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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Japanese Government should make a strong commitment to business and human rights through developing substantive national action plans on business and human rights

Background

There is an urgent need to address the gross human rights violations and numerous incidences of environmental destruction that are at their tipping points throughout global supply chains. The persistent occurrences of abuse span from child labour, forced labour, land grabbing, restrictions on labour unions, harassment of human rights defenders, and poor working conditions in plantations, fisheries, resource extraction and mining, factories, and waste disposal sites, to significant environmental damage throughout global supply chains.

The 2015 G7 Summit at Schloss Elmau was ground-breaking in that G7 leaders for the first time discussed such issues. They pledged to promote “responsible supply chains” and strongly supported the UN Guiding Principles on Business and Human Rights (UNGPs). The G7 leaders also stressed the need to increase transparency, the identification and prevention of human rights risks, and the strengthening of grievance mechanisms to promote better working conditions, and they urged the private sector to implement human rights due diligence. G7 leaders also pledged to promote “responsible supply chains” by drawing National Action Plans (NAP) in accordance with the UNGPs.

However, the Japanese Government has fallen behind compared to many other OECD countries which have implemented NAPs following the Schloss Elmau Summit. For example, among the G7 countries, Japan and Canada are the only two countries which have not even published their plans, if any, for the development of a NAP.¹

The Guidance on National Action Plans on Business and Human Rights,² issued by the Working Group on Business and Human Rights, emphasizes the need for States to develop inclusive and transparent processes for stakeholders to participate in the development of the NAPs at all stages. In particular, the Guidance has placed great emphasis on ensuring participation of multi-stakeholders, including corporations, labour unions, and civil societies, through the process of NAP development, monitoring, and updates.

A NAP is particularly urgent in the case of Japan, which will host the Tokyo 2020 Olympic and Paralympic Games. The success of the Tokyo 2020 Olympic and Paralympic Games is highly dependent on the long-lasting, positive legacies that the games will leave to Japan.³ To this end, The Organizing Committee for the 2020 Tokyo Olympics (“TOCOG”) declared the protection of environment and sustainability as one of the five pillars of the Action & Legacy Plan.⁴ Such protection has a range of applications from matters concerning the environment to considerations of human rights, working conditions, and the management of supply chains. This includes executing measures to safeguard the two core subjects of “labour practices” and “fair trade practices” that are outlined in the International Standards for Corporate Social Responsibility (ISO 26000).⁵ For example, the Organizing Committee takes into account issues related to human rights, labour, and fair trade practices throughout its preparations for the Tokyo 2020 Games by preventing corruption, taking measures for consideration of minorities, providing a procuring policy for the supply of products and services, maintaining healthy and safe working conditions for all staff and volunteers, etc.⁶

¹ <http://business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-governments/by-type-of-initiative/national-action-plans>

² http://www.ohchr.org/Documents/Issues/Business/UNWG_%20NAPGuidance.pdf

³ <https://tokyo2020.jp/en/games/legacy/>

⁴ <https://tokyo2020.jp/en/games/sustainability/data/sus-plan-EN.pdf>

⁵ *Id.*

⁶ <https://tokyo2020.jp/en/games/sustainability/data/sus-plan-EN.pdf>

However, the lack of a substantive NAP in Japan would potentially expose vulnerable workers to exploitation in the workplace along with various streams of labour and fair trade violations if left mal-regulated. Without a set of clear and well-defined rights that are governed by effective policies and national/international legislation, gross violations of human rights could be detrimental to the ultimate success of the Olympic Games.

Recommendations

Human Rights Now, a Tokyo based international human rights NGO urges the Japanese Government to take the following actions:

- Implement the UN Guiding Principles on Business and Human Rights (UNGPs) by developing a substantive National Action Plan on the basis of meaningful consultations with all stakeholders, including NGOs, trade unions, labour rights groups, and organisations representing persons affected by business activities.
 - Take measures towards full implementation of the commitments that were made at Schloss Elmau and the Ise-Shima Progress Report.⁷ In particular, Japan should require, by law, that companies implement human rights due diligence in accordance with the highest international human rights and environmental standards;
 - Strengthen the system of National Contact Point (NCP) for grievance redress by making NCP peer reviews mandatory, providing adequate funds for such peer reviews to NCPs and the OECD Secretariat, strengthening the structure of NCPs, and revising the Procedural Guidance for NCPs;
 - Take effective measures to address the erosion of social protection of workers and the risk of child labour in global supply chains, keeping with the Elmau commitments and in line with Sustainable Development Goals 8.7 and 8.8.
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⁷ <http://www.mofa.go.jp/files/000158338.pdf>