

## **NGO Submission to the Universal Periodic Review of Japan - November 2012**

### **A. Consultation Process**

This submission has been prepared by Save the Children Japan in consultation with and jointly signed by Fukushima network for saving children from radiation and 95 NGOs<sup>1</sup>.

### **B. Country Context**

A 9.0 magnitude earthquake struck the northeast of Japan on March 11, 2011, immediately followed by severe aftershocks and a tsunami that caused devastating human and physical loss along the Pacific coast, especially in Miyagi, Iwate and Fukushima Prefectures. 15,854 people died, 3,155 still remain missing and 343,935 were forced to evacuate, out of which 549 children died, more than 1,000 children orphaned or have missing parents and over 100,000 children were displaced.

Compounding the crisis, the earthquake and tsunami caused the Fukushima Daiichi Nuclear Power Plant of Tokyo Electric Power Company (TEPCO) to lose power, and thus its cooling systems stopped their functions, which triggered fires, explosions and radiation leaks. There have been many people forced to evacuate from the affected areas and their surroundings, as well as people who have voluntarily evacuated due to the fear of the possible risks of radiation.

Local communities in the affected areas have complained about the lack of correct information about radiation and expressed serious concerns regarding possible immediate and longer term impacts of the nuclear crisis. Children in Fukushima have experienced changes of their environment causing various difficulties and inconveniences thus affecting their wellbeing. Non-relocated children often complain that they cannot play outside due to radiation risks and the relocated children suffer from maladjustment in the new living environment, separation from their family members and the fear for possible discrimination against Fukushima. They are detached from friends, families, communities and those which they felt attached to<sup>2</sup>.

In addition, anxiety of parents and other caregivers over the uncertainty of the situation increases the level of psychosocial stress.

### **C. The issue**

In the interviews conducted by the Save the Children in late 2011, some children expressed their feeling that they have been “too tired to think about it (radiation and its risk)”<sup>3</sup>. Children and their families seem to be confused and annoyed by different views on radiation risks and ambiguous policies of the central/local governments, which have to do with the controversies about the radiation risks.

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<sup>1</sup> The list of NGOs which have jointly signed this submission is attached as ANNEX.

<sup>2</sup> The situation report of Fukushima prepared by the Save the Children Japan (SitRep/SCJ) attached as ANNEX to this submission.

<sup>3</sup> *ibid.*

Moreover, they feel it difficult to express their anxieties in public and sometimes even within families, fearing possible discrimination and conflict which it might cause.

The Children's Charter for Disaster Risk Reduction (DRR), developed through consultation with more than 600 children in 21 countries in Africa, Asia and Latin America, stresses as one of the five priorities identified for DRR for children is that children have the right to participate and to access the information they need<sup>4</sup>.

The Convention on the Rights of the Child also raises as one of the four guiding principles the child's right to participation, including the right to be heard, to express his or her views freely in all matters affecting the child and to have access to appropriate information(Article 12.CRC)<sup>5</sup>.

As highlighted in the Submission by Save the Children, Plan International and World Vision (for the Children in a Changing Climate coalition) to the United Nations Conference on Sustainable Development (Rio+20)<sup>6</sup>, to be held in June 2012, the child's right to participate should be respected by Governments in all matters affecting children.

Thus bearing in mind the above issues, the Coalition has identified the following three main child rights issues affecting the children of Fukushima.

- 1. The Japanese national standard with respect to exposure to radiation for children is not based on the principles of the best interest of the child, the right to life, survival and development and the right to health of children of Fukushima**
- 2. The Japanese Government has not taken the necessary legislative, administrative and other measures to protect the right to life, survival and development, the right to health and the right to play of the children of Fukushima**
- 3. The Japanese Government has not taken into account the best interest of the child and the child's right to appropriate information about his/her health in providing information on Disaster Risk Reduction and Preparedness for Nuclear Power Plant Accident**

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<sup>4</sup> The five priorities are;

- 1) Schools must be safe and education must not be interrupted.
- 2) Child protection must be a priority before, during and after a disaster.
- 3) Children have the right to participate and to access the information they need.
- 4) Community infrastructure must be safe, and relief and reconstruction must help reduce future risk.
- 5) Disaster Risk Reduction must reach the most vulnerable.

<<http://www.preventionweb.net/files/globalplatform/childrencharter.pdf>>

<sup>5</sup> The four guiding principles of the Convention on the Rights of the Child are;

- 1) Non-discrimination (CRC Art.2)
- 2) Best interests of the child (CRC Art.3)
- 3) Rights to life, survival and development (CRC Art.6)
- 4) Rights to participation (CRC Art.12).

