



Chernobyl-Hibakusha Support, Kansai

Fukushima and Chernobyl: ensuring human rights of victims of nuclear power accidents

Written statement to the UN Human Rights Council, 49th regular session of the Human Rights Council (28 February - 1 April 2022)

In the following statement submitted to the Human Rights Council (HRC) on 7 February 2022, WILPF delivered concerns and recommendations by “Chernobyl-Hibakusha Support, Kansai” (CHSK) and the NGOs with which CHSK cooperates. The statement is available as a UN document with the index number A/HRC/49/NGO/241.

The Chernobyl and Fukushima accidents have shown that a severe nuclear power plant accident can cause global environmental pollution. The safety management and decommissioning of a collapsed reactor and the control of highly contaminated areas can take more than 100 years.

Chernobyl

As a result of the Chernobyl accident, in the three affected countries alone - Ukraine, Belarus, and the Russian Federation - some five million people lived in radioactively contaminated areas.¹ In addition, more than 600,000 people engaged in the management of the collapsed reactor and the clean-up operation in the contaminated regions, and more than 400,000 people had to evacuate.²

¹ https://www.unscear.org/docs/publications/2000/UNSCEAR_2000_Annex-J.pdf.

² <https://www.un.org/en/observances/chernobyl-remembrance-day/background>.

The radiation exposure has caused violations of the right to health of affected people. For example,

- thyroid cancer among children exposed to radioactive iodine at the time of the accident has increased significantly;
- leukaemia and cardiovascular diseases have increased among workers exposed to high radiation doses;
- adverse health conditions other than thyroid cancer have reportedly grown among residents in contaminated areas and evacuees.³

The victims have experienced illness and the deaths of their family and friends and have repeatedly asked themselves, “If only the accident had never happened...”. Moreover, the psychological pain of evacuees, who still cannot return to their hometowns, has not healed even after 35 years.

The “Chernobyl Law” was enacted respectively in the three affected countries in 1991 (shortly before the dissolution of the USSR) and established the status of the victims and their social protection. It requires the government to divide affected areas according to the level of contamination and to take measures to protect people from radiation to ensure their health and well-being.⁴

We appreciate the provision by various UN agencies of continuous humanitarian assistance to Chernobyl victims for more than 30 years, in cooperation with the people of the affected areas and in line with the SDGs;⁵ and welcome the designation by the General Assembly of 26 April as the International Chernobyl Disaster Remembrance Day.⁶

Fukushima

On 11 March 2011, the Great East Japan Earthquake and Tsunami led to a severe accident at the Tokyo Electric Power Company (TEPCO)’s Fukushima Daiichi Nuclear Power Plant. The accident was a man-made disaster. If only the lessons of the Chernobyl accident had been learned and the

³ <https://www.who.int/publications/m/item/1986-2016-chernobyl-at-30>

⁴ <http://www.rri.kyoto-u.ac.jp/NSRG/reports/kr21/kr21pdf/Zgersky.pdf>

⁵ *Persistent legacy of the Chernobyl disaster, Report of the Secretary-General*, UN index A/74/461 (27 September 2019), available at: <http://undocs.org/A/74/461>

⁶ *Persistent legacy of the Chernobyl disaster*, Resolution adopted by the General Assembly on 8 December 2016, UN Index A/RES/71/125, available at: <http://undocs.org/A/RES/71/125>

policy of promoting nuclear power in Japan been stopped, this accident would not have happened. By promoting nuclear power plants, the government and TEPCO bear the responsibility for the human rights violations caused to the victims.

In the first year after the accident, at least four million people lived in areas with contamination levels where radiation doses for residents exceeded 1 mSv per year, which is the maximum public exposure limit set under domestic law. The damage caused by the accident has entailed various violations of human rights, including to health, life, housing, work, education, culture, and to a safe, clean, healthy and sustainable environment.

On 21 March 2011, the International Commission on Radiological Protection (ICRP) recommended applying the “reference levels” indicated after a nuclear accident (ICRP 2007 Recommendations,⁷ which have not been officially introduced into domestic law. However, the government has been using ICRP’s “reference level” as the “standard after the accident” to impose an illegally higher level of radiation on the residents of the affected areas.

Immediately after the accident, radioactive contamination obstructed the rescue of earthquake and tsunami victims. In addition, life changes after the accident caused various health problems for people. In the Fukushima Prefecture, the number of “disaster-related deaths” (i.e. the continuing deaths related to the nuclear accident) has exceeded the number of “direct deaths” caused by the earthquake and tsunami.

Children cannot receive education in the same environment as before the accident because of evacuations. Passing on local cultural heritage has become difficult because of the collapse of local communities.

It is impossible to completely remove radioactive materials from the living environment, including mountains and forests. Despite this, the evacuation order has been lifted gradually since 2014. Most of the returnees are older people who now live under continuous low-dose radiation exposure with insufficient infrastructures e.g. medical care.

⁷ <https://www.icrp.org/publication.asp?id=ICRP%20Publication%20103;>
<https://www.icrp.org/docs/Fukushima%20Nuclear%20Power%20Plant%20Accident.pdf>

In the less contaminated areas where the government did not issue evacuation orders, residents live in an environment with low-dose exposure. Some residents who chose to evacuate to avoid additional radiation exposure had to make their own decisions and were called “voluntary evacuees” without sufficient support from the government.

