
First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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[Information on the Situations of Second-Generation Atomic Bomb Survivors in Japan and Proposals on “Victim Assistance” mentioned in Article 6 of the TPNW]

Working paper submitted by [Japanese Liaison Council of Second-Generation Atomic Bomb Survivors (JLCSGABS)]

I. What JLCSGABS is and what the aims of this working paper are

1. On December 21st, 1988, the Japanese Liaison Council of Second-Generation Atomic Bomb Survivors (JLCSGABS) made up of groups was formed by the second-generation survivors of the atomic bombs (hereinafter called “2nd-generation A-bomb survivors”) who live in Japan. One of its purposes is to unite their voices in their appeal for support measures to be taken by the Japanese government for them, as part of their human rights. Another important purpose is to call for a nuclear-free world so that no one becomes a nuclear victim again. At present, the Council is joined by 19 groups of 2nd-generation A-bomb survivors in Japan.

2. The Japanese Liaison Council of Second-Generation Atomic Bomb Survivors submits a working paper to the first Meeting of States Parties to the TPNW to provide information on the situations of 2nd-generation A-bomb survivors, and to propose that nuclear victims including 2nd-generation A-bomb survivors and future generations should be included as victims of “victim assistance” mentioned in Article 6 of the TPNW and that comprehensive “victim assistance” based on the fundamental legislative purpose of “the Atomic Bomb Survivors’ Assistance Act” (hereinafter called “the Atomic Bomb Survivors’ Relief Law”) in Japan should be given to them.

II. In what situations 2nd-generation A-bomb survivors are in Japan

3. The atomic bombs dropped on Hiroshima on August 6th and on Nagasaki on August 9th, 1945, by America were responsible for existence of A-bomb survivors. More than 200,000 people were either killed or injured by the A-bombs. Survivors have suffered or have been suffering from acute radiation disorders and the onset of

the delayed effects of radiation from the bombings. Moreover, survivors have been suffering from the difficulties of life caused by health problems, and have had to contend with prejudice and discrimination in the society.

4. The untiring efforts of survivors resulted in the Atomic Bomb Survivors' Relief Law. It is a law that took effect in July, 1995 coinciding with the 50th anniversary of the atomic bombings. The said law provides such supports as free medical examinations, benefits for medical treatment, and allowances for A-bomb survivors.

5. Second-generation A-bomb survivors are children of A-bomb survivors. The Atomic Bomb Survivors' Relief Law defines A-bomb survivors as follows: "direct A-bomb survivors", those who were exposed directly to the blast of the A-bombs (1st A-bomb survivors); "enter-city A-bomb survivors", those who entered within about 2 kilometers of the hypocenters in less than two weeks of the bombings (2nd A-bomb survivors); those who were in any circumstances that might cause physical effects of A-bomb radiation when or after the A-bombs were dropped (3rd A-bomb survivors); "in utero A-bomb survivors", those who were exposed to radiation in utero and whose mothers were qualified as the 1st, 2nd or 3rd A-bomb survivors (4th A-bomb survivors). Second-generation A-bomb survivors were born later than 4th A-bomb survivors. However, the Law is not intended for them.

6. The Japanese government states in "the Operating Procedure of Second-Generation A-Bomb Survivors' Medical Examinations" provided with a single-year budget that 1) examinees should be those whose both or either of parents are A-bomb survivors and, 2) examinees should be those who were born after June 4th, 1946 in the case of Nagasaki and after June 1st, 1946 in the case of Hiroshima. This is not the definition of 2nd-generation A-bomb survivors specified in the law, but is just a guide-line for conducting the annual medical examination.

7. According to judiciary judgement in Japan, it should be said that the legislative purpose of the Atomic Bomb Survivors' Relief Law is to establish various systems for the support of A-bomb survivors practically from national compensatory consideration so that the Japanese government, which waged the war, may take responsibility to relieve such particular kinds of war damages as unprecedentedly peculiar and serious health disorders caused by the A-bombs. And it is concluded that the 3rd A-bomb survivors defined in the Law, "those who were in any circumstances that might cause physical effects of A-bomb radiation," are interpreted as "those who were in any circumstances where there was no denying that health disorders would be caused by A-bomb radiation." The Japanese government should widely relieve 1st- and 2nd-generation A-bomb survivors based on the fundamental legislative purpose of the Atomic Bomb Survivors' Relief Law.

8. Since 1948, the late effects of radiation and the genetic links of A-bomb radiation on human beings have been investigated by the Atomic Bomb Casualty Commission (ABCC). Later on, the ABCC was succeeded by the Radiation Effects Research Foundation (RERF). The RERF has reported that at present their studies show no proof of genetic damages. However, it must be said that there is no scientific evidence either that assures there is no effect on genetics.

