

Proposed Recommendations

Osaka Citizen's Association for the Right to Adequate Housing suggests the Committee to adopt the following recommendations in the Concluding Observations.

1. The provision regarding the objective requirement for reconstruction, which stipulated that a resolution by residents to reconstruct the building could be taken in case, when excessive expense would be needed to maintain or recover the effectiveness of the building, in respect to its value, through deterioration by age or other damages, was deleted in the 2002 amendment of the Act on Building Unit Ownership, etc. The change drastically relaxes the conditions for forced evictions, and there is concern it amounts to violations of General Comments 4, 7 and 20. The provision regarding the objective requirement for reconstruction should be reinstated.

2. Article 70, which was newly created in the 2002 amendment of the above Act, made it possible for whole housing complexes to be rebuilt, with the agreement of a four-fifths majority of the complex as a whole, and a two-thirds majority for each building. This drastically relaxes the conditions for forced evictions, and there is concern that it amounts to violations of General Comments 4, 7 and 20. The Article should be abolished.

3. With the amendment of the Code of Civil Procedures in 1996, the violation of treaties was dropped from the list of grounds of appeals to the Supreme Court as a right. There is concern that this amounts to a regressive measure in implementing the rights protected in international human rights treaties. The violation of at least international human rights treaties should be reinstated as one of the grounds of appeals to the Supreme Court as a right.

4. There are legal provisions to provide recourse for provisional dispositions, and compulsory execution based on judgments with the provisional declaration for execution attached to them, but they are not functioning effectively. There is continued concern that provisional evictions become permanent. To understand the actual situation of compulsory execution, the annual number of cases of forced evictions, the number of applications of objections, and the number of applications that were admitted should be published.

5. A survey on the number of people who had evacuated from the Prefecture after the Great Hanshin Awaji Earthquake, and are still unable to return to their former homes, should be conducted, and support should be extended to those who wish to return.

6. The rental period of housing in publicly subsidized housing for rent in privately owned buildings should be extended as long as is required by the residents, and support should be provided so that neighborhood relations are not destroyed.

7. Support should be provided, so that people who are in difficulties paying rent in public housing for victims of disasters are not evacuated by force.

8. In order to prevent damages by radiation from nuclear power plants to the residents, strengthening evacuation plans are not sufficient. Adequate distance should be kept between the plant facilities and housing, in line with the General Comment 4 section 8 paragraph (f). (Power plants, with which such measures are not possible, should be closed.)

9. At least two experts on the International Covenant on Economic, Social and Cultural Rights should be appointed to the members of the Legislative Council of the Ministry of Justice. The number of big companies' representatives as members of the Panel on Infrastructure Development should be reduced and members of various sectors of society should be appointed, including at least two experts on the International Covenant on Economic, Social and Cultural Rights.