

Response to the Joint Communication from Special Procedures from the Government of Japan

Regarding the Joint Communication by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, sent on 28 June 2018 to the Permanent Mission of Japan to the International Organizations in Geneva, the response from the Government of Japan (GoJ) is as follows.

In order for the Special Procedures to have accurate understanding on the background of the matter, the GoJ would like to provide an overview of the GoJ's efforts to decontaminate radioactive material discharged by the Tokyo Electric Power Company (TEPCO) Fukushima Daiichi Nuclear Power Station(NPS) accident and to reconstruct after the accident.

The GoJ established the “Act on Special Measures concerning the handling of Environment Pollution by Radioactive Materials Discharged by the Nuclear Power Station Accident Associated with the Tohoku District-Off the Pacific Earthquake That Occurred on March 11, 2011” (herein after referred to as the Act on Special Measures). The GoJ is implementing decontamination projects as a countermeasure against environmental contamination by radioactive materials from the NPS accident.

The GoJ is well aware of the importance of controlling radiation exposure for decontamination workers, and the Basic Principles of the Act on Special Measures states clearly that “securing of the safety of workers” is included among “other matters that should be taken into account” under “any other important matters concerning the handling of the environmental pollution from radioactive materials discharged by the accident.”

Concretely speaking, the Ordinance on Prevention of Ionizing Radiation Hazards related to Decontamination Work of Soil Contaminated by Radioactive Materials Resulted from the Great East Japan Earthquake (herein after referred to as the Ordinance on Prevention of Ionizing Radiation Hazards) regulates the employers as follows, while not allowing for any exception.

- (i) Employers shall ensure that the effective doses received by workers who engage in decontamination and related work (except for the persons corresponding to (ii) and (iii) below) do not exceed 100mSv per five-year period and 50mSv per year.
- (ii) Employers shall ensure that the effective dose received by female workers who engage in decontamination and related work (except for female personnel who are diagnosed as unlikely to be pregnant and those who are already pregnant) will not exceed 5mSv per three-month period. This excludes female workers who were diagnosed with no possibility of

pregnancy and those described in the next paragraph.

(iii) Employers shall ensure the doses that pregnant female workers are exposed to in conducting decontamination and related work do not exceed 1mSv as effective doses for internal exposure and 2mSv as equivalent doses on the abdomen surface per term of pregnancy.

Specifically, to prevent radiation exposure of decontamination workers, employers are required to (i) monitor external exposure doses at working sites, (ii) provide special education to the workers, and (iii) offer necessary radiation prevention measures under the Ordinance on Prevention of Ionizing Radiation Hazards. Based on the Ordinance, the Fukushima Labor Bureau established general measures for the decontamination work and supervises contractors and makes visits to construction sites.

The Ministry of the Environment (MOE) requires contractors to strictly comply with the law and to ensure occupational safety and health. Additionally, the MOE requires contractors to report if the worker's exposure dose exceeds 20mSv per year. Also, the MOE has been conducting patrols on decontamination sites, in cooperation with Fukushima Labour Bureau and Fukushima Prefecture, and has organized workshops on how to prevent accidents.

As for the exposure dose of workers who have registered with the Radiation Workers Registration Center of the Radiation Effects Association, of those workers who engaged in the work between 2012 and 2016, even the highest exposure dose of those workers was 20mSv for 5 years, and there is no case where the effective dose has gone beyond the exposure limit to date.

Seven years have passed since the TEPCO Fukushima Daiichi NPS accident. In the areas damaged by the accident, actions for the reconstruction and revitalization of Fukushima are now in full swing with evacuation orders lifted for most of the areas with the exception of the difficult-to-return-to zones.

The GoJ is resolved to take responsibility for the reconstruction and revitalization of the difficult-to-return-to zones, with a view to lifting all the evacuation orders issued there, regardless of how long it may take. In May 2017, for the purpose of promoting the reconstruction and revitalization of the difficult-to-return-to zones, the GoJ revised the Act on Special Measures for the Reconstruction and Revitalization of Fukushima to initiate a system which sets up the Specified Reconstruction and Revitalization Bases for intensive implementation of decontamination and development of infrastructure, etc, eventually seeking to return residents by lifting the evacuation orders. As of May 2018, the GoJ approved and has been implementing the Plans for Specified Reconstruction and Revitalization Bases for all six of the municipalities which had intended to develop the plans: Futaba Town, Okuma Town, Namie Town, Tomioka Town, Iitate Village and Katsurao Village.

