



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances Fifteenth session

### Summary record of the 258th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 6 November 2018, at 10 a.m.

*Chair:* Ms. Janina

## Contents

Consideration of reports of States parties to the Convention (*continued*)

*Initial report of Japan (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties to the Convention** (*continued*)

*Initial report of Japan (continued)* (CED/C/JPN/1; CED/C/JPN/Q/1 and CED/C/JPN/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Japan took places at the Committee table.*
2. **Mr. Tanaka** (Japan) said that the right of victims of enforced disappearance to demand compensation was subject to a statute of limitations of 20 years.
3. Extensive training courses focusing on human rights were provided for judges throughout their careers. The lecturers invited to speak on emerging challenges and other topics by the Supreme Court and its training institutions had included university professors specializing in international human rights law, the Director-General of the Human Rights Bureau of the Ministry of Justice and human rights experts from the United Nations and other international organizations.
4. Jurisdiction over offences of enforced disappearance perpetrated on Japanese territory was established by article 1 of the Penal Code. When the offence was committed elsewhere, there were three possible scenarios. When the perpetrator was a Japanese national, jurisdiction was governed by article 3 of the Code. When the victim was a Japanese national, jurisdiction was established by article 3-2. When neither the perpetrator nor the victim was a Japanese national and the offence was covered by a treaty, jurisdiction was governed by article 4-2 of the Penal Code.
5. **Ms. Kolaković-Bojović** (Country Rapporteur) said that, with regard to the fundamental legal safeguards covered by article 17 of the Convention, the Committee was concerned about the *daiyo kangoku* substitute prison system, under which persons could be detained in police cells for up to 23 days with limited access to legal counsel, especially during the first 72 hours. Apparently the possibility of bail and mechanisms for filing complaints were also excluded under that system, as were independent inspections. Concern had also been expressed regarding procedural safeguards for children in conflict with the law. In addition, it was her understanding that administrative detention could be maintained without judicial review for periods ranging from 6 to 12 months. She would appreciate clarification on that score.
6. The laws and regulations governing communication and visits with detainees cited in annex 13 of the replies to the list of issues appeared to be excessively restrictive and to fail to provide adequate protection for the rights enshrined in the Convention. Areas in which safeguards appeared to be insufficient included, for example, the obligation to inform relatives of cases of deprivation of liberty and the location of the detainees and the obligation to enable detainees to communicate with persons of their choice, including consular authorities in the case of foreigners. Visits from legal counsel appeared to be limited to specific times and circumstances, and restrictions were also placed on visits by family members or other persons. In addition, prison staff were reportedly not only present and made recordings during such visits but also examined correspondence, including from defence counsels, and communications and visits conducted in a language other than Japanese were prohibited unless the detainee was able to cover the cost of translation or interpretation. She wished to know whether the State party intended to address such restrictions and align its national legislation with the Convention in those regards.
7. The Committee had been informed that the Habeas Corpus Act could be invoked as a means of challenging unlawful detention only by detainees themselves or their defence counsel. Was that the case, or could it also be invoked by other persons with a legitimate interest in the case? Information concerning means of challenging confinement in medical institutions and immigration detention facilities would also be appreciated. She would like to know whether the State party planned to establish a consolidated national register of persons deprived of their liberty to replace the current system of parallel registers. Clarification would be welcome regarding the procedures used for updating and monitoring those registers.

8. According to paragraph 97 of the State party's report, the Immigration Bureau did not willingly provide information concerning foreign nationals detained by the Bureau even to persons with a legitimate interest in the case. However, the report also said that detainees were permitted to contact persons to whom they wished to convey the information listed in article 18 (1) of the Convention. Did that mean that the State party left the fulfilment of its obligations under that article up to the detainees themselves? Information would be appreciated on the measures taken to prevent the undue delay or obstruction of requests for such information.

