

# **Report of the Human Rights of Second-Generation Atomic Bombs Survivors in Japan and the Measures to be taken by the Japanese Government**

1. The Japanese Liaison Council of Second-Generation Atomic Bomb Survivors Submits a report to the 28th session of the Universal Periodic Review in the UN Human Rights Council to provide information on the human rights of second-generation survivors of the Atomic bombs. We expect the UN Human Rights Council to make recommendations to the Japanese government to take measures that guarantee the human rights of second-generation survivors.

## **I. In the beginning:**

2. The atomic bombs (A-bombs) dropped on Hiroshima at 8:15 a.m. of August 6th and on Nagasaki at 11:02 a.m. of August 9th, 1945 were responsible for existence of A-bomb survivors. More than 200,000 people were either killed or injured by the A-bombs. Survivors have suffered or have been suffering from acute radiation disorders as well as the onset of the delayed effects of radiation from the bombings. Since then survivors have been suffering from the difficulties of life caused by health problems, and had to contend with prejudice and discrimination in the society.
3. Although it was the American Army who dropped the A-bombs, it is the Japanese Government's sole responsibility to institute support measures for the A-bomb survivors since it gave up its right to claim compensation for damages. The untiring efforts of survivors resulted in the A-Bomb Survivors Relief Legislation. It is a law that took effect in July, 1995 coinciding with the 50th anniversary of the atomic bombings. The said law provides free medical examinations, treatments, and allowances for the A-bomb survivors.
4. Second-generation A-bomb survivors are children of A-bomb survivors. To be considered an A-bomb survivor, the Relief Legislation listed the qualifications as follows: “direct A-bomb survivors”, those who were exposed directly to the blast of A-bombs (1st A-bomb survivors); “enter-city A-bomb survivors”, those who entered within about 2 kilometers of the hypocenters within two weeks of the bombings (2nd A-bomb survivors); those who rescued victims, buried the dead and as such, and were in any circumstances that might cause physical effects of A- bomb radiation (3rd A-bomb survivors); “in utero A-bomb survivors”, those who were exposed in utero and whose mothers were qualified as the 1st, 2nd or 3rd A-bomb survivors (4th A-bomb survivors). Second-generation A-bomb survivors were born later than 4th A-bomb survivors. However, the A-Bomb Survivors Relief Legislation is not intended for second-generation A-bomb survivors.
5. The Japanese Government states in the Operating Procedure of Second-Generation A-Bomb Survivors' Medical Examinations provided with a single-year budget that 1) examinees should be those whose both parents or either of them are A-bomb survivors and, 2) examinees should be those who were born after June 4th, 1946 in the case of Nagasaki and after June 1st, 1946 in the case of Hiroshima. This is not the definition of second-generation A-bomb survivors specified in the law, but is just a “guide-line” for conducting the annual medical examination.
6. More than seventy long years after the A-bombs were dropped, the Japanese Government support measures for A-bomb survivors remain insufficient. The A-bomb survivors who were in the long distance or were exposed to the residual radiation have not been officially recognized as victims meriting government assistance for “recognized A-bomb related disorders” (diseases, injuries and insufficient

power of healing which might be related to A-bomb radiation) even if many of them have suffered or continue to suffer from various radiation-related illnesses such as cancer. The effects of low dose of radiation and residual radiation to the human bodies have been underestimated. The right to health, being a basic human right, is not adequately guaranteed by the Japanese Government.

