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## Human Rights Council

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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.

[15 May 2017]

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

## **The Human Rights Situation of People Affected by the Fukushima Nuclear Disaster**

The nuclear accident at the Fukushima Dai-ichi Nuclear Power Station in 2011 continues to pose serious risks to the life and health of affected persons. The recent end of compensation and housing support for evacuees has forced many to return to risky areas despite their concerns about risk, inconsistent with their right to health and UN recommendations and guidelines. Human Rights Now (HRN), a Tokyo-based international human rights NGO, calls on the Japanese government to maintain sufficient support to evacuees for as long as they need to protect their life, health, and wellbeing.

### **1. Japan's Policy to End Evacuees' Financial and Housing Support and Evacuees' Pressure to Return to Unsafe Areas**

Approximately 80,000 people from Fukushima prefecture remain evacuated due to the 2011 nuclear accident.<sup>1</sup> In late March and early April, 2017, the government of Japan lifted evacuation orders for all areas with exposure levels under 20 mSv/year, meaning tens-of-thousands of evacuees will lose their eligibility for compensation payments in March 2018.<sup>2</sup> This group joins the approximately 32,000 evacuees never under evacuation orders who never received compensation payments.<sup>3</sup> Furthermore, Fukushima Prefecture ended its free housing support program for evacuees not receiving compensation inside Fukushima Prefecture in March 2017.<sup>4</sup> These decisions were made without sufficient consultation with evacuees, and the ending of the support will have significantly negative effects on them.

The major concern with the policy is that the 20mSv/year standard for lifting evacuation orders is significantly higher than the ICRP recommended standard for public exposure of 1mSv/year.<sup>5</sup> Surveys of these areas show large portions insufficiently decontaminated for long-term habitation and hotspots near or above even the 20mSv/year standard.<sup>6</sup> With the ending of compensation/housing support, many evacuees expressed concern that they will not be able to afford to stay in their current housing situation, and they feel pressured to return to areas where high levels of radiation exposure may remain.<sup>7</sup>

### **2. Evacuees' Financial Difficulties Driving their Pressure to Return to Unsafe Areas**

Evacuees losing their financial support have expressed that one year, when their compensation support ends, is not enough time to become financially secure and afford housing.<sup>8</sup> For evacuees living in temporary government housing, 70% in a 2016 survey stated they have been unable to find where to live after the housing support ends in March 2017.<sup>9</sup>

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<sup>1</sup> Fukushima Prefecture, 30 Jan. 2017, <http://www.pref.fukushima.lg.jp/site/portal/shinsai-higaijokyo.html>

<sup>2</sup> Reconstruction Agency, [http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809\\_mitinoritomitoshi.pdf](http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809_mitinoritomitoshi.pdf).

<sup>3</sup> Hiroyuki, 2 Jan. 2017, <http://toyokeizai.net/articles/-/151985>.

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

<sup>5</sup> ICRP Publication 60 (1990 Recommendations), Ann. ICRP 21; ICRP Publication 103 (2007 Recommendations), Ann. ICRP 37.

<sup>6</sup> Greenpeace, 4 March 2016, [http://www.greenpeace.org/japan/ja/library/publication/20160304\\_report/](http://www.greenpeace.org/japan/ja/library/publication/20160304_report/).

<sup>7</sup> Japan Times, 11 March 2016, [http://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-return-fukushima/#.WJFt\\_P19601](http://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-return-fukushima/#.WJFt_P19601).

<sup>8</sup> Flores, 9 Mar 2016, Japan Times, <http://www.japantimes.co.jp/community/2016/03/09/voices/five-years-fukushima-evacuees-voice-lingering-anger-fear-distrust/#.WRU-WcaZFPY>

<sup>9</sup> Mainichi, 26 Mar. 2016, <http://mainichi.jp/english/articles/20160326/p2a/00m/0na/012000c>.

A February 2017 report suggested that, at the current rate of evacuees finding permanent resettlement (even before support ended), there would still be around 60,000 Fukushima evacuees displaced by 2021.<sup>10</sup> The ending of housing and financial support will only exacerbate evacuees' difficulties to find permanent settlement and secure their livelihoods.

Evacuees that remain in temporary housing for prolonged periods, due to lack of support, remain uncertain about their future, which negatively impacts their mental and physical health, and delays their economic recovery.<sup>11</sup> The financial situation of one-third of evacuees is "worse than normal",<sup>12</sup> and evacuees in temporary housing are subject to particularly low employment rates and earnings.<sup>13</sup> Evacuees forced to return to or always remaining in evacuation-order-lifted areas also face serious difficulties rebuilding their financial situation to afford moving away due to the lack of services, social networks, and work in formerly evacuated areas.<sup>14</sup> Despite these needs, the Japanese government has focused on reconstruction and decontamination to actually encourage evacuees to return to risky areas, and its ending of necessary compensation/housing support only exacerbates evacuees' inability to leave.<sup>15</sup>

### 3. Evacuees' Physical and Mental Health Problems

Evacuees pressured to return to formerly evacuated areas under the dangerously high 20 mSv/year standard face risks of illness from long-term radiation exposure, as risk from radiation exposure is cumulative, with populations such as pregnant women, children, and girls particularly vulnerable.<sup>16</sup>

The Fukushima Health Management Survey reported 145 confirmed thyroid cases (and another 38 suspected) as of December 2016, an increase of 44 confirmed cases since the previous study.<sup>17</sup> Despite these findings, the prefectural government has not acknowledged the impact of radiation on children, and the national government has failed to establish free, periodic, and comprehensive health checks for affected persons outside biennial examinations of exposed Fukushima children.

