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International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee**

I. Introduction

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, and the Committee's evaluations and the decisions that it adopted during its 120th session. All the available information concerning the follow-up procedure used by the Committee since its 105th session, held in July 2012, is outlined in a table available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_UCS_120_26105_E.pdf.

Assessment of replies[1]

A	**Reply/action largely satisfactory**: The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
B	**Reply/action partially satisfactory**: The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
C	**Reply/action not satisfactory**: A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
D	**No cooperation with the Committee**: No follow-up report has been received after the reminder(s).
E	**Information or measures taken are contrary to or reflect rejection of the recommendation**

* Reissued for technical reasons on 16 November 2017.

** Adopted by the Committee at its 120th session (3-28 July 2017).

[1] The full assessment criteria are available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf.

II. Assessment of follow-up information

States parties evaluated with a [D] grade for failure to cooperate with the Committee within the follow-up to concluding observations procedure[2]

	State party	*Concluding observations*	*Due date of follow-up report (number)*	*Reminders and related action*
1.	Côte d'Ivoire	CCPR/C/CIV/CO/1 (31 March 2015)	31 March 2016	Reminder, 16 August 2016[3] Invitation to meet with Special Rapporteur, 21 February 2017[4] (no response received)
2.	Mauritania[5]	CCPR/C/MRT/CO/1 (30 October 2013)	10 June 2016[6] (3rd)	Reminder, 23 September 2016[7]
3.	Nepal[8]	CCPR/C/NPL/CO/2 (26 March 2014)	11 April 2016[9] (2nd)	Reminder, 16 August 2016[10] Invitation to meet with Special Rapporteur, 21 February 2017[11] (no response received)
4.	Sri Lanka[12]	CCPR/C/LKA/CO/5 (27 October 2014)	1 November 2016[13] (2nd)	Reminder, 7 December 2016[14]

[2] The follow-up procedure has been discontinued for these States parties. The information on the implementation of all the recommendations in the concluding observations adopted in respect of these States, including those recommendations selected for the follow-up procedure, should be provided in the context of their next periodic report.

[3] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CIV/INT_CCPR_FUL_CIV_24962_F.pdf.

[4] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CIV/INT_CCPR_FUL_CIV_26922_F.pdf.

[5] For the Committee's evaluation of the first follow-up report, see CCPR/C/113/2, paras. 5 **[B2]**, 14 **[C1][C2][B2][B1][B2]**, 17 **[C1][B1][B1]** and 19 **[B2][B2]**. For the evaluation of the second follow-up report, see CCPR/C/116/2, paras. 5 **[B2]**, 14 **[B2][C1][B2][B1][B1]**, 17 **[B2][B1][C1]** and 19 **[B1][B2]**. The third follow-up report has not been provided; Committee's evaluation: **[D]**.

[6] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MRT/INT_CCPR_FUL_MRT_23623_E.pdf.

[7] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MRT/INT_CCPR_FUL_MRT_25284_F.pdf.

[8] For the Committee's evaluation of the first follow-up report, see CCPR/C/115/2, paras. 5 **[B2][C1][B2][C2][C2]**, 7 **[C1]** and 10 **[C2][B2][C1][D1]**. The second follow-up report has not been provided; Committee's evaluation: **[D]**.

[9] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NPL/INT_CCPR_FUL_NPL_22487_E.pdf.

[10] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NPL/INT_CCPR_FUL_NPL_24965_E.pdf.

[11] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NPL/INT_CCPR_FUL_NPL_26923_E.pdf.

[12] For the Committee's evaluation of the first follow-up report, see CCPR/C/117/2, paras. 5 **[B1][B2][B1]**, 14 **[C1][B1]**, 15 **[B2][B2]** and 21 **[B2]**. The second follow-up report has not been provided; Committee's evaluation: **[D]**.

[13] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_FUL_LKA_24979_E.pdf.

[14] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_FUL_LKA_25999_E.pdf.

105th session (July 2012)

Iceland

Concluding observations:	CCPR/C/ISL/CO/5, 24 July 2012
Follow-up paragraphs:	7 and 15
First reply:	CCPR/C/ISL/CO/5/Add.1, 14 July 2015
Committee's evaluation (see CCPR/C/116/2):	Additional information required on paragraphs 7 **[B2]** and 15 **[C1][B1]**
Second reply:[15]	8 July 2016
Committee's evaluation:	Additional information required on paragraphs 7 **[B][C]** and 15 **[A][C]**

Paragraph 7

The State party should continue to take steps, in particular through the Centre for Gender Equality and a speedy adoption of equal salary standards, to continue to address the persistent and significant wage gap between women and men, guaranteeing equal pay for work of equal value. It should also introduce measures to increase the representation of women in decision-making positions, in particular in the Foreign Service, the judiciary, and academia.

Follow-up question (see CCPR/C/116/2)

[B2] The Committee welcomes the State party's efforts to implement the Committee's recommendation, including the adoption in October 2012 of the plan of action on gender equality regarding wages. Additional information is required on:

(i) The progress of the executive committee on gender wage equality in developing a plan of action and in reducing gender-based wage discrimination;

(ii) The impact of the plan of action on gender equality regarding wages and its task force;

(iii) The findings of the Ministry of Finance and Economic Affairs Committee and of the Government audit of Icelandic companies;

(iv) The efforts by the State party to introduce measures to increase the representation of women in decision-making positions, in particular the foreign service, the judiciary and academia.

Summary of State party's reply

(i) The State party reiterates the information in its follow-up report (CCPR/C/ISL/CO/5/Add.1, para. 5) on the plan of action on gender equality regarding wages, the task force of the executive committee and its mandate. In May 2015, the task force published the findings of two studies on the gender pay gap in the labour market and on the standing of women and men in the labour market, which showed that the gender pay gap was 7.6 percent for the labour market as a whole (7.8 per cent in the private sector and 7 per cent in the public sector). The analysis also showed that the unexplained pay differential constituting a gender pay gap in its purest form was 5.6 per cent in 2008-2013 and 5 per cent in 2011-2013.

(ii) The Action Group on Equal Pay was extended until the end of 2016. The findings of the two studies published on 20 May 2015 will be used to draw up two

[15] See http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fASP%2fISL%2f25245&Lang=en.

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action plans on the integration of family and working life and on ways of breaking up gender-based choices in education and careers. The Equal Pay Systems Standard — a managerial tool that enables institutions to adopt procedures that ensure equal remuneration for equal work or work of equal value — was implemented as an experimental project before its adoption.

(iii) The State party reiterates information in its periodic report (CCPR/C/ISL/5, para. 78) regarding the Public Limited Companies Act No. 2/1995 of March 2010 and the Private Limited Companies Act No. 138/1994.