9. The Committee was unsure whether articles 156 and 193 of the Penal Code encompassed all aspects of the misconduct relating to the provision of information concerning instances of the deprivation of liberty covered by article 22 (b) and (c) of the Convention. With regard to the genetic database, she wondered what the State party meant by "peculiar missing persons". She also wished to know whether the database was used to search for disappeared persons. As the delegation had indicated that training courses were provided for judges throughout their careers, she wondered whether similar training was provided for other officials, such as police officers and military personnel.

10. **Mr. Baati** (Country Rapporteur), noting that the definition of victims in article 290-2 of the Code of Criminal Procedure did not fully conform to article 24 (1) of the Convention, said that he would like to know what steps the State party planned to take in order to align those provisions with the Convention. According to paragraph 171 of the replies to the list of issues, the term "victims and others" was interpreted to include, in accordance with article 24 (1), the disappeared person and any individual who had suffered harm as a direct result of an enforced disappearance. As the courts had not tried any case of enforced disappearance and there was no specific legislation dealing with the subject, he wished to know who, apart from judges, was empowered to interpret the law in that respect. Information concerning the relevant jurisprudence would be welcome.

11. Paragraph 142 of the report appeared to indicate that eligibility for compensation for moral damages was limited to the disappeared person's father, mother, spouse and children, rather than extending to all other persons deemed to be victims pursuant to article 24 of the Convention. He would like to invite the delegation to comment on that point.

12. He wondered whether victims were required to follow the litigation procedures for petitions for redress set forth in paragraph 174 of the replies to the list of issues since, according to paragraph 172, it was generally unnecessary for the victim to file a complaint in such cases. He would also be interested to learn what steps the State party intended to take in order to uphold the rights of victims described in article 24 (2) of the Convention

13. According to the State party's reply to question No. 25 of the list of issues, a missing person was deemed to be dead only after an adjudication of disappearance had been conducted. Did such an adjudication correspond to a declaration of death? As insurance premiums, pension contributions and other fees remained payable pending such a declaration, he wondered whether victims' families were required to pay those fees in the interim and whether they had to wait for seven years before gaining access to the corresponding death benefits.

14. It would be appreciated if the delegation would indicate which article of the Penal Code covered the offence of the wrongful removal of children and whether that article was in accordance with article 25 (1) of the Convention. Was there an emergency search mechanism for finding children who had been subjected to enforced disappearance? Further information would be appreciated on the DNA profile records mentioned in paragraph 152 of the report and on the procedures in place for returning children to their families. Was there a procedure for annulling the adoption of child victims of enforced disappearance and for informing them of their true identity? According to paragraph 164 of the report, missing persons reports could be filed by persons who had close relations with the missing person in social realms. In the case of children, would that include persons such as physicians and teachers?

*The meeting was suspended at 10.30 a.m. and resumed at 10.55 a.m.*

15. **Mr. Tanaka** (Japan) said that, in the Japanese criminal justice system, detainees had the unrestricted right to consult with their lawyers while awaiting trial and during the trial itself. Detainees also had the right to communicate with people other than their lawyers. Similarly, detainees in administrative detention, who were usually migrants awaiting deportation, could meet with their lawyers in private. They had the right to receive visits from people other than their lawyers as well, but visits from such people were not necessarily confidential. Persons in administrative or criminal detention were free to seek redress — by filing a lawsuit, for example — for any violation of their due process rights.

16. **Mr. Sugiura** (Japan) said that persons detained in police holding cells, which served as substitute prisons, were entitled to confidential meetings with their representatives; ordinarily, such meetings could even be held at night and on weekends. Persons in police holding cells had received a total of more than half a million visits from their representatives in 2017. Visits from family members were permitted during normal working hours.

17. **Mr. Tanaka** (Japan) said that suspects who were being held in custody were asked who should be informed that they had been placed in detention. There was no provision for release on bail while awaiting trial in the Japanese criminal justice system. In almost all cases, however, pretrial detention could last no longer than 20 days. Suspects were eligible for release on bail only once they had been formally charged and trial proceedings had begun.

