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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, on her visit to Japan

Comments by the State*

* The present document is being issued without formal editing.



1. The Government of Japan (GOJ) takes this opportunity to thank the Special Rapporteur on the human rights of internally displaced persons for her draft report.
2. Japan wishes to make specific comments in relation to the paragraphs mentioned below.

[Overall]

(1) Throughout the document, there are a number of sections where it is not clear if references made or data cited relate only to Fukushima Prefecture or to all prefectures affected by a seismic intensity of 6-lower or greater during the Great East Japan Earthquake. To the extent possible, clarifications should be added.

(2) While the Guiding Principles on Internal Displacement are not legally binding, the spirit of the Principles is being applied to the evacuees from Fukushima.

[Paragraph 9]

Paragraph 9 should be revised for factual accuracy. As of 22 April 2011, evacuation orders were issued only to the area within a 30km radius of the plant and to Iitate Village, parts of Minamisoma City, and parts of Kawamata Town, which are located outside the 30km radius.

<Original>

9. While existing guidelines from Japan's Nuclear Safety Commission at the time prescribed a radius of 10km as a precautionary evacuation zone, an initial radius of 3km was ordered based on general guidelines from the International Atomic Energy Agency and considering that a larger evacuation zone could create traffic congestion, preventing those closest to the disaster site from evacuating in a timely manner. A lack of coordination between authorities led to conflicting evacuation orders at this phase, with prefectural authorities ordering evacuation within a 2km radius, minutes before federal authorities mandated a 3km radius. Residents between 3-10km of the plant were initially ordered to shelter indoors, but this was revised on the morning of 12 March to an evacuation order. Later that day, the evacuation radius was expanded to 20km. On 15 March, residents within a 20-30km radius were ordered to shelter indoors; 10 days later, they were advised to begin "voluntary evacuation". On 22 April, residents as far as 50km from the plant were ordered to evacuate due high levels of detected radiation.

<Corrections>

9. While existing guidelines from Japan's Nuclear Safety Commission at the time prescribed a radius of 10km as a precautionary evacuation zone, an initial radius of 3km was ordered based on general guidelines from the International Atomic Energy Agency and considering that a larger evacuation zone could create traffic congestion, preventing those closest to the disaster site from evacuating in a timely manner. A lack of coordination between authorities led to conflicting evacuation orders at this phase, with prefectural authorities ordering evacuation within a 2km radius, minutes before federal authorities mandated a 3km radius. Residents between 3-10km of the plant were initially ordered to shelter indoors, but this was revised on the morning of 12 March to an evacuation order. Later that day, the evacuation radius was expanded to 20km. On 15 March, residents within a 20-30km radius were ordered to shelter indoors; 10 days later, they were advised to begin "voluntary evacuation". On 22 April, residents as far as 30~~50~~km from the plant and Iitate Village, parts of Minamisoma City, and parts of Kawamata Town, which are located outside the 30km radius were ordered to evacuate due high levels of detected radiation.

[Paragraph 17]

It is stated in the "Introduction: Scope and Purpose" of the Guiding Principles on Internal Displacement that "[t]hese Guiding Principles should be disseminated and applied as widely as possible." Japan follows the Guiding Principles and there is no arbitrary distinction between mandatory and voluntary evacuees.

[Paragraph 18]

Paragraph 18 should be revised as shown below for factual accuracy.

All references to the number of forcibly displaced persons of “211,000” have been deleted. The figure of “211,000” cited from Michelle Yonetani’s, “Recovery Postponed” and the “Progress Report of Mental Health and Lifestyle Survey” (June 6, 2016), sources of the draft report, have been deleted. The latter includes in the data those who were born after the earthquake through April 2014, and also seems to have been calculated based on the population of the entire municipality, even when a part of the municipality was designated as an evacuation zone. This is a factual error in terms of the number of people who are subject to mandatory evacuation.

Furthermore, with regard to the last sentence of the paragraph, the original description gives the impression that all 31,000 evacuees were those caused by the nuclear power plant accident. However, the figure includes those resulting from the entire Great East Japan Earthquake, including the earthquake and tsunami disasters.

<Original>

18. At least 470,000 citizens were internally displaced in total by the tsunami, the earthquake and the nuclear meltdown. The Reconstruction Agency estimates that between 154,000 and 165,000 citizens evacuated to avoid the effects of the nuclear disaster, of whom 109,000 did so as a result of evacuation orders. Other estimates suggest that the number of “mandatory evacuees” may have been as high as 211,000, given the pre-disaster population in the areas affected by evacuation orders. The number of “voluntary evacuees” has been estimated at between 25,000 and 36,000. As of December 2022, at least 31,000 citizens remain internally displaced due to the nuclear disaster.

<Corrections>

18. It is estimated that up to ~~At least~~ 470,000 citizens were internally displaced in total by the tsunami, the earthquake and the nuclear meltdown. The Reconstruction Agency estimates that between 154,000 and 165,000 citizens evacuated to avoid the effects of the nuclear disaster, of whom 109,000 did so as a result of evacuation orders. ~~Other estimates suggest that the number of “mandatory evacuees” may have been as high as 211,000, given the pre-disaster population in the areas affected by evacuation orders.~~ The number of “voluntary evacuees” has been estimated at between 25,000 and 36,000. As of December 2022, at least 31,000 citizens remain internally displaced by the Great East Japan Earthquake ~~due to the nuclear disaster.~~

[Paragraph 23]

Paragraph 23 should be revised as shown below to update the article number of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima.

<Original>

23. The Act on Special Measures for the Reconstruction and Revitalization of Fukushima contains provisions on preferential access to public housing for evacuees (Articles 18-25) but limits its scope to “Persons Subject to Residence Restrictions”, meaning those who previously resided in zones under official evacuation order. The Act on Special Measures also obligates the authorities to conduct health management surveys, measure radiation levels in the prefecture and carry out decontamination efforts (Articles 26-30), and outlines modalities for the development and revitalization of various industries (Articles 38-63).

<Corrections>

23. The Act on Special Measures for the Reconstruction and Revitalization of Fukushima contains provisions on preferential access to public housing for evacuees (Articles ~~18-25~~ 27-31~~48-25~~) but limits its scope to “Persons Subject to Residence Restrictions”, meaning those who previously resided in zones under official evacuation order. The Act on Special Measures also obligates the authorities to conduct health management surveys, measure radiation levels in the prefecture and

carry out decontamination efforts (Articles 49-51~~26-30~~), and outlines modalities for the development and revitalization of various industries (Articles 61-89-13~~38-63~~).

[Paragraph 24]

The wording of Article 2(6) of the Act on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company's Nuclear Accident should be corrected to accurately reflect the letter of the Act.

<Original>

24. The Act on Promotion of Support Measures for the Lives of Disaster Victims defines Disaster Victims inclusively, covering those who received an evacuation order but also residents of areas where radiation levels increased but not enough to warrant an evacuation order. Crucially, this Act recognizes that support measures must be implemented *so as to enable each Disaster Victim to make a voluntary choice* to integrate locally, return home, or settle elsewhere, *while ensuring that appropriate support is offered irrespective of their choices* (Article 2(2)). Regardless of whether victims return or settle elsewhere, the Act obliges the Government to ensure they are able to access housing, education, employment, and public services (Articles 8-10). Those at risk of radiation should receive further support, including medical care, food testing, psychosocial support for families and children (Article 8), and voluntary returnees should be supported to find housing and employment (Article 10). Support measures should continue for as long as required by victims, without a predetermined time limit (Article 2(6)). The Government is obliged to "take measures necessary for reflecting the opinions of the residents of the areas affected" (Article 5(3)) including in designing assistance programmes (Article 14).

<Corrections>

The Act on Promotion of Support Measures for the Lives of Disaster Victims defines Disaster Victims inclusively, covering those who received an evacuation order but also residents of areas where radiation levels increased but not enough to warrant an evacuation order. Crucially, this Act recognizes that support measures must be implemented *so as to enable each Disaster Victim to make a voluntary choice* to integrate locally, return home, or settle elsewhere, *while ensuring that appropriate support is offered irrespective of their choices* (Article 2(2)). Regardless of whether victims return or settle elsewhere, the Act obliges the Government to ensure they are able to access housing, education, employment, and public services (Articles 8-10). Those at risk of radiation should receive further support, including medical care, food testing, psychosocial support for families and children (Article 8), and voluntary returnees should be supported to find housing and employment (Article 10). Support Measures for the Lives of Disaster Victims for as long as there is a need for Disaster Victims to be supported ~~Support measures should continue for as long as required by victims, without a predetermined time limit~~ (Article 2(6)). The Government is obliged to "take measures necessary for reflecting the opinions of the residents of the areas affected" (Article 5(3)) including in designing assistance programmes (Article 14).

[Paragraph 26]

The number of unit of prefabricated temporary housing units, some 53,000 units, cited in Paragraph 26 includes those constructed outside Fukushima Prefecture.

Furthermore, the last sentence of Paragraph 26 should be revised for factual accuracy.

<Original>

26. Within a year of the disaster, most evacuation shelters had closed as the Government shifted focus towards longer-term housing. Some 53,000 prefabricated temporary housing units were constructed for evacuees. While laudable, the suitability of this housing relative to IDPs' needs and preferences varied; some units were constructed in urban areas with access to services and livelihoods, while others were in more remote areas. A policy decision that empowered evacuees was the Government's signing of some 68,000 rental agreements for private housing chosen

by evacuees. Commendably, public housing, including housing for public servants and their families and low-income housing, was made available to evacuees throughout Japan at the request of the national government and affected prefectures, in some cases free of charge. Importantly, the Government, via Fukushima Prefecture, provided housing to IDPs without distinction as to the “voluntary” or “mandatory” nature of their evacuation, although such a distinction would later be introduced.