<sup>6</sup> Attached as ANNEX to this submission.

## 1. The national standard with respect to exposure to radiation for children

On April 19<sup>th</sup> 2011, Ministry of Education, Culture, Sports, Science & Technology (MEXT) sent out the notification, in which the provisional standard to be applied to determine the use of school building and schoolyards was set at 20 mSv per year<sup>7</sup>, following the comment by The International Commission on Radiological Protection (ICRP) dated March 21<sup>st</sup><sup>8</sup>. As the national standard is 1 mSv per year, the notification created vigorous arguments and criticism against it. MEXT have gradually altered its initial statement, and finally on August 26<sup>th</sup> the allowable level of radiation for children were set “in principle, less than 1 mSv per year.”<sup>9</sup> However, the standard of 20 mSv is still applied as the basis of designation of affected area, and it will also be applicable to future reassessment as stated by the Nuclear Emergency Response Headquarters (NERH) on 26 December 2011<sup>10</sup>.

In this connection, on December 16<sup>th</sup>, in its judgment on "Fukushima Evacuate Children Lawsuit" filed against the Koriyama municipality, asking the Koriyama municipality to ensure that children could study under the environment below 1 mSv/year, the Koriyama branch of Fukushima district court said that the standard level of dose limit in the radiation exposure scale-range set under 100 mSv assumes that some stochastic effects are likely even in the radiation exposure range lower than 100 mSv and that causal relation is not confirmed within the paradigm of natural science and therefore the standard level is politically set, preferring the safer side as much as possible. The court also admitted that the 1 mSv standard of ICRP, in this sense, also should not be taken as the absolute one although the court has turned down the petition<sup>11</sup>.

More fundamentally, the standard setting does not take into account the physical difference between adults and children and in this sense, fails to respect the principle of the best interest of the child (Article 3. CRC) and the child's right to life, survival and development (Article 6. CRC).

### ***Recommendations:***

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<sup>7</sup> MEXT, “Notification on provisional viewpoints for determination of the use of school buildings and schoolyards in Fukushima Prefecture (April 19, 2011)”

<sup>8</sup> ‘When the radiation source is under control contaminated areas may remain. Authorities will often implement all necessary protective measures to allow people to continue to live there rather than abandoning these areas. In this case the Commission continues to recommend choosing reference levels in the band of 1 to 20 mSv per year, with the long-term goal of reducing reference levels to 1 mSv per year’. The International Commission on Radiological Protection (ICRP), “**Fukushima Nuclear Power Plant Accident**”, (March 21, 2011), ICRP ref: 4847-5603-4313.

<sup>9</sup> MEXT, “Notification on minimization of radiation levels of school buildings and schoolyards in Fukushima Prefecture (August 26, 2011)”

<sup>10</sup> On December 26<sup>th</sup>, NERH released “the Basic viewpoints and points for further examination on the reassessment of restricted and deliberated evacuation areas upon completion of the Step 2”, in which it is mentioned that there will be three categories, i.e. the areas where return of residents will be difficult for long period, the areas where people may enter but not allowed to reside in, and the areas where preparation for residents' return should be promoted.

<sup>11</sup> The court judgment by the Koriyama branch of Fukushima district court on December 16th 2011 about the "Fukushima Evacuate Children Lawsuit". Translated into English by Gen Morita  
<<http://fukushima-sokai.blogspot.com/2012/01/court-judgment.html>>

- 1) The Government of Japan should apply the principles of the best interest of the child and of the child's right to life, survival and development to review the national standard with respect to exposure to radiation for children as soon as possible and by the end of 2012, taking into consideration their higher physical sensitivity to radiation and apply it for all those who are affected by radiation risks in Fukushima and the other prefectures and in the future reassessment and re-designation of affected areas.
- 2) The Government of Japan should lead the review of the international standards with respect to exposure to radiation for children and their compliance with the Convention on the Rights of the Child as soon as possible and by 2015, ensuring the participation of relevant international organizations and civil society organizations, reflecting the experience in Fukushima and the other countries<sup>12</sup>.

## **2. Legislative, administrative and other measures for supporting the children of Fukushima and their families, including a sanatorium-type periodical rotating recuperative temporary evacuation program for children**

Children of Fukushima and their families have different needs, depending on their different situations: those who were directed to move from the designated areas, those who have moved on their own will for fear of radiation risks, those non-relocated who continue to live in their original dwellings, those who were separated due to relocation of only part of family members and those who were relocated but returned either to their original dwellings or other areas in Fukushima.