(iv) No specific measures have been taken to promote the representation of women in Parliament or local governments. Some political parties ensure an equal number of male and female candidates on their lists. Owing to new changes in the Government in 2016, the cabinet comprised five men and five women. More women than men serve as permanent secretaries in the Ministry offices (five women to three men). In 2015, 26 women (compared to 74 men) were serving as city mayors, directors of local councils or municipal governments. The State party reiterates information in its periodic report (CCPR/C/ISL/5, para. 78) on gender proportion under the Gender Equality Act No. 10/2008.

The percentage of female ambassadors has risen considerably since 1991, with 13 women serving as ambassadors abroad in January 2016, compared to 29 men (a 31:69 gender ratio).

Women account for 42 per cent of district court judges, compared to 32 per cent in 2008. In June 2013, seven men and one woman were employed as Chairpersons of district courts. As of June 2016, two women, compared to eight men, have been serving as Supreme Court justices (one has a temporary appointment).

Of the seven universities, only two have women rectors.

Committee's evaluation

[B] (i) and (ii) The Committee notes the information provided but regrets the absence of concrete information on the progress made in developing a plan of action and reducing gender-based wage discrimination. The Committee therefore reiterates its request in that regard. The Committee requires clarification on whether the two action plans on the integration of family and working life and on ways of breaking up gender-based choices in education and careers have been adopted. If so, it requires information on their implementation, in practice, and on the interim results achieved. The Committee welcomes the experimental implementation of the Equal Pay Systems Standard and requires information on the preliminary evaluation of the implementation and on whether the standard is being applied.

[C] (iii) and (iv) The Committee regrets that the State party has not provide information on the findings of the Ministry of Finance Committee and of the Government audit of Icelandic companies. It reiterates its request. The Committee notes the information provided, including the statistical data on representation of women in different fields. It regrets, however, that the State party does not appear to have taken any measures since the adoption of the concluding observations to increase the number of women serving in decision-making positions, in particular as district court chairpersons, Supreme Court justices and university rectors. The Committee therefore reiterates its recommendation and requires updated information, including relevant statistics, on measures taken to increase the representation of women in those fields.

Paragraph 15

The State party should take urgent steps to ensure that all cases of sexual abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice. It should take steps to establish government-coordinated measures aimed at prevention of sexual abuse of children. The State party should

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also ensure that education about child sexual abuse and prevention become a formal part of the curriculum in faculties training teachers and other professionals working with children, as well as for faculties training health professionals, lawyers and police officers.

Follow-up question (see CCPR/C/116/2)

[C1] The Committee notes that the State party has not provided further information on measures taken to ensure that all cases of sexual abuse of children are effectively and promptly investigated and that perpetrators are brought to justice. The Committee requests additional information on:

(a) Complaint mechanisms available;

(b) The number of complaints received in the past three years;

(c) The number of cases brought before courts in the past three years, convictions and acquittals.

[B1] The Committee notes the training conducted for the police force on investigation and prosecution of sexual abuse of children, and welcomes the efforts made by the State party regarding education about child sexual abuse. Additional information is required on the State party's plans to make education about child sexual abuse and prevention a formal and permanent part of the curriculum for professionals working with children, and *on* measures taken to ensure sufficient funding for those activities. Information is also required on the consultative group established to evaluate the situation of sexual abuse of children and how the recommendations of the group are being implemented, as well as on any other steps taken by the State party since July 2015 to establish government-coordinated measures aimed at preventing child sexual abuse.

Summary of State party's reply

(a) Everybody can report a crime to the police, which is required to launch an investigation ex-officio if there is suspicion of criminal activity. Everyone with information about or suspicions regarding sexual assault against children has an obligation to report it to the Government Agency for Child Protection, under threat of punishment. The police have an obligation to investigate such cases but can dismiss an investigation at any time only exceptionally in cases concerning suspicion of sexual violence against children mainly if the statute of limitation has expired, if the defendant is not criminally liable or if the investigation has not revealed any suspicion of criminal activity. Such decisions can be appealed before the Public Prosecutor. When an investigation is concluded, the District Prosecutor decides whether or not to issue an indictment; an appeal against such decision can be lodged with the Director of Public Prosecution.

(b) The State party provided information on the number of complaints concerning sexual offences against children from 2013 to 2015, and on their outcomes (see second reply, 8 July 2016).

(c) The State party provided statistics on cases brought from 2013 to 2015 under articles 200 and 201 (sexual relations with one's child or other descendants between the ages of 15 and 17) and 202 and 204 (reduced punishment if the perpetrator was unaware of the age of the victim) of the Penal Code (see second reply, 8 July 2016).

Committee's evaluation

[A] (a), (b), (c) The Committee appreciates the information provided on the reporting of sexual abuse against children and the statistics on the number of complaints concerning sexual offences against children and cases brought before the courts from 2013 to 2015.

[C] The Committee regrets the lack of information on plans to make education about and prevention of child sexual abuse a formal and permanent part of the curriculum for professionals working with children; the consultative group established to evaluate the situation of sexual abuse of children; how the recommendations of the group are being

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implemented; and any other steps taken by the State party since July 2015 to establish government-coordinated measures aimed at preventing child sexual abuse. The Committee reiterates its request.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 27 July 2018

108th session (July 2013)

Finland

Concluding observations:	CCPR/C/FIN/CO/6, 24 July 2013
Follow-up paragraphs:	10, 11 and 16
First reply:	CCPR/C/FIN/CO/6/Add.1, 23 June 2014
Committee's evaluation (see CCPR/C/113/2):	Additional information required on paragraphs 10 **[B2][C2]**, 11**[C1][C1]** and 16**[B2][B2]**
Second reply:	CCPR/C/FIN/CO/6/Add.2 and Corr.1, 1 May 2015
Committee's evaluation (see CCPR/C/115/2):	Additional information required on paragraphs 10 **[B1][C2]**, 11 **[C1][A]** and 16 **[C1][B2][A]**
Third reply:[16]	11 April 2016
Committee's evaluation:	10 **[A][B][A]**, 11**[B][A]** (**[A]** was previously evaluated, see CCPR/C/115/2) and 16 **[B][B][A]** (**[A]** was previously evaluated, see CCPR/C/115/2)

Paragraph 10

The State party should use alternatives to detaining asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in the light of the specific circumstances, and subjected to periodic evaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve living conditions in the Metsälä detention centre.