Please see below for the GoJ's responses to each question raised in the communication.

1 Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

(a) Within the framework of the realization of this programme, tens of thousands of workers have been recruited over the past seven years. The Ministry of Health, Labour and Welfare of Japan, in a report published in 2016, indicates that 46,386 workers have been employed in 2016; the Radiation Worker Central Registration Centre of Japan indicates as many as 76,951 decontamination workers have been recruited in the 5 year period up until 2016.

The statistics referred to in the communication as "The Ministry of Health, Labour and Welfare of Japan, in a report published in 2016" are actually not published by the Ministry of Health, Labour and Welfare (MHLW).

Having said that, the GoJ acknowledges that the English version of the Ministry's website¹ has a link to the web page of the Radiation Effects Association (REA). The Association's web site has statistics on the employment status, etc. of decontamination workers. The number of workers who engaged in decontamination and related work reported by the association was 36,046 in 2016 alone, and 76,951 for the total of 5 years up to 2016.

(b) In August 2011, the Parliament of Japan approved legislation to fund decontamination work, which however did not apply existing legal regulations concerning the construction industry to newly commencing decontamination activities. The decontamination contracts were granted to several large contractors, however hundreds of small companies, without the relevant experience, were subcontracted in the process. Among those subcontracted companies many were allegedly not even officially registered with the Ministry of Reconstruction of Japan. It is also reported that brokers were then engaged to recruit a considerable number of the actual workers. This situation, in many instances, created favourable instances for and led to abuse and violation of workers' rights as well as breaches of required health and safety safeguards.

The communication states that "the decontamination contracts were granted to several large contractors." However, the decontamination contracts are not based on permission system, but on competitive selection system, in which the GoJ only signs contracts with companies that are well qualified at bidding process. The decontamination contractors are not required to register with the public agencies and there is no case where these contractors are registered with Reconstruction Agency. The contractors are required to secure the safety of the workers as indicated in the Basic Principles of the Act on Special Measures. Furthermore, contractors should (i) prevent contamination, (ii) provide special education, under Ordinance on Prevention of Ionizing Radiation Hazards.

These regulations apply to all contractors, regardless of whether they are prime contractors or

¹ It is one of the "Other Institutions" under "Other Related Sources" on the English version of the website of the Ministry of Health, Labour and Welfare

sub-contractors.

Fukushima Labor Bureau checks the working conditions of decontamination workers based on the Industrial Safety and Health Act. In addition, the MOE requires contractors to fully comply with the relevant laws upon making contract of MOE projects.

(c) Internal and external contamination, as well as exposure to external radiation, remain one of the major hazards for workers involved in decontamination work. Prior to the Fukushima Daiichi accident, industry nuclear workers were permitted to be exposed to a dose of 20 mSv per year. As of March 2011, in the emergency circumstances following the nuclear disaster, the allowed dose rate which industry nuclear workers could receive was increased up to 100 mSv. Between March and December 2011, in the emergency phase of the accident, under a special allowance, workers at the Fukushima Daiichi plant were permitted doses up to 250 mSv. In December 2011, this limit was lowered back down to 100 mSv. It is also understood that the same conditions and radiation dose limit applied and reportedly continue to apply to all decontamination workers, who are not to be considered as industry nuclear workers.

The communication says that "it is also understood that the same conditions and radiation dose limit applied and reportedly continue to apply to all decontamination workers." However, this description represents a lack of accurate understanding of the situation for the following reasons.

The MHLW, from the day of Declaration of a Nuclear Emergency Situation to December 16, 2011², deregulated the amount of exposure to radiation during the emergency work at TEPCO's Fukushima Daiichi NPS by increasing the limit from 100mSv to 250mSv. However this applied only to the case of emergencies under unavoidable circumstances, in particular for preventing the spread of nuclear disaster, etc., based on the ordinance related to special cases pertaining to the Regulation on the Prevention of Ionizing Radiation Hazards (Special Ordinance). Furthermore, the increased limit was not applied to the decontamination workers, because the ordinance-based limit of 250mSv was applied only under unavoidable circumstances to control the accident and to conduct immediate emergency relief work.