<Corrections>

26. Within a year of the disaster, most evacuation shelters had closed as the Government shifted focus towards longer-term housing. Some 53,000 prefabricated temporary housing units were constructed for evacuees. While laudable, the suitability of this housing relative to IDPs’ needs and preferences varied; some units were constructed in urban areas with access to services and livelihoods, while others were in more remote areas. A policy decision that empowered evacuees was the Government’s signing of some 68,000 rental agreements for private housing chosen by evacuees. Commendably, public housing, including housing for public servants and their families and low-income housing, was made available to evacuees throughout Japan at the request of the national government and affected prefectures, in some cases free of charge. Importantly, the Government, via Fukushima Prefecture, provided housing to IDPs without distinction as to the “voluntary” or “mandatory” nature of their evacuation, ~~although such a distinction would later be introduced.~~

[Paragraph 27]

The following sentences in paragraph 27 should be revised as shown below for factual accuracy.

(1) The Act stipulates not only Exceptions of Administrative Matters for Nuclear Disaster Evacuees but also Measures for Nuclear Disaster Migrants pertaining to the Great East Japan Earthquake.

(2) According to the Act, it is the local governments who receive the evacuees that provide services.

<Original>

27. Local governments in Japan are responsible for providing medical care, housing support, welfare, education, and other essential services, but normally only to citizens registered as residents of their jurisdiction. The Act on Exceptions of Administrative Matters for Nuclear Disaster Evacuees was a positive measure to facilitate the process for local governments to provide these services to IDPs, even while they were officially registered as residents of their areas of origin. However, the services evacuees received varied depending on the prefecture or municipality to which they fled.

<Corrections>

27. Local governments in Japan are responsible for providing medical care, housing support, welfare, education, and other essential services, but normally only to citizens registered as residents of their jurisdiction. The Act on Exceptions of Administrative Matters for Nuclear Disaster Evacuees and Measures for Nuclear Disaster Migrants on the Great East Japan Earthquake ~~Act on Exceptions of Administrative Matters for Nuclear Disaster Evacuees~~ was a positive measure to facilitate the process for local governments that are receiving evacuees to provide these services to IDPs, even while they were officially registered as residents of their areas of origin. However, the services evacuees received varied depending on the prefecture or municipality to which they fled.

[Paragraph 28]

Outdated information in Paragraph 28 has been marked for deletion.

<Original>

28. The Government provided incentive payments to small and medium enterprises that hired disaster victims in the first 18 months after the disaster, and subsidies to local governments that hired evacuees for short-term projects. These steps were complemented by measures to ease administrative burdens on evacuees, including measures to reduce or eliminate their liability for taxes. The Government authorized payment of unemployment benefits to evacuees whose workplaces could no longer function as a result of the disaster, and allowed evacuees extended eligibility for unemployment benefits.

<Correction>

28. The Government provided incentive payments to small and medium enterprises that hired disaster victims ~~in the first 18 months after the disaster~~, and subsidies to local governments that hired evacuees for short-term projects. These steps were complemented by measures to ease administrative burdens on evacuees, including measures to reduce or eliminate their liability for taxes. The Government authorized payment of unemployment benefits to evacuees whose workplaces could no longer function as a result of the disaster, and allowed evacuees extended eligibility for unemployment benefits.

[Paragraph 29]

Paragraph 29 should be revised for the following reasons:

- (1) Initial provisional compensation was made only by TEPCO.
- (2) The GOJ made the provisional payments because of the urgency with which those payments needed to be made, not because of specifics of each case.

<Original>

29. Immediately after the disaster, TEPCO and the Government began provisional compensation to IDPs, however, only to “mandatory” evacuees. TEPCO initially provided households with JPY 1,000,000 (JPY 750,000 for single-person households), with later payments of between JPY 100,000-300,000 per person depending on the circumstances of their evacuation. For time-sensitive cases or those requiring extensive negotiation, the Government made provisional payments on TEPCO’s behalf and claimed reimbursement from TEPCO by acquiring the victim’s right to compensation.

<Corrections>

29. Immediately after the disaster, TEPCO ~~and the Government~~ began provisional compensation to IDPs, however, only to “mandatory” evacuees. TEPCO initially provided households with JPY 1,000,000 (JPY 750,000 for single-person households), with later payments of between JPY 100,000-300,000 per person depending on the circumstances of their evacuation. ~~For time sensitive cases or those requiring extensive negotiation,~~ Based on the duration of time needed for TEPCO to make the reimbursement and the urgency of making the provisional compensation, the Government made provisional payments on TEPCO’s behalf and claimed reimbursement from TEPCO by acquiring the victim’s right to compensation.

[Paragraph 31]

The first sentence of Paragraph 31 should be revised because the period of compensation varied depending on the area under an evacuation order. The underlined sentences seem to refer to the Second Supplement to the Interim Guidelines and the Fourth Supplement to the Interim Guidelines for the Scope of Damages. However, the information contained in the underlined section appears to be contrary to the facts.

<Original>

31. For “mental anguish”, the payment to “mandatory” evacuees was set at JPY 100,000 per month until their evacuation order could be lifted. Where the annual radiation dose was 20-50 mSv, “mandatory” evacuees could opt for a lump sum of JPY 2.4 million in lieu of two years’ damages, while still eligible for monthly payments if

evacuation orders continued beyond two years. Where the dose exceeded 50 mSv, “mandatory” evacuees were eligible for a lump sum of JPY 6 million. In addition, “mandatory” evacuees could also claim compensation for costs related to relocation separately.

<Corrections>

31. Although the period of compensation varied depending on the area under an evacuation order, for “mental anguish”, the payment to “mandatory” evacuees was set at JPY 100,000 per month ~~until their evacuation order could be lifted~~. Under the Second Supplement to the Interim Guidelines and the Fourth Supplement to the Interim Guidelines for the Scope of Damages, claims of JPY 2.4 million per person could be made during a two-year compensation period for residents in restricted residence zones. However, in the case that the period until the evacuation order was lifted was extended, additional payment was made in accordance to the compensation period. Moreover, for persons from difficult-to-return zones, JPY 10 million per person was compensated in addition to JPY 6 million per person; after deducting for future payment, the actual additional amount was set at JPY 7 million per person. ~~Where the annual radiation dose was 20-50 mSv, “mandatory” evacuees could opt for a lump sum of JPY 2.4 million in lieu of two years’ damages, while still eligible for monthly payments if evacuation orders continued beyond two years. Where the dose exceeded 50 mSv, “mandatory” evacuees were eligible for a lump sum of JPY 6 million.~~ In addition, “mandatory” evacuees could also claim compensation for costs related to relocation separately.

[Paragraph 33]

The changes shown below should be made to Paragraph 33 for the following reasons:

- (1) The name of the Committee is “Dispute Reconciliation Committee for Nuclear Damage Compensation.”
- (2) The last sentence of Paragraph 33 seems to refer to the Fifth Supplement to the Interim Guidelines. However, the information contained therein appears to be contrary to the facts.

<Original>

33. In December 2022, the Reconciliation Committee commendably updated these guidelines to provide additional compensation to evacuees in recognition of their psychological damages; however, compensation to “mandatory” evacuees remains more generous. “Mandatory” evacuees from areas close to the plant are eligible for JPY 2.5 million in additional payments, while those within the 20km radius are eligible for an additional JPY 300,000. “Voluntary” evacuees are now eligible for JPY 200,000.

<Corrections>

33. In December 2022, the Dispute Reconciliation Committee for Nuclear Damage Compensation commendably updated these guidelines to provide additional compensation to evacuees in recognition of their psychological damages; however, compensation to “mandatory” evacuees remains more generous. Under the Fifth Supplement to the Interim Guidelines, following compensation was set for emotional distress caused by the loss or transformation of livelihoods: JPY 7 million per person set under the Fourth Supplement to the Interim Guidelines for residents of difficult-to-return zones; JPY 2.5 million per person for residents of restricted residence zones and those in preparation for the lifting of the evacuation order; and JPY 500,000 per person for residents of emergency evacuation preparation zones. Moreover, as compensation for emotional distress suffered due to the severe evacuation conditions, JPY 300,000 per person was paid for persons who were within a 20-kilometer radius of the Fukushima Daiichi Nuclear Power Station or within a 8-kilometer radius of the Fukushima Daini Nuclear Power Station when the accident occurred; and JPY 150,000 per person was paid for persons who were within a 8 to 10-kilometer radius of the Fukushima Daini Nuclear Power Station but not within a 20-kilometer radius of the Fukushima Daiichi Nuclear Power Station. The compensation period of monthly

payments of JPY 100,000 for the disruption to daily life was set until the end of August 2012 for those from emergency evacuation preparation zones and until the end of March 2018 for those from difficult-to-return zones, restricted residence zones, and evacuation order cancellation preparation zones. The amount of compensation for the disruption to daily life was increased in the case where it was recognized that there were specific reasons and that a person was suffering from greater emotional distress than ordinary evacuees. Moreover, as compensation for emotional distress caused by health concerns as a result of staying in areas with a considerable level of radiation dose for a certain period of time, JPY 600,000 per child and pregnant woman and JPY 300,000 per person for all other persons was paid to residents of planned evacuation zones or specific spots recommended for evacuation. As compensation for damage caused by voluntary evacuation, JPY 400,000 per child and pregnant woman and JPY 200,000 per person for all other persons was paid—~~“Mandatory” evacuees from areas close to the plant are eligible for JPY 2.5 million in additional payments, while those within the 20km radius are eligible for an additional JPY 300,000. “Voluntary” evacuees are now eligible for JPY 200,000.~~

[Paragraph 34]

The following sentences in Paragraph 34 should be deleted as shown below for factual accuracy.

