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

Joint written statement* submitted by Greenpeace International, non-governmental organizations in general consultative status, International Association of Democratic Lawyers (IADL), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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

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Fukushima nuclear disaster and Japanese government's non compliance with the Convention on the Rights of the Child

The International Association of Democratic Lawyers (IADL) together with Greenpeace International and Greenpeace Japan welcome the constant attention given by the Human Rights Council to the rights of children. The healthy development of children is crucial to the future well-being of any society.

In this regard we call the attention of the Council to the continuing failure by the Japanese Government to comply with its obligations under the Convention on the Rights of the Child (CRC) as they relate to the rights of children affected by the Fukushima Daiichi nuclear disaster.

The CRC specifies in Article 3 (para 1), that the best interests of the child must be a “primary consideration” in all actions; with best interest of the child including the requirement that in attaining his or her right to the highest standard of health it requires the prevention of exposure to toxic chemicals and pollution. In the case of the Fukushima nuclear disaster, this means exposure to dangerous levels of radiation. Children are particularly vulnerable to radiation exposure. If the Japanese government were to comply with CRC guidelines and apply it to its Fukushima policy it would mean adoption of the international recommended maximum of 1mSv per year (mSv/y) not the 20 mSv/y which is the level set by government. If the government were to apply the 1mSv/y, including for children, it would mean the termination of its plans to lift evacuation orders in highly contaminated areas and the reversal of its earlier orders in certain areas of Fukushima prefecture. Instead the government is moving ahead with lifting evacuation orders for areas of even higher radiation contamination. As a new 2019 report from Greenpeace shows, radiation levels in both open areas in Namie and Iitate in Fukushima prefecture, as well as in the current exclusion zones, remain high and not safe for people, in particular children, to live.¹

One year after member states called on Japan during its Universal Periodic Review (UPR) to change its Fukushima policies, including a return to 1mSv per year maximum exposure, the Japanese government continues to fail to protect the human rights of its citizens, including children.

At the January 2019 session, CRC Committee members raised multiple issues to the Japanese delegation in relation to the Fukushima nuclear disaster and children’s rights. These included children’s rights to information and the consequences of the accident and questions over long term health monitoring, what measures have been taken to take account of thyroid cancer rates in Fukushima children and noted that the Ministry of Foreign Affairs is responsible for the implementation of the Children’s Convention. In response to the Committee members, the Japanese delegation was not convincing or comprehensive. The Japanese Ministry of Education stated that they issued in August 2011, “a notice reducing the radiation dose at school buildings and school yards in Fukushima prefecture which provided the radiation exposure dose criteria for students at school at 1mSv/y or less.”² However, the radiation exposure levels in areas of Fukushima, including in Namie and Iitate, far exceed 1mSv/y. The low return rates of evacuees to contaminated areas of Fukushima, is one of the major reasons why citizens, in particular young families, are not returning to their homes.

It is indeed then most welcome that the Committee on the Rights of the Child in its report of 1 February 2019 under Principle Concerns and Recommendations made seven important recommendations to the Government of Japan in relation to the Fukushima nuclear disaster.³ These included, “(a) Reaffirm that radiation exposure in evacuation zones is consistent with internationally accepted knowledge on risk factors for children; (b) Continue providing financial, housing, medical and other support to evacuees, children in particular, from the

¹ “In The Frontline Of The Fukushima Nuclear Accident : Workers And Children Radiation Risks And Human Rights Violations”, Greenpeace Radiation Survey Results March 2019.

² 80th Session Committee on the Rights of the Child Consideration of Japan - 2346th Meeting, January 16-17 2019.

³ OpCit. Committee on the Rights of the Child 1 February 2019. Concluding observations on the combined fourth and fifth periodic reports of Japan”, CRC/C/JPN/CO/4-5, 1 February 2019, see https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JPN/CRC_C_JPN_CO_4-

non-designated areas (and) (d) Conduct comprehensive and long-term health check-ups for children in areas with radiation doses exceeding 1mSv/year;”⁴ If the recommendation (a) on radiation risk factors were to be applied by the Japanese government, their the lifting of evacuation orders in Namie and Iitate would have to be reversed and their plans for the “Difficult to Return to” exclusion zones terminated. The UN CRC further called for the Japanese government to implement the highly critical recommendations made UN Special Rapporteur Anand Grover issued in 2013.⁵ The Committee, concluded that Japan “take all appropriate measures to ensure that the recommendations contained in the present concluding observations CRC/C/JPN/CO/4-5 15 are fully implemented.”

The tens of thousands of evacuees who are clearly Internally Displaced Persons (IDP) but are not treated as such by the Japanese government, as a consequence, continue to suffer additionally from the impacts of the March 2011 nuclear disaster.

The present policies of the Japanese government violate at the very least CRC Articles 3, 4, 5, 6, 9, 13, 17, 19 and in particular the provisions of Article 24(1) requiring the State to “recognize the right of the child to the enjoyment of the highest attainable standard of health” ... and Article 24(2) requiring the State to “take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

Continued interventions by member states and UN bodies play an essential and important role in support of Japanese people, in particular for tens of thousands of internally displaced evacuees in Japan who continue to challenge the Japanese government, including through the legal system. We welcome and encourage member states and UN bodies to continue to raise the multiple human rights violations perpetrated by the Japanese government on the citizens of Japan impacted by the Fukushima Daiichi nuclear disaster.

Greenpeace Japan NGO(s) without consultative status, also share the views expressed in this statement.

⁴ The CRC report recommendations are “that the State party: (a) Reaffirm that radiation exposure in evacuation zones is consistent with internationally accepted knowledge on risk factors for children; (b) Continue providing financial, housing, medical and other support to evacuees, children in particular, from the non-designated areas; (c) Intensify the provision of medical and other services to children affected by radiation in Fukushima prefecture; (d) Conduct comprehensive and long-term health check-ups for children in areas with radiation doses exceeding 1mSv/year; (e) Ensure mental health facilities, goods and services are available to all evacuees and residents, especially vulnerable groups such as children; (f) Provide, in schoolbooks and materials, accurate information about the risk of radiation exposure and the increased vulnerability of children to radiation exposure; (g) Implement the recommendations made by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, (A/HRC/23/41/Add.3).

⁵ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover Addendum Mission to Japan (15 - 26 November 2012), A/HRC/23/41/Add.3