the CED requested Japan to submit specific and updated information on the implementation of all its recommendations and any other new

information on the implementation of the obligations contained in the Convention (hereinafter "additional information") by 16 November 2024. (This deadline was extended to 14 November 2025, following consultations between the CED and Japan.) This document presents the additional information on the recommendations contained in the concluding observations, as described in Part II.

4. Among cases of enforced disappearance, the abductions of Japanese citizens by North Korea are a matter of grave concern pertaining to the sovereignty of Japan and the lives and safety of Japanese citizens. At the same time, as a violation of fundamental human rights, the abductions of Japanese citizens by North Korea are a universal issue for the international community. The Government of Japan (GOJ) continues to emphasize that the abductions issue, which relates to the sanctity of human life, must be resolved without delay as an urgent humanitarian matter, and that it also constitutes a violation of State sovereignty, and has repeatedly urged North Korea to resolve this issue immediately.

Part II. Additional information on the recommendations contained in the concluding observations

A. Additional information relating to paragraph 10 of the Concluding Observations

5. The GOJ recognizes the individual communications procedures set forth in Article 31 of the Convention to be noteworthy in the sense that it effectively guarantees the implementation of the Convention. With regard to the acceptance of the procedure, the GOJ is aware that there are various issues to consider including whether it could pose any problems in relation to Japan's judicial system or legislative policy, and what possible

organizational frameworks would be required to implement the procedures in the case that Japan is to accept it. The GOJ will further consider whether or not to accept such procedures in good faith, while taking into consideration opinions from various sectors.

B. Additional information relating to paragraph 12 of the Concluding Observations

6. Please refer to paragraphs 2–4 of the follow-up report by Japan (CED/C/JPN/FCO/1) submitted on 26 December 2019.

C. Additional information relating to paragraph 14 of the Concluding Observations

7. In Japan, among acts of enforced disappearance, the act of depriving a person of liberty shall be punished under Article 220 (unlawful capture and confinement) and Articles 224 to 228 (kidnapping, buying or selling of human beings) of the Penal Code, etc., and the act of concealing an act of depriving a person of liberty shall be punished under Article 103 (harboring of criminals) and Article 104 (suppression of evidence) of the Penal Code, etc., in each case regardless of whether these acts were carried out with or without the authorization, support, or acquiescence of the State. These legal provisions secure the punishment of enforced disappearance consisting of all three elements defined in Article 2 of the Convention. Therefore, we are not considering defining enforced disappearance as a new “autonomous offence.”

8. The substantive criminal law of Japan, including the Penal Code, has no category of crimes called “crimes against humanity” and does not specifically provide for such

crimes. However, a person who commits an enforced disappearance in an organized manner shall be punished under Article 3, paragraph 1, item 8 of the Act on Punishment of Organized Crimes and Control of Crime Proceeds, Article 220 of the Penal Code (crime of organized unlawful capture and confinement), etc. In addition, the widespread or systematic practice of enforced disappearance can serve as the grounds for the aggregation of penalties (Article 47 of the Penal Code) and will be taken into account unfavorably in the assessment of the penalty, as the crime is vicious in nature. This allows the appropriate handling of this practice according to its seriousness as a crime, and makes it unnecessary to separately incorporate into domestic law the widespread or systematic practice of enforced disappearance as a specific "crime against humanity."

D. Additional information relating to paragraph 16 of the Concluding Observations

9. In Japan, a person who commits an enforced disappearance shall be punished in accordance with the Penal Code for the crime of unlawful capture and confinement (Article 220), unlawful capture or confinement causing death or injury (Article 221), abuse of authority by public officers (Article 193), abuse of authority by special public officers (Article 194), abuse of authority causing death or injury by special public officers (Article 196), and uttering of counterfeit official documents (Article 158), etc. Among these, the statutory penalty for abuse of authority by special public officers is imprisonment from six months to 10 years. If the victim suffers injury because of unlawful capture and unlawful confinement, imprisonment from three months to 15 years may be imposed; if the victim dies, imprisonment from three years to 20 years may be imposed. Thus, in Japan, penal provisions are established with full consideration of the

seriousness of the crime. The death penalty is not prescribed for the crimes listed above. In addition, a person who commits an enforced disappearance in an organized manner shall be punished for the crime of organized unlawful capture and confinement (Article 3, paragraph 1, item 8 of the Act on Punishment of Organized Crimes and Control of Crime Proceeds and Article 220 of the Penal Code), etc. The circumstances described in Article 7, paragraph 2, subparagraph (a) of the Convention can be taken into account as favorable circumstances for the accused, and those described in Article 7, paragraph 2, subparagraph (b) of the Convention can be taken into account as unfavorable circumstances for the accused in the assessment of the penalty.