<Original>

34. Applicants must choose between direct compensation and the parallel track of ADR. ADR has been favoured for claims which would be challenging to resolve under TEPCO’s limited compensation criteria, and by those who were not satisfied with TEPCO payments or did not wish to engage with TEPCO. The application process is also simpler than for direct compensation. Mediators hold discussion and make proposal in one or multiple sessions until agreement is reached. Under ADR, mediators apply both the guidelines issued by the Reconciliation Committee and internal “General Standards” which allow additional discretion to determine compensation. This flexibility is a positive step to reduce discrepancies in compensation faced by “voluntary” evacuees and others who have been able to advocate for the recognition of damages not covered under the Reconciliation Committee guidelines.

<Corrections>

34. ~~Applicants must choose between direct compensation and the parallel track of ADR.~~ ADR has been favoured for claims which would be challenging to resolve under TEPCO’s limited compensation criteria, and by those who were not satisfied with TEPCO payments or did not wish to engage with TEPCO. ~~The application process is also simpler than for direct compensation.~~ Mediators hold discussion and make proposal in one or multiple sessions until agreement is reached. Under ADR, mediators apply both the guidelines issued by the Reconciliation Committee and internal “General Standards” which allow additional discretion to determine compensation. This flexibility is a positive step to reduce discrepancies in compensation faced by “voluntary” evacuees and others who have been able to advocate for the recognition of damages not covered under the Reconciliation Committee guidelines.

[Paragraph 38]

The following sentences in Paragraph 38 should be deleted as shown below for factual accuracy.

<Original>

38. Civil and criminal cases against TEPCO management had divergent impacts. One lawsuit brought by shareholders against TEPCO executives led to a JPY 13 trillion settlement in the plaintiffs’ favour – considered largely symbolic, as the executives do not have the means to pay this out. A criminal case brought against TEPCO executives resulted in not-guilty verdicts for those charged, upheld by the Supreme Court. However, TEPCO as a company has consistently been found accountable by the courts.

This has generally resulted in larger amounts of compensation being paid out to IDPs than they would have received through direct compensation or ADR.

<Corrections>

~~38. Civil and criminal cases against TEPCO management had divergent impacts. One lawsuit brought by shareholders against TEPCO executives led to a JPY 13 trillion settlement in the plaintiffs' favour—considered largely symbolic, as the executives do not have the means to pay this out. A criminal case brought against TEPCO executives resulted in not guilty verdicts for those charged, upheld by the Supreme Court. However, TEPCO as a company has consistently been found accountable by the courts. This has generally resulted in larger amounts of compensation being paid out to IDPs than they would have received through direct compensation or ADR.~~

[Paragraph 40]

The Act for Partial Amendment of the Reconstruction Agency was enacted in June 2020. Article 21 on abolishment of the Agency, has been in effect since 1 April 2021. There is also an error in the description regarding the Reconstruction Agency staff.

<Original>

40. Coordination of the reconstruction process falls under the Reconstruction Agency, established in February 2012. In 2019, the Agency's mandate was extended for an additional ten years. However, the tenure of the Agency's management remains relatively short, and turnover is high, which IDPs and civil society report is a challenge in terms of their engagement.

<Corrections>

40. Coordination of the reconstruction process falls under the Reconstruction Agency, established in February 2012. In ~~2019~~2021, the Agency's mandate was extended for an additional ten years. However, the Reconstruction Agency is organized by seconded employees from various ministries, who are replaced after a term of several years ~~tenure of the Agency's management remains relatively short, and turnover is high~~, which IDPs and civil society report is a challenge in terms of their engagement.

[Paragraph 41]

(1) he figures in the first sentence include private homes and public housing outside Fukushima Prefecture.

(2) The second sentence has been revised to clarify that the 570 kilometers of rehabilitated road extends beyond Fukushima.

(3) Clarification has been added to distinguish “tsunami-affected areas,” which extend beyond Fukushima Prefecture, and “disaster-affected” areas, as mixed data are cited in this paragraph.

<Original>

41. As of December 2022, 18,000 private homes and 30,000 units of public housing for disaster-affected people have been completed. 570 kilometres of road were rehabilitated, and mass transit linkages were restored. 95 per cent of disaster-affected areas were able to resume farming, with actual farming standing a little lower at 43 per cent of pre-disaster levels. Fisheries reportedly recovered up to 20 per cent of their pre-disaster levels. Prefectural authorities undertook a campaign to counteract reputational damage to products from the prefecture, resulting in removal of import restrictions on products from Fukushima by most of Japan's trading partners and slow recovery of these products' prices. The Reconstruction Agency acknowledges that further efforts are needed to ensure access to medical care, education, and services; this was echoed by prefectural and municipal authorities in meetings with the Special Rapporteur.

<Corrections>

41. As of December 2022, 18,000 private homes and 30,000 units of public housing for disaster-tsunami-affected people have been completed. 570 kilometres of road were rehabilitated, and mass transit linkages were restored in Fukushima and beyond. 95 per cent of disaster-tsunami-affected areas that were able to resume farming, with actual—while farming area in nuclear-disaster-affected 12 municipalities stands ~~standing~~ a little lower at 43 per cent of pre-disaster levels. Furthermore, fisheries in Fukushima (including volume of inshore and offshore trawl fishery landings) reportedly recovered up to 20 per cent of their pre-disaster levels. Prefectural authorities undertook a campaign to counteract reputational damage to products from the prefecture, resulting in decrease in price gaps between products from Fukushima Prefecture and the national average ~~removal of import restrictions on products from Fukushima by most of Japan's trading partners and slow recovery of these products' prices~~. The Reconstruction Agency acknowledges that further efforts are needed to ensure access to medical care, education, and services; this was echoed by prefectural and municipal authorities in meetings with the Special Rapporteur.

[Paragraph 42]

Paragraph 42 requires the following corrections as it contains inaccurate factual information.

<Original>

42. Reconstruction efforts include hubs for new industries in Fukushima Prefecture. The Fukushima Innovation Coast Initiative consists of a state-of-the-art museum on the disaster and research and development facilities for nuclear decommissioning, robotics and drones, renewable energy, aerospace, medical technology, and advanced agriculture/forestry/fisheries technology. Joining this will be the Fukushima Institute for Research, Education and Innovation, an applied research and training centre aimed at developing new industries including robotics, technology for agriculture/forestry/fisheries, energy, radiation science, and nuclear disasters.

<Corrections>

42. Reconstruction efforts include hubs for new industries in Fukushima Prefecture. The Fukushima Innovation Coast Framework ~~Initiative~~ consists of a state-of-the-art museum on the disaster and research and development facilities for ~~nuclear~~ decommissioning, robotics and drones, ~~renewable~~ energy, environment, and recycling, aerospace, medicine ~~medical technology~~, and ~~advanced~~ agriculture, ~~#forestry~~ and ~~#fisheries~~ ~~technology~~. Joining this will be the Fukushima Institute for Research, Education and Innovation, an applied research and development, industrialization, human resource development organization ~~training centre~~ aimed at developing new industries including robotics, ~~technology for~~ agriculture, ~~#forestry~~ and ~~#fisheries~~, energy, radiation science, medicine and drug development, and industrial applications for radiation, and collection and dissemination of data and knowledge on nuclear disasters~~nuclear disasters~~.

[Paragraph 43]

Paragraph 43 should be revised as shown below for factual accuracy:

(1) One of the criteria for evacuation orders to be lifted is that “it is certain that annual cumulative doses estimated based on ambient dose rates will reach 20mSv or lower.”

(2) In addition to prefectures, municipalities, and residents, the Japanese government also participates in the consultations.

<Original>

43. Since 2014, the Government has begun lifting evacuation orders. In principle, there are three criteria for evacuation orders to be lifted: i.) the cumulative annual dose of additional radiation received should not exceed 20 millisieverts (mSv); ii.) infrastructure and essential services should be re-established in the area concerned;

and iii.) consultations are held between the prefecture, municipalities, and residents. These criteria and their implementation are problematic in several aspects.

<Corrections>

43. Since 2014, the Government has begun lifting evacuation orders. In principle, there are three criteria for evacuation orders to be lifted: i.) annual cumulative doses estimated based on ambient dose rates will become 20mSv or lower ~~the cumulative annual dose of additional radiation received should not exceed 20 millisieverts (mSv);~~ ii.) infrastructure and essential services should be re-established in the area concerned; and iii.) consultations are held between the Japanese government, the prefecture, municipalities, and residents ~~the prefecture, municipalities, and residents.~~ These criteria and their implementation are problematic in several aspects.

[Paragraph 44]

Paragraph 44 should be revised as shown below for the following reasons:

(1) According to the ICRP, public exposure under emergency exposure situations ranges from 20mSv to 100mSv, so this statement is factually incorrect. The Japanese government has adopted a value of 20mSv, the most severe value indicated in this reference level, to achieve the lifting of the evacuation order.