Furthermore, the Ordinance on Prevention of Ionizing Radiation Hazards regulates the employers as follows.

- (i) There is no special rule or exception regarding the exposure limit for decontamination workers who engage in emergency work. (There is no regulation similar to the Regulation on the Prevention of Ionizing Radiation Hazards that specifies the limit of exposure to radiation while carrying out emergency work to be 100mSv.)
- (ii) Employers shall ensure that the effective doses received by workers who engage in decontamination and related work (except for the persons corresponding to (iii) and (iv)

² The use of the special ordinance was discontinued once step 2, which is the process of ensuring that the reactor attains a stable cold shutdown, was completed.

below) do not exceed 100mSv per five-year period and 50mSv per year.

(iii) Employers shall ensure that the effective dose received by female workers who engage in decontamination and related work (except for female personnel who are diagnosed as unlikely to be pregnant and those who are already pregnant) will not exceed 5mSv per three-month period. This excludes female workers who were diagnosed with no possibility of pregnancy and those described in the next paragraph.

(iv) Employers shall ensure the doses that pregnant female workers are exposed to in conducting decontamination and related work do not exceed 1mSv as effective dose for internal exposure and 2mSv as equivalent doses on abdomen surface per a term of pregnancy.

As for the description concerning the effective dose for radiation workers³ who are not involved in decontamination work, the GoJ would like to raise the following point.

The communication states that “internal and external contamination, as well as exposure to external radiation, remain one of the major hazards for workers involved in decontamination work. Prior to the Fukushima Daiichi accident, industry nuclear workers were permitted to be exposed to a dose of 20mSv per year.” The description represents a lack of accurate understanding of the situation.

Regardless of being prior to or after the TEPCO Fukushima Daiichi NPS accident, the Reactor Regulation Act and its relevant subordinate legislations stipulate that the nuclear reactor installer shall implement measures, with regards to the radiation workers, so that the effective dose shall not exceed 100mSv per five-year period and 50mSv per year (except for an urgent and necessary case). This dose limit remains unchanged.

Furthermore, regardless of being prior to or after the TEPCO Fukushima Daiichi NPS accident, the Reactor Regulation Act and its relevant subordinate legislations stipulate that the nuclear reactor installer may allow radiation workers engaging in emergency work in an urgent and necessary case to be exposed to radiation exceeding the said limits. Also, the dose to which radiation workers are exposed during the emergency work must not exceed 100mSv (for the effective dose).

The dose limit for emergency work is stipulated as the dose to which radiation workers are exposed during the emergency work, and not per year.

Moreover, the notification⁴ of special provisions had been effective from the date of enforcement (14 Mar 2011) until the date of its abolishment (16 Dec 2011), and prescribed that only in an urgent and necessary case, and as a transitional measure, the dose to which radiation workers are exposed

³ Persons prescribed in Article 2, paragraph 2, item 7 of the “The NRA Ordinance Concerning the Installation and Operation etc. of Commercial Power Reactors”

⁴ Notification to Establish Dose Limits in Accordance with the Provisions of the Rule for the NRA Ordinance Concerning the Installation and Operation etc. of Commercial Power Reactors in regard to urgent and necessary case of the emergency response for the 2011 off the Pacific coast of Tohoku Earthquake (Notification No.40 of the Ministry of Economy Trade and Industry, 2011)

to during the emergency work was set not to exceed 250mSv (effective dose) during the period from the date of the declaration of a Nuclear Emergency Situation to the date of declaration of the Cancellation of the Nuclear Emergency Situation. This dose limit was defined as the dose to which radiation workers are exposed to during the emergency work, not as the rate per year.

(d) Governmental Guidelines requiring regular health examinations are mandatory for decontamination workers. Yet, information received indicates that the diligent application of these guidelines may have been hampered because of the nature of the recruitment of workers, as well as the uncertainty surrounding the number of official workers and those recruited by sub-contractors. In the meantime, evidence suggests that radiation exposure of workers involved in decontamination exercise could be producing serious underlying effects on their health. A report produced by the Japanese Ministry of Health, Labour and Welfare in 2013 detailed abnormal findings in terms of white and red blood cell counts, and hemoglobin and red blood percentages (Hematocrit or HCT). The results for 2012 showed a general increase in the numbers of observed abnormalities in comparison to 2010. Although the Ministry reported that the findings could be within the error margin, and the reported results were not necessarily directly related to radiation exposure, the report was nevertheless conscious that there might had existed a correlation between the increase in certain blood indicators and radiation expo-sure.