E. Additional information relating to paragraph 18 of the Concluding Observations

10. In addition to the provisions for crimes under the Penal Code relating to enforced disappearance, the Penal Code of Japan contains provisions for complicity (Articles 60 to 62) pursuant to which a person who orders, induces, or solicits the commission of an enforced disappearance or a person who is an accomplice to or participates in an enforced disappearance shall be punished. Attempts of enforced disappearance can be punished as for the crime of attempted kidnapping or the crime of the buying or selling of human beings (Article 228), as for the crime of assault (Article 208), or as for the crime of intimidation (Article 222). A person who harbors a criminal or suppresses evidence in an attempt to interfere with the arrest or prosecution of the criminal can be punished without regard to whether or not the arrest or prosecution of the criminal is actually interfered with. The criminal responsibility of a superior falling under Article 6, paragraph 1, subparagraph (b)-(i) to (iii) of the Convention is secured by the provisions for the crimes

of unlawful capture and confinement (Article 220 of the Penal Code) and the provisions for complicity (Articles 60 to 62 of the said Code).

11. Therefore, we do not believe that Japan needs to take the legislative measures recommended by the CED.

F. Additional information relating to paragraph 20 of the Concluding Observations

12. Regarding paragraph 20(a), please see the following:

A period of statute of limitations is prescribed in proportion to the seriousness of the statutory penalty (Article 250 of the Code of Criminal Procedure). The respective periods of the statutes of limitations for principal crimes under the Penal Code related to enforced disappearance are as follows:

• Unlawful capture and confinement (Article 220): 5 years

• Kidnapping of minors (Article 224): 5 years

• Kidnapping for profit (Article 225): 7 years

• Kidnapping for transportation out of a country (Article 226): 10 years

• Buying or selling of human beings (Article 226-2): 10 years for the offense committed for the purpose of transportation from one country to another country (paragraph 5)

• Harboring of criminals (Article 103): 3 years

• Suppression of evidence (Article 104): 3 years (Reference: Article 250 of the Code of Criminal Procedure)

13. In Japan, while the period of the statute of limitations for minor offenses is one

year, that for the above-mentioned offenses is 10 years at the longest (20 years in the case of unlawful capture and confinement causing death). Therefore, a sufficient period of statute of limitations is established for each. Given that the period of the statute of limitations for harboring criminals and suppressing evidence is three years, only acts including concealment of the deprivation of liberty—rather than the act of deprivation itself—may constitute these crimes. Regarding cases of "enforced disappearance" as defined in Article 2 of the Convention, other offenses with longer periods of statute of limitations may additionally be constituted, which accordingly ensures a sufficient period of statute of limitations. Note that a mere act of concealment constitutes only the offenses of harboring criminals and suppressing evidence, and the period of statute of limitations is three years, presuming that the person did not participate in an act of deprivation of liberty. We do not believe this to be out of balance with the seriousness of the crime.

14. On other matters, please refer to paragraphs 26–27 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016. As of the enforcement of the amended Penal Code on 1 June 2025, "imprisonment with or without work" has been merged into "imprisonment" (Article 9 of the Penal Code).

15. Regarding paragraph 20(b), please see the following:

One of the rights that victims of enforced disappearance may exercise under the Civil Code is the right to demand compensation for damages in tort from the offender. The 2017 amendment to the Civil Code extended the period of extinctive prescription for the right to demand compensation for damages for death or injury to person caused by a tortious act, from the perspective of protecting interests related to life and body. With this

amendment, the period of extinctive prescription for this right currently stands at “five years from the time when he or she comes to know the damages and the identity of the perpetrator” or “20 years from the time of the tortious act” (Article 724, 724-2 of the Civil Code).

G. Additional information relating to paragraph 22 of the Concluding Observations

16. The Penal Code of Japan explicitly establishes extraterritorial jurisdiction over all forms of the offense of enforced disappearance.

17. On other matters, please refer to paragraphs 29–30 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.

H. Additional information relating to paragraph 24 of the Concluding Observations

18. Regarding paragraph 24(a), Article 239 of the Code of Criminal Procedure provides “any person who believes that an offense has been committed may file an accusation.” Therefore, any individual is able to report an alleged enforced disappearance to the competent authorities, irrespective of his or her relationship to the disappeared person. On other matters, please refer to paragraphs 38–40 and 43–44 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.

19. Regarding paragraph 24(b), Article 189 of the Code of Criminal Procedure provides “a judicial police official shall, when he or she deems that an offense has been

committed, investigate the offender and evidence thereof." Accordingly, police officers have no discretion whether to investigate or not but have to initiate investigation.

20. Regarding paragraph 24(c), Japan has no military jurisdiction, and all cases of enforced disappearance are under the ordinary courts' jurisdiction.

21. Regarding paragraph 24(d), accessing documents and other related information in an investigation is possible, as public offices or public or private organizations may be asked to make a report on necessary matters relating to the investigation under Article 197(2) of the Code of Criminal Procedure, and Article 218 of the same prescribes searches, etc. by warrant. Articles retained or possessed by a public officer or ex-public officer may not be seized without the consent of his or her supervisory public agency, when he or she or the public agency asserts that the articles pertain to official confidential information; provided, however, that the supervisory public agency may not refuse consent except where the seizure may harm important national interests (Article 103 of said Act).