Follow-up question (see CCPR/C/115/2)

[B1] (a) The Committee welcomes the amendments to the Aliens Act and the Act on the Treatment of Aliens Placed in Detention and Detention Units, which prohibit placing children in police detention facilities and detaining unaccompanied children who are seeking asylum. Additional information is required on:

(i) All legislative changes introduced regarding the process and circumstances for detaining asylum seekers and irregular migrants, and the improvement of living conditions in detention facilities, in addition to those already mentioned by the State party;

[16] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/INT_CCPR_AST_FIN_25246_E.pdf.

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(ii) The progress of the project on alternatives to detention, launched by the Ministry of the Interior, including the changes being proposed;

(iii) The progress made by the National Police Board in reviewing its instructions and making the changes needed to comply with the new legislation. Further information is also required on additional measures taken by the State party to ensure that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate, including for the detention of adults.

[C2] (b) The Committee welcomes the opening of the new Joutseno Detention Unit and the fact that there is no longer any need to place detained aliens in police facilities. However, the Committee notes that the State party has not provided information on the number of irregular migrants and asylum seekers detained in Metsälä in the last three years and on the length of their detention. The Committee reiterates its recommendation.

Summary of State party's reply

(a) (i) The State party reiterates information in its replies to the list of issues (see CCPR/C/FIN/Q/6/Add.1, para. 115) and in its second follow-up report to the Committee's concluding observations (see CCPR/C/FIN/CO/6/Add.2, para. 4) on interim alternatives to detention provided for in the Aliens Act No. 301/2004 (amendment 813/2015) and on its provisions regarding the detention of aliens and procedures therefor (CCPR/C/FIN/CO/6/Add.1, para. 10). In 2015, the Act was amended to limit detention by requiring that both the general and the special preconditions for detention be fulfilled, that detention be a last resort measure, and that an individual assessment be carried out. The amendment emphasized the primacy of alternative measures over detention, including reception centres, the police and the border control authority, among the possible authorities to which an alien could report as obligated. The detention of an alien is subject to an administrative decision, which is temporary and possible only if the detention is necessary either for examining the eligibility of the person to enter the country or to reside there or to enforce a decision to remove the person from the country; it is not used for punitive purposes. Alternatives to detention must be examined before deciding on detention and are used especially for persons in vulnerable positions. Decisions are made individually and the detention of minors is avoided to the extent possible.

Section 122 of the amended Aliens Act states that an unaccompanied child below 15 years of age must not be detained neither should an unaccompanied child aged 15 years or more, before a decision to remove the child from the country has become enforceable. A detained unaccompanied child must be released at the latest after 72 hours. However, the detention may, for special reasons only, be extended up to 72 hours. Detention is also used when, according to an individual assessment, the alternatives to detention are insufficient and detention as a last resort measure is necessary. The child must be heard before the decision is made, as should an official designated by a social welfare body. According to section 124 (2) of the Act, the District Court must hear a matter concerning the detention of an unaccompanied child without delay and no later than 24 hours from the notification. The Aliens Act also requires that social welfare authorities present to the District Court a written statement on the matter. In respect of a child detained with his or her guardian, the Act requires that the detention be indispensable to maintaining the family ties between the child and the guardian. Under section 129, a detention decision made by the authorities or a District Court is not subject to appeal. The person held in detention may complain about the District Court decision (no deadline) and such complaints must be handled with urgency.

The State party reiterates information in its second follow-up report (CCPR/C/FIN/CO/6/Add.2) regarding freedom of movement of aliens accommodated in reception centres (para. 1), two detention units and their capacity, including the recently (2014) opened detention unit at Joutseno Reception Centre (para. 2).

(a) (ii) The State party reiterates information in its second follow-up report (CCPR/C/FIN/CO/6/Add.2) about the project on alternatives to detention launched by the

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Ministry of the Interior.

(a) (iii) The Aliens Act No 301/2004 (and amendments), the Act on the Treatment of Aliens in Detention and Detention Units No. 116/2002 (and amendments) and the Act on the Treatment of Persons under Police Custody No. 841/2006 (and amendments) contain very detailed procedural provisions based on the related aspects of human rights and basic rights and liberties. Consequently, there has been no need to give the police separate instructions on the new legislation and the measures required by it.

(b) In 2013, 1, 678 persons were detained by virtue of the Aliens Act; in 2014, 1,450 persons; and in 2015, 1,204 persons. In all three years, the average length of detention was 12 days per case.

Committee's evaluation

[A] (a) (i) The Committee welcomes the information on the process and circumstances for detaining asylum seekers and irregular migrants, including minors, and the preference for alternatives to detention. It considers the State party's response largely satisfactory. Clarification is requested in the next periodic report regarding the unavailability of appeal against a detention decision taken by the authorities or a District Court (Aliens Act, sect. 129) and the statement that the person held in detention may complain about the District Court decision (no deadline) and such complaints must be handled with urgency.

[B] (a) (ii) and (iii) The State party does not provide any new information on the progress of the project on alternatives to detention launched by the Ministry of the Interior and on the proposed changes. The Committee therefore reiterates its request. Furthermore, should the project become law, the Committee would require information on the envisaged alternatives to detention and their implementation, in practice.

The Committee notes the State party's information that, given the detailed human-rights related procedural provisions in the relevant acts, there has been no need to provide the police with separate instructions regarding the new legislation. The Committee regrets that the State party has not provided any further information on the improvement of living conditions in detention facilities for asylum seekers and irregular migrants. It reiterates its request in that regard.

[A] (b) The Committee considers the State party's response largely satisfactory.

Paragraph 11

The State party should provide the Committee with the required information and, in any event, ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension, and transferred from the police detention centre in the event of a continuation of detention. The State party should also ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension, irrespective of the nature of their alleged crime.

Follow-up question (see CCPR/C/115/2)

[C1] (a) The Committee encourages the efforts of the working group to examine the possibility of introducing alternatives to remand imprisonment and requests information on any progress in that respect. The Committee expresses regret that the State party has not required that suspects be brought before a judge within 48 hours of their arrest on criminal charges and reiterates its recommendation in that regard.

[A] (b) The Committee notes the information provided by the State party on the provision of a defender for suspects and welcomes the new provisions in the Criminal Investigation Act for notifying suspects. The State party should provide information in its next periodic report on training for criminal investigation officials on the new provisions in the Criminal Investigations Act, particularly to ensure that the right to legal assistance is respected in practice.