(2) Regarding the last sentence of Paragraph 44, the Japanese government has provided explanations to residents and local assemblies. We have responded sincerely to the suggestions we received at these consultative meetings and have lifted the evacuation order through mutual consent. These statements should be based on fact, but there is no factual evidence supporting the statement.

<Original>

44. Under ICRP guidelines, the 20 mSv standard is only applicable to adults with occupational exposure to radiation – for example, nuclear power plant workers – while the recommended maximum radiation dose for the general public is 1 mSv per year, also the civilian limit under Japanese law but only applied to areas not affected by the disaster. Many oppose using this standard for civilians, especially children who are more susceptible to radiation. On the second criteria, the Special Rapporteur visited the town of Futaba, where evacuation orders have been partially lifted since 2020 and was informed that no school or hospital exists in the town, although the resumption of such essential services is meant to precede the lifting of evacuation orders. It is conceivable that other evacuation orders have been lifted without these services in place. Finally, many IDPs reported that “consultations” related to the lifting of evacuation orders consisted largely of the authorities’ informing stakeholders of their preconceived plans to lift the evacuation order, rather than seeking consent or allowing them to shape the process.

<Corrections>

44. ~~Under ICRP guidelines, the 20 mSv standard is only applicable to adults with occupational exposure to radiation – for example, nuclear power plant workers – while the recommended maximum radiation dose for the general public is 1 mSv per year, also the civilian limit under Japanese law but only applied to areas not affected by the disaster.~~ Many oppose using this standard for civilians, especially children who are more susceptible to radiation. On the second criteria, the Special Rapporteur visited the town of Futaba, where evacuation orders have been partially lifted since 2020 and was informed that no school or hospital exists in the town, although the resumption of such essential services is meant to precede the lifting of evacuation orders. It is conceivable that other evacuation orders have been lifted without these services in place. ~~Finally, many IDPs reported that “consultations” related to the lifting of evacuation orders consisted largely of the authorities’ informing stakeholders of their preconceived plans to lift the evacuation order, rather than seeking consent or allowing them to shape the process.~~

[Paragraph 45]

The following corrections should be made to Paragraph 45 as it contains inaccurate statements.

First, an assertion that the lifting of an evacuation order results in “the cessation of assistance” is inaccurate.

Second, the second sentence is inaccurate as Futaba Town continues to provide housing assistance beyond “one year after the lifting of evacuation orders.”

Third, it should be noted that Futaba Town provided a sum of JPY 1,000,000 to all residents of the Town at the time of the Great East Japan Earthquake who were affected by the earthquake, not just to returnees, as assistance to rebuild their lives following long-term evacuation.

Fourth, with regard to the second to the last sentence, we have corrected the reference to the Guiding Principles on IDPs, not international law. The last sentence is deleted because the Guiding Principles on IDPs do not mention “coercion.” To avoid unnecessary misunderstanding, *lex lata* and relevant principles should be accurately referred to, if reference is necessary.

Fifth, the assertion that assistance was being withheld assistance from those in displacement while providing assistance to returnee is inaccurate as assistance is provided depending on the preference of evacuees on whether to remain outside Fukushima Prefecture or not.

< Original >

45. The lifting of evacuation orders is problematically tied to the cessation of assistance to IDPs remaining in evacuation. “Mandatory” evacuees generally lose housing assistance from Fukushima Prefecture one year after the lifting of evacuation orders on their area of origin. “Voluntary” evacuees have lost this assistance since March 2017. Meanwhile, there are financial incentives for those who return. Fukushima Prefecture informed the Special Rapporteur that returnees receive between JPY 50,000-100,000 for residential fees. Municipalities provide further incentives; Futaba Town informed the Special Rapporteur that returnees receive a lump sum of JPY 500,000 and access to concessional loans. **Under international law, IDPs must be able to freely choose whether to return to their areas of origin or settle elsewhere without coercion. The Special Rapporteur believes that policies that withhold assistance from those in displacement while providing assistance to returnees may amount to such coercion.**

< Corrections >

~~45. The lifting of evacuation orders is problematically tied to the cessation of assistance to IDPs remaining in evacuation. “Mandatory” evacuees generally lose housing assistance from Fukushima Prefecture one year after the lifting of evacuation orders on their area of origin. “Voluntary” evacuees have lost this assistance since March 2017. Meanwhile, there are financial incentives for those who return. Fukushima Prefecture informed the Special Rapporteur that returnees receive between JPY 50,000-100,000 for residential fees. Municipalities provide further incentives; Futaba Town informed the Special Rapporteur that the Town provides a sum of JPY 1,000,000 to all residents of the Town at the time of the Great East Japan Earthquake who were affected by the Earthquake earthquake, not just returnees, as assistance to rebuild their lives due to long-term evacuation returnees all residents receive a lump sum of JPY 500,000 and access to concessional loans. Under the Guiding Principles on Internal Displacement-international law, IDPs must be able to freely choose whether to return to their areas of origin or settle elsewhere without coercion. The Special Rapporteur believes that policies that withhold assistance from those in displacement while providing assistance to returnees may amount to such coercion.~~

[Paragraph 46]

The second sentence in Paragraph 46 should be deleted as Fukushima Prefecture did not make such a statement and is therefore inaccurate representation of the situation.

The cessation of housing support for “voluntary evacuees” was not due to financial cost but to transition to new types of services such as reinforcing consultation services as public infrastructure was restored, progress was made in decontamination and public recovery housing, and living condition improved.

Before the Great East Japan Earthquake, agriculture and fishing were thriving in the Hamadori area of Fukushima Prefecture, while the business activities of nuclear-related companies also accounted for a large proportion of the local economy.

In fact, due to the loss of the industrial base due to the nuclear disaster and other factors, approximately 30% of employees in Futaba-area lost their jobs.

Going forward, in order to realize the residents’ economic independence and the reconstruction of the local economy, we will need to secure a workplace that will be the foundation of their lives while promoting the restoration of the environment and that at the Fukushima Daiichi Nuclear Power Station, which is a prerequisite for this. It is also required to work on the creation of new industries so as to contribute to the improvement of the environment for evacuees to return.

To create new industries in the Hamadori area of Fukushima Prefecture, the GOJ has launched “the Fukushima Innovation Coast Framework” as one of the pillars along with the “reconstruction of businesses and livelihoods,” which supports disaster-stricken businesses resume operations at their original locations.

Specifically, we are working on attracting companies, supporting new product development, and developing human resources as part of the framework. Efforts such as support for business matching between companies that have moved to the Hamadori area and local companies are beginning to generate results.

For example, we have coordinated approximately 600 contracts so far in terms of matching support between companies in Fukushima Prefecture that wish to enter the decommissioning-related industry at TEPCO’s Fukushima Daiichi Nuclear Power Station and prime contractors for decommissioning projects.

■ Fukushima Decommissioning Related Industry Matching Support Secretariat (Japanese Only)

<https://haio-matching.jp/index.html#about>

■ Achievements of support (Japanese Only)

<https://haio-matching.jp/activity.html#activity1>

Furthermore, the last sentence of Paragraph 46 should be revised to reflect the result of the most recent survey.

<Original>

46. Reconstruction efforts appear to be funded at the expense of support to IDPs who do not wish to return. Fukushima Prefecture informed the Special Rapporteur that the cessation of housing support to evacuees outside the prefecture was financially necessary as the cost was no longer tenable for the prefecture. However, significant investments continue to be made in projects of unclear relevance to IDPs and Fukushima residents. The Fukushima Innovation Coast Framework has been estimated to cost as much as JPY 10 billion annually, yet many IDPs and experts expressed scepticism that IDPs and Fukushima residents would benefit from this knowledge-economy project, given that the primary economic sectors pre-disaster were agriculture and fisheries. Some municipal authorities had not heard of the project when asked, and one survey found that 83.4 per cent of the Prefecture’s residents were not aware of what it was.

<Corrections>

46. Reconstruction efforts appear to be funded at the expense of support to IDPs who do not wish to return. ~~Fukushima Prefecture informed the Special Rapporteur that the cessation of housing support to evacuees outside the prefecture was financially necessary as the cost was no longer tenable for the prefecture.~~ However, significant

investments continue to be made in projects of unclear relevance to IDPs and Fukushima residents. The Fukushima Innovation Coast Framework has been estimated to cost as much as JPY 10 billion annually, yet many IDPs and experts expressed scepticism that IDPs and Fukushima residents would benefit from this knowledge-economy project, given that the primary economic sectors pre-disaster were agriculture and fisheries. ~~Some municipal authorities had not heard of the project when asked, and~~ While a ~~one~~ survey conducted in the past found that 83.4 per cent of the Prefecture's residents were not aware of what it was, the latest survey shows that more than 70 per cent of respondents were familiar with some aspects of the Framework, indicating that it is gaining recognition.

[Paragraph 47]

There is no factual evidence supporting the assertion that measures for returning residents were reduced as a result of the expansion of those to promote resettlement, as the measures to promote resettlement are just that: newly expanded measures.

Furthermore, the “Basic Policy for Recovery from the Great East Japan Earthquake after the ‘Reconstruction and Creation Period’ (December 2019),” does not state that “it is difficult to achieve regional reconstruction and revitalization simply by promoting the return of residents.”