22. Regarding paragraph 24(e), there is no limit or exception in the course of executing a search warrant. Therefore, all places of detention or any other place where there are grounds to believe that a disappeared person may be present is subject to unconditional search with a warrant.

23. For entering the location of a disappeared person as part of criminal investigation, the Code of Criminal Procedure has Articles 218, 102 (search, inspection, etc.), 197(2) (investigation inquiry), and 220 (search, inspection, etc. without a warrant). There are no

restrictions on access to the place of detention when it is conducted based on these provisions.

24. The investigation authorities can conduct a search, upon warrant issued by a judge, in places where there are reasonable grounds to believe that the disappeared person may be present, in principle (Article 35 of the Constitution and Article 218 of the Code of Criminal Procedure). In addition, when the investigation authorities arrest a suspect upon an arrest warrant or arrest a flagrant offender, the investigation authorities may, if necessary, conduct a search on the spot of the arrest, such as at the residence of another person (Article 220 of the Code of Criminal Procedure). Furthermore, when a police official notices that a crime is about to occur and in the event that the lives, bodies or property of persons are endangered, if the police official considers it necessary in order to prevent such danger, restrain the spread of damage or give relief to sufferers, the police official may, to the extent judged reasonably necessary, enter any person's land, building, vessel or vehicle (Article 6 of the Police Duties Execution Act).

25. Regarding paragraph 24(f), not having a budget and personnel dedicated to enforced disappearance cases, the police respond regardless of department or job category when such cases occur. The authorized number of personnel for prefectural police in FY2025 is 288,926. The total FY2025 budget for expenses necessary to establish the foundations for policing activities including prefectural police expenses subsidies, etc. provided by the NPA is 71,456,212,000 yen.

26. Regarding paragraph 24(g), please refer to paragraph 61 of this additional

information.

27. The police provide education/training for officers engaged in investigating cases of kidnapping by force or enticement, capture or confinement, etc. to acquire expert knowledge and techniques to conduct investigations appropriately.

I. Additional information relating to paragraph 26 of the Concluding Observations

28. Since the Convention does not apply retroactively to any issues that occurred prior to its entry into force, the GOJ considers that the comfort women issue should not be taken up by the CED in its recommendations regarding the implementation of the Convention. Having said that, no "complaint" pursuant to Article 12 of the Convention, including the comfort women issue, has been raised against the GOJ to date.

29. The GOJ has conducted a full scale fact-finding study on the comfort women issue in the early 1990s. This fact-finding study included 1) research and investigation on related documents owned by relevant ministries and agencies of the GOJ, 2) searching documents at the U.S. National Archives and Records Administration, 3) hearings of relevant individuals including former military parties and managers of comfort stations and 4) analysis of testimonies collected by the Korean Council, a Korean NGO. However, "forceful taking away" of comfort women by the military and government authorities could not be confirmed in any of the documents that the GOJ was able to identify in this.

30. Every single result of such study is disclosed to the public and accessible on the

internet through the websites of related government organizations as well as the Asian Women's Fund (AWF)[1]. There is no ground for criticism that the GOJ is concealing related facts and materials on the comfort women issue.

31. We believe that there is some widespread misunderstanding on the comfort women issue. The reason behind such belief that the comfort women were "forcefully taken away" is a fabricated story by the late Seiji Yoshida in his book entitled "My War Crime" published in 1983. In this book, Yoshida illustrates himself hunting many women by order of the Japanese military in Jeju Island of the Republic of Korea (ROK). At the time, the content of his book eventually made a tremendous impact not only on public opinion in Japan and the ROK, but also in the entire international community. The reality is, Yoshida's story has later been proven by scholars to be entirely a product of imagination. In fact, a major Japanese newspaper which actively reported this book as if it were a true story later admitted to having published erroneous articles, and officially apologized for it to their readers[2]. This background is not widely known. The comfort women issue should be discussed or assessed based on all the objective facts.

32. The expression "comfort women who may have been subjected to enforced disappearance" was used in the concluding observations. The GOJ understands that such observation by the CED is based on the premise of the possibility of "comfort women" being subject to victims of enforced disappearance. Nevertheless, if the CED gives such

[1] Asian Women's Fund. Digital Museum: The Comfort Women Issue and the Asian Women's Fund. Retrieved on 26 Nov. 2018. http://awf.or.jp/e6/index.html

[2] Asahi Shimbun (22 Aug. 2014). Testimony about 'forcible taking away of women on Jeju Island': Judged to be fabrication because supporting evidence not found. Retrieved on 26 Nov. 2018. https://www.asahi.com/articles/SDI201408213563.html

observation, it is necessary for the CED to provide adequate evidence in drawing such conclusions.