9. In the plant and animal experiments, it has already been proved that there are radiation effects on the next generations. For example, the experiments using mice showed that baby mice whose male parents were exposed to radiation were born with the constitutions liable to diseases of various types including cancer, which turned out to be inherited by the next generations. As the birth frequency of baby mice having such health risk is in proportion to their parents' radiation exposure dose, this can scientifically explain a causal relation to radiation exposure. The result of such experiments using mice implies that there are increased health risks

from the genetic effects caused by A-bomb radiation on human beings as well, which like mice belong to the mammals species.

10. However, the Japanese government has taken a firm stand against the genetic effects of A-bomb radiation on 2nd-generation A-bomb survivors unless they have “scientific evidence of the genetic effects” on humans. So it does not provide any support measures for 2nd-generation A-bomb survivors. Second-generation A-bomb survivors are A-bomb victims, that is, nuclear victims because there is no scientific evidence to clearly deny the trans-generational genetic health effect of A-bomb radiation. The Japanese government should also apply “the Atomic Bomb Survivors’ Relief Law” to them based on the fundamental legislative purpose of the Law.

11. In the Rio Declaration on Environment and Development during the United Nations Conference on Environment and Development (Earth Summit) (of 1992), “the precautionary principle”—“Where there are threats of serious or irreversible damage, lack of full scientific certainty” shall not be used as a reason for postponing measures—was internationally verified. The Japanese government must have a full grasp and understanding of the predicaments faced by 2nd-generation A-bomb survivors, and so must take it upon itself to provide them with support measures and guarantee their basic human rights including the right to health, according to “the precautionary principle”.

III. How the human rights of 2nd-generation A-bomb survivors were violated

12. Series of conferences on the inhumanity of nuclear weapons were held in the world during the past several years. Through these efforts, the inhumanity of nuclear weapons has been commonly recognized as an international awareness in the world, which led to the establishment and entry into force of the TPNW. We emphasize that the health hazards of radiation to future generations of mankind is one of the most serious aspects of the violation of human rights caused by nuclear weapons.

13. It is unfair that 2nd-generation A-bomb survivors, who were not born during the war and at the time of the bombings, have or will have health risks in the present or in the future due to the genetic effects from A-bomb radiation. Their human rights have been violated with the following problems.

14. First, 2nd-generation A-bomb survivors are in health dangers from the genetic effects of A-bomb radiation. Many of them, like their parents, have died of cancer and leukemia. There are present sufferings of physical disorders like cancer and leukemia. Some of them have lost their younger siblings to cancer and leukemia. Others have suffered from various kinds of health disorders including non-cancer ailments as well. Some 2nd-generation A-bomb survivors have been suspecting that their present diseases, which are similar to their parents’ diseases, are related to the radiation exposure of their parents. The mental anguish and torture of worries about their present diseases and in the near or distant future scare them every day of their lives. There are even A-bomb survivors who blame themselves for their exposure to radiation because in effect, it is they who are causing their children to have diseases and physical disorders. In these ways, they have been suffering from their present and past health problems, and from anxiety about their future health disorders.

15. Second, they are confronted by difficulties in their social life because they are A-bomb survivors’ children. Due to diseases or physical disorders caused by the A-bombs, not a few of A-bomb survivors are unable to settle into regular jobs or have to consent to low pay. Living under such meager means, some 2nd-generation A-bomb survivors were not able to attain higher education. Even as adults, they have had to live an economically hard life because they need to take care of sick parents

or grandparents who were first-generation A-bomb survivors. Some lived and still live within “the vicious cycle of diseases and poverty”— such a hard life as their parents’, to be sick and not to have money for treatments. Others could hardly sustain their own daily life because of their low income, and the high cost of medical treatments for their diseases makes their suffering even worse.

16. Third, 2nd-generation A-bomb survivors suffer from severe discrimination and social prejudice. The Japanese government has not taken any measures to support the 2nd-generation A-bomb survivors who have been suffering from health disorders and difficulties of life. This situation puts them at disadvantage and forces them to face with social prejudice and discrimination. In this sense, the Japanese government is to blame first of all. Under such circumstances without any public support for the 2nd generation, people often have such prejudice as follows, which leads to discrimination: “All 2nd-generation A-bomb survivors have health disorders because of their parents’ exposure to A-bomb radiation.” “If you are married with a 2nd-generation A-bomb survivor, you may have a baby with congenital malformation.” Once it was found out that they were 2nd-generation A-bomb survivors, some were denied marriage by their prospective spouses’ parents, some committed suicide after they were divorced, or others were dismissed from their jobs. Though all 2nd-generation A-bomb survivors do not actually have health disorders, people in the society often have a prejudice towards them that all of them must have any health problems.

