

**MISSION PERMANENTE DU JAPON**  
AUPRÈS DES ORGANISATIONS INTERNATIONALES  
GENÈVE-SUISSE

TM/UN/209

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and, with reference to the letter Ref. AL JPN 2/2020, dated 12 March 2021, has the honour to transmit herewith the reply of the Government of Japan to the Joint Communication sent by Mr. Dante PESCE, Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Ms. Karima BENNOUNE, Special Rapporteur in the field of cultural rights, Mr. Fernand de VARENNES, Special Rapporteur on minority issues, Mr. Ahmed SHAHEED, Special Rapporteur on freedom of religion or belief, Mr. Tomoya OBOKATA, Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Mr. Nils MELZER, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and Ms. Siobhán MULLALLY, Special Rapporteur on trafficking in persons, especially women and children.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 10 May 2021



Enclosure mentioned

## **Reply of the Government of Japan to the Joint Communication from the Special Procedures (AL JPN2/2020)**

In reference to the Joint Communication dated 12 March 2021, sent jointly by the Working Group on the issues of human rights and transnational corporations and other business enterprises, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on tortures and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on trafficking in person, especially women and children, to the Permanent Mission of Japan to the International Organization in Geneva, the Government of Japan (hereinafter referred to as “the GoJ”) provides the following response.

1. The GoJ first recognizes that human rights are universal values and their protection is the most fundamental responsibility of all nations. Based on this, the GoJ implements relevant policies.

2. Next, the GoJ provides the following response to Question 1.

The GoJ exchanges opinions on various topics, including general human rights issues, with a wide range of business enterprises on a regular basis. The GoJ recognizes that, in general, the business enterprises identified in this Joint Communication have made it publicly known that they basically give consideration to compliance, particularly with regard to human rights and that they exercise due diligence and conduct research on supply chains according to their own business decisions. The GoJ continues to communicate with business enterprises, promoting further understanding of business and human rights, and to encourage their responsible business conduct through familiarizing them with Japan’s National Action Plan on Business and Human Rights (hereinafter referred to as “the NAP”) formulated last October.

3. The GoJ recognizes that Questions 2, 3, 4 and 5 ask about the GoJ’s systems and efforts in general; on that premise, we offer the following response.

*(1) GoJ’s efforts to ensure respect for human rights by business enterprises as*

*described in Japan's NAP.*

With increased international attention on the need for business enterprises to respect human rights, in October 2020, the GoJ launched the NAP to promote respect for human rights in the context of business activities.

The NAP lists a series of measures related to business and human rights to be implemented by the GoJ, clarifies the ministries and agencies in charge of each measure, and mentions follow-up measures to be taken. In addition, it also sets out expectations for business enterprises, regardless of their size and sector of industry, to respect internationally recognized human rights and the principles concerning the fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work (hereinafter referred to as “the ILO Declaration”) and to introduce the process of human rights due diligence based on the United Nations Guiding Principles on Business and Human Rights (hereinafter referred to as “the UNGPs”) and other related international standards.

The GoJ recognizes that Japanese business enterprises engaged in global business activities, including those mentioned in the Joint Communication, need to properly address human rights issues according to their own business judgement while respecting international documents such as the UNGPs, the OECD Guidelines for Multinational Enterprises, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Given this, the GoJ considers it important to raise awareness of respecting human rights in business activities in order to encourage Japanese business enterprises to introduce human rights due diligence. To this end, the GoJ raises awareness of such international documents and publicizes the NAP among business enterprises and other organizations in cooperation with industry groups and relevant bodies. The GoJ also endeavors to raise awareness among Japanese business enterprises operating overseas via Japanese embassies, consulates, and overseas offices of government-related entities. In doing so, as mentioned in the NAP, sufficient attention is to be paid to the issue of protecting the human rights of workers in supply chains, including the socially vulnerable such as women and children. (Please refer to the Appendix for further information on Japan's NAP “Chapter 2.2 (3) Measures of the Government Promoting Corporate Responsibility to Respect Human Rights” and “Chapter 3. Government's

Expectations towards Business Enterprises”.)

In addition to the initiatives mentioned above, the GoJ has been widely promoting and raising awareness of the importance of efforts in the area of business and human rights. The GoJ has been publicizing the launch of the NAP internationally at the UN Forum on Business and Human Rights and nationally at meetings and relevant events organized by the business community and stakeholders. The GoJ has also broadly been disseminating relevant information to local branch offices within the government and working on familiarizing local governments with the NAP at the prefecture and ordinance-designated city level.

It is also worth mentioning that the Ministry of Foreign Affairs of Japan launched a “business and human rights” portal site on its website, developed pamphlets on business and human rights, and released public relations videos. The GoJ continues posting useful information on the portal site, which includes links to UN, ILO, and OECD documents and other relevant materials for business enterprises, industry groups, and civil society organizations.