33. Also, with regard to the clause in paragraph 25, which states "It is further concerned at the lack of adequate reparations to the victims in accordance with Article 24 (5) of the Convention," no "complaint" pursuant to Article 12 of the Convention has been made in the first place. In addition, the GOJ has sincerely dealt with issues of reparations, property and claims pertaining to the Second World War under the San Francisco Peace Treaty, which the GOJ concluded with 45 countries, including the United States, the United Kingdom and France, and through other bilateral treaties, agreements and instruments. These issues, including those of claims of individuals, have already been legally settled with the parties to these treaties, agreements and instruments. (With regard to the ROK, it was confirmed in the 1965 Agreement on the Settlement of Problems concerning Property and Claims and on Economic Cooperation between Japan and the Republic of Korea that the issues concerning property and claims "have been settled completely and finally." The GOJ, in accordance with the said Agreement, provided 500 million US dollars to the ROK as economic cooperation.)

34. Additionally, since the 1990s, the GOJ and Japanese nationals have extended its utmost cooperation to the projects of the AWF, which provided "medical and welfare support projects" and "atonement money" (totaling of 5 million yen per person in the ROK and Taiwan as well as 3.2 million yen per person in the Philippines) to offer material relief to former comfort women. When atonement money as well as the medical and welfare support were provided, the then-prime ministers (namely, PM Ryutaro Hashimoto,

PM Keizo Obuchi, PM Yoshiro Mori and PM Junichiro Koizumi), sent a signed letter expressing apologies and remorse directly to each former comfort woman. As a result, 285 former comfort women (211 persons in the Philippines, 61 persons in the ROK, 13 persons in Taiwan) received funds. As a result of such efforts, the 1998 Japan-ROK Joint Declaration—A New Japan-Republic of Korea Partnership towards the Twenty-first Century—called upon both countries "to build a future-oriented relationship based on reconciliation as well as good-neighborly and friendly cooperation."

35. Furthermore, toward the early realization of the healing of the former comfort women, the GOJ and the Government of the ROK, through great diplomatic efforts, finally reached an agreement on this issue in December 2015. With this agreement, the two governments confirmed that the comfort women issue is "resolved finally and irreversibly" and that the two governments will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations. In addition, in accordance with the agreement, the Government of the ROK established a foundation for the purpose of providing support for former comfort women and the GOJ contributed 1 billion yen to the foundation.

36. This Japan-ROK agreement was welcomed by the international community, including Mr. Ban Ki-moon, then Secretary-General of the United Nations[3], and the Government of the United States of America, as well as highly appreciated by the media in the European and American countries, including the New York Times. In addition, the

[3] United Nations Secretary-General (28 Dec. 2015). Statement attributable to the Spokesman for the Secretary-General on the agreement between Japan and the Republic of Korea on issues related to 'comfort women'. Retrieved on 29 Nov. 2018. https://www.un.org/sg/en/content/sg/statement/2015-12-28/statement-attributable-spokesman -secretary-general-agreement-between

agreement was also received positively by many former comfort women in the ROK. It is thus important that the agreement is steadily implemented for the sake of former comfort women who are now in their advanced years.

37. As stated in the Statement by the Prime Minister of Japan issued in 2015, that we will engrave in our hearts the past, when the dignity and honor of many women were severely injured during wars in the 20th century. Japan is determined to lead the world in making the 21st century an era in which women's human rights are not infringed upon.

J. Additional information relating to paragraphs 27 and 28 of the Concluding Observations

38. In Japan, an act of enforced disappearance constitutes a crime satisfying the conditions of dual criminality for the purpose of providing mutual legal assistance in criminal matters. Therefore, it is possible to provide such assistance (Article 2, item 2 of the Act on International Assistance in Investigations). Japan has concluded mutual legal assistance treaties and agreements with the United States, the Republic of Korea, China, Hong Kong, the EU, Russia, and Viet Nam, which enable prompt and smooth mutual legal assistance in criminal matters.

39. Japan may cooperate with other States Parties in assisting victims of enforced disappearance through the provision of mutual legal assistance in investigation.

K. Additional information relating to paragraphs 29 and 30 of the Concluding

Observations

40. The Convention is, as a matter of course, not applicable to States which are not the party. Therefore, the GOJ shall not be blamed for such obstacles to extradition.

41. It is very common for countries in the international community to require assurance of the principle of reciprocity in the absence of an extradition treaty. Indeed, not only Japan but also the other countries require this principle as well. Therefore, this requirement is not an obstacle to extradition.

42. Regarding paragraph 30(a), please refer to paragraph 45 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.

43. Regarding paragraph 30(b), please refer to paragraphs 48–49, 51–52 and 54–55 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016, and paragraph 77 of the replies to the list of issues by Japan (CED/C/JPN/Q/1/Add.1) submitted on 24 September 2018.

44. Article 53, paragraph 3, item 3 of the Immigration Control and Refugee Recognition Act (hereinafter the "Immigration Control Act") provides that a deportation destination of a foreign national subject to deportation shall not include any country considered to be "another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance" as referred to in Article 16, paragraph 1 of the Convention. In addition, Article 53, paragraph 3, item 1 of the Immigration Control Act provides that the deportation destinations shall not include

any country to which territories prescribed in Article 33, paragraph 1 of the Convention relating to the Status of Refugees belong, while Article 53, paragraph 3, item 2 of the Immigration Control Act also provides that the countries prescribed in Article 3, paragraph 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall not be included in the deportation destination.