Despite of these different circumstances, one of the common complaints shared almost unanimously by the children in Fukushima is that they cannot enjoy their right to play (Article 31. CRC). Securing the safe environment for children to play outside is thus a pressing need. However, information for such programs is not easily accessible not only for children of Fukushima and their parents but also for local governments in Fukushima. There is a need to develop a network for information sharing and financial assistance between those who relocated, those who remain in Fukushima and those who wish to assist the children of Fukushima, including local governments of Fukushima and the other prefectures, corporations and civil society organizations. Civil society has suggested a periodical rotating recuperative temporary evacuation program for children in Fukushima to enable groups of children such as classes and schools to spend preferably two months<sup>13</sup> together in the remote areas so that these children could play outside freely during this period.

### ***Recommendations:***

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<sup>12</sup> The Committee to Assess Health Risks from Exposure to Low Levels of Ionizing Radiation, National Research Council concludes that the risk of cancer proceeds in a linear fashion at lower doses without a threshold and that the smallest dose has the potential to cause a small increase in risk to humans. "Health Risks from Exposure to Low Levels of Ionizing Radiation: Biologic Effects of Ionizing Radiation (BEIR) 7<sup>th</sup> report Phase II (2006) . <[http://www.nap.edu/catalog.php?record\\_id=11340](http://www.nap.edu/catalog.php?record_id=11340)> The European Committee on Radiation Risk (ECRR), in its 2010 recommendations, set 0.1 mSv as the standard for the annual public dose limit. <<http://www.euradcom.org/2011/ecrr2010.pdf>>

<sup>13</sup> Two months is based on the biological half-time period of Cesium-137, 70 days. <<http://hyperphysics.phy-astr.gsu.edu/hbase/nuclear/biohalf.html>>

- 1) The Government of Japan should recognize and ensure that children of Fukushima and their families shall have the right to choose evacuation, living in their original dwellings or return/resettlement on their own will.
- 2) The Government of Japan should recognize and ensure that children of Fukushima and their families shall have the right to learn, develop and preserve their original cultures and share their own cultural identities with friends.
- 3) The Government of Japan should take appropriate legislative, administrative and other measures to enable the children of Fukushima and their families to express their views and to be heard, including in schools, without fear of discrimination and retaliation.
- 4) The Government of Japan should take all appropriate legislative, administrative and other measures to ensure that the children in need in Fukushima shall have the right to play and study in a safe environment and the right to participate the appropriate programs including a sanatorium-type periodical rotating recuperative temporary evacuation program.
- 5) The Government of Japan should make appropriate compensation of medical and health treatment for radiation risks for children of Fukushima and their families not only in Fukushima but also in other relocated prefectures.
- 6) The Government of Japan should undertake all appropriate legislative, administrative and other measures, including the monitoring mechanism, for listening to the voices of the children of Fukushima and their families on all matters affecting them and reflecting their voices in the decision-making process.
- 7) The Government of Japan should make periodical report on the measures taken and their achievements.

### **3. Education for disaster risk reduction and preparedness for nuclear power plant accidents, including revision of the supplementary reading texts about radiation for elementary/junior high/senior high school students**

Access to the accurate information about radiation and its effect is the prerequisite for children and their families to make the right decisions to protect their health.

However, as repeatedly expressed by the children of Fukushima and their families, such information is rarely provided by the local authorities and by central government.

Particularly, the supplementary reading texts about radiation for elementary/junior high/senior high school students produced by the Ministry of Education, Culture, Sports, Science & Technology (MEXT) in November 2011 have been widely criticized for its inaccurate reference to the radiation risks. For instance, the texts refers to the standard of tolerable radiation level as 100 mSv/year, based on the recommendations of the International Commission on Radiological Protection (ICRP) without acknowledging the other standards presented by the other organizations such as European Committee on Radiation Risk (ECRR).

#### ***Recommendations:***

- 1) The Government of Japan should revise the supplementary reading texts about radiation for school students produced by the Ministry of Education, Culture, Sports, Science & Technology (MEXT) as soon as possible and by the end of academic year 2012, taking into account the principles of the best interest of the child, the child's right to survival, life and development and the child's right to appropriate information in his/her health and making reference to all possible radiation risks and the necessary measures for protection.