18. **Mr. Sugiura** (Japan) said that, since no prisons were located in the central areas of Japanese cities, prohibiting the use of holding cells in police stations would be unrealistic. All persons in custody who were suspected of or charged with a criminal offence were entitled to publicly funded legal aid. Since the adoption of a recent amendment, all interrogations conducted as part of police investigations had been recorded on video. The police officials responsible for managing the police detention system were not involved in criminal investigations. The police were supervised by a number of independent committees which were empowered to receive and act on complaints, including complaints related to police detention.

19. **Mr. Tanaka** (Japan) said that, as he had indicated earlier, suspects being held in custody in connection with criminal proceedings were entitled to receive visits from their family members or other persons with a legitimate interest in their case. Convicted prisoners, for their part, could receive visits and send and receive correspondence. Persons in immigration detention facilities had access to similar means of providing information about their situation to their family members, representatives or other persons.

20. Any officials who committed any of the acts described in article 22 of the Convention were subject to disciplinary penalties, including dismissal. Officials who knowingly produced false reports or abused their authority were criminally liable for their acts. In sum, if misconduct was the result of negligence, administrative penalties were imposed; if, on the other hand, the acts were intentional, criminal penalties were an option.

21. As was also true of detainees in criminal proceedings, persons held in immigration facilities could sue for damages if they believed their rights had been violated. He was unaware of the specific case mentioned earlier by a Committee member in which a person had apparently been held for more than a year without a judicial hearing. In general, detention in immigration facilities did not exceed 60 days. If a deportation order had not been issued within 60 days of a person's placement in such a facility, he or she would be released. Provisional release was considered when detention was prolonged, and there were no restrictions on a detainee's ability to seek judicial review of his or her case.

22. **Ms. Nonoyama** (Japan) said that people who posed a danger to themselves or others could be hospitalized involuntarily. Prefectural governors decided whether or not to commit such persons to mental hospitals on the basis of medical assessments made by doctors. Persons who had been involuntarily hospitalized could petition the Ministry of Health, Labour and Welfare or the courts to reverse the committal order.

23. **Mr. Sugiura** (Japan) said that the Japanese police used the DNA profiles stored in their databases to cross-check genetic information for identification purposes in cases involving missing persons.

24. **Mr. Tanaka** (Japan) said that, although the Habeas Corpus Act established remedies for unlawful detention, the country's comprehensive legal and administrative framework was such that the great majority of potential cases of unlawful detention could be resolved by means of ordinary judicial or even administrative proceedings. As he had suggested earlier, safeguards were in place to ensure that Japan complied with its obligations under article 18 of the Convention. Restrictions on communication in correctional and immigration facilities were few. People with a legitimate interest in the situation of a given detainee were thus kept well informed. Lawyers were free to see their clients wherever they were being held. Visits from persons other than lawyers — consular officials, for example — often involved the presence of facility personnel. The length of such visits could be limited.

25. Anyone who suffered direct or indirect harm as the result of an enforced disappearance was entitled to seek compensation. If a direct victim of an enforced disappearance died or suffered serious physical or mental harm, his or her spouse or other relative could, in principle, exercise the rights enjoyed by the direct victim. Care nonetheless had to be taken to ensure that the enforced disappearance had not been perpetrated by one of the direct victim's immediate family members. In practice, victims and their family members were entitled to receive information on the disposition of the corresponding criminal proceedings, including copies of case files, even in the event that a prosecution was not initiated.

26. Every public prosecutor's office had a person on staff who provided support to victims by, for example, accompanying them to court or helping them to examine the summaries of court proceedings. A telephone hotline that provided information about criminal proceedings had also been set up. A wide range of measures to protect victims involved in such proceedings had been put in place. In view of the rights and protections enjoyed by victims in the country's criminal justice system, Japan did not intend to amend its laws to redefine what was meant by the term "victim". The current understanding was, in its view, consistent with the spirit of the Convention.