45. As designation of a deportation destination is an important factor of deportation procedures, an immigration control officer, immigration inspector, and special inquiry officer shall hear the opinion of a suspect as to which country he or she wishes to be deported to during the deportation procedures. When the Minister of Justice (including the Director of the Regional Immigration Services Bureau commissioned by the Minister of Justice) has made a decision of deportation, the supervising immigration inspector who issues a written deportation order shall decide the deportation destination pursuant to the provisions of Article 53 of the Immigration Control Act, taking into account the opinion of the suspect heard during the deportation procedures. As the premise, as mentioned above, the deportation procedures in Japan under the Immigration Control Act adopt a three-step examination process with a view to giving due consideration to the foreign national in question so that he or she can express his or her opinion and to making a careful decision after taking such opinion into account.

L. Additional information relating to paragraphs 32 of the Concluding Observations

46. Regarding paragraph 32(a), please see the following:

Under the Code of Criminal Procedure, any suspect in custody can have an

access to and correspond with a lawyer with no restriction, prohibition nor examination.

Under the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees and its related ordinances, when the suspect cannot bear the financial cost of translation or interpretation, the State or prefecture supports the cost if it is necessary. Article 39 para (1) of Code of Criminal Procedure provides “the accused or the suspect in custody may, without any official being present, have an interview with, or send to or receive documents or articles from counsel or prospective counsel upon the request of a person entitled to appoint counsel”.

Under Article 39 of the Code of Criminal Procedure (“The accused or the suspect in custody may, without any official being present, have an interview with, or send to or receive documents or articles from a defense counsel or prospective defense counsel upon the request of a person entitled to appoint a defense counsel (with regard to a person who is not a lawyer, this shall apply only after the permission prescribed in paragraph 2 of Article 31 has been obtained)”), the accused or the suspect in custody has the right to have an interview with a defense counsel. Article 80 of the Code of Criminal Procedure provides that the accused under detention may have an interview with persons other than a defense counsel (relatives, etc.). With regard to communication with consular authorities, when a foreign national is arrested or committed to prison or to custody pending trial or is detained in any other manner, notification to the consular post of his or her country is made without delay in accordance with the Vienna Convention on Consular Relations and others, and consular officers may visit, converse, correspond, or otherwise communicate with the foreign national.

Inmates at penal institutions, juvenile training schools, or juvenile assessment centers, pursuant to the provisions of the Code of Criminal Procedure and other relevant laws and regulations, are allowed to meet with and to correspond with their family or a defense counsel. If they are foreign nationals, they can communicate with the consular post of their countries in accordance with the Vienna Convention on Consular Relations and others.

Persons who are detained in detention facilities detaining foreign nationals only (hereinafter "the Immigration Detention Facilities"), managed and administered by the Immigration Services Agency, for a violation of the Immigration Control and Refugee Recognition Act may contact or be contacted by their lawyer, doctor, or family, etc. (by telephone, visits, or receiving or sending letters). Notification to the consular post is also conducted properly in accordance with the Vienna Convention on Consular Relations and others.

Persons who are detained in detention facilities, pursuant to the provisions of the Code of Criminal Procedure and other relevant laws and regulations, are allowed to meet with and to correspond with their family or a defense counsel. If they are foreign nationals, notification to the consular post of their countries is made without delay in accordance with the Vienna Convention on Consular Relations and others, and consular officers of their countries may visit, converse, correspond, or otherwise communicate with them.

In accordance with the restrictions on behavior specified by the Minister of

Health, Labour and Welfare under Article 36, paragraph 2 of the Act on Mental Health and Welfare for the Mentally Disabled and with the standards set by the Minister of Health, Labour and Welfare under Article 37, paragraph 1 of the said Act, or in accordance with the restrictions on behavior specified by the Minister of Health, Labour and Welfare under Article 92, paragraph 2 of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity and with the treatment standards set by the Minister of Health, Labour and Welfare under Article 93, paragraph 1 of the said Act, persons (including foreign nationals) hospitalized at a mental hospital shall have the liberty to communicate with and be visited by others, in principle. However, certain restrictions may be imposed in a reasonable manner to a reasonable extent in cases where there are reasonable grounds to do so, such as that the medical condition is likely to deteriorate or where there are other medical or protective reasons. Even in such cases, nevertheless, no restriction shall apply to the communication with or visits by the staff of prefectural governments, Legal Affairs Bureaus, District Legal Affairs Bureaus, or any other administrative entities relevant to human rights protection, or by the lawyer representing such persons.

Pursuant to Article 38-4 of the Act on Mental Health and Welfare for the Mentally Disabled, a person hospitalized at a mental hospital or his or her family, etc. may request the prefectural governor to improve treatment of the hospitalized person. Upon receipt of such a request for improvement of treatment, the prefectural governor shall request a Psychiatric Review Board (i.e., a third-party organization established in the prefectural government and consisting of, among others: Designated Physicians of Mental Health who are designated by the Minister of Health, Labour and Welfare as

having knowledge and skills necessary to perform the duties of a Designated Physician of Mental Health from among physicians who have certain work experience in psychiatry and who have successfully completed training on laws, regulations, etc. on the human rights of mentally disabled persons; and experts in law, etc.) to review the treatment.

