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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.

[13 February 2017]

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

Serious Human Rights Situation of the People Affected by the Fukushima Nuclear Disaster

1. Background

Human Rights Now, a Tokyo-based international human rights NGO, is deeply concerned about the human rights situation of people affected by the 2011 Fukushima nuclear disaster.

The March 2011 disaster at the Fukushima Daiichi Nuclear Power Station, administered by TEPCO, led to mass evacuations of residents in Fukushima Prefecture, over 80,000 persons of which remain officially evacuated as of December 2016.¹

However, many citizens in Fukushima still live in areas where they could be exposed to higher doses of radiation than the internationally recommended limit. This is due to the government's lifting of evacuation orders in areas up to a 20mSv per year exposure limit, which is in fact 20 times greater than the limit for the public based on international standards recommended by the International Commission on Radiological Protection (ICRP).²

There are broad areas with large populations that are not included in the evacuation zones in Fukushima. Without sufficient financial support for evacuation from the government, many people who cannot afford to relocate have no choice but to stay within the areas in which they could receive doses greater than the ICRP recommended limit for the general public. Some families outside the evacuation area, including pregnant women and children, decided to evacuate without any financial support from the Japanese government.

The number of evacuees from outside government-designated evacuation zones, are reported as 32,000 as of January 2, 2017.³ For those, TEPCO has not provided substantial support or compensation, and the only support provided by the government is free housing.⁴

Apparently, the series of measures taken by the Japanese government have been extremely insufficient to ensure the economic, social, and cultural rights of affected people; however, the decision made by the Japanese government will pose further risks to the fundamental human rights of the affected people by depriving essential livelihood support from evacuees.

¹ Fukushima Prefecture "Heisei 23 nen tohoku chiho taiheiyō oki jishin niyoru higai jokyo soku ho (dai 1679 ho)", 30 Jan. 2017.

² 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).

³ Okada Hiroyuki, "'jisyuhinan' 3.2 mannin, jyūtakū shien uchikiri ni himei", Toyo Keizai, 2 Jan. 2017, <http://toyokeizai.net/articles/-/151985>.

⁴ Mainichi, 11 March 2016, , <http://mainichi.jp/articles/20160311/ddm/010/040/006000c>

2. The latest policy of the Japanese government

In 2012, the Japanese government organised the original evacuated areas into three categories distinguished by the severity of the annual radiation doses at the time: (1) areas less than 20mSv/year; (2) areas between 20-50mSv/year and; (3) areas over 50mSv/year.⁵ Under the definitions, as of 2016 Areas 1 and 2 are supposed to be below 20mSv/year and Area 3 over 20mSv/year.⁶

The government has gradually been lifting evacuation orders in Areas 1 and 2, and it decided to lift most of the remaining orders in these areas March 2017.⁷

TEPCO compensation payments, which cover evacuation expenses and pain and suffering of evacuees, are set to end by March 2018.⁸ Once TEPCO ceases compensation payments, many evacuees will face financial difficulty. These steps pressure evacuees to return to areas with exposures potentially up to 20mSv/year.

For the evacuees without government evacuation orders, the government plans to put an end to free housing support in March 2017.⁹ These decisions have been made without sufficient consultation with the evacuees, especially vulnerable populations. Although evacuees will have the option of remaining in the homes through paying rent, many worry that they will be unable to afford it.¹⁰

The situation has left many evacuees highly concerned about their future. According to a 2016 survey, 70% of evacuees without order have stated that they have been unable to decide where to live once the housing scheme ends.¹¹

Through ending housing support, the government is pushing vulnerable citizens to choose between destitution and returning to an area where their health would be placed in serious risk. The inevitable effect of these decisions will be the virtually forced relocation of citizens to these areas.

On top of these pressures, there have also been alarming reports from various regions of Japan that highlight the severe bullying of evacuee children.

In Yokohama, a 13-year-old evacuee stopped attending school after he was repeatedly called “vermin” by his classmates (a commonly used insult deriving from the radiation in Fukushima).¹² In Niigata, a 13-year-old girl evacuee has told of similar incidents, and a 10-year-old boy was reportedly called “vermin” by a teacher.¹³ A Junior-High School student in Tokyo was subjected to

⁵ Ministry of Economy, Trade and Industry, March 30, 2012, http://www.meti.go.jp/english/earthquake/nuclear/roadmap/pdf/20120330_01b.pdf.

⁶ Id.

⁷ Reconstruction Agency, http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809_mitonoritomitoshi.pdf.

⁸ Tepco Press Release, 26 Aug. 2016, http://www.tepco.co.jp/cc/press/2015/1258474_6818.html.