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Summary of State party's reply

The working group on alternatives to remand imprisonment and the organization thereof completed its work on 31 December 2015 and proposed that the Coercive Measures Act be supplemented with provisions on a strengthened travel ban and investigative confinement as alternatives to remand imprisonment. A court could impose on a criminal suspect a strengthened travel ban supervised by technical devices rather than order detention if an ordinary travel ban was insufficient and if the other preconditions set out in the Coercive Measures Act were fulfilled. The same alternative measure could be ordered by a court in the case of a person sentenced to unconditional imprisonment if the said preconditions were fulfilled and the punishment for the offence was less than two years of imprisonment. One precondition for a strengthened travel ban and investigative confinement would be for the suspect or sentenced person to commit to complying with the orders and obligations imposed on them and that such compliance be considered probable in the light of their personal circumstances or other similar circumstances.

The working group also considers that the practice of detaining remand prisoners in police detention facilities should be abolished as soon as possible and the responsibility for accommodating remand prisoners and implementing remand imprisonment should be imposed on prisons gradually, owing to the current lack of capacity. First of all, the Detention Act No. 768/2005 should be amended by shortening the length of time that a remand prisoner may be held in police detention facilities and by tightening the preconditions for detention in police facilities. It would not be permissible to hold a remand prisoner in police facilities for longer than seven days without an exceptionally important reason relating to the safety or separation of the prisoner. The proposals of the working group were circulated for comments in February 2016 and will serve as the basis for the Ministry of Justice's work on a bill to be submitted to Parliament in September 2016.

Committee's evaluation

[B] The Committee notes the amendments proposed to the Coercive Measures Act No. 806/2011 by the working group to examine alternatives to remand imprisonment. Further and updated information is required on whether the Ministry of Justice has submitted a bill to the Parliament based on the recommendations of the working group, as planned; on the content of the bill; and on the progress towards its adoption. The Committee again expresses regret that the State party does not require that suspects be brought before a judge within 48 hours of their arrest on criminal charges. It reiterates its recommendation in that regard.

[A] See the Committee's previous evaluation in CCPR/C/115/2.

Paragraph 16

The State party should advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami parliament. The State party should increase its efforts to revise its legislation to fully guarantee the rights of the Sami people in their traditional land, ensuring respect for the right of Sami communities to engage in free, prior and informed participation in policy and development processes that affect them. The State party should also take appropriate measures to facilitate, to the extent possible, education in their own language for all Sami children in the territory of the State party.

Follow-up question (see CCPR/C/115/2)

[C1] (a) The Committee notes the information provided on the progress made towards adopting the two legislative proposals. Given the withdrawal of the bill to revise the Act on the Sami Parliament, the Committee reiterates its recommendation that the State party advance the implementation of the rights of the Sami by strengthening the decision-

making powers of Sami representative institutions.

[B2] The Committee notes that the proposed amendments to the Metsähallitus law, including the initiative to ratify International Labour Organization (ILO) Convention No. 169, are under consideration. Additional information is required on measures taken to ensure that Sami people participate in the discussion about these amendments and on the progress made in adopting the proposed amendments.

[A] (b) The Committee welcomes the information provided by the State party regarding the measures taken to facilitate education in their own language for all Sami children in the territory of the State party. The State party should provide additional information in its next periodic report on the impact of the Action Programme for the Revitalization of the Skolt Sami, Inari Sami and North Sami Languages and the nationwide action plan to revive the Sami language.

Summary of State party's reply

The Ministry of Justice intends to resubmit to Parliament most of the proposed revisions of the Act on the Sami Parliament, including the proposal that the current obligation to negotiate (sect. 9) be amended to better comply with the principle of free, prior and informed consent.

The reading of the bill on ratification of ILO Convention No. 169 was transferred to the new post-electoral Parliament.

In 2016, the Government commissioned a new study, which draws on the international norms, experiences and practices relating to the rights of indigenous peoples. A new Act on Metsähallitus, the Finnish State forestry enterprise, was adopted on 30 March 2016 (in force since 15 April 2016). It provides for the management, use and protection of natural resources governed by Metsähallitus in the Sami Homeland to be adjusted to ensure opportunities for the Sami people to practice their culture. Also, a new institution, in the form of municipal advisory committees, will be set up in all municipalities located entirely in the Sami Homeland to deal with the sustainable management and use of State-owned lands and waters and related natural resources. They are expected to strengthen to some extent the right of the Sami — as an indigenous people — to maintain and develop their language and culture. Representatives of the Sami Parliament and the Skolt Sami Village Council participated in the working group that drafted this provision.

The Fishing Act that entered into force at the beginning of 2016 strengthens the rights of the Sami to participate in planning the use and management of fish resources through representatives of the Sami Parliament at the general meeting of the fisheries region and on the regional fishery committee. Compliance with the obligation to negotiate under the Act on the Sami Parliament is a statutory precondition for the approval of management plans for the Sami Homeland. Moreover, the Fishing Act safeguards the traditional Sami fishing culture by granting special permits (such as permission to use a fishing method otherwise prohibited by the Act) to maintain a fishing tradition.

The State party elaborates on the Act on Structural Support for Reindeer Economy and Natural Sources of Livelihood (986/2011) that gives the Sami the right to participate in support funding granted by the Act.

Committee's evaluation

[B] (a) The Committee notes that the Ministry of Justice intends to resubmit to Parliament most of the proposed revisions of the Act on the Sami Parliament. The State party should provide in its next periodic report information on the progress of the initiative, any new revisions and how they will strengthen the decision-making powers of Sami representative institutions.

[B] The Committee notes the adoption of the new Act on Metsähallitus on 30 March 2016 and the entry into force of the Fishing Act in 2016. The Committee requires additional information on the participation of Sami in the preparation of these laws,

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including on the views of the Sami Parliament and the impact of these laws on the enjoyment by Sami of their rights in their traditional land and their effective participation in decision-making that may affect their rights. The State party should also provide in its next periodic report information on the status of the bill on the ratification of ILO Convention No. 169 and on the findings of the new study on the rights of indigenous peoples commissioned by the Government in 2016.

[A] (b) See the Committee's previous evaluation in CCPR/C/115/2.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested will be included in the list of issues prior to the submission of the seventh periodic report of Finland.

Next periodic report: 26 July 2019

110th session (March 2014)

Kyrgyzstan

Concluding observations:	CCPR/C/KGZ/CO/2, 25 March 2014
Follow-up paragraphs:	14, 15 and 24
First reply:	CCPR/C/KGZ/CO/2/Add.1, 31 October 2016
Committee's evaluation:	Additional information required on paragraphs 14 **[B][B]**, 15 **[C][B][B]** and 24 **[C]**

Paragraph 14: Inter-ethnic violence

The State party should take effective measures to ensure that all alleged human rights violations related to the 2010 ethnic conflict are fully and impartially investigated, that those responsible are prosecuted, and that victims are compensated without any discrimination based on ethnicity. The State party should urgently strengthen its efforts to address the root causes of obstacles to the peaceful coexistence between different ethnic groups on its territory and to promote ethnic tolerance and mutual trust.