(Source: Basic Policy for Recovery from the Great East Japan Earthquake after the “Recovery and Creation Period” (Cabinet Decision on March 9, 2021) (<https://www.reconstruction.go.jp/topics/main-cat12/sub-cat12-1/20210311135501.html>)

<Original>

47. Reconstruction policies appear to be shifting from primarily targeting IDP returnees and disaster-affected residents of Fukushima Prefecture and towards attracting new residents. “Promotion of migration and settlement of new residents” is now an explicit goal for the Reconstruction Agency. This policy is enshrined in the latest revision of the Basic Guidelines for the Reconstruction:

- In considering the intentions of residents, it is difficult to achieve the reconstruction and revitalization of the area simply by promoting the return of residents to these areas...actions shall be taken...such as promoting relocation and increasing the number of visitors and related population, in addition to the development of an environment that allows residents to return home.

<Corrections>

47. Reconstruction policies were expanded to include efforts to attract new residents as well as ~~appear to be shifting from~~ primarily targeting IDP returnees and disaster-affected residents of Fukushima Prefecture and towards attracting new residents. “Promotion of migration and settlement of new residents” is now an explicit goal for the Reconstruction Agency. This policy is enshrined in the latest revision of the Basic Guidelines for the Reconstruction:

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[Paragraph 48]

The use of the word “many” suggests subjective evaluation and has therefore been revised to the more objective word “some.”

<Original>

48. Hereby, the Government rightly acknowledges that many displaced residents of Fukushima Prefecture do not wish to return. **Instead of focusing on the prefecture's repopulation, the Special Rapporteur recommends prioritizing measures to ensure IDPs who do not wish to return can achieve a durable solution**

outside the Prefecture while residents of and returnees to Fukushima Prefecture can enjoy the full spectrum of their human rights. Once the restitution of disaster victims is achieved, measures to attract new residents to the prefecture may be appropriate. This requires a rights-based approach to recovery, including positive measures to address the ongoing human rights challenges that IDPs especially continue to face.

<Corrections>

48. Hereby, the Government rightly acknowledges that some ~~many~~ displaced residents of Fukushima Prefecture do not wish to return. **Instead of focusing on the prefecture’s repopulation, the Special Rapporteur recommends prioritizing measures to ensure IDPs who do not wish to return can achieve a durable solution outside the Prefecture while residents of and returnees to Fukushima Prefecture can enjoy the full spectrum of their human rights. Once the restitution of disaster victims is achieved, measures to attract new residents to the prefecture may be appropriate. This requires a rights-based approach to recovery, including positive measures to address the ongoing human rights challenges that IDPs especially continue to face.**

[Paragraph 49]

(1) The following revisions to Paragraph 49 are needed for factual accuracy:

First, the paragraph begins by stating that “[a]t the onset of the disaster, the failure to release SPEEDI emissions data, the lack of information provided regarding the basis for evacuation zones, and attempts to downplay the severity of the situation prevented citizens from making informed decisions on evacuation.” It goes on to state that the Act on Special Measures (Article 34) includes provisions on “efforts to increase public understanding of radiation” “in order to eliminate health concerns [...] over contamination by radioactive materials discharged.” The draft report implies that the government must disclose information to the public based on the said article.

However, it is incorrect to state that the government was obligated to disclose information at the beginning of the nuclear accident on the basis of this article, which stipulates public relations and other activities (risk communication) to deepen accurate public understanding of radiation. First, the above Act was enacted in 2012 and did not exist at the time of the earthquake. Furthermore, “Article 34” refers to the text at the time of enactment; the Act was subsequently amended, and as of 2023, the relevant provision is Article 57.

(2) Regarding the project promoted by the Ministry of the Environment, a correction needs to be made to accurately reflect that it is for all Japanese people, not just those residing in Fukushima.

<Original>

49. At the onset of the disaster, the failure to release SPEEDI emissions data, the lack of information provided regarding the basis for evacuation zones, and attempts to downplay the severity of the situation prevented citizens from making informed decisions on evacuation and eroded trust in Government information about radiation, which has been furthered by a policy of deemphasizing radiation risks. This is codified in legislation including the Act on Special Measures, which specifies efforts to increase public understanding of radiation will be taken “in order to eliminate health concerns [...] over contamination by radioactive materials discharged” (Article 34). The Ministry of the Environment has a project with an explicit target of reducing the percentage of Fukushima residents who believe radiation exposure will affect the health of future generations in the Prefecture by half.

<Corrections>

49. At the onset of the disaster, the failure to release SPEEDI emissions data, the lack of information provided regarding the basis for evacuation zones, and attempts to downplay the severity of the situation prevented citizens from making informed decisions on evacuation and eroded trust in Government information about radiation,

which has been furthered by a policy of deemphasizing radiation risks. ~~This is codified in legislation including the Act on Special Measures, which specifies efforts to increase public understanding of radiation will be taken “in order to eliminate health concerns [...] over contamination by radioactive materials discharged” (Article 34).~~ The Ministry of the Environment has a project with an explicit target of reducing the percentage of Japanese people ~~Fukushima residents~~ who believe radiation exposure will affect the health of future generations in the Prefecture by half.

[Paragraph 53]

The following revision to Paragraph 53 is needed for factual accuracy:

(1) Since the Special Measures Law (Fukushima Act on Special Measures for Reconstruction and Revitalization) does not stipulate any criteria or process regarding the lifting of evacuation orders in the first place, reference(s) to the Special Measures Law is irrelevant in describing the process regarding the lifting of evacuation orders; and

(2) In addition, while the draft report criticizes that “there is no mechanism for individual evacuees to be involved in the decision-making process of the Japanese government's reconstruction measures,” this is incorrect for the following reasons and should be deleted. First, Japan is an indirect democracy in terms of government decision-making. In other words, despite our best efforts, it is impossible for the government to hear the opinions of every single citizen. However, the government ensures that the process reflects the will of the people by having the government budget and other reconstruction measures approved by the Diet, whose members are the representatives of the people. Furthermore, for policies in which evacuees are direct stakeholders, the GOJ ensures a process to reflect the opinions of evacuees by holding explanatory meetings as necessary.

(3) The last sentence of the paragraph was revised to ensure the accuracy of what was conveyed at the hearing by the Reconstruction Agency.

<Original>

53. Evacuees are neither represented on nor consulted by the Reconciliation Committee when determining guidelines and eligibility for compensation. Although adequate consultation with Fukushima Prefecture, municipal councils, and residents is one of the three criteria necessary for the Government to lift evacuation orders, many IDPs report they are merely informed of the Government’s intentions, without any real possibility to challenge the decision. Modalities outlined in legislation and in the policies of Government agencies for the participation of affected communities are often indirect. The Act on Special Measures requires consultations between federal, prefectural, and municipal authorities but has no modality for directly engaging residents. Limiting decision-making to different levels of government is not transparent and disenfranchises citizens who might not feel their municipal or local authorities represent their interests. In other instances, modalities for consulting affected residents are largely ad-hoc. The Reconstruction Agency informed the Special Rapporteur that input from evacuees is only collected through the queries received through evacuee helplines or occasional requests evacuees make directly of elected officials.

<Corrections>

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~~transparent and disenfranchises citizens who might not feel their municipal or local authorities represent their interests. In other instances, modalities for consulting affected residents are largely ad hoc. The Reconstruction Agency informed the Special Rapporteur that it is appropriately collecting opinions from disaster victims by setting up opportunities to hear their opinions directly and accepting consultations at 26 livelihood reconstruction support bases established by Fukushima Prefecture and located nationwide, as needed. input from evacuees is only collected through the queries received through evacuee helplines or occasional requests evacuees make directly of elected officials.~~

[Paragraph 54]

The last sentence of Paragraph 54 should be deleted since neither the Reconstruction Agency nor the Fukushima Prefectural Government can confirm the factual information presented in it.

<Original>

54. Social tensions and discrimination make it challenging for IDPs to participate in society, whether in evacuation or after return. IDPs were stigmatized as supposed carriers of radiation and faced resentment over the compensation they may have received. “Voluntary” evacuees were accused by their former neighbors of being disloyal, excessively paranoid about health concerns, or greedy for compensation. There are also tensions between “mandatory” and “voluntary” evacuees, over the disparate level of assistance and compensation they received. The Government could not detail efforts to address these types of conflicts when asked by the Special Rapporteur. IDPs reported feeling that the Government is contributing to their isolation by insisting that returns are safe and evacuation is a matter of individual choice. Some evacuee associations reported they had previously held regular public events for the public to meet and exchange with both “mandatory” and “voluntary” IDPs, building intercommunal relations, but had to stop these activities in 2017 when Government support to their organizations ended.

<Corrections>

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[Paragraph 58]

The following sentences in paragraph 58 should be deleted as shown below for factual accuracy.

<Original>

58. As with direct compensation, the end result of ADR mediation depends on the goodwill of TEPCO, and IDPs report that ADR payments are insufficient, and the determination process is slow. Claimants find it challenging to locate necessary documentation on their own and must travel at their own expense to ADR centres for mediation, which is only in-person. Confidence in the ADR system was significantly undermined by the revelation that the ADR Centre’s bureaucracy had maintained a confidential internal policy of discounting damages by 50 per cent, by determining the

full extent of claimants' losses, then offering damages equivalent to half that amount to claimants.