27. **Mr. Sugiura** (Japan) said that crime victims or their surviving family members were provided with financial benefits by the State as part of the Benefit System for Crime Victims. Victims of crimes committed outside Japan, or their families, could collect similar benefits.

28. **Mr. Tanaka** (Japan) said that the principal aim of investigations conducted into cases of enforced disappearance was to clarify the whereabouts or fate of the disappeared person. The Civil Code, on the other hand, governed how cases of disappearance were adjudicated for the purpose of determining what civil rights and obligations were involved. In no way did the adjudication of such cases under civil law mean that enforced disappearance was not an extremely serious crime.

29. **Mr. Sugiura** (Japan) said that the police followed special protocols when investigating cases of missing persons who were minors. When such minors were found, they were returned to their families or guardians.

30. **Mr. Tanaka** (Japan), responding to a question on the wrongful removal of children, said that the offences of kidnapping by force or enticement and unlawful capture and confinement were all provided for in the Penal Code and were applicable in cases where the victim was a minor. In criminal proceedings, the authorities respected the rights of all victims and devoted special attention to children, especially those in need of psychological support. Concerning the annulment of adoption decisions, he wished to draw attention to paragraph 154 of the report, which stated that if a child subjected to enforced disappearance were adopted by other persons for the purpose of concealing his or her true identity, such adoptions would be void. Legal safeguards were in place that were intended to prevent such adoptions from occurring.

31. **Mr. Sugiura** (Japan) said that the police underwent training during recruitment and as a requirement for promotion, as well as participating in other specific training activities. The National Police Agency conducted three training sessions per year for a total of 11,000 police officers assigned to duty at detention facilities. Training for detention facility managers and staff was based on the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees and was designed to help them to become more knowledgeable about detainees' human rights. The curriculum covered the Act itself, professional ethics, the

appropriate treatment of detainees and the human rights treaties to which Japan was a party, including the Convention. Criminal investigations involving Self-Defence Forces personnel were not conducted under the jurisdiction of the military courts but by the police under the supervision of the judiciary. Human rights training had been provided to a total of 150 staff members responsible for conducting such investigations during the 2017/18 fiscal year.

32. **Mr. Tanaka** (Japan) said that judges were ultimately responsible for interpreting the definition of “victims” in accordance with the Code of Criminal Procedure. Paragraph 172 of the replies to the list of issues correctly stated that victims generally did not need to take any action in order to exercise their rights in that capacity, unless they wished to seek redress under civil law in conjunction with the corresponding criminal proceedings. According to Japanese law, victims of enforced disappearance could seek compensation both under civil law and under the State Redress Act; the latter was more advantageous in that any compensation would be paid by the State in lieu of the government official concerned if the perpetrator did not have the means to pay. Criminal courts hearing cases of enforced disappearance could issue what was known as a restitution order so that victims would not have to furnish evidence and establish facts a second time if they chose to initiate proceedings in a civil court. Victims of enforced disappearance were eligible to receive compensation for physical and psychological harm and for property damage under civil law.

33. **Ms. Iino** (Japan) said that Japan had passed a special law to provide support and benefits for citizens identified by the Government as having been abducted by the Democratic People’s Republic of Korea. Support was also received by spouses, children and grandchildren who accompanied abducted citizens on their return to Japan. The Government was engaged in consultations with a view to extending the scope of that law.

34. **Ms. Kolaković-Bojović** said that she would appreciate further information on the State party’s plans, if any, to create a comprehensive national register of all persons deprived of their liberty, since the existing registers were not in line with article 17 (3) of the Convention. She would welcome information on the compensation and reparation provided to victims of enforced disappearance in cases where death had not occurred and on any other actions undertaken by the Government — apart from the agreement reached with the Republic of Korea in December 2015 with regard to the issue of comfort women — to provide any of the forms of reparation set forth under article 24 (5). She would be grateful for confirmation that, under Japanese civil law, the adjudication of disappearance resulted in a declaration of death, even if the individual’s fate was unclear. The Committee was interested to know whether any procedures were in place for locating missing persons who might still be alive, such as an urgent search procedure. She would also like to invite the delegation to comment on reports that children born to comfort women had been taken away from them and on claims that the State refused to investigate such cases.

