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SUMMARY RECORD OF THE 319th MEETING

Held at the Wissenschaftszentrum, Bonn-Bad Godesberg
on Tuesday, 20 October 1981, at 10.30 a.m.

Chairman: Mr. MAVROMATTIS

later: Mr. GRAEFRATH

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of the Covenant

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GE.81-17399

The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40
OF THE COVENANT (agenda item 4)

Japan (CCPR/C/10/Add.1)

1. Mr. TOMIKAWA (Japan), introducing Japan's initial report (CCPR/C/10/Add.1), said that two years and four months before, Japan had deposited the instrument of ratification of the International Covenant on Civil and Political Rights, which had become effective three months later. One year after that, in 1980, the Japanese Government had submitted its initial report under article 40 of the Covenant.
2. Any international treaty concluded by Japan became part of its legal framework. It was therefore inadmissible for there to be any conflict between national laws and regulations and the treaty in question, and before Japan concluded any treaty, the authorities always conducted a thorough examination of its provisions in order to uncover any discrepancies and, if need be, modify laws and regulations in accordance with the provisions of the treaty. Such an examination had, of course, taken place in the case of the Covenant, and the Japanese Government had concluded that no such discrepancy existed. Otherwise, Japan could not have ratified the Covenant without first amending the laws and regulations concerned, which would have been a very lengthy procedure.
3. The members of the Committee might perhaps think that the report concentrated unduly on the legal aspect of the implementation of the Covenant, but it was first and foremost through the laws and regulations that human rights must be protected and the provisions of the Covenant implemented, and that was why so much importance was granted to the legal aspect in the report.
4. In the practical sphere, apart from the fact that all the rights provided for in the Covenant were guaranteed by the Constitution and the laws and regulations, Japan was generally regarded as being one of the countries where human rights, in particular the right to life and the right to freedom of expression, were best protected.
5. Japan had deposited the instrument of accession to the 1951 Convention relating to the Status of Refugees on 3 October 1981 and would do the same with regard to the 1967 Protocol relating to the Status of Refugees on 1 January 1982; both instruments would enter into force on the latter date. In that connection, it should be noted that the Immigration Control Order had been amended to provide, inter alia, for the principle of non-refoulement, although the Government had always applied that principle in practice.
6. The Japanese Government had also begun an examination of the International Convention on the Elimination of All Forms of Racial Discrimination at the administrative level with a view to ratifying that Convention at an early date.
7. He assured the Committee that his delegation would do its best to co-operate and to answer all questions; if it could not do so at the current session, it would submit its replies to the Committee at a later date. In that connection, he believed it would be a good idea for questions, at least the most important ones, to be submitted to Governments well in advance of the Committee's sessions, so as to enable Governments to reply to the best of their ability.

8. Mr. OPSAHL said that, because it was extremely concise, the Japanese report required several clarifications. He appreciated the suggestion by the representative of Japan that the members should submit their questions in advance, in writing.

9. With regard to part one of the report ("General Comments"), he would have liked the report to contain some constitutional history, indicating in particular the date of each law contained in the annex; he felt it would be useful to know whether the legislation was recent, dating from after the war, or traditional, and he asked whether it had been necessary to repeal any of those laws. In addition, the report gave very few details on the status of the Covenant in internal law. In his understanding, the Japanese Government had found no conflict of laws which would require it to amend its internal legislation in order to make it consistent with the provisions of the Covenant; nevertheless, nothing was said about the actual status of the Covenant in the legal system. For example, did the Constitution contain provisions concerning the general relationship between national law and international or treaty obligations, and how were those provisions interpreted in practice? From other sources, he understood that the Covenant had been invoked before a court, which had replied that the Covenant had not yet entered into force for Japan. He asked what would be the position now that the Covenant was in force. Could the courts apply it directly or could they do so only to the extent that its provisions were duplicated in internal legislation? Article 98, paragraph 2, of the Japanese Constitution, which had not been quoted in the report, stipulated that treaties concluded by Japan and established international law must be faithfully observed; were the courts also bound to observe the provisions of the Covenant?