When reviewing the treatment, the Psychiatric Review Board must hear the opinions of the requester and of the administrator of the mental hospital at which the hospitalized person relevant to the review has been committed, and may, if deemed necessary by the Board, take such actions as: having the hospitalized person relevant to the review examined by the Board members; requesting a report from the administrator, etc. of the mental hospital relevant to the review; and ordering the administrator, etc. to submit medical records, etc. (Article 38-5, paragraphs 3 and 4 of the Act on Mental Health and Welfare for the Mentally Disabled).

The Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity provides for a system similar to that provided for by the Act on Mental Health and Welfare for the Mentally Disabled. Under Article 95 of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity, a person hospitalized at a designated medical institution for hospitalization or his or her guardian may request the Minister of Health, Labour and Welfare to improve treatment of the hospitalized person. Upon receipt of such a request for improvement of treatment, the Minister of Health, Labour and Welfare shall request the Social Security Council (i.e., an advisory body to the Ministry of Health, Labour and Welfare) to review the treatment. The actual review will be performed by the Committee

of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity, which is established under the said Council and consists of Designated Physicians of Mental Health, experts in law, etc.

When reviewing the treatment, the Social Security Council must hear the opinions of the requester and of the administrator of the designated medical institution for hospitalization at which the hospitalized person relevant to the review has been committed, and may, if deemed necessary by the Council, take such actions as: having the hospitalized person relevant to the review examined by the Council's Designated Physician of Mental Health; requesting a report from the administrator, etc. of the designated medical institution for hospitalization relevant to the review; and ordering the administrator, etc. to submit medical records, etc. (Article 96, paragraphs 3 and 4 of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity).

For the reasons described above, the recommended measures have already been sufficiently guaranteed.

47. Regarding paragraph 32(b), please see the following:

The purpose of a Penal Institution Visiting Committee (hereinafter the "Committee") is to hear a wide range of opinions of external parties and to ultimately contribute to the proper administration of the penal institution also based on the attitudes of the general public.

The qualifications for Committee members have been specified: the Committee members are appointed by the Minister of Justice from among persons “who are deemed to be of good character and who have a high level of insight, along with an interest in improving the administration of penal institutions” (Article 8, paragraph 2 of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees).

Mechanisms that enable the Committee to collect information necessary to express its opinions to the warden of the penal institution also ensure the Committee’s practical activities. Specifically, the warden of the penal institution shall provide the Committee, on a regular or as-needed basis, with information on the status of administration of the penal institution (Article 9, paragraph 1 of the said Act). The Committee may conduct penal institution visits for Committee members (first sentence of paragraph 2 of the same Article). During such visits, the Committee may have the warden of the penal institution cooperate in conducting an interview between inmates and Committee members (second sentence of paragraph 2 of the same Article). The wardens of the penal institutions must cooperate as required in the visits and interviews with inmates (paragraph 3 of the same Article).

In this way, the independence of the Committee from the detention facility is guaranteed by the procedure of appointing Committee members and by the granting of necessary authority to the Committee. The Committee has not received training on the Convention but has been provided with a handbook containing a summary of the Committee’s duties and information on the cooperation from penal institutions, in order to facilitate the Committee’s activities.

The foregoing also applies to the Juvenile Training School Visiting Committee, the Juvenile Assessment Center Visiting Committee, and the Immigration Detention Facilities Visiting Committee.

The Detention Facilities Visiting Committee (hereinafter the "Visiting Committee"), consisting of external third parties, has been established for the purpose of enhancing the transparency of the administration of detention facilities and ensuring the adequate treatment of detainees. The purpose is to improve and enhance the administration of detention facilities with the Visiting Committee expressing opinions based on its proper grasp of the reality of detention facilities.

The Visiting Committee members are appointed by the Public Safety Commission, a body supervising the police, from among "persons who are deemed to be of good character and who have a high level of insight, along with an interest in improving the administration of detention facilities" (Article 21, paragraph 1 of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees), and therefore the selection criteria are crystal clear.

Furthermore, the Visiting Committee is institutionally authorized in its activities to collect information necessary to express opinions to the detention service manager. Namely, the detention service manager shall provide the Visiting Committee, on a regular or as-needed basis, with information on the administration of the detention facilities (Article 22, paragraph 1 of the aforementioned Act). The Visiting Committee is

authorized to inspect detention facilities (Article 22, paragraph 2, first sentence of the aforementioned Act). The Visiting Committee is also authorized to request the detention service manager to provide cooperation in conducting interviews with detainees (Article 22, paragraph 2, second sentence of the aforementioned Act). In addition, the detention service manager shall provide necessary cooperation concerning the inspection or interview (Article 22, paragraph 3 of the aforementioned Act).

In such manner, the Visiting Committee is guaranteed independence from detention facilities through the appointment procedure of its members and the granting of necessary authority. Given that Convention-specific training is not provided to the Visiting Committee, we accordingly facilitate its activities by providing an outline of its duties and explanations on cooperation with detention facilities.