IV. The Japanese government should apply the Atomic Bomb Survivors’ Relief Law to 2nd-generation A-bomb survivors to guarantee their human rights.

17. Our Council has requested the Japanese government to take support measures for 2nd-generation A-bomb survivors for more than thirty years. Placing the second-generation as “5th A-bomb survivors”, we have requested for the application of the Atomic Bomb Survivors’ Relief Law to them and the specification of state compensation in the Law.

18. Also, we have requested the Japanese government to take responsibility for support measures to equally guarantee the human rights of not only 2nd-generation A-bomb survivors in Japan but also those in all the other countries, insisting that “2nd-generation A-bomb survivors should be what they are, wherever they are,” just like the first generation.

19. We presented a written request including those mentioned above to the Minister of Health, Labor, and Welfare every year, yet the Japanese government has not acted on it—still no adequate measures. Therefore, in February 2017, the members of our Council filed class action lawsuits in Hiroshima and Nagasaki representing 2nd-generation A-bomb survivors so that they could be momenta of the legislative measures taken by the Japanese government to support all 2nd-generation A-bomb survivors. Second-generation A-bomb survivors have already grown old enough to be liable to cancer, which makes them feel all the more uneasy about their health. These support measures are urgent to protect their human rights. The Japanese government should extend the Atomic Bomb Survivors’ Relief Law to 2nd-generation A-bomb survivors with immediacy, which we expect to lead to the achievement of state compensation.

V. We propose that nuclear victims including 2nd-generation A-bomb survivors and future generations should be included as victims of “victim assistance” mentioned in Article 6 of the TPNW and that comprehensive “victim assistance” based on the fundamental legislative purpose of “the Atomic Bomb Survivors’ Relief Law” should be given to them.

20. At the first Meeting of States Parties to the TPNW, we would like to propose the followings about “victim assistance” mentioned in Article 6 of the TPNW, which should be one of the important issues in the Meeting.

21. First, we would like to propose that nuclear victims including 2nd-generation A-bomb survivors and future generations should be regarded as victims of “victim assistance”. Second-generation A-bomb survivors are A-bomb victims, that is, nuclear victims because there is no scientific evidence to clearly deny the trans-generational genetic health effect of A-bomb radiation. Also, there are 1st- and 2nd-generation A-bomb survivors not only in Japan but also in other countries like South and North Korea as a result of Japan’s past colonization and war of aggression. Besides those A-bomb survivors, there are many different kinds of radiation victims, such as those affected by the “nuclear experiments” in Kazakhstan, Kiribati, the Marshall Islands, and Australia, those engaging in uranium mining, and those working at or living near the nuclear facilities. There are also radiation victims affected by the accidents of nuclear power plants which were promoted in the name of “peaceful uses of nuclear energy” in such places as Chernobyl and Fukushima, and those affected at nuclear-related facilities. The future generations of such nuclear victims are placed in the situations where there is no scientific evidence to clear deny the trans-generational genetic health effect of A-bomb radiation. Those nuclear victims including future generations should be regarded as victims of “victim assistance”.

22. Second, we would like to propose comprehensive “victim assistance” based on the fundamental legislative purpose of “the Atomic Bomb Survivors’ Relief Law” in Japan. The Law provides A-bomb survivors with comprehensive support measures, such as physical checkups, benefits of medical treatment, payment of various allowances for life security, and welfare services.

23. Our Council expects the proposals made by us, who ourselves are 2nd-generation A-bomb survivors, to be accepted in the first Meeting of States Parties to the TPNW.

VI. What our mission and duty are

24. It is relevant to the issues of not only 2nd-generation A-bomb survivors in Japan but also those in the world, what support measures the Japanese government will take for 2nd-generation A-bomb survivors, whether the government will take measures to guarantee their human rights, and whether nuclear victims including 2nd-generation A-bomb survivors and future generations will be included as victims of “victim assistance” mentioned in Article 6 of the TPNW. Also, they are extremely important international human rights issues which can lead to guaranteeing the human rights of next- and future-generation nuclear victims.

25. One of the most inhumane aspects of the human rights violation by nuclear damage is the radiation effects on the future generations. We are confident that a common understanding of this aspect of inhumanity of nuclear will lead the international community to realize a nuclear-free world so that no more people will become radiation victims. We, 2nd-generation A-bomb survivors in Japan, think it our mission and duty to continue to appeal to the international community the problem of serious human rights violation of future generations caused by radiation exposure of A-bombings.