10. The report stated that the exercise of human rights could be "restricted on the ground of the public welfare". In his view, that clause, which appeared in several articles of the Constitution of Japan - articles 12, 13 and 22 - was not in accordance with the provisions of the Covenant, more particularly those of article 4 of the Covenant, since welfare had never been set forth as a ground for derogating from those rights in respect of which derogation was permitted. Though the report stated that those restrictions were applied carefully, he would like a few examples to be given to support that statement.

11. With regard to the remedies available to injured parties, he observed that the Covenant specified that remedies should be available to persons claiming to be the victims of a violation and not only to persons who had been proved to be the victims of a violation. That important and difficult matter had been discussed extensively in Western Europe, and the European Court of Human Rights had ruled that anyone claiming to be the victim of a violation of his rights could appeal to the Court. The report stated that "any person whose rights are violated" had access to remedies; he hoped he was not mistaken in interpreting that phrase as implying that no conditions attached to the exercise of the right to remedy.

12. He would like to know more about the structure and operation of the criminal procedures for remedial actions in the case of violations of human rights. Those procedures were simply mentioned in part one, paragraph 3.B, of the report; could any individual who wished to do so lay a complaint or make an accusation and, if so, what were the legal effects? Could an individual institute a criminal proceedings, and were the authorities bound to investigate all complaints and take legal action? If that was not the case, there could be a question as to how effective a remedy that criminal procedure was. With regard to the Civil Liberties Bureau and

the 11,000 Civil Liberties Commissioners referred to in part one, paragraph 3.D, of the report, he wondered whether only Japanese citizens had access to them or whether aliens, and more particularly those residing in Japan, could also lodge complaints with the Commissioners concerning discrimination, for example. Were the Commissioners full-time employees, how many complaints had they heard and what means were available to them for reaching a settlement since their decisions were not binding?

13. Turning to part two of the report ("Information in relation to each of the articles in parts I, II and III of the Covenant"), in connection with article 6 concerning the right to life, he asked for information on capital punishment, in particular whether abolition of that penalty was being considered; he would also like to know whether abortion was legal.

14. With regard to article 7, concerning prohibition of torture and cruel, inhuman or degrading treatment, the authors of the report had simply listed the provisions of the Constitution and the Penal Code covering acts committed in violation of that article; he asked how those provisions were applied and whether there was any control system, in particular with regard to prisons and other establishments where persons might be held against their will. He would like to know, for example, whether the Civil Liberties Commissioners had access to the prisons and whether the prisoners could contact them.

15. Concerning article 9 of the Covenant, it was clear from the report that Japan, unlike other States parties, realized that the provisions of that article also applied to persons deprived of their liberty without being suspected of having committed an offence. He would, however, like to know whether the courts had the authority to examine the substantive reasons for the detention of persons deprived of their liberty or whether their power was limited to a formal verification of the lawfulness of the detention.

16. Concerning article 14, paragraph 2, he noted that Japanese legislation did not expressly provide for the presumption of innocence referred to in that paragraph. He asked whether the Japanese Government saw that principle, which according to the report was nevertheless affirmed in practice, as applying only to the courts or also to other public authorities such as, the police. He was asking that question because in Western Europe, police authorities had been known to inform the press that they were "holding the guilty party".

17. The commentary concerning article 19 of the Covenant was very brief and he hoped that other members would ask for clarification, in particular concerning the laws authorizing restrictions on freedom of expression and making it an offence to express a particular opinion.

18. He had been surprised to read, in the paragraph dealing with article 27 of the Covenant, that minorities of the kind mentioned in the Covenant did not exist in Japan, for he had learned from one source that the presence of groups of Korean and Chinese descent in Japanese territory raised some difficulties.