Summary of State party's reply

All reports of violations committed in connection with the events of June 2010, including torture and ill-treatment, were considered by the procuratorial authorities and 16 complaints of torture were registered. Criminal proceedings were initiated in five cases while the remaining 11 complaints were dismissed. Two criminal cases were brought in connection with attacks on lawyers defending the interests of persons accused of rioting. Court proceedings were conducted in full compliance with the law and without any discrimination based on ethnicity.

Preventive events and outreach activities were organized to prevent and combat potential inter-ethnic and other conflicts. In 2016, a total of 603 prevention initiatives were carried out.

Committee's evaluation

[B] The Committee notes the information provided, but requires further and specific information on: (a) the outcome of the five criminal proceedings initiated for torture and of the two criminal cases for attacks on lawyers; (b) measures taken, since the adoption of the concluding observations, to fully and impartially investigate all allegations of torture and ill-treatment, serious breaches of fair trial standards, including attacks on lawyers defending ethnic Uzbeks, and discrimination in access to justice based on ethnicity

committed in connection with the 2010 ethnic conflict, prosecute those responsible and compensate victims without any discrimination based on ethnicity; (c) the number of investigations, prosecutions and convictions secured for the violations referred to above. The Committee reiterates its recommendation.

[B] The Committee notes the efforts made to prevent inter-ethnic conflicts, but requires additional information on the content of the prevention initiatives and any other measures taken to address the root causes of ethnic intolerance and to promote a peaceful coexistence between different ethnic groups, and on the impact of such measures. The Committee reiterates its recommendation.

Paragraph 15: Torture and ill-treatment

The State party should urgently strengthen its efforts to take measures to prevent acts of torture and ill-treatment and ensure prompt and impartial investigation of complaints of torture or ill-treatment, including the case of Azimjan Askarov; initiate criminal proceedings against perpetrators; impose appropriate sentences on those convicted and provide compensation for victims. The State party should take measures to ensure that no evidence obtained through torture is allowed to be used in court. The State party should also expedite operationalization of the National Centre for the Prevention of Torture through providing the necessary resources to enable it to fulfil its mandate independently and effectively.

Summary of State party's reply

The inadmissibility of torture and other cruel, inhuman or degrading treatment is enshrined in article 22 of the Constitution.

On 12 July 2016, the Supreme Court referred the criminal case against Mr. Askarov for another appeal with a view to providing for a thorough, full and objective investigation of all the facts of the case as presented in the Committee's Views concerning communication No. 2231/2012. The case is pending before the Chuy province court.

In accordance with article 26 (4) of the Constitution, evidence obtained in violation of the law may not be used as grounds for pressing charges or taking a judicial decision.

The State party reiterates information in its replies to the list of issues (see CCPR/C/KGZ/Q/2/Add.1, para. 107) regarding the establishment of the National Centre for the Prevention of Torture and its objectives, and adds that the Centre has been receiving stable funding since 2015 and that there have not been any issues with its independence and timely funding.

A plan of action to combat torture and other cruel, inhuman or degrading treatment or punishment was approved on 23 October 2014 and includes measures aimed at improving the legal and regulatory framework as well as outreach activities.

Committee's evaluation

[C] The Committee notes the general information provided by the State party, but requires concrete information on the measures taken since the adoption of the concluding observations to: (a) combat torture and ill-treatment, including in the framework of the plan of action approved on 23 October 2014, and their impact; (b) ensure prompt and impartial investigation of all complaints of torture and ill-treatment, prosecution of perpetrators, imposition of appropriate sentences on convicted persons and compensation of victims (with relevant statistics); and (c) ensure that, in practice, no evidence obtained through torture is admissible in court. The Committee reiterates its recommendation.

[B] The Committee notes that funding has been provided to the National Centre for the Prevention of Torture since 2015 and requires updated information on the amount of funding provided and the results achieved.

[B] The Committee notes that the case of Mr. Askarov was referred to the Chuy

Kyrgyzstan

province court following the Committee's findings of Covenant violations in his communication No. 2231/2012. It requires updated information on the status of the appeal and on the implementation of its Views concerning the said communication. The Committee reiterates its recommendation.

Paragraph 24: Freedom of expression

The State party should ensure that journalists, human rights defenders and other individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment no. 34 (2011) on the freedoms of opinion and expression. Furthermore, the State party should ensure that threats, intimidation and violence against human rights defenders and journalists are investigated, that perpetrators are prosecuted and punished, if convicted, and that victims are provided with compensation. The State party should ensure that all individuals or organizations can freely provide information to the Committee and should protect them against any reprisals for providing such information.

Summary of State party's reply

Under article 31 of the Constitution, everyone has the right to freedom of thought, opinion, expression, speech and freedom of the press. No one may be forced to express or refute their opinions. In 2015, one criminal case was opened on evidence of obstruction of human rights work.

Committee's evaluation

[C] The Committee notes the information provided, but requires more specific information on the measures taken since the adoption of the concluding observations to: (a) investigate incidents of threats, intimidation and violence against human rights defenders and journalists, prosecute and punish perpetrators, and provide victims with compensation (provide statistics on such incidents reported since March 2014 and the outcome of such complaints, including of the criminal case initiated in 2015 for obstruction of human rights work); and (b) protect all individuals or organizations against reprisals for providing information to the Committee. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 28 March 2018

111th session (July 2014)

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Concluding observations: CCPR/C/JPN/CO/6, 23 July 2014

Follow-up paragraphs: 13, 14, 16 and 18

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First reply:	31 August 2015[17] and 17 March 2016[18]
Committee's evaluation (see CCPR/C/116/2):	Additional information required on paragraphs 13 **[E] [B2]**, 14 **[B2]**, 16 **[B2][C2][C2]** and 18 **[C2][B2][B2] [C2]**
Second reply:	13 June 2016[19] and 27 December 2016[20]
Committee's evaluation:	Additional information required on paragraphs 13 **[E] [B]**, 14 **[B] [C]**, 16 **[B][C][C]** and 18 **[C][B]**
Non-governmental organizations:	Center for Prisoners' Rights and Solidarity Network with Migrants — Japan, 14 September 2016[21]
	Korean Council for the Women Drafted for Military Slavery by Japan, 12 May 2017[22]

Paragraph 13: Death penalty

The State party should:

(a) Give due consideration to the abolition of death penalty or, in the alternative, reduce the number of eligible crimes for capital punishment to the most serious crimes that result in the loss of life;

(b) Ensure that the death row regime does not amount to cruel, inhuman or degrading treatment or punishment by giving reasonable advance notice of the scheduled date and time of execution to death row inmates and their families and refraining from imposing solitary confinement on death row prisoners except in the most exceptional circumstances and for strictly limited periods;

(c) Immediately strengthen the legal safeguards against wrongful sentencing to death, inter alia, by guaranteeing to the defence full access to all prosecution materials and ensuring that confessions obtained by torture or ill-treatment are not invoked as evidence;

(d) In light of the Committee's previous concluding observations (see CCPR/C/JPN/CO/5, para. 17), establish a mandatory and effective system of review in capital cases, with requests for retrial or pardon having a suspensive effect, and guaranteeing the strict confidentiality of all meetings between death row inmates and their lawyers concerning requests for retrial;

(e) Establish an independent mechanism to review the mental health of death row inmates;

(f) Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

Follow-up question (see CCPR/C/116/2)

[17] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_FCO_JPN_21588_E.pdf.

