

**Report by Chernobyl-Hibakusha Support Kansai and its Collaborating Organizations
on the Occasion of the 4th UPR of Japan
- Human Rights Violations by the Japanese Government's Measures
after the TEPCO's Fukushima Daiichi Nuclear Power Plant Accident -**

Introduction

On March 11, 2011, following the Great East Japan Earthquake and Tsunami, a severe accident occurred at TEPCO's Fukushima Daiichi Nuclear Power Plant (Fukushima accident). This accident was a man-made disaster. If they had learned lessons from the Chernobyl accident and had stopped the policy of promoting nuclear power plants in Japan, this accident would not have occurred. The Japanese Government and TEPCO, which have been promoting nuclear power plants, are responsible for the human rights violations against the victims of the Fukushima accident.

In the first year after the accident, at least 4 million people were living at contamination levels that exceeded 1 mSv per year, the maximum limit of radiation exposure to the public under Japanese domestic law. In addition, the damage caused by the nuclear accident has resulted in various human rights violations, including the rights to health, life, residence, work, education, culture, and a safe, uncontaminated, and sustainable environment.

The industries of Fukushima, including agriculture, forestry, fisheries, and tourism, were severely damaged by the radioactive contamination. Farmers, fishers, and others have made tremendous efforts to regain their livelihoods, but more than 11 years after the accident, the victims are still on their way to rebuilding their lives. There are many challenges of human rights violations in the areas affected by the Fukushima accident.

The Fukushima accident, as Chernobyl accident, shows that a severe nuclear accident can cause global environmental contamination. Moreover, the reactors' safety management and decommissioning and controlling of highly contaminated areas will take more than 100 years. We, "Chernobyl-Hibakusha Support, Kansai" (CHSK) and cooperating NGOs, in consultation with "Women's International League for Peace and Freedom" (WILPF), have expressed our concerns in a written statement submitted from WILPF, "Fukushima and Chernobyl: ensuring human rights of victims nuclear power accidents" to the 49th Ordinary Session of the UN Human Rights Council on February 7, 2022. (The statement is available under UN document A/HRC/49/NGO/241.)

On the occasion of Japan's Fourth Universal Periodic Review (UPR), we would like to report to the UN Human Rights Council on two issues that we believe are particularly urgent in the spring of 2023:

- 1. The policy on the discharge of ALPS-treated water (radioactive waste containing tritium) into the Pacific Ocean**
- 2. The policy to review (reduce and abolish) medical and nursing insurance premiums and medical fee exemptions following the lifting of evacuation orders.**

We hope that the international community will strongly recommend the Japanese Government protect the human rights of the Fukushima accident victims and prevent further expansion of human rights violations of the victims.

Decision on the policy for discharging ALPS-treated water (tritium-contaminated water) into the Pacific Ocean

The Japanese Government and TEPCO failed to take measures to deal with a large amount of groundwater flowing into the reactor buildings, resulting in a large amount of highly contaminated water touching the fuel debris. The Government and TEPCO have not taken responsibility for the accident and mismanagement of groundwater. Furthermore, the Government and TEPCO are planning to discharge treated water from the ALPS (Advanced Liquid Processing System), stored in tanks on the Fukushima Daiichi Nuclear Power Plant site, into the Pacific Ocean for more than 30 years, starting in 2023.

There is no precedent in Japan or any other country for a "disposal method" such as "treating" a large amount of radioactively contaminated water generated from contact with molten fuel debris at a nuclear reactor after a severe accident. There is no previous experience in diluting such water with an even more enormous amount of seawater, then systematically releasing it into the ocean over several decades. This "treated water" is different in the source (touched by uranium fissions in the melted fuel rods), quantity, and quality from the liquid tritium-contaminated wastewater released from nuclear power plants in regular operation. [1] ALPS cannot remove the tritium in the "treated water," so the plan is to dilute the highly concentrated tritium with seawater by a factor of 580 to 2,300 before releasing it. It also contains more than 60 radionuclides, including carbon-14 [2], which likewise cannot be removed by ALPS, and cesium-137 and strontium-90, which ALPS cannot altogether remove.

The "treated water" is undeniably radioactive contaminated water. There is concern about the actual impact on the fish, shellfish, and ecosystems along the coast of Fukushima Prefecture if such radioactively contaminated water is continuously discharged into the ocean over 30 years or more. However, the Government has downplayed the environmental impact, stating that it is "within the range of experienced value" without any scientific evidence.

