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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.

[11 February 2019]

* Issued as received, in the language(s) of submission only.

People Affected by the Fukushima Nuclear Disaster Continue to be Forced to Live in Unsafe Areas

The March 2011 disaster at the Fukushima Daiichi nuclear power station, administered by Tokyo Electric Power Company (TEPCO), triggered massive internal displacement with almost 50,000 evacuees officially remaining in July 2018 and many more not officially counted.¹ Since March 2017, evacuees from areas where evacuation orders have been lifted are having their housing support end in March 2020, forcing them to return to unsafe areas.²

Human Rights Now is concerned about the ending of housing support for these and voluntarily evacuated households³ which will result in significant physical, mental and financial burdens particularly for children and pregnant women.⁴

It is critical that the Japanese government implement the Fukushima-related recommendations from its Seventh UPR, which it has not sufficiently done yet, from the Committee on the Rights of the Child in its latest review of Japan, and from other UN experts and expert bodies.

I. Government Policy and Inconsistencies with Human Rights Standards

In recent years, the Japanese government has lifted evacuation orders in areas with allowable radiation doses up to 20 mSv/year, significantly higher than the recommended international standard of 1 mSv/year, as well as ending financial and housing support for evacuees.⁵

In March 2017, the government ended housing support for 32,000 evacuees outside of evacuation zones, which official statistics no longer recognise.⁶

a. Right to Adequate Housing

The ending of evacuation orders and housing support creates great financial pressure for internally displaced persons (IDPs) to return to unsafe housing, inconsistent with the Guiding Principles on Internal Displacement Principle 15(d), which provides that states must not force IDPs to live in unsafe areas. Principle 8 of the Pinheiro Principles also calls on states to relieve the situation of IDPs living in inadequate housing.

Evacuees losing housing support have described being placed in serious financial struggle and losing their “lifeline” as they depended on the support.⁷ Numerous cases also emphasize the suffering of IDPs from insufficient support. At least eight voluntary evacuee families in Yamagata prefecture were sued for eviction; however, the government has not intervened to resolve the problem.⁸ In another case, after TEPCO rejected the compensation proposal made by the alternative dispute resolution (ADR) Center, 109 plaintiffs were forced to sue TEPCO, noting that their

1 Fukushima Prefectural Government, July 2018, <http://www.pref.fukushima.lg.jp/site/portal-english/en03-08.html>.

2 Mainichi, 28 Aug. 2018, <https://mainichi.jp/english/articles/20180828/p2a/00m/0na/008000c>.

3 UNSCEAR, 2013, http://www.unscear.org/unscear/en/publications/2013_1.html, Annex A, Appendix C.

4 “Joint Communication”, 5 Sept. 2018, <https://www.mofa.go.jp/files/000416301.pdf>.

5 IAEA, https://www-pub.iaea.org/MTCD/publications/PDF/Pub1578_web-57265295.pdf, p. 133; ICRP, https://journals.sagepub.com/doi/pdf/10.1177/ANIB_37_2-4, p. 36.

6 Asahi, 28 Mar. 2017, <https://www.asahi.com/articles/ASK876DSTK87UTNB00S.html>.

7 Japan Times, 7 Mar. 2017, https://www.japantimes.co.jp/news/2017/03/07/national/social-issues/financial-crunch-time-looms-fukushimas-voluntary-evacuees/#.XF_5XrhS9PY.

8 Mainichi, 22 Nov. 2017, <https://mainichi.jp/articles/20171122/ddl/k06/040/093000c>.

existing amount of compensation did not cover their psychological suffering and that TEPCO had reneged on its promise to “respect ADR reconciliation proposals.”⁹

b. Right to Health

Fukushima Prefecture’s screenings for thyroid cancer among children revealed 116 and 71 cases in the first and second rounds, higher than average, and 273 cases as of December 2018.¹⁰ High stress levels, with associated psychological and health problems, have also been reported among IDPs,¹¹ and as of June 2018, 101 Fukushima residents committed suicide.¹²

Nevertheless, the Japanese government has failed to provide free and comprehensive medical services to all evacuees, undermining their right to health and equality in treatment. Three countries in Japan’s latest UPR recommended that Japan guarantee evacuees access to healthcare services.¹³

c. Decontamination

It has been reported that vulnerable people have been illegally deceived by decontamination contractors into conducting decontamination work without their informed consent, threatening their lives, including asylum seekers under false promises, homeless people working below minimum wage,¹⁴ and a foreign technical intern without disclosure of the hazards.¹⁵ Much clean-up depends on inexperienced subcontractors with little scrutiny as the government rushes decontamination for the Olympic Games.¹⁶

d. Olympic Games

The government designated the path of the Olympic Games Torch Relay to begin in Fukushima prefecture along National Road No. 6. In preparation, a local community mobilized children to do clean-up work along the highway.¹⁷ HRN seriously worries about the health of children being put at risk.

e. Discriminatory Treatment of Women and Children

Women and children have borne the greatest burdens of the government’s Fukushima-related policies, including suffering greater economic hardships and vulnerability to losing financial and housing support; being more coerced to return to unsafe areas; having greater vulnerability to radiation exposure for cancer and other diseases, thyroid cancer particularly for children; and being targets of intentional misinformation about decontamination and radiation exposure risks.¹⁸

9 Asahi, 28 Nov. 2018, <http://www.asahi.com/ajw/articles/AJ201811280053.html>.

10 Ourplanet-TV, 14 Dec. 2018, <http://www.ourplanet-tv.org/?q=node/2342>.

11 Maeda, et al, NIPH Vol. 67, 2018, <https://www.niph.go.jp/journal/data/67-1/201867010007.pdf>; Fukushi, et al, NCBI, Jul 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5995080/>; Orui, et al, Crisis 2018, 39:5, <https://psycnet.apa.org/fulltext/2018-16314-001.html>.