The communication says that "the diligent application of these guidelines may have been hampered because of the nature of the recruitment of workers, as well as the uncertainty surrounding the number of official workers and those recruited by sub-contractors." However, this description represents a lack of accurate understanding of the situation for the following reasons. According to the Ordinance on Prevention of Ionizing Radiation Hazards, all employers including the sub-contractors have to fulfill the obligation to carry out medical examinations, etc. for the personnel engaged in decontamination and related work. The ordinance applies to all these workers, irrespective of the nature of recruitment of the laborers or the environment in which they are placed.

The communication says that "in the meantime, evidence suggests that radiation exposure of workers involved in decontamination exercises could be producing serious underlying effects on their health. A report produced by the MHLW in 2013 detailed abnormal findings in terms of white and red blood cell counts, and hemoglobin and red blood percentages (Hematocrit or HCT)" and "The results for 2012 showed a general increase in the numbers of observed abnormalities in comparison to 2010." These statements also represent an inaccurate understanding of the situation.

The press release "Implementation status on medical examinations for workers engaged in radiation work in Fukushima Prefecture" was issued by the MHLW on 20 September 2013, concerning the results of medical examinations on personnel engaged in decontamination and related work pertaining to ionizing radiation. The results only cover the year 2012, as data from earlier years was not available. Therefore, it does not make a comparison with past results in the first

place.

For your reference, in the same press release, the results of the medical examinations of radiation workers⁵ engaged in ionizing radiation shows an increase in the rate of abnormal findings from 2.81% in 2010 to 6.26% in 2012, within the jurisdiction of the Fukushima Labor Bureau. However, the ratio was lower than that of the nationwide ratio in 2012, which was 6.90%.

Furthermore, the description "a correlation between the increase in certain blood indicators and radiation exposure" is not clear.

The following observations mentioned in the same press release indicate that it is difficult to make scientific comparisons as there are various populations to be compared with, or that the correlation between radiation exposure and the increase in the rate of findings is not clear.

[Observations mentioned in the press release]

(i) A simple comparison is not available, as 70% of the workplace under the jurisdiction of the Tomioka Labour standards Inspection Office mentioned in the 2012 report has been replaced

(ii) As a result of comparison between the ratio of abnormal findings resulting from medical examinations on ionization as well as on decontamination, etc. with the distribution of effective exposure dose rate, the difference in the ratio of abnormal findings was not more than 0.78 points, though the distribution of exposure dose varied significantly. Thus the correlation between radiation exposure and the increase in the rate of findings is not clear.

(iii) There is a possibility that the approximately 20 point increase in the rate of implementation of various inspections had an impact on the 2012 ratio of abnormal findings in the medical examinations pertaining to ionization. Based on this speculation, item-by-item based research was conducted on the abnormal findings (white and red blood cell counts, hemoglobin and red blood percentages (Hematocrit or HCT) etc.). The maximum rate of abnormal findings was 2.2% for the "number of white blood corpuscles" and the rise was about 1.5 points. Furthermore, not only the individuals with health problems but also about 5% of the "healthy individuals" may experience their medical check values falling outside the reference range. The aforementioned 2.2% rate is well below this 5% criteria.

(e) During the past five years, the Labour Bureau of the Fukushima Prefecture and the Ministry of Health, Labour and Welfare have reported an alarmingly high number of consistent violations of decontamination workers' rights in Fukushima, as well as breaches of security regulations, including: misuse of dose badges by workers and incorrect use of protective gear. Tens of thousands of decontamination workers have reportedly been exploited in terms of poor pay, working conditions and radiation exposure, amongst them migrant workers, asylum seekers, as well as homeless persons. Reports indicate that a number of contractors have been found not to be paying premium

⁵ Persons to whom the Ordinance on Prevention of Ionizing Radiation Hazards is applicable and rather than the Ionizing Radiation Ordinance for Decontamination.

rates as required for hazardous work or not paying the due allowances to the workers and have identified multiple instances of workers who have been required to work beyond the established working hours (40 hours per week, 7 hours per day).

