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Human Rights Now

NGO Joint Letter
17 February 2017

Request for urgent action by UN Special Rapporteurs to urge the Japanese government not to cut off compensation and support to Fukushima evacuees, so as to allow them to decide freely whether or not to return home

Dear Ms. Leilani Farha
Special Rapporteur on adequate housing as a component
of the right to an adequate standard of living,
and on the right to non-discrimination

Dear Mr. Dainius Pūras
Special Rapporteur on the right of everyone to the enjoyment
of the highest attainable standard of physical and mental health

Dear Mr. Bashkut Tunack
Special Rapporteur on the adverse effects of the movements
and dumping of toxic and dangerous products
and wastes on the enjoyment of human rights

Dear Ms. Cecilia Jimenez-Damary
Special Rapporteur on the human rights
of internally displaced persons

We, undersigned Non-Governmental Organizations hereby request the UN Special Rapporteurs concerned to take urgent action in light of the Japanese government's impending decision to lift, by March 2017, evacuation orders on areas of Fukushima, Japan, where radiation doses remain above the International Commission on Radiological Protection's (ICRP) recommended limit for the general public.

This action, in conjunction with the government's decision to cease critical housing support for evacuees not under a government evacuation order at the end of March 2017 and the loss of compensation payments a year later for those in the areas lifted, would lead to forced relocation into areas that remain unsuitable for human habitation and will violate the human rights of the persons affected.

On account of the urgency of the situation and the fact that many people's fundamental human rights are at stake, we kindly ask that you give our request your immediate consideration.

Sincerely Yours,

Signed By:

Friends of the Earth Japan
Green Action
Greenpeace Japan
Human Rights Now

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1. Background

The March 2011 nuclear disaster at the Fukushima Daiichi Nuclear Power Station released a huge amount of radioactive material, which is estimated 168 times of that released by the atomic bomb in Hiroshima.¹ This contamination continues to pose serious risks to the health of the population, in particular pregnant women, babies, children and the younger generations most vulnerable to the harm from radiation.

Due to the earthquake, tsunami, and nuclear accident, up to 470,000 persons eventually evacuated the region, and over 80,000 former Fukushima residents remain officially evacuated as of December 2016.² 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).³ 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, 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, 2017.⁴ For those, TEPCO has not provided substantial support or compensation, and the only support provided by the government is free housing.⁵

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.

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.⁶ Under the definitions, as of 2016 Areas 1 and 2 are supposed to be below 20mSv/year and Area 3 over 20mSv/year.⁷

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 2017.⁸

¹ Asahi Shinbun, "Genpatsu jiko no hōshutsu seshiumu, genbaku no ichi roku hachi bai hoan in kōhyō", 27 August 2011, <http://www.asahi.com/special/10005/TKY201108260665.html>

² Reconstruction Agency "Zenkoku no hinansha nado no kazu", 31 January. 2017, http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20170131_hinansha.pdf. Fukushima Prefecture "Heisei 23 nen tohoku chiho taiheiyō oki jishin niyoru higai jōkyō soku hō (dai 1679 hō)", 30 Jan. 2017.

³ 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).

⁴ Okada Hiroyuki, "'jisyuhinan' 3.2 mannin, jyūtaku shien uchikiri ni himeī", Toyo Keizai, 2 Jan. 2017, <http://toyokeizai.net/articles/-/151985>.

⁵ Mainichi, 11 March 2016, <http://mainichi.jp/articles/20160311/ddm/010/040/006000c>

⁶ Ministry of Economy, Trade and Industry, March 30, 2012, http://www.meti.go.jp/english/earthquake/nuclear/roadmap/pdf/20120330_01b.pdf.

⁷ Id.

⁸ Reconstruction Agency, http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-1/160809_mitinoritomitoshi.pdf.

TEPCO compensation payments, which cover evacuation expenses and pain and suffering of evacuees, are set to end by March 2018.⁹

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 2017.¹⁰ 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.¹¹ This is particularly true of evacuees for whom the housing scheme was their only form of sustenance.¹² The situation has left many evacuees highly concerned about their future. A 2016 survey of evacuees from outside the designated zones found that 70% have been unable to decide where to live once the housing scheme ends.¹³ A survey revealed that a majority of evacuees in Tokyo considered housing to be their greatest concern, with most amongst them feeling that the housing scheme was ending too early.¹⁴

Many evacuees are fearful of returning to areas they consider to be hazardous and are concerned about the on-going unstable situation at the destroyed Fukushima nuclear power plants.¹⁵ They feel that they are being forced to relocate by a government that is failing to listen to them.¹⁶ They have made appeals for continued support, with stories such as Ms. Noriko Matsumoto, who evacuated from Fukushima to Kanagawa and reported that "people like me will have financial difficulties after the end of March if the aid is cut off when I am already struggling from a dual life."¹⁷

Through prematurely lifting the evacuation orders and 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. The government has failed to provide any concrete measures to protect vulnerable children from such bullying.