12 Tohoku News, 6 Jun. 2018, https://www.kahoku.co.jp/tohokunews/201806/20180606_63019.html

13 UPR, *below*, note 19.

14 Reuters, 8 Mar. 2017, <https://www.reuters.com/article/us-japan-fukushima-asylumseeker-idUSKBN16F0YN>

15 Asahi, 16 Mar. 2018, <http://www.asahi.com/ajw/articles/AJ201803160059.html>.

16 Reuters, *above*, note 14.

17 Sankei, 7 Dec. 2018, <https://www.sankei.com/affairs/news/180712/afr1807120033-n1.html?fbclid=IwAR0JNCbKbJMO59VCov0h3cL2JBjW1nz8I5FfEKPHvgOQfDt9gmqeNXgn85M>; Mainichi, 26 Nov. 2018, <https://mainichi.jp/sportsspecial/articles/20181126/dl/k07/040/094000c?fbclid=IwAR1gDNMLNdrYcOAttrTAVfhJm2CSdQIHIVBxwtgST-OUgzH3maNPVQQ-LhdY>.

18 Greenpeace, Mar. 2017, <https://www.greenpeace.org/archive-japan/Global/japan/pdf/Uequal-impact-en.pdf>.

II. UN Recommendations

Japan received several recommendations related to Fukushima from four states during its seventh UPR process, including to continue financial and housing support, following the Guidelines on Internal Displacement, and to reduce allowable radiation doses to the 1 mSv/year limit.¹⁹ Despite accepting all Fukushima-related recommendations, the government has not adequately implemented them. The Special Rapporteur on hazardous substances and wastes, Baskut Tuncak expressed disappointment that Japan appeared to “all but ignore” the recommendation on reducing radiation doses.²⁰

In its latest review of Japan, the Committee on the Rights of the Child gave numerous recommendations related to Fukushima, including to continue providing financial and housing support and intensifying medical services to evacuees, children in particular.²¹

Regarding other UN bodies, the Committee on Economic, Social and Cultural Rights recommended Japan adopt a human rights approach in its Fukushima policies.²² The Special Rapporteur on the right to health called on the government to formulate a national plan to reduce the radiation dose to less than 1mSv/year.²³ The CEDAW Committee expressed concern that the 20 mSv/year standard threatens women’s and girls’ health, and the Human Rights Committee recommended that Japan end evacuations only where the radiation level does not place residents at risk.²⁴

A 2018 report of Special Rapporteur Tuncak further highlighted concern about persons, especially children and women of reproductive age, returning to areas exceeding a 1 mSv/year dose allowance,²⁵ warned that Japan should not compel people to return to unsafe areas, and reiterated Japan’s obligation to prevent and minimise childhood exposure to radiation under the CRC.²⁶ He also joined other special rapporteurs in making a joint statement and sending two joint communications to the government of Japan in 2018 (following a third joint communication in 2017) on the safety of displaced persons and clean-up workers affected by the disaster.²⁷

19 Working Group on UPR Report, 4 Jan 2018, <https://www.ohchr.org/en/hrbodies/upr/pages/jpindex.aspx>, paras 161.214-217.

20 OHCHR, News, 25 Oct. 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23772&LangID=E>.

21 CRC, CRC/C/JPN/CO/4-5, 1 Feb. 2019, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JPN/CRC_C_JPN_CO_4-5_33812_E.pdf, para. 36.

22 “Compilation of UN information”, 4 Sept. 2017, <https://www.ohchr.org/en/hrbodies/upr/pages/jpindex.aspx>, para. 17.

23 *Id.*, para. 50.

24 *Id.*, para. 46.

25 Special Rapporteur on hazardous waste, Report, 18 Oct. 2018, https://www.ohchr.org/Documents/Issues/ToxicWastes/A_GA73_45821.docx, para. 55.

26 OHCHR, *above*, note 20; “Opening remarks”, 25 Oct. 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23788&LangID=E>.

27 OHCHR, News, 16 Aug. 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23458&LangID=E>; Joint Communication, *above*, note 4; Joint Communication, 28 June 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23923>; Joint Communication, 20 Mar. 2017, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23025>.

III. Recommendations

With Japan's responsibilities hosting the 2020 Olympic Games, the government of Japan should comply with international standards of human rights.

In this context, further international scrutiny and pressure should be focused on the fundamental rights of Fukushima evacuees who have lost their housing support or are in imminent danger of doing so under the government's policies.

HRN calls on the government of Japan to:

- 1) provide necessary housing support to all Fukushima evacuees, including those outside evacuation zones, as long as needed to ensure their ability to freely choose where they will live without pressure to return to areas where their health or life would be at risk;
- 2) reverse the decision to cease free unconditional housing support for Fukushima evacuees, which constitutes financial coercion to induce resettlement to unsafe areas;
- 3) improve health monitoring policies from the perspective of greater protection and conduct annual comprehensive health check-ups for residents and former residents of areas most affected by the Fukushima Daiichi nuclear disaster;
- 4) reduce the acceptable additional annual exposure level in Fukushima-impacted areas to a maximum of 1 mSv/year, reflecting the international standard; and
- 5) adopt stronger measures to ensure that vulnerable people are not illegally mobilized into clean-up and decontamination work for the Olympic Games, such as children, technical interns, and asylum seekers.