7. Since 1948, the late effects of radiation and the genetic links of A-bomb radiation on human beings have been investigated by the Atomic Bomb Casualty Commission (ABCC). Later on, the ABCC was succeeded by the Radiation Effects Research Foundation (RERF). The RERF has reported that at present their studies show no proof of genetic damages. However, it must be said that there is no scientific evidence either that assures there is no effect on genetics.
8. In plants and animal experiments, it has already been proved that there are radiation effects on the next generations. For example, the experiments using mice showed that baby mice whose male parents were exposed to radiation were born with the constitutions liable to diseases of various types including cancer, which turned out to be inherited by the next generations. As the birth frequency of baby mice having such health risk is in proportion to their parents' radiation exposure dose, this can scientifically explain a causal relation to radiation exposure. The result of such experiments using mice implies that there are increased health risks from the genetic effects caused by the A-bomb radiation on human beings as well, which like mice belong also to the mammals species.
9. However, the Japanese Government has taken a firm stand against genetic effects of A-bomb radiation on second-generation A-bomb survivors unless they have “scientific evidence of genetic effect” on humans. And it does not provide any support measure for second-generation A-bomb survivors.
10. It must be good to note that in the Rio Declaration on Environment and Development during the United Nations Conference on Environment and Development, Earth Summit of 1992, “the precautionary principle”—“Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason” for postponing measures—was internationally verified. The Japanese Government must have a full grasp and understanding of the predicaments faced by second-generation A-bomb survivors and so must take it upon itself to provide them support measures and guarantee basic human rights including the right to health, according to “the precautionary principle”.

## **II. How the Human Rights of Second-Generation A-Bomb Survivors were Violated:**

11. Series of international conferences on the inhumanity of nuclear weapons were held during the past several years. Through these efforts, the inhumanity of nuclear weapons has been commonly recognized as an international awareness and the United Nations have resolved to enter into negotiations about the Nuclear Weapons Convention last year, 2016. We emphasize that the health hazards of nuclear-weapons-radiation for the future generations of mankind is one of the most serious aspects of the inhumanity of nuclear weapons.
12. It is unfair that second-generation A-bomb survivors, who were not born during the war and at the time of the bombings, have or will have health risks in the present or in the future due to genetic effects from the A-bomb radiation. Their human rights have been violated with the following problems:
13. First, the second-generation A-bomb survivors are in health dangers from genetic effects of A-bomb radiation. Many of them, like their parents, have died of cancer and leukemia. There are present sufferings of physical disorders as cancers and leukemia. Some second-generation survivors have lost younger

siblings to cancer and leukemia. Others suffer from various kinds of health disorders including non-cancer ailments as well.

14. Some second-generation survivors have been suspecting that their present diseases, which are similar to their parents' diseases, are related to the radiation exposure of their parents. The mental anguish and torture of worries about their present diseases and in the near or distant future scare them every day of their lives. There are even A-bomb survivors who blame themselves for their exposure to radiation because in effect, it is they who are causing their children to have diseases and physical disorders. In these ways, they have been suffering from their present and past health problems as well as from anxiety about their future health disorders.
15. Second, they are confronted by difficulties in their social life because they are A-bomb victims' children. Due to diseases or physical disorders caused by the A-bombs, not a few of A-bomb survivors are unable to settle into regular jobs or have to consent to low pay. Living under such meager means, some second-generation survivors were not able to attain higher education. Even as adults, they have had to live an economically hard life because they need to take care of sick parents or grandparents who were the first victims of the A-bombs. Some lived and still live within the vicious cycle of diseases and poverty—such a hard life as their parents', to be sick and not to have money for treatments. Others could hardly sustain their own daily life because of their low income and the high cost of medical treatments for their diseases makes their suffering even worse.
16. Third, second-generation A-bomb survivors suffer from severe discrimination and social prejudice. The Japanese government has not taken any measures to support the second-generation survivors who have been suffering from health disorders and difficulties of life. This situation puts the second-generation at disadvantage and forces them to face with social prejudice and discrimination. In this sense, Japanese government is to blame first of all. Under such circumstances without any public support to the second generation, people often have such prejudice as follows, that leads to discrimination: "All the second-generation A-bomb survivors have health disorders because of their parents' exposure to A-bombs." "If you are married with a second-generation A-bomb survivor, you may have a baby with congenital malformation."
17. Some are denied marriage by their prospective spouses' parents once found out that they are second-generation A-bomb survivors. Some of them committed suicide after they were divorced because they were second-generation A-bomb survivors. Some are dismissed from their jobs once it is found out that they are second-generation A-bomb survivors.
18. Though all the second-generation A-bomb survivors do not actually have health disorders, people in the society often have such a prejudice towards them as all of them must have any health problems. In this way above, second-generation A-bomb survivors have been coping with social discrimination against them in their everyday life.