<Corrections>

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[Paragraph 62]

Paragraph 62 should be deleted for the following reasons:

- While there may have been some cases as described in the original draft, the report seems to generalize and typify the cases. The Reconstruction Agency cannot confirm that such cases are general and have become a pattern, and therefore cannot accept such generalized statements
- In addition, as part of the "Support Project for Evacuees from Outside the Prefecture," which falls under the comprehensive grants scheme to help disaster victims, the Disaster Victim Support Team provides a reduction or exemption of expressway tolls when mothers and children who have evacuated to areas away from their families visit those who remain in the disaster area by using the expressway.

[Paragraph 64]

(1) There is no reference in the paper cited in Footnote 66 that indicates a causal relationship between the fact that "temporary houses are exempt from some requirements under Japan's Building Standards Law, on the condition that they not be used for more than two years" and the Special Rapporteur's claim that "long-term habitability is questionable." In addition, the Building Standard Law does not prevent long-term habitability, as the 2022 amendment to the Law has just made it possible to continue residence beyond 2 years and 3 months if approved by the relevant administrative agency, among others.

(2) Sentences that have been marked for deletion should be removed as there seems to be misunderstanding of facts. Specifically, only four people were voluntarily living in built-type temporary houses (i.e., prefabricated houses) based on their choice as of December 2022, and most of the approximately 1,000 people were living in rent-type houses which are regular and permanent rental houses. See slide the table in (2) in slide No.3, accessible from the following URL:

https://www.reconstruction.go.jp/topics/main-cat7/sub-cat7-2/20230227_ref1.pdf

<Original>

64. Emergency shelters did not meet the definition for adequate housing, as they were overcrowded, lacked essential services including energy and running water and facilities for women, older persons, and children. Prefabricated temporary houses were an improvement; however, they posed problems in terms of location, and cultural adequacy in their inability to accommodate larger or multi-generational families. Their long-term habitability is questionable, as temporary houses are exempt from some requirements under Japan's Building Standards Law, on the condition that they not be used for more than two years. However, at least 1,000 IDPs remained in temporary housing as late as December 2022. The Special Rapporteur recommends that future emergency preparedness efforts strictly follow SPHERE standards at the minimum, engage affected populations beforehand to ensure adequacy, and provide shelter that

meets the intersectional needs of diverse populations and prefabricated housing that can be adapted for protracted displacement.

<Corrections>

64. Emergency shelters did not meet the definition for adequate housing, as they were overcrowded, lacked essential services including energy and running water and facilities for women, older persons, and children. ~~Prefabricated temporary houses were an improvement; however, they posed problems in terms of location, and cultural adequacy in their inability to accommodate larger or multi-generational families. Their long-term habitability is questionable, as temporary houses are exempt from some requirements under Japan's Building Standards Law, on the condition that they not be used for more than two years. However, at least 1,000 IDPs remained in temporary housing as late as December 2022.~~ The Special Rapporteur recommends that future emergency preparedness efforts strictly follow SPHERE standards at the minimum, engage affected populations beforehand to ensure adequacy, and provide shelter that meets the intersectional needs of diverse populations and prefabricated housing that can be adapted for protracted displacement.

[Paragraphs 65 through 68]

While the Special Rapporteur uses the term “public housing” in paragraphs 65 through 68 to describe housing for evacuees, using the term “public housing” in these paragraphs can be misleading. It is because, in Japan, “public housing” only refers to housing under the Public Housing Law and does not include civil servant housing. It is likely that most of the housing for evacuees is not “public housing,” and using “housing for evacuees that has been secured by Fukushima Prefecture” instead seems more appropriate

[Paragraph 65]

The assertion made in Paragraph 65 on “vacant civil servant dormitories for which there was no demand” has no evidence verifying the claim. Under the Disaster Relief Law, all housing provided was emergency temporary housing for evacuation purposes with no residency rights. As evacuees are residing in the civil servant housing that are scheduled to be demolished due to its age, it cannot be taken down.

Fukushima Prefecture has filed lawsuits against evacuees who continue to live in temporary housing after the provision of emergency temporary housing has ended, even though they have no right to live there, and is demanding “eviction,” “payment of rental fees,” and “payment of compensation equivalent to twice the amount of rental fees (note that even twice the amount of rental fee is less than the rent for nearby housing).”

Furthermore, the statement that Fukushima Prefecture is demanding eviction and back-rent is incorrect because while the Prefecture has filed a “lawsuit for payment of rent, etc.” after evacuees have moved out, it has not filed a lawsuit for eviction or for “back rent.”

Moreover, references to “back rent” is erroneous, and should instead be “payment of rental fees, etc.”

The last sentence of Paragraph 65 also contains inaccurate information.

<Original>

The provision of public housing and payment of rent for IDPs by Fukushima Prefecture were forward-thinking measures that respected their rights and dignity. The Special Rapporteur met IDPs who could not otherwise have afforded housing. It is regrettable that over time the Prefecture has unilaterally stopped providing this assistance to all “voluntary” evacuees and to “mandatory” evacuees whose evacuation orders have been lifted. The Special Rapporteur was informed that much of the public housing occupied by IDPs consisted of vacant civil servant dormitories for which there was no demand. Nonetheless, the Prefecture has sued evacuees who remain in public

housing after the official end of support, demanding their eviction and back-rent, even after they have moved out.

<Corrections>

The provision of public housing and payment of rent for IDPs by Fukushima Prefecture were forward-thinking measures that respected their rights and dignity. The Special Rapporteur met IDPs who could not otherwise have afforded housing. It is regrettable that over time the Prefecture has unilaterally stopped providing this assistance to all “voluntary” evacuees and to “mandatory” evacuees whose evacuation orders have been lifted. ~~The Special Rapporteur was informed that much of the public housing occupied by IDPs consisted of vacant civil servant dormitories for which there was no demand. Nonetheless, the Prefecture has sued evacuees who remain in public housing after the official end of support, demanding their eviction and back-rent, even after they have moved out.~~

[Paragraph 66]

Paragraph 66 should be deleted due to inaccurate information:

(1) On reference to “places where their life or health would be at risk,” people are unable to return to the difficult-to-return zones even if they hope to and will therefore not be forced to return. Furthermore, more than a million people are leading regular lives outside areas to which evacuation order has been issued, and these areas are not “places where their life or health would be at risk.”

(2) Moreover, whether in or outside Fukushima, evacuees are free to choose to live wherever they wish to as long as they have the right to reside at the location. And they will receive social welfare in their local communities regardless of where they have evacuated.

[Paragraph 67]

Paragraph 67 should be revised for the following reasons:

(1) The second sentence in Paragraph 67 should be deleted as it implies that all decontaminated areas are near high contamination areas. More than a million people are leading regular lives in these areas since the incident, and these areas are not “places where their life or health would be at risk.”

(2) The third sentence in Paragraph 67 should be deleted because the jobs-to-applicants ratio in Fukushima Prefecture is over 1.0 (1.43 as of February 2023, above the national level of 1.34), and we believe that there is no shortage of employment opportunities.

<Original>

67. Hosing provided to returnees may not meet the definition of adequate housing based on location. Adequately-located housing should be away from polluted sites; however, decontaminated areas of Fukushima rest beside high contamination areas, and radiation hotspots remain a risk. Adequately-located housing should be in proximity to employment, healthcare, schools, and other social facilities. The economy of many areas within Fukushima Prefecture has not fully recovered, meaning job opportunities are scarce. Local authorities informed the Special Rapporteur that schools and hospitals in some areas of return either do not exist or are severely understaffed due to the challenges of recruiting and retaining qualified personnel willing to work in the area.

<Corrections>

67. Hosing provided to returnees may not meet the definition of adequate housing based on location. ~~Adequately located housing should be away from polluted sites; however, decontaminated areas of Fukushima rest beside high contamination areas, and radiation hotspots remain a risk.~~ Adequately-located housing should be in proximity to employment, healthcare, schools, and other social facilities. ~~The economy of many areas within Fukushima Prefecture has not fully recovered, meaning~~

~~job opportunities are scarce.~~ Local authorities informed the Special Rapporteur that schools and hospitals in some areas of return either do not exist or are severely understaffed due to the challenges of recruiting and retaining qualified personnel willing to work in the area.

[Paragraph 68]

Paragraph 68 should be deleted for factual inaccuracy:

(1) The first sentence is inaccurate because the reason for removal is that evacuees continue to reside in an emergency temporary houses based on the Disaster Relief Act beyond the period of emergency temporary houses support. Furthermore, the decision to return or not to return is an individual decision, and there are no facts indicating that the government is forcing evacuees to return.

(2) The second sentence makes a reference to “expanded measures to enable IDPs that qualify to access low-income housing.” In Japan, persons who are in need and have difficulty securing housing have access to various support services to help them access low-income housing.

(3) As of 1 February 2023, approximately 20,000 people are evacuating outside Fukushima Prefecture. Of them, approximately 40 households are overstaying in the emergency temporary houses beyond the covered period. These persons refuse assistance from Fukushima Prefecture and instead are determined to stay in civil servant housing free of charge.

(4) The Special Rapporteur’s recommendation to Japan, which is based on unproven testimonies of small number of evacuees who refuse to vacate the civil servant housing, will not be supported by the overwhelming majority of residents of Fukushima Prefecture who did not evacuate or who, as promised, moved out of emergency temporary housing, such as civil servant housing, and are living in public housing while paying rent and may result in new divisions and discrimination, bringing benefit to only some specific persons.

[Paragraph 70]

The first and last sentences of Paragraph 70 should be revised for factual accuracy. We would like to reiterate that one of the criteria for evacuation orders to be lifted is not “radiation dose” but “the annual cumulative dose estimated from the air dose rate.”