19. Mr. GRAEFFRATH thanked the Japanese Government for its report but regretted the fact that the report was limited to questions of a legal nature and reflected neither the culture nor the traditions of the country. He associated himself with Mr. Opsahl's questions concerning the relationship between the Covenant and Japanese internal law. He would like to know whether the provisions of the Covenant could be invoked before the courts or the administrative authorities and whether, in the event of a conflict between the provisions of the Covenant and those of Japanese internal law, the Covenant would take precedence.
20. There was a difference in terminology between articles 11 and 12 of the Japanese Constitution, where the words "the people" were used, and articles 31, 32, 33, 34 and 35, where the word "person" was found. He would like to know whether that was simply a matter of translation or whether it indicated a particular approach. As he understood it, the people were the basic foundation and the individual was an element of the people. Paragraph 3.B of the part of the report entitled "General Comments" contained a list of criminal recourse procedures. However, article 405 of the Code of Criminal Procedure (annex to the report, p. 33) gave the impression that the Jokoku appeal, lodged against a judgement rendered in first or second instance by a High Court, was very limited in scope, since it was restricted in principle to questions of a legal nature. He wondered whether that appeal of limited scope met the requirements of article 14, paragraph 5, of the Covenant and asked the same question with regard to article 32 of the Juvenile Law (annex to the report, p. 38). Perhaps it would be useful to know what kind of cases the High Court decided in order better to understand the scope of the appeal.
21. Paragraph 3.D of part one of the report referred to the Civil Liberties Bureau and the Civil Liberties Commissioners, but no information was given on the structure and operation of those institutions. He would like to know what were their powers, what was their relationship with the courts and how effective their work was.
22. Concerning article 1 of the Covenant, part two of the report stated that Japan had consistently recognized the right to self-determination of peoples and had been working strenuously for full realization of the right to self-determination of peoples in the international community. He would like to know what the Japanese Government had done to prevent private businesses and banks from collaborating with the apartheid régime of South Africa.
23. He noticed that the remarks concerning article 2 of the Covenant contained the expression "equality under the law", which appeared in article 14 of the Japanese Constitution and was repeated in connection with article 26 of the Covenant. The Covenant spoke of equality before the law, of equal protection of the law and of equality before the courts. He would like to know what exactly was meant by "equality under the law". Did that expression concern only the administration of justice by the courts and government officials, or did it also apply to the legislative power?
24. Considering the high percentage of women in Japan who worked, the information given on equality of the sexes in connection with article 3 of the Covenant was rather brief. Reference was made to a "National Plan of Action" to achieve fuller realization of women's rights. He would like to know which deficiencies that programme was designed to correct.

25. It seemed that Japan had made great efforts over the previous 20 years to reduce discrimination based on sex. However, the Nationality Law (annex to the report, p. 6) seemed to discriminate against the mother as far as acquisition of Japanese nationality by children was concerned. That Law laid down stricter conditions for a Japanese woman married to a foreigner than for a Japanese man married to a foreigner.

26. Article 4 of the Labour Standards Law (annex, p. 41) referred only to discrimination in the matter of wages, but not to discrimination in general. Article 3 of the same Law dealt with discrimination in employment, but that article, which was not quoted in the annex to the report, mentioned only nationality, beliefs and social status. Prohibition of discrimination based on sex, in the area of employment, seemed to be more limited than prohibition of other forms of discrimination, since it did not deal with hiring or dismissal.

27. With regard to article 6 of the Covenant, he believed that control of food and pharmaceutical products was vitally important in order to protect the individual's enjoyment of the right to life. Though Japan was one of the countries where life expectancy was highest, the report should still give information on those subjects.

28. Concerning article 11 of the Covenant, it would be useful to know whether, in a civil trial, inability to fulfil a contractual obligation could result in a prison term.

