



General Assembly

Distr.: General
21 August 2019

English only

Human Rights Council

Forty-second session

9–27 September 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Japanese Workers' Committee for Human Rights, 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.

[19 August 2019]

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



Evicting TEPCO Fukushima No. 1 Nuclear power plant accident evacuees from their provisional housing is violation of their Human Rights

Preface

As of July 2019, 8 years and 6 months after the TEPCO Fukushima No. 1 Nuclear Power Plant accident, there are still more than 50,000 victims¹ in Japan who were internally displaced in an attempt to escape radiation damages, and are now living a life as evacuees in various parts of Japan¹. Deaths related to the nuclear disaster show no sign of decline and concerns about health risk are heightened.²

As the 2020 Tokyo Olympics and Paralympics are approaching, the Japanese government, intending to publicize “Japan’s recovery from the nuclear disaster”, is promoting a policy which terminates support to those victimized by the nuclear disaster and abandon the evacuees, thereby making damages caused by the nuclear disaster less noticeable to the public.

Fukushima Prefecture,³ following this government policy,⁴ stopped supplying evacuees with apartments for national public employees in Shinonome in Tokyo and other areas at the end of March 2019, and demands that 63 families, who cannot afford to move to new apartments due to illness or financial distress, pay a punitive charge, which is twice the rent, after April.

Termination of housing supply and demand of punitive charge of twice the rent

Since the nuclear disaster, the Japanese government and Fukushima Prefecture have supplied to the evacuees, rent free, public apartments and those they bought up from private owners. But in March 2017, the central and prefectural governments terminated rent-free supply of apartments for 12,539 families (32,312 persons), on the ground that “the radiation of areas not affected by evacuation orders reached a safe level.” However, Fukushima Prefecture made a special arrangement for 148 families which could not secure homes, by borrowing apartments for national public employees owned by the central government and onerously lease them to the said 148 families as a two-year provisional measure.

The amount charged by Fukushima Prefecture is 150,000 yen at maximum. Charged with this amount, which is equivalent to the whole monthly income gained by part-time work, mothers who evacuated with children are at a loss, and males unable to work due to illness are in constant fear of pressing payment demand.

¹ According to the information published by the Japanese government and Fukushima Prefecture as of July 2019, those evacuated within Fukushima Prefecture are 11,084 and those evacuated outside of Fukushima in 46 prefectures are 31,483. However, the number of evacuees within Fukushima does not include those for whom housing supply were terminated. The number of evacuees outside of Fukushima is a mere aggregate of the numbers reported by prefectures and is not an authorized number. 164,865 is the peak number of evacuees Fukushima Prefecture keeps a tally of as of May 2012. If an approximate number of returnees (again there is no official statistics) is subtracted from this peak number, the number of evacuees at present is estimated at 50,000 to 70,000.

² As of May 2019, deaths related to the nuclear accidents amount to 2,274, among which 112 were caused by suicides. The number of children suffering from thyroid cancer is 223.

³ Legal base regarding the supply of housing to evacuees is the Disaster Relief Act, which is a domestic law, under which the governor of Fukushima Prefecture is to make decisions to either supply housing or terminate its supply with the consent of the prime minister. Therefore, the Japanese government keeps in the background in this matter, saying “they respect the decision of Fukushima Prefecture.”

⁴ In the civil class action damage suits filed by nuclear disaster victims, six local courts handed down a decision that the Japanese government failed to exercise regulatory authority to avoid the accident and is held legally responsible for the accident, and ordered that state compensation be made.

Crafting “Recovery Theme” for Tokyo Olympics and abandoning nuclear Victims

In September 2013 in Buenos Aires, Prime Minister Shinzo Abe said in his speech bidding for the Olympic Games, “The problem with polluted water due to the nuclear disaster is under control.” Responding to his statement, the Japanese government and Fukushima Prefecture formulated a policy of “disposing of” nuclear accident damages and disseminating messages on how the disaster areas had been “restored.”

According to this policy, the Japanese government lifted all evacuation orders for areas by April 2018, except for heavily polluted areas whose annual amount of radiation exceeds 50 millisieverts and terminated housing supply, which was the only compensatory measure for victims, thereby promoting a “policy of returning evacuees to Fukushima Prefecture.”

In spite of the Prime Minister’s assurance, the normalization process at the sites of nuclear accident has been progressing only at a snail pace as shown by the fact that even fuel debris melted down to the bottom of reactors hasn’t been located. Polluted water and radioactive materials have been continuously flowing out of the accident sites and the Declaration of a Nuclear Emergency Situation is still in place.

Only 20% of the original population returned to their homes. The returnees are mostly the aged and children and young people who are afraid of health damages by radioactive materials are rarely seen.

Under these circumstances, the Japanese government is promoting a policy of “erasing” the victims by the issuance and termination of evacuating orders, which is within its mandate. This is to neglect the human rights of the victims, and Fukushima Prefecture, which itself is also a victim of the nuclear accident, nonetheless plays a role of advance guard by terminating housing supply and thus supporting the central government’s negligence of human rights. A tantamount fact symbolizing this is the eviction of victims from their provisional homes and the charging of penalty which is twice as much as the rent.

Negligence of UN Recommendations and Breach of Treaty obligations

Regarding the Japanese government’s policy for the nuclear disaster victims, many reports and recommendations have been issued following the report of investigation by Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, which was adopted by the 23rd Session of the UN Human Rights Council, May – June, 2013.

At the plenary session of the Human Rights Council in March 2018, the Japanese government officially recognized nuclear accidents evacuees as internally displaced persons as defined in the Guiding Principles on Internal Displacement, and indicated that it accepted the recommendations “to review its measures to deal with the nuclear accident” proposed by the governments of Austria, Portugal, Germany and Mexico in the course of the third Universal Periodic Review of the Japanese government’s report. Among the recommendations, one proposed by Portugal calls for applying the Guiding Principles on Internal Displacement to the decision-making process regarding the resettlement of disaster victims.

The International Covenant on Civil and Political Rights, to which Japan is a State Party, provides for “the right to liberty of movement and freedom to choose one’s residence.” The International Covenant on Economic, Social and Cultural Rights provides for the obligation to ensure “the right to an adequate standard of living including housing”.

Forcing the evacuees to vacate the national public employees’ apartments and demanding payment of damage charge equivalent to twice the rent not only violate these recommendations and treaty obligations but also are serious violation of the fundamental right to life, threatening nuclear disaster evacuees who are financially distressed. Therefore, these measures must be rescinded immediately.

Opinion and appeal

- 1. The Government of Japan and Fukushima Prefecture must immediately rescind evicting the nuclear disaster victims from apartments for national public employees and charging payment of penalty equivalent to twice the rent, and must guarantee stable homes for the said victims.
 - 2. The United Nations Human Rights Council must send a special rapporteur to Japan and investigate the situations surrounding the nuclear disaster victims' homes and living conditions and make recommendations to the Japanese government to make necessary revision of their policy.
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