The Government decided on this "basic policy" ("Basic Policy on the Disposal of ALPS Processed Water at TEPCO's Fukushima Daiichi Nuclear Power Plant") for discharging this ALPS process water into the ocean at the "Council of Ministers and Others concerned with Decommissioning, Contaminated Water and Process Water Measures" on April 13, 2021, over the objections of many people including fishermen. [3] The decision allows the Japanese Government and TEPCO to take no responsibility for the severe accident at the nuclear power plant and their failure to take countermeasures against contaminated water. Furthermore, it forces people to suffer additional radioactive contamination and exposure. The Government and TEPCO have already violated the victim's human rights by the nuclear accident, including the right to live safely in an environment free from contamination and to protect life and health.[4] The policy is an act of "willful harm" that will further aggravate the human rights situation.

The London Convention/Protocol prohibits intentionally discharging radioactive water into the ocean. Such discharge also violates the human rights of people not only in Japan but also in many other countries that share the Pacific Ocean. [5] The UN Special Rapporteurs have also expressed concern that this decision could threaten human health and the environment. [6]

In 2015, the Government asked the Fukushima Prefectural Fisheries Federation and the people of Fukushima Prefecture to accept "the discharge of sub-drainage and groundwater drainage into the ocean before inflow into the buildings." At that time, the prefecture's radioactive contamination of agricultural, forestry, and fishery products had considerably reduced. Therefore, people could see emerging hope for recovery from the hardships caused by the nuclear accident. So it was a "hard choice" for the people of Fukushima Prefecture, including the fishermen, to accept the request from

the Government and TEPCO. However, they received it to stop the generation of large amounts of contaminated water and to proceed with the decommissioning work. The promise that "the Government and TEPCO will not dispose ALPS treated water anyway without the understanding of the concerned parties and they will store it in tanks on the power plant site" was an extremely "serious promise." The Government and TEPCO sent official documents ensuring the promise with the fisheries' association. The "basic policy" of discharging ALPS-treated water into the ocean, which the Government decided over the intense opposition of the concerned parties, is a unilateral break of this "serious promise." [7]

The Government and TEPCO have given "three reasons" for discharging ALPS-treated water to the sea from the spring of 2023:

- 1) the tanks will be full next spring,
- 2) the site needs to be vacated for decommissioning work,
- 3) contaminated water will continue to be generated.

However, all of these reasons are false. [8] We, together with the people of Fukushima, have questioned the Government, and their falsehood became apparent. [9]

The Fukushima Daiichi Nuclear Power Plant is a nuclear power plant that caused an accident (designated as a Specific Nuclear Facility). Nevertheless, it is obliged to comply with current laws and regulations, i.e., to observe the 1 mSv/year dose notification at the site boundary to ensure the general public's 1 mSv/year exposure dose limit. However, the current situation is "illegal" because a large amount of radioactivity was released as a result of the accident and the surrounding area is still highly contaminated. The Japanese Nuclear Regulation Authority has acknowledged that the present situation is "illegal." Therefore, any further release of radioactive materials in liquid or gaseous form violates Japanese domestic laws and regulations, regardless of the concentration. [10] However, the Government uses "directives" with a time limit, which are not laws or regulations, as the standard for review of the plan of TEPCO, and deceives the public as if it is "in compliance" with laws and regulations, and asks people for their "understanding." [11]

TEPCO plans to discharge ALPS-treated water into the ocean via a discharge shaft and an undersea tunnel (pipeline). The plan could come under the "intentional ocean disposal from other artificial offshore structures," prohibited by the London Convention/Protocol. We urge the Government to ban it from that perspective as well. The Japanese Ministry of Foreign Affairs says, "The Ministry of Foreign Affairs decided that the ocean discharge of ALPS-treated water does not constitute dumping," but cannot answer when and where they made the decision. They seem to decide in the form of a meeting or somewhere without the Minister of Foreign Affairs or the meeting minutes.

