

The Fukushima nuclear disaster and human rights in Japan

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UPR Info Pre-sessions



- The 11 March 2011 earthquake and tsunami off the coast of Japan lead to destruction of three nuclear reactors at the Fukushima Daiichi power plant on the Pacific coast of mainland Japan.
- Radioactive contamination released into the atmosphere and ocean, spread across wide areas of Japan and the Pacific Ocean.
- Over 165,000 children, woman and men evacuated due to radiation risks.
- In following decade multiple failures to uphold the human rights of citizens, including protection from harmful radiation, financial and health support and in particular womens, children and workers rights.
- The Japanese government enters its 4th cycle UPR review with many outstanding human rights issues related to the Fukushima nuclear disaster.

UPR 3rd Cycle recommendations

At conclusion of 3rd UPR cycle Japan accepted recommendations to respect the right of persons living in Fukushima, in particular pregnant women, and children, to the highest level of physical and mental health.

It accepted the recommendation to restore the allowable dose of radiation to the globally accepted maximum recommended level of 1 mSv/year limit (161.216).

Japan also accepted recommendations to continue providing housing, financial and other life-assisting support to evacuees (161.214 and 161.216) and to applying Guiding Principles on Internal Displacement to all those impacted by the Fukushima Daiichi nuclear disaster (161.215).

Despite its commitments and its international legal obligations, Japan has made no significant progress on the implementation of the above-mentioned recommendations.

Radiation risks status

Due to the level of radiation contamination across large areas of Fukushima prefecture, the Japanese government increased the maximum limit of radiation exposure for all its citizens, including pregnant women, children, and infants of 20 milliSieverts per year (mSv/y). This is the same level recommended by the International Commission on Radiological Protection (ICRP) for adult nuclear industry workers.

The global recommended maximum public exposure set by the ICRP is 1mSv/y per year.

One reason for this policy is the limited effect of the radiation decontamination program. In areas with the highest levels of radiation, which includes towns and villages, an average of only 15% of the land had any decontamination work as of 2021. Where decontamination has taken place, Greenpeace surveys have consistently found readings well above the Japanese government's decontamination target level.

Since the 3rd cycle UPR, concerns have grown in particular over radiation exposure and risks to children as it is an established fact that children are more sensitive to radiation and are more likely to experience short-term and long-term effects of radiation exposure.

The Committee on the Rights of the Child in 2019 recommended that Japan reaffirm that radiation exposure in evacuation zones is consistent with internationally accepted knowledge on risk factors for children.

Thyroid cancer rates in children of Fukushima are statistically significantly higher than wider Japan. As of March 2022, 293 children were diagnosed with thyroid cancer equal to a rate of 77 per 100,000, compared to 1-2 per million.

In January 2022, six young people filed a class action lawsuit against Tokyo Electric Power Company Holdings Inc. (TEPCO) claiming that they developed thyroid cancer due to exposure to radiation emanating from the Fukushima nuclear disaster.

Fukushima disaster evacuee status

- As of November 2022, over 30,000 people remain displaced.
- The UN Human Rights Committee in October 2022 noted that as a result of the accident, citizens, “were subsisting without any source of livelihood, compensation or government housing assistance and remained forced to live in unsafe areas.”
- In 2022 the majority of citizens from higher contaminated areas remain displaced from their homes, while due to the failure of decontamination efforts and the persistence of radiation hazards those returning, due to financial and societal pressure, are at risk from higher radiation exposure.
- Many feel they are being forced to return to areas that are unsafe, including those with radiation levels above what the Government previously considered safe.
- The termination of housing subsidies puts a heavy financial strain on affected households, many of which consist of mothers and children who have fled the disaster area, whereas the fathers and husbands continue to live and work in the affected zones.
- Families fear exposure to radiation if they are forced to return and the impact of past exposure that may materialize after a period of latency. These concerns are magnified by existing poor living conditions in their temporary housing, grief from loss of their homes and anxiety about their future.

Right to health

- The nuclear accident in Japan has affected the right to health of evacuees and residents alike and has had an impact on physical and mental health, particularly of pregnant women, older persons, and children.
- Financial support essential for evacuees to access medical services is planned to be reduced from 2023.
- The right to health requires the State to ensure availability and accessibility of quality health facilities, goods and services. This includes information that allows individuals to make informed decisions regarding their health.
- There is a continued lack of reliable and accurate information by the Government of Japan on the radiation risks in Fukushima to the people of Fukushima. While the rights of citizens, including those under the Guiding Principles on Internal Displacement are not transparently and widely disseminated to the population.
- The right to health requires the State to pay special attention to vulnerable groups, such as children.

Pacific Ocean nuclear waste disposal and human rights

- A consequence of the 2011 nuclear disaster is the accumulation of over 1.3 million tons of nuclear waste water on the Fukushima Daiichi site. An additional 1 million tons is expected to arise during the coming decades.
- The government of Japan decided last year that radioactive waste water is to be discharged into the Pacific Ocean starting in 2023 and to take place over the next 30-40 years via a sub sea bed pipeline.
- Communities in Japan devastated by the original 2011 disaster, including and in particular fisheries, are strongly opposed to the nuclear waste dumping.
- The radioactive waste water containing many different radioactive materials which will remain radioactive for tens to thousands and hundreds of thousands of years will lead to increased radioactive pollution of the marine ecosystem and wider Asia Pacific region.
- Human Rights Special Rapporteurs in 2021 stated that the discharge could impact millions of lives and livelihoods in the Pacific region, threatening human rights of concerned populations in and beyond the borders of Japan.
- Japan is required under the UN Convention for the Law of the Sea (UNCLOS) to prevent marine pollution, including transboundary pollution.
- There is international concerns over the discharge plans, including from Pacific island nations, already suffering the impacts of decades of nuclear weapons testing. Scientists commissioned by these nations warn that there are many risks and uncertainties with Japan's plans and that they cannot be justified on scientific grounds.
- The decision is a direct threat to the human rights of people, including of indigenous peoples in the Asia-Pacific region to a clean, healthy and sustainable environment.
- The viable alternatives to discharge, including long terms storage and processing have been discarded largely due to financial considerations.

Recommendations

Set a date for when permitted radiation exposure for citizens is restored to the globally accepted maximum recommended level of 1 mSv/year limit and to suspend the lifting of evacuation orders in areas of Fukushima where these levels are exceeded.

Conduct comprehensive and long-term health check-ups for children in areas with radiation doses exceeding 1mSv/year.

Continue to provide housing, financial and other life-assisting support to all evacuees.

Halt plans for radioactive wastewater discharge from Fukushima Daiichi, and in full consultation with domestic and overseas stakeholders, develop and implement alternatives to Pacific Ocean marine pollution.