M. Additional information relating to paragraph 34 of the Concluding Observations

48. In Japan, when a judicial police officer or public prosecutor has arrested a suspect upon an arrest warrant or has received a suspect who was arrested upon an arrest warrant, he or she shall immediately inform the suspect of the essential facts of the suspected crime and the fact that the suspect may appoint defense counsel, and then give the suspect an opportunity for explanation (Articles 203 and 204 of the Code of Criminal Procedure). In addition, when the accused has been detained, his or her counsel shall be notified (Article 79 of the said Code), the accused or the suspect have the right to have an interview with counsel (Article 39 of the said Code), and the accused or the suspect may have an interview with persons other than counsel (relatives, etc.), respectively (Article

80 of the said Code). A person under detention or his or her counsel, relatives or other interested person may request the court to disclose the grounds for detention (Article 82 of the said Code), and the presiding judge must disclose the grounds for detention in an open court (Articles 83 and 84 of the said Code). A person under detention or his or her counsel may file a request against the decision of detention and may file a request for said decision to be rescinded (Article 429, paragraph 1, item 2 of the said Code).

49. Regarding the deportation procedures for foreign nationals, a foreign national may file a lawsuit to request the court to revoke the issuance of a written detention order, which serves as the basis for detention, or of a written deportation order. Information regarding the filing of a lawsuit is addressed, in writing, to the person concerned, pursuant to the provisions of Article 46 of the Administrative Case Litigation Act, thereby ensuring consideration for the right of access to the courts.

50. In addition, a system vis-à-vis detention of a foreign national subject to deportation procedures is in place. Under this system, the supervising immigration inspector is required to review the necessity of detention every three months. Upon review, if the supervising immigration inspector determines that the detention should continue, he or she is required to report that decision and its reasons to the Commissioner of the Immigration Services Agency. The Commissioner then verifies the appropriateness of the inspector's decision. Further, if the foreign national concerned is not satisfied with the Immigration Services Agency's original administrative disposition regarding whether to impose Sponsorship, he or she may seek judicial review retrospectively by, for example, filing a lawsuit.

51. If a detainee considers that the issuance of the written detention order or the written deportation order in the deportation procedures is illegal, he or she may, pursuant to the procedure prescribed in the Act on Protection of Personal Liberty or the Administrative Case Litigation Act, file an action over the illegality of such issuance of the written order, to seek the decision of the court. In addition, under the legal system in Japan, it is also possible to claim compensation for illegal detention under the State Redress Act.

N. Additional information relating to paragraph 36 of the Concluding Observations

52. Custodial records in Japan cover all the information set forth in Article 17 of the Convention and such information shall be updated promptly. For the details, please refer to paragraphs 75–78 and 93 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016 as well as the Annex to this additional information.

53. In principle, the Immigration Detention Facilities do not willingly provide information concerning a foreign national detained by the Immigration Detention Facilities even to persons with legitimate interest, to protect personal information of the detainee. However, a detainee is permitted to send and receive letters and use a telephone except for cases where it is deemed that there is a risk of hindering security measures, and it is possible for the detainee himself or herself to contact any person to whom the detainee wishes to notify the information referred to in Article 18, paragraph 1 (excluding subparagraphs (e) and (g)) of the Convention. The detainee may also be visited by the

consul of the country of which he or she is a national or citizen or by a lawyer acting as a representative or defense counsel of the detainee (including those lawyers who are going to act as such by request) and, in cases where it is deemed that there is no risk of causing hindrance to security or sanitation purposes, by any other person (without any specific restriction). At the time of such visits, the detainee may also notify them of the information referred to in Article 18, paragraph 1 (excluding subparagraphs (e) and (g)) of the Convention.

54. If a detainee is a minor or an adult ward, the statutory representative of such minor or adult ward may, pursuant to the provisions of Article 76 of the Act on the Protection of Personal Information, request the disclosure of such retained personal information of the detainee as referred to in Article 18, paragraph 1 of the Convention. The right to request the disclosure of the retained personal information under Article 76, paragraph 1 of the Act on the Protection of Personal Information is granted to "any person," and Article 76, paragraph 2 of the said Act provides that a statutory representative of a minor or an adult ward, or an agent privately appointed by the identifiable person, may make the request for disclosure on behalf of the principal.

55. Penal institutions, detention facilities, juvenile training schools, and juvenile assessment centers retain, use, and provide personal information in accordance with the Act on the Protection of Personal Information. When a request for the report on the person deprived of liberty is made to a penal institution, etc., under relevant laws or regulations, such penal institution, etc., respond to such request within the extent permitted by such laws or regulations. When an inmate is committed to a juvenile training school or a

juvenile assessment center, the custodian of the inmate or other person deemed appropriate shall be promptly notified thereof. When a foreign national is committed to a penal institution, etc., notification to the consul of his or her country is promptly made under the Vienna Convention on Consular Relations.