### *(2) Measures on Public Procurement by the GoJ*

With regard to public procurement, the NAP mentions that the GoJ will thoroughly implement public procurement rules relevant to business and human rights. Such procurement rules include, for example, measures to increase the amount of opportunities for disability employment facilities, measures to award additional points to business enterprises that promote work-life balance in the procurement process, and measures to exclude organized crime groups from the procedure. In addition to the above, regarding public procurements in the construction industry, the GoJ promotes work style reform in the construction industry to deepen understanding of the purpose of the Act on Promoting Quality Assurance in Public Works, the Construction Business Act, the Act for Promoting Proper Tendering and Contracting for Public Works, and the guidelines for these acts. Moreover, the GoJ implements measures to secure opportunities for small and medium sized enterprises (SMEs) in the procurement process.

### *(3) Measures regarding Access to Remedy*

With regards to ensuring access to judicial remedy in general, the GoJ has taken various measures in relation to human rights violations by business enterprises.

For example, the Japan Legal Support Center (the JLSC) makes efforts to ensure access to judicial remedies by providing legal aid services, such as free legal consultations for Japanese nationals and foreign nationals lawfully residing in Japan who cannot afford the cost of such consultations. The human rights bodies of the Ministry of Justice also provide human rights counselling services via telephone, the Internet and other means, and have established special telephone counselling services for children and women, respectively. For foreign nationals in Japan who are unable to speak Japanese fluently, the bodies have established the Foreign-language Human Rights Hotline and Human Rights Counselling Services on the Internet in ten languages, and work on ensuring access to remedy. Moreover, in order to realize online submission of complaints, digitalization of litigation records, and arrangement of issues and examination of evidence using online meetings without personal appearance of the parties concerned, the GoJ aims to revise the Code of Civil Procedure to improve access to the legal system by the public.

To ensure that business enterprises establish effective operational-level grievance mechanisms, or cooperate with legitimate remedial processes, the GoJ continues to promote further understanding and awareness of the business and human rights agenda among business enterprises. For example, the GoJ set up the Japanese National Contact Point (NCP) under the OECD Guidelines for Multinational Enterprises, which works on raising awareness on the OECD Guidelines for Multinational Enterprises among business enterprises and supporting them in resolving issues. The GoJ also works on enhancing user convenience, including through certifying conciliation and mediation services performed by private businesses based on the Act on Promotion of Use of Alternative Dispute Resolution.

In the context of development cooperation and development finance, guidelines have been introduced in order to encourage business enterprises to cooperate with remedies through legitimate processes. These guidelines include the Japan Bank for International Cooperation (JBIC) Guidelines for Confirmation of Environmental and Social Considerations, the Japan International Cooperation Agency (JICA) Guidelines for Environmental and Social Considerations, and the Nippon Export and Investment Insurance (NEXI) Guidelines on Environmental and Social Considerations in Trade Insurance. Relevant grievance redress

services based on these guidelines have also been introduced alongside them. On another point, to promote the use of certified dispute resolution procedures, the GoJ has developed pamphlets and guidebooks providing relevant information on certified dispute resolution business operators and has been disseminating such information on its official websites.

As for specific legislation, generally speaking, from the perspective of protecting whistleblowers, the Whistleblower Protection Act as amended in June 2020 obliges business enterprises to establish systems and take other necessary measures for receiving whistleblowing reports of business enterprise and employee actions that violate the national specific legislations, investigating those reports, and pursuing remedial procedures. (Business enterprises with less than 300 employees are required to make appropriate efforts in this regard.) Going forward, the GoJ plans to publish guidelines setting out matters necessary for business enterprises to appropriately and effectively implement measures they are required to take based on this Act.

4. Lastly, the GoJ provides the following response to Question 6.

The NAP sets out expectations for Japanese business enterprises, regardless of their size and sector of industry, to respect internationally recognized human rights and the principles concerning the fundamental rights set out in the ILO Declaration and introduce the process of human rights due diligence based on the UNGPs and other related international standards.

Based on the NAP, the GoJ currently focuses on encouraging business enterprises to introduce human rights due diligence. To this end, the GoJ raises awareness of business and human rights, targeting a wide range of parties, including business enterprises. More specifically, as mentioned in 3 (1) above, the GoJ set up a portal site, developed and distributed pamphlets on business and human rights, and released public relations videos. A video message from Prof. Anita Ramasastry, a member of the United Nations Working Group on Business and Human Rights, has also been made available on the Ministry of Foreign Affairs website. This message touches on the importance of implementing human rights due diligence, and shows that the GoJ works on raising awareness of human rights due diligence in cooperation with the United Nations.

As demonstrated above, the GoJ remains committed to steadily implementing measures pertinent to its NAP.