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## Human Rights Council

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Agenda item 3

**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.

[29 August 2016]

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

## **Fukushima: Human Rights Situation of people Affected by the Fukushima Dai-ichi Nuclear Power Station Accident**

The 2011 accident at the Fukushima Dai-ichi Nuclear Power Station released an estimated 168 times more radiation than the atomic bomb dropped on Hiroshima over large regions of northwest Japan, and it continues to pose serious risks to the environment and residents' life and health.

Human Rights Now (HRN), a Tokyo-based international human rights NGO, continues to observe risks to people affected by the accident and insufficiencies by the Japanese government to protect their rights to life and health, particularly those most vulnerable to radiation and the displacement situation, such as infants, pregnant women, and the elderly.

### **1. The Current Situation of Affected People**

As of 14 July 2016, approximately 148,000 evacuees from Fukushima Prefecture remain displaced, with about 47,850 living in nearby temporary housing, and the rest in other areas of Japan.<sup>1</sup>

Evacuation was organized by the Japanese government in 2012 into three areas, where the annual radiation dose at the time was roughly (1) less than 20mSv/year, (2) 20-50mSv/year, and (3) 50mSv/year or areas not expected to drop below 20mSv/year before March 2016.<sup>2</sup> The government has gradually been lifting evacuation orders in Areas 1 and 2, saying it will lift all of them by March 2017.<sup>3</sup> TEPCO compensation payments, which cover evacuation expenses and pain and suffering of evacuees, are set to end by March 2018.<sup>4</sup>

These steps pressure evacuees to return to areas with exposures potentially up to 20mSv/year, much higher than the ICRP's 1mSV/year, recommended limit for public radiation exposure.<sup>5</sup>

For persons evacuated from non-designated areas, TEPCO has not provided substantial support or compensation, and government support has been limited to free housing, ending in March 2018.<sup>6</sup> 70% of

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<sup>1</sup> [http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20160729\\_hinansha.pdf](http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20160729_hinansha.pdf).

<sup>2</sup> Ministry of Economy, Trade and Industry, March 30, 2012,

[http://www.meti.go.jp/english/earthquake/nuclear/roadmap/pdf/20120330\\_01a.pdf](http://www.meti.go.jp/english/earthquake/nuclear/roadmap/pdf/20120330_01a.pdf)

<sup>3</sup> [http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809\\_mitonoritomitoshi.pdf](http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809_mitonoritomitoshi.pdf).

<sup>4</sup> Tepco Press Release, 26 Aug. 2016, [http://www.tepco.co.jp/cc/press/2015/1258474\\_6818.html](http://www.tepco.co.jp/cc/press/2015/1258474_6818.html).

<sup>5</sup> OHCHR, "Report of the [SR] on the right to [health], Anand Grover, Mission to Japan" A/HRC/23/41/Add.3/Annex, p. 16, para. 46, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf) (citing "IAEA, Radiation protection and safety of radiation sources: International Basic Safety Standards – Interim Edition, General Safety Requirements, No.GSR Part 3(Interim)(Vienna 2011), p.90; ICRP, 1990 Recommendations of the International Commission on Radiological Protection, ICRP Publication 60, Ann. ICRP 21 (1 - 3); and ICRP, 2007 Recommendations of the International Commission on Radiological Protection, ICRP Publication 103, Ann. ICRP 37 (2 - 4).")

<sup>6</sup> Mainichi, 11 Mar. 2016, <http://mainichi.jp/articles/20160311/ddm/010/040/006000c>.

respondents to an evacuee survey living in temporary housing under Fukushima's free housing program stated that they have not been able to decide where they will live when the program ends.<sup>7</sup>

Especially for persons evacuated to Tokyo, their greatest concern is their housing situation, primarily that their housing assistance period is too short, followed by insufficient living expenses and not knowing their future.<sup>8</sup>

There have also been increasing numbers of suicide in Fukushima due to their anxious situations.<sup>9</sup> In interviews, evacuees say they are pressured to return to their home areas after evacuation orders are lifted. The government has failed to have effective consultation with the affected citizens who have voiced their opposition to the government decision.<sup>10</sup> When evacuees are interviewed about why they do not want to return, they cite fears of health risks by radiation.<sup>11</sup>

Decontamination has not been completed in many areas, and more than six million bags of contaminated soil and waste remain stored in temporary storage sites which can be near residential areas or simply along the roadside, concentrating radiation exposure.<sup>12</sup>

## 2. Right to Health & Insufficient Medical Care

The government has not established free, periodic, and comprehensive health checks related to radiation for affected people, despite the need for consideration of health issues.

The only substantive health check conducted by prefectural governments is thyroid ultrasound examinations every two years; however, it is limited to children under age of 18 who live or used to live in Fukushima prefecture.<sup>13</sup> Adults and residents outside Fukushima prefecture are excluded.