The Government is intensifying propaganda, including placing a full-page advertisement in local newspapers to appeal to the public about the "safety" of discharging into the ocean. They provide a one-sided opinion explaining, "We have no choice but to discharge the treated water into the ocean because it continues to accumulate." They also repeated, "The biological and environmental effects of tritium are minimal"[12], without mentioning that ocean discharge would lead to increased human rights violations for many people, violate domestic and international laws, or lack of urgency. The propaganda activities also extend to the educational area, distributing promotional flyers to schools with supplementary reading books to spread "understanding of the policy of discharging treated wastewater into the ocean" to children.[13] However, the "understanding" of the people of Fukushima prefecture and the public regarding the oceanic discharge has not progressed. Meanwhile, the Government has refused to respond to requests for a "public debate," which citizens, who have specifically proposed strict storage on land instead of ocean discharge, have been requesting.

The policy decision to review (reduce and abolish) the measures to reduce or exempt medical and nursing insurance premiums and medical expenses in areas affected by nuclear disasters

On April 8, 2022, the Japanese Government decided to revise the "Measures to reduce or exempt medical and nursing insurance premiums and medical expenses in areas affected by nuclear disasters." The main contents of the revision are as follows: (1) Exemptions will end approximately ten years after the lifting of the evacuation order, (2) the Government will divide the affected areas into four groups according to when they lift the evacuation order, and (3) Support will be reduced and abolished in stages over the next several years.

The "reduction or exemption of medical expenses" is truly a "lifeline" for the victims rebuilding their lives more than ten years after the nuclear power plant accident. It is also the minimum "compensation" that the Government should provide to the victims of the nuclear accident and is a necessary measure to guarantee their life, health, and right to life. [14]

The Government decided to review and abolish such measures only after hearing the leaders' opinions of the affected areas but without hearing the voices of the residents or even the municipal assembly members. Nevertheless, the Government publicly announced that it "carefully listened to the opinions of the affected areas." This approach to policymaking is an outrage against the principles of democracy and a violation of the people's right to suffrage. [15]

The Government's reason for "reviewing and abolishing" the program is that it "lacks fairness with other affected areas. However, the environmental pollution caused by the nuclear accident is long-lasting, exceeding even 100 years. Furthermore, the health effects and concerns caused by exposure immediately and continuously after the accident continue throughout one's lifetime. In addition, the possible effects on future generations are also a concern. Because of these characteristics of impacts by radiation exposure, we cannot treat the damage caused by a severe nuclear accident in the same way as other disasters, such as natural disasters. Therefore, it is the Government's responsibility to provide lifelong support for victims to ensure their rights to life, health, and livelihood, including medical expenses. Furthermore, the Government should support all people living in all areas affected by radioactive contamination from the accident and all exposed workers working to deal with the accident.

Recommendation:

- 1. The Japanese Government must withdraw its policy of discharging "ALPS treated water" (contaminated water containing tritium and other radioactive materials) from the Fukushima Daiichi Nuclear Power Plant into the ocean and store "treated water" strictly on land at the plant site.**
- 2. The Japanese Government must withdraw its policy of reviewing (reducing or abolishing) the "reduction or exemption of medical and nursing insurance premiums and medical expenses in areas affected by the nuclear disaster." In addition, they should legally guarantee that all nuclear accident victims will receive free medical care for the rest of their lives.**

Footnotes:

[1] Looking at only the amount of tritium, the Fukushima Daiichi Nuclear Power Plant discharged only 0.30 trillion Bq/year per unit before the accident, and the concentration of tritium dissolved in the warm water is estimated to be about 0.20 Bq/L. However, they plan to dilute highly concentrated tritium with seawater by 580 - 2,300 times to less than 1,500 Bq/L and release a maximum of 22 trillion Bq/year for 30 to 40 years, incomparably large both in amount and concentration.

[2] Only in August 2020 did TEPCO finally disclose the existence of carbon 14, which ALPS cannot remove. When released into the ocean, carbon 14 diffuses and distributes into the environment and ecosystems as a variety of inorganic and organic compounds, which organisms take in varying concentrations. Carbon 14 is easily concentrated in the food chain and has a long half-life of 5,720 years, raising concerns about its long-term environmental impact.

[3] The people collected more than 450,000 signatures against the ocean discharge before the Government decided, and approximately 370,000 requested the withdrawal of the policy after the Government's decision (as of July 13, 2022).