35. **Mr. Baati**, recalling that article 24 (2) of the Convention provided that victims had a right to know the truth regarding the circumstances of the enforced disappearance, said that he would appreciate a response to the questions raised in respect of comfort women. He hoped that the delegation might shed further light on exactly how judges or magistrates were able to interpret the law with regard to the definition of the term “victim”, given that no cases of enforced disappearance had come before the courts. Lastly, he wished to know why refugee centres were not obliged to comply with the recommendations of the Immigration Detention Facilities Visiting Committee.

36. **Ms. Galvis Patiño** said that she understood that reparation could be obtained through civil or criminal proceedings; however, she wished to know how it was obtained in practice when the provision of redress derived from a political decision of the Government, as it had when Japan had signed an agreement with the Republic of Korea to take measures to restore the honour and dignity and support the psychological rehabilitation of former comfort women. In that regard, she would welcome information on the action taken by the State party pursuant to the recommendations set out in the 2016 concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/7-8) regarding full and effective redress and reparation, including compensation, satisfaction, public apologies and rehabilitative services, for former comfort women.

37. **Mr. Huhle** said that the Committee was grateful for the delegations' comprehensive replies to its questions. He had two questions to ask in the context of article 24 of the Convention, on the rights of victims. The first referred to the right to truth, which was protected under article 24 (2). A complicated situation had arisen in respect of the right to truth in the case of former comfort women since, on the one hand, according to the Government of Japan, the truth was that there had been no sexual slavery related to enforced disappearance, while, on the other hand, there was a great deal of oral and written testimony from survivors that indicated otherwise. He therefore wished to know how the Government had taken into account the testimony of victims and witnesses in establishing the truth. Had the Government, for example, interviewed or read the testimony of witnesses and compared their statements with its own findings? He noted that Japan had opposed the inclusion of those and other documents related to the experiences of comfort women in the Memory of the World Programme of the United Nations Educational, Scientific and Cultural Organization, and he therefore wished to know whether the Government had concluded that the testimony of those victims and witnesses was false.

38. His second question was in reference to article 24 (7), on the rights of victims and associations to lodge claims. The Committee had been informed that persons belonging to victims' organizations had been the target of harassment, hate speech and physical attacks as a result of their activities. He therefore wondered what steps the Government of Japan was taking to provide effective protection for the right to the truth and the right to participate freely in organizations and associations concerned with establishing the truth.

39. **Mr. Figallo Rivadeneyra** said that he agreed that the issue of comfort women and their right to the truth was complex. Even though the Democratic People's Republic of Korea was not a signatory to the Convention and therefore was not subject to the Committee's scrutiny, he felt compelled to make mention of the enforced disappearances linked to that country, which had produced victims around the globe.

40. Regarding the types of reparation provided to victims, he understood that if the statute of limitation applicable to the corresponding criminal offence had elapsed, victims could still bring a claim before the civil courts. He wished to know what prescription periods applied in respect of civil claims and whether the State adhered to a strict or a fault-based liability regime when providing compensation. Lastly, he would appreciate clarification as to whether the meetings between immigration detainees and their lawyers were always conducted in the presence of detention centre officials, since that might be seen as a means of intimidation.

41. **Mr. Tanaka** (Japan) said that, although Japan maintained official registers of persons deprived of their liberty, those registers differed according to the purpose of the detention. Since different types of detention involved different legal procedures, the Government currently had no plans to consolidate the registers; however, it wished to assure the Committee that all registers were accessible to judicial authorities as necessary, in keeping with the spirit of article 17 of the Convention.