29. The guarantees provided by article 14 depended greatly on the judicial system of the State party. For that reason, he would like more information on the Japanese judicial system. It seemed difficult to become a judge in Japan, since the system was highly selective. He would like to know who in fact was able to become a judge and whether, in the event that a judge was not maintained in office after a 10-year term, the procedure required the reasons for that measure to be stated. He would also like to know whether the judges of the Supreme Court came from all regions of Japan or from one or two universities only, and what was the percentage of women in the Supreme Court.

30. With regard to article 20 of the Covenant, the report stated that any propaganda for war was almost inconceivable, since article 9 of the Constitution provided for the renunciation of war. The opposite reasoning could be used to support the argument that prohibiting war propaganda would facilitate application of article 9 of the Japanese Constitution. He would like to know whether any efforts were being made in Japan to amend article 9 of the Constitution, in particular by deleting its second paragraph. If so, a law would be useful for ensuring the application of that article.

31. Articles 222 and 223 of the Penal Code did not seem to meet the requirements of article 20 of the Covenant. Those articles of the Penal Code applied to the intimidation of individuals through threats, whereas the acts referred to in article 20 of the Covenant could be directed against a group. According to article 232 of the Penal Code, the crimes provided for in articles 222, 223 and 231 would be prosecuted only upon complaint. He doubted that those provisions met the requirements of article 20, paragraph 2, of the Covenant.

32. Finally, though some articles of the Subversive Activities Prevention Law were reproduced on p. 23 of the Annex to the report, article 4, which defined those activities, was not. Perhaps the representatives of the Japanese Government could explain to the Committee what was meant by "subversive activities".

33. Sir Vincent EVANS said he found the report submitted by the Japanese Government to be a satisfactory basis for examining how the Covenant was applied in Japan. With regard to the status of the Covenant in the Japanese legal system, he pointed out that States parties could give effect to the Covenant in their legal systems by one of two methods: they could either integrate the provisions of the Covenant directly into their legal system, so that an individual could invoke them before the courts or the administrative authorities, or they could adopt a Constitution and laws in conformity and consistent with the Covenant. The second method seemed to be the one applied in Japan. Therefore, an individual could not invoke the provisions of the Covenant before a court. He would like to know whether the courts and the administrative authorities would base themselves on the Covenant in interpreting the provisions of the Constitution and Japanese legislation.

34. If the Covenant was to be an effective charter of individual rights, individuals should know what were their rights under the Covenant. For that reason, he wished to know whether the Covenant had been translated into Japanese, and whether the text was easily obtainable. It was also important for the authorities to know which obligations the Covenant imposed on the State. In that connection, he wondered whether police and prison personnel and civil servants were apprised of the Covenant during their training.

35. The Civil Liberties Bureau and the Civil Liberties Commissioners mentioned in paragraph 3.D of part one of the report ("General Comments") seemed to play an important part in the protection and promotion of human rights in Japan. It would therefore be interesting to know how the Civil Liberties Commissioners were chosen, whether they were civil servants, what kind of procedures they followed, how cases were brought to their attention and what powers they had. It would also be useful for the Committee to have examples of cases examined by them.

36. It seemed that, every year, Japan organized what was called "Human Rights Week", during which certain special educational programmes were devoted to human rights questions. He would like to have details of the Human Rights Week.

37. Paragraph 3.A of the report mentioned remedies in cases of violation of rights. Despite the importance of those remedies for the protection and promotion of human rights, the information given was very brief. Fuller details of the nature of those remedies and the differences between them would therefore be welcome.

38. With regard to article 6 of the Covenant, he associated himself with Mr. Opsahl's questions concerning the death penalty. It seemed that in Japan, the death penalty was still applicable to certain offences, numbering 17. He would like to know in how many cases every year the death penalty was actually carried out, and in how many it was commuted. He would also like to know whether the abolition of the death penalty was being contemplated in Japan, whether abolition was the subject of a study, and whether there seemed to be a chance that the death penalty would be abolished.

