

Towards formulating the National Action Plan (NAP) on Business and Human Rights
The Inter-Ministerial Committee on Japan's NAP on Business and Human Rights
2019 July

1. Overview

(1) Objectives of the NAP

While human rights impacts resulting from business activities have been drawing increasing attention internationally and nationally, Japan has been supporting the United Nations Guiding Principles on Business and Human Rights (UNGPs) that show principles regarding states' obligations to protect human rights and corporate responsibility to respect human rights. With the aim to implement the UNGPs steadily, Japan decided to formulate a National Action Plan on Business and Human Rights.

Given that Japan attaches great importance to the state's obligations to protect human rights, taking into account not only the UNGPs but also the relevant international instruments, including the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), Japan is working to develop the NAP concerning the respect for human rights in business activities, which are becoming the new global standards as principles of business conduct. Japan will support corporate initiatives respecting human rights and promote responsible business conduct.

Based on the OECD Guidelines for Multinational Enterprises and the MNE Declaration the Government of Japan expects business enterprises to identify risks to human rights in their business operations, and take measures to manage them.

The Government of Japan is working to formulate this plan with the recognition that its development will contribute to promoting and protecting human rights for the international community and to enhancing company values. The development of this plan positioned as a measure towards achieving Sustainable Development Goals (SDGs) could also contribute to realizing a sustainable and inclusive society where "no one will be left behind."

(2) Japan's NAP Formulation Process

- a. A Working Group on the NAP on Business and Human Rights (Working Group) is established and includes representatives of the relevant ministries and agencies, the business sector, the labor sector, civil society organizations, experts and other relevant organizations. This Working Group discusses formulating the NAP.
- b. An Advisory Committee for the NAP on Business and Human Rights (Advisory Committee) is established and includes experts from various sectors to obtain views

from the experts on the matters including the points discussed at the aforementioned Working Group, upon request from the Inter-Ministerial Committee on Japan's NAP on Business and Human Rights (Director-General level).

- c. The NAP is scheduled to invite public comments on its first draft of the NAP after preparation.
- d. With consideration of the views received from the public comment procedure and the views shared by the Advisory Committee and the Working Group, the Inter-Ministerial Committee on Japan's NAP on Business and Human Rights (Director-General level) will adopt the finalized NAP.
- e. The NAP will be publicized internationally and nationally, keeping the process of the SDGs Promotion Headquarters in mind.

(As for the future schedule, Japan aims to prepare the first draft version of the NAP in the second half of 2019, invite public comments after preparing it, and issue the finalized NAP in the middle of 2020. The schedule may change due to the working process.)

(3) Duration of the NAP

The first version of the NAP is expected to cover a period of 5 years. Monitoring methods, a mid-year review, and a review of the NAP will be considered in due course.

(4) Mechanisms for Promoting the NAP

With consideration of the optimal utilization of government-related entities and think tanks and in collaboration with international organizations, mechanisms for effectively promoting and disseminating the NAP will be examined in due course.

2. Points to Consider in Studying Major Actions that could be Incorporated into the NAP

(The Inter-Ministerial Committee on Japan's NAP on Business and Human Rights decided the points mentioned below based on the discussions at the multi-stakeholder consultation meetings about the baseline study on business and human rights, the views received through the public comment procedure, and the views shared by the Advisory Committee and the Working Group.)

(1) Major Challenges in the Realm of Business and Human Rights

- ◆ Awareness and understanding about business and human rights among ministries and agencies, government related entities, and local public entities.
- ◆ Awareness and understanding of business and human rights among businesses.

- ♦ Awareness and understanding of human rights throughout society.
- ♦ Responding to challenges to human rights in global and domestic supply chains.
- ♦ Utilization of remedial mechanisms.

(The five points mentioned above are cross-cutting challenges to preventing and mitigating negative impacts on human rights. Listing other points is not ruled out if there are specific high-risk areas or matters.)

(2) General Priority Areas of the NAP

- ♦ Raising awareness and promoting understanding about business and human rights among ministries and agencies, government related entities, and local public entities.
- ♦ Raising awareness and promoting understanding about business and human rights among business enterprises.
- ♦ Raising awareness and promoting understanding of human rights throughout society.
- ♦ Organizing systems to promote corporate respect for human rights in global and domestic supply chains.
- ♦ Organizing and improving remedial mechanisms.

(Based on the implementation of various commitments to the international community regarding respect of internationally recognized principles and compliance with national laws and ratified international human rights treaties, the NAP pays particular attention to challenges associated with global economic activity.)

(3) Points of View to Consider in Studying Major Actions that could be Incorporated into the NAP.

(The government organizations' duty to protect human rights and their role to promote human rights)

- ♦ Public procurement
- ♦ Development cooperation and development finance
- ♦ Economic partnership agreements
- ♦ Human rights education and awareness

(The corporate responsibility to respect human rights)

- ♦ Initiatives in domestic and global supply chains
- ♦ Promotion of human rights due diligence based on the UNGPs
- ♦ Government support for small and medium-sized enterprises' efforts regarding "business and human rights"

(Access to remedy)

- ♦ Judicial remedy
- ♦ Non-judicial remedy

(Cross-cutting matters)

- ♦ Labor (promotion of decent work)
- ♦ Promoting and protecting child rights
- ♦ Human rights associated with the development of new technologies (ensuring privacy, and human-rights violations online etc.)
- ♦ Consumer rights and the role of consumers
- ♦ Equality before the law (persons with disabilities, women, LGBT, foreigners etc.)

(End)