⁹ Mainichi, 11 Mar. 2016, <http://mainichi.jp/articles/20160311/ddm/010/040/006000c>.

¹⁰ Japan Times, 11 March 2016, http://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-return-fukushima/#.WJFt_PI9601.

¹¹ 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>.

¹² Asahi Shinbun, 16 Nov. 2016, <http://www.asahi.com/articles/ASJCH5GJYJCHULOB02P.html>.

¹³ Asahi Shinbun, 20 Nov. 2016.

sickening abuse, with students taunting that she “may die soon from Leukaemia”.¹⁴ The government has failed to provide any concrete measure to protect vulnerable children from such bullying.

3. Concerns the current situation in in Fukushima

A major concern with lifting the evacuation orders is the research indicating that areas of Fukushima remain insufficiently decontaminated for long-term habitation.¹⁵

Despite this, the government has failed to establish free, periodic, and comprehensive health checks for affected persons, except for biennial ultrasound examinations for children under the age of 18 at the time of the accident who live or used to live in Fukushima prefecture.¹⁶

As of December 2016, 183 children in Fukushima prefecture were diagnosed with or believed to have thyroid cancer, a worrying increase of 68 children from the second survey conducted in 2014 and 2015.¹⁷ Despite the alarming nature of these findings, the prefectural government has failed to acknowledge the impact of radiation on children. It has also made no move to expand the scope of its healthcare services, thereby leaving many potentially affected persons unable to seek medical evaluation or treatment.

4. Failure to Implement UN Recommendations and Requests

The Special Rapporteur on the right to health in 2013, Anand Grover, wrote a report for the 23rd Human Rights Council in May 2013¹⁸ which included recommendations to the government of Japan that the government has failed to implement to date. These include recommendations that evacuees only recommended to return when radiation doses in areas had been reduced, as far as possible, to levels below 1mSv/year, and that all persons living in areas with higher exposures be provided with sufficient medical care. He also called on the government to implement a rights-centred approach and to continue financial support for evacuees so as to allow them to return at a time of their choosing.

The UN Human Rights Committee also recommended in 2014 that the government of Japan “lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk.”¹⁹

The Special Rapporteur on the hazardous Substances and Wastes, Mr. Baskut Tuncak, has requested a country visit to Japan in February 2015 which the government has failed to accept to date.²⁰

¹⁴ Mainichi, 12 Jan. 2017, <http://mainichi.jp/articles/20170112/ddn/012/040/043000c>.

¹⁵ Greenpeace, “Radiation Reloaded: Ecological Impacts of the Fukushima Daiichi Nuclear Accident”, 4 March 2016, http://www.greenpeace.org/japan/ja/library/publication/20160304_report/.

¹⁶ Fukushima Health Management Survey, <http://fmu-global.jp/fukushima-health-management-survey/>

¹⁷ Friends of the Earth, “Fact Sheet: kodomo kodomo-tachi no kōjōsen gan no jōkyō”, 1 Feb. 2017, http://www.foejapan.org/energy/fukushima/pdf/factsheet_thyroid_170201.pdf

¹⁸ A/HRC/23/41/Add.3

¹⁹ Human Rights Committee, “Concluding observations on the sixth periodic report of Japan”, 20 Aug. 2014, CCPR/C/JPN/CO/6.

²⁰ OHCHR, “View Country Visits of Special Procedures of the Human Rights Council Since 1998: Japan”

http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=JPN.

4. Recommendations

Human Rights Now is deeply concerned about the human rights of Fukushima evacuees who will soon lose TEPCO compensation and/or free housing without other means of support to pay for remaining evacuated, pressuring many to return to formerly-evacuated areas with potentially high radiation exposure levels, and the government of Japan's continued failure to implement relevant UN recommendations.

We call on the government of Japan to take the following actions.

- Protect all evacuees as internally displaced persons (IDP) and provide necessary financial and material support to enable them to remain evacuated without the burden of undue financial pressure to relocate.
- Revise the decision to cease housing support for evacuees from non-designated areas.
- Implement the recommendations made by Mr. Anand Grover in his 2013 report, and the UN Human Rights Committee's 2014 concluding observations.
- Accept and coordinate official visits of mandate holders to Japan to investigate the human rights situation of people in Fukushima affected by the nuclear disaster.

We also call the UN Special Rapporteur on the right to housing, Special Rapporteur on the hazardous Substances and Wastes, Special Rapporteur on the human rights of internally displaced persons, and Special Rapporteur on the right to health, to

- conduct official visit to Japan to investigate the human rights situation of affected by the Fukushima nuclear disaster