Agriculture, forestry, fisheries, tourism, and other industries in Fukushima have been hit hard by radioactive contamination. People, including farmers and fishermen, have been making great efforts to recover their livelihoods but are still in the process of reconstructing their lives.

In Fukushima, the local government has been conducting thyroid examinations on about 300,000 people who were under 18 at the date of the accident or born within one year after. As of 15 October, 2021, 266 have been diagnosed with thyroid cancer or are suspected cases, and 222 had thyroidectomy.⁸ It is clear that people, including children, inhaled or orally ingested radioactive iodine without protection. The association between radiation exposure and an increase in thyroid cancer is undeniable.

Many of the workers, 200,000~300,000 in number, involved in the decommissioning and decontamination of the site, are subcontractors working under harsh conditions in a multilayer subcontracting employment structure. There have been many reports⁹ of violations of the domestic Labour Standards Law.

On 13 April 2021, the government decided to release Advanced Liquid Processing System (ALPS) “treated water” containing tritium and other radioactive materials into the ocean, starting from 2023 for 30-40 years, against considerable domestic and international opposition.¹⁰ Several UN Special Procedures have expressed concerns about the potential threats to human health and the environment resulting from this decision.¹¹ The deliberate release of radioactive water into the

⁸ <http://kenko-kanri.jp/en/health-survey/>; <https://www.pref.fukushima.lg.jp/site/portal/kenkocyosa-kentoiinkai-43.html>

⁹ For example, a local newspaper reported, “According to the Fukushima Labour Bureau, of the establishments involved in decommissioning, 123 (44.4%) violated the law in 2020.” (*unofficial translation*) <https://www.yomiuri.co.jp/local/fukushima/news/20210629-OYTNT50172/>

¹⁰ *Japan must step up efforts to solve human rights fallout from Fukushima disaster: UN experts*, available in English and Japanese at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26882&LangID=E>

¹¹ *Japan: UN experts say deeply disappointed by decision to discharge Fukushima water*, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27000&LangID=E>

sea violates the London Convention and Protocol¹² and the human rights of Japanese people and the people of many countries in the Pacific Ocean.

Recommendations

Each of the two major nuclear accidents has caused serious damage to the health and life of millions of people, violating the right to health and various other human rights enshrined in international human rights law. Radiation exposure imposes on victims lifelong-health risks and concern about its effect on future generations.

We request that:

- the governments of Ukraine, the Russian Federation, Belarus and Japan uphold their obligations to respect, protect and fulfil the human rights of victims of the Chernobyl and Fukushima nuclear accidents, including their rights to health, life, housing, work, education, culture, and to a safe, clean, healthy and sustainable environment.
- each government of the affected countries of the Chernobyl accident ensure the implementation of support measures for all victims based on the “Chernobyl Law.”
- the Japanese government and the TEPCO not spread further radioactive contamination, including the ALPS treated water.
- the Japanese government:
 - observe the “public exposure limit, 1mSv per year” required by domestic laws and regulations, instead adopting “reference levels” of the ICRP.¹³
 - establish a legal system that guarantees free medical examinations and medical care for life to all victims of the Fukushima accident, including residents of the affected areas, evacuees, immigrants, and irradiated workers. This would be in line with the Special Rapporteur on the right to health’s recommendation to “provide free health check-ups and any treatment required due to health effects from the nuclear accident and radiation exposure.”¹⁴

¹² *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter*, available at: <https://www.imo.org/en/OurWork/Environment/Pages/London-Convention-Protocol.aspx>

¹³ https://ratinal.org/radiation/radioactivity/IPPNW2014_K.FuritsuTxt.pdf

¹⁴ *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of*

Furthermore, we urge the UN human rights system to investigate and report on the latest situation in the affected areas.

We call on UN member states to recognize up-to-date information and make appropriate recommendations.

In its General Comment 36 on the right to life, the UN Human Rights Committee urged states parties to refrain from using nuclear weapons and all the related processes and recommended that state parties “afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction”.¹⁵ The voices of survivors of atomic bombs (Hibakusha)¹⁶ and of nuclear testing were heard. The voices of Chernobyl and Fukushima victims/survivors must also be heard as they are also radiation victims.

We reiterate that nuclear power, either for military or non-military purposes such as for energy production, poses an existential threat to people’s human rights, lives and the environment. States should withdraw as soon as possible from the use of atomic energy to avoid repeating the nuclear catastrophe of major nuclear accidents such as Fukushima and Chernobyl.

We call on HRC to take the opportunity of the anniversaries of the Fukushima and Chernobyl accidents to initiate a serious examination and discussion on the dangers and human rights violations deriving from the use of nuclear energy.

physical and mental health, Mission to Japan (15 - 26 November 2012), A/HRC/23/41/Add.3 (31 July 2013), para. 81 c), available at <http://undocs.org/A/HRC/23/41/Add.3> .

¹⁵ Human Rights Committee’s *General Comment No. 36. Article 6: right to life*, CCPR/C/GC/36 (3 September 2019), paragraph 66, available at: <http://undocs.org/CCPR/C/GC/36>

¹⁶ See references to *hibakusha* in the preamble of the *Treaty on the Prohibition of Nuclear Weapons*, available at: <https://www.un.org/disarmament/wmd/nuclear/tpnw/>