[18] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_FCO_JPN_23340_E.pdf.

[19] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_ASP_JPN_25247_E.pdf.

[20] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_ASP_JPN_26211_E.pdf.

[21] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_NGS_JPN_25171_E.pdf.

[22] See http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fFIS%2fJPN%2f27485&Lang=en.

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[E] With respect to the information relating to the recommendations contained in paragraph 13 (a), (b), (d) and (e) of the concluding observations, the Committee notes that the State party repeated information provided in its sixth periodic report and in its replies to the list of issues. The Committee regrets that the State party states that it does not intend to implement the recommendations. The Committee reiterates its recommendations.

[B2] (c) The Committee regrets the State party's failure to strengthen the current discovery framework to ensure full access by the defence to all prosecution materials. 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 the bill, including information on the involvement of civil society in the discussions;

(ii) The planned criteria for applying the new system and whether it will be applied in all cases involving the death penalty;

(iii) Whether audio recordings of interrogations of suspects are provided for in the bill and how that provision will be applied in death penalty cases.

Summary of State party's reply

(c) (i) In its second reply received 13 June 2016, the State party indicated that the bill amending the Code of Criminal Procedure and other laws had been passed by the Diet in May 2016 and included the introduction of a new system disclosing a list of all evidence kept by the prosecutor. Practitioners and criminal law scholars, journalists and acquitted ex-defendants were invited to express their views on the bill during its discussion.

(c) (ii) Under the bill, with regard to a case in a pretrial or inter-trial arrangement proceedings, the prosecutor shall disclose a list of all the evidence upon request by the defendant or his orher counsel. This procedure will also apply to capital cases.

(c) (iii) The bill will introduce a legal duty to make audiovisual recordings of interrogations of suspects, including in capital cases.

Information from non-governmental organizations

Center for Prisoners' Rights

(c) (i) Opposing views regarding the bill have not been incorporated in the bill. Under the new bill, the list of evidence is made available not "the evidence itself through disclosure."

(c) (ii) The new criteria will be applicable to death penalty cases.

(c) (iii) Audio recordings were limited to cases subject to lay judge trials and cases in which the prosecutor initiated the investigation. However, even in applicable cases, a waiver is possible if there are technical issues with the equipment, if video recording may obstruct adequate statements by the suspect and if the crime was committed by a member of an organized crime group.

A recording is not required for the entire interrogation process. Under the bill, video recording is only used for detained or arrested suspects and is not required when persons are being questioned voluntarily prior to an official arrest. When a suspect becomes a defendant upon indictment, a recording is not required for the interrogation of the defendant. The new law leaves loopholes to evade recording.

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Committee's evaluation

[E] The Committee regrets that the State party has not provided information regarding the recommendations contained in paragraph 13 (a), (b), (d) and (e) of the concluding observations since the last evaluation nor indicated an intention to reconsider its position not to implement those recommendations. The Committee reiterates its recommendations.

[B] (c) The Committee notes the enactment in May 2016 of the bill amending the Code of Criminal Procedure that provides for disclosure of a list of evidence to the defendant as well as for audiovisual recordings of interrogations of suspects, and that these procedures will apply in death penalty cases. It requires clarification on the entry into force of the bill; on how the new system of disclosing the list of evidence kept by the prosecutor will ensure full access of the defence to all prosecution materials; and on whether such disclosure will be mandatory in all criminal cases.

The Committee requires additional information on the percentage of criminal cases subject to mandatory recordings of interrogations pursuant to the bill, including any exceptions, and clarifications on: (a) whether an audiovisual recording is required for the entire interrogation process and for interrogations prior to a formal arrest; (b) whether such recordings will be provided in all interrogations in death penalty cases; (c) whether there are plans to make audiovisual recordings of interrogations mandatory in all criminal cases; and (d) whether a copy of the recordings are made available to the defendant. The Committee again regrets that no measures have been taken to guarantee that confessions obtained by torture or ill-treatment are not invoked as evidence. The Committee reiterates its recommendations.

Paragraph 14: Sexual slavery practices against "comfort women"

The State party should take immediate and effective legislative and administrative measures to ensure:

(a) That all allegations of sexual slavery or other human rights violations perpetrated by the Japanese military during wartime against the "comfort women" are effectively, independently and impartially investigated and that perpetrators are prosecuted and, if found guilty, punished;

(b) Access to justice and full reparation to victims and their families;

(c) The disclosure of all available evidence;

(d) Education of students and the general public about the issue, including adequate references in textbooks;

(e) The expression of a public apology and official recognition of the responsibility of the State party;

(f) Condemnation of any attempts to defame victims or to deny the events.

Follow-up question (see CCPR/C/116/2)

[B2] The Committee notes the information provided by the State party, but requests further information on measures taken after the adoption, on 23 July 2014, of the concluding observations, including on the agreement reached 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 Japan promised a payment of 1 billion yen to 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.

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Summary of State party's reply

The State party reiterates information in its additional information received 17 March 2016 (paras. 2-3) on the agreement reached with the Republic of Korea in December 2015 and about the contribution of one billion yen made on 31 August 2016 to the foundation that was established by the Republic of Korea on 28 July 2016 to provide support to the former comfort women.

(a) and (c) A full-scale fact-finding study on the issue of comfort women was conducted in the early 1990s and included, inter alia, document analyses, hearings of relevant individuals and analyses of testimonies collected by the Korean Council. The results and relevant documents were made public.

The State party refers to the International Military Tribunal for the Far East, General Headquarters military tribunals in Tokyo and the allied countries' tribunals that dealt with war crimes committed by Japanese during the Second World War. It is not considering prosecuting and punishing perpetrators owing to the extreme difficulty in investigating the facts of individual cases retrospectively.