42. The entries in the registry of detainees contained all the requisite information. To his knowledge, the applicable Japanese legislation was fully in line with the Convention. The detention facilities visiting committees attached to penal institutions and immigration detention centres were authorized to issue opinions for the attention of the wardens or directors of those facilities who, in accordance with the applicable administrative regulations, were required to act on them. In the interests of transparency, a summary of those opinions and the measures taken pursuant to them was published by the Ministry of Justice each year.

43. Officials were not present during visits by lawyers to persons being held in immigration detention centres; they were present, however, during visits by persons other than their legal counsel. The right of detainees to take legal action against the immigration detention centre and to seek a judicial remedy was fully respected.

44. Court-ordered adjudications of disappearance had implications for the legal situation of the missing person and the civil rights and obligations associated with that person. Thorough criminal investigations were undertaken into cases suspected of involving the very serious crime of enforced disappearance in an effort to discover the whereabouts and fate of the person concerned. If a victim of enforced disappearance was found to have died, his or

her surviving family members were eligible to receive compensation arising from civil proceedings and to join criminal proceedings.

45. **Ms. Iino** (Japan) said that the Government had taken a number of measures in accordance with article 24 of the Convention to safeguard the rights of persons who had been abducted by the Democratic People's Republic of Korea. Victims who had returned to Japan received monthly benefits and were granted special access to the national pension scheme. Older victims were entitled to a special range of benefits. Information services were available to assist returning victims with everyday matters, and training sessions were provided to help them find suitable employment. Steps had been taken to guarantee that their children had access to education in Japan. There was a special law to support victims of abductions by the Democratic People's Republic of Korea, but it did not provide for reparation from the Government. The purpose of the law was rather to help victims regain their independence and to rebuild their lives following their abduction. The Government was making every effort to secure the return of those victims of abduction who remained in the Democratic People's Republic of Korea.

46. **Mr. Tanaka** (Japan) said that there was no evident link between the fact that no agents of the State had been brought before the courts on charges of enforced disappearance and the interpretation of the term "victim" in Japanese criminal procedure law. The definition of a victim was applicable in all criminal cases, including those involving enforced disappearance. It was the responsibility of the judge to decide whether a person involved in a criminal case was in fact a victim. There were currently no plans to deviate from that practice.

47. **Mr. Okamura** (Japan) said that, to date, no complaint had been brought against the Government of Japan under article 12 of the Convention. The Government of Japan had conducted a thorough fact-finding study on the issue of comfort women in the early 1990s. The study had included research and investigations based on documentation in the files of ministries and agencies of the Government of Japan, research focusing on documents held by the United States National Archives and Records Administration, on court hearings and proceedings involving relevant individuals, including former military personnel and managers of comfort stations, and the analysis of testimony compiled by the Korean Council. None of the documents examined as part of that fact-finding study had confirmed that the abduction of comfort women by the military or State authorities had actually taken place. The results of the study had been posted online, including on the website of the Asian Women's Fund. There were therefore no grounds for the criticism that the Government of Japan was concealing documents related to the issue of comfort women. The factual basis for the position of the Government of Japan was clear.

48. The Government of Japan and the Government of the Republic of Korea had signed an economic cooperation agreement in 1965 which had settled all the remaining problems concerning property and related claims. Furthermore, the agreement reached in December 2015 between the Government of Japan and the Government of the Republic of Korea had finally and irreversibly resolved the issue. Jointly established by the Government and people of Japan, the Asian Women's Fund had carried out a number of projects to offer relief to former comfort women, which had been funded from the 4.8 billion yen disbursed by the Government of Japan and the 600 million yen donated by the Japanese people. It had provided former comfort women in the Republic of Korea, the Philippines and Taiwan Province of China with atonement money, and the Asian Women's Fund had provided them with medical and welfare support. In sum, former comfort women in the Republic of Korea and Taiwan Province of China had therefore received a total of 5 million yen each, while former comfort women in the Philippines had each received 3.2 million yen. In conjunction with the atonement money and the medical and welfare support, each former comfort woman had received a letter of apology signed by the Prime Minister. In total, 211 former comfort women in the Philippines, 61 in the Republic of Korea and 13 in Taiwan Province of China had received those funds. In Indonesia, where there had been difficulties in identifying former comfort women, the Asian Women's Fund had provided financial support for building new care facilities for older persons. In the Netherlands, where it had not been possible to identify former comfort women at the time of the Fund's establishment, it had provided financial support for a welfare project to enhance the living conditions of persons who had suffered