39. Turning to articles 7 and 10 of the Covenant, he noted from the report, that a special criminal procedure was provided to ensure application of the constitutional and legislative provisions in conformity with those articles and that persons who had been victims of abuse of power could obtain compensation. However, despite the

protection provided for by law in such cases, in most countries prisoners were still sometimes maltreated and it was not always easy for them, in practice, to avail themselves of the protection of the law. In many countries, prisons and detention centres were regularly inspected by persons who did not belong to the police or the prison administration and had direct access to the prisoners, whose complaints they could receive. Was that the case for Japan? Since the Prison Law had been enacted in 1908, he would like to know which radical reforms had been carried out since then, as was likely to have happened, and what were the existing physical conditions in prisons.

40. Concerning article 21 of the Constitution of Japan, since he knew of no legal system which did not provide for some exceptions to freedom of association and freedom of expression, he would like the representative of Japan to tell the Committee which exceptions were, in fact, accepted and under which provisions of the Constitution. Might there not also be some exceptions to the principle of the inviolability of correspondence, despite the provisions of article 21, paragraph 2, of the Constitution? Should the provisions of article 13 of the Constitution perhaps be considered as moderating those of article 21, since it stated that the right to liberty and the pursuit of happiness was guaranteed to the extent that it did not interfere with the public welfare? As Mr. Opsahl had already remarked, it would be interesting to know how the concept of the public welfare was interpreted and applied in areas affecting the liberty of the individual.

41. The Covenant contained numerous provisions concerning the prohibition of discrimination, in particular for reasons of social origin. However, he believed that in Japan there was a disadvantaged social group, such as existed in other societies, called the Burakumin. Perhaps that was more a social problem than a legal one, but he pointed out that, at least in the past, the discriminatory acts committed against that social group had been based on certain traditions. While acknowledging the measures taken by the Japanese Government in recent years to improve that group's situation, he would like to know what remained to be done in that area and whether, in practice, those persons were still discriminated against, with regard to marriage and the education of children, for example. Finally, as it was apparently possible to identify the persons in question from their identity cards, to what extent was the State responsible for that discrimination and what was it doing to remedy it?

42. Mr. MOVCHAN said that, while acknowledging the desire of the representatives of Japan to co-operate with the Committee in accordance with the Committee's general guidelines on the form and content of reports, he could not help feeling that the report of Japan was too brief, coming as it did from a country with such a rich history. Something more than references to laws had been expected. It was well known that Japan had traditions and customs whose social and political effects could not fail to have repercussions on respect for human rights. In the English text of the Constitution of Japan, which dated from 1946, he did not find the particular national characteristics of a country whose age-old and still flourishing traditions necessarily had social, political and legal consequences.

43. With regard to the right to life, a basic right since without it there could be no others, he regretted that the report of Japan had not, as specified in article 40 of the Covenant, mentioned the difficulties encountered and the progress made in ensuring the enjoyment of that right. There could be no doubt that, since 1946, Japan had experienced difficulties and achieved progress in that area, which it would have been interesting to know about, for without setting itself up as a court, the Committee had the task of studying everything connected with the application of human rights so that a frank and constructive dialogue could be established between it and States parties. It was unfortunate, therefore, that the report said nothing about the economic, social, administrative and other measures which must inevitably have been taken to protect that right since the Constitution had been enacted. He hoped that the representatives of Japan would provide clarifications on that point.

44. The concept of "the public welfare" also needed to be clarified. How was it applied in Japan? Who interpreted it and supervised its implementation?

45. The report simply stated that the law prohibited terrorism, but it would have been useful also to know how it did so. What, for example, was the situation regarding prohibition of fascist, revanchist, and neo-Nazi organizations? Were they allowed to operate and, if so, how could such tolerance be reconciled with respect for the right to life?