Neither Fukushima Labor Bureau nor the MHLW has reported that the number of breaches of security regulations is “alarmingly high.”

In addition to the supervisions of employers, the MHLW organizes workshops in cooperation with the MOE, and conducts patrols on decontamination sites in cooperation with Fukushima Prefecture, which is the contractee of the contract.

In addition, the Labor Standards Inspection Office conducts inspections on business sites where violations of labor standards related laws are suspected to occur in light of the information obtained. If such violations are found, the Office gives the employer an administrative direction in order to urge the employer to comply with the laws and later confirms the employer’s compliance with the laws. Moreover, the result of inspection of employers who hire workers for the decontamination work, released by Fukushima Labor Bureau on the date of 22 February 2018, did not report on the number of the employees who experienced violation of the laws. Therefore, the reference to “tens of thousands of decontamination workers have been reportedly exploited” is incorrect.

As for the non-payment of special work allowance, the MOE ensures proper payment by such measures as checking wage ledgers, reporting to call centers, and checking non-payment, based on information provided by the MHLW.

Regarding the official working hours, Article 32 of the Labor Standards Act stipulates that the statutory working hours per week are 40 hours in paragraph 1 and that the statutory working hours per day are 8 hours in paragraph 2. In case that an employer extends the working hours, the employer shall sign a written agreement on overtime work, with a labor union organized by a majority of the workers at the workplace or with a person representing a majority of the workers at the workplace. It also needs to notify the director of the competent Labor Standards Inspection Office as such.

With regard to the claim that there are some migrant workers, asylum seekers and homeless persons amongst the decontamination workers, the GoJ is aware of the past reports that some technical intern trainees were forced to engage in decontamination work at the site of TEPCO’s Fukushima Daiichi NPS and that some applicants for refugee recognition were forced to engage in decontamination work by malicious brokers who made a false explanation to them that they would be granted extension of their period of stay if they engaged in decontamination work.

The Ministry of Justice (MOJ), the MHLW and Organization for Technical Intern Training have ensured that technical intern training at the site of the NPS is not conducted, by officially announcing the prohibition of decontamination work by technical intern trainees on 14 March 2018. On 16 May 2018, they also announced the prohibition of any technical intern training from working at the site of the NPS, as it is inappropriate for the intent of Technical Intern Training Programs. Additionally, a

questionnaire survey for implementing organizations was conducted to confirm whether or not they ordered technical intern trainees to engage in decontamination work, and the organizations which were confirmed to have ordered technical intern trainees to do so have been penalized with suspension of the acceptance of technical intern trainees for five years. The GoJ will continue taking strict supervisory measures towards organizations found, through the questionnaire survey, to have engaged in such activities.

There is no such case that the GoJ has extended the period of stay for the applicants for refugee recognition on the grounds that they have engaged in decontamination work, and it would be very regrettable for the GoJ if there were companies which employed them by making such a false explanation. Although it is a matter of each individual, the GoJ will take appropriate measures, including by urging improvement of such malicious companies when the GoJ identifies such a company.

Furthermore, the GoJ instructs the contractors to require sub-contractors to check identification of potential employees properly. Thus, sub-contractors never hire people whose identities are unknown such as homeless persons.

(f) In addition, in December, 2017, the Japanese Government approved official plans to begin decontamination work in the exclusion zone of Namie where radiation levels remain considerably high. This allegedly means that decontamination workers working in this area will be subjected to unjustifiable radiation risks for a programme that only decontaminates a small fraction of the overall area and where a large fraction of the landmass is composed of mountainous forests which cannot be decontaminated.

The official plans approved in December 2017 make up part of the aforementioned plans for the Specified Reconstruction and Revitalization Bases especially for Namie Town. As stated earlier, the official plans are not aimed at beginning the decontamination work, but at returning residents by lifting the evacuation orders, as set forth in Article 17-2 of the Revised Act on Special Measures for the Reconstruction and Revitalization of Fukushima⁶.

⁶ The standards for authorizing the Plans for the Specified Reconstruction and Revitalization Bases set forth in Article 17-2, paragraph 1, items (i) to (iii) of the Revised Act on Special Measures for the Reconstruction and Revitalization of Fukushima

○Meeting the following geographic criteria

• Radiation dose will decrease to the amount of level, by decontamination, where there is no difficulty expected in lifting the evacuation orders within five years in general.