incurable physical and psychological wounds during the Second World War. The Asian Women's Fund had provided 1.1 billion yen in medical care and welfare support and in atonement money. Although the Fund had been closed in 2007, the Government of Japan was continuing to honour the sentiment of the people of Japan that were embodied in the various initiatives that it had supported.

49. The Government of Japan was also continuing to work to ensure that the issue of comfort women was properly understood by the international community on the basis of an objective understanding of all relevant facts. Projects to help restore the honour and dignity of former comfort women and to help to heal their psychological wounds had been rolled out, and the 2015 agreement had been met with appreciation by the international community.

50. The Government of Japan wished to point out that the widespread belief that comfort women had been abducted could be traced back to a 1983 novel written by the late Seiji Yoshida, in which he described himself hunting down women on Jeju Island on the orders of the Japanese military. The novel had heavily influenced public opinion not only in Japan and the Republic of Korea but throughout the international community, but scholars had subsequently proven it to be a product of the author's imagination. The Japanese daily newspaper which had published articles on comfort women based on the content of the novel without having verified its veracity had later apologized to its readers for having published erroneous information. The term "sexual slavery" was inconsistent with the facts of the matter and was not used in the 2015 agreement.

51. **Mr. Sugiura** (Japan) said that the Committee had not addressed the issue of comfort women in an appropriate manner and that additional explanations had been provided to clarify the facts of the matter. It was regrettable that several United Nations human rights treaty bodies had not discussed the issue on the basis of the facts of the case. With regard to the claims made by one non-governmental organization regarding East Timor, only one document related to the presence of comfort women on the island of Timor had been found during the comprehensive fact-finding study of the 1990s. However, that document did not provide any evidence to suggest that comfort women had been employed in the territory which later became known as East Timor.

52. **Mr. Tanaka** (Japan) said that, while no steps had been taken to classify enforced disappearance as a separate crime, acts of enforced disappearance were subsumed under other categories of criminal offences. He hoped that the interactive dialogue and the documents submitted to the Committee had served to clarify the Japanese Government's approach to the implementation of the Convention.

53. **Ms. Kolaković-Bojović** said that she wished to thank the delegation for its participation in the constructive dialogue. The thorough responses provided by the delegation had improved the Committee's understanding of the Japanese legal framework and the approach used in implementing the Convention.

54. **Mr. Baati** said that, although a number of questions posed by the Committee had gone unanswered, the interactive dialogue had been fruitful and highly constructive. He hoped that the Committee's forthcoming concluding observations and recommendations would assist the State party in ensuring the effective implementation of the Convention.

55. **Mr. Sugiura** (Japan) said that, notwithstanding the differences of opinion expressed over the country's approach to the definition of the crime of enforced disappearance, he hoped that the explanations provided over the course of the interactive dialogue had given the Committee greater insight into how Japan sought to prevent that crime from being committed and how it punished perpetrators of that offence.

56. **Mr. Okamura** (Japan) said that the intensive and wide-ranging dialogue with the Committee had provided a valuable opportunity to review the human rights situation in Japan and the efforts of the Government of Japan to improve it. The delegation had done its utmost to respond to the questions posed by the Committee. Going forward, the Government would work to prevent any recurrence of that offence and to ensure that enforced disappearance was fully recognized by the international community as a punishable crime.

*The meeting rose at 1 p.m.*