(b) The State party reiterates information in its first follow-up report received 31 August 2015 (para. 25) and in its replies to the list of issues (CCPR/C/JPN/Q/6/Add.1, para. 239) on reparation settled through the San Francisco Peace Treaty and other relevant agreements, and adds that various measures have been taken to offer realistic relief to former comfort women of advanced age, as indicated in its follow-up report.

(d) The State party has no intention of denying the issue of comfort women. It quotes from Prime Minister Abe's statement of 14 August 2015 commemorating the seventieth anniversary of the end of the war.

(e) The State party reiterates information in its first follow-up report received 31 August 2015 (para. 31).

Information from non-governmental organizations

Korean Council for the Women Drafted for Military Slavery by Japan

During the election campaign, the newly elected (9 May 2017) President of the Republic of Korea, Jae-in Moon, promised to resolve the sexual slavery issue by annulling the 2015 agreement with Japan and returning the one billion yen. The new Korean government has a clear position, endorsed by the Korean people, on the re-negotiation or abrogation of the 2015 agreement owing to the unfulfilled legal responsibility of the Japanese Government, including an official apology, reparations, a fact-finding investigation and a halt to the distortion of history.

Committee's evaluation

[B] The Committee welcomes the one-billion-yen contribution made by Japan to the foundation established to provide support to the former comfort women. The Committee requires additional information on any further measures taken to implement its recommendations regarding full reparation to victims and their families.

[C] The Committee notes that the State party does not provide any new information on measures taken to implement the recommendations contained in paragraphs 14 (a), (b), (c) and (e) of the its concluding observations. While noting the general statement with respect to paragraph 14 (d) of its concluding observations, the Committee regrets the lack of information on measures taken to specifically, officially and publically condemn attempts to defame former comfort women. It also regrets the State party's statement that it is not considering prosecuting and punishing perpetrators. The Committee requires additional information on any further measures taken to implement its recommendations, including on condemnation of attempts to defame victims or to deny the events, and education of students and the general public about the issue of comfort women including through

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references in textbooks. The Committee reiterates its recommendations.

Paragraph 16: Technical intern training programme

In line with the Committee's previous concluding observations (see CCPR/C/JPN/CO/5, para. 24), the State party should strongly consider replacing the current programme with a new scheme that focuses on capacity-building rather than recruiting low-paid labour. In the meantime, the State party should increase the number of on-site inspections, establish an independent complaint mechanism and effectively investigate, prosecute and sanction labour trafficking cases and other labour violations.

Follow-up question (see CCPR/C/116/2)

[B2] The Committee welcomes the changes proposed in the bills submitted to the Diet in March 2015 and requests information on the content of the bills, their progress towards 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 prevent the practice of recruiting low-paid labour.

[C2] 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. The Committee also requires information on the number of inspections conducted in the last three years and on the results thereof.

[C2] The Committee reiterates its recommendation concerning the establishment of an independent complaint mechanism.

Summary of State party's reply

In its reply received 13 June 2016, the State party stated that the Technical Intern Training Bill had been submitted to the Diet in March 2015. The bill imposes criminal punishments for: (a) coercing an intern trainee into training; (b) establishing monetary penalties for breach of a contract; (c) entering into an agreement to control the savings of technical interns; (d) retaining the passport or residence card against the trainee's will; (e) total or partial prohibition on communications or meetings outside training hours; and (f) unfavourable treatment of a trainee on account of his/her reporting of violations by implementing organizations.

The new system is expected to establish the criterion of payment of not less than "remuneration of an amount that a Japanese national would receive for comparable work" as one of the criteria required for approval of the technical intern training plan. An organization on technical intern training will be commissioned by relevant ministries to monitor compliance with the new criterion and to carry out on-site inspections and provide guidance.

Labour standards inspection offices carried out inspections in over 2,318 workplaces in 2013 and 3,918 in 2014 and reported 1,844 violations in 2013 and 2,977 in 2014. Twelve cases of serious or malicious violations were referred to the Public Prosecutor's Office in 2013, and 26 in 2014. The Immigration Bureau conducted 359 on-site investigations in 2014 and 486 in 2015 (no statistics available on their outcomes). The State party repeats information from its first follow-up report received 31 August 2015 on measures taken against organizations engaged in misconduct (para. 36) and adds that 273 organizations were notified of an illegal act in 2015.

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Information from non-governmental organizations

Solidarity Network with Migrants — Japan

The Technical Intern Training Bill was deliberated eight times in 2016 but failed to be adopted.

No sanctions can be imposed on infringements by sending organizations.

Trainees complaining against training implementing organizations or supervising organizations may risk deportation, thus they often refrain from claiming their rights. The issue of deportation was not addressed by the Government.

The bill was included on the agenda of consultations on foreign resident policies but there was not sufficient time for consultation. The Government did not provide briefings on the bill to civil society.

The bill provides for sanctions against training implementing organizations and supervising organizations only. The absence of sanctions against sending organizations is problematic given that trainees cannot easily discontinue their relationship with sending organizations even upon returning home.

There are no criminal penalties for forcible return or low-paid labour. The "forced training" prohibition applies to supervising organizations only, so are the sanctions for "name lending" practices, i.e. training provided by an agency other than the implementing organization originally promised, despite such practices being mostly used by training implementing organizations. The forced labour prohibition in article 5 of the Labour Standards Act was never applied to practices related to the technical intern training.

The State did not indicate its intention to fix a minimum wage for trainees.

In 2014, Japan International Training Cooperation Organization (JITCO), the Labour Standards Office and the Immigration Bureau conducted on-site inspections in 7,210, 3,918 and 359 cases, respectively, representing rates of 28.9 per cent, 15.7 per cent, and 1.4 per cent, respectively, of the total number of implementing organizations. There was a twofold decrease (from 2,941 to 1,459) in the number of staff in charge of inspections at the Labour Standards Office and at the Immigration Bureau between 2010 and 2015.

The proposed Foreign Technical Intern Training Organization is expected to comprise 80 staff at headquarters and 250 in 13 proposed local offices and would conduct on-site inspections once a year in supervising organizations and once every three years in implementing organizations. Such periodicity will hardly lead to any remarkable improvement.

The Foreign Technical Intern Training Organization will not be an independent complaint mechanism, but an "authorized corporation" intended to exercise some authority on behalf of competent ministries. It will receive complaints addressed to a competent Minister and provide consultation or other services concerning the protection of trainees. About 138 complaints are submitted annually to the Labour Standards Office or JITCO, while there were more than 190,000 technical intern trainees. This raises doubts about the effectiveness of the complaint system.