46. Turning to article 20 of the Covenant, which stated that any propaganda for war should be prohibited by law, he was surprised that the report offered a general assessment rather than referring specifically to respect of obligations under the Covenant. He asked the representatives of Japan to explain what was meant by the statement in the report, made in connection with that article, that propaganda for war was almost inconceivable. Did that imply that war propaganda was not entirely excluded? With regard to paragraph 2 of article 20, he would like to know what was Japan's attitude towards certain international treaties condemning incitement to national, racial or religious hatred. Were there provisions on that point in Japanese internal law?

47. In conclusion, he stressed the fact that the Committee could not content itself with statements that, in the matter of civil and political rights, all was well in Japan. It needed to be told how, for example, the right to equality, in particular between men and women, was ensured. It would have been interesting to know the rights enjoyed by women married to foreigners, the rights of women concerning the education of their children, the wages paid to women, their career prospects and, finally, their participation in the conduct of public affairs, concerning which some statistics would have been welcome.

48. Mr. Graefrath took the Chair.

49. Mr. HANGA congratulated Japan on its very interesting and full report. Referring first to the "General Comments" section of the report, he asked the representatives of Japan to clarify whether the provisions of the Covenant, which were said to have become part of Japanese internal law, had the force of constitutional provisions or of ordinary provisions. In the former case, there would be no problem, but if the provisions of the Covenant had or acquired the force of ordinary provisions, Japan might, in future, derogate from the provisions of the Covenant by enacting special legislation.

50. With regard to article 2 of the Covenant, the Japanese report referred to article 14 of the Constitution which, according to the authors of the report, was also in conformity with article 26 of the Covenant. Yet there was a difference between the provisions of article 14 of the Constitution, which proclaimed the equality of all citizens before the law, and those of article 26 of the Covenant, which were broader in scope. In other words, it seemed to him that article 14 of the Japanese Constitution did not entirely cover the provisions of article 26 of the Covenant.

51. Concerning article 3 of the Covenant, which provided for equality between men and women, he asked the representatives of Japan to supply information on the role of women in current political life in Japan. He would also like information on the results obtained to date under the National Plan of Action for women's rights mentioned in the Japanese report. In addition, he would like to know whether the Japanese Government had ratified the 1953 Convention on the Political Rights of Women.

52. Turning to article 6 of the Covenant, he stressed the fact that the right to life concerned not only the problem of the death penalty and questions of penal law, but also problems related to the quality of life. In that connection, he asked the representatives of Japan to indicate which administrative and legislative measures had been taken in their country to ensure the quality of the environment, protect the health of workers and combat occupational diseases. That information was especially important since Japan was now a very industrialized country and, though that industrial activity was beneficial to the economy, it also had unfavourable effects on people living in a highly industrialized area. He also asked whether all women were entitled to maternity leave. Furthermore, since article 6 also dealt with the crime of genocide, it would be useful to know how that crime was considered in Japanese law in theory and practice and whether there were provisions of positive law concerning the punishment of that crime.

53. In connection with article 7 of the Covenant, he asked the representatives of Japan to indicate whether there had been recent cases of public officials being accused of abuse of power or of maltreatment of the kind mentioned and what penalty had been established to punish those violations of Japanese penal law.

54. With regard to article 8 of the Covenant, the report made reference to article 18 of the Japanese Constitution, which stated that no person should be held in bondage of any kind and that involuntary servitude, except as punishment for crime, was prohibited; he wondered whether the penalty of servitude could be applied to any crime. He believed that "servitude" was not the correct term in that instance and that something completely different had probably been meant.

55. Concerning article 9 of the Covenant, he would like to know whether the Japanese Penal Code and the relevant administrative provisions specified that the family of an arrested person must be informed of his place of detention. He also asked whether all detained persons had the right to a defence lawyer of their choice during the examination of their case.