• The topography is suitable for habitation and economic activities. Access to areas outside of the difficult-to-return-to zones is secured.

• The area size is sufficient for efficient development.

○Contribution to reconstruction and revitalization

• The targeted goal, such as the number of returnees, is appropriate based on the preferences of the residents to return, etc.

• Feasibility of using the land as proposed in the plans is fully expected.

○Smooth and steady implementation

Since approval of the plans is subsequent to their meeting requirements as set forth in Article 17-2, paragraph 1, items (i) to (iii), the plans authorize areas in zones under evacuation orders, which comply with such legal requirements. In particular, according to the requirements, the radiation dose in areas intended for the approval of the plans should be considerably low compared to that in zones under evacuation orders, and is fully expected to decrease to the level set by the Reconstruction Agency Ordinance and the Cabinet Office Ordinance (20mSV per year and below), by decontamination of soils, etc, where there is no difficulty expected in lifting the evacuation orders within five years in general.

In addition, as stated earlier, decontamination workers are to engage in decontamination in compliance with the Ordinance on Prevention of Ionizing Radiation Hazards. The Ordinance specifies the rationale⁷ and the optimization of radiation protection⁸ recommended by the International Commission on Radiological Protection as basic principles.

Consequently, the claim that “decontamination workers working in this area will be subject to unjustifiable radiation risks” is not appropriate.

2. Please provide further information regarding the measures which have been taken in order to inform the workers employed in the disaster-affected zones about exposure levels at their workplace, the related risks and their rights vis-à-vis the hazards and working conditions which they endure.

According to Article 5 and Article 6 of the Ordinance on Prevention of Ionizing Radiation Hazards, the employers who employ workers for the purpose of carrying out decontamination and related work are obligated to measure and record the exposure dose. They are also required to inform the employees of the recorded dose without delay.

Moreover, according to Article 19 of the regulation, the employers who employ workers to engage in decontamination and related work are obligated to carry out special training pertaining to:

- (i) knowledge for effects of ionizing radiation on organisms and methods of exposure dose control;
- (ii) knowledge for methods and procedures of decontamination and related work;
- (iii) knowledge regarding structure and handling methods of machinery used for decontamination and other related work;
- (iv) relevant laws and ordinances; and
- (v) methods and procedures concerning decontamination and other related work including how to use machinery.

Fukushima Labor Bureau checks the working conditions of decontamination workers based on the “Industrial Safety and Health Act.” As for special work allowances, which are paid on top of regular

• The project described in the plan is concrete and its schedule is appropriate.

⁷ Requiring public interest or necessity outweigh the demerits of exposure

⁸ Trying to decrease the dose as much as possible

salary, the common specifications of the decontamination works requires contractors 1) to pay a fixed amount in addition to the wage for the decontamination workers, and 2) to confirm payment status once every 3 months including payment by sub-contractors under the contract between the MOE and contractors.

3. Please provide information on procedures established to carry out medical checkups of decontamination workers, the regularity and consistence of their implementation and measures taken by your Excellency's Government to limit the risk of their exposure to radiation and to ensure decontamination workers' access to any needed healthcare, including treatment and rehabilitation.

According to the Ordinance on Prevention of Ionizing Radiation Hazards or the Ordinance on Industrial Safety and Health, the employers who get workers to carry out decontamination and related work are obligated to ensure that medical examination by doctors is carried out at the time of hiring, during reassignment, and at regular intervals (once every 6 months). The medical examination includes items such as exposure history, examination of number of white blood corpuscles, differential blood count, measurement of blood pressure, urine tests, etc. In this context, "workers" are defined as individuals who are regularly required to work by the employers.

Moreover, the employers are obligated to take into consideration the opinions of the doctors based on the results of these medical examinations, and take necessary health care measures such as reducing working hours, etc.

4. Please provide information regarding the circumstances and underlying reasons, which led the Japanese authorities to take a decision to raise the exposure limit for decontamination workers. Consequently, we would also appreciate receiving further information on any special considerations which have been undertaken for prevention of risks and providing remedy as a result of the increased dose limits.