### **III. It is the Japanese Government's Responsibility to Guarantee the Human Rights of Second-Generation A-Bomb Survivors:**

19. The former national policy of the Japanese Government on colonial expansion through wars of aggression resulted in the creation and use of atomic bombs by the United States on Hiroshima and Nagasaki. From these twin bombs, the A-bomb survivors and their sufferings were born. Therefore, both the Japanese Government which started the war, and the American Government which dropped the A-bombs, are to blame for the consequences of the A-bombings. Having signed the San Francisco Peace

Treaty after the war, the Japanese Government gave up all claims to the right of compensation. And so, it is now the Japanese Government's sole responsibility to institute support measures and thereby guarantee the human rights of the A-bomb survivors and their second generation. It is also its responsibility to prove whether there are potential genetic effects from A-bomb radiation or not on the second generation. For as long as the Japanese Government cannot prove that "there are not", it remains responsible for guaranteeing the human rights of second-generation survivors. That is, their human rights should be guaranteed by the Japanese Government based on state compensation.

20. In spite of all these second-generation A-bomb survivors' sufferings from the violation of their human rights as mentioned before, Japanese Government has done nothing significant for them. The medical examinations for second-generation A-bomb survivors were the only measure provided for them just with single-year budget for each year from 1979 with the purpose of lessening their worries about radiation-related diseases. However, the medical examinations are too simple to actually less the worries of second-generation survivors. The Government did not include medical check-ups to detect early signs of cancer, which second-generation survivors are most anxious about. (In April 2016, after a very long time, they added only a check-up on multiple myeloma.) If second-generation survivors get ill or develop any ailment, no free medical treatment and monetary subsidies are extended by the Government to them.
21. The Japanese Government takes a stand that according to the Reports of the Round Table Conference on Basic Issues for Atomic Bomb Survivors in December 1980, all people should equally accept their war damage. On the other hand, the Government also takes a stand based on the state-compensation viewpoint in its broad sense that it must take proper measure for A-bomb survivors for their health disorders caused by radiation in as much as said disorders are "exceptional" damages.
22. However, the Japanese Government has remained adamant that there are no genetic effects from radiation on the second-generation A-bomb survivors. As such, the Japanese Government insists that there should be scientific confirmation that the health risks originate from parents of second-generation survivors before they provide them support measures.

#### **IV. We Request the Japanese Government for Measures to Guarantee the Human Rights of Second-Generation A-Bomb Survivors Based on the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Constitution of Japan:**

23. The Japanese Government has ratified both of the international human rights covenants, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The ICESCR states that the rights enunciated in the covenant will be exercised without discrimination (Article 2). The ICESCR recognizes the right to work (Article 6), the right to enjoy the highest attainable standard of physical and mental health (Article 12) and the right to education (Article 13). The ICCPR also states that each state party to the covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the covenant, without distinction of any kind (Article 2). The ICCPR recognizes the right to marriage (Article 23) and it states that the law shall prohibit any discrimination and guarantee to all persons' equal and effective protection against discrimination (Article 26).
24. Additionally, with the right to peaceful life stated in the preamble, the Constitution of Japan states the right to live (Article 25), the right to receive education (Article 26), the right to life, liberty, and the pursuit of happiness (Article 13) as fundamental human rights and guarantees them (Article 11).