Evacuees remaining in prolonged displacement due to a lack of support also face physical and mental health problems, including high suicide rates, due to stress and anxiety caused by forced movement, long periods in shelters or temporary housing, lack of medical services and community, distrust of government misinformation, uncertainty about their futures, and public stigmatization and fear.<sup>18</sup>

Fukushima evacuees have been reported to suffer from higher rates of post-traumatic stress disorder and depression longer and more severe than other evacuated areas.<sup>19</sup> A high percent of evacuees also live alone or separated from their full families, increasing their stress and vulnerability.<sup>20</sup> A June 2016 survey showed

<sup>10</sup> IDMC, "Recovery Postponed", 6 Feb. 2017, at 5, <http://www.internal-displacement.org/publications/2017/recovery-postponed-idmc-case-study-february-2017>. The report analyzed all displaced persons from Tohoku and computed 100,000 (of 134,000 currently), of which around 60,000 (of 80,000 currently) would be the proportional number from Fukushima.

<sup>11</sup> *Id.*, at 6.

<sup>12</sup> Fukushima Medical University (FMU), 6 June 2016, <http://fmu-global.jp/?wpdmdl=1641>.

<sup>13</sup> Yamasaki, et al., April 2016, <http://goo.gl/mxtt5l>

<sup>14</sup> IDMC, *supra*, note 10, at 8.

<sup>15</sup> *Id.*

<sup>16</sup> Greenpeace, <http://www.greenpeace.org/japan/Global/japan/pdf/Uequal-impact-en.pdf>

<sup>17</sup> FMU, 27 Dec. 2016, <http://fmu-global.jp/survey/the-25th-prefectural-oversight-committee-meeting-for-fukushima-health-management-survey/>.

<sup>18</sup> WNA, "Fukushima Accident", <https://goo.gl/b1u0hj>.

<sup>19</sup> Smith, 161-175, <http://goo.gl/YWxm0g>

<sup>20</sup> FMU, *supra*, note 12.

that 30% of Fukushima evacuees suffer anxiety from fears of radiation,<sup>21</sup> and another 2016 survey reported evacuees suffering high rates of sleeping disorders, anxiety, loneliness, and depression.<sup>22</sup> Those currently living in formerly evacuated areas also expressed serious isolation due to the lack of services, family, and community, and there has been a high level of “stress-related” deaths in these areas.

#### **4. Discrimination and Bullying**

Fukushima evacuees continue to face discrimination in the form of “radiation stigma” due to public fears about radiation, which creates additional stress for them. One form of this is serious bullying that evacuee children from Fukushima face in schools.<sup>23</sup>

#### **5. Inconsistencies with Human Rights and UN Guidelines**

##### *i. The Right to Health and Grover & HRC Recommendations*

The Special Rapporteur on the right to health, Anand Grover, submitted a report to the 23rd Human Rights Council recommending that the government of Japan only permit return of evacuees to evacuated areas when radiation doses 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 for a long duration.<sup>24</sup> In 2014, the Human Rights Committee (HRC) further recommended the government “lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk.”<sup>25</sup>

##### *ii. UN Guiding Principles on Internal Displacement*

Principle 28 of the Guiding Principles on Internal Displacement note that governments have a duty to establish conditions for internally displaced persons (IDPs) to return safely to their homes or to resettle voluntarily in another area, which entails a duty not to coerce or prevent return, local integration, or settlement elsewhere.<sup>26</sup> And under Principle 15 (d), states must not force IDPs to return or resettle in any place where their life, safety, or health would be at risk. The government’s decisions to lift evacuation orders in unsafe areas and end compensation support pressuring evacuees to return is inconsistent with these principles.

#### **6. Recommendations**

Human Rights Now calls on the government of Japan to:

- Provide necessary financial and housing support to Fukushima evacuees as long as needed to ensure their ability to freely choose where they will live without pressure to return to risky areas;
- Reverse the decision to cease free housing support for Fukushima evacuees;
- Implement the recommendations of Mr. Anand Grover’s 2013 report and the 2014 UN Human Rights Committee concluding observations, and respect the Guiding Principles on Internal Displacement;

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<sup>21</sup> Id.

<sup>22</sup> Fukushima Prefecture, 27 April 2015, <https://goo.gl/SHKC31>

<sup>23</sup> Asahi Shinbun, 16 Nov. 2016, <http://www.asahi.com/articles/ASJCH5GJYJCHULOB02P.html>.

<sup>24</sup> HRC, 2 May 2013, A-HRC-23-41-Add3,

[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>25</sup> HRC, 20 Aug. 2014, CCPR/C/JPN/CO/6.

<sup>26</sup> <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>.

- Reform health monitoring policies and conducting comprehensive, long-term health check-ups for persons living in areas where radiation exceeds 1mSv/year;
- Immediately accept and coordinate official visits of mandate holders to Japan to investigate the human rights situation of affected people of Fukushima nuclear accident.