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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights Situation of people affected by the Fukushima nuclear disaster

1. It has already been three years since the nuclear accident at the Fukushima-Dai-ichi Nuclear Power Station on 11 March 2011¹. The accident caused the release of a massive amount of radiation, initially estimated to be 168 times the level of that released by the atomic bomb in Hiroshima. The accident has not yet been resolved and radioactive waste continues to leak. One grave concern is the huge amount of contaminated water continuously leaking into the ocean that no one knows how to stop. This contamination poses serious risks to the health of the population, in particular pregnant women, babies, children and younger generations most vulnerable to harm from radiation. Thus far, the government's response is insufficient to protect people's right to life, right to health, and reproductive health.

In the second round of the Universal Periodic Review of the national report, the UN Human Rights Council adopted recommendations suggested by the Austrian government in March 2013 that the Japanese government should "[t]ake all necessary measures to protect the right to health and life of residents living in the area of Fukushima from radioactive hazards"². Additionally, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, recommended in his May 2013 report that the Japanese government had a human rights obligation to take comprehensive measures to prevent nuclear-related health risks from affecting the community³. Moreover, the UN Human Rights Committee (hereinafter "Committee"), in the latest ICCPR review on Japan, expressed its grave concern over violations of the human rights of the affected people and made specific recommendations to the government. Regrettably, the Japanese government has ignored all of these recommendations.

2. First, the Japanese authorities have taken inadequate measures to protect the affected population's right to life and rights to health. Many people, including children and pregnant women, still live in areas highly contaminated by radioactive substances that continue to be released from the destroyed power plant. They continued to do so because the government drew the boundary of the evacuation zones based on an exposure level of 20mSv/year per year⁴, a threshold 20 times higher than international protection standards. Concerning these boundaries, Mr. Anand Grover recommended that the Japanese government "formulate a national plan on evacuation zones and dose limits of radiation by using current scientific evidence, based on human rights rather than on a risk-benefit analysis, and reduce the radiation dose to less than 1 mSv/year"⁵. Furthermore, the Committee, in its 6th periodic review on Japan in July 2014, recommended that "The State party should take all the necessary measures to protect the life of the people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk"⁶.

Alarming, however, the government has decided to un-designate some of the evacuation areas (within a 20km ring of the disaster site) based on its own standard. Although residents believe that it is still too early to return to the area, the first of such un-designations is one region of Tamura City in Fukushima prefecture, which will also see compensation from TEPCO terminated at the end of March 2015. Most recently in August 2014, despite hearing the conclusions of the Committee and without consulting the affected community, the government announced the un-designation of evacuation areas in Kawauchi City, a highly contaminated area in Fukushima,

¹ Human Rights Now is an international human rights NGO based in Tokyo, Japan <<http://hrn.or.jp/eng>>

² Human Rights Council, A/HRC/22/14/Add.1, para. 147.155

³ A/HRC/23/41/Add.3

⁴ Although the government considers exposure below 100mSv/year to be safe, it decided to use a 20mSv/year standard in setting the evacuation zone. 20mSv/year is still much higher than internationally accepted standards, however.

⁵ A/HRC/23/41/Add.3., para.78(a)

⁶ http://www.ccprcentre.org/doc/2014/07/CCPR_C_JPN_CO_6_17701_E.doc

from the 1st of October. Despite strong opposition expressed by the community, the government has not yet changed its policy on the matter.

The health examination services provided by the government have also been inaccurate and insufficient. For instance, the thyroid examinations extend only to those under 18, and the follow-up tests are limited to once every two years despite the fact that, during the course of the existing survey, 104 cases of thyroid cancer were identified or suspected⁷. Outside of thyroid examinations, the government has not conducted any health monitoring for people living in the affected area (such as blood or urine sampling, dental exams, ophthalmological exams, etc.) nor kept any record of illnesses other than thyroid cancer. In his report, Mr. Anand Grover urged the Japanese government to monitor “the impact of radiation on the health of affected persons through holistic and comprehensive screening for a considerable length of time and make appropriate treatment available to those in need”⁸ emphasizing that “health monitoring should be provided to persons residing in all affected areas with radiation exposure higher than 1 mSv/year”.⁹ However, none of these recommendations have been implemented thus far.