<ANNEX 1>

**The list of the NGOs supporting this joint submission**

1. Large flowers of hope projects
2. GREEN FUTURE FUKUSHIMA
3. Arigato\_love\_earth
4. Green Action (Japan)
5. Shut Tomari
6. Future for Fukushima Children (FFC)
7. Japan Forest Biomass Network
8. SHINENTAI
9. HOME OF TSUMUGI
10. National Parents Network to Protect Children from Radiation
11. Food Policy Center • Vision21
12. Kansaifuture
13. KOZEN
14. GreenPepper
15. Save Children from Radiation (Zug)
16. Yoshikawa healthy network
17. Executive committee for decommissioning 40 years' nuclear reactors in Fukushima
18. Stop plutonium thermal use Fukushima
19. Fukushima association for moonlight
20. Project Kagawa for Fukushima Children
21. Kansai Network for Saving Children from Radiation
22. Nara-action
23. Okuaizu-publisher
24. NPO all our hearts
25. Nakano action
26. Sukoyaka-koshigaya network for the future of children
27. Saitama network for save the children from radiation
28. Kyoto support network for evacuees
29. Group Yao for saving children from radiation
30. Urgent support team for Fukushima children
31. Parents' group in Kyoto for safe school lunch
32. Team coco
33. Japan Solar Energy Education Association(JSEA)
34. The Sub-committee on Nuclear Issues, Kanagawa Parish, UCCJ
35. Angel Project
36. Setagaya association for solidarity with Fukushima children
37. Miki-Future of Children
38. Group of mothers for nurturing the future
39. The council of NGOs' network in Hokkaido
40. Citizens' network of support for the Great East Japan Disasters in Sapporo (Musubiba)
41. Tokyo Seikatsusha Network
42. Group in Ishikawa for saving children from radiation

43. Save Fukushima Children Lawyer's Network (SAFLAN)
44. Kodaira Seikatsusha Network
45. Kurikoma Kougen NATURE SCHOOL
46. Nonprofit Organization Kurikoma Kougen • Earthlife and nature education research institute
47. Nasushiobara -Save children from radiation
48. 'With Children in Fukushima' Kawasaki Civilian Group
49. Realizing Commission of Oume 100years vision
50. "Doronko Caravan ☆ Tamba" executive committee
51. Peace and Environmental Advocacy for the Child
52. NO NUKES from Shiga
53. NO NUKES/Group of Kodaira
54. International Play Association: Promoting the Child's Right to Play
55. Yotsuba Home Delivery Keiji Co.,Ltd.
56. Japan Bear&Forest Association Shiga Prefecture Branch
57. Save the Children from Radiation Yokohama
58. Group of Yokohama for creating the future of children
59. Protect Our Children's Future-Hachioji, Tokyo
60. ChildFund Japan
61. Edogawa Kodomo Ombuds -Edogawa Child Advocacy Network
62. Flexible
63. NPO-Partnership-Office (Yamagata Japan)
64. Forum on the Convention on the Rights of the Child in FUKUSHIMA
65. Akashi project for welcoming Fukushima children
66. Executive committee for Biwako☆1 • 2 • 3 camp
67. Group for thinking over our life
68. Child foot and shoes study
69. One World No Nukes
70. Takashimanowa
71. Ongata-Higashi, Ongata-Nishi After School Child Care Center NPO Ongata Kids - Hachioji, Tokyo
72. Group of Namegawa-cho for saving children from radiation
73. Network Asunowa
74. Neighbors
75. GO! GO! Waku Waku CAMP
76. Hamurakko for saving children from radiation
77. Hachioji Support Group for Fukushima Kids Tokyo,Japan
78. MARUKI MUSEUM OF HIROSHIMA PANELS
79. Kosei Network for No Nukes
80. Teachers' association to support students, education and life in Yokohama
81. Meeting talking about education in Kounan Yokohama
82. Protect for Children in Adachi
83. Study Group on Kid's Future and Sustainable Energy - Hachioji, Tokyo
84. The Ring to The Tomorrow
85. The association for support of the victims of the earthquake in east Japan and prohibition of radiation exposure ~The campaign for connecting lives~

86. Network for reviewing radiation education
87. Save Kids Fujisawa
88. Naramama
89. IHATOV Kitakami R. Nature School
90. The reconstruction team **Riogrande**
91. Aizu Radiation Information Center
92. Hand in hand 3.11 Shinshu
93. Kawasaki network for saving children from radiation
94. Atelier of Yomogi/Project for welcoming Fukushima children to Hiroshima
95. Fukushima Collective Evacuation Trial