56. Any responsible officials who fail to record a deprivation of liberty, refuse to provide information or provide inaccurate information in violation of his or her official obligation may be subject to disciplinary sanctions and may be subject to criminal punishment when conducting intentionally.

57. Specifically, a public officer who makes a false record on the deprivation of liberty of a person can be punished for the crime of the making of false official documents (Article 156 of the Penal Code), and a public officer who abuses his or her authority and hinders another from exercising such person's right by refusing to provide information on the deprivation of liberty can be punished for the crime of abuse of authority by public officers (Article 193 of the said Code).

58. For the detention of foreign nationals in the deportation procedures, due process is ensured by dividing authorities between different officials, such as an immigration control officer, who notifies a supervising immigration inspector and executes written detention orders, and a supervising immigration inspector, who issues written detention orders, so that they can check each other's work. In addition, records are periodically checked by an internal audit of affairs and an audit of documents. Sanctions applicable to public officers who are involved in such acts as described above include punishment for

the crime of making false official documents (Article 156 of the Penal Code) and for the crime of abuse of authority by public officers (Articles 193 to 196 of the said Code). Disciplinary action under Article 82 of the National Public Service Act may also be imposed.

59. On other matters, please refer to paragraphs 100, 101, and 129–131 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.[4]

O. Additional information relating to paragraphs 38 of the Concluding Observations

60. Anyone who becomes a judge or a public prosecutor acquires the qualification of legal professional, upon completion of his or her legal apprentice training at the Legal Training and Research Institute. The topic of international human rights treaties has been introduced into the curriculum covered during this training period. As for judges, various training programs that they take after their appointment cover human rights issues, including human rights treaties.

61. Efforts are made to educate public prosecutors by conducting lectures on the major human rights treaties, including the Convention, during training programs that are provided in accordance with their number of years' experience in accordance with their number of years' experience.

[4] Regarding paragraph 129 of the report by Japan from 22 July 2016, CED/C/JPN/1, the women's guidance home was abolished on 1 April 2024.

62. In order to enhance awareness about human rights and provide immigration administration services considerate of the human rights of foreign nationals, the Immigration Services Agency conducts training programs on international law and relevant human rights treaties several times a year on the occasion of various staff training programs for immigration inspectors and immigration control officers. In addition to the above-mentioned training, it also provides specialized training programs to staff exclusively engaged in the investigation of violations of the Immigration Control Act, to those engaged in the management and administration of detention facilities, and to those engaged in the treatment of detainees.

63. In Japan, in conjunction with the conclusion of the Convention, the Immigration Control Act was partially amended to stipulate that a deportation destination of a foreign national subject to deportation shall not include any country considered to be "another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance" as referred to in Article 16, paragraph 1 of the Convention (Article 53, paragraph 3, item 3 of the Immigration Control Act), which came into effect on December 23, 2010. Regarding the determination of the deportation destination, conjunction with the entry into force of the Convention, on December 22, 2010, regional immigration offices were directed to be more careful in dealing with each case without omission, and continuous efforts have been made to ensure appropriate handling.

64. In addition, the officials of the Immigration Services Agency are made aware of their duties through the training provided at each level as described above. It should be

noted that national public officers are under obligation to observe laws and regulations under the National Public Service Act, and therefore failure to obey an illegal order is not subject to disciplinary action or criminal punishment.

65. On other matters, please refer to paragraphs 136–139 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.[5]

P. Additional information relating to paragraphs 40 of the Concluding Observations

66. Although the "victim" in the Code of Criminal Procedure appears not to be literally fully mirroring the text of the Convention, prosecutors provide sufficient information and measures for "victims" in practice when requested by the victim himself or herself.

67. On other matters, please refer to paragraphs 140–143 and 149 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.

Q. Additional information relating to paragraph 42 of the Concluding Observations

68. Please refer to paragraphs 144–146 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016, and paragraphs 181–184 and 186–187 of the replies to the list of issues by Japan (CED/C/JPN/Q/1/Add.1) submitted on 24 September 2018.

[5] Regarding paragraph 136 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016, the women's guidance home mentioned therein was abolished on 1 April 2024.

R. Additional information relating to paragraph 44 of the Concluding Observations

69. Regarding paragraph 44(a), please refer to paragraphs 150–151 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016.

70. Regarding paragraph 44(b), please refer to paragraph 154 of the report by Japan (CED/C/JPN/1) submitted on 22 July 2016. A person who has mental capacity, including a child, may present his or her opinions in the proceedings of personal status litigation, such as actions seeking the invalidation or revocation of adoption, actions seeking the dissolution of an adoptive relationship, and actions seeking a declaratory judgment on the existence of an adoptive parent-child relationship and in conciliation thereof as a party or an intervener (regarding the capacity to sue or be sued and the capacity to perform procedural acts: Article 13, paragraph 1; Article 2, item 3 of the Code of Procedure Concerning Cases Relating to Personal Status; Article 252, paragraph 1, item 5 of the Domestic Relations Case Procedure Act; and regarding interventions in proceedings: Article 42 of the Code of Civil Procedure; Articles 41 and 42 of the Domestic Relations Case Procedure Act).