(Reference 1) Standard for Lifting the Evacuation Order

The standard for lifting the evacuation order, “20mSv per year,” was established with reference to the lowest value among the 20-100mSv recommended by the ICRP as the exposure dose under emergency exposure situations, based on the views of the Nuclear Regulation Commission at the time.

Since the evacuation order is an action that entails a severe restriction of rights, depriving people of their right to live in the area, the same 20mSv per year as the evacuation order is used for the requirement for lifting the order.

Once the evacuation order has been lifted, from the viewpoint of reducing the radiation dose to residents, a long-term goal is set to reduce the additional annual exposure dose to 1mSv or less for individuals.

(Reference 2) Criteria required for the lifting of evacuation orders

- (i) it is certain that annual cumulative doses estimated based on ambient dose rates will become 20 mSv or lower;
- (ii) infrastructure (such as electricity, gas, water and sewer services, major transportation systems, and communication networks) and living-related services (such as medical services, nursing care, and postal services) indispensable for daily lives have been almost restored and decontamination work has progressed sufficiently centered on children's living environments;

(iii) consultations have been held sufficiently among the Japanese government, prefecture, municipalities and residents.

<Original>

70. Many sources have expressed concern over the Government's policy of lifting evacuation orders for areas in which radiation doses are at or below 20 mSv/year, above the limit for civilian exposure prescribed by the ICRP. Although the ICRP permitted Japan to derogate these limits to allow a reference level of 1-20 mSv/year as the standard for disaster-affected areas, it cautioned this should be implemented if all necessary protective measures were in place, abandonment of the areas concerned could not be envisaged, and with a long term goal of reducing radiation to 1 mSv per year. Furthermore, the standard is applied without distinction to adults and children, although children are known to be more sensitive to radiation. There is no scientific consensus around the long-term effects of exposure to low-dose (<100 mSv/year) radiation, and the ICRP itself notes that radiation risks increase proportionally to the dose received, even below 100 mSv. The Special Rapporteur recommends the Government address the concerns of citizens and scientists and re-examine the validity of the 20 mSv/year exposure standard, particularly as applied to children.

<Corrected>

70. Many sources have expressed concern over the Government's policy of lifting evacuation orders for areas in which the annual cumulative dose estimated from the air dose rate ~~radiation doses~~ are at or below 20 mSv/year, above the limit for civilian exposure prescribed by the ICRP. Although the ICRP permitted Japan to derogate these limits to allow a reference level of 1-20 mSv/year as the standard for disaster-affected areas, it cautioned this should be implemented if all necessary protective measures were in place, abandonment of the areas concerned could not be envisaged, and with a long term goal of reducing radiation to 1 mSv per year. Furthermore, the standard is applied without distinction to adults and children, although children are known to be more sensitive to radiation. There is no scientific consensus around the long-term effects of exposure to low-dose (<100 mSv/year) radiation, and the ICRP itself notes that radiation risks increase proportionally to the dose received, even below 100 mSv. The Special Rapporteur recommends the Government address the concerns of citizens and scientists and re-examine the validity of applying the annual cumulative dose estimated from the air dose rate of the 20 mSv/year as the one of the criteria for evacuation orders to be lifted. ~~exposure standard, particularly as applied to children.~~

[Paragraph 71]

(1) The first sentence of Paragraph 71 has been modified to clarify that the Fukushima Health Management Survey is being implemented by Fukushima prefectural authorities with assistance from the Government of Japan.

(2) The second to last sentence has been corrected because the eligibility for the thyroid screening is available not just for those who were under 18 at the time of the disaster but also for those who were born after the earthquake and meet the relevant criteria.

<Original>

71. Recognizing the potential long-term health risks associated with radiation, the Government took the positive step of implementing the Fukushima Health Management Survey. The Survey comprises multiple annual components, including a self-reporting survey on basic health status of all residents of the prefecture at the time of the disaster, physical examinations and a self-reported survey on mental health and lifestyle for "mandatory" evacuees, a pregnancy and birth survey for mothers resident or who gave birth in Fukushima Prefecture during the disaster, and thyroid screening for residents of the prefecture during the disaster who were under 18 at the time. The Special Rapporteur recommends that these positive measures should be strengthened by ensuring "mandatory" and "voluntary" evacuees benefit from the same health services.

<Corrections>

71. Recognizing the potential long-term health risks associated with radiation, the Government took the positive step of supporting the implementation of ~~implementing~~ the Fukushima Health Management Survey. The Survey comprises multiple annual components, including a self-reporting survey on basic health status of all residents of the prefecture at the time of the disaster, physical examinations and a self-reported survey on mental health and lifestyle for “mandatory” evacuees, a pregnancy and birth survey for mothers resident or who gave birth in Fukushima Prefecture during the disaster, and thyroid screening for residents of the prefecture during the disaster, mainly who were under 18 at the time. The Special Rapporteur recommends that these positive measures should be strengthened by ensuring “mandatory” and “voluntary” evacuees benefit from the same health services.

[Paragraph 74]

The last part of Paragraph 74 should be deleted as shown below for factual accuracy because those who have been displaced are not forced to return but rather decide to do so of their own free will

<Original>

74. For returnees, access to healthcare remains a major challenge. Prefectural authorities reported it was extremely challenging to convince medical personnel to work in Fukushima and that many hospitals remain closed or understaffed. While projects such as the Regional Medical Care Revitalization Fund that aim to improve hospitals and attract doctors to disaster-affected areas are a positive step, IDPs should not be coerced to return to areas without healthcare.

<Corrections>

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[Paragraph 75]

If the “studies” that are being referred to are surveys conducted by the “Earthquake Support Network Saitama” and the “Institute of Disaster Recovery Medical Anthropology, Waseda University,” please delete the relevant section because this survey has a response rate of only 9.6% (516 out of 5350 households) and may not accurately reflect the overall situation.

<Original>

75. A majority of IDPs reported facing mental health challenges, having experienced the triple disaster, health concerns, the loss of their homes, hometowns, and communities, family breakups, stigmatization and bullying, loneliness, financial struggles, and uphill battles for assistance and compensation. In this context, it is unsurprising that studies have found that over 40 per cent of IDPs are at risk of experiencing PTSD even today. The potential prevalence of PTSD over time has remained relatively consistent for Fukushima IDPs, which contrasts with the situation of other disaster victims where PTSD prevalence declines more rapidly. One study attributes this to the particular pressure Fukushima evacuees face to return to area they deem are unsafe. In addition to PTSD, the Special Rapporteur heard reports of IDPs experiencing anxiety, depression and suicide.

<Corrections>

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~~unsurprising that studies have found that over 40 per cent of IDPs are at risk of experiencing PTSD even today.~~ The potential prevalence of PTSD over time has remained relatively consistent for Fukushima IDPs, which contrasts with the situation of other disaster victims where PTSD prevalence declines more rapidly. One study attributes this to the particular pressure Fukushima evacuees face to return to area they deem are unsafe. In addition to PTSD, the Special Rapporteur heard reports of IDPs experiencing anxiety, depression and suicide.

[Paragraph 76]

The sections of Paragraph 76 shown as deleted below should be removed for the following reasons:

(1) Regarding the first part, the Reconstruction Agency never made such a statement.

(2) As for the latter part, the GOJ is already expanding access to mental healthcare services through 14 mental health care centers that have been established in Iwate, Miyagi, and Fukushima Prefectures to provide support for mental health care.

<Original>

76. Officials informed the Special Rapporteur that they struggle to identify enough mental health service providers for evacuees. Those services evacuees can access are mainly provided by non-profit organizations, who struggle to have sufficient funding. While the Reconstruction Agency informed the Special Rapporteur that “mental recovery” projects are part of its portfolio, these appear to be focused on promoting general social interaction which may not address the clinical mental health needs of some evacuees. The Special Rapporteur recommends the authorities invest in expanding access to mental healthcare services and cover the costs thereof to the extent possible, as is done for some physical health conditions. Such efforts could be undertaken directly by the authorities concerned, and through increasing support to NPOs already working on these issues.

<Corrections>

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[Paragraph 77]

The first two sentences of Paragraph 77 should be revised to reflect the information contained in the latest report by the Ministry of the Environment.

<Original>

77. Decontamination has been completed in 100 municipalities across 8 prefectures, covering over 15,000 hectares. The Government reports that “whole area decontamination” has been completed in all municipalities where evacuation orders have been lifted. However, the phrase “whole area”, in practice, only refers to homes, roads, farmlands, and forests close to residential areas. In many districts targeted for decontamination, more than 80 per cent of the territory consists of mountainous forests far from residential areas; “whole area decontamination” may therefore cover as little as 5 per cent of the district’s territory. In “restricted” or “difficult-to-return” areas, where radiation levels remain particularly high, “whole-area decontamination” is not

employed; rather, small tracts of land designated by municipal authorities are strategically decontaminated.

<Corrections>

77. The Government reports that whole area decontamination was completed in 100 municipalities of 8 prefectures by March 19, 2018, except for Restricted area. ~~Decontamination has been completed in 100 municipalities across 8 prefectures, covering over 15,000 hectares. The Government reports that “whole area decontamination” has been completed in all municipalities where evacuation orders have been lifted. However, the phrase “whole area”, in practice, only refers to homes, roads, farmlands, and forests close to residential areas. In many districts targeted for decontamination, more than 80 per cent of the territory consists of mountainous forests far from residential areas; “whole area decontamination” may therefore cover as little as 5 per cent of the district’s territory. In “restricted” or “difficult to return” areas, where radiation levels remain particularly high, “whole area decontamination” is not employed; rather, small~~ certain tracts of land designated by municipal authorities are strategically decontaminated.