56. With regard to article 10 of the Covenant, the Japanese report stated that "although, in the case of lawful physical restraint some basic rights may be limited to the extent necessary, they are never totally withdrawn". He would like to know which basic rights could be limited to the extent necessary in such cases, in the light of the stipulation in article 4, paragraph 2, of the Covenant that "No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision". With regard to the question of the Prison Law, which had already been raised by other members of the Committee, he would like to know whether

control of the prisons came within the competence of the judiciary or of the services of the public prosecutor. He also asked the representatives of Japan who was responsible for examining and acting upon complaints from prisoners, whether visits by prisoners' families were authorized and whether the minimum rules set forth in various United Nations instruments were applied in Japan.

57. Turning to article 13 of the Covenant, he asked whether the Japanese Government granted the right of asylum for political reasons, whether a person expelled from Japan for justified reasons could make an appeal and whether a stay of execution of the expulsion order could be granted pending a decision on that appeal.

58. Concerning article 14 of the Covenant, the Japanese report stated that the presumption of innocence was affirmed in practice as one of the fundamental principles of criminal procedure. He wondered whether all possible inferences could be drawn from that presumption of innocence and whether, for example, legal costs and lawyers' fees were covered by the State when a person was found innocent. With regard to the measures taken by the Japanese Government to ensure the complete rehabilitation of juveniles, which were referred to in connection with article 14, paragraph 4 of the Covenant, he believed that those steps were very useful but wondered whether Japanese legislation provided for special courts to try juvenile delinquents and whether the complete rehabilitation of such delinquents was entrusted to the administration or to specialized institutions. Finally, he would like to know whether legal assistance was available for civil cases as well as for criminal ones.

59. In connection with article 15 of the Covenant, the principles set forth in articles 31 and 39 of the Japanese Constitution and mentioned in the Japanese report were a reflection of well-known principles in internal as well as international criminal law. Nevertheless, according to his understanding, ex post facto laws were prohibited only if they provided for heavier penalties and they were naturally applied in the opposite case.

60. With regard to article 17 of the Covenant, the Japanese report stated that article 35 of the Constitution prohibited interference with the home. He would like to know whether, from the standpoint of jurisprudence, "home" was construed in a narrow sense in Japanese law or in a wider sense and whether it covered, for example, tents, caravans, houseboats, etc.

61. Article 18 of the Covenant guaranteed freedom of thought, conscience and religion. In that connection, he would like to know whether the various religious communities in Japan had the right to print and distribute their writings and from what point children in Japan were entitled to choose their religion and beliefs themselves.

62. Concerning article 19, which guaranteed freedom of opinion, he asked what procedures had been introduced in Japan to ensure that citizens could express different opinions through the information media. He also asked whether the radio and television bodies were equitably composed of representatives of all major political, ideological and social groups.

63. With regard to article 21 of the Covenant, which guaranteed the right of assembly, he would like to know whether or not the provisions of article 21 of the Japanese Constitution which were mentioned in the Japanese report were applicable to foreigners. With regard to article 22 of the Covenant, concerning the right to freedom of association, he asked which conditions a social group had to meet, under the law, in order to form a political party.

64. Turning to article 23 of the Covenant, which concerned protection of the family, he asked whether family allowances and housing grants for large families existed in Japan. As to the conclusion of marriages, he asked which provisions existed in Japanese legislation with regard to the wife's choice of surname and whether there were also provisions concerning choice of nationality where one of the spouses was a foreigner. He would also like to know which matrimonial régime existed under Japanese law and whether it had a system of separation or community of property.

65. Turning to article 24 of the Covenant, which dealt with protection of the child, he asked what was the status of **illegitimate children** in Japan, whether such children enjoyed equal rights from the legal point of view and which administrative and legal provisions ensured protection of the illegitimate child. He would also like to know whether adoption was the subject of a judicial decision.

66. In connection with article 25 of the Covenant, he asked whether the Japanese electoral laws recognized universal and equal suffrage by secret ballot. Finally, in connection with article 27 of the Covenant, he asked whether minorities of the kind mentioned in the Covenant existed in Japan.

67. In conclusion, he expressed the hope that a fruitful dialogue would be initiated between the members of the Committee and the representatives of Japan.

The meeting rose at 1 p.m.