3. Furthermore, the Japanese government has failed to protect rights to access accurate information. The day after the Fukushima nuclear accident, about 170,000 residents living in the vicinity of the nuclear plant were evacuated without being given detailed information on radioactive discharge. Such information should have been provided by the Network System for Prediction of Environmental Emergency Dose Information (SPEEDI Network System)¹⁰. It was only two months after the disaster when the data became available, implying that it was not used in designing the evacuation zone or the initial evacuation.

Since then, the Japanese government and TEPCO have failed to disclose all relevant and reliable information, including the level of contamination in residential areas, the current status of the Fukushima nuclear plant, the level of daily emissions of contaminated materials from the plant, and the exact magnitude of contaminated water leakage to the ocean in a timely manner. Concerning this matter in its latest concluding observation, the Committee recommended Japan to do as follows, “The State party should monitor the levels of radiation and disclose this information to the people affected in a timely manner.” This recommendation is in addition to the concluding observations of the Committee on Economic Social and Cultural Rights (CESCR) given in the second periodic report of Japan concerning the Hanshin-Awaji Earthquake disaster¹¹ recommending “increased transparency and disclosure to the public of all necessary information on issues relating to the safety of nuclear power installations.” and urging Japan “to step up its preparation of plans for the prevention of, and early reaction to, nuclear accidents”.¹² However, the government has either failed to implement these recommendations or has made no moves to change its current policy until now. The government has failed to ensure minimum accountability for the sake of those affected, all Japanese citizens, and the international community as a whole.

4. Another concern is that people’s rights to participation are not being ensured. Mr. Anand Grover once urged the government “to ensure effective community participation, especially participation of vulnerable groups, in all aspects of the decision-making processes related to nuclear energy policy and the nuclear regulatory framework, including decisions regarding nuclear power plant operations, evacuation zones, radiation limits, health monitoring and compensation amounts.” However, the government has not implemented these recommendations.

⁷ <http://www.pref.fukushima.lg.jp/uploaded/attachment/80430.pdf>

⁸ A/HRC/23/41/Add.3., para.77(a)

⁹ A/HRC/23/41/Add.3., para.77(b)

¹⁰ The SPEEDI Network System is operated by the Nuclear Safety Technology Center, which is one of the extra-governmental organizations of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), in cooperation with the relevant governmental agencies such as the MEXT and local authorities

¹¹ The Hanshin-Awaji Earthquake occurred on January 17, 1995. Its epicenter was roughly 20km outside of Kobe, and it resulted in an estimated 6,434 deaths as well as ten trillion yen (~\$100bn) in damage.

¹² The Committee on Economic Social and Cultural Rights, “Consideration Of Reports Submitted By States Parties Under Articles 16 And 17 Of The Covenant : Concluding Observations Of The Committee On Economic, Social And Cultural Rights”, E/C. 12/1/1 Add. 67, para. 22.

In July 2014 the Nuclear Regulatory Authority (NRA) made a decision to authorize the reactivation of one nuclear power plant in the Kyushu area despite many concerns over the plant's effects on the surrounding environment as well as its technical capacity for preventing an atrocity similar to Fukushima. Public comments were collected regarding the NRA decision, amounting to around 17,000 letters in just 30 days. In May, merely two months before its decision, one Japanese court issued an injunction preventing the reactivation of a different nuclear power plant in light of the lack of safeguards to prevent a reoccurrence of the Fukushima disaster, the most serious human rights violation and environmental disaster in the history of Japan. Despite the growing protest movements by civil groups, neither the government nor the NRA has incorporated the voices from the public or the court in its decision concerning the reactivation of nuclear plants in Japan.

5. Hence, HRN urges the Japanese government to reform all relevant policies based on Mr. Grover's recommendations and the latest recommendations made by the Committee. All policies must be formulated with a victims-based/rights-based approach. The government must prioritize protection of the most vulnerable populations, with due consideration of the health risks of low-level radiation exposure. In particular, applying the radiation dose threshold of 1mSv/year in national plans concerning evacuation zones, health policy, and in all measures providing for those affected should be accorded utmost importance.

HRN also requests that the international community take serious lessons from Fukushima disaster. Once a nuclear accident happens, it severely affects the enjoyment of the most fundamental of human rights such as rights to life, rights to health and reproductive health, rights to land, rights to safe drinking water, rights to information, and rights to a safe environment. The Fukushima disaster teaches us that the recovery from such a loss of human rights will take decades. The international community must know that nuclear energy is neither sustainable nor safe. This lesson must be incorporated in setting goals for post-2015 development.