[Paragraph 78]

Decontamination was carried out outside the difficult-to-return zones and regardless of the status of the evacuation order based on a decontamination plan.

[Paragraph 79]

Paragraph 79 should be deleted entirely due to factual errors on the basis of the recommendation.

First, the water to be discharged in to the sea from TEPCO’s Fukushima Daiichi Nuclear Power Station is “ALPS treated water,” not “wastewater.” ALPS treated water has been sufficiently purified until the concentration of radioactive materials other than tritium is below the regulatory standard and this water will be further diluted prior to being discharged. After the dilution, the concentration of tritium will be 1/40 of the regulatory standard and 1/7 of the World Health Organization (WHO) drinking water standard, and the concentration of radioactive materials other than tritium will be less than 1/100 of the regulatory standard.

That is to say, this diluted “ALPS treated water” meets regulatory standards based on international standards, and therefore, ALPS treated water will not adversely affect agricultural, marine, or other food products. It is not considered harmful in relation to the food chain.

The Special Rapporteur also makes a reference to “Special Procedures mandate-holders”, yet it is not clear who are being referenced. More importantly, it raises a question as to why there are no reference to reports and other materials by the IAEA, the authoritative organization in the nuclear field.

As for reconsideration of releasing the ALPS treated water into the sea, the “impartial scientific expertise” has deemed the releasing of the ALPS treated water safe; the results derived from the “impartial scientific expertise” is not a consideration of alternatives. Furthermore, please note that based on the recommendations made by experts, including scientific findings, as a result of more than six years of study, the GOJ has held more than 1,000 briefing sessions and exchanges of opinions with a wide range of people, including local governments, economic organizations, and people involved in the fishing industry.

Japan has been taking measures strictly abiding by relevant international law while giving due considerations to international practice under reviews by the IAEA and will continue to do so. The GOJ has been explaining this matter to the international community in a highly transparent manner based on scientific evidence and will continue to do so.

[Paragraph 81]

Paragraph 81 should be revised for clarification.

<Original>

81. The Special Rapporteur commends the Government for taking steps to support the livelihoods of Fukushima IDPs, notably through establishing 26 “livelihood rebuilding support bases” around Japan that refer IDPs to relevant services and opportunities, public campaigns to address the stigma around agricultural and fishery products, and the provision of subsidies for the purchase of farm equipment. The provision of incentives to companies hiring evacuees from Fukushima and the use of the Employment Creation Fund to incentivize local governments to hire evacuees were good initial steps to preserve the livelihoods of the displaced.

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[Paragraph 90]

Paragraph 90 should be deleted because the GOJ cannot confirm any evidence supporting the assertion.

[Paragraph 91]

The last sentence of Paragraph 91 should be deleted because the GOJ cannot confirm any evidence supporting this sentence.

<Original>

91. Older persons are disproportionately represented among returnees. The Special Rapporteur was informed that older generations tend to have more trust in the Government’s assurances of safety, and generally do not have young children, who are more susceptible to radiation. Some older persons may be reluctant to return but cannot work and do not want to burden their families, so choose to return for the financial incentives that enable them to live independently. Older returnees face a lack of services and infrastructure in depopulated areas, including healthcare. Older persons are often the only members of their family who choose to return; consequently, many face loneliness and neglect amid the loss of family and community support networks.

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[Paragraph 92]

The following sections of Paragraph 92 should be revised for factual accuracy.

(1) It is inferred that “including targeted support that would enable them to stay closer to their families who choose to remain in evacuation” refers to providing equal support to those who continue to evacuate and those who decide to return.

However, we request that this reference be deleted because the latter is a measure to support rebuilding the foundation of life after return, and is therefore different from that for those who continue to evacuate.

(2) The Reconstruction Agency explained at the hearing with the Special Rapporteur in September 2022 that it was supporting the resumption of necessary public services in areas where evacuation orders have been lifted. In addition, there are cases where medical services needed by elderly returnees have been expanded from pre-disaster levels in cooperation with local governments.

<Original>

92. The Special Rapporteur recommends specific measures to enable older persons to make a fully voluntary decision on return, including targeted support that would enable them to stay closer to their families who choose to remain in evacuation. It is also critical that criteria for lifting evacuation orders related to the availability of services are respected, so that older persons do not have to return to areas deprived of essential services. It is also recommended that measures to facilitate access to services are implemented for older returnees to areas where local services are limited.

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92. The Special Rapporteur recommends specific measures to enable older persons to make a fully voluntary decision on return, ~~including targeted support that would enable them to stay closer to their families who choose to remain in evacuation.~~ It is also critical that criteria for lifting evacuation orders related to the availability of services are respected, so that older persons do not have to return to areas deprived of essential services. ~~It is also recommended that~~ The Special Rapporteur confirmed that some measures to facilitate access to services are implemented for older returnees to areas where local services are limited.

[Paragraph 93]

The second half of Paragraph 93 should be deleted. There is no factual evidence supporting the assertion that “protection and assistance measures have diminished over time,” because the government has been providing continuous support to evacuees, both those who were designated as mandatory evacuees and those who voluntarily evacuated. In addition, the decision to return or not to return is an individual decision, and there are no facts indicating that the government is forcing evacuees to return.

<Original>

93. In the face of an unprecedented disaster, Japan is to be commended for the rapidity and scale of its emergency response, establishment of multiple channels for IDPs to claim compensation, and support to IDPs in the aftermath of the disaster provided by federal and prefectural authorities. However, protection and assistance measures have diminished over time as the authorities shift focus to reconstruction and reopening the prefecture, despite the human rights challenges this raises. Evacuees who prefer to remain in displacement, particularly “voluntary” evacuees who have received less support, consequently feel under financial and social pressure to return.

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[Paragraph 94]

On the point raised regarding the Guiding Principles and “the rights of all IDPs to seek safety in another part of the country... and that Governments ... safely,” the safety of all Japanese nationals is guaranteed under the Constitution.

[Paragraph 95]

The GOJ request that the highlighted sentences in Paragraph 95 be deleted for the following reasons:

The GOJ provides information based on scientific evidence and objective data with the aim of helping people in Japan and abroad acquire accurate information about radioactivity, in order to eliminate their concerns and doubts and to promote accurate understanding and behaviors. Therefore, it is not factually accurate to say that “only reassuring information” is provided regarding radioactivity.

Furthermore, the GOJ supports both evacuees and returnees, and it is not factually accurate to assert that the government provides more generous support to returnees than to evacuees.

<Original>

95. The IASC Framework on Durable Solutions for IDPs obliges authorities to ensure that IDPs can exercise this choice without coercion, including *inter alia* tacit forms of coercion such as the *provision of erroneous and deliberately misleading information, making assistance conditional on specific choices, and setting arbitrary time limits to end assistance* before the minimum conditions conducive for durable solutions are established. In this light, providing only reassuring information on radiation, disbursing more generous assistance to returnees than those in displacement, and ending assistance to displaced IDPs before conditions are fully conducive to return run contrary to international law standards and infringe upon IDPs’ rights to evacuation and to a durable solution of their choice.

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[Paragraph 96]

Paragraph 96 needs revision as no evidence (source) is provided for the statement that “many internally displaced persons are reluctant to return.” Furthermore, no distinction is made between forced evacuees and voluntary evacuees when providing assistance to evacuees.

For example, the Comprehensive Grant for Supporting Disaster Victims provides support to all disaster victims, regardless of whether or not they had received evacuation orders.

<Original>

96. In the context of the Fukushima disaster, many IDPs remain reluctant to return given levels of radiation with uncertain long-term impacts, the lack of livelihoods, education, health, and essential services in areas of return, and the limited extent of decontamination, challenges that also impact the human rights of IDPs who do return. Addressing these issues rather than papering over them is critical to ensure the durability of returns. At the same time, it is important to recognize that many IDPs may exercise their right to settle permanently elsewhere in Japan. These IDPs should not face discrimination for this choice and should receive support and compensation

– on equal terms, regardless of whether their displacement was “voluntary” or “mandatory” – to enable their settlement.

<Corrections>

96. ~~In the context of the Fukushima disaster, many IDPs remain reluctant to return given levels of radiation with uncertain long term impacts, the lack of livelihoods, education, health, and essential services in areas of return, and the limited extent of decontamination, challenges that also impact the human rights of IDPs who do return. Addressing these issues rather than papering over them is critical to ensure the durability of returns. At the same time, it is important to recognize that many IDPs may exercise their right to settle permanently elsewhere in Japan. These IDPs should not face discrimination for this choice and should receive support and compensation — on equal terms, regardless of whether their displacement was “voluntary” or “mandatory” — to enable their settlement. In order to ensure the durability of returns, it is important to implement essential services such as radiation countermeasures, livelihood support, education, and health services.~~

【Paragraph 97】

The GOJ makes no distinction between mandatory evacuees and voluntary evacuees in its support for evacuees.

[Paragraph 98]

Paragraph 98 should be deleted in its entirety; as already noted, the GOJ makes no distinction between mandatory evacuees and voluntary evacuees in its support for evacuees.

[Paragraph 99]

As noted under the comment on Paragraph 17, Japan follows the Guiding Principles and there is no arbitrary distinction between mandatory and voluntary evacuees.