3. Concerns Regarding Contamination and Medical Care 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.¹⁸ In many areas, full decontamination is effectively impossible due to both the scale of the contamination and the properties of the radioactive elements. Across

⁹ Tepco Press Release, 26 Aug. 2016, http://www.tepco.co.jp/cc/press/2015/1258474_6818.html.

¹⁰ Mainichi, 11 Mar. 2016, <http://mainichi.jp/articles/20160311/ddm/010/040/006000c>.

¹¹ Japan Times, 11 March 2016,

http://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-return-fukushima/#.WJFt_P19601.

¹² Nikkan Sports, 17 January 2017, <http://www.nikkansports.com/general/nikkan/news/1766590.html>.

¹³ 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>.

¹⁴ Tokyo Shinbun, "Genpatsu jiko hinan sha 'jūtaku mushō teikyō no keizoku o' tonai hinan sha ni to ankēto", 10 May 2016,

<http://www.tokyo-np.co.jp/article/tokyo/list/201605/CK2016051002000171.html>.

¹⁵ Anna Fifield and Yuki Oda, "Japanese nuclear plant just recorded an astronomical radiation level. Should we be worried?", Washington Post, 8 Feb. 2017,

https://www.washingtonpost.com/news/worldviews/wp/2017/02/08/japanese-nuclear-plant-just-recorded-an-astronomical-radiation-level-should-we-be-worried/?utm_term=.955dcfbb5876

¹⁶ Japan Times, *supra*, n. 11.

¹⁷ Kei Yoshikawa, "'Jyutakushien ha inochizuna' fukushima daiichigenpatsu jiko niyuru jisuyhinansya,shien keizoku wo uttaeru", Huffington Post Japan, 17 Jan. 2017, http://www.huffingtonpost.jp/2017/01/17/fukushima-voluntary-evacuees_n_14216350.html.

¹⁸ Greenpeace, "Radiation Reloaded: Ecological Impacts of the Fukushima Daiichi Nuclear Accident", 4 March 2016, http://www.greenpeace.org/japan/ja/library/publication/20160304_report/.

Fukushima, more than 6 million bags of contaminated soil remain kept in temporary storage sites, which in some cases are located in residential areas.¹⁹ In addition, the forests that cover over 70% of Fukushima prefecture serve to naturally recycle harmful radiation which will continue to cause harm into the long-term future.²⁰

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.²¹

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 2015.²² 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

Many of these concerns have previously been expressed by the Special Rapporteur on the right to health, Anand Grover, in his report for the 23rd Human Rights Council in May 2013.²³ His report included recommendations that evacuees only return when radiation doses had been reduced, as far as possible, to levels below 1mSv/year, and that all residents in areas with higher exposure be provided with sufficient medical care. In addition, he called on the government to adopt a rights-centred approach and continue to financially support evacuees so as to allow them to return at a time of their choosing.

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.”²⁴ The present actions of the Japanese government clearly run contrary to these recommendations, and eschew a rights-based approach.

On February 2015, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Mr. Baskut Tuncak, requested a country visit to Japan.²⁵ The Japanese government has, to date, failed to accept the request.

5. Request to the mandate holders.

Given the urgency of the situation, the co-signers of this letter request the addressed Special Rapporteurs to deliver joint or individual statement calling upon the Japanese government to take the following immediate actions.

- 1) Protect all evacuees as internally displaced persons and provide all necessary financial, material, and other support to ensure their rights to housing, health, environment and family, and that individuals may freely exercise their right to choose where they will live without the burden of undue financial pressure;

¹⁹ 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/progressseet_progress_on_cleanup_efforts.pdf.

²⁰ *Id.*, at 3.

²¹ Fukushima Health Management Survey, <http://fmu-global.jp/fukushima-health-management-survey/>

²² Friends of the Earth, “Fact Sheet: kodomo kodomo-tachi no kojosen gan no jōkyō”, 1 Feb. 2017, http://www.foejapan.org/energy/fukushima/pdf/factsheet_thyroid_170201.pdf

²³ 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 (15 - 26 November 2012), A/HRC/23/41/Add.3,

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf.

²⁴ UN Human Rights Committee, “Concluding observations on the sixth periodic report of Japan”, 20 Aug. 2014, CCPR/C/JPN/CO/6.

²⁵ 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.

- 2) Revise the decision to cease housing support for evacuees from non-designated areas;
- 3) Implement the recommendations made by Mr. Anand Grover's 2013 report and the 2014 UN Human Rights Committee concluding observations;
- 4) Develop policies to protect people from radiation exposure;
- 5) Ensure full and equal public participation and a formal role for women as well as men in all decision-making processes regarding future lifting of evacuation orders, emergency planning schemes and nuclear restart decisions;
- 6) Appoint a public ombudsperson for children, responsible for safeguarding the rights of children and young persons, especially those affected by the Fukushima Daiichi Nuclear Disaster.
- 7) Establish and implement an effective policy to prevent bullying for affected children, especially evacuated children;
- 8) Reform health monitoring policies and conducting comprehensive, long-term health check-ups for persons living in areas where radiation exceeds 1mSv/year; and
- 9) Immediately accept and coordinate official visits of mandate holders to Japan to investigate the human rights situation of people affected by the Fukushima nuclear accident.