Committee's evaluation

[B] The Committee notes the information on the content of the Technical Intern Training Bill submitted to the Diet in March 2015, and also the concerns on the limited reach of penalties as reported by the NGOs. The Committee requires information on the status of the bill, including on any amendments to the original bill submitted to the Diet in March 2015, and clarification as to whether the State party plans to address violations committed by sending organizations in relation to forcible return of intern trainees and low-paid labour; to expand the prohibition of forced training to training implementing organizations; and about safeguards in place against reprisals and deportation of trainees

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complaining of violation of their rights. While noting that the bill would provide for the same level of wages for trainees as those paid to Japanese nationals for comparable work, the Committee requires clarification on whether, pending adoption of the bill, the State party plans to implement measures to prevent recruitment of low-paid intern trainees.

[C] The Committee appreciates the statistics on the number of labour inspections conducted in 2013 and 2014, but notes with concern the low number of serious violations referred to the Public Prosecutor's Office and the lack of information on measures taken to increase the number of on-site inspections since the adoption of the Committee's concluding observations. The Committee reiterates its request in that regard. The Committee regrets the lack of information on the outcome of cases of serious violations referred to the Public Prosecutor's Office and on the results of on-site inspections conducted by the Immigration Bureau. It notes the twofold decrease in the number of staff in charge of on-site inspection since 2010 as reported by the NGOs, the proposed number of staff of the Foreign Technical Intern Training Organization and the proposed periodicity for inspections. The Committee requires updated information on the number of inspections conducted by the labour standards offices and the Immigration Bureau since 2015 and their outcomes, and on the number of cases of violations relating to the technical intern trainees referred to the Public Prosecutor's Office since the adoption of the Committee's concluding observations and their outcomes. The Committee also requires information on the measures taken to ensure that human resources allocated to the Foreign Technical Intern Training Organization and the periodicity of its inspections will enable it to carry out its functions effectively.

[C] The Committee notes that an independent complaint mechanism has yet to be established, and that the number of complaints submitted annually by trainees is very low compared to the actual number of trainees and the number of violations attested during inspections. The Committee also notes the reported lack of independence of the Foreign Technical Intern Training Organization to be established under the bill. The Committee requires additional information on the number of complaints submitted annually by trainees since the adoption of its concluding observations and on the measures taken to establish a genuinely independent complaint mechanism.

Paragraph 18: Substitute detention system (*daiyo kangoku*) and forced confessions

The State party should take all measures to abolish the substitute detention system or ensure that it is fully compliant with all guarantees in articles 9 and 14 of the Covenant, inter alia, by guaranteeing:

(a) That alternatives to detention, such as bail, are duly considered during pre-indictment detention;

(b) That all suspects are guaranteed the right to counsel from the moment of apprehension and that defence counsel is present during interrogations;

(c) Legislative measures setting strict time limits for the duration and methods of interrogation, which should be entirely video-recorded;

(d) A complaint review mechanism that is independent of the prefectural public safety commissions and has the authority to promptly, impartially and effectively investigate allegations of torture and ill-treatment during interrogation.

Follow-up question (see CCPR/C/116/2)

[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 submission to the Diet in March 2015 of the bill on ensuring that suspects are informed of the procedure for appointing counsel and that State-

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appointed counsel is available to all suspects in detention. Further information on the progress of the bill is required, including on whether the bill complies fully 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 requires information on the participation of civil society in the discussions of the bill.

[B2] (c) The Committee notes that no action appears 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 that would require the video recording of interrogations; it requires information on the progress of the bill, the participation of civil society in the discussions and the conditions on video recording established in the bill. It wishes to be informed as to whether the bill will be applied in all interrogations.

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

Summary of State party's reply

(b) The State party reiterates information in its first follow-up report received 31 August 2015 (para. 42) on the provisions of the Code of Criminal Procedure regarding the right to counsel and on the requirement in the bill amending the Code of Criminal Procedure to inform suspects of the procedure for appointing counsel. The bill was passed by the Diet in May 2016. It eliminates the criteria of a statutory penalty and enables all suspects in detention to have a court-appointed counsel. Various people, such as practitioners and criminal law scholars and acquitted ex-defendants, were invited to express their views about the bill.

(c) The bill passed in May 2016 will establish the legal duty to take audiovisual recordings of interrogations of suspects. The State party reiterates information in its first follow-up report received 31 August 2015 on efforts to use recordings in four categories of cases (para. 45) and on the pilot programme of audiovisual recordings, launched in October 2014, for cases such as those in which a suspect is likely to be indicted and a recording is considered necessary (para. 46). From April 2015 to March 2016, recordings were made in 2,897 cases (approx. 91.2 per cent) subject to lay judge trials, and in 1,231 cases (approx. 97.7 per cent) involving a suspect with an intellectual disability.

Information from non-governmental organizations

Center for Prisoners' Rights

The bill enacted in 2015 does not virtually guarantee the right to legal aid upon apprehension. The right to appoint a defence counsel is notified at the time of apprehension for serious crimes; however, often a suspect is asked to "come to the police voluntarily" for interrogation, and then formally arrested if a confession is made during the interrogation. The court-appointed counsel system becomes available only following a detention request by the prosecutor, i.e. usually about two or three days following apprehension. In many cases suspects confess to a crime beforehand.

The bill does not prescribe the right to have a defence counsel present during interrogation.

The shortcomings identified by the persons who commented on the bill have not been addressed.

The law enacted in May 2016 does not set forth time limits for the duration of interrogation.

The NGO reiterates the information on the use of video recordings that was provided in relation to paragraph 13 (c) above.

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Committee's evaluation

[C] (a), (b), (c) and (d) 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. The Committee also regrets that, despite its request to the State party to reconsider its position so as to ensure that defence counsel is present during all interrogations, the bill enacted in May 2016 does not appear to include such provisions. The Committee further regrets that no measures have been taken to set strict time limits for the duration and methods of interrogation, and that no information has been provided on the measures taken to establish an independent complaint mechanism. The Committee reiterates its recommendation.

[B] (b) and (c) The Committee notes that the bill was enacted in May 2016 and that it would enable all suspects in detention to have a court-appointed counsel. It requires further information on the entry into force of the bill, eligibility criteria for court-appointed counsel and availability of such legal assistance from the moment of apprehension, and how the bill ensures that all suspects are guaranteed, in practice, the right to counsel from the moment of apprehension. The Committee notes the information provided with regard to audiovisual recordings of interrogations. It reiterates its evaluation and request for additional information and clarification as for paragraph 13 (c) above.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested will be included in the list of issues prior to submission of the seventh periodic report of Japan.

Next periodic report: 31 July 2018