As of March 2016, 172 children in Fukushima prefecture were diagnosed with or believed to have thyroid cancer.<sup>14 15 16</sup>

<sup>7</sup> Mainichi, "70% of voluntary Fukushima evacuees undecided where to live after free housing ends", 26 Mar. 2016, <http://mainichi.jp/english/articles/20160326/p2a/00m/0na/012000c>.

<sup>8</sup> Tokyo Shinbun, 10 May 2016, <http://www.tokyo-np.co.jp/article/tokyo/list/201605/CK2016051002000171.html>, at 54%, 41%, and 40% respectively.

<sup>9</sup> Fukushima Minpo 26 Aug. 2016 [http://www.minpo.jp/pub/topics/jishin2011/2014/06/post\\_10230.html](http://www.minpo.jp/pub/topics/jishin2011/2014/06/post_10230.html)

<sup>10</sup> Yuri Kageyama, "Nuclear refugees tell of distrust, pressure to return to Fukushima", Japan Times, 11 Mar. 2016, <http://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-return-fukushima/#.V7ZxczWT7nc>; Susumu Okamoto, "INSIGHT: Fukushima evacuees made to feel small if they don't return", Asahi, 27 Jun. 2016, <http://www.asahi.com/ajw/articles/AJ201606270009.html>.

<sup>11</sup> Japan Times, Id.

<sup>12</sup> Ministry of Environment Japan, "Progress on Off-site Cleanup and Interim Storage in Japan", July 2016, at 14, 23, [http://josen.env.go.jp/en/pdf/progresseet\\_progress\\_on\\_cleanup\\_efforts.pdf](http://josen.env.go.jp/en/pdf/progresseet_progress_on_cleanup_efforts.pdf).

<sup>13</sup> Fukushima Health Management Survey, <http://fmu-global.jp/fukushima-health-management-survey/>.

<sup>14</sup> <http://www.pref.fukushima.lg.jp/uploaded/attachment/167944.pdf>

<sup>15</sup> <http://www.pref.fukushima.lg.jp/uploaded/attachment/167943.pdf>

<sup>16</sup> <http://www.minyu-net.com/news/news/FM20160826-103916.php>

It is very serious that 57 children are newly diagnosed with or believed to have thyroid cancer in the second survey conducted in 2014 and 2015.

However, prefecture government has not yet acknowledged the negative health impact of radiation for children residing affected area. There is no move to expand the scope of health care and survey for the people living in contaminated area.

### **3. Failure to Implement UN Recommendations**

The Special Rapporteur on the right to health, Anand Grover, issued a report at the 23rd Human Rights Council in May 2013 with recommendations to the Japanese government which have not been implemented.<sup>17</sup> These include:

- 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 1mSv/year.
- Recommended evacuees to return only when the radiation dose has been reduced as far as possible and to levels below 1mSv/year.
- Before return, the Government should continue providing financial support and subsidies to all evacuees so that they can make a voluntary decision to return to their homes or remain evacuated.
- Continue monitoring the impact of radiation on the health of affected persons through holistic and comprehensive screening and health surveys for a considerable length of time.
- Health surveys should be provided to persons residing in all affected areas with radiation exposure higher than 1mSv/year.

In 2014 the UN Human Rights Committee also recommended that the Japanese government “lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk.”<sup>18</sup> Nevertheless, the Japanese government has continually failed to implement these recommendations while implementing policies that are adverse to them.

### **4. Recommendations**

HRN is gravely concerned over the persistent failure of the Japanese government to protect the rights of affected people.

It urges the Japanese government to reform all relevant policies based on UN recommendations and a victims-based and rights-based approach, including to:

- 1) Revise the decision to lift evacuation designations for areas above 1mSv/year;

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<sup>17</sup> HRC 23rd Session, “Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover: Mission to Japan”, 2 May 2013, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf).

<sup>18</sup> Id., Para. 78(a).

- 2) Revise the decision to cease housing support for evacuees from non-designated areas;
- 3) Protect all affected evacuees as IDPs and provide all necessary financial and material support to ensure their rights to housing, health, environment, and family;
- 4) Formulate a national plan on evacuation zones and dose limits of radiation to protect the most vulnerable people and reduce the radiation dose to less than 1mSv/year;
- 5) Provide funding for relocation, housing, employment, education, and other essential support needed by those who chose to evacuate, stay, or return to any area where radiation exceeds 1mSv/year;
- 6) Reform health monitoring policy and conduct comprehensive and long-term health check-ups for affected people living in areas with radiation doses exceeding 1mSv/year;
- 7) Ensure effective consultation with affected people.

HRN requests the Human Rights Council to continuously monitor the human rights situation of people affected by the nuclear disaster and the implementation status of relevant UN recommendations.

HRN further requests the UN special rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Mr. Baskut Tuncak, to conduct an official visit to Japan and make an effort to prevent further violations among affected people.

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