[4] Article 6 (right to life) and Article 12 (right to freedom of residence) of the International Covenant on Civil and Political Rights (ICCPR). Article 6 (right to work), Article 11 (right to life), Article 12 (right to health), Article 13 (right to education), and Article 15 (right to cultural life) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

[5] Pacific Island countries have signed the Rarotonga Treaty (Nuclear-Weapon-Free Zone Treaty).

[6]<https://www.ohchr.org/en/press-releases/2020/03/el-salvador-human-rights-un-experts-call-urgent-reforms-against-arbitrary?LangID=E&NewsID=25680>

[7] In addition, the ALPS-treated water includes approximately 65,000 tons of groundwater drainage with a tritium concentration exceeding 1,500 Bq/L (as of August 26, 2021). The dilution and discharge of this water are against TEPCO's operation policy that "pumped water exceeding 1,500 Bq/L will not be diluted or discharged." Although ALPS cannot remove tritium, the Government and TEPCO are trying to dilute groundwater with concentrations exceeding the "operational standard" and discharge it into the sea by renaming it as "treated water" and not groundwater after passing through ALPS.

[8] The Government and TEPCO's reasons for discharging ALPS-treated water to the sea starting in the spring of 2023 are all false, as follows:

1. Besides the area where the tanks will be full of treated water, there is an area where they can construct additional tanks by dismantling the flange tanks for approximately 90,000 tons. In addition, they can empty 25,000 tons of spare tanks. Then, approximately 120,000 tons in total can be available. If the situation is "desperate," these tanks can be converted to storage for a few years.

2. The plan for the usage of the area presented by TEPCO for the decommissioning work includes "a dry cask temporary storage facility to empty the common pool by around FY2030" and "a temporary fuel debris storage facility in the future." However, these are not urgent at all. The total storage capacity of the current dry cask temporary storage facility and the shared pool is 2,071 units. So, there is enough room to remove and store 879 units of spent fuel from No. 1 and No. 2 reactors. Therefore, even if the shared pool is full, there is no need to "empty the common pool" by transferring the cooled spent fuel to the existing dry cask temporary storage facility. Also, the extraction of fuel debris has become extremely difficult due to the detection of a considerable

amount of cesium, several times as much radioactivity released during the accident, in the shield plugs, and there is no prospect for removing it. Therefore, there is no reason to vacate the tank area in a hurry.

3. The turbine building and waste treatment building have already been exposed to the floor level through ALPS treatment of water retained in the buildings and systematic reduction of the groundwater level in the surrounding area by sub-drainage. Furthermore, the reactor buildings are now being exposed to the groundwater level and have reached the stage where zero contaminated water generation is possible. Currently, the water level is being lowered at a rate of 10 cm every two weeks, and by the end of FY2022, the depth of water in Reactor No. 1 will be 0.5 m, and in Reactors Nos. 2 and 3, 2.0 m. If this pace continues, the floor of the reactor buildings will be exposed in 90 weeks or within two years. In addition, rainwater intrusion through the roof will be limited to the No. 1 reactor. If the roof installation is completed in the next one to two years, it will be possible to eliminate the generation of contaminated water.

[9] Link to Government Negotiations Report:

<http://wakasa-net.sakura.ne.jp/che/20220419ALPS.pdf>

<http://wakasa-net.sakura.ne.jp/che/20220419RecALPS.pdf>

<http://wakasa-net.sakura.ne.jp/che/20220419Ref.pdf>

[10] The release of radioactively contaminated water is not allowed unless there is a very emergent reason. For example, they released it "to stop the generation of large amounts of contaminated water," as in 2015 when the fishermen's association agreed to release groundwater bypass, sub-drain, and groundwater drain into the ocean in a "hard decision."

[11] See the link in the footnote [8].

[12] The International Commission on Radiological Protection (ICRP) is currently reconsidering its dose coefficients due to the revision of the tritium kinetic model of the human body. They have to consider the

numerous experimental results showing the biological effects of tritium beta radiation are at least two times greater than previously estimated. (The revised age-specific dose coefficients for the general public, including children, have not yet been published by ICRP.)

[13] ICCPR, Article 19, 1: Everyone has the right to hold opinions without interference.

[14] Article 6 (right to life) of ICCPR; Articles 11 (right to life) and 12 (right to health) of the ICESCR.

[15] ICCPR: Article 25 (Right to suffrage)