25. Second-generation A-bomb survivors have their fundamental human rights such as the right to health and the right to live which have been threatened; the right to peaceful life which has been violated, in the past, in the present, and in the future by the A-bombs dropped in war times even before they were born. Their right to education, right to marriage and right to work are also violated as mentioned above. Still, the Japanese Government has not instituted any support provisions to guarantee second-generation survivors' human rights which should be required in the ICESCR, the ICCPR and the Constitution of Japan. In this sense, Japanese government violates the both of the human-rights covenants and the Constitution of Japan as well.
26. A-bomb survivors continue requesting the Japanese Government for the A-Bomb Relief Legislation based on state compensation. Why did they do so? They have decided to implement the following four requests by the A-Bomb Relief Legislation based on state compensation: 1) to establish the curative treatments of A-bomb diseases; 2) to take responsibility for the security of their medical care and life; 3) to compensate for those who lost their parents, brothers, sisters, or children as A-bomb victims; 4) to reflect what Japan had done in the war and make efforts to work for a nuclear-weapon-free-world. The second-generation survivors have the same requests.
27. The number of A-bomb survivors who suffered from leukemia five years after the bombings had increased. And several years more after, an increase in various types of cancer and non-cancer diseases was recorded. Many A-bomb victims suffered so much before they died from those various diseases. Looking back, it took several decades to epidemiologically prove that these said diseases were caused by A-bomb radiation. Regretfully, during this time many victims lost their lives without having their physical disorders recognized as having originated from A-bomb radiation. As a result, they did not receive any support. The same mistake should not be repeated for the second generation. It must be noted that the periods of time the ABCC and the RERF took to find out the significant rise in the number of diseases among the bombing survivors are as follows: five years after the bombings—leukemia; ten years—thyroid gland cancer; twenty years—breast and lung cancer; thirty years—stomach and colon cancer and myeloma; forty years—skin and uterine cancer, and non-cancer diseases after 1991.
28. We, the Japanese Liaison Council of Second Generation Atomic Bomb Survivors, have for thirty years, requested the Japanese Government to take support measures for second-generation A-bomb survivors. Placing the second-generation as the "5th A-bomb survivors", we have requested for the application to them and the specification of state compensation in the A-Bomb Relief Legislation.
29. Also, we have requested the Japanese Government to take responsibility for taking support measures to equally guarantee the human rights of not only the second generation living in Japan but also those living in other countries of the world, insisting that the second generation A-bomb survivors are what they are, wherever they are, just like the first generation.
30. We presented again a written request including those mentioned above to the Minister of Health, Labor, and Welfare on December the 5th of 2016, yet the Japanese Government has not acted on it—still no adequate measures. Second-generation A-bomb survivors have already grown old enough to be liable to cancer, which makes them feel all the more uneasy about their health. These support measures are urgent to protect their human rights.
31. The Japanese Government should take support measures for second-generation A-bomb survivors as soon as possible. It should extend the A-Bomb Relief Legislation to the second generation with immediacy, which we expect to lead to the achievement of state compensation.

## **V. In Conclusion:**

32. The Japanese Government does not observe the international treaties as ICESCR and ICCPR that guarantee the right to health and other basic rights though Japan has ratified the covenants on human rights guaranteeing. It does not observe our own Constitution of Japan that guarantees fundamental human rights. These attitudes of Japan cannot be internationally accepted as one of the joint countries of the ICESCR and ICCPR as a member of the Human Rights Council of the United Nations. We request the Japanese Government to take immediate action in support measures for the human rights of the second-generation. We expect the UN Human Rights Council to investigate the situation of the second-generation A-bomb survivors' human rights predicament and to advise the Japanese Government accordingly, that is, for it to assume the responsibilities they are obliged to act upon.
33. We think that second-generation A-bomb survivors are also radiation victims. Whatever support measures the Japanese Government will take and whether it will take measures to guarantee human rights for the second-generation A-bomb survivors who are the next generation of the first A-bomb survivors will be relevant not only to second-generation A-bomb survivors in Japan, but also to those outside Japan. The protection of human rights of second-generation A-bomb survivors in Japan is critically important international human-rights agenda as it also relates to the protection of human rights of the second-generation of other kinds of radiation victims in the world.
34. One of the most inhumane aspects of the human-rights violation by the nuclear damage is the radiation effect to the future generations. We are confident that a common understanding of this aspect of inhumanity of nuclear will lead the international community to realize the nuclear-free-world so that no more people will become radiation victims. We, the second-generation survivors of the A-bombs in Japan, think it our mission and duty to continue to appeal to the international community the problem of serious human rights violation of future generations caused by radiation exposure of A-bombings and other nuclear damage as well.