As indicated in the response to Question 1 (c), the limit of exposure of the personnel engaged in decontamination and related work has not increased.

Hence, the claim that "the Japanese authorities" took "a decision to raise the exposure limit for decontamination worker " includes a factual error.

5. Please explain the modalities which are in place for ensuring the suitability of the recruitment process of decontamination workers, the screening process of the suitability of contractors and sub-contractors involved in the Fukushima decontamination process and measures, which are being undertaken by the Japanese authorities, including local authorities of the Fukushima Prefecture for ensuring compliance with existing norms and regulations.

On 28 November 2017, Fukushima Labor Bureau established general measures for the decontamination work.

Based on these measures, the Bureau is requesting prime contractors, to sign proper contracts by

conducting on-site guidance etc., as well as by sending these contractors leaflets etc. in which the Bureau urges the contractors to prevent disguised subcontract and illegal dispatchment of workers. in order to avoid violation of the Employment Security Act and the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers in recruiting decontamination workers.

Public Employment Security Offices accept appropriate job offerings including decontamination works, and offer job placements in accordance with the job seeker's suitability and ability.

6. Please explain if any trainings are being provided to workers, including migrant and homeless workers, with the aim of ensuring that they are not a risk to themselves or others before starting the work.

According to Article 19 of the Ordinance on Prevention of Ionizing Radiation Hazards, the employers who employ workers to engage in decontamination and related work are obligated to carry out special training pertaining to:

- (i) knowledge for effects of ionizing radiation on organisms and methods of exposure dose control;
- (ii) knowledge for methods and procedures of decontamination and related work;
- (iii) knowledge regarding structure and handling methods of machinery used for decontamination and other related work;
- (iv) relevant laws and ordinances; and
- (v) methods and procedures concerning decontamination and other related work, including how to use machinery.

Furthermore, “workers” in this context is defined as individuals who are made to work for the business or at the plant or office, and are paid wages, irrespective of the type of work or nationality. Thus, the employers are obliged to implement the special training to all workers, regardless of their nationality, race and housing situation, according to Article 19 of the Ordinance on Prevention of Ionizing Radiation Hazards.

As mentioned in 1(e), contractors require sub-contractors to check identification of potential employees properly. Sub-contractors never hire people whose identities are unknown like homeless persons .

7. Please also provide additional information on any measures your Excellency’s Government has put in place to prevent, investigate, punish and redress numerous human rights abuses to which decontamination workers have allegedly been subjected to by contractors and sub-contractors.

To prevent improper payment of the special work allowance as pointed out in 1(e), the MOE checks the payments based on the payroll book, reports from call centers, and information received from the MHLW. The payments have been made properly.

The MOJ, the MHLW and Organization for Technical Intern Training have ensured that technical intern training at the site of the Nuclear Power Plant is not conducted, by officially announcing the prohibition of decontamination work by technical intern trainees on 14 March 2018. They also announced the prohibition of any technical intern training at the site of the Nuclear Power Plant on 16 May 2018 as it is inappropriate for the intent of the Technical Intern Training Program.

With regard to the allegation on the protection of workers' rights by contractors and subcontractors mentioned in 1(b) and (e), Fukushima Labor Bureau is carrying out group guidance for contractors, in which it provides an overview of the Employment Security Act and the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers etc. in order to avoid violations of these acts in advance.

The Labour Standards Inspection Office conducts inspections on business sites where violations of labor standards related laws are suspected to occur based on the information obtained. In case that such violations are found, the Office gives the employer an administrative direction. In addition, in the case of serious violation such as non-correction in spite of repeated instructions, the Office takes strict measures including sending the case to the public prosecutor's office.

The communication states that "on a related note, in March 2018 the Japanese Government supported recommendations made within the framework of the third cycle of the Universal Periodic Review (UPR) of Japan, which suggested to respect the rights of persons living in the area of Fukushima, in particular pregnant women and children, to the highest level of physical and mental health, notably by restoring the allowable dose of radiation to the 1 mSv/year limit, and to continue providing support for voluntary evacuees from the high-radiation areas of Fukushima, with housing, financial and other life-assisting means and with periodic health monitoring of those affected." To be exact, the GoJ "accepted to follow up" on the recommendations made at the UPR of 14 November 2017.